

Book I.  
Title I.

In the name of our Lord Jesus Christ. Book I of the revised edition of the Code of our Lord and sacred Emperor Justinian.

Concerning the High Trinity of the Catholic faith, and that no one shall dare to dispute about publicly.

Headnote C. 1.1.

The Christian religion became, substantially, the religion of the empire during the reign of Constantine the Great, who died in 337 A.D. Julian, who reigned only during 361-363 A.D., attempted to re-establish the pagan religion, failed in his attempt, and the final blow was given the latter when Justinian suppressed the school of philosophy at Athens in 529 A.D. In the meantime there was considerable controversy among the Christians themselves as to the correct faith. To put an end to the divisions, the emperors called general councils, elevated their decisions into laws, and employed worldly power to enforce them universally, in which, however, they were not successful. The first of these councils was held at Nice, or Nicea, in 325 A.D. which pronounced the so-called Athenasian<sup>1</sup> creed. This council rejected the doctrine of Arius, who, with others held that the word of God—Christ—was created, and was consequently not an eternal being. Notwithstanding the action of the council of Nice, however, the Arian doctrine continued to be held by many people, especially by the converted Teutonic peoples, for several centuries. In fact, Arianism subsequently gained the upper hand in the Eastern Empire under the leadership of Eusebius, as well as the favor of the emperors, and maintained it until the time of Theodosius the great. During this time lived Eunomius, Photinus and Appolinaris (see notes to C. 1.1.3 and 5). Theodosius was a Spaniard and adhered to the Athenasian creed, and after he conquered the Goths began to persecute all parties of an opposite creed. To more effectually enforce his views, he called a general council at Constantinople in 381 A.D., which re-affirmed the Athenasian creed, somewhat enlarged; Valentinian II allowed the Arians in the West to enjoy freedom of religion some years longer.

The controversy as to the person of Christ continued in the East. Out of it grew the controversy between Nestorius and Cyril, one hurling anathemas against the other and resulting in the council of Ephesus in 431 which condemned Nestorius. See note C. 1.1.3. Out of it also grew the controversy with the Monophysites, which continued up to and during the time of Justinian. The Monophysites maintained that Christ, after his incarnation, had only one nature, and that the body of Christ, as the body of God, was not of like substance with our own. They refused to adhere to the decisions of the council of Chalcedon, held in 451 A.D. Justinian made various endeavors to unite them to the Catholic Church, but without success.

A number of other doctrinal controversies raged to the time of Justinian, but ecclesiastical histories should be consulted as to them as well as to the details of the controversies above mentioned. Laws against heretics and all non-conformists are found in title 5.11 of this book.

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<sup>1</sup> This should be “Nicean Creed,” which was later developed into the Athenasian Creed.

### 1.1.1 Emperors Gratian, Valentinian, and Theodosius to the People of Constantinople.

We desire that all the nations who are governed by the moderate rule of Our Clemency shall practice that religion which was carried by the divine Peter to the Roman People, as shown by the articles of faith introduced by him and transmitted to us—the religion which, it is clear, is now followed by the Pontiff Damasus, and by Peter the Bishop of Alexandria, a man of apostolic sanctity; that is to say, that according to apostolic discipline and the teaching of the evangelists, we should believe in the one Godhead of son and the Holy Spirit, in equal majesty, and as the Holy Trinity. We order all who accept this law to assume the name of Catholic Christians, decreeing that all others, considering them mad and foolish persons, shall bear the infamy of their heretical dogmas, to be punished first by divine vengeance, and secondly by the exertion of our power which we have received by divine favor.

Given at Thessalonica February 27 (380).

C. Th. 16.1.2.

#### Note.

The decree was issued by the emperor Theodosius, while he was lying sick in Thessalonica. For nearly two generations the influence of the court at Constantinople favored doctrines not in accord with the Athanasian Creed. By this decree Theodosius, who was directly in charge of the East, committed himself and the East to the Trinitarian faith.

Hodgkin, Dynasty of Theodosius 109. Sozamen, 7 Ecc. Hist. c. 4.

### 1.1.2. The same to Eutropius, Praetorian Prefect.

No opportunity of celebrating the mysteries shall be given to heretics, no opportunity to put into action the madness of an obstinate mind. All must take notice that no privilege obtained by such men by a fraudulent rescript shall be valid. The throngs of all heretics must be restrained from unlawful congregations; the name of the one and all high God must be worshipped everywhere. The Nicene Creed long ago transmitted to us by our elders, and confirmed by the testimonials and statements of divine religion must be given steadfast adherence. That person, moreover, is to be accepted as a follower of the Nicene Creed, and as a true adherent of the Catholic Religion, who acknowledges, under one name, the omnipotent God, and Christ the Son of God, God of God, light of light; who, does not by denying dishonor the Holy Spirit whom we hope for, and receive, from the great Maker of all things, in whom, through the spirit of an unchangeable faith, lives the undivided substance of the uncorrupted trinity, which by the true believers is called by the Greek word “ousia.” This is what we assuredly approve [that] all should worship. Persons who do not conform thereto, must cease to fraudulently use a name that does not belong [to] them but to true religion, and let them be marked by their open crimes. They shall keep away from the threshold of all churches, since we prohibit all heretics from holding unlawful meetings within any town. If any should attempt anything<sup>2</sup> they shall, when the outbreak is quelled, be removed beyond the walls of the

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<sup>2</sup> The original ms. language reads: “If any factious disturbance takes place, they shall...” Blume struck only “takes place” and wrote in pencil “should attempt anything” which would leave the ungrammatical “If any factious disturbance should attempt anything...” I have made the sentence grammatical with the least possible change to the manuscript. Scott translated this as “If, however, any seditious outbreak should be

cities, so that the Catholic churches of the whole world may be returned to the various orthodox bishops who accept the Nicene Creed.

Given at Constantinople January 10 (381).

C. Th. 16.5.6.

#### Note

As shown by C. Th. 16.5.6, this constitution was originally directed against the heresy of the Arians, Eunomians and Photinians, and was evidently issued by the emperor Theodosius after he had left Thessalonica and had gone to Constantinople. The churches in that city had been in possession of the Arians for 40 years, but they were driven therefrom by Theodosius, and they then held their meetings outside of the city walls. Socrates, 5 Ecc. Hist. c. 7; 7 Sozamen, Ecc. Hist. c.5. As is well known, the so-called heretics were particularly rampant in the east. The Arian Controversy, which lasted during nearly all of the fourth and part of the fifth centuries, is well known historically. The Arians took their name from Arius, from 313 A.D. presbyter at Alexandria, who denied the divinity of Christ, holding that He did not exist from eternity, though before all time. The Teutonic races who accepted Christianity mostly embraced the Arian faith. Eunomius, after whom the former were named, was bishop of Cyzicus on the Propontis, in Asia Minor, about 360 A.D. Sozamen, 6 Ecc. Hist. c.26. Phontinus, after whom the latter were named, was bishop of Sirmium, a town of lower Pannonia, on the rifer Save, near the junction with the Danbue, about 340 A.D. Sozmen, 4 Ecc. Hist. c.6; Kurtz, Church History, c.50.

1.1.3. Emperors Theodosius and Valentinian to Hormisda, Praetorian Prefect.

1. We decree that all things which Porphyrius, impelled by his insanity, or any one else, has written against the worship of the Christians, among whomsoever found, shall be delivered to the fire. For we want no writings which provoke God to ire, and offend human minds to even come to the knowledge of men.

2. We also decree, that Bishops or clergymen, who accept the creed of Nestorius or follow his nefarious doctrine, shall, if they are bishops or clergymen, be ejected from the Holy Churches; if they are of the laity, they shall be anathematized; and orthodox persons who wish to do so, and who are in accord with our pious legislation, may denounce and accuse them without fear or detriment to themselves.

3. Since it has, moreover, come to our pious ears, that some persons have written and published ambiguous doctrines, which are not in absolute agreement with the orthodox faith laid down by the holy council of the holy fathers who assembled at Nicea and Ephesus, and by Cyrillus of blessed memory, once bishop of the great city of Alexandria, we order that such books whether written before or during this time, particularly those of Nestorius, shall be burned and delivered to complete destruction, so that they may not even come to the knowledge of any one. Persons who continue to have and read such writings or books shall be punished by death. Besides, no one shall be permitted as we have said, to acknowledge or teach any creed, except the one laid down at Nicea and Ephesus.

Given at Constantinople February 16 (448).

#### Note.

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attempted, We order them to be driven outside the walls of the city..." See, 6 [12] Scott, The Civil Law 10 (photo. reprint 1973)(1932).

Porphyrius was a Neoplatonist, i.e. New Platonist, who was at one time a teacher of philosophy at Rome and died about 270 A.D. He was a scoffer of some of the Christian doctrines. Kurtz, Church History, §23.3; §24.2. Nestorius was at first a monk at Antioch and a distinguished orator. He became a patriarch at Constantinople in 428 A.D. He persecuted heretics. He maintained that Mary was not the “mother of God; that she was but a woman, and that it was impossible that God should be born of a woman.” This theory created a controversy, and to settle it the emperor called the ecumenical council at Ephesus in 431 A.D. The council condemned Nestorius; he was deposed and given over to the vengeance of his enemies, despite the fact [that] he enjoyed the imperial favor. Socrates, 7 Ecc. Hist. cc. 28, 31, 32, 34. Kurtz, *supra*, §52.3. The council of Nicaea here mentioned, the first great, general council had been held in 325 A.D. under the auspices of Emperor Constantine the Great. 318 bishops are said to have been present. Cyril became bishop of Alexandria in 412 A.D. He was born in 376, died 444 A.D.

#### 1.1.4. Emperor Marcian to Pahhadius, Praetorian Prefect.

1. No clergyman or person in the imperial service, or any one else of any other calling, shall hereafter attempt to discuss the Christian creed in an assembled crowd able to hear, seeking thereby an opportunity for tumult and disloyalty. For whoever tries to disturb and publicly discuss questions once determined and rightly disposed of, insults the judgment of the religious Synod (of Chalcedon), inasmuch as it is known that the decisions concerning the Christian faith of the bishops assembled by our order at Chalcedon, are in accord with the apostolic expositions and the decrees of the 318 and 150 holy fathers (at Nicaea and Constantinople).

2. Punishment shall not fail those who disregard this law, because they not only act contrary to the rightly expounded faith, but also, by such strife, profane the venerable mysteries before Jews and Pagans. If a clergyman, therefore, dares to publicly discuss religion, he shall be removed from the community of the clergy; if he is in the imperial service he shall lose his girdle of service; all others who are guilty of such crime shall, if they are free men, be expelled from this holy city and shall be subjected to proper punishment, in accordance with judicial vigor; if they are slaves, the most severe punishment shall be inflicted upon them.

Given at Constantinople February 7 (452).

#### Note.

The council of 318 was that of Nicaea in 325 A.D.; the council of 158 was the second ecumenical council held at Constantinople in 381. The third ecumenical council was that at Ephesus in 431 A.D. already mentioned. The fourth ecumenical council was held at Chalcedon, a town in Bithynia, Asia, in 451 A.D., which condemned the Monophysites, that is to say, those who maintained that Christ, after his incarnation, had only one nature, and that the body of Christ, as the body of God, was not of like substance with our own. Kurtz §52.4.

#### 1.1.5. Emperor Justinian.

Since the true and unchangeable faith which the holy Catholic and Apostolic Church of God declares does not admit of any innovation, we following the precepts of the holy apostles and of those who after them became renowned in the holy churches of

God believe it proper to make manifest to all what we think of the faith which is in us, following the tradition and consensus of opinion of the Holy Catholic and Apostolic Church of God.

1. Believing, therefore, in the Father, the Son and the Holy Spirit, we adore one substance in three persons, one deity, one power, and a consubstantial trinity. We acknowledge moreover, to the last days, that the only begotten Son of God, God of God, born of the Father, before the world and without time, coeternal with the Father, the Maker of all things, descended from Heaven and became flesh through the Holy Spirit and the ever-Holy Virgin Mary, the Mother of God; that He was made man, was affixed to the cross, was buried, and rose again on the third day; and we acknowledge His miracles and his sufferings which He voluntarily sustained in the flesh.

2. For we do not recognize one God as the Word, and another as the Christ, but one and the same, consubstantial with the Father according to His divinity, and consubstantial with us according to the flesh. For the Trinity remains a Trinity, although one thereof, the Word of God, became incarnate; nor does the Holy Trinity admit an addition of a fourth person.

3. Since these things are so, we condemn all heresy, especially Nestorius, the adorer of man who distinguishes between our Lord Jesus Christ, the Son of God, and God, and denies that Mary, the ever Holy and Glorious Virgin, was really and truly the Mother of God, but says that the Word of God, born of the Father, is one person, the one born of the ever holy Virgin Mary another; that the latter through favor of, and close relationship with, the Word of God, was made God. And we condemn Eutyches, mentally deranged, who introduces vision and denies the true incarnation, our salvation, through the ever Holy Virgin Mary, the Mother of God, and who does not admit Christ to be consubstantial with the Father according to His divinity, and consubstantial with us according to the flesh. We also condemn Apollinarius, the destroyer of souls, who says that our Lord Jesus Christ, the Son of God and our God, did not have the soul of man, and introduces confusion and perturbation in connection with the incarnation of the only begotten Son of God; and we condemn all who have believed and do believe the same as he. No one needs to hope for pardon, who has been advised of this admonishment by the reverend bishops of the various places, and is still found to be of the contrary opinion, and we order all such persons to be subjected to proper punishment as confessed heretics. (527)<sup>3</sup>

Note.

Apollinarius was bishop of Laodicia in Phrygia, Asia Minor, and died in A.D. 390. He did not, as the orthodox, believe that Christ took on a human soul, but that while having a human body, his soul was that of God, therefore denying the completeness of the human nature of Christ. Kurtz, Church History, §52.1. Eutyches was the chief of a monastery in Constantinople; a Monophysite, [he] lived in the time of Theodosius II. He was cited before a synod of Constantinople in 448 A.D., excommunicated and deposed. Kurtz, §52.4.

1.1.6. Justinian to the People of Constantinople.

1. Honoring our Savior, Jesus Christ, Lord of All, our true God in all things, we wish also to imitate His humility, as far as the human mind is able. Since, therefore, we

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<sup>3</sup> In Krueger the date is given as [a. 527] with an accompanying note.

have found some who are attacked by the disease and insanity of the impious Nestorius and Eutyches, enemies of God and the Holy Catholic and Apostolic Church, who refuse to say that the ever glorious Virgin Mary is really and truly the mother of God, we hasten to teach them what is the correct and true faith of Christians.

2. These incurable persons, concealing their errors, are going about as we have learned, disturbing and perturbing the minds of simple folk, and asserting doctrines that are contrary to the Holy Catholic and Apostolic Church.

3. We have, accordingly, deemed it necessary to dispel the falsehoods of heretics and to explain to all what the Holy Catholic and Apostolic Church believes and what the most holy priests thereof declare. Adhering to their doctrine, we let it be known what hope there is in us, making no innovations in the faith which God forbid, but refuting the insanity of those who agree with the impious heretics. We already previously in the beginning of our reign let this be known to all.

4. We believe, therefore, in one God, the Omnipotent Father, and in one Lord Jesus Christ, Son of God, and in the Holy Spirit, worshipping one substance in three persons, one deity, one power and the one consubstantial Trinity.

5. We acknowledge to the last days that our Lord Jesus Christ, the only begotten Son of God, the very God of very God, born of the Father before the world and without time, coeternal with the Father, the Maker of all things, descended from Heaven and through the Holy Spirit and the Holy and ever-glorious Virgin Mary, the Mother of God, made man in the flesh; that he suffered for us on the cross under Pontius Pilate, was buried and rose again on the third day; and we acknowledge His miracles and crucifixion which He voluntarily suffered in the flesh.

6. We do not know one God as the Word and another as Christ, but one and the same, consubstantial with the Father according to His divinity and consubstantial with us according to the flesh. For as He is perfect in His divinity, so also is He perfect in the flesh. We accept and acknowledge this unity in very truth, for the Trinity remains a trinity, even after one of the Trinity, the Word, was made man; nor does the Holy Trinity admit of the addition of a fourth person.

7. Since these things are so, we condemn all heresy, especially Nestorius, the adorer of man, and those who have embraced and do embrace his opinions, who distinguish our Lord Jesus Christ, the Son of God from God, and deny that the Holy and ever-glorious Virgin Mary, is verily and truly the Mother of God, but say that there are two sons, one the Word of God, born of the Father, and the other of the Virgin Mary, Mother of God, by the favor of and ties of relationship with the Word of God himself made God, rejecting and denying that our Lord Jesus Christ, Son of God our God, became incarnate and was affixed to the cross, is one of the Holy consubstantial Trinity. For He alone is to be worshipped and glorified along with the Father and the Holy Spirit.

8. We also condemn Eutyches, mentally deranged, and those who have embraced and do embrace his doctrine; who introduce a vision and deny the true incarnation of our Lord and Savior Jesus Christ, our salvation, through the holy Virgin Mary, Mother of God; nor do they acknowledge Him to be consubstantial with the Father according to His divinity, and consubstantial with us according to the flesh. And we likewise condemn Apollinarius, the destroyer of souls, and those who have embraced and do embrace his doctrine, who deny that our Lord Jesus Christ, Son of God, our God, had the soul of man, introducing confusion and perturbation concerning the subject of the incarnation of the

only begotten Son of God. And we condemn all those who have embraced and do embrace the foregoing doctrines.

Given March 15 (533).

The same to the people of Ephesus, Caesarea, Cyzicus, Amida, Trapezus, Jerusalem, Apamia, Justinianapolis, Antioch, Sebaste, Tarsus, Ancyra.

1.1.7. The same Emperor to Epiphanius, Holy and Blessed Archbishop of this imperial city, and ecumenical patriarch.

Desiring to inform your Sanctity of all the things which appertain to the condition of the churches, we have deemed it necessary for that purpose to write this imperial letter and thereby make you acquainted with the things that are being done, although we believe that you already know them.

1. Since, therefore, we found that some persons had become faithless to the Holy Catholic and Apostolic Churches, following the heresy of the impious Nestorius, and Eutyches and using their blasphemies, we issued a sacred edict, also known to your Sanctity, by which we refuted the insanity of the heretics, without changing or overlooking the status of the Church, which has been so far maintained with God's help, as is known to Your Blessedness, but throughout guarding the unity of the holy churches with the holy Pope and Patriarch of ancient Rome, to whom we have addressed a like letter.

2. For we do not permit anything pertaining to the status of the Church to be kept from His Blessedness, in as much as he is the head of the Holy priests of God, and because the heretics that have arisen in his jurisdiction have been restrained by the decision and the correct judgment of his venerable seat.

3. Your Holiness, therefore, may know by this imperial letter, what has been done by us, so that those who have wrongly understood or interpreted what was correctly stated [in] our edict, may be refuted by this our imperial letter.

4. Certain few unfaithful, and apostates from the holy Catholic and Apostolic Church, have dared to oppose, in Jewish fashion, the things which are rightly observed, approved, and preached by all priests, denying that our Lord Jesus Christ is the only begotten Son of God; that He became incarnate, through the Holy Spirit, and the holy ever-glorious Virgin Mary, the Mother of God; that He became man, was crucified and is one of the Holy consubstantial Trinity, to be worshipped and glorified along with the Father and the Holy Spirit, consubstantial with us according to His flesh; suffering in the flesh, but incapable of suffering as a deity.

5. And as they refuse to acknowledge our Lord Jesus Christ as the only begotten Son of God, our God, and as one of the Holy consubstantial Trinity, it is clear that they follow the corrupt teaching of the impious Nestorius, saying that He is the Son of God only through favor, and that the Word of God is one and that Christ is another. We condemn them, together with those who have embraced or do embrace such doctrine, as apostates from the holy Catholic and Apostolic Church of God.

6. All priests, therefore, of the Holy Catholic and Apostolic Church and the reverend abbots of the holy monasteries, following the tradition of the Holy fathers, neither heretofore or now, as has been said, changing the status of the Church which has been maintained to this time, rightly confess and believe in and preach, that our Lord Jesus Christ, the only begotten Son of God, our God, was born of the Father, before the

world, and without time, descending from heaven in the last days; that He became incarnate through the Holy Spirit and the Holy, ever-glorious Virgin Mary, the Mother of God, and was made man; that He was affixed to the cross and is one of the Holy and consubstantial Trinity.

7. For we know Him to be consubstantial with the Father according to His divinity and consubstantial with us according to the flesh; that He was capable of suffering in the flesh but not as a deity, and is to be worshipped along with the Father and the Holy Spirit. Nor do we know the Word of God as one personage and Christ as another, but one and the same, consubstantial with the Father according to His divinity and consubstantial with us according to the flesh, capable of suffering in the flesh, but not as a divinity.

8. For as He is perfect in his divinity, so, too, He is perfect in the flesh; for we receive and acknowledge the union thereof in one substance.

9. Since, therefore the only begotten Son and Word of God was born of the Father before the world and without time, descending from heaven in the last days, becoming incarnate through the Holy Spirit and the Holy and glorious Mary, Mother of God, and made man; that is to say, since our Lord Jesus Christ is verily and truly God, we, therefore, say that the Holy ever-glorious Virgin Mary was verily and truly the Mother of God, not because the Word of God took His beginning from her, but because He descended from heaven in the last days and through her became incarnate, was born and made man.

10. Him we acknowledge, as stated, to be consubstantial with the Father according to His divinity and consubstantial with us according to the flesh, knowing His miracles and passion which He voluntarily sustained in the flesh.

11. By these statements, therefore, contained in our imperial edict, we refute the heretics, which edict was subscribed by all who were found here, the holy bishops and devoted abbots, together with Your Highness, adhering in all things to the four holy councils and the decisions made by each, that is to say, the council of Nicea of 318, that of this imperial city of 150 fathers, that at Ephesus, the first time, and that at Chalcedon, since it is manifest to all that we hold to and guard the confession of faith delivered to all the faithful of the holy Catholic and Apostolic Church, that is to say, the holy formula or symbol, which was set forth by the 318 holy fathers, and which was also explained by interpretation, by the 150 holy fathers in this imperial city, not because there was anything lacking, but because some of the enemies of the truth commenced to attack the divinity of the Holy Spirit, while others denied the true incarnation of the Word of God through the Holy Virgin Mary, the Mother of God. Hence the 150 holy fathers explained and interpreted the holy formula by written testimonials.

12. The other holy synods, that is to say the first one at Ephesus and that at Chalcedon, have also accepted this and follow the same faith and teach that the ever-holy and glorious Virgin Mary is the Mother of God, condemning those who deny that she is the Mother of God.

13. They similarly condemned those who teach another symbol or holy formula, except that adopted by the 318 holy fathers, expounded and explained by the 150 holy fathers assembled in this imperial city.



14. And the first synod at Ephesus, too, attached the impious Nestorius and his dogmas and condemned those who have accepted or do accept his opinion or who have approved or do approve it.

15. Moreover, the holy synod of Chalcedon attacked and expelled from the holy churches of God and condemned Eutyches and his opinion, and those who have accepted or do accept it or who have approved or do approve it. It likewise condemned all heretics and their dogmas and those who have accepted or do accept their opinions.

16. It, likewise, condemned Nestorius and his opinions, and those who have accepted or do accept them or who have approved or do approve them.

17. And the same holy synod of Chalcedon put in its report and confirmed the letter of the great Proclus, written to the Armenians, in that it states that our Lord Jesus Christ should be acknowledged as the Son of God, our God, and as one of the Holy Trinity.

18. If we disregard the four mentioned councils or their decisions, we give the heretics, and their doctrines suppressed by them, an opportunity to poison the holy churches.

19. This can never happen, God willing, since the four councils by their precepts expelled these heretics and their doctrines.

20. If anyone has doubts about any one of the aforesaid synods, he seems to accept the doctrines disapproved and condemned by it.

21. Let no one, therefore, uselessly disturb us, in the vain hope that we have or will do anything contrary to the four holy councils, or permit it to be done by another or that we shall permit the remembrance of the same four synods to be erased from the sacred records of the church.

22. For we condemn all those expelled and condemned by them as well as their doctrines and adherents.

23. May our Beatitude, therefore, pray for us and our reign, and teach and inform all of our action and zeal for the uncorruptible faith.

Given at Constantinople March 26 (533).

1.1.8. (A letter from) John, Bishop of the City of Rome, to the Glorious and Indulgent Son, Emperor Justinian.

Amid the great fame of your wisdom and clemency, most Christian Emperor, as a specially pure light, like that of a star, shines the fact that you, in your zeal for the faith and your Christian love, instructed well in the doctrines of the Church, retain your reverence for the seat of Rome, to which you subject everything and ascribe unity to that seat, and to whose founder, that is to say, to the first of the apostles, our Lord gave this precept; "Feed my sheep."

1. That this seat is truly the head of all churches, is stated both by the regulations of the fathers, as well as by the statutes of emperors, and is attested by the reverend address of Your Piety. It is clear, therefore, that in you is fulfilled what the scriptures says: "By me kings reign and princes decree justice." (Proverbs 8:15).

2. For there is nothing that shines with a clearer light, than the true faith in an emperor; there is nothing that is so little subject to downfall as true religion; for as both look to the author of life or light, they rightly also reject darkness and know not how to succumb to an eclipse.

3. Wherefore, Most Glorious Emperor, the divine omnipotence will be prayerfully entreated, that He may long preserve Your Piety in this ardor of faith, in this devotion of your spirit, in this zeal for an untainted religion, without its abatement. We believe this to be also for the benefit of the holy churches. For it is written “the King rules by his lips,” (Proverbs 16:102), and again: “the King’s heart is in the hands of the Lord: He turneth it withersoever He will,” (Proverbs 21:1).

4. For it is this that strengthens your power; this, which preserves your kingdom. For the peace of the Church, the unity of religion guards with grateful tranquility the memory of the author of such conduct after he is taken to heaven.

5. And no little grace will be bestowed by the divine power on him who has caused no division in the Church; and through whom it has not suffered by any added strain. For it is written: “A king who is just when sitting upon his throne scattereth away all evil with his eyes” (Proverbs 20:8).

6. We also received, with accustomed reverence, the letter of Your Serenity through Hypatius and Demetrius, my holy brothers and co-bishops. We also learned from their report that you, in the ardor of your faith, in accord with the apostolic teaching had issued with the consent of our brother and co-bishops an edict to the faithful people in order to destroy the efforts of heretics. Since it conforms to the apostolic doctrine, we confirm it by our authority.

7. The text of the (imperial) letter (to the bishop) is as follows: “The conqueror Justinian, pious fortunate, renowned conqueror and ever Augustus, to the Holy John, Archbishop and Patriarch of the noble city of Rome.

8. Rendering honor to the apostolic seat and to Your Holiness, which always was and is our desire, as it ought to be, and honoring your Beatitude as a father, we hasten to bring to the notice of Your Holiness everything that pertains to the status of the churches, since we always greatly desired to preserve your apostolic seat as the point of unity and to maintain the status of the holy churches of God, as it has heretofore existed, and continues unceasingly without intervening derangement.

9. We have therefore hastened to make all priests of the whole Orient subject to the seat of Your Holiness and to unite them with it.

10. And we have deemed it necessary to bring to the notice of your Holiness by this letter, the things which have been done here, although they are clear and unquestioned and have ever been maintained and taught by all the priests in accord with the doctrine of Your Apostolic Seat.

11. For we do not permit anything that pertains to the status of churches, though it is clear and unquestioned, to be done without bringing it to the notice of Your Holiness, as the head of all holy churches. For, as stated, we always strive to increase the honor and influence of Your Seat.

12. We therefore make known to Your Holiness, that a few unfaithful, and apostates from the Holy Catholic and Apostolic Church of God, have dared, in Jewish fashion, to oppose those tenets which, according to your teaching, are correctly believed, glorified and preached, denying that Jesus Christ, our lord, the only begotten Son of God, our God, became incarnate through the Holy Spirit and the Holy and Glorious Virgin Mary, the Mother of God and was made man; that He was crucified; that He is one of the holy and consubstantial Trinity; that He is to be worshipped and glorified along with the Father and Holy Spirit, consubstantial with the Father according to His divinity, and

consubstantial with us according to the flesh; capable of suffering in the flesh, but not as a deity.

13. Refusing, therefore, to acknowledge that Jesus Christ, our Lord, the only begotten Son of God, our God, is one of the Holy and consubstantial Trinity, they seem to follow the evil doctrine of Nestorius, saying that He is the Son of God by grace, and that God the Word is one person and Christ another.

14. But all priests of the Holy Catholic and Apostolic Church and the reverend abbots of the holy monasteries, following the doctrine of Your Holiness, guarding the status and unity of the holy churches of God, which they have with the apostolic seat of Your Holiness, and changing nothing in the status of the church, which has heretofore obtained and now obtains, with one consent acknowledge, glorify and preach Jesus Christ, our Lord, the only begotten Son and Word of God, our God, born of the Father before the ages, without time; that in the last days He descended from heaven, became incarnate through the Holy Spirit and the Holy and Glorious Virgin Mary, the Mother of God; that He was made man; was crucified; and is one of the Holy and consubstantial Trinity, to be worshipped and glorified along with the Father and the Holy Spirit.

15. Nor do we know God the Word as one person and Christ as another; but one and the same, consubstantial with the Father, according to His divinity, and the same One consubstantial with us according to the flesh, capable of suffering in the flesh, and incapable of suffering as a deity.

16. For as He is perfect in His divinity, so, too, He is perfect in the flesh. We accept and acknowledge unity in one substance, which the Greeks call a homologous union according to the substance.

17. And since our Lord Jesus Christ, the only begotten Son and Word of God, born of the Father before the ages and without time, descending in the last days from heaven, becoming incarnate through the Holy Spirit and the Holy and Glorious Virgin Mary, the Mother of God, and made man, is verily and truly God, therefore, we also say that the Holy and Glorious Virgin Mary is really and truly the Mother of God; not because God the Word took His beginning from her, but because in the last days He descended from heaven and through her became incarnate and became man.

18. Him we acknowledge and believe in, as stated, to be consubstantial with the Father according to His divinity and consubstantial with us according to the flesh; recognizing His miracles and passions, which He voluntarily underwent.

19. We accept, moreover, the four holy councils, that is that of the 318 fathers, who assembled in Nicea; that of the 150 holy fathers, who met in this imperial city; that of the holy fathers, who assembled in Ephesus the first time, and that of the holy fathers who met in Chalcedon, in accordance with what Your Apostolic Seat teaches and preaches.

20. Therefore all priests, following the doctrine of Your Apostolic Seat, believe, confess and preach likewise.

21. Hence we have hastened to bring these things to the notice of Your Holiness, through Hypatius and Demetrius, the blessed bishops, so that Your Holiness may not be unaware of what a few monks, following the perfidy of Nestorius, evilly and in Jewish fashion have denied.

22. We therefore beseech your paternal love that, by letters directed to us and to the Holy Bishop and Patriarch of this noble city, your brother, since he, too, has by the

same men sent messages to Your Holiness, hastening to follow, in all things, the Apostolic Seat of Your Blessedness, make known to us, that Your Holiness accepts all who rightly believe in the foregoing and that you condemn the perfidy of those, who, in Jewish fashion have ventured to deny the true faith.

23. For the love of all toward you, and the influence of your seat will thus increase; and the unity of the holy churches which is in you, will be preserved unaltered, when the blessed bishops learn from you that the things reported to [by]<sup>4</sup> you represent the genuine doctrine of Your Holiness. We ask, moreover, that Your Blessedness may pray for us and gain the grace of God for us.

24. (And in another handwriting):<sup>5</sup> May God preserve you for many years, Holy and Pious Father. Given at Constantinople June 6 (533) in the third Consulship of his Majesty the perpetual Augustus Justinian.

25. (The letter of the pope continues): It is clear therefore, Glorious Emperor, as the tenor of your epistle, and the report of your legates show, that you study the apostolic teachings, since you know, write and publish to the faithful people, those things concerning the faith of the Catholic religion, which, as we said, the apostolic seat teaches, the venerable authority of the fathers decreed, and which we in all things confirm.

26. It is therefore seasonable to proclaim with prophetic voice: "Let the heavens above be delighted, let the mountains and hills break forth with joy."

27. It behooves the faithful to write these things into the tablets of the heart, to care for them as the pupils of the eyes.

28. Nor is there anyone, in whom burns the love of Christ, who can oppose such correct and true confession of your faith, since you, clearly condemning the impiety of Nestorius, of Eutyches and of all heretics, with a pious mind, devoted to God firmly and steadfastly preserve the one true Catholic faith, established by the instruction of our Lord Jesus Christ, the Savior, diffused everywhere by the preaching of the prophets and apostles, strengthened by the confessions of the holy ones throughout the world, and in agreement with our teaching.

29. Those only oppose your professions, of whom the holy scripture speaks, saying: "They have placed their hope in lies, and by lies have hoped to be concealed." (Isaiah 28:15). And again those, who according to the prophet say to the Lord: "Depart from us, for we desire not the knowledge of thy ways;" (Job 21:14) on account of whom Solomon says: "They have traveled the paths of their own cultivation, but have gathered things unfruitful."

30. This then is your true faith, this the true religion; this the fathers of blessed memory, as we have said, and heads of the Roman Church, whom we follow in all things, the apostolic seat has preached to this day and stubbornly guarded. Every opponent of this confession, this faith, has declared himself a stranger to the holy communion, a stranger to the Catholic Church.

31. We found in the city of Rome Cyrus, from the monastery of the Vigilists<sup>4</sup> at Acoimete, with his following, whom we attempted, with apostolic persuasion, to recall to

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<sup>4</sup> Blume placed a question mark in the margin beside "to." In Scott, this passage reads: "For in this way the love of all persons for you, and the authority of your See will increase, and the unity of the Holy Church will be preserved unimpaired, when all the most blessed bishops learn through you and from those who have been dispatched by you, the true doctrines of Your Holiness." 6 [12] Scott 13.

<sup>5</sup> [Blume] What follows was in the handwriting of the writer.

the true faith, and lead them back like wandering sheep, which would have perished, to the master's fold, so that stammering tongues should be ready, according to the prophet, to speak the things that lead to peace. (Isaiah 32:4).

32. Moreover the first of the apostles speaks to the unbelievers through us in the words of Isaiah: "Walk in the light of your fire and in the sparks that ye have kindled," (Isaiah 50:11; John 10:26, 27) but their heart is hardened, as is written, so that they would not understand, and the sheep which were not mine, would not hear the voice of the pastor.

33. Following the same course in regard to them, as decided by their own pontiff, we did not receive them into our communion, and ordered them to keep away from every Catholic Church, unless they would lay aside their error, and quickly after regular confession confirm their willingness to follow our doctrine.

34. It is indeed just, that those who do not render obedience to our decrees, should be kept outside of the pale of the churches.

35. But because the church never closes its bosom to those that return to it, I beseech Your Clemency, that if they wish to lay aside their error; abandon their evil course and become reunited to the Church, that you, after they are received into our communion, will no longer let them feel the stings of your indignation, and through our intercession, grant them the favor of our benignity.

36. Moreover, we pray to God, and Jesus Christ, our Savior, that He may deign to guard you through long and peaceful years, in this true religion and in your agreement with and veneration for this apostolic seat, whose preeminence you guard in a Christian and pious spirit.

37. Besides most Serene Emperor, we praise the persons of your legates, Hypatius and Demetrius, our brothers and co-bishops, who are in favor with your, as shown by your selection.

38. For a matter of such importance could not have been enjoined except upon those who are perfect in Christ, and you would not have sent words full of such piety and such reverence, except through those possessing your affection.

39. (And in another handwriting):<sup>7</sup> The grace of our Lord Jesus Christ and the love of God the Father and the communion of the Holy Spirit, be always with you, Most Pious Son. Also this subscription: May the Omnipotent God guard your kingdom and your safety by perpetual protection, Glorious and Clement Son, Emperor Augustus. Given March 25 (534).

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<sup>6</sup> [Blume] Vigilists or Acoimetæ. Kurtz, Church History § 44.3 says of them: "A peculiar kind of coenobite life is found amongst the Acoimetæ, for whom the Roan Studius founded about A.D. 460 the afterwards very celebrated monastery Studion at Constantinople, in which as many as a thousand monks are said to have lived together at one time. They took their name from the divine service uninterruptedly continued in their cloister night and day." A schism between the western and eastern churches existed between 484 A.D. to 519. Only the Acoimeta monks in Constantinople continued to hold communion with Rome. Kurtz § 52.5. Later the same monks came in conflict with the imperial throne over a theological question, and the pope at Rome admitted that they might be right. Kurtz § 52.6. In any event, these monks seem to have been accepted by the western church, and the attitude of the pope in this letter seems, accordingly remarkable. In a note to Bas. 1.1.8, it is suggested that he perhaps wanted to win favor at the imperial court.

<sup>7</sup> [Blume] The words following were doubtless in the pope's own handwriting, the words preceding having been written by a secretary.

