

Concerning those who in Osroena contract unlawful marriages.

(De iis qui in Osroena illicitas nuptias contrahunt.)

Emperor Justinian Augustus to Florus, count of the crown domain.

Preface. An incredible report has come to us, namely that people in the provinces of Mesopotamia and Osroena, dare to enter into unlawful marriages, violate Roman laws and become liable to the old and new penalties prescribed therein, contracting these unlawful and prohibited marriages in following the custom of their neighbors. Now we have not credited this, for we consider it unbelievable that persons who are part of our republic would dare to do anything of the kind, and disgrace and confound the names of their offspring.

c.l. We have, therefore, desired that inquiry should be made into this, and if anything of the kind has happened, to punish the violators by the extremest punishment. But inasmuch as we believe that it has been long since any such offense has been committed, yet if anything of the kind has happened among those who live in the provinces of Osroena and Mesopotamia, we forgive them for these matters of the past, in whatever manner it has happened, because of the various invasions made therein, and particularly because the country-people are said to be generally the violators in this respect. We permit the status therein to be as it is at present, without caring to scrutinize the violations committed up to the time of the enactment of our new (²) constitution, but we ordain that all inquisition in regard to these matters against the persons and affairs of the inhabitants of these provinces shall be prohibited. But if any one has dared or dares to violate the law recently enacted by us on the subject, he shall be subjected to the severest punishment, and he must know that a pecuniary penalty will not be substituted, but that we shall pursue him, his wife and his children, born after the enactment of the

aforesaid constitution, and inflict capital and pecuniary penalty upon them, sparing no one whether of high or low station or fortune, or whether of the priesthood -- for that would be so much the worse -- but visiting punishment upon all alike, we shall follow the course that is customary and worthy of the Roman laws, and shall not only take away part of their property, but the whole of it and part of the body, and even life itself if we find the unlawful marriage to be one of the more inexcusable character, so that no one will escape who, in sinning, follows the example of his neighbors. For men should know what is right and proper and should excite others to emulate them (in right and proper conduct), and not act contrary to the laws or resort to mutual imitation therein. We want these directions obeyed in the aforesaid provinces, and both the civil and military magistrates shall take care that punishment is visited upon the offenders. We want this, moreover, to be made known pursuant to your order, to the provincials by the proper magistrates through edicts, and they (the magistrates) will be subjected to the severest punishment and will lose their magistracies and their property, if they neglect anything herein.

(a) Probably Nov. 12, c 1-3, appended to C 9,9.

Epilogue. Your Glory must take care to carry this our will, declared in this imperial law, into force and effect.

(Date lacking).