

Book I
Title XIII.

Concerning those who are manumitted in the churches.
(De his qui in ecclesiis manumittuntur.)

Bas. 48.14.

Headnote.

Manumissions.

A number of laws in the first 24 titles of Book 7 of the Code deal with manumissions of slaves and the claims of liberty. Manumission could be made in an orthodox church; that came to be recognized as one of [the] regular methods of manumission—a subject of considerable importance in an empire where slavery existed. The method to be pursued is fully and clearly stated herein, and needs no elucidation. The clergy were granted greater rights, and they might manumit their slaves in a very informal manner as is pointed out in law 2 of this title. It must be borne in mind in this connection that the authority of the church came to be very great after the time of Constantine the Great.

1.13.1. Emperor Constantine to Protogenes, Bishop.

It has for a long time been permitted that masters could manumit their slaves in a Catholic church if they did so in sight of the people and in the presence of the bishops of the Christians, so that for the purpose of having a memorial of the act, as a record thereof, some sort of writing should be drawn up which they (the bishops) should sign as witnesses. Hence freedom may be given or bequeathed by you in whatever manner any of you may desire, provided that clear evidence of our wishes appears.
Given this 8th day of June (316).

1.13.2. The same emperor to Hosius, Bishop.

Whoever with pious intention grants deserved freedom to his slaves in the bosom of the church, gives it with the same force as Roman citizenship has been wont to be bestowed under observance of (the required) solemnity. But the rule is relaxed only when freedom is given in the presence of the bishops. We grant greater rights, however, to the clergy, so that when they bestow liberty on their slaves, not only will they be said to have given complete enjoyment of such liberty when given in sight of the church and pious people, but also when given in a last will, or directed to be given by any sort of words, so that absolute liberty will be conferred from the day that the last wish becomes known, without needing any legal witness or interpreter.¹

Given April 19 (321).

C. Th. 4.7.1.

¹ This text reflects numerous changes penciled in by Blume.