

Novel 83.

That clergymen shall (in suits) answer before
the bishops.

(Ut clerici apud episcopos respondeant.)

The emperor Justinian Augustus to John, glorious
praetorian prefect of the Orient the second
time, exconsul ordinary and patrician.

Preface.

Since we have enacted many laws concerning the God-beloved bishops and the members of the priesthood below them in rank, and have done so recently concerning the religious monks, in which we want the religious monks to answer in actions only before the bishops of the cities under whom the monasteries are, we have been asked by Mena, God-beloved archbishop of this fortunate city and universal patriarch, to grant this privilege also to the pious clergymen, so that if anyone should have a civil suit with them, he should first go before the God-beloved bishop under whom the clergyman is, call on him and receive a decision without writing. (a) And when this has been done, he (the plaintiff) shall make him (the defendant) no (further) trouble, shall not drag him before any civil tribunal nor detain him from his sacred ministry; the cause shall, without damage, be investigated without writing, or in writing, if the parties want and ask that, and thus be released from their mutual contention. 1. But if the God-beloved bishop cannot decide the cause on account of the nature thereof or because of some difficulty, then it will be permitted to go before a civil magistrate, and under preservation of all the privileges which imperial constitutions have granted to the pious clergymen, litigate the matter, put an end to the suit and thus give freedom

Novel 83 pref. cont'd.

from trouble. Our honorable magistrates, moreover, shall, according to our laws, zealously hasten to decide the suits quickly, lest the clergymen be called away from their work on account of such suits, and lest, while the clergymen should supplicate God and do that which is becoming to them, they may be detained in courts and the crowds there and the disturbance by which the minds of litigants are usually imbued. 2. But if they are sued in criminal cases, private (in their nature), the, in this city, the competent magistrates, in the provinces, the presidents shall be their judges, but the suit shall not exceed the period of two months from the time of the joinder of issues, so that a quick ending shall be given the matter. And it is proper in this matter, that if the president of the province adjudges the person summoned to be guilty and worthy of punishment, the God-beloved bishop must first deprive him of his sacerdotal dignity, before the punishment is visited upon him.

Note.

Ordinarily all proceedings were taken down in writing. But some proceedings were directed to be summary and brief, and in these cases they were not reduced to writing. See note C. 7, 44, 3.

c. 1. If it is an ecclesiastical offense, however, which requires ecclesiastical chastisement and penalty, the God-beloved bishop shall be the judge therein, and the presidents of the provinces shall not participate therein. For we do not even want such matters to be known by the civil magistrates, since it is proper that they be examined by the church authorities, and that the souls of the sinners be corrected by ecclesiastical penalties, ac-

Novel 83 c. 1 cont'd.

ording to the sacred canons, which our laws do not disdain to follow. If, however, issues have already been formerly joined in suits (in civil courts), they shall continue there and be quickly finished. Everything (else) moreover, which has already been enacted by us concerning the holy churches, or the God-beloved bishops or the clergymen or monks shall remain in force.

Epilogue.

Your Sublimity must make these provisions, declared by this imperial law, known to all by yo r own edicts and you must zealously maintain them forever.

Given at Constantinople May 18, 539.