

Novel 14.

That there shall be no panders in any part of the Roman Republic.
(Ne Leones sint in ullo loco republicae Romanae.)

Headnote.

The following Novel was enacted by Justinian on the subject of pandering.

Emperor Justinian to the people of Constantinople.

Preface. Pandering and the very name of it appeared to hateful to ancient lawgivers and to former emperors that many laws were enacted against those guilty thereof. We have increased the penalties against persons engaged in this nefarious practice and corrected by other laws matters overlooked by our predecessors. Flagitious acts in this connection, committed in this great city have been recently reported to us and we have given the matter attention. We have learned that men who live dishonestly, have in various cruel and detestable ways found the occasion of making money by nefarious means, in that they travel about in the provinces and in many places, deceive poverty stricken girls, ensnare them by promising them shoes and clothing, bring them to this city, confine them in their own lodging places, feed and clothe them scantily and offer them up to anyone's pleasure; that they take the evil income from prostituting the bodies of the girls; that they take a written promise from the latter, compelling them to perform such impious and abominable service for him as long as he pleases; and that some have even demanded sureties for the girls. The matter has gone to such an extent that such lodgings are found all over the city and in places across the sea and what is worse, even close to sacred places and venerable churches. And so impious and unlawful are the acts committed in our times, that when some people, moved by pity, have wanted to remove such women from such occupation, to enter into lawful marriage with them, the pander would not permit that to be done. Some of them have been so wicked as to induce girls less than ten years old to commit dangerous debauchery. Thus some men have had

difficulty, and only upon giving large amounts, to redeem such girls, to enter into a lawful alliance with them. And there are a thousand ways, not easily enumerated in an oration, by which this cruel evil has grown to large proportions; so that while it was formerly present in only a few places in this city, it, and all the places surrounding it are now full of it. Some one at one time reported these facts to us secretly, but recently the magnificent praetors, ordered by us to investigate the matter, have reported the same thing. As soon as we heard of it, we thought it necessary to do our part and quickly free our city from this pest. **1.** We accordingly ordain that everyone must, as near as possible, live virtuously, which alone can, with confidence, commend the souls of men to God. But since humanity is weak, we at least forbid any woman to be led into unchastity by trickery, fraud or force. No one shall carry on the trade of pandering, prostitute women in his house or in public for gratification of the passions, or do any other act to that end. No one shall take any written promises or demand any sureties, on that account or do anything whereby miserable and unwilling women are compelled to violate their chastity; nor shall anyone hereafter allure them by giving them clothing, ornaments or food in order to continue doing so. We permit nothing of the kind to be done, and now provide a suitable remedy for all these things, directing that every written promise given in connection with such shameful conduct shall be given back to the girls and such nefarious panders shall not even have the right to receive back what they gave to them. We rather command the departure from this city of such panders—men that are pernicious, are public corrupters of chastity, who solicit women, free and slave, bring them to such straits, lure them and support them for the purpose of dishonor, and if any one hereafter takes a girl against her will and keeps her by force in order to make money for himself by meretricious traffic, shall be arrested by the worshipful praetors of this fortunate city and visited with the extremest penalty. For as we have appointed such praetors as avengers of theft and robbery of property, should we not even for better reasons entrust them to uproot theft and robbery of chastity? And if anyone has a pander in his house exercising his trade and making money in the manner stated, and with knowledge thereof fails to expel him, he will be punished by a fine of ten pounds of gold and he runs the risk of losing

his house. So if anyone hereafter takes a written promise or surety, he will have no benefit therefrom, since the surety will not be bound, the written promise shall be void, and the person taking them will be punished corporally, as stated before, and expelled far from this city. For we want and wish women to be chaste; they shall not be led into a life of wantonness against their will, or compelled to live impiously. So we prohibit all pandering and banish its commission, particularly in this fortunate city and its territory, and in all outside places whether originally belonging to our city or which God has given us, and especially in the latter, since we want to preserve the gifts of God to our republic free from any compulsion above mentioned and worth of God's beneficence toward us. We have confidence in God, that will cause everything to turn out well.

Epilogue. In order that you, my fellow-citizens, will be the first to enjoy this, our constitution in regard to chastity, we have issued this edict, by which you will know our zeal for your interests and our labor in favor of chastity and piety, by which zeal and labor we hope to keep our republic in good condition.

A copy hereof was sent to glorious master, with this change:

In order that this may be known by all who live in our republic, Your Highness will, upon receiving this law, cause it to be published in every part thereof by your own orders, so that it may be obeyed not alone in this fortunate city, but in outside places as well, brought as it is, instead of something else, as an offering to God, lord of all.

Given December 1, 535.

Note.

It is interesting to note in this connection that C. 5.4.29 forbade anyone to require a surety from a woman that she would not abandon the stage—actresses being looked upon with suspicion. After that law was enacted, oaths were taken from women. These oaths were then, by Novel 51, appended to C. 5.4.29, [not appended in this edition] declared to be a nullity.