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Introduction

Since 2019, the Bonn Center for Dependency and Slavery Studies has been dedicated to researching social relations of asymmetrical dependency, including but not limited to slavery. One of its research *foci* is the exploration of such relations in the pre-modern societies of late antique and early medieval Europe with a special emphasis on the Latin west. Scholarship in this area can draw on a number of excellent studies that refuted the influential (Marxist) narrative according to which slavery declined with the Western Roman Empire, and demonstrated the continuing relevance of chattel slavery for late antique and early medieval societies. One factor in the deconstruction of this narrative is the unchanged terminology used in the sources with regard to the representation of slavery and other relationships of dependency. Indeed, late antique and early medieval normative sources frequently employ Roman legal terminology to denote a person's legal inferiority (such as *servus*, *ancilla*, *puer*, *colonus*, *famulus* etc.), and thus suggest the continued relevance of the concepts associated with these terms. However, it is far from clear to what extent the use of identical terminology actually indicates the similarity of the phenomena described. For while some normative sources do indeed point to the continuity of the institution of slavery and related legal practices such as manumission, there is also ample evidence of important changes regarding the rights and duties of enslaved persons and the development or emergence of other, new forms of asymmetrical dependency. This raises the question to what extent consistency in terminology and legal practice is actually an indicator of the stability of social structures. Conversely, one might ask whether changes in terminologies (and legal practices) in fact indicate significant changes in social structures.

Against this background, a group of scholars of legal, ecclesiastical, and social history were invited to a conference at the BCDSS in March 2022 to scrutinise different law codes and legal sources for their evidence of dependencies. The result is this edited volume of ten papers that truly enhance our understanding of slavery and other dependency relations in late antique and early medieval societies. They span a period of eight centuries, from c. 100 to c. 900 CE, and the geographical areas of southern and western Europe and Roman Palestine.

The individual contributions in this volume are organised according to three lines of enquiry that reflect broader discourses in legal, political, and social history.

1. The first part comprises studies that undertake fundamental research on 'The Presence of Slavery and other Dependency Relations in Normative Sources.' These studies expand our knowledge of the different institutional and social contexts in which dependency relations emerged and evolved, such as the household, the church, and legal practice. They uncover the possible incentives that led institutions to promote structures of dependency (Winnebeck) and the possible motives and constraints that

drove individuals into dependency relations (Sirks). Furthermore, they draw attention to the gap between normative frameworks and the lived experiences of individuals in such relationships (Hezser).

Catherine Hezser examines analogies between women's, children's, and slaves' dependencies on the male householder in ancient Jewish and Roman households. She focuses on similarities between rabbinic and Roman legal rules concerning marriage and the purchase of slaves, divorce and manumission, the property rights of women, slaves, and adult children, and the householder's ability to physically punish children and slaves. Her study indicates both analogies and differences in the ways in which rabbinic and Roman legal texts present the dependencies of these three groups within the family unit. The literary and legal descriptions of these dependency relations in texts that were formulated from the perspective of the male householder do not necessarily reflect the actual experience of the dependents, however. In addition, there were distinctions between freeborn family members and slaves. The independence and property rights of wives increased with widowhood or divorce, and children grew up to be honourable members of society. Manumitted slaves, on the other hand, continued to carry the stigma of slavery associated with 'unchastity, theft, and deceit.' They were therefore unable to fully integrate into both ancient Jewish and Roman society.

Julia Winnebeck's contribution investigates the council records of the late antique and early medieval western church, enquiring what might have guided the church's legislation on slavery during the period in question. In a detailed study, she demonstrates that the relevant provisions largely served two goals: on the one hand, they reflect the church's concern for the inalienability of its property, including slaves and other dependents, and the assertion of its pragmatic (legal) authority over the lay population. On the other hand, the canons express a concern for the appropriate treatment of slaves and other dependents with regard to the salvation of their masters and patrons. Winnebeck notes that while the council records provide no evidence that the church made any serious attempts to change the fate of slaves, the provisions on church sanctuary can be seen as an indication of its efforts to grant them at least basic legal protection. At the same time, the conciliar legislation testifies to the active promotion of corporal punishment, detention, and enslavement within the ecclesiastical realm. A possible explanation might be that the church favoured these penal practices because they not only allowed sinners to atone before their death, but also offered the church and Christian masters an opportunity to demonstrate clemency for the sake of their own salvation.

Boudewijn Sirks investigates collections of notarial formularies from the Merovingian era of the Frankish Kingdom. He argues that these *formulae* not only demonstrate the high value that was placed on written proof of legal status during this period, but that they also contain vital information about the actual lives of dependent persons in Merovingian Gaul. In the *formulae* they appear as dependent labourers of agrarian landowners and as people whose only means of meeting debts was to enter (temporary) relations of asymmetrical dependency in the form of debt bondage. Sirks

reaches the conclusion that by the seventh century, the difference in social and legal status no longer defined the terms of the actual dependency or the extent of a person's subjection. Instead, subjection itself, which was expressed as being *alieni iuris*, equalled dependency and defined the status of an individual.

2. The second section assembles contributions which, at their core, wrestle with the question of 'Continuities and Discontinuities in Slave Legislation and Slaving Practices.' This is closely related to the wider debate in the scholarship on the post-Roman period about the feasibility of subsuming different traditions and peoples under the umbrella term 'Germanic,'¹ and the related problem of recovering the cultural and legal principles of these peoples from sources that originated under the influence of Roman law and the Christian church. The papers in this section illustrate that, depending on the historical context and the social structures dominating the respective societies, Roman legal terminologies and practices were sometimes adopted, sometimes used side by side with other ones, and sometimes reinterpreted or superseded.

Martin Schermaier scrutinises the post-Roman law codes for the information they offer on different types of dependency relations. His introduction offers a concise survey of the various legal compilations, their sources and likely addressees. The main section examines the various terms used in these codes to designate dependents, and analyses their meaning with regard to the rights and obligations associated with these dependents. Schermaier argues that the confrontation of non-Roman societies with Roman law yielded different outcomes in the various legal codes in terms of the concepts of slavery and dependency. Frankish law in the *Lex Salica* appears to have retained the Roman distinction between slaves and free individuals. Within this binary framework, however, a more intricate social hierarchy emerged with various classes of unfree and semi-free individuals. In contrast, Gothic law in the *Codex Euricianus* and the *Edictum Theoderici* diluted the Roman dichotomy of slave vs. free as legal statuses. Instead, slavery was seen more as a marker of social class that could apply to all types of dependent individuals, whether legally enslaved, semi-free or 'less free' (*Minderfreie*). Thus, while all post-Roman law codes adopted Roman terms and Roman institutions of dependency to some extent, they either used them alongside their own social hierarchy (such as the *lex Salica*) or merged the two (e.g. the *codex Euricianus* or the *edictum Theoderici*).

While acknowledging the difficulties associated with the reconstruction of a 'Germanic' legal culture, **Noel Lenski** argues that it is nevertheless possible to uncover some basic principles that were shared across the so-called *leges barbarorum*, particularly in terms of how they addressed slavery. By means of a detailed comparative

¹ See e.g. Jörg Jarnut, "Germanisch. Plädoyer für die Abschaffung eines obsoleten Zentralbegriffes der Frühmittelalterforschung," in *Die Sucht nach den Ursprüngen. Von der Bedeutung des frühen Mittelalters*, ed. Walter Pohl (Vienna: Verlag der Österreichischen Akademie der Wissenschaften, 2004): 107–13, and see also Esders in this volume.

study of the surviving law codes, he demonstrates that 'Germanic' legal norms related to slaveholding differed in three respects from their Roman counterparts: firstly, in regard to the practice of enslaving free men who entered into marital relations with enslaved women; secondly, in responding to the killing of slaves; and, thirdly, in the use of penal enslavement. On the basis of these findings, Lenski concludes that 'Germanic societies had their own shared practices of slaveholding that arose independently of those of their Roman neighbours.' He suggests that the root of the differences between 'Roman' and 'Germanic' slave legislation may have been the 'distinctly Germanic legal concept of *Wergeld*' which assigned a monetary value to each human body.

Stefan Esders also looks at the broader theme of continuities in dependency relations in the Roman Empire and post-Roman Gaul. In his contribution, he explores the question of whether a case can be made for a connection between late Roman *laeti* and early medieval *liti* – two groups of dependents who cannot easily be linked because of the chronological and geographical distance of the sources that attest to their existence. Esders therefore traces possible historical links between the two groups by comparing the ways in which the sources describe the members of each, their rights and their duties. He finds that in late antique Rome, the term *laeti* usually denoted barbarians who 'were integrated into the late Roman military by being settled in colonies that lay in part on fiscal land.' Their dependency consisted mainly in their attachment to the land and their obligation to perform military service. In early medieval Francia, on the other hand, the term *liti* labelled people who were legally free but, together with their pieces of land, belonged to a lord or a church or a monastery. The dependent status of a *litus* was comparable to that of a freedman, in the sense that both enjoyed a kind of 'limited freedom', which was reflected in their different legal treatment and the various duties assigned to them. Esders suggests that the early medieval or Frankish *liti* derived from the integration of colonies of 'barbarian' *laeti* – along with their lands – into the Frankish military and society. It therefore looks as though both late Roman emperors and Frankish kings used fiscal property to integrate various groups of persons into society by requiring them to perform specific public duties, including but not limited to military service. These dependent people held an intermediate status, which meant that they were legally free but still distinct from both free and unfree people.

Dominik Leyendecker focuses on the development of slave legislation at another historical point of transition with the first detailed discussion of the continuities and discontinuities between Merovingian and Carolingian legislative approaches to the punishment of *servi* who had committed a crime. On the basis of a thorough analysis of the sources, he demonstrates how the Carolingian Law Codes adopted a dichotomy of compensatory payments for the free, and corporal punishment for the unfree. Leyendecker argues that the continued differentiation of punishment according to legal status cannot simply be attributed to the wish to emphasise legislative continuity. He concludes instead

that while the boundaries between different legal statuses may have become increasingly blurred, they certainly remained relevant in Carolingian Francia.

3. The final section – ‘Case Studies’ – explores the role of dependencies as both a precondition and a result of legal measures and practices. The studies demonstrate how the imposition of dependency relations could be a strategy of the ruling elites to eliminate political threats (Hillner/Mawdsley), or be deliberately sought in order to escape hardship or other, gender and age related, dependencies (Becher and Kasten).

Julia Hillner’s and **Harry Mawdsley’s** paper, ‘The Exiling of Women from Antiquity to the Early Middle Ages’, examines the often-overlooked experience of women exiled during late antiquity (c. fourth to mid-seventh century CE). Using a dataset of 84 cases, the authors compare these instances with women’s exile in the Roman Empire, highlighting four notable differences in the reasons for and the conditions and frequency of banishment. Firstly, Hillner and Mawdsley note an increase in the number of women banished in consequence not of their own wrongdoings, but their husbands’ actions. This might be due to a growing importance of marriage within the family unit with the downside of an increased dependency of women on their husbands. Secondly, the authors observe an increase in the banishment of royal women, particularly in the wake of a ‘regime change’. Apparently these women were considered a greater threat to rulers after the collapse of the Roman Empire, because they were seen as ‘useful assets for men looking to stake a claim on the throne.’ Finally, Hillner and Mawdsley argue that the increasingly arbitrary nature of exile, coupled with the heightened political influence of royal women in late antiquity, led to more restrictive forms of banishment, including confinement to monasteries. This shift, they suggest, may reflect a change in how rulers addressed the political threat posed by women. Banishing women to monasteries was a most effective way of neutralising them, while it could also be perceived as a merciful action at the same time.

Matthias Becher’s study focuses on a body of sources that has been rather neglected by students of the social history of the early middle ages, namely imperial decrees or ‘capitularies’. He investigates Charlemagne’s edicts concerning poor people which seemingly aimed to reduce the pressure of the less well-off free land owners. Becher shows how these edicts were part of the emperor’s greater scheme to secure a willing army. He argues that in practice they may even have resulted in a greater dependency of free commoners on their local counts, who took their land in exchange for letting the men off from costly military deployment. Becher concludes that Charlemagne’s campaign on behalf of the poor should not be regarded as a failure, but rather as an expression of the resilience of the social circumstances to political intervention. While early medieval rulers could issue orders, their implementation on the ground was a matter of complicated negotiation on all levels.

Brigitte Kasten scrutinises the so-called *praecaria* for information on dependency relations. Most of the extant *precaria* are agreements between lay persons and monasteries, with the lay persons signing over their property in exchange for lifelong rights of

residence, sustenance and care. These contracts were, in principle, concluded between parties of equal legal status. However, Kasten argues that the wording of these contracts allows us to see the underlying social and economic dependencies of the contractual partners. The motives for entering into *precaria* comprise dependencies caused by old age and illness, political considerations, and the dependency of small landowners on agricultural yields. By entering into precarial contracts, individuals could secure a certain standard of living in exchange for (part of) their inheritance. For the monasteries such *precaria* were attractive as they ultimately meant an expansion of the monastery's property and wealth. In addition to information on underlying dependencies, precarial contracts provide vital evidence for the study of slaves and other dependents who lived and worked on the land and in the donated households.

Overall, the studies confirm the impression that dependencies such as slavery, debt bondage, penal servitude, and gender inequality were a ubiquitous part of the complex fabric of late antique and early medieval societies. This points to the conclusion that structures of asymmetrical dependency were fairly resilient to changes in culture, politics and religion. Yet, as the studies assembled in this volume find, this stability cannot be attributed to the formative character of ancient societies in general or Roman law in particular.

Rather, Roman (and indeed biblical) legal terminology and institutions provided a sort of reservoir for describing and regulating the (pre-existing) relationships of dependency in post-Roman societies. Some of these societies evidently made more use of this reservoir than others. The extent to which Roman terminology and legal institutions were adopted may have depended on the extent to which the overall social structure of a given culture resembled the Roman one (Schermaier).

Terminological agreement, however, does not necessarily imply consistency in structure or practice. For example, the use of identical or similar terms such as *servi*, or *laeti* and *liti*, for a particular group of people does not mean that the groups so denoted shared identical rights and duties (Esders). Furthermore, the conformity of legal terminologies or institutions does not necessitate the conformity of actual practice or experience. What these dependency relations looked like in a given historical situation depended not only on the normative legal frameworks or the ways in which these norms were subsequently (re)interpreted and applied in different contexts. It depended first and foremost on the agency of the individual actors and on the positions they were assigned in a given society. The question of whether or not we can trust the ways in which normative texts depict forms of dependency will thus always remain a matter of careful consideration of the texts in the context of other relevant testimonies.

Even though it may be difficult from today's perspective to understand the specific nature of the dependencies that lie behind the supposedly continuous legal norms and concepts, the authors of this volume have succeeded in adding new pieces to the multi-coloured mosaic of late antique and early medieval societies.