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Dependents in the Conciliar Legislation of the Church in Gaul (c. 400–700)

1 Introduction

The Christian church's handling of slavery and other dependency relations in late antiquity and the early Middle Ages has only recently received increased attention. There are two main reasons for the delayed interest in this topic: The first is the influential narrative that slavery ceased to exist shortly after the fall of the western Roman Empire, and that it was replaced by other forms of labor, such as servitude.¹ The second, related, reason is the equally influential narrative that Christianity was a driving factor towards the abolition of slavery. While most researchers today reject the notion that the late antique and early medieval church actively fought slavery, these narratives continue to influence the evaluation of the evidence pertaining to practices of slavery in the post-Roman kingdoms and the involvement of the Christian church with such practices.²

Some of this evidence was presented as early as 1908 at the International Historical Congress in Berlin by the Dutch church historian Frederik Pijper.³ Since then, a wealth of studies on slavery in late antiquity and the Middle Ages have stressed the importance of the Christian church as a 'slave owning institution.'⁴ It took until 2020,

1 Cf. Samuel Sutherland, "The Study of Slavery in the Early and Central Middle Ages: Old Problems and New Approaches," *History Compass* 18 (2020): 1–12, who offers a recent, excellent overview of the history of research.

2 According to Stefan Jurasinski, *The Old English Penitentials and Anglo-Saxon Law*, Studies in Legal History (New York: Cambridge University Press, 2015): 92, 'the Church [has] retained its role in more recent scholarship as ultimately an agent of slaves' liberation [. . .].' Cf. e.g. Hartmut Hoffmann, "Kirche und Sklaverei im frühen Mittelalter," *Deutsches Archiv für Erforschung des Mittelalters* 42 (1986): 1–24; Martin Ritter, "Christentum," in *Handwörterbuch der antiken Sklaverei*, vol. 1, ed. Heinz Heinen et al. (Stuttgart: Franz Steiner, 2017): 552–53.

3 Frederik Pijper, "The Christian Church and Slavery in the Middle Ages," *The American Historical Review* 14, no. 4 (1909): 675–95.

4 David Wyatt, *Slaves and Warriors in Medieval Britain and Ireland, 800–1200*, The Northern World 45 (Leiden: Brill, 2009): 29–30. Cf. Jennifer Glancy, *Slavery in Early Christianity* (Oxford: Oxford University Press, 2002); Elisabeth Herrmann-Otto, "Sklaverei," in *Reallexikon für Antike und Christentum*, vol. 31, ed. Christian Hornung et al. (Stuttgart: Anton Hiersemann Verlag, 2021): 691–751; Elisabeth Herrmann-Otto, *Grundfragen der antiken Sklaverei. Eine Institution zwischen Theorie und Praxis* (Hildesheim: Olms, 2015): 32–33; David Pelteret, *Slavery in Early Mediaeval England: From the Reign of Alfred until the Twelfth Century*, Studies in Anglo-Saxon History 7 (Rochester, NY: Bodyell & Brewer, 1995); Ritter, *Christentum* (n. 2): 543–61, 552–53; Alice Rio, *Slavery After Rome: 500–1100*, Oxford Studies in Medieval European History 5 (Oxford: Oxford University Press, 2017).

however, before the first systematic treatment of the extant evidence for the church as a major slave owner was published by Mary E. Sommar.⁵ Her study on 'The Slaves of the Churches' presents, at its core, an analysis of the church's own legislation on the question of how to deal with slaves and other dependent persons between the first and thirteenth centuries. It therefore provides an excellent foundation for more detailed studies.⁶

In an attempt to provide such a study, I sifted through the conciliar legislation of the Western Gallic Church between the years 400 and 700. We are aware of around seventy Gallic synods and councils that took place during these three hundred years, but written records survive of only about forty-five of them. According to the extant written evidence, twenty-three of the documented councils and synods dealt in one way or another with slaves and other dependent persons.⁷ The 60 canons that were passed by these gatherings discuss a variety of legal problems posed by the existence of slaves in society and within the church. The canons do not treat these different problems in a systematic way. This is due to the fact that the legislation of church councils and synods was largely reactive: These assemblies ruled on problems that seemed pressing at the time and required a more united approach. While the individual provisions of course often built on earlier rulings, writings of the Church Fathers or secular law, various combinations, omissions and additions show that they were tailored to address a specific historical situation. Therefore, one could argue that these provisions resist any attempt of coherent systematization and are best understood in the context of the individual council or synod where they were created – which is of course often unknown to us.⁸

Nonetheless, it is possible to identify some recurring themes within the conciliar legislation on slaves and other dependents and to reconstruct practices associated with them. These themes can be grouped according to the two leading motives which appear to have guided the church's legislation on slavery during the period in question: First, the church's aim to protect its authority (or jurisdiction) and its property,

5 Mary E. Sommar, *The Slaves of the Churches: A History* (Oxford: Oxford University Press, 2020).

6 Sommar treats the conciliar evidence in chapter 5, 'Ecclesiastical Slavery in the Germanic Kingdoms', under the sub-heading 'Canon Law'.

7 The records of the councils and synods from this time period and region have been edited in two volumes by Charles Munier, *Concilia Galliae* A. 314–A. 506, Corpus Christianorum Series Latina 148 (Turnhout: Brepols, 1963), and Carl de Clercq, *Concilia Galliae* A. 511–A. 695, Corpus Christianorum Series Latina 148A (Turnhout: Brepols, 1963). Records survive of roughly 60% of the councils reported in these volumes.

8 Cf. Patrick Griffith, "Canon Law in Post Imperial Gaul" (PhD diss., King's College, 2018), <https://kclpure.kcl.ac.uk/portal/> [accessed: 19.10.2023]; Gregory Halfond, *The Archaeology of Frankish Church Councils, AD 511–768* (Leiden: Brill, 2009); Odette Pontal, *Die Synoden im Merowingerreich*, trans. Isolde Schröder, Konziliengeschichte, Series A: Darstellungen (Paderborn: Ferdinand Schöningh, 1986).

and second the church's aim to aid and protect salvation. In the first part of my paper I will therefore present the canonical evidence pertaining to the church's concern for slaves as inalienable church property, the protection and lasting obligation of freed-people, and church sanctuary. In the second part I will survey the canons concerned with the appropriate handling of slaves and other dependents with a view to salvation.

2 The Protection of Church Property and Jurisdiction

2.1 *Servi* as Inalienable (Church) Property

When it came to dependents, church and state alike were primarily concerned with the inalienability of their property. Slaves and other dependent people were considered part of the church's property and labor pool, there to be preserved for future generations. Accordingly, a range of canons decree that church slaves should not randomly be sold or freed.⁹ One canon of the Council of Epaon (517) justifies the prohibition to free church slaves by arguing that it would unnecessarily burden monks with hard physical labor:¹⁰

[. . .] *Mancipia uero monachis donata ab abbate non leceat manumitti; iniustum enim potamus, ut monachis cotidianum rorale opus facientibus serui eorum libertatis otio potiantur.*

[. . .] Slaves who have been donated to the monks may not be freed by the abbot; for we consider it unjust that, while monks do the daily agricultural labour, their slaves have the leisure of freedom.¹¹

The general prohibition to free church slaves meant that the usual roads to liberation were not open to these dependents. This has led Mary Sommar to stress the perma-

⁹ Cf. e.g. *Concilium Agathense* (506), cn. 7, ed. Munier, *Concilia Galliae* (n. 7): 195–96; *Concilium Aurelianense* I (511), cn. 15, ed. de Clercq, *Concilia Galliae* (n. 7): 9; *Concilium Aurelianense* IV (541), cn. 9, ed. de Clercq, *Concilia Galliae* (n. 7): 134; *Concilium Clippiacense* (626/627), cn. 15, ed. de Clercq, *Concilia Galliae* (n. 7): 294; Cf. also Isidor of Sevilla's *Regula Monachorum*, ed. Julio Campos Ruiz, *Reglas monásticas de la España visigoda* (Madrid: Biblioteca de Autores Cristianos, 1971): 90–125. On this topic, cf. Susanne Baumgart, *Die Bischofsherrschaft im Gallien des 5. Jahrhunderts: Eine Untersuchung zu den Gründen und Anfängen weltlicher Herrschaft der Kirche*, Münchener Arbeiten zur alten Geschichte 8 (Munich: Münchener Universitätsschriften, 1995): 72; Sommar, *Slaves of the Churches* (n. 5): 366, 375–76.

¹⁰ *Concilium Epaonense* (517), cn. 8, ed. de Clercq, *Concilia Galliae* (n. 7): 26. Cf. appendix to the records of the council of Agde (506), cn. 9 (56), ed. Munier, *Concilia Galliae* (n. 7): 226. On this provision cf. Sommar, *Slaves of the Churches* (n. 5): 375.

¹¹ The Latin text also allows the alternative translation: 'Slaves who have been donated to the monks by the abbot may not be freed; [. . .].'

nence of church slavery as one of its few distinct characteristics.¹² This permanence is particularly palpable in a canon from the Council of Arles (541) which reads as follows:¹³

De genere seruili decreuimus obseruandum, ut descendens [sc. descendens] inde posteritas, ubicumque quamuis post longa spatia temporum repperitur, in locum, cui auctoris [sc. auctores] eius constat fuisse depotatus [sc. deputatos], reuocata studio sacerdotis, in ea, quae constituta est a defunctis, condicione permaneat. Cui praecepto si quis saecularium humanae cupiditatis impulsu crediderit obuandandum, quousque se corrigat, ab ecclesia suspendatur.

Regarding the lineage (*genus*) of slaves we have decreed that it is to be observed that the posterity descending from them (i.e. their descendants), wherever they may be found after however long a time, shall be called back through the efforts of the priest to the place of which it is stated that their ancestors were assigned to. They (i.e. the descendants) shall remain under the condition established by the deceased. If any secular person has thought that he could deviate from this prescription on an impulse of human cupidity, he shall be suspended from the church until he corrects himself.

This canon seems to be concerned with the descendants of slaves who had been donated to the church. Apparently, there was an acute possibility that the descendants of their former masters would claim these dependents to make them work in their households or on their estates. The main objective of this provision appears to be to defend the church's indefinite claim to all descendants of those bequeathed to it, regardless of whether they were freedpeople or remained enslaved according to the will of their former masters.

There were, however, a few exceptional circumstances under which church slaves could be sold or freed. They could be sold to free up funds for the redemption of captives or to remove Christian slaves from a non-Christian household.¹⁴ They could also be traded in for other, more 'useful' or 'worthy,' dependents.¹⁵ The records of the fourth Council of Orléans (541) further indicate that church slaves were occasionally liberated by bishops – possibly with a view to preparing them for church office.¹⁶

Vt episcopus, qui de facultate propria ecclesiae nihil relinquit, si quid de ecclesiae facultate, id est si aliter, quam canones elocuntur [sc. eloquantur], obligauerit, uindedit aut distraxerit, ab eccle-

¹² Cf. esp. Sommar, *Slaves of the Churches* (n. 5): 250–51.

¹³ *Concilium Aurelianense* IV (541), cn. 32, ed. de Clercq, *Concilia Galliae* (n. 7): 140. The text together with a French translation is also available in Jean Gaudemet and Brigitte Basdevant-Gaudemet, eds., *Les canons des conciles mérovingiens (VIe–VIIe siècles)*, Sources Chrétiennes 353–54 (Paris: Editions du Cerf, 1989): 284–85. In this particular case, Gaudemet's reconstructed Latin text is preferable to that given in de Clercq's edition.

¹⁴ *Concilium Aurelianense* IV (541), cn. 30, ed. de Clercq, *Concilia Galliae* (n. 7): 139–40.

¹⁵ *Concilium Aurelianense* V (549), cn. 6, ed. de Clercq, *Concilia Galliae* (n. 7): 150.

¹⁶ *Concilium Aurelianense* IV (541), cn. 9, ed. de Clercq, *Concilia Galliae* (n. 7): 134.

siam reuocetur. Sane si de seruis ecclesiae libertos fecerit nomiro conpitenti, in ingenuitate permanant, ita ut ab officio ecclesiae non recedant.

[We decree] that a bishop, who has not left any of his own wealth to the church, if he has pawned, sold or squandered anything of the church's wealth, that is, other than the canons decree, it shall be recalled by the church. However, if he has made freedpeople out of the slaves of the church in adequate numbers,¹⁷ they shall remain of noble status (i.e. free), so that that they do not (have to) leave the (clerical) service of the church.

As we can see in this particular example, the liberation of people enslaved to the church was restricted to particular purposes which ultimately safeguarded the church's economic interests. For a slave who had been freed to become a member of the clergy was by no means lost to the church.

In general, however, the church did not allow the ordination of slaves and other dependent persons such as *coloni*.¹⁸ We can discern two reasons for this prohibition in conciliar legislation: First, the ordination of dependents entailed a potential violation of the interests of their secular masters. Second, the tasks assigned to dependent persons were seen as incompatible with the purity and sanctity of the ministry. Accordingly, three sixth-century councils impose sanctions for church personnel who knowingly ordained dependents to the offices of presbyter or deacon.¹⁹ The ordination itself, however, seems to have been considered valid irrespective of the status of the ordained individual. Consequently, the provisions stipulate compensation in the form of payments or other slaves to be offered to the secular masters in exchange for the ordained slaves. Alternatively, they express the expectation that ordained slaves were relieved from certain 'non-Christian' or impious tasks.²⁰

The regulations concerning the ordination of dependent people point to the problem most frequently addressed in my sample of the council records: For arguably the biggest bulk of conciliar legislation on slavery concerns conflicts of interest between the church and secular masters. These conflicts seem to have occurred predominantly over questions of the rights and obligations of freedpeople and (the purview of) church sanctuary.

¹⁷ One could argue on the basis of context and terminology that an alternative reading for *nomiro conpitenti* might be *numero competentium*, i.e. 'from the number/ranks of the candidates for baptism'. Cf. Matthieu Pignot, *The Catechumenate in Late Antique Africa (4th–6th Centuries). Augustine of Hippo, His Contemporaries and Early Reception*, *Vigiliae Christianae*, Supplements 162 (Leiden: Brill, 2020).

¹⁸ On this problem cf. more generally Richard Klein, "Die Bestellung von Sklaven zu Priestern," *Klio. Beiträge zur Alten Geschichte* 73 (1991): 601–5.

¹⁹ Cf. *Concilium Aurelianense* I (511), cn. 8, ed. de Clercq, *Concilia Galliae* (n. 7): 7; *Concilium Aurelianense* III (538), cn. 29, ed. de Clercq, *Concilia Galliae* (n. 7): 124–25; *Concilium Aurelianense* V (549), cn. 6, ed. de Clercq, *Concilia Galliae* (n. 7): 150.

²⁰ *Concilium Aurelianense* V (549), cn. 6, ed. de Clercq (n. 7): 150.

2.2 The Protection of Freedpeople and their Lasting Obligations

A number of canons appear to be concerned with protecting the rights of freedpeople against unlawful attempts to re-enslave them or impose lasting obligations (*obsequium*) or dependent labor (*conditio colonaria*) on them.²¹ They sanction any such attempts with exclusion from the Christian community. On closer examination, the majority of these provisions are explicitly concerned with dependents who were freed in a church ceremony, i.e. by means of the so-called *manumissio in ecclesia*, or who had been bequeathed to the church in a will. The Synod of Orange (441), for example, decrees that

*In ecclesia manumissos, uel per testamentum ecclesiae commendatos si quis in seruitutem uel obsequium uel ad colonariam conditionem imprimere tentauerit, animaduersione ecclesiastica coercbitur.*²²

If anyone has tried to impose servitude or obedience or the condition of the colonate onto those freed in the church, or bequeathed to the church in a will, he will be punished by an ecclesiastical punishment.

This canon did not contest the notion that freedpeople remained somewhat dependent even after their legal liberation.²³ Instead, it aimed at establishing that this particular group of dependents owed obligations not to their former masters, but to the church.²⁴

21 Cf. *Concilium Nemavsense* (394/396), cn. 7, ed. Munier, *Concilia Galliae* (n. 7): 51; *Concilium Lugdunense* II (567–570), cn. 3, ed. de Clercq, *Concilia Galliae* (n. 7): 201; *Concilium Clippiacense* (626–627), cn. 19, ed. de Clercq, *Concilia Galliae* (n. 7): 295.

22 *Concilium Arausicanum* 441, cn. 6 (7), ed. Munier, *Concilia Galliae* (n. 7): 79; cf. *Concilium Arelatense* II 442–506, cn. 33, ed. Munier, *Concilia Galliae* (n. 7): 121. The two canons are almost identical in that they both name *manumissio in ecclesia* and *per testamentum* as the means of liberation and in naming *seruitium*, *obsequium*, and *conditio colonaria* as the three conditions of dependency.

23 Cf. *Concilium Aurelianense* V (549), cn. 7, ed. de Clercq, *Concilia Galliae* (n. 7): 150, according to which the masters had to determine which tasks exactly their dependents were to be relieved from after the change to their legal status. This implies that legal freedom did not necessarily entail the end of the former relationship of asymmetrical dependency. Cf. also *Concilium Parisiense* III (556–573), cn. 9, ed. de Clercq, *Concilia Galliae* (n. 7): 209, which implies that a freedperson was usually assigned a patron, who offered protection but also guaranteed that the manumission agreements were not broken.

24 Cf. Sommar, *The Slaves of the Churches* (n. 5): 206–7: ‘Canon 6 made it clear that the church would defend its own: ecclesiastical sanctions were to be imposed on anyone who tried to impose servitude or *obsequium* (duties of a freedman to his former master) on a slave who had been freed in a church ceremony (*manumissio in ecclesia*), or who had been both freed and bequeathed to the church. This canon sheds light on a curious provision concerning *serui* and their relationship to the church: if you had received your freedom by means of the *manumissio in ecclesia* ceremony, your obligations were not to your former owner, as had been the Roman custom, but rather to the church where the ceremony had taken place. The church would defend its right to your services in the same way that it

This assumption probably did not go unchallenged. Indeed, we can infer from two canons of the Second and Fifth Councils of Arles that there were exceptions to this rule.²⁵ Both canons concede the legality of re-enslavement for reasons which are reminiscent of those accepted under Roman law.²⁶ The Second Council of Arles, for instance, considers the ‘ingratitude’ of a freedperson towards their former master a valid reason to return them to servitude.²⁷

Si quis in ecclesia manumissum crediderit ingrati titulo reuocandum, non aliter liceat nisi eum gestis apud acta municipum reum esse ante probauerit.

If anyone has thought he could call back (i.e. reclaim) a freedperson manumitted in the church under the claim of ingratitude, it shall not be permitted in any way unless he has previously made plausible with reference to the public records (*acta municipum*) that he (i.e. the freedman) is guilty by his actions.

Thus, while the church seems to have accepted in principle the former masters’ legal right to reverse a liberation, it tried to restrict the immediate access to freedpeople under its care by mandating a more formalized process.²⁸ The church’s general effort to limit arbitrary re-enslavement is also evident in two provisions of the Council of Paris (614) and the related *Edictum Clotarii*, which indicate a direct involvement of the church in assessing the legitimacy of re-enslavement.²⁹

Libertus cuiuscumque ingenuorum a sacerdotibus, iuxta textus cartarum ingenuetatis suae contemnit, defensandus, nec absque praesentia episcopi aut praepositi aeclesiae esse iudicandus uel ad publicum reuocandus.

would defend its rights to any property acquired through a bequest.’ Cf. also Sommar, *The Slaves of the Churches* (n. 5): 207–8.

²⁵ *Concilium Arelatense* II 442–506, cn. 34, ed. Munier, *Concilia Galliae* (n. 7): 121; *Concilium Aurelianense* V (549), cn. 7, ed. de Clercq, *Concilia Galliae* (n. 7): 150–51. Cf. Mary Sommar, ‘Ecclesiastical Servi in the Frankish and Visigothic Kingdoms,’ *Zeitschrift der Savigny-Stiftung für Rechtsgeschichte, Kanonistische Abteilung* 33 (2010): 57–79, 77.

²⁶ For Roman laws on the re-enslavement of *liberti ingrati* cf. *Cod. Theod.* 4.10.1–2 and *Cod. Iust.* 6.7.2. Cf. Wilhelm Felgentraeger, *Antikes Lösungsrecht*, Romanistische Beiträge zur Rechtsgeschichte 6 (Berlin: De Gruyter, 1933): 32–33; Kyle Harper, *Slavery in the Late Roman World AD 275–425* (Cambridge: Cambridge University Press, 2011): 486–89.

²⁷ *Concilium Arelatense* II 442–506, cn. 34, ed. Munier, *Concilia Galliae* (n. 7): 121.

²⁸ On the question of what these formal proceedings may have looked like and how they were documented cf. Warren C. Brown, ‘The gesta municipalia and the public validation of documents in Frankish Europe,’ in Warren Curtis Brown, Marios J. Costambeys, Matthew J. Innes, and Adam Kosto, eds., *Documentary Culture and the Laity in the Early Middle Ages* (Cambridge et. al.: Cambridge University Press, 2013): 95–124.

²⁹ *Edictum Clotarii* II, cn. 7, ed. de Clercq, *Concilia Galliae* (n. 7): 285; cf. *Concilium Parisiense* (614), cn. 7, ed. de Clercq, *Concilia Galliae* (n. 7): 276–77.

The freedperson of any freeborn persons shall be defended by the priests according to what the text of the charters of his freedom (*textus cartarum ingenuetatis*) contains, and shall not be judged or called back to public service in the absence of a bishop or a church leader.

By demanding that a church representative attend decision-making processes on re-enslavement, the church certainly claimed jurisdiction over those dependents who had been freed in a church ceremony. It is possible that the church also considered itself responsible for all other freedpeople on the basis that their liberation had aided towards their Christian masters' salvation and ought therefore not lightly be reversed.

2.3 Church Sanctuary

Another relatively large group of provisions regulated the church's prerogative or duty to provide sanctuary to slaves who had fled from their masters in fear of harsh punishment, or in order to protect marital unions.³⁰

Over the course of the fourth century, Christian churches increasingly became places of refuge for lawbreakers and the non-privileged, including slaves.³¹ This placed the church in a delicate situation: On the one hand, granting sanctuary allowed it to fulfill its duty to provide *caritas* to the needy in the form of intercession and protection from instant punishment. On the other, offering sanctuary to someone else's dependents was likely to be perceived as both a violation of the masters' or patrons' property rights, and an attempt to undermine the social order of the household within which the *pater familias* principally enjoyed unrestricted authority. This might explain why councils and synods felt the need to regulate this institution in such detail. Initially, the church's right to offer sanctuary was regulated and

³⁰ On sanctuary in cases of illegitimate marriages, cf. *Concilium Aurelianense* IV (541), cn. 24, ed. de Clercq, *Concilia Galliae* (n. 7): 138.

³¹ On the topic of sanctuary in late antiquity and the early Middle Ages and its precursors cf. more generally Richard Gamauf, *Ad statum licet confugere. Untersuchungen zum Asylrecht im römischen Prinzipat*, Wiener Studien zu Geschichte, Recht und Gesellschaft/Viennese Studies in History, Law and Society 1 (Vienna: Peter Lang, 1999); Daniela Fruscione, *Das Asyl bei den germanischen Stämmen im frühen Mittelalter*, Konflikt, Verbrechen und Sanktion in der Gesellschaft Alteuropas, Fallstudien 6 (Cologne: Böhlau, 2003); Karl Shoemaker, *Sanctuary and Crime in the Middle Ages, 400–1500* (Fordham University Press, 2011): 47–77; Christian Traulsen, *Das sakrale Asyl in der Alten Welt. Zur Schutzfunktion des Heiligen von König Salomo bis zum Codex Theodosianus*, Ius Ecclesiasticum 72 (Tübingen: Mohr Siebeck, 2004): 267–310. Alternatives to seeking church sanctuary were to seek the protection of an influential person (*ad patrocinium confugere*) or of the imperial service (*ad militiam confugere*), cf. Traulsen, *Das sakrale Asyl* (n. 31): 271. Traulsen first states that these options usually meant that the less privileged exchanged one dependency relation for another ('ersetzte Abhängigkeit durch Abhängigkeit'), but then considers church sanctuary somewhat different in this regard.

limited in Roman Law.³² From the fifth century onwards, however, a large part of the legislation on this topic is preserved in conciliar legislation. In the surviving canons dealing with this matter,³³ the clergy are instructed to take fugitive slaves into their care and not hand them over without first conducting negotiations with their respective masters.³⁴ To enforce this type of intercession, the masters were threatened with the ecclesiastical punishment of exclusion from the community if they dared to violently retrieve their slaves from the churches or to seize church slaves in place of their own before the negotiations had concluded.³⁵ The main aim of the clerical mediation was to induce the slaves' masters to refrain from overly harsh physical punishments. The canons imply that during this mediation process, the masters were persuaded to swear an oath (*sacramentum*) to this effect which amounted to an act of forgiveness akin to the remission of sins by a church representative.³⁶ On this subject a canon from the first Council of Orléans (511) declared that

*Seruus qui ad ecclesia[m] pro qualibet culpa confugerit, si a domino pro admissa culpa sacramenta suscipierit, statim ad seruitium domini redire cogatur; sed posteaquam datis a domino sacramentis fuerit consignatus, si aliquid poenae pro eadem culpa, qua excusatur, probatus fuerit pertulisse, pro contemptu ecclesiae uel praeuaricatione fidei a communione et conuiuio catholicorum, sicut superius conpraehensum est, habeatur extraneus. Sin uero seruus pro culpa sua ab ecclesia defensus sacramenta domini clerecis exigentibus de impunitate perciperit, exire nolentem a domino liceat occupari.*³⁷

32 The first proper concession of the legality of Church sanctuary (in contrast to laws limiting its purview) is a constitution by Honorius from November 419. The context of the five preserved constitutions on church sanctuary in the Codex Theodosianus are legal proceedings in criminal cases. It is noteworthy that the right to seek sanctuary did not apply to slaves. Cf. Traulsen, *Das sakrale Asyl* (n. 31): 291–92.

33 Cf. e.g. *Concilium Arausicanum* (441), cn. 5, ed. Munier, *Concilia Galliae* (n. 7): 79; *Concilium Arelatense* II (442–506), cn. 30, ed. Munier, *Concilia Galliae* (n. 7): 120; *Concilium Matisconsense* (585), cn. 8, ed. de Clercq, *Concilia Galliae* (n. 7): 242–43.

34 Cf. Traulsen, *Das sakrale Asyl* (n. 31): 272.

35 Cf. *Concilium Arausicanum* (441), cn. 5, ed. Munier, *Concilia Galliae* (n. 7): 79: *Eos qui ad ecclesiam confugerint tradi non oportere, sed loci reuerentia et intercessione defendi.* (6) *Si quis autem mancipia clericorum pro suis mancipiis ad ecclesiam confugientibus crediderit occupanda, per omnes ecclesias districtissima damnatione feriat.* German translation in Traulsen, *Das sakrale Asyl* (n. 31): 292: '(5) Diejenigen, die zur Kirche geflohen sind, dürfen nicht ausgeliefert werden, sondern müssen um der Ehrfurcht vor dem Ort und der Interzession willen geschützt werden. (6) Wenn aber jemand meint, sich der Sklaven von Klerikern zum Ersatz für eigene Sklaven, die zur Kirche geflohen sind, bemächtigen zu sollen, so soll er von allen Kirchen strengste Strafen erfahren.' On this text cf. also Sommar, *The Slaves of the Churches* (n. 5): 206.

36 Cf. *Concilium Aurelianense* V (549), cn. 22, ed. de Clercq, *Concilia Galliae* (n. 7): 156. Cf. also Shoemaker, *Sanctuary and Crime* (n. 31): 64.

37 *Concilium Aurelianense* I (511), cn. 3, ed. de Clercq, *Concilia Galliae* (n. 7): 5–6.

A slave who has fled to the church for whatever offence, if he has received the oaths (*sacramenta*) from his master for the offence committed, he shall be compelled to return into his master's service immediately; but if, after it has been verified that he had received the oaths (*sacramenta*) from the master, it is found that he (i.e. the slave) has received any punishments for the same offence for which he had been pardoned, he (i.e. the master) shall, as we stated above, be considered excluded from the communion and fellowship (*communio et conuiuuium*) of the Catholics for contempt of the church and neglect of faith. But if a slave who had been defended by the church for his offence has received his master's oaths (*sacramenta*) for his impunity according to the clerics' demand, his master is allowed to seize him if he does not want to leave.

According to another canon of the same council and the records of the Council of Clichy (626–627), the oath was sworn on the Holy Scriptures and entailed the promise not to kill, mutilate or in any other way punish the culprits beyond the satisfaction agreed in the mediation process.³⁸ If the masters subsequently violated their oaths or the promises made to the church, they were to be excluded from the communion and treated like strangers.³⁹ Pagan or Jewish masters did not swear such oaths, but had to find a Christian representative who would vouch for them.⁴⁰ If they dared to subsequently punish their slaves, they were to permanently lose their slaves to the church.⁴¹ As is evident from the previous example, however, all masters retained the

38 Cf. *Concilium Aurelianense* I (511), cn. 1, ed. de Clercq, *Concilia Galliae* (n. 7): 4–5; *Concilium Clippiacense* (626–627), cn. 9, ed. de Clercq, *Concilia Galliae* (n. 7): 293. On this cf. Stefan Esders, “Rechtsdenken und Traditionsbewußtsein in der gallischen Kirche zwischen Spätantike und Frühmittelalter. Zur Anwendbarkeit soziologischer Rechtsbegriffe,” *Francia* 20, no. 1 (1993): 97–125, 109. The oath may have resembled the oath of Childebert reported in Gregory of Tours, *History of the Franks*, Book IX 38, printed *ibid.*: 109, annot. 64. It is unclear if the slaves had to undertake any kind of penance for their offences. In view of the marginal role they play in the penitentials of the time, it seems unlikely.

39 *Concilium Arelatense* II (442–506), cn. 30, ed. Munier, *Concilia Galliae* (n. 7): 120; *Concilium Aurelianense* I (511), cn. 3, ed. de Clercq, *Concilia Galliae* (n. 7): 5–6. A gruesome example of how this intercessional arbitration may have played out is narrated in Book V of Gregory of Tours' *History of the Franks*. Two slaves married without the permission of their cruel master, Rauching, and, in fear of punishment, remained in the local church for protection. When Rauching came to claim them, the resident priest made him swear an oath that he would allow them to stay together and refrain from physical punishments. Rauching swore an oath to this effect, but then had the couple buried alive – together. In this story, there are no immediate consequences for Rauching – probably because he was too powerful. The priest merely succeeded in having the two slaves dug up again, thereby saving the male slave's life. Rauching later (in Book IX) dies a violent death, reflecting his awful character. Cf. Shoemaker, *Sanctuary and Crime in the Middle Ages* (n. 31): 65–67.

40 Cf. *Concilium Aurelianense* V (549), cn. 22, ed. de Clercq, *Concilia Galliae* (n. 7): 156.

41 Cf. *Concilium Aurelianense* III (538), cn. 14 (13), ed. de Clercq, *Concilia Galliae* (n. 7): 120. German translation in Heinz Schreckenber, *Die christlichen Adversus-Judaeos-Texte und ihr literarisches und historisches Umfeld (1.–11. Jahrhundert)*, Europäische Hochschulschriften 23, 172 (Frankfurt am Main: Peter Lang, 1999): 400: ‘Wenn christlichen Judensklaven von ihren Herren auferlegt wird, was die christliche Religion ihnen verbietet oder wenn sie [sc. die jüdischen Besitzer] von der Kirche bereits Entsühnte wegen des verziehenden Vergehens etwas zu strafen oder zu schlagen wagen und sie [sc. die Sklaven] erneut zur Kirche ihre Zuflucht nehmen, dass sie dann keinesfalls von dem Priester wieder (dem jüdischen Besitzer) überstellt werden sollen, es sei denn, der Taxwert des Sklaven wird

right to seize a slave who refused to leave sanctuary after the intercession had concluded.⁴² Furthermore, there are indications that subsequently the masters were free to impose penal measures on their slaves, as long as these were not ‘corporal’ punishments. At least this is what the following canon of the Council of Epao implies:⁴³

Seruus reatu atrocior culpabilis si ad ecclesiam confugerit, a corporalibus tantum supplicii excusetur. De capillis uero uel quocumque opere placuit [a] dominis iuramenta non exegi [sc. exigi].

If a slave guilty of an atrocious offence has fled to the church, he shall be excused only from corporal punishments. Regarding the (shaving of) hair or whatever (penal) task it has been agreed, that oaths are not requested of the masters.

For slaves, who were denied access to the courts, refuge to a sanctuary offered the only route to quasi legal interventions.⁴⁴ In the cases of lay people, seeking sanctuary can be regarded as the activation of ecclesiastical arbitration. The ensuing mediation process between lay people under the guidance of a church representative amounted to a formal legal procedure which – in theory – rendered other available measures of conflict resolution unnecessary.⁴⁵ Indeed, the records of the first Council of Arles contain one particularly interesting provision which indicates that church sanctuary might have served as a starting point for legal proceedings in which church authorities could decree (and possibly also enforce) enslavement as a punishment.⁴⁶

De raptoribus autem id custodiendum esse censuimus, ut, si ad ecclesiam raptor cum rapta confugerit et femina ipsa uiolentiam pertulisse constiterit, statim liberetur de potestate raptoris et raptor mortis uel poenarum impunitate concessa aut seruiendi conditione subiectus sit aut redimendi se liberam habeat facultatem. Sin uero quae rapitur patrem habere constiterit et puella raptori aut rapienda aut rapta consenserit, potestati patris excusata reddatur et raptor a patre superioris conditionis satisfactione teneatur obnoxius.

Regarding abductors, however, we decide that it should be observed that if an abductor has fled to the church with a female abductee and the woman herself confirms that she has endured violence, she shall be freed immediately from the power of the abductor, and the abductor shall, after having been granted impunity from death or punishments, be subjected to the condition of being a slave or have the possibility to redeem himself. But if she who has been abducted confirms that she has a father, and the girl has consented to the abductor either prior to or during her abduction, she shall be delivered back into her father's power as an excused person, and the

erlegt (=hinterlegt?).’ Cf. Paul Mikat, *Die Judengesetzgebung der merowingisch-fränkischen Konzilien*, Nordrhein-Westfälische Akademie der Wissenschaften, Vorträge G 335 (Opladen: VS Verlag, 1995): 43.

42 Cf. *Concilium Aurelianense* I (511), cn. 3, ed. de Clercq, *Concilia Galliae* (n. 7): 5–6.

43 *Concilium Epaonense* (517), cn. 39, ed. de Clercq, *Concilia Galliae* (n. 7): 34.

44 Cf. e.g. Detlev Liebs, “Strafrechtlicher Schutz von Sklaven gegen Willkür ihrer Herren im vorchristlichen, im christlichen Altertum und im Frühmittelalter,” *The Legal History Review* 85 (2017): 13–14.

45 It resembles the proceedings envisioned in a range of penitential canons dealing with severe sins or crimes, such as the penitential process imagined for killing, cf. e.g. *P. Vinniani* 23; *P. Columbani* B 1.

46 *Concilium Aurelianense* I (511), cn. 2, ed. de Clercq, *Concilia Galliae* (n. 7): 5.

abductor shall be held dependent by the woman's father under the aforementioned condition as compensation.

From the perspective of the fugitive, church sanctuary offered hope of protection from torture and death without due process. For severe crimes such as the abduction of a virgin, the only viable alternatives to these punishments were the enslavement of the culprit or the payment of substantial compensation – which in most cases would have resulted in debt bondage or enslavement, too.⁴⁷ From the perspective of the Church, sanctuary offered an opportunity to avoid further sin through bloodshed and to facilitate redemption

The conciliar evidence thus indicates that by the sixth century church sanctuary had developed into a complex legal institution which served multiple purposes: Firstly, it allowed the church to protect the vulnerable from arbitrary punishment and to grant them at least limited access to formalized legal proceedings.⁴⁸ Secondly, church sanctuary served as a starting point for the church to expand its 'pragmatic authority'⁴⁹ over the lay population and thus its overall power. Thirdly, church sanctuary provided the clergy with an opportunity to suppress or sanction behavior on the part of members of the ruling elite that was considered detrimental to their salvation. Sanctuary and the subsequent mediation process not only protected slaves and lawbreakers from being killed without the chance to redeem themselves, but also the salvation status of their masters and prosecutors by dissuading them from polluting themselves with bloodshed and violence perpetrated in anger. In addition to the aim to protect church property and jurisdiction, it seems to have been this concern for the souls of free Christians which prompted the ecclesiastical legislation on slavery.

3 The Handling of Dependents and Salvation

Therefore, we will now turn to the conciliar canons that focus on the appropriate handling of slaves and other dependents with a view to salvation.

⁴⁷ On the question of the Church's involvement with penal enslavement cf. Julia Winnebeck, "Life in the Service of God: Penal Servitude and Dependent Labour in the Ecclesiastical Domain of Early Medieval Francia (c. 500–800)," in *Punishment, Labour and the Legitimation of Power*, ed. Adam Fagbore, Nabhojeet Sen and Katherine Roscoe (Amsterdam: Amsterdam University Press, 2025): 193–212.

⁴⁸ However, Traulsen, *Das sakrale Asyl* (n. 31): 292, argues that the Church, in line with the state, did not extend proper sanctuary to slaves. In order to properly understand the differences between sanctuary for freepeople and that granted to dependents, a thorough comparison of the conciliar legislation is required.

⁴⁹ Claudia Rapp, *Holy Bishops in Late Antiquity: The Nature of Christian Leadership in an Age of Transition*, *The Transformation of the Classical Heritage* 37 (Berkeley: University of California Press, 2005). Shoemaker, *Sanctuary and Crime* (n. 31): 56, speaks of 'political authority.'

3.1 The Masters' Salvation

The presence of slaves in monasteries and in the households of both clergy and Christian laypeople provided a dangerous temptation for Christian men and women to sin. Clerics, masters, and mistresses alike were considered to be in constant danger of either (ab-)using their slaves for sexual gratification or of resorting to uncontrolled violence towards them. In order to minimize the temptation to commit sexual sins, conciliar legislation restricted the points of contact between male clergy and female slaves:⁵⁰

Ancillas uel libertas a cellario uel a secreto ministerio et ab eadem mansione, in qua clericus manet, placuit remoueri.

Female slaves or freedwomen are to be removed from the storerooms or from private duties and from the same house in which a cleric lives.

Interestingly, sexual contact between male clergy and female slaves was sanctioned in the same way as sexual contact with any other woman, namely with deposition and exclusion from the community.⁵¹ In contrast to this, the penitentials evaluated the sexual sins of laymen according to the status of the woman involved (i.e. married, nun, unmarried or slave).⁵²

Contrary to what one might expect, Gallic canon law has no provisions that sanction the excessively cruel treatment of dependent people beyond its implicit condemnation within the provisions on sanctuary.⁵³ One provision of the Council of Epao, however, sanctions the arbitrary killing of slaves with temporary excommunication.⁵⁴

Si quis seruum proprium sine conscientia iudicis occiderit, excommunicatione[m] biennii effusionem sanguinis expiauit [sc. expiauerit].

If someone has killed his own slave without the knowledge (*conscientia*) of a judge, he shall expiate the shedding of blood with two years of excommunication.

It is noteworthy that the provision is not overly concerned with the fate of the slave, i.e. the fact that they had fallen victim to a violent crime. Instead, the primary concern

⁵⁰ *Concilium Agathense* (506), cn. 11, ed. Munier, *Concilia Galliae* (n. 7): 200. Cf. *Concilium Arelatense* II (442–506), cn. 4, ed. Munier, *Concilia Galliae* (n. 7): 114; *Concilium Agathense* 506, cn. 28, ed. Munier, *Concilia Galliae* (n. 7): 205; *Concilium Claremontanum seu Arvernense* (535), cn. 16, ed. de Clercq, *Concilia Galliae* (n. 7): 109–10; *Concilium Turonense* II (567), cn. 11 and cn. 20, ed. de Clercq, *Concilia Galliae* (n. 7): 179–80, 183–84.

⁵¹ Cf. *Concilium Aspasii* (551), cn. 2, ed. de Clercq, *Concilia Galliae* (n. 7): 163. Cf. also *P. Cummeani* II 1–4 and 17.

⁵² Cf. *P. Vinniani* 36–40; *P. Cummeani* II 26–27; *P. Theodori* (U) I XIV 12.

⁵³ The only exception appears to be a canon of the eleventh council of Toledo in Visigothic Spain, cf. Sommar, *Slaves of the Churches* (n. 5): 370: ‘In 675, XI Toledo [cn. 6] forbade harsh punishments for ecclesiastical servi, such as the amputation of a limb.’

⁵⁴ *Concilium Epaonense* (517), cn. 34, ed. de Clercq, *Concilia Galliae* (n. 7): 33.

of this canon appears to be the fact that the killing had not been carried out in the 'proper way,' that is, after formal consent by a judge that the slave indeed deserved to die. While the killing of slaves by their masters could indeed be considered lawful,⁵⁵ depending on the circumstances, bloodshed in anger, which seems to be envisioned in this canon, was perceived a pollution with sin that required adequate penance lest the salvation of the person who had committed the offense be endangered.

This concern for the salvation status of free Christians in handling their dependants also provides the background against which the rare provisions which advocate a kind treatment of slaves should be read. The understanding that Christian or church slaves should enjoy better conditions than other enslaved persons is expressed, for example, in the demand that they, too, should be granted days of rest on important Christian feast days.⁵⁶ It further finds expression in conciliar legislation which stipulates that church slaves, unlike other slaves, should be entitled to a quarter of their earnings.⁵⁷

Si quis uero pro remedium animae suae mancipia uel loca sanctis ecclesiis uel monasteriis offerri curauerit, conditio, quam qui donauerit scripserit, in omnibus obseruetur; pariter et de familiis ecclesiae id intuitu pietatis et iustitiae conuenit obseruari, ut familiae Dei leuiorem quam priuatorum serui opere teneantur, ita ut quarta tributi uel quodlibet operis sui benedicentes Deo ex presente tempore sibi a sacerdotibus concessa esse congaudeant.

Indeed, if anyone for the remedy of his soul made sure that his slaves (*mancipia*) or land are offered to holy churches or monasteries, the condition which he who has donated had written down shall be observed in all matters; similarly, as regards the families of the church it shall be observed for the sake of piety and justice, that the slaves of the family of God are held to lighter work than slaves of private persons, in order that those praising God can rejoice that henceforward the priests will concede to them the fourth part of their tribute or of whatever work.

As we can infer from this canon and similar provisions, the donation of slaves to the church as well as their liberation in a church ceremony or through a will was considered beneficial primarily for the benefactor's soul.⁵⁸ The dependents themselves benefitted only indirectly from the grace of their pious patrons. Consequently, much in the same way as in the provisions on sanctuary, the Christian masters' ideal conduct towards their dependents is portrayed as a sort of *imitatio Dei*: Just like Christ, they were to grant forgiveness of sin (by way of foregoing the right to punish their slaves) and give life (by way of liberating people enslaved to them).

55 According to Roman Law, masters were not allowed to kill their slaves on their own accord. If slaves died from their injuries during or following harsh punishment, but without intent, the masters were excused. On this cf. Liebs, *Strafrechtlicher Schutz* (n. 44): 1–25.

56 Cf. *Concilium Aurelianense* I (511), cn. 27, ed. de Clercq, *Concilia Galliae* (n. 7): 11–12; *Concilium Matisconense* II (585), cn. 2, ed. de Clercq, *Concilia Galliae* (n. 7): 240.

57 *Concilium Aspasii* (551), cn. 6, ed. de Clercq, *Concilia Galliae* (n. 7): 164.

58 Cf. also *Concilium Turonense* II (567), *Epistula episcoporum prouinciae Turonensis ad plebem*, ed. de Clercq, *Concilia Galliae* (n. 7): 197–99, 197.

3.2 The Slaves' Salvation

In comparison, conciliar legislation is not overly concerned with the souls or the salvation status of dependent people. The only exceptions are provisions concerned with Christian slaves in Jewish or pagan households. The fourth Council of Orléans (541) offers a striking example.⁵⁹

Id etiam decernimus observandum, ut, si quicumque Iudaeos [sc. Iudaeus] prosilitum, qui aduina dicitur, Iudaeum facire praesumpserit aut Christianum factum ad Iudaeicam superstitionem adducere uel si Iudaeo Christianam ancillam suam crediderit sociandam uel si de parentibus Christianis natum Iudaeum sub promissione fecerit libertatis, mancipiorum amissione multetur. [. . .].

We also decree that it should be observed, that if any Jew dared to make a proselyte, who is also known as a stranger (*advena*), into a Jew, or to seduce one who had been made a Christian to the Jewish superstition (*superstitio*), or thought it fit to join his female Christian slave to a Jew, or if he has turned someone born to Christian parents into a Jew under the promise of freedom, he shall be punished with the loss of his slaves. [. . .].

In a similar manner to this example, a number of canons postulate scenarios in which Christian slaves are made to do things or to perform tasks that were considered at odds with their Christian faith. They therefore recommend that the slaves be bought or seized from their non-Christian masters.⁶⁰ For the same reason, Christians were not allowed to sell slaves to Jews or pagans.⁶¹ In issuing these provisions, the councils and synods implicitly recognized that the observation of Christian ethics and pious practice were largely beyond the control of dependent individuals,⁶² and could best be guaranteed by their submission to a Christian master or patron. Consequently, it was the masters who were thought ultimately responsible for the salvation of their dependents, as they were for all other aspects of their lives.

It seems likely that the general recognition of their dependency even in matters of faith is the reason why slaves, freedmen, and other dependent persons are rarely mentioned as ‘special case[s]’⁶³ in the council records. In the few instances where they are, they are treated rather differently from free Christians. This is at least indi-

⁵⁹ *Concilium Aurelianense* IV (541), cn. 31, ed. de Clercq, *Concilia Galliae* (n. 7): 140.

⁶⁰ Cf. e.g. *Concilium Aurelianense* III (538), cn. 14, ed. de Clercq, *Concilia Galliae* (n. 7): 120; *Concilium Aurelianense* IV (541), cn. 30, ed. de Clercq, *Concilia Galliae* (n. 7): 139–40; *Concilium Matisconsense* I (581–583), cn. 16 and cn. 17, ed. de Clercq, *Concilia Galliae* (n. 7): 227; *Concilium Clippiacense* (626–627), cn. 13, ed. de Clercq, *Concilia Galliae* (n. 7): 294. Cf. Mikat, *Die Judengesetzgebung* (n. 41).

⁶¹ Cf. *Concilium Clippiacense* (626–627), cn. 13, ed. de Clercq, *Concilia Galliae* (n. 7): 294; *Concilium Cabilonense* (647–653), cn. 9, ed. de Clercq, *Concilia Galliae* (n. 7): 305.

⁶² Cf. for example Rio, *Slavery after Rome* (n. 4): 222.

⁶³ Rio, *Slavery after Rome* (n. 4): 223: ‘This relative lack of interest in slaves as a special case in penitentials, church councils, or hagiography remains striking—especially in view of these sources’ willingness to recognize that different personal circumstances called for different treatment, and also especially in view of the fact that in at least one context church councils plainly acknowledged and

cated by a number of provisions which impose different ecclesiastical punishments according to the sinner's social status. The provincial council which convened under bishop Aspasius of Eauze in 551, for instance, punished superstitious practices with excommunication for persons of higher status (*personae superiores*). But sinners of lower status or indeed slaves (*personae humiliores uel serui*) were to be 'corrected by blows' (*uerberibus corrigere*).⁶⁴ Similarly, the Second Council of Macon (585) sanctioned the breach of the Sunday rest in the case of *serui* and *rustici* with lashing, whereas monks and clerics were to be excluded from the community for six months for the same offence.⁶⁵ The evidence of the council records thus suggests that while the clergy and free Christians were granted access to 'proper' penance in the form of (temporary) exclusion from the Eucharist and extended periods of fasting, almsgiving etc., the church held that if people of lower status committed religious offences, corporal punishments were more fitting. Together with the notion that a dependent person's salvation was largely the responsibility of their Christian master or patron, this raises the question to what extent dependents were actually considered 'full' Christians who participated in all aspects of Christian life and worship.

4 Conclusion

The analysis of the Gallic Church's conciliar legislation on slavery has produced some interesting observations which call for further investigation:

Firstly, the council records offer no reliable evidence that the church made any serious attempts to significantly change the fate of dependent people, let alone to ban slavery. At the same time, the provisions on sanctuary in particular give some indication of the church's efforts to protect dependents from arbitrary punishment and to

insisted on the perils of conflict between duties to earthly masters and duties to God as divine master: that is, in the case of priests.'

64 *Concilium Aspasii* (551), cn. 3, ed. de Clercq, *Concilia Galliae* (n. 7): 163–64: *De incantatoribus uel eis, qui instinctu diabuli cornua praecantare dicuntur, si superiores forte personae sunt, a liminibus excommunicatione pellantur ecclesiae, humiliores uero personae uel serui correpti a iudice fustigentur, ut, si se timorem dei corrigi forte dissimulant, uelut scriptum est, uerberibus corrigantur.* 'Concerning the conjurers or those who are told through the devil's inspiration to enchant (drinking?) horns: If they happen to be of higher rank, they should be banished from the thresholds of the church by excommunication, but persons of lower rank or slaves should, after having been punished by a judge, be beaten, so that if they pretend that their fear of God has improved, they are improved by beating, as it is written.'

Cf. Bernadette Filotas, "Popular Religion in Early Medieval Pastoral Literature," in *Le petit peuple dans l'Occident médiéval: Terminologies, perceptions, réalités*, ed. Pierre Boglioni et al. (Paris: Éditions de la Sorbonne, 2002): 535–48.

65 *Concilium Matisconsense* II (585), cn. 1, ed. de Clercq, *Concilia Galliae* (n. 7): 239–40; cf. *Concilium Narbonense* (589), cn. 6 and cn. 15, ed. de Clercq, *Concilia Galliae* (n. 7): 255, 257.

provide them with access to legal proceedings. In this respect, it supports the more general hypothesis of legal scholars that Roman legislation which protected the interests of dependents largely survived in ecclesiastical law.

Secondly, canon law provisions contain evidence of the church's active promotion of corporal punishment, detention, and enslavement. It seems that church authorities initially favored these practices over severe and potentially lethal torture and mutilation, revenge killings, and the death penalty, for two reasons: First, these punishments allowed sinners – including dependent persons who were often considered sinners by status – to atone before death. Second, they offered Christian prosecutors (including church representatives) an opportunity to demonstrate clemency while protecting (or enhancing) their own salvation status.

Finally, the evidence of the council records suggests that the fate of the dependents' souls was thought to be bound to that of their masters, who acted as intermediaries not only in legal matters, but also in matters of faith. If and when dependents were granted access to ecclesiastical legal proceedings like penance, different rules applied to them than to free Christians.

