

Book IX.
Title XIV.

Concerning the correction of slaves.
(De emendatione servorum.)

Bas. 60.59.1.

9.14.1. Emperor Constantine to Bassus.

If a master punishes his slaves with rods or straps, or throws him in chains in order to keep him in custody, he need have no fear of a charge of a crime if the slave should die, no matter when that may be.¹ 1. But he must not use his right immoderately, and will be accused of murder if he kills him by a blow with a cudgel or a stone, or inflicts a mortal wound on him with a weapon, or directs him to be suspended by a rope, or foully commands him to be pushed down from a dangerous place, or administers poison to his veins, or lacerates his body by methods used in punishing certain public crimes, (namely) causes his sides to be cut by claws like those of wild beasts, or causes his limbs to be burned by fire², or applies instruments of torture causing³ the dark blood and gory matter to flow from, and waste away, his limbs, and thus by savage cruelty compels him to surrender his life.

Given at Rome May 11 (319).

C. Th. 9.12.1.

¹ [Blume] That is to say, whether that happens immediately while the punishment is inflicted or later.

² [Blume] On heated plates. Gothofredus.

³ [Blume] By stretching the limbs and separating the joints. The exact nature of instruments of torture is not known. Seneca, de ira 3.3, speaks of "the rack, the cord, the dungeon, and the cross, the fires lighted round men's buried bodies, the hook that drags both living men and corpses, the different kinds of fetters, and of punishments, the mutilations of limbs, the branding of the forehead, the dens of savage beasts." See also the same book at 3, 19, where he mentions scourges loaded with knuckle-bones (talaria). See Smith's Dictionary of Greek and Roman Antiquities under "eculeus," "fidicula" and "flagrum." For the ferocious penalty of parricide see C. 9.17.