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***Humanitas* in the legislation of Constantine the Great**

Summary

The subject presented in this work focuses on the impact of the idea of *humanitas* on the rich legislation of the Emperor Constantine the Great. The purpose of the dissertation is to determine the scope of influence of the ethical concept, which was defined by the Latin term *humanitas*, on the law established by this ruler. The main thesis of the work is the statement that there is an impact of the idea of *humanitas*, understood as an ethical concept, closest in terms of content to the modern concept of "humanitarianism", on Constantine's legislation, and despite the fact that it was not a tendency characteristic of all Constantine's legislation, *humanitas* was an essential element of the imperial ideology and self-creation. The dissertation is therefore not only a study of the Roman law, but also it is related to the history of ideas.

The choice of the subject was justified by several reasons. First of all, it allows to look at the Roman law not only from the strictly dogmatic point of view. Law is a living institution, an element of culture, and it ought to be considered from various points of view, which is especially significant in historical and legal sciences. Therefore, it is necessary to analyze its normative content, but also relationships between the legal order and ethics, customs, politics and religion. Among the numerous ethical values that affected the Roman law, plenty of them were discussed in works of various nature. *Humanitas* was not an exception here, however, a scientific reflection on the importance of this idea for the Roman law mainly related to the period of the classical law. Thus, devoting the studies to the impact of *humanitas* in the law of the dominate period (almost classical) seemed to be the most justified step.

Constantine the Great's legislative activity was particularly attractive here. This ruler was an emperor of the religious breakthrough, which provided an opportunity to reflect on both the pagan and Christian concept of *humanitas*. Apart from that, the most remarkable theoretician of *humanitas* since the times of Cicero, was the early Christian writer Lactantius who not only knew Constantine personally, but was also his eldest son's teacher and for many years remained very close to the ruler. It allows to pose a question about the impact of Lactantius' writings, where a reflection on *humanitas*, deeply rooted in the new Christian anthropology, played an important part, on Constantine's legislative activity.

The basic method used in this paper was a historical and legal method. In particular, in Chapter I, there were also used the methodological assumptions characteristic for the history of ideas (political and legal doctrines). It resulted from the assumption that *humanitas* can be treated as an idea that was subject to a theoretical reflection and affected the legal order in Rome. Therefore, it was necessary to reconstruct the views related to this idea in the times of Constantine, systematize and assess them in the historical development (Chapter I of the paper), and then to determine the scope of its impact on the law adopted at that time (based on the analysis of particular imperial constitutions - Chapters II -V). The paper is ended with conclusions.

Chapter 1 deals with the presence and significance of *humanitas* in the ideology and propaganda of the times of Emperor Constantine the Great. The main reflections in this matter must be preceded by some concise remarks on the meaning of the concept discussed and its genesis and development as far as the beginning of the 4th century. The next part discusses the concept of *humanitas* in the views of Lactantius who was its most important theoretician living in the times of Constantine and had a direct access to the ruler, probably contributing to the imperial ideology, as well as the significance of the Emperor's *humanitas-philantropia* in the philosophical and theological vision of an ideal ruler that was created by Eusebius of Caesarea. The further part of the Chapter analyses the propaganda aspect of *humanitas* in panegyrics coming from the times of Constantine and the epigraphic sources. Finally, it presents a role of *humanitas* (or *philantropia*) in letters and speeches that were presumably written by Constantine.

Chapter 2 deals with the impact of the idea of *humanitas* on the imperial legislation of Constantine with respect to *patria potestas*. At first, a general outline of *patria potestas* in the Roman law is presented, then, the impact of the idea of *humanitas* and *pietas* related to it on the legal norms in the field of paternal power. Then, the chapter analyses Constantine the Great's constitutions concerning *expositio infantis* and *ius vendendi*, which are the attempts to eliminate the situations when children are abandoned, using various legal solutions which, however, do not involve a direct interference with paternity rights. Then, the scope of paternal *ius vitae ac necis* during the reign of Constantine was analyzed, particularly, the controversial issue of the abolition of this right by the first baptized emperor. The further part discusses the imperial constitutions related to *bona materna*, the institution of children's legitimacy *per subsequens matrimonium* and the emperors rescript regarding the admissibility of withdrawing emancipation and donations to children who turned out to be ungrateful to their fathers.

Chapter 3 deals with the impact of *humanitas* on Constantine's legislation concerning the legal protection of the poor, women, in particular widows, orphans and other persons in a difficult life situation, as well as abolishing sanctions for unmarried (*caelibes*) and childless persons (*orbi*). The support for the poor mainly referred to creation of a maintenance fund for poor families residing in Italy and Africa. This Chapter also addresses the issues related to the court situation of widows and orphans, making the penal repression towards the said groups of people more lenient and protecting their property. The chapter also analyzes the emperor's legislation related to the protection of the *minores* interests and abolishing sanctions listed in August's laws concerning marriage matters.

The purpose of Chapter 4 is to analyze the impact of the title idea on Constantine's legislation related to the slaves' legal situation. Apart from the necessary discussion of the issues introducing this subject - the views of the Stoics and early Christian writers on the institution of slavery and a tendency to improve the legal situation of slaves in the legislation of Antonins and Sewers - the Chapter also reflects on Constantine's constitutions regarding the permissible extent of slave disciplining and criminal consequences of going beyond this border, a ban on slave family separation and a ban on slave castration. It also raises the issues related to the practice of manumissions *in ecclesia* sanctioned by Constantine.

Chapter 5 deals with the impact of *humanitas* on Constantine's legislation related to *custodia reorum* and penal repression. At first, it provides a general characteristics of the influence of Christianity on the criminal law during the reign of Constantine. Further on, it discusses constitutions aimed at improving the situation of prisoners and alleviating penal repressions, which was manifested by forbidding to stigmatize faces of persons sentenced to work in mines or to fight in the arena after being trained at a school for gladiators, abolishing or at least limiting the practice of crucifixion and restricting gladiators' fights by abolishing *damnatio in ludum*.

Each of the chapters finishes with a summary intended to present concise conclusions on the subject it deals with. Such measures seem to be justified by a wide range of research which is associated with a need to adopt a certain order in the selected research material that determined the entire structure of the dissertation. The whole work finishes with a general ending that encompasses the final conclusions resulting from the studies conducted.

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