

Novel 42.

Imperial constitution of the emperor Justinian against Anthimus, Severus, Peter and Zoara.

In the name of our Lord Jesus Christ, our God, Emperor Caesar Flavius Justinian Alemanicus Gothicus Franciscus Germanicus, Anticus Alanicus Vandalicus Africanus, pious, fortunate, glorious, victorious, triumphant, ever-Augustus to Mena, patriarch.

We came to enact the present law on a matter not stranger to the emperor. For whenever the judgment of bishops has deposed persons unworthy of the priesthood, from their holy sees, as in the case of Nestorius, Eutyches, Arius, Macedonius, Eunomius, and others, not behind them in iniquity, the emperor has united with the bishops in their decision and order, so that the concurrence of the divine and the human may, by just decision, create harmony. We know this to have recently taken place in the case of Anthimus, who was deposed from his see in this imperial city, by Agapitus, of holy and glorious memory, pontiff of the holy church of ancient Rome, because he thrust himself upon the see in an unbecoming manner, and contrary to the sacred canons. He was condemned and deposed by the decision of this man, of holy memory, and also by that of the holy synod, held in this city, because he departed from the right dogmas, which he at first oftentimes seemed to cherish, but finally abandoned by various subterfuges, simulating to follow the four holy synods, namely, that of the 318 of Nicea, that of the 150 in this fortunate city, that of the 200 assembled the first time at Ephesus, and that of the 630 venerable fathers in Chalcedon—but not in fact following these dogmas. He also refused to accept our clemency and kindness, which we felt for him, to save him, but he would not renounce the authors of impious dogmas, who were expelled from the holy synods, but thought that he should treat the condemned and those condemned who them alike. Once given over to beliefs foreign to the holy church, and alienated from right dogmas, he was unable to return to the right ones, though invited and directed thereto by us, who used every effort for his safety.

c. 1. On account, therefore, of all these things, we make the sentence of deposition passed upon him by the holy synod, because he unlawfully and contrary to the holy canons, seized the holy see of this imperial city and because of turning away from the right and true dogmas, our own, and enact the present law against him. We forbid him to live in this fortunate city or in its neighborhood, or in any other important city, ordaining that he shall live in seclusion, be only with those whom he worthily joined himself, communicate with no others, nor teach them the forbidden dogmas, so as to be destroyed. **1.** Nor do we leave without imperial confirmation the decision justly rendered against Servus, rendered by all, as we may say, pontiffs and patriarchs, concurred in by the monks, and anathematizing him. He, first receiving the see of the holy church of Theopolis (Antioch) contrary to the holy canons, made such disturbance and continued trouble, as to cause a common and abominable strife in the holy churches. Those who held the scepter before us, wrote that he held various false opinions, at variance with rectitude, that he was guilty of blasphemy, disturbed everything, and was holding to all the abominable errors of the dogmas of heretics and wicked men, namely of Nestorius and Eutyches, and that while their teachings seemed, in a measure, to be contrary to each other, those of both, however, leading to the same impious end, he combined their known teachings into one. For while the two dogmas are repugnant to each other, both, however, alike leading to the destruction of the soul, namely, those of Nestorius and Eutyches, as we have stated, and which arise out of the contagion (heresy) of Arian and Apollinarius, he himself was paradoxical, fell alike into both errors, and rejecting something here and something there, has seemed to make of himself and his teachings a common receptacle of such great crimes. **2.** Let him, too, therefore, be under the foregoing anathema, justly pronounced against him by the whole patriarchal, pontifical and monastic assembly of our realm, as we may say, ejecting him from the church at Theopolis (Antioch), the patriarch there having removed him from it, because he had not rightly obtained the government thereof, in as much as his predecessor was still living and preaching in the holy churches, and was expelled by his successor (Severus), nor did he let it go at that, but anathematized by the orthodox and catholic church, he flooded our realm with many books of

blasphemies and abominations. We accordingly forbid all to possess any of his books, and just as it is unlawful to write or possess any book of Nestorius—it appearing best to our predecessors to make like determination as to the teachings and writings of Porphyrius against the Christians—so no teachings and writings of Severus shall remain in the hands of any Christian, but they shall be considered profane, at variance with the Catholic Church, and shall, by the possessors, be burned, unless those who have them want to incur danger. They shall, accordingly, be written by no one, either those who write beautifully or by those who write swiftly, knowing that the penalty of the amputation of the (writing) hand will be visited upon those who write his writings; for we do not hereafter want these blasphemies to be spread. **3.** We likewise forbid him (Severus) to enter this imperial city or its neighborhood, or any other city of importance, but he shall keep himself in solitude and silence, and not corrupt others or convert them to his blasphemy, and not continually invent something new against the true dogmas, by which he may again disturb our holy churches.

Note.

As to Arian, see note C. 1.1.2; as to Apollinarius, note C. 1.1.5; as to Nestorius and Porphyrius, note C. 1.1.3; as to Eutyches and the Monophysites, notes C. 1.1.4 and C. 1.1.5. As to the four holy synods here mentioned, see note C. 1.1.4.

Anthimus, who was here deposed by Justinian, was a Monophysite, and had been raised to the episcopal chair at the capital through the influence of Theodora, wife of Justinian, and who leaned toward the doctrine of the Monophysites. Agapetus, however, Roman pontiff, deposed Anthimus, and caused him also to be deposed by a council, held in Constantinople and procured Mena, a friend of his, to be put in his place. Justinian confirmed this deposition. It may, however, be said here, that the emperor vacillated in his policy toward the Monophysites, but this vacillation may be explained by the fact that they were very strong in the East, and especially in Egypt. Numerous endeavors were made by Justinian to bring the different factions together, and this despite the fact that he was by nature very religious and anxious to be orthodox.

c. 2. The emperor likewise rejects Peter, bishop of Apamea, deposed and anathematized at the same time by those who pronounced the anathema upon Severus, but the pronouncement shall be made valid against him, he must remain subject to the common anathema, and the decision of the holy pontiffs which stepped in against him, shall remain in force. And we do not permit him to live in this imperial city or its neighborhood, or in any important city, but let him live in the manner of those whose error he embraced, going away and hiding as far as possible. For it is better that such persons be in hiding than to be seen. Living unknown, they injure only themselves; making their dogmas known, they lead many of the simple folk to perdition, which is in no manner just in a Christian community and amid an orthodox people and is not permitted by the emperor.

c. 3. Since, moreover, the reverend, and justly adjudicating bishops also deemed Zoara worthy of being anathematized, which is but a small retribution for such evils by which he was dishonored, seizing upon everything with a good memory, let Zoara also become a part of this worthless company of Anthemus, Severus and Peter, and let him also be among the anathematized, by reason of the holy judgment passed upon him, which, already in force by virtue of its own vigor, the emperor makes his own and confirms it, banishing him from this imperial city, and its neighborhood, and entirely forbidding him habitation in other cities. Hence he shall live and advise only with those who were previously mentioned by us, who are guilty of the same blasphemy, suffer in the same way, and alike are sent into exile. If there is anything else in the decision of the holy bishops which deposes and anathematizes the foregoing men, it shall be valid and we confirm it by our imperial law, as though proceeding from the emperor himself. If, moreover, one of them is hereafter found to do anything against what has been decided, he may know to have acted contrary to imperial laws, which visit those with severer penalties who disregard the minor ones. **1.** We, moreover, forbid all those who attempt to do so to divide the catholic church of God, either by the doctrine of the heretical Nestorius or by the senseless teaching of Eutyches, or by the blasphemy of Severus, who believes

in matters similar thereto, and forbid those who follow them, to create any sedition in the holy churches, or to say anything about faith; but we ordain that everyone of such persons shall keep silent, not assemble any people, or receive those who approach them; and they shall not dare to baptize uncanonically, or defile the holy communion or administer it to any persons, or to expound the forbidden doctrines, whether in this imperial city or in another; if they do anything of the kind, they will bring every peril upon themselves. **2.** We also forbid everyone to receive them. We therefore ordain that they shall be expelled from the cities which they disturbed, knowing of the penalties contained in our imperial constitutions, which even adjudge houses, in which anything contrary to the law is done, and the fields from which nourishment is furnished the transgressors, to the holy churches, and deprive the possessors thereof, because that (the violation of the law) takes place to the detriment of simple folk, who think it to be done according to the holy and orthodox churches. **3.** We determine these matters for the place of the holy churches, following the dogmas of the holy fathers, so that every bishopric may hereafter remain undisturbed, in which event our realm will abound in other blessings, having, from above, a peace which the Great God and our Savior Jesus Christ, one of the trinity, the only begotten son of God, preaches and gives to those who may be considered worthy of glory and adore Him uprightly and truly.

Your Beatitude must maintain these provisions, rightly made, sending them, through your letter, pleasing to God, to all the holy metropolitan bishops under you, whose duty it will be to make these provisions known to all the holy churches under them, so that no one will be unaware, of what seemed best to the bishops and which has been confirmed by the emperor.

Imperial subscription: May the Divinity preserve you through many years, holy and pious father.

Given at Constantinople August 13, 536.