

(iv) (5) *Slavery is imposed as an ecclesiastical penalty by local Church Councils, 633–1089 A.D.*

Under Roman civil law persons convicted of certain crimes and duly sentenced could suffer the lifelong capital punishment of slavery. After the barbarian invasions and the fall of the Roman Empire, penal slavery was still used both by civil and ecclesiastical authorities.

For example, in the Visigothic kingdom in 633 A.D., the fourth Council of Toledo, presided over by St. Isidore of Seville, made provision for clerics who were not lawfully married and were having forbidden relations with foreign women or their own female slaves; the Council decreed that such women were to be taken away by the Bishop and put up for sale as slaves, and the guilty clerics were to do penance.⁽³⁸⁾

Again in 655 A.D., the ninth Council of Toledo decreed that the penalty of enslavement was to be imposed, not on the priests who offended against clerical celibacy but on their offspring who would remain permanently in slavery to the Church.⁽³⁹⁾ This decree was later incorporated into the Western Church's collections of canons.

In 1012 A.D. a similar decree was enacted by the Council of Pavia concerning the children of clerics, even those born of free women; they were to become slaves of the Church.⁽⁴⁰⁾

In 1089 A.D. at the Synod of Melfi, Pope Urban II enforced clerical celibacy by granting to secular princes the power to reduce the wives of clerics to slavery.⁽⁴¹⁾ This decree was also incorporated into the Western Church's collections of canons.

⁽³⁸⁾ Canon 42. Mansi 10, 630.

⁽³⁹⁾ Canon 10; Mansi 11, 29; *C.J.C. Decret. Grat.* II, C.XV, Q. VIII, c.3.

⁽⁴⁰⁾ Canons 3 and 4; Mansi 19, 353 and 355.

⁽⁴¹⁾ Canon 12; Mansi 20, 724; *C.J.C. Decret. Grat.* I, D.XXXII, c.10
See also 3rd Council of Rome in 1051 A.D.; Mansi 19, 796.

The ecclesiastical penalty of enslavement was also imposed, in certain circumstances, for the crime of abduction of a woman by force.⁽⁴²⁾

- (iv) (6) *Christian slaves and masters are equally children of the same heavenly Father and brethren in Christ, 315–830 A.D.*

About 315 A.D. in the West, Lactantius is teaching that in the eyes of the heavenly Father no one is a slave and no one is a master, for He is equally Father of all, and all are free, and there are no differences between individuals for all are equally brethren and fellow-slaves in religion.⁽⁴³⁾

In mid-fourth century, Pope Julius I (d. 352 A.D.) is writing to the Eastern Bishops that everyone, slave and free, is subject to the same heavenly Father and the same divine law; hence neither slave nor free, once joined in wedlock, can be divorced from his spouse.⁽⁴⁴⁾ This text was later incorporated in the Western Church's collections of canons.

At the end of the fourth century, St. Ambrose (d. 397 A.D.) provides a commentary on St. Paul's "dogmatic theology" of slavery in *Gal. III 28* and *I Cor. VII 21, 22*. Slavery does not diminish nor does freedom increase merit, for it is faith, not status, which brings the merit of real aristocracy. To neither slave nor free has Christ given more; He has shared out to each with equal measure; the merits of good slavery and good freedom are not weighed differently in the judgment of Christ.⁽⁴⁵⁾

About 400 A.D. St. John Chrysostom (d. 407 A.D.) takes this theme of *Gal. III 28* to its logical conclusion. Slavery is the penalty of sin, but in Christ there is neither slave nor freeman. So if a Christian

⁽⁴³⁾ *C.J.C. Decret. Grat. II, C.XXXVI, Q.1. c.3.*

⁽⁴⁴⁾ *Institutionum Divinarum. L.V, C.15 and 16. MPL 6, 598-600.*

⁽⁴⁴⁾ *Epist. I ad Episcopos Orientales, c.4. MPL 8, 969. C.J.C. Decret. Grat. II, C.XXIX, Q.2, c.1.*

⁽⁴⁵⁾ *Exhortatio Virginitatis, C.1, n.3. MPL 16, 337.*

master has more than one or two domestic slaves he should train them in crafts to be self-sufficient and then emancipate them.⁽⁴⁶⁾

A fifth century sermon of unknown authorship, formerly ascribed to St. Augustine, deplors that Christian masters do not spare their Christian slaves who by grace are their brethren. For the slave has likewise put on Christ and partakes of the same sacraments, and has God as his Father. Why then does he not have his master as a brother?⁽⁴⁷⁾

In the ninth century, St. Agobard of Lyon (d. 840 A.D.) refers to *Col. III 9-11*. He writes that God created men equal, but by a hidden and just dispensation, as a result of sins, some are masters and others are slaves; although slaves are subject to masters in their bodily service, yet God willed that their interior life should be subject to Him alone. And so the interior man is free though the outer man is enslaved.⁽⁴⁸⁾

Whensoever throughout the Christian era, and wheresoever amongst Christian peoples, true Christian charity is practised, then and there will be found reference to St. Paul's doctrine that all the baptized are brethren in Christ, and that this unity in Christ includes masters and slaves. To avoid endless repetition, little further mention will be made of this all-important doctrine, except to draw attention here to its use in 1627 by Father Alonso de Sandoval, the teacher of St. Peter Claver. Here are his words:

And since masters and slaves are brethren by nature and in faith and by indwelling of grace, and have the same Father and Creator who is God, and are bound by the same covenant which is His law, there is no reason why the one should despise the other.⁽⁴⁹⁾

⁽⁴⁶⁾ Homily 40 on *I Cor. XV 29-34*, MPG 61, 354.

⁽⁴⁷⁾ Pseudo-Augustinus. *Serm. CXLVI*, 3. MPL 39, 2030.

⁽⁴⁸⁾ *Epist. ad Proceres Palatii*. MPL 104, 176-7.

⁽⁴⁹⁾ *Tractatus de instauranda Aethiopum salute*. L.II, c.4.

(iv) (7) *The emancipation of slaves by Christian masters*
385–1171 A.D.

Towards the end of the fourth century, St. Gregory of Nyssa (d. 394 A.D.) writes in one of his prayers on Easter, that this is the time of year when bonds are loosed, debtors are freed, and slaves are released from their bondage according to the custom of the Church.⁽⁶⁰⁾ All manumission of slaves had to be performed according to law, and since 321 A.D. manumission in Church had been sanctioned by the Emperor Constantine I.

About 400 A.D. St. Augustine refers to this ceremony of manumission.⁽⁶¹⁾ The master leads his faithful slave by hand into the Church and publicly reads his notification granting freedom to his slave. About 419 A.D. in his exegesis of the books of Moses he observes that the milder law for Hebrew slaves who were released after six years of servitude is no precedent for Christian slaves; for by Apostolic authority Christian slaves are commanded to be subject to their masters.⁽⁶²⁾

In 506 A.D. the Council of Agde in the Visigothic kingdom forbade Bishops to sell the slaves of the Church; but if a Bishop had emancipated any of these for their good services, his successor must respect this manumission and leave them in possession of the land, vines and buildings which have been granted to them on condition that the value of these does not exceed 20 solidi; if it exceeds this amount, the excess must be returned to the Church after the death of the Bishop.⁽⁶³⁾ This decree was later incorporated into the Western Church's collections of canons.

⁽⁶⁰⁾ 3rd Prayer. MPG 46, 657.

⁽⁶¹⁾ *Sermo XXI*, 6. MPL 38, 145.

⁽⁶²⁾ *Quaestiones in Heptateuchum*. L.II, n.77. MPL 34, 624.

⁽⁶³⁾ Canon 7. Mansi 8, 319. *C.J.C. Decret Grat.* II, C.X., Q.II, c.1 and II, C.XII, Q.II, c.57.

In 517 A.D. the Council of Jena in Gaul near Lyon decreed that the slaves who had been bestowed on monks by their Abbot were not to be emancipated, on the grounds that it would be unjust for slaves to enjoy the idleness of freedom while the monks were engaged in daily work cultivating the land. ⁽⁶⁴⁾

In 541 A.D. the fourth Council of Orleans decreed that when a Bishop died the slaves of the Church whom he had emancipated would remain free on condition of not leaving the service of the Church, even though he had not bequeathed any property of his own to the Church in compensation. ⁽⁶⁵⁾

The second Council of Macon in 585 A.D. required the Bishops to defend the free status of slaves who had been legitimately emancipated in a Church. ⁽⁶⁶⁾

Pope St. Gregory I formulated in 595 A.D. some phrases in a deed of manumission of two slaves of the Church of Rome, Montana and Thomas, and his words were subsequently much quoted in similar documents:

Since our Redeemer, the Author of all life, deigned to take human flesh, so that by the power of His Godhead, the chains by which we were held in bondage might be broken, and He might restore us to our original state of freedom, it is most fitting that by a grant of manumission, masters should restore those whom nature had sent free into the world, but who had been condemned to the yoke of slavery by the *jus gentium*, to the freedom in which they were born. . . ⁽⁶⁷⁾

This text was subsequently incorporated into the Western Church's collections of canons.

In the early seventh century St. Isidore of Seville (d. 636 A.D.) reminds Abbots and monks that under Visigothic law it is illegal for them to emancipate

⁽⁶⁴⁾ Canon 8. Mansi 8, 560.

⁽⁶⁵⁾ Canon 9. Mansi 9, 111.

⁽⁶⁶⁾ Canon 7. Mansi 9, 952-3.

⁽⁶⁷⁾ MPL 77, 803. *C.J.C. Decret. Grat.* II, C.XII, Q.II, c.68.

a slave of a monastery since they are not the personal owners.⁽⁵⁸⁾ And in 633 A.D. the fourth Council of Toledo under his presidency reversed the ruling of the fourth Council of Orleans in 541 A.D., mentioned above, and decreed that if a Bishop does not make compensation to the Church he may not emancipate the slaves of the Church, as it would be unjust to the Church to do so. If nevertheless a Bishop has presumed to do so without compensation, his successor may recall such freemen into the ownership of the Church.⁽⁵⁹⁾ This ruling prevailed over the earlier Gallic one and was later incorporated into the Western Church's collections of canons.

In 816 A.D. the Synod of Chelsea in Saxon England decreed that at the death of every Bishop all his English slaves were to be freed, and each Bishop and Abbot who attended his funeral had to emancipate three slaves and give each one 3 solidi.⁽⁶⁰⁾

One of the very few "abolitionist" texts that are available from this period is provided by the Benedictine (Abbot Smaragdus of Saint-Mihiel) (d. circa 830 A.D.) in a book addressed to the Emperor Louis the Pious:

O most merciful king, command that there be no prisoners of war in your kingdom. . . People should obey God and His commandments to the extent that they possibly can; and among these various salutary precepts and good works is that, of his great charity, every man should let his slaves go free, in consideration of the fact that it was not nature but sin which subjected such slaves to him, for we are all created of equal status but sin has subjected some people to others; and also in consideration of the fact that if one forgives, one will be forgiven. . .⁽⁶¹⁾

At about the same time in the East St. Theodore the Studite is leaving a testament to his monks in

⁽⁵⁸⁾ *Regula Monachorum*, c.19, n.4. MPL 83, 889.

⁽⁵⁹⁾ Canon 67. Mansi 10, 632. *C.J.C. Decret. Grat.* II, C.XII, Q.II, c.39. *Decretal. Greg. IX*. L.III, T.XIII, c.4.

⁽⁶⁰⁾ Canon 10. Mansi 14, 359.

⁽⁶¹⁾ *Via Regia*, c.XXX. MPL 102, 967-8.