

Book X.
Title LIII.

Concerning teachers and physicians.
(De professoribus et medicis.)

10.53.1. Emperor Antoninus to Numisius.

Since you state that you are a physician of the second auxiliary legion, you will not be compelled, as long as you are absent on behalf of the state, to perform municipal liturgies; and when you have ceased to be absent and the exemption aforesaid ceases to exist, still you will continue to enjoy the same immunity, if you are of the number of those who are entitled to the benefits granted to physicians.

10.53.2. Emperor Gordian to Heraclianus.

It is not unknown that grammarians and orators, appointed as such by decree of the local senate, may, if they do not show themselves useful to students, be removed by such senate.

Note.

It is a well known fact that commencing with Vespasian, some public support was given toward education. Vespasian was the first of the emperors who gave a fixed endowment to professors of the liberal arts, and was the founder of the subsequent system of education in the empire. Suet., Vespasian 18. Grammarians taught the lower branches of education, orators the higher. They were selected, as here stated, by the city councils.

10.53.3. Emperor Philip and Caesar Philip to Ulpianus.

Poets are not aided by any privilege of exemption.

10.53.4. Emperors Diocletian and Maximian to Malchus.

Teachers of the liberal arts, but not teachers of arithmetic (calculatores) are named in the oration of the divine Pious (as entitled to exemptions).

10.53.5. The same Emperors and the Caesars to Concedemanes.

It has often been held that physicians, even within the prescribed number, shall not (for that reason alone) have immunity against the will of the local senate, since immunity should be granted them by decree of the municipal senate.¹

10.53.6. Emperor Constantine to the people.

We direct that physicians and especially chief physicians and ex-chief physicians, grammarians and teachers of the liberal arts, together with their wives and children and together with their property which they possess in their home city, shall be exempt from every office and from every function and from every municipal or public liturgy. They need not quarter guests in the province, or perform any liturgy, and they shall not be

¹ [Blume] See C. 10.32.14 and C. 10.47.1.

brought to or exhibited in court,² or suffer any vexation; and if any one vexes them, he shall be punished in accordance with the discretion of the judge. 1. We also order that their compensation and salaries shall be paid them, so that they may the more easily instruct many in the liberal arts and in the above mentioned sciences.

Promulgated September 27 (333) at Constantinople.
C. Th. 13.3.1.

Note.

According to Gothofredus on C. Th. 13.3.4, the physicians serving the emperor as well as public physicians in Rome and Constantinople were called chief physicians (archiatri). The physicians given exemption here were probably those mentioned in the previous law. Complete exemption from all liturgies was apparently given.

Appendix VII, c. 22.

That food supply (annona) shall be given to doctors and others.

We direct that the food supply which Theoderia was accustomed to give to the Romans and which we also have given them, shall continue to be given in the future, and we also direct that the food supply which was formerly customarily given to grammarians, orators, physicians and lawyers, shall also hereafter be given those of them who are engaged in their profession, so that youths instructed in the liberal arts may abound in our state.

10.53.7. Emperor Julian.

Teachers and sages should first excel in their morals, next in wisdom. 1. But since I can not personally be present in every city, I order that if anyone wants to teach, he shall not engage in such work suddenly or rashly, but with the approval of the local senate, in the form of a decree, by and with the consent of the other teachers.³

Given at Spolegium June 17 (362).
C. Th. 13.3.5.

10.53.8. Emperors Valentinian, Valens and Gratian to Probus, Praetorian Prefect.

Everyone who is known to insolently and undeservingly assume the character⁴ of a philosopher must be returned to his native city, excepting those who, having the approval of the men of that profession in good standing, should be (considered) separated from such trash, for it is unseemly that a man, who professes to be able to bear the whims of fortune, should not be able to bear the burdens (imposed on him) in his native city.⁵

Given Sirmium January 19 (369).
C. Th. 13.5.7.

² [Blume] Some have construed this to mean that they could appear by agent. Gothofredus construes this to mean that they should not wrongly or vexatiously be brought into court.

³ [Blume] Optimorum - Gothofredus.

⁴ Blume penciled in "character" above the type-written "appearance."

⁵ [Blume] See C. 10.42.6.

10.53.9. The same Emperors to Praetextatus, City Prefect.

The chief physicians, knowing that they receive food supplies from the public treasury, should honestly minister to the poor, rather than dishonorably serve the rich. 1. We also allow them to receive gifts which are made to them for their services by those who are well, but not gifts promised to them in order to effect a cure by those whose life is in danger.

Given at Treves January 30 (370).

C. Th. 13.3.8.

Note.

Mention here is made of the public physicians in Rome and Constantinople, who received a salary from the public treasury. There was a public physician in each of the fourteen regions of Rome.

10.53.10. The same Emperors to Olybrius, City Prefect.

If someone, meriting promotion, is to be subrogated to the place of a deceased chief physician, he shall not be made a member (of that guild) till he is approved as a suitable person, by the judgment of seven or more members of the order; and whoever is thus subrogated shall not be one of the first in rank, but the others being advanced, he shall be the last in rank.

Given March 10 (370).

C. Th. 13.3.9.

10.53.11. Emperors Honorius and Theodosius to Monaxius, Praetorian Prefect.

We direct that grammarians, orators, teachers of philosophy and physicians shall enjoy, besides the privileges and immunity granted them by previous ordinances, the following rights: All who have served as chief physicians in the imperial palace, and have attained the countship of the first or second order, or a rank still higher, shall not be vexed by any municipal or curial summons (to perform any liturgy) whether they actually occupy the position (in the palace), or have left, with testimonials of approval. They shall be exempt from every function, and from every public liturgy, and their homes, wherever situated, shall not be subject to be used for quartering soldiers or judges. 1. These privileges shall remain inviolate for the benefit of their children and their wives. We also direct that the teachers aforesaid (grammarians, orators and teachers of philosophy) shall enjoy the same rights.

Given at Constantinople November 30 (414).

C. Th. 13.3.16.

Note.

It would seem that if these men were of curial origin, their privileges were theoretically affected, after retirement from their profession, by C. 10.32.67 which limited exemption from curial duties to certain persons. Practically, however, these men would, ordinarily, not retire until they had passed the age when personal liturgies were required of them (C. 10.50.3). It would be different, however, with their children.