

Novel 144.

Concerning the Samaritans.

(De Samaritanis).

Headnote.

This Novel, enacted by Justin, successor of Justinian, in 572 A.D. repealed Novel 129, enacted by the latter. A few Novels only not enacted by Justinian are embodied in the collection of the Justinian Novels.

Emperor Justin to Diomedes, praetorian
prefect.

Preface.

Our father, of blessed memory, as well as ourselves, have often paid attention to the heresy of the Samaritans and their folly, devoid of reason, so as to lead them to a better faith and free them from the sickness which grips them; but we have not been able in connection with many of them to accomplish what lay near our heart, according to ancient custom. For some of them have gone to such an extent of foolishness, that, having received the soul-saving baptism, they returned to the evil ways which they had left, worshipped in the same manner as the Samaritans and were found to be possessed of the same madness. Hence it has seemed proper to us to renew the former law enacted by our father against them.

c. 1. And on that account we ordain, that they shall have no heirs, with or without testament, shall not receive legacies or acquire any property by gift; but Samaritans and heretics in general or those who pretend to embrace the right Christian faith,

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but who do not in fact believe in it and fail to do the things in harmony therewith, shall have no heirs, called on intestacy, nor shall they be able to make testaments or leave legacies or gifts, unless those who receive the property are orthodox in faith and in fact. If none of them are so, we direct the property of such persons, after their death to belong to the imperial treasury. And so the gracious enactment of our father in their favor, having the force of law, which permitted them to take and transmit an inheritance, take and leave legacies, shall hereafter be void and be without any force. For since those who are possessed by the folly of the Samaritans have shown themselves unworthy of the spirit of humanity of that law, they need not accuse anyone else but themselves, that they have become alienated from the clemency of the great God and of our Saviour Jesus Christ and have been deprived of the liberality formerly granted them by our government, in order that they might turn their mind toward the better, and not so that they might persevere in their perverse belief forever.

c. 2. But we except from the present law the serfs who follow the belief of the Samaritans -- not on their own account, but on account of the condition of the lands cultivated by them, and on account of the tribute and returns paid into the imperial treasury from that source, especially since they err on account of want of knowledge. We permit them to appoint ascendants, descendants and collateral relatives as heirs and legatees, although possessed by the error of the Samaritans, provided (such heirs and legatees) cultivate the fields whereby greater riches may come to the owners

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of the lands and through them to our imperial treasury. They may also inherit from each other without testament, for the same reason. If there is none of them surviving, the owner of the land on which the deceased was a serf, shall receive what is left by the latter, and shall take the place of the public treasury, and he shall pay the public tribute on behalf of the decedent. 1. We do not permit a Samaritan to serve in the army; he shall not even hold a civil office, shall not be an advocate or assessor (counsellor of a magistrate), shall not be numbered among the learned rhetoricians, and shall not teach the youths. 2. If any of them, after having received the soul-saving baptism, are found to return to their former error, observing the sabbath or doing other things which convict them of having received the holy baptism by pretence, they shall suffer confiscation (of their property) and be sent into perpetual exile. The same penalty shall be visited upon those who extend impious patronage to them against the true Christian faith. 3. It seems to be proper, that those who come to receive the spotless baptism should not be received immediately, but only after some observation and instruction for a sufficient time. We prescribe that those who comprehend the good doctrine shall be instructed for two years, and learn the scriptures as far as possible, and only then receive the holy baptism of redemption, gaining the true redemption by a penitence of that length of time. Those who are still young and do not understand the doctrine, are permitted, without this observance, to be considered worthy of the holy baptism. No Samaritan, moreover, shall have a Christian slave, and as soon as he acquires one, the latter shall at once be put

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at liberty. If the slave is of the same perverse belief, he also is permitted to enjoy the Roman Freedom immediately upon embracing the faith of the Christians.

Epilogue.

Your Glory, therefore, will direct that this our will, declared by the present law, is carried into effect by posting this law up in the usual places.

Given at Constantinople, May 18, 572. A.D.