

Novel 150.

Concerning ravished women and those that marry the ravishers.

In the name of our Lord Jesus Christ, Emperor Caesar, Flavius, Justinian, Alamannicus, Gothicus, Franciscus, Germanicus, Anticus, Alanicus, Vandalicus, Africus, pious, fortunate and renowned victor and triumphator and ever Augustus to Leo.

Preface. No one doubts that the interpretation of laws belongs only to the emperor, who also claims the right of promulgating laws. We remember that we enacted a law^(a) about ravishment of women, whether already betrothed or married or not or whether widows, subjecting to the punishment of death not only the ravishers, but also their companions and those who at the time of the ravishment render them aid, and gave by that law the right of seeking the punishment of such men not only to the parents of the women but also to (other) blood relatives and guardians and curators, and applied the penalties especially in case of the ravishment of women already married or already betrothed, since (in such case) not only ravishment of the woman, but adultery also, is committed by such act. And aside from other penalties we directed by the same law that the property of the ravisher and of those with him should be claimed for the ravished woman, granting also the right to give the property of the ravisher as dowry to the lawful husband of the woman. And we added specially that no woman or virgin should give herself in marriage to the ravisher, but that she should be united in marriage to the man chosen by her parents, such ravisher excepted, and that the ravished woman should in no manner and at no time have permission to marry such ravisher, and even directed that parents who should give their consent to such marriage should be deported.

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And we have marveled at the statement of some persons that such woman, ravished with or without her consent, although she should marry the ravisher contrary to the tenor of our law, would receive the property of the ravisher, as a reward under the law or pursuant to a testament, if such should happen to be made. Persons presuming to make such statements have not been able to understand the above mentioned law. For when we prohibited such marriage from being valid, even though entered into with the consent of the woman ravished, and subjected the parents of the ravished woman to deportation on account (of giving their consent thereto), why should we honor women choosing to marry their ravishers with rewards given to a ravished woman? Dispelling, therefore, such useless doubt, we have deemed it best to interpret the former law by the present.

(a) C. 9.13.

c. 1. We accordingly ordain, that if a ravished woman, of whatever station or age, has deemed it proper to choose a marriage with her ravisher, and particularly when she has done so against the consent of her parents, she shall not have the inheritance of her ravisher either as a reward under the law or pursuant to a testament of the ravisher, but the right given to a ravished woman to claim the property of her ravisher and of those who have rendered him aid, shall (in such case) be transferred by operation of law to her father and mother or to the survivor of them, who is not specially proven to have consented to such marriage, and the property of the ravisher shall no longer go to the woman who has not been ashamed to pollute herself by a marriage with such ravisher, but shall go to the parties mentioned by us who have not consented to such marriage. For such wicked alliance should be punished, and not honored by rewards. If the parents are already dead or have consented to such crime, the property of the ravisher and his ac-

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complices shall be claimed for the fisc. This interpretation shall apply not only in future, but also in past cases, as though our law had originally been promulgated with this interpretation, dear and beloved father (prefect) Leo.

Epilogue.

Your Highness will carry these provisions made by Our Eternity into effect and will cause them to be observed. Farewell, dear and beloved father Leo.*

Given May 19, (563).

Note.

*This novel is the same as Novel 143, except that the latter, in its address states "The same emperor to Areobindus, praetorian prefect," and substitutes "Areobindus" where "Leo" is contained in Nov. 150. The latter appears to have been praetorian prefect of Italy or Illyria. Areobindus appears to have been praetorian prefect of the Orient.