

Book I.
Title XI.

Concerning pagan sacrifices and temples.
(De paganis sacrificiis et temples).

1.11.1. Emperor Constantius to Taurus, Praetorian Prefect.

The (pagan) temples in all places and cities shall be immediately closed; access to them is forbidden and incorrigible men are denied the opportunity of sinning.

1. We also want everyone to abstain from sacrificing.

2. If anyone does anything of the kind, he shall be struck down by an avenging sword, the property of the person killed shall be claimed for the fisc.¹ The rectors of the provinces shall be punished similarly if they neglect to avenge such crimes.²

Given this 1st day of December (354).

C. Th. 16. 0.4.

1.11.2. Emperors Gratian, Valentinian and Theodosius to Cynegius, Praetorian Prefect.

No mortal shall have the audacity to so sacrifice, that by inspecting the liver and the presage of the entrails, he may receive the hope of an idle promise, or what is worse, seek to penetrate the future by execrable inquiry. The severest and most painful punishment will be visited upon those who, contrary hereto, attempt to explore the present or the future.

Given at Constantinople May 25 (385).

C. Th.16.10.9.

See also laws 3 and 7, this title; and C. 9.18.

1.11.3. Emperors Arcadius & Honorius to Macrabius and to Proclianus (Vicar of the Five Provinces)

As we prohibit sacrifices, so too, we want to preserve all ornaments of public buildings. Persons who attempt to destroy them cannot rely as authority to do so by bringing forward any rescript or law. Documents of that sort shall be taken from them and referred to us.

Given at Ravenna January 29 (399).

C. Th. 16.10.15.

1.11.4. The same emperors to Apollodorus, Procounsul of Africa.

As we have already destroyed profane rites by a salutary law, so we do not want festal assemblies of citizens and communal pleasure disturbed. Hence, the amusements, but without sacrifice or damnable superstition, shall be exhibited to the people, according to ancient custom, and feasts shall be given if the people demand them.³

¹ Blume's typewritten original read: "his property taken away and claimed by the fisc."

² [Blume] See also laws 3 and 7, this title; and C. 9.18. [Blume also added in the margin: "Perempti—German trans. & Scott wrong."] Scott translated the clause as "...if they have neglected to suppress these crimes." 6 [12] Scott 79.

³ Blume has underlined people, written above "the people" "public vows" and put a question mark in the margin. Scott rendered the passage as: "...when the public wishes demand it..." 6 [12] Scott 80.

Given at Patavia August 20 (399).
C. Th. 16.10.17.

1.11.5. Emperors Honorius and Theodosius to the people of Carthage.

We order that all places which the error of the ancients assigned to sacred purposes shall be confiscated to our crown domain. But those from that source, granted by the liberality of preceding emperors or by Our Majesty to the several persons shall forever remain part of their property. The property which have, by repeated laws, assigned to the venerable church, shall justly be claimed by the Christian religion as its own.

Given at Ravenna August 30 (415).

1.11.6. The same emperors to Asclepiodotus, Praetorian Prefect.

We specially command Christians who are such in fact, or who are called such, not to venture to lay hands on Jews or pagans who live quietly and do nothing turbulent or unlawful, thus misusing the influence of (the Christian) religion; and if Christians use violence toward those who are protected,⁴ or seize their property, they shall, if convicted not alone restore what they took, but double that amount. 1. And the rectors of provinces and their staff and the principal men (of cities) may know that if they do not avenge such deeds, but permit them to be committed by the people, they shall be punished the same as the perpetrators of the crime.

Given at Constantinople June 8 (423).

C. Th. 16.10.24.

Note.

The principals, also called primarii, primates or summates, here translated as principal men, were the leading men of a city. As the magistracies in the municipalities weakened in the later empire, these principal men acquired administrative powers, and they are grouped sometimes with the decurions, and sometimes with the defender, in municipal duties. The title was in some cases conferred by a vote of the municipal council, or senate, and was usually reserved for those who had satisfied their obligations toward the municipality. The chief member of the local council received special honors and privileges, and on the fulfillment of certain conditions, was eligible to be made count of the first order. Frank Abbott & Allan Johnson, Municipal Administration in the Roman Empire 94. For municipal councils, see headnote C. 10.32. For titled positions, see C. 12.1 and subsequent titles.

1.11.7. Emperors Valentinian and Marcian to Palladius, Praetorian Prefect.

No one shall re-open the temples, already formerly closed, for the purposes of⁵ veneration and adoration. Let our age be free from rendering the pristine honor to nefarious, execrable statues, hanging garlands on impious doors of temples, lighting fires at profane altars, burning incense on them, slaughtering victims, pouring wine from bowls as a libation, and considering (what in fact it) sacrilege as religion.

1. And whoever, contrary to this ordinance of Our Serenity and contrary to the interdicts of the ancient, holy constitutions, ventures to offer sacrifice, may be rightly

⁴ Blume has penciled in above this phrase “the peaceful” and put a question mark in the margin next to it.

⁵ Above this phrase Blume has penciled in “with a mind of,” but he did not line-out the original phrase.

accused of such a crime before a public judge, and if convicted, his property shall be confiscated and he shall be punished by death.

2. Those who have guilty knowledge of, and assist in, offering sacrifices shall suffer the same punishment imposed on the former, so that, terrified by the severity of our law, and by the fear of punishment, they may desist from the forbidden sacrifices.

3. But if the honorable rector of a province, after legal accusation, and upon conviction of the crime after trial, fails to avenge such crime, the judge himself shall be compelled to pay 50 pounds of gold to our fisc and his staff a like amount.

Given November 4 (451).

1.11.9.

We order that our magistrates in this imperial city, as well as in the province shall zealously take care upon information received directly or from the pious bishops, to inquire into all iniquities of the pagan superstition contrary to law, so that no such iniquities are committed, or if committed, punished. But if the power of the provincial magistrates is not sufficiently great to enforce these provisions, they shall report the matter to us so that the cause of and inducement for the misdeeds may not be blamed on them.

1. No one shall by testament or gift be allowed to leave or give anything to persons or places in order to uphold the iniquity of the pagans, although this purpose be not specially mentioned in the words of the last wish, testament or gift, but where the truth may be ascertained by the judges in some other manner.

2. Whatever has been thus left or given, shall be taken away from the persons or places to whom or to which they are left, and shall become the property of the city in which such persons live or to which such places are tributary,⁶ so that it may be expended as public income.

3. All the punishments which were introduced by former emperors against pagan error or in favor of the orthodox faith shall be valid and in force in the future and are retained in force by the present pious legislation.

1.11.10.

Since some have been found who, imbued with the error of the impious and wicked pagans, do things which move the indulgent God to just wrath, and in order not [to] leave matters pertaining to them unprovided for, and knowing that they, having abandoned the adoration of the true and only God, have, in their insane error, offered sacrifices to statues and performed worship replete with iniquity, and that even those who had been already found worthy of sacred baptism, have committed these sins, we subjected them, in a spirit of kindness, to the punishment adequate to the crime of which they shall be convicted. And by the present law we give notice to all that, if in the future it shall appear that those who have become Christians and have at any time been considered worthy of the holy and saving baptism, still adhere to pagan error, they shall be punished by death.

1. Those who have not yet been deemed worthy of the holy baptism must make themselves known whether they live in this imperial city or in the province, and go to the holy churches with their wives and children and their whole household, to be taught the

⁶ [Blume] [A] Cit[y] ordinarily controlled certain territory surrounding it.

true faith of the Christians, and when so taught, to entirely abandon the former error, receive the saving baptism, or realize that if they consider these things of little worth, they will be without any civil rights and will not be permitted to become owners of property movable or immovable, but stripped of all things, will be left in penury, and in addition will be subject to the proper punishment.

2. Moreover, we forbid the teaching of any doctrine by those who labor under the insanity of paganism, so that they may not in that manner pretend to instruct those coming to see them in a way to excite pity, while in fact they corrupt the souls of their disciples. Nor shall they receive any salary (annona) in as much as they are not permitted to claim anything of the kind pursuant to a rescript or pragmatic sanction.

3. If there shall be any approved men here or in the provinces who shall not hasten to our holy churches with wife and children, as above mentioned, he shall undergo the aforesaid punishment, the fisc shall receive his property, and he himself shall be sent into exile.

4. Moreover, if anyone hiding himself in our state shall be found to offer sacrifices or worship of statues, he shall be punished by death to which punishment the Manichaeans and, which means the same, the Borbarites, are deservedly subjected; for we consider these latter to be like the former.

5. We also ordain that their children of tender age shall immediately and without delay, receive the saving baptism; but those who have passed the age of infancy shall go to the holy churches to be instructed in the holy scriptures, shall give themselves, to true penitence, and shall, after abandoning their former error, receive holy baptism. They shall in this manner firmly embrace the true orthodox faith, so as not to relapse into their former error.

6. Those, however, who for the sake of retention of a position of rank, imperial service, or of property, deceitfully receive the saving baptism, but leave their wives, children and household in the error of paganism, shall be shorn of their property, be without civil rights and be subjected to the punishment which they deserve, for it is clear that they did not receive the holy baptism in good faith.

7. We make these provisions, therefore, against the wicked pagans and Manichaeans, and against the Borbarites, who, as has been shown, are a part of the Manichaeans.