

Book I.
Title VII.

About Apostles.
(De Apostatis)

Bas. 60.54.22

1.7.1. Emperor Constantine to Thallasius, Praetorian Prefect.

If anyone, having become a Christian according to the canons of the church,¹ becomes a Jew and joins sacrilegious assemblies, and the accusation has been proved, his property shall be turned over to the fisc (public treasury).

Given at Milan July 3 (357).

C. Th. 16.8.7.

1.7.2. Emperors Gratian, Valentinian and Theodosius to Hypatius, Praetorian Prefect.

If anyone accuses a decedent of having violated and deserted the Christian religion, and contends that he joined the sacrileges of the temples of the Pagans or the Jewish cult, and that for that reason he was disqualified from making a testament, he must commence his action, and receive a trial of that kind, within the continuous period of five years,² which period is fixed for actions against unjust testaments.³

Given at Patavin May 18 (383).

C. Th. 16.7.4.

1.7.3. Emperors Valentinian, Theodosius and Arcadius to Flavianus, Praetorian Prefect.

Those who have betrayed the holy faith and have profaned the holy rite of baptism by a heretical superstition shall be segregated from the companionship of all, shall be unable to give testimony, and, as we have heretofore ordained, shall not be able to make a testament; they shall inherit from no one, nor be named by anyone as heir.

1. We should long ago have directed them to be expelled and removed far away, had it not appeared⁴ that to be among people without enjoying their society, is a greater punishment.

2. And they shall never return to their former condition, the flagitiousness of their morals shall never be obliterated by penitence, or covered up by any pretended and invented excuse or exculpation, since lies and pretenses cannot protect those who have polluted the faith which they had vowed to God, and who, having betrayed the divine mystery, have joined the profane. Help is extended to the fallen and to the erring, but the lost ones, those who have profaned the holy baptism, cannot be aided by any remedy of penitence, which helps other crimes.

¹ Blume penciled in above this phrase “spitting upon—or destituta” and put a question mark in the margin. Scott’s translation is: “If anyone, after renouncing the venerated Catholic faith...” 6 [12] Scott 72.

² The three preceding clauses perplexed Blume. He placed a question mark in the margin and seemed unsure whether the accuser should be described as choosing, selecting, or receiving a trial. Scott phrased it as: “...he must institute proceedings within five years...” 6 [12] Scott 73.

³ [Blume] C. 3.28. This law was modified by law 4 of this title.

⁴ The original typewritten manuscript read “had we not realized.” Scott has it as: “...if it had not seemed...” 6 [12] Scott 73.

Given at Concordia May 11 (391).
C. Th. 16.7.4.

1.7.4. Emperors Theodosius and Valentinian.

Let the voice of accusation of everyone ever reproach the sacrilegious name of apostate, and let inquiry into that kind of crime not be barred by any lapse of time.

1. We say to them again, though past interdicts suffice, that after having turned from the path of the true faith, they shall have no power to make a testament or gift. They cannot defraud the law even by a pretended sale, and all their property shall rather pass by intestacy to those of their relatives who are followers of Christian faith.

2. An action against such sacrilege shall be perpetual even to the extent that all intestate heirs shall have the unqualified right of accusation even after the death of the transgressor, and it shall be no objection that no action was brought against him during his life time.

3. But lest the interpretation of this crime erroneously take too wide a sweep, (it must be understood that) we pursue in this law those Christians who make (Pagan) sacrifices or cause them to be made, and whose perfidy proven after death is to be punished in that their gifts and testaments shall be annulled and their property shall pass to the persons whom the law designates as intestate heirs.⁵

Given at Ravenna April 7 (426).
C. Th. 16.7.7.

1.7.5. Emperors Theodosius and Valentinian to Florentius, Praetorian Prefect.

We decree that whoever has seduced anyone, free or slave, by force or punishable persuasion, from the worship of the Christian religion to a nefarious heresy or cult, shall be punished by the loss of his property and by death.

Given at Constantinople January 31, (438).
Nov. Th. 3.4.

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

We order that those of the clergy of the Catholic churches and the monks of the orthodox faith who have abandoned the worship of the orthodox religion and follow the heresy and execrable dogmas of Apollinaris or Eutyches shall be subjected to all the punishments which were provided in the former laws against heretics and they shall also be expelled from the very soil of the Roman empire, just as the foregoing laws have provided concerning the Manichaeans.

Given at Constantinople August 1 (455).

⁵ [Blume] This law modifies law 2 of this title.