

Castration in Roman law: An analysis of *Corpus Iuris Civilis*

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The Roman emperors, especially from the 4th century until the Byzantine era, employed court eunuchs (castrated men) at their courts. To understand the practice of castration from different points of view, this article analyzes legislation of the 2nd through 6th centuries collected in *Corpus Iuris Civilis* commissioned by Justinian I (r.527 - 565). Considering eunuch legal status as slave or freedman and the influence of Justinian's codification, the author attempts to clarify how Roman legislators (lawyers of the 2nd and 3rd centuries, emperors, and their legal officers, like *quaestor sacri palatii*) viewed eunuchs and castration during the period in question. The topics taken up include the terms "castrated" or "impotent" men appearing in the legal sources, content dealing with castrated slaves and the ban on castration, and the legal status of castrated and/or impotent freedman; namely, in matters of marriage, adoption, and inheritance.

The author's conclusions are threefold. First, Justinian I's codification that chose and adopted legal precedents and new legislation influenced a change in the legal language concerning castration; and suggests that improvements in slave and freedman legal status influenced the new legislation regarding eunuchs of both statuses.

Secondly, the recognition of castration by legislators was quite varied. In the prohibition of castration, genital mutilation, whether voluntary or involuntarily, was treated as murder or injurious assault, on the one hand, and as means of servitude, on the other. Moreover, castrated men were defined as those who suffered from impotence due

to genital injury, especially during Justinian I's reign. They were considered men who would never recover their reproductive ability to sire their own children in the future. However, references to them in the legal documents did not view castrated men negatively, in spite of the prohibition of castration under Roman law and the existence of prejudice in non-legal contemporary sources. Legislators showed tolerance toward them, accepting their existence in the empire.

Finally, the author's analysis of the legal sources shows that the law did not associate castrated men with their social role as court eunuchs, which has been emphasized as their main role in the research to date, but rather with the more basic physical features of genital injury or impotency. This finding calls attention to the need for a more extensive study of castrated men in Roman imperial society.