

Book VIII.
Title LVII.

Concerning annulment of penalties for celibacy and childlessness and the tenth.¹
(De infirmandis poenis caelibatus et orbitatis et decimariis sublatis.)

8.57.1. Emperor Constantine to the people.

Let persons who under the ancient law were considered celibates, be freed from the threatening terrors of the laws and live as though numbered among married men, supported by the ties of matrimony, and all men shall be on an equal footing, in so far as being able to inherit what each may receive. Nor shall anyone be considered childless; and the prejudice attached to that name shall not harm him. 1. We think the same concerning women and we release all of them indiscriminately from the legal compulsion imposed as yokes on their necks.

Promulgated at Rome April 1 (320).

8.57.2. Emperors Honorius and Theodosius to Isidorus, City Prefect.

We order that the rule of one-tenth, applicable to husband and wife under the Papian law, shall cease, and, although they have no children, they may take the whole from each other by testament, unless, perchance, another law diminishes what is left to them². Husband and wife, therefore, hereafter, may each leave to the other, as love for each other, while living, dictates.

Given September 4 (410).

¹ [Blume] See full note on this, headnote to C. 6.51 - lapses.

² [Blume] The law, leaving one-fourth to children. Treatment of women as to inheritance Woess 45 ff.