

Book IX.
Title XXXVI.

Concerning libelous writings.
(De famosis libellis.)

Bas. 60.63.1.

9.36.1.

Whoever finds a libelous document¹ signed or unsigned, and does not immediately burn it, but makes it public², shall be subjected to the same punishment as he who composed it.

9.36.2. Emperors Valentinian and Valens - an edict.

If anyone finds a libelous document in his house or in a public place, not knowing of it, he shall destroy it before someone else finds it, and shall not communicate to anyone what he has found. 1. If he does not immediately destroy these papers or throw them into the fire, but makes the contents known, he may know that he will be subjected to capital punishment, as if he were the author of such offense. 2. Of course, if anyone has the public safety at heart (and wants to exhibit) his own fealty, let him give his name, and openly state what he considered necessary to be denounced by the libel, and let him approach without any trepidation, knowing that if his assertions are proved to be true, he will receive the greatest commendation and a reward from Our Clemency. 3. But if he does not prove the truth thereof, he shall be visited with capital punishment. A writing of that kind shall not injure the reputation of another.

Given at Constantinople February 16 (365).

C. Th. 9.34.7.

Note.

See Savingy, 5 System 251 note. The truth might be shown in justification.
D. 47.10.18 pr.

¹ [Blume] See Headnote to title 35 of this book.

² [Blume] Legat - literally, "reads," but should, perhaps, be interpreted as, "make public," or the sentence should be read "but reads and makes public," since the reading itself, before knowing the contents, could not well make anyone guilty of a crime. See Gothofredus ad C. Th. 9.34.7.9 and 10. C. Th. 9.34.10, made it a crime if a man did not betray a "reader" (lectorem) of such libel, which makes it somewhat doubtful just how far the law intended to go.