**The Justinian Code (335 AD)**

**Marriage**

1) Institutes, Book I

Roman citizens are bound together in lawful matrimony when they are united according to law, the males having attained the age of puberty, and the females a marriageable age (7), whether they are fathers or sons of a family; but, of the latter, they must first obtain the consent of their parents, in whose power they are. For both natural reason and the law require this consent; so much so, indeed, that it ought to precede the marriage.

2) Institutes, Book XVI

It must be remembered that it is not one of the functions of a curator [legal guardian for a minor] to see that his ward [said minor] is married, or not; because his duties only relate to the transaction of business. This Severus and Antoninus stated in a Rescript [a response to legal questions from officials] in the following words: "It is the duty of a curator to manage the affairs of his ward, but the ward can marry, or not, as she pleases.

3) Institutes, Book V

A patron cannot marry his freedwoman against her consent.

**Prostitution**

1) Digest, Book XXVI.

It is understood that disgrace attaches to those women who live unchastely, and earn money by prostitution, even if they do not do so openly. (1) If a woman should live in concubinage [this was legal state of sexual domestic partnership without official "marriage" (connubium) or dowry] with someone besides her patron, I say that she does not possess the virtue of the mother of a family

2) Digest, Book XXVII.

The law brands with infamy [not just a bad reputation but a legal state which removed certain legal protections] not only a woman who practices prostitution, but also one who has formerly done so, even though she has ceased to act in this manner; for the disgrace is not removed even if the practice is subsequently discontinued.

**Adultery**

1) Digest, Book XXVI.

Where a woman is caught in adultery, she is considered to have been convicted of a criminal offence. Hence if she is proved to have bee guilty of adultery, she will be branded with infamy, not only because she was caught flagrante delicto [ie in the act of committing an obvious wrong], but also because she was convicted of a criminal offence. If, however, she was not caught, but was, nevertheless, found guilty, she becomes infamous because she was convicted of a criminal of fence; and, indeed, if she was caught but was not convicted, she would still be infamous.

2) Code, Book IX

The Lex Julia declares that wives have no right to bring criminal accusations for adultery against their husbands, even though they may desire to complain of the violation of the marriage vow, for while the law grants this privilege to men it does not concede it to women.

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**Divorce**

1) Institutes, Book IV

Therefore, if a woman should ascertain that her husband is an adulterer, a homicide, a poisoner, or one who is plotting anything against Our government; or has been convicted of perjury or forgery, or is a violator of sepulchres, or has stolen anything from sacred buildings; or is a robber or a harborer of robbers, a cattle thief or a kidnapper; or, in contempt of his house and of her, or in her presence, has consorted with dissolute women (which is especially exasperating to females who are chaste) ; or if he has attempted to deprive her of life by poison, or by the sword, or in any other way; or if she should prove that he had beaten her (which is not allowed in the case of freeborn women), We then grant her permission to avail herself of the necessary aid of repudiation, and to present legal reasons for divorce.

2) Institutes, Book V

Where it is proved by other evidence that a dowry was given without the execution of dotal instruments, it is established that, after a divorce has taken place, the dowry of your former wife should be restored to her in accordance with good faith, for if the documents are lost, any other legal proofs which may be introduced will undoubtedly not be considered void.

3) Institutes, Book VI

When anyone desires to separate from a woman whom he married without a dowry, he shall not be permitted to do so, unless some fault has been committed which is condemned by Our laws. If, however, he should reject her without her having been guilty of any fault, or he himself should commit such a fault against an innocent woman, he shall be compelled to give her the fourth part of his own property, in proportion to its amount.

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**Inheritance**

Institutes, Book II

Distribution shall be made between sons and grandsons by a daughter, and between grandsons and granddaughters, great-grandsons and great-granddaughters, and all other descendants in a direct line; so that the children of either branch may receive the share of their mother or father, their grandmother or grandfather, without any diminution.

**Incest**

Institutes, Book V

All persons governed by Our Empire are notified that they must abstain from incestuous marriages. For We decree that all rescripts, pragmatic sanctions, or impious constitutions which, during the period of tyranny, permitted certain persons to give the name of marriage to wicked unions, and allowed anyone to marry his niece, his sister, or his sister-in-law, and to live in the basest associations with her, or sanctioned any other unions of this kind, to be of no force or effect, lest, by culpable dissimulation, such abominable license may be confirmed.

**Rape**

Institutes, Book V

We decree that ravishers of virgins, who are of honorable rank or freeborn, whether they have been betrothed or not, or of widows of any description, whether they are freedwomen or the slaves of others, shall be punished with death, as being guilty of the worst of crimes; especially when they are widows or virgins consecrated to God, for not only in this case is an injury committed against humanity, but against the reverence due to Almighty God himself; since the virginity or chastity which has been destroyed cannot be restored….. those who perpetrate it, as well as those who aid them at the time, where they are caught in the act and surprised when committing it, can immediately be killed by the fathers or the blood-relatives, guardians, curators, patrons or masters of the said virgins.

**Empress Theodora**

Theodora was the wife of Justinian I who was crowned Emperor of the Byzantine Empire in 527 AD. As his wife, she ruled by his side, as his partner, and her intelligence helped to advance the Empire.

The exact place of her birth has not been agreed upon. While some historians say she was born on the island of Crete off the coast of Greece, others speculate that she might have been born in Syria. Whichever the case, she was brought up as the daughter of a bear trainer who worked at the Hippodrome (a huge stadium-like circus), in Constantinople. She worked there as a mime, and later as a full time actress. At the time, acting was not a highly esteemed occupation especially for women, so the term 'actress' was considered synonymous with the term 'prostitute'. While on stage she was remembered for her daring entertainment skills, off stage however, she lived a normal youthful life and was most remembered for her wild parties.

At the age of 16, she traveled to northern Africa as the companion of an official. She stayed there for 4 years before returning to Constantinople. She stopped by Alexandria, the capital of Egypt and here she adopted Monophysitism. This was a form of Christianity that believed that Jesus Christ was wholly divine and not both human and divine as was the orthodox Christian belief. Monophysites were thus not liked by orthodox Christians since their teachings did not conform to those of the orthodox church. On conversion to Monophysitism, she gave up her former lifestyle, and upon reaching Constantinople in 522, settled down as a wool spinner in a house near the palace of the Emperor. It was while in this humble lifestyle, at the age of 20, that she drew the attention of Justinian, then a government official.

Theodora was not only beautiful, but intelligent, witty and amusing, which is perhaps why she won Justinian's love so much that he appealed against an old Roman law that forbade officials from marrying actresses in order to marry her. Justinian and Theodora were married in 525. In 527, Justin, the emperor of Byzantium, and Justinian's father died. The couple assumed control of the Empire and were crowned Emperor and Empress on 4th April of that same year. They ruled unofficially as joint monarchs with Justinian allowing Theodora to share his throne and take active part in decision-making.

Perhaps the most significant event during Empress Theodora's rule was the Nika revolt in which she proved herself a worthy and able leader. During this event, two rival political groups started a riot at the Hippodrome. They set many public buildings on fire and proclaimed a new emperor. Justinian and his officials, unable to control the crowd prepared to flee, but Theodora spoke up and gave a moving speech about the greater significance of the life of someone who died as a ruler, over that of someone who lived but was nothing. Her determined speech convinced Justinian and his officials and they attacked the Hippodrome, killing over 30,000 rebels and emerging victorious. Historians agree that it was Theodora's courage and determination that saved Justinian's empire.

Throughout the rest of her life, Theodora and Justinian transformed the city of Constantinople, building it into a city that for many centuries was known as one of the most wonderful cities in the world. They built aqueducts, bridges, and more than 25 churches, the most significant of these being the Hagia Sophia - 'Church of Holy Wisdom'. Theodora also influenced Byzantine code of law by promoting women’s rights She also provided safe shelter for Monophysite leaders who faced opposition from the majority orthodox Christians, even though her husband Justinian was an orthodox Christian.

Empress Theodora died on 28th June, 548. Her body was buried in the Church of the Holy Apostle, one of the splendid churches that she and Justinian had built in Constantinople.