

Novel 153.

Concerning exposed infants.
(De infantis expositis.)

The same Augustus (Justinian) to Elia, glorious Prefect of Illyria.

Preface. Andreas, the god-beloved presbyter and aprocrisarius (legate) of the holy church of Thessalonica, has reported to us a crime, foreign to human affection, and which it is hard to believe happens among barbarians, namely that some persons cast out infants as soon as they leave their mother's womb, and leave them in a holy church, but that after they have been brought up and have been nourished by pious persons, they reclaim them, pronouncing them to be their slaves, wishing to add to their cruelty, by wanting to deprive of their liberty those whom in their first moments of life they delivered over to death. Inasmuch as such indignity embraces many crimes, namely murder and malicious persecution (calumniam), and others which could be easily enumerated in connection with such act, those who commit such act shall not escape the punishment provided by our laws, but shall, in order that others may become better, be subjected to the extremest punishment, inasmuch as they, by the impudence of their action (claiming the infant as slave), expose their own crimes. We direct that this shall be observed in the future.

c. 1. We direct that those who are in this manner shown to have been exposed in a church, street or other place, shall be entirely free, although a claimant can produce definite proof that such person is owned by him. For as we have directed by our laws, that sock slaves, neglected by their masters, as though, despairing of their health, not worthy of any care, are entirely set at liberty,^a how can we tolerate that those who in the beginning of life are abandoned to the pious acts of other people, and who are nourished by the latter, should be dragged into servitude? On the contrary, we ordain that the holy archbishop of the city of Thessalonica, and the holy church of God under him, and Your Glory, shall assist them, and claim them as free. And those who do anything of the kind (i.e. expose such children), shall not escape

the punishment fixed by our laws, filled as they are with inhumanity and cruelty, and who are guilty of a worse murder by reason of the (attempted) infliction thereof on unfortunates.

a. C. 7.6.1.3; D. 40.8.2; Nov. 22, c. 12.

Epilogue. Your Glory, and every officiating magistrate of your office, and the official staff under you, must be zealous to carry this our will, declared in this imperial law, into force and effect and to uphold it, and those who attempt to violate this order or permit it to be violated, will be punished by a fine of five pounds of gold.

Given Dec. 12, 541.