

The Codex Theodosianus: On Religion, 4th Century CE

C. Th. XVI.i.2. IT IS Our will that all the peoples who are ruled by the administration of Our Clemency shall practice that religion which the divine Peter the Apostle transmitted to the Romans, as the religion which he introduced makes clear even unto this day. It is evident that this is the religion that is followed by the Pontiff Damasus and by Peter, Bishop of Alexandria, a man of apostolic sanctity; that is, according to the apostolic discipline and the evangelic doctrine, we shall believe in the single Deity of the Father, the Son, and the Holy Spirit, under the concept of equal majesty and of the Holy Trinity.

We command that those persons who follow this rule shall embrace the name of Catholic Christians. The rest, however, whom We adjudge demented and insane, shall sustain the infamy of heretical dogmas, their meeting places shall not receive the name of churches, and they shall be smitten first by divine vengeance and secondly by the retribution of Our own initiative, which We shall assume in accordance with the divine judgment (28 February 380).

C. Th. XVI. i.3. We command that all churches shall immediately be surrendered to those bishops who confess that the Father, the Son, and the Holy Spirit are of one majesty and virtue, of the same glory, and of one splendor; to those bishops who produce no dissonance by unholy distinction, but who affirm the concept of the Trinity by the assertion of three Persons and the unity of the Divinity. . . . All, however, who dissent from the communio' of the faith of those who have been expressly mentioned in this special enumeration shall be expelled from their churches as manifest heretics and hereafter shall be altogether denied the right and power to obtain churches, in order that the priesthood of the true Nicene faith may remain pure, and after the clear regulations of Our law, there shall be no opportunity for malicious subtlety (30 July 381).

C. Th. XVI.i.4. We bestow the right of assembly upon those persons who believe according to the doctrines which in the times of Constantius of sainted memory were decreed as those that would endure forever, when the priests had been called together from all the Roman world and the faith was set forth at the Council of Ariminum by these very persons who are now known to dissent, a faith which was also confirmed by the Council of Constantinople. The right of voluntary assembly shall also be open to those persons for whom We have so ordered. If those persons who suppose that the right of assembly has been granted to them alone should attempt to provoke any agitation against the regulation of Our Tranquillity, they shall know that, as authors of sedition and as disturbers of the peace of the Church, they shall also pay the penalty of high treason with their life and blood. Punishment shall no less await those persons who may attempt to supplicate Us surreptitiously and secretly, contrary to this Our regulation (23 January 386). 11,1. We have learned that clerics of the Catholic Church are being so harassed by a faction of heretics that they are being burdened by nominations and by service as tax receivers, as public custom demands, contrary to the privileges granted them. It is Our pleasure, therefore, that if Your Gravity should find any person thus harassed, another person shall be chosen as a substitute for him and that henceforward men of the aforesaid religion shall be protected from such outrages (31 October 313) .

C. Th. XVI.v.1: It is necessary that the privileges which are bestowed for the cultivation of religion should be given only to followers of the Catholic faith. We desire that heretics and schismatics be not only kept from these privileges, but be subjected to various fines. Constantine Augustus.

C. Th. XVI.vii.1: The ability and right of making wills shall be taken from those who turn from Christians to pagans, and the testament of such an one, if he made any, shall be abrogated after his death. Gratian, Valentinian, and Valens Augusti.

C. Th. XVI.x.4: It is decreed that in all places and all cities the temples should be closed at once, and after a general warning, the opportunity of sinning be taken from the wicked. We decree also that we shall cease from making sacrifices. And if anyone has committed such a crime, let him be stricken with the avenging sword. And we decree that the property of the one executed shall be claimed by the city, and that rulers of the provinces be punished in the same way, if they neglect to punish such crimes. Constantine and Constans Augusti.

C. Th. XVI.xi.4. Every person shall have the liberty to leave at his death any property that he wishes to the most holy and venerable council of the Catholic Church. Wills shall not become void. There is nothing which is more due to men than that the expression of their last will, after which they can no longer will anything, shall be free, and the power of choice, which does not return again, shall be unhampered (3 July 321).

C. Th. XV.xii.1: Bloody spectacles are not suitable for civil ease and domestic quiet. Wherefore since we have proscribed gladiators, those who have been accustomed to be sentenced to such work as punishment for their crimes, you should cause to serve in the mines, so that they may be punished without shedding their blood. Constantine Augustus.

C.Th. XI.vii.13: Let the course of all law suits and all business cease on Sunday, which our fathers have rightly called the Lord's day, and let no one try to collect either a public or a private debt; and let there be no hearing of disputes by any judges either those required to serve by law or those voluntarily chosen by disputants. And he is to be held not only infamous but sacrilegious who has turned away from the service and observance of holy religion on that day. Gratian, Valentinian and Theodosius Augusti.

C.Th. XV.v.1: On the Lord's day, which is the first day of the week, on Christmas, and on the days of Epiphany, Easter, and Pentecost, inasmuch as then the [white] garments [of Christians] symbolizing the light of heavenly cleansing bear witness to the new light of holy baptism, at the time also of the suffering of the apostles, the example for all Christians, the pleasures of the theaters and games are to be kept from the people in all cities, and all the thoughts of Christians and believers are to be occupied with the worship of God. And if any are kept from that worship through the madness of Jewish impiety or the error and insanity of foolish paganism, let them know that there is one time for prayer and another for pleasure. And lest anyone should think he is compelled by the honor due to our person, as if by the greater necessity of his imperial office, or that unless he attempted to hold the games in contempt of the religious prohibition, he might offend our serenity in showing less than the usual devotion toward us; let no one doubt that our clemency is revered in the highest degree by humankind when the worship of the whole world is paid to the might and goodness of God. Theodosius Augustus and Caesar Valentinian.

C. Th.XVI.i.2: We desire that all the people under the rule of our clemency should live by that religion which divine Peter the apostle is said to have given to the Romans, and which it is evident that Pope Damasus and Peter, bishop of Alexandria, a man of apostolic sanctity, followed; that is that we should believe in the one deity of Father, Son, and Holy Spirit with equal majesty and in the Holy Trinity according to the apostolic teaching and the authority of the gospel. Gratian, Valentinian and Theodosius Augusti.

C. Th. XVI.v.iii: Whenever there is found a meeting of a mob of Manichaeans, let the leaders be punished with a heavy fine and let those who attended be known as infamous and dishonored, and be shut out from association with men, and let the house and the dwellings where the profane doctrine was taught be seized by the officers of the city. Valentinian and Valens Augusti.

A Law of Theodosius II, January 31, 439:

Novella III: Concerning Jews, Samaritans, Heretics, And Pagans

Wherefore, although according to an old saying [of the Greek Hippocrates, the "father" of medicine] "no cure is to be applied in desperate sicknesses," nevertheless, in order that these dangerous sects which are unmindful of our times may not spread into life the more freely, in indiscriminate disorder as it were, we ordain by this law to be valid for all time:

No Jew - or no Samaritan who subscribes to neither [the Jewish nor the Christian] religion - shall obtain offices and dignities; to none shall the administration of city service be permitted; nor shall any one exercise the office of a defender [that is, overseer] of the city. Indeed, we believe it sinful that the enemies of the heavenly majesty and of the Roman laws should become the executors of our laws - the administration of which they have slyly obtained and that they, fortified by the authority of the acquired rank, should have the power to judge or decide as they wish against Christians, yes, frequently even over bishops of our holy religion themselves, and thus, as it were, insult our faith.

Moreover, for the same reason, we forbid that any synagogue shall rise as a new building. [Fewer synagogues meant less chance of Christians becoming Jews.] However, the propping up of old synagogues which are now threatened with imminent ruin is permitted. To these things we add that he who misleads a slave or a freeman against his will or by punishable advice, from the service of the Christian religion to that of an abominable sect and ritual, is to be punished by loss of property and life. [That is, the Jew who converts any one to Judaism loses life and property.]

On the one hand, whoever has built a synagogue must realize that he has worked to the advantage of the Catholic church [which will confiscate the building]; on the other hand, whoever has already secured the badge of office shall not hold the dignities he has acquired. On the contrary, he who worms himself into office must remain, as before, in the lowest rank even though he will have already earned an honorary office. And as for him who begins the building of a synagogue and is not moved by the desire of repairing it, he shall be punished by a fine of fifty pounds gold for his daring. Moreover, if he will have prevailed with his evil teachings over the faith of another, he shall see his wealth confiscated and himself soon subjected to a death sentence.

And since it behooves the imperial majesty to consider everything with such foresight that the general welfare does not suffer in the least, we ordain that the tax-paying officeholders of all towns as well as the provincial civil servants - who are obligated to employ their wealth and to make public gifts as part of their burdensome and diverse official and military duties shall remain in their own classes, no matter what sect they belong to. Let it not appear as if we have accorded the benefit of exemption to those men, detestable in their insolent maneuvering, whom we wish to condemn by the authority of this law. [Jews have to accept financially ruinous public offices without hope of exemption.]

This further limitation is to be observed, namely, that these public servants from these above mentioned sects shall never, as far as private affairs are concerned, carry out judicial sentences, nor be wardens of the jail. This is done in order that Christians, as it sometimes happens, may not be hidden away and suffer a double imprisonment through the hatred of the guards- [imprisonment is bad enough without having a Jewish jailer.] And furthermore it may be doubted that they have been justly imprisoned.