

Edict 1.<sup>1</sup>

Edictum scriptum ad deo carissimos ubique terrarum espiscopos et sactissimos patriarchas.

[In Blume's manuscript there is a penciled notation at the top of Edict 2: "Edict 1—Title Only." The title given above is the one shown in Schoell and Kroll in their section on the edicts. Blume seems to have missed their note indicating the following: Edict 1 is found in this location in the Codex Marcianus; it is placed after Novel 8 in the Laurentianus; it is given at 6.3.48, 49 in the Basilica; and that the text follows Novel 8 in their own edition—as in the Codex Laurentianus. In other contexts Blume took care to point out when he was not translating a provision because it was duplicated elsewhere, e.g., Novel 143, where his penciled notation is: " Same as novel 150."

Interestingly, however, the title of Edict 1, given at the top of this page, which is as found in the edict section of Schoell and Kroll, varies slightly from that of the text they refer to in the Novels section of their edition. This is shown below as it is in Blume's translation of it as an appendix to Novel 8.]

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<sup>1</sup> For a description of the Edicts, see Timothy G. Kearley, *The Creation and Transmission of Justinian's Novels* 102 LAW LIBR. J. 377, 388 (2012), available at [http://uwacadweb.uwyo.edu/blume&justinian/AJCNovels2/NovelsArt\\_LLJ\\_ed.pdf](http://uwacadweb.uwyo.edu/blume&justinian/AJCNovels2/NovelsArt_LLJ_ed.pdf). S.P. Scott's English translation of the Corpus Juris Civilis does not include the 13 Edicts. (THE CIVIL LAW (S.P. Scott ed. & trans., photo reprint 1973 (1932).) This is odd in as much as one of the sources for the translation noted in his preface is the Kriegle/Osenbruggen edition of 1872, which includes the Edicts. See, 1[1] SCOTT 50. Scott's work does encompass the Constitutions of Leo, also found in the Kriegle/Osenbruggen edition. The only other English translation of the 13 Edicts to date, in so far as I am aware, is William Thurman's dissertation translation of them from the Greek: William Sims Thurman, THE THIRTEEN EDICTS OF JUSTINIAN TRANSLATED AND ANNOTATED (1964). At the time of this writing, David J.D. Miller and Peter Saaris are preparing a translation from the Greek of all the Novels and the Edicts for the Cambridge University Press. The Edicts were translated into German in the 19<sup>th</sup> century by Robert Schneider as part of Carl Edward Otto, Bruno Schilling & Carl Friedrich Stintenis, DAS CORPUS JURIS CIVILIS (1831-1839). In Mommsen, Kruger, Schoell & Kroll's edition of the Corpus Juris Civilis, which Blume used for this translations, the Edicts are located in volume three, following the main body of the Novels, in a section labeled *Corpus CLXVII Novellarum Appendices*, which also includes the Appendices. The 13 Edicts are in part I. *Iustiniani XII Edicta Quae Vocuntur*. The Schoell and Kroll indicate in a note for each edict its manuscript source.

Novel 8 (Appendix).

An edict issued to all the bishops of the places and the holy patriarchs, beloved of  
God.

(Edictum scriptum in omni terra deo amabilibus archiepiscopis et sanctissimis  
patriarchis.)

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Since we take care of the state delivered to us by God, and take pains that our subjects may enjoy justice, we have enacted the subjoined law, which we thought well to make known to Your Holiness and through you to all the people in the provinces. Your Piety and the other bishops should, therefore, be watchful, and if any wrong is committed by magistrates, to report it to us, lest the inviolable and just provisions enacted by us may be neglected. For if we, taking compassion on our subjects because, aside from the payment of the public tribute, they are burdened by great wrongs and thefts of our magistrates on account of the sales of provinces which were being made, and have endeavored to eradicate these evils by the subjoined law, but you negligently fail to report them to us, then we at least have made our expiatory offering to God, but you must render an account to Him for the injuries to others which, without our knowledge, are inflicted on men in your midst. Hence, since you are present in the provinces and are solicitous for the welfare of all alike, it becomes your duty to report to us these who carry on their administration justly as well as those who violate this law, so that, when we have been informed, we may punish the latter and reward the former. When the law, moreover, is posted up and made know to all, it shall be taken and deposited by the side of the holy vases within the holy church as though consecrated to God and enacted for the benefit of the men created by Him. You would do even better and be more useful to the people in your midst, if you would have it engraved on tablets or stones on the porches of the holy church, to make the reading and possession (knowledge) of the provisions of the law of easy access.

c. 1. But if we have given so much attention to the question of the integrity of magistrates, it must be clear that we would much less permit defenders (of cities) to accept or give anything. They must pay indeed for the edicts issued to them (confirming their election), by the office of the glorious prefects four solidi if the city is large, and three solidi if the city is one of the smaller ones, and no more. They must not accept anything from anyone, except the compensation that may be legally payable to them from the public treasury. If they receive nothing from the public treasury, they shall take nothing except what is authorized in the imperial constitution. If they or their record-keepers, called chartularii, or any others of the persons about him, are found to have taken anything, they shall return fourfold the amount thereof, shall be removed from their position, exiled perpetually, chastised with corporal punishment and give place to better men, to assume the duties of those that are wicked. You (the bishops) should also be watchful over these things and hinder and report those that act contrary hereto, so that no evil deeds may remain hidden, and being hidden, remain unpunished, but that, on the contrary, equity and justice may flourish among our subjects. Unless, moreover, the magistrates heretofore appointed refrain from all thievery after the enrollment of this law on the records, they also will be subject to the punishments provided therein. This edict is issued to the bishops.