

Novel 51.

That no surety or oath shall be asked from women on the stage that they will remain
in such calling.

(Ne a scalnicis mulieribus aut fide jussio aut jusjurandum perseverantial exigatur.)

Emperor Justinian to Johannes, Praetorian Prefect of the Orient the second time, ex-
consul and patrician.

Preface. We know we recently enacted a law^a forbidding anyone from asking from women about to go on the stage any sureties that they would persevere in that calling, deprived of opportunity for repentance. We threatened to inflict severe punishment on those who would ask for such sureties from them, in addition to relieving sureties from their bond and from the necessity of producing such women. But we now learn, that morality, which we want to further, is suffering a grave and intolerable outrage. For since we have prohibited men from demanding sureties, they have devised a method leading to greater ungodliness, for their demand and oath from the women that they will never desert from their ungodly and dishonorable work; and these miserable women, thus deceived, prostitute their modesty so as to keep their oath, thinking that they act piously, when in fact, they do the contrary, and when they should know that it would be much more pleasing to God for them to violate their pledge than to keep it. For if a man should be bound by an oath to commit murder or adultery or other crime of that nature, it is not his duty to keep an oath so dishonorable, irrational and leading to destruction. So although a woman has taken such oath, she may be relieved from its harshness, and live chastity without danger, and in a manner more pleasing to God, but the penalty of perjury, if there is any, will rather recoil upon the man demanded such oath.

^a C. 5.4.29.

c. 1. And we straightway impose a fine of ten pounds of gold upon the man who dares to demand such an oath. And we order such sum to be given to the unfortunate woman so that she may thereafter live an honorable life; the sum to be collected by the president of the province and to be paid to her. And if the

magistrate neglects to do so, he will be liable for it even after he lays down his office; and so will his heirs and successors and his property, because he neglected to perform such pious act. **1.** If the president of the province himself demands such oath, the penalty of ten pounds of gold heretofore mentioned is imposed on him, to be collected by the military magistrate in the province, and by him to be given to the woman, as stated. If there is no such military magistrate, then either the metropolitan bishop of the province shall look after it, and, if he deems best, may report it to us, and besides to one of the higher magistrates in the neighborhood, so that whether such oath is demanded by a magistrate or by an individual in private station, the penalty stated may be inflicted at all events, and given to the woman, who, so far as the man who demanded such oath is concerned, could never have lived chastity again without appearing to have committed perjury.

Epilogue. Your sublimity will cause this our will, declared by this imperial law, to be published to all by your own edicts, so that they may know of our zeal for chastity.

Given September 1, 537.