

From Statues to Altars: Sanctuary, Manumission, and Slavery in Christianised Rome

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Dedicated to
Douglas Jon Hunt
(21/12/1990 – 27/01/2014)
Forever free

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Summary of Thesis

This thesis examines Roman slavery in the fourth to the early fifth century in the Roman East. The study aims to explore the confluence of Christianity, slavery and law to further understand the lives of Romans. The study is also focused on the effect that factors such as ecclesiastic manumission and Church sanctuary may have had on the lives of slaves, the Church and the general populace. Additionally, the investigation covers the possible benefits that inclusion in Christian communities held for slaves in general. To this end patronage is a topic that is covered to determine the importance of these reciprocal relationships that the Church and its representatives had with slaves. The Church's ability to function as an organisation which had the ability to own large numbers of slaves is also considered, as too the possible ramifications of being a "slave to God". Finally the thesis addresses the issue of slave clerics, and explores how it was possible for this phenomenon to have occurred.

DECLARATION

I, Nicole Miles, certify that this thesis has not been submitted for a higher degree to any other university or institution.

Date: 10th October, 2014

Abbreviations

Citations of standard works follow the abbreviations set out in H. G. Liddell and R. Scott, *A Greek-English Lexicon* 9th ed., Oxford, 1996, and G. W. H. Lampe, *A Patristic Greek Lexicon* 6th ed., Oxford, 1982.

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Introduction

The institution of Roman slavery is a topic of study which is both fascinating and enlightening. Attempts to unlock the details of the lives of slaves help gain an understanding of how Roman society functioned on all levels of the social spectrum, and give insight into the organisational, administrative, and social aspects of the Romans as a whole. The fluidity of the classes is apparent when it is evident that slaves could become freedmen and free men could become slaves. The introduction of Christianity as the State-sanctioned religion of the emperors was to prove to be a development in Roman history by which we can see the opportunities for slaves improve remarkably with respect to their legal rights and the ability to change their own circumstances. Association with the Church would prove to be a valuable form of social capital for slaves, and the Church would come to be viewed as a dominant body with the reputation for defending the lowest classes. These factors will all be discussed below.

The first chapter of this thesis is a brief literature review of the modern scholarship which has in some way influenced this project, and has significantly contributed to research on slavery. Also included in chapter one is a discussion of the methodology employed outlining the ancient sources used to compile the data base of evidence to present the arguments posed, and any issues that were encountered in the research process. Chapter Two begins the main body of the thesis and discusses several ecclesiastical laws which were introduced by the Roman emperors in the fourth and early fifth century. Legislation relating to the juridical powers of bishops and manumission in the Church are examined to determine how this impacted on slavery as an institution in Roman society. Additionally, the process of sacral manumission is analysed to determine the extent to which the ecclesiastic form mirrored traditional methods of freeing slaves at temple sites, and the effect that this type of rebadging

of familiar customs had on the acceptance of ecclesiastic manumission by the general populace.

Chapter Three discusses slave law and sanctuary. Factors considered include the ability of slaves to seek justice, and to use their own agency via absconding to the Church, and the procedures and obstacles that slaves were required to navigate when they attempted to speak out for themselves. This is in order to gauge how difficult (or easy) it was for slaves to engage in the legal processes put in place by the Roman State. Church sanctuary is a focus for attention as it represented a place of asylum and safety, and also a place where slaves could seek the intercession of ecclesiastic authorities with legal powers to represent them if they could, for example, prove a case of unjust treatment. Chapter Four takes the discussion of slaves and slavery into a Christian setting. The chapter explores the confluence of Christianity, slavery and law in the fourth century to discover any benefits (perceived or otherwise) that being a slave to a Christian, a member of the clergy, or the Church may have held. The benefits of Christian patronage will also be investigated to attempt to gain an understanding of how these reciprocal relationships functioned in the Church and early Christian communities.

The final chapter deals with slaves and their involvement with the Church. The discussion is focused on the service of slaves and freed persons to the Church, the Church as a *collegium* and the possible ordination of slaves/freedmen as clergy members. Imperial laws and Church canons are examined to determine the extent to which this occurred and was tolerated, and the literary evidence is consulted to show instances of this phenomenon occurring. The general overarching theme to this thesis is that slaves in the later Roman world could, if they were aware of their rights and had the opportunity to do so, take action for themselves and change their circumstances. The laws which were passed during the course of the fourth century provided avenues for slaves to use their own agency and seek intervention should the need arise, and the social capital that was gained by association with

the Church and its representatives was a potentially life changing form of currency in an increasingly Christianised Roman world.

Chapter 1

Methodology and Literature Review

*“Constant awareness of the nature of the sources is one methodological premise, another is careful construction of the questions we ask”, Kyle Harper.*¹

The main focus of this thesis is to examine how Roman slaves in the early Late Antique period were able to access the legal system which was put in place by the Imperial administration. The discussion throughout concentrates on laws relating to sanctuary and manumission with an aim to explore how these factors impacted and affected slaves in an increasingly Christianised empire. The sources will be interrogated to determine if slaves were able to access the legal system to their own benefit, and whether the Church in any way came to be an authoritative body which offered slaves opportunities on a scale which had not previously been possible. A key stumbling block that is generally encountered when dealing with ancient slavery is that slaves were for the most part a voiceless, recordless people. To attempt to capture indirectly what slaves were trying to achieve documentary, literary, and instrumental texts have been consulted as the basis for the investigation.

Literature Review

Modern scholarship which examines the ancient world has its own history in relation to the investigation of slavery. Every author has examined the evidence with their own research topics at the centre of their focus be that, for example, from an economic, sociological, or religious perspective. This enormous volume of scholarship can be a daunting prospect for those wanting to familiarise themselves with work that has previously been undertaken in the field. There has been an attempt, in this short review of the modern literature, to present a

¹ Kyle Harper, *Slavery in the Late Roman World, AD275-425*, Cambridge, 2011, p. 360.

selection of some authors who have contributed to the base of current knowledge in meaningful ways and who have opened the door to further research. There is no claim here to have covered all the scholarship available on Roman slavery, though a synopsis has been attempted to bring the reader a general background of the research that has been conducted, and to situate this thesis in the current debates. Slavery in the late Roman world was complex, and as of 2014 there are many facets that are still open to further enquiry, such as the association of slavery with the Early Christian Church and their intersection with Roman law.

Key scholars in the field of Roman slavery research include William Westermann, A. H. M. Jones, Moses Finley, Keith Bradley, J. Albert Harrill, and Jennifer Glancy.² These works taken as a corpus of scholarship from the twentieth century are an invaluable contribution to furthering the understanding of the social makeup of Roman slave owning society. Kyle Harper, has recently published an extremely comprehensive treatment of Late Antique slavery which seriously challenges and adds to the current body of knowledge that exists about how slavery functioned from AD 275-450.³ Harper has dedicated a portion of his publication to the topic of manumission, adding that further research and analysis needs to be conducted in this area.⁴ This project endeavours to explore further the place ecclesiastic manumission and sanctuary may have had in later Roman society, with an aim to investigating the legal act of freeing slaves in this manner.

² William L. Westermann, *The Slave Systems of Greek and Roman Antiquity*, Philadelphia, 1955; A. H. M. Jones, *The Later Roman Empire 284-602: A Social Economic and Administrative Survey vol 1-3*, Oxford, 1964; Moses I. Finley, *Ancient Slavery and Modern Ideology*, Brent D. Shaw (ed.), Princeton, 1980/rev. ed.1998; Keith Bradley, *Slavery and Society at Rome*, Cambridge, 1994/97; J. Albert Harrill, *The Manumission of Slaves in Early Christianity*, Tübingen, 1995; Jennifer A. Glancy, *Slavery in Early Christianity*, Minneapolis, 2006.

³ Harper, *Slavery*, et. al.

⁴ Harper, *Slavery*, pp. 463-93.

In the mid to late nineteenth century Henry Charles Lea was not the first scholar to examine Early Christianity and slavery, though it is my opinion that his work has been largely overlooked in recent scholarship.⁵ In the wake of the Emancipation Proclamation, in the United States of America in 1863, Lea published his work on Early Church history in 1869.⁶ After the period of slave liberation had swept through America he republished the work in 1885 to include a chapter on the “Early Church and Slavery”.⁷ Lea’s work reflects his heavily Christianised ideals, and his concepts of the “brotherhood of man” played a significant part in his interpretation of the ancient evidence. His views on the freedom and liberty of slaves manifest themselves significantly in his interpretations in this respect.⁸ Irrespective of these prisms of religion and idealism through which he viewed the ancient world, many of his arguments and reasoning ring true and maintain an element of validity and deserve further examination and revision. His assertions that it was early Christian idealism that brought an end to slavery in the Roman world have since been proven to be faulty. It can definitely be said that Lea’s line of argument comes from a moralistic Christian perspective with a propensity to see everything with rose coloured glasses; if, however, the lenses are removed one is left with some valid arguments and view-points on slavery and manumission and their place in the Early Christian Church.⁹ His perspective on how the Church could have been regarded by slaves as a place of protection and asylum is also one which deserves further examination, as too are his views on the incorporation of slaves into

⁵ Lea has generally been overlooked due to his ameliorant views. For an extensive overview of the modern scholarship relating to slavery see Finley, *Ancient Slavery*, pp. 1-137.

⁶ Henry C. Lea, *Studies in Church History: The Rise of the Temporal Power, Benefit of Clergy, Excommunication, The Early Church and Slavery*, Philadelphia, 1869/83.

⁷ Lea, *Church History*, 1883, pp. 524-576; Emancipation Proclamation, January 1, 1863, Presidential Proclamations, Record Group 11, General Records of the United States Government, National Archives, 1791-1991.

⁸ Lea, *Church History*, pp. iii-v, p. 524, pp. 538-39, p. 340, p. 341, p. 342, pp. 575-76.

⁹ Lea, *Church History*, p. 74, p. 524, p. 542, p. 547-48, pp. 571-73.

Christian communities.¹⁰ William Westermann drew on Lea's work in several brief mentions in his publication *The Slave Systems of Greek and Roman Antiquity*, and extolled Lea's work as being "[a]n unusually balanced and unbiased presentation of the gradual adjustments between the secular legislation which bettered the lot of the slave class".¹¹ Westermann stands alone in this review to give Lea any scholarly credit for his research into the early Christian Church and slavery.

William Westermann's work on Greek and Roman slave systems was published posthumously in 1955.¹² Born from an article that he was commissioned to write by Rostovtzeff for volume 6 of *Pauly-Wissowa* in 1936, the book was twenty years in the making.¹³ He, like Henry C. Lea, stated that he was attempting to bring a more "balanced and synthesised approach" to his work.¹⁴ In Westermann's case he hoped to correct some of the moralistic liberalism of the Christian ethic which had been applied to the topic of slavery and Early Christianity in the nineteenth century interpretations; perhaps those such as Lea's work.¹⁵ Westermann fell into disfavour due to his "amelioration narrative" being the reason for the decline of slavery in the Later Roman world.¹⁶ His line of reasoning as it pertains to

¹⁰ Lea, *Church History*, pp. 547-59, pp. 571-72, p. 576.

¹¹ Westermann, *Slave Systems*, p. 153, p. 154, pp. 158-59.

¹² M. L. W. Laistner, "Review of The Slave Systems of Greek and Roman Antiquity by William L. Westermann", *The American Historical Review*, vol. 61, No. 3, 1956, p. 614.

¹³ Westermann, *Slave Systems*, p. ix; Finley, *Ancient Slavery*, pp. 120-121; William L. Westermann, "Sklaverei", in *Pauly-W.*, *RE*, Supplb. 6, pp. 894-1068.

¹⁴ Westermann, *Slave Systems*, p. 129.

¹⁵ Westermann, *Slave Systems*, p. 128, pp. 129-30, p. 152.

¹⁶ Westermann, *Slave Systems*, pp. 114-17, p. 130; Finley, *Ancient Slavery*, pp. 122-23, Harper, *Slavery*, p. 21, p. 360; Laistner, "Review of Westermann", pp. 613-14; G. E. M. De Ste Croix, "Review of Slavery William W. Westermann: Greek and Roman Slave Systems (Memoirs of the American Philosophical Society, xl), in *The Classical Review*, vol. 7, Issues 1, 1957, pp. 54-59; P. A. Brunt, "Review of W. L. Westermann' Greek and Roman Slave Systems", in *Journal of Roman Studies*, vol. 48, 1958, pp. 164-70. It is pertinent to say that as Westermann's *Greek and Roman*

the confluence of Roman laws relating to slavery, sanctuary, and manumission in the fourth century with the Christian Church does need to be further explored.¹⁷ He recognised that the balance between the practical requirements of life (i.e. slavery) and the laws that governed it were colliding with the “spiritual influence of Christian teaching” at this point in history.¹⁸ In this area, Westermann admitted that further attention needed to be given with more objectivity and less Christian bias and hostility to ancient slavery as a contemporaneous institution than it had been in the past.¹⁹ Westermann only briefly addressed ecclesiastic manumission and it is these points that deserve further examination. Other theories, which he built on earlier rational lines of argument put forward by Lea, related to the social implications which surrounded slaves as clergy, and also require closer analysis for their validity.²⁰ Debate about the shortfalls in Westermann’s scholarship were pointedly addressed by Moses Finley in 1980, who was among the graduate students whom Westermann employed to assist in his project for *Pauly-Wissowa*, and who was particularly critical of Westermann.²¹ Finley, who reviewed Westermann’s work thirty years after it was published, was more interested in slavery in socioeconomic terms than those issues that he saw as stemming “from the single question of Christianity and slavery”.²²

Slave Systems was published posthumously, he had no opportunity to address any criticism, nor to correct his errors after his research was reviewed.

¹⁷ Westermann, *Slave Systems*, p. x, p. 155.

¹⁸ Westermann, *Slave Systems*, p. 154.

¹⁹ Westermann, *Slave Systems*, pp. 152-53, p. 159.

²⁰ Westermann, *Slave Systems*, pp. 154-55, pp. 158-59; Lea, *Church History*, pp. 540-43, pp. 548-59, pp. 568-9, pp. 571-3.

²¹ Finley, *Ancient Slavery*, p. 78, p. 120-23: from this rather scathing account of Finley’s it seems as if he had a personal axe to grind with Westermann.

²² Finley, *Ancient Slavery*, p. 123.

Moses Finley is perhaps one of the most influential authors among the corpus of modern scholarship devoted to ancient slavery.²³ Finley discussed how personal ideologies and social concepts had been imposed on the ancient evidence by previous scholars, and how this had affected and impacted the way in which it had been interpreted, or misinterpreted, as the case may be.²⁴ Finley was not particularly interested in the influence that Christianity may have had on Roman slave owning society. He approached the evidence from a “social scientific approach” in an attempt to revise and correct the ideological “moral and antiquarian traditions” and less ideological and more economically Marxist driven views which had previously influenced research in the field.²⁵ Finley was convinced that slavery in the Late Roman period, though very much still in evidence, had begun its decline due to an increase in tenant farming in an agricultural setting which brought about the conditions for serfdom in later centuries. He was highly critical of scholars who had attributed the decline of slavery to Christianity and its teachings.²⁶ Finley’s examination of the modern scholarship and his exegesis of the evidence for ancient slavery is extensive, but he self-admittedly did not explore Christianity and slavery with any depth or purpose in relation to Late Antique Roman society. It is in this area which he calls for further investigation into the ideology and psychology of slavery.²⁷

Economically focused historians like A. H. M. Jones set the tone in the mid to late twentieth century, and posited that changing economic conditions brought about a shift from

²³ See above n. 1; Harper, p. 508. Finley’s highly regarded work, *Ancient Slavery and Modern Ideology*, first published in 1980, was republished posthumously in 1998 as an expanded edition with critical editorial notes provided by Brent Shaw.

²⁴ Finley, *Ancient Slavery*, pp.79-81.

²⁵ Brent D. Shaw, “A Wolf by the Ears”, *Ancient Slavery and Modern Ideology*, Princeton, 1980/98, pp. 6-10; G. E. M. De Ste. Croix, *The Class Struggle in the Ancient Greek World*, London, 1981/rev. ed. 1997.

²⁶ Finley, *Ancient Slavery*, p. 84, p. 123, p. 210; Harper, *Slavery*, p. 199, p. 209.

²⁷ Finley, *Ancient Slavery*, pp. 184-86, pp. 195-96, p. 199, p. 210, p. 508; Harper, *Slavery*, p. 215.

slavery to free tenant farming.²⁸ This line of argumentation would be the focus of slavery research for several decades, and concealed much of the work done by previous scholarship.²⁹ Jones' top-down approach to viewing the evidence did not address the broader sociological aspects of slavery as he was more focused on the economically driven agendas of the social elite and the military classes.³⁰ His interests lay more in the administrative aspects of the Roman Empire with little interest in "theology and law".³¹ Jones' views on slavery reflected the institution from an economic stance and did not examine the social and legal aspects of it as a larger phenomenon.³² His interest was in the "administration of justice, and the social status of members of the clergy and lawyers".³³ Jones' *Survey* is a very substantial addition to the study of the late Roman world and continues to be regarded with the utmost respect, providing a springboard for further research in areas that Jones only touched upon. His discussion on *humiliores* brought him close to the topics that are discussed in this study relating to the patronage attached to manumission which was granted by the Church, though he did admit that he failed to understand the nuances of the process.³⁴

In the last two decades of the twentieth century there was an explosion of publications which focussed on the lives of slaves and their interactions with the Early Christian Church. The majority of the most influential of these dealt with issues in a more sociological and anthropological approach as it related to classical slavery from the Republican period through to the end of the Severan emperors; thus they explored aspects of Roman slavery

²⁸ Jones, *Roman Empire*, pp. 68-69, pp. 794-812, Finley, *Ancient Slavery*, p. 508.

²⁹ De Ste Croix's *Class Struggles* is an excellent example of a Neo-Marxist approach. De Ste Croix was a student of Jones' and was very much "class structure" motivated in his approach to the study of Roman history.

³⁰ Jones, *Roman Empire*, pp. 851-55.

³¹ Jones, *Roman Empire*, preface, p. v.

³² Jones, *Roman Empire*, pp. 144-45.

³³ Jones, *Roman Empire*, p. v, pp. 910-914, pp. 920-22, p. 931.

³⁴ Jones, *Roman Empire* pp. 518-20.

that had not been thoroughly discussed previously. Keith Bradley, J. Albert Harrill, and Peter Garnsey situate much of their research in Classical Roman and Early Imperial society, though all touch upon aspects of slavery in the Later Roman period. Bradley attempted a bold and fruitful examination of the “structural importance of slavery in Roman society and culture” in an attempt to “recreate the realities of the slave experience”.³⁵ This refreshing approach was embraced by many scholars and the social and more personal circumstances of slaves became a focus for attention. Albert Harrill is an advocate of the “social historical approach” to the discussion of manumission and early Christianity. He wants to understand “the actual situations in which early Christians lived and the reality of their experiences, especially with regards to chattel slavery”.³⁶ Peter Garnsey, borrowing from some of Finley’s theories of Roman slave society, also explored ancient ideas about Christianity and slavery. His views on manumission were set in a positive light, and he saw the act as an incentive driven mechanism which helped slavery to function in Roman society. Garnsey argued that there was an appreciable increase in Christians freeing slaves in Late Antiquity.³⁷ His brief mention of *manumissio in ecclesia*, whereby he argues that manumission in the Church may have been more desirable if the Church offered support, will be discussed further in this research.³⁸

A more holistic approach to slavery studies has proved to be fruitful ground for those who choose to study the institution in the Later Roman world.³⁹ Further contributions have continued unabated into the new millennium from scholars such as Kyle Harper, Youval Rotman, and Jennifer Glancy, who have all attempted more contextual approaches to the

³⁵ Bradley, *Slavery and Society*, p. xi.

³⁶ Harrill, *Manumission*, p. 5.

³⁷ Peter Garnsey, *Ideas of Slavery from Aristotle to Augustine*, Cambridge, 1999, pp. 98-99.

³⁸ Garnsey, *Ideas of Slavery*, p. 100.

³⁹ Bradley, *Slavery and Society*, p. 152, pp. 156-58; Harrill, *Manumission*, pp. 53-56, pp. 154-55, pp. 158-82; Garnsey, *Ideas of Slavery*, pp. 98-100.

research they have undertaken.⁴⁰ Their aims to apply varying types of evidence to the research questions they investigate have enabled a more in-depth and accurate picture of slavery in the ancient world to be accessed. These authors have greatly increased our understanding of Roman slavery, and have left ample room for the further study of Late Antique slavery in general.⁴¹ This thesis aims to extend the work done by these authors and others, by examining the implications of Christianity, sanctuary, and manumission in the fourth century AD, and in the process it endeavours to explain any possible ramifications this may have had in Roman society.

Methodologies

Research into the institution of Roman slavery is an extremely complex process. It is a field in which the disciplinary approaches used to investigate the evidence available are as broad and varied as the areas of study. The research which has been undertaken in this thesis is focused on the manumission of slaves and sanctuary in the early Christian Churches of the early Late Antique period in the Roman East. The study has been restricted to examining the geographic areas around and between Antioch and Alexandria from AD 313-438 as explained below. The aims of this project are broadly to examine ecclesiastic manumission and sanctuary through a prism of law as theory and literature as practice. To do so the sources will be interrogated to discover if sanctuary and manumission functioned as social mechanisms or “pressure valves” for slaves, slave owners, and the early Christian Church. Questions need to cover issues such as: *why were slaves seeking sanctuary and/or manumission in Christian Churches?*, and; *did sanctuary provide a proverbial “backdoor”*

⁴⁰ For Harper see above n. 1; Youval Rotman, *Byzantine Slavery and the Mediterranean World*, trans. Jane Marie Todd, Cambridge/Massachusetts/London, 2009; Glancy, *Slavery*, *et.al.*

⁴¹ Harper, *Slavery*, pp. 467-88, p. 493, p. 508; Rotman, *Byzantine Slavery*, p. 129, pp. 146-53; Glancy, *Slavery*, pp. 92-96.

to freedom in light of laws pertaining to high treason and the heretical acts of slave owners?

⁴² These points will be addressed so as to gauge the importance of these edicts which focus on ecclesiastic manumission, Church sanctuary, and the juridical powers of bishops.⁴³

Imperial constitutions and Church canons which deal with the admission of slaves as clergy into the Church will also be investigated in Chapter Three in order to ascertain if granting asylum to slaves in Churches had any benefit to the Church. It is hoped that this will shed light on whether ecclesiastic manumission had the effect of creating a new type of Christian freed person with ties to the Church and its community. Ideally aspects of the topics studied would have been addressed in a quantitative method to ascertain how many slaves received ecclesiastic manumission, and how many were manumitted in other settings. Unfortunately, at this point, the sources to analyse this aspect of fourth century Roman slavery are seriously lacking. Therefore a qualitative approach to the data has been employed.

Several issues arose immediately when the decision was made to explore Late Antique slavery in a socio-historical context taken from a legal and ideological perspective. Initially the period of time and geographic area had to be considered so as to enable a large enough sample size to be meaningful, though still small enough to be manageable for a study of this scope. The regions around and between the cosmopolitan trade cities of Antioch and Alexandria were chosen as the representative geographic area of the Roman East to be surveyed. In the fourth century these cities were the hubs of social activity; they were two of the five patristic sees, and both were major trade hubs.⁴⁴ Both cities were administrative

⁴² *The Theodosian Code and Sirmondian Constitutions*, trans. Clyde Pharr, New York, 1952, For sanctuary see, *CTh.*, 9.45, 9.46, *Sirm.* 13; For High Treason see, *CTh.*, 9.5, 9.6.

⁴³ For Ecclesiastic Manumission see, *CTh.*, 4.7, *Sirm.* 13; For juridical powers of Bishops see, *CTh.* 1.27, *Sirm.* 1.

⁴⁴ Wendy Mayer and Pauline Allen, *The Churches of Syrian Antioch (300-638 CE)*, Leuven, 2012, pp. 1-4; Roger Collins, *Early Medieval Europe 300-1000*, New York, 1991/99, p. 72; Stephen

centres and hotbeds of philosophy and cultural influence, emanating their influence throughout the countryside.⁴⁵ Antioch was a main Eastern residence of the emperors prior to Constantinople's establishment as the capital of the Roman administrative world.⁴⁶ Due to these social factors Alexandria and Antioch both represent data-rich regions. The evidence base which has been compiled from these regions during the course of this research consists of three basic source types: the normative texts of Roman law; a series of literary texts (i.e. letter collections, sermons, and biographies; all of which have at some stage been edited, preserved, and copied), and instrumental, documentary materials which are preserved in the papyri. In order to explore the issues raised in this thesis, Roman law has been used as a focal point against which the other source materials have been examined.

The legal edicts contained in Clyde Pharr's translation of the *Theodosian Code and Sirmondian Constitutions*.⁴⁷, a codification of Roman law spanning the period AD313-438, represents the time period being considered in this study. During this pivotal time the early Christian Church was given many legal concessions by the State.⁴⁸ Imperial edicts of an ecclesiastic nature, and other laws relating to slave manumission and sanctuary form the basis of the investigation of this text-based research project. John F. Matthews in his book, *Laying Down the Law*, states, "The law is not just a facility for resolving problems and

Mitchell, *A History of the Later Roman Empire AD 284-641; The Transformation of the Ancient World*, Malden/Oxford/Carlton, 2007, pp. 322-26.

⁴⁵ Christopher Haas, *Alexandria in Late Antiquity: Topography and Social Conflict*, Baltimore, 1997.

⁴⁶ Mayer and Allen, *Syrian Antioch*, p. 2; Raymond Van Dam, *Kingdom of Snow: Roman Rule and Greek Culture in Cappadocia*, Philadelphia, 2002, pp. 14-38; Glanville Downey, *Antioch in the Age of Theodosius the Great*, Norman, 1962, pp. 3-15.

⁴⁷ *Theodosian Code and Sirmondian Constitutions*, trans. Clyde Pharr, New York, 1952/69.

⁴⁸ William K. Boyd, *The Ecclesiastical Edicts of the Theodosian Code*, New York, 1905, p. 10, pp. 73-76; Averil Cameron, *The Later Roman Empire AD 284-430*, London, 1993, p. 26; Averil Cameron, *The Mediterranean World in Late Antiquity AD 395-700*, London/New York, 1993/2012, pp. 26-27; David Hunt, "Christianising the Roman Empire: the evidence in the Code", *The Theodosian Code*, Jill Harries and Ian Wood, New York, 1993, pp. 143-59.

attributing responsibility in a peaceful and publically accountable fashion; it stands for something significant in the ideology of the state, which may be felt much more acutely at some times than others”.⁴⁹ One methodological issue is the difficulty in showing whether normative texts produced by ancient societies, such as laws, monastic rules, or Church Canons, were generally practised and/or adhered to in the communities for which they were intended.⁵⁰ The concept that a law was created as a preventative measure, or as a reply to a social issue, can only be presumed unless it is seen in action. This project is not being approached from a strictly legal or sociological theoretical framework. The research has been conducted by applying historical analysis to the ancient literary evidence to investigate aspects of Late Antique slavery. It is the aim of this project to bring a contextual approach to a database of evidence which is predominantly text based and piecemeal.

So that it might be possible to observe theory in practice, a pool of contemporary authors have been drawn from the geographic regions set out above. The literary points of reference have been extracted from close reading of the corpora of authors including, Libanius, Basil of Caesarea, John Chrysostom, Gregory of Nazianzus, Evagrius Ponticus, and other authors. Descriptive texts in the form of letters, homilies/orations, commentaries, and biographies form the basis of the literary database. There are some methodological issues that may arise here, and will be addressed in what could be termed broadly as a hermeneutical framework. The concept that texts can be “objects of action” will be tested to indicate how laws can “operate as objects of human action”, and have the capacity to show changes in the society for which they were intended. This will be further explored when placing the literary

⁴⁹ John F. Matthews, *Laying Down the Law: A Study of the Theodosian Code*, New Haven/London, 2000, p. 30.

⁵⁰ Harper, *Slavery*, p. 358-59.

evidence against the legal and documentary data.⁵¹ In the most part English translations will be used to analyse the literary texts given the large amount of data that requires consideration. When the need has arisen to question how a word, or phrase, has been translated the text will be consulted in the original language where that is possible. Additionally, due to time and language constraints, the modern scholarship which has been consulted also consists of English-based sources.

Primary documentary material preserved on papyrus will be added to the evidence considered, and used to examine how the laws might be reflected in everyday life. To establish a “norm” it is preferable to have a large number of sources all attaining to the same action, procedure, or ritual. When this is not possible, it may be promising to make theoretical generalisations based on the evidence that is available. In the case of ecclesiastic manumission the sources we have to explain the procedure are mainly confined to how it is outlined in the law. There is scant documentary evidence that explains the procedure of ecclesiastic manumission. A sole papyrus document, P. Kell. 1 48, is a deed of manumission which will be discussed further in Chapter Two. It is an interesting document with regard to the legal act of freeing slaves and is illustrative of the difficulties with dealing with some of the topics covered by this thesis.⁵² If the papyrus were a complete document it could prove to be a fundamental point of reference, however, due to a lacuna in the text it is open for debate whether it may be considered a document showing the ecclesiastic form in action. The deed holds many clues to social aspects surrounding of the implementation of ecclesiastic manumission and may indicate other social and cultural factors inherent in the act of freeing slaves in the fourth century.

⁵¹ Clarence Walhout, “Narrative Hermeneutics”, *The Promise Of Hermeneutics*, Roger Lundin, Clarence Walhout, and Anthony C. Thistelton (eds.), Cambridge, 1999, p. 65.

⁵² P. Kell. 1 48, *Greek Papyri from Kellis: I (P. Kell. G.) Nos. 1-90*, K. A. Worp (ed.), Oxford, 1995, pp. 140-43.

This research explores aspects of the social mobility and agency of slave individuals in Late Antique Roman society, and as such it has been useful to touch upon social theory. The study of social history has increasingly become a combination of historical methodologies and sociological theory. Sociology provides a multitude of theories relating to “class which deal with social structure”, and which provide historians with opportunities to test their research models.⁵³ The question raised as to the “social mobility” of Roman slaves is one in which sociological concepts can benefit in historical applications. Sociology is interested in concepts which focus on vertical social movement up and down the “classes”, and the mobility of groups and individuals in societies.⁵⁴ Aspects of sociological theory may be generally informative when trying to obtain an understanding of the functions of slave manumission for the individual, the community, the Church as an organisation, and the Roman State.

A basic awareness of sociological theoretical models is required when investigating most aspects of ancient societies. Marxist concepts, which outline class structure based on conflict and power, and others like Max Weber’s, which defined class in terms of lifestyle and value systems, are both useful theories, and provide convenient frameworks to place evidence within.⁵⁵ Caution should be used when applying any rigid theories as they may not allow for

⁵³ Louise A. Hitchcock, *Theory for Classics*, Abingdon/New York, 2008, pp. 13-19; Peter Burke, *History and Social Theory*, Cambridge/Malden, 2005, p. 7, p. 17, p. 18, pp. 32-33, pp. 62-63, pp. 151-54; Duncan Kelly, “Karl Marx and Historical Sociology”, *Handbook of Historical Sociology*, Gerald Delanty and Engin F. Isin (eds.), London, 2003, pp. 11-26; Robert Holton, “Max Weber and the Interpretative Tradition”, pp. 27-38; Sven Eliason, *Max Weber’s Methodologies*, Malden, 2002; Neville Morley, *Theories, Models, and Concepts in Ancient History*, London/New York, 2004, p. 131.

⁵⁴ Morley, *Theories & Concepts*, p. 132.

⁵⁵ For example: Karl Marx, *Capital*, vol. 1-3, Frederick Engels (ed.), London, 1970/72; De Ste Croix, *Class Struggle in the Ancient Greek World*, London, 1981/97; Max Weber, *The Theory of Social and Economic Organisation: Being Part 1 of Wirtschaft und Gesellschaft*, trans. A. R. Henderson and Talcott Parsons (ed.), London, 1947; Harper, *Slavery*, pp. 6-10.

exceptions or adaption. The concept of “class” is a perfect example when studying slavery. It is useful to conceptualise a differentiation between “elite” and “peasant” so as to define further how “slaves” are perceived in relation to other “classes”; the danger lies in being too fixed within the frameworks that these rigid social classifications provide and not exploring the possibilities of fluidity between the social classes as we can observe in Roman society, and which will be further explored in this thesis.⁵⁶ It is possible to extrapolate between schools of thought and the evidence itself, so as to rationalise the data and use it to inform the questions asked, hopefully in a fruitful attempt to be as open to different modes of rationale as possible. The database of evidence which has been consulted has been examined to observe if society in the early Late Antique period was structured in such way as to enable a slave to move upwards socially via the process of manumission (social mobility), which may have been attained by seeking sanctuary (agency), and which may have enabled slaves to achieve a greater standing in their community based on a relationship of patronage (social capital).

⁵⁶ Harper, *Slavery*, p. 274; Bradley, *Slavery and Society*, p. 4: “The Roman slavery system cannot be understood without at once acknowledging its enormous diversity and variability, and any attempt to define its general features must constantly allow for the unanticipated and the exceptional”.

Chapter 2

Ecclesiastic Legislation and Slavery in the Fourth Century

Constantine's Reforms

When Constantine defeated Maxentius at the Milvian Bridge in AD312 the social climate in the Roman world changed gradually but irrevocably.¹ The religion of Christianity was given centre stage in the politics and life of the people in this new empire of change.² With the “official” approval of Christianity came a swathe of reforms, both religious and secular.³ Some of these reforms were to shape the way that the people of the empire could access the law and seek justice, and would give unprecedented power to the leaders of the State-sanctioned religion of Christianity.⁴ The reforms have been traditionally cast in the light of Constantine's conversion, and his reasons for favouring the Christian Church were born from his new-found belief in the One God.⁵ Modern scholarship recognises that religion and

¹ Timothy Barnes, *Constantine: Dynasty, Religion, and Power in the Later Roman Empire*, Malden/Oxford, 2011, p. 82.

² Barnes, *Constantine*, p. 83, p. 131; Kyle Harper, *Slavery in the Late Roman World, AD275-425*, Cambridge, 2011, p. 389.

³ Eusebius, *The Ecclesiastic History*, vol. 2, trans. J. E. L. Oulton, London, 1973, 10.7.1-2. See Barnes' discussion on the “Edict of Milan” not being an actual extant document, and the points he makes relating to the approval of Christianity by Emperor Gallienus occurring in the mid-C3rdAD; Harper, *Slavery*, pp. 210-11, p. 443-44, p. 476.

⁴ Harper, *Slavery*, p. 464: “Constantine legitimised the practice of freeing slaves within the Catholic church, a significant grant of civil authority to a non-state entity.”; H. A. Drake, *Constantine and the Bishops: The Politics of Intolerance*, Baltimore, 2000, p. 11.

⁵ Lactantius, *De Mortibus Persecutorum*, trans. J. L. Creed, Oxford, 1984, 44.1; Eusebius, *Life of Constantine*, trans. A. Cameron and S. G. Hall, Oxford, 1999, 1.27, 2.5; Barnes, *Constantine*, pp. 74-80; Roger Collins, *Early Medieval Europe 300-1000*, Hampshire/New York, 1991/99, p. 18 and note 9; Harper, *Slavery*, p. 360, p. 471, p. 474, p. 476: Ecclesiastic manumission seen as Constantine affirming Christianity in the public sphere; William W. Westermann, *The Slave Systems of Greek and Roman Antiquity*, Philadelphia, 1955, p. 130; Henry C. Lea, *Church History: The Rise of the*

politics were inextricably entwined.⁶ H. A. Drake's analysis of the situation between Constantine and the bishops shows that Constantine's reforms were for the benefit of stabilising the politics and administration of the Empire rather than from any possible altruistic religious aims he may have had.⁷ If any philanthropic aims came in to the equation on Constantine's part it seems more that he wanted the lower classes to have access to a fairer justice system.⁸ The practical reasons behind Constantine's reforms stemmed from the need to take the pressure off an already overburdened and corrupt imperial administrative system.⁹ What was also probably not lost on the Emperor was that the bishops of the Christians held sway among their congregations and were already looked to as community leaders; exploiting this form of patronage was an act of genius on his part.¹⁰ What

Temporal Power, Benefit of Clergy, Excommunication, The Early Church and Slavery, Philadelphia, 1883, p. 18.

⁶ Drake, *Constantine*, p. 30, p. 299: "It is never wise to separate political from religious thinking in the ancient world, particularly in the case of Constantine."; Lea, *Church History*, p. 542: Lea sees Constantine's conversion as a political move seeking to "consolidate his power and to found a dynasty"; David Hunt, "Christianising the Roman Empire", in, *The Theodosian Code*, Jill Harries and Ian Wood (eds.), Ithaca/New York, 1993, p. 144.

⁷ Drake, *Constantine*, p. 106, p. 327; Barnes, *Constantine*, p. 83, pp. 91-92, p. 175; Harper, *Slavery*, p. 360: Harper equates this attitude with the "amelioration narrative" that was preferred by Westermann and Lea, though he does add that the influence of Christianity is undeniable, p. 365: "Constantine's "reforms were essentially pragmatic", p. 404.

⁸ Harper, *Slavery*, pp. 155-56, p. 384: "Constantine presented himself as a champion of *libertas*.", p. 474; Drake, *Constantine*, p. 333; Jill Harries, "Constantine the Lawgiver", in, *From the Tetrarchs to the Theodosians: Later Roman History and Culture, 284-450 CE*, Scott McGill, Christiana Sogno, and Edward Watts (eds.), Cambridge, 2010, p. 74, p. 75 .

⁹ Barnes, *Constantine*, p. 131, p. 134; Harper, *Slavery*, p. 389; Drake, *Constantine*, p. 339; Lea, *Church History*, p. 75.

¹⁰ Harper, *Slavery*, p. 484; Drake, *Constantine*, p. 43, p. 72, p. 73, p. 105, p. 342, p. 440.

Constantine did not seem to bargain for was the internal politics that would plague the Church in the fourth century.¹¹

The first major legal reform, by which we might be able to observe Constantine's intentions, is in the constitution whereby he gives Christian bishops overarching judicial powers both in ecclesiastic and civil legal matters in AD318.¹² This was a watershed moment. The Emperor was not intending to supplant the imperial system, but to mirror it for the purposes of taking the pressure off the State administration.¹³ This law is also one of the pivotal pieces of evidence that is often used to argue for Constantine's favouritism of the Christian bishops over the imperial magistrates.¹⁴ The constitution of 318, found in *The Theodosian Code*, and reissued in 336 (contained in *The Sirmondian Constitutions*), was published as an imperial directive, and gave bishops unprecedented legal powers.¹⁵ There was no need for witnesses in an episcopal court, and regardless of what stage the trial was in, only one person was required to make the request to transfer a case to be judged by a bishop. Further, a bishop's decision was final and irrevocable; any judgements made by the bishops could not be challenged on appeal. Drake has satisfactorily covered this issue arguing that Constantine was working from a more practical stance and was attempting to counter the stranglehold that the elite had on the imperial justice system by reducing, or eliminating, the ability to appeal.¹⁶ He explains that the pre-existing appeals system had a negative effect on

¹¹ Barnes, *Constantine*, p. 133; Drake, *Constantine*, pp. 30-31, pp. 106-07; Lea, *Church History*, p. 74, p. 117, p. 178.

¹² *The Theodosian Code and Novels and the Sirmondian Constitutions*, trans. Clyde Pharr, New York, 1952/69, *CTh.* 1.27.1, *Sirm.* 1; Barnes, *Constantine*, p. 131, pp. 133-34.

¹³ Barnes, *Constantine*, p. 91-93, p. 131.

¹⁴ Drake, *Constantine*, p. 322; Harries, "Constantine the Lawgiver", p. 79.

¹⁵ *CTh.* 1.27.1, *Sirm.* 1; Drake, *Constantine*, p. 321.

¹⁶ *CTh.* 9.40.16: Allows for monks to "interpose an appeal in a criminal case, in consideration of humanity ... in order that a more careful investigation may be made in the case where it is supposed that, through the error of favouritism of a judge, justice has been suppressed ...". The law goes further

the lower classes who invariably lost cases they raised against the wealthy as the system favoured those litigants with the most resources.

This law should not then be viewed as a pro-Christian move on Constantine's part, but rather as societal reform and his attempt to bring about a more effective administration of justice to all those living in the Roman Empire.¹⁷ Part of Constantine's plan seemed to be to free the imperial offices of the cumbersome task of dealing with numerous legal cases so that they might concentrate on the collection of taxes and the general administrative duties of running the Empire. It would appear that based on this premise he issued a law in AD316, and further reissued it in AD321 which would reduce the amount of cases involving the manumission of slaves that could be presented to magistrates to officiate, as with *manumissio vindicata* or *a causa liberalis* (manumission by masters which granted slaves their freedom and citizenship, or manumission gained by slaves by successfully bringing cases against their masters to the legal authorities which entitled them to their freedom).¹⁸ On the surface this seems to be a legitimate reason for implementing the law. There does appear to have been other factors that might also have influenced the reasons this law was

to say that these monks could be ordained as clerics by bishops should the need arise; Drake, *Constantine*, pp. 323-25.

¹⁷ Harper, *Slavery*, p. 360: Harper is contentious of the concept that the changes in Late Antique law relating to slaves, which have been framed as social changes driven by "the rise of Christianity, the confusion or merger of the lower classes, and the influence of provincial customs, is an unsatisfactory way to *frame* the history of slave law in the period", p. 460-61.

¹⁸ *CTh.* 4.8.1-9; W. W. Buckland, *The Roman Law of Slavery: The Condition of the Slave in Private Law From Augustus to Justinian*, Cambridge, 1908/70, pp. 439-442, pp. 451-457: Buckland sees *vindicata* as a "fictitious" form of "*a causa liberalis*"; Harper, *Slavery*, pp. 382-83, p. 384, p. 388: "*a causa liberalis* was a dispute, and it takes to two litigate.", p. 464: Harper sees this as a "significant grant of civil authority to a non-state entity", p. 465: and acknowledges that manumission "never broke free from its secular mooring", p. 484, p. 488; Drake, *Constantine*, pp. 322-23; Youval Rotman, *Byzantine Slavery and the Mediterranean World*, trans. Jane Marie Todd, Cambridge/Massachusetts/London, 2009, p. 18.

enacted, including accessibility to the act of manumission by the general populace, and also co-opting the Church into secular administrative duties.¹⁹

It was not always required to manumit a slave in front of a magistrate. Gaius' *Institutes* published in the second century AD states that slaves could be manumitted in a number of different ways; though it was stipulated, in the case of *vindicata*, that unless slaves met certain criteria and were manumitted by the rod they did not gain Roman citizenship status.²⁰ The law did make provisions for those who had been manumitted and only held Latin status to upgrade to Roman citizenship.²¹ This could be done either by the original owner or by a magistrate in line with the stipulations set out in the *vindicata* clause. The only difference was with whom the freed person's future patronage lay after the second manumission if the original owner was not present at the second ceremony, that being the person who sponsored the slave's final manumission and not the original owner, as set forth in Quiritary law.²² Gaius' *Institutes* and the *Rules* of Ulpian also indicate that the accessibility to formal manumission was logistically restricted.²³ They both point out that in the city of Rome there

¹⁹ Sozomen, *History of the Church from AD324-AD440*, trans. Edward Walford, London, 1855, 1.9.6: "Owing to the strictness of the laws and the unwillingness of masters, there were many difficulties in the way of the acquisition of freedom, that is to say the freedom of Rome"; Harper, *Slavery*, p. 471.

²⁰ "The *Institutes of Gaius*", in, *The Civil Law, Including The Twelve Tables, The Institutes of Gaius, The Rules of Ulpian, The Opinions of Paulus, The Enactments, of Justinian, and the Constitutions of Leo*, trans. S. P. Scott, vol. 1, Cincinnati, 1932, 1.1.6.18, 1.1.7.21-22, 1.1.7.29, 1.1.7.35, 1.1.7.41, 1.1.7.44; Harper, *Slavery*, pp 242-43, p. 353, p. 464; J. Albert Harrill, *The Manumission of Slaves in Early Christianity*, Tübingen, 1985, pp. 54-55; R. G. Nisbet, "The Festuca and the Alapa of Manumission", *The Journal of Roman Studies*, vol. 8, 1918, pp. 1-14.

²¹ Gaius, *Inst.*, 1.1.7.35.

²² Justinian, *Institutes*, trans. J. B. Moyle, Oxford, 1911, 1.2.1, Harper, *Slavery*, p. 466; Harrill, *Manumission*, pp. 54-55.

²³ Gaius, *Inst.*, 1.1.7.20; "The *Rules of Ulpian*", *The Civil Law, Including The Twelve Tables, The Institutes of Gaius, The Rules of Ulpian, The Opinions of Paulus, The Enactments, of Justinian, and the Constitutions of Leo*, trans. S. P. Scott, vol. 12, Cincinnati, 1932, 1.7, 1.12, 1.33.

were only ten men who could witness the ceremony and that there were certain fixed days on which manumission could be conducted in front of a council. In the provinces there were only twenty judges and they conducted manumissions only on the “last day of the provincial assizes” which were “convoked on the last day of term”.²⁴

Assizes were only held yearly and in some provinces there may have been longer periods between when provincial courts were in session.²⁵ This would have undoubtedly caused an enormous backlog in the judicial system, for there seemed to be provision made that a Proconsul or Praetor heading to the baths could officiate the ceremony and make it legally binding in an earlier attempt to free up the system.²⁶ It must be kept in mind that when Caracalla gave citizenship status to all in AD212, the number of secondary manumission ceremonies which would have required officiating would have been reduced, though it can still be speculated that the number of formal manumissions requiring the witness of a magistrate would still have been substantial into the third and fourth centuries.²⁷ It might therefore be surmised that another major obstacle which Constantine may have been trying to circumvent was the accessibility of formal manumission.²⁸ He proceeded to make

²⁴ Gaius, *Inst.*, 1.1.7.20; Thomas Wiedemann, *Greek and Roman Slavery*, London/New York, 1981/2005, p. 25

²⁵ Buckland, *Slave Law*, p. 453; G. P. Burton, “Proconsuls, Assizes, and the Administration of Justice Under the Empire”, *The Journal of Roman Studies*, vol. 65, 1975, pp. 92-106.

²⁶ Gaius, *Inst.*, 1.1.7.20; CTh. 6.4.16.

²⁷ Harper, *Slavery*, p. 26, p. 364, p. 365, pp. 368-69, pp. 377-78, p. 388, p. 389, p. 465, p. 467, p. 471; Westermann, *Slaves Systems*, p. 140.

²⁸ Harper, *Slavery*, p. 477, p. 483: “Manumission was an institutional problem. This is a primary fact, and it must be at the centre of any attempt to explain *why* manumission in the church was created.”; Harrill, *Manumission*, p. 189; Jennifer A. Glancy, *Slavery in Early Christianity*, Minneapolis, 2006, p. 95; Lea, *Church History*, p. 543: While Lea does see this move as a way of removing obstacles that may have been in the way of formal manumission, he sees this as a sign that the “influence of religion (Christianity) was declared to be altogether in favour of liberty”; Keith Bradley, *Slavery and Society at Rome*, Cambridge, 1994/97, p. 157.

manumission even more accessible when he issued a rescript under the “Holidays” law allowing slaves to be formally freed on Sundays.²⁹ The law states that “all men shall have the right to emancipate and to manumit on this festive day, and the legal formalities thereof are not forbidden”.³⁰ Therefore any manumissions conducted on a Sunday in a Christian setting and which were officiated by a bishop in front of a congregation can also be considered as ecclesiastic manumissions. Another significant point is that the addition to the “Holidays” legislation was issued only ten weeks after the AD321 rescript of the laws governing manumission in the Churches.³¹ Streamlining the legal system and increasing the accessibility of legal representatives certainly seemed to be high on Constantine’s agenda. Ecclesiastic manumission was a prime example of the emperor’s intentions in this regard. To explore further the efficacy of ecclesiastic manumission it seems useful to understand its origins, and to ascertain how familiar it was to the general populace. On face value the new legislation does seem to be original and innovative, and this is understandable as granting secular powers to Christian bishops was unprecedented, as was extending manumission to a non-state entity.³² On closer examination it appears that there were templates already in existence which may have influenced and helped to shape the new laws which governed manumission in Christian Churches.

Ecclesiastic Manumission: Innovatively Traditional and Traditionally Innovative

The original constitution which outlined the ecclesiastic form of slave manumission appears to be lost. The first evidence we have for the legislation seems very much like a rescript due to the language that was been used in its construction, (i.e. “It has already been

²⁹ *CTh.* 2.7.1.

³⁰ Barnes, *Constantine*, p. 132; Lea, *Church History*, p. 547.

³¹ *CTh.* 4.7.1.

³² Harper, *Slavery*, p. 464.

decided...”).³³ The first extant evidence of the constitution exists in Justinian’s *Codex* and is dated to the 15th of June, AD316, five years before we see it again reissued on the 18th of April, AD321, and preserved in the *Theodosian Code*.³⁴ The law in essence introduces what is an entirely new form of manumission into Roman society, while still mirroring some elements of the traditional methods of freeing slaves.³⁵ It was required that slave masters manumit their slaves in front of “the people” (council), and that the ceremony be witnessed by a “Christian bishop” (magistrate) with official documentation drawn up to attest to the manumission.³⁶ The rescript of 321 removes the requirement for the official documentation that had previously accompanied the manumission.³⁷ Another addition to the 321 rescript

³³ “*Code of Justinian*”, in, *The Civil Law, Including The Twelve Tables, The Institutes of Gaius, The Rules of Ulpian, The Opinions of Paulus, The Enactments, of Justinian, and the Constitutions of Leo*, trans. S. P. Scott, vol. 12, Cincinnati, 1932, 1.13.1; Harper, *Slavery*, pp. 474-75; Bradley, *Slavery and Society*, p. 157.

³⁴ *CTh.* 4.7.1; Sozomen, *his. ecc.* 1.9.6: “Constantine, therefore, made three laws, enacting, that all those individuals whose freedom should be attested by the priests, should receive freedom in Rome. The records of these pious regulations are still extant, it having been the custom to engrave on tablets all laws relating to manumission”; Barnes, *Constantine*, p. 132: Barnes notes that Klaus Girdardet has published on the topic of ecclesiastic manumission and the consequences of the law. This text, due to time and language constraints, has not been consulted for this project. Barnes, quoting Girdardet, argues that the original ecclesiastic manumission law was a rescript of an earlier law issued in the winter of AD312/313 by Constantine, p. 134; Harper, *Slavery*, pp. 475-76: Harper believes that it is remotely possible that in AD316 it was Licinius who issued the rescript from the East and not Constantine.

³⁵ Barnes, *Constantine*, p. 131; Harper, *Slavery*, p. 404, p. 483; Westermann, *Slaves Systems*, p. 130.

³⁶ I would like to draw attention to how these two factors, the people/a council and Christian bishops/imperial magistrates, may have similarities to each other and that they, in my opinion, represented one and the same thing according to the law in this instance; Harper, *Slavery*, p. 477, p. 483, p. 484.

³⁷ *CJ.* 1.13.2: “... an instrument must be drawn up, which the masters shall sign as witnesses...”; *CTh.* 4.7.1: freedom shall be granted “with the same legal force as with which Roman citizenship formerly was customarily bestowed under the usual formalities ... that the right to manumit in the churches shall be allowed only to those who give freedom under the eyes of the bishops.” If there was any doubt about whether the deed of manumission was no longer required, this was addressed in

related to clergy manumitting their slaves as their last dying wish. Clerics were no longer required to attest to the manumission of their slaves in their written wills; the word of a priest was all that was required. The law further states that “If anyone with pious intention should grant deserved freedom to his favourite slaves in the bosom of the Church, he shall appear to give it with the same legal force as that with which Roman citizenship formerly was customarily bestowed under the normal formalities”.³⁸ The later rescript of AD425 which basically echoes the one from 321 states, “Persons who, with religious motives, have granted deserved freedom to their slaves in the bosom of the Church, are considered to have bestowed it in the same manner in which the Roman State formerly was accustomed to do with proper solemnity”.³⁹ Conferring the ability to conduct a manumission with the “proper solemnity” or “under the normal practice” could be interpreted as substituting bishops for the men who held imperial offices such as magistrates, and who were traditionally priests in the old Roman traditional religions.⁴⁰ These men were able to confer the status of slave to free as an act of transferring a person from the law of nations to the law of nature, which in essence was a religious act.⁴¹ The religious and legal transformation of the act of manumission can

the rescript in *CJ.* 1.13.2: “... but, it was established that the rule was only relaxed in the case of those who liberated their slaves in the presence of bishops”. It could be speculated that by circumventing the need to have a deed of manumission drawn up the costs of hiring a scribe would have been eliminated for those who may have been challenged financially; Harper, *Slavery*, p. 477.

³⁸ *CTh.* 4.7.1.

³⁹ *CJ.* 1.13.2.

⁴⁰ Barnes, *Constantine*, p. 110; Harper, *Slavery*, p. 364, p. 484; Hunt, “Christianising the Roman Empire”, pp. 152-53.

⁴¹ Cyril of Alexandria, *St Cyril of Alexandria: Letters 1-50*, trans. John I. McEnerney, Washington, 1987, *ep.* 50.8-9; Buckland, *Slave Law*, p. 442, pp. 447-8, p. 451: The act of touching with the rod/wand, and then by extension the “slap”, is performed *in sacramentum*. *Manumissio sacrorum causa* involves a “solemn oath” and it could be argued that the oath may have some religious connotations connected with freeing the slave to the service of a deity. C.f. Festus; Harper, *Slavery*, p. 34, p. 213; Rotman, *Byzantine Slavery*, p. 14, p. 135; Moses I. Finley, *Ancient Slavery and Modern Ideology*, Brent D. Shaw (ed.), Princeton, 1980/98, p. 40, pp. 164-65; Lea, *Church History*, pp. 532-

be traced back to the laws contained in the *Twelve Tables* dating to the earliest period of the Republic; these were later reaffirmed by Justinian in the sixth century AD under the laws pertaining to “Freedmen”.⁴² It can then be argued that bishops in their new found place as conduits of the forces of the *pax romana/deorum* not only took the pressure off the imperial justice system, but they may also have provided the sacral elements required to perform manumission in keeping with traditional Roman ideals.⁴³

The religious aspects of manumitting a slave should be given some consideration here, for instance more traditional Greek forms of religious manumission which are generally associated with the temple at Delphi, and which were conducted at other temple sites.⁴⁴

33; Hunt, “Christianising the Roman Empire”, p. 153, p. 155. (This may also be viewed to stem from the concept that only the gods/God could ultimately hold a person to their word).

⁴² *The Twelve Tables*, in, *The Civil Law, Including The Twelve Tables, The Institutes of Gaius, The Rules of Ulpian, The Opinions of Paulus, The Enactments, of Justinian, and the Constitutions of Leo*, trans. S. P. Scott, vol. 1, Cincinnati, 1932, 6.2, 10.1: Further to the religious aspects of swearing an oath, the Twelve Tables outlines clearly that it is considered a religious act as it is found under “Religious Law”, 10.10: slaves could not be anointed when they died due to them not being “res” at the time of death; Just., *Inst.* 2.1, 2.11-12, 3.1, 5.1-3; *CTh.* 10.1.5, “Slaves who are born of ignoble status.”; Cyr. *ep.* 50.8-9: “He who takes the form of a slave will know completely without doubt that he has freedom by nature before he takes the form of a slave, and he who has become a man did not know that he was this before he has become a man.”; Rotman, *Byzantine Slavery*, pp. 18-19; R. Zelnick-Abramovitz, *Not Wholly Free: The Concept of Manumission and the Status of Manumitted Slaves in the Ancient Greek World*, Leiden/Boston, 2005, p. 98.

⁴³ Euse., *Ecc. His.*, 10.7.2: “For it seems that when they (clergymen) show the greatest reverence for the Deity, the greatest benefits accrue the State”; Harper, *Slavery*, p. 213, p. 388; Drake, *Constantine*, p. 43; Rotman, *Byzantine Slavery*, p. 23, p. 135; Lea, *Church History*, p. 543; Hunt, “Christianising the Roman Empire”, pp. 144-45.

⁴⁴ Harper, *Slavery*, p. 483; Harrill, *Manumission*, p. 54; A. Cameron, “Inscriptions Relating to Sacral Manumissions and Confession”, *Harvard Theological Review*, vol. 32, No. 3, 1939, pp. 143-179; Raymond Van Dam, *Kingdom of Snow: Roman Rule and Greek Culture in Cappadocia*, Philadelphia, 2002, p. 18; Zelnick-Abramovitz, *Not Wholly Free*, p. 72, pp. 86-87, p. 91, p. 145; Deborah Kamen, “Manumission, Social Rebirth, and Healing Gods in Ancient Greece”, in, *Slaves*

Harper has presented evidence that shows this method of manumission was still being used as late as AD250 in southern Macedonia.⁴⁵ Inscriptions, much like the examples found at Delphi, showed slaves being manumitted to the local deities with patronage agreements attached to the manumission being transferred to the temple gods and goddesses.⁴⁶ What is fascinating, and possibly very relevant to the establishment of the laws relating to ecclesiastic manumission, is that these manumissions were presided over by priests of the temple at Leukopetra, and these priests and priestesses, in most part, were all Roman gentiles, in other words Roman citizens.⁴⁷ Harper also states that a local magistrate was present to in some way confer the legalities of the ceremony.⁴⁸ It may be that there were precedents for Constantine's ecclesiastic manumission laws from a Greek religious setting and also that of a traditionally Roman method by which the machinations of State were inextricably tied to traditional Roman religious observances, as appears to have been occurring at Leukopetra.⁴⁹ A point of consideration: the language of this fourth century law portrays manumitters as those who are wanting to free their slaves because of their belief in Christianity and may well relate to earlier forms of sacral manumission. Further, to manumit a slave in a traditional way may have been in some ways ideologically contrary to their

and Religions in Greco-Roman Antiquity and Modern Basil, Stephen Hodgkinson and Dick Geary (eds.), Newcastle upon Tyne, 2012, pp. 188-89.

⁴⁵ Harper, *Slavery*, pp. 369-73; Marija Riel, "Donations of Slaves and Freeborn Children to Deities in Roman Macedonia and Phryia: A Reconsideration", *Tyche: Beitrage zur Alten Geschichte Papyrologie und Epigraphik*, Band 16, zum 27, 4, 2001, pp. 127-160.

⁴⁶ Harper, *Slavery*, p. 370, p. 372; Zelnick-Abramovitz, *Not Wholly Free*, pp. 86-87, pp. 91-93.

⁴⁷ Harper, *Slavery*, p. 371: Also comments that forty percent of the manumissions that occurred at Leukopetra were instigated by Roman citizens freeing their slaves to the temple (p. 370).

⁴⁸ Harper, *Slavery*, pp. 371-73, p. 376, p. 484.

⁴⁹ Harper, *Slavery*, p. 373: "That single charged encounter at Leukopetra was the primary meeting point between manumission practices at the shrine and the Roman law of slavery."; Rotman, *Byzantine Slavery*, p. 139.

worship of the Christian God if the manumission had to occur in more “pagan” settings.⁵⁰ By enacting *CTh.* 4.7.1, Constantine was not only taking the pressure off the imperial legal system and keeping the balance of the *pax romana* in check as argued above, but he was also providing an alternative to other forms of manumission that did have a religious aspect to them, as had been the custom of Romans and Greeks for centuries.⁵¹

There is only one document extant that possibly shows ecclesiastic manumission in action, that being P. Kell. 1 48.⁵² The papyrus originates from Kellis, Egypt and dates to AD355 and attests to Aurelius Valerius, son of Serapion freeing his female slave, Hilaria. The manumission was being performed in front of a priest, and possibly a congregation of monks. A lacuna in the text has led to some doubt as to whether this document can actually be seen as ecclesiastic manumission; the crux lies in the lacuna, (of course!). The manuscript has suffered erosion on the upper right hand vertical edge wearing away the letters, and substantially damaging lines 9-11. The beginning of line 11 begins with <..>*nachos*, after a large lacuna between “with regard to this deed of manumission (made?) through the most reverend father Psekes” in line 10. Worp’s analysis of the text gives some credence to the possibility that <..>*nachos* may be seen to be *monachos*.⁵³ A search of other

⁵⁰ Sozomen, *his. ecc.* 1.9.6: “Constantine likewise enacted a law in favour of the clergy, permitting judgement to be passed by the bishops when litigants preferred appealing to them rather than to a secular court...”; Barnes, *Constantine*, p. 110; Harper, *Slavery*, p. 464; Bradley, *Slavery and Society*, p. 158.

⁵¹ Harper, *Slavery*, p. 347, p. 376, p. 474, pp. 484-85; Harrill, *Manumission*, p. 56, p. 169, p. 189; Westermann, *Slaves Systems*, p. 130; Westermann, *Slaves Systems*, p. 155; Hunt, “Christianising the Roman Empire: “Yet it would be perverse to deny that the laws of the Code do at least reflect changes in the public life of the Empire directly connected with the new standing of Christianity ... Such provisions are the voice of a government reordering public religion into a Christian framework”.

⁵² P.Kell. 1 48, *Greek Papyri from Kellis: 1 (P Kell.G) Nos. 1-90*, K. A. Worp (ed.), Oxford, 1995, pp. 140-43.

⁵³ Worp, p. 143 note 11.

possibilities to ascertain if <..>*nachos* could be another word, other than a partial reading of *monachos*, only turned up an obscure Egyptian name, which would be out of place in the text contextually. Therefore, if it is taken that <..>*nachos* is to be read as *monachos* (monk) it can be firmly implied that this document clearly shows ecclesiastic manumission in action. Worp is sceptical that it is the ecclesiastic form as the document is only signed by one witness.⁵⁴ If the actual laws are consulted, in AD355 it was no longer necessary to even provide a written attestation to the manumission.⁵⁵ The signature of a magistrate was sufficient in civic cases, hence, it is argued here that the one presiding clergyman, “the most reverend father Psekes”, was sufficient as a legal witness even though it was unnecessary at this point in time to provide a formal deed of manumission in an ecclesiastic setting.⁵⁶ Additionally that there was a deed provided at all at this stage in the development of the law may attest more to the previous legal and administrative occupation of the manumitter than the letter of the law itself.

The manumitter, Aurelius, names himself as an “ex-magistrate from the city of Mothites” in the Oasis Magna of the Western Desert of Egypt. What then makes this document more interesting is that an ex-magistrate has chosen the ecclesiastic form of manumission rather than the other methods available, which he would have been familiar with considering his former profession. This papyrus document of ecclesiastic manumission may then be seen as evidence indicating a change in community attitudes to how slaves were manumitted, and may show that Constantine’s additions to the legal system to streamline the processes of everyday law and increase its accessibility were successful. The document also seems to

⁵⁴ Worp, p. 142.

⁵⁵ *CTh.* 4.7.1 see also note 39 above

⁵⁶ P.Kell. 1 48, Lines 10 & 20; Glancy, *Slavery*, p. 92: Glancy does not see this as ecclesiastic manumission stating that the ceremony would have required a “body of clerics” and that Psekes may not have been a priest.

support the argument that Christians sought ecclesiastic manumission over the method performed in a civil court due to religious reasons. The deed states that Aurelius is freeing Hilaria “because of his exceptional Christianity”, although he then adds, “under Zeus, Earth and Sun”, evoking Hellenistic and traditionally Egyptian concepts.⁵⁷ It is probably this sentiment, rather than the lacuna in the text, which might bring doubt as to whether this is ecclesiastic manumission, though it is quite well documented that this type of ideological syncretism was common in Egypt at the time this manumission occurred.⁵⁸ The invocation of “pagan” theology should not detract from the other features of the text which firmly imply that the deed is the only extant evidence of ecclesiastic manumission in action, and that it complies with the stipulations set out in the law. It should also be noted that in AD354 Constantius issued a rescript to the laws concerning “Pagans, Sacrifices, and Temples” which effectively closed all the temples “in all places and in all cities”, one year before the date of P.Kell. 1 48.⁵⁹ This meant that ecclesiastic manumission was the only form of sacral manumission that was now available, regardless of religious preference.⁶⁰

As has been previously discussed it was not uncommon for slaves to be manumitted to deities at temples for religious reasons. With the closure of the “pagan” temples it might well be argued that the opportunity to manumit slaves to the traditional deities was now limited or

⁵⁷ P.Kell. 1 48, Lines 4-5; Zelnick-Abramovitz, *Not Wholly Free*, pp. 68-69.

⁵⁸ Worp, p. 142; Also see M.Chr. 361, *The Elephantine Papyri in English: Three Millennia of Cross-Cultural Continuity and Change*, Bezalel Porten (ed.), Leiden/New York/Koln, 1996, pp. 438-40 (D18) for another deed of manumission from the same year and the same area. The multiple philosophy is echoed by the manumitter in the document when freeing a family of slaves “under earth and sky, in accordance with piety toward t[h]e merciful God,...”. While this partial manumission is being conducted due to the pious Christian intent of the woman manumitting the family it seems to fit more with *manumission inter amicos* due to the number of witnesses totalling six including the “Chief of Elephantine” who it is presumed was a local official; Glancy, *Slavery*, p. 92.

⁵⁹ *CTh.* 16.10.4.

⁶⁰ Drake, *Constantine*, p. 403.

non-existent. Libanius, writing from Antioch in AD362, lamented the temples being closed, and alludes to the restrictions that had meant to non-Christian religious practice.⁶¹ With all pagan temples closed there would be no priests to observe religious forms of manumissions, nor would they be able to receive the benefits of the *paramone* agreement that came with freeing a slave to temple deities. These *paramone* agreements saw slaves free for all intents and purposes except that they were generally expected to serve the temple during festivals as slaves to the gods.⁶² When Constantine implemented the explicitly Christian form of manumission, just as he did by giving judicial powers to the bishops, he may have done so to mirror other systems which were present so that they would map on to those already in existence and not appear to be as foreign to potential consumers. With these factors in mind it can be argued that ecclesiastic manumission was not an innovative law, but that it was emulating already established practices.⁶³ Elements of ecclesiastic manumission were not totally alien, and could therefore be more readily accepted by the community due to its familiarity with other traditional methods of freeing slaves. Further to this concept,

⁶¹ Libanius, *Selected Letters of Libanius from the Age of Constantine*, trans. Scott Bradbury, Liverpool, 2004, *ep.* 147: "... the altars were overthrown, the supplicants wronged and not permitted to be released from afflictions." Release from slavery could also be seen as being ideologically released from an affliction.

⁶² Harper, *Slavery*, pp. 373-75: Additionally, as stated by Harper, "religious shrines acted as the archival repository for manumission documents. The inscriptions themselves were commemorative, not legal documents, but temples would store ownership deeds and manumission papers."; Harrill, *Manumission*, p. 54; Westermann, *Slaves Systems*, pp. 55-57; Zelnick-Abramovitz, *Not Wholly Free*, pp 86-87, p. 219.

⁶³ Barnes, *Constantine*, p. 134: Barnes explicitly calls the law "innovative", which is contrary to his other arguments about Constantine's reforms being that they were cast in a traditional light and copied many existing structures; Harper, *Slavery*, p. 376-77, p. 464, p. 474, p. 476, p. 483, pp. 484-85, p. 493; Drake, *Constantine*, p. 77; Zelnick-Abramovitz, *Not Wholly Free*, pp. 128-29; Jennifer Glancy, "Slavery and the Rise of Christianity", in, *The Cambridge World History of Slavery*, vol. 1, Keith Bradley and Paul Cartledge (eds.), Cambridge, 2011, p. 487: Glancy does not see ecclesiastic manumission as being modelled on existing practices.

Constantine funded and encouraged the building of Christian churches providing more places to physically access the opportunities to manumit slaves. When Constantius closed down the pagan temples he inadvertently cornered the market on religious manumission; even though Julian briefly opened the temples again, the precedents had been set and the system was in place to parallel and supersede the existing methods.⁶⁴ Accessibility to a legal representative who could officiate the manumission would have been the key to the success of the ecclesiastic form, along with increasing numbers in the community who sought conversion to Christianity in the fourth and fifth centuries.⁶⁵

Slaves would have more opportunities to be freed by their masters with the advent of the ecclesiastic legislations. This was still a promise that may or may not have been honoured. Slaves who were entitled to their freedom had little other legal recourse but to flee to the Church if they felt unjustly treated by their masters so as to seek sanctuary and intervention. The Christian Church in the fourth century came to be seen as a place of refuge for those who had nowhere left to turn. Slave law and Church sanctuary will be discussed in detail in the following chapters to ascertain their importance in Roman communities in the East.

⁶⁴ Euse., *Ecc. His.* 10. 2-3; Barnes, *Constantine*, p. 97: Barnes notes that it was the Emperor Gallienus in AD260 who was the first Roman Emperor who gave imperial approval of Christianity as a “lawful religion” which allowed the Church to own property, and not Constantine and Licinius in the mythological “Edict of Milan” in 312, p. 109, p. 175; Lib., *ep.* 129.3; Harper, *Slavery*, p. 205, p. 470.

⁶⁵ Harper, *Slavery*, p. 471, p. 477, pp. 484-85; Rotman, *Byzantine Slavery*, p. 139.

Chapter 3

Slaves, Sanctuary, and Roman Law

This chapter aims to explore how slaves engaged in the Roman legal system, and were able to use their own agency by fleeing to specific locations recognised as legal places of sanctuary. In the previous chapter the discussion focused on the implementation of ecclesiastic laws which gave bishops a wide range of judicial powers including the ability to officiate manumissions. It will be argued here that granting bishops these powers to adjudicate in civil cases involving slaves, and additionally, that Christian churches functioned as places of asylum were catalysts for slaves seeking out Church representatives. These powers enabled clergy to intercede on slaves' behalves in matters relating to freedom, or their continued service as slaves.

Slaves as Consumers of Roman Law

There had always been laws in place that enabled slaves some social mobility and access to the legal mechanisms which could change their status from slave to freedperson.¹ With the introduction of episcopal courts and the judicial powers of the bishops, which mirrored those of the imperial administrative system, the possibilities and opportunities to do so became twice as available. It should not be denied how difficult it was for slaves to seek any kind of justice. There were enormous hurdles that slave persons would have encountered when they attempted to access the Roman justice system on their own behalves. The first major obstacle would have been ignorance of the law itself. By restricting the amount that slaves knew of the law slave owners would have been able to significantly tighten the circle of

¹ Cases involving slaves were generally related to status. Prior to manumission slaves were considered property or an object; Kyle Harper, *Slavery in the Late Roman World, AD275-425*, Cambridge, 2011, p. 26, p. 27, p. 356.

control they had on their slaves.² In AD314 Constantine issued a law that free persons who had been enslaved during the reign of Maxentius, “the tyrant”, could go free without need of a trial as long as they had enough witnesses to attest to their previous freeborn status; this is provided that they knew that the law existed.³ This may have been a problem as it was clearly outlined that “anyone who is keeping a slave ignorant of this law will be punished”. It was not generally fiscally to the benefit of the slave owner to lose the services of a slave without some form of compensation, therefore, it would not have been in the slave owners’ interest for slaves to know they were entitled to their freedom. It might also be generally speculated that slaves who were knowledgeable of their rights would have been harder to control and less tractable. Gregory of Nazianzus alludes to this when he laments about having to deal with his own slaves in his poems, “Concerning His Own Affairs”, and “Concerning His Own Life”.⁴

Ultimately the tools of the slave owner were power, control, fear, and coercion.⁵ The techniques which were used by slave owners can be observed in all the literary evidence for any period in Roman history.⁶ It appears that the methods which were employed by slave

² Harper, *Slavery*, p. 397: Harper, quoting Ramin and Veyne (1981), “noted that bad faith and poor access to the legal system insulated the slave trade from the principles of law.”

³ *The Theodosian Code and Novels and the Sirmondian Constitutions*, trans. Clyde Pharr, New York, 1952/69, 5.8.1; see also *CTh.* 4.8.6.3: slaves who were entitled to freedom based on their age may not have known that they are entitled to freedom thus indicating that many slaves were ignorant of their rights.

⁴ Gregory of Nazianzus, *Three Poems: Concerning His Own Affairs, Concerning Himself, and Concerning Himself and the Bishops*, in, *The Fathers of the Church*, trans. Denis Molaise Meehan, Washington, 1987, *Concerning His Own Life*, “Gregory’s Methods”, 75-85; *Concerning His Own Affairs*, “Domestic Worries”, 140-48.

⁵ Harper, *Slavery*, p. 25, p. 29, p. 37, p. 76, pp. 118-19, p. 187, pp. 206-07, pp. 232-33; Moses I. Finley, *Ancient Slavery and Modern Ideology*, Brent D. Shaw (ed.), Princeton, 1980/rev. ed.1998, p. 142.

⁶ From the corpora consulted for this thesis see: Basil of Caesarea, *Saint Basil: Letters (186-368)*, vol. 2, *Fathers of the Church*, trans. Sister Agnes Clare Way, New York, 1951, *ep.* 188.8 (AD374):

owners must have worked as we rarely see any concerted large scale slave rebellions, as with the famous revolt involving Spartacus.⁷ However there is ample evidence in the literary sources of cases of individual slaves rebelling and seeking some kind of personal agency by running away, which was generally a source of great irritation to slave owners.⁸ The reasons why slaves ran away would have been many and varied. It can be imagined that the reasons would have included poor treatment, and broken promises of freedom.⁹ Presuming that some slaves knew of some of their rights (or lack thereof), then most would have had no other

Advice to a young cleric on jurisprudence concerning the punishment of slaves. The advice given can be seen to reflect that in *CTh.* 9.12.1-2 for “Disciplining a Slave”; Gr. Naz., *Concerning His Own Life*, “Advent of Theodosius”, 1301-05: “The Emperor, it seems to me, keeps this in mind, and to this extent keeps fear within bounds, winning over everybody gently and setting up voluntary action as the unwritten law of persuasion.” Though this is not directly related to dominating slaves, the premise remains the same; John Chrysostom, *John Chrysostom, Homilies on Paul’s Letter to the Philippians*, trans. Pauline Allen, Atlanta, 2013, *Homily* 10: “... on the one hand, what is demanded of us with force and torture, and as it were from slaves and recalcitrant...”; Libanius, *Autobiography and Selected Letters*, vol. 1, trans. A. F. Norman, London, 1992, *ep.* 24.2, “... he fears me like a slave.”

⁷ Harper, *Slavery*, p. 24, p. 256; William L. Westermann, *The Slave Systems of Greek and Roman Antiquity*, Philadelphia, 1955, p. 66, p. 140.

⁸ *CTh.* 2.8.1, *CTh.* 5.17; Basil of Caesarea, *Saint Basil: Letters (1-185)*, in, *Fathers of the Church*, trans. Sister Agnes Clare Way, New York, 1951, *ep.* 3 (AD358): Basil may have been harbouring runaway slaves; Bas., *ep.* 320: One of Basil’s slaves disappears for a year (I have read this as runaway), but returns to Basil and is cast as the “prodigal son”; Lib., *Autobiography*, 61; Harper, *Slavery*, pp. 257-59; Keith Bradley, *Slavery and Society at Rome*, Cambridge, 1994/97, p. 5.

⁹ Gaius, *Inst.*, 1.1.53; *CTh.* 4.8.1; *CTh.* 9.12.1-2, Lib., *ep.* 13.7: Slaves running away from estates left to lie fallow, *ep.* 85.1-2: Implies that there were limits to what a slave would endure; Libanius, *Autobiography and Selected Letters*, vol. 2, trans. A. F. Norman, London, 1992, *ep.* 118.2-3: Libanius beats his slaves for negligence in their duties for which they were blameless; Libanius, *Selected Works: The Julianic Orations*, vol. 1, trans. A. F. Norman, London, 1969, *or.* 14.45, *or.* 16.21: Both these extracts indicate that slaves may have been starving to death on plantations that had run to ruin and been forced to run away to survive. Slaves who were not being cared for, if they could prove it, were entitled to their freedom. c.f. Claudian laws; Harper, *Slavery*, pp. 236-37, p. 242, p. 256, p. 260; Finley, *Ancient Slavery*, p. 142.

recourse but to abscond if they were unjustly treated.¹⁰ This would have brought them to another obstacle they would have needed to negotiate: actually telling someone they were being unjustly treated, as Roman law had strict measures in place that quite effectively silenced Roman slaves and prevented them speaking out against their masters for any reasons.¹¹ *The Julian Law of High Treason* shows this clearly.¹² The edict, issued in AD314 (and reissued 320/23) by Constantine, contained stipulations whereby we can see why a slave would have been extremely reluctant to bring the legal authorities into a case which would in *any* way have meant accusing their master of a wrong doing. With the certain threat of torture, and possible crucifixion, there would have to have been a watertight case that could have stood up under the examination of a judge, and this was only if it was a case of high treason. Otherwise slaves could never speak out against their master under any circumstance.¹³ It is probably safe to speculate that in this instance, slave owners would have informed slaves of this law as a method of fear control.¹⁴ With the “Sword of Damocles” dangling above a slave’s head there would be little incentive to seek justice if the reward was

¹⁰ Sozomen, *History of the Church from AD324-AD440*, trans. Edward Walford, London, 1855, 1.9.6: Sozomen points out that all laws relating to manumission were engraved on tablets and displayed publically; Harper, *Slavery*, p. 53, p. 116, p. 256, p. 260. All those seeking sanctuary are seen as “fugitives” in the language of the laws. Therefore it may be adduced that slaves seeking legal intervention were runaway slaves. This will be further discussed in the upcoming section on “Sanctuary”; Jennifer A. Glancy, *Slavery in Early Christianity*, Minneapolis, 2006, p. 89; Finley, *Ancient Slavery*, p. 179.

¹¹ *CTh.* 4.10.1-3; *CTh.* 10.10.17.

¹² *CTh.* 9.5.1.1.

¹³ *CTh.* 9.6.1-4: The rescript of AD397 does make provision for a slave to speak out, but only as long as they were not the instigator of the accusation; Rotman, *Byzantine Slavery*, p. 78: points to legislations made by Hadrian which made allowances for slaves to lodge complaints against their masters; Finley, *Ancient Slavery*, p. 142, p. 162, p. 177; Henry C. Lea, *Studies in Church History: The Rise of the Temporal Power, Benefit of Clergy, Excommunication, The Early Church and Slavery*, Philadelphia, 1869/83, p. 546.

¹⁴ Libanius, *Selected Works: Selected Orations*, vol. 2, trans. A. F. Norman, London, 1972, *or.* 45.3-5.

punishment probably a great deal harsher than the conditions they currently endured.¹⁵ John Chrysostom indicates that some slaves did manage to have a voice. In his homily on Paul's letter to Philemon he says, "Here he (Paul) has not omitted even the slaves. For he knows that often even the words of slaves have the power to overthrow their masters".¹⁶ Slaves then did not appear to be without recourse, they just had to find someone to speak for them.

If slaves were aware of the legal processes involved in raising a case against their master then they would have had to have found a sponsor or advocate as their voice and patron in a court of law.¹⁷ This may have proved difficult as the penalties for advocates who stood up for slaves were in some instances just as harsh as those for the slaves themselves if the case was unsuccessful.¹⁸ There were possibly some serious issues which surrounded a slave finding someone prepared to take the risk. The fact that advocacy for slaves did occur, and possibly with some frequency, is apparent in the literary corpora that have been consulted for this study. From the Christian sources, Basil of Caesarea and his brother, Gregory of Nyssa, both wrote letters asking associates to stand in as advocates for people who may well have

¹⁵ Cicero, *Tusculan Disputations*, trans. C. D. Yonge, New York, 1877, 5.21.

¹⁶ John Chrysostom, *Nicene and Post Nicene Fathers of the Christian Church: Saint Chrysostom: Homilies on Galatians, Ephesians, Philippians, Colossians, Thessalonians, Timothy, Titus, and Philemon*, Vol. 13, trans. Philip Schaff, Grand Rapids, 1969/75, *hom. in Phil.* 1.

¹⁷ CTh. 4.8.5-6; CTh. 4.8.9; CTh. 4.9.1; Gregory of Nyssa, *Gregory of Nyssa: The Letters*, trans. Anna M. Silvas, Leiden/Boston, 2007, *ep.* 7 (AD380's): This letter is an example of Gregory in the position of sponsor in general, and not an example of a slave seeking an advocate. I have included it here to show how clergy could be sponsors/advocates for the disadvantaged; Chrys., *hom. In Phil.* 2: Chrysostom is preaching that Paul had acted as an advocate for Onesimus the slave. He may also have been alluding to the benefits of being a sponsor. There are also ideologies of the runaway slave being accepted back like a "prodigal son" c.f. note 51; Lib., *ep.* 125: Libanius seeking legal advocacy for a copyist. (n.b. copyist was a common slave occupation); Harper, *Slavery*, p. 260, p. 383, p. 384; Youval Rotman, *Byzantine Slavery and the Mediterranean World*, trans. Jane Marie Todd, Cambridge/Massachusetts/London, 2009, p. 173; Lea, *Church History*, p. 544.

¹⁸ CTh.4.8.8; Bas., *ep.* 73 (AD371): Shows the potential harshness of the punishments that could be perpetrated against slaves involved in legal cases.

been slaves. Basil's Letters 314 and 316, and Gregory's Letter 8 also indicate that sponsors took on patronage status in relation to the person they were advocating for.¹⁹ In the case of a slave, if the trial resulted in the slave gaining their freedom then the advocate would, from that point forward, now be the slave or freedman's patron in the eyes of the law. This appears to be much like how Quiritary law operated, and is similar to the laws relating to secondary manumissions from the second century, which conferred the rights of patronage of a freed person from one party to another. Basil and Gregory do not seem to have a problem with slaves seeking advocates if these letters are read to be asking for sponsors on behalf of slaves. While it is acknowledged that this may not be the case, it is felt strongly here that in these three instances the possibility cannot be discounted.

When looking at Libanius' works we see mixed feelings toward advocates. In one of his letters, he says that advocates must be "knowledgeable of the law"; while in another he complains that some tactics which advocates employed included currying favour with judges regardless of the strength of their cases.²⁰ Libanius' opinions on slaves seeking advocates is plainly hostile and resentful, and his attitudes to "lesser mortals" is that they should not be "bold of tongue".²¹ In his Oration 47 it appears that some slaves *were* aware of some of their legal rights, and that cases involving the slave as the prosecuting party were not rare.²²

¹⁹ Bas., *ep.* 314 & *ep.* 316 (Post AD370): *ep.* 314 seems to be asking the recipient to grant the slave letter bearer a trial. 316 is a request for help, patronage, and protection for the letter carrier; Gr. Nyss., *ep.* 8.4: "... by sponsoring him in those concerns on account of which he has come to you in need of your patronage." It may be unlikely that Alexander (the one in need of sponsorship) is a slave. This letter has been included as it shows clergymen making requests for sponsorship on the behalf of third parties, and that sponsorship arrangements could lead to patronage relationships being forged.

²⁰ Lib., *ep.* 71.1, *ep.* 139.1

²¹ Lib., *ep.* 47. Note: "lesser mortals" and "bold of tongue" are Norman's choice of translation as found in the Loeb.

²² Lib., *or.* 47. 21, 47.24; Harper, *Slavery*, p. 358.

Libanius was outraged that advocates spoke out for slaves. His opinion was that if slaves had grievances and sought justice their issues should be aired with the master. The real reason for Libanius' distaste for this practice of allowing any "Tom, Dick, or Harry" to speak up for a slave seems to lie ultimately in losing face and apportioning the responsibility of the client patron relationship, or the continued service of the slave, once the case had been decided.²³ As will be discussed below, when slaves could not find an advocate and had no one to turn to, when they felt they were being unjustly treated, until AD386 they could flee to temples and statues of the Emperors and seek sanctuary.²⁴ Seeking asylum in no way assured slaves of gaining access to the judicial system, nor a positive result in their favour, but it was one of the few ways a slave could be seen to have any personal agency at all.

Sanctuary

There were legal mechanisms in place that ensured that no matter what the circumstances and if the situation was heinous enough, a person, irrespective of social status, could seek access to justice via the law. Since the second century AD it had been firmly established in the Roman Empire that "slaves who flee for refuge to the temples of the Gods or the statues of Emperors ... if the cruelty of masters appeared to be intolerable ..." could seek some form

²³ Lib., *ep.* 130.2-3: In what seems a twist of irony, or perhaps hypocrisy, Libanius is asking for sponsorship on behalf of the letter carrier, Pergamius. Libanius has asked his associate to make Pergamius a "citizen". This may imply that the letter carrier is a slave seeking manumission. A note on translation: I have used Norman's translation of "Tom, Dick, and Harry" for its quirkiness, and to mean generally "anybody without great discernment"; Peter Garnsey, "Roman Patronage", in, *From the Tetrarchs to the Theodosians: Later Roman History and Culture, 284-450 CE*, Scott McGill, Christiana Sogno, and Edward Watts (eds.), Cambridge, 2010, p. 51.

²⁴ Gaius, *Inst.*, 1.1.1.53; *CTh.* 9.44: Temples are longer included in the legislation relating to approved places of sanctuary; R. Zelnick-Abramovitz, *Not Wholly Free: The Concept of Manumission and the Status of Manumitted Slaves in the Ancient Greek World*, Leiden/Boston, 2005, p. 95.

of intercession.²⁵ This law was later reissued in AD386. The clause, however, by which temples could be included as places where slaves could seek sanctuary had been omitted, though it was still stated that slaves could, “if they had definite reasons”, seek justice.²⁶ There was also a time period of ten days allotted to how long refuge was granted to asylum seekers under these conditions. The restrictions placed on sanctuary being granted in temples may have had a great deal to do with the temples being shut down, and this may well have caused some wider societal problems. In AD392 a law was issued by Emperor Theodosius to account for “Persons Who Flee For Sanctuary in the Church”.²⁷ Prior to 392 it is quite reasonable to presume that Church sanctuary was covered by temple sanctuary until 386. The legislation relating specifically to sanctuary in Christian Churches, which was to be reissued and added to five times between 392 and 432, included some vital pieces of information about Roman society at the times the law was in use that relate both to slavery and society in general.²⁸ Although for the purposes of this thesis the focus is on the aspects that may have directly impacted on slaves and slavery in the Later Roman Empire, these factors were significant features of the law from their inception. Initially it would seem that the major concern which was held with regards to sanctuary in churches was that public debtors (who, if they did not pay their debts would have been reduced to slavery) had been seeking sanctuary in the churches.²⁹ There is enough evidence in the papyri to attest to the fact that, at least in Egypt, monastic leaders were seen by those in their communities to be

²⁵ Gaius, *Inst.*, 1.1.1.53; Harper, *Slavery*, p. 260; J. Albert Harrill, *The Manumission of Slaves in Early Christianity*, Tübingen, 1995, p. 169; Westermann, *Slaves Systems*, p. 40.

²⁶ *CTh.* 9.44.1.

²⁷ *CTh.* 9.45.1.

²⁸ *CTh.* 9.45.2-5.

²⁹ Jennifer Glancy, “Slavery and the Rise of Christianity”, in, *The Cambridge World History of Slavery*, vol. 1, Keith Bradley and Paul Cartledge (eds.), Cambridge, 2011, p. 472

able to give aid in these types of cases, and may also have provided advocacy services to those in need.

Examples of these types of appeals can be found in the corpus of letters held by the British Museum. P.Lond. 6 1915 and 1916 were written sometime between AD330-40, some fifty years before provisions will be made in the law to accommodate Church sanctuary.³⁰ The letters are not related to seeking physical sanctuary in a Christian setting, though they may well indicate some of the reasons why the law was introduced and explain further additions. The letters represent a prime example of how monastic leaders were seen by community members to have the ability to intercede in matters relating to debt slavery, and may possibly have provided clerics as advocates in civil matters. Both of these letters relate to one event, and comprise a single request to a high ranking member of the Melitian monks asking the monastery to intercede on behalf of a man whose children had been taken as slaves against a large debt which appeared to be tax related.³¹ P.Lond. 6 1916 contains what seems to be a request for legal aid, “by all means [help him?] and appoint for him among the brethren, to the end that they may give <...>.”³² That this was a direct request for a legal advocate can only be surmised as there are again lacunae in the text. Four papyrus letters, dated from between AD375-450 (see discussion below), are clearer in their message that

³⁰ P. Lond. 6 1915 and P. Lond 6 1916, *Jews and Christians in Egypt: The Jewish Troubles in Alexandria and the Athanasian Controversy*, H. Idris Bell (ed.), Westport, 1924/72, pp. 72-80.

³¹ P. Lond. 6 1915: “long importuned by the magistrates of his native place with exactions beyond his means, and having for this reason borrowed a great sum of money...”; See also P.Herm. 7 & P.Ryl.Copt. 310 as other papyri letters attesting to children being sold into slavery against their parents debts and monastic leaders being contacted to intercede; See *CTh*. 3.3.1 for laws governing parents selling their children into slavery and the ways in which a person could claim their freedom under these circumstances. Roman law also provided that if a child had been sold three times by his father then the father no longer held the power of *potestas* over his child (son); *Sirm.* 33: Allows that people who had been sold into slavery by their parents during a famine (approx. AD451) could gain their freedom after making a minor financial compensation to their master.

³² P. Lond. 6 1916, lines 39-41.

Egyptian monasteries had become places of refuge by the end of the fourth century.³³ Based on the contents of these documents there seems no reason to question that the physical boundaries of monasteries and Churches had become places of physical asylum by this time, and that Church leaders were those able to grant it.³⁴

By AD425-450 it was certain that monasteries had become places of sanctuary. This status could be seen to include the protection of the Church and its physical places of worship and residence which were at times backed with imperial military force. P. Leid. 1 420 is a direct request from a bishop in Elephantine to the emperors, Theodosius and Valentinian, to be assigned imperial soldiers to protect the churches in his jurisdiction from hostile forces raiding the region. The contents of the letter show that a precedent had been set by granting soldiers to aid the bishop of Philae in a similar situation.³⁵ That this bishop was trying to protect those who had fled to his churches for protection is clear; what is also well-defined is that the bishops would have the power to command any troops assigned by the emperors to protect the churches.³⁶ In a famous case from the White Monastery, Shenoute claimed that twenty thousand people sought refuge at his monasteries during the

³³ SB. 18.13612, *Women's Letters From Ancient Egypt, 300BC-AD800*, Roger S. Bagnall and Raffaella Cribiore (eds.), Ann Arbor, 2006, P.Herm. 17, p. 204, p. 209; P.Oxy. 6 903, *Life and Letters in the Papyri: The Jerome Lectures*, trans. John Garrett Winter, Ann Arbor, 1933, pp. 126-27; P.Leid. 1 420, *The Elephantine Papyri in English: Three Millennia of Cross-Cultural Continuity and Change*, Leiden/New York/Kohn, 1996, pp. 441-42.

³⁴ With SB. 14.13612 & P.Herm. 17, the sentiment of "taking refuge" may be more esoteric in meaning than literal. This may be countered with SB. 14.13612 being explicit in the language that was used which outlined that people fled *to* the cleric for safety, with what can be viewed literally in the physical sense, as well as the spiritual; Harper, *Slavery*, p. 260; Lea, *Church History*, p. 543, p. 547.

³⁵ P.Lond. 1 420: "... just as the soldiers stationed in the fortress so-called 'of Philae' in your Upper Thebaid will be at the service of the Holy Churches of Philae."

³⁶ P.Lond. 1 420: "Therefore, since the churches under me have been hu[m]bl[e]d and are unable to protect the very ones who flee to them ... that the holy churches [under me] be guarded by the soldiers among us, a[nd] that they obey me and heed me in all matters, ..."

same period, which was also due to hostile attack from the Blemmyes.³⁷ Incidents involving huge numbers of refugees seeking protection at monastic communities, such as those that occurred at Philae and the White Monastery, would have undoubtedly raised community awareness about the ability that monasteries and churches had to provide refuge, asylum and sanctuary. While it should be brought out here that refuge and sanctuary are slightly different in legal terms, it remains that the impression which was being transmitted to the general populace was that Christian buildings and compounds were places that protection was offered, and help was given should the need require it. Sanctuary legislation adapted to accommodate larger numbers of asylum seekers while not compromising the sacred spaces of Christian places of worship.

Additions to the sanctuary laws would come to include not just the altar and sacred space inside the Church proper but a significant amount of church lands. The rescript of AD431 came to include the space up to, and including, the doors to the church/monastery “behind the public grounds, whether it be in the cells or in the houses, gardens, baths, courtyards, or colonnades, such space will be to protect to fugitives just as the interior of the temple does.”³⁸ Essentially this means all walled compounds of Church property were protected by the laws of sanctuary. Another fourth century papyrus letter from Egypt shows how sanctuary might have been hindered by a third party and why the laws may have been altered to take these factors into account. P. Oxy. 6 903 is a brutal account of domestic violence in which a woman, her slaves, and her husband’s slaves are beaten by the woman’s husband and locked in a cellar for ten days. When the woman is finally able to escape the brutality of her husband’s treatment she attempts to seek refuge at a church in Sambatho. The woman

³⁷ Westermann, *Slaves Systems*, p. 155 & note 47; Heike Behlmer, “Visitors to Shenoute’s Monastery”, in, *Pilgrimage and Holy Space in Late Antique Egypt*, David Frankfurter (ed.), Leiden/Boston/Koln, 1998, pp. 344-45.

³⁸ *CTh.* 9.45.4.

then claimed that her husband had denied her access to Church sanctuary by shutting the doors to the church.³⁹ If she could prove this then he could be in more legal strife as to deny anyone access to Church sanctuary was a serious and punishable act.⁴⁰ The woman had also claimed that at some point the bishops in the area had been involved in the case in some capacity.

Prior to the AD431 law found in the *Code* some provision had been made to extend the boundaries of Church sanctuary. *The Sirmondian Constitutions* also contain a law relating to sanctuary that was published in AD419.⁴¹ This extended the boundaries of sanctuary to fifty paces outside the doors of the church. It essentially was to enable those who were seeking sanctuary to get some fresh air unmolested, though this might also indicate that the insides of the churches were being overrun with asylum seekers. In AD432 when the law was reissued the amount of time allotted to a slave to remain under the protection of sanctuary and gain legal intervention was reduced to only one day.⁴² This was, presumably, from the ten days which had previously been stipulated as the length of time given for sanctuary at the statues of the emperors.⁴³ The rescript also encourages clerics to send slaves back to their masters

³⁹ For the full account of P.Oxy. 6 903 see Winter's translation, *Life in the Papyri*, pp. 126-27.

⁴⁰ *CTh.* 9.45.4, "No one shall attempt to lay sacrilegious hands on them and drag them out, lest a person who seeks to do this, when he sees his own peril, may also take the refuge and seek aid."

⁴¹ *Sirm.* 13.

⁴² *CTh.* 9.45.5, "... if any slave of any person, relying only on reverence for the place, should seek refuge in the church or at the altars without weapon, he shall be sent away after not more than one day in such place ..."

⁴³ *CTh.* 9.44.1: "... neither to be taken away by anyone before the tenth day ..."; Rotman, *Byzantine Slavery*, p. 152: Rotman does not seem to have consulted *CTh.* 9.44.1 which reduced asylum to one day; Lea, *Church History*, p. 548: Lea states that the one day ruling does not seem to have been adhered to, and that changes to the law in AD441/443 enabled clergy to detain the slave for an unspecified time till the clergy could convince the masters to be mild with their slaves otherwise the masters could be excommunicated should they not relent; Rotman, *Byzantine Slavery*, p. 144: Rotman points to the Council of Chalcedon, in AD451, which also encouraged monasteries to return slaves to their masters.

rather than find in the slave's favour and free them or rehouse them, only giving provision that the master be counselled to treat the slave with clemency when the slave returned.⁴⁴ A glaring warning was also given to clergy who should try to pervert the law, whereby the punishment would be excommunication in an episcopal court. The laws of sanctuary seem to show quite succinctly that slaves were seeking refuge and attempting to access legal intervention in Christian Churches and monasteries, and that the Church and its representatives were in some ways being viewed as their protectors.⁴⁵

The literary evidence consulted for this thesis attests to the laws of sanctuary in action in the works of Gregory of Nazianzus, John Chrysostom, Libanius, and Evagrius Ponticus. Gregory and Evagrius, who invoke the metaphor of seeking sanctuary in churches, show that seeking refuge actually had a very physical aspect to it. Evagrius' allusion to being dragged away from altars "unwillingly like a runaway slave", and then the slave being dragged to his/her death, invokes images of what may very well have been disturbingly real occurrences in Christian Churches.⁴⁶ Gregory also shows that all those who sought sanctuary were not always granted it and this may have resulted in a violent removal from the altar.⁴⁷ Gregory does have some mixed feelings about who should be given sanctuary in the Church and also

⁴⁴ Harper, *Slavery*, p. 260; Lea, *Church History*, p. 548.

⁴⁵ Bas., *ep.* 143 (AD373): Basil styles himself as "defender of the oppressed"; Harper, *Slavery*, p. 260; Rotman, *Byzantine Slavery*, p. 151; Westermann, *Slaves Systems*, p. 155; Lea, *Church History*, p. 539, p. 548, pp. 571-72, p. 573; Raymond Van Dam, *Kingdom of Snow: Roman Rule and Greek Culture in Cappadocia*, Philadelphia, 2002, p. 51.

⁴⁶ Evagrius of Pontus, *Evagrius of Pontus: The Greek Ascetic Corpus*, trans. Robert E. Sinkewicz, Oxford, 2003/06, *Eight Thoughts*, "Avarice", 3.7; John Chrysostom, *St Chrysostom: On the Priesthood, Ascetic Treatises, Select Homilies and Letters, Homilies of the Statues, Nicene and Post-Nicene Fathers of the Christian Church*, vol. 9, Philip Schaff (ed.), Grand Rapids, 1969/75, *hom. in. Eutr.* 2.1; Harper, *Slavery*, p. 212.

⁴⁷ Gregory of Nazianzus, *Gregory of Nazianzus*, trans. Brian E. Daley, London/New York, 2006, *or.* 26.16: "No one can pull me away from this altar even if they wish to."; Westermann, *Slaves Systems*, p. 155.

those who gain access to the clergy by doing so.⁴⁸ Chrysostom and Libanius have provided examples of sanctuary at the statues of the emperors. The former indicates that the ideology of seeking imperial protection was to be saved in some capacity by the powers of the emperor if they had the “perception” to do so.⁴⁹ Libanius gives an account from AD386, only months after the laws relating to sanctuary at the statues of emperors was enacted, which shows how sanctuary was seen as a method of accessing law for those who had no other means available to them.⁵⁰

It may also be observed in the ecclesiastic laws relating to sanctuary that slaves were not only seeking the physical sanctuary of the church, but may also have seen it as a way to access freedom through religious service. The rescript dated AD398 states, “If, in the future, any slave who is involved in public accounts should take refuge in a church, and if he should be ordained a cleric or defended by the cleric and if he should not be returned to his former condition ... shall be recalled to their former lot by the energy and wisdom of the judges, as if by forcible seizure”.⁵¹ In this rescript of the sanctuary laws we can clearly see that the legal powers of the clergy were being put to use to assist slaves, and that in their capacity as Church officials they were able to ordain slaves as new clerics. Ultimately it appears, from the language used in constructing the law, that the imperial magistrates gained

⁴⁸ Gregory of Nazianzus, *Nicene and Post Nicene Fathers of the Christian Church: St Cyril of Alexandria and Gregory of Nazianzen*, vol. 7, trans. Philip Schaff and Henry Wace, Grand Rapids, 1978, “In Defence of His Flight to Pontus”, 8; Lea, *Church History*, p. 571.

⁴⁹ John Chrysostom, *Baptismal Instructions*, in, *The Works of the Fathers in Translation Series*, trans. Paul W. Harkins, New York/Ramsey, 1963, *The Third Instruction*, “The Power of the Blood of Christ”, 14.

⁵⁰ Lib., *or.*, 50.21, *or.*, 33.17; Lib., *ep.* 129.3: for temples also being seen as places of refuge in early AD362.

⁵¹ *CTh.* 9.45.3; Rotman, *Byzantine Slavery*, p. 144: Rotman states that it was Justinian’s law of asylum that allowed slaves entry to the clergy, though it seems clear from the laws of the *Code* that this had been happening for some time prior to Justinian’s edicts.

the power to overturn these ordinations. This should not detract from the argument that the reforms of Constantine, and the following emperors, had social repercussions and paved the way for slaves to be able to exercise their own agency.⁵² These legal reforms may have enabled them to seek justice, freedom, and possibly ordination as a clergymen of the Church, with all the privileges and rights that would have brought.⁵³ This premise will be further explored in the following chapter, as too will the concept that slaves were at times circumventing their masters' legal rights and were being freed by members of the church.⁵⁴

⁵² Harper, *Slavery*, p. 364, p. 384: "That he (Constantine) was an emperor earnestly concerned to protect the freedom of his citizens – so long as it was legitimate – under Roman law."

⁵³ Harper, *Slavery*, p. 360, p. 398; Westermann, *Slaves Systems*, p. 155; Lea, *Church History*, p. 543, p. 548, p. 568, p. 571.

⁵⁴ H. A. Drake, *Constantine and the Bishops: The Politics of Intolerance*, Baltimore, 2000, p. 35, p. 107.

Chapter 4

Use Freedom, Use Slavery

It is quite feasible that the Church took on a privileged position in slaves' minds after Church authorities were granted the rights to officiate in legal matters, and also with the introduction of ecclesiastic forms of sanctuary and manumission.¹ Christian churches provided slaves with direct points of accessing the justice system, and it will be argued that Christian bishops symbolised a path to freedom based on their ability to officiate at manumission ceremonies.² These factors will be explored to discover the level of significance this had on how slaves viewed the Church and its authorities. This concept will be further examined to see if a result was that some slaves came to see these changes as possible avenues to improving their personal circumstances, with sanctuary at Churches as a direct method of accessing the law and seeking intervention. A dynamic that must also be considered is that an ever increasing number of people were converting to Christianity, taking on ascetic ideals and proselytising Christian teachings in their communities.³

¹ *The Theodosian Code and Novels and the Sirmondian Constitutions*, trans. Clyde Pharr, New York, 1952/69, 1.27.1, *Sirm.* 1, *CTh.* 4.7.1, *CTh.* 9.45.1-5; Kyle Harper, *Slavery in the Late Roman World, AD275-425*, Cambridge, 2011, pp. 464-65, p. 483, p. 492; Youval Rotman, *Byzantine Slavery and the Mediterranean World*, trans. Jane Marie Todd, Cambridge/Massachusetts/London, 2009, p. 139; Henry C. Lea, *Church History: The Rise of the Temporal Power, Benefit of Clergy, Excommunication, The Early Church and Slavery*, Philadelphia, 1883, p. 547, p. 568.

² For laws relating to sanctuary: *CTh.* 9.44.1, *CTh.* 9.45.1-5; Harper, *Slavery*, pp. 381-82 inc. table 9.1; Lea, *Church History*, p. 543; Also see discussion in previous chapter.

³ *The Didache*, “*The Didache, The Epistle to Barnabas, The Epistles and the Martyrdom of Polycarp, The Fragments of Papias, The Epistle to Diognetus*”, *Ancient Christian Writers: The Works of the Fathers in Translation*, trans. James A. Kleist, New York/Ramsey, 1948, 10-11: *The Didache* also taught that slaves were advised to “use slavery”. For a thorough explanation of this topic (derived from Paul’s New Testament letter to the Corinthians) see S. Llewelyn, “If You Gain Your Freedom: Manumission and 1.Cor.7.21”, *New Documents Illustrating Christianity*, S. R. Llewelyn (ed),

Christian Slaves and Slavery

The *Didache* was a popular early Christian text in Egypt from the second to fourth century AD and advised that less violent attitudes to slaves was a better ethos than beating them for their service. John Chrysostom's late fourth century message to his congregations was that slavery was not a hindrance to Christianity, and indicted a sense of inclusion for the slave population. There is a strong possibility that these types of ideologies gradually spread through communities and was received by a growing amount of slaves who came into direct contact with Christianity and its teachings. Concepts which related to the "brotherhood of man" included slaves in the schema of a balanced community that was being preached by the Church Fathers.⁴ For slaves it is possible that this extended to seeking out Christian baptism which brought with it some kind of perceived social equality, and that this could be extended to the promise of freedom.⁵ In the works of Chrysostom we can observe that the message being transmitted was that slaves should be purchased, taught a trade, and then freed.⁶ For Christian slave owners the act of baptising and manumitting slaves was an act of charity,

Sydney, 1992; John Chrysostom, *Baptismal Instructions, Ancient Christian Writers: The Works of the Fathers in Translation*, trans. Paul W. Harkins, New York/Ramsey, 1963, *The Twelfth Instruction*, "Only We Can Hurt Ourselves", 26; John Chrysostom, *Nicene and Post Nicene Fathers of the Christian Church: Saint Chrysostom: Homilies on the Epistles of Paul to the Corinthians*, vol. 12, trans. Philip Schaff, Grand Rapids, 1969/75, *hom. 7.12*: Calling to Christian slave owners to educate their slaves to observe Christian lifestyles.

⁴ Basil of Caesarea, *Saint Basil: Letters (186-368)*, vol. 2, *Fathers of the Church*, trans. Sister Agnes Way, New York, 1951, *ep. 262*; Evagrius Ponticus, *Evagrius Ponticus*, trans. A. M. Casiday, London/New York, 2006, "To the Virgin", 12: Evagrius has advised female ascetics not to punish slaves who have annoyed them as "there is no slavery among God's daughters"; Chrys., *hom. in I Cor. 15.6*: "For in Jesus Christ there is neither slave nor free"; Lea, *Church History*, p. 538.

⁵ Jennifer Glancy, "Slavery and the Rise of Christianity", in, *The Cambridge World History of Slavery*, vol. 1, Keith Bradley and Paul Cartledge (eds.), Cambridge, 2011, p. 472.

⁶ Chrys., *hom. in I Cor. 15.6*; J. Albert Harrill, *The Manumission of Slaves in Early Christianity*, Tübingen, 1995, p. 68; Rotman, *Byzantine Slavery*, p. 121.

piety, and a renouncement of worldly possessions.⁷ They represented the Christian ideal of a transformative act much like Jesus had undergone in the Resurrection narrative which was so fundamental to Christian belief; Easter became a time that Christian manumission became popular, also as a response to New Testament teachings.⁸ It must be stressed that there was no wholesale advocacy for the total emancipation of slavery.⁹ Slaves were still very much a part of Christian households, and religious communities functioning on all levels of service.¹⁰

That there was not a massive and obvious objection to Christians' ownership of slaves is evident in the literary record for the period being considered; it can also be observed that Christian manumissions featured prominently in the ideology of Christian slave ownership. John Chrysostom was not overly concerned with the general ownership of slaves. His objection was to owning "herds" of them and parading them around as symbols of wealth

⁷ Harper, *Slavery*, pp. 463-64, p. 474; Jennifer A. Glancy, *Slavery in Early Christianity*, Minneapolis, 2006, p. 96; Rotman, *Byzantine Slavery*, p. 134; Lea, *Church History*, p. 537, p. 547.

⁸ Basil of Caesarea, *Saint Basil: Letters (1-185)*, vol. 1, *Fathers of the Church*, trans. Sister Agnes Way, New York, 1951, ep. 8; Evagrius, "On the Faith", 2: OT reference to freeing slaves so they may take up asceticism; Chrys., *The First Instruction*, "Embrace the Yoke of Christ", 26-28; *CJ.* 3.12.7; *CTh.* 2.8.1; Harper, *Slavery*, p. 463, p. 490; Lea, *Church History*, p. 543.

⁹ Chrys., *hom. in I Cor.* 19.5-6; John Chrysostom, *Nicene and Post Nicene Fathers of the Christian Church: Saint Chrysostom: Homilies on Galatians, Ephesians, Philippians, Colossians, Thessalonians, Timothy, Titus, and Philemon*, vol. 13, trans. Philip Schaff, Grand Rapids, 1969/75, *hom. in Phil.*, "Argument"; Harper, *Slavery*, p. 346, p. 473; Lea, *Church History*, p. 537.

¹⁰ Basil, ep. 37: Basil had given his slaves to his foster brother. It appears that this gift had become a white elephant due to the taxes which the slaves incurred. Basil offered to take the slaves back so as his foster brother would not have to pay taxes on them. If Basil had taken back possession of the slaves he would not have been required to pay any tax on them due to his status as a clergyman; Palladius, *The Lausiaca History*, trans. Robert T. Meyer, New York/Mahwah, 1964, "Melania the Elder", 46.3: Bishops were not allowed to be attended by their slaves while they were in prison; Harper, *Slavery*, p. 107: "Slaves were the equivalent of domestic appliances"; p. 506.

and decadence.¹¹ His philosophy was that Christians should only own a small number of slaves and that was only to help with everyday necessities.¹² The works of Palladius and Gregory of Nyssa show instances of ascetic monks living “alone”, though attended by a personal slave.¹³ There are also examples of monastic rules which relate to the ownership of slaves in monastic communities. It was the examples set by ascetics, and the instructions of the early Church Fathers regarding the ownership of slaves, which triggered a common theme to emerge in the hagiographic tradition that included mass manumissions of slaves due to the pious intentions of wealthy Christian converts.¹⁴ The famous case of Melania the Younger specifies a huge number of slaves being freed when she converted to Christianity.¹⁵ While the number of eight thousand slaves that it was claimed she manumitted may be inflated, if even ten percent of this number were freed it is possible to see in just one instance how Christianity was impacting on the lives of some slaves.¹⁶ It is feasible to presume that events like these would not have gone unnoticed by slaves in non-Christian households. The only other type of mass manumissions which occurred on this scale, and which would have been observed in this period by slaves, was at the coronation of new Emperors, and this

¹¹ Chrys., *hom. in I Cor.* 15.6; Basil, *ep.* 309: Extreme poverty was defined by Basil as having not one slave to “rule over”; Harper, *Slavery*, p. 29, p. 33, p. 46, p. 51; Glancy, “Slavery and the Rise of Christianity”, p. 464.

¹² Chrys., *hom. in Philip.*, 9.4; Harper, *Slavery*, pp. 106-7, p. 332, p. 474.

¹³ Gregory of Nyssa, *Life of Saint Macrina*, Early Church Classics, vol. 1, trans. Rev W. K. Lowther Clarke, London, 1916, 968A; Pall., *h. Laus.*, “Sisinnius”, 49.

¹⁴ Harper, *Slavery*, p. 241; Rotman, *Byzantine Slavery*, p. 134.

¹⁵ Pall., *h. Laus.*, “Melania the Younger”, 61.5-7; Rotman, *Byzantine Slavery*, p. 134.

¹⁶ Jerome, *Letters of St Jerome*, vol. 1, trans. Charles Christopher Mierow, London, 1963, *ep.* 3: “Hylas, the servant of the holy Melina, was with us. By the purity of his character he had wiped out the stain of his servile condition”; Harper, *Slavery*, p. 44, pp. 192-94; Rotman, *Byzantine Slavery*, p. 135.

method of attaining freedom (and influential patronage) was typically out of the reach of the majority of the slave population.¹⁷

The attraction that Christian communities held to slaves looking in from the outside may have been irresistible if it appeared that the message that was being transmitted by Christians was one of tolerance, inclusion, and the potential of having an influential patron.¹⁸ Macrina's brother, Gregory of Nyssa, claimed that the slaves living with his sister were treated as if they belonged to the same rank as her, and many of Macrina's freedwomen went on to "commune" with her in the female monastic community in Campania that she established.¹⁹ These were powerful cultural and religious influences which may well have had an effect on slave individuals, and affected how they saw themselves in relation to the changes that were happening around them.²⁰ This seems to have resulted in slaves actively seeking conversion to Christianity based on their own personal faith and belief in its teachings.²¹ A cynical mind might turn to a harder line of thought which can conceive the possibility that law and religion were being manipulated by slaves to improve their own circumstances. Libanius, for

¹⁷ *CTh.* 10.7; Libanius, *Selected Works: The Julianic Orations*, vol. 1, trans. A. F. Norman, London, 1969, Oration 12.101-2; Harper, *Slavery*, p. 354; Glancy, *Slavery*, p. 114.

¹⁸ Gregory of Nyssa, *Gregory of Nyssa: The Letters*, trans. Anna M. Silvas, Leiden/Boston, 2007, *ep.* 7: For the role of bishops as patrons/advocates of the disadvantaged; Rotman, *Byzantine Slavery*, p. 133; Lea, *Church History*, p. 565.

¹⁹ Gr. Nyss., *Life of Saint Macrina*, 966D; Gr. Nyss., *ep.* 19.6-7; Rotman, *Byzantine Slavery*, p. 147: Rotman is not clear if slaves freed in the hagiographic tradition were introduced to the monastery as slaves or freed persons. It is quite clear in Macrina's *vita* that the slaves she freed went on to live in her commune.

²⁰ Pall., *h. Laus.*, "Alexandra", 5.1-2: A female slave becomes an ascetic monk. It seems the woman was a runaway slave who exceeded the statute of limitations on being reclaimed by her master. Palladius and Melania (through whom Palladius claims he heard the story) both lauded the actions of the woman.

²¹ P. Lond. 1925: Shows Christian slaves living in monastic communities; Chrys., *hom. in XII bap.* 26: Slaves as virtuous Christians; Pall., *h. Laus.*, "Moses the Ethiopian", 19.1-11: Errant slave goes to a monastery and is converted.

instance, accused people of taking on Christianity for the benefits that it held and not due to any religious belief.²²

The Advantages of Opportunism

Humans are, by nature, opportunistic creatures and Roman society bred opportunism on many levels.²³ It does not seem at all hard to conceive that some Roman slaves in the fourth century were opportunistically engaging in the legal system to their own advantage. Slaves, by definition, had few rights, little autonomy, and negligible personal agency.²⁴ They were generally coerced by violence to extract their service, and freedom was only a promise that may or may not have been fulfilled. With this in mind it is completely believable that some slaves cunningly took advantage of the law and the political climate where and when they could to improve their lives. The Roman State provided ample opportunities for them to do so when the emperors became entrenched in the religious schism in the Christian Church over the theological debate relating to the nature of Christ. Imperial legislations which favoured “orthodox” Christianity, and outlawed and restricted the observance of heretical

²² Evagrius Ponticus, *Evagrius of Pontus: The Greek Ascetic Corpus*, trans. Robert E. Sinkewicz, Oxford, 2003/06, *Exhortations 1 to Monks*, 13: some slaves who lived in monastic communities did not baptise and were chastised by Evagrius; Libanius, *Selected Works: Selected Orations*, vol.2, trans. A. F. Norman, London, 1972, *or.* 30.28, *or.* 48.31: Libanius sees social climbers as a threat to social order, this includes “the butler who throws away his cup, settles himself at table and drinks with his master”; Rotman, *Byzantine Slavery*, p. 152.

²³ Keith Bradley, *Slavery and Society at Rome*, Cambridge, 1994/97, p. 109: “The likelihood that Roman slaves attempted from time to time to reduce the rigours of servitude or to extricate themselves permanently from their condition may be readily admitted in simple terms of human nature”, p. 147: “Ingenuity was still the only guarantee of survival, and opportunities for self-advantage had to be grasped as soon as they appeared.”; T.V. Smith, “Opportunism”, *International Journal of Ethics*, vol. 45, No. 2, 1936, pp. 235-239; Oliver E. Williamson, “Opportunism and Its Critics”, *Managerial and Decision Economics*, vol. 14, No. 2, 1993, pp. 97-107.

²⁴ Harrill, *Manumission*, pp. 16-17.

versions, provided legal avenues for slaves to seek intervention in episcopal courts.²⁵

Significantly, many of the laws relating to the heretical acts of slave owners bestowed freedom on the slave.²⁶ Laws were also introduced which placed heavy restrictions on the ownership and circumcision of Christian slaves by Jewish slave owners, which also resulted in Christian slaves gaining their freedom if they could prove a case against their Jewish masters.²⁷ Legal provisions were made which allowed slaves on abandoned estates to seek intervention and to make an appeal to the legal authorities, and which also may have resulted in freedom or more likely relocation.²⁸ For slaves looking to escape their bonds, or better their conditions, the bosom of the Church may have seemed an irresistible lure, and who better to approach than a clergyman with the religious conviction to help those in need, and the legal powers to execute life changing decisions?²⁹

In a hypothetical scenario it is quite possible to see how slaves could have manipulated fourth century Roman law to their own advantage. Slaves living among a mixed community of pagans, Jews, and Christians would be exposed to a variety of cultural, religious, and social stimuli whereby they could become aware of new regulations and laws which may in some way have affected them. Further, slaves who were in reception of the law and influenced by social change could possibly have had enough information to be able to take action for themselves (justified or not). This may have begun with seeking baptism from the

²⁵ Rotman, *Byzantine Slavery*, p. 43, p. 138; Lea, *Church History*, p. 543.

²⁶ *CTh.* 16.5.39.5.

²⁷ *CTh.* 19.9.1-5; *Sirm.* 4; Lea, *Church History*, p. 548.

²⁸ *CTh.* 10.10.20, *CTh.* 10.12, *CTh.* 11.1.12; *CTh.* 3.5.1; *Sirm.* 16: may also have been a law that could foreseeably have been manipulated in a slave's favour; *Sirm.* 33; *Lib., Jul. or.*, 16.21.

²⁹ Harper, *Slavery*, p. 212: Changes to Christian ideologies relating to slavery may have been stimulated when "bishops assumed civil authority and were increasingly confronted with the sordid realities of the slave system"; Rotman, *Byzantine Slavery*, p. 146, p. 151; Lea, *Church History*, p. 537, p. 548.

local Christian priest, and may have been a calculated act as much as a pious one.³⁰ Baptism brought with it inclusion in the local Church congregation and included some rights to religious observance (irrespective of their master's consent).³¹ It also came with the possibility to entreat the Church and its representatives to act on their behalf as a member of the Christian community should the need arise. When that need did present itself (possibly as part of an ultimate plan) the slave could approach the Church and request sanctuary.³² Once this had occurred, and the slave had the ear of a cleric, he/she could then make a claim. This may have been to accuse their master of heresy, or that they were made to rebaptise or take part in heretical acts at the behest of their owners, or perhaps they had been purchased or forced by a Jew to be circumcised.³³ There is ample room to infer that a slave who was desperate enough could have committed self-circumcision as an act of self-mutilation to gain freedom.³⁴ Irrespective of whether slaves went to these extremes, if the slave had enough conviction and was able to convince a cleric to be their sponsor then a case for freedom could be lodged with the local bishop. If the slave asked for intervention in a matter that may not have meant immediate freedom, there was still reason to seek out the Church to intervene. Should a case like this present itself, and the finding was in favour of the

³⁰ Lib., *or.* 48.31.

³¹ *CTh.* 16.5.65.4, *CTh.* 16.9.3; Rotman, *Byzantine Slavery*, p. 146, p. 133; Lea, *Church History*, p. 543; Stephen Hodgkinson and Dick Geary, "Slaves and Religions: Historiographies, Ancient and Modern", in, *Slaves and Religions in Greco-Roman Antiquity and Modern Basil*, Stephen Hodgkinson and Dick Geary (eds.), Newcastle upon Tyne, 2012, p. 11.

³² Harper, *Slavery*, p. 260.

³³ *CTh.* 16.5.39.5, *CTh.* 16.5.65.4, *CTh.* 16.4.5, *CTh.* 16.6.4.2: slaves forced to rebaptise were specifically allowed to "take refuge in a church" and were entitled to freedom; *Sirm.* 4; Rotman, *Byzantine Slavery*, p.

³⁴ Pall., *h. Laus.*, "Moses the Ethiopian", 19.1-11: A slave, who had sought refuge at a monastery and was converted. After his conversion Moses self-castrates (this is cast as by being done by a demon), and takes ill for a year. He later dies as a priest in Scete; Harper, *Slavery*, p. 90: points out that Moses was the slave of a Roman official. I contend that this would have given him the opportunity to have been in reception of specific points of law that he could have then used to his own advantage.

prosecuting party (i.e. the slave and their advocate), then the ownership and continued service of the slave was transferred to the sponsor or a third or fourth party.³⁵ The new owner could then free the slave at his/her leisure. This hypothetical scenario is all dealt with on Church lands, under the protection of Church sanctuary, and in a closed episcopal court with no need for witnesses or the consent of the defending party to decide the case in this legal setting. With the opportunity to plead their cases in a sealed environment it seems that the odds were stacked in the favour of slaves in this scenario to receive a positive result to their advantage.³⁶

As was just suggested, an application for a hearing by a bishop may not always have resulted in freedom for a slave.³⁷ It may be that the attraction to seeking episcopal intervention was derived from the idea that slaves of the Church generally received better treatment and living conditions.³⁸ There do seem to have been benefits a slave may have encountered by becoming a slave to a clergyman, to God, or by becoming a Christian freedman with ties to the Church, or indeed just seeking the intervention of a bishop.³⁹ Basil of Caesarea, advocating on the behalf of slaves who had been involved in a dispute in which they had been used as thugs by their master, alludes to Church punishments being lighter

³⁵ *CTh.* 4.9.1: also see discussion on Quiritary law in previous chapter.

³⁶ John Chrysostom, *St Chrysostom: On the Priesthood, Ascetic Treatises, Select Homilies and Letters, Homilies of the Statues, Nicene and Post-Nicene Fathers of the Christian Church*, vol. 9, Philip Schaff (ed.), Grand Rapids, 1969/75, *hom. in. Eutr.* 2.1: “Abide within the Church, and the Church does not hand thee over to the enemy”.

³⁷ Chrys., *hom. in I Cor.* 19.5-6: Chrysostom suggests that just because a slave is a Christian it does not entitle them to freedom and that they should continue to serve their masters.

³⁸ Rotman, *Byzantine Slavery*, p. 146; Leslie Dossey, “Judicial Violence and Ecclesiastical Courts”, in, *Law, Society, and Authority in Late Antiquity*, Ralph W. Mathisen (ed.), Oxford, 2001, p. 108.

³⁹ Harper, *Slavery*, p. 226: Harper citing Chrysostom and Ambrose states that slaves could at times choose their master and were asked to consent to their own sale. This may imply that they were able to give their preference to Christian buyers; Rotman, *Byzantine Slavery*, p. 133.

than those given out by the imperial authorities.⁴⁰ Basil even goes so far as to request that the slaves be “dismissed unharmed”.⁴¹ This mild attitude to the discipline of slaves is in direct opposition to the advice which Basil gave to one of his younger priests on how to deal with legal cases which related to a master’s right to beat a slave to death.⁴² Imperial jurisprudence in episcopal courts aside, in general Christian leaders counselled their congregations to observe less violent methods when dealing with their slaves.⁴³ This was not just being preached to the general population, it was also a principle being taught to members of monastic communities.⁴⁴ Slaves who lived in these communities could look forward to stable living conditions and regular meals, though it may have been that many were forced to eat the same foods as the monks themselves which at times was a rather frugal diet.⁴⁵ Irrespective of the frugality of the ascetic diet, when free poor were dying from starvation the attraction of living with the security of regular meals, a roof over your head, and better

⁴⁰ Basil, *ep.* 72.

⁴¹ Basil, *ep.* 73; Rotman, *Byzantine Slavery*, p. 133.

⁴² Basil, *ep.* 188.8: The advice given replicates the stipulations for slave punishment set out in *CTh.* 9.12.1-2.

⁴³ Harper, *Slavery*, p. 507; Lea, *Church History*, p. 539.

⁴⁴ Evagrius, “To the Virgin”, 12: Addressing female ascetics, is calling for moderation when punishing slaves; Evagrius, “Aphorisms”, 24, “A cruel master: the pleasure loving thought”.

⁴⁵ Basil, *ep.* 55: It is clear from this letter that monastic leaders clearly preferred male clerics be attended by male slaves. Though this does seem to be a little “do as I say, not as I do” as Basil and Gregory of Nazianzus both had female slaves in their employ (c.f. Gregory of Nazianzus’ will and Basil’s *ep.* 3); Evagrius, “Causes for Monastic Observances”, 5 and 8: Male monks should only have male slaves. Ownership of slaves may lead to monks eating “sumptuous foods” as slaves prepared these foods for their own benefit. Evagrius is generally saying that he doesn’t approve monks having slaves, but in doing so he does show that this *was* evident in monasteries; Evagrius, “Aphorisms”, 8: “The one who rightfully cares for himself is cared for by God”. This again alludes to Evagrius generally advising monks not to own slaves but to look after their own needs. Presumably, the slaves that would have once been owned by these monks would either have gone into the service of the monastery or been freed; Evagrius, *Maxims*, 2.22: “Better to possess unrefined gold than a friend”; Harper, *Slavery*, p. 53.

treatment, may have seemed more desirable than starving to death on an abandoned agricultural estate, or being beaten to death at the whim of a sadistic master.⁴⁶ Service to the Christian Church did hold advantages to slaves that went beyond stable servile conditions. The event of a slave being freed by a cleric, or by the Church itself, gave the freed person the benefits of a highly influential patronage relationship that could well be extremely advantageous to all parties involved.⁴⁷

The Benefits of Patronage

In the later Roman world when a citizen advocated for, or owned, a slave and then manumitted that person they were entering into the time-honoured tradition of patronage.⁴⁸ Roman patronage entitled the manumitter to set conditions on the level of freedom that ex-slaves could look forward to after they were freed. Manumission was conditional and did not always entitle the freed person to immediate and full emancipation; the relationship between

⁴⁶ Chrys., *hom. in Phil.* 1: Gives examples of how little agency slaves had and how poorly they were treated, and gives these as the reasons that slaves may try to emancipate themselves from their masters; Libanius, *Autobiography and Selected Letters*, vol. 2, trans. A. F. Norman, London, 1992, *ep.* 118.2-3: I use this as an example of how slaves were horribly mistreated for things they had not even committed and events that were entirely out of their control; Lib., *Jul. or.*, 14.45, *Jul. or.*, 16.21; Harper, *Slavery*, p. 79; Lea, *Church History*, p. 565.

⁴⁷ Libanius, *Autobiography and Selected Letters*, vol. 1, trans. A. F. Norman, London, 1992, 145, 195-96: These two passages from Libanius' autobiography show that sons born of free fathers and slave mothers had not rights to inherit. Whereas a slave manumitted by a clergyman and ordained as a cleric (i.e. deacon) had full rights to inheritance of their master's estate when their manumitter died (c.f. Gregory of Nazianzus and his freedman, Gregory the Deacon); Harper, *Slavery*, p. 386; Rotman, *Byzantine Slavery*, p. 133.

⁴⁸ *CTh.* 4.10.1-3, *CTh.* 5.3.1; Harrill, *Manumission*, p. 162; Peter Garnsey, "Roman Patronage", in, *From the Tetrarchs to the Theodosians: Later Roman History and Culture, 284-450 CE*, Scott McGill, Christiana Sogno, and Edward Watts (eds.), Cambridge, 2010, p. 47.

the ex-slave and master continued to varying degrees.⁴⁹ The legislation enabling manumission in Christian Churches brought patronage into a Christian setting, continuing many traditions already inherent in some types of sacral manumissions and would prove to be powerful political tools over the course of the fourth century.⁵⁰ In the previous chapter the argument was made that ecclesiastic manumission was not original, nor innovative; it mirrored many of the elements inherent in Greek sacral manumissions demonstrated at Leukopetra, Delphi, and other temple sites.⁵¹ Further to this concept, any manumissions that were conducted by the Church and its clergy should be considered as the ecclesiastic form unless they were testamentary manumissions, and even in this setting some elements are covered by the laws relating to the ecclesiastic method of freeing slaves.⁵² The similarities seen between Greek *paramone* relationships (the ongoing obligations of slaves to a religious place or a god after manumission has taken place to said) and Roman patronage relations take on a comparable aspect when manumissions occur in an ecclesiastic setting, either at the behest of the master or on behalf of the slave as a non-owner or third party.⁵³ There seems

⁴⁹ *CTh.* 4.10, *CTh.* 9.6.4; Harper, *Slavery*, p. 242, p. 374, p. 467, p. 486, p. 492; Harrill, *Manumission*, p. 55; Glancy, *Slavery*, p. 94.

⁵⁰ *CTh.* 4.7.1; Harper, *Slavery*, p. 386: "... the focus should be placed upon the institutional dimensions of legal status in the Roman empire"; p. 483; Harrill, *Manumission*, p. 181: "The manumission of slaves operated for these Christians as a conscious tool of mission to gain converts. It was still practised in the time of Augustine."; Raymond Van Dam, *Kingdom of Snow: Roman Rule and Greek Culture in Cappadocia*, Philadelphia, 2002, p. 18

⁵¹ Harper, *Slavery*, pp. 369-78; Marija Riel, "Donations of Slaves and Freeborn Children to Deities in Roman Macedonia and Phryia: A Reconsideration", *Tyche: Beitrage zur Alten Geschichte Papyrologie und Epigraphik*, Band 16, zum 27, 4, 2001, pp. 127-160.

⁵² Gregory of Nazianzus, *Gregory of Nazianzus*, trans. Brian E. Daley, London/New York, 2006, "Gregory's Will": Gregory had manumitted some of his slaves prior to his death, and considering that these manumissions were conducted by a cleric and resulted in the freedmen becoming members of the clergy it can be presumed they were ecclesiastic manumissions; Harper, *Slavery*, pp. 478-79, p. 483.

⁵³ There is also evidence indicating that Jewish sacral manumissions, which occurred in prayer houses, paralleled Hellenistic forms of *paramone*, and were relative to the ongoing service of

little doubt that the continuance of service expected by Christian clerics of manumitted persons, either in the service of the parish or personally, was traditionally an inherent quality of ecclesiastic forms of manumission. It is also quite feasible to imply that slaves had an expectation of continued benefaction when the manumission occurred with the auspices of Church and State and was conducted *by* the Church and its authorities.

By allowing the Church to assume the rights and responsibilities of traditional forms of religious manumission, recognising Churches as places of sanctuary protected and endorsed with imperial and spiritual powers, and giving its representatives legal authority combined with the potential of that authority becoming a highly influential patron, the Church may have seemed like a beacon in the dark to slaves who were unhappy with their lot.⁵⁴ Basil of Caesarea was quite open in styling himself as a defender of the oppressed, and his appointment as metropolitan bishop placed him in a very influential position with regards to how a bishop should behave.⁵⁵ It then seems quite reasonable to infer that representatives of the Church had in many ways come to be viewed by slaves as their protectors, stimulating an influx of unfree persons seeking their aid. This could have provided a retinue that was ready and willing to do its bidding in exchange for a reversal of fortune, whereby patronage relationships were born from agreements based on reciprocity.⁵⁶ This was made possible by

manumitted slaves in places of worship; Harrill, *Manumission*, p. 56, pp.162-63, pp. 172-74, p. 177; R. Zelnick-Abramovitz, *Not Wholly Free: The Concept of Manumission and the Status of Manumitted Slaves in the Ancient Greek World*, Leiden/Boston, 2005, p. 219.

⁵⁴ Ecclesiastic manumission = *CTh.* 4.7.1; Sanctuary = “*The Institutes of Gaius*”, in, *The Civil Law, Including The Twelve Tables, The Institutes of Gaius, The Rules of Ulpian, The Opinions of Paulus, The Enactments, of Justinian, and the Constitutions of Leo*, trans. S. P. Scott, vol. 1, Cincinnati, 1932, 1.1.1.53; *CTh.* 9.45.1-5; Judicial rights of bishops = *CTh.* 1.27.1: *Sirm.* 1; Harper, *Slavery*, p.492; Harrill, *Manumission*, p. 165, p. 194; Rotman, *Byzantine Slavery*, p. 146, p. 150.

⁵⁵ Basil, *ep.* 143; Van Dam, *Kingdom of Snow*, p. 51.

⁵⁶ Harrill, *Manumission*, p. 167; Garnsey, “Roman Patronage”, p. 34, p. 54; Zelnick-Abramovitz, *Not Wholly Free*, p. 214.

the transformation, or morphing, of existing cultural traditions which enabled the traditional formulas associated with the institution of slavery to continue in a Christian environment which seemed to have ideologically struggled with its existence, and looked for ways to map it on to its own belief systems.⁵⁷ By allowing a slave to serve God, and by proxy the Church, the paradox had been solved in that *all* were slaves to God, free and unfree alike. For Christians slavery was punishment for sin, hence to free a slave person from sin was to do the work of God, and those still under the yoke served as they must.⁵⁸ The sacral elements of *paramone* and the traditional relationships of patronage provided acceptable frameworks for the Church to function within when it had to deal ideologically with the issues that arose relating to the institution of slavery as it butted up against Christian teaching and belief.⁵⁹ In this environment it is possible that the Church and its clergy were presented with large numbers of slave persons seeking asylum and requesting intervention in the hope that they could become “slaves to God”. Some of the slaves who achieved this status may have been freed over time, which may have resulted in increasing number of persons in the population (now Christianised Roman citizens) who owed their freedom, fealty, and loyalty directly to the Church and its clergy.⁶⁰ The catalyst was *simply* for a slave to seek sanctuary at a Christian Church, or to seek out a Christian cleric to act on their behalf.⁶¹

⁵⁷ Basil, Letter 262; Harper, *Slavery*, p.210, p. 347, pp. 464-65; Glancy, *Slavery*, p. 72.

⁵⁸ Basil, *ep.* 22; Cyril of Alexandria, *St Cyril of Alexandria: Letters 1-50*, trans. John I. McEnerney, Washington, 1987, *ep.* 50.8-9; Gregory of Nazianzus, *Three Poems: Concerning His Own Affairs, Concerning Himself, and Concerning the Bishops*, Fathers of the Church, tans. Denis Molaise Meehan, Washinton, 1987, “Concerning His Own Affairs”, 75-85; Chrys., *hom. in Eph.* 22; Chrys., *hom. in I Cor.* 19.5-6; Harper, *Slavery*, p. 211, p. 213; Harrill, *Manumission*, p. 78; Lea, *Church History*, p. 538.

⁵⁹ Harper, *Slavery*, p. 467.

⁶⁰ Harper, *Slavery*, p. 483: “The capacity to create Roman citizens was a powerful statement of the Christian Churches institutional legitimacy, its place in the public sphere.”

⁶¹ Gregory of Nazianzus, *Nicene and Post Nicene Fathers of the Church: St Cyril of Alexandria and St Gregory of Nazianzen*, vol. 7, trans. Philip Schaff and Henry Wace, Grand Rapids, 1978, “In

The act of slaves seeking sanctuary and manumission at a Church and continuing their service with a religious “purpose” can be seen to be an extension of practices and cultural influences evident in the East for some time.⁶² These social influences also played a critical role in how readily the ecclesiastic laws were accepted in the regions around Antioch and Alexandria given the diverse nature of the population.⁶³ The door to sacral manumission for slaves had deep-seated connections to religious sites, and seeking sanctuary was traditionally one of the pathways to accessing it.⁶⁴ Traditionally sanctuary was sought at temple sites and the statues of emperors and it is quite conceivable that this included early Christian churches, and was a well-entrenched practice prior to Church sanctuary being officially sanctioned by the Emperor Theodosius in AD392.⁶⁵ Seeking asylum was not without its own problems. It may be argued that sanctuary was not always granted due to the many complications of each individual case. This may be the reason that some monasteries implemented methods for vetting the social status of asylum seekers. Questions were asked of applicants at the gatehouse, (which was located outside the walls of the monastery), to determine a person’s social status and reason for requesting aid prior to allowing access to the monastery itself.⁶⁶

Defence of His Flight to Pontus”, 8: Gregory laments that people have been seeking sanctuary as a means to gain ordination “into the most sacred offices”. He alludes to those people being of a low social status, possibly implying slaves; Chrys., *hom. in Phil. 2*: Chrysostom explains the benefits of sponsoring slaves and patronage using Paul and Onesimus as his teaching tools; Rotman, *Byzantine Slavery*, p. 145; Van Dam, *Kingdom of Snow*, p. 18.

⁶² Harper, *Slavery*, p. 243; Zelnick-Abramovitz, *Not Wholly Free*, p. 73.

⁶³ Harper, *Slavery*, p. 35; Harrill, *Manumission*, p. 148.

⁶⁴ Lib., *or.* 50.21; *or.* 33.17; As was shown in the previous chapter sanctuary was a protected right for everybody, slave and free alike.

⁶⁵ Gaius, *Inst.* 1.1.1.53; *CTh.* 9.45.1.

⁶⁶ *Pachomian Chronicles and Rules: Pachomian Koinonia*, trans. Armand Veilleux, Kalamazoo, 1981, Rule 49: “When someone comes to the door of the monastery, wishing to renounce the world and be added to the number of the brothers, he shall not be free to enter ... He shall remain outside of the door a few days and be taught the Lord’s prayer and as many psalms as he can learn. *Carefully shall he make himself known: has he done something wrong and, troubled by fear, suddenly run*

This was quite probably to limit the numbers of asylum seekers inside the monastery proper.⁶⁷ Other communes may not have been able to regulate the influx of asylum seekers as well as walled monasteries could.⁶⁸

Smaller churches had doors which could have been closed to deny access to some degree, though it seems that it would have been much easier to gain access to a local church building than a walled monastic community.⁶⁹ A foreseeable problem of overcrowding arises once large numbers of persons had managed to gain the safety of Church sanctuary; asylum seekers could not physically leave the confines of the altar without running the risk of seizure.⁷⁰ Accounts in the literary evidence, discussed in chapter three, indicated that the act of seeking sanctuary was a very physical one.⁷¹ This being the case it would have meant that

away? Or is he under someone's authority?" [My emphasis]; Bentley Layton, "Rules, Patterns, and the Exercise of Power in Shenoute's Monastery: The Problem of World Replacement and Identity Maintenance", *Journal of Early Christian Studies*, Vol. 15(1), 2007, p. 49, cited by Layton: *Canons*, Book 9, YX54: "I say to those who buy and sell with one another *and everyone who lingers at the gates of our congregations to not delay in satisfying each person in the matters for which he has come, and to quickly find out why they have knocked*" [My emphasis]; Pall., *h. Laus.* : "(3) In this mountain in Nitria there is a great church ... (4) Next to the church is a guest-house, where they receive the stranger who has arrived, until he goes away of his own accord, without limit of time, even if he remains two or three years. Having allowed him to spend one week in idleness, the rest of his stay they occupy with work either in the garden, or bakery, or kitchen."

⁶⁷ Lea, *Church History*, p. 572, p. 573.

⁶⁸ c.f. White Monastery floor plan, http://www.yale.edu/egyptology/ae_white_site.htm.

⁶⁹ Chry., *hom. in. Eutr.* 2.1; Wendy Mayer and Pauline Allen, *Churches of Syrian Antioch (300-638AD)*, Leuven/Paris/Walpole, 2012, p. 293 fig 9 (Floor plan of Church at Qausiyeh); p. 322 fig. 59 (floor plan of Church at Machouka), fig. 60 (general view), p. 335 fig. 80 (floor plan of Church in Seleucia Pieria), p.377 fig. 82 (General view of church building in Seleucia Pieria), p. 372 fig. 142 (Reconstruction of liturgical organisation of Church of St Barnabas by Mayer).

⁷⁰ *Sirm.* 13: "For when very many people flee from the violence of a cruel fortune and choose the protection of the defence of the churches, when they are confined therein, they suffer no less imprisonment than that which they had avoided."; Rotman, *Byzantine Slavery*, p. 149, p. 150.

⁷¹ Evagrius, *Eight Thoughts*, "Avarice", 3.7; Gregory of Nazianzus, *Gregory of Nazianzus*, trans. Brian E. Daley, London/New York, 2006, *or.* 26.16.

disenfranchised persons were occupying the sacred areas of churches, with all the bodily needs and requirements of humans, for up to ten days while their cases were dealt with.⁷² It would have been an extremely unpleasant situation, and may well have resembled a refugee camp with little sanitation. Under these conditions the issue must have arisen as to what the Church could do to rectify this situation. It can be presumed that applications to the emperors were made by the ecclesiastic authorities to solve the problem, as imperial rescripts were added to the sanctuary legislations which allowed all Church lands and holdings to function as places of asylum.⁷³ The predicament then remained as to what to *do* with the people who were seeking sanctuary while their cases were decided, and also what to do with them after the fact if they became slaves or freed persons for whom the Church had assumed responsibility.

Clerics owned land, and the Church owned extensive tracts of land and buildings, all of which required a labour force to varying degrees and sizes to keep them functioning.⁷⁴ As more clerics died and left their estates to the Church there was an ever increasing amount of land which required tending.⁷⁵ The labour force to deal with this had to come from

⁷² *CTh.* 9.44: For the time period allotted to asylum seekers I have turned to the sanctuary of Emperors as a guide; *CTh.* 9.45.5: The period of time given to slaves to stay under the protection of sanctuary was reduced to one day in AD432.

⁷³ *CTh.* 9.45.5; David Hunt, "Christianising the Roman Empire", in, *The Theodosian Code*, Jill Harries and Ian Wood (eds.), Ithaca/New York, 1993, pp. 13-15

⁷⁴ *CTh.* 16.2; Pall., *h. Laus.* 7; Harper, *Slavery*, p. 152: "The incidence of slavery in the late empire should be considered in light of these four determinants: supply, demand, formal institutions, and the dynamics of estate management."; Rotman, *Byzantine Slavery*, p. 146; Van Dam, *Kingdom of Snow*, p. 20.

⁷⁵ *CTh.* 5.3.1; Harper, *Slavery*, p. 479: Harper points out that the laws relating to ecclesiastic manumission & also the legislation that was issued relating to the Church being able to acquire property through testament were enacted within 8 weeks of each other in AD321. Though Harper does not seem to be taking into account that the ecclesiastic manumission laws may have been issued at an earlier point. (c.f. chapter two).

somewhere.⁷⁶ Again, a cynical mind can conceive that the Church was in a favourable situation. With the influx of slaves seeking sanctuary and intervention came the opportunity of establishing a relationship of reciprocity with them, whereby the Church granted slaves asylum and the slaves returned the favour with the only thing they had to give, their time, skills and loyalty.⁷⁷ The act of protecting slaves who were seeking advocacy and shelter involved hazards, something with which it would seem that Basil of Caesarea was well familiar. Letter 3, *To Candidianus*, indicates that the influential Church leader harboured a runaway slave at least once, and may also show that runaway slaves could remain undetected in their local monastic communities for possibly quite some time.⁷⁸ The clergyman is writing the letter to his friend Candidianus, the governor of Cappadocia in AD358, asking him to incarcerate a “certain county fellow” who was “living among” the population in Annesi. Basil alleges that the man had “suddenly attacked our house” after a slave in Basil’s household had died. A certain amount of supposition must be made when attempting to unravel the circumstances behind the situation in which Basil found himself entrenched. It would appear that Basil had come into the possession of a slave who belonged to another person. It might be speculated that this slave had sought out Basil for protection in order to place himself in Basil’s service without Basil having had to pay for the slave. There are strong indications that the slave came to be in Basil’s household in an unusual manner. Basil

⁷⁶ *CTh.* 16.2.28: Allows clerics to appropriate slaves from deceased estates either as an individual or “under the name of the Church”.

⁷⁷ Harrill, *Manumission*, pp. 169-70; Rotman, *Byzantine Slavery*, p. 148; Zelnick-Abramovitz, *Not Wholly Free*, p. 214.

⁷⁸ Basil, *ep.* 3; Libanius, *Selected Letters of Libanius from the Age of Constantine and Julian*, trans. Scott Bradbury, Liverpool, 2004, *ep.* 13.7: Libanius states that it was a “point in fact” that “managers on estates” were fleeing to the mountains around Antioch to take refuge in the monastic communities, like Basil’s in Pontus. I take “managers of estates” to include slaves, as the head (or most trusted) slave in households who often had the responsibility of running their masters’ estates; Lib., *or.* 30.48: Slaves running away from agricultural estates to go to the mountains around Antioch to become monks.

states that had the “fellow” asked for payment for the slave he “would willingly have given it”. On face value it seems that the slave was a runaway and did not have his original master’s consent to serve anybody else, but was quite happily living and working in Basil’s monastic community.⁷⁹

Further critical examination of this letter and the language used by Basil leads me to believe that several important factors were in play. Firstly, Basil says that the “fellow” was “living among us here”, and may indicate that the man was within the boundaries of Basil’s monastic community in Annesi. This could then explain the usage of “our house” to mean Basil’s residence within the monastery. If this was the case then the slave may have initially sought sanctuary at Basil’s church/monastery, and the “country fellow” may have been a free labourer or tenant farmer in the area.⁸⁰ Secondly, Basil claims that the man had not presented a case of ownership to him prior to the slave dying, and that the man sought his revenge and financial compensation for the loss of his slave.⁸¹ It appears that the man with “other desperate men like him” broke open the doors (possibly to the church), which was being guarded by female slaves, and took items presumably to cover the cost of the loss of the slave. If this incident did occur in a church building and not Basil’s private estate (which was conveniently home to the monastery) then this would have been a violation of sanctuary.⁸² It would explain why Basil was asking that the man be punished with imprisonment by the

⁷⁹ Glancy, *Slavery*, p. 90.

⁸⁰ This can be assumed due to the man hearing about the death of his slave, and implies he was in the local area.

⁸¹ Harper, *Slavery*, p. 257: “The master had at his disposal both private and public means to prevent and recover fugitive slaves.”

⁸² *CTh.* 9.44; *CTh.* 9.45; Neil McLynn, “Moments of Truth: Gregory of Nazianzus and Theodosian I” in, *From the Tetrarchs to the Theodosians: Later Roman History and Culture, 284-450 CE*, Scott McGill, Christiana Sogno, and Edward Watts (eds.), Cambridge, 2010, p. 229: McLynn notes that Theodosius had stated that “no urban property was to be flouted by dissidents as ‘ecclesiastical’ (as Gregory had recently flouted his house-church of the “Anastasia”)”.

imperial authorities in the region so that he could assure that the safety and sanctuary of his church was respected in the future. Basil is also quite possibly attempting to cover himself legally, as harbouring a slave was a matter of property theft.⁸³ This letter seems to insinuate that Basil had no problem with taking on random servile labour, and did not really ask too many questions about where that labour came from, and quite possibly took the word of slaves regarding their situations without need for any further confirmation from an outside source. Perhaps it was a case of “ask no questions, tell no lies”.⁸⁴ Regardless, Basil gained the services of a slave on his properties, and the slave gained the protection of the influential clergyman and his church till he died. There were positives to be had for both parties in this scenario even though Basil did not seem to have any legal rights to this slave’s labour. While the slave died a runaway he ended his days in the service of a cleric, and he does seem to have benefited from the protection that Basil could offer while he lived. Other slaves may have fared better in their service to the Church and its clergy. It is this premise which will be further explored in chapter five.

⁸³ *CTh.* 4.22.1, *CTh.* 5.17.1-3; Glancy, *Slavery*, p. 90.

⁸⁴ Basil, *ep.* 143: Basil had styled himself as a defender of the oppressed, perhaps we can see a facet of this in action in circumstances surrounding *ep.* 3; Harper, *Slavery*, p. 259 citing Augustine, Psalm 138.10: alleges that slaves catchers who found runaway slaves whose masters had “little power” simply took the slaves for themselves. Basil was no slave catcher, but perhaps the same principle applies.

Chapter 5

The Church and Slaves

This chapter explores the possible benefits that slave ownership and patronage held for both the Church as an organisation, slaves, and freed persons. This has been achieved by consulting Church canons, imperial laws, and the literary database compiled for this project. The investigation has shown that during the course of the fourth century an underground phenomenon developed whereby, at times, slaves had been freed and ordained as monks, clerics, and, on the exceptional occasion, as bishops. This practice was adopted in specific regions at times of political and religious conflict, and subsequently was frequently banned by the Church and the State, indicating that the practice continued to recur intermittently. Due to the nature of the sources, the literary evidence for these occurrences are rare. The corpora of letters from the works of Basil of Caesarea and Gregory of Nazianzus have supplied an excellent example which will be discussed in detail to examine how this occurred, and the possible causes for the phenomena generally.

Slaves to God's *Collegia*

The Christian Church, as an organisation, had the right to own slaves.¹ Under Roman law the Church was able to function very much like a guild; however, unlike other *collegia* it was not subject to taxes nor were its clerics.² This enabled the Church as an organisation (or

¹ Evagrius Ponticus, *Evagrius Ponticus*, trans. A. M. Casiday, London/New York, 2006, "Causes for Monastic Observances", 5: Evagrius is counselling monks to give up their personal slaves to the "holy fathers of the communal life" (i.e. the archimandrites) to take responsibility for the welfare of their slaves. This advice is given to monks so that they may avoid transgressions which their slaves might enable (mostly relating to food), but does indicate the monasteries were operating as *collegia* in regards to the management of slaves.

² *The Theodosian Code and Novels and the Sirmondian Constitutions*, trans. Clyde Pharr, New York, 1952/69, 15.1.41, *CTh.* 16.2.2, *CTh.* 16.2.8-9, *CTh.* 16.2.15.1, *Sirm.* 9; "Council of Gangra", in, *"The*

a *universitas*/corporation) to own huge numbers of slaves in order to function, and gave them the opportunity to manumit them accordingly.³ Slaves who were owned and manumitted by a *collegium*, in this case the Church, were not *just* slaves they were also considered to be members of the guild which owned them. At the time a slave was freed by the Church, the organisation became the manumitted person's patron. This entitled the freed person to the *beneficium* of the Church, and importantly it gave the Church the ongoing support and obligation of a member of the "free" citizenry while they lived.⁴ Harrill has posited that early Christian Churches used their coffers to obtain slaves as third parties by which they were buying an agreement of ongoing *paramone* to their organisation and by doing so entered into a "particular financial arrangement [which] stressed reciprocity or giving back in return"

Seven Ecumenical Councils", *Select Library of the Nicene and Post-Nicene Fathers of the Christian Church Second Series*, vol. 14, trans. Philip Schaff and Henry Wace, New York, 1890-1900, *Canon* 25; P.Lond. 6 1915 & 1916: Indicate that members of the population appealed to monastic leaders to help in matters of debt slavery. Had aid been given it could be adduced that the funds to purchase the children's release from slavery may have come from the "common chest" of the monastery; Basil of Caesarea, *Saint Basil: Letters (1-185)*, vol. 1, *Fathers of the Church*, trans. Sister Agnes Way, New York, 1951, *ep.* 37.

³ Kyle Harper, *Slavery in the Late Roman World, AD275-425*, Cambridge, 2011, p. 116: "One of the silent testimonials to the work of slaves in the ancient world is the volume of recorded writing". Much of this was achieved in monastic scriptoria, and conceivably by Church owned slaves; J. Albert Harrill, *The Manumission of Slaves in Early Christianity*, Tübingen, 1995, p. 129, p. 152, : Harrill points out that in juridical Latin *collegium* were considered corporations or *universitates*, pp. 154-55, p. 194; Youval Rotman, *Byzantine Slavery and the Mediterranean World*, trans. Jane Marie Todd, Cambridge/Massachusetts/London, 2009, p. 146; Henry C. Lea, *Church History: The Rise of the Temporal Power, Benefit of Clergy, Excommunication, The Early Church and Slavery*, Philadelphia, 1883, p. 565.

⁴ Gregory of Nazianzus, *Gregory of Nazianzus*, trans. Brian E. Daley, London/New York, 2006, "Gregory's Will": Gregory left most of his property to his Freedman and deacon, Gregory. This estate would have moved to the ownership of the Church once Gregory the Deacon died. Gregory the Deacon was charged with administering the distribution of the property for the benefit of the Church; Harper, *Slavery*, pp. 480-81.

with the slave/freedperson.⁵ This argument also applies when considering Church sanctuary and manumission in the period considered for this thesis. It is here suggested that the practice of gaining agreements of reciprocity with slaves (who were to become Church freed persons) was an extension or continuance of practices which can be observed in the eastern Churches in the second century.⁶ Further to this, the Church was able to advocate on behalf of slaves, and was ultimately able to make legally binding decisions as magistrates, and was singularly well placed to be in a position to negotiate agreements for ongoing reciprocal relationships with the slaves that were dealt with.⁷

There were few other organisations in the later Roman world that could offer the opportunities to slaves and freed persons as the Church did. Imperial slaves and freedmen are the most similar in their ability to be successfully socially mobile due to the conditions of their manumissions and may have been presented with more opportunities to demonstrate their worth.⁸ Church slaves and freed persons had many opportunities to prove themselves in

⁵ Harrill, *Manumission*, pp. 156-57, p. 167, p. 169, pp. 188-91; Jennifer A. Glancy, *Slavery in Early Christianity*, Minneapolis, 2006, p. 96; R. Zelnick-Abramovitz, *Not Wholly Free: The Concept of Manumission and the Status of Manumitted Slaves in the Ancient Greek World*, Leiden/Boston, 2005, p. 60, p. 219.

⁶ John Chrysostom, *Nicene and Post Nicene Fathers of the Christian Church: Saint Chrsostom: Homilies on Galatians, Ephesians, Philippians, Colossians, Thessalonians, Timothy, Titus, and Philemon*, vol. 13, trans. Philip Schaff, Grand Rapids, 1969/75, *hom. in Phil.* 15.6: Chrysostom teaches his congregation to purchase slaves, teach them trades, and free them. He is adamant that this should occur and may reflect Church practices when acting as a *collegia* in the later part of the C4thAD.

⁷ Harper, *Slavery*, p. 374: "Whereas *operae* were fixed, limited units of labour, *paramone* were thoroughgoing service contracts, sometimes of unlimited duration.", p. 493: "The story of manumission in late antiquity allows us to see the changing institutional framework within which late antique men and women understood and sought to control the complex realities of status and power."; Harrill, *Manumission*, p. 171.

⁸ Lib., *or.* 12.101-2; Harper, *Slavery*, p. 354; Glancy, *Slavery*, p. 114.

a variety of positions that bestowed elements of trust and responsibility.⁹ Slaves who could show that they were loyal and useful in their service to the Church as they fulfilled their obligations assisting in religious ceremonies, or as they worked as scribes, labourers, administrative clerks, or as personal attendants to the clerics themselves, may have looked forward to earning their freedom as Christian freed persons.¹⁰ Slaves who could show their personal worth as a “good Christians”, and who would be faithful to the Church in all matters had the potential of becoming Church freedmen possibly with some influence. This most certainly came with the ability to enter society as a functioning member of the citizenry, be more personally autonomous, and to exercise their own agency.¹¹ Granted, this type of freedom was still conditional and within the boundaries of what the Church approved, but there was still a greater opportunity to be able to function independently in society and to capitalise on the reciprocal relationship they had with one of the largest and most influential organisations in the known world.¹² There was another way in which slaves

⁹ Basil, *ep.* 40: This letter is written to the Emperor Julian and shows a slave used to courier a large sum of gold between Basil and the emperor. Here we see a slave given a huge amount of trust and responsibility who has access to the highest echelons of society in the C4thAD.

¹⁰ Basil, *ep.* 169 and *ep.* 170: These letters many indicate this occurring; Gr. Naz., *test.*: It is clear that Gregory freed Gregory the Deacon due to his faithful service. These slaves in Gregory’s retinue were also freed. Other slaves were offered to family members on the proviso that should the family member not require the services of the female slaves they were to go free; Harper, *Slavery*, p. 72; Harrill, *Manumission*, p. 49; Lea, *Church History*, p. 566.

¹¹ Chrys., *hom in Phil.* 15.7: Chrysostom is critical of keeping freedmen like slaves.

¹² Harrill, *Manumission*, p. 157; Raymond Van Dam, *Kingdom of Snow: Roman Rule and Greek Culture in Cappadocia*, Philadelphia, 2002, p. 52: “To be successful as patrons, bishops had to acquire control over resources like grain, water, and clothing, and they too had to turn their names into brand names”; Peter Garnsey, “Roman Patronage”, in, *From the Tetrarchs to the Theodosians: Later Roman History and Culture, 284-450 CE*, Scott McGill, Christiana Sogno, and Edward Watts (eds.), Cambridge, 2010, p. 39.

could achieve a complete reversal of fortune. This could be achieved by associating themselves with the Church, and gaining admission to the clergy.¹³

Slave Clerics

As has been discussed, once slaves were able to access the Church, and by proxy its representatives, the opportunities to improve their personal circumstances were greatly increased. There is evidence which attests to these opportunities extending to possible ordination into the priesthood with all the rights and privileges that this entitled. From as early as AD305/306 there are signs that the admission of slaves and freedmen as ordained members of the Church was a practice that was adopted intermittently in individual regions over the course of the fourth century. The practice was successively prohibited by Church and State in the period under study. Imperial laws and Church canons were responsive in nature and demonstrate a negative attitude to the phenomenon from both authoritative bodies. Canon 80 from the Synod of Elvira indicates that, in the provinces, slaves and freedmen were seeking and gaining ordination as clergy.¹⁴ The canon is proscriptive based on the language used, “It is prohibited that freedmen of laymen be ordained as clerics”, and attests that some (or perhaps only one) slaves/freedmen had been made priests. The canon does indicate that this would no longer be tolerated, and the ordinations would no longer take place, but it also equally supports the theory that the practice had been occurring. In AD325, when the Council of Nicaea was convened, the issue of slaves being ordained and

¹³ Lea, *Church History*, p. 177; Stephen Hodkinson and Dick Geary, “Slaves and Religions: Historiographies, Ancient and Modern”, in, *Slaves and Religions in Greco-Roman Antiquity and Modern Basil*, Stephen Hodkinson and Dick Geary (eds.), Newcastle upon Tyne, 2012, p 12.

¹⁴ *Synod of the Council of Elvira and Christian Life in the Fourth Century: A Historical Essay*, Alfred William Winterslow Dale, London, 1882, *Canon 80: prohibendum ut liberti, quorum patroni in seculo fuerint, ad clerum non promoveantur*; Lea, *Church History*, p. 571.

encouraged to leave their masters to do so continued to be a point of concern for the ecclesiastic authorities. Whereas canon 80 from the Synod of Elvira discourages clergy from manumitting and ordaining the slaves/freedmen of laymen, canon 16 from the Council of Nicaea discouraged clergy from ordaining slaves who they had been inciting to run away from ex-clergy members.¹⁵ The canon states that "... if anyone should dare surreptitiously to carry off and in his own Church and ordain a man belonging to another, without the consent of his own proper bishop, from whom although he was enrolled in the clergy list he has seceded, let the ordination be void."

The implications of the above canon are quite important to consider. It seems that some clergy had been encouraging slaves to run away, from men who had been "enrolled in the clergy list (and had) seceded" (i.e. left the Church of their own accord). It also is apparent that this had resulted in some slaves being ordained as clergy. There is a clear message that this practice would no longer be tolerated unless the consent of a bishop had been acquired. At the Synod of Gangra in AD340, the message that was being broadcast to clerics regarding slaves absconding from their masters was again negative and prohibitive: "If anyone shall teach a slave, under the pretext of piety, to despise his master and to run away from his service, and not to serve his own master with good-will and all honour, let him be an anathema."¹⁶ While this is again indicative that this kind of behaviour was not tolerated, it does imply that there were single or multiple attestations to this occurring for it to have been legislated against. By the time the Council of Chalcedon was convened in AD451, the only additions we see to Church regulation on slaves joining the clergy related to slaves becoming

¹⁵ "Council of Nicaea", in, *"The Seven Ecumenical Councils"*, *Select Library of the Nicene and Post-Nicene Fathers of the Christian Church Second Series*, vol. 14, trans. Philip Schaff and Henry Wace, New York, 1890-1900, *Canon 16*.

¹⁶ "Council of Gangra", in, *"The Seven Ecumenical Councils"*, *Select Library of the Nicene and Post-Nicene Fathers of the Christian Church Second Series*, vol. 14, trans. Philip Schaff and Henry Wace, New York, 1890-1900, *Canon 3*; Glancy, *Slavery*, p. 90.

monks. "No slave shall be received into any monastery to become a monk against the will of his master." The act was not prohibited, but slaves had to have the consent of their master to do so.¹⁷ (It should also be noted, that according to a law in the *Code* issued in AD392, clerics could be chosen from the ranks of monks as was required.)¹⁸ The picture that emerges is that the Church, as an organisation, did not generally endorse clerics recruiting slaves as members of the clergy, but seemed to have had no issue with slaves seeking out the priesthood on the provision that they had some kind of consent to do so, either secular or ecclesiastic.¹⁹ Due to the responsive nature of "law" and the constant reminders to Church clergy in Church canons prohibiting the practice, it can be surmised that at times Christian clergy encouraged slaves to abscond to the safety of the priesthood.²⁰ If clerics were encouraging slaves to use their own agency and seek ordination (via absconding) this would have upset the local population and caused the Church to be viewed in a very unpopular light.²¹ That the Church, as a whole, attempted to rein in this kind of behaviour is most likely from wanting to not upset the social equilibrium by encouraging slaves to misbehave.²²

¹⁷ "Council of Chalcedon", in, *"The Seven Ecumenical Councils"*, *Select Library of the Nicene and Post-Nicene Fathers of the Christian Church Second Series*, vol. 14, trans. Philip Schaff and Henry Wace, New York, 1890-1900, *Canon 4*; Glancy, *Slavery*, p. 90; Rotman, *Byzantine Slavery*, p. 144; Lea, *Church History*, p. 573.

¹⁸ *CTh.* 9.40.16.

¹⁹ Chrys., *hom. in Phil.*, "Argument": Should not free slaves without the permission of their masters; A. H. M. Jones, *The Later Roman Empire 284-602*, vol. 2, Oxford, 1964, pp. 920-21, p. 931: Jones does not acknowledge that slaves could become clerics/monks without the permission of their masters.

²⁰ Glancy, *Slavery*, p. 90.

²¹ Rotman, *Byzantine Slavery*, p. 144, p. 150; Niall McKeown, "Magic, Religion and the Roman Slave: Resistance, Control and Community", in, *Slaves and Religions in Greco-Roman Antiquity and Modern Basil*, Stephen Hodkinson and Dick Geary (eds.), Newcastle upon Tyne, 2012, p. 298.

²² J. Chrys., *hom in Phil.* 19.5-6: Slaves should be encouraged to serve their masters and not freed solely due to their status as a Christian; Chrys., *hom in Phil.*, "Argument"; Harper, *Slavery*, p. 355: "... but an equally important objective is to gain an understanding of the positive role of the Roman state in maintaining the status system"; Harrill, *Manumission*, pp. 185-86; Glancy, *Slavery*, p. 91.

The evidence for slaves attempting to become functioning members of the Christian clergy can also be found in the *Theodosian Code* in the edict, *Those Persons Who Flee for Sanctuary at the Churches*.²³ The rescript states that, “if a slave who has been ordained as a cleric, or defended by clerics, after they had taken refuge at a Church, shall be recalled to their former lot by forcible seizure”. It is here that there is proof that at the end of the fourth century slaves had been seeking out episcopal positions by seeking sanctuary.²⁴ It is unclear whether there were one or many cases of slaves seeking Church sanctuary and gaining ordination as unfortunately due to a lack of texts attesting to this occurring it is difficult to ascertain the extent it was taking place as a wider practice. Based on this one piece of legislation it can be argued that some slaves who sought Church sanctuary had become clerics, but that this was not tolerated. Prior to this rescript being issued in AD392, we have no firm evidence either way that the State did or did not discourage slaves seeking the priesthood. Judging by restrictions made by the Church in the middle of the fifth century (discussed above) it would appear that slaves *had* been taking these options and were continuing to join the priesthood and seeking inclusion in monastic communities to evade their “bonds”. This is evidenced by outlining the stipulation that the slave master’s permission was implicitly a prerequisite for any slave to being accepted into a monastery as a monk.²⁵ For approximately one hundred and fifty years the instrumental texts of Church and State indicate that, though it was constantly being prohibited, it was possible for slaves

²³ *CTh.* 9.45.3.

²⁴ Harper, *Slavery*, p. 384: Harper maintains that the Roman state had the exclusive power to regulate status. This ability was transferred to the Church when its bishops were able to operate as civil magistrates. To ordain a man he had to be free. Therefore a slave would have had to have been freed by the Church (or their master) to become a cleric/monk.

²⁵ *NVal.* 35.3 (AD452); Pall., *h. Laus.*, “Moses the Ethiopian”, 19.1-11: An errant slave seeks sanctuary at a monastery, is converted and later becomes a priest in Scetes.

to become clerics and monks. It also seems that at times, given just cause and with the blessing of a bishop, Christian clergy encouraged and enabled slaves to run away from their masters to join the priesthood. The schisms within the Church, which occurred during the fourth century, enabled the leaders of both sides of the religious debate to use these new Christians as political pawns.²⁶ While it can be argued that this does seem to indicate that slaves were still viewed as tools to be used as and where it was required by the dominant higher classes, it did provide some slaves with opportunities to move from the lowest social status to one of the highest offices available in the fourth century, that of bishop.²⁷ Due to the nature of the sources it is rare that we do actually have detailed literary evidence of one or two cases of this occurring.

The most compelling evidence for slave clerics can be found among the corpora of Basil of Caesarea and Gregory of Nazianzus.²⁸ It would seem that the Cappadocian Fathers were well versed in the practice of creating clergy from the ranks of the slave population should the need require it.²⁹ Two letters, one from each author, outline an incident with a woman

²⁶ *Synodal Letter from the Council of Gangara*, "... slaves also leaving their masters, and, on account of their own strange apparel, acting insolently towards their masters".

²⁷ Libanius, *Autobiography and Selected Letters*, vol. 2, trans. A. f. Norman, London, 1992, *ep.* 175.3: Due to the social status of Libanius' son, which reflected the servile status of his mother, Cimon was unable to attain imperial offices of high rank in Constantinople even after the law came to recognise his status as "free". In comparison, slaves freed and ordained by Christian bishops in the same period were able to attain the highest offices available in the Church; Harper, *Slavery*, p. 386; Andrea Sterk, "On Basil, Moses, and the Model Bishop: The Cappadocian Legacy of Leadership", *Church History: Studies in Christianity and Culture*, vol. 67, No. 1, 1998, p. 238.

²⁸ Gr. Naz., *test.*: This document shows clearly that slaves were being freed and ordained as clergy.

²⁹ See also, John Chrysostom, *Baptismal Instructions*, *Ancient Christian Writers: The Works of the Fathers in Translation*, trans. Paul W. Harkins, New York/Ramsey, 1963, "You are Christ's Recruits", 30: Chrysostom seems to be clearly indicating that slaves could be recruited as Christian soldiers in God's army. This implies that slaves could be good Christians and were able to effectively spread the Gospel, but may equally indicate the suitability of slaves as Christian clerics; Palladius, *The Lausiatic History*, trans. Robert T. Meyer, New York/Mahwah, 1964, "Philoramus", 45. 1, 45.3:

who had been named as a heretic.³⁰ Simplicia claimed that Basil and Gregory had taken possession of one of her slaves, freed him without her permission, then ordained the freedman, and made him a bishop in one of the new Church sees in Cappadocia created by Emperor Valens.³¹ Gregory claims that the slave had approached the bishops with a justified reason for attaining his freedom which they had granted. Basil's letter seems to say that Simplicia had threatened him with legal proceedings to recover the slave; however, if the woman was a heretic then she would have had no legal recourse to do so.³² Basil and Gregory were well within their rights as bishops to make the legal decision to intervene and grant a petition for freedom in favour of the slave under these conditions.³³ Gregory goes on to explain to Simplicia that the decision would not be reversed and that they had ordained the man and promoted him to the position of bishop as the region was in dire need of good men to become bishops to fill the newly created bishopric seats in Cappadocia. This was also a factor which Basil alludes to in his letter to Simplicia. It is highly significant that this incident occurred in AD372 and coincided with Valens' involvement in the Arian schism,

Freedman priest from Galatia cared for by Basil; Pall. *H. Laus.*, "Sisinnius", 49: Slave who becomes and ascetic, and returns home to be ordained as a priest. This would have required his hermit master to have manumitted him prior to his ordination. Additionally, this freedman cleric was said to have had his own congregation; Sterk, "On Basil", p. 238, p. 251; McKeown, "Magic, Religion and the Roman Slave", p. 298.

³⁰ Basil, *ep.* 115; Gregory of Nazianzus, *Saint Gregoire de Nazianze: Lettres*, vol. 1, trans. Paul Gally, Paris, 1964, *ep.* 79.

³¹ *Council of Nicaea, Canon 4*: Only three bishops were required to ordain new bishops. In the case of Simplicia's slave, Basil and Gregory only required one more bishop to ratify the act. The Metropolitan Bishop had the final say, and Basil was that bishop at this point and ultimately had the power to make it happen; Van Dam, *Families and Friends*, p. 163; Van Dam, *Kingdom of Snow*, p. 77; Rotman, *Byzantine Slavery*, p. 133, p. 145: Rotman argues that Simplicia's slave was not freed and retained his slave status. I refute this claim based on the evidence presented in this thesis.

³² C.f. Laws relating to heretics.

³³ i.e. *Sirm.* 1.

which resulted in the emperor splitting Cappadocia into two provinces.³⁴ The creation of new sees meant that there would be two metropolitan bishops in the region when there had previously only been one, namely Basil.³⁵ This would reduce the amount of influence that Basil and Gregory exercised in the area, especially over the suffragan bishops.³⁶ In the same year as the letters to Simplicia and the creation of the new sees in Cappadocia, Basil, in an attempt to fill as many of the new sees as possible with his own men, consecrated Gregory as the new bishop of the backwater town of Sasima.³⁷ This was something that Gregory was not at all happy about, and never in fact took up the position.³⁸ It does not seem at all coincidental that the creation of the new sees, Gregory not filling the seat in Sasima, and the ordination of Simplicia's slave as a bishop in a region that was in "dire need", all occurred in AD372.³⁹ Since Basil and Gregory left no other clues as to which see their slave bishop held, it can only be speculated that the slave was sent to Sasima to act as its bishop to replace Gregory.⁴⁰ What is obvious is that in the last quarter of the fourth century slaves were being used as tools by the Church in the political grab for regional influence if the need required it.⁴¹

³⁴ Raymond Van Dam, *Families and Friends in Cappadocia*, Philadelphia, 2003, p. 163; Van Dam, *Kingdom of Snow*, p. 29, p. 112; Sterk, "On Basil", p. 228.

³⁵ Van Dam, *Families and Friends*, p. 168; Van Dam, *Kingdom of Snow*, p. 29, p. 62.

³⁶ Van Dam, *Kingdom of Snow*, p. 113, pp. 115-16.

³⁷ Van Dam, *Families and Friends*, p. 147, p. 182; Sterk, "On Basil", p. 228.

³⁸ Gregory of Nazianzus, *Three Poems: Concerning His Own Affairs, Concerning Himself, and Concerning Himself and the Bishops*, in, *The Fathers of the Church*, trans. Denis Molaise Meehan, Washington, 1987, "Concerning His Own Life", *Consecration as Bishop of Sasima*, 443-50; Van Dam, *Families and Friends*, p. 51, p. 165; Sterk, "On Basil", pp. 241-42.

³⁹ Van Dam, *Families and Friends*, p. 51, p. 55: "In 372 Gregory the Elder had finally asked his son to help in his episcopal see of Nazianzus...".

⁴⁰ Van Dam, *Families and Friends*, p. 148.

⁴¹ Basil, *ep.* 54: This letter is sent out to the suffragan bishops who it appears had been ordaining clerics who Basil did not see as worthy of the positions due to their previous professions. It could be conjectured that some of these men had been slaves; Basil, Letter 169 (to Gr. Naz.), indicates that

By the spring of AD376, it appears that the practice of using slaves in this way was being employed by the eastern bishops on both sides of the schism. In what seems to be a highly hypocritical argument based on Basil's actions in 372, he writes a letter to the bishop of Samosata complaining that his brother, Gregory of Nyssa, had been ousted from his position as bishop of Nyssa by a man who had once been a slave.⁴² Basil claims that an oppositional faction had promoted a household slave to the position of bishop and had "driven (his) brother from Nyssa and introduced in his stead a man, or rather a slave worth a few obols". In the same letter Basil also protests to Eusebius that in the village of Doara another runaway domestic slave had found an advocate and had been freed and ordained which resulted in the "piteous name of the episcopate (being) insulted".⁴³ This change of heart from the "orthodox" bishops, about the unsuitability of slaves as bishops, seems to have taken hold. After the death of Valens we can see a shift away from the practice in favour of promoting slaves as bishops to, once again, these being recruited from those of high social rank. It does not seem that there were major issues with slaves still seeking out ordination as clergy, only

Basil had ordained a man who may have come from the ranks of the slave population, "The man is, even if intractable in other respects, at least not without talent in manual labour". Basil had made Glycerius a presbyter so he could aid an elderly cleric, but it would seem that Glycerius had gotten out of hand somehow. In *ep.* 170, Basil reminds Glycerius that he is his patron; Harrill, *Manumission*, p. 171; Sterk, "On Basil", p. 242, p. 244; Van Dam, *Kingdom of Snow*, p. 79.

⁴² Basil, *ep.* 239; Van Dam, *Kingdom of Snow*, p. 131.

⁴³ It appears that, at the time Letter 239 was written, Basil was attempting to rally the Eastern Bishops to get enough signatures to overturn the two heretic slave bishops, who it also seems were still actively administering the seats they had been placed in by Basil's opponents; Gr. Naz., "Concerning Himself and the Bishops", 136-175: Gregory is not favourable toward clergy in Thrace. It seems arguable that due to the language he is using that some of these men had once been slaves; Gregory of Nazianzus, *Nicene and Post Nicene Fathers of the Church: St Cyril of Alexandria and St Gregory of Nazianzen*, vol. 7, trans. Philip Schaff and Henry Wace, Grand Rapids, 1978, "Defence of his Flight to Pontus", 8.

that they were no longer seen as appropriate to hold the most senior positions in the Church.⁴⁴

This shift can likely be associated with Emperor Theodosius' involvement in the schism and his official endorsement of "orthodox" forms of Christian observance.⁴⁵ With the emperor theologically siding with the "Catholic" Church, and his complete intolerance for all other religious sects, the pressure was off the orthodox bishops. Once the Church was no longer factionally fighting over bishopric sees, and the scramble to fill those positions with people who ultimately owed their continued loyalty to the Church ceased to be an immediate issue, it seems that slaves lost their usefulness in this capacity. As the dynamics changed within the Church it seems for the most part that slaves could no longer reach the social heights which they may have been able to achieve briefly in the 370's in the Roman East as bishops. By the end of the fourth century it is clear that restrictions were being tightened on slaves attempting to seek the out the priesthood.⁴⁶ This avenue was still open to them; it was just that the opportunities to do so were becoming harder and far more regulated. Into the middle of the fifth century it appears that the Church was still considered a place that slaves

⁴⁴ Basil, *ep.* 190: By AD374 it is clear that Basil thinks that the most senior positions in the Church should be held by those with a high social rank when at all possible; Gr. Nys., *ep.* 17.9-16, (AD380): Highest offices of the Church to be filled with those of equestrian status or better. Gregory does not reject the lower classes being ordained as clerics; Pall. *H. Laus.*, "Ammonius", 11.2: "No man with his ear cut off can, by law, be ordained as a priest". I contend that this could mean slaves, though it was a standard punishment for medium-level crimes to cut the ear of the criminal. Many slaves had earrings to certify their status and presumably tore them off when they absconded. Many runaways sought out the services of Roman surgeons to attempt to repair the damage, which was generally seen as evidence that the person was a fugitive or criminal; Sterk, "On Basil", p. 227.

⁴⁵ *CTh.* 16.5.5 (AD378), *CTh.* 16.5.22 (AD394); Sterk, "On Basil", p. 228, p. 242; Van Dam, *Kingdom of Snow*, p. 35, pp. 151-52; David Hunt, "Christianising the Roman Empire", in, *The Theodosian Code*, Jill Harries and Ian Wood (eds.), Ithaca/New York, 1993, pp. 146-47.

⁴⁶ *CTh.* 9.45.3

could seek a better life for themselves, and presumably many attempted to take this path.⁴⁷ Church and State legislation from the period seems to be a response to this still occurring, and possibly in high enough numbers for it to be a significant enough issue for it to be continually addressed in law.⁴⁸

It can be contended that while slaves had the opportunity they took the advantages available to them to join the clergy when they could as a method of exercising some agency in their own lives. There is no doubt that many slaves joined the clergy as a matter of personal faith. It is also quite probable that many slaves purely took advantage of legal loopholes, the religious conviction of Christian clerics, and the changing political climate in the Roman East in the fourth and fifth centuries to attempt to improve their lives by joining Christian congregations as workers, freedmen, and clerics. The social landscapes of communities in the Later Roman world were complex webs of reciprocal relationships that had the capacity to make or break a person. At a time when the politics of religion and the affairs of State were inextricably tied, slaves had the potential to go from the lowest of the social spectrum to the highest in the blink of an eye. Given the chance to do so a slave would have taken the option to improve their own life in any way they possibly could to try to counter the brutal realities of the slave condition. The ecclesiastic laws of the fourth century provided slaves with those potentially life changing opportunities, as too did the attitudes of the Church in respect to slaves' suitability as functioning members of society in an increasingly Christianised Roman world. The morphing of existing traditions to adapt to

⁴⁷ *NVal.* 35.3; *Council of Chalcedon, Canon 1*: States that, "all canons from previous synods should remain in force". This would include those from canons which conditionally allowed slaves to enter the priesthood; Glancy, *Slavery*, p. 90; Rotman, *Byzantine Slavery*, p. 145; Lea, *Church History*, p. 573.

⁴⁸ Harper, *Slavery*, p. 26, p. 355; Rotman, *Byzantine Slavery*, p. 150; Jennifer Glancy, "Slavery and the Rise of Christianity", in *The Cambridge World History of Slavery*, vol. 1, Keith Bradley and Paul Cartledge (eds.), Cambridge, 2011, p. 489.

Christianity enabled slavery to function without challenging its ideologies, created a new type of freedman with ties of loyalty to the Church as an organisation, and provided a means of recruiting new clergy members from the slave population to minister communities and administer the Church.⁴⁹ It is quite possible that there had never been another period in Roman history that offered as many opportunities to Roman slaves when it came to being able to take action in their own lives.⁵⁰ While it was only a short lived phenomenon stimulated by a politically and religiously turbulent period in Roman antiquity, the seeds had been sown and there would be no turning back from the social changes that occurred during the fourth century.

⁴⁹ Harper, *Slavery*, p. 483.

⁵⁰ Gr. Naz., *test.*,: Gregory quite blatantly acknowledges his freedman's right to use his own agency to administer Gregory's estate, but also elucidates the continuing ties of obligation that freedmen owed to their manumitter even after the death of their patron.

Conclusion

The changes to the law which occurred in the fourth century under the auspices of the emperors from Constantine to Theodosius proved to be significant and important additions to Roman slave law. These laws impacted on slaves and had the capacity to alter a slave person's condition and social status. The additions and change, discussed in the previous chapters, show that Christian Churches had become places of sanctuary and a point of access to the law via bishops, and provided opportunities for slaves to seek justice. It does not seem at all unusual that slaves with an awareness of the law would try to access the system for their own benefit should the opportunity to do so present itself. Due to the politics of religion, those opportunities were greatly increased with the introduction of laws that provided slaves with the legal agency to accuse their masters of heretical acts. This gave slaves a method to exercise their own personal agency and provided them with the ability to be more socially mobile. The attraction that conversion to Christianity may have held for a slave could quite possibly have gone beyond that of the spiritual aspects of worship and might well have been born from the concept that ownership or freedom in Christian communities was more desirable due to the benefits that this may have brought in a broader sense. The benefits, both perceived and actual, which may have attracted slaves to seek inclusion in these communities could vary from the promise of better treatment for service, possible freedom, continued Christian patronage, and even the ability to improve their status from the lowest common denominator in society to one of the highest. These factors have been discussed in this thesis to ascertain how these elements impacted on the Church, the Christian community in general, and the lives of slaves.

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