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Pope Gregory the Great

ADAM SERFASS

This is the only detailed study of slavery and Pope Gregory the Great that
is readily available. The first part of the study examines Gregory's theoreti-
cal writings on slavery; it focuses, in particular, on a passage in the *Regula
Pastoralis* where Gregory teaches slaves and masters how to find God through
their dependency. The second part turns to Gregory's correspondence. In his
interventions in slaves' lives, Gregory is seen generally to follow Justinianic
law, with occasional deviations therefrom. I argue that an abiding interest in
fostering social order underlies both Gregory's views on slavery in theory and
his encounters with it in practice.

"It is good," writes Gregory, "if men, whom from the beginning nature
brought forth as free and the law of nations subjected to the yoke of slavery,
should be returned by the benefit of manumission to that liberty in which
they were born."[1] While this statement, excerpted from a letter in which
the pope frees two papal slaves, has been deemed the strongest anti-slav-
ery sentiment in early Christian literature,[2] Gregory, like all of his patristic
predecessors, was no abolitionist. What did Gregory think about slavery,

1. " . . . salubriter agitur, si homines, quos ab initio natura liberos protulit et ius
gentium iugo substituit servitutis, in ea qua nati fuerant manumittentis beneficio
libertate reddantur" (*ep*. 6.12 [CCL 140:380]). All translations are mine. Gregory's
works are cited without author.
2. G. E. M. de Ste. Croix, *The Class Struggle in the Ancient Greek World from
the Archaic Age to the Arab Conquests* (Ithaca, NY: Cornell University Press, 1981),
423. Even more critical, however, is Gr. Nyss. *Hom. in eccl*. 4 (W. Jaeger, ed., *Gregorii
Nysseni opera* [Leiden: Brill, 1962], 5:334–38), with P. Garnsey, *Ideas of Slavery from
Aristotle to Augustine*, W. B. Stanford Memorial Lectures (Cambridge: Cambridge
University Press, 1996), 80–85; P. Maraval, "L'Église du IVème siècle et l'esclavage,"
Studia Moralia 8 (1970): 322–24; R. Klein, *Die Haltung der kappadokischen Bischöfe
Basilius von Caesarea, Gregor von Nazianz und Gregor von Nyssa zur Sklaverei*,
Forschungen zur antiken Sklaverei 32 (Stuttgart: Franz Steiner, 2000), 205–15.

and how did he intervene in the lives of slaves during his episcopacy? Although recent scholarship has explored these questions with reference to figures like Ambrose, Augustine, and the Cappadocians,[3] this study represents, to my knowledge, the first detailed examination of Gregory's views on slavery in theory and practice that is readily available.[4]

I will argue that the same principle guides Gregory's theoretical writings on slavery and his dealings with slaves in daily life: a deep interest in promoting social order, an order in which divinely ordained hierarchies, like that of master and slave, promote the stability essential to the spiritual efflorescence, indeed the salvation, of the Christian. In his reflections on the slave/master relationship, which will be examined in the first part of the study, Gregory promotes order at the microcosmic level: he shows masters and slaves how to maximize the spiritual benefits of their relationship and to minimize its pitfalls. In his interventions in slaves' lives, which will be examined in the second part of the study, Gregory promotes order at the macrocosmic level by enforcing civil legislation on slavery, to which, I will show, Gregory generally adheres: he follows laws laid down by a ruler whom God has placed at the summit of the human hierarchy, laws that are meant to bring order to a chaotic and broken world. Gregory occasionally departs, however, from the letter of the law in order to foster the social well-being of slaves, thereby vouchsafing for them an atmosphere more conducive to the practice of the Christian life.

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3. E.g., Klein, *Haltung der kappadokischen Bischöfe zur Sklaverei*; idem, *Die Sklaverei in der Sicht der Bischöfe Ambrosius und Augustinus*, Forschungen zur antiken Sklaverei 20 (Stuttgart: Franz Steiner, 1988); G. Corcoran, *Saint Augustine on Slavery*, Studia ephemeridis "Augustinianum" 22 (Rome: Institutum Patristicum "Augustinianum," 1985); Garnsey, *Ideas of Slavery*, 189–219.

4. E. Benedetti published a short monograph on the subject, but the Vatican Library appears to be the only European or North American institution that holds a copy: *S. Gregorio Magno e la schiavitù* (Rome: Filippucci, 1904). The evidence for slavery found in Gregory's correspondence is surveyed briefly in, *inter alios*, V. Recchia, *Gregorio Magno e la società agricola*, Verba seniorum n.s. 8 (Rome: Studium, 1978), 68–72; E. Spearing, *The Patrimony of the Roman Church in the Time of Gregory the Great* (Cambridge: Cambridge University Press, 1918), 79–89; C. Verlinden, *L'esclavage dans l'Europe médiévale*, Rijksuniversiteit te Gent, Werken uitgegeven door de Faculteit van de Letteren en Wijsbegeerte 119/162 (Brugge: De Tempel/Gent: Rijksuniversiteit te Gent, 1955/77), 2:92–96; J. Richards, *Consul of God: The Life and Times of Pope Gregory the Great* (London: Routledge and Kegan Paul, 1980), 58–59; G. Damizia, "Il 'Registrum epistolarum' di S. Gregorio Magno ed il 'Corpus juris civilis,'" *Benedictina* 2 (1948): 209–14; J. R. C. Martyn, trans. and ed., *The Letters of Gregory the Great*, 3 vol., Mediaeval Sources in Translation 40 (Toronto: Pontifical Institute of Mediaeval Studies, 2004), 1:95–96.

SLAVERY IN THEORY

The quotation opening this study makes it clear that Gregory does not believe, as Aristotle does, that some humans are slaves by nature.[5] Its language echoes that of legal writings on slavery, with which Gregory was familiar: slavery is part of the *ius gentium*, but not of the *ius naturale*.[6] If none are slaves by nature, why are some slaves and others free? Gregory implicitly addresses this question in his treatment of the origins of social inequality in the *Moralia in Iob* (21.14–15),[7] a passage essential for interpreting Gregory's explicit instructions to slaves and masters in the *Regula Pastoralis* (3.5). In the passage, Gregory avers that all humans are indeed equal by nature, but that God, by a secret dispensation (*dispensatio occulta*), has chosen to subject some to others. Each individual is assigned to a particular place in this hierarchy (*ordo*) according to his sinfulness (*ex vitio*). Slavery, then, is punitive and providential. As Gregory deals with slaves and masters in his correspondence, we will see that Gregory often must weigh the competing claims of human *aequalitas* and the divine *dispensatio*.[8]

Gregory's language and logic here closely depend on a section of Augustine's *De civitate Dei* (19.15). While affirming the general affinity of the passages, Marc Reydellet, in an astute analysis, also points out a subtle difference. Augustine focuses on the subjects' perspective; he seeks to convince them that God providentially subordinated them for their own spiritual benefit. Gregory focuses on the superiors' perspective; he seeks

5. Ambrosiaster (*ep. Col.* 4.1 [CSEL 81.3:202]); Augustine (e.g., *Civ.* 19.15 [CCL 48:682–83], *Hept.* 1.153 [CCL 33:59], *Psal.* 124.7 [CSEL 95.3:155–58]); and other theologians agree with Gregory: see further Maraval, "Église et esclavage," 324–26; Corcoran, *Augustine on Slavery*, 31–33; Klein, *Sklaverei in der Sicht der Bischöfe Ambrosius und Augustinus*, 110–15.

6. For similar language, see, e.g., *Inst.* 1.3.2, 1.5 pref. (*Corpus iuris civilis*, ed. P. Krueger et al., rev. W. Kunkel, vol. 1: *Institutiones, Digesta*; vol. 2: *Codex Iustinianus*; vol. 3: *Novellae* [Berlin: Weidmannsche Verlagsbuchhandlung, 1954], here at 1:2. These three volumes are cited hereafter as *CIC* 1, 2, 3); *Dig.* 1.1.4, 1.5.4, 50.17.32 (*CIC* 1:29, 35, 921). On Gregory's familiarity with the Justinianic legal corpus, see Damizia, "Registrum epistolarum."

7. *Mor.* 21.14.21–15.24 (CCL 143a:1081–83); see also *Mor.* 26.26.44–48 (CCL 143b:1298–1303); *RP* 2.6 (in *Grégoire le Grand: Règle pastorale*, introduction, notes, and index by B. Judic, text ed. by F. Rommel, and French trans. by C. Morel, Sources chrétiennes 381–82 [Paris: Éditions du Cerf, 1992], 381:202–19), 3.20 (SC 382:382–93); and C. Straw, *Gregory the Great: Perfection in Imperfection*, Transformation of the Classical Heritage 14 (Berkeley and Los Angeles: University of California Press, 1988), 86.

8. So also Recchia, *Società agricola*, 118–20.

to elucidate the potential and peril implicit in their position: all in authority are given power in order to serve their subjects and must earn their power by living an especially moral life.[9] A further difference lies in the context in which Gregory's treatment appears: in a long riff on humility, which occupies an important place in Gregory's economy of the virtues. Gregory warns superiors, among whom are counted the masters of slaves, that, should they fail to appreciate human equality (*aequalitas naturalis, aequalitas conditionis*), they are prone to humility's antitype, pride, which Gregory paints vividly as an "internal swelling" (*tumor elationis, tumidis cogitationibus, crescentem intrinsecus animi tumorem*), which only humility can cure.[10]

In the *Regula Pastoralis* (*RP*), Gregory further discusses how superiors and subjects and slaves and masters should think about and treat one another. He describes how a preacher should admonish (*ammonere*) slaves and masters (3.5) and, in the immediately preceding section (3.4), subjects (*subditi*) and superiors (*praelati*).[11] In 3.4, Gregory writes that superiors must be admonished to live just and righteous lives, not simply for the health of their own souls, but also to set a good example for their subjects, for whose souls the superiors are likewise responsible.[12] Subjects are not conversely responsible for their superiors' souls, so they must be admonished to concentrate on cultivating their own spiritual lives. Subjects should not "judge rashly" their superiors' behavior, lest in comparing their own rectitude with their superiors' immorality, they should grow prideful. Subjects must respect their superiors, even if the faults of the latter are egregious. The rationale behind Gregory's admonition becomes clear at the close of the section: "Nam cum praepositis delinquimus, eius ordini

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9. M. Reydellet, *La royauté dans la littérature latine de Sidoine Apollinaire à Isidore de Séville*, BÉFAR 243 (Rome: École française de Rome, 1981), 465–66.

10. Reydellet (*Royauté*, 468–71) notes that Gregory distinguishes *elatio* and *superbia*: the former is purely internal pride, a sense of self-satisfaction; the latter is pride focused outward, a desire for recognition from others.

11. The idea of arranging listeners into "contrasting pairs" has an intriguing history: see SC 381:28, 41–43; V. Paronetto, "Une présence augustinienne chez Grégoire le Grand: le *De catechizandis rudibus* dans la *Regula pastoralis*," in *Grégoire le Grand: Chantilly, Centre culturel Les Fontaines, 15–19 septembre 1982: Actes*, ed. J. Fontaine, R. Gillet, and S. Pellistrandi, Colloques internationaux du Centre national de la recherche scientifique (Paris: Éditions du Centre national de la recherche scientifique, 1986), 513–14; M. L. Colish, *The Stoic Tradition from Antiquity to the Early Middle Ages*, Studies in the History of Christian Thought 34–35 (Leiden: Brill, 1985; repr. 1990, with corrections), 2:260–61.

12. For Augustine, "the master's sins, though they may hurt the slave too, have a far more injurious effect on the master himself": Corcoran, *Augustine on Slavery*, 34.

qui eos nobis praetulit obviamus. Unde Moyses quoque cum contra se et Aaron conqueri populum cognovisset, ait: 'Nos enim quid sumus? Nec contra nos est murmur vestrum, sed contra Dominum.'"[13] Gregory here echoes the passage from the *Moralia* discussed above: the subject/superior relationship is divinely ordained. But, he goes a step further. The subject's superior, by metonymy, is God.

The discussions of the slave/master relationship in the New Testament epistles are implicit in Gregory's advice to superiors and subjects in *RP* 3.4. The conflation of the earthly and divine masters, for example, is present in Ephesians (6.5–8) and Colossians (3.22–24), although the allusion to Exodus is a Gregorian innovation. The admonition to serve willingly an evil master is a theme developed in the first letter of Peter (2.18–21). Gregory makes an important addition, however, to these traditional teachings: the New Testament writers do not maintain that the master is to be held directly responsible for the souls of his slaves. As noted above, for Gregory, the price of superiority is greater responsibility, and the failure to fulfill this responsibility in regard to one's subjects jeopardizes the superior's salvation.

Gregory's advice in the following section (3.5), which is specific to the slave/master relationship, is also grounded in the New Testament epistles. This section is here reproduced in full:

> Slaves ought to be admonished in one way, and masters in another. Namely, slaves always to look within to the humility of their condition; masters, indeed, not to forget their nature, by which they were created as equals to their slaves. Slaves ought to be admonished not to despise God, should they, being prideful, oppose his dispensation; masters also ought to be admonished that they go against God when they are prideful regarding his gift, if they do not realize those whom they possess as subjects through their condition are their equals through a sharing of their nature. The former ought to be admonished to know they are slaves of masters; the latter ought to be admonished to recognize they are fellow slaves of their slaves. Indeed, to the former is said: "Slaves, obey your earthly masters" [Col 3.22]. And again: "Whoever are slaves under the yoke, let them judge their masters worthy of all honor" [1 Tim 6.1]; however, to the latter is said: "And you, masters, do the same things to them, laying off threats, knowing that their and your master is in heaven" [Eph 6.9].[14]

13. "For when we sin against those placed over us, we oppose the order of him who subjected us to them. Whence also Moses, when he had learned that the people were complaining against him and Aaron, said, 'For, what are we? Your grumbling is not against us, but against the Lord'" (*RP* 3.4 [SC 382:282], with Exod 16.8).

14. "Aliter ammonendi sunt servi, atque aliter domini. Servi scilicet, ut in se semper humilitatem condicionis aspiciant; domini vero, ut naturae suae qua aequaliter

What is striking about Gregory's advice on the admonition of slaves and masters is the sharp focus on inward attitudes rather than the details of outward behavior. How slaves and masters should treat one another is mentioned only in passing at the end of the section and not in Gregory's words, but in those of the familiar injunctions concerning slavery in the New Testament. For Gregory, these injunctions sufficiently and authoritatively define the behavioral essentials of master/slave relations. The mandates would have been familiar to Gregory's audience: this is probably why he strings together the three New Testament quotations at the section's end—almost like an afterthought—and presents them with a minimum of introduction and exegesis. So also Augustine, in his vast oeuvre, rarely dwells on the details of slave/master behavior and is usually content to repeat the New Testament admonitions without lengthy comment.[15]

The focus on inward attitudes is evinced through an array of verbs of mental activity. Slaves are to be admonished "always to look within (*in se . . . aspiciant*) to the humility of their condition," while masters must never forget (*memoriam non amittant*) that they share the same nature as their slaves. Slaves are to know that they belong to their masters (*sciant se servos esse dominorum*); masters are to recognize that they are fellow slaves of their slaves (*cognoscant se conservos esse servorum*). To avoid the sinful snares of the relationship—indeed to turn the relationship into an arena of spiritual growth—the slave and the master must each conceive of the relationship in the proper terms. Gregory defines these terms differently for slaves and masters: the former must focus on their *condicio*, while the latter must focus on their *consortium naturae*. What, precisely, do these terms mean?

In Gregory's writings, the meaning of *condicio* varies.[16] In the passage from the *Moralia* discussed above, for example, *condicio* appears in the

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sunt cum servis conditi, memoriam non amittant. Servi ammonendi sunt ne Deum dispiciant, si ordinationi illius superbiendo contradicunt; domini quoque ammonendi sunt, quia contra Deum de munere eius superbiunt, si eos quos per condicionem tenent subditos, aequales sibi per naturae consortium non agnoscunt. Isti ammonendi sunt ut sciant se servos esse dominorum; illi ammonendi sunt ut cognoscant se conservos esse servorum. Istis namque dicitur: 'Servi, oboedite dominis carnalibus.' Et rursum: 'Quicumque sunt sub iugo servi, dominos suos omni honore dignos arbitrentur'; illis autem dicitur: 'Et vos domini eadem facite illis, remittentes minas, scientes quod et illorum et vester Dominus est in caelis'" (*RP* 3.5 [SC 382.282–84]).

15. Corcoran, *Augustine on Slavery*, 36–37, 53; see also Klein, *Sklaverei in der Sicht der Bischöfe Ambrosius und Augustinus*, 164.

16. The lexicographical situation is confusing. *Condicio* (related to the verb *condicere*) was common in both classical and postclassical Latin, while *conditio* (related to the verb *condere*) was a patristic neologism often used in reference to the creation

phrase *aequalitas conditionis*; the word refers to the condition or state of all humanity, as in the phrase "the human condition."[17] Here in *RP* 3.5, *condicio* refers to the "legal or social status of a person."[18] *Condicio* very commonly connotes the condition of slavery in legal texts and in the works of numerous authors, including those of Gregory himself.[19] A person's *condicio* may change over his lifetime: for example, manumission conveys a person from the *condicio* of slavery to the *condicio* of liberty.

The phrase *consortium naturae* is more unusual and deserves deeper investigation. While *consortium* is employed to describe shared property (technically, the property held in common by heirs) and the sharing of a common life in marriage, its conjunction with *naturae* represents theological, rather than legal, usage.[20] In particular, the phrase is an important component of the theological vocabulary of Ambrose, whose works Gregory knew well.[21] In Ambrose, *consortium naturae* and its cognates refer to the common nature shared by all human beings, whether male or female, rich or poor, and, most germane to our purposes, slave or free.[22] In a letter

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or a creature. But, *conditio* also comes to be used as the equivalent of *condicio*. Cf. "Sancti autem viri cum praesunt, non in se potestatem ordinis, sed *aequalitatem conditionis* attendunt . . ." (*Mor.* 21.15.23 [CCL 140a:1082]) with "Nam sicut in libris Moralibus dixisse me memini . . . cuncti qui praesunt, non in se potestatem debent ordinis, sed *aequalitatem* pensare *condicionis* . . ." (*RP* 2.6 [SC 381:202, 204]). See *Thesaurus linguae latinae* (Leipzig: Teubner, 1900–) [hereafter TLL], J. F. Niermeyer, *Mediae latinitatis lexicon minus* (Leiden: Brill, 1976; often repr.), and A. Blaise, *Lexicon latinitatis Medii Aevi/Dictionnaire latin-français des auteurs du Moyen-Âge*, Corpus Christianorum continuatio mediaevalis (Turnhout: Brepols, 1954; often repr.), s.vv. *condicio, conditio*; SC 381:204–5, n. 1, citing Reydellet, *Royauté*, 471 n. 95.

    17. TLL, s.v. III.2.
    18. A. Berger, *Encyclopedic Dictionary of Roman Law*, *TAPS* n.s. 43.2 (Philadelphia: American Philosophical Society, 1953), s.v. *condicio*; *Oxford Latin Dictionary*, ed. P. G. W. Glare (Oxford: Clarendon Press, 1982) [hereafter *OLD*], s.v. 7; TLL, s.v. III.3.b.
    19. E.g., *ep.* 7.1 (CCL 140:443): ". . . ob hoc quod de servili fuerat condicione pulsata."
    20. Berger, *Encyclopedic Dictionary*, s.vv. *consortium, consortium omnis vitae*; TLL, *OLD*, s.v. *consortium*; S. Treggiari, *Roman Marriage*: Iusti Coniuges *from the Time of Cicero to the Time of Ulpian* (Oxford: Clarendon Press, 1991), 9–10; M. Poirier, "'Consors naturae' chez saint Ambroise. Copropriété de la nature ou communauté de nature?" in *Ambrosius episcopus: Atti del Congresso internazionale di studi ambrosiani nel XVI centenario della elevazione di sant'Ambrogio alla cattedra episcopale, Milano, 2–7 dicembre 1974*, ed. G. Lazzati, Studia patristica Mediolanensia 6–7 (Milan: Vita e Pensiero, 1976), 2:325–35.
    21. The phrase or its cognates appears nearly thirty times in Ambrose's works; cf. only six times in Augustine's and five in Gregory's.
    22. For *consortium naturae* in Ambrose, see Poirier, "Consors naturae," to which the following discussion is indebted.

whose language is strikingly similar to that found in *RP* 3.5, Ambrose describes slaves and masters as *consortes naturae*: "Domini servis imperate non quasi condicione subditis sed ita ut naturae eiusdem cuius vos estis consortes eos esse memineritis."[23] The idea of a universal human nature was already present in Stoic thought,[24] but Ambrose employs for good reason the phrase *consortium naturae*, rather than *communio* or *societas naturae*, in reference to it. The phrase alludes to the second letter of Peter, which describes how God's power has made humans "divinae consortes naturae" (1.4). This allusion adds an additional layer of meaning to the phrase. *Consortium naturae* not only refers to the nature shared by all humanity, but also to the nature shared by humanity and God: "hominem Deus divinae fecit consortem naturae."[25]

Consortium naturae is employed very rarely in Gregory's works, so its presence in *RP* 3.5 is striking. In the *Moralia*, *consors naturae* is used twice in a single chapter where Gregory is reminding the reader that all human beings, rich and poor, share in a common human nature. In another part of the same work, which is reproduced in the *RP*, Gregory employs *consortium naturae* in reference to Christ, who has "joined himself to us through sharing our nature."[26] These two passages imply that Gregory, like Ambrose, is aware that *consors/consortium naturae* carries a double entendre.

These philological gleanings enrich our reading of the section on slaves and masters in the *RP*. The slave, contemplating his *condicio*, must not focus on the common humanity he shares with his master, but on the fact, the legal reality, of his servitude. The master must remember that he and his slave share a common human essence that in turn participates in the divine. To frame Gregory's advice in juristic language, the slave must focus on the acceptance of slavery in *ius gentium*, the master on slavery's violation of *ius naturale*. If masters and slaves fail to view their relationship in the proper terms, they are susceptible to pride: the masters, by forgetting

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23. "Masters, command your slaves not as subjects because of their condition, but so that you remember that they are the sharers of your same nature" (*ep. extra. coll.* 14.112 [CSEL 82.3:295]). See also Ambr. *Hel.* 5.11 (CSEL 32.2:419).

24. M. Spanneut, *Le stoïcisme des pères de l'église de Clément de Rome à Clement d'Alexandrie*, Patristica Sorboniensia 1 (Paris: Éditions du Seuil, 1957), 256–57, cited in Poirier, "Consors naturae," 331 n. 29. See also Maraval, "Église et esclavage," 321–22.

25. Ambr. *ep.* 29.10 (CSEL 82.1:200); see also Ambr. *ep.* 16.8 (CSEL 82.1:118–19), *Incarn.* 8.85 (CSEL 79:266).

26. *Mor.* 21.19.29, 30 (CCL 143a:1086, 1087); "qui sese nobis per naturae nostrae consortium iunxit" (*Mor.* 10.7.12 [CCL 143:545] = *RP* 2.10 [SC 381:252]).

that their slaves are gifts from God; the slaves, by forgetting that their servitude is ordained by God. On the one hand, the slave's lowly position should not lead to resentment, but to humility. Through his obedience, the slave squelches the sinful tendencies for which God providentially assigned him to the lowest stratum of the *ordo dispensatoria*. On the other hand, the superior's elevated position should lead not to *libido dominandi*, but to the recognition that he is responsible for both his own and his subjects' spiritual welfare. Most importantly, by following Gregory's admonitions, master and slave cultivate a harmonious order within their relationship—not an egalitarian relationship, but one of hierarchical dependency, in which each participant knows how to play his role. From order rises the stability, both spiritual and social, that is essential for communion with and the contemplation of God.[27] The mutual benefits of the relationship outweigh its risks, because independence and self-reliance are dangerous. This is clearly illustrated through Gregory's gloss on Lucifer's fall from grace. Instead of remaining in a changeless relationship of stable servitude to God in the hierarchical ranks of the heavenly host, the devil "tried to find sufficiency in himself (*sufficere ad se*), desiring to be on his own (*ad semetipsum*)."[28]

In sum, for Gregory, the slave/master relationship is an opportunity.[29] If the relationship is ordered properly, master and slave are saved not apart from, but *through* their relationship. The master, while humbly remembering that his slave shares his nature, can provide his own virtuous behavior as an example for his slave to emulate; he also can pastorally protect the slave from falling into sin. At the same time, by setting this good example, he might save his own soul. The slave, through obedience guided by an acceptance of his providential servitude, prospers in the stability so beneficial for the spiritual life. In his master, the slave also has an accessible example of virtue, which encourages the slave to live a holy life.

27. On stability, see C. Dagens, *Saint Grégoire le Grand: Culture et expérience chrétiennes* (Paris: Études Augustiniennes, 1977), 168–70, 394–97; Straw, *Perfection in Imperfection*, 75–81.

28. Straw, *Perfection in Imperfection*, 80, citing *Mor.* 34.21.40 (CCL 143b:1761–62) and 29.8.18 (CCL 143b:1446–47).

29. On the importance of relationships of dependence in Gregory's worldview, see Straw, *Perfection in Imperfection*, 73–89 and P. Meyvaert, "Gregory the Great and the Theme of Authority," *Spode House Review* 3 (1966): 3–12 = idem, *Benedict, Gregory, Bede and Others*, Collected Studies 61 (London: Variorum, 1977), chapter 5.

SLAVERY IN PRACTICE

Gregory had the opportunity to practice what he preached: the papacy owned slaves, and the pope was their master.[30] Some worked in domestic settings, others on the papacy's vast landholdings.[31] Of course free lessees and *coloni* (of various kinds) also worked on church land, and it is important to touch on the controversial subject of unfree labor in late antiquity in relation to this study.[32] First, it is impossible to know how many slaves the papacy owned, or how much of its property was farmed by slaves. But, while there may have been growth in tied tenancy during the period, there is a growing consensus that there was not a precipitous decline in the slave population. Papal slaves were not a rarity. Moreover, while *coloni* did come to "resemble" slaves juridically as their ties to the land were strengthened and their freedoms curtailed, the two groups remained distinct in civil law. Finally, although the subject of *coloni* is of great importance for understanding the social and economic history of the period, it has attracted so much scholarly attention that the subject of slaves in late antiquity has been comparatively neglected. For this reason and because of the constraints of space, this study does not treat *coloni*

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30. This was a de facto mastery, however, because the church as a corporation rather than its bishop owned the slaves. Strictly speaking, Gregory had *possessio* rather than *dominium* over them.

31. On the papal patrimony, see, e.g., R. A. Markus, *Gregory the Great and His World* (Cambridge: Cambridge University Press, 1997), 112–24; J. Richards, *The Popes and the Papacy in the Early Middle Ages, 476–752* (London: Routledge and Kegan Paul, 1979), 307–22; F. Homes Dudden, *Gregory the Great: His Place in History and Thought* (New York: Longmans, Green, 1905; repr. New York: Russell and Russell, 1967), 1:295–320; D. Vera, "Forme e funzioni della rendita fondiaria nella tarda antichità," in *Società romana e impero tardoantico*, ed. A. Giardina (Bari: Editori Laterza, 1986), 1:430–47; at greater length, see Spearing, *Patrimony of the Roman Church* and Recchia, *Società agricola*.

32. The bibliography is enormous; the following are useful guides to the *status quaestionum*: C. R. Whittaker, "Circe's Pigs: From Slavery to Serfdom in the Later Roman World," in *Classical Slavery*, ed. M. I. Finley (London: Frank Cass, 1987), 88–122 = idem, *Land, City, and Trade in the Roman Empire*, Collected Studies 408 (Aldershot: Variorum, 1993), chapter 5; C. R. Whittaker and P. Garnsey, "Rural Life in the Later Roman Empire," in *The Cambridge Ancient History*, ed. Averil Cameron and P. Garnsey, new ed. (Cambridge: Cambridge University Press, 1998), 13:287–97; B. D. Shaw, "'A Wolf by the Ears': M. I. Finley's *Ancient Slavery and Modern Ideology* in Historical Context," in *Ancient Slavery and Modern Ideology*, by M. I. Finley, expanded ed. (Princeton: Markus Wiener, 1998), 31–43; L. Cracco Ruggini, "'Coloni' e 'inquilini': 'miseri et egeni homines?'" *Atti dell'Accademia romanistica costantiniana* [hereafter *AARC*] 8 (1990): 199–200.

in Gregory's correspondence comprehensively; although, *coloni* are occasionally adduced in the discussion below.[33]

Slaves often turn up in Gregory's letters. The pope donates slaves to reward friends.[34] He defends slaves from abuse at the hands of those who are not their masters, yet he advocates the physical punishment of slaves: in a letter to Ianuarius, bishop of Cagliari, Gregory writes that pagan slaves who refuse to convert to Christianity should be coerced by torture.[35] Gregory finances the redemption from captivity of church-owned slaves and slaves whose owners are too poor to redeem them. Gregory frees slaves.[36] Gregory is known to have purchased slaves only on two occasions, but both are significant. In September 595, Gregory commissions Candidus, rector (i.e., administrator of the papal properties) of Gaul, to purchase Anglian boys (*pueros Anglos*) seventeen or eighteen years of age, who are to be educated in monasteries.[37] In early 599, Gregory orders Vitalis, rector of Sardinia, to help a papal agent to buy Barbaricini, a local pagan people, as slaves to work in a Roman parish's ministry to the poor (*in ministerio ptochii*).[38] In both cases, Gregory purchases pagan slaves whom he intends to convert; this is consonant with the pastoral responsibilities of the slaveowner that Gregory outlines in the *RP*. Furthermore, many scholars have suggested that the acquisition of Anglian boys was a preliminary step in Gregory's campaign to evangelize England, which

33. On Gregory and *coloni*, see Spearing, *Patrimony of the Roman Church*, 54–79; Recchia, *Società agricola*, 60–68.

34. *ep.* 3.18, 3.35, 7.27, 9.99 (CCL 140:164–65, 181, 485; 140a:651–52). The formulaic language, especially prominent in the last letter, indicates that such gifts were not uncommon.

35. Defends from abuse: *ep.* 9.210 (CCL 140a:769); *ep.* 1.53 (CCL 140:66), discussed below. Physical punishment: *ep.* 9.205 (CCL 140a:764).

36. Captives: *ep.* 6.32, 7.21 (CCL 140:405, 472), and possibly *ep.* 2.38, 9.85 (CCL 140:123, 140a:639). Late antique bishops viewed the redemption of captives as a moral obligation: see E. Levy, "*Captivus Redemptus*," *CP* 38 (1943): 171–72 and W. Klingshirn, "Charity and Power: Caesarius of Arles and the Ransoming of Captives in Sub-Roman Gaul," *JRS* 75 (1985): 183–203. Manumission: *ep.* 3.39, 6.12 (CCL 140:184–85, 381).

37. *ep.* 6.10 (CCL 140:378–79).

38. *ep.* 9.124 (CCL 140a:675). In Gregory's time, Sardinia was a pagan redoubt, and the lax ecclesiastical administration of the island under its metropolitan Ianuarius must have hindered conversion efforts: Markus, *Gregory and His World*, 81–82, 110–11; C. and L. Pietri, *Prosopographie de d'Italie chrétienne (313–604)*, Prosopographie chrétienne du Bas-Empire 2 [hereafter PCBE 2] (Rome: École française de Rome, 1999/2000), s.v. Ianuarius 20. On the Barbaricini, see Homes Dudden, *Gregory*, 2:150–51; Recchia, *Società agricola*, 71 n. 72.

was to commence in the year after this letter was dated: once they were educated, the boys would have been sent back to England as missionaries.[39] Gregory was equally keen on converting the Barbaricini, and one wonders if the purchase of these slaves from this people played some part in the Sardinian missionary effort.

At the request of others and at his own initiative, Gregory frequently intervenes in situations involving slaves owned by the church as well as those belonging to other institutions and individuals. Some situations are easily resolved. Others, which tend to recur in Gregory's correspondence, are more complex and are treated in detail below; they involve questions regarding slave unions, slaves seeking asylum in churches, slaves entering monastic life, and the possession of Christian slaves by Jews. Each of the four was a hot topic in Gregory's time, attracting the attention not only of slaveowners but of civil and ecclesiastical legislation. Negotiating these situations, which touched on issues as delicate as religious vocation, interfaith conflict, sexual and familial relationships, and even life and death, was not always easy for Gregory. The pope's resolutions are influential in that they are incorporated in collections of medieval canon law.[40]

How does Gregory resolve these situations? According to the same principle that underlies his theoretical writings on slavery: a desire to foster social order and, thereby, stability. This principle is manifest in Gregory's general adherence to Justinianic law, of which he had a thorough knowledge.[41] Slavery is part of the divine dispensation, and so is the civil law

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39. E.g., L. Bréhier and R. Aigrain, *Grégoire le Grand, les états barbares et la conquête arabe (590–757)*, Histoire de l'église depuis les origines jusqu'à nos jours 5 (Paris: Bloud and Gay, 1947; often repr.), 280–81; for a more skeptical viewpoint, see I. N. Wood, "The Mission of Augustine of Canterbury to the English," *Speculum* 69 (1994): 2. On the English mission, see Markus, *Gregory and His World*, 177–87; H. Mayr-Harting, *The Coming of Christianity to Anglo-Saxon England*, 3rd ed. (London: Batsford, 1991), 57–77; *L'Église et la mission au VIe siècle: La mission d'Augustin de Cantorbéry et les églises de Gaule sous l'impulsion de Grégoire le Grand. Actes du Colloque d'Arles de 1998* (Paris: Éditions du Cerf, 2000).

40. Gregory's rulings concerning the possession of Christian slaves by Jews, for example, contributed to changes in the slave law of Germany and northern France in the eleventh century and are included in Gratian's *Decretum*: W. Pakter, *Medieval Canon Law and the Jews*, Abhandlungen zur rechtswissenschaftlichen Grundlagenforschung 68 (Ebelsbach: Gremler, 1988), 91–93, 99–110.

41. Gregory's letters refer to, paraphrase, and quote the Justinianic legal corpus, in particular the *Codex Iustinianus* and the *Novellae*. Less common, but not altogether absent, are allusions to the *Institutiones*, the *Digesta*, and the *Codex Theodosianus*. For lists of references, see Damizia, "Registrum epistolarum," 220–24. On Gregory's political philosophy, a complex subject, see, e.g., Reydellet, *Royauté*, 441–503, and C. Straw, "Gregory's Politics: Theory and Practice," in *Gregorio Magno e il suo*

that governs the relations between slaves and masters. God assigns *dominium*; the law defines and defends it. But, Gregory must carefully decide how the law is to be applied on a case-by-case basis, and throughout the discussion below, Gregory's actions will be carefully checked against the relevant legislation. Gregory will be seen, on occasion, to deviate from or exceed the requirements of the law to fit particular circumstances, often to promote a greater degree of social stability in the lives of slaves than the law demands.

Slave Unions

In Roman law, long-term, heterosexual relationships in which one or both of the partners were slaves were not *matrimonia iusta*, marriages with full legal recognition, but *contubernia*, unions that conveyed upon their participants informal recognition together with very limited legal rights.[42] Whether a relationship was *contubernium* or *matrimonium iustum* affected the legal status of offspring. According to a letter from Gregory to Anthemius, rector of Campania, a certain Gaudiosus has informed the pope that legal officials (*actores*) of the Roman church are claiming the children of Gaudiosus and his wife Sirica as papal slaves.[43] The *actores'* claim seems to rest on Sirica's status. The point of law here is long-established and straightforward: if Sirica were a slave at the time of conception and throughout her pregnancy, even if Gaudiosus were free, the marriage

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tempo: XIX Incontro di studiosi dell'antichità cristiana in collaborazione con l'École française de Rome, Roma, 9–12 maggio 1990, Studia ephemeridis "Augustinianum" 33–34 (Rome: Institutum Patristicum "Augustinianum," 1991), 1:47–63.

42. On *contubernium*, see, *inter alios*, Treggiari, *Roman Marriage*, 52–54; eadem, "*Contubernales* in *CIL* 6," *Phoenix* 35 (1981): 42–69; B. Rawson, "Roman Concubinage and Other de facto Marriages," *TAPA* 104 (1974): 279–305; W. W. Buckland, *The Roman Law of Slavery: The Condition of the Slave in Private Law from Augustus to Justinian* (Cambridge: Cambridge University Press, 1908; often repr.), 76–79; A. E. de Mañaricua, *El matrimonio de los esclavos: Estudio histórico jurídico hasta la fijación de la disciplina en el derecho canónico*, Analecta Gregoriana 23 (Rome: Universitas Gregoriana, 1940). On the church's attitude toward *contubernium*, see Mañaricua, *Matrimonio de los esclavos*; Maraval, "Église et esclavage," 339–40; J. Gaudemet, *L'Église dans l'empire romain (IVe–Ve siècles)*, Histoire du droit et des institutions de l'église en Occident 3 (Paris: Sirey, 1958; repr. with "notes complémentaires," 1989), 529–30; P. L. Reynolds, *Marriage in the Western Church: The Christianization of Marriage during the Patristic and Early Medieval Periods*, Supplements to *Vigiliae Christianae* 24 (Leiden: Brill, 1994; repr. 2001), 156–72; J. Evans Grubbs, *Law and Family in Late Antiquity: The Emperor Constantine's Marriage Legislation* (Oxford: Oxford University Press, 1995; repr. 1999), 309–16.

43. *ep.* 1.53 (CCL 140:66).

would have been invalid and the children would have been slaves.[44] It was not always easy to establish a person's social status in antiquity, but Gaudiosus is fortunate to have documents indicating that Sirica had been freed by her mistress *per epistolam*. The documents convince Gregory: although their precise nature is not described, they must have shown that Sirica had been freed before she gave birth; perhaps they included a dated copy of the letter of manumission and birth records for the children. Gregory orders Anthemius to protect Gaudiosus and Sirica from further harassment, unless the *actores* can produce their own documents to support their position.[45] This letter introduces a phenomenon that is common in Gregory's letters, that of papal officials seeking to acquire new slaves under disputed circumstances.

Gregory recognizes a distinction between civil and divine law regarding marriage and, like many church leaders, sanctions *contubernia*.[46] Gregory employs the vocabulary of marriage in reference to these relationships: thrice he refers to a female *contubernalis* as *uxor*.[47] In another letter to Anthemius, Gregory writes that Erene, a woman of high status (*gloriosa*), has informed him that *actores* of the Roman church are detaining her slaves. Gregory enjoins Anthemius to release the slaves to Erene, unless they have formed unions with slaves of the Roman church. If such unions do exist, Anthemius should not disrupt them, but instead should supply

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44. E.g., Gaius *Inst.* 1.82, 89 (F. De Zulueta, *The Institutes of Gaius* [Oxford: Clarendon Press, 1946], 1:26, 28); *CTh* 4.8.7 (*Theodosiani libri XVI cum constitutionibus Sirmondianis et leges novellae ad Theodosianum pertinentes*, ed. T. Mommsen and P. M. Meyer, vol. 1 [Berlin: Weidmannsche Verlagsbuchhandlung, 1905; often repr.], 184–85. This volume is cited hereafter as Mommsen); *Inst.* 1.4 pref. (*CIC* 1:2). Cf. *ep.* 7.1 (CCL 140:443), in which a Neapolitan cleric (who must rank below subdeacon; all higher clergy had to be celibate: *ep.* 1.42 [CCL 140:54–55]) dismisses his wife on the grounds that she is a slave. Gregory determines that she is free and orders the couple to be reunited. On the letter, see Mañaricua, *Matrimonio de los esclavos*, 237–38.

45. J. F. Gardner, "Proofs of Status in the Roman World," *Bulletin of the Institute of Classical Studies of the University of London* 33 (1986): 1–14; Evans Grubbs, *Law and Family*, 271.

46. Divine/human law: *ep.* 11.27, 11.30 (CCL 140a:909–10, 918–19), with Reynolds, *Marriage in the Western Church*, 139–42.

47. *ep.* 9.85, 9.201, 9.210 (CCL 140a:639, 759, 769); this usage is also attested in juristic writings and inscriptions: P. R. C. Weaver, Familia Caesaris: *A Social Study of the Emperor's Freedmen and Slaves* (Cambridge: Cambridge University Press, 1972), 171; Rawson, "Roman Concubinage," 283 n. 14, 304; Treggiari, "*Contubernales*," 59–60; eadem, "Questions on Women Domestics in the Roman West," in *Schiavitù, manomissione e classi dipendenti nel mondo antico*, Pubblicazioni dell'Istituto di storia antica, Univ. degli studi di Padova 13 (Rome: L'Erma di Bretschneider, 1979), 195.

Erene with other church slaves as substitutes.[48] Gregory's instructions go beyond the requirements of the relevant laws in the *Codex Iustinianus*, which forbid the separation of slave unions only when lands owned by a single person or institution are divided among new owners.[49] (The law also applies to *coloni adscripticii* and *inquilini*, pointing to the assimilation of status among *coloni* and slaves.) It seems likely that Gregory exceeded the legal requirements to prevent familial disruption among the slaves, but it must be admitted that some slaveowners sought to preserve *contubernia* for practical, rather than ethical, reasons.[50] It is interesting to note that the laws in the *Codex Iustinianus* do not mandate the provision of substitutes to those owners deprived of their slaves; although, an earlier Constantinian law preserved in the *Codex Theodosianus*, from which one of the two Justinianic laws is redacted, *does* mandate their provision.[51] Since Gregory offers substitute slaves, he may have been familiar with the earlier law. But there are other possible explanations: he may do so out of custom or a sense of fairness—or even to palliate an aristocratic woman whose disfavor it would be unwise to incur.

Gregory's interest in preserving *contubernia* is further attested in a letter to Anthemius concerning a certain Stephanus, who, in Gregory's words, "claims that he has as his wife a slave of our church."[52] Whether Stephanus is slave or free is unclear. A prominent citizen had recently ransomed Stephanus from the enemy; Stephanus cannot afford to reimburse his redeemer, so Gregory, who is always ready to assist persons in debt to their redeemers, orders Anthemius to put up the money, eight *solidi*. By paying the ransom, Gregory tacitly recognizes and even fosters the *contubernium* between Stephanus and his wife. Furthermore, Justinian, in a *Novella*, reversed centuries of legal tradition regarding the marital status of those captured by the enemy: before the *Novella* was issued, a marriage was dissolved if a spouse were captured; Justinian declared such

48. ". . . si forte mancipiis ecclesiae nostrae coniuncti sunt, dando pro eis vicarios recompensa" (". . . if perhaps they have been joined to slaves of our church, repay her by giving substitutes for them") (*ep*. 9.193 [CCL 140a:747–48]).

49. *CI* 3.38.11 (*CIC* 2:145); see also *CI* 11.48.13.1 (*CIC* 2:441); *Dig.* 21.1.35, 33.7.12.7 (*CIC* 1:310, 511).

50. Treggiari, "Questions on Women Domestics," 196–99.

51. *CTh* 2.25.1 (Mommsen, 114), with Evans Grubbs, *Law and Family*, 25–26, 307–9.

52. "qui uxorem se ecclesiae nostrae ancillam habere perhibet" (*ep*. 9.85 [CCL 140a:639]). Martyn (*Letters of Gregory*, 2:594) translates *ancillam* as "nun." This is incorrect: whenever Gregory employs *ancilla* for nun, it is paired with *Dei*: e.g., *ep*. 7.23, 9.115, 14.10 (CCL 140:477; 140a:668, 1079); cf. 4.9 (140:226).

marriages valid provided both spouses were known to be alive.[53] Here Gregory again exceeds the requirements of the law; he implies that not just the bonds of marriage but even those of *contubernia* remain legitimate should one partner be captured. While he always follows civil law, Gregory also, when possible, goes beyond it in order to preserve stability in slaves' marital lives and thereby to provide them with optimal conditions in which to seek God.

Slaves Seeking Asylum in Churches

Slaves commonly sought asylum at churches. That the phenomenon was widespread in both East and West is evinced by numerous examples in the literary sources and by frequent rulings on the subject promulgated by church councils and the imperial chancellery.[54] By Gregory's pontificate, the legal parameters concerning slaves seeking asylum in churches had been long established.[55] In 432, Theodosius II and Valentinian III published the most detailed law on the subject: the law's content was confirmed in conciliar canons and the later legal codes of the West, and the law itself was included in the *Codex Iustinianus*.[56] An unarmed slave was permitted to seek asylum;[57] the master, once his anger had passed and he had pardoned

53. *Nov.* 22.7 (*CIC* 3:151), with M. Melluso, *La schiavitù nell'età giustinianea: Disciplina giuridica e rilevanza sociale*, Série "Esclavage et dépendance" (Paris: Presses Universitaires Franc-Comtoises, 2000), 18–23.

54. On asylum in churches, see, *inter alios*, Gaudemet, *Église*, 282–87; *Dictionnaire d'archéologie chrétienne et de liturgie*, ed. F. Cabrol and H. Leclercq (Paris: Letouzey et Ané, 1907–53), s.v. droit d'asile; J. Herrmann, "Kaiserliche Erlasse zum kirchlichen Asylschutz für Sklaven," in *Studi in onore di Cesare Sanfilippo*, Pubblicazioni della Facoltà di giurisprudenza, Univ. di Catania 96 (Milan: Giuffrè, 1984), 4:257–65; H. Langenfeld, *Christianisierungspolitik und Sklavengesetzgebung der römischen Kaiser von Konstantin bis Theodosius II*, Antiquitas 1.26 (Bonn: Habelt, 1977), 107–209; P. Timbal Duclaux de Martin, *Le droit d'asile* (Paris: Sirey, 1939); G. Barone Adesi, "'Servi fugitivi in ecclesia': indirizzi cristiani e legislazione imperiale," *AARC* 8 (1990): 695–741; Melluso, *Schiavitù nell'età giustinianea*, 199–214, 267–75; idem, "In tema di *servi fugitivi in ecclesia* in epoca giustinianea. Le *Bullae Sanctae Sophiae*," *Dialogues d'Histoire Ancienne* 28 (2002): 61–92; Y. Rotman, *Les esclaves et l'esclavage de la Méditerranée antique à la Méditerranée médiévale, VIe–XIe siècles* (Paris: Belles Lettres, 2004), 201–13; J. A. Glancy, *Slavery in Early Christianity* (Oxford: Oxford University Press, 2002), 88–92; A. Ducloux, Ad ecclesiam confugere: *Naissance du droit d'asile dans les églises (IVe–milieu du Ve s.),* De l'archéologie à l'histoire (Paris: De Boccard, 1994).

55. The key laws are *CTh* 9.45.4–5 (Mommsen, 520–26) = *CI* 1.12.3–4, 6 (*CIC* 2:65–67).

56. *CTh* 9.45.5 (Mommsen, 526) = *CI* 1.12.4 (*CIC* 2:66); Timbal, *Droit d'asile*, 99–106.

57. The version of the law in *CTh* (9.45.5 [Mommsen, 526]) limits the period of asylum to a single day (so also *Edictum Theoderici* 70 [*MGH Leges* 5:160]), but this

the slave, could remove the fugitive.[58] An armed slave was not permitted to seek asylum, and his master might remove him from the church by force, incurring no blame if the slave thereby died.[59] The civil law on asylum provided a fugitive slave with a respite in the church when he could speak with a cleric, who might intercede with the master on his behalf.[60] (As Youval Rotman has pointed out, the church's readiness to grant asylum, even temporarily, to fugitive slaves might place the church in an adversarial position with respect to other slaveowners.[61]) There are hints that some Christians, especially those in Asia Minor, may have sidestepped the rules prescribed by this legislation in order to assist *servi fugitivi*.[62]

Gregory discusses slaves seeking asylum in churches in a letter to Peter, rector of Campania, who is ordered to investigate an assault on Paul, acting bishop of the fractious diocese of Naples, which was allegedly perpetrated in Castellum Lucullanum (near Naples) by slaves, some of whom were owned by an aristocratic woman, Clementina.[63] Clementina's slaves, perhaps with their mistress' knowledge or encouragement, are said to have incited the attack, which Gregory dramatically deems a civil insurrection (*seditio*). There is a long history in antiquity of owners employing their slaves for violent ends,[64] which may heighten Gregory's suspicion of Clementina. By emphasizing the slaves' role in fomenting the "madness of such perversity" (*tantae perversitatis insaniam*), Gregory also taps into a

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provision is dropped from the version included in *CI* (1.12.4 [*CIC* 2:66]). No limit is mentioned in *CI* 1.12.6 (*CIC* 2:66–67).

58. In *CI* 1.12.6 (*CIC* 2:66–67), as well as in Gallic conciliar canons (e.g., *Concilium Aurelianense* 1.3, 5.22 [CCL 148a:5–6, 156]), the master is required to swear an oath to this end; a formal oath is not required by the Theodosian legislation (*CTh* 9.45.5 [Mommsen, 526]). A Justinianic *bulla* of questionable authenticity authorizes the punishment of the slaves, but, even if the law is authentic, it is likely to have been binding only on the church of S. Sophia in Constantinople: Melluso, *Schiavitù nell'età giustinianea*, 208–12; idem, "In tema di *servi fugitivi in ecclesia*," 87–90.

59. In 431, the year in which Theodosius and Valentinian promulgated their first law on asylum (*CTh* 9.45.4 [Mommsen, 520–25]), Socrates reports that maltreated slaves, with swords drawn, had sought asylum in the cathedral at Constantinople; they impeded services, killed one cleric, and wounded another: *h.e.* 7.33 (GCS n.F. 1:382). Other cases of asylum (not only those involving slaves) are collected by Langenfeld, *Christianisierungspolitik*, 145–52; E. Herman, "Zum Asylrecht im byzantinischen Reich," *OCP* 1 (1935): 219–34.

60. *Intercessio* was a clerical obligation: see the sources gathered in Gaudemet, *Église*, 283; Timbal, *Droit d'asile*, 43–54.

61. Rotman, *Esclaves et esclavage*, 209–10.

62. Glancy, *Slavery in Early Christianity*, 90; Barone Adesi, "Servi fugitivi," 717–19.

63. *ep*. 3.1 (CCL 140:146–47); on the intriguing Clementina, see PCBE 2, s.v.

64. Glancy, *Slavery in Early Christianity*, 15–16.

deep-seated fear of slave revolt; he may be trying to rouse Peter into taking action against a formidable aristocrat with whom the rector does not wish to tangle. Clementina's slaves, if found guilty, are threatened with severe punishment; as we have seen, Gregory is ready to punish slaves physically when he considers it appropriate.

To the end of the letter, Gregory appends instructions concerning asylum: slaves involved in the mêlée who have fled to a church in Castellum Lucullanum or the local monastery are to be transferred immediately to a church in Naples. Even if the slaves have a reasonable complaint against their owners, they cannot stay in the churches of Castellum Lucullanum. Gathering the fugitives in one Neapolitan church would have permitted Peter to deal with the situation efficiently and in a secure building far from the alleged scene of the crime. The reasons for which the slaves seek asylum are unclear: do they fear punishment from their masters, which might indicate that the slaves acted without their owners' consent? From Peter? What is clear is that Gregory's further instructions closely follow the existing laws on asylum. If the slaves have committed some minor offense, the masters may reclaim them once they swear that the slaves have been pardoned (*accepto de venia sacramento*). Gregory relies on the mandates of civil law to restore order in a confused situation.

Although it may not concern asylum in a strict sense, there is a second letter that concerns slaves fleeing to the church. In another letter to Peter, Gregory writes that he has received many complaints from masters whose fugitive slaves have declared themselves to belong to the papacy.[65] Church officials accepted the slaves' words at face value and protected them from their "former" masters. Gregory does not speculate about the motives of either the slaves or the officials, but it is tempting to do so. Do the officials believe that the fugitives really are church slaves? I suspect a less charitable explanation: the church officials see this as an easy way to acquire new slaves; twice already in this study we have seen church officials detaining others' slaves. Do the fugitives believe that serving the church would be more desirable than serving their former masters?[66] I answer this question, which will be explored further in the conclusion, with a tentative yes. In any case, Gregory orders Peter to return the slaves to the masters, unless Peter determines the slaves do indeed belong to the church, in which case the claimants should be rejected. By issuing such orders, Gregory respects the *dominium* that is a product of God's dispensation; according to the

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65. *ep.* Appendix I (CCL 140a:1093) = *ep.* 1.39a (*MGH Ep.* 1:53).

66. So Recchia, *Società agricola*, 70 n. 70; Damizia, "Registrum epistolarum," 210 n. 55. See also *ep.* 5.28 (CCL 140:295).

precepts of civil law, he returns the slaves to their masters, whose authority is legitimated by God.

Slaves Becoming Monks

The question of whether slaves, fugitive or otherwise, might become monks interested both political and ecclesiastical authorities.[67] The question, of course, was best avoided through the manumission of the slaves before they entered monastic life. But what about those slaves who could not secure their manumission? Did *vocatio* trump *dominium*? In 451, the ecumenical council of Chalcedon ruled that a slave could only become a monk with the permission of his master.[68] A civil law, promulgated in 484, confirmed and added a proviso to this ruling: if a servile monk abandoned the communal life, he reverted to the servitude of his master. Justinianic *Novellae* required all postulants, both slave and free, to undergo a three-year novitiate. If a master wished to reclaim a servile postulant during this novitiate, the rationale behind the slave's decision to enter the monastery had to be examined closely. If the vocation were deemed valid, the master's claim would be rejected; if the slave were found to have feigned his conversion and to have fled from his master because he had committed some offense, he would be returned to his master. After the probationary period, the monk would be considered free—but, in agreement with the law of 484, this notional freedom was negated if the monk left the monastery.[69] In other words, if a slave became a monk, his juridical status was "suspended"; he was neither free nor slave.

Gregory prefers slaves to be freed before they enter the monastic life. He informs Peter that a certain slave is most eager to become a nun, but that the slave's master is unwilling to free her. Peter is to pressure the master to free the slave and, if the master still resists, is authorized to buy the slave and then manumit her so she can pursue her vocation. This was not an unknown strategy: monasteries are known to have purchased slaves from reluctant masters so that the slaves might become monks.[70] Peter is enjoined

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67. On the topic, see generally Gaudemet, *Église*, 200–201; Barone Adesi, "Servi fugitivi," 726–35; idem, *Monachesimo ortodosso d'Oriente e diritto romano nel tardo antico*, Univ. di Roma, Pubblicazioni dell'Istituto di diritto romano e dei diritti dell'Oriente mediterraneo 65 (Milan: Giuffrè, 1990), 288–306. Furthermore, many of the works on slaves seeking asylum cited above also deal with servile monks.

68. *Concilium Chalcedonense* can. 4 (G. Alberigo et al., *Conciliorum oecumenicorum decreta*, 3rd ed. [Bologna: Istituto per le scienze religiose, 1973], 89), with Barone Adesi, "Servi fugitivi," 726–28 and idem, *Monachesimo*, 323–39.

69. Law of 484: *CI* 1.3.37 (38) (*CIC* 2:24). *Novellae*: 5.2, 123.35 (*CIC* 3:29–31, 618–19).

70. Rotman, *Esclaves et esclavage*, 210.

to act quickly, lest the slave changes her mind. Gregory himself frees a slave of the Roman church, Montana, so that she might enter a convent. At the same time, Gregory releases to Montana her *peculium* as well as the one-sixth share (*duas uncias*) of an inheritance that a certain priest left to her; Montana is required to donate these funds to her convent.[71]

In situations involving servile monks, Gregory generally follows imperial law. In a letter to Cyprianus, rector of Sicily, Gregory orders a monk, who had been placed in penitence, to be restored to his former owner, the church of Misenum.[72] Backsliding snatched the monk from his monastic life (*a monachica conversatione culpae lapsus abripuit*), and, by law, the servile monk reverted to the service of his previous master. According to a letter of Gregory to Chrysantus, bishop of Spoleto, a deacon resident in a monastery had manumitted two of his slaves on the condition that they remain in the monastery and become monks.[73] Gregory has learned that one of the two has fled. Chrysantus is ordered to find the fugitive and return him to the monastery, where he will return to the service of his former master; Gregory's respect for the deacon's conditional manumission is unquestioned.[74] As required by Justinian's *Novellae*, Gregory mandates a novitiate for monks, but, according to one letter, it is two rather than three years in duration. This is a small but significant change, in that it reduces by one-third the time during which a servile monk's vocation could be challenged. Yet, the sixth canon of the Roman synod of 595, which Gregory convened, reiterates that a servile novice must undergo a rigorous moral examination before he is accepted into a monastic community.[75]

Questions involving servile monks were regularly confronted by church leaders across the late antique Mediterranean.[76] Gregory's correspondence contributes to our understanding of the phenomenon in three ways. First, it indicates that a disinclination to change one's *modus vivendi* might deter a

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71. Peter: *ep*. 3.39 (CCL 140:184–85). Montana: *ep*. 6.12 (CCL 140:380–81). A slave could only inherit with his master's consent: see, e.g., *Inst.* 2.14, *Dig.* 28.5.31 (*CIC* 1:20, 421). Why someone would name a slave as an heir, which is not infrequently attested, remains unclear: for an appraisal of the question, see A. Watson, *Roman Slave Law* (Baltimore: Johns Hopkins University Press, 1987), 109–14.

72. *ep*. 5.28 (CCL 140:295).

73. Monks and nuns were commonly attended by slaves: Rotman, *Esclaves et esclavage*, 206, 208.

74. "ut nec illi monasterium deserendi facultas sit et manumittentis voluntas nihilominus conservata aliqua praeteriri excusatione non valeat" (*ep*. 9.108 [CCL 140a:661]).

75. Two year novitiate: *ep*. 10.9 (CCL 140a:835–36). Synod: *ep*. 5.57a (*MGH Ep*. 1:365); Joh. Diac. *V. Gregorii* 2.16 (PL 75:93).

76. Melluso, *Schiavitù nell'età giustinianea*, 267–75.

servile postulant; as noted above, Gregory urgently seeks the manumission of a certain slave before she changes her mind about pursuing the monastic life.[77] As inconceivable as it might seem to a modern reader, Gregory is worried that she might choose to remain in servitude rather than enter the nunnery. The monastic life was not to everyone's taste: as also noted above, a servile monk fled his monastery.[78] Secondly, the church and its clergy seem to have been more likely than lay masters to allow slaves to pursue monastic vocations: the sixth canon of the Roman synod of 595 indicates that many church-owned slaves took advantage of this.[79] Moreover, the church might pressure other slaveowners to free slaves who wished to become monks. Finally, a slave might go to great lengths in order to enter a monastery: an unnamed *servus iuris publici* flees from Sicily all the way to a monastery on Cape Misenum "conversationis causa."[80] Gregory writes that, even if the slave had already donned the habit, he is to be recalled to Sicily, where Fantinus, defender of the Roman church, will seek, under papal supervision, a salubrious resolution (*salubriter exsequatur*) to the matter. The unsure future of this servile monk reminds us that balancing the claims of *dominium* and *vocatio*—of providential slavery and natural human equality—was a difficult business.

Christian Slaves Possessed by Jews

The Christian emperors promulgated more than a dozen complex and often contradictory laws restricting the possession of Christian slaves by Jewish masters.[81] The degree of restriction varied in different regions of

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77. "Ita vero haec age, ut non per lentam actionem tuam praefatae puellae anima detrimentum aliquod in desiderio suo sustineat" (*ep*. 3.39 [CCL 140:185]). For a parallel case, see Rotman, *Esclaves et esclavage*, 212–13.

78. *ep*. 5.28 (CCL 140:295).

79. *ep*. 5.57a (*MGH Ep*. 1:365). In John the Deacon's version of the canons (*V. Gregorii* 2.16 [PL 75.93]), slaves of both the church and the laity are said to have been seeking monastic vocations, but the inclusion of the laity is an interpolation: *ep*. 5.57a (*MGH Ep*. 1:365, n. 1). See also *ep*. 9.108 (CCL 140a:660–61), discussed above, in which a deacon manumitted two of his slaves so that they might become monks.

80. *ep*. 9.145 (CCL 140a:696).

81. There is a very large bibliography on the subject, to which only selected reference can be made. On the laws, still superb is J. Juster, *Les juifs dans l'empire romain: Leur condition juridique, économique et sociale* (Paris: Geuthner, 1914; repr. New York: Franklin, 1965), 2:71–77; Pakter, *Medieval Canon Law*, 84–87; G. de Bonfils, *Gli schiavi degli Ebrei nella legislazione del IV secolo: Storia di un divieto*, Pubblicazioni della Facoltà giuridica dell'Univ. di Bari 103 (Bari: Caccuci, 1992); Langenfeld, *Christianisierungspolitik*, 66–105; A. M. Rabello, *Giustiniano, Ebrei e Samaritani alla luce delle fonti storico-letterarie, ecclesiastiche e giuridiche*, Monografie del vocabolario di Giustiniano 1–2 (Milan: Giuffrè, 1987–88), 2:713–15, 784–88, 797–801;

the Mediterranean. In regions subject to Byzantine rule, Jews, as well as Samaritans, the heterodox, and pagans, were not permitted to possess Christian slaves. Jews who failed to free slaves who converted to Christianity were subject to a fine and capital punishment; also, the slaves were manumitted.[82]

In no situation involving slaves does Gregory intervene more frequently than that of Christian slaves possessed by Jews. In most cases, Gregory, as expected, follows the letter of the Justinianic law. Gregory upbraids Ianuarius, bishop of Cagliari, for redeeming or returning Jewish-owned slaves who had been seeking asylum in churches: such slaves should be freed without compensation for their masters.[83] Gregory discovers that Nasas, a Sicilian Jew, has allegedly purchased Christian slaves; moreover, he has lured (*sacrilega seductione*) many Christians into worshipping Elijah, to whom he has erected an altar. In indignant language, Gregory urges Libertinus, praetor of Sicily, to investigate: if the allegations are true, the praetor should free the slaves without compensation, according to the straightforward laws (*iuxta legum praecepta sine ambiguitate*), and have Nasas severely beaten (*districtissime et corporaliter*).[84]

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and esp. A. Linder, *The Jews in Roman Imperial Legislation* (Detroit: Wayne State University Press, 1987), which includes texts and English translations of all the relevant laws, with extensive commentary. For a précis of all references to Jews in Gregory's works, see B. Blumenkranz, *Les auteurs chrétiens latins du moyen âge sur les Juifs et le Judaisme*, Études juives 4 (Paris: Mouton, 1963), 73–86. On Gregory and the Jews, see idem, *Juifs et chrétiens dans le monde occidental, 430–1096*, Études juives 2 (Paris: Mouton, 1960), 202–6, 311–12, 328–29; Markus, *Gregory and His World*, 76–80; J. Parkes, *The Conflict of the Church and the Synagogue: A Study in the Origins of Antisemitism* (London: Soncino, 1934; often repr.), 210–21; S. Katz, "Pope Gregory the Great and the Jews," *Jewish Quarterly Review* 24 (1933/34): 113–36; E. Baltrusch, "Gregor der Große und sein Verhältnis zum römischen Recht am Beispiel seiner Politik gegenüber den Juden," *Historische Zeitschrift* 259 (1994): 39–58, which contains references to additional bibliography.

82. *CI* 1.10.1, 2, 1.3.54 (56) (*CIC* 2:62, 37–38); *Nov.* 37 (*CIC* 3:244–45). Cf. in Gaul, Jews were permitted to own Christian slaves, provided their masters did not interfere with the slaves' religious practices; Jews could not acquire slaves *inter vivos*, but might receive them through inheritance or *fideicommissum*. After the Council of Mâcon, held in 581 or 583, any Christian slave owned by a Jew could be redeemed for twelve *solidi*. See S. Katz, *The Jews in the Visigothic and Frankish Kingdoms of Spain and Gaul*, Monographs of the Mediaeval Academy of America 12 (Cambridge, MA: Mediaeval Academy of America, 1937; often repr.), 100–103; Pakter, *Medieval Canon Law*, 88–91; Verlinden, *Esclavage*, 1:674–77. Gregory himself orders Candidus, rector of Gaul, to redeem four Christian slaves possessed by Jews in Gallia Narbonensis: *ep.* 7.21 (CCL 140:472).

83. *ep.* 4.9 (CCL 140:226).

84. *ep.* 3.37 (CCL 140:182–83). Cf. *ep.* 6.30 (CCL 140:402–3), in which Samaritans are reported to have bought and circumcised pagan slaves. The slaves are to be freed immediately, without compensation; their masters are to be punished.

Gregory's aggressive tone may seem surprising, especially when his generally benevolent attitude toward Jews, whose legal rights he is quick to defend, is considered.[85] What so galls Gregory is the spiritual danger that the service of Jewish masters poses for slaves. Masters are supposed to foster, not threaten, their slaves' Christianity. The Torah instructs slave-owners to compel their slaves, as members of the household, to observe Jewish holidays and the Sabbath and to circumcise their male slaves.[86] Jennifer Glancy reminds us that slaves had little chance to "say no" to the religious advances of their masters; she adduces the "top-down" baptisms in the Acts of the Apostles, in which household slaves were baptized after their masters converted.[87] Gregory's animus toward Nasas and other Jews who own Christian slaves springs from a concern that the Jewish slaveowners might force their slaves to practice Judaism, and his general principle on the issue is clear: "eis [Hebraeis] Christiana mancipia habere non liceat."[88]

Yet, Gregory never enforces the fine—let alone the death penalty—that Justinianic law imposes on Jews who possess Christian slaves. In fact, in some situations, Gregory deviates from the letter of Justinianic law. In a pair of letters to Fortunatus, bishop of Naples, concerning the slave trade, Gregory mitigates the law's harshness. In the first, dating to April 596, Gregory discusses Jews who have been importing pagan slaves to Italy. If the pagans convert to Christianity within three months of their arrival, they may be sold to Christian masters;[89] if the conversion occurs after three months, the slaves must be freed immediately. The situation in the second letter, dating to February 599, is more delicate. Gregory has been visited by a certain Basilius and other Jews who have been importing slaves from Gaul,[90] whom civil officials had "ordered for purchase."[91]

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85. E.g., Katz, "Gregory and the Jews," 114–15; Parkes, *Conflict of the Church and the Synagogue*, 210–21; Markus, *Gregory and His World*, 77–78; Baltrusch, "Gregor und sein Verhältnis," 39–40.

86. Gen 17.12–13; Exod 12.44, 20.10, 23.12; Deut 5.14, 12.18, 16.11, 16.14.

87. Glancy, *Slavery in Early Christianity*, 46–49.

88. "Let it not be permitted for them [Jews] to have Christian slaves" (*ep.* 2.45 [CCL 140:137]).

89. *ep.* 6.29 (CCL 140:401–2). This is a *volte-face*; in the opening to this letter Gregory indicates he had forbidden the Jews to sell their Christian slaves in a previous letter to Fortunatus, now lost.

90. This letter (*ep.* 9.105 [CCL 140a:657–58]) and *ep.* 6.10 (CCL 140:378–79) suggest that Gaul was an important source of slaves for Italy in this period. Verlinden (*Esclavage*, 2:95–96) also makes this observation.

91. "hanc illis a diversis iudicibus reipublicae emptionem iniungi" (*ep.* 9.105 [CCL 140a:657]). *Iudex* may refer to a variety of civic officials in this period: T. S. Brown, *Gentlemen and Officers: Imperial Administration and Aristocratic Power in Byzantine Italy, A.D. 554–800* (London: British School at Rome, 1984), 12–14.

Some of the slaves turn out to be Christians. Gregory permits the trade to continue, with the proviso that all Christian slaves be handed over to those who ordered them or sold to Christian masters within forty days. If the slaves become ill, this period may be extended, but only until the slaves return to full health. Gregory's ruling also applies retroactively: if Jews possess Christian slaves imported within the last year, they may be sold rather than emancipated.

Gregory makes his decisions according to the interests of two groups. On the one hand, he does not wish to infringe upon the rights of the imperial officials, as well as other interested Christians, to purchase slaves. On the other, Gregory wants to protect the economic interests of the Jewish slave traders (or so he claims), who, Basilius says, are buying these Christian slaves unwillingly, presumably because their purchase is legally suspect. According to the letter of Justinianic law, Gregory might punish the Jewish slavers for possessing, if only temporarily, Christian slaves, but he opts for a more practical solution that must have been greeted with approbation by the Jewish slavers, the civil officials, and the Christian slaveowners of Italy alike.

How does Gregory reconcile these accommodations with his disdain for the Jewish ownership of Christian slaves? The answer lies in the precise nature of the Jews' ownership. They possess the slaves only temporarily and do not employ them in their households, where the slaves would be most susceptible to the influence of their masters.[92] In short, the threat to the slaves' religious life is negligible. Gregory employs similar logic in another decision involving Basilius, who threatens to donate his own Christian slaves to his sons, who, as Christian converts, could legally own them. There is a catch: the slaves, despite the transfer, would continue to serve Basilius. Gregory indicates that such a donation would be permissible, provided the slaves neither live in Basilius' house nor serve Basilius beyond carrying out the duties due to a father from his sons.[93] Gregory seeks to minimize the time that the slaves spend in Basilius' household in order to dilute his potential influence on their Christianity.

It must have been difficult for Jews (as well as for Samaritans, pagans,

92. Gregory hints at this in the first letter, when he orders the immediate manumission of slaves who have served their Jewish masters for more than three months; this indicates, according to Gregory, that the Jews had imported the slaves "not for sale but for serving themselves" (*ep*. 6.29 [CCL 140:402]).

93. *ep*. 9.105 (CCL 140a:658). Baltrusch ("Gregor und sein Verhältnis," 48) claims that the Pope's decision represents another Gregorian departure from Justinianic law. But, the slaves *stricto sensu* would be owned by the Christian sons, so that Gregory's decision does not contravene the letter of the law.

and the heterodox) to retain slaves, who might at any time convert to Christianity and be freed. Elaborate scenarios might be devised to permit the continued possession of Christian slaves. This is evinced by the example of Basilius above; likewise, in a letter to John, bishop of Syracuse, Gregory relates the story of Felix, a Christian slave, who was donated to a Samaritan by a Christian. Having illegally served the Samaritan for eighteen years, Felix was at last freed by the local bishop. After his father's death, the Samaritan's son converted to Christianity and tried to reclaim Felix on the grounds that it was legitimate for a (now) Christian master to own a Christian slave. This might seem like an unusual situation, yet it is envisioned *mutatis mutandis* by a Justinianic law that forbids a Jewish convert to Christianity to reclaim Christian slaves whom he had freed when he was still a Jew; the "harshest penalties" are to be imposed on those who try to do so. Gregory alludes to this law when he rejects the son's claim and orders John to protect the slave from further harassment.[94]

In another scenario involving Christian slaves possessed by Jews, Gregory again manages to arrive at a solution that skirts the law in order to accommodate the parties involved. Gregory informs Venantius, bishop of Luna, that he has learned that Jews in Luna possess Christian slaves.[95] After repeating his general principle that "it is not permitted to any Jew to retain a Christian slave in his ownership (*dominium*)," Gregory makes a fascinating distinction. Slaves who work under the close supervision of their Jewish masters (*penes eos*) must be freed.[96] But, slaves who have been working the land for a long time are to be "converted" into *coloni*, notionally free but legally bound to their soil, who are to make payments (*pensiones*) to their former owners in exchange for the right to cultivate the land. It is a distinction of proximity: those most susceptible to their masters' influence must be freed; those less susceptible may be accommodated in more creative ways. It is unclear how often the slaves of Jews, Samaritans, and pagans were converted into *coloni*, but the phenomenon is unlikely to have been a major source of growth in the population of *coloni* because the number of non-Christian slaveowners in the period was low. In this case, Gregory does not want the rural slaves to be uprooted from the land: he is securing their stability. Although contemporary readers

94. *CI* 1.3.54 (56) (*CIC* 2:37–38); *ep.* 8.21 (CCL 140a:541): "dum superstitiosae sectae mancipia dominos suos ad fidem praecedentia servitio eorum aperte redigi iura prohibeant."

95. *ep.* 4.21 (CCL 140:239), with the comments of Recchia, *Società agricola*, 68–69.

96. *Penes* (*OLD*, s.v. 1) can mean "at the house of"; the context suggests that the slaves were domestic.

might believe that Gregory is simply substituting a slightly less objectionable form of slavery for a form entirely deplorable, the solution pleases the law, the slaves, and the Jewish masters, whose financial well-being Gregory again seeks to protect.

In sum, some of Gregory's decisions go against the letter of Justinianic law and take into account the economic interests of the Jewish masters or the rights of Christians to purchase slaves, even from Jewish slavers. Gregory bends the rules in situations where the influence of Jews over their Christian slaves is minimal. Gregory observes the spirit of the Justinianic law, however, in that he rejects the long-term ownership of Christian slaves by Jews.[97] Indeed, in Gaul, Gregory vigorously advocates the adoption of the Justinianic legal position on the subject over against the prevailing law, ultimately based on the *Codex Theodosianus*, which permitted, albeit in severely limited circumstances, the Jewish ownership of Christian slaves. He writes two letters to the Frankish monarchs in which he urges them to forbid altogether the possession of Christian slaves by Jews.[98] With respect to Spain, Gregory praises Reccared, the Visigothic king, for issuing a law that further restricted the Jewish ownership of Christian slaves in his realm.[99]

CONCLUSION

How to save souls: this is always Gregory's concern, whether the souls belong to masters or slaves. There are no natural slaves, but slavery is ordained by God as an efficacious punishment for human sinfulness. While it is good to be free, freedom is no prerequisite for salvation. Gregory teaches the slave and master, the former by considering his *condicio* and the latter by looking to the *consortium naturae* he shares with his slave, to find God through their relationship and to avoid its spiritual dangers. If his instructions are obeyed, order and stability are the result. Gregory's mandates are not the only aids by which slave and master learn how to think and behave; the civil law, also ordained by God, establishes parameters for the relationship. Gregory enforces the law for the *benefit* of the

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97. Blumenkranz arrives at a similar bipartite conclusion: *Juifs et chrétiens*, 202.
98. *ep*. 9.214, 216 (CCL 140a:774–75, 779).
99. *ep*. 9.229 (CCL 140a:807–8); the law (*Leg. Visig.* 12.2.12) is almost certainly an endorsement of *Concilium Toletanum* 3.14 (J. Vives, *Concilios visigóticos e hispano-romanos*, España cristiana, Textos 1 [Barcelona: Instituto Enrique Flórez, 1963], 129). See also Katz, *Visigothic and Frankish Kingdoms*, 98–100; Verlinden, *Esclavage*, 1:67–69; J. Juster, "The Legal Condition of the Jews under the Visigothic Kings," trans. and updated by A. M. Rabello, *Israel Law Review* 11 (1976): 572–79.

slave; violating the master's *dominium* transgresses God's *ordo*, which providentially placed the slave in servitude. But, Gregory occasionally circumvents or goes beyond the law's demands in order to preserve stability in the slave's life.

Finally, Gregory's writings hint that slaves may have found service to the Roman church more desirable than service to other masters. Gregory's concern for stability may have translated, to some degree, into more favorable conditions in slaves' lives. By no means should we attribute this entirely to Gregory himself: for example, civil law prohibited churches, in most situations, from alienating rural slaves, which must have minimized the familial and social disruptions among papal slaves who worked the land.[100] Yet, Gregory does offer slaves greater freedoms than the law demands when he honors unions among church-owned slaves and permits them, at least in some cases, to pursue vocations. The number who did so was high: "multos ex ecclesiastica familia novimus ad omnipotentis Dei servitium festinare."[101] (Could the papal *actores'* seizures of others' slaves be fueled in part by a desire to replace church-owned slaves "lost" to the monastic and clerical ranks?) The most intriguing evidence that life might have been better for slaves owned by the church derives from a letter already discussed: some slaves were willing to endure the perils of flight, not in search of freedom, but rather of a new master: the church of Rome.[102]

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100. *Nov.* 7 pref., 120.1 (*CIC* 3:48–51, 578–80). Slaves could still be transferred to different ecclesiastical holdings.

101. "We have learned that many church slaves are hastening to the service of God omnipotent" (*ep.* 5.57a [*MGH Ep.* 1:365]).

102. *ep.* Appendix I (CCL 140a:1093) = *ep.* 1.39a (*MGH Ep.* 1:53).