ever we may think of him as a man, deserves our gratitude for the just and liberal sentiments he expressed respecting the slaves, who, he says, should be treated as “humble friends,” and especially for his energetic reprobation of gladiatorial combats and of the brutality of the public who enjoyed those sanguinary shows. But it was in the 2d century, as we have said, that “the victory of moral ideas” in this, as in other departments of life became “decisive. . . . Dio Chrysostom, the adviser of Trajan, is the first Greek writer who has pronounced the principle of slavery to be contrary to the law of nature” (Mark Pattison). And a parallel change is found in the practical policy of the state. The military vocation of Rome was now felt to have reached its normal limits ; and the emperors, understanding that, in the future, industrial activity must prevail, prepared the abolition of slavery as far as was then possible, by honouring the freedmen, by protecting the slave against his master, and by facilitating manumissions. The jurists who, in the absence of a recognized spiritual power, provisionally discharged in their own way the office of systematizing practical morals, modified, by means of the useful fiction of the *jus* *naturale,* the presumptions of law and the interpretation of doubtful instruments. (“Quod ad jus naturale attinet, omnes homines æquales sunt ”—Ulpian. "Servitus est constitutio juris gentium, qua quis dominio alieno contra naturam subjicitur”—Florentinus.) The general tendency both of the imperial constitutions and of the maxims of the legists is in favour of liberty. ( “ Nec ignotum est quod multa contra juris rigorem pro libertate sint constituta ”—Ulpian. ) The practices of exposure and sale of children, and of giving them in pledge for debt, are for­bidden. An edict of Diocletian forbade a free man to sell himself. Manstealers or kidnappers (*plagiarii)* were punished with death. The insolvent debtor was withdrawn from the yoke of his creditor. While the slave trade was permitted, the atrocious mutilation of boys and young men, too often practised, was punished with exile and even with death. In redhibitory actions (for the annulment of sales), if a slave were returned to the seller, so must also be his parents, brothers, and *personæ contubernio conjunctae.* In the interpretation of testaments it was to be assumed that members of the same family were not to be separated by the division of the succession. The law also favoured in special cases the security of the peculium, though in general principle it still remained the property of the master. The state granted to public slaves the right of bequeathing half their possessions ; and private persons sometimes permitted similar dispositions even to a greater extent, though only within the familia. Hadrian took from masters the power of life and death and abolished the subterranean prisons. Antoninus Pius punished him who killed his own slave as if he had killed another’s. Already in the time of Nero the magistrates had been ordered to receive the slave’s complaint of ill-treatment ; and the lex Petronia, belonging to the same or an earlier period, forbade masters to hand over their slaves to combats with wild beasts. Antoninus directed that slaves treated with excessive cruelty, who had taken refuge at an altar or imperial image, should be sold ; and this provision was extended to cases in which the master had employed a slave in a way degrading to him or beneath his character. M. Aurelius gave to masters an action against their slaves for any cause of complaint, thus bringing their relation more directly under the surveillance of law and public opinion. A slave’s oath could still not be taken in a court of law ; he was interrogated by the “question”; but the emperors and jurists limited in various ways the application of torture, adding, how­ever, as we have mentioned, to the cases in which it could previously be appealed to that of the crime of *majestas.* For certain alleged offences of the master the slave could bring an action, being repre­sented for the purpose by an *adsertor.* Emancipation was facilitated; some of the old formalities were dispensed with ; obstacles to it were removed, and legal difficulties solved in such a way as to further it. The power of imposing conditions on testamentary manumissions was restricted, and these conditions interpreted in the sense most favourable to freedom. The emperor could confer liberty by pre­senting a gold ring to a slave with the consent of the master, and the legal process called *restitutio natalium* made him a full citizen. It was decided that liberty could not be forfeited even by a pre­scription of sixty years’ duration.

The rise of Christianity in the Roman world still further improved the condition of the slave. The sentiments it created were not only favourable to the humane treatment of the class in the present, but were the germs out of which its entire liberation was destined, at a later period, in part to arise. It is sometimes unreasonably objected to the Christian church that it did not denounce slavery as a social crime and insist on its immediate abolition, that on the contrary it recognized the institution, ecclesiastical persons and societies themselves being owners of slaves. We have seen that slavery was a fundamental element of the old Roman constitution, not only incorporated with the laws, but necessarily arising out of, and essential to, the military mission of the state. When the work of conquest had been sufficiently achieved, it could not be expected that a radical

alteration should be suddenly wrought either in the social system which was in harmony with it, or even in the general ideas which had grown up under its influence. The latter would, indeed, be gradually affected ; and accordingly we have observed a change in the policy of the law, indicating a change in sentiment with respect to the slave class, which does not appear to have been at all due to Christian teaching, but to have arisen from the spon­taneous influence of circumstances co-operating with the softened manners which were inspired by a pacific regime. But the institu­tion itself could not be at once seriously disturbed ; it was too deeply rooted and too closely bound up with the whole existing order of things. If it could have been immediately abolished, the results must have been disastrous, most of all to the slave popula­tion itself. Before that end could be accomplished, an essentially new social situation must come into existence ; society must be organized for defence as it had previously been for conquest ; and this transformation could not be wrought in a day. But in the meantime much might be done towards further mitigating the evils of slavery, especially by impressing on master and slave their relative duties and controlling their behaviour towards one another by the exercise of an independent moral authority. This was the work open to the Christian priesthood, and it cannot be denied that it was well discharged. Whilst the fathers agree with the Stoics of the 2d century in representing slavery as an indifferent circumstance in the eye of religion and morality, the contempt for the class which the Stoics too often exhibited is in them replaced by a genuine sympathy. They protested against the multiplica­tion of slaves from motives of vanity in the houses of the great, against the gladiatorial combats (ultimately abolished by the noble self-devotion of a monk), and against the consignment of slaves to the theatrical profession, which was often a school of corruption. The church also encouraged the emancipation of individual slaves and the redemption of captives. And its influence is to be seen in the legislation of the Christian emperors, which softened some of the harshest features that still marked the institution. There is not, indeed, a uniform advance in this legislation ; there is even retrogression in some particulars under Constantine, as in his renewed permission to fathers to sell their children and to the finder of an exposed child to make it his slave—enactments which it is sometimes sought to excuse by the prevailing poverty of his period. But a stronger influence of Christianity appears in Theodosius, and this influence is at the highest in the legislation of Justinian. Its systematic effort is, in his own words, “pro libertate, quam et fovere et tueri Romanis legibus et præcipue nostro numini peculiare est.” Law still refused in general to recognize the marriages of slaves ; but Justinian gave them a legal value after emancipation in establishing rights of succession. Unions between slaves and free women, or between a freeman and the female slave of another, continued to be forbidden, and were long punished in certain circumstances with atrocious severity. As witness, the slave was still subject to the question ; as criminal, he was punished with greater rigour than the freeman. If he accused his master of a crime, unless the charge was of treason, he was burnt. But he could maintain a legal claim to his own liberty, not now merely through an *adsertor,* but in person. A female slave was still held incapable of the offence of adultery ; but Justinian visited with death alike the rape of a slave or freed- woman and that of a free maiden. Already the master who killed his slave had been punished as for homicide, except in the case of his unintended death under correction ; Constantine treated as homicide a number of specially-enumerated acts of cruelty. Even under Theodosius the combats of the amphitheatre were permitted, if not encouraged, by the state authorities ; these sports were still expected from the candidates for public honours. Combats of men with beasts were longest continued ; they had not ceased even in the early years of the reign of Justinian. A new process of manu­mission was now established, to be performed in the churches through the intervention of the ministers of religion ; and it was provided that clerics could at any time by mere expression of will liberate their slaves. Slaves who were admitted to holy orders, or who entered a monastery, became freemen, under certain restric­tions framed to prevent fraud or injustice. Justinian abolished the personal conditions which the legislation of Augustus had required to be satisfied by the master who emancipated and the slave who was manumitted, and removed the limitation of number. The liberated slave, whatever the process by which he had obtained his freedom, became at once a full citizen, his former master, how­ever, retaining the right of patronage, the abolition of which would probably have discouraged emancipation.

The slavery of the working classes, justly described by Hume as the most important difference between the social life of antiquity and that of modern times, was not directly changed into the system of personal freedom. There was an intermediate stage which has not always been sufficiently discriminated from slavery, though the