

Book I.
Title IX.

Concerning the Jews and the worshippers of the heavens (celestials).
(De Judaeis et caelicolis).¹

1.9.1. Emperor Antoninus to Claudius Tryphonius.

No suit can be brought to recover what Cornelia Salvia bequeathed to the society of Jews situated in the city of the Antiochians.

Given n June 30 (213).

1.9.2. [No title given]

The powerful rector of the people will take care that you are not disturbed by corporeal duties when you are accustomed to rest on the Sabbath.

Note.

This law was evidently addressed to a Jew or Jews. The law was probably not later than Constantine.

1.9.3. Emperor Constantine to Evagrius, Praetorian Prefect.

We want the Jews and their elders and patriarchs to know, that if anyone should dare, after the enactment of this law, to assail, by stones or other mad method—which we have learned is now being done—persons who have deserted their unholy sect and have turned to the worship of God, they, together with all their associates, shall be delivered to the flames and burned.

Given at Murgillum October 18 (315).

C. Th. 16.8.1.

Note.

Millman, 3 History of the Jews 149 says of this law: “It enacted, that if the Jews should stone, or endanger the life of a Christian convert, all who were concerned should be burned alive. This law shows the still fiery zeal of the Jews, and their authority within the walls of their own synagogue; nor had they any right to complain if proselytes to the established faith should be protected from their violence under the severest penalties.”

1.9.4. Emperors Valentinian and Valens to Remigius, Master of Offices.

You must order those who enter a Jewish synagogue as though by right of quartering to leaf it, for it becomes them to enter only private houses by that right, not places of worship.

Given at Trieste May 6 (365, or 370, or 373)

C. Th. 7.8.2.

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

The order on which Jews rely, by which freedom from curial duties (liturgies) is given, is rescinded.

Given at Milan April 18 (383).

¹ [Blume] Bas. 1.1.11.

C. Th. 12.1.99.

Note.

Curial duties or liturgies were burdensome, and in the later empire every effort was made to keep men within the curia or municipal council of the various cities. See C.10.32 and headnote.

1.9.6. Emperors Valentinian, Theodosius and Arcadius to Cynegius, Praetorian Prefect.

No Jew shall marry a Christian woman, nor a Christian man a Jewess. And if anyone does anything of the kind, the act shall be considered in the nature of adultery, and liberty of accusation is given to everyone.²

Given at Thessalonica April 30 (388).

1.9.7. The same Emperors to Infantius, Count of the Orient.

No Jew shall follow the custom of his people in contracting marriage, nor enter wedlock according to Jewish law, nor enter into different marriages at the same time.³

Given at Constantinople February 27 (393).

Note.

The Jewish law in reference to the degrees in which marriage was prohibited was more liberal than the Roman law, and the law was probably aimed at that.

1.9.8. Emperors Gratian, Valentinian and Theodosius to Eutychianus, Praetorian Prefect

The Jews living under a common law of Rome, shall in cases not (non)pertaining⁴ to their superstition, but to questions of venue, laws, and rights, go into court in the usual manner and commence and defend actions according to Roman laws. 1. But if any want to submit their litigation in civil cases only to Jews as arbitrators, they are not forbidden by law to select such tribunal, and the judges shall carry out the decisions as if made by a referee as judge (and assigned pursuant to law).

Given at Constantinople, February 3 (398).

C. Th. 2.1.10.

Note.

“In the markets the Jews had their own officers to regulate the price of things sold among themselves and were not subject to the ordinary discussor or moderator.”

Millman, 3 History of the Jews 149 (1830).

1.9.10. The same Emperors to Eutychianus, Praetorian Prefect.

Jews who are shown to belong to a curia shall be delivered over to it.

Given December 30 (399).

C. Th. 12.1.165.

Note.

See note to law 5 of this title.

² Question marks have been penciled into the margin next to each sentence.

³ This reflects penciled changes. The last clause in the typewritten original is: “nor have more than one mate at the same time.”

⁴ [Blume] “Non” in C. Th. but not in this text.

1.9.11. Emperors Honorius and Theodosius to Anthemius, Praetorian Prefect.

The rectors of the provinces must prevent the Jews, in a ceremony of their festival of Aman (Haman), in commemoration of some punishment, from setting fire to, and from burning with sacrilegious mind, a gibbet similar to the holy cross, in contempt of the Christian faith, lest they mingle the sign of our faith with their places;⁵ but they shall retain their own rites without (showing) contempt of the Christian faith; and they will unquestionably lose (the right to do what has been) permitted (them) heretofore, unless they refrain from unlawful acts.

Given at Constantinople May 30 (408).

C. Th. 16.8.18.

Note.

At the feast of Purim, the Jews execrated the name of Haman, erected a gibbet, on which a figure representing Haman was suspended and which was treated with every kind of indignity. The gibbet was at times made in the form of a cross, perhaps purposely, so as to show contempt for the sign revered by the Christians. Such practice lead to fights with Christians. Hence it was forbidden by the foregoing law. 3 Millman, History of the Jews 159.

1.9.12. The same Emperors to Javius, Praetorian Prefect.

The unheard-of name of worshippers of the heavens (coelicolarum) has arisen out of some new crime of superstition.⁶ Unless they turn to the worship of God and to Christian belief they shall be subject to the laws in which we direct the heretics to be punished. Their buildings, in which the assemblies of, we know not what, new dogmas are held, shall be claimed for the churches. For it is certain that whatever differs from the faith of the Christians is contrary to Christian precepts.

Given at Ravenna April 1 (409).

C. Th. 16.8.19.

Note.

The coelicoli were a Jewish sect who worshipped the sun and moon.

1.9.13. The same Emperors to Johannus, Praetorian Prefect.

We direct that the Jews shall not be required to do any work or for any reason be summoned (into court) on the day of the Sabbath or on other days when they perform the worship of their cult; but neither shall they summon the orthodox Christians on the aforesaid days, lest the Christians are disturbed on these days by provincial apparitors (officialibus)⁷ at the instigations of the Jews. It is clear that remaining days suffice for fiscal needs and private suits.

Given at Ravenna July 26 (412).

C. Th. 2.8.26.

⁵ The typewritten original of this clause reads: "lest they have the sign of our faith in their places."

⁶ Blume has penciled in above "has arisen out of" the phrase "has brought about?" and also placed two question marks in the margin next to this sentence.

⁷ Officialibus is underlined in pencil and a question mark has been penciled into the margin next to this sentence.

1.9.14. The same Emperors to Philippus, Praetorian Prefect.

No Jew while innocent shall be trampled on because he is a Jew; nor shall his religion, whatever it may be, expose him to injustice. The synagogues of the Jews or residences shall nowhere be burned or wrongly and without cause injured, since, though someone may be implicated in crimes, the vigor of judicial tribunals and the protection of the public law has been established in our midst so that no one may seek his own revenge. 1. But as we thus look out for the Jews, so, too, we give this warning, that Jews should not become insolent, and relying on their own safety, commit any rash act in disrespect of the Christian cult.

Given at Constantinople August 8 (412).

C. Th. 16.8.21.

1.9.15. The same Emperors to Aurelianus, Praetorian Prefect.

If there is any dispute between Christians and Jews, it shall not be settled by the elders of the Jews, but by the ordinary judges.

Given at Constantinople October 20 (415).

C. Th. 16.8.22.

1.9.16. The same Emperors to Asclepiodotus, Praetorian Prefect.

The Jews will be punished by confiscation of their property and by perpetual exile if it shall be shown that they have circumcised a person of our faith, or have directed it to be done.

Given at Constantinople April 9 (423).

C. Th. 16.8.26.

1.9.17. Emperors Theodosius and Valentinian to Johannus, Count of the Imperial Exchequer.

The primates of the Jews, who are elected in the councils of the two provinces of Palestine, or who live in other provinces must at their peril, and with Palestine officials compelling them, collect the annual tax from the synagogues in the same manner as the patriarchs formerly collected in the name of coronary gold; and whatever used to be collected in the west of the empire and paid to the patriarchs shall now be paid into our treasury.

Given at Constantinople May 30 (429).

C. Th. 16.8.29.

Note.

A coronary gold, a contribution in gold, was laid from time to time upon certain officials. See C.10.76. But the tax here mentioned, though similar to it, was annual, whereas the ordinary coronary gold was not.

We have it from a number of sources that a special tax was assessed against the Jews, and that evidently continued to Justinian's time. Josephus, Judaism 7. 6. 6, says: "He (the emperor) also laid a tribute upon the Jews wheresoever they were and enjoined everyone of them to bring two drachmae every year into the Capitol, as they used to pay the same to the temple at Jerusalem." And Suet. Dom. c. 12 says: "Besides other taxes, that on the Jews was levied with the utmost rigor, and those were prosecuted who without

publicly acknowledging that faith yet levied as Jews as well as those who concealed their origin and did not pay the tribute levied upon their people.” See also Radin, The Jews Among the Greeks and Romans 363, who states that the synagogues were Jewish corporations, and like other guilds, were forced to bear the burden of certain munera (duties or burdens). See also Pauly, Wissowa under “fiscus Judaicus.”

At the time of the enactment of the instant law, patriarchs among the Jews had evidently ceased to exist and their place was taken by the primates. See Gothofredus on this law. There were at that time three Palastinian provinces; but only two are mentioned here, because probably no primates were in the third. The patriarchs or primates collected the tax from the various Jewish synagogues or communities, these communities taking care of the collection of their proper share. The Eastern portion was at this time so separated from the western, that the amount of the tax on the Jews in the West was paid direct into the treasury, and not, as formerly, to the patriarch residing in the East. See Gothofredus.

1.9.18. The same emperors to Florentius, Praetorian Prefect.

By this law, which shall last forever, we ordain that no Jew, to whom all imperial posts of administration and all positions of rank are forbidden, shall further not be permitted to perform the function of defender of the city, nor receive the honor of a curator (father) of the city, lest armed by the authority of their office, they have power to judge and pronounce sentence against Christians or even the bishops of our holy religion, as though in insult of our faith.⁸

1. With equal consideration we direct that no new Jewish synagogues shall be erected, but the old ones, threatened by ruin, may be propped up.

2. The Jew, accordingly, who has received the badges (ribbons) of an office, shall not take possession of any acquitted position of rank; and if he has sneaked into a forbidden official position, he shall be expelled therefrom. If he has erected a synagogue, he must know that he has troubled himself only for the benefit of the church. If he has craftily obtained honors and titles, he shall, nevertheless, as before, be considered as of the lowest status, even though he unlawfully served (promeruerit)⁹ in a position of honor. If he has commenced the construction of a synagogue, not (merely) with the intention of repair, he shall lose 50 pounds of gold for his pains.

3. If he attacks another’s faith by (his) perverse doctrine, his property will be confiscated and he will thereafter be put to death.¹⁰

Given at Constantinople January 31 (439).

Nov. Thod. 3, §§ 2-5.

⁸ [Blume] A similar provision against Manichaeans is found in C. 1.5.12.7.

⁹ [Blume] Unless that is the meaning, the sentence seems to be superfluous or make little sense.

¹⁰ Blume penciled in several possible changes above the typewritten text without lining out the original. The alternatives are stylistic and grammatical, however, and do not change the meaning of the sentence.