

Colonate

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The term “colonate” provides a convenient shorthand for a phenomenon that has long been a staple in debates over the transformation of rural labor relations in Late Antiquity. Broadly speaking, the term refers to a type of registered tenancy or, more rarely, labor contract, which appears in the legal sources of the Late Roman Empire in the wake of the fiscal reforms undertaken at the end of the third century CE by the emperor Diocletian and his colleagues in the Tetrarchy. The sources of the fourth and fifth centuries attest certain restrictions upon the mobility of registered *coloni* and upon their ability to alienate property, as well as upon the capacity of landlords to move or evict them. These restrictions are expressed in a language which evokes, without entirely replicating, the vocabulary of slavery, and seeks to define the obligation of these *coloni* to their landlords as resting upon the land upon which they were registered: by a law of 393, registered *coloni* were to be regarded as *servi terrae*, “slaves of the land” (CJ XI.52.1 (393, Thrace)).

Since at least the middle of the nineteenth century, the explicit connection with slavery, the fiscal context of the legislation, and the novel terms in which these arrangements of tenancy are described in the legal sources have encouraged lively debate over their nature, genesis, and objectives. By the middle of the previous century, that debate had coalesced into a consensus of sorts. There was more or less general agreement among scholars that the “colonate” amounted to a public recognition of longstanding relationships of dependence between landowners and their tenants, motivated by the need to ensure that landowners were able to retain a workforce on their estates for the purposes of paying taxes. This arrangement ultimately led to a personal status of dependence that occupied a middle ground between freedom and slavery.

Following a sustained attack by Jean-Michel Carrié in the early 1980s, this consensus has been shattered, with the result that, in contemporary scholarship it is more appropriate to speak of a collection of “colonates,” rather than a single “colonate” of the Late Roman Empire. On the one hand, scholars now largely agree that the phenomenon may be attributed to the logic of the new tax system, that the “colonate” was not a generalized condition of rural dependency, and that restrictions upon the economic activities of both registered *coloni* and their landlords emerged piecemeal over the fourth century. On the other hand, scholars disagree over whether the “colonate” can best be interpreted as a public law recognition of private arrangements of dependence or tenancy, or simply an administrative imposition upon those alliances. Debate also rages over whether the “colonate” constituted a real personal juridical status, or simply a legal ideal, with little tangible impact upon existing relationships between landlords and tenants.

These disagreements show no sign of abating. They may be attributed, at least in part, to the problems presented by the legal sources, which form the bulk of the evidence. For the fourth and fifth centuries, at least, these tend to take the form of piecemeal responses to isolated, specific inquiries, requests, or problems, most of which revolve around the transmission of tax revenues from the municipalities to the imperial treasury. These diverse, scattered texts were gathered together, edited, and rearranged into codifications under Theodosius II (*Codex Theodosianus*) in the middle of the fifth century and then again under Justinian (*Codex Justinianus*) a century later. The resulting codifications superseded the original pieces of legislation, which are now largely lost. As a consequence, the original context of many laws is often impossible to determine. This renders the project of combining the disparate sources into a coherent sequence, and discerning a single, unifying logic that underpins them, exceedingly difficult. Further, it imposes a false sense of

unity and homogeneity upon a collection of rulings and opinions that are likely, in reality, to have been only loosely connected with each other when first promulgated.

As a consequence, it is dangerous to seek to impose too great a uniformity upon registered tenancy in the fourth and fifth centuries CE. Until the reign of Justinian, at least, the notion that special attention was lavished upon the status of registered *coloni*, or that the “colonate” constituted a special, separate category or categories of persons, is difficult to sustain. Rather, *coloni* were one group among many whose relationship with land became more visible in the legal sources of the period. This increased visibility is attributable to the new tax system, which placed a greater emphasis upon land as the basis for an individual’s liability for taxation and other liturgies. The degree and nature of that emphasis may be observed in the extension of the principle of the *origo* to cover not only members of the senatorial and curial orders, but also individuals whose land was laden with the responsibility for supplying pigs (*suarii*) or ships (*navicularii*) to the State, members of *collegia* and *corpora*, workers in imperial dyeing and wool manufacturies, as well as registered *coloni*. Through this principle, the state attempted to enforce its rather limited aims of ensuring that taxes were paid and liturgies performed, and those responsible for them were held accountable.

Up to the end of the fifth century, therefore, it is difficult to connect the registered *coloni* of the legal sources with the “colonate” of modern scholarship. Rather, we should expect tenancy arrangements to have experienced a variety of fates, and to have changed in a multiplicity of ways in response to the fiscal reforms of the Tetrarchy. Such an interpretation is in accord with current scholarship on the nature of the new tax system, which stresses the continued existence of long-standing local patterns of tax assessment and collection into the Late Empire. Under the new system, these practices were retained, but were incorporated within a broader matrix of tax assessment that was aimed at creating a single, unified

vocabulary for expressing a municipality’s, collectivity’s, or individual’s fiscal burden. It is within this context of local arrangements continuing under the umbrella of a rather loosely imposed set of unifying principles that the “colonate” of the fourth and fifth century can most satisfactorily be interpreted.

However, the legal evidence suggests that the position and obligations of registered *coloni* came to be more carefully defined under the emperor Justinian. Justinian’s codification of laws constituted one element in a much broader project of fixing and defining legal principles, relationships, and responsibilities. This project incorporated not only the *Codex Justinianus*, but also the *Digesta*, the *Novellae*, and the *Institutiones*. Boudewijn Sirks has recently suggested that, taken as a whole, Justinian’s legal corpus may be analyzed as an indication of the state of the law in the period during which it was compiled. On the basis of Sirks’ argument, it seems reasonable to suggest that under Justinian, the nature of the “colonate” emerges solidly and clearly, perhaps for the first time. Certainly, a cluster of Justinianic laws concerning the “colonate” clarify certain aspects of their obligation to the land upon which they are registered, the owners of that land, and, by extension, the tax rolls. In the Justinianic period, too, we observe a distinction between two quite different types of “colonate”: first, a “free” colonate, which entailed registration upon an estate but carried with it few other restrictions upon the socio-economic behavior of the *colonus*; and second, a condition labeled the “adscripticiate,” which carried with it a number of limitations upon the *colonus’* management of his assets and ability to marry outside of his condition.

In the legislation of Justinian, then, the *coloni* of the Late Roman Empire and the “colonates” conceptualized in nineteenth and twentieth-century scholarship come more closely into alignment. As scholars continue to refine methodologies for analyzing the legal sources of the preceding centuries, the earlier history of the phenomenon is likely also to emerge with greater clarity.

SEE ALSO: *Codex Justinianus*; *Coloni adscripti*; *Digesta*; Diocletian; *Institutiones*, of Justinian; Justinian I; *Novellae*; Tetrarchy; Theodosian Code; Theodosius II.

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