

Novel 57.

Concerning clergymen who desert their church, and concerning those who build
sacred edifices.

(De clericis qui ab ecclesia sua destiterunt, et de his qui sacras aedes aedificant.)

The same Augustus (Justinian) to Mena, holy archbishop of this imperial city and
Universal Patriarch.

Preface. Many clergymen who are engaged in sacred buildings, or even perhaps
originally appointed (thereto) by some persons, and who enjoy the usual support
(annona), thereafter leave the holy mysteries, for reasons which they (only) know,
or on some pretext separate themselves from the holy church in which they are
appointed.

c. 1. We therefore ordain that this shall not be a hindrance to the holy ministry, but
others shall be appointed by the God-beloved bishops, under which the former hold,
and receive this support. For we permit no one to make a gain out of what is paid
out to the holy churches by or through him, for it is wrong to make any gain through
defrauding others, but what was originally furnished (for the support of the
clergymen) shall be given at all times, in order that the holy ministry may not be
prejudiced thereby. And after others have been substituted by the holy patriarch or
the provincial bishops for the former clergymen, no permission shall be given to
those who left, to return and expel the persons substituted, or compel those who¹
[make the payments to make them both to those who] have been substituted and to
those who want to return; but those who have returned shall not receive anything,
but the support shall be furnished those who were substituted after the departure of
the former ones, nor shall any gain accrue therefrom to those who furnish it; but if
they attempt to make such gain, they and their heirs and successors must at all

^{1 1} David J.D. Miller notes that a line has been omitted here. His suggested
translation of the omitted line is in brackets. Scott translates the thought as: "Those
who have incurred this expense shall not be required to pay double, that is, pay the
substitutes as well as those who desire to be reinstated, and if the latter should
return they shall not be received."

event furnish the support and expenses (incident to collections) to those who were substituted, knowing that if they also afterwards commit any fraud, a part of their property will be assigned to our crown domain, so that the payment may be made by it.^a

^a See also Novel 67, cc. 2 and 3, appended to c. 1, 2 and 3 [not appended in this edition].

c. 2. We also prescribe, in honor and reverence of your see, that if any one shall build a church, or makes provisions for the support of those ministering therein, and wants to appoint some clergymen therein, he shall not have power to bring whom he wants to Your Piety, to be appointed without investigation or examination; but those that are brought shall be examined by Your Holiness, and (only) those shall be appointed by your decision or that of your successor to the see, who seem to you or your successor to be suitable and worthy of the ministry of God, so that sacred things may not be profaned -- as is forbidden by the holy scriptures -- but that they may remain inviolate ineffable, inspiring holy fear, and may be administered piously and reverently.^a

^a See also C. 1.2.15; Novel 67, cc. 1 and 2; and Novel 131, c. 10.

Epilogue. We ordain that Your Holiness must perpetually maintain these our provisions, declared by this imperial law, and you may know that we are no more solicitous for life itself, than for the welfare of the holy churches.

Given October 18 , 537, in the 11th year of the reign of the emperor Justinian.