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

Bas. 60.59.1.


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.\(^1\) 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 fire\(^2\), or applies instruments of torture causing\(^3\) 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.

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