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SLAVERY AFTER ROME

500–1100



ALICE RIO

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JOHN H. ARNOLD PATRICK J. GEARY

and

JOHN WATTS

Slavery After Rome, 500–1100

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I should also add as a disclaimer that there is in places, especially in Chapter 2, strong overlap between this book and some articles and chapters I have published elsewhere over the past ten years (even to the point of reusing the same wording, when I saw no reason not to): 'Freedom and unfreedom in early medieval Francia: the evidence of the legal formularies', *Past & Present* 193 (2006), 7–40; 'High and low: ties of dependence in the Frankish kingdoms', *Transactions of the Royal Historical Society* ser. 6, vol. 18 (2008), 43–68; 'Self-sale and voluntary entry into unfreedom, 300–1100', *Journal of Social History* 45:3 (2012), 661–85; 'Penal enslavement in the early middle ages', in A. Lichtenstein and C. de Vito eds, *Global Convict Labour* (Leiden, 2015), 79–107; "'Half-free" categories in the early middle ages: fine status distinctions before professional lawyers', in P. Dresch and J. Scheele eds, *Legalism: Rules and Categories* (Oxford, 2015); and 'Slavery in the Carolingian empire', in D. Richardson, S. Engerman, D. Eltis, and C. Perry eds, *The Cambridge World History of Slavery* vol. 2 (Cambridge, forthcoming).

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Abbreviations

ARTEM	<i>Chartes originales antérieures à 1121 conservées en France</i> , Cédric Giraud, Jean-Baptiste Renault et Benoît-Michel Tock eds, electronic edition (Telma), http://www.cn-telma.fr/originaux/index/ (Orléans, 2010)
<i>Bodmin</i>	M. Förster ed., 'Die Freilassungsurkunden des Bodmin-Evangeliars', in N. Bøgholm, A. Brusendorff and C. Bodelsen eds, <i>A Grammatical Miscellany offered to Otto Jespersen on his Seventieth Birthday</i> (Copenhagen and London, 1930), 77–99
<i>Capitularia</i> I, II	<i>Capitularia regum Francorum</i> , eds A. Boretius and V. Krause, MGH Leges II, 2 vols (Hanover, 1883–97)
CDL	<i>Codice diplomatico Longobardo</i> vol. I–II, ed. L. Schiaparelli (Rome, 1929–33); vol. IV, 2, ed. H. Zielinski (Rome, 2003); vol. V, ed. H. Zielinski (Rome, 1986)
<i>Celanova</i> I, II	<i>O Tombo de Celanova</i> , ed. J.M. Andrade, 2 vols (Santiago de Compostela, 1995)
<i>ChLA</i>	<i>Chartae Latinae Antiquiores</i> , 108 vols (Dietikon/Zurich, 1954–)
<i>Chronicon Casauriense</i>	<i>Liber instrumentorum seu chronicorum Monasterii Casauriensis</i> (Aquila, 1982) [facsimile of Paris, BnF lat. 5411]
<i>Cluny</i> I–VI	<i>Recueil des chartes de l'abbaye de Cluny</i> , eds A. Bernard and A. Bruel, 6 vols (Paris, 1876–1903)
<i>Conciles mérovingiens</i> I, II	<i>Les canons des conciles mérovingiens, VIe–VIIe siècles</i> , ed. C. de Clercq, transl. J. Gaudemet and B. Basdevant-Gaudemet, Sources chrétiennes 353–4, 2 vols (Paris, 1989)
<i>D.Arnolf</i>	<i>Die Urkunden Arnolfs</i> , ed. P. Kehr, MGH Diplomata (Berlin, 1940)
<i>D.Heinrich I</i>	<i>Die Urkunden Konrad I. Heinrich I. und Otto I.</i> , ed. T. Sickel, MGH Diplomata (Hanover, 1879–84), pp. 37–79
<i>D.Kar.</i>	<i>Diplomata Karolinorum</i> vol. 1, ed. E. Mühlbacher, MGH Diplomata (Hanover, 1906)
<i>D.Konrad I</i>	<i>Die Urkunden Konrad I. Heinrich I. und Otto I.</i> , ed. T. Sickel, MGH Diplomata (Hanover, 1879–84), pp. 1–36
<i>D.Lothar I</i>	<i>Die Urkunden Lothars I. und Lothars II.</i> , ed. T. Schieffer, MGH Diplomata (Berlin/Zurich, 1966), pp. 1–365
<i>D.LD</i>	<i>Die Urkunden Ludwigs des Deutschen, Karlmanns und Ludwigs des Jüngeren</i> , ed. P. Kehr, MGH Diplomata (Berlin, 1934)
<i>D.Ludwig II</i>	<i>Die Urkunden Ludwigs II.</i> , ed. K. Wanner, MGH Diplomata (Munich, 1994)
<i>D.Otto I</i>	<i>Die Urkunden Konrad I. Heinrich I. und Otto I.</i> , ed. T. Sickel, MGH Diplomata (Hanover, 1879–1884), pp. 80–638
<i>Exeter Book</i>	R.W. Chambers, M. Förster and R. Flower, <i>The Exeter Book of Old English Poetry</i> (London, 1933)
<i>Freising</i> I, II	<i>Die Traditionen des Hochstifts Freising</i> , ed. T. Bitterauf, 2 vols (Munich, 1905–9)

- Fulda* *Codex diplomaticus Fuldensis*, ed. E.F.J. Dronke (Cassel, 1850, reprint 1962)
- Hersfeld* *Urkundenbuch der Reichsabtei Hersfeld*, ed. H. Weirich (Marburg, 1936)
- Leofric Missal* F.E. Warren ed., *The Leofric Missal: As used in the Cathedral of Exeter during the Episcopate of its First Bishop, AD 1050–1072* (Oxford, 1883)
- León I, III* *Colección documental de la Catedral de León*, vol. 1 ed. E. Sáez; vol. 3, ed. José Manuel Ruiz Asencio (León, 1987)
- Liber iudiciorum* *Leges Visigothicae*, ed. K. Zeumer, MGH *Leges* I, 1 (Hanover, 1902)
- Lorsch I, II, III* *Codex Laureshamensis*, ed. K. Glöckner, 3 vols (Darmstadt, 1929–36; reprint 1963)
- MGH *Monumenta Germaniae Historica*
- MGH *Concilia* I, II, III I: *Concilia aevi Merovingici*, ed. Friedrich Maassen, MGH *Leges* III (Hanover, 1893); II, 1–2: *Concilia aevi Karolini*, ed. A. Werminghoff (Hannover/Leipzig, 1906); III: *Die Konzilien der karolingischen Teilreiche 843–859*, ed. W. Hartmann (Hanover, 1984)
- Mondsee* *Das Älteste Traditionsbuch des Klosters Mondsee*, eds G. Rath and E. Reiter (Linz, 1989)
- Nouaillé* *Chartes de l'abbaye de Nouaillé de 678 à 1200*, ed. P. de Monsabert (Poitiers, 1936)
- Otero de las Dueñas* *Colección documental de Otero de las Dueñas*, eds José Antonio Fernández Flórez and Marta Herrero de la Fuente, vol. 1 (León, 1999)
- Passau* *Die Traditionen des Hochstifts Passau*, ed. M. Heuwieser (Munich, 1930)
- PL *Patrologia Latina*, ed. J.-P. Migne, 217 vols (Paris, 1841–55)
- Polyptych of St-Germain* *Das Polyptychon von Saint-Germain-des-Prés*, ed. D. Hägermann (Cologne, 1993)
- Polyptych of Wadaldus* *Descriptio mancipiorum ecclesie Massiliensis*, eds L. Delisle and A. Marion, in B. Guérard ed., *Cartulaire de l'Abbaye de Saint-Victor de Marseille*, vol. 2 [= Collection des cartulaires de France 9] (Paris, 1857), pp. 633–54
- Polyptyque St-Rémi* *Le polyptyque et les listes de cens de l'abbaye de Saint-Rémi de Reims (IXe-XIe siècles)*, ed. J.-P. Devroey (Reims, 1984)
- Regensburg* *Die Traditionen des Hochstifts Regensburg und des Klosters S. Emmeram*, ed. J. Widemann (Munich, 1943, reprint 1969)
- Sahagún* *Colección diplomática del Monasterio de Sahagún (siglos IX y X)*, ed. J.M. Mínguez Fernández (León, 1976)
- Salzburg* *Salzburger Urkundenbuch*, vol. 1: *Traditionskodizes*, ed. W. Hauthaler (Salzburg, 1910, reprint 1987)
- Samos* *El Tumbo de San Julián de Samos, siglos VIII-XII: estudio introductorio, edición diplomática, apéndices y índices*, ed. M. Lucas Álvarez (Burgos, 1986)
- Sant Cugat* *Cartulario de "Sant Cugat" del Vallés*, J. Rius Serra ed., vol. 1 (Barcelona, 1945)
- Sawyer* *The 'Electronic Sawyer'*, <http://www.esawyer.org.uk>

- Sobrado* *Tumbos del Monasterio de Sobrado de los Monjes*, ed. P. Loscertales de G. de Valdeavellano, 2 vols (Madrid, 1976)
- St-Etienne de Dijon* J. Courtois, *Les origines de l'hypothèque en Bourgogne et chartes de l'abbaye de Saint-Etienne des VIIIe, IXe, Xe et XIe siècles* (Dijon, 1907)
- St-Gall I* *Chartularium Sangallense*, vol. 1 (700–840), ed. P. Erhart with K. Heidecker and B. Zeller (Ostfildern, 2013)
- St-Gall II* *Urkundenbuch der Abtei Sanct Gallen*, vol. 2: 840–920, ed. H. Wartmann (Zürich, 1866)
- St-Maixent* *Chartes et documents pour servir à l'histoire de l'abbaye de Saint-Maixent*, ed. A. Richard, 2 vols (Poitiers, 1886–87)
- St-Peter's Ghent* *Chartes et Documents de l'Abbaye de Saint Pierre au Mont Blandin à Gand*, ed. A. van Lokeren, 2 vols (Ghent, 1868–71)
- Tegernsee* *Die Traditionen des Klosters Tegernsee, 1003–1242*, ed. P. Acht (Munich, 1952)
- Wissembourg* *Traditiones Wizenburgenses: Die Urkunden des Klosters Weissenburg, 661–864*, eds K. Glockner and A. Doll (Darmstadt, 1979)

Introduction

This book deals with the vexed question of the fate of slavery in the centuries following the fall of the Roman Empire. Historians of antiquity generally agree that the Roman model of slavery—entailing total subjection to a master, and practised on a scale significant enough to warrant the use of the label ‘slave society’—died out some time during late antiquity. Estimates vary from as early as the second century AD to no later than the fifth. It is nevertheless absolutely clear that unfree people and unfree status continued being used throughout Europe for centuries after the demise of a recognizably ‘Roman’ style of exploitation. What precisely it *meant* to be unfree, however, is even harder to tell for this period than for the Roman world.

Under Rome, we find practices of unfreedom which, while far from unified, at least corresponded to fairly regular sets of parameters and definitions. In the twelfth century, similarly clear parameters came to govern what had become two radically different versions of unfree status. One of these we know as serfdom, which specifically involved unfree rural tenants, who were placed under a much less all-encompassing style of domination by their lords. The other was the reviving chattel slavery of Southern Europe, by then in principle dealing exclusively in religious outsiders—Muslims, Slavs, Bulgars, and sometimes Orthodox Greeks. What happened in between these two eras of relatively tight definition is the real puzzle; this book aims to offer one possible answer to it.

The question of the transition from slavery to serfdom has commanded far more attention from historians than that from early to later medieval slavery, and over a much longer period of time.¹ That story used to be much simpler, back when it could still be told as a wholesale conversion from Roman slavery into medieval serfdom: the debate then only needed to focus on when the change happened, and how long it took to happen. As with all debates, it yielded drastically different positions, ranging from seeing early medieval unfree people as already living under conditions identical to those of central medieval serfs, all the way to seeing them as still living under the same strictures as Roman slaves.² It is now rare to see any

¹ The only real attempt to link up early medieval with late medieval slavery was made by Susan Mosher Stuard in a 1995 article (‘Ancillary evidence’), arguing for continuity—though this failed to find any support among early medievalists. I will touch on this subject in Chapters 1 and 4.

² These different views were most classically expressed by, respectively, Marc Bloch, ‘Comment et pourquoi’, and Bonnassie, ‘Survie et extinction’. For whatever reason, the boldest and widest-ranging twentieth-century theories on the end of ancient slavery have come out of French historiography—perhaps because of a greater willingness on the part of French historians to extrapolate to the rest of

specialist supporting either of these extremes with much conviction. Practices of unfreedom in this period were clearly extremely diverse, and covered people who could be classified as slaves under any definition of the word, *as well as* people who look a great deal like later medieval serfs.³ This acknowledgement of diversity not only makes better sense of surviving sources, it is also inherently much more plausible—unsurprisingly so, since betting against diversity in the early middle ages is never a good idea. But while convincing at the level of description, it does leave us with a clear explanatory deficit: although earlier metanarratives have been dismissed, no alternative understanding of the process of change has been proposed. The aim of this book is to offer a new interpretation which will take due account of diversity; identify its underlying logic (when, where, and why particular practices of unfreedom predominated); and explain how all this might fit into a less deterministic, but nevertheless coherent, overall trajectory of change.

To a greater or lesser extent, all early medieval kingdoms lived under the shadow of Rome, which handed down to them its language, its religion, its law, and much of its thought-world. Beyond this obvious intellectual debt, the majority of early medieval European kingdoms grew in ex-Roman provinces, so that one also has to reckon with some degree of continuity in both social organization and personnel (the hereditary elites that survived the change in government and managed to retain their property). For all these reasons, it makes sense to approach the whole question of early medieval slavery in terms of deviation from Roman slavery as a point of origin, and that is where I will start. But it should be borne in mind that using Roman slavery as a model can also create its own sense of determinism, and result in a self-fulfilling narrative.⁴ Talking about ‘ancient’ slavery ‘surviving’ into the early middle ages frames its existence as a mere stay of execution: it takes slavery’s anachronism for granted, and makes it look like an interloper from an earlier age. But early medieval slavery lasted for many centuries: it did not simply either decline or stay the same. Instead, it was the object of multiple and sometimes eccentric innovations, which do not always tie in very neatly with central medieval serfdom either. Early medieval slavery was experimental and inventive in many different ways, and this makes it worth studying for its own sake, rather than simply as a way of getting us from A to B.

The aim of this book is to adopt a broad comparative perspective over a long chronological period. Inevitably—to come clean at the outset—I could not aspire to cover all the relevant evidence within it; it is intended as an analytical sketch rather than an exhaustive treatment. Naturally, not everyone will agree with my choices, and I will have missed out some pieces of evidence that an area specialist would consider too crucial to omit; but I necessarily had to be selective. I will focus most heavily on those Western European regions which had once formed part of

Europe models reached on the basis of French source material, while the historiographies belonging to other European countries tend to cling more to arguments of regional exceptionalism.

³ Davies, ‘On servile status’, pp. 245–6.

⁴ On the tendency for Roman slavery to skew comparative perspectives on slavery for other parts of the world, see Testart, *L’esclave, la dette et le pouvoir*, Annexe 2.

the Roman Empire (the Frankish kingdoms, Italy, Spain, and, in a more distant relationship with the Roman tradition, Anglo-Saxon England). Less consistently, I will also discuss Ireland (which had never been part of the Empire, and where reference to Roman culture therefore represented something rather different) and, at the other end of the scale in terms of direct descent from Rome, the Byzantine Empire—though neither region will feature systematically in its own right. I have placed more emphasis on what makes a region distinctive in comparison with the others, rather than giving a very full account of each one in its own right. I have also concentrated for each region on the process or moment of change I consider key for the particular theme of the chapter. The chronological coverage is therefore equally patchy (though that is also because the source material is not evenly distributed). The early middle ages are not a period with clean edges, and the chronological emphasis is slightly different for different themes of the book. I chose 1100 as the overall end point because it seems to me that the twelfth century marks a quite new departure in the uses and understanding of unfreedom, in most of the regions considered here: by then, new status words were starting to appear; practical forms of exploitation had everywhere shifted massively and definitively towards unfree tenancy; and the formal legal set-up was about to be overhauled through the work of a new breed of professional jurists.

STARTING-POINTS AND TRAJECTORIES

It is a ritual obligation at this point for discussions of early medieval slavery to offer a definition of what slavery is. I say this not because I intend to buck the trend (I *will* discuss definitions), but because it is symptomatic of the problems involved in treating this subject. The early middle ages are the period in European history for which it is hardest to picture what being a slave was like, even at the level of the most broad-brush stereotype. Unlike in the modern era, slave status was not linked to race; unlike in ancient Greece and Rome, it was not particularly associated with cultural aliens; unlike Islamic or late medieval Mediterranean slavery, it was not based on religious difference; nor can it really be equated with class, type of work, or economic function. It is very hard to see it as being systematically rooted in any other obvious forms of social discrimination, and this makes the attribution of unfree status in the early middle ages seem even more arbitrary than in most other contexts.

By contrast, studies on ancient slavery rarely start by defining what a slave is; they tend to define instead what a ‘slave society’ is.⁵ This places the focus much less on what slavery is in itself, and much more on how central a place it can be said to have occupied in the political, economic, and cultural life of a society taken as a whole. Whatever debate and disagreement may exist on particular aspects of it, specialists in the field more or less agree that there was something exceptional

⁵ E.g. Garnsey, *Ideas of Slavery*, pp. 1–2; Harper, *Slavery in the Late Roman World*, pp. 3–4.

about Roman slavery, at least among premodern slave systems.⁶ The Roman Empire is one of the very few societies in history that are generally agreed to deserve the 'slave society' label, because of the quantitative importance of slavery, its impact on wider economic structures, and its conceptual centrality both politically and culturally, as the polar opposite of free citizenship.

It is possible to argue, as Kyle Harper recently has, that many of the conditions that had made the early Roman Empire a slave society still applied by late antiquity, at least in an urban context.⁷ By the early middle ages, by contrast, it becomes extremely difficult to make the same case for continuity. Only a small minority of historians has ever tried to apply the 'slave society' label to an early medieval Western society.⁸ This, however, has not stopped many medievalists from arguing over the end of 'ancient' slavery as something requiring an explanation from within their own field, rather than belonging in an earlier time period. This is rooted in the notion that, even if the Roman slave system taken as a holistic entity did not survive the fifth century, some fundamental aspects of it might still be said to have lived on and continued to affect later societies—however different these later societies might have been. This more free-floating, less context-bound approach to 'ancient' slavery encourages a more fragmented approach, and different historians privilege different aspects of the ancient model in citing evidence for its survival or otherwise.

Economic historians now often tend to lose interest in slavery quite early on the chronological spectrum. This is mirrored by a loss of interest in economic history by historians of slavery, who tend to play down its significance to their subject by arguing that slavery was no longer a very important aspect of the economy, nor economics a very important aspect of slavery.⁹ This is a striking turnaround, since economic arguments had been crucial to so much early work on the topic. Key works of nineteenth-century historiography, indeed, saw the transition from slavery to serfdom essentially in terms of a change in economic organization, and placed the major break in the late Roman Empire, with the replacement of plantation-style great estates or *latifundia*, worked through slave labour, with smaller exploitations farmed by tied tenants (*coloni*). These latter were seen as heralding a new form of labour relations, and as the origin point for the development

⁶ Harper, *Slavery in the Late Roman World*, 508. Finley, still the historian of ancient slavery most widely quoted by specialists in other eras and disciplines, regarded it as an exceptional phenomenon: Finley, *Ancient Slavery and Modern Ideology*, p. 135.

⁷ Harper, *Slavery in the Late Roman World*. Harper also makes a case for the continued importance of slavery in a rural context, though this is much less well documented.

⁸ Among this minority, Bois, *La mutation de l'an mil*, presents by far the most extreme case; Bonnassie, 'Survie et extinction', is generally considered a more tenable argument along these lines. Although Hammer's book is called *A Large-Scale Slave Society*, he does not work with a substantially different model of large estate exploitation from that posited by other historians; the title is based instead on taking much more seriously than most other historians the legal disabilities mentioned in law-codes as applying to *all* people defined as unfree, so that its argument is much less controversial than it sounds.

⁹ Karras, *Slavery and Society*, p. 69; Rotman, *Les esclaves et l'esclavage*, p. 33; more stridently, Wyatt, *Slaves and Warriors*, p. 2 (bizarrely accusing economic explanations of attempting to 'sanitize' the institution).

of serfdom, merging the free poor and the descendants of slaves.¹⁰ Practically every part of this picture has now been overturned. *Coloni* have been reevaluated as a highly heterogeneous group, whose unity lay chiefly in their mode of assessment for tax purposes; they now tend to be seen as a dead end rather than the starting-point for the formation of a new class.¹¹ Slave labour, meanwhile, is now also known to have been only rarely used as a distinctive form of organization of economic production (or, in Marxist terms, a 'slave mode of production'): even under the early Empire, *latifundia* had only ever been an exceptional phenomenon, geographically limited to a very few core regions such as Italy, and the vast majority of rural exploitations had consisted in small-scale farming units and tenancies of comparable size to those found in later periods. These arguments, mostly published during the 1980s, effectively de-coupled the issue of legal status from the overall organization of economic production.¹²

That said, the fact that slavery did not ever correspond to a dominant mode of production, nor to any single kind of organization of labour, does not mean that it was not still economically important outside that framework—if nothing else, as a quantitatively significant source of labour with its own economic logic (impacting, if not the organization of the productive process, then at least the cost of production and the competitiveness of other forms of labour, such as wage labour).¹³ Economic history has remained central to the study of Roman slavery under these more modest terms. The large numbers of slaves engaged in production under the Empire do seem to have been dependent on the existence of a combination of economic conditions rarely found in the premodern world—such as extensive commercialization and consequent possibilities for the production of specialized cash crops intended for the market, a high degree of urbanization, and very high levels of social and economic differentiation (it has recently been calculated that the top 1.5 per cent of the population, the imperial 'super-rich', owned about half of all slaves under the late Empire).¹⁴ In that sense there is still a marked discontinuity between the Roman Empire and the early middle ages, when the overall direction of economic change tended essentially towards economic simplification, the end of

¹⁰ Weber, 'Die sozialen Gründe'. On late Roman *coloni* developing into medieval serfs: Fustel de Coulanges, *L'alleu et le domaine rural*, p. 643.

¹¹ The bibliography on the late antique colonate defies footnoting, but for crucial contributions see Carrié, 'Le "colonat du bas-empire"' and 'Un roman des origines', for the most extreme denial that *coloni* had any concrete socio-economic existence. See more recently Sirks, 'Reconsidering the Roman colonate'; Sirks, 'The colonate in Justinian's reign'; Sirks, 'Did poverty lie at the origin of the colonate?' Bloch was the first to disprove the notion that medieval serfs were related to late antique *coloni*, seeing them as deriving from *servi* instead: Bloch, 'Serf de la glèbe' and 'Les *colliberti*', p. 241. See also Wickham, *Framing the Early Middle Ages*, pp. 521–7, for an explanation of similarities between late Roman *coloni* and central medieval serfs without the need to imagine a direct line of continuity.

¹² Finley, *Ancient Slavery and Modern Ideology*, pp. 31–5; Whittaker, 'Circe's pigs', pp. 89–94—both stressing the marginality of plantation-like *latifundia*, which led them in turn to doubt the extent of change in economic organisation between the early empire and the late empire, as well as between the late empire and the early middle ages. On the common misunderstandings between ancient and medieval historians on this count, see Wickham, *Framing the Early Middle Ages*, pp. 262–3.

¹³ On the latter, see Scheidel, 'Real slave prices'.

¹⁴ On the richest 1.5 per cent of the population owning about half of all slaves: Harper, *Slavery in the Late Roman World*, p. 59.

cash crop production and exchange, and relative elite impoverishment.¹⁵ All of this implied fewer and less diverse uses for slaves in productive roles, and less scope to support large numbers in non-productive ones, inevitably reducing the quantitative impact of slavery. Perhaps because early medieval slavery presents fewer exceptional traits requiring a specifically economic explanation, the economic dimension of the topic has been increasingly neglected by medievalists.¹⁶

Medievalists had in any case been engaged for quite some time in a separate conversation, in which social relations took precedence over economic arguments. The slave workforce was broadly accepted as having consisted essentially of tenants from very early on in the medieval period (these are often referred to as *servi casati*, or ‘huted’ slaves). The transition question for medievalists therefore depended less on the fate of *latifundia* and more on the character of labour relations: the intensity of control wielded by landlords, and also how different the situation of unfree tenants was from that of free ones. Serfdom was seen as resulting from the increasing loosening of the relationship between legal categorization and actual socio-economic conditions, and a growing similarity between the experience of life and terms of tenure of the free and the unfree. In this sense, the ninth century is generally accepted as the latest possible moment by which most people referred to with the old Latin terms for ‘slave’ (*servus*, *ancilla*, or *mancipium*) should start to be translated as ‘serf’ instead.¹⁷ This has become such a strong and long-standing tradition that, in contrast to more specialist studies, general histories of slavery usually all but ignore the early middle ages, which are often presented as a period of slump separating the two high-water marks of Roman and later medieval slavery.¹⁸

Other medievalists took their distance from a socio-economic approach to concentrate more on a political reading of slavery, ascribing to it a structuring role in society as a whole: this involved considering slavery not in terms of any particular kind of economic organization or living conditions, but in terms of exclusion from a political community, sorting those with a stake in the public order from those without. On the face of it, this would seem to constitute an even less promising line of enquiry for continuity arguments than the economic one, since the disappearance, along with the Empire itself, of a concept of citizenship clearly represents

¹⁵ Wickham, *Framing the Early Middle Ages* and Ward-Perkins, *Fall of Rome*, both make arguments for early medieval economic simplification, albeit from very different perspectives.

¹⁶ See n. 9 above. The exception is the slave trade during the Carolingian period, but this treats slaves exclusively as a commodity: McCormick, *Origins of the European Economy*; McCormick, ‘New light on the Dark Ages’. See Chapter 1, p. 24.

¹⁷ Bloch, ‘Comment et pourquoi’, pp. 161–2, ‘Liberté et servitude personnelles’, p. 289; Barthélemy, ‘Qu’est-ce que le servage’, pp. 244–9, and, on earlier historiography, *The Knight, the Serf and the Historian*, pp. 70–7.

¹⁸ Verlinden, in his monumental *L’esclavage dans l’Europe médiévale*, excluded the rural unfree from his investigation from the Carolingian period onwards. Most recently, Fynn-Paul, ‘Empire, monotheism and slavery’, pp. 15–20. (The exception has been Stuard, ‘Ancillary evidence’, though her argument applied only to women.) This is probably also why those medievalists who argue for the continued relevance of slavery through the early medieval centuries sometimes write as if they were uncovering a dirty secret, especially when discussing the country in which they are working (for Britain: Pelteret, *Slavery in Early Mediaeval England*, p. 1; Wyatt, ‘The significance of slavery’).

a highly significant rupture in terms of political culture, by removing the key foil to the idea of slavery. Curiously, however, political organization has been the basis on which the most entrenched arguments for continuity have come to rest. Some medievalists thus placed the point beyond which society stopped being organized along the 'ancient' model (that is, following a fundamental dividing line between free and unfree) as late as the eleventh century—the century of weak kings and aggressively independent lordship, when the final disappearance of a 'public' political and judicial sphere, and the triumph of private lords eager to oppress all peasants regardless of status, was argued to have finally made the distinction irrelevant.¹⁹ This line of thinking, mostly characteristic of French historiography and commonly referred to as 'feudal mutationism', sees the free/unfree opposition as having been kept in place essentially by the power of institutions, and especially of the Carolingian state, which looms large in treatments of this issue.²⁰ One has to wonder, though, how helpful it might be to create such a profound break in periodization on the basis of an opposition between two great models of 'society', taken as largely untestable, abstract, and homogenous monoliths (one with a public community and one without), rather than on the basis of what contemporaries were actually trying to do with unfreedom in practice across the period.

Outside this particular school, by far the most extreme in positing continuity from antiquity, early medievalists have tended to adopt a more composite, eclectic approach in their search for slaves, focusing more on the various disabilities that applied to them as individual subjects rather than offering broad characterizations of society as a whole. These disabilities are often presented in the form of a checklist combining multiple socio-legal parameters, ranging from level of economic dependence to restricted access to specific privileges or rights.²¹ The problem with a multiplicity of different criteria, however, is that it is hard to see what combinations might properly be called 'slavery' and which 'not-slavery' or serfdom. Although Finley's famous comparative checklist (covering access to property; control of labour; liability to or immunity from punishment; judicial rights; family life; social mobility; and political, military or sacral duties and privileges) is sometimes referred to by medievalists as if it helped to provide a clear-cut evaluation of whether slavery

¹⁹ Georges Duby characterized the tenth-century distinction between free and unfree as still rooted in exclusion from 'public' institutions, and thus indicating the persistence even at this very late date of an 'ancient' approach to status distinctions, albeit one which a Roman historian would struggle to recognize (Duby, *La société*, pp. 110 and 210). Marc Bloch, in a classic article, had adopted a not dissimilar perspective, though he made his point in much less stark terms, arguing for a very slow transformation which was only made complete by the 'definitive abeyance of the state' associated with the post-Carolingian order (Bloch, 'Comment et pourquoi', p. 162; *La société féodale*, p. 363).

²⁰ Duby, *La société*, pp. 115–16; Poly and Bournazel, *La mutation féodale*, pp. 121–2. Even for Marxists such as Bois and Bonnassie, the analysis of slavery proposed by Duby's school has been political more than economic: Bonnassie discussed economic explanations, but defined slavery above all as a mechanism of exclusion rather than as a mode of production ('Survie et extinction'); Bois ascribes the end of slavery to a 'ideological upheaval' (*La mutation de l'an mil*, p. 49). Feudal mutationism has devotees in anglophone historiography as well, though these tend to be less interested in the transition from slavery to serfdom: e.g. Bisson, 'The "feudal revolution"', pp. 41–2.

²¹ See for instance Pelteret, *Slavery in Early Mediaeval England*, pp. 241–50; Renard, 'Les *mancipia* carolingiens étaient-ils des esclaves?', pp. 183–4.

could still be said to have existed, he was himself very clear that what he was presenting was a typology of *all* possible rights to which access could be granted or denied, and that the question of where on this spectrum the dividing line between free and unfree lay ‘must be weighed and judged in terms of the whole structure of the individual society under examination’—which is to say it needs to be worked out on a separate, culturally dependent basis.²²

All of these potential disabilities, however, can in some way be related back to a wider notion of exclusion, and this has been the key unifying trait privileged by anthropologists and sociologists who have attempted to define slavery in more global, comparative terms. Orlando Patterson famously defined the slave as someone whose social existence was in principle limited entirely to interaction with his master, and who was excluded from all further social relationships and ties of community (‘social death’).²³ Alain Testart, along not dissimilar lines, proposes as his baseline definition that slavery, whatever the specific form it may take in any given society, is always a status characterized by exclusion from at least one dimension of community considered to be fundamental: family in lineage societies; religion in Islam or later medieval Mediterranean slavery; the city-state and citizenship in Greece and Rome.²⁴ This is a highly flexible definition, taking the institution of slavery as a changeable and varied phenomenon, remade by each society to serve its own distinctive purposes.²⁵ In this approach, studying slavery becomes less and less about gauging actual, objective experience of life, and more about identifying a subjective juridical status.²⁶ Where the fault line between free and unfree is placed in any given society then becomes revealing of its fundamental cultural make-up. This more explicitly juridical approach also has the advantage of making room for potential as well as actual treatment. A key distinctive trait of slavery is the fact that it determined not just how people actually lived their lives, but what they *might* have to endure, and their vulnerability to potential abuse as much as their actual experience of it. This is why trying to measure and distinguish between ‘harder’ or ‘easier’ actual conditions of life is not in itself very helpful in order to determine either the continued existence or the demise of slavery. What matters is that a juridical and conceptual distinction was made by members of the society being studied. An apparent blurring of boundaries between slave and free in practical terms does not necessarily indicate an institution in a process of decline or decomposition; it can be observed to some degree even in those societies where the

²² Finley, ‘Between slavery and freedom’, p. 248; see also Finley, ‘Servile statuses of Ancient Greece’.

²³ Patterson, *Slavery and Social Death*.

²⁴ Testart, ‘L’esclavage comme institution’, p. 39. Unlike Patterson, Testart does not regard slaves as necessarily *complete* outsiders. He also adds as part of his definition that masters are always recognized the right to use their slaves to serve their own material benefit.

²⁵ Testart, ‘L’esclavage comme institution’, p. 41: ‘L’existence de l’esclavage ne définit pas un type de société, c’est la société qui détermine le type d’esclavage.’

²⁶ ‘Juridical’ in the widest possible sense of social norm: it does not, of course, amount to saying that the existence of learned or written law is a precondition for that of slavery, merely that it relies on the existence of a group explicitly designated as separate in principle, and subject to a distinctive range of disabilities not applicable to full members of the community. Testart, ‘L’esclavage comme institution’, p. 32: ‘Ce n’est jamais le fait qui définit l’esclave, mais le droit.’

slave/free division is generally thought to have been at its most extreme, as in classical Athens.²⁷ The key point is that the juridical distinction between slave and free does not either simply reproduce or enforce a social or political one: it adds a wholly different, separate dimension.

How far can this approach help us with early medieval slavery? Its clarity and flexibility make it attractive on a theoretical level, but it is also very difficult to apply in practice. The type of source material we would expect to yield the greatest amount of information on juridical status for this period is written law. At least to this extent, looking for early medieval slavery via a more juridical definition would tie in with another long-standing historiographical tradition reaching back well into the nineteenth century, namely that of legal history. The legal historical approach to early medieval slavery has led to arguments for continuity (on the basis of the deep conservatism of written laws and law-codes produced during the early medieval period), as well as for change (on the basis of the appearance, alongside these conservative clauses dealing with *servi*, of new, seemingly intermediary categories of status unknown in Roman law and not clearly aligned with either freedom or unfreedom, which have been seen by some as the first steps towards serfdom; this latter strand is particularly important for German historiography).²⁸ There is a fundamental methodological problem, however, with scouring early medieval written laws produced during this period for usable social facts, since their content has long been recognized as having had only a tenuous relationship with the actual business of dispute settlement or with maintaining the political and social order.²⁹

Some historians have hoped to sidestep this problem by reading laws as a value system instead: Ruth Mazo Karras, in her study of Scandinavian slavery (inevitably, given the dearth of other evidence, very dependent on the evidence of laws), thus opted to read laws as evidence for cultural construction, *as opposed to* actual social relations.³⁰ But laws are in fact an equally problematic source for cultural values and norms. This is for two reasons. The first is their deep reliance on the thought-world of earlier Roman law. Even if, as Finley argued, medieval unfreedom is best understood as a continuum rather than the stark dichotomy characteristic of Roman slavery, medieval legal texts contain little hint of this, and continued to operate in dichotomies throughout the period.³¹ The juridical category itself could clearly change profoundly without making many waves within the written legal

²⁷ Vlassopoulos, 'Slavery, freedom and citizenship in classical Athens'.

²⁸ The classic German work on early medieval slavery from a legal historical point of view is Nehlsen, *Sklavenrecht*; more recently see also the important book by Stefan Esders, *Die Formierung der Zensualität*. For an alternative explanation of these intermediary statuses, see Chapter 5, pp. 192–3, and also Rio, 'Half-free categories'. Hammer, *A Large-Scale Slave Society*, has a more eclectic inspiration, but for his definition of slaves depends very much on this legal historical tradition.

²⁹ For the most comprehensive programmatic statement against using law for social history, see Davies and Fouracre, *Settlement of Disputes*; see also Wormald, 'Lex scripta'.

³⁰ Karras, *Slavery and Society*, p. 37: 'The dichotomy between freedom and unfreedom... is a medieval construct, if not one that reflected actual social relations'; it represents 'the way society constructed itself' (p. 39).

³¹ Finley, 'Between slavery and freedom', p. 249.

tradition. For instance, even the legal definition of slaves as property does not help us in distinguishing between slavery and serfdom, since it continued to be reiterated as a principle far into the late middle ages, including in Northern Europe, where no renewal of chattel slavery took place.³² The underlying assumptions behind this idea evidently did change across the centuries, but the texts themselves do not tell us so, or in what way. Indeed, notions of what property itself was did not remain stable through the period; in the early middle ages it often did not, for instance, imply the power to buy and sell.³³ Clearly, then, there would be a certain amount of circularity in taking the fact that laws continue to talk about *servi* and *mancipia* and to confer on lords rights ostensibly similar to those granted to masters in the Roman world as an automatic sign of cultural continuity.

The second reason is that the cultural reach of laws beyond the highest elite level is just as doubtful as their practical one. They were mostly produced in highly rarefied circles, in written form and (outside Britain and Ireland) in Latin, and little effort was made to make them available for widespread consumption. This is admittedly the case for practically all of our source material, but it does make it very difficult to see early medieval laws on slavery as representative of a widely shared point of view. There is no reason, after all, to assume that early medieval societies were at all unified or coherent in their understanding of what the distinction between free and unfree was about. Using laws as a reflection of cultural values in general, as opposed to those of the elite groups actually responsible for drafting these texts, is just as problematic as the earlier positivist approach had been in social terms.

The problem with these different approaches, then, is either their inflexibility (if considering the issue in economic terms, by starting with a particular kind of economic organization and/or quantitative impact in mind; if in social ones, with a predetermined type of experience of exploitation; if in political ones, a particular structuring of society and of state power), or (if in juridical terms) a perhaps excessively static and elitist representation of ‘culture’, not open enough to the possibility of cultural clashes or of conflict between different contemporary perspectives.

THE APPROACH OF THIS BOOK

Rather than developing my own criteria for the identification of slavery as a discrete object of study, I will instead focus on the deployment of unfree status as a

³² Magnou-Nortier, ‘*Servus—servitium*’, p. 274: in terms of law, ‘... le *servus* du XIII^e siècle ressemble comme un frère à celui du VIII^e... Dans ces conditions, vouloir décrire une évolution tient du propos oiseux.’ She argues that our problems are the result of category confusion, stemming from historians’ failure to distinguish between those who were *servi* by personal status (slaves) and people who were simply being subjected to *servitia* (duties) through function (serfs); both of these, she argues, coexisted side by side throughout the chronological scale, rather than representing an evolution over time.

³³ Any general definition of slavery as simply property, or as the right to buy and sell another human being, is thus likely to be unsatisfactory, since it is necessarily contingent on the existence of a particular concept of ownership. This accounts for the disaffection with this definition among anthropologists: in very different ways, Patterson, *Slavery and Social Death*, pp. 21–2; Testart, ‘L’esclavage comme institution’, pp. 33–6; Meillassoux, *Anthropologie de l’esclavage*, p. 73.

strategy:³⁴ that is, how and why it was produced and reproduced, both for individuals and collectively. One advantage of approaching unfree status as the result of an act of labelling rather than as a static object is that it forces us to confront a variety of different possible motives for it, instead of privileging unifying factors for the purpose of formulating a definition. For instance, the function of exclusion, highlighted in much recent and less recent anthropological work on the subject, is not necessarily the most important function of slavery in all times and places; it is only that which all forms of slavery have in common. Unfree status was capable of fulfilling many functions, in areas as diverse as labour, honour and display, or sexual gratification. Like any other generic characterization of a human relationship, it operated at many different levels.

In this sense, slavery and unfreedom should be approached along the same lines as other major types of social bond, and allowed a similar diversity of functions. Kinship, for instance (to cite a form of association often presented as an antithesis to slavery), has also been imagined in very different terms, and with different applications, in different cultures, and is also highly subject to change across time depending on shifts in overall social structure. Like slavery, its membership is usually conceptualized as rooted in simple, objective criteria in principle (biological descent for kinship, the experience of total domination for slavery), while being openly acknowledged as infinitely more complex in practice—and without this complexity undermining the initial concept in any significant way. Like slavery, it is a kind of power relationship, but one enforced with highly variable levels of intensity. Like slavery, its baseline purpose in *all* societies is to create and enforce a distinction between insiders and outsiders, but it also always fulfils many other functions apart from this one, and these vary enormously from society to society. Like slavery, kinship also always corresponds to a legal entity determined by rules and prescribed obligations, but no one would think of it as being limited to this dimension, since it also carries so much emotional, economic, and symbolic baggage. Like slavery, it plays a determinant causal role in the definition of personal relationships in individual cases, but it also exists as a meaningful reference point despite often extreme diversity in its specific manifestations (for instance, the fact that in our own society some families are much more supportive of their members than are others does not in itself turn the family into a meaningless concept).

³⁴ The approach of this book therefore has something in common with that of Joseph C. Miller—above all in stressing, first, the need to focus on the strategies of slavery, rather than its practical outcomes in terms of conditions of life (Miller, *The Problem of Slavery*, p. 4); second, the constant adaptation and reinvention of such strategies according to context, and the weakness of institutional inheritance as an explanation (p. 25; see also Miller, 'Slaving as historical process', p. 98); and third, the need, in order to understand such strategies, to expand our viewpoint to include not just the one-to-one master–slave relationship, but also how masters used slaves to try to dominate or compete with other free people. On the other hand, I do not take this strategy to be primarily political in nature (Miller, *The Problem of Slavery*, p. 31). Miller's rejection of the notion of 'unfree' as an overlapping category with 'slave' (pp. 122–6) also does not work so well for the early middle ages (a period which he admittedly does not discuss), nor does his refusal to recognize any 'institutional' dimension to slavery outside a New World context (though what Miller means by 'institution' is less clear than one might have expected given the centrality of the concept in the book).

Both slavery and kinship are, therefore, inherently promiscuous institutions in Michael Mann's sense, 'drawing in and structuring elements from many areas of social life'.³⁵ One implication of this is that the question of continuity or change is impossible to answer if it is applied to slavery as a single, unitary phenomenon. In order to understand what happened to unfreedom in the early middle ages, we need to be able to envisage as many different transformations and disappearances as there were different areas of social life in which it could be advantageously deployed. It could take on new functions, abandon some, or substitute some for others. This means unfree status needs to be broken down into many different roles before we can determine what purposes were, at any given time, best fulfilled through the instrument of legal status—and when they stopped being so.³⁶

Recognizing these multiple roles does not mean having to give up on the overall coherence of slavery as a topic, because in all these different areas of life its deployment corresponds to a distinctive strategy. What makes it distinctive is that there were, and have always been, many alternative ways of achieving similar results. It is possible to oppress people to an almost identical degree without conceptualizing them as unfree, and outside the framework of any formal legal regime.³⁷ Denying rights formally is not the only way to achieve control over someone: people can be excluded, deprived of honour, sexually coerced, or forced to work without proper reward without necessarily being defined as slaves.³⁸ Early modern household service, for instance, is sometimes cited as comparable in terms of its degree of oppression. To give another example, the fact that there was no later medieval spike of chattel slavery in Northern Europe, as there was in the South, does not mean that Northern Europeans were somehow nicer or more freedom-loving, but simply that they could fulfil their requirements for the control of domestic labour in other ways. It also does not mean their hold on the free people who served them was necessarily lesser in real terms. The only thing that makes unfreedom in the early middle ages, or in any other period, different from these other ways of framing a highly oppressive relationship is the fact that it rested on a legitimizing legal claim. The key question addressed in this book, therefore, is what categorizing people in this way allowed lords to do that they could not otherwise have done simply by virtue of their existing socio-economic superiority. Why were lords so keen to categorize some of their dependants as unfree, but not others? What added advantage did they think it would give them?

Answers to these questions are likely to have varied enormously from region to region, from century to century, and indeed from lord to lord. The characteristic

³⁵ Mann, *Sources of Social Power* vol. 1, p. 28.

³⁶ Mann's salutary observation that 'there are no one-to-one relations between functions and organisations' is highly relevant here: *Sources of Social Power* vol. 1, p. 18.

³⁷ Davies, 'On servile status', p. 229.

³⁸ Now, of course, they *would* be defined as such on the basis of such treatment, but that is because we now live, uniquely in human history, in a world where no one is rightfully a slave, and where slavery has become a crime of which people need to be convicted according to objective criteria—as opposed to what it was in all previous historical contexts, namely a set of enforceable and legitimizing claims.

mixture of, on the one hand, extreme conservatism in the terminology and in the formal legal content of early medieval unfreedom, and, on the other, the extreme instability in its practical referents points to a need to distinguish between two very different forms of reproduction: institutional reproduction on the one hand, and social reproduction on the other. Institutional reproduction represents the road of the least effort: it takes a very good reason to bring about institutional change, so stability and continuity are the default position. Social reproduction, by contrast, is much more fluid and complicated, and relies on continuous effort and investment on the part of particular agents. It requires buying into a particular form of social organization, not because it constitutes the least effort-intensive option, but because it is regarded as offering particular benefits in the here and now. This kind of reproduction is therefore driven by highly localized and changeable possibilities rather than by tradition—and this is especially the case for the social reproduction of a category like unfreedom, which required a significant deployment of coercive power to be made to work at all. The upshot of this is that, while it is entirely legitimate to speak of passive, unproblematic ‘survival’ in the case of institutions, it is much less useful to do so when considering the ways in which contemporaries sought to use these institutions to their own advantage. Thinking in terms of lords’ and dependants’ strategies means thinking more in terms of what each generation, for their own particular local context, actually tried to do with unfreedom. Some of these experiments are likely to have been dead ends, because they responded to short-term needs, or had been the fruit of uncommon circumstances. Others, however, clearly answered needs that later coalesced into longer-term trends.

Thinking of unfreedom along these lines makes it easier to envisage the connection between slavery and serfdom, and to think through the wider problem of change over the long term. Existing definitions of slavery do not connect at all easily with definitions of serfdom.³⁹ Serfdom is typically used by historians to refer either to a certain type of social and/or labour relationship (tenancy with labour duties and no automatic right to leave) in existence throughout the medieval period; to a socio-economic class, fully constituted by the eleventh century of non-proprietor peasants living under the control of a private lordship, without outside recourse; or to a new, learned juridical concept developed and refined during the twelfth and thirteenth centuries. (To avoid confusion, I will confine my own usage of ‘serf’ to its twelfth- and thirteenth-century legal meaning in this book; for the earlier period, I use the English terms ‘slave’ only when referring specifically to the most heavily subjected end of the spectrum of unfreedom, and ‘unfree’ for everyone else, or when referring to the category as a whole.⁴⁰) This legal version of serfdom is sometimes referred to as ‘the new serfdom’ in the historiography,

³⁹ For an interesting discussion of competing definitions in the context of serfdom, see Bak, ‘Words and things’.

⁴⁰ It is even harder to choose between ‘master’ and ‘lord’ as translations for *dominus*, because the same person might be more like a lord to some of his unfree dependants and more like a master to others; I have used the two to convey slightly different nuances, rather than any more technical distinction.

to distinguish it from the unselfconscious, socio-economic meaning of serfdom that historians use for earlier times.⁴¹ Slavery, by contrast, does not correspond to any one kind of labour relationship, and it notoriously cannot be considered a class, so that it is only really comparable with the latest, legal version of serfdom. This means that for all earlier centuries—the ones during which all historians agree the crucial ‘transition’ must have happened—we are simply not comparing like with like when we ask ourselves whether what we are seeing are ‘slaves’ or ‘serfs’. This makes it very hard to imagine concretely how one might get from one system to the other.⁴²

The approach adopted here makes it much easier to compare like with like, because the transition from slavery to serfdom can then be understood more straightforwardly as a shift in the dominant claims which unfree status helped lords to make over dependants. I would characterize the difference in the following way: while both slavery and serfdom are designed to place a certain category of people at a fundamental disadvantage in terms of rights, slavery primarily concentrates on denying rights altogether, whereas serfdom is, instead, fundamentally geared towards charging for access to them instead. Central medieval lords allowed access to all sorts of fundamental rights—such as marriage, family life, and inheritance—in exchange for a range of traditional payments, which, taken together, constituted excellent tools for obtaining and consolidating serfs’ recognition of their own dependent status. The granting of rights to family and property, far from reflecting an easing of lords’ hold over their dependants, amounted to a reassertion of their domination—at least in the areas that they were interested in. Serfdom was not, as it is sometimes described, a straightforward improvement in the situation of unfree dependants: it was more a displacement in the aims to which the category was put, accompanied by an adjustment in methods.

THREE LEVELS OF ANALYSIS

I will address continuity and change on three separate levels in turn: terminology and labelling; practical forms of exploitation; and formal institutional and legal framework. The attribution of status labels constitutes the point of interface between the practical uses and the formal legal content of categories, but it does not correspond to either directly, because, just as people, when they used such terms, evidently did not have a single, stable practical referent in mind, they also did not necessarily have in mind the generic statements about unfree status made in formal written law. Any of these three levels could change, or stay the same, without affecting either of the other two. They are characterized by different paces of change, different degrees

⁴¹ Cursente, ‘Les médiévistes et les “nouveaux servages”’.

⁴² It may be telling in this respect that the clearest (if controversial) statement of an answer to this problem is that given in the feudal mutationist model, which posits a dramatic replacement of one by the other rather than a connection.

of responsiveness to external factors, and different scales in internal variation. Each of them corresponds to a different part of the book.

Terminology appears, on the surface, to be the level most resistant to change, the most dependent on inheritance, and the least responsive to changes in practice. As we have seen, our source material continues to use the same Latin vocabulary to designate unfree people (*servus*, *mancipium*, *ancilla*) throughout the first millennium and beyond. It is clear that these terms were not straightforward descriptors entailing any particular conditions of life or work: it is almost impossible to tell what exactly the word *servus* was intended to describe when it is found in an early medieval text without further contextual information. As I have argued, these words were, above all, *claims*. The continued use of the word *servus*, seen in the light of a claim rather than as simply a descriptor either succeeding or failing to reflect reality, can take on a new significance: the word was being used not as an unthinking inheritance, but actively, as a way of including under a specific type of subjection people who may have thought themselves not so very different from their free neighbours. Seen in this light, there is no reason to expect the consequences of such labelling to have been at all unified, which certainly fits with the available evidence: all that the use of such words implies is a common strategy of domination on the part of lords, not a common condition on the part of their dependants.

What sort of claim lords thought they were making by using and imposing such status labels is also likely to have varied according to their priorities in any given case. Although terminology, taken as a whole, remained extraordinarily stable over the centuries, it was therefore at the same time deeply *unstable* in terms of its specific applications, since its attribution often came out of short-term wrangling designed to suit very specific practical requirements. This, not an increasingly poor grasp of the original meaning of status words, is what gave the early medieval terminology of unfreedom such diverse practical referents.

I will explore the ways in which status labels became attached to particular individuals in Part I. Much depended on the scope for negotiation and bargaining power of unfree persons in relation to their lord, and this was partly determined by the means through which they had become unfree in the first place. I will explore this by concentrating on 'ways in' and 'ways out' of unfree status: the very moment of labelling, and often the situations where the difference it made becomes most evident. (Unfree status acquired by birth, by contrast, worked rather differently, and is discussed separately in Chapter 5.) The scope for negotiation was evidently at its lowest in the case of capture in a raid, when outsiders became imported into a society, which removed them from any pre-existing networks of support. Bargaining power could be rather higher in other cases, such as that of self-sale or self-gift, though it is important not to assume that insiders who became unfree would automatically have found themselves in a better position: some clearly had very little to go on, and could fall under the very harshest versions of unfreedom. Outsiders are discussed in Chapter 1; insiders in Chapter 2. Conversely, the precise meaning of the freedom conferred through manumission (Chapter 3), and how much freedom it actually entailed, could also vary enormously depending on its intended goals, and the particular pre-existing relationship between lord and unfree dependant.

At the level of the individual circumstances studied in this section, the picture is one of extreme diversity: at this level, there were in effect as many forms of unfreedom as there were lords with different exploitative strategies. The meaning of unfree status in each case was so much determined by personal circumstances and individual agency that unfree status ends up looking as if it corresponded to nothing much in particular, and was determined by already existing levels of inequality rather than being determinant in itself. Part II takes a step back from the minute points of difference which exercised the agents examined in Part I, and looks for wider trends.

Nearly all regions and societies of early medieval Western Europe used a wide spectrum of possible meanings for unfreedom, but the main emphases could be very different from region to region. These different trends in the uses of unfreedom were to a large extent, though not exclusively, determined by economic differences. Unfree status could be put into play in a variety of different economic niches: this is what makes it impossible to speak of slavery as being intrinsically either economically efficient or inefficient; it could insert itself into so many different economic settings as to make either statement meaningless.⁴³ The key distinction is that between unfreedom in the context of a household economy, and unfreedom in the context of large-scale exploitations (on which the existing historiography has mostly focused its attention). Household service, treated in Chapter 4, was the baseline, lowest-common-denominator form of exploitation in all regions of Europe at this time, though its symbolic and practical functions as well as its relative importance varied very significantly from region to region, and at different social levels. Chapter 5 discusses the social and economic pressures at work in the legal classification of tenants on large estates, where legal status fulfilled fundamentally different functions, and was periodically reinvented to facilitate the management of hierarchies within estate communities.

These different economic contexts, not differing levels of influence of the Roman tradition, account for the profoundly different 'look' of slavery across different European regions. Both styles of exploitation show marked discontinuity with the Roman situation. Part III looks for what impact, if any, these changes may have had on the legal and institutional framework for unfreedom before the twelfth century. Chapter 6 argues that for different reasons neither Church nor state had much of an interest in reforming or regulating unfree status. Instead, what laid the groundwork for its subsequent comprehensive overhaul in the twelfth and thirteenth centuries were the evolving and gradually converging priorities of lords, which focused less and less on denying rights, and more and more on granting them in order to obtain other things. The advent of serfdom as a legal entity did not finally come about as a belated recognition of a gradual change from slavery into serfdom; it was only made possible because unfree status was being used as an increasingly streamlined instrument—more efficient, perhaps, but also less open to experimentation than it had been during the early middle ages.

⁴³ Goody, 'Slavery in time and space', pp. 30–3.

PART I

DIVERSITY: WAYS IN AND WAYS OUT