

Book VI.
Title VII.

Concerning freedmen and their children.
(De libertis et eorum liberis.)

Bas. 49.2.18.

6.7.1. Emperor Antoninus to Daphnus.

It is not unknown that a woman who manumitted a slave pursuant to a trust cannot accuse a freedman as ungrateful, since that extraordinary remedy is only open to a person who voluntarily extends gratuitous liberty to his slave, not to one who did so pursuant to a duty.¹

Promulgated April 27 (214).

6.7.2. Emperor Constantine to Maximus, City Prefect.

If a manumitted slave becomes ungrateful to his patron and boastfully and contumaciously carries his head high, or becomes guilty of even a slight offense, he shall be again subjected to the control and power of the patron, after having been proven ungrateful in the ordinary courts or before petty judges, on complaint of the patron. The children, also, subsequently born, shall be slaves; but those who were born while the parents possessed freedom will not be prejudiced by the wrongs of their parents. 1. And if a freedman who was liberated in our council by the rod,² shows himself worthy, through penitence after punishment (by return to slavery), of restoration to Roman citizenship, he shall not receive his liberty unless he obtains it upon petition of his patron. Promulgated at Rome April 13 (326).

Notes.

The right of revocation of manumission for ingratitude does not seem to have been definitely established until under an enactment of Commodus, which provided that if a freedman treated his patron with contumely, or struck him or neglected him in illness or distress, he might be re-enslaved, and that if this did not suffice he might be sold and the price given to the patron. D. 25.3.6. In C. 6.3.12, the right of re-enslavement for ingratitude is treated as existing; and see Nov. 78 c. 2. In C. 8.16.30, it is stated that liberty could not be revoked merely for lack of obsequium. That, in this connection, generally meant the due payment of honor or respect, but in that rescript probably meant performance of services. Mitteis 393. Contra, Buckland, Slavery 424. In any event, he could be re-enslaved for the graver forms of disrespectful conduct. To effect that, an accusation before a magistrate (or in the later before a petty judge) was necessary. The proceeding might be summary. Law 1 h.t. D. 1.16.9.3. In Greece, the violation of any condition whatever might lead to re-enslavement. Mitteis R. R. u. V. R. 384 ff. But the right was more limited in Roman law. See C. 7.16.30 note.

6.7.3. Emperors Honorius and Theodosius to the senate.

¹ [Blume] C. 6.3.2 and 5.

² [Blume] See note to C. 7.1.

Freedmen will not only be refused a hearing (in court) against their patrons, but the same reverence shown by them to their patrons must be shown by them to the patron's heirs, who have the same action for ingratitude³ as the manumitters themselves, if the freedmen, unmindful of the liberty given them, again become subject to the perverse disposition of a slave.

Given at Ravenna August 6 (423).

C. Th. 4.10.2.

6.7.4. Emperors Theodosius and Valentinian to Bassus, Praetorian Prefect.

Freedmen or their children who are shown to be ungrateful, will, without question, though serving as soldiers, be again reduced to slavery.

Given at Ravenna March 30 (426).

C. Th. 4.10.3.

³ [Blume] The appropriate action to again reduce the freedman to slavery. Gothofredus ad. Th. 4.10.2.