

Select Imperial Laws Regarding Christianity and Religion in the Fourth Century A.D.

Abbreviations for Source:

CI *Codex Iustinianus*
 CS *Constitutiones Sirmondianae*
 CT *Codex Theodosianus*

Date	Description of Law	Source
Apr. 11, 311	Edict of Toleration, brought about a cessation of state persecution against the Christians.	Lactantius, <i>Mort.</i> 34
313	Edict of Milan, reconfirmed that Christians are not to be persecuted, they are free to worship as they see fit and lands and properties confiscated during the “Great Persecution” are to be restored	Lactantius, <i>Mort.</i> 48.2–12
313	Constantine Releases Catholic Clergy from Compulsory Services	Eusebius, <i>Hist. eccl.</i> 10.7
June 23, 318	Constantine gives Christians the right to take their cases before an ecclesiastical court rather than a secular court. The ruling of those bishops will carry the same authority as a secular court.	CT 1.27.1
Jan. 1, 320	Laws passed in former times which punished celibacy and childlessness are now repealed. This applies to women as well.	CT 8.16.1
May 26, 320	Clerics of the church are exempt from tax payments and menial compulsory public services, as are their wives, children, and servants. This applies even if they made the money by trade. This is an incentive to join the clergy. It is assumed their money will be used to help the poor, which is why it is not taxed.	CT 16.2.10
Mar. 3, 321	All judges, inhabitants of cities, and craftsmen should rest on Sunday. But farmers are free to work on Sunday as necessary.	CI 3.12.2
July 3, 321	Every person shall have the right to leave property to the catholic Church in his will.	CT 16.2.4
July 3, 321	This is an exception to the law passed March 3, 321 regarding Sunday. Though most legal work is still forbidden, the legal transactions connected to freeing slaves may be conducted on Sunday.	CT 2.8.1
Dec. 25, 323	Christians shall not be forced into participating in pagan practices; anyone who forces a Christian into such an act shall be publicly beaten, unless he holds an honorable rank,	CT 16.2.5

	in which case he will be fined and the money given to the state treasury.	
324	Constantine encourages all citizens of the empire, both pagan and Christian, to live in peace and unanimity without restraining the other group.	Eusebius, <i>Vit. Const.</i> 2.48-60
324	After his victory over Licinius, Constantine gives permission to restore, repair, or enlarge the churches in the east which had been damaged in the persecution under Licinius. The governors are instructed to give whatever help is requested.	Eusebius, <i>Vit. Const.</i> 2.46
324	Constantine passes a law against idol-worship, statues, divination, and especially against pagan sacrifices.	Eusebius, <i>Vit. Const.</i> 2.44-45
324	After his victory over Licinius, Constantine addresses the wrongs committed against Christians in the eastern half of the empire. All exiled Christians, as well as those banished to the mines or made slaves, are to return to their previous position. All who were deprived of property are to have their property restored. Anyone who has lost rights or military office is to be restored. Christians are given the right to leave their property to the church in their wills.	Eusebius, <i>Vit. Const.</i> 2.24-42
325	Constantine encourages all churches throughout the empire to celebrate Easter according to the ruling of the Council of Nicaea. There is no penalty for disobedience, however.	Eusebius, <i>Vit. Const.</i> 3.17-20
Oct. 1, 325	Since gladiatorial games are eliminated, those criminals who formerly would have been made gladiators as punishment, are now to be sent to the mines.	CT 15.12.1
June 1, 326	This is a repetition and qualification of a law from July 18, 320. While the clergy are granted exemption from compulsory public services, exemption cannot be given indiscriminately to everyone who claims to be part of the clergy, because the wealthy are not supposed to be clergy. Also, the roles of the clergy cannot be expanded in order to help exempt more people from public services. When a clergyman dies, his successor should not be chosen from the wealthy, for the wealthy should assume secular obligations.	
Sept. 1, 326	Exemption from compulsory public services shall only be granted to clergy of the catholic church, and not to heretics or schismatics.	CT 16.5.1
c. 327	Constantine invites Arius to his court, where he may end his exile by confessing the Nicene faith before Constantine. Arius is allowed to use public transportation.	Socrates, <i>Hist. eccl.</i> 1.25
c. 330	Constantine orders pagan altars and idols to be destroyed at Mambre. Those who used them are to be banished, and once the area has been purged a basilica is to be built. If	Eusebius, <i>Vit. Const.</i> 3.52-53

	the local governors ignore this command they will be punished.	
c. 332	Constantine forbids heretical groups to assemble. Their buildings must be surrendered to the catholic church.	Eusebius, <i>Vit. Const.</i> 3.64-65
May 5, 333	Judicial decisions made by bishops are to be upheld. Enforcement is to be the responsibility of the prefect. If a party to a lawsuit may request the case to be heard by a bishop rather than a secular judge, the request is to be granted.	CS 1
May 8, 336	Jews are not allowed to harass Jewish converts to Christianity, and will be punished in accordance with the nature of the act. Also, if a Jew circumcises a non-Jewish slave, the slave is to be taken from the Jew and remain free.	CT 16.8.5 CT 16.9.1 CS 4
Aug. 13, 339	Jews may not hold slaves of any other people and must let them go free. Jews who circumcise non-Jewish slaves shall be executed. If a Jew is found to own Christian slaves, all his slaves are to be taken away and freed.	CT 16.9.2
341	Pagan superstition and sacrifices are completely forbidden, in accord with the law set forth by Constantine.	CT 16.10.2
July 4, 343	If a prostitute converts to Christianity, only another Christian may buy her as a slave.	CT 15.8.1
Nov. 1, 346	Although pagan religious practices are banned (see law in 341, CT 16.10.2), temple buildings situated outside the walls are to be preserved for the sake of the circus and other amusements.	CT 16.10.3
Dec. 1, 346	Pagan temples are to be closed; access to them is denied, and violators face capital punishment. The property of a violator will be given to the state treasury. Governors who fail to carry out this punishment will be punished.	CT 16.10.4
347	The Donatists were ordered to be reconciled with the catholic church in North Africa. Those who refused were to be exiled or killed.	<i>Passion of Maximian and Isaac</i> §3
July 3, 352	Persons who join Judaism from Christianity, if the accusation can be proven, shall have their property confiscated and given to the state treasury.	CT 16.8.7
Aug. 22, 354	Anyone who rapes a consecrated Christian virgin or widow will suffer the same capital punishment as any rapist.	CT 9.25.1
Sept. 23, 355	Bishops shall not have to appear before secular judges; accusations against them shall be brought before other bishops.	CT 16.2.12
Feb. 20, 356	Those guilty of idolatry or pagan sacrifices must suffer capital punishment.	CT 16.10.6
Dec. 28, 356	Clergy, along with their wives, children, and servants, are forever exempt from paying taxes (even if they engage in trade) or rendering compulsory public service.	CT 16.2.14

June 25, 357	Anyone who consults a soothsayer on account of curiosity of the future will suffer capital punishment.	CT 9.16.4
July 5, 357	Even a high-ranking man convicted of wizardry will face torture.	CT 9.16.6
Jan. 16, 360	Exemption from taxes may only be given to catholic churches and a few select individuals. Governors who have granted tax-exemption beyond this are to pay the difference themselves.	CT 11.1.1
June 30, 360	Clerics who have taken on small business to provide supplemental income shall be exempt from compulsory public service. But those who were tradesmen before becoming clergy are still subject to taxation. All clerics who hold land as personal property are subject to taxation and compulsory public service.	CT 16.2.15
c. 362	According to Gregory Nazianzus, Julian issued a decree that the Christian church be referred to as “the Galilean” movement.	Gregory Naz. <i>Con. Iul.</i> 1.76
c. 362	Julian recalls all who were banished under Constantine in connection with “the Galilean madness” to be returned from exile.	Julian, <i>Ep.</i> 404B-C
362	No Christians are allowed to teach the pagan classics (essentially debarring them from being teachers). Any student may study them, however.	Julian, <i>Ep.</i> 422A-4A
Aug. 1, 362	In this letter Julian reveals that he has restored property to the non-Arians who lost it under Constantius. He had upheld legislation that a Christian may not be forced to sacrifice even if his public office requires it. He instructs Christians not to riot. He also informs us that he had taken away the right of bishops to serve as secular judges.	Julian <i>Ep.</i> 435D-8C
c. 362	Though the decree does not exist, there are multiple reports that Julian forced Christians to pay for temples they had demolished.	Sozomen <i>Hist. eccl.</i> 5.5, Theodoret <i>Hist. eccl.</i> 3.7.6–10
c. 362	Julian decrees that Christians are not to be harmed in any way, but pagans are to be given preference to them. He blames Christians for the tumultuous state of the empire.	Julian <i>Ep.</i> 376C-D
Feb. 19, 364	Anyone who rapes or even proposes to a pledged virgin or widow in the church will suffer capital punishment.	CT 9.25.2
Jan. 15, 365	A guilty Christian cannot be sentenced to the arena.	CT 9.40.8
Sept. 27, 365	No one may leave the bread-making profession to become a Christian clergyman. Anyone found to have done such must return to his profession.	CT 14.3.11
Nov. 17, 365	No Christian shall have to serve in a pagan temple; the judge who makes such an appointment will be executed and his property confiscated.	CT 16.1.1
Apr. 21, 368 (?)	No Christian may be summoned to court for tax purposes on a Sunday.	CT 8.8.1

May 3, 367	Prisoners are to be released from prison to celebrate Easter. The exceptions are those who have committed treason, necromancy, poisoning, magic, adultery, rape, and murder.	CT 9.38.3
Feb. 17, 370	Laws formerly enacted against Christians under Julian shall have no validity, and policies of the late Constantius are to be upheld.	CT 16.2.18
Feb. 11, 371	If an actor or actress has been near death and was allowed to receive the sacraments, but then recovered, he or she may not be recalled to serve in the theater. Priests should make sure that actors/actresses seeking the sacraments are truly in danger of death and seeking salvation before administering the sacraments.	CT 15.7.1
May 19, 371	Divination has no connection with cases of magic. It is, therefore, allowable as long as it is not practiced “harmfully.”	CT 9.16.9
Mar. 2, 372	Manichaeans and similar groups may not assemble. Their teachers will be punished, their followers segregated, and their places of gathering confiscated.	CT 16.5.3
Feb. 20, 373	All church leaders are judged unworthy of the priesthood who by usurpation repeat baptism, contaminating an act of grace by its repetition.	CT 16.6.1
Oct. 17, 377	Any who teaches a second baptism is to desist and be restored to the catholic Church. The uncorrupted faith of the Evangelists and Apostles must be preserved. Furthermore, properties where re-baptizers or other expelled persons gather are to be confiscated.	CT 16.6.2
Aug. 3, 379	All heresies are forbidden. One may hold to heretical teachings in his own mind but is forbidden to teach them to others, especially the teaching of re-baptism. Assemblies of those who hold to re-baptism are forbidden, and none may teach this doctrine.	CT 16.5.5
Feb. 28, 380	This edict is sometimes referred to as “ <i>Cunctos Populos</i> .” Everyone in the empire shall be part of the religion that believes in God as a single Deity of Father, Son and Holy Spirit – the Holy Trinity, as taught by St. Peter to the Romans, and now taught by Damasus of Rome and Peter of Alexandria. Only those following this rule shall be called “catholic Christians.” Meeting places of those who follow another religion (including heretics of a Christian variety) shall not be given the status of churches, and such people may be subject to both divine and earthly retribution.	CT 16.1.2
Mar. 27, 380	Criminal trials are suspended during the 40 days prior to Easter.	CT 9.35.4
Jan. 10, 381	Heretics shall have no place of meeting. Heretics are defined as those who do not observe the Nicene faith. The Phontinians, Arians, Eunomians and others are specified, but not exclusively. Their teachings are forbidden. A definition of the Trinity and the	CT 16.5.6

	term <i>ousia</i> is established. Catholic churches throughout the empire are to be returned to orthodox bishops. Heretics are to be driven out of the churches and the cities. The property rights of Manichaeans are revoked, and property inherited from a Manichaean which should have been confiscated by the state is now to be confiscated. Manichaeans are forbidden to gather. <i>[A brief glance at succeeding laws will show that this law, like many others, was not promptly or universally enforced.]</i>	
May 2, 381	Christians who have converted to paganism shall not be allowed to make a will, and any will made by such a person is invalidated.	CT 16.7.1
May 8, 381	Manichaeans may not inherit property or leave it to others through wills, and any property inherited from a Manichaean is to be confiscated. The only exception is the child of a Manichaean who converts to the Catholic faith. Also, Manichaean assemblies and sacraments are prohibited.	CT 16.5.7
July 19, 381	It is forbidden for Arians, Eunomians, or followers of Aetius to build churches. If any such churches are built, they will be confiscated.	CT 16.5.8
Dec. 21, 381	Those who make pagan sacrifices or prayers will be penalized with the loss of property.	CT 16.10.7
Dec. 3, 383	Arians, Macedonians, Apollinarians, and other groups outside the Church are not allowed to gather congregations, construct churches, or celebrate their rites in either urban or rural areas. Local officials are responsible for enforcement of this law.	CT 16.5.12
Sept. 22, 384	Jews are forbidden from buying or owning Christian slaves, and such must be taken away sold to Christians. If a Jewish master converts a Christian to Judaism, he will be punished.	CT 3.1.5
May 25, 385	Divining the future by means of examining the livers and entrails of sacrifices is forbidden; violators will be severely punished with torture.	CT 16.10.9
July 25, 385	Priests are exempted from torture if they are to give testimony in court, but lower clergy are not.	CT 11.39.10
Jan. 23, 386	Those from dissident sects who assemble or instigate demonstrations against the emperor, disturbing the peace of the church, are guilty of treason and face capital punishment.	CT 16.4.1
Mar. 14, 388	Jews and Christians are forbidden to intermarry. If they break this law, the crime will be considered adultery.	CT 3.7.2
June 16, 388	No public discussions or debates about religion may be held.	CT 16.4.2

Aug. 9, 388	Though previous laws allowed for Arians to continue their gatherings and churches, those laws have been rescinded. Arians may not use those laws in their defense, but must cease their assemblies.	<i>CT 16.5.16</i>
June 17, 389	Manichaeans are to be expelled from Rome and banished from the empire. Their property is to be confiscated, and their wills are void.	<i>CT 16.5.18</i>
Nov. 26, 389	Leaders of heretical sects who are found to hold office in the catholic church are to be expelled from their meeting places as soon as they are detected in or around the city.	<i>CT 16.5.19</i>
Feb. 24, 391	Pagan sacrifice, worship of pagan idols, and worship in pagan temples is forbidden. Prosecutors of rank will be fined, but higher officials will pay a smaller amount than lower ranking officials.	<i>CT 16.10.10</i>
May 19, 391	Heretics are to be driven from cities, villages, and communities. They are not able to hold public meetings or secret gatherings.	<i>CT 16.5.20</i>
June 16, 391	No person shall enter the pagan temples, perform sacrifices, or revere pagan shrines. Even judges are subject to this law; if they violate it, they will be fined. Their staff will also be fined unless they opposed him.	<i>CT 16.10.11</i>
July 18, 392	Anyone who “should disturb the catholic faith” is to be deported.	<i>CT 16.4.3</i>
Sept. 29, 393	The Jewish sect is protected by law. No synagogues shall be despoiled, and no regulation may be passed to ban Judaism, even in the name of Christianity.	<i>CT 16.8.9</i>
July 19, 394	Heretics are forbidden to teach their doctrines or appoint priests or other clergy. Judges and other officials must enforce this law.	<i>CT 16.5.24</i>