

DEBT-BONDAGE AND SERFDOM

15. Pausanias, 4, 14

Greeks saw all around them persons whose legal status gave them an intermediate position between the full citizens of self-governing democratic communities and chattel slaves in the absolute ownership of their masters – ‘between free men and slaves’, as they were called by the second century AD lexicographer Pollux (3, 83). But their tendency to classify everything in terms of exclusive and exhaustive polarities led them to ignore the separate existence of such groups. (Cf. the tendency in the New World to assimilate black freedmen or Free Coloureds to slaves.) Democracies in particular asserted the independence of tenants and wage-labourers, non-citizen residents (Metics) and the women and children of citizens, and classified them all as ‘free’ despite their social, economic or juridical dependence upon others. On the other hand, various groups of serfs or tenants who had no political rights but lived in family communities of their own, working inherited plots of land, like the Spartan Helots, were considered slaves. Athenaeus lists various serf-like groups which he fails to distinguish from chattel slaves (No. 80, 263d and 271 below); for the Spartan Helots (whom Plato too assimilated to chattel slaves: Athenaeus 264f) see AVN 58–60; Varro mentions similar dependent workers in Asia, Illyricum and Egypt (No. 148 below). But the words of the seventh century BC poet Tyrtaios make it clear that the obligations and social position of these serfs were quite unlike those of chattel slaves.

(4) The Spartans imposed the following conditions on the Messenians: first, an oath not to rebel against Sparta and not to make any constitutional changes of any kind; secondly, instead of imposing a fixed sum of tribute, the Messenians had to bring half of all their harvest produce to Sparta; and at the funerals of Spartan kings or rulers, Messenian mourners had to attend, with the women wearing black. (5) There was a penalty for non-compliance. Tyrtaios mentions these impositions in his poetry:

They were like asses, exhausted beneath their burdens:
they were forced to bring their masters one half of the produce of
their lands.

And the following lines show that they had to participate at Spartan funerals:

Men and women both lamented their masters
when the day of death came upon them.

16. Aristotle, *Constitution of Athens*, 2; 6; 12.4

In classical Athens, everyone who was not an immigrant or descended from immigrants (i.e. Metics and slaves), had full legal and even political rights; however deeply they got into debt, they knew that they could never be sold abroad as slaves.

But Athenians remembered that, once upon a time, they too had had a class of bondsmen; and it was the abolition of this status category (rather than any hypothetical political reforms) which made Athenians claim the lawgiver Solon as the man responsible for their democracy. Even in agricultural societies with a much more advanced technology than that of Athens, debt is an endemic problem, since a series of bad harvests leaves poor peasants with no resources of their own, and forces them into dependence upon wealthier or luckier neighbours – as can be seen from Pliny’s reference to tenants in northern Italy (No. 146 below). The legal codes of the ancient Near East contained provisions limiting the extent to which such debt-slaves could be exploited: Hammurabi of Babylon decreed that they should be released after three years; in ancient Israel, they had to be released when the seventh, ‘Sabbatical’, year came round.

It would seem that in the eighth and seventh centuries BC a rapid increase in the total population, together with the greater availability of luxury goods from the Orient and elsewhere, sharpened the competition among Greek aristocrats to possess and display wealth; there were consequently increasing pressures on them to exploit their dependants, and incentives to enslave and sell abroad those who were unable to meet their demands. By limiting the possibilities the rich had of exploiting the poor, Solon’s reforms may well have stimulated the demand for imported slaves at Athens; and this contributed to the development of the slave/free polarity, since henceforth *no* citizen could be made a slave, and every slave would have to be an imported foreigner (or his descendant).

Athenian peasants were well aware that they were exceptional in being protected from enslavement by their creditors (Solon’s abolition of enslavement for debt was so exceptional that Athenians thought he had got the idea from Egypt, notoriously the country where all normal habits were inverted: see Diodorus Siculus 1, 79, 3–5).

It is not clear whether in fact the *hektēmoroi* Solon set free were originally free peasants who had become the debtors of the rich, or a pre-existing class of dependent serfs who could be sold as slaves if they failed to pay their dues.

(2) After these events [the conspiracy of Kylon], there was a long period of conflict between the notables and the mass of the people. This was because their constitution was oligarchical in every respect, and in particular in that the poor were the slaves of the rich, both themselves and their children and wives. They were called *Pelatai* and *hektēmoroi* (sixth-sharers); for that was the proportion of rent for which they worked the fields of the rich (the whole country belonged to a very small number of persons); and if they didn't pay their rent, they themselves were liable to be carried off [i.e. sold abroad] together with their children. All money-lending was on the security of the borrower's own person up to the time of Solon; he was the first to become a champion of the people. It was the matter of slavery which was the hardest and most unacceptable aspect of the political system for the majority of people.

(6) When Solon became master of Athenian affairs, he set the people free both for the present and for all time to come, by forbidding the lending of money on the security of the borrower's person; and he enacted laws and decreed the cancellation of debts, both those owed to individuals and those owed to the community; they call this the 'shaking-off of burdens' (*Seisakhtheia*), because they shook off their misery in this way.

(12.4) Solon in his poetry also has the following things to say about his cancellation of debts and about the people who had previously been slaves but had been set free as the result of the *Seisakhtheia*:

Of all the aims for which I called together the people,
which did I abandon before achieving it?

The great mother of the Olympian spirits, black Earth,
will be my best witness, in Khronos' court-of-judgement;
I removed the boundary-stones planted everywhere upon her
when she was once enslaved; and now she is free.

I brought back to Athens, their god-given homeland,
many who had been sold, one unjustly, the other justly;
and those who fled because of the burden of debts, no longer
able to speak Attic Greek because they had wandered so far.
And those who suffered the disgrace of slavery here at home,
trembling at their masters' whims, I set them free.

I did these things with the power of the Law, establishing
harmony between Force and Right.

17. Aulus Gellius, *Attic Nights*, 20, 1

From the fourth century BC on, Rome, like Athens, was exceptional in not allowing its citizens to be sold as slaves if they were unable to pay their debts. But such ultimate sanctions had existed in the earliest Roman law code, the *Twelve Tables*, and its provisions were remembered as quite sensible. It is interesting that the enslaved had to be sold 'across the Tiber', i.e. outside Roman territory: not for fear that slaves would rebel, but rather because the idea of owning a slave who had once been a full Roman citizen gave rise to feelings of unease — just as Islamic law does not allow one Moslem to be enslaved by another.

(41) Our ancestors insisted on the strict maintenance of trust not just in official matters, but also in business contracts, and in particular in the use and exchange of money for loans; for they thought that this form of assistance for short-term problems, which is essential for all of us, would disappear if debtors could evade their obligations without risking serious punishment. (42) So those who admitted that they owed money were allowed thirty days to try and raise the required sum; (43) these were called 'legal' days, as if they were a suspension of the execution of the sentence . . . (44) and if they hadn't paid back the loan within this period, they would be called before the Praetor and assigned by him to the people in whose debt they had been declared to be; and they would be bound with ropes or fetters. (45) For I think that that is what the law states:

Let there be thirty legal days if a debt has been admitted and the case has been decided in accordance with the law. Then let there be an arrest, and let him be brought to court. If he does not satisfy the judgement and no one intervenes on his behalf before the court, let him take him away with him, let him bind him with rope or fetters. Let him bind him with a weight of not less than fifteen pounds, or more if he so wishes. If he wishes, let him live at his own expense; if he does not, the man who holds him bound is to give him a pound of porridge each day. If he wishes, let him give him more.

(46) In the intervening period, the parties could reach a compromise, and if they didn't, they were kept chained up for sixty days. (47) During this period they would be brought before the Praetor at a popular assembly on three market-days in succession, and the amount of money involved in the case would be announced. But on the third of these market-days, they would be punished with execution or sent abroad for sale on the other side of the Tiber.

18. Livy, 6, 27

According to the traditions preserved by the historians of the Roman Republic, popular discontent about debt-bondage came to a head in the years after the sack of Rome by the Gauls (traditionally 390 BC), when peasant farmers were faced with a combination of economic difficulties associated with reconstruction, and the need to defend themselves against their hostile Latin neighbours (see Livy, 6, 14.2–20.5). But the Republic needed the support of every available citizen to fight in the campaigns waged year after year – first to establish Roman hegemony over the Latins, then to expand into Campania, and ultimately to conquer the whole of Italy. Roman commanders could not win wars with discontented soldiers; at the same time the vast booty they obtained from plundering Italians served as an alternative to exploiting and enslaving their own citizens. The connection between the peasant farmer's desire for protection against debt-bondage and the elite's need for soldiers is explicitly drawn in this speech by a popular leader, criticising the Senate for refusing to appoint Censors to look into the status of debtors (dated to 380 BC):

(8) But if the plebeians had the courage to remember the freedom that their fathers had enjoyed, they would not tolerate the enslavement of any Roman citizen because he owed money, and they would not allow any military levies to be held until the question of debt had been examined and a scheme to diminish the problem had been put into effect, and everyone knew what was his own property and what belonged to someone else, and whether his body was still free or whether that too was going to be put in chains.

19. Livy, 8, 28

With the increasing importance of militarism in Roman life, the peasant soldier finally became powerful enough to force the abolition of debt-bondage (according to Livy, in 326 BC; Valerius Maximus (6, 1.9) and Dionysius of Halicarnassus (16, 5) put this development in the aftermath of the disastrous defeat at the Caudine Forks in 321 BC). Smallholders who fell into debt remained liable to forced labour and imprisonment until their debts had been paid off (*addictio*); the position of tenants (*coloni*) vis-à-vis their landlords was so weak that by late antiquity the question of whether their legal status was that of citizens or of slaves effectively ceased to matter. But at least citizen-debtors could no longer become their creditors' property, liable to be sold abroad. For wealthy Romans, economic exploitation would increasingly

have to be directed towards outsiders; through conquest, and through the ownership of foreign slaves.

It is interesting that Livy describes the events leading to the abolition of debt-bondage at Rome in terms reminiscent of the overthrow of tyranny at Athens: political and economic factors are ignored in favour of a good story clearly based on that of Harmodios and Aristogeiton (Thucydides 6, 54; Aristotle, *Ath. Pol.* 18).

In that year something happened to the Roman people which was like a new birth of freedom, since debt-bondage ceased. The reason for this change in the law was the extraordinary lust and concomitant cruelty of one particular money-lender. This was Lucius Papirius; Caius Publilius had given himself in bondage to him because of a debt he had inherited from his father. His youth and appearance should have aroused sympathy, but instead provoked sexual passion and insolence. The creditor considered his youthful attractiveness an additional bonus for the debt he was owed, and at first tried to solicit the young man with seductive talk; but then, since he wouldn't listen to these immoral propositions, he used threats and reminded him of his position of dependence – and in the end, when he realised that he was more mindful of his free birth than of his present status, he ordered him to be stripped and given a beating. After the thrashing the young man rushed into the street complaining about the money-lender's immorality and brutality, and a great crowd of people gathered, who commiserated with him because he was so young and had been so shamefully wronged and also because they were concerned about the condition of dependence that they themselves and their children were in; so they rushed down to the Forum, and then in a solid column on to the Senate House. The Consuls were forced by this sudden disturbance to convene a meeting of the Senate. As the Senators entered the Chamber, demonstrators fell down at each man's feet, and showed them the young man's mangled back. Because of the unrestrained brutality of a single man, the powerful chains of debt were broken on that day; the Consuls were ordered to propose to the popular assembly that no one should be held in chains or imprisoned (except those who had committed a crime, until they had paid compensation); and that the borrower's property, but not his body, should be subject to distraint for loans. So debt-bondsmen were set free, and it was forbidden for anyone to be made a bondsman in future.

20. Tacitus, *Germania*, 24.3–25.3

For quite different reasons, neither Athens nor Rome happened to