

Novel 78.

That freedmen shall not hereafter be in need of (the grant of) the gold ring and restitution of their birth rights. Also that the execution of dowry-documents with freedwomen shall ipso facto make the marriage lawful and the children legitimate. In the case of a female slave, the execution of a dowry-document shall make her free, and shall render the marriage lawful and her children legitimate.  
(Ne liberti in posterum indigeant jure aureorum anulorum, etc.)

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The same emperor (Justinian) to Johannes, glorious Praetorian Prefect of the Orient the second time, ex-consul ordinary, and patrician.

Preface. Inasmuch as all things given us by God are perfect, we have thought that manumissions of slaves, by which masters release them from their former condition, should be made purer, less tainted and more perfect. We have, therefore, liberated freedom from the disgraceful condition of freedmen of the lowest class (dediticii), have rejected Latin citizenship as imperfect, have declared a second manumission unnecessary, have discarded the Junian law and the Largian senate decree, as unnecessarily introduced in the beginning and thereafter rightly repudiated, and that only Roman citizenship should follow manumissions,<sup>a</sup> so that we made no difference as to age, as to place, or as to any other matter. But inasmuch as we always think of bettering the condition of our subjects, we have thought best to make additions to what has already been made more perfect.

a. Prior to Justinian, there were degrees of Roman citizenship, the lowest being that of dediticii, and the intermediate being that of the Latin. Justinian abolished these various degrees of citizenship and established but one—that of full Roman citizenship. That subject is fully treated in C. 7.5 and C. 7.6.

c. 1. We therefore ordain that if anyone manumits a slave, male or female, and declares him or her to be a Roman citizen—for to do anything else is not permitted—the person receiving his or her liberty may know through this law that he or she will immediately receive the right to the gold ring and restitution to natal rights as a matter of course, and without necessity of worry in regard to it, but he or she shall have these rights by virtue of the manumission. This law shall apply form

the present day, for we do not disturb any of the matters of the past, but confirm them, so as to remain valid in the manner in which they have been done. This then, we ordain, shall be the situation.

c. 2. We further direct that in no manner, not even after the enactment of this law, shall the rights of patrons which we have granted, for whatever persons they have been preserved, be violated, unless the person who gives the liberty releases the freedman therefrom, either by adding that (provision) to the trust (under which the manumission is to be made) or to the direct manumission. For if such release is given, the person manumitted shall be relieved from the rights of patron, since the manumittor has so directed. The persons, accordingly, who receive their liberty, shall have all these advantages, but they must also, after the enactment of this constitution, observe toward those who confer such honor upon them, modesty, respectful conduct (obsequium), so-called, and the reverence justly introduced by the laws, and they must abstain from all violence, snares and other misconduct on account of which freedmen, guilty thereof, are recalled to servitude according to the laws on that subject and are returned to their former condition. For as we permit no ingratitude toward the donor of the gift, though the donee is a man of title, but such gifts are declared to be void by the laws already enacted by us and by the directions daily given by us,<sup>a</sup> how could we permit a manumittor, who is, as it were, a father toward the freedman, to suffer any evil at the hands of the latter, or atrocious and unworthy insults, or wounds or great and intolerable damage? But if the manumittor of his children prove any lawful proof that they have suffered anything of the sort, we shall, after such proof, return the freedman to his former condition; for although we release everyone from the circuities of words,<sup>b</sup> and from the damage arising therefrom, we preserve for the freedman, as well as the former master, everything that is just and equitable, becoming to a legislator and pleasing to God. **1.** Hence let those who have been heretofore manumitted be freedmen and as free-born men, if it is clearly shown that these rights have been granted them;<sup>c</sup> and let that be true also as to those who shall hereafter be manumitted. They may live as though born free, but must show proper honors to the manumittors, lest they

be deprived of their liberty and their status as men of free birth, and convicted and condemned by law as disgraceful and ungrateful persons. They shall be free and as men free-born, if they show towards their manumitters and their children true and willing modesty, reverence and affection, and if they do so, they shall never revert to their former condition.

a. Et in his quae a nobis cotidie praecipuntur—laws would not be enacted daily, and hence the foregoing translation, which would seem to be more consonant with reason.

b. The translation of Otto, Schilling and Sintenis states in a note that this passage clearly refers to the petition for the gold ring and the rights of free birth. The explanation would seem to be reasonable.

c. Refers doubtless to the grants of the gold ring and status of free-born men already in the past granted by the emperor.

c. 3. If a man, whatever title he may have, wants to marry a freedwoman and make her his legitimate wife, he shall execute marriage contracts; this shall be the only requirement after manumission. And the children, born before, as well as those born after the execution of such marriage contract, shall be free and free-born, and shall be heirs of their father, without being required to petition for the gold ring or the restitution of natal rights. There shall be no difference between such marriage and marriages of other free-born persons. The freedom of the mother and the marriage contract shall make the offspring free and free-born, and heirs of their father.<sup>a</sup>

a. See note C. 5.4.7; C. 5.4.28.

c. 4. And we so completely direct our attention to affairs and to the true situation thereof, that if children are born to a man by a woman while she is still in slavery, and he thereafter wants to manumit her and execute a marriage contract with her, the children will be free and legitimate as soon as the marriage contract is executed. We do not require any special manumission of the children, so that they might appear to receive their liberty, sometimes at the same time, sometimes after, and sometimes before she would receive hers, but we grant them their liberty along

with the execution of the marriage contract. For what better indication of manumission could a father give than by making his wife free and a lawful wife by the execution of the marriage contract? If a soldier by giving a legacy to one of his slaves, also thereby gives him liberty along with the legacy, so much more does a father who executes a marriage contract thereby make his children free and heirs of his body. No one would think that he wanted the mother of his children to be his lawful wife, showering such boon upon her to gratify his lust, but that he wanted the children that are sprung from him to remain in slavery. **1.** We have enacted these provisions for the benefit of both manumittors as well as freedmen. For if we did not preserve for manumittors the privileges above mentioned, we would, perhaps, make more men hesitant to bestow freedom, and we are anxious that granted freedom shall be valid and effective, and flourish and increase in our republic. For in that desire, we undertook such great wars in Libya and in the Occident, partially on behalf of the right faith in God, and partially on behalf of freedom of our subjects.

c. 5. Nor do we undertake anything new, but follow in the footsteps of the best of emperors before us. For as Antoninus with the cognomen Pius,<sup>a</sup> from whom that name has also come to us, gave the right of Roman citizenship—which the subjects up to that time had to specially seek and only in that way were those who were called foreigners given the status of men of free birth—to all of the subjects alike, and as Theodosius, the Younger, after the Great Constantine, the founder of this holy city, gave the rights attached to children,<sup>b</sup> which previously had to be specially sought, to all the subjects alike, so we hereby give restitution to natal rights and the privileges of the gold ring, which each one previously had to specially seek, giving rise to much damage and many circuities and requiring the consent of the manumittors, to all the subjects alike. We hereafter restore those who are worthy of the status of free birth to their natural condition, not one by one, but all alike whoever hereafter are worthy of freedom, in order to give the benefit of this great and general bounty to our subjects.

a. This is an error; it was Antoninus Coracalla who gave Roman citizenship to all the subjects.

b. C. 8.58.1.

Epilogue. Your Sublimity, upon learning what it has pleased us to do for the benefit of our subjects by this law, will make it known by edicts in this fortunate city and in the provinces, so that they may know that we look out for their interests at all times, making laws which are for their benefit. This law shall apply to all cases that may arise in the future; we do not disturb the past.

Given January 18, 539.