

Book IV.
Title LXII.

Concerning eunuchs.
(De eunuchis.)

Bas. 19.1.85.

4.42.1. Emperor Constantine to Ursinus, Duke of Mesopotamia.

If anyone shall, after this enactment, make a eunuch out of any person in the Roman empire, he shall be punished with capital punishment. The slave (who was made such eunuch), together with the place where this was done, if done with the knowledge and concealment of the owner thereof, shall be confiscated.

Given February 24.

4.42.2. Emperor Leo to Vivianus, Praetorian Prefect.

We order that men of the Roman nation, made eunuchs either on barbarian or Roman soil, shall not in any manner be transferred into any one's ownership as slaves. Persons who undertake to do so shall be visited with the severest punishment, and the notary (tabellio) who writes a document of such sale or of any other form of alienation, and the person (public official) who receives the tax of one-eighth (octavam),¹ or any other tax for them, shall suffer the same punishment. But eunuchs of barbarian nations, made such in places not subject to our power, may be brought and sold by merchants and anyone else wherever they wish.

457-465.

¹ [Blume] this was a transit tax, customs duty. See C. 4.61. Justinian enacted a new law on this subject in 528 A.D. again forbidding castration, and directing that all persons castrated should be free. Castration, doubtless, was confined to slaves.