

## Understanding Justinian's Code

Byzantine Empire

Name: \_\_\_\_\_

Total: 30 Points

**Background Knowledge:** *When Justinian came to the throne in 527 C.E., he created a commission of lawyers to revise and codify the existing laws to both make them simpler to interpret and to increase the authority of his leadership. The Corpus Juris Civilis has four parts: the Code, which consists of 4,652 laws; the Digest, a 50-volume collection of decisions made by respected judges; the Institutes, a kind of textbook of legal procedures, and the Novels, which contain laws introduced by Justinian and his immediate successors. Justinian's new code extended the rights of women, children, and slaves, but also called for harsher penalties for crimes.*

**Directions:** Read the following excerpts from Justinian's Code of Law. After reading the scenarios, answer the following critical thinking questions citing examples from Justinian's Code of Law.

### MARRIAGE

**Justinian Code of Law:** "Citizens are joined together in lawful wedlock when they are united according to law, the man having reached the years of puberty, and the woman being of marriageable age...provided that...they have the consent of the parents.

"It is not every woman that can be taken [as a] wife: for marriage with certain classes of persons is forbidden...thus, father and daughter, grandfather and granddaughter, mother and son, grandmother and grandson, uncle and niece, etc...are incapable of lawfully marrying. Brother and sister, indeed, are prohibited from intermarriage. [However], the children of two brothers or sisters, or of a brother and sister, may (emphasis added) lawfully intermarry. A man cannot have two wives at the same time, nor can a woman have a two husbands at the same time."

**Scenario #1:** *Jim Nastics is the 23-year-old son of an unemployed magician; he travels the county fair carnival circuit as a knife-juggling, acrobatic clown. Wilma B. McBride, his girlfriend, comes from a wealthy family and is a 29-year-old fashion designer in the process of divorcing her first husband. While Jim's parents actively support their son's wish to marry Wilma, Wilma's parents are very much against the idea. Indeed, Wilma's father told her that she is forbidden to marry Jim.*

1. Under the Justinian Code of Law, could Jim Nastics and Wilma B. McBride marry? Why or why not? Explain your answers by citing examples from Justinian's Code of Law.

### ASSAULT AND BATTERY

**Justinian Code of Law:** An injury is defined as "anything, which is done without any just cause. An injury or outrage is inflicted not only by striking with the fist, a stick or whip, but also by vituperation (the use of harsh and abusive language) for the purpose of collecting a crowd...or by writing, composing or publishing [words or poetry that are outrageous and untrue].

"[The amount of money] awarded [to a victim] of an injury or an outrage rises and falls in amount according to the class and character of the [victim]. For instance, [if the victim holds a government position] and is

outraged by a person of low condition, [such a victim is entitled] to greater pecuniary compensation (money\_ than [if the injury was inflicted by another government official].

“A person who has been outraged always has his option between the civil remedy (only involving a financial penalty) and a criminal indictment (in which the accused could be sent to jail). If he prefers [a civil remedy], the penalty which is imposed depends on the [victim’s] own estimate of the wrong he has suffered; if he prefers [a criminal trial] it is the judge’s duty to inflict [the hardest possible] penalty on the offender.”

**Scenario #2: Bert Enerny, a wealthy politician, was hit by Don Annout, a homeless person. Don was frustrated with the politician’s refusal to support the president’s homeless program. Don hoped to draw attention to the homeless problem by directly confronting the senator outside his office where a small crowd was assembled. After enduring a verbal bombardment of curse words from Don, Senator Enerny attempted to push past Don to get into his limousine. At this point, Don punched the Bert with a closed fist; the Senator responded by shoving Don to the ground. It took two police officers several minutes to separate the two men.**

1. Under the Justinian Code of Law, what would happen to Don Annout? Explain your answer by citing examples from Justinian’s Code of Law.

## ROBBERY

**Justinian Code of Law:** Robbery is defined as taking of personal property by using violence or threat. “It is also declared that this [law] relates not only to robbery of travelers, but also to forcible entries on land and houses, so as to deter people from all violent [theft] upon property.

“The penalty [for robbery] is three times the value of the property, and this whether the robber be caught in the act or not. [However], if a man by mistake thought that property was his own...he cannot be convicted of robbery.

**Scenario #3: Jose Canusey, a 30-year-old business executive, was robbed of his wallet, containing \$150, as he was attempting to deposit his paycheck using his bank’s automated teller machine. The robbery took place in broad daylight while the bank was still open for business. Luckily, the camera installed by the bank photographed the robbery as it was in progress, allowing the police to identify and later apprehend the suspect. The suspect, Rob Burr, is a 27-year-old drug addict who robbed Jose so he could buy crack cocaine.**

1. Under the Justinian Code of Law, what would happen to Rob Burr? Explain your answer by citing examples from Justinian’s Code of Law.