

RURAL WAGE LABOUR IN LATE ANTIQUE
NORTH AFRICA

by

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Abstract

Casual rural wage labour in the Roman world is an underdeveloped topic, with the arguably first and last main work on the topic being published in 2013 using a methodology relying on comparison to modern times and without the aim to be a consistent model of how wage labour was procured and recruited in the countryside. In this thesis I have provided the first holistic model of rural unspecialised wage labour in the North African countryside between the 4th and 5th centuries, accounting for the characteristics of the workers that made up the labour pool, how they were organised when hired for labour-intensive tasks such as the harvest, and how disputes in affairs relating to the employment of casual wage labour were resolved. This model has been constructed primarily from primary sources, including literary texts, inscriptions, and material culture, both from North Africa and other areas of the Roman world, primarily Egypt.

The main finding of this thesis is that wage labour was primarily used for harvesting and was often hired through contractors who assembled gangs of workers. These contractors were part of the rural middle stratum that could afford to provide securities to landowners for the proper execution of the works but were also willing to devote their time and effort to coordinate harvest labour for profit. The workers they managed were in considerably lower socio-economic strata and very diverse in their profile. Although most of them would have been established locals coming from nearby, some minority presence of urban and transhumant populations could have been possible. The plurality of workers would have been young and male, but older and female workers also participated. Finally, disputes arising from the employment of labour would have likely gone through episcopal mediation, although the sectarian dispute between Catholics and Donatists might have threatened to disrupt this practice.

*Al Papa, la Mama, la Mariona,
el Jordi i la Fina.*

*...aber die den Turm Babel
erdachten, konnten den
Turm Babel nicht bauen.
Allzu gross war das Werk.
Da warben sie fremde Hände
um Lohn...*

(Metropolis. Fritz Lang, 1927)

Acknowledgments

In the summer of 2019 I remember being in the ‘pool’ (in reality, an old water tank that has been repurposed) of a friend drinking beer and eating olives under a very pleasant Mediterranean sun. Life was good and I felt more than ready to undertake a PhD. After four years of PhD work under the UK’s idiosyncratic weather and long winter nights, during which we have all endured a global pandemic and various overlapping economic crises threatening the ability to subsist of most of the country’s population, I have been forced on more than one occasion to revise this hypothesis. In my reading dusty books over an ivory tower while the city below me burned, I have never taken for granted or have considered it inevitable that this thesis could exist in a finished form (or even, that there might still be someone on the other side to read it), and it could not have reached this stage if it was not for the support of many people who have been by my side.

First, I want to thank my supervisors, Dr Gareth Sears and Dr Daniel Reynolds. They were excellent at separating the wheat from the chaff in what I was writing and steering me towards the right direction. Their feedback was invaluable in making this thesis work and I cannot be more grateful for the many hours they must have pulled reading my drafts. Their supervision was instrumental in getting this thesis finished and it being a valuable piece of work. However, any error or misinterpretation in my thesis that might have gone under their radar ought to be attributed first and foremost to my own sloppiness. Enormous gratitude is also owed to the examiners of the thesis, Dr David Stone and Dr Maeve McHugh for their feedback and their encouragement. I also want to thank the late Stanley Ray, who endowed a scholarship from which I have greatly benefitted. Without his generosity this thesis would have never gotten off the ground. I also want to thank Dr Maria Vrij who gave me the opportunity to work in the magnificent coin collection of the Barber Institute of Fine Arts and who opened my eyes to the wonderful world of numismatics.

During these last few years my postgraduate, postdoctoral, and early career researcher peers have contributed much to my comprehension of the ancient world. There are some of them that have pointed me in the right direction within their areas of expertise. I want to thank Panagiota ‘Penny’ Mantouvalou for contributing a new translation of *P. Lips.* 1.111, Dr Ben Dewar for his help with getting acquainted with the Old Babylon material, Teifion Gambold

for his insight in everything related to the Roman army, Marcus Spencer-Brown not only for being one of the best flatmates one could wish for but also for his feedback on Chapter 1 of this thesis and for helping me understand properly the debate on the ancient economy, Katherine Gwyther who shared with me her insight and expertise in the Hebrew Bible, Dr Stephanie Novasio for her helpful pointers on the question of children and the words we use for them, Adrià Garriga i Alonso for his friendship and helping me understand issues of statistical significance, and Tyler Broome for kindly helping proof-read the final draft. Any error or omission in these aforementioned areas is, however, due to my stubbornness and lack of understanding.

I also would like to thank my parents, Joan and Teresa, my sister Mariona, my uncle Jordi and my aunt Fina, to whom this thesis is dedicated. I would be lost without them, and I cannot be grateful enough of having had the luck of having such amazing relatives. My friends here and in Catalonia are also to be commended for having put up with me. Special mention is deserved for my fellow thinkers, part-time agitators and pint-drinkers in the King's Norton Club, the Wellington and the Highcroft Centre, and for the wonderfully mad characters that have orbited around the postgraduate forums of the department. There are too many people to mention in this category, but very special recognition is owed again to Marcus Spencer-Brown who for a full year had to put up with me in our flat, Dr Maria Vrij and Michael Burling with whom I have had amazing conversations over the years, and Laura Clark, who was my cohort peer and a key support for the postgraduate community in the department. My friends in Catalonia, the Ruffinis and the Lorcás, whom I have known for decades, also deserve much acknowledgment for helping me, from a distance, to keep sane.

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Conventions and Clarifications

Geographical and Temporal Scope of the Thesis

This thesis is set in Late Antique North Africa. In this thesis 'North Africa' does not encompass Egypt, as it is typically considered a different region altogether for good reason by scholarship of the ancient world.¹ It also does not include the whole of the modern Maghreb, as the definition of 'North Africa' this thesis uses is not based on geography but on Roman administrative divisions. What this thesis understands as 'North Africa' is the area of the Late Antique diocese of Africa, established by Diocletian's provincial reforms. This comprises the provinces of Mauretania Caesariensis, Mauretania Sitifensis, Numidia, Africa Proconsularis (also called Zeugitana),² Byzacena and Tripolitania. Geographically it encompasses the area from the Muluchath River in the west to gulf of Sirte in the east, and from the Mediterranean Sea in the north south to the Saharan *limes*.

This thesis considers 'Late Antiquity' as the period beginning with the accession of Diocletian (284 CE). Although Late Antiquity can be argued to go as far as the 8th century CE, this thesis will concentrate mainly on the period between the 4th and early-5th centuries CE, chosen due to the concentration of North African evidence on wage labour and the status of North Africa in that period as a key region of the Western Roman Empire, acting as its breadbasket.

Names of Sites

When a site could be referred by various names, I have used the name that is most common to the cited scholarship and least likely to cause confusion.

Transliteration of Greek Words

Greek words are reproduced in the Greek alphabet in the main body of the thesis. The first time a Greek word appears it is also accompanied by a transliteration into the Latin alphabet.

Original Text of Primary Sources

¹ I have yet to read a single historiographical work on ancient Rome that does not separate Egypt from the rest of the geographical North Africa.

² Although the Verona List mentions a 'Zeugitana' which emerges from a division of Africa Proconsularis it is not clear whether it is a new name for Africa Proconsularis, an alternative name for Byzacena or a corruption of Tripolitania, which is absent from the Verona List. See Barnes, 1982: 212, esp. n.14-15.

All primary sources appear translated in the main body of the thesis, and the original text is provided in the footnote. Sources that are not quoted directly in the main body do not include the original text in the footnote. Translations used in each instance are credited in the footnotes. When no translation credit is given, it indicates an original translation from the author.

List of Abbreviations

AE = Année Epigraphique

Aug. = Augustine of Hippo

BGU = Berliner Griechische Urkunden

BL = Berichtigungsliste der Griechischen Papyrusurkunden aus Ägypten

C. Th. = Codex Theodosianus

C. J. = Codex Justinianus

CIL = Codex Inscriptionum Latinorum

CPR = Corpus Papyrorum Raineri

CSCO = Corpus Scriptorum Christianorum Orientalium

CSEL = Corpus Scriptorum Ecclesiasticorum Latinorum

Ep. = Epistulae

esp. = especially

FIRA = Fontes Iuris Romani Anteiustiniani

i.e. = id est = 'that is'

IIAfr = Inscriptions Latines d'Afrique

IIAlg = Inscriptions Latines d'Algérie

LCL; Loeb = Loeb Classical Library

n. = note(s)

NPF = Select Library of the Nicene and Post-Nicene Fathers of the Christian Church

O. Bodl. = Greek Ostraca in the Bodleian Library at Oxford and Various Other Collections

O. Did. = Didymoi: une garnison romaine dans le désert oriental d'Égypte

O. Krok. = Ostraca de Krokodilô

O. Strasb. = *Griechische und Griechisch-Demotische Ostraka*

O. Wilcken = *Griechische Ostraka aus Aegypten und Nubien*

OSA = *Oeuvres de Saint Augustin*

p. = page(s)

P. Abinn. = *The Abinnaeus Archive*

P. Brem. = *Die Bremer Papyri*

P. Cair. Goodsp. = *Greek Papyri from the Cairo Museum together with Papyri of Roman Egypt from American Collections*

P. Cair. Zen. = *Zenon Papyri, Catalogue Général des Antiquités Égyptiennes du Musée du Caire*

P. Corn. Inv. = *Inventory of the Cornell University Papyri in the University of Michigan*

P. Dubl. = *Greek papyri from Dublin*

P. Fay. = *Fayum Papyri*

P. Flor. = *Papyri Fiorentini*

P. Giss. Univ. = *Papyri Bibliothecae Universitatis Gissensis*

P. Lips. = *Papyri Lipsiae*

P. Lond. = *Catalogue of Greek Papyri in the British Museum*

P. Mich. = *Papyri Michiganensis*

P. NYU. = *Papyri from the New York University Collection*

P. Oxy. = *The Oxyrhynchus Papyri*

P. Oxy. Hels. = *Fifty Oxyrhynchus Papyri*

P. Panop. Beatty = *Papyri from Panopolis in the Chester Beatty Library Dublin*

P. Petrie Kleon = *The Archive of the Architektones Kleon and Theodoros*

P. Prag. Varcl. = *Papyri Wessely Pragenses*

P. Ross. Georg = *Papyri Russischer und Georgischer Sammlungen*

P. Ryl. = *Catalogue of the Greek and Latin Papyri in the John Rylands Library, Manchester*

P. Sarap. = *Les Archives de Sarapion et de ses Fils*

PSI = *Papiri della Società Italiana*

P. Tebt. = *The Tebtunis Papyri*

P. Vindob. Gr. = *Papyrus Vindobonensis Graecus*

PL = *Patrologia Latina*

PG = *Patrologia Graeca*

SB = *Sammelbuch Griechischer Urkunden aus Aegypte*

Teubner = *Biliotheca Scriptorum Graecorum et Romanorum Teubneriana.*

Trans. = Translation

YPM BC = *Yale Peabody Museum of Natural History. Babylonian Collection.*

INTRODUCTION

1. A new model for casual rural wage labour

The origin of this thesis lies in my previous research Master's thesis on the circumcellions.¹ Over the course of that project I realised both how little was known of unspecialised rural wage labour in the ancient world and how important it may have been, both as a means of livelihood and a solution to the shifting labour requirements of the fields.² The lack of a general model explaining why rural wage labour was hired, when it was hired, how it was hired, and what the average profile of a casual wage worker was, impelled me to attempt to provide a holistic model for this phenomenon.

To build this model, this thesis will probe, update, question and reaffirm assertions that have been made on the role and organisation of rural wage labour. This necessarily means exploring and either reinforcing or departing from, the ideas put forward in Brent D. Shaw's 2013 book *Bringing in the Sheaves*.³ A compilation and updating of his 2008 Robson Classical Lectures, this book represents one of the most extensive explorations of the use of wage labour for harvesting in the Roman world, and on publication was hailed as a breakthrough study.⁴ It has furnished a starting point to some explorations of Roman agricultural labour and has significantly impacted the debate around the Harvester of Maktar inscription.⁵ However, Shaw did not prepare these lectures or edit them into this book to create a definitive model of rural wage labour. In the five chapters of the book, Shaw makes a variety of claims on the

¹ Although currently unpublished, I encourage anyone interested in it to contact me to procure a copy.

² During this thesis, the word 'unspecialised' will be used to designate those crafts and tasks that did not require the use of some specific set of knowledge, and that therefore everyone physically able would have been able to perform. I avoid the word 'unskilled' because that word assumes skill is not involved, whereas one can get better and more efficient at performing certain tasks through experience and training. It is assumed that an experienced reaper, for example, will be a more efficient reaper than a novice one. Therefore, there is 'skill' in reaping, as in most 'unskilled' jobs, the only difference from 'skilled' occupations is that skill does not gatekeep entry into the occupation. Although I am aware that most literature uses the words 'skilled' and 'unskilled' to refer to certain occupations or tasks, nonetheless I wish to distinguish those occupations that require skills from the outset, and those occupations in which skill is something needed to excel and be appreciated, but not to perform the task.

³ Shaw, 2013.

⁴ Erdkamp, 2014a; Fournier, 2014; Carlsen, 2015.

⁵ For the later uses of Shaw's book as a base for further argument on the organization of wage labour see Sánchez Vendramini, 2015; Tedesco, 2018; Howes, 2023. For an example of its use as a 'go-to' text for wage labour see Bowes and Grey, 2020: 624. For the relevance of the Harvester of Maktar inscription to the subject see Chapter 2, Section 2.1.2.1. For references to Shaw's book regarding the Harvester of Maktar inscription see Sancinito, 2018: 387-388; Holleran, 2020: 169.

topic of the harvest, but the most relevant to the topic of this thesis are his characterisation of the harvesting labour force as drawn from the rural and urban poor, its organisation in gangs and that there was a considerable amount of people willing to go on the move to work in the harvest. All of these topics will be dealt with in this thesis, but it is important to note that Shaw's book concerns itself with the narrow topic of grain harvesting and the cultural ideas on the figure of the harvester. I have opted in my thesis to expand the subject matter to include all unspecialised rural wage labour, including the harvesting of grapes and olives. Due to the lack of extant farm accounts from Late Antique North Africa, harvest work (including the harvest of olives and grapes) has become the main focus of this thesis. Nonetheless, this thesis cannot be said to have rendered Shaw's book redundant, but it merely uses it as a starting point to answer different, if related, questions. This is important because the lack of a general model for unspecialised rural wage labour has forced some historians to use the relevant portions of Shaw's book as a substitute, when that book was not written to be used that way.⁶ In Shaw's book he wrote that "there is so much more that would have to be done, but these initial test probes might indicate some of the parameters and some possible directions that another interested mind might take".⁷ This thesis aims to make a significant contribution to scholarship by taking up this challenge and explore one of the "possible directions": the construction of a general model, which serves as a first holistic inquiry, of unspecialised rural labour for Late Antique North Africa, and from which further inquiries into other periods and spaces can be built on.

I also want my research to attain certain objectives that go beyond those of a contribution to our understanding of the ancient world. The current age, in which this thesis has been written, is an age of precarious casual employment. In the United Kingdom this precarity can be seen, for example, in zero-hour contracts (where the employer can modify the hours worked at will) and apprenticeships paying less than minimum wage without a guarantee of a job at the end. In the Spanish State employment agencies are staffing jobs that used to be reserved for permanent employees with temporary workers, and the practice of 'false autonomous workers', who are hired as if they were contractors to lessen the duties of the employer towards their employees, is a true plague of the current labour market. After a relatively long

⁶ Shaw, 2013: xvi-xvii. For the clearest example see Howes, 2023.

⁷ Shaw, 2013: xviii

period when having one permanent job was sufficient for most workers, more and more people simply cannot afford to only have a single job.⁸ In comparison with the history of the ancient elites, with its rulers, wars, intrigues, and abundant sources, the history of the ancient common folk is often untold to the general public, and even when it is told the experiences of its protagonists (pre-industrial farmers, artisans, slaves, etc.) can sometimes feel alien and otherworldly to modern audiences. In this thesis, I wish to show an aspect of Roman agricultural labour, that is, the need (both for employer and employee) for waged seasonal work, where the precarious worker of today's world can find its 'economic ancestor', an ancestor whom they can easily understand and on whose experiences they can reflect. I hope to see the day when ancient experiences of need-driven additional casual labour are as alien to today's world as the lives of pre-industrial farmers can feel to modern workers.

2. The source challenge: comparison and induction

One of the main problems facing any inquiry into ancient wage labour is the paucity of reliable sources. Unlike permanent workforces such as slavery and tenancy, that generated a considerable number of legal texts and literary comment, wage labour was not extensively recorded in the extant sources. This has led some to argue that it was not very important. Moses Finley, who was influential in the debate on the ancient economy argued that wage labour had never been "a significant factor in production, whether on land or in towns"⁹ in the ancient economy. His contemporary, Geoffrey de Ste. Croix, defined wage labour in the ancient world as "generally scarce, unskilled and not at all mobile".¹⁰ Although it is true that permanent wage labour was not as extensive or commonplace as other forms of labour such as slavery and tenancy, nonetheless recent authors have showed that it was much more important than previously considered.¹¹ Furthermore, to draw on an ongoing discussion in the field of ancient slavery, the small impact of wage labour on the culture and politics of Rome is not, on its own, a reliable indicator of the economic importance of wage labour.¹² However, this assertion that wage labour was insignificant in the ancient world, together with

⁸ McBride and Smith, 2022: esp. 1442-1444; Smith and McBride, 2023.

⁹ Finley, 1985: 65-66.

¹⁰ De Ste. Croix, 1981: 181.

¹¹ Rathbone, 1991; Banaji, 2007: 190-212; Shaw, 2013. See also Chapter 1, Section 1.3 for the nigh unavoidable use of wage labour for harvests in the Roman world.

¹² See Vlassopoulos, 2016: 8-9; Lewis, 2018: 82-83, 90.

a tendency in scholarship to concentrate on permanent forms of labour, has dampened the study of a type of wage labour that could have been quite crucial and important for ancient agriculture: casual seasonal labour. Although casual seasonal labour is often recognized and mentioned, it had never received a proper in-depth treatment until Shaw's *Bringing in the Sheaves*, and even then it is a subject that falls inside the scope of the book rather than it being the object of study of the book.

How to research something that leaves very little evidence? A comparative method, filling the gaps in our records with more complete accounts which are extraneous to the context under study, is an absolute necessity in these types of inquiry. Extensive reference is made to Egyptian papyri in this thesis as a comparator to North Africa or the whole of the Roman Empire. Despite the climatical, historical, linguistical and cultural differences between Late Antique North Africa and Late Antique Egypt, nonetheless they share being part of a (unified or separated) Roman Empire, a similar set of challenges when it comes to furnishing casual labour, and a similar set of options for furnishing such labour.¹³ This allows comparison between the two contexts, and the researcher to be able, potentially, to infer about one from the other. The use of sources from the classical or early mediaeval period follows the same logic: when it comes to the furnishing of casual labour the challenges and options of 2nd-century Italy are similar to those of 4th-century North Africa.

The problem with evidence is precisely the reason why this thesis is set in North Africa and in the 4th and early-5th centuries. The ancient sources for Roman wage labour come from the agricultural manuals of Roman authors, who were mostly based in Italy and thinking of the Italian countryside, and the farm accounts and correspondence preserved in the papyri of Egypt. However, the agricultural manuals, when dealing with labour, tend to reproduce the ideology and ideals of the Roman aristocracy, and the information they report can be of dubious veracity. The Egyptian accounts and letters, on the other hand, are pragmatic documents which were written by managers and landowners who were intensely attuned to the reality of their estates. However, they come from a region of the Roman Empire that could have been exceptional in its use of wage labour, which, compared to other areas of the Empire, was very extensively used and allowed for the hiring of permanent wage workers,

¹³ On the methods used to procure wage labour see Chapter 2, Section 2.1.1

while also being very limited in the information they provide.¹⁴ However, a third set of sources comes from North Africa, in the form of the Harvester of Maktar inscription and the musings of Optatus of Thamugadi and Augustine of Hippo on the circumcellions.¹⁵ These are sources that are trying to refer to the reality on the ground in regard to wage labour (even if they do so tendentiously and partially), and which come from a region that has been overall very well-studied and documented. Thus, Late Antique North Africa provides an excellent place to build a model of wage labour that can be later adapted to other regions of the Empire and other periods.

This thesis is necessary to advance the debate on wage labour, because Shaw's use of comparative methodology in discerning the inner workings of harvest labour presents some problems. For comparative methodology to be appropriate, it requires that the conditions of both periods are similar for the subject being studied. When Shaw undertook the writing of his Robson lectures and *Bringing in the Sheaves*, he drew from a wide set of contexts, ranging from the Old Babylonian period to early 20th-century Canada. Such a scope is not without merit, it allowed Shaw to inquire into ideas of harvesting and harvesters that seem to transcend time and cultures. However, when it comes to tracing a model for wage labour in Late Antique North Africa, such a wide range in looking for supplemental comparative evidence is problematic. To compare 20th-century Canada with 4th-century North Africa, in the way Shaw does it, implicitly assumes that workers displayed a similar range of mobility in their search for employment, and attitude towards mobility, before and after the advent of the railroad, or that an ancient estate manager and a Canadian landowner had the same mindset and goals when it came to organising their estate, or that wage labour found similar places in the legislations of an ancient empire and a capitalist country.¹⁶ In this thesis I have decided to avoid such wide comparisons (furthermore, if I had not done so I would have merely rewritten Shaw's book, instead of testing and advancing it).

In tracing a model for unspecialised rural wage labour in Late Antique North Africa I have opted to give preference to induction over deduction and try to extract from contemporary sources as much relevant information as possible. When deductive inferences are made, they

¹⁴ Rathbone, 1991; Banaji, 2007.

¹⁵ See especially Chapter 2, Section 2.1

¹⁶ Pace Howes, 2023: 59.

are generally not made from general theoretical models, but from the research in those fields of inquiry on Roman society and economics that have a bearing on the phenomenon of wage labour. For example, scholarly work on the leasing of works furnishes arguments for the rationale of contractor-led harvesting gangs, and research on construction and docking provides material for arguing that landless workers were a minority in performing harvest work.¹⁷

3. Recent work (not) on wage labour

Because of the lack of clear sources documenting unspecialised rural wage labour, the topic has been generally side-lined in historiography.¹⁸ The characterisation of Finley and de Ste. Croix depicting wage labour in the Roman world as generally insignificant has been tacitly accepted by most treatments of Roman labour.¹⁹ Not a single contribution in the Cambridge Philological Society's proceedings on *Non-Slave Labour in the Greco-Roman World* is dedicated to agricultural wage labour or meaningfully deals with it.²⁰ Scholarly debate on wage labour is not done 'in the open', so to speak, but as a series of assumptions, passages or chapters weaved into works dealing with related subjects. This is evident even in those works that have treated wage labour most extensively. Shaw's book, despite being a key piece of scholarship in the 'debate', is not so much about wage labour but about the organisation of harvesting (if wage labour had not been a key factor in such organisation, it would not have been a major part of Shaw's book). Paolo Tedesco's article on "the missing factor", that is, rural wage labour, mostly addresses the extent of commercialized agriculture and rural monetization, with which wage labour interacted.²¹ Wage labour is given a space in Jairus Banajis' *Gold, Labour, and Aristocratic Dominance* and De Ste. Croix's *The Class Struggle in the Ancient Greek World*, but in both works wage labour is a subordinated topic, an aspect of the main subjects of these works (respectively, Late Antique agrarian and monetary transformations, and class conflict in the ancient world). And even then, only in the former is

¹⁷ For the former see Chapter 2, Section 2.3; for the latter see Chapter 5, Section 5.2.

¹⁸ For a look at pre-Finley analyses of Roman rural wage labour see Chapter 2, Section 2.1.2.

¹⁹ See for example Hopkins, 1978: 23-24; Garnsey and Saller, 1987: 66-67; Harris, 2007: 528. Also, preceding Finley and Ste. Croix, see White, 1970: 349-350, although seemingly on the fence on whether wage labour was meaningful. See also Chapter 2, Section 2.1.2.

²⁰ Relevant contributions for the Roman period include Garnsey, 1980; Treggiari, 1980; Whittaker, 1980.

²¹ Tedesco, 2018.

wage labour treated as an important component inside the world of Roman labour relations. When Roman unspecialised wage labour became a topic of research in German scholarship in the 1980s and 1990s, its main question was merely if the word *mercennarius* (meaning ‘those who earn a *merces* or wage’) could mean ‘wage worker’ or designated exclusively a leased slave.²² Some occasional work might challenge this side-lining, such as Arnaldo Marcone’s chapter on agricultural wage workers in Republican Italy, but they are the exception.²³

This dearth of monographs and articles on casual rural wage labour does not mean that nothing has been written on the subject, there are a number of scattered paragraphs and sections dealing with the topic among academic articles and books, but there has been no attempt to establish a holistic model of it. This thesis is important because it brings together all of these small contributions into a coherent and relevant argument, a task which has so far not been undertaken and which has the potential to significantly alter our conception of the ancient countryside and the workers that toiled in it.

In scholarship, unspecialised rural wage labour has always orbited around other subjects, playing a supportive role in the arguments on the main question of each work. This thesis proposes to reverse this paradigm, by making rural wage labour the central topic and have other topics (the rural family in the Roman world, the resolution of rural disputes, child labour, the respectability of contractors, etc.) condition the model of rural wage labour proposed in this thesis.

4. Structure of the thesis

By the end of this thesis, I will have constructed a model for unspecialised rural wage labour applied to Roman North Africa of the 4th and early-5th centuries, divided into six thematic chapters. Chapter 1 is an introductory chapter setting the relevant aspects of Late Antique North Africa, introducing the reader to the theoretical debate on the ancient economy and its effect on how wage labour is studied, and an overview of the types of workforces, other than wage labour, that could be found during the period of study. This chapter will establish

²² Möller, 1993.

²³ Marcone, 2009.

the groundwork and theoretical positioning of this thesis regarding wider scholarly debates. It will advocate for a pluralistic view of the Roman economy, with an emphasis in using an inductive method when making suppositions and inferences, that is, making suppositions mainly through the testimony of the sources, rather than applying theoretical models. It will also show that wage labour was an absolute necessity during certain periods of the agricultural calendar, and that alternatives to it during these periods had serious drawbacks for the landowners and tenants seeking additional labour.

Chapters 2 and 3 deal with the 'contractor-led harvesting gang', a unit of labour employed for the harvest. In Chapter 2 the rationale for the organisation of such a unit is explored, while Chapter 3 analyses the socio-economic profile of the contractors who led these gangs, especially in contrast to the socio-economic profile of the workers under him. All in all, these two chapters shall characterise the contractor-led harvesting gangs as a unit of labour in which the contractor is clearly distinguished in status from the workers and where the two groups have distinct interests and motivations. It will also establish that there was a widespread use of such gangs because of the Roman legislation on the leasing of works and it will argue that being a harvest contractor occupied a very ambiguous space between dignity and infamy in the view of the Roman elite.

Chapters 4 and 5 deal with the workers performing unspecialised rural wage labour. Chapter 4 analyses the profile of the 'landed workers', those who were involved year-round in farming (be it on their own land or in leased land). Chapter 5 will look at the 'landless workers', those who did not have a year-round involvement in agriculture. In these chapters it will be argued that the bulk of the casual unspecialised workforce was settled tenants, rather than landless people, and that the mobility of this workforce was, in the main, limited. It also argues that despite being the minority, the idea of 'wage worker' in the minds of the Roman elite refers to the landless minority of the workforce, rather than the actual average worker.²⁴

Finally, Chapter 6 will analyse how labour disputes between landowners, contractors and workers were arbitrated and what effect the religious tensions in Late Antique North Africa had on the adjudication of labour disputes. It will be argued that the arbitration of disputes emerging from unspecialised casual labour, especially the harvest, was one of the battlefields

²⁴ For what this thesis understands as 'landless' see Chapter 4, Section 4.1.

where the dispute between Catholics and Donatists raged on and influenced the treatment that Catholic authors gave of the circumcellion phenomenon.

This thesis will conclude by arguing that wage labour was primarily used for harvesting and often organised through contractor-led gangs. The contractors leading these gangs mainly came from a socio-economic stratum affluent enough to provide securities to landowners for the proper execution of the works or convince a third party to provide said securities. The workers these contractors managed came from a considerably lower socio-economic strata and were very diverse in their profile. Although most of them would have been established locals coming from nearby, some minority presence of urban and transhumant populations could have been possible. The plurality of workers would have been young and male, but older and female workers also participated. Finally, disputes arising from the employment of labour would have likely gone through episcopal arbitration, although the sectarian dispute between Catholics and Donatists might have threatened to disrupt this practice.

CHAPTER 1. The North African Agricultural Economy

I would like to begin with an observation already made by Shaw in *Bringing in the Sheaves*:¹

Although the great revolution in agriculture [...] took place all of a sudden, in a generation or so, it separates us from our ancestors as irrevocably as any revolution can. In a bit of table talk on one of those pleasant evenings in Toronto, Christer Bruun and I agreed that it was a hopeless thing for us to expect our students to have any personal empathy with this now-distant world – even if we ourselves had once been close to it. We had both felt the frustration of trying to describe these other places and times of rural economy and life to those who had no connecting experiences with them.

The past is an alien place, subject to different rhythms, priorities, and worries, that we have forgotten and need to rediscover. As a former lecturer of mine once put it to me “in a certain sense, the 19th century understood the Roman world better than we do today”. I believe it is one of the many jobs of the historian to determine how wide this chasm between our world and the world of the ancients is. There might have been both wage labour in the countryside of the ancient world and wage labour in the countryside of today, but these two might exist in completely different socio-economic contexts and mediated in completely different ways. Ancient labour cannot be studied in isolation, but as an integral part of an economy, interacting with economic institutions, land distribution, the objectives of economic agents and other characteristics. Therefore, the objective of this chapter is to explore the characteristics of the agricultural economy of Late Antique North Africa to properly locate the subject of our thesis in its proper context. First, we shall examine what scholars have thought about the Roman economy, a much studied (and oftentimes even polemic) topic. Then we shall delve into the particulars of the patterns and goals of agricultural landholding in Late Antique North Africa, looking at who had land, what they wanted out of that land, and how they employed the labour working in that land. Finally, we shall examine possible alternatives of seasonal labour other than wage labour in order to begin gauging the importance of the latter.

¹ Shaw, 2013: xix

1.1. The theoretical debate on the roman economy: in search of a framework

It would be unwise to downplay the importance of one's assumptions and frameworks when approaching the ancient economy, and the effect these assumptions have on the results of research. Frameworks and theoretical considerations matter, and need to be addressed, as they affect interpretations of how agricultural properties were exploited in the Roman world, and the logics in procuring workforces. Therefore, before addressing the particulars of the North African Late Antique agricultural economy it is necessary to deal with the long historiographical debate on the methodological frameworks used to analyse the nature and characteristics of the Roman economy. It is not the purpose of this section to provide a definitive account of the debate, nor is this thesis' purpose to settle it, as both those things seem impossible to achieve.

What this section seeks is to give a clear account with consistent terminology of the debate on the ancient economy, to aid an understanding of the interaction between the contents and positions of the debate on the ancient economy and the approach of this thesis. Different historians use different categorisations and terminologies when explaining the debate, and this section does not intend to disprove or question their choices by choosing different terms or categorisations.² Rather, the intention of this section is to explore the frameworks and assumptions historians of the ancient economy use to build their cases and elaborate on the working framework of this thesis. It only takes a superficial survey of the literature to realise that some sets of arguments put forwards by historians are so complex as to defy categorisation into a specific framework, and often authors have avoided identifying themselves and their ideas with a particular label.³

The previous disclaimer is necessary because the debate on framing the ancient economy is extremely long-lived and complex. Furthermore, it often carries political implications and can be acrimonious.⁴ Keith Hopkins' analogy between the debate on the ancient economy and a

² The choosing of the double axes 'primitivist-modernist' and 'substantivist-formalist' to frame the debate, as expressed in Launaro, 2016: 229-233, is due to the added clarity that double axes add over a single axis, and the consistency in the themes in those two axes as presented by Launaro. It should also be mentioned that this section does not intend to label specific authors, identifying them with this or that current of thought, and effort has been put to avoid categorising an author as, for example, a 'modernist' or a 'substantivist'.

³ Garnsey, 2002: 251-256.

⁴ Compare, as an example, the contents and even tone and implications of the papers of Matthew Hobson and Willem Jongman on the applicability of modern economical laws on the study of the ancient economy at the Theoretical Roman Archaeology Conference of 2013: Hobson, 2014; Jongman, 2014. For an example outside

battlefield with shifting loyalties and flags is particularly acute in this regard.⁵ Moreover, it is incredibly difficult to synthesise and explain. Most attempts at a synthesis of the debate trace different categories and use different names.⁶ For example, Moses Finley's influential outlook is said to either be continued or opposed by the authors of the *Cambridge Economic History of the Graeco-Roman World* depending on the commentator.⁷ In order to facilitate an understanding of the debate, it is necessary to disentangle it and understand that this debate covers multiple issues with different positionings that may clash or complement each other.

1.1.1. Overcoming the primitivist–modernist debate

The primitivist – modernist axis of the debate on the ancient Roman economy asks itself the question of how 'developed' or 'close to our time' was the ancient economy.⁸ The debate is also called the 'Bücher-Meyer controversy' after Karl Bücher and Edward Meyer, two historians writing in the late 19th century. Whereas Bücher advocated for seeing the ancient economy as a 'primitive' economy based on the self-sustenance of households, Meyer saw in some parts of the ancient world a 'developed' economy with ample trade and industry behaving like 'modern' capitalism.⁹ The culmination of the debate came with the publication in 1926 of Mikhail Rostovtzeff's *The Social and Economic History of the Roman Empire*, a monumental work integrating literary and archaeological evidence (a novelty at the time) that

the ancient economy but on the frameworks that underpin its study see Boldizzoni, 2011 and any of the many reviews of it. See also Section 1.1.3.

⁵ Hopkins, 1983: ix.

⁶ See Garnsey, 2002: 251-256 on the reductionist risks of framing the whole debate as a single polarised dichotomy with clear affiliations in either side.

⁷ Compare Andreau, 2015: 10 "the material that informed *The Cambridge Economic History of the Graeco-Roman World*, edited by W. Scheidel, I. Morris and R. Saller, remains readily faithful to Finley's vision, as well as some of his conclusions" and Hobson, 2015b: 27 "Finley was no doubt aware of this new trend in economic history [New Institutional Economics, which the editors of the *Cambridge History* ascribe to] in the U.S.A. and *The Ancient Economy* can be viewed as his single-handed attempt to resist the infiltration of cliometric approaches into the ancient history of his day". On Moses Finley's outlook on the ancient economy, see Section 1.1.2.2.

⁸ *Pro* Hindess, 2007: 496-497 although he latter calls Polanyi's rejection of the fundamentality of markets a "primitivist account"; Morris, Saller and Scheidel, 2007: 2 although they frame the primitivist-modernist debate not as an issue of "development" but rather as "assessment of ancient economic performance"; Jongman, 2012 with the same caveat as previous; Hobson, 2014: 12-13, although he only comments on the second phase of the debate, which is centred more on the question of 'growth' rather than 'development'; Launaro, 2016: 229; Blanton and Hollander, 2019: 14-15. *Pace* Andreau, 1999: 6-7; 2015: 5-6; Meikle, 2002: 236, 240-241; both including the issues of the latter debate between substantivists and formalists into the primitivism-modernism debate's terminology; Mattingly, 2008 who introduces Finley's position on economic rationality under the term 'primitivism'; Van Limbergen, Hoffenlink and Taelman, 2022: 3.

⁹ Andreau, 2015: 5-7.

gave the final word to the modernist side of the debate before the debate dissolved in the second half of the 20th century.¹⁰

Today the terms of this debate in the way they were first expressed are mostly obsolete as it depended on arguing a historical teleology towards capitalism as either the logical destination of society (primitivism) or the high point of a cycle of social development (modernism).¹¹ That is, both theories defined 'progress' as how close a society got to modern capitalism, which was assumed to be the apex of human development to which all societies gravitate as they develop. Even before the dawn of postmodernism, and its rejection of metanarratives such as this, Max Weber had already cast doubt on the validity of the proposition that, what on his view was, 'ancient capitalism' and modern capitalism could be equated.¹² His conception of modern capitalism as a phenomenon that emerged in a very specific set of circumstances, and not as a result of a natural progression, questioned the fundamentals of the primitivism-modernism debate.¹³

Nowadays the debate is not so much centred on whether ancient societies approached capitalism, but whether the economic laws underpinning economic behaviour under capitalism are also applicable to the ancient world.¹⁴ However, the debate between primitivism and modernism continues, albeit under a different shape.¹⁵ The new question of the primitivism-modernism debate is no longer how 'developed' the ancient economy was, but rather how much it 'grew'.¹⁶ Some historians have argued that, overall, the Roman economy was stagnant and experienced little growth. Peter Garnsey and Richard Saller argued that the 'underdeveloped' Roman economy had very limited potential for growth due

¹⁰ Launaro, 2016: 230.

¹¹ Launaro, 2016: 231.

¹² Nippel, 2012: 243-247.

¹³ So much so that he is considered both a primitivist and a modernist depending on the commentator. Compare Hindess, 2007: 498 "Weber's accommodation with modernism in *The Agrarian Sociology* thus carries a clear political lesson for his contemporaries. It favours capitalism and the market over socialism and bureaucracy" with Andreau, 2015: 7 "several major figures in economics and sociology – e.g., Marx and Max Weber – who tended, like Bücher to favor primitivism, did not have any immediate influence on the historians of antiquity". A more accurate portrayal of Weber's attitude towards the debate is to be found in Tompkins, 2008: 124-125 highlighting the complexity of his thought.

¹⁴ See Section 1.1.2.2.

¹⁵ And sometimes using terminology that implies that capitalism is still seen as the apex of 'development', tying constant growth with 'development'. See, for example, Garnsey and Saller, 1987: 43-65.

¹⁶ Garnsey, 2002: 257, 267; Hobson, 2015b: 26-29 framing the debate on growth as the overcoming of the traditional primitivism-modernism debate.

to the lack of meaningful changes in trade infrastructure.¹⁷ Others argue that the Roman economy generally experienced a considerable economic growth at some points of its history, whether that be due to relatively low taxation, the effects of economic integration between the different provinces, or improvements in transport.¹⁸

Is the question of how much economic 'growth', posited by the new primitivist-modernist debate, relevant to the study of ancient rural wage labour? It depends on how 'growth' is defined, whether it can be tied with 'development' (which is another loaded word) and how much weight the influence of this 'growth' is given when considering issues like standards of living and choices of workforces.¹⁹ The definition and impact of 'growth' varies depending on one's positioning on the substantivist-formalist debate, to which we turn now.

1.1.2. Overcoming the substantivism - formalism debate

1.1.2.1. *The subject of the debate*

While the original primitivist-modernist debate was extinguished in the second half of the 20th century due to the flaws in its presuppositions, at the same time a new debate on the ancient economy emerged, complete with new shifting orthodoxies and heterodoxies. The debate, as it applies to the ancient economy, can be argued to be structured around two interrelated questions. The first question is whether the market-based theories of modern economics apply to the ancient world.²⁰ The second question is whether there existed a conscious profit-oriented 'economic thought' in the ancient world.

There is good reason to limit the parameters of the debate to these two central questions. Often substantivism is coupled with primitivism, associated with the totality of viewpoints of Moses Finley and A.H.M. Jones, and the ideas that the ancient economy was household-based, static, orientated around a command economy and with limited trade, while formalism is coupled to modernism and linked with the conceptions that the ancient economy was

¹⁷ See for example Garnsey and Saller, 1987: 43-65.

¹⁸ Hopkins, 1983: xiv-xxi; Lo Cascio, 2007: 619-647; Mattingly, 2008: 286-287; Hobson, 2015b but with numerous qualifiers as to what constitutes 'growth' and with a field of study limited to North Africa.

¹⁹ For a criticism of the use of 'growth' in the scholarship of the ancient economy see Hobson, 2015b: 25-29.

²⁰ Launaro, 2016: 232-233.

integrated, market-oriented and dynamic.²¹ However, it is important to disentangle the general approach from the particular models. Matthew Hobson has used a substantivist approach to argue for “large scale economic changes” in Roman North Africa and used archaeological evidence to argue that there was production of wine and oil for profit feeding a large amount of export.²² Meanwhile Peter Garnsey and Richard Saller used a formalist approach to determine that the Roman economy was a static subsistence economy with limited trade.²³ Even the supposedly ‘arch-substantivist’ Moses Finley held that the Roman Empire’s economy was not subsistence-based and that there was considerable trade.²⁴

If the ‘sides’ of the substantivism-formalism debate are not the proponents of an isolated household economy against proponents of an integrated market economy, what stance does each ‘side’ hold? We shall first explore the core tenets of substantivism and then move on to formalism, and especially a currently dominant expression of it which has been labelled ‘New Institutional Economics’.

1.1.2.2 Substantivism

Proponents of a substantivist methodology hold that market-based theories and modern economic rationales do not apply to premodern societies.²⁵ Substantivism traces its origins to the work of Karl Polanyi and was mainly applied to the ancient economy by the ‘Cambridge orthodoxy’ headed by Moses Finley.²⁶ Substantivism encourages seeing the ancient economy as an ‘embedded economy’, subsumed to the social and ideological characteristics of each

²¹ See n.33 and Launaro, 2016: 233. The labels of ‘maximalism’ and ‘minimalism’ have been used to refer to this particular debate, see Stone, 2009: 127.

²² Hobson, 2015b.

²³ Garnsey and Saller, 1987: 43-106.

²⁴ See Garnsey, 2002: 253-255 for a collection of Finley views that show nuance regarding the Roman economy. Compare with Andreau, 2015: 9.

²⁵ Launaro, 2016: 233.

²⁶ Polanyi’s *The Great Transformation* (1944) can be considered the starting point of both substantivism and the terminology of substantivism-formalism. The most often cited and influential work that applies a substantivist analysis to the ancient economy is still to this day and without question Finley’s *The Ancient Economy* (1973). The massive influence of Moses Finley to ancient scholarship, to the point of his thoughts and frameworks being called an ‘orthodoxy’, cannot be understated: “A well-turned sentence by Finley can have as great an impact on the field [of ancient slavery] as a book by most other scholars” (Lewis, 2018: 21), also see Lenski, 2018: 21-24 for his impact in the debate on ancient slavery. For a quantitative evaluation see Scheidel, 2016. Nearly all the works cited in this section will refer to Finley’s arguments. See also the academic struggle for Finley’s legacy in n.32.

society and using modes of exchange disentangled from the market.²⁷ Substantivism also encourages historians to see in the decisions of people with control of the means of production (especially land) a search for fulfilment of the requirements of their status and not profit for profit's sake.²⁸ Economic behaviour is thus a product of culture and ideology, and not derived from the workings of the economy itself.²⁹

The substantivist approach to the ancient economy enjoyed notable influence in academic circles during the last decades of the 20th century but has not been devoid of subsequent criticism.³⁰ The first criticism that can be made against applying a strict substantivist analysis to the Roman economy is that it requires one to take at face value the writings of ancient authors and that they acted according to their values. As substantivism makes economic matters dependant on the organisation and ideology of society, it must be assumed that the values that the elite expresses outwardly into the historical record were applied in relation to production and trade. Finley argued that elite hypocrisy on how to properly acquire wealth was the exception to the rule and, thus, they generally abided by their precepts.³¹ Not only that but, through popular mythology, one could glean that “those who worked but were voiceless” also had the elite's mentality towards proper enrichment.³² I think it is a safe assumption to make, that a majority of the elite in most historical circumstances is capable of being and willing to be hypocritical, and for there to be a disconnect between their words and their actions,³³ the Roman elite were not an exception. In the Roman world such hypocrisy towards economic activities manifested, for example, in the using of agents by the elite to do business indirectly.³⁴ Cicero, who is often cited as an authority for Roman elite ideology, had no issue in making profits on the interest of loans, like many of his fellow senators.³⁵

²⁷ Meikle, 2002: 245-246; Boldizzoni, 2011: 24-25; Andraeu, 2015: 8-9. On the inconsistency of the use of 'embedded economy' in Polanyi's work see Hindess, 2007: 503-505.

²⁸ Launaro, 2016: 234.

²⁹ This is also the assessment of Finley's thought in d'Arms, 1981: 14.

³⁰ Hopkins, 1983: xi; Blanton and Hollander, 2019: 15. Although it should be noted Finley himself disagreed that his way of doing things (“proper historical writing” in his words), although on the rise, was a consensus approach, see Scheidel, 2016: 297.

³¹ Finley, 1985: 51-53.

³² Finley, 1985: 82.

³³ In contrast to the more restrained view of Finley, 1985: 52 “Neither in Cicero's Rome nor in any other complex society did all men behave according to the accepted canons. One is driven to repeat such a platitude because of the prevalence of argument by exception”.

³⁴ D'Arms, 1981: 36-39.

³⁵ Treggiari, 1969: 88-89; Andraeu, 1999: 12-18. On Cicero's representativeness see Finley, 1985: 42-53.

In addition, a substantivist framework requires dismissing evidence clearly showing economic rationality or challenges to the mainstream elite conceptions of production and trade in the Roman world. Dominic Rathbone's analysis of the accounts of the Appianus estates in 3rd-century Egypt clearly shows that Roman estate administrators had an economic rationality, including the ability to conceptualise wage labour, seek profits and engage in the markets.³⁶ Meanwhile the Harvester of Maktar inscription shows a local aristocrat not only having profited from work, but also being proud of having done so.³⁷ Finley could not fully incorporate these pieces of evidence into his analysis, as they challenged the core of his substantivist analysis, so he rejected them as oddities and outliers. On bookkeeping papyri, he argued that "it was impossible to determine the profitability or otherwise of any single activity in policulture".³⁸ Yet the author of the long farm account *P. Lond.* 131v, which covers the income and expenses of various allotments over various months does maintain an understanding of whether the estate is making a profit overall or not. On the Harvester of Maktar, Finley was sceptical of its representativeness, especially in regards to whether it pointed towards a certain level of social mobility.³⁹ While true that the Harvester of Maktar inscription is unique and it should be handled with much care, nonetheless it shows that the culture and ideology that theoretically informed the economy was not as homogenous as Finley liked to believe.

Furthermore, substantivism is unhelpful in tracing a model of rural Roman wage labour. Because an embedded economy is limited by society and ideology, and wage labour was shunned and legally unregulated, under a substantivist outlook rural wage labour could not have had any major importance in agriculture nor be an organised affair, and much less form a seasonal labour market. This was certainly the position of Finley on the matter.⁴⁰ However, the presence of contractors wrangling groups of wage labourers in physical markets in the sources denotes a certain degree of organisation and scale while the Harvester of Maktar inscription, showing a relatively new local aristocrat being proud of having served many years as a harvester and contractor of harvesters, might demonstrate that the prejudices of the

³⁶ Rathbone, 1991.

³⁷ *CIL* 8, 11824.

³⁸ Finley, 1985: 181.

³⁹ Finley, 1985: 224, n.28.

⁴⁰ Finley, 1985: 23, 73-74. For the shunning of wage labour see Chapter 2, Section 2.4.

high elite do not necessarily apply to lower strata of society.⁴¹ Models based on a substantivist framework fail to ‘predict’ wage labour, as substantivism requires categorising the admittedly scant evidence on wage labour as exceptions and oddities, no matter how consistent these sources are in their content despite coming from distant places and chronologies.

1.1.2.3 Formalism and New Institutional Economics

The myriad different approaches to the debate on the ancient economy can be represented as a spectrum between two contrasting positions, substantivism is one of these positions, the other is formalism. Formalism can be defined as the idea that economic behaviour is not rooted in ideology, as substantivism contends, but with confronting scarcity. According to the basics of formalism, scarcity forces humans to adopt economising attitudes that seek the optimisation of their available resources, and because resource scarcity is near universal, optimising economic behaviour is thus also universal and timeless.⁴² Formalism draws a lot of its theoretical sustenance from the precepts of neoclassical economics, which attempts to study how scarcity and the will to optimize of ‘rational’ economic agents shape the characteristics of markets.⁴³ Pure formalism and neoclassical economics have been criticised, among other things, for reducing all human rationality and motivation to optimising the appropriation of scarce resources through the market, leading to a detachment between ‘real-world’ economics and economic theory, both in the past and the present.⁴⁴

A clear example of a formalist approach to Roman wage labour can be found in Peter Temin’s *The Roman Market Economy*. In his book Temin sets for himself a very ambitious goal, to demonstrate that the essential character of the Roman economy was that of a market economy, that is, a situation where:⁴⁵

Many individual actions and interactions are seen best as market transactions
[and] there were enough market transactions to constitute a market economy,

⁴¹ See Chapter 2, Section 2.1 and Chapter 3, Section 3.4.

⁴² Erdkamp, 2005: 14; Launaro, 2016: 232-233.

⁴³ Jongman, 2012 although he does not call it ‘neoclassical economics’ but rather “modern economic theory”. For critiques of the use of unmitigated formalism in ancient economics see Meikle, 2002.

⁴⁴ Blanton and Hollander, 2019: 11; Van Limbergen, Hoffenlink and Taelman, 2022: 5.

⁴⁵ Temin, 2013: 6.

that is, an economy where many resources are allocated by prices that are free to move in response to changes in underlying conditions.

Not only that but the fact that Roman exchanges were through the market resulted “in substantial improvements of living standards, particularly in Roman Italy”.⁴⁶ In order to prove this idea, he makes the assumption that individuals act to better themselves, although their actions are constrained by the rules of society.⁴⁷ Therefore, what ancient historians must discover is whether the rules underpinning Roman society favoured or constrained market activity.⁴⁸ In short, the essential framework of Temin is that the market and its forces are immanent and that societies can choose whether to acquiesce to or oppose those forces. Those that acquiesce see prosperity, and those who constrain do not.

Temin’s view of wage labour in the Roman world is based on these premises. In Chapter 6 of his book, ‘The Labor Market’, Temin attempts to fight back against the idea that the presence of slavery made it so wage labour was limited to casual employments, instead arguing in favour of a “functioning labor market and a unified labor force” on the basis of the presence of wage labour in mines, galleys, and farming in Egypt.⁴⁹ Not only that, but the frequent manumission of the more “able” slaves⁵⁰ and the use of positive incentives to get them working meant that “slaves were able to participate in the labor market of the early Roman Empire in almost the same way as free laborers”.⁵¹ In conclusion, “Workers in the unified labor market of the early Roman Empire could change jobs in response to market-driven rewards. [...] Slaves participated in this system to a large extent”.⁵²

Temin’s book was warmly received by modern economists. François Velde, an economic advisor to the Federal Reserve Bank of Chicago, framed this work as part of a trend for classical historians opening themselves to modern economic methodologies.⁵³ Chris Berg, Policy Director at the Institute of Public Affairs, an Australian free-market think tank, gave it a glowing review provocatively entitled ‘Capitalism in Ancient Rome’, and interpreted Temin’s

⁴⁶ Temin, 2013: 24.

⁴⁷ Temin, 2013: 16.

⁴⁸ Temin, 2013: 16.

⁴⁹ Temin, 2013: 114-115, 117-119.

⁵⁰ Temin, 2013: 128.

⁵¹ Temin, 2013: 121-134.

⁵² Temin, 2013: 138.

⁵³ Velde, 2014: 1152, 1158-1159.

findings as a demonstration that market forces are unavoidable, and that Roman society acquiesced to them in order to live better lives.⁵⁴ Mark Koyama, Assistant Professor of Economics at George Mason University, wrote of Temin's book that it "points a way forward for future research on the economic history of antiquity".⁵⁵

Temin's theses were not universally accepted; his conclusion that the Roman economy was an integrated market economy, and his premise that all economic links in a market economy are commercial in nature, were considered to have gone too far, even by those favouring formalist premises.⁵⁶ His findings on the labour market were also questioned. His downplay of the coerciveness of Roman slavery and the lack of a logical link between wage similarity and labour market integration makes his claim for an integrated labour market dubious.⁵⁷ Temin's radical conclusions were obtained through a strict application of a formalist framework which presupposes immanent market forces, to which the Romans learnt to acquiesce to. This key assumption is also present in a more nuanced version of formalist premises that has underpinned the debate in the last 20 years, and which we will deal with now.

It is important to understand that, notwithstanding Temin, most recent approaches to the ancient economy are not radical in the terms of their implementation of their chosen framework. Although the current dominant school of thought in the debate can be firmly categorized as a formalist approach (as it presupposes market forces driven by scarcity universally shape any economy and economic agents seek to optimise their resources),⁵⁸ it tries to deal with the problem of why, in the 'real world', economic actors can behave in ways that are not economically optimal and create economic frameworks that may impede growth. What follows is a brief analysis and critique of this milder variant of formalism, called New Institutional Economics (NIE), as it applies to the ancient world.

NIE emerged as a fusion of two opposed schools of economics: Neoclassical Economics which we have dealt with briefly above, and Old Institutional Economics, which emphasise the role

⁵⁴ Berg, 2014: 37.

⁵⁵ Koyama, 2013: 271.

⁵⁶ Erdkamp, 2014b; Manning, 2014: 285; Jongman, 2014: 27.

⁵⁷ Erdkamp, 2014b: 13-15, noting that by Temin's logic there would have existed an integrated preindustrial Eurasian labour market spanning Europe and China; Zuiderhoek, 2017: 21.

⁵⁸ Blanton and Hollander, 2019: 12.

of institutions in shaping markets.⁵⁹ By ‘institutions’ what is meant is social structures acting as the ‘rules of the game’ (law, marriage, tradition, slavery etc.) which influence the organisation and regulation of the economy.⁶⁰ Therefore, while neoclassical economics seeks to explain the market through universal laws, Old Institutional Economics seeks to do so through particular arrangements.

A fusion of these two apparently contradictory schools of thought was achieved in the 1990s through economists Oliver Williamson, Ronald Coase and Douglass North. The result is NIE, which has enjoyed a great popularity in the analysis of the Roman economy thanks to the works of Walter Scheidel, Ian Morris, Dennis Kehoe, among others.⁶¹ NIE establishes a cyclical nature to the interaction between market (which, according to the formalist approach, forms the natural basis of economics) and institution. According to NIE, due to the lack of full and complete information, economic agents face transaction costs when interacting in the market. These transaction costs are risks and inefficiencies in the use of resources derived from the need to procure materials, the need to enforce contracts and lack of information on the state of the market.⁶² Institutions then appear in order to deal with these transaction costs by installing sets of rules that seek to stabilise the market and regulate the behaviour of economic agents.⁶³ These institutions or rules therefore affect the performance (capability to produce and distribute) and growth of the economy.⁶⁴

Numerous criticisms have been levied against using NIE as an approach to premodern economies in general and the ancient economy.⁶⁵ Because NIE is a formalist approach derived from neoclassical economics it tends to not only overemphasize the role of the market but to put the market as a central and primordial characteristic, even in societies where there is little or no mercantile activity.⁶⁶ The market and its price-setting forces are thus taken for granted, what supposedly needs explanation is why there is no market exchanges in a given society.⁶⁷

⁵⁹ The foundations of institutional economics can be found in the works of Thorstein Veblen and John R. Commons in the early 20th century, see Blanton and Hollander, 2019: 11-12.

⁶⁰ Kehoe, 2007a: 8-9; Blanton and Hollander, 2019: 11-12.

⁶¹ Blanton and Hollander, 2019: 17-18.

⁶² Launaro, 2016: 241.

⁶³ Kehoe, 2007a: 8-9; Kloppenborg, 2019: 116.

⁶⁴ Kehoe, 2007a: 4, 8.

⁶⁵ For thorough criticisms of NIE from a substantivist perspective see Boldizzoni, 2011: 23-51; Hobson, 2014; from a Marxist-influenced perspective see Boer, 2015: 11-18.

⁶⁶ Blanton and Hollander, 2019: 8.

⁶⁷ Boldizzoni, 2011: 26-27; Blanton and Hollander, 2019: 13-14.

Because NIE presupposes the existence of a fully-functional market it is ill-equipped to properly and fully analyse extra-mercantile aspects of the economy, as it must find a way to tie them to market forces. For example, NIE is not able to fully grasp the underlying rationale for ancient Roman *collegia* associations, because it needs to tie them to the reduction of transaction costs and thus to participation in the market.⁶⁸ However, recent research has proposed that the main role of these associations was not investment or the collective use of funds to engage with the market, but rather the creation of social networks and trust among members in order to perform mutual aid.⁶⁹ It is not unreasonable to think that these associations could have emerged as trust networks and then developed economic functions, or that both characteristics originated in parallel. Nonetheless, NIE approaches are forced to constrain the rationale of these associations to transaction costs, and thus cannot concede that the extra-mercantile aspect of an association could be as central to its rationale as its economic functions or that belonging to an association was primarily an economic decision taken for economic ends.⁷⁰

Boldizzoni has argued that NIE also falls into the trap of presentism, meaning that acceptance of its premises depends in the cognitive bias of thinking that present arrangements (in this case an economy based in market logics) are natural and everything outside these arrangements is unnatural.⁷¹ This bias is not new, and can be clearly seen in the contrast between premodern and modern analyses of ancient wage labour. When Jacques Cujas wrote

⁶⁸ Blanton and Hollander, 2019: 21; Kloppenborg, 2019: 116; Tran, 2019: 131-133. Compare with Holleran, 2020 who, despite analysing the economic role of professional associations, has to concede that “certainly when the internal rules of associations are known, these focus primarily on social interaction between members, particularly at communal dinners, and on funeral arrangements, rather than on regulating work practices. Nor is there much evidence that associations set the fees and wages of their members (although they may have shared information about these, as they surely did about many other aspects of their trade).” (p.163).

⁶⁹ Kloppenborg, 2019: 113-121.

⁷⁰ Kloppenborg, 2019: 120.

⁷¹ Boldizzoni, 2011: 27. This argument against formalism can be traced back to the *Poverty of Philosophy* of Karl Marx (1847): “Economists have a singular method of procedure. There are only two kinds of institutions for them, artificial and natural. The institutions of feudalism are artificial institutions, those of the bourgeoisie are natural institutions. In this, they resemble the theologians, who likewise establish two kinds of religion. Every religion which is not theirs is an invention of men, while their own is an emanation from God. When the economists say that present-day relations – the relations of bourgeois production – are natural, they imply that these are the relations in which wealth is created and productive forces developed in conformity with the laws of nature. These relations therefore are themselves natural laws independent of the influence of time. They are eternal laws which must always govern society. Thus, there has been history, but there is no longer any. There has been history, since there were the institutions of feudalism, and in these institutions of feudalism we find quite different relations of production from those of bourgeois society, which the economists try to pass off as natural and as such, eternal” (Marx, 1963: 120-121).

a commentary on the *Digesta* in 1577, he was unable to conceive of the word *operarius* as meaning ‘wage worker’ or even as defining a type of non-permanent worker, despite Cato recommending not retaining them for longer than a day at a time.⁷² Instead, he had to incorporate them into tenancy arrangements: “these [*operarii*] were stuck to that estate perpetually, alongside their descendants. Later they will be called *inquilini* and later *coloni*”.⁷³ Meanwhile by 1840 Adolphe Dureau de la Malle adopted the opposite view. Not only there was wage work in the ancient world, but tenancy itself was a type of wage work, where the crop retained by the tenant was a sort of wage for his work.⁷⁴ Cujas was writing before the dawn of modern capitalism, Dureau de la Malle after it, and their way of framing labour is highly conditioned by what they considered the ‘natural’ economy, as opposed to an ‘artificial’ economy. Therefore, when the 2012 *Cambridge Companion to the Roman Economy* divides its section on labour into two chapters on ‘slavery’ and ‘contract labour’ and tenancy and wage labour are grouped into the second chapter, it is fair to ask how much this conceptualisation of ancient labour is shaped by how we today classify labour, and how much does classifying every type of labour outside slavery as ‘contract labour’, irrespective of the different degrees of permanence and coercion in the arrangements, aid us in understanding either tenancy or wage labour, or how the ancients perceived and distinguished those arrangements.⁷⁵ In the first chapter of the book Scheidel briefly argues that tenancy and wage labour are “based on contract rather than force”,⁷⁶ yet when the *Saltus Burunitanus* tenants of the second century complain that their *conductores* are coercing them into providing more days of labour obligations than they ought to provide, they never threaten to sue for breach of contract, and the Honorius antidonatist Edict of 412 sets physical punishments for *coloni* and small pecuniary fines for landless wage labourers.⁷⁷ Lumping both experiences under “contractual arrangements” obscures the gulf in experience between the two.⁷⁸ In formalism-

⁷² Cato. *De Agricultura*. 5.4.

⁷³ For Cujas being the first to trace the origins of the colonate see Clausen, 1925: 31. For the source see Cujas and Fabrot, 1658: 1145.

⁷⁴ Dureau de la Malle, 1840: 60-61.

⁷⁵ See also De Ste. Croix, 1981: 82-83; Hobson, 2015b: 157-160. It is important that the presence of coercion does not imply acquiescence to it, see Grey, 2016: 132-136.

⁷⁶ Scheidel, 2012: 17.

⁷⁷ For the *Saltus Burunitanus* *CIL* 8, 10570; Whittaker, 2000: 533. For the antidonatist edict of 412 *C. Th.* 16.5.52.

⁷⁸ De Ste. Croix, 1981: 82-83; Hobson, 2015b: 157-160.

derived frameworks, there is always a danger of undervaluing the effect social relationships had in economic relations.

This thesis does contend that there was such a thing as seasonal markets for casual wage labour in the Roman world, defining 'market' as a direct interaction between supply and demand that involves a payment and where the participants in such exchange may not have any underlying social connection linking them. Nonetheless NIE proves unhelpful to understand these wage labour markets. As we have seen the NIE framework relies on institutions forming to deal with specific transaction costs. In Chapter 2 we will explore in more detail some of the risks or transaction costs (to use NIE terminology) that employers of wage labour faced, but for the purposes of this section I could assume that transaction costs exist in the casual labour market and thus these need to be regulated by institutions created to deal with these transaction costs. But they were not. Roman law is silent on rural wage labour, and the mentions of wage labour by agricultural writers give very little insight into the ways landowners dealt with transaction costs.⁷⁹ As will be seen in Chapter 2, wage labour was structured around the laws and customs on tenancies and leasing once the risks were too much to bear for the landowner, but institutions on leasing and tenancy were extraneous to the labour market and the specific transaction costs of the casual wage labour market.⁸⁰ Because NIE presupposes that institutions are shaped by the market it cannot adequately address why institutions extraneous to the labour market (the liability-bearing contractor, the practice of providing sureties and deposits, legislation on craftsmen and building, etc.) shaped the casual wage labour market, or why the casual labour market failed to develop and codify its own institutions according to its own needs. The solutions of the market to reduce transaction costs seem to have shaped themselves around pre-existing institutions, and not vice versa.

Before moving on to the rest of the chapter a short mention must be made of the political implications of adopting substantivism or NIE in one's analysis of ancient economic matters. NIE uses neoclassical economics as one of its main components and thus can be associated

⁷⁹ See Chapter 2, Section 2.2.1 and Chapter 6, Section 6.1.

⁸⁰ Proof of that is that there was no development of a mechanism or institution to insure against crop failure (and to profit from emitting such insurances), which can be expected to be the main risk and worry of a landowner during the harvest.

with modern political positions of *laissez-faire*, neoliberalism and deregulation.⁸¹ This means that the struggle between substantivism and NIE can also be interpreted in political terms. On the NIE (and other formalist approaches) side would be those that argue that modern capitalism is the closest we have been to an ‘economy unbound’, that is, a free-market economy where prosperity-creating natural rules are not constrained by artificial institutions. This argument is then strengthened by projecting neoclassical economy into the past. We have seen before how non-historians associated with the modern financial system lauded Peter Temin’s *The Roman Market Economy*. Berg even claimed that Temin’s book dismantled “often heard claims by far left academics and activists that capitalism is inflicted on societies by those with power, rather than the spontaneous result of any innate human desire to trade”.⁸² On the side of substantivism would be those who oppose the neoliberal project associated with the precepts of neoclassical economics and seek to preserve the ancient world from becoming a weapon of the current dominant ideologies on the modern economy. Very tellingly, Matthew Hobson (who is vehemently critical of formalism) frames Finley’s *The Ancient Economy* as “his single-handed attempt to *resist the infiltration* of cliometric approaches [which Hobson sees as the crude precedent of NIE] into the ancient history of his day”, implying that the effort to export modern economic theory into the ancient world has to do with modern socio-political concerns, rather than it being a valuable tool for the discipline.⁸³

Although history is always written with one eye on the past and one eye on the present, and it is important to keep in mind that the use of historical methodologies and models can be linked to modern concerns, it is important not to fall into reductionism or dogmatic disregard. Explaining why substantivism and NIE were dominant in certain periods and contexts is a

⁸¹ Boldizzoni, 2011; Hobson, 2014; Boer, 2015: 10. Jongman, 2014: 30 attempts to argue against such association, but ends up undercutting his own argument by stating that “What is liberal about it is that – at least in theory and under specified conditions – equilibrium in a free and competitive market provides the most efficient allocation of scarce resources and ensures maximum utility/welfare for all”. The closing remark, tinted with colonial undertones, of François Velde, senior advisor at the Federal Reserve Bank of Chicago, in a review of Temin’s *The Roman Market Economy* is also counterproductive to any dissociation between formalism-derived approaches and neoliberalism: “Do classicists fear economists – even those bearing gifts? Far from it. [...] Let economists note: the ancient world is open for business. There is much to do and the natives are friendly.” (Velde, 2014: 1158,1159).

⁸² Berg, 2014; Velde, 2014.

⁸³ Hobson, 2015b: 27 (my emphasis in italics); for Hobson claiming that the use of formalist approaches to the ancient economy might be because of modern interests see Hobson, 2014: 16, 18-21; 2015: 26-27. See also Andreau, 2015: 6.

legitimate endeavour, as well as questioning the implications and assumptions on the modern world each framework carries, and many ideas have been put forward in this regard.⁸⁴ But criticism of these theoretical frameworks ought to always have as its central component the merits of the framework in interpreting and incorporating the oftentimes scant existing evidence.

1.1.3. What is to be done?

So far I have outlined the basic assumptions and tenets of substantivism, formalism and New Institutional Economics, which are the main lenses used by recent scholarship to analyse the Roman economy. These approaches have generated interesting new insights into the Roman economy, but each has its own limitations. Therefore, what remains to be done is to clarify the stance and approach of this thesis towards matters of framework and the source for deductive assumptions. I will now examine alternative frameworks to the ones outlined and clarify this thesis' approach towards the economic framework.

It would be a mistake to present substantivism and formalism as absolute binaries that cannot be nuanced (NIE can be argued to be a sort of nuanced formalism), or to think that any outlook on ancient economic matters must be inserted at some point between the two. There exist alternative approaches to the substantivism-formalism dichotomy. The first alternative is Marxism. Developed from the writings of Karl Marx in the mid-19th century, Marxism as a historiographical school has concerned itself with explaining the organisation of production through time as the result of an exploitative relationship between different classes, which are groups characterised by their ownership (or lack of ownership) of means and labour of production and their method of appropriation (or lack of appropriation) of production.⁸⁵ Marxism lies outside the substantivism-formalism spectrum. It is not substantivist in that it does not argue that culture and ideology inform economic structure, but rather it argues that

⁸⁴ Morris, Saller and Scheidel, 2007: 5; Boldizzoni, 2011: 15-18; Hobson 2014; Boer, 2015: 11-12.

⁸⁵ There are many competing definitions of "class" but here I use de Ste. Croix's definition, which he applied to the study of the ancient world. See De Ste. Croix, 1981: 43-47.

economic structure informs culture and ideology.⁸⁶ Neither is it formalist as it denies the individualism and market-centric assumptions that inform neoclassical economics.⁸⁷

Marxism as a historiographical school has been pronounced dead or irrelevant multiple times.⁸⁸ However the influential works of Chris Wickham or Jairus Banaji, who approach the Late Antique economy under a Marxist framework, seem to show that a Marxist framework can still bear interesting results.⁸⁹ One of the main advantages of a Marxist framework (or incorporating Marxist ideas into one's framework) when studying Roman rural wage labour is that it orients itself towards production, while the primary concern of substantivism and formalism (especially the latter) is exchange.⁹⁰ To be sure, the ancient casual labour markets partake in the exchange of labour for compensation, but this exchange is not done as a result of production, but as part of production. Exchange does influence the logics of the deployment of labour, but the ancient labour market is intrinsically tied first and foremost to the productive act. Thus, on paper, a Marxist framework centred around production can better account for the dynamics of the ancient labour market than a substantivist or formalist framework centred around exchange, given its framing of labour exchange as a key part of the productive process. However, it is difficult to define what nowadays constitutes a 'Marxist approach', mainly because some aspects of Marxist methodology as it was originally formulated or interpreted in the past, such as a developmental teleology or defining modes of production as mainly sustained by only one type of labour, are today untenable.⁹¹ Modern historiographical Marxism can be considered more of a focus on a common set of loosely-defined concepts (such as 'class' or 'force of production') than a coherent framework or set of definite assumptions.⁹² Thus, an approach based on applying a Marxist-derived framework (or phraseology) orthodoxy, disregarding other methodologies and points of view that help

⁸⁶ For concise summaries of this notion see Marx, 1904: 11-13; Engels, 1920: 45-46. Of course this is in reference to how we have defined 'substantivism' in this thesis. See for example Wickham, 2007: 45 referring to Marx's "implicit substantivism" in the sense that he denied the precepts of formalism.

⁸⁷ See above Section 1.1.2.3.

⁸⁸ Boldizzone, 2011 14 esp. n.1; Brun, 2012; also see De Ste. Croix, 1981: 19-23 for the dire situation of Marxism in the anglophone scholarship of his time; Giardina, 2007: 21-22 for the lack of interest for Marxism after the 1980s; Wickham, 2007: 32-36 argues that European political distension, the historiographic cultural turn of the 90s and the increasing eclecticism of academia has made it so although 'the Marxist approach' has crouched back in favour of the incorporation of Marxist elements to approaches.

⁸⁹ Banaji, 2007; Wickham, 2006.

⁹⁰ Boer, 2015: 14.

⁹¹ Wickham, 2007: 43-48.

⁹² McKeown, 2007: 52.

to shed light on aspects that are often downplayed in Marxist frameworks, might not be appropriate.

In recent years new perspectives that try to escape the substantivism-formalism debate have emerged.⁹³ New trends in economic anthropology have tried to overcome the debate by separating 'base' from 'goods and services'. The 'base' is composed of the shared interests of a community (land, laws, technology, customs), which are allocated, apportioned, appropriated and accumulated through pre-existing social relationships inside a particular community, while 'goods and services' are traded in the market between communities.⁹⁴ This approach acknowledges the market as a means of obtaining labour and exporting production outside the community, while keeping relationships such as long-term tenancies and the distribution of land as phenomena that have more to do with pre-existing social relationships than with the market. Another interesting approach that has emerged is *régulation* theory which posits that exchange in the market is a form of social relation, and therefore even in modern capitalism trade is embedded, overcoming the dichotomy between market economy and embedded economy of the substantivism-formalism debate.⁹⁵ These varied social relations that coexist at a given point are in a state of continuous crisis and therefore need to be regulated through institutions.⁹⁶ *Régulation* theory therefore appears as a sort of synthesis of Marxism (emergence of institutions from conflictive social and productive relations), substantivism (embeddedness of the economy) and Old Institutional Economics (institutions shape the economy).⁹⁷ This approach has the advantage that it allows specific markets (such as seasonal labour markets) to exist independently of whether most of exchanges are structured in a mercantile way or not, and of seeing institutions as mediating social relations rather than merely obstructing or promoting growth.⁹⁸

As we have seen there are a myriad of frameworks and perspectives that the ancient historian can adopt in analysing their subject and where to draw assumptions from. All that remains is establishing what stance this thesis takes. In doing so I have kept in mind the main drive of this thesis: to put rural North African wage labour into focus and treat it as a starting point

⁹³ Blanton and Hollander, 2019: 18-21.

⁹⁴ Gudeman, 2001: 5-9.

⁹⁵ Jessop and Sum, 2006: 5-6; Boer, 2015: 35-36. On the use of the French word *régulation* see Boer, 2015: 32.

⁹⁶ Jessop and Sum, 2006: 1, 4; Boer, 2015: 37-40.

⁹⁷ Jessop and Sum, 2006: 3-8.

⁹⁸ Blanton and Hollander, 2019: 20.

towards creating models of Roman rural wage labour. This is important, as there exists the risk of using wage labour to prove this or that framework instead of trying to adapt frameworks to fit the proposed model of how ancient labour worked. This thesis prioritizes induction over deduction and source over framework.

However, it would be naïve to say that this thesis limits itself to interpreting sources by themselves without making any assumptions. It is not a Cathar perfect freed from the taint of assumption. Given the scantiness of sources on wage labour assumptions are unavoidable and when incorporating supporting evidence that does not deal with wage labour directly, selectiveness might be a necessary evil.⁹⁹ Thus adopting a working framework is unavoidable. But having a working framework does not necessarily mean believing the counterproductive idea that one framework is correct, and all the others are wrong. If there is any consensus in the heated debate for the ancient economy it is that methodological pluralism and taking inspiration from developments in various fields allows for more nuanced and precise inquiries than simply using a single historical framework as a cudgel.¹⁰⁰ This thesis tries therefore to be informed by Marxism's care for relations of production, NIE's concern for transaction costs and the effect of institutions in market settings, substantivism's preoccupation with the social and ideological rationales that transcend the economic sphere, and *régulation* theory's insight on the need for contradictory social relations to be regulated through institutions. I am less interested in proving the supremacy of this or that framework than allowing these frameworks to provide the questions that this thesis must answer, and to ensure that theoretical assumptions are not treated as unchallenged dogma. Although this methodological pluralism might deprive us from the ability to easily fill contextual gaps in the sources, it nonetheless it allows us to avoid characterising wage labour in such a way as to fit a specific set of assumptions.

1.2. Patterns and goals of landholding

In order to make any determination about the need for and deployment of seasonal wage labour it is necessary to first explore three fundamental dynamics in the exploitation of the

⁹⁹ On an introductory and amenable account of how historians treat facts see Carr, 1987: 7-31.

¹⁰⁰ Morris, Saller, Scheidel, 2007; Boldizzoni, 2011: 121-123, 130; 7; Blanton and Hollander, 2019: 18-22. It should be noted though that the agreement is only on the principle, not how to apply it.

countryside. In this section a brief analysis will be provided of how land ownership was distributed, what were the goals of decision-makers, and what types of labour they used to exploit their properties.

1.2.1. Who? Imperial expansion and the distribution of land ownership

In order to understand the patterns and dynamics of landowning in Late Antique Roman North Africa, it is useful to set it in a chronological perspective from the end of the third Punic War in 146 BCE to the establishment of the Vandal kingdom of North Africa in 435 CE. To do such an outline is necessary because the history of Roman North Africa, and the way and timeframe in which it expanded, affected North African patterns of landholding.

The conquest of North Africa was a slow process.¹⁰¹ The first Roman foothold in North Africa (which would be later be known as *Africa Vetus*) was obtained after the third Punic War. After the destruction of Carthage Rome annexed an area of 13,000-25,000 km² of former Carthaginian land and organised it as the province of Africa.¹⁰² This area encompassed the seven Punic cities that had sided with the Romans against the Carthaginians during the war and they were given 'free city' status: Utica (which became the seat of the provincial governor), Theudalis, Uzelis, Thapsus, Acholla, Leptiminus and Hadrumetum.¹⁰³ The frontier, in the shape of the *Fossa Regia*, was traced east of Bulla Regia to the north, to Thaenae in the south, crossing the Sebket Sidi-el-Hani.¹⁰⁴ This first conquest, that would later be part of the Proconsular province, was subjected to extensive centuriation. A total of 16,000 km² can be considered to have been centuriated between 146 BCE and the defeat of Juba I in 46 BCE.¹⁰⁵ If we consider that the initial intake of land by the Romans consisted of an area of about 13,000-25,000 km² this is a considerable proportion of the acquired territory.¹⁰⁶ Any pre-existing landowning pattern in the region was severely disrupted by centuriation.¹⁰⁷

¹⁰¹ Sears, 2013: 31-32.

¹⁰² Haywood, 1938: 3-4 for an estimation of 5,000 square miles; Hobson, 2015b: 36 for 25,000 km.

¹⁰³ Haywood, 1938: 4; Le Bohec, 2011: 443; Sears, 2013: 34.

¹⁰⁴ Lancel, 1995: 263; Hobson, 2015b: 36-37.

¹⁰⁵ There is some debate as to the periodization of centuriation and attempts in the past have been made to date some of it as late as the Augustan period (Chevalier, 1958: 89-92; Trouset, 1977: 189-190; Crawley Quinn, 2003: 30 esp. n.119). See Hobson, 2015b: 38-39 who argues quite convincingly for full 2nd century BCE centuriation.

¹⁰⁶ Hobson, 2015b: 36.

¹⁰⁷ Haywood, 1938: 4.

Centuriation was, in essence, the practice of dividing a tract of land (and sometimes its pre-existing permanent workforce) to be distributed to new owners.¹⁰⁸ Most of the centuriation of North Africa in the mid-late 2nd century BCE was probably done in accordance with the *Lex Sempronia Agraria* of 133 BCE and the lost *Lex Rubria* of 123-121 BCE.¹⁰⁹ According to Appian it was expected that around 6,000 colonists would go to North Africa to take up centuriated land.¹¹⁰ One of the most interesting aspects of the *Lex Sempronia Agraria* and the *Lex Rubria* is that they attempted to create and maintain affluent small landowners by forbidding the sale of allocated land.¹¹¹ The allotments covered 200 *iugera* each, which is a considerable amount of land.¹¹² According to Columella's calculations on the yearly need for labour in 200 *iugera* of arable land, a farmer would need a team of two oxen, two specialist ploughmen and six labourers for his land to be worked properly.¹¹³ It is unlikely that a farmer's own family could reliably provide for eight full-bodied adults working the land, especially if they had to wait for their surviving children to grow up enough to meaningfully work, and thus these small landowners would have had to acquire labour via tenants drawn from the pre-Roman populations.¹¹⁴

So, it is arguable that the primigenial organisation of land tenure, in the extensive centuriated regions, in Roman North Africa was structured around small landowners owning around 200 *iugera* of land each.¹¹⁵ However, this did not last long. The *Lex Agraria* of 111 BCE confirmed the Gracchan centuriation but lifted the ban on the sale of centuriated property.¹¹⁶ This meant that centuriated land could now be bought and sold, thus eroding the land organisation envisioned by the Gracchi in their legislation, and the transformation of the land tenure of these territories into a combination of original small landowners and large landowners who purchased centuriated land and either let its previous inhabitants go or established them as

¹⁰⁸ Gargola, 2013.

¹⁰⁹ Not to be confused with the unrelated *Lex Rubria* of 43 BCE.

¹¹⁰ Appian. *Ρωμαϊκά*. Civil Wars.1.24.

¹¹¹ De Ligt, 2001: 195-196; Hobson, 2015b: 39-40; also see Appian. *Ρωμαϊκά*. Civil Wars.1.10.

¹¹² Carcopino, 1929: 92; Haywood, 1938: 9. The primary source for allotment size is line 60 in *CIL* 1, 585 (the *Lex Agraria* of 111 BCE).

¹¹³ Columella. *De Res Rustica*. 2.12.7

¹¹⁴ Hobson, 2015b: 39.

¹¹⁵ It is less clear what the situation was in those territories that were not centuriated (especially those associated with the free cities, see Stone et alii, 2011: 188; Hobson, 2016: 112) but Richardson, 2011: 479 argues that the new owners of centuriated land might have lived in the free cities, possibly indicating that they already owned a part of the free cities' agricultural land.

¹¹⁶ *CIL* 1, 585.

tenant farmers.¹¹⁷ But this transformation is only applicable to the territories held by Rome before 111 BCE.

Numidia was the next area to be annexed. Some territorial gains in Numidia were made after the Jugurthan war in 112-106 BCE,¹¹⁸ and it was fully occupied after King Juba I sided with the Pompeians in the Roman Civil War.¹¹⁹ The defeat of Juba I in 46 BCE also meant the incorporation into the Empire of the *emporía*, or commercial towns, of Tripolitania, which had been tributaries of Numida.¹²⁰

Numidia entered the Roman provincial system in very different conditions than the territories conquered a hundred years prior. This territory, which includes the now well-surveyed Bagradas Valley, came to feature a considerable number of large estates during the early empire, some of which bearing a name that has been preserved.¹²¹ Unlike with the aftermath of the Third Punic War, when pre-existing landowning patterns were severely disrupted in favour of centuriation, there might have been some sort of continuity between the division of land in the Numidian kingdom of Juba and after the Roman conquest.¹²² The exception would have been the lands owned by the kings of Numidia, which were expropriated and turned into public land, which was then purchased by large landowners.¹²³ By Augustus' time the new territory was organised around a combination of *latifundia* and medium-sized elite landowning.¹²⁴ In regards to the rich and fertile region of Tripolitania the high degree of autonomy it maintained during the early empire seems to indicate that previous land arrangements in the region would not have been much affected.¹²⁵ Not much is known on what those arrangements were, however the fact that the pre-Roman elite of the region was already urban-based might indicate that large landowning might have already been common.¹²⁶

¹¹⁷ Garnsey, 1979: 224.

¹¹⁸ Sears, 2013: 31, 35.

¹¹⁹ Haywood, 1938: 14; Le Bohec, 2005: 46-49.

¹²⁰ Mattingly, 1995: 51.

¹²¹ Kolendo, 1976: 8; Kehoe, 1988: 8-10.

¹²² See discussion on the estate of Ismuc in Kolendo, 1976: 12-13.

¹²³ Kolendo, 1976: 10-14.

¹²⁴ De Vos, 2013: 183-184; Hobson, 2016: 114.

¹²⁵ Mattingly, 1995: 51-52.

¹²⁶ Mattingly, 1995: 139 for a brief description of the Libyo-phoenician elite. However, some areas were centuriated later in the early imperial period, see Zocchi, 2018: 60-63 for late 1st-century to early 2nd-century centuriation in Lepcis Magna.

In the early days of the Empire, given the way land entered into the Empire, it is inferable that the bulk of land in North Africa was owned by large landowners, although one might have been able to find some small landowners in the Carthaginian hinterland (who had not sold their land after the enactment of the *Lex Agraria* of 111 BCE), Numidia (where pre-Roman boundary limits might have been respected), and in the territories which Augustus granted to his veterans (around Uchi Maius, Thugga, Cirta, Thuburbo Minus and Uthina).¹²⁷ This picture is similar to the one provided by literary sources that account for late republican politicians owning vast amounts of land in North Africa.¹²⁸ The same picture is also given by Petronius and Seneca in the 1st century CE.¹²⁹ The reigns of Augustus and Tiberius (27 BCE – 37 CE) saw some reorganisation of the territory through subtractions and redistributions of land, accompanied by local revolts.¹³⁰

Mauretania would be the last major piece of land in North Africa occupied by the Romans. The region had been a client kingdom of Rome from 25 BCE until Caligula executed King Ptolemy in 39-40 CE and annexed it.¹³¹ Given the circumstances of its entry into the Roman empire, it does not seem likely that it would have seen massive expropriations of private landowners, and thus the land organisation would have been maintained, although the exception might have been the properties of the Mauretanian monarch, which would have become imperial land.¹³² Unfortunately, neither literary sources nor archaeology seem to contribute much to our understanding of changes in domain sizes and ownership in the transition to the Empire.¹³³ This does not mean that Roman expansion in North Africa was over, after the occupation of Mauretania there were conflicts with the Garamantes and Nasamones over the tracing of the *limes* in the late 1st century.¹³⁴ Under Septimius Severus,

¹²⁷ For the Augustan *pagi* see Aounallah, 2010: 59-67. See also Lepelley, 1979: 327.

¹²⁸ Hobson, 2015b: 42-44 citing Cicero *Pro Caelio*. 73; *Ep. Ad Familiares*. 12.21, 27, 29; Cornelius Nepos. *Life of Atticus*. 12.4.

¹²⁹ Petronius. *Satiricon*. 48.3, 117.8; Seneca *Epistulae* 89.20; 114.26.

¹³⁰ Hobson, 2015b: 50-51.

¹³¹ Haywood, 1938: 15. For an overview of the client kingdom of Mauretania see Coltelloni-Trannoy, 2002: esp. p.55-59 for the death of Ptolemy and the annexation, and Roller, 2003: 91-118. Also see on the death of Ptolemy see Malloch, 2004: 38-45.

¹³² Coltelloni-Trannoy, 2002: 91-92.

¹³³ For the difficulties of calculating estate sizes, and an attempt to do so, see Leveau, 1984: 477-480. However, the intense cultivation of olives is attested to have been continual between the Mauretanian period and the Roman period, which can be associated to large domains (Leveau, 1984: 473-475)

¹³⁴ Guédon, 2018: 61-92.

originally from Lepcis Magna, the area of Roman control around Tripolitania and Numidia was expanded in the late-2nd and early-3rd centuries.¹³⁵

An important development in the organisation of the North African rural territory seems to have taken place during the rule of Nero (54 - 68 CE). A well-known passage from Pliny mentions that “six landowners owned half of Africa when Emperor Nero put them to death”.¹³⁶ It would be too hasty to argue that the origin of the Imperial estates in North Africa can be traced back to this event. Augustus already owned land in North Africa and Claudius is said to have had an estate in Calama.¹³⁷ However, the appearance of 2nd-century CE inscriptions regulating tenancies in imperial estates in the Bagradas valley seem to indicate that by the 2nd century there was an important section of State-owned land in North Africa.¹³⁸ These estates were maybe increased after Septimius Severus enacted expropriations as a part of his struggles with his opponents.¹³⁹ Imperial landowning therefore seems to have been extensive, growing through time, and, by the early 5th century, was up to a sixth of available land.¹⁴⁰ Nonetheless, during the imperial period large absentee landowners of senatorial rank still owned large amounts of land in North Africa.¹⁴¹ Thus, in Late Antique North Africa most of the land was still either owned by the State or privately owned by elite landowners.¹⁴²

Some Late Antique sources from the period seem to confirm this picture of land ownership. Of the three laws on the managing of imperial land in the *Codex Theodosianus* one, on the judicial participation of imperial *coloni* in criminal and civil cases, is addressed to the vicar of Africa.¹⁴³ Augustine mentioned that small farmers, fearful of more powerful neighbours engulfing their land, modified boundary markers to make it seem their land was of someone else more powerful.¹⁴⁴ The agronomist Agennius Urbicus commented that in Africa “private individuals have estates no less extensive than the territory belonging to communities”.¹⁴⁵

¹³⁵ Mattingly, 1995: 54; Birley, 1999: 176-177.

¹³⁶ Pliny. *Naturalis Historia*. 18.35. *Sex domini semissem Africae possidebant, cum interfecit eos Nero princeps*

¹³⁷ Haywood, 1938: 84 citing Pliny. *Naturalis Historia*. 18.94; *CIL* 8, 12314; 5384

¹³⁸ See Section 1.2.2.1 for discussion on the inscriptions.

¹³⁹ Haywood, 1938: 85-86; Birley, 1999: 127.

¹⁴⁰ Haywood, 1938: 86; Garnsey, 1979: 224-225; Wickham, 2006: 166; Tedesco, 2018 all citing *C. Th.* 11.28.13.

¹⁴¹ Corbier, 1982: 696.

¹⁴² Dossey, 2010: 98-99; Lenski, 2017: 116-118.

¹⁴³ *C. Th.* 10.4.3

¹⁴⁴ Grey, 2011: 172.

¹⁴⁵ Agennius Urbicus. *De Controversiis Agrorum*. p.42. *saltus non minores habent priuati quam res p. territoria*. On dating the work of Agennius Urbicus to the Late Antique period see Campbell, 2000: xxxi-xxxii.

Jerome notes that after the sack of Rome in 410 CE men who "once were noble and abounding in every kind of wealth" were fleeing to Africa, where presumably they already had some land.¹⁴⁶ Symmachus, a few years after having governed Africa Proconsularis, complained that "I have fields in Mauretania Caesariensis, but as is usually the case when the owner is absent, the dishonesty of the presiding officials does not forsake anything".¹⁴⁷ Finally, Melania the Younger is said to have owned vast properties in Numidia, Mauretania and Africa Proconsularis.¹⁴⁸

In short, large-scale landowning was the norm during most of the Roman period of North Africa, either owned by elite private landowners, whether North Africans or absentee landowners from elsewhere, or by the State who then leased that land to *coloni* and *conductores*.¹⁴⁹ There would also have been smaller estates owned by local, but surrounded by large estates operated by tenants.¹⁵⁰ This is relevant to the deployment of wage labour, as the fluctuations in labour demand are greater the more land is under cultivation. As a general rule, larger properties require either more external labour or more time to complete seasonal effort-intensive tasks than smaller properties, which encourages the acquisition of seasonal workforces.

1.2.2. Why? Goals of exploitation

What were the objectives of agrarian decision-makers when owning or managing rural estates? As can be gleaned from the section on the debate on the ancient economy this is a contentious question. It carries with it discussions on whether the crop is sold at a market or redistributed through the State and whether landowners had an optimising mentality in regards to the land.

¹⁴⁶ Jerome. *Commentariorum in Ezechielem Prophetam*. 3.79-80. Trans.: NPF. *atque omnibus divitis affluentes*.

¹⁴⁷ Symmachus. *Epistulae*. 7.66. *Agris meis quos in Caesariensi Mauretania possidemus, ut fieri per dominorum absentiam solet, nihil reliqui facit officii praesidialis improbitas*.

¹⁴⁸ Gerontius. *Βίος της Μελανης*, 20. About this source see Clark, 2021.

¹⁴⁹ For who *coloni* were see Section 1.2.3. For *conductores* see Chapter 3, Section 3.2.2.

¹⁵⁰ See Jones, 1968: 773-781 for an Empire-wide survey on freeholders. Also see Grey, 2016: 123-127 for diversity in patterns of landowning, while acknowledging the significant presence of large landholding.

1.2.2.1. *The exploitation goals of imperial and private land*

The first question that can be posed is whether there was a difference in the motivations and rationales between the decision-makers in the exploitation of imperial and private land. That is, whether the State agents and lessees had a different rationale in exploiting their lands than private owners. In his analysis of imperial estates in North Africa during the early empire, Kehoe argued that the needs and wants of the State directly caused the granting of incentives to lessees on State-owned lands, as the State could not trust private landowners to be able to furnish the needed resources.¹⁵¹ This was due to landowners preferring steady revenues with little investment, while the State would have liked to increase its resources through investments and growing outputs of crops.¹⁵² Kehoe contrasts the preference of landowners for livestock raising and timber farming instead of viticulture due to the lower cost of labour for example, as noted in Columella, with the benefits the *Lex Manciana* afforded imperial tenants if they brought unused land under cultivation and made the investment required in starting the cultivation of crops such as figs, grapes, and olives.¹⁵³ If we accept Kehoe's argument, this means that the State actively shaped its tenancy agreements to be in agreeance with their economic policy and bring the interests of *conductores* and *coloni* in line with the interests of the State through legal incentives: rent-free periods, cultivation rights for swampy and wooded lands (*subsesciva*), perpetual leases for *coloni* in order to encourage them to invest, and exemption from municipal obligations to encourage them to enforce the contractual obligations of *coloni*.¹⁵⁴ In this case, the State is interested in maximising its revenues while keeping its vast lands working as autonomously as possible.¹⁵⁵ This is not a position that is exclusive to New Institutional Economic framework influenced work like that of Kehoe, Carandini, who is associated with Italian Marxist historiography, also argued the same, these incentives were "designed to stimulate agricultural production in certain areas of North Africa".¹⁵⁶

This picture presents a problem, however, in that it does not consider the reactive nature of these incentives. That is, these incentives, documented in the agrarian inscriptions of the

¹⁵¹ Kehoe, 1988: 224-228.

¹⁵² Kehoe, 1988: 108.

¹⁵³ Kehoe, 1988: 106-108. See Columella. *De Res Rustica*. 3.3; *CIL* 8, 25902

¹⁵⁴ Kehoe, 1988: 15-108, 127-140. For *conductores* also see Chapter 3, Section 3.2.2.

¹⁵⁵ Kehoe, 1988: 224-225.

¹⁵⁶ Carandini, 1983: 154-157; Hobson, 2015b: 22-25.

Bagradas Valley, were given as concessions to the petitions of *coloni*, not *sua sponte* by the State, even if the State certainly considered its own benefit in granting them.¹⁵⁷ If these incentives were given as a result of a petition, it is fair to ask how much these incentives are enacted to achieve the interests of the State. The inscriptions also shows the wide power (even to the point of being able to occasionally transgress the law and mores) that *conductores* could wield over the *coloni*.

In the Aïn-Wassel inscription the *coloni* ask for the enforcement of legislation on the ability to cultivate *subsesciva* and the shares due from that land. The petitioning *coloni* argued that the *Lex Manciana* was enforced in a neighbouring public estate but not on their own estate, meaning that the *conductores* of their estate were not enforcing imperial legislation.¹⁵⁸ In the Souk-el-Khmis inscription a *conductor* who demanded excessive corvée labour from his *coloni* managed to get a *procurator* to send soldiers to beat the *coloni* in order to deter them from petitioning the Emperor.¹⁵⁹ Therefore, the influence of the economic policy of the State on its own lands might be lesser than the influence of the interests of its lessees. Nonetheless this is not incompatible with arguing that the specific concessions and legislation that the *coloni* were petitioning for were drafted with the interests of the Empire in mind, only that the range of measures that the State would have liked to impose were constrained by the inherent interests of the lessees, the need to attract lessees, and the ability of the State to enforce legislation. If there was any synergy between the interests of the *coloni* and the interests of the State it was a pre-existing synergy that resulted in the concessions, not an enforced one created by the concessions.

The link between State policy and exploitation rationales in public land became even more tenuous in Late Antiquity. Originally *conductores* were meant to hold their lease for a short term of five years.¹⁶⁰ However, probably due to a lack of eligible lessees, by the 4th and 5th century the leases of *conductores* seem to have been much more long term.¹⁶¹ This can be seen in the way Augustine framed the acquisition of an imperial lease by the Donatist bishop

¹⁵⁷ Whittaker, 2000: 533-534; Hobson, 2015b: 58-59.

¹⁵⁸ *CIL* 8, 26416.

¹⁵⁹ *CIL* 8, 14464.

¹⁶⁰ Kehoe, 1988: 69-70; *CIL* 8, 26146.

¹⁶¹ Goffart, 1974: 68-69; Vera, 1987: 272; Kehoe, 2016: 652. This might have been common practice in some places even before this time, see Jones, 1964: 796.

Crispinus of Calama. In *Contra Litteras Petiliani* Augustine frames the situation in the following way:¹⁶²

Did not your Crispinus of Calama also buy (*emisset*) an emphyteutic possession [i.e., a lease] in the estate of the Catholic emperor, whose laws do not let you even be in the cities, and did not doubt, in an attack of terror, to submerge in rebaptism around eighty poor souls shouting in pain?

Augustine was aware that Crispinus was not buying the land and becoming its owner, but rather has probably made a payment in order to become the *conductor* of an imperial estate. However, the word he used to frame the payment is *emo* 'to buy' instead of the more legally appropriate *conduco* 'to take on lease'.¹⁶³ In Augustine's second retelling of this anecdote, in a letter addressed to Crispinus himself, Crispinus is called the owner (*possessor*)¹⁶⁴ of the land and despite tracing a comparison between the power of an owner and the power of an emperor, at no moment any mention of the land being imperial property and Crispinus its *conductor*, not its owner, is brought forward.¹⁶⁵ This clearly is not Augustine confusing leasing with selling, he is aware that the land is imperial property and he had a basic grasp of legislation on leasing.¹⁶⁶ What it shows is that, for Augustine, there was not much practical difference between being the owner of an estate and being the *conductor* of an imperial estate. It is only possible to frame a *conductor* as if he were an owner if he can be expected to hold control of the land for a long period of time, certainly more than the five years prescribed by imperial law.

It also shows that Crispinus, as *conductor*, had coercive power over its *coloni*. The mere act of rebaptizing all of his *coloni*, if it really did take place, is a considerable show of coercive power, and the alleged exertion of coercive power against the will of the *coloni* forms the main backbone of Augustine's arguments against such an act. Such show of coercive power is especially striking if we consider that when this incident happened, around the year 401, laws

¹⁶² Aug. *Contra Litteras Petiliani* 2.83.184 *nonne Crispinus uester Calamensis cum emisset possessionem et hoc emphyteuticam, non dubitauit in fundo catholicorum imperatorum, quorum legibus nec in ciuitatibus esse iussi estis, uno terroris impetu octoginta ferme animas miserabili gemitu mussitantes rebaptizando submergere?*

¹⁶³ For the particular arrangements of an *emphyteusis* arrangement, and how it was conceptualized in Roman law see Kehoe, 2016: 655-656.

¹⁶⁴ In Jerome's *Vulgata*, written contemporaneously to Augustine, *possessor* is used unambiguously to mean owner. As an example God is called *possessoreme caeli et terrae* (Genesis 14:22).

¹⁶⁵ Aug. *Epistulae* 66.1.

¹⁶⁶ On Augustine's knowledge on legislation on leasing see Chapter 2, Section 2.3 and Chapter 6, Section 6.2.4.

banning rebaptism had already been handed down by Valentinian in 373 and 377, demonstrating the passivity of imperial officials regarding enforcing these laws.¹⁶⁷

The petitions of the 2nd century and the account of Augustine of Crispinus' *conductor* status show that, on the ground, there was not much difference between being a *conductor* on an imperial estate, or the owner of private land. Probably the only significant difference was the rent one was owed to the imperial authorities. Therefore, in Late Antiquity the administration of public land under lessees can be assumed to be performed under the same goals that underpinned the exploitation of private land.¹⁶⁸

1.2.2.2. Diversity of mechanisms, similar goals.

Now that it has been established that there was no substantial difference in decision-making processes on imperial and private land in Late Antique North Africa, we can focus on what effected decision-making. Under modern capitalism the answer to such question is simple. The optimisation of profits for stakeholders, be it on the long term or the short term, forms the ultimate goal for an enterprise and the primary mover of its decisions.¹⁶⁹ However, since the Roman economy might have operated under completely different dynamics and circumstances, it is fair to ask what landowners were expecting from their land's exploitation.

This section tries to focus on the goals of decision-makers, not on the mental processes that went into how to achieve those goals. Nonetheless an explanation on why this question is left unanswered is given here. The adoption of a substantivist or formalist framework has a huge influence in how one seeks to answer what was the rationale to achieve the goals of exploitation. For those inspired by a substantivist framework the answer lies in cultural traditions and precedent. Finley argued that ancient landowners made decisions based on tradition and habit and that "investment in land, in short, was never in antiquity a matter of systematic, calculated policy".¹⁷⁰ Therefore one should take the landowners' ideas and values

¹⁶⁷ *C. Th.* 16.6.1-2. For the dating of the incident see Frend, 1985: 253 n.1.

¹⁶⁸ This is also argued by Wickham, 2006: 166, 270-271 and Brown, 2012: 366-367.

¹⁶⁹ As succinctly and bluntly put by Friedman, 2002: 133, although there has been attempts at arguing that the objectives of a corporation ought to include additional social goals, see Long and Fox, 2007: 129-132; Moratis and Cochiuș, 2017: 12-14. It could be argued that even following the 'rules of the game' (that is, current legislation) is done merely because it opens the door to being able to profit, rather than as the result of some ethical philosophy.

¹⁷⁰ Finley, 1985: 110,117.

as the primary mover of their decisions in regards to the exploitation of their land for the furtherance of their goals. On the other hand, those inspired by formalism or New Institutional Economics look for the rationale behind decisions in the ancients' economic rationality. In his study of the 3rd-century Appianus Estate in Egypt, Dominic Rathbone concludes that "rational considerations" were behind the policies of estate managers.¹⁷¹

The dispute at hand is not what were the goals of decision-makers in their socio-economic context, but whether there was an intentional and calculated policy for attaining those goals, based on economic rationality, or the procedures were dictated by the prevailing culture. It is a question that transcends history and economics to enter into the realm of psychology and philosophy, as to answer this question affirmatively requires one to take a stance on human nature and to affirm that everyone in a specific socio-economic context ends up behaving similarly due to either their culture or their innate economic rationality. Inasmuch as I can answer this question, I do not believe that there exists a 'human nature' or a cognitive force so great that it overrides any other consideration. I, thus, cannot accept that culture invariably programs each and every individual to the extent that a whole ruling class, uniformly, can "cling in their practical behaviour to outworn ideologies and to sink with them", as the elite is capable of adapting and even betraying the ideals they attach to themselves.¹⁷² I cannot accept either that maximising economic behaviour, unattached from any social consideration, always determines survivability of the individual (with only these maximisers able to transmit their behaviour) or is universally programmed into an individual according to their economic context.¹⁷³ Therefore, I doubt there was a uniform method behind decisions of exploitation of the estate, or that every single decision-maker was influenced by the same methods of decision-making, in the same manner, to the same intensity. Neither culture nor 'rational

¹⁷¹ Rathbone, 1991: 400.

¹⁷² Finley, 1985: 122. Finley does not specify any particular examples of aristocracies floundering and whether he locates them in an ancient context or a modern context. An example of the opposite, part of an aristocracy ditching their conservative agrarian roots to embrace new ways to maintain power based on industry, can be seen in 19th century Belgium (according to Marx "the model state of continental constitutionalism, the snug, well-hedged, little paradise of the landlord, the capitalist, and the priest" Marx, 2014: 130). A law made it so that only those with 1,000 florins of censured wealth could be elected to the Senate. In 1842 58% of those potential candidates were nobles, in 1892 they were 50%. This led Samuel Clark to conclude that "those who have assumed that Belgian nobles were banished to an economic wilderness by the Industrial Revolution will find the percentages surprisingly high. Clearly some members of the Belgian nobility played an important role in Belgian industrialization" (Clark, 1984: 150-157).

¹⁷³ Pace North, 1990: 19-20; Temin, 1980: 175-195; 2012: 17. This is also criticised in Boldizzoni, 2011: 44-45; Boer and Petterson, 2017: 3-9.

economic behaviour' alone can account for all decision-making; to argue the contrary is to argue for a universal human predisposition, and it is fair to say that most scholars actively avoid falling into such an absolutism. It is more fruitful to see different landowners taking different exploitation decisions according to different criteria, despite sharing a similar socio-economic context.

This answer, that it is unfeasible to determine a general approach to the mental mechanisms of decision-making in land exploitation in the Roman world, might feel disappointing. However, beneath the fundamental disagreement between the different theoretical frameworks, some of the basic goals underpinning such decision-making seem clear, and a consensus among the different strands of scholarship can be reached. Finley cautioned that "anyone who confuses the gentlemanliness of agriculture with a disinterest in profits and wealth closes the door to an understanding of much of the past",¹⁷⁴ while Kehoe admits that "in managing their agricultural wealth, many landowners were very risk-averse, preferring strategies that maintained economic stability and their social position to ones designed to maximize wealth" while also arguing that "economic security in the Roman world was a function of the landowner's ability to maximize the volume of agricultural production from which he or she might draw an income".¹⁷⁵ Wickham argues that in Late Antiquity "*domini* at the top of the layer-cake of leasing and delegation did not have to be interested in anything other than the total quantities of rents. But, in this context, it is striking how many of them were interested and involved".¹⁷⁶ There seems to be no question as to whether landowners were interested in drawing profits and wealth from their estates, there seems to be an agreement that this is the case.¹⁷⁷ Elite carelessness towards their own land was not the rule,

¹⁷⁴ Finley, 1985: 58. De Ste. Croix stands in agreement: "we need not doubt that Greek (and Roman) landowners took care to dispose of the products of their estates in ways as profitable to themselves as possible" (De Ste. Croix, 1981: 129).

¹⁷⁵ Kehoe, 1994: 54-55; 2007b.

¹⁷⁶ Wickham, 2006: 271. Banaji agrees "enterprises were run only if they were profitable, which is not to say that all owners or businesslike entities strove to expand profitability from year to year in the way modern capitalist firms do as a condition of their survival" (Banaji, 2007: 218)

¹⁷⁷ Sources are also quite direct in this regard. Cicero calls agriculture the best of "all things from which one may acquire" (*De Officiis* 1.42.151. Trans.: Finley, 1985: 42. *omnium autem rerum ex quibus aliquid acquiritur*), Paulinus of Pella praises his mother's estates "which even for a prodigal or careless lord might have provided abundant income" (Paulinus of Pella. *Eucharisticos* 418-419. Trans.: Brown, 2012. *quamuis profusis dominis nimium que remissis praebere expensas potuissent exuberantes*) and the general concern of Palladius' *Opus Agriculturae* for surveying tenants (Wickham, 2006: 268-269).

especially given the wealth requirements that their ranks entailed.¹⁷⁸ Therefore, the ultimate main goals of exploitation seem to have been to draw resources in order to be able to maintain or improve one's position in society (for the upper echelons) and to subsist (for the lower echelons).

Whether these goals were achieved by unconscious cultural mechanisms or conscious rational means, whether optimization of resources to achieve those objectives was sought or whether additional goals (such as social mobility) were sought is something that would vary wildly depending on the individual decision-maker and cannot be universal to the whole of society. In this thesis landowners will therefore be assumed to want to draw profit from their estates and they would organise their exploitation according to their economic situation and the ability of said organisation to draw 'enough' (as opposed to 'the maximum of') resources for the objectives of the landlords. These objectives were not enrichment for enrichment's sake but are related to the maintenance or betterment of one's place in society.

1.2.3. How? Typology of permanent workforces

So far, we have established who made decisions on land exploitation in Late Antique North Africa (large landowners or imperial *conductores* and their *coloni*, and a minority of small landowners) and what goals were behind such exploitation (to acquire enough revenue as to either subsist, fulfil societal obligations and procure an *otium*-filled life, or to socially progress). Among the many decisions that are made by these actors with these goals, one of the most important ones is to choose with which type of labour to work the land. In this section we will explore the permanent workforces that landowners employed.

The first question that should be posed is how are we to categorise and define the different types of workforces employed in the Roman fields? This is a difficult question to answer, due to the complexities of the interaction between legal status, socio-economic standing, and labour conditions. We might start (but definitely not end) with the classification of labour provided by Varro, "all agriculture is carried on by men—slaves, or freemen, or both".¹⁷⁹ The distinction of Varro between a 'slave' workforce and a 'free' workforce has been followed by

¹⁷⁸ See Chapter 3, Section 3.4.1 for the wealth requirements of being a decurion in Late Antiquity. For the higher *honorati* see Jones, 1964: 537-538.

¹⁷⁹ Varro. *De Res Rustica* 1.17.2. Trans.: Loeb. *Omnes agri coluntur hominibus servis aut liberis aut utrisque*

a long-standing tendency within scholarship to separate workforces into 'free' and 'unfree' workforces, or in other terms, 'forced' and 'contractual' workforces.¹⁸⁰ The notion of whether someone was 'free' then becomes the main fact that separates a slave workforce from a tenant workforce.

The use of 'freedom' as the main fact distinguishing workforces, however, is more complicated to apply than it seems. When considering whether someone is a 'free' man or a 'slave' it is necessary to interrogate what is meant by those terms; definitions of 'slave' and 'free' vary between modern scholars. In defining 'slave', there are currently three main schools of thought from which historians draw their definition. A first 'legalistic' tendency, defines slavery as exercising on a person the powers of ownership.¹⁸¹ This is, for example, the tendency to which the influential 1926 League of Nations definition of slavery adhered, as well as how ancient authors and lawyers tended to define it.¹⁸² A second more 'comparative' tendency, bases its concept of slavery not so much in the idea of ownership and property but on the alienation (or threatened alienation) of the enslaved person from kinship and social links, and any sort of honour.¹⁸³ Finally, a 'labour' definition of slavery locates slavery in the total subjection of an individual's activities and labour to another individual.¹⁸⁴

The main problem with applying any of these definitions onto the historical record is that they can only partially describe the reality of someone in a situation of 'slavery'. The legalistic definitions of slavery, which focus on what rights the master *could* exert against the enslaved person instead of what rights *were* exerted, tell us nothing about the conditions under which slaves lived.¹⁸⁵ The comparative definitions obscure the fact that slavery was more than a social more, it was an institution, and that slaves were not the lowest rung in society, they were completely out of it.¹⁸⁶ Finally the labour definitions of slavery, in a polar opposite to

¹⁸⁰ This categorization can be traced all the way back to the beginnings of political economy and economic history: De Sismondi, 1819: 178-185; Roberdtus, 1898: 91-92; Smith(a), 2001: 523-555; Marx, 1965: 119; Weber and Deininger, 1986: 312. For more modern accounts: Haywood, 1938: 71; Finley, 1985: 69; De Ste. Croix, 1981: esp. p.112-114; Spurr, 1986: 134. For separation between forced and contractual workforces see Part II (Scheidel, 2012; Kehoe, 2012) in the *Cambridge Companion to the Roman Economy*.

¹⁸¹ Finley, 1998: 141; Harper, 2011: 35; Lewis, 2018: 26.

¹⁸² De Ste. Croix, 1981: 135; Lewis, 2018: 25-26.

¹⁸³ Patterson, 2018: ix-x; Lenski, 2018: 47-51.

¹⁸⁴ De Ste. Croix, 1981: 135; Vera, 2007: 501; Wickham, 2008: 260-262;

¹⁸⁵ Lenski, 2018: 42-43.

¹⁸⁶ Ismard, 2017: 19-20.

the legalistic definition, focus on the actual realised conditions of the slave, to the detriment of what he could have been threatened by virtue of his status.

Defining what a 'slave' is also requires defining what is 'freedom' and 'unfreedom' in regard to workforces, as slaves are the paramount example of 'unfreedom'. This is a harder task, especially in a society where all agricultural workers were subjected to some sort of 'unfreedom'. Landowners placed restrictions on the activities of juridically 'free' workers, and 'unfree' workers could have had access to arrangements that can be characterised as 'free' or 'contractual'.¹⁸⁷ The main problem with using 'freedom' as a dividing line is that this categorisation underemphasises coercion in 'free' workforces, and tends to equate 'unfreedom' exclusively with the rigid status of slavery instead of restrictions applied to a range of statuses.¹⁸⁸ Roman authors themselves struggled with this problem. Roman jurists, found difficulty in fitting forms of labour such as debt-bondsmen or *coloni* into a sharp distinction between 'free' and 'unfree'.¹⁸⁹ Augustine showed similar confusion in his questions to the lawyer Eustochius on whether children whose labour has been leased by their parents to a third party were slaves or not.¹⁹⁰ Merely changing the words 'free' and 'unfree' for 'coerced' and 'contractual' is not helpful either. Under such a classification both the short-term enterprising *conductor* of the early imperial estates and the permanently-bound to the land *colonus* of the late empire are included into the same category of labour merely because there is a 'contract' underneath their relationship with their landowner, even though the latter could have inherited that contract and not entered willingly into it. The relationship between the *conductor* and the imperial treasury and the *colonus* and his landowner could not have been more discrepant in terms of actual experience, yet in this categorization both are 'contractual'.¹⁹¹

Therefore, if we are going to ask how relevant slavery or 'unfree labour' in the North African countryside was, and what consequences were derived from the presence of such type of

¹⁸⁷ See further below for the conditions placed on the *coloni*. For agricultural slaves autonomously forming families see *Digesta* 33.7.12.7. For cases outside of the Roman world, such as Ottoman, Athenian and Brazilian slaves paying 'rent' to their masters see Ismard, 2017: 27-32.

¹⁸⁸ For a thorough criticism of the 'free-unfree' categorisation of labour see Banaji, 2010: 131-154. See also Lewis, 2018: 10.

¹⁸⁹ Finley, 1985: 64-65.

¹⁹⁰ Augustine. *Ep.* 24*

¹⁹¹ Grey, 2016: 128. Even those who use this distinction admit that the experience of coercion in these 'free' and 'contractual' arrangements varies wildly, see Kehoe, 2012: 120-121.

labour, the answer might be different according to our definition of slavery and ‘freedom’. If we adopt a ‘legalistic’ definition of slavery, Late Antique North Africa had the potential of having been a place and period with many slaves, as it may have had a steady supply of slaves available. Despite the strong ideological link between conquest and slave acquisition, the former was not necessary to get the latter.¹⁹² Slaves could be supplied in several ways including natural reproduction, enslavement of children, and trans-frontier import, although it is difficult to tell the importance or residuality of these sources.¹⁹³ Sources point towards these methods of acquiring slaves being still in practice in Late Antique North Africa. Augustine was asked to arbitrate a case where a child, whose mother was free and his father a tenant of slave status, had been leased for work to their landowner and now, after the death of his parents, the landowner claimed him as his slave.¹⁹⁴ Augustine also complained at length about slave-traders (*mangones*) enslaving Romans in Africa and selling them abroad.¹⁹⁵ In another of his letters he mentioned that “there are in Africa innumerable barbarian peoples, who do not yet know the gospel, who are led here as captives and joined to the slavery of the Romans, as we can see every day before our own eyes.”¹⁹⁶ In the Saharan trade, still active in the early 4th century and maybe even beyond, slaves had been one of the imports that the Romans obtained from groups such as the Garamantes.¹⁹⁷ In terms of supply, there were ways in which landowners could have acquired a substantial number of slaves.

Of course, this picture of potential large numbers of slaves in North Africa becomes complicated if we ask ourselves, parting from a comparative or labour definition of slavery, what it meant to be a ‘slave’ on the ground.¹⁹⁸ The *liberalis causa* which Augustine tried to adjudicate applies to the son of a man who is both a slave and a *colonus*, and who is married

¹⁹² For the link slavery-conquest see Harper, 2011: 34-35; for the relative importance of conquest as a way to acquire slaves before Late Antiquity compare Harper, 2011: 67-68; Scheidel, 2011: 292, 294-297 and Bradley, 2004: 298-318 esp. 315.

¹⁹³ Compare Harris, 1980; Scheidel, 1997; Harris, 1999; Harper, 2011: 67-91; Scheidel, 2011.

¹⁹⁴ Aug. Ep. 24*. This source is further commented in Chapter 6, Section 6.2.4.

¹⁹⁵ Aug. Ep. 10*

¹⁹⁶ Aug. Ep. 199.12. Trans.: Harper, 2011: 83-84. *Hoc est in Africa barbarae innumerabiles gentes, in quibus nondum esse predicatum evangelium ex his, qui ducuntur inde captivi et romanorum servitiis iam miscentur, cotidie nobis addiscere in promptu est.*

¹⁹⁷ Fentress, 2011: 66-69; Harper, 2011: 86-91; Wilson, 2012b: 432-435; Wilson, 2017: 605-606. The clearest primary written source attesting the Garamantian slave trade is *Anthologia Latina*. 1.183, calling a black slave “scum” brought by the Garamantes, but other sources from outside North Africa and/or the Roman period also attest it.

¹⁹⁸ What it ‘meant’ to be a slave and the relationship between slaves and masters has been for a long time and intense topic of passionate discussion among historians, see McKeown, 2007.

to a free woman, and is a good example of the complex set of relationships someone with slave status lived under. At this point it might be useful to look at the other side of the coin, the tenants of 'free' status.

Starting in the mid to late 4th century at the latest, tax legislation bound the tenants to the pieces of land they worked, exchanging tax liability for being bound to their tenancies, and thus to their landowners, becoming what some call the *coloni*.¹⁹⁹ *Coloni* could not extinguish this agreement and move outside their tenancy, as evidenced in Roman legislation restricting their mobility.²⁰⁰ In the laws on the colonate, *coloni* were subjected to legal limitations that resembled (or at least used the language of) the limitations on the agency of slaves: by the early-5th century *coloni* could not alienate their property without landlord consent, they were barred from suing their landlords, except on the specific case of the landlord demanding more rent than they were owed, and could not be ordained.²⁰¹ However, the extent to which the *coloni* were a sort of intermediary stage between slave status and free status has been a matter of strong debate, with Carrié famously arguing that the colonate did not constitute a sort of third status between slavery and freedom.²⁰² After Carrié, the colonate has been variously described as a particular legal status, a legal recognition of a tax arrangement or a coercive type of tenancy arrangement, meaning that defining what a *colonus* is, in law and in practice, proves to be as difficult as defining what a slave is.²⁰³

In any case, regardless of the particular legal situation of the *coloni* or the timeline for the formation of the colonate, North Africa furnishes some practical examples of the 'unfreedom' and coerciveness that supposedly 'free' tenants might have been subjected to. Augustine complained that *coloni* were being asked, against both law and contractual arrangements, to pay double rent.²⁰⁴ When some *coloni* belonging to the *fundus Volusianus* wished to move and become tenants of a new farmstead, their previous landowner, Salvius, threatened to use force to get them back into his property.²⁰⁵ The anti-Donatist edicts of Honorius in 412

¹⁹⁹ Jones, 1964: 796-797; Goffart, 1973: 83-90; Sirks, 2001: 259-262; Kehoe, 2016: 654-655.

²⁰⁰ Goffart, 1973: 84-89; Sirks, 2001: 256-258; Grey, 2007: 165-168.

²⁰¹ Jones, 1964: 801-802.

²⁰² Carrié, 1983. Compare with Vera, 1987: 276-281. See also Kolendo, 1976: 29-43. For a summary of the debate resulting from Carrié's propositions see Grey, 2007: 156-161.

²⁰³ See Grey, 2007: 158-159 for the different definitions.

²⁰⁴ Aug. *Ep.* 247.

²⁰⁵ Ps.-Sulpicius Severus. *Ep.* 6.3.

and 414, punishing Donatists by setting a scale of fines gradated to social status, punish *coloni* by imposing on them physical punishment, presumably handed down by their landlord or *conductor*, a punishment closer to the admonitions prescribed to slaves than the monetary fines of plebeians and traders.²⁰⁶ Finally, the 2nd-century Souk-el-Khmis inscription in the Bagradas Valley reproduces a petition (and response to it) by the *coloni* in the *saltus Burunitanus* where their *conductor* has harassed them and sent soldiers to beat them up to extract labour from them, a clear application of the coercive threats that *coloni* might have been subjected to.²⁰⁷

Independently of the legal status of the workforce, a more or less coercive form of tenancy arrangement was the main way of estate exploitation in Late Antique Roman North Africa. I have argued before that the objective of land exploitation was not profit for profit's sake, but rather the acquisition of enough means to maintain or improve one's social position, and tenancy arrangements (whether involving someone of 'free' or 'slave' status) offered a safe, stable and yet profitable way of exploiting the land.²⁰⁸ This is in contrast to relying on 'slavery' (understood under its 'labour' definition, i.e. the total subjection of an individual's activities and labour to another individual), which is inherently a risky way of exploiting the land, requiring maintenance expenditure and constant means of control, and thus raising the minimum income the landlord must rise to be able to maintain its exploitation.²⁰⁹ It can be expected that some private landowners would have taken those risks, but I think it is difficult to ascribe this acceptance of risk to a majority of them.²¹⁰ The situation is clearer on imperial estates, which as we have seen, encompassed large swathes of the North African countryside.²¹¹ The management system of imperial land in North Africa, or at the very least in the imperial estates of the Bagradas Valley, was mostly based in permanent tenants supervised by temporary lessees of various estates, known as *conductores*, which in turn were under the scrutiny of the imperial *procuratores*.²¹² It was a management system based on

²⁰⁶ *C. Th.* 16.5.52.pr, 4; 16.5.54.8.

²⁰⁷ *CIL* 8, 10570.

²⁰⁸ For discussion on the economic objectives of landowners see Section 1.2.2. On the profitability of tenancy see De Vos, 2013: 185-186.

²⁰⁹ Wickham, 2006: 277.

²¹⁰ Harper, 2011: 182-196 reminds us that some private landowners with a more entrepreneurial mentality might have accepted the risk of using slave labour in an intensive manner.

²¹¹ See Section 1.2.1.

²¹² Kolendo, 1976: 54-55; Vera, 1987: 268, 270-275; Kehoe, 1988: 4-7. Delegation to *conductores* or head-tenants might have also been common in private land, see Wickham, 2006: 270-271; Hobson, 2015b: 60. The

stable leases and designed to guarantee that the imperial treasury had a steady income based in long-term investments, rather than to maximize short-term profit at all costs.²¹³ Although the conditions and coerciveness of the permanent workforce might have varied, what can be said with confidence is that tenancy arrangements were the preferred way to exploit the land in Late Antique North Africa, and that the fact that the workforce was mostly composed of tenants did not stop coercive practices on the part of the landowners taking place.²¹⁴

1.3. Alternatives to wage labour

Whatever the crop being cultivated, agricultural production is characterised by periods where there is a more intense demand for labour, especially the harvest period.²¹⁵ Throughout this thesis I shall look at wage labour through the prism of land managers managing seasonal increases in labour demand. There were other methods by which they could have also appropriated extra labour, albeit, as we shall see, they were less reliable than hiring wage workers. These alternatives are relatives, friends and neighbours; leased slaves; and corvee labour from tenants.²¹⁶

Small landowners and tenants could have used their family, neighbours, and friends in order to provide the required labour. However, if those relatives and acquaintances were already engaged in their own harvests or needed to use the harvest period to draw extra income, or if they did not live close by, our farmer could have found help hard to come by. This situation is illustrated in a fable ascribed to Aesop and reproduced in Gellius' *Attic Nights*.²¹⁷ A lark sets a nest in a grain field shortly before harvest time and asks her children to tell her of anything unusual. One day the chicks tell her mother that the owner of the land and his son have

aim of a stable income at a low cost makes tenancy desirable, but it is difficult to say whether the arrangements in the Bagradas valley applied to the whole of North Africa, contrast Kolendo, 1976: 54-55 with Kehoe, 1988: 6-7 and Hobson, 2015b: 62. However, the particular hierarchical organization of *coloni-conductor-procurator* can be safely applied to other contexts, under the assumption that if *procuratores* had delegated the management of *coloni* to head-tenants in the fertile Bagradas valley (see Kehoe, 1988: 123-127 for lack of direct involvement in management on the part of the *procuratores*), they would have also done so elsewhere. For non-Bagradas Valley *conductores* see *IL Afr* 568; *IL Alg* 1, 3992.

²¹³ Vera, 1987: 268-270; De Vos, 2013: 186-187.

²¹⁴ Lenski, 2017: 119-120, 136, 139-142.

²¹⁵ Spurr, 1986: 134-138; Erdkamp, 2008: 425-426. Shaw, 2013: 13, 20-30 for the grain harvest. See also Chapter 2, Section 2.1.1 and Chapter 5, Section 5.1 for non-grain harvests and pruning.

²¹⁶ The latter two are given as the main source of casual labour in White, 1970: 349 after the supposed downfall in the use of wage labour somewhere in the 1st century AD.

²¹⁷ Gellius. *Noctes Atticae*. 2.29

agreed to exchange work with some friends to start the harvest tomorrow. The following day they report that the friends have not come, but that the owner will ask some relatives to come and help. On the third day, seeing no relatives have come, the owner says to his son that both of them will begin the harvest tomorrow, alone. It is only on hearing this, that the lark decides to take her chicks and leave the nest. Obviously, this is not a documentary account, we ought not to trust that two people (the owner and his son) could have had performed alone the grain harvest of their land (the moral of the story is to “not expect of friends, what you yourself can do”).²¹⁸ But two things are nonetheless relevant from the the backdrop chosen for this story. First is the presence of a landowner needing extra people for the harvest than he could derive from his household, which would have been a recurrent event every harvest season. Second is the supposedly obvious remark made that “there are not many relatives as compliant as to be brought to work without delay and then obey what is said (*dicto oboediant*)”, which seems to imply that (at least in the mind of the elite) to work for someone else’s harvest (even your friends or relative) is to submit to their control and thus degrading.²¹⁹ It is also important to remember that this method of acquiring labour only works for small landowners and tenants, a large landowner or a manager of a socially respectable social stratus would have found it hard to find relatives or friends willing to undertake a harvest.²²⁰ In the case of large landowners, friends and neighbours either were not an option or would not have provided enough labour.

The pervasive coercion of the Late Roman countryside might have provided for alternative possibilities for acquiring additional labour. Indeed, Finley argued that the need of ancient societies to mobilize extra labour was solved using compulsory labour.²²¹ Two methods of procuring additional labour were slave leasing and the owing of works. Slave leasing was an actual practice in the Roman world, and some attestations of it can be found in the sources. Seneca, when speaking about the concept of ownership and use in leases, disposes that “nor will you take away a slave of yours, now a hireling of mine”²²² and the *Digesta* makes provision

²¹⁸ Gellius. *Noctes Atticae*. 2.29.20. *ne quid expectes amicos, quod tute agere possies*.

²¹⁹ Gellius. *Noctes Atticae*. 2.29.12 *cognatos adfinesque nullos ferme tam esse obsequibiles ait, ut ad laborem capessendum nihil cunctentur et statim dicto oboediant*. See also Chapter 2, Section 2.4 for the elite perception of rural wage labour. The social position of the creators and audience of fables is very varied, fables were used by both the elite and the downtrodden, see De Ste. Croix, 1981: 444-445; Rothwell, 1995: 233-239.

²²⁰ See Section 1.2.1 for the prevalence of large properties in Late Antique North Africa.

²²¹ Finley, 1985, 66; 1998: 136.

²²² Seneca. *De Beneficiis*. 7.5.3. Trans.:Loeb. *nec servum tuum, mercennarium meum, abduces*.

for the potential bringing of suits in cases arising from the hiring of slaves for works.²²³ Even when hiring a free contractor, that contractor could have been using his own slaves as a labour force, as the *Digesta* attests for the guarding of granaries.²²⁴

Slave leasing might have been somewhat common for certain tasks. However, when it comes to providing labour for large and time-consuming tasks such as the harvests, there is a problem of scale and opportunity. If one was hoping to rent slaves located in nearby rural estates, these would probably have been busy with the harvests of their owners; if one looked into hiring domestic slaves or slaves from further away, some method of avoiding potential slave flight must have been employed, making the logistics of procuring the labour difficult by adding the need to supervise the return of the slaves. But more important is the large number of people that was needed to do the harvest, that meant that hiring low quantities of slaves, dispersed around the territory, was logistically more complex than hiring congregations of free workers at the local market, especially if they already came organised into a contractor-led harvesting gang.²²⁵ The members of these harvesting gangs can be presumed to be free through the sources attesting them.²²⁶ Finley himself, despite arguing that additional labour was procured through compulsion, considered slave leasing in the ancient world as less relevant than other forms of compulsory casual labour (“the debt-bondsman, the helot, the early Roman client, the late Roman *colonus*”).²²⁷ Shaw’s conclusion that the hiring of slaves was not the main method of procuring additional labour still stands.²²⁸

The last alternative method of procuring additional labour were labour obligations that tenants might have owed to their landowners. These obligations, or *operae*, are attested in the Bagradas valley inscriptions for *coloni* who work on the *subseciva*, peripheral land that was unused through abandonment or neglect, fixing them to two days for ploughing, two

²²³ *Digesta*. 43.24.5.11

²²⁴ *Digesta*. 19.2.55.

²²⁵ On the needs of harvest labour see Shaw, 2013: 19-23. On contractor-led harvesting gangs see Chapter 2, Section 2.1. Only landowners who owned numerous slaves would not have needed to assemble dispersed slaves and be able to lease them on bulk, but such a type of landowners ought to have been a rarity given the prevalence of tenancy in North Africa, see Section 1.2.3.

²²⁶ The Harvester of Maktar inscription (*CIL* 8, 11824) is the clearest in showing free workers, but they can also be gleaned to be assumed free from Suetonius. *De Vita Caesarum*. Vespasian 1.4; *P. Lips.* 1.111 and Cato. *De Agricultura*. 144. See Chapter 2, Section 2.2.1 for analysis of these sources, and Appendix 1 for a compilation of their text.

²²⁷ Finley, 1985: 66.

²²⁸ Shaw, 2013: 46-47, 79-80.

days for weeding and two days for harvesting per year.²²⁹ However, these *operae* only applied if there were *subsesciva* to be cultivated, and are extremely low compared to the demands for labour that works such as the harvest entails.²³⁰ Nonetheless, the six days a year asked of these *coloni* are roughly similar to the five days of work (and three days of service with draft animals) that the 44 BCE *Lex Ursonensis* prescribed as the maximum that the decurions could ask from the colonists of Urso in Hispania for the purpose of construction projects, which might mean that this amount of *operae* were set by long-standing custom.²³¹ If this was the amount of actual labour that tenants provided to their landowners outside the Bagradas valley, it would not have been possible in most cases to provide enough labour for any task that required a multitude of people over a relatively long period of time, such as the harvest.²³² We know that landowners and managers might have tried to coerce their tenants into providing more extra-legal coerced labour for the *subsesciva*, but these tenants ought to have been busy with their own plots as is, especially if they were engaging in farming the same crop as the one that needed to be harvested.²³³ Furthermore, if the estate had no *subsesciva*, to use coercion to extract labour from them during harvest time, hurting their own harvest, would also hurt the interests of the *conductor*. Labour duties were not enough, more additional labour was required.²³⁴

Although landowners and managers might have occasionally used the resource of family and friends, hiring leased slaves, or compelling labour from tenants, I argue that these methods were overall harder to procure than wage labour in most conditions given the major difficulties in acquiring the former. Thus, wage labour ought to have been the main source of

²²⁹ *CIL* 8, 25902.4; Kehoe, 144-146; Shaw, 2013: 22.

²³⁰ It is doubtful even if they were demanded outside of the Bagradas valley, see Jones, 1964: 805-806; Carrié, 1983: 212.

²³¹ *CIL* 2, 5439; Goffart, 1973: 92 esp. n4. Local custom seems to have held great sway in the establishment of *operae*, see Libanius. *Orationes*. 50.8-11.

²³² Compare, for example, the two days of harvesting *operae* prescribed in *CIL* 8, 25902.4 with *P. Flor.* 1.101 assigning waged harvesters six *arourai* of wheat per worker, which would have taken the worker between nine and 15 days to reap (see Chapter 5, Section 5.1.2 for the ratio of *aroura* per worker), or the five to six days of harvesting for the contractor-led harvesting gangs of *BGU* 1.14.

²³³ *CIL* 8, 10570. See Chapter 4, Section 4.2.2 for the possibility of farmers to send some members outside the household during harvest time. Even though it was possible to send some members of the household outside during harvest time, it depended on the composition of the household, and doing so under a wage labour arrangement allowed greater risk incentive and flexibility in the assessing and performing of the necessary harvest labour than being called upon to work in *operae* without regard of the labour needs of the tenant's land.

²³⁴ Shaw, 2013: 22-23.

casual labour in the rural world. In the following chapters we will see who landowners and managers turned to for this labour.

CHAPTER 2. *Turma Messorum*: the Harvesting Gang

2.1. Introduction to wage labour and the harvesting gang

Then saith he unto his disciples, the harvest truly is plenteous, but the labourers are few; pray ye therefore the Lord of the harvest, that he will send forth labourers into his harvest.¹

According to the Gospel of Matthew, Jesus is said to have made the preceding remark on witnessing the masses of people all over Galilee that came to see him in search for help. That mass of people was akin to a plentiful harvest, that needed to be harvested by his disciples, the labourers. But it is a hard task, to be able to reach so many people with the Kingdom of God. Jesus tells his 'labourers' (*ἐργάτας*) to ask the Lord for more harvesters, lest the 'crop' spoil and rot. Jesus did not have enough with his 12 (according to the Gospel of Matthew) or 72 (according to the Gospel of Luke) 'labourers'.² He needed more workers who were capable to undertake the task: "Do your best to present yourself to God as one approved, a worker who has no need to be ashamed, rightly handling the word of truth".³ The worry of Jesus for the Lord's harvest in the Gospels is not dissimilar to the worry of the manager for the landowner's harvest. There is much to be done in very little time and few hands to do it. Jesus will have his work done by converts in the bishop-led churches, the managers by the waged harvesters in the contractor-led gangs. This saying of Jesus plays on both the urgency of completion and need for labour that the harvest required, and points towards the outsourcing of looking for that labour to others.⁴ The task of how the earliest Christians found 'labourers' for the 'Lord of the harvest' does not fall into the scope of this thesis, but the task of finding the 'labourers' for the 'lord having to harvest' does.

Having established the economic landscape of rural Late Antique North Africa, this chapter will now delve into the historical causes for the contractor-led harvesting gangs, and the underlying economic, legal and logistical rationale behind their formation and deployment in the Roman world. The contractor-led harvesting gangs can be referred to in this thesis either

¹ Matthew 9:37-38.

² Matthew 10:1; Luke 10:1.

³ 2 Timothy 2:15

⁴ Howes, 2023.

as ‘waged harvesting gangs’, ‘harvesting gangs’ or ‘contractor-led gangs’.⁵ This structure, in its most basic and general description, consisted of a group of people, the workers, assembled around a distinct leader or contractor. The latter received various names from the ancient sources but this thesis, for reasons that will be explained more fully in a later chapter, will call these leaders ‘*ductores*’, as they are referred in the Harvester of Maktar inscription.⁶ The *ductor* hired the gang members in order to deploy them in the fields of landowning third parties as to aid the permanent staff of the client, be they slaves or tenants owing labour duties, in executing the harvest in a timely fashion.

To discern the rationale behind the contractor-led gangs is not a moot question, as landowners and managers also could have had the ability to hire workers individually or through other collective arrangements.⁷ As a result it is necessary to carefully take account of why they would have wished to go through a middleman contractor when they could have hired the workers directly themselves. Recent scholarship has not explored the causes for the use of contractors in harvesting tasks. Shaw’s *Bringing in the Sheaves*, which remains one of the most extensive treatments of these gangs to date, does not elaborate on why landowners hired workers through gangs. Their usefulness in the harvest hiring process is implied and considered obvious.⁸ Banaji does mention that “dealing with contractors was probably more convenient for employers”⁹ because then “the owner does not deal directly with the workforce”.¹⁰ And yet, if the owner did not wish to be involved themselves, it probably would have been more convenient to send a dependant to deal with it rather than a third party.¹¹ Paolo Tedesco limits himself to remark that the contractor is “a well-known figure in all historical periods”.¹² Are the responsibilities and liabilities of contractors the same across “all historical periods”? The main answer to this question lies in an already well-established fact about the contractors in the Roman legal system that so far has not been given the relevance in

⁵ This is to distinguish them from other types of ‘gang’, see Section 2.2.3 and 2.2.4. ‘Gang’ is used consistently in Shaw, 2013 to name this institution, and this thesis will also make use of this word for the sake of consistency.

⁶ See Chapter 3, Section 3.1.5. On the Harvester of Maktar inscription see Section 2.1.2.1.

⁷ See the Egyptian papyri in Shaw, 2013: 271-277.

⁸ A vague “because of the structural nature of the labour demands and the management of supply” is the closest Shaw gets to explaining why labour was organized in contractor-led harvesting gangs (Shaw, 2013: 74).

⁹ Banaji, 2007: 204.

¹⁰ Banaji, 2010: 104-105.

¹¹ We see this happen in *P. Lips.* 1.111, Isidoros, the landowner, sends his manager Sion to deal with the contractors.

¹² Tedesco, 2018: 415.

scholarship it deserves, that is, that contractors shouldered legal liabilities from any issues relating to labour. This chapter will argue that this fact probably constituted the main drive towards the employment of contractor-led gangs by landowners and their managers in Late Antique North Africa.

2.1.1. Preliminaries: on the needs of harvesting, the circumcellions, and markets

The existence of contractor-led harvesting gangs in the Roman world immediately raises a series of questions.¹³ Some of these are complex and will be expounded in the following sections and chapters (the legal framework and rationale for the use of these gangs is covered in this chapter, the socio-economic position of the contractors who led them is covered in Chapter 3, the identity of the workers in these gangs in Chapters 4 and 5), some others are so badly documented by our evidence base that not much will be able to be said in this thesis (we will not know, for example, how many workers spoke Punic monolingually, whether they went to Catholic or Donatist churches, whether contractors tended to hire the same people season after season, or if there were any pre-existing social links between contractors and workers).¹⁴ Nonetheless there are a series of basic questions that need to be asked before delving into more complex issues and to get an idea of the reasons and logistical mechanisms of the gangs, as well as their characterisation in previous scholarship.

The first issue is why is the gang structure in the sources restricted to harvesting, as opposed to being used for other agricultural tasks? This is an important question in order to make sure that arguments on the rationale behind the gangs that rely on the particular characteristics of the harvest are valid. The reason behind the use of gangs only for harvest purposes lies in the variance of labour inputs, that is, the amount of time and effort needed to tend the crop, in ancient agriculture. Although different crops required tasks to be performed at different times, the general rule is that the most time-consuming, effort-consuming and urgent task for all crops was the harvest.¹⁵ Even in the age of advanced technology and mechanised

¹³ On the sources attesting them see Section 2.2.1.

¹⁴ Although historians have tried to tentatively answer some of these questions. See Shaw, 2011: 649-651 (for language of the workers); Saumagne, 1934: 363 (for wage workers being inclined to support the Donatists), Shaw, 2013: 90 (inferring that being “respected by the strength of the youth” after years of harvesting was key to become a harvest contractor).

¹⁵ Shaw, 2013: 24-30.

agriculture, the harvest is the ultimate ‘make or break’ moment of the agricultural cycle, an event which can mean either survival or ruin for the farmer. In the ancient world it was not only the most urgent task of the agricultural calendar, but also the most arduous. It was arduous: because it required hard physical labour (for all crops); quick processing and binding of the crop (for grains); or because it required a lot of care and attention (such is the case for olives, where the aid of poles, clubs and instruments did not abolish the need to get on a ladder and pick the olives manually).¹⁶ The combination of the harvest tasks and the need for prompt execution and gruelling efforts, generated the demand for supplementary labour that the permanent staff could not deliver. Such labour has to be brought in from outside, and the gangs were a vehicle by which this necessary extra labour during the harvest could be acquired.

The second issue for consideration is the circumcellion phenomenon, where some scholars have seen an expression of wage labour and, if considered that way, provides the basis for arguments regarding the harvest gangs. Research on the circumcellions comprises two problems. Who were the circumcellions and how did they relate to the waged harvesting gangs? The circumcellions were mentioned in the writings of Optatus of Milevis and Augustine of Hippo, as well as the *Gesta Collationis Carthaginensis* and a rescript of Honorius dated in 412, and were associated with the schismatic North African Donatist church by these Catholic sources.¹⁷ The Donatist controversy has already been the subject of numerous scholarly works and falls outside the scope of this thesis, but given its importance in Roman North Africa in this period, affecting even the hiring of harvest labour, a short account of it is given here.¹⁸

The emergence of two rival churches in Late Roman North Africa, both claiming to be the true ‘Catholic Church’ and vying for legitimacy, can be traced back to the time of the persecutions. There were intermittent persecutions of Christians between 180 and 260 CE, with varied degrees of effect and virulence.¹⁹ However, a more serious and influential persecution would

¹⁶ Brun, 1986: 36-38; Mattingly, 1996: 221. Also see McHugh’s commentary of a Greek depiction of the olive harvest in McHugh 2019: 211; also see Deuteronomy 24:20 and Isaiah 17:6, 24:13 and the mention of ladders in Cato’s model contract for olive harvesting. Cato. *De Agricultura*. 144.

¹⁷ Optatus. *Contra Parmenianum Donatistam* 3.4; *Gesta Collationum Carthaginensis. Edictum cognitoris; C. Th.* 16.5.52. For a selection of the main mentions of the circumcellions by Augustine see n.28.

¹⁸ See Chapter 6, Section 6.3 for the way the Donatist controversy might have affected the hiring of harvest labour. For a rundown of the scholarship on Donatism see Whitehouse, 2016b.

¹⁹ Rebillard, 2012: 35-57; Sears, 2016: 8-9; Whitehouse, 2016a: 21-22. 180 CE is the date given for the martyrdom of the Scitillan Martyrs in the earliest-dated Church document from the West. See the *Passio*

take place in the latter years of the reign of Diocletian. The ‘Great Persecution’ (303-305) was a traumatic event for the Christian Church in North Africa.²⁰ The persecution was articulated through four rescripts that ordered the confiscation of Christian books, the destruction of churches, the stripping of their rank for Christian *honestiores*, the barring of Christians from bring suits without a previous sacrifice, allowing arrest of the clergy, and imposing the making of pagan sacrifices on everyone (although this last provision might have never been applied in North Africa).²¹ During the persecutions two options were given to the Christian clergy: either turn over the holy books and sacrifice to the pagan gods or face the death penalty.²² The latter became the beloved martyrs, the former the despised *traditores*.

After the end of the persecutions, the question on whether the *traditores* could be reintegrated into the Church was a hotly contested one, not just in North Africa.²³ When Caecilian, a proponent of reintegrating the *traditores* was elected as bishop of Carthage in 311, the rigorist side of the Church declared the consecration false and appointed Majorinus to the see.²⁴ Thus, the schism between the rigorist ‘Donatists’ (named after Donatus, the successor of Majorinus) and the lenient ‘Catholics’ began.²⁵ Between the 4th and 5th centuries, imperial policy and actions was aimed at trying to solve the schism, but with differing approaches which oscillated between tolerating the Donatists in the hopes of reconciliation,

Sanctorum Scillitanorum 1 and Musurillo, 1972: xxii-xxiii. An alternative accounting from a more pan-Imperial perspective (64-313 CE) is given in De Ste. Croix, 2006: 106-107.

²⁰ Although it affected more the collective practice of Christianity and the institution of the Church rather than individual lay Christians, see De Ste. Croix, 2006: 38-42; Rebillard, 2012: 58-59.

²¹ De Ste. Croix, 2006: 35-38; Rebillard, 2012: 58. On the applicability of the fourth edict, mandating sacrifices for every Christian, to North Africa compare Frend, 1965 with De Ste. Croix, 2006: 48-50, 79-98.

²² Sears, 2016: 9.

²³ Frend, 1985: 22-23.

²⁴ Frend, 1985: 15-21; Sears, 2016: 9; Whitehouse, 2016a: 23. However, there are other accounts of the origin of Donatism. Frend considered it began as a schismatic movement circa 303 CE with the martyrdom of Saturninus’ Abytinian congregation (Frend, 1985: 8-10) while Kaufman sets its constitution as a church at the earliest in 305 CE and most probably between 310 and 320 (Kaufman, 2009: 131-132).

²⁵ The question of whether Donatism was a heresy or a schism, or both, falls outside our scope, but see Tilley, 2007; Sears, 2016: 10. Giving an unbiased name to these Christian churches is difficult, as both considered themselves the true ‘Catholic’ Church. ‘Donatist’ is an epithet given to the losing side by the winning ‘Catholics’ (Sears, 2016: 8). This thesis will nonetheless use the terminology ‘Catholics and Donatists’ when referring to the two strands, as it is the most commonly used wording in both the sources and the historiography (following the reasoning in Whitehouse, 2016b). Other historians have suggested different options, such as calling the Catholics ‘Caecilianists’ (Kaufman, 2009: 131-142), or using the term ‘Donatist’ between quotation marks (Shaw, 2011).

or reproving them in the hopes of stamping them out.²⁶ By the time of the Vandal invasion, the conflict between these two rival churches was still ongoing.²⁷

The depiction of the circumcellions in the sources is intimately related to the Catholic narrative against Donatism and the conflict between the two competing churches. Optatus and Augustine accused the circumcellions of suicidal fanaticism for the cause of martyrdom, torturing and coercing the Catholic clergy, and being a threat to the social order.²⁸ When accusing the circumcellions of threatening the social order, a clear narrative of the poor rebelling against the powerful, which includes the clergy, is laid out, leading some scholars to believe that there might have been a social motivation behind circumcellion violence.²⁹ The circumcellions are a difficult subject to handle, and scholars have been unable to agree on who they were, what they fought for, or whether they were a rhetorical construct, a real threat or something in-between.³⁰ Because we only know about the circumcellions through what their enemies wrote about them, the historian is forced to guess which parts of the sources are telling the truth, which are exaggerations or manipulated truths, and which are downright lies and fearmongering. When Optatus and Augustine wrote about the circumcellions they had an underlying motive in mind, to convince imperial authorities that the Donatist clergy, through association with the circumcellions, were a threat to the Empire and the public order.³¹

The link between wage workers and circumcellions was first hypothesized by Charles Saumagne in 1934, who saw the circumcellions as poor people who earned their living through wages and used the sectarian conflict between two strands of Christianity to rebel.³² This link was an issue of contention from the outset, and scholarship could be divided among

²⁶ De Ste. Croix, 2006: 216-218; Kaufman, 2009: 135-136; Sears, 2016: 9-10. For comprehensive histories of the Donatist Church and the imperial policy towards it see Frend, 1985: 141-289; Whitehouse, 2016a: 18-33. I am hesitant to emphasise the role that the Emperor's personal fear of divine retribution might have played in the imperial policy towards the schism (De Ste. Croix, 2006: 205-206), rather than the economic importance of North African stability and peace for the provisioning of the Empire (Frend, 1985: 144).

²⁷ Frend, 1985: 300-314; Conant, 2016b; Sears, 2016: 10; Whitehouse, 2016a: 32-33.

²⁸ Aug. *Ep.* 76.2; 108.6.22; 133.1; 185.4,12; *Enarationes in Psalmos* 57.15.63; *Contra Gaudentium* 1.29.33; *Contra Litteras Petilianus* 2.20.46.

²⁹ See in n.288 the works of Saumagne, Tengström and García Mac Gaw.

³⁰ Some important works in the debate include but are not limited to: Saumagne, 1934; Frend, 1951, 1952, 1969; Calderone, 1967; Tengström, 1984; Wood, 1986; Atkinson, 1992; Gómez Villegas, 1998; Gaddis, 2005; Pottier, 2008, 2016; Kaufman, 2009; García Mac Gaw, 2008; Dossey, 2010; Shaw 2004, 2011; Lenski, 2013; Sears, forthcoming.

³¹ See n.28 and also Wood, 1986: 41-51.

³² Saumagne, 1934: 363.

those who saw a link between the two, and those that did not.³³ Even among those who see a link between the two groups the nature of the link is contentious, and there have been many different proposals about the precise relationship.³⁴ It is fair to say, that there are nearly as many different portrayals of the circumcellions as there are historians who write about them.

Whether the depiction of the circumcellions was factual or rhetorical, or as might be the case, rhetoric posturing sitting on a substrate of factual truth, this thesis sides with seeing a link between wage workers and circumcellions.³⁵ There are various indicators that point towards some sort of real or rhetorical link between circumcellions and wage workers: the frequent metaphors of Augustine comparing circumcellions to harvesters, the clear identification of the circumcellions with the countryside, their mention as a socio-economic group in the Honorius edict, and the similarities between how circumcellions and roaming harvesters are traditionally depicted in ancient societies (using blunt instruments for both violence and the olive harvest, low socio-economic origin, limited to a rural environment).³⁶ Therefore, one can use sources on the circumcellions to get an idea of how wage labourers were perceived, and to extrapolate any underlying truth in that depiction.

An example of how the circumcellions can inform the debates about how wage labour was organised can be seen in the third and last basic issue this section will cover, that is, how these gangs were formed. In his accusations against the circumcellions, Optatus provides an account of how their violent gangs were allegedly assembled:³⁷

³³ See n.30, comparing especially the works of Saumagne and Tengström with the ones of Frend and Calderone.

³⁴ See n.30, comparing the hypotheses of García Mac Gaw, Dossey and Shaw.

³⁵ Although not everyone agrees, see Pottier, 2016: 144-150.

³⁶ This is developed at length in Shaw, 2011 and 2013. See for example: use of songs and chants (Shaw, 2013: 215-216), direct comparisons by Augustine between circumcellions and harvesters (Shaw, 2011: 638-641; 2013: 265-266), the similarity between the calling of the circumcellions in Optatus' narrative and the hiring of harvest labour in the ancient world (see below; Shaw, 2011: 642); the edict of Honorius mentioning the circumcellions as a lowly *ordo* (*C. Th.* 16.5.52; Shaw, 2011: 643-645); the word *manceps* being used both for harvest contractors and the leadership of the circumcellions (see Section 2.3 and Chapter 3, Section 3.1.3; Shaw, 2011: 646-647); depiction of circumcellions and harvesters as prone to drunkenness (Shaw, 2011: 662-664); identification of circumcellions with the countryside (*Aug. Contra Gaudentium.* 1.28.32; *Gesta Collationum Carthaginensis.* Edictum cognitoris); both groups being fairly mobile (Shaw, 2011: 658-659, 676).

³⁷ Optatus. *Contra Parmenianum Donatistam* 3.4. Trans.: Edwards, 1997. *praecones per uicina loca et per omnes nundinas misit, circumcelliones agonisticos nuncupans, ad praedictum locum ut concurrerent inuitauit.*

[Donatist bishop Donatus of Bagaia] sent heralds through the neighbouring places and all the *nundinae*, calling the disaffected circumcellions by name with an invitation to assembly at an appointed place.

The word *nundinae* can be translated as market and refers to the periodic markets that took place around North Africa.³⁸ In ancient societies people that offered themselves for hire gathered around the market to be found by employers. In the Greek world, for example, they received the name of *ἀγοραῖοι*, because they gathered around the *ἀγορά*.³⁹ In Suetonius' biography of Claudius, the emperor presided over a religious ceremony on the *rostrum* of the forum after "having expelled the crowds of slaves and *operarii* [wage workers]".⁴⁰ In the 6th-century life of Nicholas of Sion, Nicholas looked for workmen to cut a tree by announcing his employment offer in the villages, presumably in a place where such offer might be heard.⁴¹ His brother Artemas followed the same procedure in recruiting quarry workers.⁴² Since circumcellions were linked to wage labourers in the sources, and we have comparative evidence that village markets as a place of hiring was commonplace in other ancient (and modern) societies, we may assume that one way these harvesting gangs were formed was through the contractor hiring gang-members from a pool of workers gathered at periodical markets.⁴³ This is an idea that scholarship is able to confirm to be the case in Late Antique North Africa thanks to the texts of Optatus and Augustine on the circumcellions.

2.1.2. Scholarship on Roman rural wage labour and the contractor-led harvesting gangs

Contractor-led harvesting gangs are not unknown to scholarship. Indeed, this thesis is not the first to refer to them. Nonetheless, the waged harvesting gang appeared late in the scholarship of Roman agricultural labour; it is virtually unmentioned until the early 20th century. The main reason for that was the traditional downplaying of wage labour as an important and structural part of the ancient economy, and its almost exclusive focus on

³⁸ Shaw, 1981: 38; Fentress, 2012: 127. On other functions of *nundinae* aside from product exchange and labour hiring also see Andreau, 1999: 149-150.

³⁹ Acts 17:5; Herodotus. *Ἱστορίαι*. 1.93; 2.141; Plutarch. *Βίοι Παράλληλοι*. Aemilius Paulus.38. See also Fuks, 1984: 303-305.

⁴⁰ Suetonius. *De Vitae Caesarum*. Divus Claudius.22. *summotaque operariorum servorumque turba. Operarius* is a word clearly used to mean 'wage worker' in Cato. *De Agricultura*. 10 and Varro. *De Res Rustica*. 17-18.

⁴¹ *Βίος τοῦ Ἁγίου Νικολάου τῆς Ἁγίας Σιών*. 19.

⁴² *Βίος τοῦ Ἁγίου Νικολάου τῆς Ἁγίας Σιών*. 39.

⁴³ This conclusion was also reached in Shaw, 2011: 641-643.

coerced permanent labour forces (slaves, *coloni*, etc.).⁴⁴ Although as early as 1840, Adolphe Dureau de la Malle mentioned the possibility of Roman rural wage labour existing, he did so by framing the retention of crop by tenants as a sort of ‘payment’ by their landowners.⁴⁵ Wage labour as a category distinct from tenancy would not be properly considered in the Roman world until the late 19th century. In one of rural Roman wage labour’s first incarnations, in Max Weber’s *Roman Agrarian History in its Relation to Roman Public and Civil Law*, published in 1891, wage labour is only conceived as an undesirable option that was marginal in the High Empire and untenable for the Late Empire.⁴⁶ It is only in the early 20th century that scholars such as Rostovtzeff and Saumagne began incorporating wage labour into their analyses.⁴⁷

Wage labour was acknowledged as a factor in almost all analyses of the Roman economy after the early 20th century, but rarely as an important factor. This is especially clear in the analyses of Finley and de Ste. Croix in the 1970s and 80s. Finley was insistent that the hired man was not “a significant factor in production, whether on land or in towns”.⁴⁸ De Ste. Croix, in order to argue that labour in the ancient world was primarily of a coerced character, argued that the *obaerarii* mentioned in a famous Varro passage were not really wage workers but “men in some kind of debt-bondage”.⁴⁹ De Ste. Croix’s interpretation of *obaerarius* is not exclusively his, and seems to be a long-standing interpretation in scholarship.⁵⁰ However, upon closer examination it is not that clear that the *obaerarii* of Varro are bondsmen. *Obaerarius* is an extremely rare word, and this is the only attested use of it in the entire corpus of Latin literature, which makes extremely difficult to define accurately.⁵¹ In fact some early editions of the text have proposed two different words from which this ‘*oberarios*’ in Varro might have come: one is ‘*obaeratos*’ (indebted) lending credence to the mainstream interpretation but some editors have preferred to read the word as derived from ‘*operarios*’ (wage workers).⁵² The idea that *obaerarios* may not have been debtors is very old, as early as 1822 Friedrich Karl

⁴⁴ This is not a new criticism: Garnsey, 1980: 42 n.22; Banaji, 2010: 146-147.

⁴⁵ Dureau de la Malle, 1840: 60-61.

⁴⁶ Weber, 1950: 77-78; 1986: 312-314.

⁴⁷ Saumagne, 1934; Rostovtzeff, 1957: 63, 330, 471.

⁴⁸ Finley, 1985: 56.

⁴⁹ De Ste. Croix, 1981: 187. For the Varro passage Varro. *De Res Rustica*, 1.17.2.

⁵⁰ This is the interpretation chosen by the Loeb translation of the text. See also Whittaker, 1980: 80; Finley, 1985: 70; Garnsey and Saller, 1987: 111; Erdkamp, 2005: 17, 80; Vearcombe, 2010: 217 n.48.

⁵¹ Lo Cascio, 1982: 265, 268 acknowledging it as a *hapax*. See also the *Thesaurus Linguae Latinae*, the Forcellini Lexicon, the Lewis and Short dictionary and the Gaffiot dictionary only providing the Varro fragment as a source.

⁵² See Lo Cascio, 1982: 268-269 for a survey of the treatment of *oberarios* in the different editions.

von Savigny was already arguing that “durch *obaerarios* die Ableitung von *operarios* angedeutet werden soll” and that debtors forced to work, were “waren gewifs zu Varro's Zeiten so selten und unbedeutend, dafs sie in einem Buch über die Landwirthschaft unmöglich erwähnt werden konnten”.⁵³

Some progress towards establishing whether the reality that lies behind the word *obaerarius* was debt bondage or wage labour can be made by considering the following passage from another Varro work, *De Lingua Latina*.⁵⁴

A free man who, for money which he owed, bound his labour in slavery until he should pay, is called a *nexus* [because he does not become independent (*nec suum*) of this obligation], just as a man is called *obaeratus* from money-debt [*aes*].

For Varro a man who owed labour and is not free until that debt is paid is a *nexus*, while a man who owed money is an *obaeratus*. This seems to contradict his wording in *De Res Rustica*, where he uses *obaerarius*, which like *obaeratus*, is derived from *aes* instead of *nexus*, but this contradiction only appears if we hold that *obaerarius* means work-debtor. Given that Varro is talking about ways to obtain non-slave labour in the *De Res Rustica* passage, it makes no sense that Varro would use a word that implied the owing of money instead of the owing of labour. Furthermore, the context of the mention of *obaerarios* indicates that Varro does not mean debt-workers with his use *obaerarios*.⁵⁵

All fields are cultivated by man, be it slaves or freemen or both. They are free when either they cultivate the land themselves, as many poor people do with their families, or with *mercenarii*, when they undertake the major works, such as the vintage or the haying, with hired men, and they [*iique*] are called *obaerarios* in our language and currently are numerous in Asia, Egypt and Illyria.

Varro introduced the clause on the *obaerarios* with the pronoun-conjunction *iique*, which refers to a previous reality in the text, in this case the *mercenarii*, during a discussion of free

⁵³ Von Savigny, 1823: 21-22. Savigny's interpretation of *obaerarios* as *operarios* can be traced even earlier as the Forcellini lexicon in the 18th century remarks that “alii tamen legendum putant *operarios*”.

⁵⁴ Varro. *De Lingua Latina* 7.105. Trans.: Loeb. *Liber qui suas operas in servitatem pro pecunia quam debebat nectebat, dum solveret, nexus vocatur, ut ab aere obaeratus.*

⁵⁵ Varro. *De Res Rustica*. 1.17.2. *Omnes agri coluntur hominibus servis aut liberis aut utrisque: liberis, aut cum ipsi colunt, ut plerique pauperculi cum sua progenie, aut mercennariis, cum conducticiis liberorum operis res maiores, ut vindemias ac faenisicia, administrant, iique quos obaerarios nostri vocitarunt et etiam nunc sunt in Asia atque Aegypto et in Illyrico complures.*

forms of labour. Even if, as the mainstream interpretation does, we insisted in seeing in Varro's text a tripartite classification of *ipsi colunt*, *mercennariis* and *obaerarios*, the latter would be, in Varro's eyes, types of free work, and therefore not *nexi* who "bound [their] labour in slavery".⁵⁶ Varro also mentions *obaerarios* being numerous in Egypt, a land with a long tradition (since at least the Ptolemaic period) of the permanent employment of wage workers in rural estates, as can be seen from its farm accounts (which will be discussed further below).⁵⁷ We cannot be certain of the scale of use of wage labour or debt bondage for farming in Illyria or Asia, but the former region was known for its important mines, and Roman mining employed, among other types of labour, wage labour.⁵⁸

The use of the word *obaerarios* in this Varro fragment might therefore have its origin in a textual transmission issue. Varro, shortly afterwards, cites a Cassius fragment using, for the first time in the text, the word *operarius*, a commonly-used word for wage worker of which he has not explained the meaning in the previous section and uses it occasionally for the rest of the book.⁵⁹ The most probable explanation for the presence of *obaerarios* is that somewhere along the chain of transmission of the text, or even by Varro's own mistake, the non-existent word *obaerarios* was written instead of the correct *operarios*. Despite the objections of Finley and de Ste Croix, including the disputable interpretation of *obaerarius*, the sources, despite their scantness, are clear: rural wage labour existed in the Roman world and it had a considerable impact in the rural economy.

Despite resistance by earlier authors to consider wage labour as a significant factor in the Roman economy, from the late 20th and early 21st centuries onwards wage labour has been given a considerable role in studies on Roman labour.⁶⁰ Nonetheless, as we shall see, the explorations of the gang structure of labour have been mostly superficial.

⁵⁶ Varro. *De Lingua Latina* 7.105. Trans.: Loeb. *Liber qui suas operas in servitatem pro pecunia quam debebat nectebat*

⁵⁷ Rathbone, 1991: 88-92; Banaji, 2007: 201-203. See also Section 2.2.4.

⁵⁸ Ørsted, 1985: 237-239; Andreau, 1990: 87-90; Dzino, 2010: 173-174. The main sources for the use of wage labour in Roman mining are the Vipasca (Hispania) law on metallurgy (*CIL* 2, 5181) and the Dacian contracts for working in mines (see Mrozek, 1977: 102-107).

⁵⁹ Varro. *De Res Rustica*. 1.17-18,45.

⁶⁰ Rathbone, 1991; Banaji, 2007; Dossey, 2010; Shaw, 2013. See also the Introduction.

2.1.2.1. *The Beginnings of the Gang in Scholarship and the Harvester of Maktar Inscription*

Despite wage labour being explored in scholarship since the late 19th century, the study of the harvesting gang organisation would take some time to develop in the scholarship, as there were not many sources available to document it.⁶¹ Before 1883 there were only two known direct sources documenting the Roman gang. One is a passage in Suetonius' *De Vitae Caesarum* where Vespasian's grandfather is alleged to have been a *manceps operarii*, or contractor/provider of workers, in northern Italy.⁶² The other is a model contract included in Cato's *De Agricultura* for the harvesting of olives that mentions a *redemptor*, meaning contractor, having to furnish some labour.⁶³ This changed with an archaeological campaign in the town of Maktar by Joseph Letaille, which in 1883 unearthed a fascinating Latin inscription that would open the door to further considerations on the waged harvesting gang.⁶⁴ First published in 1885 and then compiled in the *Corpus Inscriptionum Latinorum* as CIL 8, 11824, the inscription came to be known in scholarship as the "Harvester of Maktar" inscription. The discovery of this inscription marks a watershed moment in the study of Roman wage labour; virtually all scholarship on rural labour after its discovery would either draw from it or confront and minimize it. Before proceeding to explore the scholarship on the gangs a brief account of the contents of the inscription needs to be given due to the importance of the Harvester of Maktar inscription in the study of waged harvesting gangs in the Roman world.

The Harvester of Maktar inscription is a funerary inscription consisting, mainly,⁶⁵ of an autobiography in verse. It narrates the story of a humble farmer who through his hard work and perseverance becomes first the leader of a gang of itinerant harvesters and then a member of his town's aristocracy:⁶⁶

⁶¹ This is still a problem. See the Introduction. See also Heitland, 2011: 264-265 arguing that the use of contractor-led gangs was declining by the first century BCE and was completely unknown by the first century CE, given that it is mentioned by Cato but not by Columella. No mention is made of the Harvester of Maktar inscription which was known when he wrote his book in 1921.

⁶² Suetonius. *De Vitae Caesarum*. Vespasian 1.4. See Section 2.2.1 and Appendix 1.

⁶³ Cato. *De Agricultura* 144. See Section 2.2.1 and Appendix 1.

⁶⁴ Héroïne de Vilafosse, 1885: 529-531. The Harvester of Maktar rises as a key source for any analysis of the harvesting gang in post-1883 scholarship. However, one can encounter works that reach the conclusion that contractor-led gangs existed without discussing or even mentioning the Harvester of Maktar, such as Billiard, 1928: 127.

⁶⁵ There are some formulaary funerary inscriptions around the stone, but they appear contextually disconnected from the main text. See Shaw, 2013: 281-283

⁶⁶ CIL 8, 11824. *fui / paupere progenitus lare sum parvoq(ue) parente / cuius nec census neque domus fuerat / ex quo sum genitus ruri mea vixi colendo / nec ruri pausa nec mihi semper erat / et cum maturas segetes produxerat annus / demessor calami tunc ego primus eram / falcifera cum turma virum processerat arvis / seu*

(1) I was (2) born in a poor home and to a poor father, (3) who had neither wealth nor property. (4) And since I was born, I have lived cultivating the fields. (5) There was never pause for me or my fields. (6) And when the season made the crops mature, (7) I was then the first reaper among the crops. (8) When our sickle-bearing gang of men had gone to the fields, (9) seeking the nomad plains of Cirta or of Jupiter, (10) I preceded all, being the first harvester in the fields, (11) leaving behind my back dense sheaves. (12) I have reaped twelve harvests under the rabid Sun. (13) And then, from a workman, I became a foreman. (14) And I led the gangs of harvesters for eleven years (15) and my hand has cut the fields of Numidia. [...] (16) This work and life were good to someone from a poor environment (17) and made me owner of a house and furnished a villa. (18) And this house does not lack any wealth (19) and my life has seized the fruits of honour. (20) My name was written among the honour-enrolled by themselves. (21) And with their rank I sat in the temple of the order of the chosen. (22) And I myself from a little countryman became a censor. (23) I fathered children and have seen my young and beloved grandsons. [...] (24) I have traversed the bright years of life as I deserved, (25) which no tongue can damage with atrocious accusations. (26) Learn, mortals, to spend life without wrongdoing! (27) Deserved to live like this, he who without fraud died.

This fascinating inscription raises such topics as social and geographical mobility, the regard for manual work in the Roman world, the state of the Late Antique economy, and, key to the issues of this chapter, the organisation of wage labour into contractor-led gangs. However, the Harvester of Maktar inscription is as problematic as it is enticing. There are two main issues with it that must be confronted. The first issue is its dating. Traditionally it has been placed in the third century, but Brent D. Shaw has proposed placing it in the late 4th century due to the similarity of the uncial script it is written with its presence in later Late Antique inscriptions.⁶⁷ I find a Shaw's dating more convincing than the traditional 3rd century dating.

Cirtae Nomados seu Iovis arva petens / demessor cunctos anteibam primus in arvis / pos(t) tergus linguens densa meum gremia / bis senas messes rabido sub sole totondi / ductor et ex opere postea factus eram / undecim et turmas messorum duximus annis / et Numidiae campos nostra manus secuit / hic labor et vita parvo con(ten)ta valere / et dominum fecere domus et villa paratast / et nullis opibus indiget ipsa domus / et nostra vita fructus percepit honorum / inter conscriptos scribtus et ipse fui / ordinis in templo delectus ab ordine sedi / et de rusticulo censor et ipse fui / et genui et vidi iuvenes carosq(ue) nepotes / vitae pro meritis claros transegimus annos / quos nullo lingua crimine laedit atrox / discite mortales sine crimine degere vitam / sic meruit vixit qui sine fraude mori.

⁶⁷ For third-century dating: Tissot, 1884: 65-66; Warmington, 1954: 87; Brisson, 1958: 338; Charles-Picard, Le Bonieci and Mallon, 1970 : 148, 159. For Shaw's dating see Shaw, 2013: 59-65.

The main issue with most attempts to date the inscription in the 3rd century is that they are based on the supposed economic state of North Africa. More precisely, commentators of the inscription assumed that the economy of Late Antique North Africa was in a worse state than in the second or early third centuries. Thus, historians doubted that the Harvester could have seen such a social and economic mobility when the economic situation was not prosperous. In Charles-Picard's words:⁶⁸

Sa naissance se situerait ainsi vers 180-190, et son ascension sociale entre 200 et 230, donc sous la dynastie sévérienne, époque où l'Afrique connaît encore une grande prospérité.

This narrative of economic decline is no longer viable. Thanks to the work of Carandini about olive oil production and the works of scholars such as Lepelley, Hitchner, Mattingly, Hobson and Dossey, there are strong indications that there was an 'economic boom' or period of intensification of economic activity in North Africa in the 4th and early-5th centuries.⁶⁹ Thus, the decline argument for dating the Harvester of Maktar inscription is nowadays untenable. Shaw's dating of the inscription in the 4th century, based on epigraphical and stylistic evidence, is more convincing than previous arguments, although it does not fully close the door to a potential 3rd century dating.⁷⁰

Another problem with the Harvester of Maktar inscription is its uniqueness. There is no other inscription like it in the thousands of inscriptions forming the corpus of documented inscriptions from the Roman period across the Mediterranean. Although sometimes it is grouped up with a set of 3rd-century North African inscriptions collectively known as the *bonus agricola* inscriptions, it stands out as an oddity even among these inscriptions.⁷¹ The *bonus agricola* inscriptions are about how the deceased was a great manager of land who improved their land and made it more profitable, thus living up to the ideal of the perfect Roman farmer, a dutiful steward of his ancestor's or patron's land and continuator of the good farming

⁶⁸ Charles-Picard and Rougé, 1969: 225.

⁶⁹ Carandini, 1970; Lepelley, 1979: 29-36; Hitchner, 1993: 499-506; Mattingly and Hitchner, 1995: 198-204; Hobson, 2015b; Dossey, 2010; Grey, 2016: 122-124.

⁷⁰ Shaw, 2013: 63-64.

⁷¹ Stone, 1998: 103-113.

practices of their ancient lineage.⁷² This notion is nowhere to be seen in the Harvester inscription. The Harvester does not claim descent from landowning ancestors (“I was born in a poor home and to a poor father who had neither wealth nor property”) and he does not manage land in the inscription. He works hard at the harvest and then, if anything, manages men who also work hard.

2.1.2.2. *The Gang in Scholarship after the Harvester of Maktar*

Confronted with the complexity and uniqueness of the Harvester of Maktar inscription, different strands of scholarship have interpreted it wildly differently. The opinion of scholars on the harvesting gang are greatly influenced by whether they consider this particular inscription as an oddity or an expression of a common phenomenon.

The Harvester of Maktar was one of the main sources that Charles Saumagne used to compose his portrait of the circumcellions as members of an *ordo* (or social status) comprised of mobile groups of poor wage harvesters.⁷³ However, his hypothesis of a link between gangs of harvest workers and gangs of sectarian fanatics was strongly disputed in the following decades by William Frend, who strongly shaped the debate on the circumcellions in the mid-20th century.⁷⁴ The relevancy of the Harvester of Maktar was not only questioned in regards to the circumcellion debate, but also on gauging the importance and organisation of wage labour. Finley and de Ste. Croix, for example, both mentioned the Harvester of Maktar inscription and both of them reached the same verdict, Finley asserted that “until a few more of such epitaphs are discovered, I shall remain unpersuaded by the attention this ‘Harvester inscription’ receives in modern accounts” and de Ste. Croix argued that “the man was probably a very rare exception”.⁷⁵ The harvesting gang is not discussed in either Finley’s *The Ancient Economy* nor de Ste. Croix’s *Class Struggle in the Ancient Greek World*.

⁷² Cato. *De Agricultura. Praefatio*; Columella. *De Res Rustica. 1.pr.*; see also Brendon, 2005: 353. One very clear example of this, aside from the *boni agricolae* in Stone, 1998 is the inscription of the administrator-quasi-owner of the *fundus Glebonianus*, see De Vos and Porena, 2020: esp. 503-505, 523

⁷³ Saumagne, 1934: 360-361. For criticism of seeing circumcellions as an *ordo* see Frend, 1969: 548-549; Atkinson, 1992.

⁷⁴ See especially his remarks on the Harvester of Maktar in Frend, 1969: 548.

⁷⁵ De Ste. Croix, 1981: 187; Finley, 1985: 223-234 n.28.

Minimising the role of wage labour in harvesting also unavoidably means minimising the exploration of the gang organisation, as the existence of the latter points towards a structural and considerable need for wage labour during the harvest that may place some doubt on whether wage labour was “a significant factor in production”.⁷⁶ But even among those who argue for a more active role for wage labour in the Roman economy, the gang is underdiscussed, it is often mentioned but never explored.⁷⁷ Even though Brent D. Shaw advances the debate on the gangs by featuring them extensively in his lectures on the harvesting of grains and through his work on the circumcellions, he still does not answer a very important question that has been neglected by scholars: why did harvesting gangs exist?⁷⁸

The forthcoming sections give an answer to the previous question and provide an explanation to why landowners hired harvesting gangs instead of gathering wage labour themselves or through their permanent managers. This is a question that has not received much interest in scholarship, although some indirect hypotheses have been put forward.⁷⁹ Scholarship so far has tended to assume the harvesting gang in their analyses, and often treats it like a *fait accompli*, merely mentioning its existence or, at most, studying its functioning and implications without delving into the reasons for its existence in the first place.

2.2. An Ancient or Roman reality?

In order to conceptualize the reality of how gangs worked, and who participated in them, it is necessary to understand why this organisational structure of labour came to be, and what benefits it rendered for its participants: the managers/landowners, the contractors organising the gangs, and the workers working in them. The first step towards establishing the rationale for the harvesting gangs is establishing whether they appeared in other ancient Mediterranean cultures or if they were a purely Roman phenomenon.

⁷⁶ In Finley’s words (Finley, 1985: 56).

⁷⁷ For example: Garnsey, 1980: 42; Kehoe, 1988: 221; Banaji, 2007: 204. All of these examples dedicate a single page or mention on the gang in their analyses. See also the Introduction.

⁷⁸ See n.8.

⁷⁹ Banaji, 2007: 204; Shaw, 2013: 91. See also n.8-9.

It is out of the question that gangs could have been a mostly irrelevant phenomenon restricted to Late Antique North Africa. Even if the Harvester of Maktar and texts on circumcellions are taken out of consideration, on the assessment that both are Late Antique North African sources, we still find four clear pieces of evidence, composed in different times and places, to support the existence and use of the gang organisation outside Late Antique North Africa and as a general reality of the Roman Empire.⁸⁰

2.2.1. Roman sources on the contractor-led gang

As mentioned above, here we will explore the sources mentioning the contractor-led harvesting gang outside Late Antique North Africa.⁸¹ The earliest source on the contractor-led harvesting gang is Cato's *De Agricultura*, written in the late 2nd century BCE (for the text see Appendix 1). In his book Cato includes a model contract for the picking of olives that mentions a *redemptor* in charge of the operations who must supply workers and must participate in arbitration should any issue arise.⁸² Also from Italy, a second source is a fragment from Suetonius' *Life of Vespasian*, written in the 2nd century CE, which mentions Vespasian's grandfather being a contractor in northern Italy at some point in the Late Republic or Early Empire:⁸³

I will not deny that some have insinuated that Petro's father was a *manceps* of *operarii* from the Transpadanian region, who used to resort to take them from Umbria to the land of the Sabines for the cultivation of the fields.

Outside of Italy there are two Egyptian sources that point towards the presence of harvest contractors. One of them is a 3rd-century Egyptian farm account mentions the hiring of several men for the harvesting of olives under the authority of a man named Ischyron, who bears

⁸⁰ In fact, there is still a chance that the Harvester of Maktar inscription might not be a Late Antique inscription, see Section 2.1.2.1. Also see Appendix 1 for all sources attesting the contractor-led harvesting gang in the Roman world. I limit myself to 'clear' pieces of evidence that unambiguously refer to contractor-led harvesting gangs, see Chapter 3, Section 3.3.1.1. for some discussion on more dubious potential mentions.

⁸¹ For the Harvester of Maktar see Section 2.1.2.1 and for the texts on the circumcellions see Section 2.1.1.

⁸² Cato. *De Agricultura*. 144. For the use of *redemptor* see Chapter 3, Section 3.1.3.

⁸³ Suetonius. *De Vitae Caesarum*. Vespasian 1.4. *Non negaverim iactatum a quibusdam Petronis patrem e regione Transpadana fuisse mancipem operarum, quae ex Umbria in Sabinos ad culturam agrorum quotannis commeare soleant.*

the title of εργόλαβος (*ergolabos*), that is, contractor.⁸⁴ Finally, there is the letter of a distressed manager being let down by some *ductores* in 4th-century Egypt:⁸⁵

I would like to make you aware, my master and brother, that Eusebios has gone to town [and more specifically] to the farmstead and did not find the workers who normally attend to the cows,⁸⁶ neither those who work under Gennadios nor Dichaearhos. And I told Didymos this: “give the wages to others to work”.

The previous sources point to harvesting gangs not being a particular characteristic to North Africa, nor to Late Antiquity, but a reality that probably extended all over the Roman Empire. However, this raises the question if we are dealing with a specific Roman characteristic of their organisation of agricultural production or, instead, analysing a wider reality applicable to the ancient economy, independent of the social and legal structures or the level of economic integration and volume of trade that different societies displayed in the ancient Mediterranean world.

2.2.2. The lack of contractor-led gangs in non-Roman sources

A search for mentions of contractor-led harvesting gangs in sources outside of the Roman State is warranted in order to discern if the contractor-led gang was a particularity of the

⁸⁴ BGU 1.14. For a more in-depth look at this source see Chapter 3, Section 3.3.1.2.

⁸⁵ *P. Lips.* 1.111.6-10. Trans.: Panagiota Mantouvalou. γνῶναί σε θέλω, κύριέ μου ἀδελφε, ὅτι ἀπῆλθεν Εὐσέβιος εἰς τὴν κώμην εἰς τὸ γεώργιον καὶ οὐχ εὔρη|εν τοὺς μόσχους ἐν τῷ γεωργίῳ ἐργαζομένους οὔτε τὰ Γενναδίου οὔτε τὰ Δικαιάρχου· ἀλλὰ {εἰ}/ εἶπον Διδύμω ὅτι· δὸς τοὺς μισθο[ύς] ἄλλους, ἵνα ἐ[ρ]γάσωσιν. There is a debate on whether we ought to read δὸς τοὺς μισθο[ύς] ἄλλους (as reproduced above and translated as “give the wages to others”) or δοῦλος μισθο[σε] ἄλλους (Harper, 2011: 139 n.289 being translated as “hire other slaves”). The earlier reading is an older reading than the latter one (BL 1.214 attests to the transition). The earlier reading is also the one used in Shaw, 2013: 351 and Ghedini, 1923: 211. In choosing the latter reading (δοῦλος μισθο[σε] ἄλλους) Harper argues that it makes more sense that it is Dydimos (who is interpreted as some sort of intermediary slave-leaser) who does not have the money rather than the landowner. However, Dydimos (interpreted as a *ductor*) would have had an interest in knowing that the landowner could pay before going and hiring a workforce. I argue in favour of the mainstream reading of δὸς τοὺς μισθο[ύς] ἄλλους because slave leasing in large numbers was not (and could not be) common (see Chapter 1, Section 1.3), and the scenario of Didymos doubting the ability of Isidoros to pay is to me more likely in the context of the contractor-led harvest gangs, than Didymos not being able to pay to rent slaves that would be sent to work for the benefit of Isidoros (a third party in the slave lease).

⁸⁶ Cow herding as an activity undertaken by casual hired labour is not attested in the Heroninos Archive, but it is attested being performed by permanent wage labour. See Rathbone, 1991: 136-138. Also see the same (p.154, 157) citing *P. Prag. Varcl.* 2.3.80 for a permanent salaried cowherd named Attamon being compensated at a casual unspecialised labourer rate for helping “supplying water to the river-workers” during a harvest. Nonetheless the gangs of Gennadios and Dichearchos are clearly separated from the cowherds in the text and explicitly tied to the coming harvest. Didymos either might be right in doubting his potential client’s ability to pay, as even his permanent workers have abandoned him, or there is a drought of personpower and the landowner Isidoros’ wage rates are not competitive.

Roman rural economy, or on the contrary was a wider reality. This is especially important given that Shaw has previously argued that the harvest contractor “was not peculiar to the Roman world alone,” and this assertion underpins his use of a very wide-reaching comparative methodology.⁸⁷ Before delving into sources on wage labour in other Mediterranean cultures, it is important to keep in mind that, just like in the Roman world, all the sources for rural labour outside of Rome come from written sources. This means that it is only possible to discern the organisation of wage labour in an ancient society, if the society has produced extant texts relating to some issue where rural wage labour might make an appearance. But even in the societies where that is the case there is a further problem. In the Roman world it is possible to temper literary sources, which can tend to reproduce tropes untethered from the real situation, with letters, farm accounts and inscriptions, which tend to more clearly make reference to actual realities (even though they too are affected by tropes). However, this privilege is lost for some other societies. Because most extant texts are literary, it can be hard to discern whether they merely reproduce tropes on wage labour or are expressing an actual reality. However, this section will assume that if Mediterranean societies developed the contractor-led harvesting gang, it is bound to somehow appear somewhere in the corpus of non-Roman ancient literature, especially on account of the important role the harvest plays in ancient agriculture. First, we will look at three Mediterranean contexts that show no presence of contractor-led harvesting gangs (Ancient Greece, Carthage, ancient Jewish society) and two where such an organisation might have existed given the evidence (Old Babylonia, Ptolemaic Egypt).

2.2.2.1 Ancient Greece

In order to try to locate the contractor-led harvesting gangs in the ancient Greek world we must first survey its sources on rural wage labour. Mentions of agricultural wage labour in pre-Roman Greece are even scarcer than in the Roman world but they do exist.⁸⁸ In Xenophon’s *Memorabilia* Eutherus laments to Socrates that he is forced to “work for my living with my hands”, and it is implied that he works for hire in effort-demanding tasks as Socrates

⁸⁷ Shaw, 2013: 73.

⁸⁸ De Ste. Croix, 1981: 179-185; Jameson: 1992, 142-143; McHugh, 2017: 38 for more sources. Some of them follow. Also see Meikle, 2002: 242-243.

reminds him that “when you get old you will have to spend money, and nobody will be willing to pay you for your labour”.⁸⁹ In Plato’s *Euthryphro*, the eponymous character’s father hires a worker to do farm work, and the hired worker ends up drunkenly killing one of the slaves. As punishment Euthryphro’s father bound him and threw him in a ditch to die.⁹⁰ In a speech Demosthenes says to his opponent Aeschines that “I would never call you the friend either of Philip or Alexander, unless we are to call a harvester or other hired labourer the friend of the man who pays him for his job”.⁹¹

Wage labour is also present in the earlier Homeric texts and in Hesiod. The latter recommends that “when you have laid up all the means of life well prepared inside your house [after the harvest], then I bid you turn your hired man (θής) out of your house and look for a serving girl (ἔριθος) without her own child; for a serving girl with a baby under her flank is a difficult thing.”⁹² In the *Odyssey* when Odysseus returns home in disguise a suitor offers him some work, “would you have a mind to serve for hire (θητευέμεν), if I should take you into service, on an outlying farm— your pay will be assured—gathering stones for walls and planting tall trees? There would I provide you with food the year through, and put clothes upon you and give you sandals for your feet.”⁹³ Also in the *Odyssey* when Odysseus speaks to Achilles in the underworld, living off wage labour is framed as a rather miserable fate, the terribleness of which is used to emphasize the unpleasantness of death itself.⁹⁴

If I could live on the earth, I would be happy to serve as a hired hand to some other, even to some man without a plot of land, one who has little to live on, then to be king among all the dead who have perished.

⁸⁹ Xenophon. *Ἀπομνημονευμάτων*. 2.8.1-4. Trans: Loeb. ἐπιδημήσας τῷ σώματι ἐργαζόμενος τὰ ἐπιτήδεια.

⁹⁰ Plato. *Ευθυφρων*. 4c-d.

⁹¹ Demosthenes. *Περὶ τοῦ Στεφάνου*. 51. Trans.: Loeb. οὔτε Φιλίππου ξένον οὔτ’ Ἀλεξάνδρου φίλον εἵπομι’ ἂν ἐγὼ σε, οὐχ οὔτω μαίνομαι, εἰ μὴ καὶ τοὺς θεριστὰς καὶ τοὺς ἄλλο τι μισθοῦ πράττοντας φίλους καὶ ξένους δεῖ καλεῖν τῶν μισθωσαμένων.

⁹² Hesiod. Trans.: Loeb. *Εργα καὶ Ἡμέραι*. 600-605. αὐτὰρ ἐπὴν δὴ πάντα βίον κατὰθαι ἐπάρμενον ἔνδοθι οἴκου, θῆτὰ τ’ ἄοικον ποιῆσθαι καὶ ἄτεκνον ἔριθον δίξησθαι κέλομαι· χαλεπὴ δ’ ὑπόπορτις ἔριθος· καὶ κύνα καρχαρόδοντα κομεῖν.

⁹³ Homer. *Ὀδύσσεια*. 18.356-364. Trans.: Loeb. ξεῖν’, ἧ ἄρ κ’ ἐθέλοις θητευέμεν, εἴ σ’ ἀνελοίμην, ἀγροῦ ἐπ’ ἐσχατιῆς—μισθὸς δέ τοι ἄρκιος ἔσται— αἰμασιάς τε λέγων καὶ δένδρεα μακρὰ φυτεῶν; ἔνθα κ’ ἐγὼ σῖτον μὲν ἐπηετανὸν παρέχομι, εἶματα δ’ ἀμφιέσαιμι ποσὶν θ’ ὑποδήματα δοίην.

⁹⁴ Homer. Trans: Loeb. *Ὀδύσσεια*. 11.488-491. μὴ δὴ μοι θάνατόν γε παραύδα, φαίδιμ’ Ὀδυσσεῦ. βουλοίμην κ’ ἐπάρουρος ἐὼν θητευέμεν ἄλλω, ἀνδρὶ παρ’ ἀκλήρῳ, ᾧ μὴ βίωτος πολὺς εἶη, ἢ πᾶσιν νεκύεσσι καταφθιμένοισιν ἀνάσσειν.

The *Odyssey* fragments deserve some further methodological elaboration, as they allegedly refer to a more ancient reality than the fragments of Xenophon, Plato, Demosthenes and Hesiod. There has been some debate on whether Homeric texts provide a reliable depiction of the social structure of Bronze Age Greece or 8th-century BCE Greece, or rather they are a fantastic and idealised portrayal. On the one hand Finley used the *Odyssey* fragments to argue that the wage labourer was the lowest rung in society, thus giving some credence to the depiction, and Peter W. Rose has argued that the *Odyssey* is generally reliable to understand the world of Homer in 8th-century BCE Greece, including mentions of wage labour, mainly because the social and political issues that the poem presents ought to have found resonance in the audience for which they were composed.⁹⁵ On the other hand, John Halverston has argued that the *Odyssey* does not represent the actual social order of either Homeric Greece nor Bronze Age Greece, but a nostalgic imagining of a past social order that was fading in Homer's time, and Geddes has warned that Homer was possibly not drawing from his actual social context when writing about the society of Odysseus' world.⁹⁶ However, the fact wage labour is clearly depicted in Hesiod and the *Odyssey* must mean that it existed in some way, shape or form when Hesiod and Homer were writing their works. Thus, although these fragments cannot tell us much of how wage labour was organised, they can be interpreted to point towards wage labour being a potential reality in the Greek Dark Age.

All previous examples of wage labour, from Homer to Demosthenes, depict individually hired labourers, not harvesting gangs. The closest we can possibly get to a mention of a gang structure is a (probably fictitious) story starring the ancient philosopher Tales of Miletus that is recounted in Aristotle's *Politics*.⁹⁷ In that story Tales was out of money and looked for ways to make some. Because of his knowledge of astronomy, by observing the stars he foresaw that that year's olive harvest would be extraordinarily good. Tales then went around spending his money in deposits for every olive press he could find, and, because it was not harvest season yet, those deposits were cheap. When the harvest season rolled around Tales had the monopoly on olive pressing and made a fortune by leasing his olive pressers at a premium. The different manuscripts of the *Politics* disagree on what is being leased, whether it is olive

⁹⁵ Finley, 1977: 57-58, he also argues that epic poems like Homer's work ought to have been verisimilar to their audience and that features of the world of Homer's work crops up in other societies (p.144-146); Rose, 1992: 194-195, 198, 203.

⁹⁶ Geddes, 1984: 27, 36; Halverston, 1992: 189-190. See also Whitley, 2020.

⁹⁷ Aristotle. *Πολιτικῶν*. 1259a.

pressing workers or olive pressing installations (έλαιουργίων).⁹⁸ Given that what Thales pays is not a μισθός (*misthos*) or salary but an ἀρραβών (*arrabon*) or deposit, it makes more sense that what is being leased are olive pressing installations.

2.2.2.2 Carthage

It is practically impossible to say whether Punic agriculture in North Africa used wage labour during the harvest, much less gang-organised wage labour. In the 1920s Gsell thought that might have been the case, but he did so by assuming that because there were harvesting gangs in the Roman world, this would also have been the case in the Carthaginian world.⁹⁹ Almost all of the abundant agricultural treatises of Carthaginian authors are lost, with the exception of select passages from Magon, a Carthaginian agricultural writer widely cited in Roman works, that do not yield any information on the matter in hand.¹⁰⁰ Some scholars have argued that Carthaginian agriculture, like Roman agriculture, was geared towards cash crops, and could have used a substantial amount of wage labour, which, if true, could mean that the framework for labour in the Carthaginian Empire was similar to the Roman one, and could open the possibility that it too could have developed the contractor-led harvest gang structure in parallel.¹⁰¹ Furthermore, wage labour seems to have been a reality at least in the cities, especially for the craftmanship sector.¹⁰² However, any depiction of the types of workforce working the Carthaginian fields runs into problems, for even though there are mentions of Carthage's involvement in trading with slaves, the scale and purpose of their use is debatable. Nonetheless, if the Carthaginian economy also featured cash crop production and some use of slaves, it is possible that Carthaginian landowners hired wage labour for the harvest, but the dearth of sources does not allow us to infer if such hypothetical Carthaginian wage labour was also organised in gangs.

⁹⁸ Isager and Skydsgaard, 1992: 65-66. Despite some manuscripts speaking of olive-pressing workers, most scholars agree that this text is talking primarily of olive pressing installations. Although Isager and Skydsgaard argue that the text refers to workers, they concede that "whether they were casual labourers or people who also owned an olive-press, we cannot know, but it would be reasonable to assume that their work was centred round certain places with the necessary equipment".

⁹⁹ Gsell, 1924: 47-48.

¹⁰⁰ For abundance of lost Carthaginian agricultural texts see Columella. *De Res Rustica* 1.1.6. For the portrayal of Carthaginian agriculture in the Roman world see Hoyos, 2010: 64-65.

¹⁰¹ Hoyos, 2010: 69-71; Lewis, 2018: 259-266; Lenski, 2018: 26-29.

¹⁰² Hoyos, 2010: 67-69.

2.2.2.3 Ancient Jewish society

The Tanakh gives some insight on the role of wage labour in ancient Jewish society. The provisions on manumission and debt cancelling in Deuteronomy 15 may be an indication that the Hebrew society of the 8th century BCE was experiencing a transformation in its land use. Slave labour was becoming unprofitable, and landlords transitioned to employing free wage labour, thus being able to hire and fire at will without any investment or additional cost.¹⁰³ Nonetheless, all mentions in the Tanakh of wages paid to harvesters and agricultural workers in general are directly paid from landlord to employee, without any intervention in the relationship between landowner and employee.¹⁰⁴ Especially interesting is the story of Ruth. When Ruth is picking the grain that the harvesters of Boaz are leaving behind, Boaz calls “his servant, who was in charge of the harvesters”,¹⁰⁵ which would indicate that hiring was individual, and the leadership of the gang was exercised by a permanent member of the estate. There is also no law or decree about the leasing of someone else’s labour to a third party in the Tanakh.

Provisions which could have been made to regulate potential harvesting gangs do not appear until much later in the Jewish tradition, long after the compilation of the Tanakh. The *Bava Metzia* section of the later 3rd-century CE Mishnah, dealing among other things with wages and wage disputes, does not mention harvesting gangs but does provide an account of a rabbi telling his son to hire harvesters for their harvest.¹⁰⁶ The Gemara (commentaries on the Mishnah compiled around the early 6th century CE) on this book, comment on a potential fringe case where the mechanism of a labour contractor might be gleaned. In this potential scenario an employer tells a worker to go hire more workers at four dinars each, but the head worker lies to the other workers and tells them they are being hired for three dinars each.¹⁰⁷ Although we can see in this hypothetical scenario the mechanism of delegating the hiring of workers to a middleman, it is important to note that the Gemara stresses that it is the employer’s responsibility, and not the middleman’s, that the workers receive their pay, and that the middleman merely procures labour and does not derive a benefit from it (in fact, it

¹⁰³ Glass, 2000: 36-38; Kloppenborg, 2010: 289.

¹⁰⁴ Leviticus 19:13; 25:6; Deuteronomy 24:14; Tobit 4:14; Sirach 7:20.

¹⁰⁵ Ruth 2:5.

¹⁰⁶ Bava Metzia 7.1

¹⁰⁷ Bava Metzia 76a.2-3

might be implied that he lied in order to pocket the difference in wages).¹⁰⁸ However, doubt must be cast on how prevalent was this practice, as the introduction to this case seems to imply that this scenario is a way of justifying why the Mishnah says that the workers “deceived one another” instead of “they reneged on the agreement with one another”.¹⁰⁹ Nonetheless, if using a head worker to find other workers was indeed a common practice, it bears more resemblance with the hiring practices for the Old Babylonian period than the contractor-led gangs of the Roman period.

2.2.3. Old Babylon

Because of the lack of sources mentioning harvesting gangs in Ancient Greek, Carthaginian and Jewish societies, even when the Greek and Hebrew sources mention wage labour existing, it cannot be argued with confidence that harvesting gangs headed by a contractor of the type we see reflected in the Harvester of Maktar inscription were a staple of the pre-Roman Mediterranean economy. Nonetheless Shaw has argued that these contractors and their gangs were “not peculiar to the Roman world at all” using ancient Babylonian evidence.¹¹⁰ Harvest contracts implying gangs of labourers headed by middlemen are attested in the old Babylonian period (approximately 1894-1595 BCE). For example, the following text is found in an administrative archive of texts relating to the cultivation of date-palm orchards in the province of Yaḥrūrūm-šaplūm during the reigns of Samsu-iluna and Abi-ešuḥ (circa 1750-1684 BC).¹¹¹

Speak to Iddin-Dagan, thus (says) Šarrum-kīma-ilī. Take [two she]kels of silver to (recruit) harvest laborers. [...] [No]w I have sent Ilī-išmeanni to you. Do work with harvest laborers at the amount of two shekels of silver! If you do not perform your work with the harvest laborers according to the wording of my tablet that I had made out for you, that field [...] I will make you responsible for [that field] that they took possession of!

¹⁰⁸ Bava Metzia 76a.5

¹⁰⁹ Bava Metzia 76a.2; 76b.3

¹¹⁰ Shaw, 2013: 73.

¹¹¹ YPM BC 7733; translation and context in De Boer, 2016: 138-139, 141.

Framing the hiring of a contractor as a debt given in cash or crop to be repaid in purveying labour (a practice that is also common in a Late Roman context) is well-attested in the Old Babylonian period. For example, in another contract, dated in the 30th of August in the 34th year of Ammi-ditana (circa 1649 BC) and found in the Usrija Archive, four people, one of them a local official, 'borrow' silver to hire people for a harvest.¹¹² "Borrowing" in grain is also attested in the Usrija Archive.¹¹³ These contracts are not oddities, in the British Museum there are a total of 140 contracts for the purveyance of labour for the harvest from this period.

So, wage labour gangs similar to the ones we find in the Harvester of Maktar inscription and the Sion letter to Isidoros are already found a thousand years before in Babylonia. The old Babylonian system of hiring agricultural wage labour appears to have been incredibly sophisticated, potentially much more than Rome's. Findings of wage dockets and attendance lists point towards a system where workers on attendance lists would receive a docket on completion of their work and later use it to claim their wages, allowing workers to be hired in one place, work in another and even to be paid in a different one. It would also increase the ability of contractors to survey their workers.¹¹⁴ According to A. L. Oppenheim the old Babylonian system of agricultural wage labour was so regulated that hiring of the gangs took place well in advance of the harvest and special ordinances made sure the gangs could not abandon their contract and go to the highest bidder and thus the price of hiring the gangs remained stable.¹¹⁵

The Babylonian precedent is enough to support Shaw in arguing that labour organisations similar to the *ductor*-led gangs were not a unique development of the Roman world. However, his assertion that "[the Harvester of Maktar] was not peculiar to the Roman world alone", while potentially true given the Babylonian evidence, cannot be interpreted to mean that such a harvest contractor was common in the whole of the ancient Mediterranean, nor that Babylonia and Rome independently developed the exact same legal and economic role for harvest contractors. There is an important difference in the functioning of the Babylonian and Roman gangs that affect the role of the contractor. In Babylon the role of the contractors

¹¹² *Yale Oriental Series* 13.79; interpretation in Stol, 1976: 90.

¹¹³ For relevant Usrija texts see Stol, 1976: 91.

¹¹⁴ Dalley, 2005: 6-10; Rositani, 2011: 40-43. For examples of dockets see the following objects in the Yale Peabody Museum of Natural History: YPM BC 19929; 19937; 20075; 21886; 21892; 25967; 25975 *inter alia*.

¹¹⁵ Oppenheim, 1969: 13-14.

seems to be limited to only providing workers. This is evidenced by the fact that most contracts do not specify how much the harvesters are going to be paid, this is an issue that seems to have been dealt with separately.¹¹⁶ When these contracts contain mentions of a payment, it is relatively small, such as the “two sheckels of silver” mentioned in *Yale Babylonian Collection 7733*, which is already on the higher end of the spectrum, as most contracts present a payment of half a shekel.¹¹⁷ For comparison, the Eshunna Laws fix a general worker’s pay for a month’s work at 1 shekel of silver, and a harvesters’ at 12 barleycorns of silver per day, that is, approximately 1/3 of a shekel.¹¹⁸ Rositani correctly argues that this is not a payment for salaries, it is a payment for the services of the contractor.¹¹⁹ The fact that the role of the contractor was limited to merely being a purveyor of labour is a notable difference from the Roman gangs, where the contractor had a much greater involvement in the gang’s execution of the harvest.¹²⁰

2.2.4. Ptolemaic Egypt

Ptolemaic Egypt is another place in the ancient Mediterranean where harvesting gangs can be discerned. Unlike the Babylonian gangs, Ptolemaic contractor-led gangs seem to be closer to their Roman counterparts. Like Roman gangs, the Egyptian contractors, which bore the title of ἐργολάβοι, were responsible to not only provide labour but overseeing the task at hand. Ἐργολάβοι are also attested bidding for labour contracts involving big projects such as irrigation maintenance and construction of buildings, where their role supervising the works ought to have been as relevant as the providing of labour for the task.¹²¹ In a contract for the hoeing of a vineyard the contractor Herkleides is explicitly entrusted with managing the work.¹²²

In Ptolemaic Egypt there are gang leaders that are called δεκάταρχος (*dekatarhos*), meaning ‘leader of ten people’.¹²³ However, they operate under different conditions compared with

¹¹⁶ Rositani, 2011: 18-19.

¹¹⁷ Rositani, 2011: 16.

¹¹⁸ Rositani, 2011: 18. For the text of the laws see Roth, 1997: 60, par.7, 11.

¹¹⁹ Rositani, 2011: 19.

¹²⁰ Rositani, 2011: 27-28. We will analyse this further in Sections 2.3 and 2.4.

¹²¹ Von Reden, 2014: 404 citing as an example *P. Petrie* recto 3.43.2 (Krokodilopolis, 245 BC)

¹²² ἔργου προστησεται *P. Mich.* 1.62. Trans.: Kloppenborg, 2010: 407-408.

¹²³ This word will in Late Roman times be used as the Greek counterpart to the *decurio*, see *O.Did.* 29; *O. Krok.* 1.51; *P.Abinn.* 59; *P. Tebt.* 2.304.

the ἐργολάβοι. Like Babylonian gang leaders they are more involved with being a worker in the task at hand rather than supervising such work, being more representatives of the workers than intermediary contractors. This different role is seen in a letter from 256 BCE the δεκάταρχοι of a quarry complain to an architect that their supervisor is forcing their men to cut the hardest stone, keeping the softer one for the workers he directly supervises.¹²⁴ This is the case of Nechtembes,¹²⁵ who also in early 256 BCE is documented being given an obol for the 20 workers he provides for the levelling of a vineyard without additional payment nor room for an overhead from which he may profit.¹²⁶ That Nechtembes was both gang leader and a worker can also be gleaned by the fact that he is also documented in the same estate doing some planting work on his own.¹²⁷ The specific allusion to being leaders of ten workers might be connected to their role as heads of a group subdivision of the labour force, Columella wrote later that “squads should be formed, not to exceed ten men each, which the ancients called *decuriae*”.¹²⁸ He also supposed that each *decuria* would have a leader.¹²⁹ Like their Egyptian counterparts, the leaders of the *decuriae* could have specific titles, Columella called them *operum magistri* and they might also be the *epistatae* mentioned in Cato.¹³⁰ *Decuriae* are also attested as a subdivision of the labour force for construction tasks.¹³¹ Accordingly, the δεκάταρχος is not a contractor like the Roman *ductor*, but the appointed foreman of a segment of the hired labour force. Thus, the *decuriae* and δεκάταρχαί are not ‘units of hiring’ preceding their deployment but ‘units of organisation’ that are created after the deployment of the workforce.

Although the Ptolemaic ἐργόλαβος can be considered a counterpart to the Roman *ductor*, it is important to note that none of the aforementioned gangs and their ἐργολάβοι were engaged with the harvest and that these mentions refer exclusively to vineyards. Therefore,

¹²⁴ SB 18.13881. See for translation Bagnall and Derow, 2004: 169.

¹²⁵ Although he is not referred in the papyri as a δεκάταρχος. However Kloppenborg identified him as such. See Kloppenborg, 2010: 375-376.

¹²⁶ P. Lond. 7.1957. For the ways contractors profited from their contracting see Chapter 3, Section 3.3. 1 obol per worker is a standard rate of pay for the time, see Kloppenborg, 2010: 376.

¹²⁷ P. Cair. Zen. 4.59748, 2.34.

¹²⁸ Columella. *De Res Rustica*. 1.9.7-8. Trans.: Loeb. *Classes etiam non maiores quam denum hominum faciundae, quas decurias appellaverunt antiqui* For full text see Section 2.4.

¹²⁹ Columella. *De Res Rustica*. 1.9.7-8. Trans.: Loeb.

¹³⁰ Columella. *De Res Rustica*. 1.9.7-8; Cato *De Agricultura*. 56.

¹³¹ DeLaine, 1997: 204 citing Vitruvius. *De Architectura* 7.1.3, 7.3.10.

if contractor-led harvesting gangs were to have been employed for the grain harvest, we cannot see them in the historical record.

2.2.5. The contractor-led harvesting gang: a particular Roman institution

The contractor-led harvesting gang was not an unavoidable feature of the ancient economy, and its appearance depended on how different societies organised themselves and their economies. Both Old Babylonia and Rome not only featured strong central authorities, capable of legislating and able to make legislation effective but also needing of taxes to properly apply its powers, in addition to large landholdings dedicated to commercial agriculture.¹³² Roman North Africa was not only expected to be able to feed itself out of its crops, but feed part of the wider Republic and Empire's hunger for both grain and cash crops such as wine and oil through the mechanism of the *annona*.¹³³ The need to maximise production in large public and private landholdings for the export of the crop was not as much of a concern in other Mediterranean societies, it is thus a particular Roman and Babylonian characteristic of their agricultural organisation that drives the need for large inputs of extra labour. That was higher in those societies than in economies where agriculture was performed in smaller estates and primarily for subsistence. Even if it does seem that societies such as Ptolemaic Egypt, the Jewish diaspora in Late Antiquity and Old Babylon developed forms of delegating the narrow task of hiring workers, not every ancient society developed (or had to develop to be able to sustain itself) the contractor-led harvesting gang as it existed in Rome, and therefore it is necessary to figure out what advantages did contractor-led gangs provide to the economic agents of Rome's agriculture in the context of Roman society, law and economics.

¹³² See Chapter 1, Section 1.2.1 for size of properties in North Africa. See also Forbes, 1993: 216. For Mesopotamia Dalley, 2005: 14.

¹³³ Rickman, 1980: 198-209; Kehoe, 1988: 2-4; Sanz Palomera, 2010: 15-44; Tedesco, 2018: 398-399 although noting that demand for payment of the *annona* in kind declined in favour of monetary payment since the reign of Constantine.

2.3. The merits of just laws: The gang as protection from legal liability

So far it has been established that the gang formation in the ancient Mediterranean world only appears when it is needed given the organisation and aims of the agricultural practice of each ancient society. Therefore, the gang does not appear so much out of need as of the expectation of an advantage. In order for the contractor-led gang to exist it needs to provide a benefit or advantage to somebody, be it the landowners who hire the gangs, the *ductores* who organise the gangs, or the workers who form the gangs. When gaging whether to hire individually or hire in bulk through the institution of the contractor-led gang, landowners ought to have made some analysis of benefits and risks, meaning that the gangs generated some additional benefit or diminished some risk, or both, for landowners. The fact that the contractor-led gang is attested in the Italy of the High Empire through Suetonius and Cato and the North Africa and Egypt of Late Antiquity, through the Harvester of Maktar and farm accounts and letter of Egyptian farm managers, implies that these benefits or risk reductions were not limited to some localised space or period in time or space, but widely applicable to the Roman Imperial world.

One of the main handicaps to our ability to explore the advantages and disadvantages of the contractor-led harvesting gang is that there is virtually no specific regulation that applies to it. No law or rescript has been preserved directly involving these gangs. However, what can be gleaned from the legal codices are a series of regulations on the general contractual practice that the gangs could have used to organise themselves. This contractual practice is known as *locatio-conductio* (or 'placement-conduction'). In its most basic sense *locatio-conductio* is the practice by which a lessor offers a thing, work or service for the lessee to use.¹³⁴ The types of contracts that were encompassed inside the umbrella of *locatio-conductio* were varied. The leasing of land was managed through *locatio-conductio*, the furnishing of labour for the construction of buildings was also managed through *locatio-conductio*, as well as the hiring of individuals for specific tasks. Historians have distinguished between *locatio-conductio rei* (for leasing physical things), *locatio-conductio operarum* (for leasing a service) and *locatio-conductio operis* (for leasing the execution of a specific task), but this is an artificial

¹³⁴ Zimmerman, 1996: 339.

distinction, for Roman law these were all the same thing, they were *locatio-conductio* contracts.¹³⁵

How can we know that gangs found their legal bases in the legislation on *locatio-conductio*? It is impossible to infer from contracts we do not have. But it can be inferred from some fragments in Catholic texts against the North African circumcellions. In Augustine's polemic against the Donatist Parmenian, the bishop of Hippo uses a very specific word.¹³⁶

Through the merits of the just laws the *mancipes* of the circumcellions [figuratively, the Donatist bishops] are to suffer greater punishments than the circumcellions do.

The use of the word *manceps* to refer to the Donatist bishops indicates that this may be a metaphor between the relationship of lessors and lessees and the relationship between Donatist bishops and the circumcellions.¹³⁷ This is the only time Augustine used the word in his whole extant body of work, so its use (instead of, for example, the more generic *ductor*, which also was also used to designate contractors)¹³⁸ is intentional and relative to the point being made.¹³⁹ *Manceps* is a technical word, legalistic even, and almost always appears to refer to contractors engaging in *locatio-conductio* arrangements. Augustine ought to have known this as he was someone with some degree of knowledge of the law.¹⁴⁰ Augustine liked to metaphorically compare harvesters and circumcellions, so him comparing Donatist bishops with *mancipes*, points towards the contractors organising harvesting gangs being considered

¹³⁵ Zimmerman, 1996: 339-340.

¹³⁶ Aug. *Contra Epistulam Parmeniani* 1.11.18. *Unde merito constitutionibus iustis grauiora patiuntur circumcellionum mancipes quam faciunt circumcelliones*. The meaning of *faciunt* can be ambiguous, and my translation has tried to transmit this ambiguity. Shaw interprets that the *mancipes* are to suffer more than the circumcellions (Shaw, 2011: 646). I interpret that the *mancipes* are to suffer for what the circumcellions do to others. Also, Shaw (see above reference) reads this passage literally, seeing in *mancipes* the *ductores*, whereas I read it metaphorically, tracing an analogy between *manceps* and bishop (similarly to Pottier, 2016: 143). The reason of my interpretation is that this is written in the context of a discussion of the non-enforcement of legislation against the Donatists and that it is preceded by commenting how in the law bandits can be inflicted greater harms than those they have caused (*et si merito grauiora legibus patitur latro quam contra leges ipse committit*).

¹³⁷ Augustine also uses legalistic language to talk about religious issues in a case of substitution of vows (*Ep. 3**), see Lenski, 2001: 88.

¹³⁸ The Harvester of Maktar calls himself *ductor*: *CIL* 08, 11824

¹³⁹ The online Library of Latin Texts of Brepols Publishers only turns out this fragment when queried to search for the word *manceps* in any possible case or altered form in the complete works of Augustine (barring the Divjak letters, which do not include this word either).

¹⁴⁰ For Augustine's knowledge of property and leasing law (and its limits) see Aug. *Ep.* 8*, 24*. See also Chapter 6, Section 6.2.4.

mancipes in matters of law. *Manceps* was also the word Suetonius used to talk about the grandfather of Vespasian, reinforcing the identification.¹⁴¹

In this short fragment Augustine traced a comparison between the legal responsibility that the *manceps* has on his workers to the ideological responsibility of the Donatist ‘teachers’ to the circumcellions, their ‘pupils’. It is implied that, by hiring through a *manceps*, the landowner transferred potential legal liabilities derived from misbehaviour or bad practice to the *manceps*. It is unlikely that the *constitutionibus iustis* that Augustine references include Honorius’ edict of 412 against the Donatists, as the *Contra Epistulam Parmeniani* was authored ca. 400-410 alongside other anti-Donatist texts in order to lobby imperial authorities, leading to Edict of Unity of 405 and the conference of Carthage in 411.¹⁴² The just laws that Augustine referenced are part of the metaphor, they are laws on the leasing of works and services.

Legal liabilities for landowners who hired wage labour can also be inferred from the *Gesta Collationis Carthaginensis (Edictum cognitoris)*:¹⁴³

But they [the landowners], who know the gangs [*turbae*] of circumcellions to be in their *praedia* may have knowledge soon of these places being seized by the highest treasury, if they do not restrain and bridle their insolence of theirs in every way.

The use of the word *praedium*, meaning, generally, estate or property, is significant. This text targets people who host circumcellions in their *praedia*. Given the characterisation of these men it is hard to believe that in this text the hosts are harbouring these dangerous and bloodthirsty men in domestic villas, it rather makes more sense, given the characterisation of the circumcellions as dangerous rural men, that the *praedia* mentioned in this text are their

¹⁴¹ See also Chapter 3, Section 3.1.3.

¹⁴² Harmless, 2010: 235-236. Although Shaw does think that the ‘just laws’ refers to Honorius’ law and the *Edictum Cognitoris* (Shaw, 2011: 645-646). This would mean that Shaw thinks that Augustine’s letter was written after 412. However, when commenting on antidonatist laws, Augustine mentions a law by which “a Donatist clergyman must pay 10 pounds of gold” (*C. Th.* 16.5.21, promulgated in 392) but the 412 Edict mentions penalties ranging 5, 20, 30, 40 or 50 pounds of gold for anyone free and not a *colonus* or circumcellion. Another law mentions forbidding sectarians from leaving their estate to someone outside their family (*C. Th.* 16.7.6, promulgated in 396). Because of how old these mentioned laws are, and that the provisions of Honorius’ edict are not mentioned it is unlikely that *Contra Ep. Parmeniani* was written later than 412, *pace* Shaw’s implications in his argument.

¹⁴³ *Gesta Collationis Carthaginensis. Edictum cognitoris. Hii autem qui in praediis suis circumcellionum turbas se habere cognoscunt, scient, nisi eorum insolentiam omnimodis conprimere et refrenare gestierint, maxime ea loca fisco mox occupanda.*

rural agricultural estates.¹⁴⁴ Furthermore, what is being penalised here is not the hosting of circumcellions, but rather failing to control them. This text illustrates what might happen to a landowner who hires individually rather than through a contractor, they may have to respond to the authorities for misbehaviour on the part of their employees, if such misbehaviour may go so far as to affect public order.

Both Augustine and the authors of the *Gesta* speak of liability for misdemeanours, and they both allocate it not in the misbehaving party (the circumcellions) but in the people whom they allegedly serve. The objective of this displacement of liability is to put pressure on the Donatist priesthood, and lobby not so much for legislation against the circumcellions, but legislation against the Donatist leadership.¹⁴⁵ But this, admittedly bogus, legal theory on who is responsible for the sectarian violence is not without some sort of justification. The rescripts on *locatio-conductio* also place liabilities on the contractor when things go wrong, just like Augustine blames the Donatists for the circumcellions:¹⁴⁶

A man undertook [as a job] to transport a column. If it broke while being raised or carried or repositioned, he is held responsible for the risk if this happens due to his own fault or that of those whose labor he employs

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When the performance of a job is leased out as an entirety, the contractor's risk continues until the job is approved.

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I leased out a job under the condition that I pay the contractor a fixed fee daily; he did a defective job. May I sue on the lease [of a job]? He responded: You leased the job with the proviso that the contractor demonstrate its quality to you; even if it

¹⁴⁴ Especially since bipartite villas with a rustic and domestic part might have been a minority in North Africa, although current evidence is still inconclusive and highly regionalised, see Wilson, 2018.

¹⁴⁵ Shaw, 2011: 669.

¹⁴⁶ *Digesta* 19.2.25.7. Trans.: Watson, 1998. *Qui columnam transportandam conduxit, si ea, dum tollitur aut portatur aut reponitur, fracta sit, ita id periculum praestat, si qua ipsius eorumque, quorum opera uteretur, culpa acciderit; 19.2.36 Opus quod aversione locatum est donec adprobetur, conductoris periculum est; 19.2.51.1 Locavi opus faciendum ita, ut pro opere redemptori certam mercedem in dies singulos darem: opus vitiosum factum est: an ex locato agere possim? Respondit: si ita opus locasti, ut bonitas eius tibi a conductore adprobaretur, tametsi convenit, ut in singulas operas certa pecunia daretur, praestari tamen tibi a conductore debet, si id opus vitiosum factum est.*

was agreed that a fixed sum be given for single days of work, nonetheless the contractor should be held responsible to you for defects in his job.

Legal liabilities also seem to fall on the sub-leasers or task managers in permanent agricultural workforces:¹⁴⁷

My view is that he is held responsible in his own right for the fault of those he admitted even if the parties did not agree to this, provided that he is guilty of fault in admitting them because he has such people as members of his household or as guests.

Although none of these rescripts apply directly to agricultural wage labour, the fact that the *Gesta* stressed how liability falls on the direct hirers of circumcellions and Augustine used these laws as the base for his metaphor implies that the underlying principle of the contractor bearing the liabilities for setbacks, breaches of contract, or the actions of their workers also applies to North African rural wage labour.

In Old Babylon, where contractor-led gangs were also used, we also find arrangements on liabilities, but it is very important to note the considerable difference in the scope of these liabilities. We have seen in a preceding section how Šarrum-kīma-ilī reminds Iddin-Dagan that if the gang does not come to harvest, he will be held responsible. His liability is confirmed by law, many contracts contain the clause “he will ‘go harvesters’ at harvest time, if he does not come, (he will be liable) according to the (pertinent) decrees of the king”.¹⁴⁸ It appears the contractor failing to provide labour for the harvest was a source of anxiety for Babylonian landowners. Many contracts contain clauses on what to do “should he flee, go away or cease work” or “should he apply to the palace” or even “should the enemy seize him or a lion kill him”.¹⁴⁹ All of these clauses establish that the contractor must furnish the agreed number of workers and/or work alongside them. But they do not bind the contractor to the proper execution of the harvest.¹⁵⁰ Once labour has been furnished, the responsibilities of the

¹⁴⁷ *Digesta* 19.2.11.pr. Trans.: Watson, 1998. *Mihi ita placet, ut culpam etiam eorum quos induxit praestet suo nomine, etsi nihil convenit, si tamen culpam in inducendis admittit, quod tales habuerit vel suos vel hospites.*

¹⁴⁸ For a list of the contracts featuring this clause see Stol, 1976: 101-102. See also p.99-104 for commentary on the strange ‘to go harvesters’, which arises from the many meanings (some of them technical) that the verb ‘go’ had in Akkadian. See also Ellis, 1972: 79-80.

¹⁴⁹ Stol, 1976: 106-109. For contracts with these clauses see *Yale Oriental Series* 5.140.11; 8.13.8-10; 8.44.13-14; 8.46.11.

¹⁵⁰ Rositani, 2011: 27-28.

Babylonian contractor have ceased. Roman law is explicit that this is not to be the case in the *ductores*.

Having the security that the work will be done or you will be somehow compensated is not something that worried only the landlords of fields in need of harvesting. In the construction of public buildings sureties were asked of contractors and even donors:¹⁵¹

Sacred to *Victoria Augusta*. Lucius Cestius Successus, son and heir of Lucius Cestius Gallus, guarantor of Flavius Natalis, who was promiser of this statue, being mandated by a decree of Fonteius Frontinianus, legate of Augustus, propraetor and most noble man, has set forward as much as 3000 *nummi* for this statue that the same Flavius Natalis had promised to the Republic. He has paid 3040 *nummi* of 6040 *nummi* and dedicated it.

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Day of the works: first day after kalends of November [2nd of November]. Day of payment: the first half will be offered provided the estates of the underwritten are [deemed] satisfactory. The second half will be paid when the works are made and approved.

The practice of asking for sureties from the contractor is also attested in Cato's model contract "He must give security for the proper harvesting of the olives, satisfactory to Lucius Manlius".¹⁵² In a sense the contractor was not only the executor of the harvest, he was also its insurer. He put at stake part of his own capital and property in a bet that the harvest will conclude successfully and without accident.¹⁵³ This ought to have been enticing to managers and landowners, who by hiring through the gang structure had a liable party who was capable of paying out in case something went wrong in the harvest.

¹⁵¹ CIL 8, 2353. *Victoriae / Aug(ustae) sacr(um) / L(ucius) Cestius Suc/cessus fil(ius) et / heres L(uci) Cesti / Galli fideius/soris Fl(avi) Nata/lis pollicita/toris huius / statuae ius/sus ex decret(o) / Fonte(i) Fron/tiniani leg(ati) / Aug(usti) pr(o) pr(aetore) c(larissimi) v(iri) / adiectis ad / HS III(milia) n(ummum) quan/ti tunc hanc / statuam i/dem Fl(avius) Nata/lis r(ei) p(ublicae) positu/rum se pollicitus erat / HS III(milia) XXXX n(ummum) / [ex] HS [VI(milibus) XXXX n(ummum)] / [posuit idemq(ue)] / [dedicavit]; CIL 10, 01781. *dies operis K(alendis) Novembr(ibus) primeis dies pe<c=Q>un(iae) / pars dimidia dabitur ubei praedia satis / subsignata erunt altera pars dimidia solvetur / opere effecto probatoque.**

¹⁵² Cato. *De Agricultura*. 144. *Oleam cogi recte satis dato arbitrato L. Manli.*

¹⁵³ There is some indication that Roman law understood the concept of insurance as a transfer of risk in exchange for a premium, see Thomas, 2009.

What can go wrong in a harvest? The most basic fear of any farmer or landowner is a bad harvest year. Yet it is unlikely that contractors could be held liable for a bad harvest caused by climatic anomalies or a change in the fertility of the soil. One of the legal opinions in the *Digesta* suggests that the liability that contractors were made to bear was not absolute:¹⁵⁴

If you undertook on hire the creation of a channel and then made it, but subsidence ruined it before you had it approved, the risk is yours. PAUL: On the contrary; if this occurred due to a fault in the earth, the lessor will bear the risk. But if it happened due to a fault in the construction, the loss will be yours.

The insurance service that the contractors offered was not meant to shield all risk.¹⁵⁵ It was limited to any issue arising from labour. But there is good indication that landowners were very inclined to being insured against problems related to labour. In the previous section a fragment of the letter from the manager Sion to his landowner Isidoros showed that Sion had been stood up by the contractors they had hired and had gone to a third contractor, Didimos, to hire his services. The letter continues this way:¹⁵⁶

He told me that we do not have any silver. If you want me to go over there [the town] and hire workers, I will also work with them to clear out the field. Send your reply, and take care not to forget, reply to me regarding this matter. You know very well it is high time.

The sequence of events here is telling. On realizing he has been stood up, Sion's immediate reaction is to hire a different contractor-led gang, without consulting the landowner. Only when Didimos the contractor refuses the commission because he senses that Isidoros might be insolvent does Sion send this letter to Isidoros the landowner asking for permission to hire labour individually, without a contractor. This is not a change that Sion considers can be done lightly, he clearly would have preferred to have hired a gang. One of the reasons Sion might have preferred to hire a gang is because if there is no contractor there is no

¹⁵⁴ *Digesta*. 19.2.62. Trans.: Watson, 1998. *Si rivum, quem faciendum conduxeras et feceras, antequam eum probares, labes corrumpit, tuum periculum est. Paulus: immo si soli vitio id accidit, locatoris erit periculum, si operis vitio accidit, tuum erit detrimentum.*

¹⁵⁵ For how to determine whether the contractor was liable for a fault in the construction sector see Martin, 1989: 89-113.

¹⁵⁶ *P. Lips*. 1.111. εἶπέν μοι ὅτι ἄργύρια οὐκ ἔχο[μεν], καὶ εἰ ἴμεν/θέλεις με ἀπελθεῖν ἐκεῖ καὶ μισθῶσαι ἐργάτας, καὶ σὺν αὐτοῖς ἐργάσομαι καὶ καθαρίσομεν τὸ γεώργι[ο]ν. ἀντίγραφόν μοι, ἀλλ' ὄρα μὴ ἀμελήσης ἀντιγράψαι μοι περὶ τούτου. οἶδας γάρ, ὅτι καιρός ἐστίν. Trans.: Panagiota Mantouvalou

displacement of liabilities, and therefore the damages and delays emerging from this harvest might not be compensated. But another consideration might have been an unwillingness on the part of Sion to have to manage the workers directly, dealing with any issue that may emerge from their hiring. The range of these issues that contractors provided a financial protection from will be explored in the following section.

In conclusion, one of the main reasons for the existence of harvest gangs in the Roman period were the legal and economic protections that such entities gave to landowners in the case of a breach of contract or dispute. That the hiring of gangs was organised under the auspices of *locatio-conductio* legislation and that *ductores* were responsible for their workforce are not novel ideas, Saumagne had already linked *locatio-conductio* legislation to the *ductores*¹⁵⁷ and Shaw has already made mention of the responsibility of the contractor over his workers.¹⁵⁸ But what has not been considered so far is that this allocation of risk is both the main reason for the contractor-led gangs existing in the first place in the Roman world, and a distinctive feature from the Babylonian gangs, making the Roman *ductor*-led gang a unique institution in the Ancient World and a product of not only economic need but Roman society and legislation. The role of the *ductor* as the guarantor of the correct performance of the harvest is as important as its role as a labour purveyor, his carrying of any potential legal and economic burden derived from failure to properly complete the harvest is central to their existence. They are as much purveyors of labour as insurers of the harvest, investing their own property and funds into a proper execution of the harvest they supply labour to.

2.4. Overseers: The gang as a tool for control of the labour force

Landowners and managers had worries related to labour that the sureties of the *ductores* were meant to placate. Should these worries materialise, the consequences for the landowner were potentially catastrophic if they had to shoulder the consequences without any compensation or aid. One of these fears was that the *ductor* would not be able or willing to provide the agreed number of workers, putting the harvest in jeopardy. This is the case in

¹⁵⁷ Saumagne, 1934: 361.

¹⁵⁸ Shaw, 2013: 91. Shaw is ambiguous on whether *ductores* engage on *locatio-conductio*, merely stating that “they are *like* the hirers or contractors of labor in other contexts” and “in this sense the *manceps* was *like* a *conductor*” (my emphasis). He does not cite the *Digesta* in supporting these statements, only fragments of Augustine. Shaw’s view is agreed to in Tedesco, 2018: 415 (again saying they were *like conductores*).

Sion's letter to Isidoros.¹⁵⁹ Another worry would be the delay of the harvest. After all, the gang has been hired to have a swift harvest and to avoid any potential inclemency that may ruin it. If the time for harvesting had to be extended due to the inefficiency of labour, this raised the risk of losing the harvest.

But landowners could also have had worries about the workers themselves. They could have feared they would be potentially dangerous or disruptive, or they could fear they were not experienced or able to successfully carry out their tasks in a timely manner. Elite literature transmits an apprehension about outside workers. Cato famously recommended that a good manager "must not hire the same day-labourer or servant or caretaker for longer than a day".¹⁶⁰ The *Digesta* allowed, in the case of a granary robbery, to torture rented slaves who may have worked in the granary "due to their familiarity with the building".¹⁶¹ This suspicion towards outside workers runs parallel to the general contempt of elites for wage labour. Cicero famously argued that "unbecoming to a gentleman, too, and vulgar are the means of livelihood of all hired workmen whom we pay for mere manual labour, not for artistic skill; for in their case the very wage they receive is a pledge of their slavery".¹⁶² The contempt that ancient writers felt for wage labourers (and tradesmen) has been a widely covered topic in scholarship, and the consensus is clear, the elite view of wage labour in both Roman society and Athens was highly negative and framed as unworthy of a truly free man.¹⁶³

But the most pertinent texts characterising the 'insolence' of outside hired workers are the accusations of Optatus and Augustine about the circumcellions, who they rhetorically linked with wage workers.¹⁶⁴ In their eyes, they were drunkards,¹⁶⁵ violent,¹⁶⁶ and they hated their employers and the lenders.¹⁶⁷ Whether this portrayal is factually accurate in regards to the bulk of wage harvesters or not is irrelevant, what matters is that landowners, including

¹⁵⁹ *P. Lips.* 1.111.

¹⁶⁰ Cato, *De Agricultura*, 5.4. Trans.: Loeb. *Operarium, mercennarium, politorem diutius eundem ne habeat die.*

¹⁶¹ *Digesta* 19.2.55.pr. Trans.: Watson, 1998. *aedificiorum notitiam in quaestionem peti possunt*

¹⁶² Cicero. *De Officiis* 1.150. Trans.: Loeb. *Illiberales autem et sordidi quaestus mercennariorum omnium, quorum operae, non quorum artes emuntur; est enim in illis ipsa merces auctoramentum servitutis.*

¹⁶³ White, 1970: 347-348; Treggiari, 1980: 48-50; De Ste. Croix, 1981: 197-201; Finley, 1985: 40-41; Joshel, 1992: 63-69; Shaw, 2013: 46-47. For the view of Greek elites see Section 2.2.2.1

¹⁶⁴ On the link between harvesters and circumcellions and the portrayal of the circumcellions see Shaw, 2011: 638-650.

¹⁶⁵ Aug. *Contra Litteras Petilianas*. 2.39.94.

¹⁶⁶ Aug. *Ep.* 133.1.

¹⁶⁷ Optatus. *Contra Parmenianum Donatistam* 3.4. Trans.: Edwards, 1997.

bishops who administered the Church's holdings, believed (or could have been convinced that) wage workers were like that, and considered this a material enough threat that insuring against it would be desirable.¹⁶⁸

Faced with employing potentially dangerous people, the *ductor* was a welcome sight in the landowner's eyes, not only as a provider of labour, not only as an insurer, but also as an overseer of his workers. The *ductor*, who had risked his own property and capital to organise the gang, also had a major vested interest in the harvest being performed as smoothly as possible, and would be incentivized to keep his workforce under a tight leash. Thus, the gang structure does not seem to emerge bottom-up for collective bargaining among the workers, but top-down to protect the interests of landowners. Rather than a tool of bargaining, it is a tool of control. The practice of hiring for the day only, in order to minimise perceived threats, would be unwise during the busy and labour-demanding harvest season, and a strict overseer was thus required for a high number of hires. Columella gave testimony of how the need to control the workforce played a considerable role in the organisation of rural labour in general, and thus might have played a part in the hiring of gangs that come with an overseer:¹⁶⁹

Furthermore, squads should be formed, not to exceed ten men each, which the ancients called *decuriae* and approved of highly, because that limited number was most conveniently guarded while at work, and the size was not disconcerting to the person in charge as he led the way.

To realise that the gang is a top-down exploitative institution is important because an argument could be made in favour of gangs as bargaining tools. The latter idea is, at first glance, tempting, as it is generally true that it is easier to exploit through individual contracts between employer and employed, which means that forming a gang could be a defence

¹⁶⁸ It is very difficult to determine how realistic this threat was. If one accepts the characterisation of the profile of harvest workers in Chapters 4 and 5, this threat would mostly be a literary *topos* as the bulk of the workforce would be composed of landed tenants from relatively nearby, unlikely to want to cause trouble close to their place of residence. Nonetheless, that landowners took actual measures to insure against disruptive actions of wage workers, beyond merely repeating the *topos* in literary works, points toward there being some degree of actual danger. However, what matters for the argument is that landowners *thought* that the workforce might be dangerous not whether it actually *was*. For an in-depth exploration of the imagery of danger in the depiction of harvesters see chapters 4 and 5 in Shaw, 2013.

¹⁶⁹ Columella. *De Res Rustica*. 1.9.7-8. Trans.: Loeb. *Classes etiam non maiores quam denu[m] hominum faciundae, quas decurias appellaverunt antiqui et maxime probaverunt, quod is numeri modus in opere commodissime custodiretur nec praeuentis monitoris diligentiam multitudo confunderet.*

strategy on the part of the workers against abuse. Banaji seems to defend the existence of both what we can call 'exploitative gangs' motivated by the convenience of employers in negotiating and what we could call 'cooperative gangs' built to collectively bargain.¹⁷⁰

Dealing with contractors was probably more convenient for employers [from footnotes: "e.g. Cato seems to have dealt only with contractors"] and part of the resentment aroused by the Circumcellions may have stemmed from their more independent relationship with landowners or their more egalitarian organisation as work groups.

There may be some evidence to support the claim that some egalitarian gangs were organised bottom-up to better bargain for its members. The Egyptian harvest contracts compiled by Shaw show groups of harvesters in which there is no perceivable hierarchy or leader and are written from the perspective of the harvesters as a collective.¹⁷¹ However, it is not clear how these contracts have been struck and whether we can equate these alleged 'gangs' with contractor-led gangs. First, it is not clear that this is a gang bargaining with a landowner, or a landowner gathering individual workers and lumping them together into a single unified contract. Second, these 'gangs' are small, ranging between 4 and 10 harvesters. The contractor-led gangs in *BGU* 1.14, hired to harvest olives, range between 29-85 and 7-37, with a median of 51 workers and 23 workers per day respectively.¹⁷² Granted, the tasks for which they are hired were different, while the former were hired for harvesting grain the latter were hired to harvest olives. Still, a swift harvest of wheat could require numerous harvesters. In *P. Lond.* 1170v a landowner spends quantities of 60, 56 and 24 drachmae, totalling 140 drachmae,¹⁷³ for cutting and binding hay in the "allotment of Cytes". He also mentions he has hired 2 people for 5 days for the purpose of "carrying hay at the lot of Cytes". The carrying of hay to its storage was a task that took place at the same time as the harvest,¹⁷⁴ therefore it is inferable, given that the column where these payments appear covers two months of expenses, that the harvest of hay in that allotment lasted five days. Given that in that account

¹⁷⁰ Banaji, 2007: 204.

¹⁷¹ Shaw, 2013: 271-277.

¹⁷² Distribution for the first gang during 6 days: 85-37-78-29-41-38. Distribution of the second gang during 5 days: 27-37-7-15-32.

¹⁷³ The reason the payments are separate is unclear, but it is feasible that each is for a different 'team' working on a different zone of the estate.

¹⁷⁴ Shaw, 2013: 42

an olive harvester and a grain sower are paid both at two drachmae (which appears to be a consistent rate for adult men), this would mean that on average at least 14 workers worked each day in the hay harvest. If there were workers with a lesser wage due to their age or capabilities, the number can only increase. That all workers were adult men with full pay is doubtful, and therefore it is quite likely that around 20-25 workers were hired.¹⁷⁵

The idea that dozens of workers, from potentially various different backgrounds and generally strangers to each other, could organise every year into different groups without a leadership or with a consensus leadership, and collectively bargain with the landowner or manager of the estates is dubious.¹⁷⁶ Even if that were possible, and despite its dubiousness as a general rule it might have happened on occasions, the landowner would derive no advantage compared to hiring workers individually or through a contractor. What is attested in these contracts is different in form and substance from the contractor-led harvesting gang, and is more akin to individually-hired labour arrangements where there may be some previous relationship between harvester and landowner. But in the letter of Sion, he does not find “the harvesters led by Genadios and Dichearhos”, not even “Genadios’ and Dikearchos’ gangs” but “those who work under Genadios or Dikearchos”¹⁷⁷, and, furthermore, he does not hire “Didimos’ gang” but instead he tells Didimos to “give the wages to others to work”.¹⁷⁸ This wording makes it more likely that gangs formed around a powerful individual with direct contact with landowners rather than as a relatively egalitarian bargaining organisation.

As established before, gang labour was primarily hired during the harvest because it was beneficial to landowners, not because landowners did not have any other option.¹⁷⁹ However, one can argue that gangs had to provide some sort of benefit to the workers in order to be attractive to work in them. In fact, one can be tempted to see in the gangs a sort of unofficial *ad-hoc collegia*. This would be inaccurate. First, because officially, social life beyond economic

¹⁷⁵ For the harvesting of olives in the same account, the ratio is six children per worker at half the wage. In transporting the hay a man is paid two drachmae while the other is paid one drachma and three obols, that is, 75% of the wage. For wage discrimination on age see Chapter 4, Section 4.4.1.3.

¹⁷⁶ The non-permanence of the gangs, forming and dissolving every harvest season and with a membership that could have changed every year, would necessarily make it difficult for collective organizing. Even in our modern-day gig economy workers, separated from their peers and kept at an arm’s length of their ‘not-employers’, can struggle to organise into unions.

¹⁷⁷ *P. Lips.* 1.111. οὐχ εὔρεν τοὺς μόσχους ἐν τῷ γεωργίῳ ἐργαζομένους οὔτε τὰ Γενναδίου οὔτε τὰ Δικαιάρχου.

¹⁷⁸ *P. Lips.* 1.111. εἰ εἶπον Διδύμῳ ὅτι· δὸς τοὺς μισθοὺς ἄλλους, ἵνα ἐργάσωσιν.

¹⁷⁹ In fact, most of the year they preferred to hire individually and by the day.

activity and permanence of membership are a *sine qua non* characteristics of *collegia* and professional associations in ancient Rome.¹⁸⁰ Furthermore, whereas in *collegia* their leader, the *actor* or *syndicus*, is a representative for an entity that holds legal personhood and can be sued as a collective, the *ductores* of the gangs are, as we have seen, to personally “suffer greater punishments than the circumcellions perform”.¹⁸¹ Augustine’s comparison between *mancipes* and Donatist bishops, and the use of language related to *locatio-conductio* in mentions of agrarian wage work instead of language related to the *collegia* (*manceps* and *conductor* instead of *actor* or *syndicus*) point towards wage labour following the laws and customs of *locatio-conductio* rather than those of the *collegia*.¹⁸² This makes the *ductor* a central figure bearing the weight of liability and, therefore, a distinct entity separated from the rest of the gang that may have had different interests and priorities than the rest of the gang (and that to willingly assume the role he assumes he must get have gotten additional benefit).

If a landlord hired a more ‘egalitarian organisation’, that worked more like a *collegium* (equal partners with a representative *actor*) than a *locatio-conductio* arrangement (with a *ductor* bearing the duties of supervision and control of its workforce), he opened himself to carrying legal liabilities and not being able to claim compensations in case the job is not performed adequately. An egalitarian organisation would therefore have less of a chance to be hired. *Ductores* would not necessarily have had to provide any type of bonus or advantage to their workers, although they might have done so in practice to attract potential employees. Because they could bear the burden of liability, landowners could have preferred gang structures when the time of harvest came, and because landowners could have preferred gang structures for the harvest, if one needed work participation in a gang might on occasions have been almost compulsory.

Gangs existed because it was legally and logistically convenient for large landowners for them to exist, rather than as a mechanism for workers to better bargain. The labour relationship of the harvester to the *ductor* and the *ductor* to the employer is relatively similar to the relationship between fast-food riders, delivery apps and restaurants. They are there to ease

¹⁸⁰ Tran, 2019: 130-133.

¹⁸¹ For legal responsibility in *collegia* Jinyu, 2009: 104 citing *Digesta* 3.4.1.pr.2.

¹⁸² There are more vocabulary links between wage labour and the military than to *collegia* such as *ductor* or *turma*. See Chapter 3, Section 3.1.1.

the burden and uncertainties of the landowner or manager, not to collectively bargain. Any potential gang organised through the principle of collective bargaining, probably using pre-existing social relationships, would not have been able to compete with exploitative gangs, able to garner more personpower and be more attractive to landowners, unless specific factors were to influence the choice of landowners and managers in certain cases (threat of violence, common social network between workers and landowner/manager, etc.). If there is any collective bargaining to be found it is in the harvester-*ductor* level and not in the *ductor*-manager/landowner level.¹⁸³

The landowner also had reason to be concerned not only about the character of the workers, but also of their capacity or ability. This worry was strong enough in other occupations, especially construction, that it managed to get legislation attributed to it.¹⁸⁴ Prescriptions in the *Digesta* articulate the legal concept of *imperitia*, or the inability of a hired party to carry out the work due to a lack of skill.¹⁸⁵ The concept of *imperitia* was not reserved only to urban labour or specialist labour. Insomuch as harvest wage labour did not have its own particular regulations it appears to have organised itself around the *locatio-conductio* regulations, and because of that it also ought to have recognized *imperitia* as a cause for demanding restitution. By hiring through a contractor, the landowner both delegated skill evaluation to the *ductor* and made him responsible for any skill-related problem that may emerge.

It is difficult to ascertain how *ductores* managed to assess the skill of the workers they were hiring. The most likely answer is that *ductores* had to rely on a combination of their own instinct, their previous experience with that worker (if any), their physical appraisal of the worker, being introduced by someone else, and some amount of questioning. With younger workers, the presence of an older relative or neighbour who could attest to his good character might have played a role in hiring decisions. However, there is the possibility that the people offering themselves for harvest labour could have wielded letters of recommendation to distinguish themselves. This was certainly the case for specialist workers, who, in order to distinguish themselves and guarantee their hirers they were capable, carried letters written

¹⁸³ The potential bargaining in the latter level is between individuals, not collective.

¹⁸⁴ Holleran, 2020: 166-167.

¹⁸⁵ *Digesta* 19.2.13.5.

by their patron, landowner or a distinguished member of society.¹⁸⁶ Although these letters tended to be used most often by specialised workers and artisans, they could theoretically still prove useful to someone trying to get into a harvesting gang. Since *ductores* had to carry the burden of any claim relating to the *imperitia* and misbehaviour of their workers, a written letter from a distinguished person highlighting the good moral character and tenacity of the worker could have proven to be very influential in their hiring decisions. However, a low literacy level among the participants in hiring casual labour might have hampered the use of these recommendation letters.¹⁸⁷

2.5. Conclusion

In conclusion, in this chapter we have considered the contractor-led harvesting gang and established the reasons for its use, its temporal and geographical extent and its juridical basis. What has been established is that gang structure for the organisation of waged harvest labour in the Roman world was mainly generated from two main factors: the interest of landowners to shield themselves from legal liabilities, and the providing by contractors of sureties ensuring that the landowners will be compensated should the harvest go awry due to misbehaviours or if there is a failure to uphold the contract.

The contractor-led harvesting gang (as it exists in Late Antique North Africa) was thus a particularly Roman institution that emerged from the interaction of the Roman law on contracting, the interests, worries, and fears of landowners, and the presence of socio-economic strata of individuals willing to risk part of their means in order to make a profit. It was not, therefore, an institution that is endemic to the ancient economies of the Mediterranean. Although certain other societies, such as Old Babylon, might have generated institutions that were similar to the Roman contractor-led gang, the roots of the Roman gang in law and specific interests of the landowning strata, make it a particular institution that was not necessary elsewhere on the ancient Mediterranean.

¹⁸⁶ Holleran, 2020: 171-173; Grey, 2004: 25-34. For an example of a rural letter of recommendation see Sidonius Apollinaris *Ep.* 4.7

¹⁸⁷ See Conant, 2016a: 209-210 commenting on the literacy of the landowners, witnesses and scribes of the Albertini Tablets of the Vandal period. Conant identifies a 16% literacy among the landowner group, which he considers “remarkably high”.

The contractor-led harvesting gang was a unit of labour created to cater to the needs and preferences of landowners. First, and possibly foremost, it created a liable third-party, in the form of the contractor, who could be asked to provide both securities and compensation. It also allowed outsourcing the finding and hiring of the harvesters to the *ductores*, possibly optimising the performance of the in-house slaves, tenants and permanent employees during harvest time, as they would not be saddled with labour supervision tasks. The gang was also highly beneficial for those putting themselves forward as contractors. By catering to their needs and taking on the weight of the law and logistics, the *ductores* could have benefited through the extraction of surplus value from their workers. These entrepreneurial individuals, when able to afford the securities, could improve their economic position through their participation in the gangs.¹⁸⁸ The only party that seems to not draw a benefit from this type of labour organisation is the workers themselves, although they might have been able to leverage higher payrate from their *ductores* on some occasion. The following chapter will explore what the socio-economic stratum of the *ductores* was.

¹⁸⁸ See Chapter 3, Section 3.2 and 3.4.

CHAPTER 3. Guiders of men: The *ductores*

In the previous chapter we introduced the figure of the *ductor* as the contractor who gathered a hired workforce, leased it out to employers, and took responsibility for that workforce's behaviour, while promising to compensate any damages relating to misbehaviour. In this chapter we will explore the role of the *ductor*, trying to provide the first in-depth treatment of their social condition, status, and motivations to undertake the role.

Because wage labour has been a secondary consideration in most scholarship, it is not surprising that consideration of the *ductores*, the contractors that organised and hired out waged harvesting labour, have not been the subject of much scholarship.¹ Even Shaw's *Bringing in the Sheaves* only addresses topics such as their social position and rate of earning in a vague and speculative manner.² Such side-lining can be attributed to the difficulty of finding these contractors in the sources, most exemplified by the fact that no title used to identify them is unique to them.³ However, when taking into consideration the contents of the previous chapter, an examination of these mysterious middlemen is more than due. Was the harvest contractor a *primus inter pares* risen to that role through their experience and by inspiring respect among their peers? Or was he more akin to the modern CEO of a business, generally alienated from the work and life conditions of the workforce? This chapter will attempt to answer these questions and characterise the contractors that offered sureties and supervision of their gang of waged harvest workers. It will try to elucidate their social extraction, their economic interests, their relationship with managers and landlords, and the social ideas around their occupation. It will argue that, contrary to Shaw's conclusions, contractors were not, in the main, experienced and respected former harvesters, but part of a 'rural middle stratum' that had considerable pre-existing wealth. It will also argue that contractors made their profits by extracting surplus value from their worker's wages and that elite ideology was ambiguous over whether this occupation was honourable or not.

¹ By "being the subject of scholarship" what is meant is any sort of peer-reviewed production that has these harvest contractors as its primary subject for the whole of the production. Some brief and anecdotal discussion on them can be gleaned in Saumagne, 1933 and Holleran, 2020: 169. Shaw, 2013: 3-92 is to date the most extensive treatment these contractors have received. For the lack of work on rural wage labour see the Introduction.

² Shaw, 2013. On Shaw's methodology see the Introduction.

³ See Section 3.1.

3.1. The terminology for contractors

As we have seen the study of Roman unspecialised wage labour is impeded by the lack of a clear legal framework for wage labour in Roman law, to the point that there has been some debate on whether the word *mercennarius* (that is ‘he who receives *merces/wages*’) could refer to wage workers or exclusively would have designated leased slaves.⁴ The terminology for designating the contractors who led the harvest gangs of wage workers adds to this lack of clarity; there is no recorded name that is used strictly to mention them. This section will consider and analyse the words used to designate these contractors, which emerge from other contexts and are later applied to these middlemen, as a first step towards understanding their role and the perception of that role in the Roman world. Since these words were also used in other contexts and were applied to the contractors in reference to their original contexts, some information on the social standing, way of appropriating surplus value and self-perspective of the *ductores* might be gleaned.

In this section we shall consider five words whose use can be attested in Roman sources to designate harvest contractors: *ductor*, καρπώνης (*karpones*), *redemptor*, *manceps* and ἐργόλαβος (*ergolabos*). Before analysing each word, it would be appropriate to explain why *ductor* is used throughout the thesis to speak of these contractors.⁵ Καρπώνης is not an adequate word, as individuals bearing that title engage in crop-purchasing as their primary business, with the providing of labour being a secondary concern.⁶ Furthermore, it is a Greek word that is unattested in North Africa. This same objection can be made against using ἐργόλαβος, which also has specific meanings that extend beyond both contracting and the leadership of a gang.⁷ Although *redemptor* is a specific word explicitly used by Cato for harvest contractors, there is a lack of evidence for the use of this word with this specific meaning in North Africa, and therefore it also has been discarded. This leaves us with *ductor* and *manceps*, both attested in North Africa and both clearly designating harvest contractors. The choice of *ductor* over *manceps* is due to the former being the only word used by someone claiming to be one of these contractors, the writer of the Harvester of Maktar inscription. For clarity’s sake, and even though *manceps*, unlike *ductor*, directly implies that these gang

⁴ Möller, 1993. See also the Introduction.

⁵ For the sources underpinning this choice see the rest of the section.

⁶ Rathbone, 1991: 193. See also Section 3.1.2.

⁷ For example a type of lawyer, see Section 3.1.4.

leaders were considered contractors, I will use the word *ductor* to refer to harvest contractors throughout the thesis.

3.1.1. *Ductor*

The Harvester of Maktar defines himself as a *ductor*, a very broad term that could be translated as ‘guide’ or ‘leader’.⁸ This designation is remarkable in the sense that it comes directly from a purported contractor’s account of their life.⁹ However, caution is needed before drawing conclusions from the use of this word in the inscription. The Harvester of Maktar inscription is a poem that abides by metrical restrictions and uses metaphors (and was to be produced by a professional poet, not written by the Harvester himself), and this means that the words used in the poem do not necessarily imply that they were commonly used for designating contractors. The use of *ductor* is indeed part of a metaphor, as the Harvester refers to their gangs as *turmae messorum*, that is, a ‘unit of harvesters’. The word *turma* is difficult to translate exactly into English as it refers, in its strictest sense, to a cavalry squadron, although the term saw use in broader senses throughout all of the Roman period, especially in the narrative field, where the Harvester of Maktar inscription belongs.¹⁰ For example, in the Late Republican period Cicero used the word for a play on words to speak of a set of equestrian statues while Horace used it to describe Aeneas’ companions.¹¹ Suetonius described a young Tiberius participating in a circus spectacle called the ‘game of Troy’ in which two groups, one of younger boys and one of older ones competed.¹² Tiberius is said to have been “*ductor turmae puerorum maiorum*” that is, the leader of the old boy’s side.¹³ Later, in the 4th century, Jerome would translate a proverb of the Old Testament as “locusts have no king yet they go all around in *turmas*”, like Suetonius connecting *turmae* not only with being an organised group but also being generally led by someone.¹⁴ The same idea is expressed in

⁸ CIL 8, 11824. *ductor et ex opere postea factus eram*. Also see the entry for “ductor” in the *Thesaurus Linguae Latinae* (vol.5.1, p.2167-2170).

⁹ See Chapter 2, Section 2.1.2.1. For the authorship of the Harvester of Maktar inscription see n.26.

¹⁰ See the entry for ‘turma’ in *Oxford Latin Dictionary* (p.1993). For explicit example see Livy. *Ab Urbe Condita*. 4.38.

¹¹ Cicero. *Epistulae ad Atticum*, 115.17. Horace. *Carmen Saeculare*. 37-38.

¹² Suetonius. *Vitae Caesarum*. Julius Caesar.39.2.

¹³ Suetonius. *Vitae Caesarum*. Tiberius.6.4. Also see the proposed reconstruction of CIL 11, 1422 “*ductor tur]mae minorum [perorum]*”

¹⁴ Proverbs 30:27 (Vulgata)

Ambrose's *Hexameron* but with birds: "[storks] are under the leadership and direction of crows who accompany them, providing a stout escort [*turmis*] and auxiliary force against any attacking army of birds".¹⁵ Ambrose again uses *turma* to talk about angels in his commentaries on the psalms "so that you are protected by spiritual *turmis* [groups of angels], if the prophet you do not forsake".¹⁶ Thus, *turma* retained a connection to its original militaristic meaning, but could be used to give other types of groups a militaristic subtext. Therefore, what the Harvester of Maktar poem is doing is drawing a comparison between the Harvester and a general leading his army, in the tradition of the aforementioned literary excerpts.¹⁷

A differing interpretation does not see the use of *ductor* in the Harvester of Maktar inscription as a metaphor comparing the Harvester to the leader of a cavalry unit in the style of the fragments seen above. The word, in this interpretation, would be a contraction of *conductor* (meaning contractor or manager). This hypothesis appears and is considered in Brent Shaw's analysis of the Harvester inscription, but there it is ascribed to Ramsay MacMullen's translation of the inscription in his *Roman Social Relations*.¹⁸ Nonetheless, this interpretation fails to consider the poetic context of the text. Not only does *ductor* interact with *turma* to create in the mind of the reader a metaphor between a cavalry squadron leader and the contractor of a gang of workers, but *ductor* is also a word frequently used by Virgil in the much-admired and imitated Aeneid to express leadership.¹⁹ The particular use of the word *ductor* is less concerned with showing the social status or even accurately depicting the occupation of the Harvester (which the poem already covers with more explicit words such as first *rusticulus* and then *ensor*), but to emphasize his leadership role. As Shaw has noted,

¹⁵ Ambrose. *Exameron*. 5.16.53. Trans.: Savage, 1961. *Cornices autem ducunt eas ac dirigunt et uelut quibusdam turmis stipatricibus prosequantur, adeo ut adiumenta quaedam bellantibus aduersus inimicas aues conferre credantur.*

¹⁶ Ambrose. *Expositio Psalmi CXVIII* 1.11.1. *Qui munitus es spiritalibus turmis, si prophetam non derelinquas.*

¹⁷ See n.26 for the potential authorship of the Harvester inscription.

¹⁸ For Shaw's citation see Shaw, 2013: 291. For MacMullen's translation see MacMullen, 1974: 42-44. However, MacMullen limited himself to translating *ductor* for 'contractor' without providing an apparatus to argue this translation. A potential explanation is that Shaw infers that MacMullen uses 'contractor' because he might think that the word *ductor* in the text it is a contraction of *conductor*.

¹⁹ According to the Word Frequency Information of the Perseus Digital Library Virgil uses the word *ductor* in the Aeneid a total of 30 times. According to Brill's Library of Latin Texts searcher, it appears 25 times. Of especial relevance is Virgil. *Aeneid*. 5.560-563, where *ductor* and *turma* are used together: *Tres equitum numero turmae, ternique vagantur ductores: pueri bis seni quemque secuti agmine partito fulgent paribusque magistris.* See also the commentary of this fragment by 4th-century author Tiberius Claudius Donatus (*Donatus. Interpretationes Vergilianae* 1.5).

if the word *ductor* were to be a contraction it is more likely to be a contraction of *ducator*, which has the same connotation of leadership.²⁰ Nonetheless I find that the use of *ductor* is a result of the militaristic context of the inscription rather than a contraction of *conductor* or *ducator*.

Because the words *ductor* and *turma* are written in a poetic context, it does not necessarily demonstrate that these words were used to designate the contractors and their gangs in the common vernacular. However, these words point towards the *ductores* (or, at the very least, whoever commissioned the Harvester inscription) seeing themselves as commanders of their men, preferring to interpret the Harvester's career in a military context rather than an economic one. The holding of command or of military decorations is something that is mentioned often in the funerary inscriptions of former soldiers, with different levels of prominence.²¹ The Harvester of Maktar inscription could be compared to a famous late 2nd-century North African inscription from Diana Veteranorum (modern Zana), where an army officer, originally of equestrian rank, lists his military deeds in many different parts of the Empire and his many commands while indicating that such merits awarded him an advancement through the social ranks: "chosen by our most revered emperors for admission to the senatorial order among men of praetorian rank".²² Despite the very different contexts of the two inscriptions both of them feature militaristic language, social ascension and pride for one's occupation. Soldier epitaphs tend to state the number of years the soldier has spent serving, which the Harvester inscription also does.²³ The poet of the Harvester inscription is not the only one to militarise the life of its subject in order to infuse respectability in the deceased's dubious occupation and frame his life as one of success through hardship, gladiator epitaphs also use militarised language to commemorate themselves.²⁴ Parallels can be traced between the framing of the Harvester inscription and the epigraphic funerary poem

²⁰ Shaw, 2013: 291.

²¹ Maxfield, 1981: 47-50; Southern, 2007: 8-10.

²² *AE* 1956, 124. Trans.: Campbell, 1994: 64-65. *a Sacratissimis Imp(eratoribus) in amplissimum ordinem inter prae/torios adlecto* See also Southern, 2007: 9.

²³ Keppie, 1991: 81.

²⁴ Hope, 1998: 188; Carroll, 2006: 148.

of a 1st-century sailor from Aquileia, as both remark their humble origins, the years they spent practising their craft, and remark that they kept their honour:²⁵

I was born in utmost poverty, afterwards I deserved to be a sailor at the side of Augustus for seventeen years. Sent with no hatred, without offense, but honourably.

In a sense, in this inscription either the poet or whoever commissioned it may have wanted to trace an imagined rural *cursus honorum*, and metaphorically have the Harvester claim for their self the equivalent honours of having had military command.²⁶ The metaphor between the army and the harvest (both often recruiting the same individuals) is one that runs deep and appears in many cultural contexts throughout history.²⁷ The poet of the harvester inscription, in his use of terminology, is most likely drawing from this comparison,²⁸ militarising the journey of the Harvester through the ranks of the harvesting labour organisation. One possible reason for such militarisation is probably the low regard of the local elites towards harvest contractors, which will be further commented on in section 3.4 of this chapter.

3.1.2. Καρπώνης

Before examining the other words used to designate these contractors (*manceps, redemptor, ἐργόλαβος*), a different Greek word can be considered. The word καρπώνης appears in some Egyptian farm accounts to designate contractors who provided harvest labour for the vintage.²⁹ Καρπώνης, derived from the Greek καρπῷ (*karpo*, fruit) can be roughly translated as ‘fruit-buyer’.³⁰ Like *ductor* καρπώνης is a word that is used in other related contexts, in this case contractors for the fruit supply of cities.³¹ The literal meaning of ‘fruit-buyer’ has to do

²⁵ CIL 5, 938. *Natus sum summa in pauperie merui post classicus miles ad latus Augusti annos septemque decemque nullo odio sine offensa missus quoque(ue) honeste.*

²⁶ It is impossible to determine who commissioned the Harvester inscription and what were the parameters given to the composer of the inscription. Although the inscription being in first person may point towards the Harvester himself being the commissioner, it is also possible that a relative of his might have commissioned it after his death. For inscription authorship in general terms see Adams, 2003: 84-88.

²⁷ Shaw, 2013: 7-9, 193-194, 215-216, 225-228.

²⁸ This is already implied by Shaw’s analysis of the inscription: Shaw, 2013: 288, 291.

²⁹ Rathbone, 1991: 193-195.

³⁰ Rathbone, 1991: 193.

³¹ *P. Lond.* 3.974.

with their profession, as they purchased the pre-harvested fruit to afterwards sell it at a profit.³²

It is difficult to associate the καρπώναι closely with the rest of harvest contractors because their specific arrangements introduce different conditions and requirements in order to perform the role. First of all, it can be debated whether the καρπώνης is truly a contractor who provided labour, or merely a buyer who contracted labour in order to complete his purchase. Furthermore, καρπώναι do not necessarily engage in the practice of offering securities for the proper completion of the harvest, so central to the business of the harvest contractors. The καρπώνης assumed the risks of the harvest by pre-purchasing the crops and did not have to answer to the landowner after the sale was made, which made the offering of securities unnecessary. Therefore, καρπώναι, unlike regular harvest contractors, may not have needed as much pre-existing wealth (only requiring actual expenditure for the upfront price of the crop and the wages of the workforce rather than a certain level of affluence). Rather, what they needed was a way to reliably sell their purchased crop, a need that the regular harvest contractor does not have.

3.1.3. *Redemptor* and *manceps*

Finally, there are two more Latin words to designate the contractors of harvesting labour, *redemptor* and *manceps*. The former appears in Cato's *De Res Rustica* while the latter is mentioned in Augustine's *Contra Epistolam Parmeniani* and Suetonius' *De Vita Caesarum*.³³ Unlike *ductor*, which is a general word that has a military connotation, *redemptor* and *manceps* are specific words with a meaning related to leasing and purchasing. Both words were mainly used to refer to the bidders of outsourced state functions and were essential for the proper functioning of the Roman state. These 'public' *redemptores* and *mancipes* oversaw such things as the collecting of taxes, the maintenance of public buildings or the supplying of the army, among others.³⁴

³² Rathbone, 1991: 193-194.

³³ Suetonius. *De Vita Caesarum*. Vespasian.1.4; Aug. *Contra Ep. Parmeniani* 1.11.18.

³⁴ Dennis Kehoe's entry for *manceps* in Wiley's *The Encyclopedia of Ancient History* only refers to public *mancipes*. Jean Andraeu's same entry for the *Brill's New Pauly* holds the same, despite also referring to 'private' *mancipes* ("In most cases, however, *mancipes* were people who entered into contracts with the city or the state to undertake public tasks"). For examples for *manceps* see AE 1971, 88 (corpse handling for

The double use of *manceps* to mean both a bidder for public services and a contractor to either public or private parties, especially for the purposes of providing a temporary workforce, can be confusing. It has been argued by Peter Ørsted that this duality is caused by a shift of the meaning at some point before the 2nd century.³⁵ The main source for making such an argument is Festus' definition of *manceps* in his epitome of Verrus Flaccus' *De Verborum Significatu*, which was written at some point in 2nd century:³⁶

[He] was called *manceps* he who has taken on hands. [...] Is called *manceps* he who buys the lease from the people [the State], whose raised hand [in an auction] points himself to be the promoter of a purchase. The same was also called a bondsman [*praes*] who both owes standing before the people, to whom he has made a promise, as well as to whom the surety is made.

Festus' definition seems to indicate that at some point before the 2nd century the original meaning of *manceps* as a purveyor of labour had been abandoned as the word came to designate a public bidder. Ørsted went as far as to say that "*manceps* seems to have remained a purely public term".³⁷ However, there is a problem with extracting conclusions on the evolution of the word's meaning from this source. Festus' work is a summary of an earlier work written in the 1st century, and the definition of *manceps* comes not from the surviving part of Festus but from a summary of Festus' summary authored by Paul the Deacon in the 8th century.³⁸ This opens the possibility of a transmission error making it seem that there is a chronological separation between the two definitions of *manceps*. Furthermore, our two main sources for the use of *manceps* for harvest contractors bring serious problems to the argument that that this word had become exclusively used for public bidders. Suetonius' *De Vita Caesarum*, also written in the 2nd century, calls Vespasian's grandfather a "*manceps* of

burial); Cicero. *De Domo Sua*. 10.25 (provider of grain); Tacitus. *Annales* 3.31 (road management). Also see for both Cicero. *In Verrem* 2.1.130-152 for the case of Verres (further elaborated below in section 3.3.2). See as examples for *redemptor* Pliny. *Naturalis Historia* 35.4 (chief of Capitol security), 36.2 (manager of sewage); Cicero *De Inventione* 2.96-97 (provider of sacrifices). *Redemptor* and *conductor* are used in private construction, but only *redemptor* is used for public construction, see Martin, 1989: 29 n.38.

³⁵ Ørsted, 1985: 75-76 esp.n.46.

³⁶ Festus *De Verborum Significatu*. P.128.M; P.151.M. *Manceps dictus, quod manu capiatur. Manceps dicitur, qui quid a populo emit conducitue, quia manu sublata significat se auctorem emptionis esse: qui idem praes dicitur, quia tam debet praestare populo, quod promisit, quam is, qui pro eo praes factus est.*

³⁷ Ørsted, 1985: 83.

³⁸ For the edition of the *Pauli Excerpta* used see the Teubner edition. For chronology of Paul's epitome see Woods, 2007: 116-117. While the entry for *manceps* is missing in the extant Festus it appears in Paul's epitome. Of the original Festus we only have a fragmentary manuscript that seems to have undergone both fire and water damage. For the remains of Festus' work see Marshall, 1983: 163-164.

operarii from the Transpadanian region, who used to resort to take them from Umbria to the land of the Sabines for the cultivation of the fields”.³⁹ It is unlikely that much of Sabinia was public land by the time of Vespasian’s grandfather, as the only mentions of public land in Sabinia date back to its conquest in 290 BCE, and is mentioned in respect to its private distribution among the veterans under Manius Curius Dentatus.⁴⁰ Finally, in the 5th century Augustine insinuated that the Donatist bishops are the *mancipes* of the circumcellions, a metaphor that makes more sense if *manceps* is understood as a contractor who hires personpower to perform a task rather than as a public bidder who must answer to the State.⁴¹

Like *manceps*, *redemptor* is another specific word that relates to someone who undertakes the leasing of works. *Manceps* and *redemptor* can be similar words in the sense that both can be used to designate public bidders.⁴² However, the use of *redemptor* for contractors working for private parties is better attested than the use of *manceps*, although the situation is reversed when dealing with harvest contracting.⁴³ An example of the use of *redemptor* for a contractor working for a private party in building or remodelling a house floor can be seen in a 3rd-century inscription from Narnia.⁴⁴

3.1.4. Έργόλαβος

The final word to designate these harvest contractors is *ἐργόλαβος*.⁴⁵ This word has its semantic counterparts in the Latin *redemptor* and *manceps* as they all designate the concept of a contractor that takes on a work. The use of *ἐργόλαβος* for contractors in Egypt predates the Roman annexation and is used in papyri from at least the 3rd century BCE, so the use of the word is not an attempt to copy the Latin *redemptor* or *manceps*. Mid-3rd century BCE papyri mention *ἐργόλαβοι* working on a mosaic floor,⁴⁶ a payment of two half-obols to an

³⁹ Suetonius. *De Vita Caesarum*. Vespasian 1.4. *mancipem operarum, quae ex Umbria in Sabinos ad culturam agrorum quotannis commeari soleant*

⁴⁰ Roselaar, 2010: 125, 312-313 citing Columella *De Res Rustica* 1.3.10; Plutarch. *Regum et imperatorum apophthegmata*. 73.1; Frontinus. *Stratagemas*. 4.3.12.

⁴¹ Aug. *Contra Ep. Parmeniani*. 1.11.18. See also Chapter 2, Section 2.3.

⁴² *Digesta* 19.2.60; AE 1971, 88 uses *manceps* and *redemptor* interchangeably.

⁴³ *Digesta* 19.2.51.1; Cicero, *De Divinatione* 2.47; Pliny. *Naturalis Historia* 36.55. However, as with *manceps*, most mentions of the term are still connected to public leases.

⁴⁴ *CIL* 11, 4127.

⁴⁵ The identification of *ἐργόλαβος* as a harvest contractor is also made in Freu, 2015: 163-164, and also through *BGU* 1.14 (see below).

⁴⁶ *P. Cair. Zen.* 4.59665.

ἐργόλαβος named Stephanos,⁴⁷ an ἐργόλαβος being involved in building irrigation work,⁴⁸ and a public contract with ἐργολάβοι for clearing obstructions in irrigation canals.⁴⁹ The word seems to have carried very negative connotations among some in the higher strata of society, and even maybe further below. When two village elders seized a shepherd somewhere in the late 1st century or early 2nd century CE in order to install him in a post responsible for the payment of taxes, a certain Eutyichides called them “insolent and ἐργόλαβους” in a letter to his brother.⁵⁰ In Paulus Alexandrinus’ astrological manual written in 378 CE having the star of Hermes in the twelfth ζῳδῖον (*zoidion*, zodiac sign) produces “thieves, scavengers, evil-speakers, evil-doers, ἐργόλαβους, deceivers and hypocrites”.⁵¹ A clearer view into the specific negative connotations of ἐργόλαβος is given by Themistius, a 4th-century philosopher, in one of his orations. In this specific text he used the word ἐργόλαβος to refer to a type of lawyer, and why it would be inappropriate for a philosopher to become said type of lawyer:⁵²

If we adhere to this rule [i.e., that lovers of gain cannot be given our approval], we shall not allow those who claim to be philosophers to prepare legal briefs [γίνεσθαι ἐργολάβοις] and, having shut down the schools, to strut around on the speaker’s platform, sparring with and railing and rhetors and soldiers alike. [...] We shall hardly permit would-be philosophers to turn these schools of ours into law courts, to turn the shrines of the Muses into a place where justice is sold, and to blur the difference between pupils and people pleading causes.

This fragment is introduced as a specific example of a general rule quoted from Plato’s *Republic* “we certainly cannot admit [into the ranks of true philosophers] the man who takes bribes or the lover of gain and money”.⁵³ This fragment shows that the reason for the use of

⁴⁷ P. Cair. Zen. 4.59748.

⁴⁸ P. Petrie Kleon 90.

⁴⁹ P. Petrie Kleon 91. Also see Lewis, 1986: 40-41.

⁵⁰ P. Sarap. 94. ἐπηρεαστας καὶ ἐργολαβους. For interpretation see Grenfell and Hunt, 1901: 163.

⁵¹ Paulus Alexandrinus. *Εἰσαγωγικά*. 24.63. κλέπτας, ἀφανιστάς, κακολόγους, κακοπράγμονας, ἐργολάβους, δολίους, ὑποκριτάς.

⁵² Themistius. *Orationes*. 21.260. Trans.: Penella, 2000: 82. Εἰ ἄρα τὸν νόμον τοῦτον διασώσομεν, οὐκ ἐπιτρέψομεν τοῖς φιλοσοφεῖν προσποιούμενοι δικῶν τε γίνεσθαι ἐργολάβοις καὶ ἀποκλείσαντας τὰ μουσεῖα περικυλινδεῖσθαι τῷ βήματι, διαπληκτιζομένους καὶ λοιδορουμένους ῥήτορσιν ὁμοῦ καὶ στρατιώταις, οὐδὲ ὑπομένειν ὅσα καὶ οἷα ὑπομένουσιν οἱ ἐπὶ ταύταις ταῖς ἐργασίαις νυκτηγρετοῦντές τε καὶ διημερεύοντες ἐν ταῖς δίκαις, ἐνίοτε εἰς τοῦπίσω ἀποπραττόμενοι τὸν μισθόν, ὅταν ἔλθωνται οἱ μισθωσάμενοι τὰς εἰρηνικὰς συναλλαγὰς. Πολλοὺ δὲ δεῖ συγχωρήσομεν αὐτὰ τὰ μουσεῖα δικαστήρια καθιστάναι καὶ πρατήεροι ποιεῖν τοῦ δικαίου τὰ ἀνάκτορα τῶν Μουσῶν καὶ ἀναφύμειν τοὺς μανθάνοντας τοῖς δικαζομένοις.

⁵³ Plato. *Πολιτεία*. 3.390d. Trans.: from Themistius’ quoting in Penella, 2000: 82. Οὐ μὲν δὴ δωροδόκους γε ἐατέον εἶναι τοὺς ἄνδρας οὐδὲ φιλοχρημάτους.

ἐργόλαβος both as an occupational title and as an insult was its association with gain and profit for performing a task, which could imply greediness in the contractor.

The only document calling harvest contractors ἐργολάβοι is *BGU* 1.14. Composed in 255 CE, it is an income and expenditure account of an estate somewhere in the area of Memphis.⁵⁴ In it there are two entries for paying ἐργολάβοι. The first one relates to an ἐργόλαβος for the gathering of grapes. According to the account this ἐργόλαβος provided 308 person-days of labour between the 18th and 24th of Mesore (24-30 of August) for gathering grapes.⁵⁵ The second entry for an expenditure going to an ἐργόλαβος is to a certain Ischyron for an unspecified activity, although it may be possible it has to do with the previous entry which gives wages to workers who have sorted grapes. Ischyron is paid for providing 118 person-days of labour between the 20th and 24th of Mesore (26-30 of August). These entries showcase that the word ἐργόλαβος, which is a general word for contractor, could be used specifically to talk about harvesting contractors who provided labour for certain tasks.⁵⁶

3.1.5. Behind the name: leading and contracting

Ideas about the role of the *ductores* can be extracted from the words used to designate them. There are two main ideas that these words convey. Calling the contractors *mancipes*, *redemptores* and ἐργολάβοι emphasises the obligations that these words imply, that is, they bear any legal liability for workforce-related issues and give sureties. This is quite likely an attempt to provide a legal framework to an activity that is legally unregulated. The words *ductores* and καρπώναι on the other hand refer to the kind of activity the individuals performed. The contractors were leaders, people who exerted control of their gang and, if the Harvester's inscription poet is to be believed, poetically viewed themselves (and wanted to be seen) as commanders of an army of labour. On the other they were businessmen who expected to turn a profit through organising labour. The terms *ductor* and ἐργόλαβος come from a farm manager and a contractor himself, that is, the people who directly supervised the harvests.⁵⁷ They speak of what the harvest contractors did on the ground, they lead men into

⁵⁴ *BGU* 1.14. Also see Johnson, 1936: 215-219.

⁵⁵ On person-days as a measurement see Section 3.3.1.2

⁵⁶ The following sections will further elaborate on the exceptional papyrus *BGU* 1.14.

⁵⁷ *Ductor* from the Harvester of Maktar inscription (*CIL* 8, 11824), ἐργόλαβος from *BGU* 1.14.

the harvest and made a profit out of it. *Redemptor* and *manceps*, instead, are words used by distant landowners, and a bishop making a legal metaphor, and as such they are less worried about what contractors themselves did rather than what could be done if contractors did not perform what they have been contracted to do. The terminology of the harvest contractors shows their double role. On the one hand they were businessmen providing a labour force and hoping that they will make a benefit of it. On the other, they were foremen who used their authority and standing to 'lead' or discipline their men into taking part in harvest.

3.2. *Rusticulus* or *ensor*: the socio-economic origin of the *ductores*

This section will analyse the social background of *ductores* through the constraints and needs of the role and then by trying to discern which socio-economic strata of society could have produced individuals that could fulfil the role.

Not just anybody could have been a *ductor*. The previous chapter has shown how one of the most important aspects of being a *ductor* was being able to bear legal liability and being able to compensate the client should a breach of contract, negligence or misdemeanour occur.⁵⁸ This means that in order to be a *ductor* one had to be either affluent enough to provide sureties or well-connected enough to get someone else to act as your guarantor. Cato's model contract shows assurances were given "He must give security for the proper harvesting of the olives, satisfactory to Lucius Manlius".⁵⁹ The harvest contractor, per the requirements of his role, is someone with some degree of wealth or property and able to contact landowners that stakes their wealth in the proper execution of a harvest in order to obtain what must be a substantial income.

There is one mention of some contractors, albeit in the construction sector not the harvest, being poor. A rescript from Zeno from 474-479 preserved in the *Codex Iustinianus* makes provision that "if the defaulting (contractor) is a pauper, let him be whipped and expelled from the city".⁶⁰ This provision seems to open the gate to poor people having been able to perform as building contractors. As we shall see in the following subsection, it was possible

⁵⁸ See Chapter 2, Sections 2.3 and 2.4.

⁵⁹ Cato. *De Agricultura* 144. Trans.: Loeb. *Oleam cogi recte satis dato arbitratu L. Manli*.

⁶⁰ *Codex Iustinianus* 8.10.12.9. Trans.: Frier, 2016. εἰ δὲ πένης τε εἶη τυχὸν ὁ τοῦτο ἀμαρτῶν, πληγὰς τε λαμβανέτω καὶ ἐκβαλλέσθω τῆς πόλεως.

for the required sureties to be provided by a third party, but this seems not to be the case for this provision, which is setting an alternative punishment to compensation. This rescript demonstrates that the wealth requirement for contracting was not a legal requirement, but a customary requirement that may have been imposed by most of the contractor's clients.⁶¹ The rescript makes it so that contractors that abandon a construction contract must "pay damages the builder thereby incurs, plus all the loss from the work not (being completed)".⁶² If defaulting was a possibility, contractors could be expected to have preferred, as a general rule, to hire people who could compensate them over people who were not able to provide any more compensation than their own humiliation. The need for pre-existing wealth and having to deal with the elite and their managers means that *ductores* were unlikely to have come from the humblest strata of society.⁶³

Ductores must also be physically present during the harvest, as it is highly unlikely that there was such a thing as 'absent *ductores*'. This is because these contractors were not only bearers of liabilities but the direct overseers of their men.⁶⁴ In the letter from Sion to Isidoros, when the time of harvest came and Eusebios saw that neither Dichaearhos nor Gennadios had come, he still managed to get into quick contact with another contractor, Dydimos, who was probably nearby. More tellingly after Dydimos' refusal to accept the job, Sion tells Isidoros the landowner that "if you want me to go over there and hire workers, I will also work with them to clear out the field", outlining how a *ductor* not only would hire workers and takes leases, but also exerted direct control over the workforce.⁶⁵ Sion's letter also implies that in some circumstances contractors, probably those commanding smaller gangs and more in need of income, worked alongside their gang, which can also be seen in contractors outside agriculture such as *balenatores* and building contractors.⁶⁶ Because the *ductores* had to be with their gang, it follows that in order to properly do so they must have been mobile and,

⁶¹ This is strengthened by the lack of provisions demanding minimum wealth requirements for contracting.

⁶² *Codex Iustinianus* 8.10.12.9. Trans.: Frier, 2016. ἀλλ' αὐτόν μὲν τὸν ἀρξάμενον λαμβάνοντα τὸν μισθὸν ἀναγκαζέτω πληροῦν τὸ ἔργον ἢ διδόναι τὴν ἐντεῦθεν συμβαίνουσαν ζημίαν τῷ οἰκοδομοῦντι καὶ πᾶσαν τὴν ἐκ τοῦ μὴ τὸ ἔργον γινομένην βλάβην

⁶³ An attentive reader might notice that this statement contradicts the narrative laid out in the Harvester of Maktar inscription. This issue will be dealt with below.

⁶⁴ The Harvester inscriptions' remark that, while being a *ductor*, "our hands cut the fields of Numidia" (*Numidiae campos nostra manus secuit*). It can be interpreted as the Harvester having been with his workers during the harvests.

⁶⁵ *P. Lips*. 1.111. See below for the effect of this on the social status of *ductores*.

⁶⁶ Treggiari, 1969: 98-99.

should they have owned or held land, not be essential to proper execution of their own harvest. This need for mobility might have been even more accentuated in the larger territory of North Africa than the more compact territory of Egypt. Although certainly tenant families could have sent some family member to work for wages during harvest season, these members often tended to be younger members of the household.⁶⁷ These teenagers and young adults would be ill-equipped to organise and supervise harvesters at the risk of the family's resources staked as security, and instead it is more likely that if they were sent to the gangs they were sent as harvesters.

Finally, *ductores* were unlikely to be members of the highest echelons of society. First, because the elite generally had a lesser need for additional seasonal income, and therefore, they were less likely to risk providing a surety for the execution of a harvest and risking being liable for the bad behaviour of their workers.⁶⁸ But also, more importantly, even if they were willing to take on that risk, the hands-on itinerant nature of the role would be unbecoming of an aristocrat or wealthy man.⁶⁹ As previously mentioned, the word ἐργόλαβος was used as an insult against two village elders in 1st-century Egypt.⁷⁰ We get a glimpse of that attitude in a previously mentioned Suetonius passage when after mentioning the military and political accomplishments of Vespasian's grandfather, Titus Flavius Petro, he mentions there is an alternative narrative of his life portraying him as a harvest contractor.⁷¹ The use by Suetonius of *iactatum*, which in its literal sense means to throw or hurl, shows the slanderous intentions of those who are saying that Vespasian's grandfather was a *manceps*.⁷² Suetonius did not agree with this parallel narrative, as he found "no evidence whatever of this, in spite of rather careful investigation".⁷³ The mention and disproof of this parallel narrative is done because it contradicts the main point Suetonius wanted to make, that is, that "this house [the Flavians] was, it is true, obscure and without family portraits, yet it was one of which our country had

⁶⁷ See Chapter 4, Section 4.4.1.

⁶⁸ Finley and Andreau also note a correlation between lack of social obligations of participating in the State's administration and entrepreneurship (Finley, 1985: 144-145; Andreau, 2015: 17). For the possibility of the elite furnishing the necessary sureties to *ductores* for profit see Section 3.2.1.

⁶⁹ See also section 3.4.

⁷⁰ *P. Sarap.* 94

⁷¹ Suetonius. *De Vita Caesarum*. Vespasian 1.4.

⁷² See also Wallace-Hadrill, 1995: 106.

⁷³ The role of Suetonius in the imperial court and his love for collecting anecdotes gave him the opportunity and motive to access substantial primary sources. See Wallace-Hadrill, 1995: 21, 73-96. On the quote: Suetonius. *De Vita Caesarum*. Vespasian 1.4. Trans.: Loeb. *Ipse ne vestigium quidem de hoc, quamvis satis curiose inquirerem, inveni.*

no reason whatever to be ashamed”.⁷⁴ Centuries later Libanius commented in his funeral oration on Julian that,⁷⁵

there have been many emperors who, though not deficient in character, were not of distinguished ancestry, and who, though knowledgeable in preserving the empire, were ashamed to mention their parentage, with the result that those who made speeches in their praise had some difficulty in salving this sore.

Saying that Vespasian’s grandfather was a contractor could have been construed as an insult and a challenge to his legitimacy.⁷⁶ Although Cicero only condemns as improper the actual working for a wage, he also condemns “tax gatherers and usurers”, of whom the former were public contractors.⁷⁷ Resorting to acting as a *ductor* for profit would not have been desirable or well-looked by those at the top of the social ladder.

3.2.1. The slave and freedman contractor

However, there was a difference between being a *ductor* and providing the sureties for the *ductor*. Despite the contempt of elites for profit-seeking activities other than owning land, they nonetheless participated in and benefited from moneylending.⁷⁸ Although they did not behave in a capital-seeking manner, that is, seeking profits for reinvestment into greater profits, they did have a patrimonial conception of wealth where already owned land and money could be used to draw more land and more money.⁷⁹ It is thus possible that some among the elite would turn to providing the sureties of *ductores* in exchange for a cut in their profit.⁸⁰ Because what they provided was a surety and not an investment, elites could conceptualize this activity as a way to use land and wealth (rather than profit) to expand one’s portfolio of wealth in the form of cash, at no loss (not even to make initial investments) if

⁷⁴ Suetonius. *De Vita Caesarum*. Vespasian 1.1. Trans.: Loeb. *obscura illa quidem ac sine ullis maiorum imaginibus, sed tamen rei p. nequaquam paenitenda*

⁷⁵ Libanius. *Orationes*. 18.7. Trans.: Loeb. Ἐγένοντο μὲν οὖν οὐκ ὀλίγοι βασιλεῖς γνώμη μὲν οὐ κακοί, γένει δὲ οὐ λαμπροί, καὶ τὴν μὲν ἀρχὴν ἐπιστάμενοι σώζειν, αἰσχυρόμενοι δὲ εἰπεῖν ἐξ ὧν ἐγένοντο, ὥστε καὶ τοῖς ἐγκωμιάζουσιν αὐτοὺς ἔργον εἶναι θεραπεῦσαι τὸ τραῦμα

⁷⁶ We can trace a comparison with Mark Antony claiming that Octavian was descended from a rope-maker and a silversmith, see Wallace-Hadrill, 1995: 106.

⁷⁷ Cicero. *De Officiis*. 1.150. *portitorum, ut faeneratorum*.

⁷⁸ Treggiari, 1969: 88-89; Andreau, 1999: 12-14.

⁷⁹ Andreau, 1999: 23-24.

⁸⁰ For providing the sureties to someone else’s *locatio-conductio* arrangement see *CIL* 8, 2353, where a certain Lucius Cestius Successus provides the sureties for Flavius Natalis, who has promised to build a statue.

done successfully and without need for direct oversight of the running of the operation (which is transferred to the *ductor*).⁸¹ The practice of providing the sureties for the taker of any public contract is explicitly documented in Polybius' *Histories*:⁸²

Now all these matters are undertaken by the people, and one may almost say that everyone is interested in these contracts and profits from them. For certain people are the actual purchasers from the censors of the contracts, others are the partners of these first, others stand surety for them, others pledge their own fortunes to the state for this purpose.

To be clear, there is no extant evidence that any Roman aristocrat provided sureties specifically for harvest labour, but it can be argued that it was not only possible but also potentially in their interests to do so.⁸³ If such offering of sureties happened, the conditions to be a *ductor* changed. It would have been no longer necessary to have wealth to stake a security, but rather the focus was on having a considerable amount of trust from someone who could contribute those sureties. Therefore, it is possible that some *ductores* could exercise their role by virtue of being close to someone with wealth, albeit at a lesser profit for themselves. The question then becomes who was able to be trusted enough by a member of the elite to stake part of their estate as surety.

Could slaves have been *ductores* through their owner's sureties and for the benefit of their masters? It is important to note that slaves, unlike freedmen, lacked the rights to carry out certain business operations, such as acting as intermediaries or recipients of loans.⁸⁴ However, they could be empowered to act as the representatives of their masters (*institores*).⁸⁵ The law allowed them, as *institores*, to make contracts related to property entrusted to them by their master, with the former bearing legal liability for such contracts.⁸⁶

⁸¹ The setting up of freedmen in businesses follows a similar logic of avoiding directly profiting from a business, see d'Arms, 1981: 103; Andreau, 1999: 61.

⁸² Polybius. *Ἱστορίαι*. 6.17.3-5. Trans.: Loeb. πάντα χειρίζεσθαι συμβαίνει τὰ προειρημένα διὰ τοῦ πλήθους, καὶ σχεδὸν ὡς ἔπος εἰπεῖν πάντας ἐνδεδέσθαι ταῖς ὠναῖς καὶ ταῖς ἐργασίαις ταῖς ἐκ τούτων· οἱ μὲν γὰρ ἀγοράζουσι παρὰ τῶν τιμητῶν αὐτοὶ τὰς ἐκδόσεις, οἱ δὲ κοινωνοῦσι τούτοις, οἱ δ' ἐγγυῶνται τοὺς ἡγορακότας, οἱ δὲ τὰς οὐσίας διδῶσιν περὶ τούτων εἰς τὸ δημόσιον

⁸³ A parallel may be traced with money-lending activities, where the elite financed their freedmen as intermediaries, see n.78.

⁸⁴ Andreau, 1999: 64.

⁸⁵ Andreau, 1999: 65-67.

⁸⁶ Kirschenbaum, 1987: 89-90, 100-101; Frier, 2021: 410-429. *Digesta* 14.3.5.2 includes the making of contracts as a power of the *institor*, who can be both free or a slave.

In rural settings, including in North Africa, slaves (who were eventually liberated and turned into freedmen) were already put in managerial positions as *actores*.⁸⁷ Therefore, a trusted slave with low risk of flight could have become a surrogate *ductor* for his owner dealing with landowners and their managers without much need to intervene.

Slaves could have assumed the full responsibilities of a *ductor* (including the striking of contracts), but freedmen also were able to be *ductores* through their patron's sureties. Freedmen could act as the commercial representatives of their patrons, but also were clearly legally allowed to manage their commercial affairs without need for supervision.⁸⁸ Even though the patron's direct involvement in the venture was a possibility, the commercial relationship of the patron towards their freedmen could have only implied being a provider of goods or initial financier.⁸⁹ This of course meant that freedmen could be entrusted with the full responsibilities of a *ductor* including the striking of contracts and bearing their own legal liabilities.⁹⁰ Thus, a patron sponsoring a freeman as a *ductor* would have been partially shielded from liabilities resulting from this venture by being able to recover lost sureties from his freedman at a later date, and would not have needed to get involved at all in the running of the operation, whereas if the *ductor* had been a slave acting as an *institor* he would have had to bear full responsibility for any incident.

It must be remarked that there are no primary sources proving beyond doubt that slaves and freedmen exercised the role of *ductores* through the sureties of the owners/patrons. However, given the interests of the elite in increasing their wealth,⁹¹ and the use of slaves and freedmen as intermediaries in their business, the door was open for them to organise harvest workers into gangs. How significant was this social extraction among the *ductores* cannot be said with certainty.

⁸⁷ Gsell, 1932: 402-404, 407-411 citing esp. *CIL* 8, 8209; 22774; 23847; De Ste Croix, 1981: 144-145. See also *AE* 1980, 919; 2002, 1677; 1678.

⁸⁸ D'Arms, 1981: 44, 103-104.

⁸⁹ For different commercial relationships between patron and freedman see Broekaert, 2016: 232-243.

⁹⁰ Amplified by the fact that freedmen often were socially retained under the aegis of their former master and performed tasks for them, see Treggiari, 1969: 146. For freedmen being liable see Broekaert, 2016: 230-231.

⁹¹ See Chapter 1, Section 1.2.2.2.

3.2.2. The *conductores*, a port of entry for the 'rural middle stratum'

Although there surely were exceptions to the rule, such as slaves acting as *instiitores*, most *ductores* were unlikely to come from lower or higher strata of society. Therefore, in order to find their social origin, one must explore whether there existed a 'rural middle stratum' in Late Roman North Africa, and whether the members of this 'stratum' would fit the role of *ductores*.⁹² A good point to start looking for this socio-economic stratum are the professional middlemen of the public agricultural sector, the *conductores*.

A considerable proportion of land in North Africa was owned either by the emperors or by the Roman State itself.⁹³ Even though it is probably an exaggeration, Pliny the Elder relates that half the land of Africa was owned by six landowners before Nero put them to death and confiscated their estates.⁹⁴ The epigraphic evidence, in the form of the numerous rescripts and laws on the management of public estates preserved in North African inscriptions, also point towards a strong presence of large landowning by the public *fiscus*.⁹⁵ New land incorporated into the empire became land managed by the *fiscus*, it even became necessary to name an official just to manage the territory that was confiscated from Gildo after his rebellion.⁹⁶ All in all the state still retained close to one sixth of agricultural land in Late Antiquity.⁹⁷ In order to manage these estates the Roman State employed a system of middlemen to supervise the operations. Although the *procuratores* were public servants who made up the upper management of the public lands, between them and the tenants of public lands there was a stratum of 'middle managers', called *conductores*. The *conductores* were

⁹² I deliberately use the wider term 'stratum' instead of 'class' not only to avoid an anachronistic reading but also in order to take account of the possibility of wide variation in the opportunities and ways of earning in this group as well as potential different positions in the productive process. Although an argument could be made that this 'rural stratum' also presented not only a similar economic position but also a similar common self-image to more modern middle classes and thus could be called part of a 'middle class' (compare the definition of 'middle class' in Mayer, 2012: 3-8 with Section 3.4) justifying this would probably prove to be a thesis of its own and I wish to leave this identification open to questioning.

⁹³ See Chapter 1, Section 1.2.1 but a quick rundown of sources follows.

⁹⁴ Pliny the Elder. *Naturalis Historia*. 18.35. For the size of estates before Nero's confiscation see Kehoe, 1984: 246.

⁹⁵ *CIL* 8, 25902 (Henchir-Mettich Inscription), 26416 (Ain-el-Djamala Inscription), 26416 (Ain-Wassel Inscription), 10570 (Souk-el-Khmis Inscription). For an analysis of these sources see Kehoe, 1988: 28-70.

⁹⁶ *Notitia Dignitatum Occidentis*.12.5.

⁹⁷ Haywood, 1938: 86; Garnsey, 1979: 224-225; Wickham, 2006: 166 citing *CTh*. 11.28.13.

temporary lessees who took charge of managing the tenant-administered public land.⁹⁸ Thus, these *conductores* were a type of public contractors.⁹⁹

Conductores had good incentives for acting as the heads of labour gangs. Their main occupation, that is, offering their services as lessees to manage a task that a landowner wishes to outsource, is similar to the role of the *ductores*. Because their main task was surveying the tenants, rather than cultivating themselves, they could, theoretically, afford to go around offering the services of a gang.¹⁰⁰ Furthermore, they could have enjoyed their own pools of labour. According to law the *coloni* owed corvée labour on the estates of the *conductores* ranging from 6 to 12 days per year.¹⁰¹ Because *conductores* organising the labour of *coloni* was not unheard of, and because the *conductor* was attuned to what was being cultivated and the fluctuating needs of labour in the estates they managed, *conductores* could have offered extra employment to their *coloni* if they wished to run a harvesting gang. The late-3rd century Souk-el-Khmis inscription exposes a labour dispute between *coloni* and their *conductor*, where the latter takes advantage of his good relationship with the *procurator* to demand more days of corvée work than established by law and he used soldiers to enforce this unlawful demand, forcing the *coloni* to petition Emperor Commodus for imperial intervention.¹⁰² This is a case where labour is forcibly compelled out of the workers without compensation, and it establishes that it was in the interest of *conductores* to make the most out of the dependants they were entrusted with, and that they looked for ways to appropriate more labour than they were legally entitled to receive. The fact that the provisions of the Souk-el-Khmis inscription needed to be etched and displayed points towards the widespread use of exploitative practices to extract labour. Offering *coloni* a supplementary income in exchange for entering their harvesting gang seems a safe way of ensuring an exclusive labour

⁹⁸ Kehoe, 1988: 123-127.

⁹⁹ Like *manceps* and *redemptor*, *conductor* can also be used as a generic word to mean ‘contractor’ and even ‘furnisher of labour’ and is not restricted to just the managing of *coloni* nor having the State as a lessor. See Columella. *De Res Rustica*. 3.13.2; Cato. *De Agricultura*. 14.3. See also De Vos and Porena, 2020: 517-523 for private *conductores* and their *actores* and *custodes*. Private *conductores* seem to have been of somewhat higher status than public ones, as they seem to have been more distant and delegative with the management of their land (compare De Vos and Porena, 2020: 519-520 with the Souk-el-Khmis inscription below).

¹⁰⁰ They could even defer the responsibilities of managing *coloni* or organizing the cultivation of un-leased land into a *vilicus*, see Kehoe, 1988: 129-130, esp. n.25.

¹⁰¹ *CIL* 8, 25902.4.24-27; 10570.3.

¹⁰² *CIL* 8, 10570.3

pool to draw from and gain an advantage in the harvesting labour market, especially as a softer alternative to more drastic measures.

The social image of the *conductores* also underpins their probable willingness to act as *ductores*. *Conductores* were not equals to local aristocrats. They probably organised in groups akin to businessmen's associations, maybe similar to *collegia*, but never called by that name.¹⁰³ On the rare occasion where they commissioned inscriptions they always appeared as a collective making a dedication to a member of the aristocracy. This is the case of *conductores* around Thugga who dedicated a statue to Aulus Gabinius, an Augustal flamen, and the *conductores* around Hippo who dedicated a statue to Titus Flavius Macrus, a *procurator*.¹⁰⁴ They were essentially *negotiatores*, people who lived from business. Their lease was not permanent, it was made typically for five years and, although it was possible to renew it, some bidding and competition for these potentially lucrative leases might be expected.¹⁰⁵ The *conductor* mentioned in the Souk-el-Khemis inscription is said to be "most influential among your procurators because of his lavish gifts", and he surely intended to keep renewing his lease and not have it taken by someone else (especially if it was proving to be a profitable venture).¹⁰⁶ *Conductores* hailed from a socio-economic stratum with enough capital, be it in the form of land, portable wealth or social capital (contacts, relationships, privileges, etc.) to be able to stake it as security in order to access the lucrative State leases. At the same time, they were not particularly wealthy compared to the high social strata of Roman society (such as members of the local *curia*), as if they were, they would have no need to stake their capital in State leases and instead would invest it in acquiring land.¹⁰⁷ *Conductores* were already investing in taking profitable leases, and it makes sense that they would consider being *ductores* as yet another business, operating in a manner they were already familiar with, in which to be involved.

However, there is a major impediment to *conductores* being able to participate in the harvest gangs as *ductores*. *Ductores* seem to be associated with considerable mobility. The Harvester of Maktar speaks of having been a harvester on "the nomad plains of Cirta or of Jupiter"

¹⁰³ Kehoe, 1988: 128-129.

¹⁰⁴ *IL Afr* 568; *IL Alg* 1, 3992. Compare with the relationship *procurator-conductor* in the Souk-el-Khemis inscription (*CIL* 8, 10570).

¹⁰⁵ Kehoe, 2007a: 61.

¹⁰⁶ *CIL* 8, 10570.3.20-23.

¹⁰⁷ Wickham, 1984: 13.

(Figure 1) and have guided his gangs throughout Numidia.¹⁰⁸ Suetonius also remarks on mobility when describing how Vespasian's grandfather "came from the region beyond the Po and was a contractor for the day-labourers who come regularly every year from Umbria to the Sabine district, to till the fields; but that he settled in the town of Reate and there married" (Figure 2).¹⁰⁹ Even if these were to be outliers and some contractors had the possibility not to move very much from where they are based, the issue at hand is that being a *ductor* forced one to move during the harvest season. Although it was possible for *conductores* to defer their supervisory duties to a *vilicus* to go lead a harvesting gang, this might have meant abandoning one's main source of profit at the most critical moment of the year. This handicap makes it that despite a *conductor* operating a side business as a *ductor* was a possibility, and they were generally in a good socio-economic position to do so, they would be disincentivized to do so, because they would probably be more concerned with their own harvests (and those of their *coloni*).

¹⁰⁸ *CIL* 8, 11824. See also Shaw, 2013: 68-70 for identification of these areas.

¹⁰⁹ Suetonius. *De Vitae Caesarum*. Vespasian.1. Trans.: Loeb. *e regione Transpadana fuisse mancipem operarum, quae ex Umbria in Sabinos ad culturam agrorum quotannis commeare soleant; subsedissem autem in oppido Reatino uxore ibidem ducta.*



Figure 1. The North Africa of the Harvester of Maktar showcasing the location of Maktar and the proposed location of the “nomad plains of Cirta”. From Shaw, 2013: 21

Despite *conductores* being relatively disincentivised from forming the main bulk of *ductores* because of issues of mobility, they came from a specific stratum in society that allowed them to become *ductores* and/or *conductores* because of their pre-existing wealth and ability to stake that wealth as surety. It is likely that both emerged from the same socio-economic stratum below the local aristocracy but above the small landowner who operated under the parameters of subsistence farming.¹¹⁰ The existence of *conductores* gives a strong indication

¹¹⁰ Garnsey, 1979: 233-234; Kehoe, 1988: 129-131; also the same stratum from where more-or-less independent *negotiatores* came over (D’Arms, 1981: 24-29). That *ductores* were sub-curial is indicated by the Harvester of Maktar inscription, as he is first a *ductor* for many years before ascending to the curial rank.

that there does exist a sub-curial relatively wealthy stratum of rural society from where most *ductores* would emerge.



Figure 2. Location of Umbria and Sabinia with the Po river. From David, 1997: 9.

In conclusion, the economically comfortable stratum of Roman society that produced the *conductores* was in an ideal position to also produce the *ductores* as they enjoyed enough property or wealth to stake it in a surety, but were not rich enough to invest their capital into

Probably from the same stratum came the administrator of the *fundus Glebonianus* (De Vos and Porena, 2020: 517)

land and were experienced in taking on leases for profit. Thus, the economic (and possibly social) gap between the workers and the head of their gang might have been much wider than the Harvester of Maktar inscription seems to imply.

3.2.3. Non-elite small landowners

The *conductores* of the imperial estates were not the only ones in a position to act as *ductores*. One of the persistent problems that small landowners faced in the Roman world was that of structural underemployment. When deciding what to cultivate in their small estates, small landowners were faced with the question of cultivating basic food crops (wheat, barley etc.), which exposed them to long periods of relatively lesser work intensity, or cultivating labour-intensive crops which exposed them to the risks associated with market fluctuations.¹¹¹ A solution to the underemployment inherent with grain cultivation, where labour demand across the year varies dramatically, would have been participating in the harvest gangs, either as *ductores* or as workers.¹¹² The factors determining whether a small landowner could have acted as a *ductor* or worker would have been tied to structural factors such as whether their estates were considered enough to be presented as surety, their ability to socialize with the rural elites, and their propensity or aversion to risking their property and wealth to assume liabilities. However, in Late Antiquity the number of small landowners might have been very low, with most of the land being public, owned by the emperor, or under large landowners based in Rome or in Africa itself.¹¹³

A final remark is needed on the apparent contradiction between what has been exposed in this section and the Harvester of Maktar inscription. The Harvester, who constitutes the only extant example of a *ductor* commenting on his occupation, comes, allegedly, from very humble origins. He opens the poem with “I was born in a poor home and to a poor father, who had neither wealth nor property”.¹¹⁴ This, of course, does not imply that the Harvester’s

¹¹¹ Erdkamp, 1999: 564. Also see Chapter 4, Section 4.2.

¹¹² On the ability to participate in wage-harvesting when having land that needs harvesting see Chapter 4, Section 4.2.2.

¹¹³ Corbier, 1982: 696-699; Dossey, 2010: 98-99. See Chapter 1, Section 1.2.1.

¹¹⁴ *CIL* 8, 11824. *Fui paupere progenitus lare sum parvoq(ue) parente cuius nec census neque domus fuerat*. Sanchez Vendramini has argued that this line denotes that the Harvester begins his career with some property of his own (Sánchez Vendramini, 2015: 147), however poetically calling land “his” does not imply that he has right of property over it, rather that he is the main farmer of that land, which means he could have been a tenant, given he comes from a house without *census*.

family was destitute, but rather, if the sentence has any sort of reliability at all, that they had no property of their own and possibly were tenants for someone else. The main point of the poem is that this individual has risen from relative poverty to fame and riches through hard work. Yet, there is no contradiction in arguing both that the narrative of the Harvester is somewhat feasible, if very exceptional, and that *ductores* were drafted primarily from the 'rural middle stratum' and not the *coloni*, especially considering the legal restrictions on mobility that the latter were subject to.¹¹⁵ The Harvester of Maktar inscription is unique, which opens a whole host of methodological problems in its study, chief among them that it is unwise to make conclusions from its text without supporting them with additional evidence.¹¹⁶ It is theoretically possible that someone like the Harvester could indeed go from a humble *colonus* to an enterprising *ductor* and then become a local aristocrat, but, given the need of wealth and contacts to be able to properly act as a *ductor*, that a humble tenant could act as a *ductor* ought to have been exceptional in Late Roman society. This exceptionality is not only implied by the lack of similar inscriptions, which could be attributed to the capriciousness of fate in preserving and destroying sources, but by this source existing in the first place. If the Harvester had decided to frame his life as this rise from farmer to *ductor* to local aristocrat, it is because such an ascension ought to have been remarkable and unusual.¹¹⁷

3.3. Becoming the Maktar harvester: The economic interests of the *ductores*

Being a *ductor* must have been a profitable position. If one was to accept legal liabilities to supervise a hired workforce that was perceived, at least in elite eyes, as unruly and prone to cause problems, there ought to be a way for *ductores* to benefit from it, and the potential profit ought to have outweighed the chances and severity of the legal liability of the contractor.¹¹⁸ Otherwise, the whole gang system would collapse, as potential *ductores* would either try to find alternatives to this activity or avoid accepting liability for damages.¹¹⁹ The

¹¹⁵ *C. Th.* 5.17.1; *C. J.* 11.52.1. See also Grey, 2007: 166-167.

¹¹⁶ See also Chapter 2, Section 2.1.2.1.

¹¹⁷ De Ste. Croix, 1981: 187 is thus correct in regards to the social ascension aspect of the inscription.

¹¹⁸ For workers (and the harvest in general) being perceived as dangerous to deal with see Chapter 2, Section 2.4.

¹¹⁹ A potentially novel idea of 'forced *ductores*' is not present in sources nor in scholarship and is quite untenable. Slaves and dependants could be *ductores* but legally, the necessary sureties and assumption of

Harvester of Maktar inscription makes explicit mention of the profitability of being a harvest contractor: “This work and life was good to someone from a poor environment and made me owner of a house and furnished a villa”.¹²⁰ However, not much is known of how the *ductores* made their cut or how big that cut was. This section shall explore how and how much *ductores* might have benefited from the gang system of harvest labour organisation.¹²¹ First, it will look at the wages for harvesting gangs in Roman Egyptian farm accounts preserved in papyri, and afterwards comparative material outside of Egypt will be examined.¹²²

3.3.1. The Egyptian evidence

3.3.1.1. Beyond mentions of ἐργολάβοι: locating harvest contractors in Egyptian farm accounts

The most explicit texts on the payment of casual wage labour come from Egyptian farm accounts, preserved in papyri. There are a few mentions in these papyri of generic ‘leaders’ who received the titles of προστάτης (*prostates*), *magister*, and ἀρχιγεωργός (*arxigeorgos*).¹²³ The only word used to designate a harvest contractor that does not directly mean ‘contractor’ is *ductor*, which is a word that has a connotation of leadership and command, and therefore exploring these ‘leaders’ in the agricultural papyri is useful to attempt to find additional purveyors of labour that do not bear the more technical term ἐργόλαβος.¹²⁴ Nonetheless, when considering the papyri containing προστάται, *magistri* and ἀρχιγεωργόι only the title ἐργόλαβος will be positively identified as meaning ‘harvest contractor’ in the Roman period through BGU 1.14, the other three being at best potential labour contractors.

Despite the connotation of leadership, one can discard the προστάται immediately.¹²⁵ The προστάται were indeed contractors, but the length of their employment in new vineyards and

legal responsibilities would have fallen to his owner. Free coerced *ductores* who are forced to put on the risk at no reward would need constant supervision to avoid flight or avoidance of duty, leading to a quite ridiculous ‘who watches the watchmen?’ situation.

¹²⁰ CIL 8, 11824. *hic labor et vita parvo con(ten)ta valere et dominum fecere domus et villa paratast*

¹²¹ Throughout this section there will be frequent mention of provincial currencies in circulation in 3rd-century Egypt, those being the drachma and the obol (1/6 of a drachma). In the early Roman Empire, a denarius was equivalent to roughly 4 drachmae, but the value of the drachma fell down afterwards. (Duncan-Jones, 1994: 233-234).

¹²² See the Introduction for the applicability of Egyptian evidence.

¹²³ Rathbone, 1991: 188-193 for προστάτης; P. Oxy. 4.737 for *magister*; BGU 1.14 for ἀρχιγεωργός.

¹²⁴ See Section 3.1.

¹²⁵ The word προστάτης is cognate with προστατέω meaning “to rule over, to be lord of something” or “to defend something”.

the fact they were housed in the estate points towards them being subleased caretakers of a piece of land who were paid directly rather than having rent extracted from them (as evidenced by the entries for their payment on the ledgers).¹²⁶

The Latin word *magister* appears in *P. Oxy.* 4.737 an Egyptian account from the late first century BCE. Mentions of daily payment to this *magister* (or *magistri* as there are no names in the document) appear between payments to *textores* but preceded by a series of payments to *conductei*. The presence of both a *magister* (connoting leadership) and *conductei* (cognate with *conductio*, part of *locatio-conductio*) raises the possibility that this is describing a gang. Unfortunately, the use of the Greek counterpart of *magister*, μάγιστρος (*magistros*), is always reserved for officials, so no comparison to other types of papyri (such as letters, official documents, accounts) can be made.¹²⁷ There is too little information on these *magistri* contained within the papyrus and too little to compare them with in other texts, and therefore it cannot be established with certainty that we are dealing with a contractor-led harvesting gang. If one was to argue that that were the case, the fact that the *magister* is paid in various daily payments after the *conductei* have been paid would be strange, as it seems to indicate that the *magister* and the *conductei* did not have a financial or work relationship between each other. The small difference in payment is another indication that these *conductei* might not be harvest contractors, as the low fee could be interpreted as insufficient compensation for the bearing of liabilities. The amount paid to the 1st-century *magister* is only six asses (or, more likely, obols)¹²⁸ compared to the four earned by the *conductei*, and while it represents a 50% increase, it is still low in absolute terms.

Another person appearing in the Egyptian farm accounts with a title connoting leadership is Ammonius the ‘archfarmer’ (ἀρχιγεωργός) who is paid 80 drachmae a month. However, it is difficult to ascertain whether that amount is correct. The source this information comes from is *BGU* 1.14, a farm account from the mid-3rd century, notable for its inflated payments ‘per month’ compared to contemporaneous farm accounts. Either because the ‘month’ mentioned in the source actually encompasses more than a calendar month or for any other reason, amounts drawn from this document that are expressed in a monthly basis are to be

¹²⁶ Rathbone, 1991: 188-193.

¹²⁷ For papyri mentioning μάγιστρος in its more ‘official’ sense see *P. Panop. Beatty.* 1; *P. NYU.* 2.40; *SB.* 26.16727; *P. Oxy.* 33.2673 *inter alia*.

¹²⁸ Johnson, 1936: 306.

treated with suspicion.¹²⁹ Furthermore, it is unclear whether Ammonius the ‘archfarmer’ was really a contractor providing harvest labour. The word ἀρχιγεωργός may have been used for harvest contractors in the pre-Roman past in Egypt as *P. Cair. Zen. 2.59167*, written in the mid-3rd century BCE is a letter from an ἀρχιγεωργός, named Pasis, to a landlord reporting on the amounts of corn deposited in the threshing-floor.¹³⁰ However, it is unlikely that Pasis was a contractor but rather a permanent manager of the estate. When ἀρχιγεωργοί appear in papyri and ostraca from the Roman period they are an official title for either the manager of a public estate or a judge named by the praetor.¹³¹ Furthermore, *BGU 1.14* informs us that the estate employed a certain Ischyron as ἐργολάβος (contractor), explicitly in charge of between seven and 37 men for five days. The fact that in the same document Ammonius and Ischyron are given different titles and different ways to express what they were due (the document does not give a salary for Ischyron, only the rate and total amount his men cost) acts as a caution towards affirming that Ammonius was a labour purveyor. Finally, the “secretary” or γραμματεὺς (*grammateus*) mentioned in the heading of the account, Aurelius Ammonius, can perhaps be identified with Ammonius the ἀρχιγεωργός who, as we have just seen, is bearing a title also in use by imperial estate administrators in Egypt.

It is clear that the only reliable source of information in the Egyptian papyri about labour contractors are the ἐργολάβοι in *BGU 1.14*.¹³² Neither the ἀρχιγεωργός of the same document or the *magistri* of *P. Oxy. 4.737* are sufficiently well-identified as to use their appearances in the accounts to theorise about the method of profiting of the *ductores*.

3.3.1.2. Direct fees and surplus extraction in the Egyptian ἐργολάβοι

Extant mentions of potential contractors in the Roman Egyptian farm accounts (mainly the ἐργολάβοι of *BGU 1.14* and, for the sake of argument, the *magister* of *P. Oxy. 4.737*) either

¹²⁹ The account encompassing more than a calendar month is a hypothesis that appears in Johnson, 1936: 309. However, it is impossible to determine with certainty why exactly the ‘per month’ totals are so high compared to other contemporary farm accounts.

¹³⁰ *P. Cair. Zen. 2.59167*.

¹³¹ For administrator of a public estate: *P. Oxy. Hels. 13*, *O. Bodl. 2.1164*, *O. Wilcken 2.1308* and Boyaval, 1963: 62, 64-65. For a judge see *P. Oxy. 3.477*, *SB 14.12139*, and Youtie, 1997: 132. A possible exception might be found in the farm account *O. Strasb. 1.727*, but due to how fragmented the text is it is difficult to figure out what the role of the ἀρχιγεωργός was. Another possible exception is *P. Lips. 1.97* but there is no way to determine if this anonymous ἀρχιγεωργός was a labour contractor.

¹³² See the following section for an analysis.

do not have a sum of pay ascribed to them or their pay rate is roughly equivalent to that of one of their workers. Before continuing it might be useful to consider that farm accounts ought to be analysed with caution, as the clerk or manager likely took down the entries with convenience in mind. This means that, although farm accounts might be generally reliable in telling the total amounts and ratios paid for a specific service, they can often be misleading or silent with respect to whom the amount had been paid and who ended up with the money in the end. As a practical example, showcasing the way the accounts tend to express labour expenses, in *P. Prag. Varcl. 2.3* the word ἐργάται (*ergatai*), meaning ‘worker’ is used to count the number of times the rate of labour ought to be paid.¹³³ However, it is unclear if when the manager of the estate writes “stacking [hay] 23 ἐργάται at 4 drachmae (total) 92 drachmae”¹³⁴ he means that 23 workers were hired for a day to stack hay or, for example, one worker spent 23 ‘person-days’ (that is, working 23 concurrent days) stacking hay.¹³⁵ The accounts also do not tell us if workers were hired for a single task or used for various tasks at different rates. The only thing that consistently worried the managers in writing the accounts is what has been purchased at what price. To whom the money ultimately goes in these arrangements to is not usually their concern when they compose their accounts, so long as the transaction has been successfully completed.

There are two ways in which a *ductor* might have profited from leading his gang. They might either have charged a contractor’s fee to his client, or they might have extracted a percentage from the wages of the workers. In this subsection we will examine evidence for direct fees before moving on to percentage cuts.

The first method is not documented in the Roman period in Egypt although there is precedent for this in the Ptolemaic period. In a labour contract dated 247 BCE, an ἐργόλαβος named Herakleides is paid a contractor’s fee (ἐργολαβικόν (*ergolabikon*), a *hapax legomenon*) for collecting workers.¹³⁶ Does the lack of sources mentioning contractor’s fees in the Roman period constitute an argument from silence that these were not common? It is difficult to argue that, given that orality and the ad hoc nature of the contracts might have affected their

¹³³ For the identification of ἐργάται as casual workers see Marcone, 2009: 122.

¹³⁴ *P. Prag. Varcl. 2.3*. συντιθῶν(τες) ἐργ(ά)ται κγ ἐκ (δρ.) δ (δρ.) οβ.

¹³⁵ In his translation of this source, and others part of the Heroninos Archive, Rathbone reads ἐργάται as referring to person-day, and this thesis does so too. (See Rathbone, 1991: 426-463).

¹³⁶ *P. Mich. 1.62*.

preservation. On the one hand, orality was as valid a medium to establish a contract in Roman times as a written document as book 45 of the *Digesta*, dedicated entirely to oral contracts, attests. It could have been possible that most harvesting contracts might have been oral in nature.¹³⁷ The possibility of escaping the *capitatio-iugatio* taxation by not formally enrolling their workers probably also played a role.¹³⁸ On the other hand, the pragmatic nature of farm accounts, whose utility expires probably a few years after they are written, makes it more unlikely that ancient landowners might want to preserve them, compared to more literary texts that might furnish a library. This Ptolemaic papyrus showing a contractor's fee might be an indication that a contractor's fee used to be a practice in pre-Roman times and could have carried on to some extent into the Roman period but it only being one example does not allow us to know how extensive this practice was.

A direct salary was not the only way the *ductores* could benefit from managing gang labour. Sometimes their profit may lie in an inflated rate for the labour hired. Despite the methodological issues with the farm account known as *BGU 1.14*, which have been explored above, it is the only farm account that mentions explicitly and almost unambiguously *ductor*-led gangs and gives information of their cost. Nowhere in the account is there an entry for a contractor's fee, which would likely have been recorded. Despite the unreliability of the quantity of labour contracted and amount paid when expressed by month, gang labour is expressed with daily rates or person-days, and as such the rates should be comparable to the ones in other contemporaneous accounts. If the ratios of gang-organised labour are generally higher for the same tasks than those of non-organised labour, it might be inferable that the contractor might pocket all or part of the difference.¹³⁹

¹³⁷ Shaw, 2013: 86, but it is a passing speculation. Martin, 1989: 30 notes that *locatio-conductio* contracts were not required to be written down.

¹³⁸ Tedesco, 2018: 415-416.

¹³⁹ Johnson theorized that the higher rates compared with contemporaneous accounts were due to this estate potentially being an imperial estate and because workmen might have provided their own food and purchased crop from the estate (Johnson, 1936: 215-216). However, this explanation does not explain why the estate would overpay with the expectation the workers will purchase its crop as rations instead of directly including their rations in their wage. The end-result is the same for the estate, but this arrangement opens the possibility of workers managing to avoid purchasing the wine and wheat of the estate.

ἐργόλαβος	Person-days provided	Size of gang	Rate per person-day	Total amount paid
Unknown	308 over 6 days	29-85	5 dr. 1 ob.	1,584 dr.
Ischyriion	118 over 5 days	7-37	4 dr.	472 dr.

Table 1. Characteristics of contractor-led gangs in BGU 1.14

Two *ductor*-led gangs are mentioned (Table 1). One gang under an unknown ἐργόλαβος provides a total of 308 person-days of labour in harvesting grapes at five drachmae and one obol per person-day, totalling 1,584 drachmae. The other gang under Ischyriion the ἐργόλαβος provides 118 person-days for an unknown task at four drachmae per person-day totalling 472 drachmae. When compared to the non-gang harvesting labour wage rates (that is, what individually-hired workers get paid) expressed in *P. Lond.* 3.1170v (dated 258-259, merely 3-4 years before BGU 1.14) for similar tasks, the rates are much higher. In *P. Lond.* 3.1170v a single olive harvester is paid at two drachmae per day, the same rate is applied for three grain sowers and one of the hay carriers, the other being paid one drachma with three obols per day. As for the Heroninos accounts (250s-260s) daily wages for unspecialised casual labour (whether gang-organised or not) range between one drachma and five obols, and four drachmae, with two drachmae and six obols being paid for most harvest work.¹⁴⁰ The landowner of BGU 1.14 is paying double the rate or more than if he were hiring outside the gang organisation.

The source of the *ductores'* economic benefit could be extracted from the increased rates, which could be higher because of a lack of available workers. If workers were receiving wages within the wage spectrum that appears in contemporaneous farm accounts, they are earning only 35-75% of the person-day rate that the landowner was paying. Even accounting, hypothetically, for some of this surplus being paid to the workers (in order to entice them to work for a particular *ductor*) and fluctuations in expected wages, the *ductores* might have received between 20% and 60% of the standard value of each person-day they provide (Table

¹⁴⁰ Rathbone, 1991: 159.

2).¹⁴¹ For every drachma that goes to pay the workers, the *ductores* might have retained between 1.2 obols and 3.6 obols.

	Client	Worker	Contractor
Unknown ἐργόλαβος	Pays 5 dr. 1 ob. per person-day (100%)	Standard wage is 2 dr. 6 ob. (58%)	If workers on standard wage can retain 2 dr. 1 ob. per person-day provided (42%)
		Potential variation between 1 dr. 5 ob. (35%) and 4 dr. (64%)	Potential variation: 1 dr. 1 ob. (36%) to 3 dr. 2 ob. (65%)
Ischyron	Pays 4 dr. per person-day (100%)	Standard wage is 2 dr. 6 ob. (75%)	If workers on standard wage can retain 1 dr. per person-day provided (25%)
		Potential variation between 1 dr. 5 ob. (55%) and 4 dr. (100%)	Potential variation: 0 ob. (0%) to 1 dr. 3 ob. (45%)

Table 2. Potential distribution of individual payment between contractor and individual worker in BGU 1.14

Given this calculation, of the 1,584 drachmae payment that the anonymous ἐργόλαβος received for providing 308 person-days he could have retained close to 712.5 drachmae, while Ischyron would have retained 141.5 drachmae for providing 118 person-days (Table 3).

Client	Bulk of the workforce	Contractor
1,584 dr. (100%)	634-1,109 dr. (40-70%) Median: 871.5 dr. (55%)	475-950 dr. (30-60%) Median: 712.5 dr. (45%)
472 dr. (100%)	283-378 dr. (60-80%) Median: 330.5 dr. (70%)	94-189 dr. (20-40%) 141.5 dr. (30%)

Table 3. Potential distribution of total payment between contractor and bulk of the workforce in BGU 1.14

¹⁴¹ Hypothetically, and for the sake of argument, this enticement plus or fluctuation in wage has been factored as 5% of the total person-day rate.

Given that the wage of a specialised estate manager went up to 40 drachmae and an artaba (aprox. 25 litres) of wheat (all-together approximately 60 drachmae) per month, the amounts which an ἐργόλαβος could potentially receive are large.¹⁴² According to Dominic Rathbone's calculations, in the mid-3rd century Egypt the amount needed to feed a man or woman, house them in rented accommodation, pay tax and clothe them came up to an average of 420 drachmae per year.¹⁴³ By my calculation, comparing the standard 420 drachmae of minimal yearly expenditure and the potential payments of the harvest contractors between 141.5 and 712.5 drachmae, it can be inferred that, if the numbers are correct, being a *ductor* was, thus, quite profitable. It is important to note, however, that this is a very speculative calculation based on only one papyrus. The lack of comparable material does not allow us to establish with certitude these tentative results, and therefore this only shows a possibility of the general situation. However, the results as presented seem feasible and consistent with the idea that being a *ductor* was a profitable endeavour.

The Egyptian farm accounts seem to indicate that *ductores* were potentially paid either with a fixed stipend or with a portion of the rate of their men (that is, retention of the surplus value), and that the payments they received were high given the standard wages for the labour they provided, especially considering that, by working with more than one estate in a single season, they could have received these amounts several times per harvesting season. It is difficult to ascertain which of the two methods of drawing a profit, either direct fees or retention of a portion of pay, was the most prevalent in Late Antique North Africa. Shaw, using comparative evidence, favoured direct fees as the more frequent method, but given that the records for the only confirmed contractor-led harvesting gangs of Roman Egypt do not feature a direct fee to the contractor, I would venture that extraction of surplus value was the method by which most *ductores* enriched themselves.¹⁴⁴ A case of a construction contractor fraudulently enriching himself also points towards *ductores* retaining the surplus value, and merits an examination.

¹⁴² This is the wage of the Heroninos in *P. Prag. Varcl. 2.3*.

¹⁴³ Rathbone, 1991: 165.

¹⁴⁴ Shaw, 2013: 85.

3.3.2. The Roman evidence: the evidence from Verres' trial

Although the dearth of farm accounts from virtually any region of the Roman Empire except Egypt, where climatological conditions have allowed for papyri to survive until the present day, does not permit us to make direct comparisons between farms in other regions, there is reason to believe that contractor-work in the Roman world was profitable through the differential between the payment received and the expenditure incurred. In the late Republic the notoriously corrupt politician Gaius Verres used the leasing of the maintenance of public buildings to contractors in order to enrich himself. When he surveyed the outcome of the repair commission of the temple of Castor, which had been entrusted to a contractor and inherited by the contractor's minor son, he used a plumbline to check the verticality of the columns, knowing full well that columns never could be fully perpendicular. After stating that the contractors had failed in their contract (and refusing their bribe to accept the work), he re-let the column repairs to a colluding contractor:¹⁴⁵

The contract was let for 5,600 [sesterces], though the guardians [of the first contractor's child] declared loudly that for 400 they were prepared to carry out the work so as to satisfy even that tyrannical rascal. How much, after all, was there to do? Exactly what you yourselves, gentlemen, saw done. A scaffold was moved up to each of those pillars that you can now see freshly whitened; they were taken down and replaced, without further expense, stone for stone as before. This was the undertaking for which your contractor received 5,600 [sesterces]!

The way Verres and his colluding contractor enriched themselves from leasing labour for a task was by charging far more than the spending the job requires. The practice of establishing the payment for the contract at a set estimated price made the extraction of a profit from the set payment possible.¹⁴⁶ Although the actions of Verres and his contractor were illegal, and exaggeratedly greedy, the mechanism by which they benefited from the contact is not dissimilar to the one Ischyron and the unknown ἐργόλαβος in *BGU* 1.4 seem to have used, that is, creating a surplus value which they later retain as compensation for the risk they have

¹⁴⁵ Cicero. *In Verrem* 2.1.144-145. Trans: Loeb. *Additur opus HS DLX. milibus, cum tutores HS xl. milibus id opus ad illius iniquissimi hominis arbitrium se effecturos esse clamarent. Etenim quid erat operis? Id quod vos vidistis. Omnes illae columnae, quas dealbatas videtis, machina apposita, nulla impensa deiectae iisdemque lapidibus repositae sunt. Hoc tu HS dlx. milibus locavisti. Atque in illis columnis dico esse quae a tuo redemptore commotae non sint; dico esse ex qua tantum tectorium vetus deiectum sit et novum inductum. Quod si tanta pecunia columnas dealbari putassem, certe numquam aedilitatem petivissem.*

¹⁴⁶ Bernard, 2017: 70-73.

staked through the assumption of legal liabilities and the contribution of securities. Contrary to the basic premises of a substantivist outlook on the ancient economy, it seems that the prejudices of the elite towards this type of enrichment did not deter contractors from underpaying their workers and including a compensation for the liability assumed by them in their asking price per person-day provided. If harvest contractors (which as we have seen are attested in various periods and regions of the Roman world) were not rare, as both this thesis and Brent D. Shaw contend, elite social prejudice did not stop this ‘lowly’ method of enrichment being a constant reality. The question now is how did these contractors defend themselves when confronted with the accusation of enriching themselves in this (from an elite perspective) rather unelegant manner.

3.4. “No tongue can damage me”: honour and ideology around the *ductores*

3.4.1. The “sine crimine” in the Harvester of Maktar inscription: more than a formula

I have traversed the bright years of life as I deserved, which no tongue can damage with atrocious accusations. Learn, mortals, to spend life without being accused! Deserved to live like this, whoever who without fraud died.¹⁴⁷

The closing lines of the Harvester of Maktar inscription are remarkable in their defensiveness. In the spirit of Caesar’s “I maintain that the members of my family should be free from suspicion, as well as from accusation”,¹⁴⁸ the Harvester denied both having committed any wrongdoing and being accused of anything. The formula *sine crimine*, appearing in order to insist that one has lived a life without reproach, was sometimes used in North African funerary inscriptions.¹⁴⁹ The mention of a life without reproach in the Harvester inscription is not a mere formulaic remark, but the main point of the poem. This is especially clear when comparing the Harvester inscription with other funerary inscriptions where *sine crimine* is used in a formulaic manner, but the reader is impelled to ‘learn’ something unrelated to that remark:

¹⁴⁷ CIL 8, 11824. *vitae pro meritis claros transegimus annos / quos nullo lingua crimine laedit atrox / discite mortales sine crimine degere vitam / sic meruit vixit qui sine fraude mori.*

¹⁴⁸ Suetonius. *De Vita Caesarum*. Divus Julius. 74.2. Trans.: Loeb. *Quoniam, meos tam suspicione quam crimine iudico carere oportere.*

¹⁴⁹ CIL 8, 27962; 5001; 2207; 21032; 12729 *inter alia*.

To the Manes. To Publius Hostilius Campanus, son of Publius, of the Publilian tribe, a hunter. From Publius Hostilius Tertinus, decurion of Verona, and Abidia Maxima, his parents, to their most pious son who lived for 25 years and 25 days a life without accusations. Death itself took his blossoming years. I remind you to live happily, for death comes to all. Learn from our case, you who are reading (Verona, 3rd century).¹⁵⁰

To the Manes. To Gargilia Honorata Salditana lived [...] years without any accusation. I remind you, mortals, death comes to all. Learn, you who read, that I am grieving. Herennius Rogatus, of subcommander rank [...], to Gargilia, my dignified and worthy wife. May earth be light to you (Caesarea, Mauretania Caesarensis, 2nd century).¹⁵¹

These inscriptions impel the reader to be aware of their mortality. That the dead were clear of accusations is a formulaic mention unconnected to the main idea of the inscriptions. However, in the Harvester inscription no mention is made of the inevitability of death. The point that the inscription tries to make, that one should live life without wrongdoing, is directly tied to the use of *sine crimine*, making it non-formulaic.¹⁵² To be certain, there is nothing original in boasting of having increased one's wealth without committing any evil act, this can be gleaned in another epitaph from Maktar, where a certain Pinarius Mustulus boasts of being "born fortunate and have assembled a non-insignificant fortune and small profit without fraud".¹⁵³ However the Harvester of Maktar inscription does not ascribe his success to being "born fortunate", emphasising that the gains were made with hard work. Profit and hard work being seen positively associated in funerary epigraphy is also attested in an early-1st century epitaph located in Rome from a beef trader "Marcus Valerius Celer, beef trader, who preferred to earn rather than squander; a man for whom keeping his word and friendship

¹⁵⁰ CIL 5, 3403 D(is) M(anibus) / P(ublio) Hostilio P(ubli) filio Pob(lilia) / Campano venatori / P(ublius) Hostilius Tertinus de/curio Veron(ae) et Abidia / Maxima parentes fil(io) / piissim(o) et sibi qui vix(it) / ann(os) XXV d(ies) XXV sine cri/mine vitae florentes / annos mors ipsa eri/puit vivite felices / moneo mors omnib(us) / instat ex{s}emplum / a nobis discite qui / legitis

¹⁵¹ CIL 8, 21032 D(is) M(anibus) / Gargiliae Honoratae Salditanae vix[it ---] / annos sine crimine ullo vivite morta[les moneo mors] / omnibus instat discite qui legitis ego [dolens feci] / Herennius Rogatus ses<q=C>u(i)plicarius cla[ssis ---] / maritae meae dignae et meritae Gargi[lia terra] / tibi levis sit

¹⁵² Even if the particular choice of words might have been lifted from Vergil. *Aeneid* 4.550 *non licuit thalami expertem sine crimine vitam degere, more ferae, talis nec tangere curas.*

¹⁵³ AE 1960, 116. [Et genui] feliciter et rem non [modicam 3] / [3 e mini]mo quaestui fraude [sine ulla 3] / [3 atque m]eis propriis natorum [et honoribus auctus 3] / [3 aeternam mo]riens famam claram[ue reliquis 3] / [3] Pinarius Mustulus [3] / [3] H LXXV h(ic) s(itus) e(st) [3] / [3] est inferre longis [3] / [3]iae morumque [3] / [3] p]ercepi IV [3] / [3]heptae [. See also Shaw, 2013: 58.

were the most sacred things. He made (this tomb) for himself and his family”.¹⁵⁴ However, unlike the Harvester, Marcus Valerius Celer was not someone who climbed up the social ranks to the local aristocracy, and therefore could not have had the expectation of having had a ‘proper’ upbringing.¹⁵⁵ The originality in the Harvester’s inscription is his insistence that his life of hard work in an occupation of dubious honour or prestige such as harvesting for others, is a life without wrongdoing and worthy of being lived for someone who has been inducted into the local aristocracy.

In Chapter 2 we saw that wage workers were not particularly well regarded by the elites of Roman society.¹⁵⁶ That the Harvester (or his successors) chose to dignify this occupation, even after being inducted into the local aristocracy, has an implicit element of subversiveness given the pressure put on the upper layers of Roman society to have an illustrious past, both individually and as a family. This can be gleaned through the *Apologia* of Apuleius (himself a native from Africa from Madauros) where he defended himself from the accusation that his “possessions consisted of a sack and a stick” by mentioning the rich inheritance of his father while counter-attacking his accuser, asserting that “you used to plough a small farm at Zaratha, the only one your father left you, all by yourself with one donkey in three days after a chance rainfall”.¹⁵⁷

Clearly that a decurion came from no inherited wealth and had spent many years doing harvests for others ‘under the rabid Sun’ might be perceived as a stain on his honour in the eyes of his new peers. The question that this section analyses is whether his tenure as *ductor* might also be poorly regarded by the local elite, and, contrary to what the Harvester says, he may have been reproached for his occupation. In other words, we will analyse whether the subversive element in the Harvester’s story is only his former occupation as a harvester or also having been a *ductor*.

¹⁵⁴ AE 1991, 122. Trans.: Courier, 2016: 118, n.65. *M(arcus) Valerius Celer / bublarius / qui plura maluit emereri / quam consumere hic / fide et amicitia sanctissimus / sibi et suis fec(it) // M(arcus) Valerius Vitalis / et Valeria Rhascusa(!) / fecit(!) sibi et suis posterisq(ue) eor(um)*

¹⁵⁵ On the requisites to enter the local aristocracy see the discussion below on the social requisites for entering the decurionate.

¹⁵⁶ See Chapter 2, Section 2.4.

¹⁵⁷ Apuleius. *Apologia* 22-23. Trans.: Loeb. *qui nuper usque agellum Zarathensem, quem tibi unicum pater tuus reliquerat, solus uno asello ad tempestivum imbrem triduo exarabas.*

How the Harvester entered this local aristocracy, the decurionate, is also relevant. The requisites to access the decurionate were both of a social and economic character, with few legal requirements, one of them being that the candidate must be a free man.¹⁵⁸ The economic requirements of the role can be vague but are of great importance. There were both formal and informal economic requirements to become part of the decurionate. According to the laws there was a minimum census requirement,¹⁵⁹ prospective decurions had to present sureties just as a contractor would, to prove their economic solvency, had to own a proper home in the city, and had to pay an entry fee.¹⁶⁰ But it was the wealth requirements to properly execute the rank of decurion that traditionally was a much more stringent gatekeeper than other social requirements to attain the rank. Decurions were expected to spend heavily (be it with tax money or their own) on *munera* or municipal boons, including building maintenance, provisioning and games.¹⁶¹

The North Africa of Late Antiquity saw the appearance of two trends among the decurions that influenced the level of wealth expected of the decurionate. First, they tended to avoid their duties. The late antique rescripts in the *Codex Theodosianus* against the perceived flight of decurions showcase the large economic and fiscal pressure the decurions were expected to handle.¹⁶² Second, and as a result of this flight from responsibility, there was a tendency to enrol poorer members into the decurionate in order for them to shoulder the responsibilities

¹⁵⁸ Technically, according to a rescript of Diocletian and Maximus (*C. J.* 9.21.1) which makes reference to an earlier law known as the 'Viscellian Law', the requirement to enter the decurionate was being born free, barring freedmen from entering. However, the law itself makes provision that freedman can petition the emperor for permission to become a decurion. See Garnsey, 1970: 243 and *AE* 1966, 75 for a 1st-century freedman labelling himself a decurion.

¹⁵⁹ See Charles-Picard, 1959: 118-119 for the evidence in North African cities ranging from 38,000 sesterces (Carthage unknown date, *IL Afr* 390) to 2,400 sesterces (Althiburos, late-2nd to early 3rd centuries, *CIL* 8, 27771). Jones, 1964: 738-739; Lepelley, 1979: 197-199. Outside of North Africa see *CIL* 2, 5439.91 (44 BCE law from Urso, Hispania requiring decurions to own enough property in the municipality as to be able to be pledged), the *Lex Tarentina* of around 70 BCE (Crawford, 1996: 304-308) demanding owning a building with 1,500 rooftiles or more to become a decurion of Tarentum.

¹⁶⁰ Garnsey, 1970: 243-244.

¹⁶¹ Duncan-Jones, 1963: 159-177; Jones, 1964: 734-737; Lepelley, 1979: 207; Garnsey, 1970: 244; Lepelley, 1979: 147-149, 206-213; Liebeschuetz, 2001: 203.

¹⁶² Title 12 of the *C. Th.* contains numerous rescripts against the flight of the decurions, also see Jones, 1964: 740-757; Lepelley, 1979: 243-249. See, for a specific attestation, Symmachus. *Relationes*. 38.5. Fourth-fifth century African decurions would also have still financed urban construction, see Liebeschuetz, 2001: 74, 97; Sears, 2016: 78-83. Although repetition of measures does not directly correlate with the importance or extent of the problem, see Honoré, 1998: 133-134.

of the curia.¹⁶³ The *munera*-bound decurions of the 4th and 5th century, thus, were not always particularly wealthy.

However, for the Harvester to enter the decurionate without its economic requirements being an excessive threat to his estate, whether in the third century as the traditional dating of the inscription holds or between the fourth and early fifth century as Shaw contends, he ought to have been quite wealthy, and unlikely to come from those poorer strata dragged into the decurionate to shoulder the *munera*.¹⁶⁴ This is showcased by the career of the Harvester inside the decurionate. He was not only a decurion (“My name was written among the honour-enrolled by themselves”) but may (according to some interpretations) have obtained a magistracy conferring the right to sit in a curule seat (“And, chosen by the order, I sat in the temple of the order”) and even was a *duumvir quinquennialis* in charge of the census (“And I myself from a little countryman became a censor”).¹⁶⁵ In order to be elected *duumvir* one ought to be in a good financial position and, if elected, one was excused from certain *munera*.¹⁶⁶ That the Harvester was able to hold this office points towards him being a well-off and high-ranking individual.¹⁶⁷

But aside from the economic requirements, there was a social barrier to entering the *ordo*. The prospective decurion was barred from having committed any crimes in the past or having performed a dishonourable profession.¹⁶⁸ This last requirement is especially noteworthy. Provisions against the entrance to the decurionate from people who have exercised dishonourable professions, the *infames*, appear in the 1st-century BCE *Lex Iulia Municipalis* found in the Tablets of Heraclea.¹⁶⁹ The provisions target specific professions, those being gladiators, personnel of gladiator schools, prostitutes and brothel owners, who are unlikely

¹⁶³ Jones, 1964: 739-740; Lepelley, 1979: 318-323.

¹⁶⁴ We can infer that he was able to shoulder the *munera* because by the time of his death he can boast of his property and have an inscription erected in his honour.

¹⁶⁵ Lepelley, 1981: 290-291 esp. n.9; Shaw, 2013: 293-294. But there is disagreement over whether the verse *ordinis in templo delectus ab ordine sedi* refers to being elected into a magistracy (see above citation of Lepelley arguing that entry into the *ordo* is already evident in the previous verse) or merely to being part of the *ordo* of decurions (see above citation of Shaw interpreting *delectus* as an alternative to the more common *adlectus* used for these occasions).

¹⁶⁶ *C. Th.* 12.5.1-2.

¹⁶⁷ A potentially interesting thing to note is that *duumvirs* were in charge of leasing public works in their localities (Martin, 1989: 21, 30-31), meaning that the Harvester is denoting a complete reversal of roles throughout his life: from private contract-farmer to public contract-issuer.

¹⁶⁸ Garnsey, 1970: 243; Taylor, 2016: 353.

¹⁶⁹ *CIL* 1, 593.

to ever be in a position to be inducted into the *ordo*.¹⁷⁰ Compiled in the *Digesta* is a text from a certain Callistratus (partially reproduced in the following subsection) that although merchants were allowed to join the decurionate, the fact they could be punished by being scourged by the aediles was a detriment to their candidacy.¹⁷¹ Although Callistratus only advises not inducting those that have been subjected to the scourge, the fact that it needed to be stated that merchants could enter the decurionate points towards them being discriminated against, in some cases at least. These laws reinforce the idea that a decurion ought to be an honourable person in the eyes of the elite, but that at the same time exceptions to this social requirement were common, especially when the candidate was wealthy. Money sometimes can speak louder than honour, and merchants, despite their poor standing in elite ideology, could enter the decurionate.¹⁷² The same was also true for the children of freedmen, such as the six-year-old son of a freedman in 1st-century Pompeii who was made a decurion after 'his' generous donation to restore a temple.¹⁷³

It is inferable that in Late Antiquity, people from 'sordid' pasts (that is, backgrounds that although not amongst the *infames* were nonetheless considered of dubious respectability by the elite) were inducted into the *ordo* to compensate for those that successfully avoided its burdens. In sum, the fact that the Harvester could enter the *ordo* and hold an office within it implies that he enjoyed a considerable wealth, but it does not imply much about what regard the local elite had for him and people like him. In the inscription, the Harvester is shown performing hard harvest labour, and contracting, while insisting that his life was proper, honourable, and crimeless. His virtue and honour are the central themes of his inscription. Yet would his new peers have thought he was honourable? How reputable was harvest contracting?

3.4.2. Contracting: *sordidus* or *liberalis*?

In the previous section the status of the *ductores* has been analysed. Suetonius tried to distance the Flavians from the rumour that they descended from a *manceps operarii* and

¹⁷⁰ *CIL* 1, 593.113, 123.

¹⁷¹ *Digesta*. 50.2.12. See also Section 3.4.2.

¹⁷² Even banned groups like freedmen could find a workaround the prohibitions. See n.158 on petitioning the emperor as a way to circumvent the ban.

¹⁷³ *CIL* 10, 846.

Cicero condemned tax usurers, who were public contractors.¹⁷⁴ Their treatment in these texts is quite similar to the one afforded to merchants and craftsmen. In Latin literature, written for and by the elites, the idea that gentlemen ought not to work or have a trade was a well-established trope, together with the idea that social ascension through labour or trade was undesirable.¹⁷⁵ However, it is difficult to place the providing of a labour force into the categories of occupations that these authors decry (manual crafts, unspecialised labour and trading, mainly). *Ductores* could have occupied a grey area between *liberalis* and *sordidus*, they did not necessarily have to themselves be one of the harvesters, but their businesses could be tainted with the corruption of profit-seeking. The Greek word ἐργόλαβος shows an indication of the regard of the elite for contractors: the word could as well mean ‘contractor’ as it could be used as a curse together with ‘insolent’, ‘thief’ or ‘deceiver’.¹⁷⁶

3.4.2.1. *Ductores and construction contractors*

Before comparing *ductores* with traders, some insight could be gleaned from comparing them to their counterparts in the construction sector. Like harvest contractors it was the task of building contractors to provide labour and some of the labour they provided was not specialised.¹⁷⁷ Like harvest contractors, building contractors could be people of sub-elite extraction who had enough means to provide sureties. However, it is important to note not only what unites both harvest and construction contractor but also what separates them. The role of the construction contractor was an urban one and did not require as much short-term mobility as the harvest contractor, moving occasionally city to city instead of from estate to estate in the same harvest season. Although they provided non-specialised labour, they also had to take care for specialist labour, whereas the harvest contractor was not required to provide specialist workers.

Finally, construction contractors sometimes, especially in Rome and for bigger projects, could have been extracted from the most privileged strata of society, the *equites* and even senators,

¹⁷⁴ It is worth noting that Cicero condemns “tax gatherers” (*portitorum*) in this theoretical work but speaks of a “Caius Mustius, a Roman knight, a farmer of the revenues (*publicanus*), a man of the very highest honour” in *In Verrem* 1.52.137, which is a prepared oration for a trial.

¹⁷⁵ Joshel, 1992: 63-69; Lis and Soly, 2012: 61-65.

¹⁷⁶ See Section 3.1.4.

¹⁷⁷ Brunt, 1980: 83-85, 92-93; Anderson, 1997: 13-14.

whereas this was not the case for harvest contractors.¹⁷⁸ That *equites* worked as contractors was certainly true for the Republican period. Livy explains that in 169 BCE the censors tried to chastise the *equites* partly through ordering that “none of those who in the censorship of Quintus Fulvius and Aulus Postumius had farmed the public revenues or the public works should appear at the auction of Claudius and Sempronius, or should be a partner or sharer in the contracting”.¹⁷⁹ The implication is that these contractors were *equites*. In the imperial period the intervention of the imperial family and members of the senatorial order in the building of the baths of Caracalla (built 211-216 CE) are attested in the brickstamps of the building.¹⁸⁰ Vespasian entrusted the restoration of the Capitol to Lucius Vestinius “a member of the equestrian order, but one whose influence and reputation put him on an equality with the nobility”, with the implication that such a job would normally have been conferred to a member of the senatorial order.¹⁸¹ In sum, unlike in the harvest contracts, certain construction contracts were actively and openly sought by the elite.

Like harvest contractors it can be hard to characterise these building contractors due to the lack of attention to them in most sources.¹⁸² Epigraphic evidence suggests that they either were freedmen or descendants of freedmen who specialised in such contracting, but freedmen tend to be overrepresented in epigraphic sources, due to lack of alternatives for commemoration and a distinct epigraphic culture than from that of the elite.¹⁸³ Nonetheless, this could mean that the bulk of building contractors in the imperial era were relatively well-off people from a sub-elite status, like, I argue, the harvest contractors. Sadly, sources are as silent on the elite perception of building contractors as they are on *ductores*. Furthermore,

¹⁷⁸ See Section 3.2. At most, they could have been the ‘insurers’ or ‘fixers’ of the contractor by way of either closing the deals or providing the sureties. The hiring of the labour and the supervision of the harvest work fell to the actual contractor, as it would be unbecoming to individuals of such stature. Also see Anderson, 1997: 97-100 for Republican *equites* and wealthy Romans being the bulk of building contractors. Although later in the Late Republican and Imperial period there are attestations of contractors drawn from lower ranks of society, there is still active elite participation, see Anderson, 1997: 101 and DeLaine, 1997: 205. In the imperial period the contractors for important public buildings receive the title of *curatores operum publicorum* and were of high social extraction, see Bernard, 2017: 69-70.

¹⁷⁹ Livy. *Ab Urbe Condita*. 43.16. Trans.: Loeb. *ne quis eorum qui Q. Fulvio A. Postumio censoribus publica vectigalia aut ultro tributa conduxissent ad hastam suam accederet sociusve aut adfinis eius conditionis esset*. For commentary on those episodes see Anderson, 1997: 96-98.

¹⁸⁰ DeLaine, 1997: 205.

¹⁸¹ Tacitus. *Historiarum*. 4.53. Trans.: Loeb. *Curam restituendi Capitolii in Lucium Vestinum confert, equestris ordinis virum, sed auctoritate famaue inter proceres*.

¹⁸² Martin, 1989: 52, but see also 53-57; Anderson, 1997: 95-96 for Republican period sources.

¹⁸³ A compilation of the epigraphic evidence was done in Anderson, 1997: 109-112. For overrepresentation of freedmen see Taylor, 1961: 129-132; Mouritsen, 2005: 55-62.

the fact the building contractors could come from higher strata (*equites* especially) than harvest contractors and that it was probably regarded in consequence as a much more respectable side-business further complicates matters.¹⁸⁴ A more fruitful comparison might be that between *ductores* and merchants.

3.4.2.2. *Ductores and merchants*

Because of the *ductores'* interest in profit-seeking, in the ideological world of the elite, they could have fallen into the same category as merchants.¹⁸⁵ Profit-seeking as the main objective of one's occupation was a taboo for the Roman elite. To a father who wished their son to apply themselves to his studies and military career to prosper and gain wealth, Juvenal responded thusly:¹⁸⁶

When he's started shaving his beard and taking the long razor's edge to it, then he'll give false evidence and sell his perjuries for a tiny amount, even while touching the altar and feet of Ceres. You have to consider your daughter-in-law already dead and buried if she crosses your threshold with a fatal dowry. Think of his fingers strangling her in her sleep! Yes, a quicker way will give him the things that you think worth hunting through land and sea. After all, a major crime is no great effort. [...] Yet the root and source of his evil mind lie with you.

Juvenal is not the only satirist who chastised those chasing profit. The allusions to those who actively dirtied themselves by chasing profits were a constant in Latin literature.¹⁸⁷ Merchants and traders were so maligned by the elites the law had to intervene to avoid unlawful discrimination.¹⁸⁸

¹⁸⁴ See n.178.

¹⁸⁵ See *CIL* 9, 4796 (to be mentioned later in n.638).

¹⁸⁶ Juvenal. *Satires*. 14.189-226. Trans.: Loeb. *cum ponere barbam coeperit et longi mucronem admittere cultri, falsus erit testis, vendet periuria summa exigua et Cereris tangens aramque pedemque. elatam iam crede nurum, si limina vestra mortifera cum dote subit. quibus illa premetur per somnum digitis! nam quae terraque marique adquirenda putas brevior via conferet illi; nullus enim magni sceleris labor. [...] mentis causa malae tamen est et origo penes te.*

¹⁸⁷ D'Arms, 1981: 152-154 citing, among others, Seneca. *De Ira* 3.33.4; *De Brevitate Vitae* 2.1; 7.7; Tacitus. *Annales* 4.13.2; Philostratus. *Vita Apollonii* 4.32. Also see *CIL* 6, 9659, a funerary poem beginning with "Whoever wishes for themselves to become wealthy by trade, is deceived by hope" (*qui negotiando locupletem / se speravit esse futurum / spe deceptus erat*) and condemning "*homines avaros audaces*".

¹⁸⁸ *Digesta*. 50.2.12. Trans.: Watson, 1998. *Eos, qui utensilia negotiantur et vendunt, licet ab aedilibus caeduntur, non oportet quasi viles personas neglegi. Denique non sunt prohibiti huiusmodi homines decurionatum vel aliquem honorem in sua patria petere: nec enim infames sunt.*

It is not proper to ignore as base persons those who deal in and sell objects of daily use, even though they are people who may be flogged by the aediles. Indeed, men of this kind are not debarred from seeking the decurionate or some other office in their own patria; for they do not suffer from infamia.

This brings us to a Cicero passage in his *De Officiis* that has attracted much scholarly discussion.¹⁸⁹ So far, we have referenced this fragment insofar as it decries tax collectors and wage workers, but now it is relevant to look at what textual context these judgements are being made in. In the passage Cicero tried to establish what methods of profiting are valid (for the elites) and which are improper and why they are improper for the gentleman:¹⁹⁰

Now in regard to trades and other means of livelihood, which ones are to be considered becoming to a gentleman and which ones are vulgar, we have been taught, in general, as follows. First, those means of livelihood are rejected as undesirable which incur people's ill-will, as those of tax-gatherers and usurers. Unbecoming to a gentleman, too, and vulgar are the means of livelihood of all hired workmen whom we pay for mere manual labour, not for artistic skill; for in their case the very wage they receive is a pledge of their slavery. Vulgar we must consider those also who buy from wholesale merchants to retail immediately; for they would get no profits without a great deal of downright lying; and verily, there is no action that is meaner than misrepresentation. And all mechanics are engaged in vulgar trades; for no workshop can have anything liberal about it. Least respectable of all are those trades which cater for sensual pleasures: fishmongers, butchers, cooks, and poulterers, and fishermen.”

However, Cicero seemed to open the door to people of previous dubious occupation, like the Harvester of Maktar, to ingress in the ranks of the elite with respect, provided they turn their

¹⁸⁹ MacMullen, 1974: 115-116; De Ste. Croix, 1981: 198-199; Finley, 1985: 41-45; Joshel, 1992: 66-68 *inter alia*.

¹⁹⁰ Cicero. *De Officiis*. 1.150. Trans.: Loeb. *Iam de artificiis et quaestibus, qui liberales habendi, qui sordidi sint, haec fere accepimus. Primum improbantur ii quaestus, qui in odia hominum incurrunt, ut portitorum, ut faeneratorum. Illiberales autem et sordidi quaestus mercennariorum omnium, quorum operae, non quorum artes emuntur; est enim in illis ipsa merces auctoramentum servitutis. Sordidi etiam putandi, qui mercantur a mercatoribus, quod statim vendant; nihil enim proficiant, nisi admodum mentiantur; nec vero est quicquam turpius vanitate. Opificesque omnes in sordida arte versantur; nec enim quicquam ingenuum habere potest officina. Minimeque artes eae probandae, quae ministrae sunt voluptatum: Cetarii, lanii, coqui, fartores, piscatores.*

initial capital, achieved through dubious means, into the noble pursuit of landowning and agriculture.¹⁹¹

Trade, if it is on a small scale, is to be considered vulgar; but if wholesale and on a large scale, importing large quantities from all parts of the world and distributing to many without misrepresentation, it is not to be greatly disparaged. Nay, it even seems to deserve the highest respect, if those who are engaged in it, satiated, or rather, I should say, satisfied with the fortunes they have made, make their way from the port to a country estate, as they have often made it from the sea into port.

Here Cicero, in essence, argues that trading may be proper only if run for the benefit of society and for the accumulation of an initial fortune with which to buy land.¹⁹² It is a narrative that the Harvester seemed to mirror. The question, however, is if the elite would see providing a labour force for the harvest as ‘beneficial to many’ and possible without ‘misrepresentation’.

Implicit dishonesty is one of the main traits that make an occupation dishonourable, and in Latin literature, from Pliny to Augustine, it was embodied in the figure of the merchant.¹⁹³ Being a merchant implied covering one’s true objective of profiting, ‘lying’ about the value of one’s wares, instead of generating wealth *ex novo* from their land or their intellectual expertise.

Because of their reputation merchants often chose in their epitaphs to remark on how they lived an honest life, and used similar formulas to the Harvester of Maktar.¹⁹⁴ A clear example of defending the honourability of one’s life and gains can be clearly seen in the epitaph of a brothel procuress from Benevento, who had an occupation considered even more clearly dishonourable than being a merchant.¹⁹⁵

¹⁹¹ Cicero. *De Officiis* 1.151. Trans.: Loeb. *Mercatura autem, si tenuis est. Sordida putanda est; sin magna et copiosa, multa undique apportans multisque sine vanitate impertiens, non est admodum vituperanda, atque etiam, si satiata quaestu vel contenta potius, ut saepe ex alto in portum, ex ipso portu se in agros possessionesque contulit, videtur iure optimo posse laudari.* See also Joshel, 1992: 66-67.

¹⁹² Tchernia, 2016: 40-41.

¹⁹³ Pliny the Elder. *Historia Naturalis*. 18.60.255; Julian. *Orationes*. 2.84d-85a; Augustine. *Enarrationes in Psalmos*. 7.1.17. See also n.187 for more examples.

¹⁹⁴ Sancinino, 2018: 213-240 for a sample and exploration of epitaphs.

¹⁹⁵ *CIL* 9, 2029. Trans.: Sancinino, 2018: 225. *Vibia L(uci) l(iberta) Chresta mon(umentum) / fecit sibi et suis et C(aio) Rustio / C(ai) l(iberto) Thalasso filio et Vibiae / l(mulieris) l(ibertae) Calybeni libertae Lenae / ab asse quaesitum lucro suo sine / fraude aliorum h(oc) m(onumentum) h(eredem) n(on) s(equetur).*

Vibia Chresta, freedwoman of Lucius, made this monument for herself and her family and for Gaius Rustius Thalassus, freedman of Gaius, her son, and for Vibia Calybenis, a freedwoman of Gaia, procuress. (She did this), having earned it starting with an *as*, with her own money and without fraud to others. This monument does not pass to the heirs.

That the primary point of the Harvester of Maktar inscription is that his life was honourable points towards its commissioner having anxieties about reputation similar to those of the merchants quoted above.¹⁹⁶ One potential example of merchants and contractors having a similar reputation is the epitaph of Lucius Nerucius Mithres, found in Forum Novum in the Samnite region, who was not only a merchant but also some sort of contractor (*manceps*):¹⁹⁷

Reader, consider who I, who am now free from cares, was. Known in the city for selling sacred goat skins, I displayed goods suitable for popular uses, (I) whose rare trustworthiness was always praised everywhere. My life was blessed, I built a marble tomb for myself. I was untroubled, as a contractor I always paid my taxes, I was straightforward in all my dealings, was fair to everyone as much as I was able, and often helped those seeking my aid. I was always honorable, always courteous with my friends. This honor of praise is still greater, even preferable to all (others), that I myself put up a tomb for my limbs and I made it in this way not so much looking after myself alone, it was also out of concern for my heirs. He holds everything with him who lies in his own property. Fame will speak of me: I lived as an example of praise while life remained, looking after many, I, Lucius Nerucius Mithres, also made a resting place for many.

What is interesting about this inscription is that although Mithres was a seller of ritual goatskins, surely what Cicero would have catalogued as small-scale trade, the bulk of the defence of his behaviour was with regard to his role as a contractor, not as a merchant. He

¹⁹⁶ Sancinito, 2018: 387-388 points out the similitude between the language and objectives of the Harvester of Maktar inscription with epitaphs from merchants.

¹⁹⁷ *CIL* 9, 4796. Trans.: Sancinito, 2018: 230. *liber nunc curis fuerim qui respice lector / notus in urbe sacra vendenda pelle caprina / exhibui merces popularibus usibus aptas / rara fides cuius laudata est semper ubique / vita <b=V>eata fuit struxi mihi marmora feci / secure solvi semper fiscalia manceps / in cunctis simplex contractibus omnibus aequus / ut potui nec non subveni saepe petenti / semper honorificus semper communis amicis / maior ad(huc) hic laudis honor potior quoque cunctis / ipse meis quod constitui tutamina membris / talia qu(a)e feci non tam mihi providus uni / heredum quoque cura fuit tenet omnia secum / re propria quicumque iacet me fama loquetur / exemplum laudis vixi dum vita manebat / sollicitus multis requiem feci quoque multis / L(ucius) Nerucius Mithres.*

stresses how as a contractor he was just, fair (“as much as I was able”) and willing to help. In short, that he did not want to greedily profit from his clients. The accusations against the merchants could also be thrown against the contractors.

In the same way that the Roman elite considered trading and contracting to be intrinsically deceptive, so too was the trade of the harvest *ductor* deceptive, and contractors ought to have needed to protect their individual reputations. Just as traders ‘tricked’ their costumers into buying their wares at a higher price they were worth, Ischyriion the ἐργόλαβος charged much higher wage-rates than the labour of his workers was worth.¹⁹⁸ Although these contractors worked on agriculture, of which “none [occupation was] more becoming to a freeman”,¹⁹⁹ they were not ‘real’ farmers as they were not working or organising their own property.²⁰⁰ Being a *ductor* was indeed a *sordidus* affair.

Being a *manceps operarii*, in the words of Suetonius, was not a proper occupation for a gentleman, and was to be avoided by members of the elite. Thus, the Harvester of Maktar or his descendants were trying to counter a centuries-old prejudice of the elite against not only wage labour but also the management of wage labour, and to justify that the Harvester was socially worthy to enter the decurionate despite his past as a harvester and *ductor*. The closing line of the inscription, “deserved to live like this, whoever who without fraud died” is defiant, denying that his occupation as *ductor* was based in trickery or deceit. The Harvester is not presented as a merchant of labour, deceiving landowners out of their disbursements, but rather, like Lucius Nerucius Mithres, as a fair provider of a necessary means, working hard for the noble pursuit of agriculture, more akin to a general of men than a trader of labour, and that, like the good wholesale trader of Cicero, he settled down to become a landowner

¹⁹⁸ *BGU* 1.14. Always according to elite prejudices. One could argue that by staking securities and lifting the burden to find a workforce in a busy time of the year, the *ductor* provided an added value that needs to be computed into the price.

¹⁹⁹ Cicero. *De Officiis*. 1.151. Trans.: Loeb. *nihil homine libero dignius*.

²⁰⁰ *Contra* DeLaine, 1997: 205 where she makes the inference that providing raw materials for construction purposes “had the added advantage of being classable as “agricultural” and thus respectable for the members of the [senatorial] order”. An economic activity being classed as agricultural does not confer it legitimacy in the eyes of the senatorial elite, it is the presumption that such agricultural activity requires the ownership of land: see Apuleius mocking the rough and small land of his accuser in n.595, and Cicero. *De senectute* 55-58; if senators approved of being involved in providing materials for construction it might have been because it could be typified as long-scale trading, see Cicero’s fragment. Also see Arena, 2008: 1069-1072, arguing through North African epigraphic poems that although the acquisition of wealth through rural labour is a recurrent topic, this is also tied (Harvester notwithstanding) to ownership of land.

himself. Sadly, the impressions such a declaration might have made on his peers in both the local elite and people of his former status are lost to us.

3.5. Conclusion

In this chapter we have explored the role and characteristics of the *ductor*, the individual who led contractor-led harvesting gangs in the Roman world. Individuals such as (allegedly) Vespasian's grandfather, the Harvester of Maktar, and the Egyptian harvest contractors were united in that all of them took advantage of the opportunities for profit that the harvest season brought by organising and leasing their gangs and taking on responsibility for certain potential damages. This role is indicated by various titles in our sources (*ductor*, *redemptor*, *manceps* or ἐργόλαβος) but all of them either imply their role as leaders of men or the nature of their business: contracting.

What kind of person would work as a *ductor*? From the few pieces of evidence we can gather these would have been individuals who neither came from the higher strata of society nor from the lowest rungs at the bottom of it. They were people with either a considerable amount of economic means or at least with enough contacts with the elite and the rich that they would have been able to stake sureties. Most of them probably came from the same socio-economic stratum as the *conductores*, managers of imperial land through a lease, or non-elite small landowners.

Why would someone want to become a *ductor*? The potential for profit was great. The harvest season demanded many workers in a relatively short period of time, and they could have profited from the difference between what they charged landowners and what they paid their workers during this critical period of the agrarian year. This potential for profit was as great as being worth the risk of staking a security for the contract. This potential also ought to be so great as to compensate for the reputational cost of being a *ductor*, an occupation that might have been balancing on the fine line between infamy and honour, but that would not have been positively seen by the elite social groups that these *ductores* might have joined in the future through their acquired wealth. But for the *ductores* to make their profit, they needed to hire their workforce. In the following chapters we will turn to the people working under the *ductores*.

CHAPTER 4. The Landed Workers

4.1. Introduction

So far in this thesis close attention has been paid to the harvesting gang as a way to organise the hiring of labour (Chapter 2) and the role, perception, and social extraction of the leaders of such gangs, the *ductores* (Chapter 3). In this chapter and the following one, the main subject of analysis will be switched to the most important and critical actor in the proper execution of a harvest or other agricultural task: the workers. These chapters will show that the pool of workers who participated in casual wage labour were not homogeneous, and therefore a distinction will be made between those workers who had a permanent occupation in the countryside related to agriculture, be it tending their own or someone else's land (the landed workers), and those who came from the cities, from beyond the *limes* or did not have any set occupation or were tied to any plot of land (the landless workers).¹ More precisely this chapter will study the landed workers, trying to convey their potential diversity of profiles, and the landless workers will be analysed in the coming chapter.

This chapter will try to answer a difficult question: who were the landed workers? Answering this question is not easy. One is confronted with an absence of sources coming from the workers themselves, and those sources which may provide a glint of information do so in passing and from an elite point of view that can be misleading. Nonetheless some aspects of the identity of the toilers that offered their labour in casual contracts, directly or through a *ductor*, can be parsed.

4.2. Farmers of grains and farmers of olives and grapes

Could a tenant, who had to deal with his own harvest, participate in the harvests of others as hired labour? In order to gauge participation of the countryside's landed population in waged harvesting it is important to consider that such participation might be affected by the crops the tenant or small landowner may harvest.² The main agricultural products of Roman North

¹ Such a division according to access to land (whether in property or leased) is not novel. See Marcone, 2009: 123 distinguishing "*piccoli proprietari*" and "*proletariato rurale*" as the main sources of wage labour.

² For what this thesis understands as 'landed' see Section 4.1.

Africa were grains, grapes and olives.³ The reason that a distinction needs to be made between those who mainly worked with grains and those who mainly worked with grapes and olives is the different seasonality and characteristics of their harvests. In this section we will first survey the crops most tenants would cultivate to determine if harvest timings allowed for the tenants of mainly one type of crop to participate in the harvest of the other crops, and whether there was more total demand for labour in the harvest season of grains than in the harvest season of olives and grapes.

4.2.1. Olives, grapes and grains: the crops of the North African tenant

Oil, wine and grain were the main staples of the Roman diet, especially because they were easy to store and preserve.⁴

Olive farming was a staple of Roman North African agriculture, especially after the late 1st century.⁵ The gradual southward expansion of the *limes* after 40 CE yielded terrains unsuitable for grains but excellent for olive-trees.⁶ The ceramic evidence from Byzacena also seems to indicate that this production intensified between the late 4th and 7th centuries.⁷ Olive oil was part of the contribution of North Africa to the *annona*, and there are two mentions of imperial officials that dealt exclusively with the collection and transport of North African olive oil.⁸ Beyond the extraction of oil, olives could also be milled and pressed for fuel, and the findings of charred remains of carbonised olive stones in Leptiminus attests that they were used for this purpose in Late Antiquity.⁹ Many oil presses (the equipment of which could have also been used for wine pressing) dotted North African landscapes, especially in the Carthaginian hinterland, Thugga, the western part of Byzacena and around Kasserine, Numidia, and the Djebel area.¹⁰ The cultivation of olives and grapes appears in the inscriptions

³ Hobson, 2015b: 99-102.

⁴ Aldrette and Mattingly, 1999: 172-173.

⁵ Sehili, 2008: 777, 783-787. Pace Whittaker, 1978: 359.

⁶ Rickman, 1980: 109.

⁷ Sehili, 2008: 787-789.

⁸ Sirks, 1991: 388; Pons Pujol et alii, 2008: 1225. The sources for these officials are *AE* 1973, 76 and *CIL* 2, 1180. See also Symmachus. *Relationes*. 35.3.

⁹ Smith(b), 2001: 434-435.

¹⁰ Hitchner, 1988: esp. 39; Mattingly, 1988a: 35-38, 44-49; Kolstrup, 1995: 106; Barker et alii, 1996: 281-285; Mattingly and Dore, 1996: 135-140; Sehili, 2008: 777, 783-787; Mattingly et alii, 2011: 214-217; De Vos, 2013: 153-157; Hobson, 2015b: 73-99. See also Hobson, 2015b: 70-73 on difficulty for distinguishing olive presses and wine presses. For the distinction between the infrastructure used to produce olive oil and wine see Brun

of Henchir-Mettich and Ain-el-Djemala. In the Henchir-Mettich inscription the tenants were mandated to provide in rent from their *subsesciva* land “a third share of wine from the press, a third share of pressed olive oil” after the fifth harvest for grapes and the tenth harvest for olives.¹¹ The very purpose of the Ain-el-Djemala inscription was to “grant to us [the tenants] those fields which are in marshlands and forestlands to be set up with olive orchards and vineyards in accordance with the law of Manciana”.¹² This means that the tenants of the Bagradas valley exploited both olives and grapes, in addition to grain. The export of olive oil was one of the major factors in the prosperity and vitality of North Africa in the Late Antique period.¹³ Although olives were cash crops, tenancy could be used to exploit olive orchards instead of chattel slavery or permanent wage workers, as can be seen in Egyptian documentation.¹⁴

The presence of North African wines in ancient literature and archaeology, from mentions of North African vineyards in our sources to findings of vessels used to store and transport wine, also points towards a considerable presence of vineyards in North Africa.¹⁵ Grapes were profitable, but they were very labour-intensive to produce, and thus required a large permanent staff, even in the seasons requiring less labour. Despite the cash-crop nature of grapes, which would have attracted the employment of chattel slaves and permanent salaried workers (the landowner thus retaining the full crop), the need for large amounts of labour incentivised its cultivation through tenants.¹⁶ The leasing of vineyards to tenants in the Roman period is most famously attested in the parable of tenants in the vineyard, found in the synoptic gospels.¹⁷ In Roman Egypt there are multiple lease agreements for vineyards attesting that tenancy was widely used for vineyards at various periods.¹⁸ In sum, tenant

1993; Mattingly and Dore, 1996: 137, 140. See also for mosaic evidence López Monteagudo, 2002: 255-257. For Numidia, see Lassere, 1977: 302-303; Fentress. 1979: 180-182.

¹¹ *CIL* 8, 25902. Trans.: Kehoe, 1988: 34. *Vini de lacu partem tertiam, ole/i coacti partem tertiam.*

¹² *CIL* 8, 25943. Trans.: Kehoe, 1988: 58-59. *Dare nos/bis eos agros qui sunt in paludibus et in silvestribus instituendos olivetis et vineis lege Manciana.*

¹³ Barker and Gilbertson, 1996: 347-348; Mattingly, 1998: 51.

¹⁴ *P. Oxy.* 3.639 (104 CE), *P. Ryl.* 2.97 (139), *P. Lond.* 2.168 (162), *BGU* 2.603 (168), *P. Lond.* 2.151 (2nd century); *CPR* 1.34 (2nd-3rd centuries); *SB* 1.5126 (261); *PSI* 1.33 (267).

¹⁵ Radaelli, 2018: 247-249.

¹⁶ Kloppenborg, 2010: 287-290, 306. Although there might have been some rural slaves in the North African countryside, see Chapter 1, Section 1.2.3.

¹⁷ Matthew 21:33-24; Mark 12:1-12; Luke 20:9-19.

¹⁸ *BGU* 4.1119 (6 BCE), *PSI* 1.82 (65 CE), *P. Lond.* 2.163 (88 CE), *P. Oxy.* 4.707 (136), *P. Oxy.* 4.729 (137); *P. Flor.* 3.369 (139/149); *P. Oxy.* 14.1692 (188); *P. Oxy.* 47.3354 (257); *P. Oxy.* 14.1631 (282); *PSI* 13.1338 (299); *P. Ross. Georg.* 2.36 (2nd century); *CPR* 1.244 (2nd-3rd centuries); *CPR* 17A.6 (316) *inter alia*.

farmers cultivating olives and grapes ought to have been a common sight in the ancient North African landscape.

Grain was also a main staple of the rural landscape.¹⁹ In the imperial period (and especially in Late Antiquity after Constantine diverted the supply of Egyptian grain to Constantinople) African grain was shipped in bulk to feed the city of Rome.²⁰ In fact cutting the supply of African grain to Rome was a key tactic used by usurpers and rebels in the first half of the 5th century.²¹ Whether on imperial estates, under the profiteering of the *conductores*, or in private land, under particular landowners, tenants engaged in the cultivation of grain. This can be seen in the inscriptions of the Bagradas valley on the arrangements of tenancies in imperial land dealt, where the allotments mainly cultivated grains.²²

4.2.2 Harvest seasons and participation of farmers in casual harvest labour

The grain harvest and the olive and grape harvests occupied distinct spots in the farmer's calendar. Based mainly on modern data, while the grain harvest in North Africa can be roughly placed between April and July, the grape harvest was in the late summer and early autumn and the olive harvests, depending on the variety, took place between late autumn and the winter.²³ The different timing of the harvests meant that people mainly cultivating olives and grapes could have participated in the grain harvest as wage workers and grain farmers could have participated in the olive and grape harvest.

Not all harvest seasons would require the same amount of labour input. In this section we will examine the need for hired harvest labour for grapes and olives and how similar or different were the offer and demand for labour between both harvests.

There was a considerable need for labour in the olive and grape harvest that would have required wage labour to be met. Cato's model contract with a *ductor* is for the harvesting of olives, and in *P. Fay.* 102, a farm account from Euhemeria composed in 105 CE, large amounts

¹⁹ See Rickman, 1980: 109-111 for specific areas where cereal-growing was most important.

²⁰ Rickman, 1980: 201-202; Wijnendaele, 2019: 299-302. See also Symmachus. *Relationes.* 18.2.

²¹ Wijnendaele, 2019: 309-323.

²² *CIL* 8, 25902; 25943; 10570.

²³ For the olive harvest season see Mattingly, 1996: 221. For the grain harvest see Dimou; Meroni and Rembold, 2018. For the harvesting of grapes see the calendar mosaic of El Djem in Dunbabin, 1978: fig.99 placing the pressing of the wine in September and *BGU* 1.14 placing the 664 in late August.

of people are hired for the same task.²⁴ Between the 19th and 29th of January between 10 and 93 people, depending on the day, were working for a daily rate harvesting olives on this estate. The gangs of the ἐργολάβοι (*ergolaboi*) of BGU 1.14 were employed to harvest grapes.²⁵ Just like in grain harvesting, the input of external hired labour could have been deployed through the harvesting gang organisation, as attested by Cato's model contract for the harvesting of olives.²⁶

The question is how greater the total need was for hired personpower in the grape and olive harvest compared to the grain harvest.²⁷ The distribution of wine and oil presses in North Africa points towards regional specialisation in producing those crops, with the Tunisian High Steppe and the Djebel region presenting a much higher density of oil and wine presses, and therefore pointing to a concentration of oleiculture and viticulture in specific regions.²⁸ Furthermore, olive-trees and vines require large amounts of initial capital investment and labour to be planted in comparison to grains, which are cheaper to plant, in addition to the longer time until they bear fruit. This can disincentivise tenants and small landowners from focusing too much of their efforts on olericulture and viticulture.²⁹ In sum, the cultivation of grapes and olives, although significant, was regional and not as extended as the cultivation of grain. Therefore, those farmers that farmed grains and were available to be hired for the olive and grape harvest would have had a harder time finding such employment than those farmers who farmed olives and grapes and went out into the grain harvest for extra income.

Nonetheless it is important to not deal with absolutes. Farming grains did not always prevent a farming household from being able to participate in the grain harvesting gangs, nor that a grape and olive harvester would always have the opportunity to participate in them, especially considering that polyculture can be used as a tool to achieve stability in output, and that both landowners and tenants were more interested in stable outputs than maximum

²⁴ Cato. *De Agricultura*. 144; P. Fay. 102.

²⁵ For more on the identification of ἐργολάβοι as harvest contractors see Chapter 3, Section 3.1.4.

²⁶ Cato. *De Agricultura*. 144.

²⁷ If we were to interpret the clubs of the circumcellions as tools for the olive harvest, this could indicate a strong need for labour in the olive harvest (see Tengström, 1964: 46-53), but such interpretation, as with any aspect of the circumcellion phenomenon, is disputable, see Section 2.1.1.

²⁸ Hobson, 2015b: 63-102, esp. 99-102.

²⁹ Duncan-Jones, 1982: 48-54; Kehoe, 1988: 100-103.

outputs.³⁰ As Erdkamp points out, “on-farm labour requirements were not an obstacle for a significant proportion of rural households to send out at least one member who performed wage labour away from the farm” due to the structural underemployment of peasant families.³¹ Nonetheless, Erdkamp also indicates that “the composition of individual households would be able to vary widely, and showed development over time, so not all households would be able to send out seasonal workers at all times”.³² Participation by grain-farmers in for-hire harvesting, then, would have depended on the structure and size of their households.

4.3. The structure of the peasant household

Debates about the rural family are relevant to this section inasmuch as household composition was a factor in whether grain-farmers were able to participate in waged harvesting gangs and who they may have chosen to send to the gangs. This is an area where Brent D. Shaw has also had an important influence, ever since the publication in 1984 of the article “*Latin Funerary Epigraphy and Family Life in the Later Roman Empire*”. In it, Shaw builds from a statistical analysis of tombstone inscriptions during the Principate that Saller and himself co-authored and expands it to the Late Roman period. That study concluded that: “the nuclear family was indeed the dominant social unit in the urbanized core, and the urban-oriented rural regions of the empire over this whole period”.³³ Shaw argued that this was also the case in the Later Empire, arguing that although there was some variance in the countryside, the nuclear family was the basic nucleus for family cohabitation.³⁴

This opinion has been contested in later scholarship. Sabine Huebner warned that, although 43.1% of households in Egyptian census rolls from the 1st and 3rd centuries CE present a nuclear structure, it is more accurate to talk about a structural cycle by which household structure mutates to maintain a certain desired number of individuals in cohabitation.³⁵ She

³⁰ See Forbes, 1976: 247-250 on polyculture and its effects. On tenants and landowners prioritising stability over optimisation see Chapter 1, Section

³¹ Erdkamp, 2016: 36.

³² Erdkamp, 2016: 36.

³³ Shaw, 1984: 462. The same conclusion is put forward in Gardner and Wiedemann, 1991: 3.

³⁴ Shaw, 1984: 488.

³⁵ This is also the conclusion reached in Bagnall and Frier, 1994: 64-65; Erdkamp, 2005: 64-71; Grey, 2011: 42-44; Boer and Peterson, 2017: 61-62.

presents the example of a series of census returns showing a household changing composition: in 117 CE it was formed by an elderly widower, her three adult children, her single sister, and the husband of one of the children. Fourteen years later the inhabitants are the previous husband and wife couple and their five children, the house has gone from an extended family household to a nuclear one, and due to the future marriage of the children might become an extended family household again.³⁶

Roland Boer and Christina Peterson have also been critical of equating 'household' and 'family', remarking the enormous flexibility in co-habitation arrangements, even to the point of adding non-durable structures to more permanent structures in order to account for temporary swellings of the household.³⁷ A potential inkling of a household where direct kinship might not be the nucleus around which the household was organised appears in one of Augustine's letters. When some pagans from Madaura sent a man called Florentius to Augustine so that the bishop could help him with a problem he had (the particulars are lost to us), Augustine takes the opportunity to write to the Madaurans to comment on the wording of some courtesy sentences they wrote to him in a letter. Of the specific affair of Florentius he says almost nothing, except that "almost all the men (*homines*) of that household (*domus*) who are at Hippo know Florentius and sympathize deeply with his bereavement".³⁸ The mention of multiple men in the same household and the lack of family vocabulary in Augustine's remark (for example calling them 'brothers' or writing 'almost all of the family') may potentially indicate that in this household multiple men of age resided together without necessarily being related to each other, or being co-members of a nuclear family, although it cannot be said for certain.³⁹

³⁶ Huebner, 2013: 47.

³⁷ Boer and Peterson, 2017: 61-65. See also Brooks Hedstrom, 2017: 188, 198.

³⁸ Aug. Ep. 232. Trans.: Parsons, 1956. *prope omnes enim domus ipsius homines, qui apud hipponem sunt, nouerunt florentium et multum eius orbitatem dolent.*

³⁹ Although there exists the possibility of this household being some sort of faith community, I find it less likely than it being a secular household. In the same letter Augustine liberally uses familial vocabulary to talk about the Madauran officials in a religious context (*fratres, parentes*) yet completely omits such vocabulary when talking about that household. When he planned to form a faith community with some friends in *Confessiones* 6.14 he considered it as forming a *familia*, a single-family unit (*unamque rem familiarem conflaremus ex omnibus*). For the vocabulary of Augustine in mentioning monastics (which always stresses either brotherhood or servitude) and its wide range of potential meanings see Lawless, 1990: 50, 55-56. The lack of familial vocabulary not only seems to indicate that this was not a familial household (*pace* the Loeb translation), but that it was neither a faith community (at least in the eyes of Augustine).

Although it is fair to say that household co-habitation tended to adopt a nuclear family structure, nonetheless strategies were employed to maintain an adequate number of people in the residences. After all, the rural family in the pre-modern economy was not only an affective or purely social unit, but it was also a productive unit that pooled its resources to guarantee common survival.⁴⁰ Rural households could organise themselves as to have an adequately supply of permanent labour through incorporating extended relatives or organising around a nuclear family. Households with larger holdings, and thus larger need for labour, could attract single or widowed relatives. Thus, we must assume that there would be all kinds of familiar structures in rural households and that the decision of whom to send to the gangs was made on a case-by-case basis according to the composition of the household when the decision was taken. This would mean that there was potential for a large variability in the profiles of people offering themselves (or being offered) for casual wage harvest labour.

4.4. Profiles of household members sent to the harvest

Many landed tenants and small landowners had the possibility to participate in the wage harvesting due to structural underemployment and the time differential between the grain harvest and the olive and grape harvests. Thus, they were also in a prime position to become the bulk of the personpower in the harvesting gangs. Thus, tracing a profile of this segment of workers may allow us to achieve certain insight on the identities and characteristics of the people going to work in the harvests.

Since no wage workers other than the Harvester of Maktar have left a written account of who they were, and most sources seem to completely disregard the identities of these workers, there is a limit on the aspects that can be researched. Thus, the parameters that this section will analyse are limited to the age range, gender and language of landed workers.

4.4.1. Age range

⁴⁰ Moxnes, 1988: 61. Boer and Peterson, 2017: 66 makes the interesting claim that productive relationships in the household are not articulated through kinship, but rather that kinship is determined by establishing productive relationships in a household through a “malleable continuity” (for example through adoption or the uxorilocal marriage in Huebner’s excerpt).

4.4.1.1. Children and teenagers working for wages

Children and teenagers were not exempted from contributing their labour to the survival of the rural household.⁴¹ This is as true of Late Antique North Africa as it is of more recent contexts, a 1960 survey of the population found that of the 442,800 farmers (*agriculteurs*) working in Algeria, 45,600 (10.29%) were between 14 and 19 years old. Of the 324,400 rural wage workers (*salariés agricoles*) 62,400 were between 14 and 19 years old (19.23%).⁴² In ancient sources, participation of children can be seen in the parable of the two sons in the Gospel of Matthew, which depicts a father ordering his young children (τέκνα (*tekna*), the most common Greek word for children before the 3rd century)⁴³ to go work in the vineyard.⁴⁴ Columella recommended that prospective *villici* had a history of work stretching back to childhood and recommended deploying children in tasks such as pruning vineyards or cutting ferns.⁴⁵

There is no meaningful data on the precise age of any rural wage worker, in the gang system or otherwise. But there is some information on the potential age range of some of these workers. Two Egyptian farm accounts not only do express an age range in the ledger, but also show either a consistent distinction in pay between children and adult workers, as is the case in *P. Lond.* 131v (Hermopolis, 78-79 CE), and a triple separation between children, young workers, and adult workers in *P. Fay.* 102 (Euhemeria, 105 CE). A trend clearly emerges in these documents: people classified as ‘children’ are consistently paid a lesser daily rate than people considered ‘workers’ (Table 4).

⁴¹ Bradley, 1985: 325-330; Mirković, 2005: 139-140.

⁴² Darbel, Rivet and Seibel, 1963: 53. On what is meant by ‘children’ see Section 4.4.1.2.

⁴³ Dickey, 2004: 125.

⁴⁴ Matthew. 21:28-30

⁴⁵ Columella. *De Res Rustica*. 1.8.2; 2.2.13; 4.27.6.

Papyrus	Task	“Worker” rate	“Young worker” rate	“Child” daily rate	Pay of child and young worker compared to adult pay	
P. Lond. 131v (Hermopolis, 78-79 AD)	Digging manure	3-5 obols	-	2-3 obols	40-100%	
	Breaking clods	3-4 obols	-	3 obols	75-100%	
	Driving asses	3 obols	-	2.5 obols	83.3%	
	Pruning	4-7 obols	-	3 obols	42.8-75%	
	Sweeping leaves	3 obols	-	2-2.5 obols	66.6-83.3%	
	Threshing	3-4 obols	-	2.5 obols	62.5-83.3%	
	Weeding	2.5-4 obols	-	2.5-3 obols	62.5-120%	
P. Fay. 102 (Euheremia, 105)	Harvesting olives	6 obols	5 obols	1-4 obols	83.3% (young worker)	16.7% (child)

Table 4. Rates of pay according to age classification and task in two Egyptian papyri

According to the data from these papyri people classified as ‘children’ rarely could expect to be paid on an equal footing with ‘workers’ and could earn as little as 16.7% of what the latter were paid. There is an implicit danger in generalising from just two papyri, but it is doubtful that such age discrimination regarding wage would have been the policy only of the estates of these two accounts. It is possible that the different wage rate in other accounts might also be due to age range, but they do not make the reason for the different rates specific.

It is important to remark that children leasing their labour (or rather, parents commanding their children to lease their labour) is not a phenomenon unique to Egypt. Augustine points towards this also being the case in North Africa in one of his letters.⁴⁶ Augustine has been called to adjudicate a civil dispute, more precisely a *liberalis causa*, and asks a lawyer for some legal advice. The questions Augustine asks him deal with the limits of the selling of children’s labour by a father, reproducing the *locatio-conductio* relationship of *ductor*(-father) and worker(-son), and whether that makes them slaves.⁴⁷

⁴⁶ See also Chapter 6, Section 6.2.4 for further analysis and context of this letter.

⁴⁷ Aug. Ep.24*.1. Trans.: Teske, 2005. *Quid etiam de his quorum patres definito numero annorum operas uendunt? Quaero enim utrum defunctis uenditoribus patribus eundem annorum numerum cogantur implere an eorum a quibus uenditi uel potius quodammodo locati fuerant, morte liberantur, quoniam esse iam sui iuris, ut perhibetur, incipiunt; quaero etiam utrum liberis patres possunt uendere filios in perpetuam seruitutem et utrum matres possint uel operas uendere filiorum.*

I ask whether, if the fathers who sold this labor have died, they should be forced to fill out the same number of years or whether they are set free by the death of those who sold them or rather in some sense rented them out, (*locati*), because they begin to be, as it is said, legally independent. I also ask whether free fathers can sell their children into perpetual slavery and whether mothers can sell at least the work of their children.

Although the problem that Augustine was dealing with has to do with a long-term leasing of labour (or some sort of time-limited quasi-slavery), and not wage labour *per se*, if such long-term and legally problematic methods for leasing child labour existed, it is not difficult to think that short-term leasing of children's labour was also possible.⁴⁸ Children and young people could have worked as waged harvesters in North Africa, but this raises further questions, such as how significant were they among those looking to be hired, how did their lower wage impact decisions on whom to send to harvest in the households, and what exactly is it meant by 'child'. These are important questions because they will help us understand the interests and dynamics of those who provided the harvest labour and those who required it and will help trace a more complex and accurate picture of who tended to participate in wage harvesting. We'll begin to answer the latter question before moving into the previous ones.

4.4.1.2 What does 'child' and 'young worker' mean?

Before delving into the reason for the wage discrimination regarding age range and how this discrimination might have affected whom the rural households sent out to work in alien harvests, it is important to clarify what these sources might have meant by 'child'. In the *P. Lond.* 131v that we have just examined the word used for 'child' is *παῖδων* (*paidon*).⁴⁹ In *P. Fay.* 102 *νεώτερος ἐργάτης* (*neoteros ergates*) is used for the 'young worker' category and *παῖς* (*pais*) for the 'child' category. It is interesting to note that this document calls these teenagers and young adults (in our standards) 'young workers' just as adults are called simply 'workers'. What this implies is that a 'young worker' was perceived not as a completely

⁴⁸ For long term children's leasing of labour and its legislation see Humbert, 1983: 193-203.

⁴⁹ *P. Lond.* 131v: shorthanded plural as *παῖδ* (as in for example 2.29); singular as *παῖδιω* (as in 15.340); singular as *παῖδιωι* (as in 17.375), singular as *παῖδ* (as in 17.383); singular as *παῖδιου* (as in 18.395); plural as *παῖδιοι* (as in 18.402).

different category from ‘worker’, like ‘child’, but as a characteristic of some workers, who happen to be young and, therefore, are paid one obol less.⁵⁰

The double coming of age in *P. Fay.* 102 (from child to young worker and from young worker to worker) parallels a long-standing tradition in Roman law that prescribed a double coming of age for the Roman (male) citizen. At 15 years old they were given the *toga virilis* but it was not until they were 25 years old that they acquired all the rights of a citizen.⁵¹ This distinction had practical effects on the ability of the young man to do business: a character in Plautus complains that “the twenty-five-year law is ruining me. Everybody is afraid to give me credit.”⁵² and among the *Institutiones* of Justinian there is the provision that “boys beyond the age of puberty and girls being fertile are granted a curator until they reach their twenty-fifth year”.⁵³ These 15-25 years old were depicted in elite writings as frenzied and rash, but also innocent and gullible, which was contraposed to the serenity and wisdom of adulthood.⁵⁴ This depiction of 15-25 years old might be why Varro recommends not hiring anyone under the age of 22.⁵⁵

This double coming-of-age did not only apply to elite citizens but also to those of lower socio-economic status, such as the artisans and workers who drew a living from specialised crafts. Apprenticeships tended to begin near the age of 12 or 13 years old and could last from 6 months to 6 years.⁵⁶ Thus, the νεώτεροι ἐργάται in *P. Fay.* 102, just like young Roman citizens, had probably only passed one of the two coming of ages and would probably be between the ages of 13 and 25 years old.⁵⁷

⁵⁰ That the distinction is due to age/experience as opposed to status can be inferred to the fact that both are contraposed to children. For the identification of the παῖδων of *P. Fay.* 102 as children as opposed to people of lower status see Section 4.4.1.2.

⁵¹ Harlow and Laurence, 2002: 65, 76; Prinzing, 2009: 17-22; Laes, 2014: 32-36.

⁵² Plautus. *Pseudolus.* 303-304. Trans.: Loeb. *annorum lex me perdit quinauicenaria. metuont credere omnes.*

⁵³ *Institutiones.* 1.23 Trans.: Laes, 2014: 33. *Masculi puberes et feminae viripotentes usque ad vicesimum quintum annum completum curatores accipiunt*

⁵⁴ Harlow and Lawrence, 2002: 69-71; Laes and Strubble, 2014: 43-48, 136-149. See, for example, Appian. *Ρωμαϊκά.* 6.18 on “very young” 24-year-old Cornelius Scipio assuming command of the troops in Iberia over objections of rashness among his elders. More later examples in Section 4.4.1.3.

⁵⁵ Varro. *De Res Rustica.* 1.17.3. That specific age might also have been possibly chosen because it was mid-point between the first coming of age at 15 years old and the age one was adult enough to enter the realm of politics at 30 years old.

⁵⁶ Bradley, 1985: 318-319, 322; Lewit, 2022: 83.

⁵⁷ See also Section 4.4.1.3.

But children were in a completely different category to regular workers, they are not ἐργάται, they are παῖδων and have not had the initial coming of age. In the Classical Greek and Roman period, the word παῖς was used to signify being between 7-14 years old, but could also be used to broadly mean any stage previous to the coming of age, especially after leaving the ‘baby’ stage.⁵⁸ But the term had also labour connotations and it was used for people that did work that was worthy of slaves or servants, whether they were children or not.⁵⁹ In the New Testament the word παῖς sometimes appears disconnected from age or filiation, the Gospel of Matthew refers to the servant of a centurion as his παῖς and in the Gospel of Luke the word that Jesus (is said to have) used to refer to a servant in a parable is translated into Greek as παῖς.⁶⁰ However the παῖδων in *P. Fay.* 102 are almost certainly children. This can be inferred from the fact that in the last entry, where only παῖδων are hired, the author specifies that what they are doing is “gathering fallen [olives]”, which was a task that was more commonly assigned to children and younger people.⁶¹ Thus the papyrus in classifying its workers draws on a tripartite division of the stages of the life of a worker: child, young worker, and worker proper.

The cut-off point between ‘child’ and ‘worker’ or ‘young worker’ can be vague and thus problematic to the purposes of hiring practices. It is difficult to believe that hirers would have held a strict adherence to considering a specific age as their cut-off point for hiring and demanding proof to all young workers as to whether they were over 14 years of age to determine their pay-rates.⁶² It is more likely that, although the real cut-off point between ‘child’ and ‘worker’ was around the coming of age and the first growth of one’s beard for men, the switch occurred inside a spectrum of ages around the mid-teenage years. Someone who appeared to be mature earlier might have had a greater wage than someone retaining the features of youthfulness.

⁵⁸ Golden, 1985: 93; Mirković, 2005: 140-142; Overstreet, 2009: 540.

⁵⁹ Golden, 1985: 93; Mirković, 2005: 140-141; Overstreet, 2009: 557.

⁶⁰ Matthew 8:6; Luke 2:43. See also Overstreet, 2009: 557.

⁶¹ See n.67.

⁶² Age was much more plastic in ancient times. See Duncan-Jones, 1979 and Scheidel, 1996b: 53-91 for statistical analysis of the fumbling of ages in texts and inscriptions in Roman Egypt in order to fit certain magic parameters. For North Africa, see Duncan-Jones, 1977: 88-89 where age fumbling in epigraphy increases the more one goes into the countryside.

4.4.1.3 *The implications of youth and childishness in wage work*

The presence of child labour, and the discrimination in terms of wages for children, in these papyri, provide a starting point to investigate whether a plurality of waged harvest labourers would theoretically be youth or full adults. First it is necessary to figure out why wage discrimination in respect of age range happened in order to draw whether the cause or consequence of such discrimination might have influence on the possibility of being hired or of being available to perform waged harvest labour. There are two possible interlocked reasons for age discrimination in daily rates: reduced ability and perceived lack of reliability.

4.4.1.3.1 *Reduced ability*

In terms of reduced ability, the assumption was that ‘children’ were less physically capable or experienced than ‘workers’ in performing tasks, and because of that they will be able to contribute less labour per day employed or, in consequence, performed less important tasks.⁶³ However, what must be considered is that by ‘children’, as explained in the previous section, it is meant anyone who is perceived to be under the age of 14, that is, both before and after the onset of puberty between the ages of 10-12 years old.⁶⁴ Some older children might have been able to perform at a level close to young adults, and some tasks carried out by both adults and children in *P. Lond.* 131v are tasks requiring strenuous labour such as shovelling manure, breaking clods and threshing. In that same account children tended to receive between 60-100% of adult pay, which would make hiring them unprofitable if they were unable to perform with an efficiency relatively close to that of an adult. This indicates that the efficiency gap between older children and adults may not have been excessively wide on certain tasks. Nonetheless, the obvious difference in the physical capacities (and thus ability to perform the tasks) of a 7-year-old compared to a 15-year-old or a 20-year-old might have justified a lesser wage. However, even if children had a lower level of skill and ability

⁶³ Mirković, 2005: 143; Lewit, 2022: 91.

⁶⁴ The onset of puberty seems to have occurred between the 10-12 years of age, like in modern times, and progressed until approximately 17 years old. See Arthur, Gowland and Redfern, 2016: 706-707, although the study was carried with only urban remains.

than their adult counterparts, sometimes even their inexperienced hands were needed for the time-consuming and labour-intensive harvest season.⁶⁵

The argument for ability, however, is limited to cases where adults and children perform the same tasks. This is not the case in *P. Fay. 102*. In that account on the harvesting of olives there were consistently more children hired than adults (Table 5).

Day	Number of adults and young workers	Number of children	Total workforce	Total production
19 th January	30	39	69	60 baskets
21 st January	34	59	93	78 baskets
22 nd January	18	52	70	80 baskets
23 rd January	2	8	10	3 baskets
24 th January	18	21	39	36 baskets
25 th January	16	23	39	31 baskets
? January	2	21	23	11 baskets
29 th January	0	35	35	59 baskets (only picking from ground)

Table 5. Age classification of workers and production in the olive harvest of P. Fay. 102

The reason for the ratio of children (comprising 54-91% of the workforce)⁶⁶ is the separation of work between adults and children. This is evidenced in the entry for the 29th of January, only children are employed that day and it is specified that what was done was “gathering fallen [olives]”, meaning that normally the harvest took place by having a few adults make the olives fall and having many children gathering the fallen olives, which might explain why the number of adults tends to get lower as the harvest progresses. On that last day it was just

⁶⁵ The participation of children in the harvest can be gleaned in other preindustrial and protoindustrial contexts. For example, for England between 1740 and 1850 see Burnette, 2012; for early 19th-century France see Weissbach, 1989: 2-3. As late as 1975 two parallel bills were introduced into the US House of Representatives that would have allowed agricultural employers to apply for permission to hire children under 12 years old under certain conditions (HR 632 and HR 5329 of the 94th Congress). During debate of those bills in the ‘Subcommittee on Agricultural Labor’ the Assistant Secretary for Employment Standards Bernard DeLury made mention that when in 1949 a ban on children working outside school hours was enacted “many bills were introduced shortly thereafter to reverse that legislation and permit harvesting of ‘agriculture commodities’ during school hours” (*Hearing before the Subcommittee on Agricultural Labor on H.R. 632. 4*).

⁶⁶ Excluding the 29th of January, which is an outlier as the only crop collected is gathered from the ground.

a matter of picking up whatever has already fallen and has not been already collected.⁶⁷ If adults and children were to have different tasks assigned to them (as is certainly the case in the olive harvest) this means that the notion that children are less capable than adults at the harvest is not entirely correct, as they can be allocated different tasks that already take into account their different capacities.⁶⁸ Furthermore, the fact that in *P. Fay.* 102, 59 baskets were produced only picking olives from the ground means that the specific tasks of children were by no means unimportant. In the data provided by the papyrus there is no correlation between wage and productivity, meaning that real ability was unlikely to have been the determining factor of one's daily wage. Thus, the reduced ability of children to work is only able to explain a reduction of wages for children when adults and children are performing the same tasks. If children were much less efficient at picking olives than adults, it would have been unreasonable to hire so many more children than adults for a harvest, a task that should be completed as promptly as possible and in which efficiency is of the utmost importance. Although lack of efficiency and experience might have been a reason to justify age discrimination in wages, the hirers were aware that that in some tasks inefficiency might have not been major factor, and thus could save money by hiring older children and younger workers instead of adults. Given these parameters, a child was unlikely to have been hired for the grain harvest because they would have been much more inefficient than an adult but could be hired for the olive or grape harvest, while a younger worker was more likely to be hired for all three of them than a child.

4.4.1.3.2 Perceived lack of reliability

Another potential reason for the depression of the wages of young workers is reliability. Although the portrayal of young men that has been established so far in this thesis comes

⁶⁷ This way of harvesting olives is famously depicted in an Attic amphora from the 6th century BCE where “a young boy sits in the tree using a stick to knock olives to the ground, another youth kneels at the foot of the tree collecting olives into a basket. Two older bearded males with long sticks stand on either side beating the tree to encourage more olives to fall” (McHugh, 2019: 211). Children harvesting olives in this manner also appear in the Julius Dominus mosaic in Carthage (see Lewit, 2022: 94-95). Varro reports a very similar way of harvesting olives, although without mentions to the desired age of the workers (Varro. *Res Rustica.* 1.55.1-3). The harvest of the olive was also associated with chastity and purity due to the need for care, with Palladius recommending employing children and virgin women for it, see Palladius. *Opus Agricolae.* 1.6.14.

⁶⁸ Mirković, 2005: 144; Lewit, 2022: 86-89.

from elite sources,⁶⁹ there are indications that young workers were painted with the same brush by their employers. The accusations levelled against young people in general are not dissimilar to the accusations levelled against the circumcellions by Augustine.⁷⁰ Claudius Ptolemy argued that in young people between the ages of 14-22 “a kind of frenzy enters the soul, incontinence, desire for any chance sexual gratification, burning passion, guile, and the blindness of the impetuous lover”.⁷¹ Similarly, Augustine said that the circumcellions were obscenely sexual, with special reference to female circumcellions.⁷² Where Sallust and Cicero said that young men were made gullible by youthful passion and were easily tempted by the likes of Catiline, Augustine attributed the behaviour of the circumcellions to the corrupting teachings and leadership of the Donatist bishops.⁷³ Apuleius of Madaura in his *Metamorphoses* has the character Photis tell Lucius that “an insane gang of young aristocrats has been disturbing the public peace.”⁷⁴ Augustine likewise warns against the frenzied gangs of the circumcellions.⁷⁵ Given that the Augustinian circumcellion is based on the prejudices against wage workers, this would mean that these stereotypes on youth were not only prejudices of the elite towards the youths of the elite, but also applied to the non-elite youths trying to get hired. Hirers could, thus, pay lower rates to young workers on account of a deep-seated cultural perception of unreliability due to their youth.⁷⁶

These two reasons for lowering the wages of children and young workers (that they are always less able than adults, and that they are unreliable) are not economical, they are customary, even if the motivation to apply these reasonings was economical. Presumptions and truisms about children and young people as either lacking ability or being dangerous and unreliable could be weaponised by the hirers to depress the wages of young workers and

⁶⁹ See Section 4.4.1.2

⁷⁰ See Chapter 2, Section 2.1.1.

⁷¹ Ptolemy. *Τετραβίβλος*. 4.10.205. Trans.: Loeb. ὅτε μάλιστα λύσσα τις ἐγγίνεται ταῖς ψυχαῖς καὶ ἀκρασία καὶ πρὸς τὰ τυχόντα τῶν ἀφροδισίων ἔρωσ καὶ φλεγμονή καὶ ἀπάτη καὶ τοῦ προπετοῦς ἀβλεψία.

⁷² Aug. *Contra Ep. Parmeniani*. 2.9.19; 3.3.18.

⁷³ Sallust. *Bellum Catilinae*. 14; Cicero. *Pro Caelio*. 4.10-11; Aug. *Contra Ep. Parmeniani* 1.11.17-18; *Contra Gaudentium*. 1.29.33; *Breviculus Collationis cum Donatistis*. 3.11.21.

⁷⁴ Apuleius. *Metamorphoses*. 2.18. Trans.: Loeb. *Nam vesana factio nobilissimorum iuvenum pacem publicam infestat.*

⁷⁵ Aug. *Contra Litteras Petilianas* 2.14.33; *Contra Ep. Parmeniani*. 3.3.18; *Contra Cresconium*. 3.45.49; *Ep. ad Catholicos de Secta Donatistarum*. 16.41.

⁷⁶ Characterising the youth as unreliable is hardly a particular characteristic of Roman society. See Horowitz, 1997: 94-99 for European Jewish communities in Europe during the 16th to 18th centuries, Crouzet-Pavan, 1997: 182-191 for mediaeval Italy, Ago, 1997: 298 for 17th century Italy,

children, below the actual drop on their productivity, and be able to reduce costs while not sacrificing much efficiency.

Despite children and young workers receiving a lesser wage they had the potential of performing certain tasks at almost the same level of efficiency as adults. This combination would have on the one hand encouraged landowners and *ductores* to hire younger workers over older workers and would have encouraged rural households to prioritise sending their younger members to be hired, as they were the ones more likely to be employed, possibly creating a mutually reinforcing set of preferences that were in turn affected by the difference between the offer and demand of labour. This does not mean that there were no mature workers to be hired (some households could have had no one to send under the age of 25), or that landowners did not hire mature workers (they would have done so if they wanted maximum efficiency in the harvest) but denotes a high probability of a larger offering of younger workers over more mature workers, and potentially a significant participation by children under the age of 14, especially in the olive and grape harvest.⁷⁷

4.4.1.4 Did children participate in the harvesting gangs?

So far, we have been examining the participation of children and young workers in the harvest independently of the harvesting gang structure. Coming back to the question of whether children participated in the harvesting gangs, the factors affecting this participation, aside from the crop being harvested, would be potential mobility, the supply of children compared to adults, and the willingness of *ductores* to hire children.

Children would have been less geographically mobile than adults. If sending someone to the gangs implied having to move a meaningful distance (as the Harvester of Maktar inscription seems to imply) and return with the wages it is unlikely that households would send their younger members unaccompanied.⁷⁸ Therefore, this meant that children could mostly have

⁷⁷ Lewit, 2022: 95-96 for their participation in gleaning after the harvest. It is possible that for the grain harvest, hired children were given more ancillary or support tasks while young workers did perform the harvest proper.

⁷⁸ Palaeopathological evidence from Roman Britain indicates that there is a much higher proportion of skeletal remains of 6-10 and 14-17 years old in urban areas than rural areas, and that non-specific infections in rural remains start to decline after 10 years old (22.2%) until 17 years old (4.5%) which is reversed in urban areas. This seems to indicate that it was only the older children and teenagers that had the mobility to migrate to urban areas to work, and therefore also to potentially move large distances for seasonal harvest work. For

found employment in gangs that worked in estates close to their residence, or that they would be accompanied by relatives or village members. Thus, the lack of child mobility might have been an element that reduced the number of children either in the segment of workers in harvesting gangs that travelled long distances or in harvesting gangs that were deployed in areas that were far away from their home. This lack of mobility ensured that there might never have been an extraordinary supply of children in comparison to adults available for hiring. If *ductores* wanted to hire children, they had to make do with the children already in the area.

Given that most of the labour in the gangs was local, the supply of children and young workers for the gangs to hire is deeply tied to the decisions of households on whether to send their youngest members or their oldest members. It is impossible to determine ratios of children-to-adults in the market not only due to a lack of sources but because that would have been variations in the composition of rural households and whether the household was undertaking their own harvest or not. Nonetheless we can formulate a general principle affecting the decisions households that could make the choice of sending younger or older members made. As a general principle, households ought to have realised that sending children and younger workers resulted in them returning with less wages. On that principle alone, households ought to have preferred, when possible, to send their adult members, as opposed to their younger ones.⁷⁹ However, this preference might stand in conflict not only with a simultaneous preference of having the most able family members harvesting the family's (leased) land, but also with the preferences of the *ductores*.

Ductores had to decide how many younger workers and children to hire per adult worker hired. As we have previously seen, numerous children are documented in the olive harvest accounted in *P. Fay.* 102, which indicates that children could have been hired *en masse* for the olive harvest whether individually (as seems to be the case in *P. Fay.* 102) or through a

data and analysis see Rohnbogner, 2017: esp. 241-242. It could be argued that children were being sent to the gangs in order to support themselves, rather than bring an income to the family, but given the high rate of wages that harvesters earned (see Shaw, 2013: 88) it is unlikely that children were expected to spend it all before coming back home.

⁷⁹This seems to also have been the case in later periods: Erdkamp, 2016: 36 ("Studies of seasonal labour in later times show that this [inability of farmers to provide hired harvest labour during their own harvests] is a misconception. Quite typically, adult men and grown-up boys would leave their farms to work for wages elsewhere, while leaving the harvesting and processing to of their own crops to the adult women, children and the elderly").

ductor. Yet in *BGU* 1.14, the only extant harvest contract from Egypt that confirms two instances of contractor-led harvesting gangs, no mention is made of the age of the supplied workers, so the hiring of children in the gangs cannot be confirmed or denied, although possibly there might be a presupposition that all harvesters involved are adult.⁸⁰ In *BGU* 1.14 the people working under Ischyron the contractor and the other unnamed contractor are called simply ‘workers’ and are all paid at the same rate. Here it is important to think about how the *ductores* made their income. As has been seen above, *ductores* drew a benefit either by charging a fixed rate or by overcharging the rate of the supplied workers and pocketing the difference, as seems to be the case with the ἐργολάβοι in *BGU* 1.14.⁸¹ This later method of extracting surplus value may have affected the willingness of *ductores* to hire inexperienced children and young workers. The ἐργολάβοι in *BGU* 1.14 would have a vested interest in hiring as many young people as possible. If the employer paid to the *ductor* the same rate for every worker provided, and the *ductor* could reduce the rate paid to young and inexperienced workers, the benefit to the *ductor* increased. Thus, hypothetically, a particularly ruthless *ductor* could find the economic motivation to, like a Dickensian industrialist, try to mostly hire children, and work them as efficiently as their bodies allowed while paying the least wage rate possible, increasing the surplus value extracted. Such an extreme makeup of a gang is unlikely to have been a frequent sight, as *ductores* (at least those who left behind epitaphs) seemed to have cared about their reputation due to the dubious regard Roman society had for contracting, and in order to avoid clients becoming weary of hiring their gangs in the following seasons.⁸² But the pocketing of the difference between an adult wage and a child wage per child hired would have been a strong incentive for *ductores* to try to have children comprise at least a percentage of the gang.

In conclusion, it is possible and likely that although most members of the gang would have been of adult age (that is, from their late teens onwards), an important part of them would have been in the lower stages of adulthood, between 15-25 years old. In the olive and grape harvest there would be a chance for a strong component of children between 7-14 years of age, especially in the higher part of the range. During the harvest season households would

⁸⁰ Shaw, 2013: 271-277 citing *P. Flor.* 80; 101; *PSI* 789; *P. Sarap.* 49; 50; 51.

⁸¹ See Chapter 3, Section 3.3.

⁸² See Chapter 3, Section 3.4.2 specifically the inscription of Lucius Nerucius Mithres and the potential equivalency between the dubious regard towards merchants by the elite and their regard towards contractors. On the need to be trustworthy and popular see also Cato *De Agricultura* 4.2, although applied to landowners.

be likely to both send its younger members to be hired locally, as they already might have done during the off-harvest seasons, and to send some of their more mature members to either local or more distant gangs.

4.4.2. Gender

The world of the gang harvesters in the texts appears at first glance to be a masculine one. The Harvester of Maktar defines one of the gangs he was part of as a “sickle-clad gang of men”, although the poetic format of the inscription does not make clear whether this is a factual statement.⁸³ This stereotypical portrayal of harvesting gangs as fully masculine might not be as close to reality as it seems.

The numerous and demanding tasks that agriculture imposes on the cultivating household makes it unfeasible to think that women did not participate in some way, shape or form in agriculture, be it in North Africa or elsewhere, either on their own farms or in their leased land. Pliny the Elder claimed to have seen an old woman ploughing the fields.⁸⁴

On the other hand in the African district of Byzacium, that fertile plain which yields an increase of one hundred and fifty fold, land which in dry weather no bulls can plough, after a spell of rain we have seen being broken by a plough drawn by a wretched little donkey and an old woman at the other end of the yoke.

There are even accounts of women working in hard and labour-intensive tasks for a wage, although these women are always portrayed as barbarian outsiders and set in contrast to proper Roman women.⁸⁵

Poseidonius says that in Liguria his host, Charmoleon, a man of Massilia, narrated to him how he had hired men and women together for ditch-digging; and how one of the women, upon being seized with the pangs of childbirth, went aside from her work to a place near by, and, after having given birth to her child, came back to her work at once in order not to lose her pay; and how he himself saw that she was doing her work

⁸³ CIL 8, 11824. *Falcifera cum turma virum.*

⁸⁴ Pliny the Elder. *Naturalis Historia*. 17.3.41. Trans: Loeb. *Contra in Byzacio Africae illum centena quinquagena fruge fertilem campum nullis, cum siccum est, arabilem tauris, post imbres vili asello et a parte altera iugi manu vomerem trahente vidimus scindi.*

⁸⁵ Strabo. *Γεωγραφικων*. 3.4.17. Trans: Loeb. *ἐν δὲ τῇ Λιγυστικῇ φησὶν ὁ Ποσειδώνιος διηγήσασθαι τὸν ξένον ἑαυτῷ Χαρμόλεων Μασσαλιώτην ἄνδρα, ὅτι μισθώσαιτο ἄνδρας ὁμοῦ καὶ γυναῖκας ἐπὶ σκαφητόν, ὠδίνασα δὲ μία τῶν γυναικῶν ἀπέλθοι ἀπὸ τοῦ ἔργου πλησίον, τεκοῦσα δ' ἐπανεέλθοι ἐπὶ τοῦργον αὐτίκα, ὅπως μὴ ἀπολέσειε τὸν μισθόν: αὐτὸς δὲ ἐπιπόνως ἰδὼν ἐργαζομένην, οὐκ εἰδὼς τὴν αἰτίαν πρότερον ὀψέ μάθοι καὶ ἀφείη δούς τὸν μισθόν.*

painfully, but was not aware of the cause till late in the day, when he learned it and sent her away with her wages.

A similar story is found in Varro:⁸⁶

“In many places they are not inferior to the men at work, as may be seen here and there in Illyricum, being able either to tend the herd, or carry firewood and cook the food, or to keep things in order in their huts. As to feeding their young, I merely remark that in most cases they suckle them as well as bear them”. At the same time, turning to me, he [Cossinius, Varro’s interlocutor] said: “As I have heard you say that you, when you were in Liburnia, saw mothers carrying logs and children at the breast at the same time, sometimes one, sometimes two; showing that our newly-delivered women, who lie for days under their mosquito-nets, are worthless and contemptible.”

Women definitely participated in the tending of the fields, even carrying out some of the harshest tasks. However, there exists doubts on whether women participated in waged harvesting as sources consistently omit them.⁸⁷ Various reasons have been put forward for the lack of women in sources on agricultural wage workers. In his analysis of the farm accounts forming the Heroninos Archive, Rathbone argued that women were simply not needed because male supply tended to be sufficient.⁸⁸

One negative point of some interest is that there is no known case of employment of women, either permanently or casually, for agricultural tasks on the Appianus estate. If we could be sure that there was no general taboo in Egypt at that time against women working as hired agricultural workers, this might suggest that the supply of male casual labourers was normally sufficient for the needs of the large estates.

Shaw held a more cautious view on female participation in hired harvesting work. He noted that the sources are clear on female participation in the gangs of the circumcellions, which

⁸⁶ Varro. *De Re Rustica*. 2.10.7-8. Trans.: Loeb. *Sed eas mulieres esse oportet firmas, non turpes, quae in opere multis regionibus non cedunt viris, ut in Illyrico passim videre licet, quod vel pascere pecus vel ad focum afferre ligna ac cibum coquere vel ad casas instrumentum servare possunt. De nutricatu hoc dico, easdem fere et nutrices et matres. Simul aspicit ad me et, Ut te audii dicere, inquit, cum in Liburniam venisses, te vidisse matres familias eorum afferre ligna et simul pueros, quos alerent, alias singulos, alias binos, quae ostenderunt fetas nostras, quae in conopiis iacent dies aliquot, esse eiuncidas ac contemnendas.*

⁸⁷ With the noticeable exception of Augustine’s portrayal of the circumcellion gangs, which can be interpreted as based on harvesting gangs. See Chapter 2, Section 2.1.1 and the rest of this section.

⁸⁸ Rathbone, 1991: 164-165.

are portrayed in Optatus and Augustine as similar or parallel to harvesting gangs.⁸⁹ Yet, he also argues that instances of women participating in the harvesting of grains varied according to region and task.⁹⁰

But they were habitually thought of, and therefore portrayed, as mainly involved in the back end of the process, in its second stage: the gathering of the sheaves and the collecting of the grain (not gleaning, we should note) in the strict sense of cleaning up the remnant grains for the landlord. This was probably not objectively true. There is plenty of comparative evidence from the Mediterranean and elsewhere to show that women have been directly involved in reaping, even if not in great numbers. But the evidence is sparse, and it is regionally specific. For example, no women are attested in any of the Egyptian harvesting contracts or household accounts as being involved in reaping. Here it was manifestly seen as 'men's work'. The evidence for manual reaping in modern north Africa is mixed. In some regions women have been involved in reaping, in others not.

It is important to consider the different scopes of the authors in making these hypotheses. Rathbone works exclusively with the information attested in the farm accounts of the Heroninos Archive while Shaw uses a very wide range of sources including modern sources (and Rathbone's book itself). The limited scope of Rathbone, considering only a single estate in a relatively short period of time creates a caveat for his argument. In the Heroninos texts gender is rarely specified and the focus of the account is not on the individual but on the task. Entries are written in this way (Rathbone's translation):⁹¹

(Carrying?) sheaves (x asses, attending them?) 7 days' work at 4 dr. 28dr.

tying sheaves, 15 days of ...(?) work at 2 dr. 30 dr.

making a drinking-fountain(?) for the cattle, 6 days' work at 2dr. 6 ob. 17dr. 1 ob.

⁸⁹ See Shaw, 2013: 651-654.

⁹⁰ Shaw, 2013: 39. His sources are about modern contexts: Vignet-Zunz, 1995: 220-222 for modern North Africa. It is interesting to note that in modern Tunisia harvesting and being offered (by the head of the household) to be hired in the harvest (for wages that go to the head of the household) can be predominantly thought of as 'woman's work', see Ferchiou, 1985: 30, 32-33, 40.

⁹¹ Papyri cited are *P. Prag. Varcl.* 2.3; 2.5; 2.17; *P. Vindob. Gr.* 32010. Translation in Rathbone, 1991: 426-463.

turning(? the crop on) the threshing-floor of the 10 ar. previously part of the (*epoikion*) of Sphex and the 4 ar. of the Hollow, total 14 ar., 10 days' work [[28 dr. 4 ob.]] 40 dr..

It is hasty to conclude that everyone involved is male when specific mention of gender is omitted.⁹² Furthermore, *P. Fay.* 102, a farm account from Euhemeria in 102 CE, explicitly mentions the hiring of young girls (*παρθένων*, *parthenon*) for the winnowing of the wheat and uses the unisex word *παῖς* to refer to the hiring of young workers, opening the possibility of women being in their midst.⁹³

Given that the Egyptian accounts do not tend to register the gender of unspecialised casual workers, but both literary sources and a farm account mention the explicit hiring of women, I find no reason to think that women were blocked by an unsurmountable taboo or tradition from participating in the gangs. The idea Rathbone put forward that “supply of male casual labourers [might have been] normally sufficient for the needs of large estates”⁹⁴ presupposes that it is demand rather than offer that determines the presence of women in casual labour, but it was the households of these women (or the women themselves) who took the decision of whether to send women or men to the harvest according to their conditions. In any case, preference on the part of employers for hiring men when given the choice does not mean that women did not participate in for-hire harvesting work, only that less of them might have been hired compared to men.

Whether women participated in the gangs would have possibly depended on the tasks accomplished by the gangs and whether women could be hired for certain tasks. As has been seen Shaw argues that, although some women might have participated in front-end tasks (reaping, binding, sheaving), women may have tended to be employed in back-end tasks (transport, threshing, storage). Thus, the question is if the gangs performed any back-end tasks when they were hired. In the Egyptian farm accounts, although there are mentions of hiring of labour for winnowing, threshing and binding bundles, the low numbers of people

⁹² Shaw reached the same conclusion on reading Rathbone's book, see Shaw, 2013: 333, n.70.

⁹³ *P. Fay.* 102. For *παῖς* see Overstreet, 2009: 540.

⁹⁴ Rathbone, 1991: 165.

employed indicate that these workers were hired individually and primarily to aid the permanent staff of the estate.⁹⁵

Although Shaw does not delve into what makes a certain region embrace female harvesters or not, it can be inferred that local custom was a key factor. As we have seen, he argued that the front-tasks of the harvest were conceived as exclusively a man's work by referring to the lack of direct evidence in the ancient world for women performing front-end tasks and comparative evidence from very different time periods.⁹⁶ Although the representations of the harvest tend to showcase male harvesters and erase female harvesters,⁹⁷ it is important to question how strong and inflexible was the ideological conviction that women did not belong in the front-end harvest and how much this weighed on the mind of household members choosing relatives to send to the gangs and contractors furnishing their gangs. That women might not be represented performing front-end tasks, and that the writers of farm accounts might not have made mention of their gender, does not mean that they were not there, and if circumcellion gangs are considered as construed from harvesting gangs, the presence of women in them is a strong enough indication that they did perform harvest work.⁹⁸ Furthermore, Shaw's work concerns itself with the harvesting of grains, while the harvesting of olives and grapes was already much more welcoming to people who could be considered as less physically strong, such as children.⁹⁹

Shaw's view that Roman society made a conscious link between masculinity and harvest work, and that that link may have affected the real participation of women in the harvesting gangs is contestable. It is possible to argue that the link is not necessarily between masculinity and harvest work, but between physical strength and harvest work in a direct manner, and the link to masculinity appears because of the assumption that men tend to be more physically suited for harvest tasks than women. Displaying the opposite mental process, Palladius

⁹⁵ *P. Fay. 101* (Euhemeria, c.18 BCE); *P. Lond. 1.131* (Hermopolis, 78-79 CE); *P. Fay. 102* (Euhemeria, 105 CE); *PSI 6.688r* (2nd century); *P. Lond. 3.1170v* (Theadelphia, 258-259).

⁹⁶ Shaw, 2013: 38-40, esp. n.171. Evidence from other time periods ought to be handled with care as Shaw himself notes that "the involvement of women in the front line of reaping seems to have depended heavily on cultural constraints" (Shaw, 2013: 334)

⁹⁷ See, for example, the North African mosaics in Brogan and Smith, 1984: 138, 153-154, plates 66, 79; Ennaïfer, 1996: fig.121, 125; Slim, 1996: fig. 19e, 29b, 34; Dunbabin, 2001: fig.121; Nikolaus, 2016: fig. 15.4 (also indicating that the "process of harvesting" was a "less common" motif than other agricultural activities (p.209)).

⁹⁸ Shaw, 2011: 651-654.

⁹⁹ See Section 4.4.1.

commented on the belief (of alleged Greek origin) that the olive harvest (which required less physical strength than the harvesting of grains) should be put in the hands of virgin women and children because the olive-tree must remain under the influence of chastity.¹⁰⁰ Here the olive harvest is associated with modesty and purity, thus attributes that were ascribed to the ideal woman. That does not mean that men did not harvest olives, or that most olive harvesters were virgin women. Therefore, that the grain harvest was associated with strength, and strength was considered an ideal skill for a man, does not preclude the participation of women in the grain harvest.

As an example of the nature of the link between strength and adequacy to harvesting, an example furnished by Shaw can be used. He cites Victor of Vita's *History of the Vandal Persecution* where Victor narrates that some Catholic office holders were sent to perform the harvest to break their spirit:¹⁰¹

Being unable to break down the wall of faith in this way, he [Huneric] decided that the people of our religion who held positions at his court were to receive neither their rations nor their usual pay. Then he proceeded to wear them down with work in the country, sending freeborn and quite delicate men to the fields around Utica, to cut away the sods of the harvest under the fire of the burning sun.

Shaw sees in the mention of *delicatos* an implication of femininity on the part of Victor: "The word drips from his lips with acrid condescension. He might just as well have said 'women's work.'" ¹⁰² Shaw reads too much in this word. First, it makes no sense that Victor of Vita would want to treat with condescension Catholic officials who were being martyred for their faith. The mention of these men being *delicatos* probably has more to do with amplifying their faithfulness as the fragment ends with "they all proceeded there with joy, rejoicing in the Lord".¹⁰³ If these had been seasoned men, physically suited to carrying a harvest, the fragment would not make any sense.

¹⁰⁰ Palladius. *Opus Agricolae*. 1.6.14.

¹⁰¹ Victor of Vita. *Historia Persecutionis Africanae Provinciae*. 2.10. Trans.: Moorhead, 1992. *cogitat ut nostrae religionis homines in aula eius constituti neque annonas neque stipendia solita potirentur. Addidit quoque et laboribus eos contere rusticanis. Dirigit viros ingenuos et admodum delicatos ad campum Uticensem, ut sub ardentis solis incendio *caespites* messium desecarent.*

¹⁰² Shaw, 2013: 38.

¹⁰³ Victor of Vita. *Historia Persecutionis Africanae Provinciae*. 2.10. Trans.: Moorhead, 1992. *ubi omnes cum gaudio pergentes in domino laetabantur.*

Secondly, it is too hasty to directly attribute this mention of delicateness to comparing these men to women. Again, Pliny and Varro marvelled at the strength and resistance to suffering of the women that go into labour and nurse children while carrying out cumbersome tasks.¹⁰⁴ What both fragments are pointing to is to agricultural tasks being strenuous and requiring strength and will to be properly carried out. This is also stressed in another Varro fragment talking about female assistants to shepherds and their need to be strong:¹⁰⁵

But in the case of those who tend the herds in mountain valleys and wooded lands, and keep off the rains not by the roof of the steading but by makeshift huts, many have thought that it was advisable to send along women to follow the herds, prepare food for the herdsmen, and make them more diligent. Such women should, however, be strong and not ill-looking.

Most tellingly Strabo talks about tireless women rearing children while tilling the soil:¹⁰⁶

For example, these [Cantabrian] women till the soil, and when they have given birth to a child they put their husbands to bed instead of going to bed themselves and minister to them; and while at work in the fields, oftentimes, they turn aside to some brook, give birth to a child, and bathe and swaddle it.

However inaccurate to reality and tinted by ideology these passages might be, I would argue that the statement “reaping was always construed as quintessential men’s work” requires some nuance.¹⁰⁷ Reaping was indeed considered arduous, and because of that it was considered to be better carried out by men, who are assumed to be virile and strong. But it was not considered quintessentially male in a direct manner, and thus it would not have created a general taboo prohibiting women participating in the gangs. What it might have done is generate a reticence on the part of households to send women to the gangs. It is important to remark that Pliny, Varro and Strabo are talking about barbarian women, or at least women who are not considered ‘properly Roman’. The inference can be drawn that although there was no objection to lowly allegedly ‘barbarian’ women participating in

¹⁰⁴ Pliny the Elder. *Naturalis Historia*. 17.3.41; Varro, *De Res Rustica*, 2.10.7-8.

¹⁰⁵ Varro. *De Res Rustica*. 2.10.6. Trans.: Loeb. *Qui autem in saltibus et silvestribus locis pascunt et non villa, sed casis repentinis imbres vitant, iis mulieres adiungere, quae sequantur greges ac cibaria pastoribus expediant eosque assiduiore faciant, utile arbitrati multi. Sed eas mulieres esse oportet firmas, non turpes.*

¹⁰⁶ Strabo. *Γεωγραφικων*. 3.4.17. Trans.: Loeb. *γεωργοῦσιν [γὰρ] αὐται τεκοῦσαι τε διακονοῦσι τοῖς ἀνδράσιν ἐκεῖνους ἀνθ’ ἑαυτῶν κατακλίνασαι: ἐν τε τοῖς ἔργοις πολλάκις αὐταὶ καὶ λούουσι καὶ σπαργανοῦσιν ἀποκλίνασαι πρὸς τι ρεῖθρον .*

¹⁰⁷ Shaw, 2013: 39.

arduous tasks because of their strength, this would not be appropriate for a ‘proper’ Roman woman.¹⁰⁸ Such differing standards towards women according to their status can be seen in a rescript of Constantine I clarifying that women who serve drinks at taverns cannot be accused of adultery “in consideration of the mean status of the woman who is brought to trial” and that because “of their mean status in life are not deemed worthy of the consideration of the laws”.¹⁰⁹ Any household that had some concern with regard to their reputation or status would then be reticent to send their female members to a task that might tarnish her reputation by associating her to attributes typically ascribed to the male gender. The over-idealisation of the free woman as the virtuous *matrona* of the house, if believed by the members of these households, discouraged both depictions of female labour in the harvest, but also the supply of female workers available for hire.¹¹⁰ The ever-present threat of rape would have also dissuaded the participation of women in waged harvesting. Augustine makes mention of a case where a nun that went to an estate called the *saltus Hispanensis* (located in his diocese) to work wool was raped by Cresconius, the *saltus*’ manager.¹¹¹ In his letter Augustine is even worried that there might be copy-cat rapes if Cresconius is not severed from his post. However, despite the ideological inadequacy and the threat of rape, there might have been, on certain occasions, a certain supply of female workers to be hired by the *ductores*.

Because of associations between the front-end tasks of the harvest and physical attributes attributed to the male gender, it is inferable that women would always have been in the minority in the gangs. The question now is how the *ductores* approached the hiring of women.

Because contractors are legally liable for any incident occurring during the execution of their contract, they ought to have been wary of any troublesome conduct coming from their workers.¹¹² Despite this thesis avoiding comparing the ancient world with the modern, it might be useful to introduce an indication of what behaviours troubled employers through the modern hiring practices in the Spanish strawberry harvest, which employ many Eastern

¹⁰⁸ Scheidel, 1995: 205-206; 1996a: 5-8. See also Beaucamp, 1990: 11-15 for the link between weakness and femininity in Late Roman law and p.22-23 for different expectations according to social stratum.

¹⁰⁹ *C. Th.* 9.7.1. *pro vilitate eius, quae in reatum deducitur [...] quas vilitas vitae dignas legum observacione non credidit.*

¹¹⁰ Scheidel, 1995: 209; 1996a: 8.

¹¹¹ *Aug. Ep.* 15*.3

¹¹² See Chapter 2, Section 2.4.

European and Muslim women. According to the Spanish producers, agrarian organisations, and institutions Eastern European and Muslim women (who are already highly stereotyped by the hirers) are hired to avoid stereotypical foreign male worker behaviour: problematic conduct, partying, lack of attachment, and drunkenness.¹¹³ The types of behaviours that the Spanish landowners are trying to avoid in their seasonal workers are the same behaviours that Augustine criticises about female circumcellions:¹¹⁴

Or do they, by chance, not rest their part with adulteresses, who allow herds of drunkards with their *sanctimoniales* and with herds of drunkard circumcellions, to roam and blend around scandalously through day and night?

Recently, Macrobius, their bishop, went about here and there, escorted by bands of desperate characters, of both sexes; he [violently] opened basilicas which some modest fear of their owners had closed.

Violence and drunkenness were undesirable attributes in both men and women in the eyes of their employers, but, in the view of Augustine, in women it was even more unacceptable than in men.¹¹⁵ The incorporation of women in Augustine's narrative, whether based in fact or purely rhetorical, underpins his overall message on the circumcellions as a subversion of social order and a danger to good morals and proper mores. Women were expected, among other things, to be docile and sober. *Ductores* could have been open to the hiring of women on these expectations of docility and sobriety.

¹¹³ Moreno Nieto, 2012: 129. A similar characterisation of women as less problematic and more sensible can be seen in Late Antique law, see Beaucamp, 1999: 16-17.

¹¹⁴ Aug. *Contra Epistulam Parmeniani* 2.9.19 *An cum moechis particulam suam forte non ponunt, qui greges ebrios sanctimonialium suarum cum gregibus ebriis circumcellionum, die noctuque permixtos vagari turpiter sinunt?; Ep. 139.2.* Trans.: Parsons, 1993. *Modo Macrobius, episcopus eorum, stipatus cuneis perditorum utriusque sexus hac atque illac circuit, aperuit sibi basilicas, quas possessorum quantuluscumque timor clauserat.*

¹¹⁵ For a compilation of sources on the unacceptability of female drunkenness see Martin, 2010: 4-6, esp. the cited Gellius. *Noctes Atticae*. 10.23.1-3; Valerius Maximus. *Factorum ac Dictorum Memorabilium*. 6.3.9. Also see Harper, 2013: 57-58 for the ideological connection between wine and sexual impetus.

4.4.3. Language and identity

4.4.3.1. Romanisation, 'Punic identities', and 'feeling' an identity: problematic concepts

All wage workers, no matter where they may have come from or their social background, were people who displayed a language, customs and set of beliefs. Unfortunately, the lack of primary sources written or produced by wage workers about their identity impedes the historian from being certain of the cultural and religious backgrounds of these workers and must at most make approximate inferences given the hypothesised geographical and social provenance of these workers.¹¹⁶ What can be done, however, is to give a picture of the cultural and religious landscape of Late Roman North Africa against which these workers toiled and try to reconstruct (however imperfectly) whether these wage workers were mostly homogenous or heterogenous in their cultural identities.

During the 19th century it was an unchallenged historical consensus that when Roman culture made contact with external cultures through the extension of the Empire, these cultures underwent a deep process of acculturation that led them to adopting a standardised Roman identity, culture and customs.¹¹⁷ This idea of a pervasive romanisation of the provinces has been sharply criticised and the word itself is now considered a label that is actively misleading in understanding culture and identity in the Roman past.¹¹⁸

New approaches to provincial culture have tended to avoid the idea of cultural conversion at all levels of society and have also avoided a forced dichotomy between Roman triumphant colonizer and native defeated colonized. Especially interesting is Mattingly's concept of 'discrepant identities' which he defines as social identities that "exhibit cultural discordance as well as the broad similarities that are generally celebrated through Romanization

¹¹⁶ For the social provenances of landed workers see Section 4.2, and for unlanded workers see Chapter 5. Although the Harvester of Maktar inscription might have been commissioned by someone who was a waged harvester, his perspective might be distorting due to his later career as a *ductor* (see Chapter 3, Section 3.4).

¹¹⁷ Ghisleni, 2018: 139. The foundational works of the concept of 'romanisation' are to be found especially in the works of Theodor Mommsen and Francis Haverfield in the late 19th and early 20th centuries, see Freeman, 1997.

¹¹⁸ Outright rejection of romanization as a concept, rather than make any attempts to reframe or nuance it, can be seen in relatively recent works such as Hingley, 2005: 2; Crawley Quinn, 2010: 64; Mattingly, 2011: xxiii, 38-41. In opposition to ditching the concept of romanization altogether see Woolf, 1997: 347; Keay and Terrenato, 2001: ix-x; Andreau, 2001: 231-233. See also Sears, 2017: 94 arguing that there is a divide between continental historians speaking of romanisation in their works and British historians who reject the term.

theory”.¹¹⁹ This is relevant to the study of wage labour as the dichotomy of the Roman rich coloniser against the native poor colonised can tincture the study of wage workers. Although Shaw did not comment much on the cultural background of the wage workers in *Bringing in the Sheaves* he did so in *Sacred Violence*. According to Shaw “culturally and socially the workers came from an under-Romanized stratum of local society” and “in Numidia, and elsewhere, they were not infrequently culled from the ranks of the rural social classes whose culture was less Latinized *than that of the towns*. Many of them still spoke a form of Punic as their first or their only language”.¹²⁰ This characterisation presents problems. Shaw himself also argued that a significant part of waged harvesters came from a very different source: “the populations in the more *heavily urbanized* region in the north of the proconsular province: in Carthage and in regions in its deep hinterland, including the town of Mactaris”¹²¹ whose “heavily urbanized” populations, after centuries of Roman rule, close presence of a Roman elite, and potential movements of population, could hardly be characterised in the main as “under-Romanized” in Late Antiquity (as far as we can tell).¹²² But more importantly Shaw does not develop on the significant contribution that landed tenants and small landowners could have made to the waged harvesting workforce, and instead focuses on the more mobile landless aspect of it, which is, by his own admission, a minority.¹²³ This lack of clarity distorts any attempt to characterise the identity of the wage workers.¹²⁴ Without weighing the importance of each geographical and social source of personpower, which is

¹¹⁹ Mattingly, 2011: 213.

¹²⁰ Shaw, 2011: 649-651. Emphasis in italics is mine.

¹²¹ Shaw, 2013: 32. Emphasis mine. Shaw’s characterisation of Maktar as part of the hinterland of Carthage is not without problems. See Sears, forthcoming; Charles-Picard, Mahjoubi and Bechaouch, 1963. For an extensive examination of the densely urbanised hinterland of Carthage see Scheduling, 2019; 2020.

¹²² For some evidence on the extent of the use of Latin language among sub-elite strata see Section 4.4.3.2. On migration see Lassère, 1977: 386-412. In regard to Shaw’s two arguments, it is difficult to trace which one precedes the other. Shaw, 2013 is based on lectures given in 2007-2008 (Shaw, 2013: ii, xx) and seems to have finished editorial peer-review by mid-2010 (Shaw, 2013: xvi, xx), all before the publication of Shaw, 2011.

¹²³ Shaw, 2013: 19 compare with p.71 “In Africa seasonal labour was drawn from two basic sources. One was the light but more mobile populations of pastoral nomads. The other was provided by the dense centres of population: both the regions of intense urban development in the east, especially the network of towns inland of Carthage and the heavily populated mountain highlands in the west”. Also see Erdkamp, 2014a: 574 where he notes that “one slightly underdeveloped aspect is the question of how many of these seasonal laborers may have been smallholders themselves, leaving their own harvest to their families”. See also Section 4.2.

¹²⁴ Although Part 2 in Dossey, 2010 provides an insightful account of the shifting local identities and communal belonging of rural inhabitants in Late Antiquity, transitioning from a civic community based on belonging to a certain town to a religious community based on being able to elect a bishop.

daunting to do in the general level and impossible to do with any specificity, it is premature to link most wage workers to a certain cultural background.

To measure whether the wage workers ‘felt’ Roman in addition, in blending, or to the detriment of a discrepant identity, is impossible. To get an approximation we require to broaden our scope and instead look at the general cultural landscape of North Africa. What is the evidence for Roman identity and other identities in the sub-elite strata of Late Antique North Africa? Of the possible discrepant identities in North Africa, we will centre ourselves in the best documented one, what is referred to by most sources and in historiography as ‘Punic identity’.¹²⁵ This label is not without problems. The word ‘Punic’ is an exonym, a word given by non-‘Punics’ to what they considered ‘Punic’, and thus it might actually obscure the reality (or even, distinct realities) it is supposed to represent.¹²⁶

What the Romans perceived as Punic identity represented a cultural substrate that not only preceded the Roman occupation of North Africa but might have persisted much after, probably past the 5th century and potentially until the 11th century, if using language as a proxy.¹²⁷ During the High Empire there were strong remnants of Punic identity even amongst the elite. Carthaginian political institutions survived and persisted (or were re-imagined and re-established) as can be surmised by the preservation of magistracies derived from Punic practice in numerous cities.¹²⁸ One such case of magistracies of possible Punic origin surviving in a Roman context is the institution of the *undecemprimi*, or “eleven leading men”, who were religious magistrates in some towns, especially in Africa Proconsularis, and are attested in epigraphy up to the early 3rd century.¹²⁹ Another case is the *sufetes*, originally local magistrates in Carthage, which are appointed in numerous *municipia*, again up to the 3rd

¹²⁵ Other discrepant identities existed, for example another parallel identity might have been expressed through the Libyan language, which appears in a few inscriptions (Millar, 1968: 128-130; Adams, 2003: 245-247). However, other discrepant identities that might be worn by the landed population are very poorly documented.

¹²⁶ Prag, 2006: 4-19, 30.

¹²⁷ Kerr, 2010: 23-24 citing 11th century Andalusian historian Al-Bakri who mentions that the inhabitants of Cirta “spoke a jargon which was neither Arabic, Persian, Berber or Coptic”. On the use of language to determine identity see Section 4.4.3.2.

¹²⁸ Lancel, 1995: 430-431; Le Bohec, 2011: 443-444. For an argument that Punic cultural elements in North Africa are due less to continuity than to reestablishment see McCarty, 2017.

¹²⁹ Shaw, 1995: II, 3-10; Gasco, 1998.

century.¹³⁰ Up to the 1st century, there are some monumental, funerary and votive bilingual inscriptions in Latin and Punic or Latin and Libyan being erected.¹³¹ In these inscriptions the indicators of honour either were completely different in the Latin text and the Punic text or Roman honours were equated to Carthaginian ones, suggesting that a segment of the population not only spoke Punic, but also ‘felt’ in some way that was distinct from a ‘Roman’ identity, maybe even catalogable as a ‘Punic’ identity, even though they might not have called themselves by that name.¹³² Although the number of inscriptions drops after the 1st century, nonetheless there are still some short funerary inscriptions from Sirte written in Latino-Punic that date to the 4th century, found alongside others written in Latin and Greek.¹³³ All of this evidence seems to point that some in Roman North Africa held an identity that might be catalogable as ‘Punic’. However, the reliance on epigraphy and magistracies makes it difficult to properly answer the question of whether the sub-elite specifically (mostly cast away from commissioning inscriptions and holding magistracies) ‘felt’ Punic. Although there is a continuation in pre-Roman practical material methodologies (building techniques, weights and measures, pottery shapes, etc.) which sub-elite populations might have interacted with during the Roman period, that can be more readily explained by the transmission of expertise than wanting to express an identity.¹³⁴

Another issue is the chronological extent of the evidence. Notwithstanding the isolated Latino-Punic Sirte inscriptions, most of these expressions of identity die out by the early 3rd century at the latest. For Late Antique attestations of ‘Punic’ identities we have to turn to Christian literary evidence. In his *De Pallio* Tertullian places the *pallium* he wears (which according to him originated in Carthage) in contrast to the Roman *toga* that the elite in Africa wore, tracing a sharp distinction between ‘Punic’ and ‘Roman’, and seeming to embrace the former identity until finally claiming that Christianity can overcome this distinction.¹³⁵

¹³⁰ Crawley Quinn, 2018: 165-167. For the Carthaginian period see Lancel, 1995: 117-119. But see McCarty, 2017: 411-418 arguing that these late *sufetes* are not a continuity, but rather an “invented Punic-looking tradition”.

¹³¹ Millar, 1968: 131-132; Wilson, 2012a: 269.

¹³² Adams, 2003: 215, 222. But due caution is needed when thinking of the extent and primacy of such feeling of identity, and most likely they did not categorise themselves with the word ‘Punic’, see Prag, 2006. However, the way epigraphy is used can be a marker of identity (Prag, 2006: 3). There is a possibility that this reflects a more ‘Leptician’ than ‘Punic’ identity.

¹³³ Adams, 2003: 234-235; Kerr, 2010: 20 n.21

¹³⁴ Prag, 2006: 3; Crawley Quinn, 2018: 159.

¹³⁵ Wilhite, 2007: 139-145.

Augustine also seemed to (waveringly) endorse and defend a 'Punic' culture. When the pagan Maximus of Madaura mocked some Christians martyrs by bringing to attention their Punic names, Augustine answered this mockery through using the literary *topos* of the 'learned Punic books' and emphasizing that there is still some sort of pride for the Punic past of Africa tied with the use of the language.¹³⁶

Between the lack of clarity on what constitutes a 'Punic identity' and the difficulties of tracing the extent of 'Punic identities' in the sub-elite strata, it is impossible to make definitive statements on the identity of casual wage workers, or to even try to understand to which extent and by which meaning they were "under-Romanized" or "less Latinized".¹³⁷ However, so far, we have not given due consideration to a key element in both identities: language. The knowledge and use of a language is not a proxy for identity (otherwise we could label most of the Roman elite as 'Greeks'), and although what language one has as their mother tongue can be an indicator of identity, it does not paint a full picture.¹³⁸ However, if we rephrase our original question from 'what identities did the wage workers have?' to 'what language did the wage workers speak?' we might be able to get a (marginally) clearer picture of whether the workforce available for wage work could have been mostly culturally homogenous (that is, mostly 'Punic') or, on the contrary, was a melting pot of the cultural identities present in North Africa, including a contingent of workers who would have identified themselves as 'Roman' (whether exclusively or not).

¹³⁶ Aug. *Ep.* 17. For the *topos* see Jongeling and Kerr, 2005: 3. Augustine's defence of the Punic language has been considered heartfelt (Adams, 2003: 238-240; Burton, 2012: 118) and inspired by the relation between Punic and Hebrew (Cox, 1988: 97). However, his defence of Punic culture might have had more to do with his need to defend Christianity in the text, given that in *De Civitate Dei* 19.7 Augustine has a negative attitude towards language diversity but decries the amount of blood that the Roman empire has shed in the name of homogenization: "For if two men, each ignorant of the other's language, meet and are compelled by some necessity not to pass on but to remain together, then it is easier for dumb animals, even of different kinds, to associate together than for them, though both are human beings. For where they cannot communicate their views to one another, merely because they speak different languages, so little good does it do them to be alike by endowment of nature, so far as social unity is concerned, that a man would rather have his dog for company than a foreigner." (Trans.: Loeb). If Augustine's defence of Punic is conditional to his arguments and intentions, rather than heartfelt, this implies that the appreciation of Punic culture was somewhat common (Adams, 2003: 243; Jongeling and Kerr, 2005: 3), and Augustine wished to appeal to it.

¹³⁷ Compare with Shaw, 2011: 649-651.

¹³⁸ Pace Kerr, 2010: 23-24 who conflates 'Punic language' and 'Punic culture'.

4.4.3.2. *The languages of the workers*

The Punic language had a strong presence in North Africa long after Roman conquest and already into Late Antiquity, especially in rural areas. In certain regions of Africa, Punic monolingualism, or bilingualism with Libyan, might have been relatively common.¹³⁹ This could also quite likely have been the case in Late Antiquity, as can be seen in the writings of Augustine.¹⁴⁰ In his letters he mentions preachers using the Punic language to reach the lower rural strata and in the well-known case of Fussala he comments on how he had made Antoninus bishop of Fussala, primarily because he could speak Punic to his Punic-speaking community, despite the fact that he was only 20 years old, and his appointment was against canon law.¹⁴¹ It was a popular (although most likely spurious) accusation that some elite Romans in North Africa hardly knew Latin and had Punic as their first and sometimes only language.¹⁴² In fact, the more contentious debate in scholarship has not been the extent of the use of the Punic language, but whether Latin did penetrate the rural and poor layers of the society of Roman North Africa at all.¹⁴³ However, even those scholars who prefer to see the influence of Latin as minimal accept that some areas might have featured non-elite strata that were more Latin-speaking.¹⁴⁴ Furthermore, the use of Punic for preaching purposes does not necessarily mean that, in the specific regions where the preaching is said to have taken place, the majority of the population there was monolingually Punic and could not understand Latin with some fluidity. In one of his *sermones ad populum* Augustine had to translate into Latin an ancient Punic proverb because “not all of you know Punic”.¹⁴⁵ The difficulty of this

¹³⁹ Macmullen, 1966: 12-13; Cox, 1988: 102-105; Lancel, 1995: 436-438; Mattingly, 1995: 162-167; Jongeling and Kerr, 2005: 2-6; Kerr, 2010: 13-24; Wilson, 2012a: 315-316. Bilingualism is understood in this thesis in its widest sense, where one person has a certain degree of competence in the ‘performance’ of two or more languages, see Adams, 2003: 7-8.

¹⁴⁰ Augustine is the only literary direct witness for the survival of Punic into Late Antiquity (Cox, 1988: 83), but the Late Antique Punic inscriptions in Sirte (see n.133) gives a solid indication of the survival of the language well into the 4th century.

¹⁴¹ Aug. *Ep.* 66.2; 108.5.14; 209.3; 20*.3-4.

¹⁴² See Apuleius. *Apologia.* 98; *Historia Augusta.* 10.15. For a non-derogatory mention of elite Punic knowledge see *Epitome de Caesaribus.* 20.8.

¹⁴³ On the difficulty of reconstructing the Latin knowledge of sub-elite strata see Clackson, 2011: 514-519; for contrasting views on the extension of Latin in North Africa compare Millar, 1968: 133; Lepelley, 1979: 327-328, esp. n.125; Raupach, 1996: 16; Grahame, 1998: 94-96, 109; Adams, 2003: 235; Jongeling and Kerr, 2005: 4; Kerr, 2010: 23.

¹⁴⁴ Raupach, 1996: 16; Jongeling and Kerr, 2005: 4; Kerr, 2010: 22-23. See also n.141 on authors who prefer seeing a wider extension of Latin use.

¹⁴⁵ Aug. *Sermones ad Populum* 167.4. *quia Punice non omnes nostis* This sermon seems to have been given somewhere in Augustine’s dioceses of Hippo, as he mentions that his listeners bring to him “your disputes and business cases” (Hill, 1992: 213; Jongeling and Kerr, 2005: 4).

passage is the tendency of early Christian preachers to address their sermons to the most important members of their congregation, who might have also formed the main bulk of the audience, so it is not clear if Augustine could have been making reference here to sub-elite parishioners.¹⁴⁶ A stronger source is found in one of Augustine letters where he explained to the bishop of Sitifis in Mauretania that whereas Latin is very widely used where he is, that is not the case in the diocese of Hippo, indicating an important penetration of the Latin language in Sitifis.¹⁴⁷ Another example are the 3rd century ostraca from local soldiers in Bu Njem. These soldiers were in the main locals who spoke Punic or Libyan.¹⁴⁸ The texts of these soldiers are in a Latin that features numerous uninflected words and *hapaxes*, which indicated that some non-elite Punic speakers acquired a certain competency in Latin, most likely in order to understand their superiors.¹⁴⁹ Given the potential penetration of Latin into the sub-elite strata, it is important not to overestimate the extent of Punic monolingualism, or to presuppose that in the North African rural hinterland almost nobody had, at least, a basic grasp of Latin.¹⁵⁰

This linguistic situation seems to point towards a preponderance of the use of Punic language in the countryside. But does that mean that wage workers and their employers (whether contractors or landowners) would have all used Punic in their interactions? This is a more complicated question to answer than it might seem at first glance because what seems to have taken place was a double diglossia not only between socio-economic status (the poor and rural using mainly Punic and the affluent and urban using mainly Latin) but also between public space and private space (Punic for private affairs, Latin for public ones).¹⁵¹ This is exemplified in an earlier time by some of the 1st-century bilingual Latin-Punic inscriptions in the market and most tombs of Lepcis Magna, the Latin text faces outwardly towards the public space, the Punic text faces inward inside the building.¹⁵² The disappearance of bilingual inscriptions past the 3rd century could be indicative of this linguistic separation between private and public spaces being deepened. If Latin was indeed the 'language of business', its

¹⁴⁶ MacMullen, 1989: 506-510; Cunningham and Allen, 1998: 14; Dossey, 2010: 149-153; Boodts and Dupont, 2018: 189-190; Rebillard, 2018: 88-90.

¹⁴⁷ Aug. *Ep.* 84.

¹⁴⁸ Marichal, 1992: 63-66; Adams, 1994: 111; Mattingly, 1995: 168-169.

¹⁴⁹ Marichal, 1992: 41-48 esp. 44-45; Adams, 1994: 88, 90-112; Adams, 2003: 236.

¹⁵⁰ Lepelley, 1979: 327-328.

¹⁵¹ Fontana, 2001: 167.

¹⁵² Fontana, 2001: 166; Crawley Quinn, 2010: 61.

use in establishing wage harvesting arrangements (whether oral or written) could have been more extensive than the low presence of Latin in most of the countryside indicates. The use of Latin (and Greek in East) as the main languages for the public sphere and business, to the detriment of all other provincial languages, can be gleaned from an opinion of Ulpian in the *Digesta*. Although Ulpian accepts that oral contracts could legally be closed in non-Latin languages, the use of Punic (and any other language that was not Greek) as a language of business seems to have been met with a certain suspicion:¹⁵³

It makes no difference if the answer [to a *stipulatio*] is given in some other language. So if someone asks in Latin, the answer may be in Greek [...] But whether this is extended to Greek only or to other languages as well, Punic or Assyrian [= Syriac] or some other, may be questioned [...] Yet according to what Sabinus has written [ca. mid-first century] and in fact as is clear enough, any kind of speech contains the obligation of its words, provided that each party understands the other's language himself or through accurate interpreters.

This linguistic landscape has implications on how the hiring for casual rural wage labour took place. The widespread presence of the Punic language in Late Antique rural North Africa points towards a substantial, yet not exclusive, contribution of people into the seasonal waged workforce who spoke Punic monolingually or as a primary language, and that they would have had to communicate with *ductores* and fellow workers who may have spoken Latin. It seems clear that anyone wishing to participate in hiring or offering rural seasonal labour must have had at least a knowledge of either 'business Latin' or 'business Punic', just like the soldiers of the Bu Njem ostraca.¹⁵⁴ It also is clear that it is inadvisable to link all seasonal wage workers to a Punic cultural-linguistic background, especially considering the lack of first-hand accounts from them.

¹⁵³ *Digesta*. 45.1.1.6. Trans.: Macmullen, 1966: 2. *Eadem an alia lingua respondeatur, nihil interest. Proinde si quis Latine interrogaverit, respondeatur ei Graece, dummodo congruenter respondeatur, obligatio constituta est [...] Sed utrum hoc usque ad Graecum sermonem tantum protrahimus an vero et ad alium, poenum forte vel Assyrium vel cuius alterius linguae, dubitari potest. Et scriptura Sabini, sed et verum patitur, ut omnis sermo contineat verborum obligationem, ita tamen, ut uterque alterius linguam intellegat sive per se sive per verum interpretem.*

¹⁵⁴ Adams, 1994: 90.

4.5. Conclusion

A fuller conclusion of the findings on the profile of rural wage workers is provided in the following chapter, after the unlanded workers have been considered. What, so far, we have been able to establish with certainty about these landed workers is quite minimal. Most of them could have been young, on occasion maybe even children, but adults also participated in waged harvesting. Most of them were men, although women could also have participated. Most of them would have spoken Punic or Lybian, although the presence of Latin-speaking workers (whether exclusively or bilingually) cannot be discarded. From this uncertainty we can extract some conclusions. First, is that the structure of rural households and cohabitation strategies allowed for landed people to be able to be part of the waged harvesting operations. Second, the characteristics of these workers, despite the trends we have outlined, could be extremely varied, even before we consider the unlanded workers. Hypothetical profiles can go from a young Punic-speaking lad from a relatively well-off rural household dipping his toes into the world of adult labour, to a middle-aged woman from a Latin-speaking background, who, by the downtrodden situation of her household, must go do the harvesting rounds. Characters like these and with many other characteristics would have all congregated to be hired when the time of harvesting came. In this, they might be joined by other types of people, who came from the cities and even from beyond the *limes*. The following chapter is about them.

CHAPTER 5. The Landless Workers

In the previous chapter, we have explored the contribution of rural landed people into the ranks of the seasonal waged harvesters. In this chapter we will turn to the landless, those who neither owned land nor had land rented to them.¹ Theoretically, the landless population were in a prime position to participate in the harvest for two main reasons. First, because in most cases their conditions of survival were dependent on them finding employment, be it to supplement their main craft or as a primary source of income.² Second, because they were relatively unbound from the seasonal cycle of agriculture compared to landed people or tenants and thus are available to provide labour, whether for the harvest of grains in late spring-summer, the grape harvest in the late summer, or the harvest of olives in the late autumn-winter. However, this chapter will argue that the landless were generally a minority among seasonal waged harvesters.

The landless certainly participated in the harvest, and this can be seen in the parallelism that Optatus and Augustine traced between harvesters and circumcellions.³ When condemning ‘fanatic’ circumcellions with agricultural metaphors and language relating to the fields and the harvest,⁴ Augustine also emphasised their mobility and lack of ties to a specific place:⁵

They are called “circumcellions” because they wander “around cellae”: they are accustomed to go here and there, having no fixed homes. What they actually do, you know full well. And they know it too, whether they want to or not.

According to this fragment the circumcellions, are groups without attachment to the land that go from *cella* to *cella*. There is a controversy among scholars of the circumcellions over what the meaning of *cella* in this context is. Saumagne argued that they were storage rooms where the wandering wage workers were settled when working, Frensdorff argued they were shrines to

¹ For a more complete definition of what is meant by “landed” and “landless” see Chapter 4, Section 4.1. We also exclude in this thesis from the ‘landless’ category those that do not own or rent land themselves but are cohabitating and/or in a close kinship relationship with someone who does.

² Brunt, 1980: 94-96; Hawkins, 2016: 257-259 for wives of artisans doing wage labour to contribute to the household’s income.

³ See Chapter 2, Section 2.1.1.

⁴ Aug. *Contra Gaudentium*. 1.29.33; *Ep.* 76.2; *Enarrationes in Psalmos*. 57.15.63.

⁵ Aug. *Enarrationes in Psalmos*. 132.3.16. Trans.: Shaw, 2011: 635. *Nam circumcelliones dicti sunt, quia circum cellas uagantur: solent enim ire hac illac, nusquam habentes sedes; et facere quae nostis, et quae illi norunt, uelint, nolint.*

martyrs equipped with granaries, Calderone identified them with rural monasteries, and Shaw argues that *cellae* were specifically wine storages.⁶ Whatever the definition all previous scholarship agrees that they are rural places.⁷ Augustine also pointed out that the circumcellions are “living off [the *cellae*]” which means that one could obtain sustenance from it.⁸ Again, all previous candidate definitions of *cella* in scholarship are places where one could feasibly draw sustenance from. The definition of circumcellion that Augustine put forward is not that of a landed peasant searching for extra income, but an unbound individual, with no land to take care of, whose subsistence method required them to move around.⁹ Although it is true that Augustine was trying to create a stereotyped threat in these texts and his arguments can be misleading in interpreting the phenomenon he wrote about, nonetheless they are strong enough evidence that there was a component of landless people in the wage labour market from which Augustine draws his depiction of the circumcellions.¹⁰ The question, however, is how meaningful their contribution into the labour of the harvest was. As we shall see more fully in this chapter, Shaw has emphasised the participation of mobile groups of landless people in the harvest, defining it as “annual invasions of large numbers of young men for the purpose of harvesting cereal grains”.¹¹ This chapter will argue that the contingent of landless population participating in the harvest did not constitute a majority of the total pool of available workers and that they probably were, most of the time and in most places, a minority.

Landless people working for a wage in agricultural labour could have come from three different environments, those being the settled rural environment, the urban environment, or a pastoralist community whether in or beyond the empire’s frontiers. We will now examine each of these environments because each presents a series of characteristics that point

⁶ Saumagne, 1934: 363; Frend, 1952: 87-89; Calderone, 1967: 103-105; Frend, 1969: 542-549. In the past, in my unpublished Masters of Research dissertation, I have held that the word *cella* in this context could have been used to designate the wider idea of an “estate” rather than a specific building.

⁷ See Chapter 2, n.30 for scholarship on the circumcellions.

⁸ Aug. *Contra Gaudentium*. 1.28.32. *uictus sui causa cellas*.

⁹ Aug. *Enarrationes in Psalmos*. 132.3.16.

¹⁰ For Augustine exaggerating the portrayal of the circumcellions see the extensive treatment in Shaw, 2011: 630-674. See also Chapter 2, Section 2.1.1.

¹¹ Shaw, 2013: 216-217. See also in the same p.23.

towards a limited contribution of the landless population in the harvest, which would run against Shaw's proposal that the landless were a very significant part of the workforce.¹²

5.1. The Rural Landless

There probably was a small component of population in the Roman rural world, who were poor in our current common understanding of the word rather than in the more lax definition of 'poor' of the ancient world, that lived from finding employment and not from owning or being leased land.¹³ Most of the rural population could have lived in what we could call 'shallow' poverty (that is living above subsistence levels), in contrast to the 'deep' poverty of these workers.¹⁴ Augustine's characterisation of the circumcellions as people emerging from the rural world without any bond to any land, might mean that a small part of the wage workers available for harvesting might have fitted this profile.¹⁵ Structurally, they are the group whose members were more likely to consider joining the labour gangs as they needed employment as a primary source of income and were already located in the countryside. Inasmuch as these landless people existed in any quantitatively meaningful way, it follows that most of them were looking for a way to sustain their livelihood during the year.

There was some work to be leased out to wage workers outside of the summer and the grain harvest. Egyptian farm accounts, such as *P. Fay.* 102, and Cato's model contract point towards landowners hiring workers for the olive harvest, which took place in the autumn-winter.¹⁶ Tasks that followed the grain harvest (winnowing, threshing, etc.) were also done, at least partly, by wage labour. Although Shaw argues that the "back-end operations" of the harvest (transport, threshing, winnowing, storage) were mainly handled by the permanent staff and dependants (given that in those tasks, "labour inputs are roughly proportional to the level of outputs", unlike in harvesting proper where it is proportional to the area worked), *P. Fay.* 102 shows the hiring of an indeterminate group of girls for a total of ten drachmae and five obols for the purposes of winnowing wheat, which opens the door to the possibility of hiring

¹² See Section 5.4.

¹³ De Ste. Croix, 1981: 187; Marcone, 2009: 123. The meaning of 'poverty' could be quite wide in Antiquity, see Aug. *Sermones ad populum.* 356.6 (Augustine calling a deacon "poor" despite having purchased slaves before becoming a deacon) and Ste. Croix, 1981: 143-144.

¹⁴ Brown, 2002: 14-16; Osborne, 2006: 4-6; Rathbone, 2006: 105-108.

¹⁵ See Shaw, 2011: 630-720.

¹⁶ *P. Fay.* 102; Cato. *De Agricultura.* 144.

external workers for 'back-end' tasks.¹⁷ Even outside the most effort-intensive tasks there were some tasks available to them that could be done by unspecialised wage labourers outside the summer: sowing, pruning, general repairs, digging manure, irrigation maintenance, cutting reeds, among others.¹⁸ These tasks could be as important as the harvest itself, for example pruning had a major effect on new growths.

The Egyptian farm accounts point towards farm operations being burdensome enough for the permanent staff during the year, that some tasks required the support from outside labour if they were to be completed in a timely manner. The owner or manager of the lands was responsible for knowing how much his staff could do without help. Cato's example of a good landowner (although in practice, for absentee landowners, it was more applicable to good *actores* (middle managers)) can determine what tasks need extra hands to get done and instructs the manager of the land accordingly.¹⁹

It can be argued with sufficient confidence that there existed a landless rural population that, among other employments, participated actively in the harvest gangs to earn their livelihood. This segment of the population had ample motivation to work in the harvest gangs and their conditions (potential high mobility, lack of land to worry about) made it relatively easy for them to do so. However, when their relative size compared to the brunt of the workforce is considered, problems arise. In the coming subsections we will try to give some tentative hypotheses on whether individuals could have had subsisted as an independent rural landless person (that is, without owning land or without being a tenant or a *colonus*) with the income derived from wages from: a) one yearly harvest season; b) three yearly harvest seasons; and c) the income from three yearly harvest seasons and specialised employments in the countryside. The results of this exercise cannot be taken as definitive, as the data is scarce and there will be a need to engage with speculation. However, this investigation should allow us to find the likelihood of a substantial segment of the rural population subsisting without access to land existing and forming a backbone for the supply of seasonal labour.

¹⁷ P. Fay. 102. For Shaw's argument see Shaw, 2013: 11-12.

¹⁸ See, *inter alia*, BGU 1.14; P. Lond. 1.131; 3.1170v; 3.1171.

¹⁹ Cato. *De Agricultura*. 2.6..

5.1.1. Living off one yearly harvest

First, let us examine whether it was possible for a landless person to live off the wages of a single harvest season. To sustain oneself in the countryside without land, even if there was some offer of casual labour outside the harvest season, was immensely difficult because despite a wide range of tasks that might have required outside labour, the total amount of personpower required outside the harvest season was much smaller than in the harvest season. The livelihood of most of these workers would thus have depended on seasonal work. If the landless rural population were to be considered one of the main contributors to the pool of harvest workers, this would mean that a majority of the workforce available might have been unable to sustain themselves outside the grain harvest season in the summer.²⁰ This was already common knowledge in Late Antiquity as John Chrysostom, when speaking of the need for giving alms to beggars and the poor, pointed out that it was harder for poor people to find work in the winter unlike in the summer where jobs are available.²¹ The lack of demand for labour in the countryside outside the summer harvest season would impose a hard cap on the amount of landless wage labourers that could survive, let alone thrive. Landowners could only employ so many workers, and if there were more available workers than available harvesting opportunities during the harvest, employment would be difficult to find and wages might have been lower than the customary amounts. Therefore, these populations would not have been able to sustain themselves. This is because the only way that a substantial segment of population could live landless in a rural environment was through earning enough during harvest time to endure the whole year or managing to reliably access charitable donations. In this subsection we will explore why this was barely possible and certainly not viable for a substantial segment of the population.

Shaw interpreted from the sources on wages from Egypt that the rate for harvesting was three times higher than for other types of non-specialised work.²² This, coupled with comparative evidence, lead Shaw to conclude that the pay from harvesting was a significant part of the yearly income for the workers. He projected evidence from 19th-century England and early 20th-century Canada onto the Roman world, concluding that harvesting pay would have

²⁰ Shaw, 2013: 31.

²¹ John Chrysostom. *Περί Ἐλεημοσύνης*. 1.2

²² Shaw, 2013: 83. See in the same esp. n.139-140, for the conversion of in-kind wages to money wages and previous analyses.

amounted from one sixth to one third of the yearly income.²³ It should be pointed out, as a first issue of contention, that even the evidence from Canada might be too optimistic for its own setting as Canadian farmers tried all they could to lower these wages.²⁴ Therefore, Canadian harvesters could have regularly earned much less than what appears in official literature, where the data comes from. Therefore, that Canadian harvesters could earn up to one third of their yearly income in one harvesting season is quite optimistic, even for the context they emerge from. Furthermore, as we have seen in Chapters 2 and 3, wage labour was often organised in gangs led by a *ductor*. Being a *ductor* could be a profitable endeavour, and some of them would have profited from the difference between the daily wage rate paid by the landowner per each worker and the wage rate that the worker received in actuality.²⁵ Therefore, the harvest gang organisation already cuts into any higher wages that the workers would have received. To receive the full amount of the higher daily wage for harvesting tasks, workers would probably have had to found employment alone, which is riskier, both because landowners would have preferred to hire labour in bulk through the gangs, and because a single worker is much easier to bully and exploit than an organised group of them.²⁶ Shaw's proportions only work if these workers were hired individually (which is unlikely given the large scale of demand for labour) or through a *ductor* who earned a fixed payment (which might have been a minority in the Roman world), because they do not take into account the unrealised wages that the *ductor* keeps for themselves.²⁷

Even if we were to assume that living off one yearly harvest season might have been technically possible under certain circumstances (and on the precondition of living in extreme precarity), it would have been probably unavailable to most workers, who would have had to find additional support elsewhere to support their families (if they had the possibility of starting one) and (already meagre) livelihood. On the issue of being able to live from the harvest, much has been made of a mention of harvester-monks made by an anonymous Greek

²³ Shaw, 2013: 88 citing Thompson, 1978: 482-486. For problems with Shaw's methodology see the Introduction.

²⁴ This included colluding with one another to not pay or underpay their workers below the agreed wage, to the point that the minister of agriculture of Alberta published a manual (*Farm Management*) which included techniques to withhold or delay payments (Thompson, 1978: 483-485).

²⁵ See Chapter 3, Section 3.3.

²⁶ See Chapter 2, Section 2.4. For comparative evidence see the Canadian case in n.818.

²⁷ See Chapter 3, Section 3.3 for the evidence of fee-earning contractors and surplus value-extracting contractors. For Shaw's argument see Shaw, 2013: 85.

text translated to Latin by Rufinus about the lives of monks in Egypt. In the text, it is mentioned that some monks worked seasonally as harvesters:²⁸

But also in the Arsionite region, Serapion being its bishop, we saw the fathers of many monasteries, under whose care they had many and varied monasteries where almost ten thousand monks lived. All of them earned from their own labour, especially in the time of the harvest as hired hands. They conferred the greater part of the pay to the aforementioned fathers and they destined it for use of the poor.

In A.H.M. Jones' interpretation of this fragment, monks "earned enough not only to keep themselves for the rest of the year but to have a surplus to distribute in charity".²⁹ Shaw concurs with this interpretation: "they would earn enough pay in one harvest season to survive for the rest of the year and even have some left over to be able to make charitable donations".³⁰ However, nowhere in Rufinus' passage does it say that monks drew enough in one harvest season to sustain themselves for the rest of the year. Quite the contrary the text argues that they did other tasks outside harvesting season, the time of the harvest was when they "especially" (*praecipue*) earned more, implying the existence of other less handsomely rewarded tasks outside the time of the harvest, which they still undertook.³¹ And even then, we must take into account that sources tend to overemphasise the poverty of monastic life and underplay the independent economic means of the monks.³²

The idea that the monks from the *Historia Monachorum*, and by extension wage workers, could draw enough income to sustain themselves for the rest of the year is not stated explicitly in the *Historia Monachorum* but could be inferred from the total payments the text

²⁸ Rufinus. *Historia Monachorum* 18. *Sed et in regione Arsenoite Serapionem quemdam Presbyterum vidimus multorum monasteriorum patrem, sub cujus cura plura et diversa monasteria, quasi decem millium habebantur monachorum, qui omnes ex laboribus propriis, quos praecipue messis tempore, mercede manuum conquirebant, partem plurimam ad supradictum patrem conferentes, in usus pauperum destinabant.*

²⁹ Jones, 1964: 792.

³⁰ Shaw, 2013: 77 although he seems to go back on the claim in p.88 "Although such sums of money are not huge, they are still substantial. Nor are we compelled to believe the exaggerated numbers of the often mendacious Rufinus as exactly true. They seem to have been inflated to advertise the scale of the benefactions being made by the monks. But the numbers, if even generally indicative, are significant since they suggest that the cash that the monks acquired in this manner was a seasonal windfall of real importance to manual labourers. Again, for what it is worth, comparative evidence demonstrates much the same economic significance of seasonal agricultural labour, especially harvest work."

³¹ On the attitude of Egyptian monks towards working see Caner, 2002: 40-41; Brown, 2016: 242-243.

³² On the economic means of monks see Derda and Wegner, 2023: 99-100.

claims these monks would get. In the Greek version it is 12 *artabae* of grain (which in the Greek text is also given as 40 *modii*), in the Latin version it is 800 *modii* (approximately 240 *artabae*).³³ But these numbers, the only indication that one could live on harvest work alone, are not reliable. The Greek numerals (12 *artabae* and 40 *modii*) are highly symbolic numbers.³⁴ The use of symbolic numbers, even when referencing banal things such as clothing or money, is common in Early Christian and Late Antique hagiography and literature, and the *Historia Monachorum* itself repeatedly uses symbolic numbers throughout its tale.³⁵

In their writings the Church Fathers wrote about the holiness of certain numbers. According to Augustine the presence of orderly numbers was a signal of the stewardship of God himself: “When you see measures, numbers, and order in all things, seek their maker. You will not find him except where there is the supreme measure, the supreme number, and the supreme order, that is, in God, of whom it has most truly been said that he disposed all things in measure, number, and weight”.³⁶ Origen of Alexandria (through Rufinus’ translation) held the same opinion: “not everyone is worthy of the divine numbering, but those who ought to be comprised within the number of God are designated by special privileges”.³⁷ Therefore, the text gives to the in-kind wages of the monks a halo of holiness, reducing its reliability as a source on actual wages. On the other hand, the Latin version seeks to emphasize the extreme generosity of the monks, thus exaggerating how much they made when going into the harvest.³⁸

Even if the 12 *artabae* of the Greek version was a semi-reliable indication, it does not paint a picture where people who were not monks could live off one yearly harvest season. The annual caloric intake an adult required is the equivalent of between 10 and 12 *artabae* of

³³ Rufinus. *Historia Monachorum* 18. Compare “ἀρτάβας δώδεκα ὡς τεσσαράκοντα τοὺς μοδίους παρ’ ἡμῖν λεγομένους” against “Atque ex ea mercede octogenos unusquisque modios frumenti plus minus ve conquirat”

³⁴ Schimmel, 1993: 141-144, 178-179. For Late Antique evidence see the following paragraph.

³⁵ In general see Milewski, 2020: 404-409; 2021: 657. In particular on the *Historia Monachorum* see Devos, 1974: 98-105, although he considers the numbers of *artabae* or *modii* a *realia* devoid of symbolic meaning (p.106).

³⁶ Aug. *On Genesis against the Manichees* 1.16.26 Trans.: Teske, 1991. *In omnibus tamen cum mensuras et numeros et ordinem vides, artificem quaere. Nec alium invenies, nisi ubi summa mensura, et summus numerus, et summus ordo est, id est Deum, de quo verissime dictum est, quod omnia in mensura, et numero, est pondere disposuerit.*

³⁷ Origen. *In Numeros Homiliae*. 1.1.1. Trans.: Scheck, 2009. *Divinis numeris non omnes digni sunt, sed certis quibusque praerogavisti designantur hi qui intra numerum Dei debeant comprehendi.*

³⁸ Shaw, 2013: 88.

wheat, almost the same as the wage paid.³⁹ If a worker was to receive that income it would only be enough to feed him for the rest of the year but then he would not be able to trade it or spend it on anything else. Even if the price of 12 *artabae* of wheat was at its known highest, which in 3rd-century Roman Egypt amounted to 288 drachmas, this would have only contributed part of the total cost of living in the period for someone propertyless, which Rathbone calculated at an average of 420 drachmas in the middle of the 3rd century.⁴⁰ The 12 *artabae*, again if taken as indicative, say more about the ascetic and less costly lifestyle of the monks than of whether someone who was not a monk could have lived off one harvest season per year, let alone support any family members.⁴¹ Archaeological evidence seems to point towards monks partaking in this 'ascetic' lifestyle having potentially varied diets including meat and fish, casting further doubt into the veracity of the text.⁴² Therefore, Rufinus' text does not indicate with enough certainty that a significant sector of the population could expect to live only or even mostly on the income they drew from one harvest season.

While it is likely that the realised harvest work income for workers would have been higher than for other types of work, this did not reach enough to be able to sustain oneself, much less one's family, throughout a whole year. One could not live on one harvest season per year alone. But what about multiple harvest seasons?

5.1.2. Living off three yearly harvests

We have now seen that the possibility that someone could live off the wages of one harvest season was unlikely. But there was always the possibility of offering oneself for work during more than one harvest season per year. As mentioned before, the harvests of olives and grapes took place in different periods to the grain harvest, the olive harvest taking place in late autumn and the winter and the grape harvest taking place in late summer.⁴³ Therefore,

³⁹ Jones, 1964: 792; Rathbone, 1991: 165.

⁴⁰ Rathbone, 1991: 165. This would be before the period of hyperinflation in the 270s (Rathbone, 1991: 330).

⁴¹ It is interesting to note that the much higher quantity in the Latin version might emphasize the extreme generosity of the monks (they would be donating much if a great part of those 800 *modii* went to charity), while the lower quantity in the Greek version emphasizes their ascetic lifestyle (they can afford to donate most of a year's rations).

⁴² See Luff, 2007 for the meat and fish consumption in the monastic community of Kom el-Nana.

⁴³ Mattingly, 1996: 221. There is also the possibility of other seasonal labour such as, for example, date and fig harvesting or tuna fishing, but evidence of its extent and importance is scarce. For example, in regards to the harvesting of date palms, there are some depictions of date harvesting in the tombs of Ghirza, but the date

the possibility of someone making a living just between alternating harvest seasons as a for-hire harvester ought to be considered.

If we were to consider the generous (and unreliable) number of 12 *artabae* of wheat per harvest season, provided by the Greek version of the *Historia Monachorum*, and infer that its highest equivalent in drachmas could be earned in each of three possible harvest seasons (grains, grapes, olives) the total comes up to 864 drachmas, approximately little more than double the annual average cost of living for a rural landless person in the 3rd century (420 drachmas, which includes only food, room rent and taxation).⁴⁴ But these wages are incredibly generous, both the *Historia Monachorum's* base 12 *artabae* for each *aroura* harvested and these in-kind wages being able to be sold at 24 drachmas per *artaba* (the price could go as low as 12 drachmas) are the highest possible scenario, not the most usual one.⁴⁵ If we take the average price of 17 drachmas per *artaba* of wheat, then the equivalent to 12 *artabae* of wheat for three harvest seasons amount to 612 drachmas, little less than one and a half times the median cost of living.⁴⁶ Under these speculative parameters one could have lived only by the income of three harvests seasons, that is, participating in the grains harvest between April and July, the grape harvest between July and September, and the olive harvest between November and February.⁴⁷ However, as we shall see now, this might have been complicated to do.

The main problem with this calculus is that it is based on a fragment from the *Historia Monachorum*, which, in any case, might not be giving an accurate wage. But even if we set aside this problem, more issues emerge if we look at the rates for harvest work in the Egyptian farm accounts and contracts, especially those where landowners hired outside the

tree as a symbol is a common sight in funerary decoration in the region (Brogan and Smith, 1984: 219; Nikolaus, 2017: 209) although some presence of dates in the area around the tomb has been found (Brogan and Smith, 1984: 308-309). Mosaic evidence in general does not seem to depict date palms in scenes of agricultural works (see the absence of dates in Dunbabin, 1978: 109-123). The Henchir-Mettich inscription mentions "fruit-trees" but does not mention dates directly even despite including provisions specifically on figs (*CIL* 8, 25902). The Segermes valley survey found little evidence of tree cultivation and none of date palms (Kolstrup, 1995: 93-107). However, date palm cultivation from pre-Roman times has been detected in the Fazzan area (Mattingly and Hitchner, 1995: 196-198; Mattingly and Wilson, 2010: 525).

⁴⁴ For the cost of living calculation see Rathbone, 1991: 165.

⁴⁵ Rathbone, 1991: 165.

⁴⁶ For the average price of wheat see Rathbone, 1991: 464-466.

⁴⁷ For the timings of the harvests see Chapter 4, n.23.

contractor-led harvester gang. These accounts and contracts give us a sense of how much per harvest season one could have realistically made (see Appendix 2).

The numbers given in Appendix 2 for the pay workers would have received for working all days of the harvest ought to be taken with caution, as they assume that a worker worked in the harvest for the full duration of the harvesting period. However, farm accounts that state their pay by daily pay rate can show an irregular number of workers working each day.⁴⁸ This would mean that a worker might not be hired for the duration of the harvest or might move around between estates and receive different rates of pay. The timeframe in any given region to undertake the grain harvest might have been around 35 days. Taking the high wage rate of *P. Flor.* 3.322 (two seven-obol-drachmas and six obols) and the duration of contract of *P. Flor.* 3.321 (30 days, close to a full season), a worker would have earned a total of 85 seven-obols-drachmas and five obols.⁴⁹ If that same worker were to find full employment for that rate two more times (for the olive and grape harvest) their annual income would be 257 drachmas and one obol, which is little more than half the projected median yearly expenditure of 420 drachmas.⁵⁰

If, instead, they were paid in kind the result is similar. If we assume a generous *artaba* for each *aroura* harvested (the rate at *P. Sarap.* 49) and that a single worker needed between one day and a half (following the *Opus Agricolae* of Palladius) and two days and a half (following Shaw's comparative methodology) to reap an *iugerum* of wheat (which is only slightly less area than an *aroura*),⁵¹ a worker in a season of 30 days could have harvested approximately 12-20 *arouras* in one season, thus making 12-20 *artabas*, which sold at the median 3rd-century price of 170 drachmas per ten *artabas* and which would mean earnings of 204-340 drachmas. It is doubtful that the grape and olive harvests would be paid in kind, as they were cash crops which were profitable for the landowner, therefore two additional harvesting seasons of olives and grapes could have added an additional 171 drachmas, totalling 375-511 drachmas. These earnings, therefore, can be over the 420 drachmas of

⁴⁸ See *P. Fay.* 102, *BGU* 1.14 both depicting harvest work.

⁴⁹ Although normally a drachma would be worth six obols, in this specific document one drachma equals seven obols. Unless otherwise specified, in this chapter a drachma equals six obols.

⁵⁰ That the olive harvest and the grain harvest would have paid similar rates may be inferable by the small difference between the 6 daily obols paid for olive harvesting in *P. Fay.* 102 (105 CE), to the 5 daily obols paid for winnowing grain in *PSI* 6.688r (116 CE).

⁵¹ For Shaw's calculations (including converting the figures of Palladius) see Shaw, 2013: 11-18.

projected median yearly expenditure, but it would require earning good daily rates, finding employment during the full season, being paid in kind for the main grain harvest season and selling the payment in kind at a good price. If one had dependants who needed part of that yearly wage, this level of income could not have been sustainable. Furthermore, being paid in kind meant having to transport, store and/or sell the payment, which introduced uncertainties. Living off three harvest seasons alone, even with generous assumptions as to pay rates and the price of payment in kind, was, thus, difficult. Insofar as the pay rates in North Africa were to be like those in Egypt, it would have been hard to only be a for-hire harvester in North Africa living off three yearly harvest seasons.

It is not only the insufficient amounts of pay that could be earned that was a problem for anyone wanting to live as a dedicated harvester. There were two main problems for the prospective full-time year-round harvester: a lesser demand for labour for the olive and grape harvest compared to the grain harvest and the more geographically disparate cultivation of vines and olive trees.⁵² Although olive and vine cultivation might have been dotted across North Africa in polyculture regimes, there might have been areas where it was more intensively exploited as a cash crop, and thus had a more pressing demand for additional labour when the harvest time came.⁵³ If that were the case, this would mean that only those who were mobile enough to travel to these areas, or tended to reside close to these areas, could have some possibility of being able to participate in any harvesting of olives and grapes. But even those who could move to these areas would find difficulty finding employment in these harvests. As we have seen the characteristics of the olive harvest and the lower daily pay rate of children meant that employers might have preferred to hire more children than adult harvesters, reducing the total need/demand for adult personpower.⁵⁴

⁵² For the lesser total demand of labour for the olive and grape harvest see Chapter 4, Section 4.2.2.

⁵³ See Hitchner, 1988: 13-14, 27-28, 39-40 for mixed crop and animal exploitation in the Kasserine region; Kolstrup, 1995: 106-107 for polyculture in the Segermes valley; De Vos, 2013: 152-162 for the dotting of presses in Thugga, But also see Mattingly, 1988 a: 44-49 for the Sahel as the main olive-producing region of North Africa; Mattingly, 1988b: 26-29 for the Gebel region; Barker, 1996: 347-348; Barker et alii, 1996: 281-285 also for the Gebel region being strongly exploited for olives; Masttingly, 1996: 234-237 for intense exploitation of olive trees in marginal inner land; Hobson, 2015: 80-103 for potential areas of more intensive cultivation of cash crops; De Vos and Porena, 2020: 516 for the reticence of *conductores* of imperial land (which comprised huge swathes of territory) to invest in olive trees and grapevines compared to grain compared to private landowners. It should be noted however, that comparing archaeological sites to extract conclusions on the scale of olive and grape cultivation is fraught with methodological problems, such as differing intensities, definitions of basic terminology and methodology between studies (see Stone, 2004).

⁵⁴ See Chapter 4, Section 4.4.1.

The same problem arises if aside for three annual harvests, one took casual unspecialised employments. The demand for such labour would simply not be high enough to accommodate a large workforce purely dedicated to unspecialised rural labour. Rathbone calculated that at standard rates, a worker in 3rd century Egypt, would have needed to find employment for almost two-thirds of the year.⁵⁵ Given the casualness, seasonality and arbitrariness of rural unspecialised labour that was hired out, it is rather improbable that a considerable segment of people would have been able to pursue casual agricultural work as a year-round employment.

In conclusion, it is unlikely that rural landless people, who lived from working casually in harvesting and unspecialised employments, were a significant force inside the pool of harvesting workers. Naturally, it could have been possible for some individuals to have lived such lives and for the odd members of a harvesting gang or harvesting party to have belonged to this group. However, they ought to be seen as a small minority, and more of an exception than a rule. The people who were hired in the harvest, if coming from a rural environment, would be those who had to either tend a piece of land as a small owner, tenant, relative of the previous ones, or as a permanent employee or those who had a specialised craft and did not live in an urban environment.

5.2. The Urban Landless

Because of the lack of employment in the countryside outside of the harvesting season, most of the landless population of the Roman Empire were not to be found in the countryside, but in the towns and cities. Urban landless workers certainly had an advantage over their land-linked counterparts, having no harvest of their own to take care of, and finding employment was even more critical to their subsistence.⁵⁶ Furthermore, just like agriculture, urban crafts and occupations could also be bound by the seasonal cycle and the need for urban labour

⁵⁵ Rathbone, 1991: 165.

⁵⁶ Aldrette and Mattingly, 1999: 173.

ebbed and flowed during the year.⁵⁷ Shaw and Tedesco place special emphasis on the urban landless as a major source of wage workers, and it can be inferred in their work that they might consider them to amount up to a third of the total workforce.⁵⁸

This section will argue that the urban landless tended to be a minority in the for-hire harvest workers, and that their total contribution to the workforce would have fluctuated and been rather unstable. It will arrive at this conclusion by acknowledging that the flow of population from the city to the countryside not only could have been matched by a reverse flow from the countryside to the urban world, but also was hampered by the urban world's own need for seasonal labour.⁵⁹ As will be seen, urban populations did not have much opportunity of going to find work in the harvest. Even in those major cities, where artisans experienced a yearly demand cycle that might have slumped during the months of the harvest,⁶⁰ this section will argue that, if they resided in one of these major cities, they did not have to join the harvest gangs for additional income on a lull period for their employment or professional practice, but rather could have found work in the, urban mass-employing sectors, which were also seasonal and which will be explored below.⁶¹

First, we will look at the urban mass employment sectors of casual non-specialised labour (construction and dock work) and determine its seasonal cycle of activity. Following that we will assess population size, continual presence of reliable urban mass employment sectors, and presence of urban employment besides the mass employment sectors (and agricultural work), for Late Antique North African cities. This will allow us to determine the presence and

⁵⁷ See Section 5.2.1.

⁵⁸ Shaw, 2013: 31-32. After stating that "in Roman antiquity, the different sources of such seasonal labour parallel what is known from comparable circumstances in modern-day Europe and the Americas" he introduces Donald Lescohier's work on 1920s American itinerant harvest workers, where the figure of a third of the workforce coming from the urban population comes from. Lescohier's sources of labour (rural population needing extra income, urban population, and itinerant unspecialised jobhunters) seem to mirror Shaw's proposed sources for North Africa (highlands population, urban population, transhumant nomads). However, despite seeming to build towards this conclusion, Shaw never explicitly states that a third of the workforce in Roman North Africa came from an urban environment. The 'one-third' approximation appears in Tedesco, 2018: 413, but attributed to Shaw, 2013: 93, but in there he is referring not to a percentage of urban workers, but to a minimal percentage of labour organised in contractor-led harvesting gangs for the grain harvest.

⁵⁹ Holleran, 2012: 36-37; Erdkamp, 2016: 33-49.

⁶⁰ Erdkamp, 2008: 427-429; Hawkins, 2016: 32-49.

⁶¹ See Section 5.2.1.

temporal distribution of seasonal urban work, and whether the rhythm of small and big cities allowed for its landless inhabitants to participate in casual harvesting labour.

Before beginning, a specific methodological caveat present in this section must be made clear. It is important to note that most of the literature cited in this section is centred in the Late-Republican to Early Imperial city of Rome. However, among Roman cities, Rome, due to its size and importance, constituted an exceptional city and might not be representative of cities in North Africa. Therefore, this section will attempt to clarify whether the parameters literature attributes to the city of Rome were also the case in Late Antique North Africa.

5.2.1. The urban mass-employing sectors of casual labour: construction and dock work

Two sectors stand as urban mass employment sectors of labour, who could have provided for a substantial demand of labour: construction and dock work.⁶² Both sectors require large quantities of labour, both specialised and unspecialised. As we will see, both are highly seasonal. To evaluate their impact on the supply of for-hire harvesters coming from the cities, we will assess the seasonality of both sectors and their presence and importance in Late Antique North African cities. This will allow us to determine whether the rhythms of labour demand in urban and rural spaces would have allowed for a considerable seasonal exodus from the city to the fields to work in the harvest.

5.2.1.1. Construction

The construction sector appears to have been highly seasonal, which can be inferred through the remark of Frontinus on aqueduct construction and repairs:⁶³

The suitable time for masonry work is from April 1 to November 1, but with this restriction, that the work would be best interrupted during the hottest part of the summer, because moderate weather is necessary for the masonry properly to absorb the mortar, and to solidify into one compact mass; for excessive heat of the sun is no less destructive than frost to masonry.

⁶² Brunt, 1980; Erdkamp, 2016.

⁶³ Frontinus. *De Aquis Urbis Romae*. 2.123. Trans.: Loeb. *Idoneum structurae tempus est a Kalendis Aprilibus in Kalendas Novembres ita ut optimum sit intermittere eam partem aestatis quae nimiis caloribus incandescit, quia temperamento caeli opus est, ut ex commodo structura combibat et in unitatem corroboretur; non minus autem sol acrior quam gelatio praecipit materiam*. See also Delaine, 1997: 183; Bernard, 2017: 64.

The seasonality of construction means that there was no need for monumental building projects in order to create a healthy seasonal demand for labour. If construction had not been a seasonal endeavour, the demand for labour that would have been spread over the year, but instead it was concentrated in a specific season.⁶⁴ Although construction could require a specialised workforce, unspecialised posts were also available for workers that might have come from the surrounding countryside.⁶⁵ It would be appropriate now trying to delimit the ‘building season’ in North Africa. Given that the North African climate has not meaningfully changed in the past millennia,⁶⁶ the hottest months of the summer in North Africa (where construction, therefore, should be avoided) would be July and August, where temperatures in the past 50 years have ranged between 23-33 degrees Celsius. June averages between 20-30 degrees.⁶⁷ It is inferable, thus, that, should constructors of North Africa have heeded Frontinus’ advice, most construction would have taken place from April to late June and September to November.

A comparison of these dates with the calendar range of the harvest season is warranted. The harvest season in contemporary North Africa takes place in the following months:⁶⁸

Algeria	Barley	31 st May – 10 th of July
	Wheat	31 st of May – 10 th of July
Libya	Barley	10 th of April – 31 st of May
	Wheat (FAO)	10 th of May – 30 th of June
Tunisia	Barley	10 th of May – 30 th of June
	Wheat	10 th of May – 30 th of June

Table 6. Timeframe of the harvests of grains in modern Algeria, Libya and Tunisia

Therefore, assuming that the harvest season’s timing has not been altered through time, the harvest season in North Africa could be said to take place in the following timeframe: east of Proconsularis it would span from the 10th of April to the 30th of June, in the area of

⁶⁴ Although some monumental construction seems to have persisted to Late Antiquity, see Sears, 2013: 143.

⁶⁵ DeLaine, 1997: 196-197; Bernard, 2017: 65, 67.

⁶⁶ Fentress, 1979: 10; Mattingly, 1995: 7-11, 13.

⁶⁷ National Intelligence Council, 2009: 10-11.

⁶⁸ Dimou; Meroni and Rembold, 2018. Complemented where indicated with data from the FAO Crop Calendar (2011).

Proconsularis from the 10th of May to the 30th of June, and west of the Proconsularis from the 31st of May to the 10th of July.⁶⁹

This means that the first 'construction season' (April – late June) coincided at least partially with the North African grain harvest. Thus, labour recruiters for construction projects and for harvest recruitment would have had to compete with each other, which might have driven wages up from what was customary. This means that an urban worker seeking supplementary pay would not have had to make the trip to the countryside, but rather could have found employment in their town or city as a builder. Even if we assumed a notable enough discrepancy in wage rates between country and city, with lower urban wages compared to rural harvesting wages,⁷⁰ the risk factor must be considered. By staying local, the urban worker could avoid the risks inherent in mobility through the countryside and when making the decision on whether to stay or leave, he could have held much better information of the current state of the urban labour market than the rural labour market.

5.2.1.2. Dock work

The needs of the harbours provided, collectively, another mass employment sector of labour in coastal urban contexts which operated seasonally, with the potential to employ thousands of people as sailors, porters or stevedores.⁷¹ North Africa exported many products, as attested by the findings of African red slip-ware all over the Mediterranean, and as such maintained a number of busy harbours during the Late Antique period.⁷² The activity in harbours was seasonal insomuch as the agricultural products shipped were also produced seasonally and there was a general avoidance of sailing between November and March.⁷³ Even if harbours were to be operative for the whole year, they would have had no or less need for additional

⁶⁹ See also Shaw, 2013: 69-70 for a slightly different timeframe.

⁷⁰ A position taken in Holleran, 2011: 173. See Erdkamp, 2016: 37 for a response arguing that wages need not be high to attract underemployed peasants from the countryside.

⁷¹ Brunt, 1980: 94-96; Aldrette and Mattingly, 1999: 180-181, 197, 202; Erdkamp, 2008: 428.

⁷² Stone, 2014: 590-594; Hobson, 2015a: 207-233. For previous times see Aldrette and Mattingly, 1999: 202.

⁷³ Brunt, 1980: 93; Aldrette and Mattingly, 1999: 201; McCormick, 2002: 98; Erdkamp, 2008: 428; 2016: 40-41; Hawkins, 2016: 33-34. But also see Leidwanger, 2020: 63-67 for a view that harbours were less seasonal than literary sources depict them, due to reduced rather than stopped winter trade operations and activities such as tuna fishing carried out in the winter. However, even if a winter lull in activity were discarded, the seasonality of the crops needing to be shipped would still mean a significant increase of activity in the summer and potentially autumn, which might have required additional labour.

labour during winter.⁷⁴ Tacitus mentioned that a severe winter was responsible for the lack of shipments of grain from Africa to Rome during Vespasian's reign, to the point where the populace thought that the African governor, Lucius Piso, had revolted.⁷⁵ The *Codex Theodosianus* ordered that surcharges of 2.5% of the merchandise's value be paid for shipping by sea during the winter to deter dangerous winter sailing and shipwrecks.⁷⁶ A specific case of the dangers of sailing the Mediterranean during the winter is found in Paulinus of Nola:⁷⁷

Last winter in Sardinia, in company with other shipowners, he was compelled to make his ship available to take on grain to be transported to the granaries of the imperial treasury, and under pressure from the state authorities he ordered his laden vessel to set sail before the summer weather, not waiting for the time when the regular supplies were sent. He told me how immediately a storm arose on the sea off Sardinia, hurling back from the course they had set and breaking on the shore a fleet of many ships which had rashly put out from the harbour.

Due to the seasonality of trade harbours would have varying demands for labour during the year. The busiest time in the North African harbours would have fallen between the 13th of April and 15th of October according to a rescript of Gratian to the shipowners of Africa preserved in the *Codex Theodosianus*. Thus, the beginning of the shipping season, when the harbours would be most active, coincided with the harvest season:⁷⁸

	January	February	March	April	May	June	July	August	September	October	November	December
Harvest (Grains) East												
Harvest (Grains) Center												
Harvest (Grains) West												
Harvest (Olives)												
Harvest (Grapes)												
Construction												
Shipping												

Table 7. Seasonal activity in the harvests, the construction sector and shipping in Roman North Africa.

⁷⁴ Aside from, perhaps, maintenance tasks that could not be carried out while the port is active.

⁷⁵ Tacitus. *Historiarum*. 4.38.

⁷⁶ *C. Th.* 13.9.3.2.

⁷⁷ Paulinus of Nola. *Ep.* 49.1. Trans.: Walsh, 1967. *Hieme superiore compulsus in Sardinia cum ceteris quippe nauiculariis inuehendas fiscalibus horreis fruges ministerio propriae nauis accipere, non expectato tempore soliti commeatus ante aestiuam temperiem onustum nauigium ui publica urgente dimisit. Ilico, ut mihi retulit, in proximo freto exorta tempestas temere de portu solutam multarum nauium classem a cursibus destinatis retorsit et fregit in litore.*

⁷⁸ *C. Th.* 13.9.3.3.

The main urban mass employment sectors of labour, construction and shipping, were seasonal endeavours that totally or partially coincided with the harvest of grains and grapes.⁷⁹ It is thus unclear where the balance rests in these population movements between the countryside and urban sites.⁸⁰ Given the ample opportunities for urban employment during the harvest time, it is unlikely more people made the trip from the urban world to the countryside looking for employment in the harvest or from the countryside to the urban world, or if it varied according to external conditions (bad harvests, demographic changes, etc.) or regionality. Because urban landless labour had easy and less risky access to employment opportunities alternative to harvest work, they were unlikely to be the bulwark of the labour force for the harvest, at least theoretically.

5.2.2. The North African cities

So far, the general characteristics of the categories of urban largescale labour in Roman cities have been examined, and I have reached the conclusion that they displayed a seasonal cycle that presents peak demands for labour in the same months as the harvest. In this section we will explore the presence and dynamics of these mass employment sectors in North Africa to try to gauge their impact and their potential to recruit seasonal labour.

5.2.2.1. Population

Calculating the population of ancient cities is not an exact science and is fraught with methodological complications.⁸¹ It is not the purpose of this subsection to provide specific numbers of inhabitants in the major cities of North Africa. Rather, it will establish which cities in North Africa were demographically positioned so that a segment of their sub-elite urban population could have lived without tending any agricultural fields outside of doing casual

⁷⁹ For additional literature on seasonality of construction and dock work see Hawkins, 2016: 33-35.

⁸⁰ Erdkamp considers that, whether at least in 2nd century BCE Italy or, potentially, during the entire Roman period, it was the rural population who might have flocked the cities in the summer searching for work, and not vice versa. See Erdkamp, 2008: 429-431.

⁸¹ Wilson, 2011: 170.

harvest work.⁸² For the urban landless population to make up a significant component of the seasonal offer of wage labour throughout North Africa, there is a need for major cities throughout the territory, and this subsection will conclude that this was the case.

A method to get a rough population for a specific city has been proposed by Andrew Wilson in which the walled area of a city is multiplied by an estimation of household capacity given the archaeological findings in each city and comparative evidence from other Roman cities.⁸³ This method has, of course, shortcomings, as it does not account for extra-mural populations, chronological variability, increases in population density, and non-permanent or changing housing arrangements.⁸⁴ However, for the purpose of this section, that is, to find out if there were enough cities with enough population to have a segment of population devoted year-round to landless urban labour (as opposed to surmising total numbers), this method at least can provide rough estimations. Using this method, Wilson concluded that in the mid-2nd century approximately 53 North African cities surpassed 5,000 inhabitants, with only six of them (Carthage, Leptis Magna, Hadrumetum, Thysdrus, Caesarea and Cirta Constantina) surpassing 25,000 inhabitants.⁸⁵

Of course, these rough quantities are for the 2nd century and need to be recalibrated to fit the situation of the 4th and 5th centuries, which had its own demographic-shaping factors compared to previous times. One of the main problems with this methodology is the lack of new wall circuits in North African cities in the 4th and early 5th centuries and even the destruction of old ones.⁸⁶ Using Late Antique cemeteries, which by law ought to have been outside the walls, as substitutes for a set of walls can be problematic in delimitating the cities, as saints may be starting to be buried inside churches, creating a shift from burial outside the walls to burial inside the walls (although this will be more frequent after the 5th century).⁸⁷ However, the fact that North Africa was mostly untouched by the invasions and civil wars of the 3rd century, the continued use or construction of baths and entertainment facilities and

⁸² The fact that one lives in an urban settlement does not preclude year-round involvement in agriculture. See Morley, 2011: 150-153. See also Stone et alii, 2011: 191-198 for rural activity in the proximity of Leptiminus.

⁸³ Wilson, 2011: 170-176.

⁸⁴ Sears, 2016: 23 for the possibility of shrinkage of urban area being paired with an increase in population density.

⁸⁵ Wilson, 2011: 183-184.

⁸⁶ Sears, 2016: 84-85, 120.

⁸⁷ Leone, 2007c: 168-169; Sears, 2016: 21.

the increase in elite housing seems to point to a certain continuity in urban life, and possibly in the size of urban population up to a certain point.⁸⁸ Thus, Wilson's numbers for the second century may still be mostly adequate for Late Antique North Africa prior to the Vandal invasion (and could even be underestimations).

The question that needs now to be answered is how many inhabitants a city roughly needs so as to feature a considerable segment of its population (that is, one that through its size and impact it formed part of the economic backbone of the city) that devotes itself to year-round urban labour rather than agriculture. Wilson estimated the threshold was around 5,000 people from the results of studies on other more modern periods.⁸⁹ But even if that were the case, how can the proportion of urban workers in a city be determined? Some of that population (even sub-elite) would have been too well off to do harvest work (lawyers and merchants for example). Therefore, we will limit our survey of mass employment sectors to the major cities of North Africa, those with approximately 25,000 inhabitants or more, which would have certainly had a considerable proportion of urban workers.

5.2.2.2. Presence of mass employment sectors in the major North African Late Antique cities.

In this subsection we will analyse whether urban mass employment sectors were present in major North African cities (that is, those that could have exceeded 25,000 inhabitants) during Late Antiquity.

Extant inscriptions provide us with evidence for numerous construction projects in the major North African cities.⁹⁰ Through the inscriptions we can glean a programme of public works for Carthage throughout Late Antiquity, which is not surprising as Carthage remained an important city in the context of the Roman Empire after the 3rd century.⁹¹ In fact, the 4th century was one of the busiest periods for the Roman construction sector in Carthage.⁹² Building projects in Carthage include restoration projects for the city after the rebellion of

⁸⁸ Leone, 2007a: 45-65, 82-96; Sears, 2016: 85-92; Underwood, 2019: 28-29, 180-181. Although the polarisation of wealth and enrichment of the local elites makes the commission of public buildings a less reliable indicator of the growth of a city (see Hobson, 2015b: 153-160), nonetheless it indicates continuity of urban life.

⁸⁹ Wilson, 2011: 180-181, esp. n.29.

⁹⁰ For a comprehensive list see Leone, 2007a: 90-93, 118-124.

⁹¹ Ausonius. *Ordo Urbium Nobilium*. 2-3.

⁹² Sears, 2016: 37.

Domitius Alexander, the construction of new baths or the restoration of old ones (317-318, 340-350 and 388-392), the restoration of Cybele's temple (331-333), a new water reservoir (361), the repair of roads, the construction of numerous Christian churches and new walls (425), among other indeterminate public building projects that can be gleaned from incomplete inscriptions.⁹³ Furthermore, new suburbs were developed in the north-west and south of the city in this period.⁹⁴ Lepcis Magna also displays a programme of public works such as the restoration of the forum's basilica (324-326), the restoration of the theatre (340-350), construction of new walls (355-363), and the restoration of the forum, the Ulpian Basilica, the curia, and Hadrian's baths.⁹⁵ Hadrumetum, Thysdrus and Caesarea also had its baths restored in the 4th century.⁹⁶ In addition, Caesarea converted its theatre into a small amphitheatre.⁹⁷ Finally, Cirta Constantina saw the construction of a new basilica (362-363), construction works on a temple and improvements in the canalisation of water including a new aqueduct (388-392).⁹⁸ These projects would have been complemented, given the size and population of these cities in Late Antiquity, by the building of basilicas and smaller private projects, unattested in the epigraphic sources, that could have been more constant, together with potentially unknown major projects.⁹⁹ And all these aforementioned projects would have spurred demand for construction materials, the extraction and processing of which would have required employing labour.

Contrary to the depictions in literary sources of the North African coast as 'port-less', the reliance of the western part of the Late Roman Empire on the North African *annona* required the presence of important harbours from which this supply could be shipped.¹⁰⁰ Indeed, the major cities which were in the coast had harbours which could have acted as mass employment sectors of unspecialised labour. The port of Carthage was important, and during Late Antiquity it was still very active, with new warehouses being built between 360 and 380.¹⁰¹ When, between the 4th and 6th centuries, the port of Lepcis Magna began

⁹³ Lepelley, 1981: 13-17; Ennabli, 1997: 147-150; Sears, 2016: 38-45.

⁹⁴ Sears, 2016: 40-41.

⁹⁵ Lepelley, 1981: 337-341; Sears, 2016: 71-72.

⁹⁶ Lepelley, 1981: 262, 321, 514.

⁹⁷ Lepelley, 1981: 515.

⁹⁸ Lepelley, 1981: 385-389.

⁹⁹ Leone, 2007a: 45-52, 60-66, 111-116 for a survey of private constructions in the period.

¹⁰⁰ Stone, 2014: 567-569. Also see Raven, 1993: 70-72.

¹⁰¹ Sears, 2016: 41.

accumulating sediments, putting in peril the ability of the port to function, structures were built to stop or delay the process, implying that there was an interest in keeping the port usable, and remained in some use up to the Byzantine period after Belisarius took Africa.¹⁰² A Late Roman funerary inscription in Hadrumetum commemorates one of the city's *navicularii*, meaning it had an operating port.¹⁰³ The activity in this port is also depicted in a mosaic from the first half of the 3rd century, showing stevedores unloading a ship.¹⁰⁴ Although a late 4th – early 5th century itinerary, the *Stadiasmus Mari Magni*, calls it “harbourless” (ἀλίμενος, *alimenos*)¹⁰⁵ what this might mean is that it is a port that lacks harbour structures. Indeed, the undocking procedure shown in the stevedores’ mosaic, takes place on the shallow coast instead of a dock, meaning that port activities could take place even when the city lacked an operative harbour structure.¹⁰⁶

Therefore, it is likely that the urban mass employment sectors were active in the biggest cities of North Africa during Late Antiquity. This means that these bigger cities would have seen a craftsmanship sector composed of potters, woodworkers, toolmakers, among others, spring up around these mass employment sectors, with a peak season in the summer. In turn, there was a considerable segment of workers that, although looking for seasonal work in the summer, would not have gone to the fields to become for-hire harvesters. Rather, they would primarily have found employment in the urban mass employment sectors.

5.2.2.3. *The dynamics of seasonal labour in major North African cities*

The presence of mass employment sectors in the major North African cities had consequential effects on its hinterland. When the summer came, the seasonal workers living around these major cities, whether living on urban or rural spaces, could have employment choices.¹⁰⁷ This means that the closer one lived to a major North African city, the more competition between sectors for workers. This is especially clear if we consider that the mass employment sectors might not only created a demand for seasonal labour by themselves but could also have

¹⁰² Bartoccini, 1958: 20; Beltrame, 2012.

¹⁰³ *ILAfr.* 60.

¹⁰⁴ Dunbabin, 1978: pl. XLVII.121. For commentary see in the same, p.126-127.

¹⁰⁵ *Stadiasmus sive Periplus Maris Magni.* 116.

¹⁰⁶ Stone, 2014: 579-580; Nakas, 2022: 42-44. The same is possibly shown in a Sousse mosaic (Friedman, 2011: fig.4.28).

¹⁰⁷ Erdkamp, 2008: 429-430.

attracted artisans and trades with a highly seasonal activity that coincided with the seasonality of the mass employment sectors.

Other craftsmen, more detached from the mass employment sectors, might have had a different seasonal cycle. One factor that may have favoured a potential participation of urban craftsmen and employees in the grain harvest is that the summer season may have been a lull season for those artisans working on products geared towards an elite population (jewellers, textile workers, wood joiners, etc.), as well for the auxiliary shop workers selling those products, as the downturn of public business during the summer might have allowed the elite population to retreat from the city to, potentially, supervise their estates.¹⁰⁸ The climate of Carthage, Roman North Africa's most populous city, may have favoured leaving the city in the summer months, both Augustine and Cyprian made note of the sickly airs and the profusion of illnesses that seem to have characterised Carthage's summer.¹⁰⁹ A similar situation seems to also be the case for Late Antique Rome, analysis of inscriptions detailing month of death seem to show heightened mortality during the summer (although it was affected by the presence of endemic malaria, which may not had been as present in Carthage).¹¹⁰ When making the choice between finding casual employment in the city or on the harvest, some might have preferred to leave Carthage in the summer. The bigger cities of North Africa such as Carthage would probably have had enough elite population that this summer exodus was noticeable for a segment of the artisans and craftsmen living and working there, although it is unclear how much this would have affected a standard North African city. There are indications, however, that noticeable elite presence in urban retail was not only a phenomenon unique to Carthage .¹¹¹ Therefore, although most workers could have remained in the city, where they had better information on the demand for seasonal employment, sometimes they could have opted to go and work on the grain harvest.

¹⁰⁸ Holleran, 2012: 35-36; Hawkins, 2016: 38-42.

¹⁰⁹ Aug. *Ep.* 126.4; Cyprian. *Ep.* 18.1; Shaw, 1996: 130-131.

¹¹⁰ Harper, 2015.

¹¹¹ See the the beautification of elite housing in Cuicul and the high-grade pottery found in Hadrumetum : Foucher, 1964: 322-323; Lepelley, 1981: 403; Hawkins, 2016: 47-49. In general, on the funerary remains of artisans dependant on elite population see Brown, 2012: 37-38.

5.2.3. Two different beats

The chief factor driving urban seasonality tended to be the peaks and lulls of activity in urban mass employment sectors due to the weather, which hindered or facilitated certain labour activities around construction and docking. The period of peak craft demand might have been the summer season, which would have restricted these urban craftsmen and employees from participating in the harvest. Therefore, urban mass employment sectors not only could have directly employed segments of urban population who found themselves underemployed during the summer, but also generated demand for products made by craftsmen and artisans in that season, increasing the general demand of urban labour during the summer. Therefore, it is possible only a minority of urban craftsmen, tradesmen and employees would be available to work in the grain or grape harvest, and that there was a high volatility and unpredictability in how many were available in each harvest season, depending on the presence and activity of urban mass employment sectors.

In the case of smaller cities, the lack of a port or of a constant construction effort might have meant that there was less demand for craftsmen, and therefore made it more likely for the few craftsmen there to find supplementary work in the grain harvest, especially if harvesting wages were higher than any income they could have made in the city. But at the same time, if their professional activity was not conditioned by the seasons, they would not have had a lull period in the summer and could have expected (or must have had to procure) regular activity in their craft throughout the year. This would lessen their willingness to go over to the fields and work seasonally as harvesters.

A completely different situation arose regarding the olive and grape harvest, especially the former one. During the olive harvesting season those craftsmen employed in an activity dependent on the mass employment sectors of labour (amphora makers, sailors, brickmakers, etc), could have been experiencing a lull period due to the lack of activity.¹¹² Here it is interesting to analyse the ancient evidence Shaw brings to the fore in his book to justify the movement from cities and towns to the countryside for the harvest. One of the sources, from Egypt, *P. Brem.* 54, a letter from a certain Kastor to Apollonios dated in the 2nd century, unambiguously refers to the grain harvest. Kastor promises to return to their village

¹¹² See Section 5.2.1.

for a judicial procedure after the harvest, using the word *θερισμοῦ* (*zerismou*) which denotes the reaping or mowing of grain.¹¹³ But this is an individual worker, who could have been an outlier. In the other two sources that Shaw cites it is not clear that people are moving from the cities and villages for the grain harvest. One of these sources is a fragment from the Syriac chronicle of Pseudo-Joshua the Stylite (written around the early 6th century) where King Kavad of Persia takes a large amount of captives from the villages around Edessa because “it was the vintage season, when not only the villagers, but also many Harranites and Edessenes, had gone out for the vintage, and were [thus] taken captive”.¹¹⁴ The vintage took place at a later date than the grain harvest, past the expected peak hiring season for the urban mass employment sectors.

The other source comes from the 3rd-century Heroninos Archive, it is a letter from Appianus to Heroninos where the former sends a hundred drachmas to the latter to hire labour for the plucking of hay. However, the origin of these workers is not explicit, and there is no indication they came from a city.¹¹⁵ If the sources from the Ptolemaic period are of any use, the movement of workers from city or village to the fields is better documented for the planting of vines and olive trees, and the collection of flax, than the grain harvest.¹¹⁶ The content of these (admittedly scant) sources seems to point towards the urban population being more able to participate in the olive and grape harvest than the grain harvest. Because people from urban settings with mass employment sectors had a better chance to get casual labour in the summer than in the autumn/winter, this would have allowed them to participate in greater number in the olive and grape harvests and hampered their participation in the grain harvest.

There is also the issue of the location of olive cultivation. Olive cultivation was concentrated in specific areas such as the Carthaginian hinterland, the region around Dougga, the western part of Byzacena, around Kasserine and Numidia.¹¹⁷ These areas (together with Tripolitania)

¹¹³ For uses of *θερισμος* for the grain harvest see Xenophon. *Οἰκονομικός*. 18.3; *P. Flor.* 1.101; Matthew 13:30.

¹¹⁴ Pseudo-Joshua the Stylite. *Chronica*. 52. Trans.: Trombley and Watt, 2000. Text from the CSCO Latin edition: *Ratio ob quam tantus populus inveniretur in pagis fuit tempus messis; et non solum vicani exierant in messem, sed multi Harranenses et Edesseni exierant et captive faeti sunt*. Although the CSCO uses *messis*, a generic word for harvest, the fact that these events are alleged to have happened on a 26th of November indicates a vintage or olive harvest rather than a grain harvest. For the Syriac text one can consult the edition of W. Wright published by Cambridge University Press in 1882.

¹¹⁵ *P. Flor.* 2.180.

¹¹⁶ Braunert, 1964: 44-45. Shaw also seems to acknowledge this in Shaw, 2013: 329 n.132.

¹¹⁷ See Chapter 4, n.10.

were the ones where some of the bigger cities in North Africa (Carthage, Hadrumetum and Thysdrus), and were densely populated.¹¹⁸ This geographical concentration would make it convenient for the urban populations to participate in the olive and grape harvest instead of the grain harvest, not only was it better for them due to the seasonal cycle of employment in the cities, but it meant less need to move to find employment.

In conclusion, the willingness of urban landless populations to go grain-harvesting for wages in the summer was conditional on the availability of seasonal urban employment and the specific occupation of these workers. In general, the supply of urban workers for this harvest ought to have been, for the most part, too unpredictable to rely upon. If landowners and *ductores* could rely year after year in having enough people wanting to be hired for the grain harvest, they would not need to depend on urban labour. The olive and grape harvest could have had much more urban labour available, but in some localities, they would have to compete with underemployed grain farmers for a lesser demand of labour.

5.3. Pastoralism and Beyond the Empire's Frontiers

The southern fringes of the North African provinces were a frontier land, in the *limes* of the Empire. Despite the harsh Saharan climatological conditions, the pre-desert lands were the home of populations that engaged in trade and exchange with the Roman Empire.¹¹⁹ These populations, mobile and transhumant, could have contributed to the labour gangs when they moved from the Sahara northwards searching for pastures for their cattle to spend the summer in.¹²⁰

5.3.1. Transhumancy in the frontier

In Late Antiquity it can be expected that there would be groups living by the tending of cattle, inside the Empire and outside of it. The problem that is faced in characterising and identifying these groups is that the authors of literary sources on these pastoral populations tend to either have written in the Late Republic (Sallust, Tacitus) or after the downfall of the Vandal

¹¹⁸ See Section 5.2.2 and Shaw, 2013: 31-32.

¹¹⁹ For a recent brief overview see Wilson, 2017.

¹²⁰ Mattingly, 1988a: 51-52; Wilson, 2012b: 414-415; Shaw, 2013: 32. See section 5.3.1 for discussion.

kingdom (Corippus, Procopius). These sources are also often unreliable and based more on *topoi* than a direct reference to reality, opting to present these people as roving nomads, when they could have been mostly settled peoples practicing agriculture.¹²¹ In the 1970s and 1980s there was much debate on whether these communities could practice nomadic pastoralism as they did ancestrally or were forcibly settled to harness their personpower, the debate seems to have culminated with an acknowledgment that both propositions are true, and that some pastoralism persisted whereas some populations settled.¹²² Not only was there a settlement process, but agriculture in the regions around the Roman *limes* could have even preceded the Roman and Carthaginian periods.¹²³ There is thus a large gap both chronologically and thematically on the written historical record on these groups.¹²⁴

Rather than roaming bands of transhumant pastoralists, some groups beyond the *limes* of the empire practiced agriculture in combination with pastoralism.¹²⁵ One example of a sedentary group beyond the Roman frontier is the Garamantes. The Garamantian kingdom stood in the Sahara between the first millennium BCE to the 5th century CE.¹²⁶ There was intense trading activity in the region, and archaeological excavations have found considerable amounts of Punic, Roman and Egyptian material and even constructions that draw elements from Greco-Roman styles of architecture.¹²⁷ They were not a transhumant population, as they practiced agriculture extensively and even cultivated cash crops for exchange, such as cotton, especially in later times.¹²⁸ The presence of routes of exchange between the Roman territory and Garamantian territory could have favoured participation in the Garamantes as hired harvesters, but their sedentary agricultural economy also means that the Garamantian population would be subject to similar constraints as to the Roman rural population when it came to participating in for-hire harvest work. However, living further to the South might have allowed them to perform their own harvests earlier and then move northwards where the

¹²¹ Whittaker, 1978: 335-336; Leveau, 1984: 180-181; Mattingly, 1995: 37-38; Mattingly et alii, 2013a: 48. For the perspective of ancient sources on pastoralism see Shaw, 1995: VII, 25-46; Wilson, 2012b: 420-427.

¹²² Fentress, 1979: 24-28, 180-187; Hitchner, 1994: 27.

¹²³ Fentress, 1979: 24-26; Leveau, 1988: 181-182.

¹²⁴ A catalogue of the different non-Roman groups of the North African frontier in Late Antiquity would exceed the scope of this thesis. See Mattingly, 1995: 25-37, 173-176 for those close to Tripolitania.

¹²⁵ Mattingly, 1995: 37-38.

¹²⁶ Pelling, 2005: 397-398; Gatto and Mori, 2012: 221; Mattingly et alii, 2013a: 50-52.

¹²⁷ Mattingly, 2002: 196-197; Mattingly, 2003: 165; Pelling, 2005: 398; Mattingly and Wilson, 2010: 528-529; Gatto and Mori, 2012: 226-235; Mattingly et alii, 2013b: 292; Mattingly, Sterry and Thomas, 2013: 515-517; Mattingly, 2013a: 50.

¹²⁸ Mattingly, 2002: 191-192; Pelling, 2005: 404-405.

harvest season would soon begin. It is possible that some Garamantes could have occasionally come up to the harvests of southern Tripolitania, but if it happened it was not due to them being pastoral nomads.

Just like the Garamantians, similar groups in the south of the *limes* could also have practiced pastoralism extensively, but with this economic activity only being a part of their way of life and economy, rather than their sole base of sustenance.¹²⁹ Diodorus in the 1st century BCE wrote that the North African peoples near Egypt were internally divided between sedentary farmers, pastoralists, and bandits.¹³⁰ Although it is too daring, given the Roman bias of written sources on the matter, to think that there was a clear cut between populations devoted exclusively to agriculture and populations devoted exclusively to pastoralism,¹³¹ nonetheless this fragment points towards groups beyond the *limes* exploiting both agriculture and pastoralism, rather than it being a purely pastoralist landscape.

In any case, there is no doubt that some of these populations beyond the *limes* looked to be casually hired in the harvests. In a letter addressed to Augustine from a certain Publicola, who has been argued to be someone from a Punic-speaking background (but could also be someone not very educated)¹³² the sender points to the hiring of “barbarians” in rural contexts:¹³³

Among the Arzuges, so I have heard, the barbarians are accustomed to swear oaths to the decurion who commands the limes, or to the tribune, and they swear by their demons when they conclude engagements to guide transports or to guard the crops. Individual landowners or tenants are in the habit of accepting them as people worthy of trust to guard the crops, when the decurion has sent a letter to them, as are travellers who must cross the region while taking them as guides.

¹²⁹ Mattingly et alii, 2013a: 52-54; Wilson, 2017: 617. On general Roman trade across the *limes* see Whittaker, 1983: 114-116.

¹³⁰ Diodorus Siculus. *Βιβλιοθήκη Ἱστορική*. 3.49.

¹³¹ See n.128.

¹³² See Parsons, 1951: 220, n.1 where she notes that “The writer is evidently one whose native language is not Latin. He handles the language awkwardly, constructs his sentences clumsily, and moves uneasily within the circle of a restricted vocabulary.”

¹³³ Aug. Ep. 46.1. Trans.: Wilson, 2012b: 415. *In Arzugibus, ut audiui, decurioni, qui limiti praeest, uel tribuno solent iurare barbari iurarites per daemones suos. qui ad deducendas bastagas pacti fuerint uel aliqui ad seruandas fruges ipsas, singuli possessores uel conductores solent ad custodiendas fruges suscipere quasi iam fideles epistulam decurione mittente uel singuli transeuntes, quibus necesse est per ipsos trausire.*

But pastoralism was not only practiced by non-Roman groups. The Empire's economy encouraged landowners to invest in not only oil but also cattle.¹³⁴ Pastoral products such as wool, cloth, animals, or leather, among others, were profitable and those landowners who owned pastureland would certainly have made use of the opportunity not only to allow transhumant shepherds to use their land for a fee (and for the sheep's manure, a potent fertiliser), but also to have cattle themselves and directly profit.¹³⁵ The listing of pastoral products in the early 3rd-century Zarái tariff shows that pastoralism was an important part of the economy in the region.¹³⁶ These 'internal' shepherds could also have been part of the contingent of pastoralists looking for work in the harvest, but the scale of their contribution, just like their non-Roman counterparts, is difficult to assess.

5.3.2. A question of reach

Although the participation of the transhumant communities inside and beyond the Roman *limes* in the harvest is nearly certain, there is still the remaining issue of what was the size and geographical scope of such contribution. The *limes* was not an impenetrable fortress, but it did its job of regulating access into Roman territory as has been seen by the Arzuges having to swear in front of the garrison's commander to gain entry.¹³⁷ This means that it would have been difficult for a considerable number of able-bodied people to enter the frontier without alarming a garrison or their entry being stopped, even if they only wanted to find work in the harvest.

Some have argued that the *clausurae* and the 'defensive' constructions around the *limes* was to control and regulate the transhumant population when they came to their summer pastures and to earn wages in the harvest.¹³⁸ However, this would mean that imperial authorities were the ones that were interested in regulating the entry of harvest labour, which seems unlikely.¹³⁹ Rather, the fortified passes had not only to do with regulating the number of people coming in but also with making sure that those that crossed the *limes* paid

¹³⁴ Hitchner, 1994: 38-40.

¹³⁵ Fentress, 1979: 185-186.

¹³⁶ *CIL* 8, 4508; see Fentress, 2015: 325-331.

¹³⁷ *Aug. Ep.* 46.1; Whittaker, 1983: 112; Cherry, 1998: 33-35; Mattingly et alii, 2013a: 30.

¹³⁸ Whittaker, 1997: 147-148; Mattingly et alii, 2013a: 44.

¹³⁹ Elton, 1996: 103; Cherry, 1998: 59.

a toll according to their cargo and whether they were accompanied by animals.¹⁴⁰ The objective of *limes* structures was to control entry, but this fact alone cannot be used to argue for a high volume of population entering (or wanting to enter) Roman territory to work for wages, as it was consistent movement (rather than large-scale movement) through the *limes* that encouraged the imperial administration to be present there in order to raise revenue. Furthermore, because those that crossed the *limes* did so to change pastures, the need to tend the cattle might have hampered their capacity to work on harvests. The proportion of pastoralists that offered their work in the harvest, compared to other sources of labour, could have been consistent and significant, but there is the possibility that it was not considerable. Not only it is difficult to ascertain how important was this source of labour but also where it was important. It might seem that the reach of these populations was quite wide given that a mosaic from Uthina (Africa Proconsularis) depicts what has been called a “Bedouin-style tent” (Figure 4).¹⁴¹ However equating a tent in a mosaic with pastoralist populations is problematic, as Roman mosaics tended to represent non-Roman constructions in a fantastical manner detached from reality.¹⁴² The tent in the Uthina mosaic is similar to some reconstructions of tents in the Roman army (Figure 5).¹⁴³ Although most representations of military tents display taller wall panels than this representation, a viewer of the mosaic could have interpreted it as a tent used by the workers, without associating it with the populations beyond the *limes*.¹⁴⁴ Even if this were to be a representation of a tent of populations beyond the Roman *limes*, the focus of the mosaic on cattle and hunting, does not tie these pastoralist populations to the harvest, but to the cattle they herded.¹⁴⁵ The sum of workers in southern Numidia could have had a strong component of these Saharan shepherds, yet it is difficult to think they could have moved further north to the Proconsularis if they could have found employment closer to the *limes*.

¹⁴⁰ Cherry, 1998: 65-66. See especially the Zarái tariff in *CIL* 8, 4508 for wollen products, animals and others.

¹⁴¹ Garnsey, 1979: 233; for the mosaic see Precheur-Canonge, 1962: pl.1.

¹⁴² Nevett, 2010: 133, 137.

¹⁴³ Fischer, 2019: 211.

¹⁴⁴ For representations of wall-panelled tents: Van Driel-Murray, 1991: 367-372; Bishop and Coulston, 1993: 102-103.

¹⁴⁵ Nevett, 2010: 130.



Figure 3. Fragment of Uthina mosaic (from Prêcheur-Canonge, 1962: pl.1).

Even if large amounts of people were to have crossed the *limes*, they would not have gone much far from the frontier, because there would not be enough justification to travel further north to more populated areas where they would have had to compete with even more local workers. In short, it is unlikely that populations living off transhumant pastoralism would have been a major source of for-hire harvesters, except in southern Numidia, where their presence could have been somewhat significant.

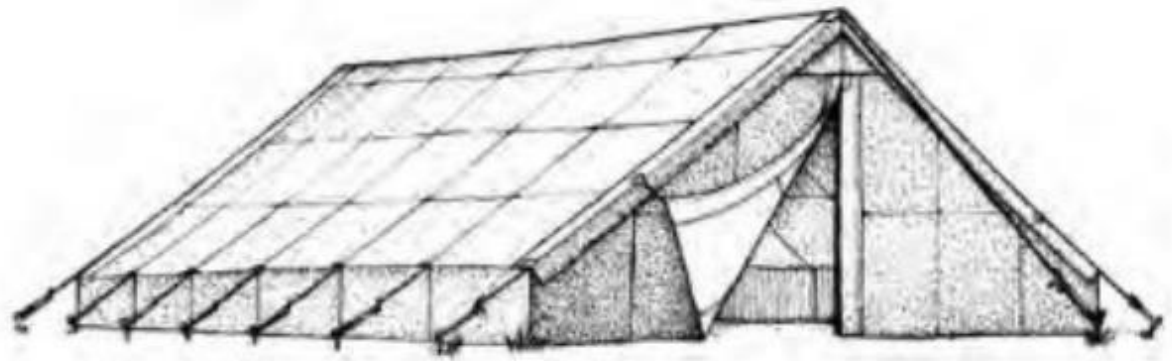


Figure 371 *Leather tent (reconstruction drawing). Drawing: A. Smadi, Arch Institute University of Cologne*

Figure 4. Reconstruction of Roman military tent (from Fischer, 2019: 211)

5.4. Conclusion

Throughout this chapter the unlanded workers that provided casual labour for the harvest in North Africa have been considered. All three sources of such workers (the rural landless, the urban population and the pastoralists) had limiting factors to them providing meaningful amounts of labour. There are few landless people¹⁴⁶ in rural contexts because it is unfeasible to live off casual rural labour alone, the urban population, if they lived near a big city, could also find employment in the docks and in construction during the harvest time, and finally the pastoralists would only be present in considerable numbers in the more southern parts of the Roman territory, whether inside or outside the *limes*. Therefore, it must be concluded that most for-hire harvesters came from the ranks of people whose primary occupation was farming, be it as tenants or as small landowners.¹⁴⁷

My conclusion contrasts with the argument put forward by Brent D. Shaw. Shaw argued that:¹⁴⁸

In Africa seasonal labour was drawn from two basic sources. One was the light but more mobile populations of pastoral nomads. The other was provided by the dense

¹⁴⁶ As defined in this thesis, which excludes tenants and their dependents, see Chapter 4, Section 4.1.

¹⁴⁷ See also Chapter 4.

¹⁴⁸ Shaw, 2013: 70.

centres of population: both the regions of intense urban development in the east, especially the network of towns inland of Carthage and the heavily populated mountain highlands in the west.

It might seem that when Shaw talks about the “dense centres of population” he could be talking both about the landless urban workers and landed farmers who had their fields in those zones. But given what he writes earlier in the book, that does not seem to be the case. In discussing the workers from the dense centres of population, Shaw says that “the denser settlements of the Carthaginian hinterland harboured rural and urban proletariats who needed the additional seasonal employment”.¹⁴⁹ And the people in the western highlands, according to Shaw they were not farmers but shepherds, “there is every reason to believe that the movement of peoples from the highlands down to the plains, taking their animals in search of pastures and themselves in search of work, was not just an early modern or a medieval phenomenon”.¹⁵⁰ Thus, it is inferable that for Shaw most harvesting wage workers were landless people or at least rural population that were not clearly settled.

I hope that, in building the hypothetical profile of wage workers in this chapter and the one preceding it, I have provided enough arguments on why this might not be a very accurate portrayal of these workers. The “rural and urban proletariats” that Shaw speaks of ought to have been quite limited in their participation in the harvest given that the ‘rural proletariat’ (i.e. those living in the countryside with no access to land in property or tenancy) would find it hard to subsist and the urban mass employment sectors of labour provided an alternative employment to the urban proletariat than the harvest.

This has implications when dealing with the reach and mobility of the workforce. In *Bringing in the Sheaves* Shaw conceded that “the majority of harvest labour, one must suspect, worked on local fields and would not be applied much further afield”.¹⁵¹ This is a reasonable conclusion especially if landed workers are assumed to be most of the available labour. But Shaw constantly undercuts this conclusion. He speaks of “annual invasions of large numbers of young men for the purpose of harvesting cereal grains”¹⁵² and that “whatever the specific

¹⁴⁹ Shaw, 2013: 31. This is the only instance of the word ‘proletariat’ in Shaw’s book and is never specifically defined beyond calling them “town and village dwellers”.

¹⁵⁰ Shaw, 2013: 32.

¹⁵¹ Shaw, 2013: 19.

¹⁵² Shaw, 2013: 216-217.

figures that applied in Roman antiquity, there can be no doubt that something on the order of tens of thousands of men must have been on the move each summer to do the reaping".¹⁵³ Shaw probably overestimates the scale of mobile labour, because he underestimates the contribution of landed people to the harvests of others.

One of Shaw's most important contributions to the characterisation of Roman wage labour is his examination of how they were perceived and how they were thought of by the higher strata of society. The wage workers that can be found in Augustine's and Optatus' characterisation of the circumcellions, are those workers on the move with little attachment. They were the workers that landowners feared which drove them to hire them through contractor-led gangs to be able to draw a compensation in case of problems.¹⁵⁴ Shaw is correct in confirming the note-worthy presence of such peoples in the harvest and the threatening aura they carried with them.¹⁵⁵ Probably, these were the people that a landowner would picture if they heard the terms *operarius* or *mercennarius* or *messor*. But they are a minority. This is a case where a small group inside the wider category of harvest workers becomes an 'optical majority'. The characterisation of the landowner of what a wage worker is only applies to the minority of the workforce that instils the most concern and adheres the most to his low regard for wage labour.

In conclusion, the workers causing the most fear and concern in their employers and the people in the villages were an overrepresented minority. Most wage workers lending their labour for the harvest were quite likely local people, who either owned land or had land in lease, and who did not conform to the profile that the elite had of wage workers. However, no matter how local they would have been, their employment could be the source of conflicts that required solutions. In the following chapter we will explore the ways in which disputes arising from the employment of wage labour for the harvest were settled.

¹⁵³ Shaw, 2013: 23.

¹⁵⁴ See Chapter 2, Section 2.4.

¹⁵⁵ See Shaw, 2013: 216-220, 227-233.

CHAPTER 6. Honest Men: The Legal Resolution of Wage Labour Disputes related to the Harvesting Gangs

In Chapter 2, we saw that one of the reasons for the employment of harvesting gangs was to make a single economically solvent individual, the *ductor* or contractor, liable for any problem related to the workforce that may have emerged. The contractor (or worker if instead the landlord or his agent hired individually) would also want guarantees that their employer would not withhold their pay at the end of the harvest or make unfair deductions for alleged breaches. In a moment of the year as important of the harvest, a method to solve disputes emerging from the employment of additional wage labour ought to have existed. This chapter will explore the particulars of the resolution of rural wage labour disputes in Late Antique North Africa.

6.1. A lack of examples for a contentious activity

We have seen that a striking characteristic of Roman law is the little attention it pays to wage labour. In fact, the individual hiring of wage labour often needed to be mediated through leasing legislation in order to provide it with a legal framework:¹

The free man, who is in possession of his own status, can do to himself [whatever] for the worse or for the best, and for that reason he leases his daily and nightly labours.

The only laws mentioning unspecialised wage labour are the Edict of Maximum Prices of Diocletian (setting a maximum wage for unspecialised labour) and the edict of Honorius of 412 where the circumcellions (if interpreted as wage workers) who profess the Donatist heresy are fined ten pounds of silver, the lowest pecuniary punishment in a scale of fines graded by wealth and social standing (*coloni* are admonished by their landlord and slaves

¹ *Sententiae Receptae Paulo Tributae* 2.18.1. *Homo liber, qui statum suum in potestate habet, et peiorem eum et meliorem facere potest: atque ideo operas suas diurnas nocturnasque locat.* For the issue of the scarcity of sources for wage labour see the Introduction.

whipped).² In order to trace how disputes were solved, it is necessary to first establish why there was a general absence for regulation of rural wage labour in Roman law.

6.1.1. What could possibly go wrong?

The employment of wage labour ought to have generated some amount of legal activity, as the harvest was one of the most crucial parts of the agricultural cycle and needed to be performed promptly and efficiently to avoid a potential disaster in the form of a ruined harvest.³ Some disputes relating to the employment of wage labour in the Roman world have been preserved: in *P. Lips.* 1.111, a letter from the 4th century, a contractor has failed to appear for the harvest, and the agent of the landowner must urgently find workers to undertake the harvest.⁴ This problem also troubled a landowner in Ptolemaic Egypt, who complained that his tenants were not fulfilling their obligation to hire workers for the harvest.⁵ Outside of agriculture, in the construction sector, delays in timely execution of the works and problems with the payment of wages and budgeting were frequent causes of disputes that required rulings.⁶ But it was not only landowners who might want to settle disputes related to the hiring of wage labour. The New Testament (and also the Hebrew Bible) features admonitions and condemnations for those who do not pay their workers' wages, suggesting that this was a common (and long-standing) problem.⁷ In the same vein, John Chrysostom lamented the ill treatment of wage workers, and in the 7th century John Moschus recorded the complaints of a farmer who had not been paid by his landlord.⁸ Individual workers could be subjected to attempts to coerce them or exploit them on the part of landowners through depicting their in-advance wages as a type of debt.⁹ Contractors also could have had issues with potential deductions and complaints from the landowners, as

² *C. Th.* 16.5.52. Widely commented, see Saumagne, 1934; Atkinson, 1991; and most main texts on the circumcellion debate.

³ Erdkamp, 2005: 71; Shaw, 2013: 24-30.

⁴ *P. Lips.* 1.111

⁵ *P. Giss. Univ.* 1.5

⁶ Martin, 1989: 73-88, 114-120 citing numerous legal opinions and rescripts setting provisions on solving these types of disputes.

⁷ James 5:4; 1 Timothy 5:18; Luke 10:7. For the Old Testament: Genesis 31:6-7; Leviticus 19:13; Deuteronomy 24:14 (abuse of workers in general); Job 7:2 (implied); Sirach 7:20 (abuse of workers in general); Malachi 3:5.

⁸ John Chrysostom. *Υπομνημα εις τον Αγιον Ματθαιον τον Ευαγγελιστην*. 61.3; John Moschus *Λειμωνάριον*. 154.

⁹ Banaji, 2007: 198-199.

Cato's model contract on olive-picking sets the valuation of damages not on any of the two parties but on an arbitrating third party.¹⁰ There also was the issue of misbehaviour among the workforce, or a contractor providing workers that were not suited for the task.¹¹ It is interesting to note that wage labour tended to become the most visible in the sources when the relationship between employer and employee broke down (or threatened to do so).

Aside from the previous issues, which are directly attested as happening around harvest work, the laws on the leasing of works also give indications of another potential dispute that could also apply to wage labour.¹² An issue that received much attention in rescripts, especially those relating to construction, were delays in finishing the work.¹³ In the *Digesta* there are general regulations in case a contractor exceeds an explicit and agreed term to finish the work, which provide that one cannot sue for delays until the day fixed for completion has passed and that the leaser of the work has a right to take into account whether the work has exceeded an explicit deadline in their final approval (*probatio*) of the work.¹⁴ But extant harvesting contracts, whether those in Egyptian papyri or Cato's model contract, do not have a specific deadline for when the works should be finished, although sometimes they included a specific date for the beginning of the works.¹⁵ At most they include a provision that the harvesters "will not stop working" after beginning the harvest, ensuring that there is no delay because of the harvesters not doing enough work.¹⁶ It is clear that, despite not setting a written-down specific deadline, the landowners in these contracts cared about the time it would take to finish the harvest, as they did clearly establish a specific number of workers to be hired which, coupled with the idea of having harvesters work until completion, would mean that they could infer a reasonable timeline for the harvest. Worries about delays would have been especially pronounced for those landowners who, instead of paying a set in-kind wage per area harvested, paid their hired labour at a *per diem* rate, because the longer the harvest went on, the more they had to pay.¹⁷

¹⁰ Cato. *De Agricultura*. 144

¹¹ See Chapter 2, Section 2.4.

¹² See Chapter 2, Section 2.3 on the use of leasing to mediate the hiring of harvest labour.

¹³ Martin, 1989: 73-74.

¹⁴ *Digesta*. 19.2.13.10; 19.2.24.pr

¹⁵ The contracts are compiled in Shaw, 2013: 271-280.

¹⁶ *P. Sarap*. 51; *P. Flor*. 1.101; *PSI* 7.789.

¹⁷ Both methods of setting pay are present in Roman Egyptian farm accounts and contracts, see Appendix 2.

Leasing a project with no specific deadline was not a unique characteristic of harvest leasing, as there was considerable discussion in the *Digesta* on when a leaser could bring a suit against a contractor for delays when there was no previous agreement on a specific deadline, and how a delay should be determined.¹⁸ This shows that the parties deciding not to set a specific deadline for the harvest to be completed does not mean that disputes over delays could not emerge. One can imagine, for those harvest contracts that were drafted orally, an additional layer of disagreement between whether there was a deadline and when it was, in addition to whether the harvester was putting enough effort into their work, could have been commonplace. In sum, disputes about delays could have been a common type of disagreement in the hiring of harvest labour that needed to be mediated.

In short, disputes around the hiring of labour, especially for an activity as critical as the harvest, ought to have been relatively common. Even if the hiring of workers for the harvest could have taken a cyclical nature, where landowners would tend to hire the same contractors or workers year after year, there was no shortage of things to go wrong during one season.¹⁹

6.1.2. Regulation of other workforces

It cannot be argued that there was no interest in legislating on rural workforces, as the legislation on tenancy and the colonate is extensive and was useful to the State, as it helped tax workforces.²⁰ The same section of the *Digesta* that compiles rescripts on the leasing of works, also contains numerous provisions on the leasing of land.²¹ The rulings contained in the Bagra das valley inscriptions and the legislation on the tying of *coloni* to the land are also examples of legislation that applied to tenancy. Nonetheless, there seems to be a disconnect between the willingness to regulate tenancy and the unwillingness to regulate wage labour, even when it might have been employed precisely to evade paying taxes related to the workforce.²²

¹⁸ Martin, 1989: 75-86 esp.85-86. Although the jurists are very vague in their consensus that an action could only be brought once enough time has passed that an honest builder could have completed the job. The standard for determining delay was also a calculation from what a competent builder would have been able to achieve in that time and conditions.

¹⁹ For the potential cyclical nature of harvest labour hiring see Shaw, 2013: 73.

²⁰ Carrié, 1983: 221-225; Grey, 2007: 157.

²¹ *Digesta*. 19.2.

²² Tedesco, 2019: 415-416.

Just like tenancy, slavery was also both an area of dispute and closely legislated. Some of the disputes related to slavery had to do with whether one was really a slave or of free status, whether slaves could assume certain roles, or who was to inherit the slaves when the owner died.²³ For example, of the 864 rescripts compiled in the *Codex Hermogenianus* in 291 CE, 185 of them deal with slavery.²⁴ Slavery had been since the earliest times of Rome a central institution in society and in its judicial ordering, so it is no surprise that it was heavily regulated and attracted many different types of legal disputes.²⁵ In contrast, wage labour, it appears, was on the periphery of judicial concerns.

6.1.3. The reasons for opacity

Different factors could be argued to have made wage labour legally opaque. First, the scarcity of legislation on rural wage labour compared to tenancy and slavery can be attributed to the fact that Roman imperial authority was very interested in legislating on the use of permanent workforces due to their taxation needs. As wage labour is seasonal and difficult to tax, it attracted little legal interest. Its lack of interaction with property law (in contrast to disputes on slave status and tenancies) probably also contributed to its legal marginalisation.

Another factor can be found in the ideological base of Roman law, that established a sharp distinction between free and non-free.²⁶ Wage labour was disreputable, and comparable to slavery in the eyes of the elite.²⁷ In fact the word *mercennarius* could refer both to a slave leased to a third party or a free wage worker.²⁸ Therefore, there is the potential for some confusion among jurists and legislators on whether to treat wage labour as something carried out by free individuals or unfree individuals, although this cannot be properly ascertained due to the lack of rulings on unspecialised wage labour.

However, the broad principle distinguishing free from unfree could be muddled in legislation. In Honorius' 412 CE edict *coloni* are to be admonished by their landlord, a punishment closer to the one for slaves than the fines of the free, and, in a follow-up law two years later they

²³ Harper, 2011: 382-387.

²⁴ Harper, 2011: 380, 519-523.

²⁵ Gardner, 1991: 415; Harper, 2011: 37, 60-61.

²⁶ *Institutiones* 1.3.pr.

²⁷ See Chapter 2, Section 2.4.

²⁸ Möller, 1993.

are punished by flogging, the same punishment as slaves.²⁹ This shows that despite the apparently sharp distinction, late Roman legislation had no quarrel in muddying the waters between free and non-free if necessary.³⁰ Thus, the broad principle of separating free from non-free, a dichotomy that the wage workers might have challenged, cannot by itself have avoided the regulation of wage labour.

One reason given by Paolo Tedesco for the lack of legislation on wage labour are the predominance of oral contracts in wage labour arrangements.³¹ This argument might work for North Africa where we have no extant contracts, but it is difficult to determine if this is because of a prevalence of orality or a gap in the written sources available to us. The few written farm accounts in North Africa do point towards extensive use of writing for administrative matters, which makes it unlikely that at least some wage labour contracts were not written down.³² But in dealing with Roman law we are not circumscribed to North Africa, and other written sources originating in other parts of the empire could be useful. Despite Roman Egypt having had written contracts, no rescript aimed at Egyptian authorities regulating wage labour was ever compiled.³³ Furthermore, Cato's book on agriculture contains a model contract with a placeholder name which could be interpreted as a sort of 'copy-and-paste' for landowners, as it would make no sense for it to be an oral recitation.³⁴ In any case, oral contracts were considered as if they were written as far as the law was concerned, meaning they could have, just like a written contract, generated suits, legal action, and subsequent rescripts.³⁵

It is probable that neither the compilers of the *Codex Theodosianus* or the *Corpus Iuris Civilis* chose to omit rescripts and legislation on wage labour. The presence of combinations in labour typologies (such as framing wage labour arrangements as leases of works or loans

²⁹ *C. Th.* 16.5.54.

³⁰ Legislation on the *coloni* is especially notorious for blurring the lines between free status and slave status. See Grey, 2007: 166-169 for the use of vocabulary relating to slavery in legislation on ostensible juridically free individuals.

³¹ Tedesco, 2019. He attributes this view to Shaw but does not cite where he does state so. Shaw, 2013: 86 seems to just contend that oral contracts were more frequent than written contracts, Shaw, 2011 neither underpins this view. Then again Tedesco acknowledges Shaw for his "suggestions, work and ideas", so maybe Shaw does hold this idea and privately confided it to Tedesco while he was working on the article.

³² Conant, 2016a: 37-41 citing the Bir Trough and Maknassy *ostraca* and the Albertini tablets among others.

³³ Shaw, 2013: 271-277 has an appendix compiling up to 6 written contracts from Roman Egypt.

³⁴ Cato. *De Agricultura*. 144. Shaw, 2013: 277, 279-280.

³⁵ Book 45 of the *Digesta* is dedicated to the *stipulatio*, or the Roman oral contract. See also Martin, 1989: 22-28 for the use and characteristics of oral *stipulatio* agreements in the construction sector.

repaid in labour) would not be as prevalent if wage labour was a legally regulated institution. Moreover, if we were to hold that the compilers deliberately omitted material on wage labour, we would have the onus of demonstrating why they did so, especially when legislation on the *coloni* and the leasing of construction works made it through. Considering these circumstances, I find it unlikely that selective compiling of the law was the underlying cause for the silence of legal texts towards unspecialised rural wage labour.

The main reasons for the opaqueness of unspecialised wage labour in Roman law are two-fold: the first reason is the use of general leasing legislation to mediate the hiring of labour for the harvest, meaning that general provisions, or provisions originating in disputes relating to construction or other sectors, already applied to the hiring of harvesters, and thus there was no need for supplemental jurisprudence. But a second reason, which we will analyse in the following section, was that the use of arbitration coupled with the urgency and criticality of the harvest, made it so disputes were resolved locally and did not reach the imperial court.

6.2. Bishops as arbitrators of harvest disputes in Late Antique North Africa

6.2.1. Arbitration in the Roman world

In the Roman world disputes could be resolved in ways other than going to court. A relevant example of resolving a contractual dispute without resorting to the official judicial structures can be found in Cato's model contract for olive picking.³⁶ In that contract a *vir bonus*, meaning a 'good man' or arbitrator, is to be consulted to determine the damages a contractor is liable to pay, rather than going to court and having a judge decide.³⁷ The action of the *vir bonus* in this text can be called 'arbitration', rather than 'mediation', because the arbitrator is expected to render a binding verdict after hearing the parts, rather than working with the parts to reach a consensus.³⁸

³⁶ Cato, *De Agricultura*. 144. Trans.: Loeb. *Scalae ita uti datae erunt, ita reddito, nisi quae vetustate fractae erunt. Si non erunt redditae, aequom viri boni arbitrato deducetur. Siquid redemptoris opera domino damni datum erit, resolvito; id viri boni arbitrato deducetur.*

³⁷ For calling arbitrators 'good men' see Horace. *Ep.* 1.16.40-44.

³⁸ Roebuck and De Loynes de Fumichon, 2004: 11; Bablitz, 2016: 235-236; Wojtczak, 2016: 62-63.

Procedures of arbitration and adjudication beyond the imperial courts have attracted much scholarship.³⁹ Arbitration had long been recognized in the Roman world as a method to settle disputes outside of court, appearing in the written record as early as the late 3rd century BCE through the comedies of Plautus.⁴⁰ After the 3rd century arbitration was still extensively in use, and in Late Antiquity it was even considered akin to a judge's judgment.⁴¹ Traces of the procedures and commonness of arbitration can be found in the Late Antique Aphrodito papyri, featuring numerous documents around arbitration and mediation.⁴² Arbitration was still common by Justinian's time as attested by a law regulating arbitration that lamented the lack of judicial knowledge of most arbitrators.⁴³ The subject matter of the issues brought to *vires boni* ranged from leasing issues and disputes over land boundaries to family affairs and commercial disputes.⁴⁴

The reason wage labour was not legally developed in Roman law might have been because very few disputes reached the highest formal courts of law, rather being resolved through arbitration, and leaving little extant written traces.⁴⁵ Where contracts were oral and the harvest was not yet finished, a speedy resolution to the dispute was in the interest of both landowners, who wanted to complete the harvest if possible, and the contractors and workers, who may not desire the terms of a contract being unduly 'amended' by the passage of time, especially if it was an oral contract. Arbitration was a cheaper and quicker way of resolving the dispute than going through the expensive and time-consuming regular courts, and non-Roman laws and local customs held a greater sway in the verdict, which could have been attractive to the parts.⁴⁶ In fact, due to the cumbersome nature of submitting petitions (and the potential dishonour of having to defend oneself in a suit) to the Roman courts, going to the imperial courts could have been used as a threat to force someone to agree to arbitration or to reach a private settlement as can be seen in some Egyptian petitions to

³⁹ For a thorough look at Late Antique arbitration see Wojtczak, 2016, esp. p.18-23 for a recent look at the literature.

⁴⁰ Roebuck and De Loynes de Fumichon, 2004: 46-49. For theories on the origin of arbitration in the Roman world see Wojtczak, 2016: 56-60.

⁴¹ Wojtczak, 2016: 68-69.

⁴² Ruffini, 2019: 52-59, 172.

⁴³ *Novellae Iustiniani* 82.11

⁴⁴ Roebuck and De Loynes de Fumichon, 2004: 52-55.

⁴⁵ Like harvest contracts, arbitration agreements could also be oral, see Roebuck and De Loynes de Fumichon, 2004: 143.

⁴⁶ Lamoureaux, 1995: 151; Harries, 1999: 173; 2001: 69; Sirks, 2013: 79; Bablitz, 2016: 239-240; Taylor, 2016: 356-357. Arbitrators were legally allowed to observe customs in their judgments by virtue of *Digesta*. 1.3.32.

authorities that make the threat of suing explicit and are meant to be copied and sent to the potentially offending party.⁴⁷ Because of the requirement of the imperial justice system to explicitly state the damages requested, and the estimative character of the damages sustained in a harvest gone wrong, arbitration probably was more attractive to solve harvesting disputes.⁴⁸ If the dispute was not between landowner and contractor but between landowner and worker (or various workers), the gap in status favoured the landowner in their interactions with imperial justice, and therefore the workers might have preferred for the matter to be referred to arbitration, i.e. to a ‘closer’ authority than a judge.⁴⁹ Furthermore, the decision of the *vir bonus* was final and unappealable, theoretically forcing a swift end to the conflict.⁵⁰

6.2.2. The profile of an arbitrator

It is more than likely that disputes about botched harvests and agricultural works would go through arbitration, Cato’s model contract even demands that it be the case.⁵¹ And when arbitration was needed, who would be the *vir bonus* in charge of arbitering? The main legal requirements for a *vir bonus* in a dispute was acceptance by the litigant parties and not being a slave.⁵² By custom or practicality, the arbitrator had to be a local well-respected person of high standing. For example, Pliny the Younger complained in a letter that he was constantly being asked to arbitrate matters by the locals when on his estate in Tifernum.⁵³

The role of the prominent and well-to-do members of the local community as arbitrators can also be seen in Late Antiquity through the Aphrodito papyri, one of which is a settlement over

⁴⁷ Harries, 2001: 69; Kelly, 2011: 276-285; Wojtczak, 2016: 342. See esp. Kelly, 2011: 276-285 for specific examples from Roman Egypt.

⁴⁸ Cicero. *Pro Quinto Roscio Comoedo*. 4.10.

⁴⁹ Bablitz, 2016: 368-370.

⁵⁰ *Digesta*. 4.8.1.; Harries, 1999: 176; 2001: 69.

⁵¹ Furthermore, a 4th-century law manual stated that “with the worsening of the estate, abandonment of the fields and non-restoration of the buildings, the fault can be amended to the landowner from the *conductor* [through] mediation of a judge. (*Fundi deterioris facti et culturae non exercitatae et aedificiorum non refectorum culpa arbitrio iudicis domino a conductore sarciri potest*), pointing towards arbitration as the preferred method to settle botched agricultural operations even in permanent landowner-leaser relationships: *Sententiae Receptae Paulo Tributae* 2.18.2.

⁵² *Digesta*. 4.8.3.1, 4.8.7. See also Wojtczak, 2016: 227-236 for groups of individuals which might have been legally unable to be arbiters. Pace Harries, 1999: 177.

⁵³ Pliny the Younger, *Ep.* 7.30.2-3; see also Bablitz, 2007: 105.

a dispute on monastic property arbitrated by the local headman Dioskoros.⁵⁴ The requirements of being local and being well-respected and influential are necessary because arbitration often has no more power than the will of the litigants to abide by it or, in other words, social pressure from peers and superiors.⁵⁵ On some occasions, the parties could have agreed to lay down a *compromissum*, an arbitration contract which was more formal and binding than the more informal process of appointing a *vir bonus*, where the parts agreed to abide by the arbitrator's decision, which was enforceable through the imperial courts if necessary.⁵⁶ An example of a *compromissum* agreed upon in quite a late period can be seen in *P. Corn. Inv.* 2.48 (written in Arsinoe in 596 CE).⁵⁷ In that text two men, Flavius Cyrillus and his former estate administrator Apollos, jointly appoint the deacon Theodoros as arbiter in order to settle a dispute on the bookkeeping of Apollos when he was a manager. They call the appointment document a κομπρόμισον (*kompromison*) and state that if any party does not accept the resolution of Theodoros they shall pay 12 gold *solidi* (a very significant sum) to the other party.⁵⁸

Even outside of a *compromissum*, a duty to abide by an arbitrator's decision can be seen in Cato's model contract where, even though it is through the more informal *bonus vir* arrangement, the establishment of damages through arbitration is part of the original contract for hiring harvesters, obliging the contractor to abide by the arbitrator's decision or be sued for breach of contract. However, the lack of a specific arbiter, time limits, or penalties for not agreeing to arbitration, would mean that even under this contract a *compromissum* might have to be drawn up if the *vir bonus* was unable to make their decision enforceable.⁵⁹ When needing recourse to a *vir bonus* the enforcement of the award depended on the identity and influence of the arbitrator.⁶⁰

⁵⁴ Ruffini, 2019: 116-117 citing *P. Cair. Masp.* 2.67176.r and *P. Alex. Inv.* 689. For the difficulty in giving a specific title and role to Dioskoros see Ruffini, 2019: 19.

⁵⁵ Bablitz, 2016: 236; Roebuck and De Loynes de Fumichon, 2016: 52, 64; Wojtczak, 2021: 123. Compare with Athenian arbitration in the time of Demosthenes, where expropriations for disobeying the arbitrator's resolution were possible (Harter-Uibopuu, 2002: 54-55). In certain periods and circumstances, a bishop with the right to hold *audientae episcopalis* or where there is a *compromissum* involved, this might have been the case, both cases we cover below together with the evidence Augustine provides for non-compliance.

⁵⁶ Harries, 1999: 176-277; Bablitz, 2016: 236-237; Roebuck and De Loynes de Fumichon, 2016: 13.

⁵⁷ For the text, translation and commentary see Gagos, 2008.

⁵⁸ Such provisions are common, see Harries, 1999: 177-178.

⁵⁹ Harries, 2001: 76; Wojtczak, 2016: 62-64, 108-132.

⁶⁰ Harries, 2001: 81.

Besides the need for the arbitrator to be authoritative and respectable, there were few formal limits to who could have been appointed as arbitrator, and this duty was theoretically open to many in Roman society. A law of Justinian barring women from being arbitrators concedes that this law is necessary because respectable women have accepted appointments as arbitrators.⁶¹ Another legal principle allowed people between 20 and 25 years old to become arbitrators, although it discouraged such an appointment.⁶² In short, parties had a diverse variety of options among the powerful and respectable when considering who to appoint to arbitrate.

So, although anyone could technically be an arbiter, rich or poor, powerful or not, only a few could be so effectively, those being the most important or influential older men in their localities. If we are to identify the potential *virī boni* of Late Antique North Africa, the people who arbitrated the disputes emerging between workers, *ductores* and landlords, we ought to look for local, well-respected and influential characters in its rural regions.

One particularly striking characteristic of Roman arbitration is that it allowed a party in the dispute to also be the arbitrator or *bonus vir*, especially in cases where what the arbitrator was not called to determine liability for a fault but to determine the value or quality of goods or works.⁶³ This can be seen in Cato's model contract, which established that the quality of the harvest work ought to be determined through the arbitration of the landowner (*arbitratu domini*), while third-party arbitration was reserved for quantifying damages and solving disputes.⁶⁴ What this might have meant in practice is that in order to reach third-party arbitration the worker ought to have had enough power or influence so as to not have the labour issue at hand settled through *arbitratu domini*. The potential of landowners to 'arbitrate' for themselves in their own cases might have meant that individually-hired workers

⁶¹ C. J. 2.55.6. Although it is unclear how widespread female arbitration was until that point, see Beaucamp, 1990: 34 n.47. For the few traces of potential female arbitration in the ancient Greco-Roman world see Hoe and Roebuck, 2018: 6-25, especially the cases of the biblical Deborah (p.6-8), the Homeric Arete (p.9) and Queen Berenice, daughter of Herod (p.21-22). The exceptionality of these women makes it difficult to ascertain the extent to which regular elite women acted as arbitrators, so ironically the ban of Justinian is the strongest evidence of women arbitrating.

⁶² *Digesta*. 4.8.41

⁶³ Roebuck and De Loynes de Fumichon, 2016: 57-61.

⁶⁴ Cato. *De Agricultrura*. 144.

were at a disadvantage, and only a *ductor* could have had enough relative power and social influence to be able to take the issue to a *vir bonus* for arbitration.⁶⁵

6.2.3. Bishops as arbitrators

Among the groups whose characteristics made them able to be effective and respected arbiters were common friends of the parties, lawyers, public officials, and local community leaders.⁶⁶ But included among those better positioned to become arbiters in the Late Antique world were also Christian clergymen, especially bishops.⁶⁷ Solving disputes was part of the routine of any bishop, as attested by Augustine when he chastised those that came to him for a judgement and then did not abide by it.⁶⁸ Just as Pliny the Younger complained that the requests of arbitration he received took his time away from his learned leisure, so did Augustine complain that litigants in bad faith took his time away from divine affairs.⁶⁹

Augustine's complains apart, bishops were ideal candidates as the arbitrators of disputes relating to labour.⁷⁰ First, they combined religious authority with secular power and high social regard, which enhanced their influence over the parties' compliance.⁷¹ Also, their resolutions could be enforced by civil authorities, even without a *compromissum*. This practice might have begun with an edict of Constantine by which cases could be brought forward to an *audientia episcopalis* should one of the parties desire it, however doubts have been cast for centuries on the validity of this edict.⁷² If authentic, Honorius and Valentinian

⁶⁵ Although the *Saltus Burunitanus* tenants are able to have their case heard by the emperor, bypassing their *conductor* and *procurator*, nonetheless they do so as a group.

⁶⁶ Wojtczak, 2016: 252-255.

⁶⁷ Although we will focus on bishops, who were the highest religious Christian office at a regional level, other clerics might have been appointed arbitrators. For a deacon as arbitrator see n.57. Priests and deacons being able to exert judicial functions might be implied in the accusations against Antoninus of Fussala and his lackeys (Aug. *Ep.* 20*.5-6).

⁶⁸ Aug. *Enarrationes in Psalmos.* 118.24.3.

⁶⁹ Other complaints of Augustine about his arbitration/judicial duties: *Ep.* 213; *De Opere Monachorum* 29.37.

⁷⁰ I concur with some commentators that the best way to interpret the quasi-judicial authority of bishops is by framing them as arbitrators rather than judges (*pro* Wojtczak). The question of the status of the *audientiae episcopalis* has been very debated throughout scholarship but will not be expanded here. For more, reference is available in the relevant works cited throughout this chapter.

⁷¹ Wojtczak, 2016: 264-265 although noting that seeking religious authority in the arbitrator could be a reason for selecting a bishop, it might not have been always the most relevant one or even sought after by the parties.

⁷² *C. Th.* Sirm.1.1. However, one must be extremely careful when using this source on its own. Lamoureux and Aowa give it full reliability (Lamoureux, 1995: 146-147; Aowa, 2017: 13-15) and Julian's *Ep.* 41 mentions bishops "are no longer allowed to sit as judges and draw up wills". But Sirks provides an argument against its authenticity as some precepts about bishops as witnesses not requiring a second witness break not only

would have promulgated roll-backs of the judicial powers of bishops, but reinforcing that bishops still could pronounce State-enforceable judgements on arbitrations agreed by both parties and with a pre-existing contract.⁷³ Even before these laws, bishops were already prime candidates for arbiters, especially in disputes between Christians.⁷⁴ However, despite this official endorsement of judicial authority, we must be careful not to overemphasise it. After all, we have seen how Augustine complained that his rulings were not being obeyed, and that is despite excommunication being a possibility for not abiding by the bishop's ruling.⁷⁵ A more important factor might be found in the proximity of the episcopal institution. Bishops were local authorities well-attuned to the social relationships and situations of their jurisdictions, and thus perceived to be more able to properly gauge a conflict.⁷⁶ Finally, just as in regular arbitrations, there was no appeal for ecclesiastical courts, theoretically hastening the end of the litigation.⁷⁷

6.2.4. Arbitration of labour cases by bishops

There is a potential source showing Augustine of Hippo arbitrating a case where leased wage labour might be involved. Among Augustine's letters first published by Johannes Divjak in 1981 one of them stands out for, first, being the only known specific case arbitrated by Augustine that did not deal with religious or clerical matters or parties, but with secular ones and, secondly, because the core of the case might have to do with the leasing of labour.⁷⁸

The letter is addressed to a lawyer called Eustochius, to whom Augustine asked for legal assessment for a case he was adjudicating. Augustine listed a series of legal questions he wanted answered and attached the text of some constitutions he wanted clarified (the attached constitutions are, sadly, lost). The case at hand is clearly a *liberalis causa*, a suit about

Roman law but Biblical law (Sirks, 2013). He is not alone in doubting the authenticity of this constitution when realizing the extraordinarily ample power it gives bishops, as this is a trend going back to Godefroy in the 16th century (Sirks, 2013). Humfress oscillates between giving it validity (Humfress, 2007: 158-160) and considering it "possibly not authentic" (Humfress, 2011: 380). Harries considers that, because bishops were already sought-after arbiters and did not seem to use the law to "haul pagans into their courts", this law was irrelevant in practical terms (Harries, 2001: 74-76; see also concurring opinion in Dossey, 2010: 181).

⁷³ *C. Th.* 16.11.1; 1.27.2; *Nov. Val.* 35.

⁷⁴ *Didascalia Apostolorum* 11.2.47-49; 1 Corinthians 6:1-8.

⁷⁵ Harries, 2001: 73; Lenski, 2001: 91.

⁷⁶ Harries, 2001: 74-75.

⁷⁷ Harries, 2001: 75.; Sirks, 2013: 79-88.

⁷⁸ *Aug. Ep.* 24*; Lenski, 2001: 84.

freedom and slavery, and the questions are so specific that Claude Lepelley thought it possible to reconstruct the case.⁷⁹ According to his reconstruction a *coloni* couple sold their son to a landlord who later established him as his *actor*. This *actor* had children with a free woman and those children were established as *coloni*, but after the death of the *actor* the landlord (or his heir) claimed them as slaves.

In Lepelley's description of the case it seems we are dealing with a case relating to the sale of children as slaves and the status of children born from mixed-status unions. Indeed, the sale of children by their parents was something that occurred in the Late Antique period and well before, although its use as a literary *topos* depicting poor people as having to perform terrible acts due to their circumstances makes it difficult to assess how extensive this practice was.⁸⁰ However, Augustine asked a series of interesting questions in his letter that indicate that there are doubts whether what has been sold is the children or merely their labour:⁸¹

Also, what about those whose fathers sell their work for a definite number of years? I ask whether, if the fathers who sold this labor have died, they should be forced to fill out the same number of years or whether they are set free by the death of those who sold them or rather in some sense rented them out, because they begin to be, as it is said, legally independent. I also ask whether free fathers can sell their children into perpetual slavery and whether mothers can sell at least the work of their children.

A remarkable aspect of this text is that we see Augustine trying to frame a relationship between father and son in a similar (but not identical) way to the relationship between *ductor* and worker. While the *ductor* subleases the labour leased to him by the workers, the father can be argued to have used his authority as *pater familias* to lease the labour of his children to a third party.⁸² A similar problem could theoretically emerge in a purely wage labour context, are the workers forced to continue the harvest if their *ductor*, to whom they leased

⁷⁹ Lepelley, 1987: 552; on bishops avoiding suits that did not relate to religious matters see Aug. *Ep.* 24*.1 (implied) and Ambrose. *De Officiis*. 2.24.125 (explicit).

⁸⁰ Vuolanto, 2003: 177-179, and 170-177 for an overview of attestations of the *topos*.

⁸¹ Aug, *Epistulae* 24*.1. Trans.: Teske, 2005. *Quid etiam de his quorum patres definito numero annorum operas uendunt? Quaero enim utrum defunctis uenditoribus patribus eundem annorum numerum cogantur implere an eorum a quibus uenditi uel potius quodammodo locati fuerant, morte liberantur, quoniam esse iam sui iuris, ut perhibetur, incipiunt; quaero etiam utrum liberis patres possunt uendere filios in perpetuam seruitutem et utrum matres possint uel operas uendere filiorum.*

⁸² A 4th-century law manual ratifies that children, although not sellable, can be leased for their labour in a *locatio operarum*: *Sententiae Receptae Paulo Tributae*. 5.1.1.

their labour, perished? This is as much a *causa liberalis* as it is a labour dispute. This text points towards bishops arbitrating matters regarding labour.

A more tenuous reference to bishops arbitrating wage labour disputes is also found in the works of Augustine when he mentioned that “through the merits of the just laws the *mancipes* of the circumcellions [figuratively, the Donatist bishops] are to suffer greater punishments than the circumcellions do”.⁸³ I have argued before that this text shows that despite lack of explicit legislation there was a legal consensus that *mancipes* were liable for their worker’s misdemeanours.⁸⁴ But it also shows that Augustine was aware of this legal consensus and the *constitutiones* (the “just laws”) that underpinned this legal consensus. Although Augustine had some legal training, his letters asking for advice from Eustochius and Alypius, former lawyer and bishop of Thagaste, shows that he was not entirely familiar with some areas of legislation.⁸⁵ The fact that he used this legal practice as a metaphor, when the only people who needed to be familiar with it were landowners, *ductores* and arbitrators/judges, opens the possibility of Augustine having at some point in his life arbitrated a dispute on wage labour and the liability of *ductores*, or at the very least witnessed others doing so.

Due to their status, authority, and legal privileges as arbiters, bishops were the most likely authorities *ductores* and landowners came to when there might have been a dispute among them.⁸⁶ The dominant position of bishops as the top candidate for the role of arbitrator also made the lower clergy desirable arbitrators.⁸⁷ However, they ought to certainly not have been the only ones, if only because in Augustine’s time there were still pagans in North Africa.⁸⁸ Sadly, unlike with bishops, there seems to be a drought of texts about secular arbitration in Late Antique North Africa. Possible candidates might have included former and current

⁸³ Aug. *Contra Ep. Parmeniani*. 1.11.18. *unde merito constitutionibus iustis grauiora patiuntur circumcellionum mancipes quam faciunt circumcelliones*

⁸⁴ See Chapter 2, Section 2.3.

⁸⁵ For legal training, Aug. *Confessiones*. 3.3. Also *Ep.* 8*.1 for that training in action. For the letters Aug. *Ep.* 9*, 24*. Also see Lenski, 2001: 88-89.

⁸⁶ This might have been the case even among non-Christians, see Section 6.3.1.

⁸⁷ Wojtczak, 2021: 112-133. See also n.57.

⁸⁸ Augustine’s exchange with Maximus of Madaura (*Aug. Ep.* 16-17) and the points on idol-smashing in pagan festivals in the dispute on the circumcellions (*Contra Ep. Parmeniani*. 1.10.16; *Contra Gaudentium*. 1.28.32; *Ep.* 185.3.12) confirm that Christianity was still not completely hegemonic in North Africa in Augustine’s lifetime.

magistrates and local landowners, but it would also be possible that North African institutions such as the *undecemprimi* might have been candidates for arbitration.⁸⁹

6.3. The Donatist schism and the arbitration of rural wage labour disputes

6.3.1. The importance of arbitration for bishops

Acting as an arbitrator in secular disputes was a show of authority on the part of the bishop, and therefore an important aspect of his office.⁹⁰ No matter how much bishops such as Augustine complained about their arbitral duties, they nonetheless saw that they were an important part of their work. When making plans for after his death, the elderly Augustine appointed the priest Heraclius to succeed him and discharged on him his arbitral duties, but he nonetheless remarked that Heraclius could consult Augustine or any other bishop when rendering a decision.⁹¹ It is clear that even if Augustine could not be happier to delegate his judicial duties, he wanted to emphasise that Heraclius exercised them not by himself but through the bishop's office, emphasising that (despite this arrangement) it is the bishop that holds the authority to arbitrate. In his work on the tasks of monks, he framed the arbitral duties of bishops as central to their office as working, reading, and praying is for monks.⁹² When, in one of his sermons, he chastised the time wasters who clogged his schedule with their affairs, he explicitly excluded those who did not bring their cases frequently and complied with his rulings, lest the congregation might forget that "the apostle [Paul] has placed such causes to the ecclesiastical advocates, he forbids Christians to quarrel in the forum".⁹³ Their concern for arbitral duties is not only born out of the pastoral nature of the bishop's office, but also as a way to demonstrate, maintain and enhance the power and influence of their office over their community.⁹⁴ That parties in a disagreement chose to go to them instead of to secular arbitrators was a visible and clear show of the Church's authority and influence.

⁸⁹ On the 'survival' of pre-Roman North African institutions see Chapter 4, Section 4.4.3.1.

⁹⁰ Harries, 2001: 79-80; Wojtczak, 2021: 113-114.

⁹¹ Aug. *Ep.* 213.

⁹² Aug. *De Opere Monachorum.* 29.37.

⁹³ Aug. *Enarrationes in Psalmos.* 118.24.3. *constituit enim talibus causis ecclesiasticos apostolus cognitores, in foro prohibens iurgare christianos.* He is referencing 1Cor: 6:1-9.

⁹⁴ Dossey, 2010: 140.

One example of the social power the Church could exert through their status as arbitrators, is a letter that Augustine sent to his fellow bishop Victor.⁹⁵ In the letter, Augustine explains that a certain Jewish man called Licinius has come to him asking for his help against Victor. According to Licinius, he bought some lands that his mother used to own from the people to whom his mother had sold said lands. But then his mother had made a fraudulent sale of those same lands (which she no longer owned) to Victor and Victor had evicted Licinius from them. When Augustine asked Licinius what might have prompted Victor to do this, Licinius explained that his mother had brought a claim against his wife and a slave-girl of the couple for defamation. In the letter Augustine supposes that Victor usurped Licinius' land and evict him from it to 'scare him' in vindication of his alleged offense, not because he coveted the land. Given that Augustine advised Victor in how to resolve the defamation claim without such a resort to intimidation and robbery, it is inferable that the arbiter in this defamation cause is Victor himself.

This case underscores the immense authority bishops had over the common people as judicial arbiters. Victor's position as arbiter is so commanding, he feels confident enough to devise a punishment that goes against the law, and the intervention of another bishop is necessary to correct this wrong and avoid any potential embarrassment. Although Augustine considers Victor's actions "revolting and foreign to your morals", he never once disputes his authority to keep arbitrating the defamation case, even after this incident.

It is also interesting that a Jewish family would go to a Christian bishop to resolve the affair. Jews had their own religious laws and recognized jurisdiction and could resolve their disputes through the synagogue or through a Jewish arbiter just like Christians could through the Church and its leaders.⁹⁶ Nonetheless, Licinius' mother, who in all likelihood was Jewish like her son, brought her injury suit to a Christian bishop.⁹⁷ The power and influence of the bishop as an arbitrator extended beyond the Christian community in the early 4th century.⁹⁸

⁹⁵ *Aug. Ep. 8**.

⁹⁶ Nemo-Pekelman, 2016: 18-20.

⁹⁷ The possible reason for this is that she (apparently correctly) thought that she stood a better chance to prevail going to a Christian bishop (or Victor in particular) rather than a Jewish religious authority or secular arbitrator. The practice of 'forum-shopping' to obtain a better outcome is well-attested in the Late Roman legal system, see Humfress, 2013: 244-248.

⁹⁸ Not much is known about secular or pagan arbitrators in this period, see Section 6.2.4.

Another case where we can see the influence of the bishop as the community's main arbitrator is Augustine's handling of the rape of a nun by an estate manager called Cresconius.⁹⁹ Augustine, in his role as ecclesiastical leader, brought a complaint about the rape to Dorotheus, the owner of the estate that Cresconius managed. But in the very same set of letters through which Augustine's messengers brought the complaint to Dorotheus Augustine also instructed him on what the appropriate punishment for Cresconius was, ordering his messengers to refuse to even name Cresconius or his crime until Dorotheus promised to abide by his pre-made decision. In this informal dispute (informal insofar as it does not go through the formal motions of arbitration or court procedure), Augustine is both party to the dispute and its *de facto* adjudicator. What this implies is that even if the victim had not been a nun, the issue would have, nonetheless, had gone to Augustine to decide.

If a bishop were to be deprived of cases to arbitrate and to have their community turn towards alternative secular arbitrators, that could be interpreted as a clear and evident sign of a lack of authority on the part of the Church. Bishops needed people to bring them their disputes as much as the disputants needed the bishops' arbitration. Labour disputes during the harvest, then, would have meant a fresh continuous supply of arbitration cases for the bishops to decide upon, and a seasonal reaffirmation of their secular authority. To stop settling these disputes would have been a blow to the bishop's authority.

6.3.2. Whose bishop?

So far we have established that bishops were prime candidates as arbitrators in types of disputes that go beyond ecclesiastical or religious affairs, and that it was an important source of authority for the Church. However, in the North Africa of the 4th and 5th century there was not one, but two main churches: the Catholic Church and the Donatist Church.¹⁰⁰

The possibility of Catholic and Donatist laymen entering into harvest contracts with each other despite being divided in the religious sphere is likely, as some papyri attest the possibility of holding interdenominational business dealings in neighbouring Late Antique

⁹⁹ Aug. Ep. 14*, 15*.3-4.

¹⁰⁰ See Chapter 2, Section 2.1.1.

Egypt.¹⁰¹ *P. Dubl.* 32-34 (512-513 CE) are sales documents for a monastery between a former Melitian monk that converted to orthodoxy and other Melitian monks.¹⁰² It is worthwhile to note that one of the issues (among others) that drove the Melitian schism in the early 4th century was the return to the flock of those who had caved into the demands of the persecuting authorities, together with the related issue of the validity of the ordination of bishops who had surrendered the holy books, that being also the main original drive for the Donatist schism. Melitianism also outlasted, although in a less resilient way than Donatism, the issue of the re-integration of the *traditores* going into the background.¹⁰³ In a similar situation, we have previously seen the case of Crispinus, Donatist bishop of Calama, who managed to become an emphyteutic tenant of an imperial estate.¹⁰⁴ This shows that denominational differences were not deep enough to stop having the oftentimes pro-Catholic central administration and the Donatist priesthood entering into contracts despite the Roman emperor never recognising the Donatist church as the legitimate church in North Africa.¹⁰⁵ Finally, in Augustine's *Epistula 8**, which we have already seen, a Jewish man comes to seek his aid against another bishop who has allegedly fraudulently bought some of his land through his mother, who might also be Jewish.¹⁰⁶ It is thus a safe inference that landowners, contractors and workers in opposing sides of the Donatist schism could have made contracts and worked for one another.¹⁰⁷

The sectarian conflict in North Africa must have had repercussions on arbitration. The Donatist controversy might have affected the power that bishops derived from their role as preferential arbiters; the landowners, *ductores* and workers in a dispute now had to agree between a Catholic bishop or a Donatist bishop, with the parties potentially recognising the authority of one but not the other. Because arbitration requires mutual consent, disputes among competing bishops complicated the resolution of conflicts through arbitration and

¹⁰¹ Although it should be noted that the sectarian conflict did indeed have the potential to break down business links in moments of heightened tension. See Aug. *Contra Litteras Petilianis*. 2.83.184. for an anecdote of the Donatists of Hippo forbidding the sale of bread to Catholics.

¹⁰² Urbanik, 2007: 397-398; 2013: 154.

¹⁰³ Hauben, 1998: 329-333; Van Nuffelen, 2012: xii-xvi.

¹⁰⁴ Aug. *Contra Litteras Petilianis* 2.185; *Ep.* 66.1.

¹⁰⁵ For the wavering positions of the imperial court on the Donatist church see Chapter 2, n.26 and n.109 in this chapter.

¹⁰⁶ Aug. *Ep.* 8*.

¹⁰⁷ Although maybe not without some tension in some cases, see *Gesta Collationis Carthaginensis. Edictum cognitoris* for threats against landowners who do not bring their Donatist hired workers in line.

diminishes the influence of bishops over the disputes emerging from wage labour.¹⁰⁸ This ought to have been especially acute in those periods where the imperial administration adopted a neutral or tolerant stance on the schism (mainly in the periods 321-347 and 362-405), which would have allowed the Donatist clergy an enhanced legitimacy.¹⁰⁹

We can get a sense of the struggle for arbitral legitimacy in one of the attacks Augustine levied against one Donatist bishop, identified by Lepelley as Optatus of Timgad.¹¹⁰ Augustine accused that bishop of various civil abuses of authority:¹¹¹

You are not concerned about that one who in recent times, with intolerable might and also with his accompanying soldiers, not because he feared someone but to terrorise everyone, oppressed widows, ruined orphans, dealt with the properties of others, separated their marriages, orchestrated the sale of the goods of innocent people, and divided the price of the sale with the crying owners.

The issues that Augustine brought forward showcase the authority of the bishop in solving non-religious disputes, being able to enforce sales of property, make rulings on family affairs, and in general make findings related to civil law.¹¹² Augustine tried to depict this bishop as an unjust man whose exercise of his authority over civil matters is illegitimate and based on fear, as opposed to what Augustine would consider a 'proper' execution of their civil/arbitral duties, based on justice, moderation, and attempts at reconciliation.¹¹³ In essence, he is trying to show that the rulings of this Donatist bishop (and, through insinuation, Donatist bishops in general) are not legitimate decisions based on good causes.

The reason behind Augustine's attack might be that by attacking the fairness of the Donatists on settling legal disputes he was trying to deprive them of their legitimacy, but the attack is not on the authority of the Donatist bishops to deal with these affairs, but their unfairness and self-interest in dealing with them. This is because, of course, Augustine and his fellow

¹⁰⁸ Harries, 2001: 79-80 for bishops deriving authority from their arbitration duties.

¹⁰⁹ Lepelley, 1979: 394; Frend, 1985: 161-162, 179-180, 187-188, 261-274; Lenski, 2016: 172-179; Whitehouse, 2016a: 24, 26-27. See also Chapter 2, Section 2.1.1.

¹¹⁰ Lepelley, 1979: 393.

¹¹¹ Aug. *Contra Litteras Petiliani*. 2.23.53. *sicut ad te non pertinet qui recentibus temporibus cum intolerabili potentatu etiam militibus sibi comitantibus, non quia timebat aliquem sed ut ab omnibus timeretur, uiduas oppressit, pupillos euertit, aliena patrimonia prodidit, aliena matrimonia separauit, res uendendas innocentium procurauit, uenditarum pretia cum dominis plangentibus diuisit.*

¹¹² Lepelley, 1979: 394.

¹¹³ Sears, forthcoming: 11-12, 18. Also see Section 6.3.1 for Augustine's attitude towards his judicial duties. On Augustine seeing the need for bishops to contain their own power and authority see Shaw, 2011: 358-360.

Catholic bishops also used the bishop's standing and authority to make their own rulings and extend and enforce the authority of the Church.¹¹⁴

What we find ourselves with is two competing Churches, who hold one another as illegitimate, but whose lay adherents still enter into contracts and have to settle disputes with each other. The threat of the downgrading of the bishop as the prime candidate to become arbiter, and a return towards a preference for secular arbiters (such as landowners, local public officials, local village chieftains, etc.) was clear. The struggle to maintain the primacy of the bishop of one's Church as the preferred arbitrator was one of the many battlefields of the Donatist schism.

6.3.3. Circumcellions and arbitration: a temporary breakdown of arbitorative dynamics

Arbitration being one of the many battlefields in which the dispute between Donatists and Catholics raged, raises new implications for the circumcellion debate. It is unclear what the social links were (if there were any) between Donatist bishops and *ductores* or wage workers willing to perform violence for them, but the former two are potentially linked by arbitration and the status of bishops as landowners. When bishops wrote about their arbitration duties, they stressed how they not only have to be fair and conciliatory, but merciful with the less benefited party.¹¹⁵ A *ductor* who received less of a fine or penalty than he thought he would thanks to the bishop's arbitration might be an extremely grateful *ductor*, willing to repay the favour.¹¹⁶ Likewise, bishops administered land in their dioceses and could be tenants themselves,¹¹⁷ therefore not only being arbiters but potential active parties in the hiring of harvesting labour. There is, thus, many interlocking interests and social relations affecting the decision-making of bishops in the arbitration of harvest wage labour, from the need to assert the authority of one's church against the rival church to the interest in protecting to a certain extent the general interests of landowners, which they were to some extent. It is not surprising that there might have been some overlap between the alleged activities and

¹¹⁴ Catholic bishops were also prone to making unfair arbitration decisions and abusing their power as arbiters, see Aug. *Ep.* 8*, 20*.6.

¹¹⁵ Ambrose. *De officiis.* 2.24.125; *Didascalia Apostolorum* 11.2.48. For Augustine being lenient and interpreting his duties as "pastoral responsibility" see Lenski, 2001: 94 citing *Epistulae* 7*, 10*, 15*, 20*.

¹¹⁶ Potentially by using his gang during the harvest as private enforcers of judicial decisions, see Shaw, 2011: 121-122.

¹¹⁷ See the case of Crispus having imperial land leased in Aug. *Contra Litteras Petilianis*, 2.83.184; *Ep.* 66.1.

behaviour of the circumcellions and the arbitration of harvest labour, as both phenomena shared participants and were both battlefields in the sectarian struggle between Donatists and Catholics.

The wooden clubs that the circumcellions used to beat up opponents might also be a point of overlap between sectarian struggle and judicial enforcement, as these tools were also used for judicial punishments and the enforcement of order.¹¹⁸ The use of blunt implements to beat their opponents have had various interpretations. Augustine himself argued that the circumcellions used blunt weapons due to their strict adherence to Jesus' command to Peter to 'put away the sword' in the garden of Gethsemane.¹¹⁹ Emin Tengström argued that these clubs were the staves used by harvesters to make the olives fall, giving a practical reason for their use.¹²⁰ The inability of the circumcellions to acquire more deadly weaponry has also been put forward as a cause.¹²¹ But others have seen in its use a willingness to intimidate rather than to kill.¹²² Specifically, Shaw argued that what the circumcellions were doing, when acting as religious enforcers and using blunt weapons, was mimicking the actions of their superiors when establishing discipline.¹²³ If the ranks of the circumcellions were filled with people who seasonally worked as for-hire harvesters, part of their experience with judicial enforcement would have been the arbitration procedures arising from mishandling of a harvest.

But did the use of beatings extend to private arbitrations and the *audientia episcopalis*? The letter of the law points against it, imperial authorities (and the Church itself) greatly disliked the idea of a bishop enforcing judgments and applying coercive punishments, and legislated on the matter accordingly.¹²⁴ But, in practice, bishops could put the parties that came to them for a dispute under the rod.¹²⁵ The widespread use of beatings as a judicial punishment is mentioned in the, previously seen, case of Cresconius, the estate manager who had raped a

¹¹⁸ Shaw, 2011: 677-681, esp. n.10 for mentions of circumcellions as club-wielders.

¹¹⁹ Aug. *Psalmus contra Partem Donati*. 150-156.

¹²⁰ Tengström, 1984: 48-52.

¹²¹ Gaddis, 2005: 125-127; Shaw, 2011: 638; Sears, forthcoming: 11. Augustine mentions circumcellions upgrading to more dangerous weaponry (Aug. *Contra Ep. Parmeniani*. 1.11.17; *Contra. Litteras. Petilianii*. 2.97.222) but this might be exaggerated and fictitious, see Shaw, 2011: 665.

¹²² Gaddis, 2005: 125-126; Shaw, 2011: 683-689.

¹²³ Shaw, 2011: 677, 681. Beatings were also the way powerful local people could exercise their influence, see Bryen, 2013: 96-100.

¹²⁴ Dossey, 2001: 98-101.

¹²⁵ See Dossey, 2001: 104 for bishops using physical force to correct priests in North Africa.

nun. In establishing a punishment, Augustine opted for the lenient measure of ordering him to be fired from his post, with no further punishment, but giving the option to his employer to “soften the punishment which I have demanded or add physical punishment”.¹²⁶ It can also be seen in the case of Licinius, of whom Augustine says he is willing to withstand the rod (*verberum*) if found guilty of slighting his mother.¹²⁷ We have discussed above how the legitimacy of the bishop did not depend so much in legislation empowering his *audientia episcopalis* but the social power he had in his community.¹²⁸ Given the ease of Augustine to sanction disciplinary beatings, it seems possible that beatings could have been ordered by episcopal arbitrators when dealing with their cases. If bishops ruled on cases arising from the hiring of harvesting labour, some beatings might have been decreed in connection to harvest disputes, especially given that imperial authorities were more permissive when the bishops applied corporal punishment to the poor and dependents, in contrast of people of higher standing.¹²⁹ Those hired for the harvest would certainly be people subject to having corporal punishment applied to them, and working under a more influential person, the *ductor*, who potentially had less chance of being put under the rod, might have potentially become more attractive as a way to avoid such punishment in case of a dispute.

The picture Optatus and Augustine paint of the circumcellions thus acquires a new implication. These people who used to be on the receiving end of judicial discipline, now are the ones imparting it. Through this depiction Augustine implies that the Donatists, in their alleged patronage of the circumcellions, are putting in jeopardy the power of bishops to arbitrate, emphasising the risk to social order and to the preservation of the interests of landowners that this entails.

6.4. Conclusion

The state of Roman law on the resolution of disputes around casual harvesting was paradoxical. On the one hand there was very little direct regulation on the part of the imperial authorities. On the other, it must have generated disputes that needed to be resolved through

¹²⁶ Aug. Ep. 15*.4 *Certe si mitius uindicare uolerit quam poposci praeter carnalem poenam non prohibeo.*

¹²⁷ Aug. Ep. 8*.2.

¹²⁸ See Section 6.2.3.

¹²⁹ Dossey, 2001: 109.

legislation that was not originally conceived for this activity. However, the lack of jurisprudence does not automatically mean that casual wage labour could have been marginal or uncommon. Rather, disputes relating to the employment of wage labour during the harvest tended to go through arbitration rather than through the imperial courts, hence the lack of an imperial response in the form of legislation.

The evidence of the use of arbitration to solve disputes relating to the harvest is admittedly scant, reduced to a provision in Cato's model contract for harvesting olives.¹³⁰ But this procedure had advantages that would have been very attractive to the parties in the dispute. It allowed an official and binding resolution without having to resort to the expensive, distant and dangerous channels of the Roman courts. Given the critical importance of the harvest, it also allowed for a speedy resolution and a swift compensation should it be needed. Ascertaining how frequently arbitration was needed is difficult given the lack of sources, and, so far, only possible through speculation.

By the 4th century bishops were the prime candidates in arbitrating these disputes and enjoyed an enhanced influence and judicial capacity to make their resolutions binding and even enforce punishments in some cases. This is relevant to our study of rural wage labour in Late Antique North Africa because one of the main sources for it, Augustine in his texts against the circumcellions, was bishop of Hippo. This means that Augustine's perspective is not that of a complete outsider to the practice of hiring workers for harvests and other rural tasks. Bishops might have occupied a sometimes-conflictive place in the network of socio-economic relationships that made up the organisation of the hiring of casual rural unspecialised labour. They were the administrators of their bishopric, and thus would have had to hire hands for their harvests, becoming employers.¹³¹ But they were also the preferred arbitrators for disputes emerging from that activity, and when making a ruling, thoughts of how it was going to affect their ability to hire hands for the next harvest, or the standing of their church against the competing church in the case of North Africa, must have crossed their minds. Despite Ambrose, Augustine, and the *Didascalia Apostolorum's* claims that arbitration is to be done

¹³⁰ Cato. *De Agricultura*. 144.

¹³¹ Leone, 2007b: 235-239. In their condition of land managers, they also engaged with merchants, trade and business, see in this also Bond, 2016: 172-174.

with mercy and justice in one's mind, the truth is that there were multiple interests, beyond those of the parties, that the bishops had to take into account.

CONCLUSION

During the process of writing this thesis I have become acquainted with an allegory referred to as 'Ševčenko's law' after its creator the eminent Byzantinist Ihor Ševčenko.¹ In Ševčenko's allegory a dog is set loose in a forest and eventually relieves himself in one tree at random in that forest. There is nothing special about this tree, it just happened to be the closest one. The dog is then taken away from the forest and a second dog is introduced. This second dog picks up the smell of the first dog's urine and urinates on the same tree. When the second dog is pulled from the forest a third dog is introduced, which of course once again picks up the smell of the previous dogs and goes to relieve himself on that same tree. And this goes on and on *ad nauseam*. Ševčenko argued that we historians behave like these dogs, we do not work in a specific topic because it is interesting or unexplored, but because we pick up the 'smell' of previous historians. The topic of wage work in the Roman rural world (outside of Egypt) has tended to fall victim to this tendency. This thesis is the attempt to bring a scent to a so far underused tree.

However, it would be disingenuous if I say that that this thesis inaugurated a new tree. I came into this topic through Brent D. Shaw's 2013 book *Bringing in the Sheaves*, which ought to be praised for its novel focus on an activity (the hiring of harvest labour) that was crucial to the ancient world. However, it was but a first and limited foray, some "initial test probes" as Shaw himself writes it.² Ten years after the book's publication, the time is right to go beyond an initial foray with heavy use of comparative material and to try to articulate a consistent model of who rural wage workers might have been, how they might have been hired, and how could that hiring have been mediated.

In this thesis I have been able to produce a model for unspecialised rural wage labour in Late Antique North Africa. Although, due to the general lack of written sources, there are still many gaps and unresolved questions in our understanding of this socio-economic phenomenon, this model provides a first step towards a better understanding of this way of organising labour in the ancient world. Throughout this thesis we have been able to analyse how

¹ Although this allegory is linked to Ševčenko in his obituary in the *Harvard Crimson* and in a work of about the Rus between 750 and 1200, I do not know whether he committed this allegory in print. However, Ševčenko seems to have been fond of comparing historians to animals, see also Ševčenko, 1969 comparing historians to butterflies and caterpillars.

² Shaw, 2013: xviii.

unspecialised rural wage labour could have been organised, how it could have been mediated when there was a conflict between the parts, and the roles, socio-economic standing, and interests of the people participating in the hiring of casual labour. To summarise, I have argued for a workforce that mostly consisted of rural people, tenants and small landowners hired mainly for the harvest season either individually or through a contractor, and with hiring mechanisms and employment customs orbiting around the fears and worries of the employers. In the coming years, other authors and myself might be able to refine, adapt, change or build upon this model, but for now it can act as a first stone on which to build portrayals of rural wage labour in the Roman world.

I do not claim for one moment that this is a definitive model, but I am convinced of its utility as a base which can be probed, amended, or applied fully or partially to other similar contexts. This model is the result of an examination into unspecialised rural wage labour in Late Antique North Africa using a different methodological lens than Shaw's *Bringing in the Sheaves*. There are still numerous issues to be dealt with. For example, I have concentrated mainly on wage labour in the harvest. This is due to the presence of literary sources to work with and the importance of this activity for the ancient economy. However, other activities might have employed wage labour. Another potential avenue of expansion would be a greater incorporation of archaeological material, and future excavations in the North African countryside could have the potential to add much to our knowledge of land-use and the potential need for additional labour.

Throughout this thesis I have proposed a model for how unspecialised rural wage labour was organised in Late Antique North Africa. I have argued that it could be hired on an individual basis, but for those tasks that required hiring many people, especially the harvest, the hiring was performed through contractor-led gangs.³ Contractor-led gangs would be formed by a contractor who hired workers and offered their gang to local landowners. This arrangement provided landowners with a party (the contractor) who was liable, through legislation on the leasing of works, for any issues that might arise during the harvest.⁴ The possibility of obtaining compensation for errors and incidents, through the providing of sureties on the part of the contractor, related with the workforce made contractor-led harvesting gangs attractive

³ Chapter 2.

⁴ See Section 2.3.

to landowners. Furthermore, contractors were tasked, due to their liability, with controlling and managing the workers, offloading this task from the estate's managers.⁵ Although other types of 'harvesting gangs' existed in the ancient world, the contractor-led harvesting gang appears to be a purely Roman phenomenon.⁶

These contractors were, in general, people who came from a stratum of society clearly below the *curiales*, or local aristocrats, but probably above the median tenant or small landowner.⁷ They received many names such as *ductor* because they were the leaders and decision-makers of their gangs, and *redemptor* or *manceps* because they were contractors bound to the laws on the leasing of works.⁸ Although trusted slaves and freedmen under a patron might have performed that role, most contractors might have been drawn from the same social sectors from where the *conductores*, the leasers of imperial land, emerged.⁹ Caught between the higher and lower strata of their localities, they staked part of their wealth in sureties with which to increase their wealth and hopefully, like the Harvester of Maktar, manage to ascend into the curial rank. Being a harvest contractor was a lucrative venture, and contractors would have profited from asking for higher wages for the employment of their men and retaining part of that wage for themselves.¹⁰ Harvest contracting was perceived by the elites as a morally nebulous activity, in the *limes* between honour and dishonour, and had a regard for it akin to the disdainful regard of elites towards merchants.¹¹

No matter how many contractors there might have been, what mattered the most for the proper execution of the harvest, or any other task, was the people doing the work: the workers. Most of these workers would have been locals who were already engaged in agriculture, either as tenants or as small landowners.¹² When gathering in the markets and town squares hoping to be hired, there might have been quite a variety of people from different conditions and stages of life. Among those linked to a plot of land either by ownership or tenancy, who were the majority among these workers, there would both be

⁵ See Section 2.4.

⁶ See Section 2.2.

⁷ See Section 3.2.

⁸ See Section 3.1.

⁹ See Sections 3.2.1 and 3.2.2.

¹⁰ See Section 3.3.

¹¹ See Section 3.4.

¹² See Section 5.4.

seasoned adults and more inexperienced youths, and even children, with the latter being more attractive to hirers for certain tasks due to their lower wages.¹³ Although labour-intensive agricultural work is often thought about as the domain of men, both men and women would have been available for hire, the latter being thought of as more docile and less prone to give problems compared to their male counterparts (and therefore more shocking and wrongheaded when not behaving in this way).¹⁴ Among them one could have been able to hear both Latin and Punic, with both workers and hirers probably having a very basic knowledge of both to communicate with each other.¹⁵

Among the workers who offered themselves for casual labour, there would also be those who did not have land to work for most of the year. These landless workers can be divided into the very poor rural landless, a significant part of the urban non-elite population, and transhumant pastoralists from the fringes of the Roman territory. Although they might have been more mobile and adaptive to the demands of labour than their land-linked counterparts, mainly due to their lack of attachment to a specific plot of land, they could often have been in the minority. Living in the countryside without having access to land, in ownership or through a lease, was extremely difficult due to the lack of year-round unspecialised waged employment, and it would have required inordinate amounts of luck to be able to survive during years in such condition.¹⁶ The inability of the Roman countryside to sustain a 'rural proletariat' made this type of workers scarce. Urban populations without stable occupations often had the choice between going into the countryside to participate in the harvest, or rather make their much-needed additional income by taking advantage of the peak in activity of construction and dock work during the summer.¹⁷ The presence of a considerable increase of demand of urban casual work alongside the harvest of grains, makes urban workers less likely to participate in grain harvests, but they could have been significant in olive and grape harvests. Finally, the transhumant populations of the *limes* could have been significant in some parts of North Africa but it is unlikely that a significant number of them could have gone further north consistently.¹⁸ Despite landless workers being a minority inside casual workers,

¹³ See Section 4.4.1.

¹⁴ See Section 4.4.2.

¹⁵ See Section 4.4.3.

¹⁶ See Section 5.1.

¹⁷ See Section 5.2.

¹⁸ See Section 5.3.

the *topoi* around them as detached, mobile and dangerous men conformed the main idea that local elites had of rural wage workers.

The harvest was one of the most crucial operations of the year for farmers and landowners. It was inevitable that disputes over botched harvests or incidents relating to the workforce emerged, and these were primarily solved through arbitration.¹⁹ Bishops were regarded as ideal arbitrators in Late Antiquity, and therefore the link that Augustine of Hippo traces between wage workers and the sectarian circumcellions could have emerged from his interaction with wage workers as an arbitrator for labour disputes.²⁰ The conflict between Catholics and Donatists in Late Antique North Africa made a dent into the authority of the bishops to settle disputes, and therefore their social power and social position, so the arbitration of labour disputes might have been another battlefield where the sectarian conflict between Catholics and Donatists took place.²¹

In this thesis the objective of setting an initial model of unspecialised rural wage labour in Late Antique North Africa, built primarily from ancient sources and with minimal recourse to comparison with modern societies, has been successfully accomplished. Anyone who might want to expand on this issue can now do so parting from my propositions, and building from there. Additionally, this model has the potential to stimulate a conversation on the often-neglected topic of casual labour in the Roman world and it encourages further systematic treatment of the employment of casual rural wage labour in different times and spaces of the ancient world, with special reference to not just what unites these different contexts but also what makes them distinct. Just as Shaw's 'first foray' enriched not only this thesis but a study of the significance of a harvest parable in the New Testament,²² this thesis can enrich the study of rural wage labour in other contexts. Were there sureties given for harvest work in Ancient Greece? How were disputes around harvest labour settled in Sumeria? How was harvest labour employed in the post-Roman world? Other people will have to answer these questions, but this model is useful in establishing some preliminary questions and some basic

¹⁹ See Section 6.1.

²⁰ See Section 6.2.

²¹ See Section 6.3.

²² Howes, 2023.

positions from which an inquisitive mind can build their own arguments and structure their sources around.

Throughout this thesis we have been dealing with a topic that Finley considered to never have been “a significant factor in production”.²³ Wage labour might not have been the basic method of extracting labour from the workers in the ancient world, but casual rural wage labour was nonetheless significant. It was significant to the people who needed to complement their meagre incomes. It was significant to the *ductores*, people like the Harvester of Maktar, who saw an opportunity to potentially raise their standing. It was significant to the landowners who wanted to make sure that their estates were well-tended and that their revenue was not lost because of a bad harvest (*no diguis blat fins que no està al sac i ben lligat*, as the Catalan saying goes). It was significant, whether directly or indirectly, to everyone who depended on the agricultural cycle working as intended, from emperor to paupers. The workers of this thesis might not have been permanent employees, their side-gig might have been a marginal concern for lawmakers and historians, they might not have thought of themselves as wage workers, their work might not have been appreciated by their employers, their socio-economic betters or even themselves, but what they were doing was important. Their work was essential. Wage workers might not have been “a significant factor in production” but they were a significant factor in sustaining the Roman world.

²³ Finley, 1985: 65-66.

APPENDIX 1: Main Texts for the Contractor-led Harvesting Gang in the Roman World.

1. Cato. *De Agricultura*. 144: model contract for harvesting olives (Italy, late 2nd century BCE)

Text (Loeb)

Oleam legendam hoc modo locare oportet. Oleam cogito recte omnem arbitrato domini, aut quem custodem fecerit, aut cui olea venierit. Oleam ne stringito neve verberato iniussu domini aut custodis. Si adversus ea quis fecerit, quod ipse eo die delegerit, pro eo nemo solvet neque debebitur. Qui oleam legerint, omnes iuranto ad dominum aut ad custodem sese oleam non subripuisse neque quemquam suo dolo malo ea oletate ex fundo L. Manli. Qui eorum non ita iuraverit, quod is legerit omne, pro eo argentum nemo dabit neque debebitur. Oleam cogi recte satis dato arbitrato L. Manli. Scalae ita uti datae erunt, ita reddito, nisi quae vetustate fractae erunt. Si non erunt redditae, aequom viri boni arbitrato deducetur. Siquid redemptoris opera domino damni datum erit, resolvito; id viri boni arbitrato deducetur. Legulos, quot opus erunt, praebeto et strictores. Si non praebuerit, quanti conductum erit aut locatum erit, deducetur; tanto minus debebitur. De fundo ligna et oleam ne deportato. Qui oleam legerit, qui deportarit, in singulas deportationes SS.N. II deducuntur neque id debebitur. Omnem oleam puram metietur modio oleario. Adsiduos homines L praebeto, duas partes strictorum praebeto. Nequis concedat, quo olea legunda et faciunda carius locetur, extra quam siquem socium inpraesentiarum dixerit. Siquis adversum ea fecerit, si dominus aut custos volent, iurent omnes socii. Si non ita iuraverint, pro ea olea legunda et faciunda nemo dabit neque debebitur ei qui non iuraverit. Accessiones: in \dot{M} ∞ CC accedit oleae salsae M V, olei puri P. VIII, in tota oletate aceti Q. V. quod oleae salsae non acceperint, dum oleam legent, in modios singulos SS. V dabuntur.

Translation (Loeb; W. D. Hooper, Harrison Boyd Ash, 1934)

Terms for letting the gathering of olives: The contractor will gather the whole harvest carefully, according to the directions of the owner or his representative or the purchaser of the crop. He will not pick or beat down olives without the orders of the owner or his representative. If anyone violates this rule, no one will pay or be liable for what he has picked that day. All gatherers will take an oath before the owner or his representative that they have

not stolen olives, nor has anyone with their connivance stolen olives from the estate of Lucius Manlius during that harvest; if any refuse to take the oath, no one will pay or be liable for what he has gathered. He must give security for the proper harvesting of the olives, satisfactory to Lucius Manlius. Ladders are to be returned in as good condition as when they were issued, except those which have been broken because of age; if they are not returned, a fair deduction will be made by arbitration of an honest man. Whatever damage is done the owner through the fault of the contractor the latter will make good, the amount to be deducted after arbitration by an honest person. The contractor will furnish as many gatherers and pickers as are needed; and if he fails to do so, a deduction will be made of the cost of hiring or contracting, and the total will be less by that amount. He is not to remove firewood or olives from the farm; and if any of his gatherers carry them off, a deduction will be made of 2 sesterces for each load, and that amount will not be due. All olives will be measured clean in an olive measure. He is to furnish fifty active workmen, two-thirds being pickers. No one shall form a combination for the purpose of raising the contract price for harvesting and milling olives, unless he names his associate at the time; in case of a violation of this rule, if the owner or his representative wish, all the associates shall take an oath, and if anyone refuses so to swear, no one will pay or be liable for pay for the gathering or milling of the olives to one who has not so sworn. Bonuses: The extra allowance for a harvest of 1200 modii will be 5 modii of salted olives, 9 pounds of pure oil, 5 quadrantals of vinegar for the whole harvest; for that part of the salted olives which they do not take during the harvesting, an allowance of 5 sesterces per modius of the aforesaid will be made.

2. Suetonius. *De Vitae Caesarum*. Vespasian.1: alleged occupation of Vespasian's grandfather as a harvest contractor. (Italy, 119-122 CE for the text, approximately 1st century BCE for the context of the narration)

Text (Loeb)

...Non negaverim iactatum a quibusdam Petronis patrem e regione Transpadana fuisse mancipem operarum, quae ex Umbria in Sabinos ad culturam agrorum quotannis commeare soleant; subsedissem autem in oppido Reatino uxore ibidem ducta. Ipse ne vestigium quidem de hoc, quamvis satis curiose inquirerem, inveni.

Translation (Loeb; J. C. Rolfe, 1914)

...I ought to add that some have bandied about the report that Petro's father came from the region beyond the Po and was a contractor for the day-labourers who come regularly every year from Umbria to the Sabine district, to till the fields; but that he settled in the town of Reate and there married. Personally I have found no evidence whatever of this, in spite of rather careful investigation.

3. BGU 1.14: farm account noting payments to harvesters led by a contractor. (Memphis, Egypt, 255 CE)

Text (BGU)

Col.5

...τρυγῶντες ἐν . . . ν χωρίων . [. .] . . ξυλων

διὰ [. . .] ἐργολάβου ἀποφθε . [. (δραχμαὶ) ε] (ὄβολος)

ἄ[νδρες] τη (δραχμαὶ) Αφπδ

[ῶν ὀμ(ὄχρονοι(?))] ιθ πε, κ λζ, κα [ση, κβ] κθ, κγ μα,

[κδ] λη (γίνονται) οἱ π(ρογεγραμμένοι)...

καὶ δι(ὰ) Ἰσχυρίωνος ἐργολάβου ἐπι . ω . θε . (δραχμαὶ)

ἄνδ(ρες) ρη ἐκ (δραχμῶν) δ (δραχμαὶ) υοβ

ῶν ὀμ(ὄχρονοι(?)) κ κζ, κα λ[ζ], κβ ζ, κγ ιε, κδ [γ]β,

(γίνονται) οἱ π(ρογεγραμμένοι)...

Translation (Johnson, 1936: 218)

...308 men at 5 dr. 1 ob. gathering grapes – under– ,

the overseer (?) 1,584 dr.

Employed as follows: 18th, 85; 20th, 37; 21st, 78; 22nd, 29; 23rd, 41; 24th, 38...

...And under Ischyron, the contractor, 118 men at 4 dr. 472 dr.

Employed as follows: 20th, 27; 21st, 37; 22nd, 7; 23rd, 15; 24th, 32...

4. CIL 8, 11824: the Harvester of Maktar inscription. (Maktar, Africa Proconsularis, circa 3rd-5th centuries CE)

Text (Shaw, 2013: 285-286)

...fui

pau[p]ere progenitus lare sum parvoq(ue) parente,

cuius nec census neque domus fuerat.

ex quo sum genitus, ruri mea vixi colendo:

nec ruri pausa nec mihi semper erat,

et cum maturas segetes produxerat annus,

demessor calami tu(n)c ego primus eram,

falcifera cum turma virum processerat arvis,

seu Cirtae Nomados seu Iovis arva petens,

demessor cunctos ante ibam primus in arvis,

pos tergus linquens densa meum gremia.

bis senas messes rabido sub sole totondi

doctor ex opera postea factus eram.

undecim et turmas messorum duximus annis.

et Numdiae campos nostra manus secuit.

hic labor et vita parvo con<ten>ta valere

[*missing line...*]

et dominum fecere domus, et villa parast

et nullis opibus indiget ipsa domus.

et nostra vita fructus percepit honorum,

inter conscriptos scribitus et ipse fui.

ordinis in templo delectus ab ordine sedi

et de rusticulo censor et ipse [vac. 3] se [vac. 2] fui.

et genui et vidi iuvenes caro [vac. 2] sq(ue) [vac. 2] nepotes.

[missing line...]

Vitae pro meritis claros transegimus annos,

quos nullo lingua crimini laedit atrox.

Discite mortals sine crimine degere vitam;

sic meruit, vixit qui sine fraude, mori.

Translation (The author)

(1) I was (2) born in a poor home and to a poor father, (3) who had neither wealth nor property. (4) And since I was born, I have lived cultivating the fields. (5) There was never pause for me or my fields. (6) And when the season made the crops mature, (7) I was then the first reaper among the crops. (8) When our sickle-clad gang of men had gone to the fields, (9) seeking the nomad plains of Cirta or of Jupiter, (10) I preceded all, being the first harvester in the fields, (11) leaving behind my back dense sheaves. (12) I have reaped twelve harvests under the rabid Sun. (13) And then, from a workman, I became a foreman. (14) And I led the gangs of harvesters for eleven years (15) and my hand has cut the fields of Numidia. [...] (16) This work and life were good to someone from a poor environment (17) and made me owner of a house and furnished a villa. (18) And this house does not lack any wealth (19) and my life has seized the fruits of honour. (20) My name was written among the honour-enrolled by themselves. (21) And with their rank I sat in the temple of the order of the chosen. (22) And I myself from a little countryman became a censor. (23) I fathered children and have seen my young and beloved grandsons. [...] (24) I have traversed the bright years of life as I deserved, (25) which no tongue can damage with atrocious accusations. (26) Learn, mortals, to spend life without wrongdoing! (27) Deserved to live like this, he who without fraud died.

5. P. Lips. 1.111: letter on the non-presence of harvesters and their leaders (Egypt, 4th century CE)

Text (P. Lips.)

τῷ δεσπό[τη μ]ου καὶ ἀδελφῷ

Ἰσι[δω]ρω Σίων χαίρειν.

πρὸ μὲν [πά]ντων εὐχομαι τῷ ὑψίστῳ Θε[ῷ] περὶ

τῆς σῆς ὑγίας καὶ ὀλοκληρίας, ἵνα ὑγιένοντα σε καὶ

εὐθυμοῦντα ἀπολάβῃ τὰ παρ' ἐμοῦ γράμματα.

γνώναί σε θέλω, κύριέ μου ἄδελφε, ὅτι ἀπῆλθεν Εὐσέ-

βιος εἰς τὴν κώμην εἰς τὸ γεώργιον καὶ οὐχ εὔρλε/ν τοὺς

μόσχους ἐν τῷ γεωργίῳ ἐργαζομένους οὔτε τὰ Γενναδίου

οὔτε τὰ Δικαιάρχου· ἀλλὰ \και {ει}/ εἶπον Διδύμῳ ὅτι· δὸς τοὺς μισθο[ύς]

ἄλλους, ἵνα ἐ[ρ]γάσωσιν. εἶπέν μοι ὅτι· ἀργύρια οὐκ ἔχο[μεν],

καὶ εἰ \μὲν/ θέλεις με ἀπελθεῖν ἐκεῖ καὶ μισθῶσαι ἐργάτας,

καὶ σὺν αὐτοῖς ἐργάσομαι καὶ καθαρίσομεν τὸ γεώργι[ο]ν.

ἀντίγραφόν μοι, ἀλλ' ὄρα μὴ ἀμελήσης ἀντιγράψαι μοι

περὶ τούτου. οἶδας γάρ, ὅτι καιρός ἐστίν....

Translation (courtesy of Panagiota Mantouvalou)

To my master and brother Isidoros Sion

Greetings!

First and foremost, I pray to the almighty God for your health, to be utterly healthy and to continue to be healthy and to accept my letters with pleasure.

I would like to make you aware, my master and brother, that Eusebios has gone to town [and more specifically] to the farmstead and did not find the workers who normally attend to the cows (or the cowworkers/cowfarmers), neither those who work under Gennadios nor (those who work under) Dichaeearhos. And I told Didymos that. Give the wages to others to work (for us in the estate). He told me that we do not have any silver and if you want to go over there

and hire workers, I will also work with them to clear out the field. Send your reply, and take care not to forget, reply to me regarding this matter. You know very well it is high time.

APPENDIX 2: Rates of Pay for Harvesters in Egyptian Farm Accounts

	Source	Date	Translation/ Commentary	Type of harvest	Daily pay rate or total pay	Duration of the harvest / Number of arouras per man or total	Total for worker working all days
1	<i>P. Lond.</i> 1.131v	78-79	Johnson, 1936: 181- 207	Straw	2 ob. per day	<i>Circa</i> 1 day	2 ob.
2				Unknown	2 ob. per day	<i>Circa</i> 2 days	4 ob.
3	<i>P. Flor.</i> 1.101	90	Johnson, 1936: 207 Shaw, 2013: 272-273	Wheat	5 <i>artabas</i> total (+ 1/9 th of a <i>ceramion</i> of beer) ¹	6 arouras per man	5 <i>artabas</i> + 1/9 th <i>ceramion</i> of beer
4	<i>P. Fay.</i> 1.102	105	Johnson, 1936: 208- 209	Olives	6 ob. per day (adults) ²	7 days ³	7 dr.
5	<i>P. Sarap.</i> 49	123	Shaw, 2013: 274-275	Wheat	36.5 <i>artabas</i> total	36.5 arouras per man ⁴	36.5 <i>artabas</i>
6	<i>P. Sarap.</i> 50	124	Shaw, 2013: 275	Unclear	2 dr. total	230 arouras total	2 dr.
7	<i>P. Sarap.</i> 51	125	Shaw, 2013: 275-277	Wheat	5.8 <i>artabas</i>	130 arouras total	5.8 <i>artabas</i>

¹ The rate is 5/6 of an *artaba* for each *aroura* reaped, with each man working 6 arouras.

² See Chapter 4, Section 4.4.1 for the rates of young people and children.

³ Not counting the day in which only children work.

⁴ The harvest is undertaken in two chronologically distinct campaigns: a first one of 140 arouras and a second one later in the month of Pachon of 80 arouras.

8	<i>P. Goodsp.</i> 30	191- 192	Johnson, 1936: 210- 213	Hay	Unclear (112 dr. for an indeterminate number of people)	Unclear	Unclear
9	<i>P. Flor.</i> 1.80	1 st -2 nd century	Shaw, 2013: 271-272	Wheat	4.5 <i>artabas</i> ⁵	9 <i>arouras</i> per man	4.5 <i>artabas</i>
10	<i>PSI 7.789</i>	1 st -2 nd century	Shaw, 2013: 273-274	Wheat	4 dr. total	Unclear	4 drachmas
11	<i>P. Flor.</i> 3.322	248	Johnson, 1936: 220- 223	Hay	1 dr. 5 ob. ⁶	64 days	109 dr. 5 ob.
12			Rathbone, 1991: 159	Wheat	2 dr. 6 ob. ⁷	1 day	2 dr. 6 ob.
13	<i>P. Flor.</i> 3.321	254- 260	Johnson, 1936: 219- 220	Hay	2 dr. 2 ob. ⁸	30 days	68 dr. 4 ob.

⁵ The result of dividing the total wage corresponding to half an artaba per aroura among the six reapers.

⁶ In this document one drachma equals seven obols instead of six obols.

⁷ See n.6

⁸ See n.6

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Didascalia Apostolorum (Dunlop Gibson 2011)

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DIODORUS SICULUS. *Βιβλιοθήκη Ἱστορική* (LCL 279, 303, 340, 375, 377, 384, 389-390, 399 409, 422-423)

DONATUS. *Interpretationes Vergilianae* (Teubner 1905)

Epitome de Caesaribus (Teubner 1911)

FESTUS. *De Verborum Significatu* (Teubner 1913)

FRONTINUS. *De Aquis Urbis Romae* (LCL 174)

GELLIUS. *Noctes Atticae* (LCL 195, 200, 212)

GERONTIUS. *Βίος της Μελανης* (Gorce, 1962)

Gesta Collationum Carthaginensis (CSEL 104)

Hearing before the Subcommittee on Agricultural Labor on H.R. 632

HERODOTUS. *Ἱστορίαι* (LCL 117-120)

HESIOD. *Εργα καί Ημέραι* (LCL 57)

Historia Augusta (LCL 139-140, 263)

HOMER. *Ὀδύσσεια* (LCL 104-105)

HORACE. *Carmen Saeculare* (LCL 33)

Ep.

1.16 (LCL 194)

IL Afr

60

390

568

IL Alg

1, 3992

Institutiones (Mommsen and Krueger 2014)

JEROME. *Commentariorum in Ezechielem Prophetam* (PL 25)

JOHN CHRYSOSTOM. *Περὶ Ἐλεημοσύνης* (PG 51)

Υπομνημα εις τον Αγιον Ματθαιον τον Ευαγγελιστην

61 (PG 58)

JOHN MOSCHUS. *Λειμωνάριον* (PG 87:3)

JULIAN. *Ep.*

41 (LCL 157)

Orationes

2 (LCL 13)

JULIUS PAULUS. *Sententiae Receptae Paulo Tributae* (Intertext 2007)

JUVENAL. *Satires*

14 (LCL 91)

LIBANIUS. *Orationes*

18 (LCL 451)

50 (LCL 452)

LIVY. *Ab Urbe Condita* (LCL 114, 133, 172, 191, 233, 295, 301, 313, 332, 355, 381, 396)

Notitia Dignitatum (Seeck, 1876)

Novellae Iustiniani (Schoell and Kroll 2014)

O. Bodl.

2.1164

O. Did.

29

O. Krok.

1.51

O. Strasb.

1.727

O. Wilcken

2.1308

OPTATUS. *Contra Parmenianum Donatistam* (CSEL 26)

ORIGEN. *In Numeros Homiliae* (PG 12)

P. Abinn.

59

P. Brem.

54

P. Cair. Goodsp.

30

P. Cair. Zen.

2.59167

4.59665

4.59748

P. Corn. Inv.

2.48

P. Dubl.

32

33

34

P. Fay.

101

102

P. Flor.

1.80

1.101

1.102

2.180

3.321

3.322

3.369

P. Giss. Univ.

1.5

P. Lips.

1.97

1.111

P. Lond.

1.131

2.151

2.163

2.168

3.974

3.1171

3.1770v

7.195

P. Mich.

1.62

P. NYU.

2.40

P. Oxy.

3.477

3.639

4.707

4.729

4.737

14.1631

14.1692

33.2673

47.3354

P. Oxy. Hels.

13

P. Panop. Beatty

1

P. Petrie Kleon

90

91

P. Prag. Varcl.

2.3

2.5

2.17

P. Ross. Georg.

2.36

P. Ryl.

2.97

P. Sarap.

49

50

51

94

P. Tebt.

2.304

P. Vindob. Gr.

32010

Passio Sanctorum Scillatorum (Musurillo, 1972)

PALLADIUS. *Opus Agricolae* (Martin, 1976)

PAULINUS OF NOLA. *Ep.*

49 (CSEL 29)

PAULINUS OF PELLA. *Eucharisticos* (CSEL 16)

PAULUS ALEXANDRINUS. *Εἰσαγωγικά* (Teubner 1958)

PETRONIUS. *Satiricon* (LCL 15)

PLATO. *Ευθυφρων* (LCL 36)

Πολιτεία (LCL 237, 276)

PLAUTUS. *Pseudolus* (LCL 260)

PLINY THE ELDER. *Naturalis Historia* (LCL 330, 352-353, 371, 292-394, 418-419)

PLINY THE YOUNGER. *Ep.*

7.30 (LCL 55)

PLUTARCH. *Βίοι Παράλληλοι* (LCL 46-47, 65, 80, 87, 98-103)

POLYBIUS. *Ἱστορίαι* (LCL 128, 137-138, 159-161)

PSEUDO JOSHUA THE STYLITE. *Chronica* (CSCO 121)

PSEUDO SULPICIUS SEVERUS. *Ep.*

6 (CSEL 1)

PSI

1.33

1.82

6.688r

7.789

13.1338

PTOLEMY. *Τετραβίβλος* (LCL 435)

RUFINUS. *Historia Monachorum* (PL 21)

SB

1.5126

14.12139

18.13881

26.16727

SALLUST. *Bellum Catilinae* (LCL 116)

SENECA. *De Beneficiis* (LCL 310)

Ep. Morales ad Lucidium (LCL 75)

Sententiae Receptae Paulo Tributae (FIRA 2)

SIDONIUS APOLLINARIS. *Ep.*

4 (LCL 296)

Stadiasmus sive Periplus Maris Magni (Müller 1855)

STRABO. *Γεωγραφικῶν* (LCL 49-50, 182, 196, 211, 223, 241, 267)

SUETONIUS. *De Vitae Caesarum* (LCL 38)

SYMMACHUS. *Ep.*

7.66 (Callu, 1995)

Relationes

18 (Barlow, 1973)

35 (Barlow, 1973)

38 (Barlow, 1973)

TACITUS. *Annales* (LCL 249, 312, 322)

Historiarum (LCL 111, 249)

THEMISTIUS. *Orationes* (Dindorf 1832)

VARRO. *De Lingua Latina* (LCL 333)

De Res Rustica (LCL 283)

VERGIL. *Aeneid* (LCL 63-64)

VICTOR OF VITA. *Historia Persecutionis Africanae Provinciae* (CSEL 7)

XENOPHON. *Ἀπομνημονευμάτων* (LCL 168)

Οἰκονομικός (LCL 168)

Yale Oriental Series

5.140

8.13

8.44

8.46

13.79

YPM BC

7733

19929

19937

20075

21886

21892

25967

25975

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