

THE NEW CONSTITUTIONS OF THE EMPEROR LEO.

PUBLISHED FOR PURPOSE OF AMENDING THE LAWS.

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INTRODUCTION.

The vicissitudes of human affairs, the inconstancy and diversity of the various conditions of life, have given rise to a great number of laws which, embracing matters of every description, determine with reference to each what is good, and what is otherwise, hence they act as guardians and physicians of Our lives; for, as on the one hand they prevent evil from arising and spreading through society, so, on the other, they correct what they were unable to foresee or prevent, and as they extirpate every kind of vice, they do not permit it to become confirmed. But as the course of human affairs resembles an ebb and a flow, while it alters and overturns all legislation, and frequently substitutes what is bad for that which has already been justly established, and plunges some laws into oblivion, so they become as thoroughly unknown as if they had never before been heard of, in this way it equally attacks all legislation by enveloping some of it in profound silence, and by giving rise to controversies respecting other enactments, either because those who promulgated them, having had neither steadfastness nor uniform opinions, contradicted themselves, or for the reason that their successors permitted customs to be introduced or laws to be passed in opposition to what has already been settled. Hence it happens that legislation becomes perplexed, and no small amount of injury is inflicted upon mankind, some laws being substituted for others, giving rise to the same confusion which results as when darts are cast at random.

Therefore, being of the opinion that it would be disgraceful to permit matters which are vital to the safety of the Empire, and which should be decided and confirmed in an invariable way, to remain in such disorder, We have deemed it advisable to renew and examine the laws with the greatest diligence and care. After having collected those which it has seemed to Us to be worthy of preservation, We have sanctioned them by a decree, and have ordered that actions at law shall be determined in conformity with their provisions. Those, on the other hand, which We have decided to be of no value, We have forbidden to be cited hereafter, and have stricken them from the list of laws. So far as those which We have failed to mention are concerned, We have also repealed them by the mere fact that We have not alluded to them. Finally, as among all customs which common usage has established, there are some founded upon reason which a wise man should not reject, We have exalted them from the condition

of customs to that of laws, and have conferred upon them the same authority.

Everything having been arranged by Us in this manner, all persons are hereby notified that the laws which We have confirmed, and the customs to which We have given legal force by means of Our Imperial power, shall be observed, and be available for the disposal of all litigation; but, on the other hand, such as are opposed to them, whether they have been explicitly repealed, or whether We have kept silence concerning them, shall alike be rejected, and be excluded forever from the jurisprudence of the Empire.

CONSTITUTION I.

EVERYONE WHO EXERCISES THE PREROGATIVE OF JUDGING SHALL DECIDE IN ACCORDANCE WITH THE LAWS WHICH WE HAVE COMPILED, AND SHALL NEVER HAVE RECOURSE TO THOSE WHICH WE HAVE ANNULLED, IN ORDER THAT NO AMBIGUITY MAY ARISE UNDER SUCH CIRCUMSTANCES.

In the name of Christ, Our True God, who has introduced laws for the benefit of the entire human race. The Emperor Cæsar, Flavius, Leo, Pious, Fortunate, Renowned, Victor and Triumpher, worthy to be revered in every age, Augustus and Faithful King, to Stylianus, Most Illustrious Master of the Imperial Offices.

Justinian, whose name is so celebrated among sovereigns, must have been animated with a spirit exceedingly favorable to the welfare of his empire, and most zealous for its benefit, when, in spite of their number and the confusion in which they were involved, he collected all the laws which had been enacted from the foundation of Rome until his reign, and with an industry and labor worthy of all admiration attempted to compile them in a single work, a task which should have elicited the gratitude of all his subjects. He corrected whatever was contradictory and unsuitable, and placed in one collection all the laws which he believed had contributed to the prosperity and glory of the State, arranging them in such a way that an easy method was afforded of distinguishing what was just from what was inequitable.

But under all circumstances, in order to obtain the greatest advantage, it is necessary that there should not be a superfluity of anything. For, after having succeeded in the compilation of a single body of laws, and having made an excellent arrangement of the numerous and scattered materials of jurisprudence; after having disposed of the innumerable conflicting statutes which disturbed the harmony of legislation; after having enjoined upon all magistrates to render their decisions in conformity with the recently established rules of law, and having, by means of wise provisions, assured the reconciliation of their various opinions, confident that they would decide impartially and without any contention; still, not being content with these achievements, and believing that he could advance the happiness of the Empire to a great extent, he was imprudent enough to enact

days should remain exposed, presenting a wretched and horrible sight, dishonoring humanity by their wasting and decay? And, in addition to this, as deceased persons are styled the servants of God, and honored on account of their celestial glory, does it not leave their bodies unburied, and thereby even expose them to expiation?

Therefore, We order that this law shall, by no means, be included among other civil enactments, and We abolish it by this Our decree, just as it has previously been very properly disregarded by custom; and hereafter, everyone shall have the right to bury deceased persons either inside the city or without, as he may desire.

CONSTITUTION LIV.

ALL PERSONS SHALL ABSTAIN FROM LABOR ON SUNDAY.

The Same Emperor to the Same Stylianus.

To attempt to communicate useful precepts to mankind is certainly a most laudable undertaking, and those princes who do this, and devote all their attention to the welfare of their subjects, deserve to have their love for the State made a subject of praise, and the laws which they enact religiously observed. It is much more equitable, however, to show reverence to rulers of this kind who, acting to some extent as the legislators of the entire world, experience solicitude of a much more exalted character for the safety of the human race not only on account of the excellence of their opinions, but also because they have drawn up their decrees with the assistance of God.

A law was in force among the disciples of these distinguished men which directed that every kind of labor shall be suspended on the day of the Resurrection. There is, however, another which contradicts this, and provides that all persons shall not be prevented from working upon that day; but that some should be indulged in this respect; for it declares that judges, the inhabitants of cities, and all artisans should rest on this venerated day, but that persons residing in the country can freely engage in the cultivation of their fields, which exception is not founded upon reason. For although, in this instance, the pretext that the crops must be saved can be alleged, this excuse is of no weight, and indeed is futile, as when God gave Us the fruits of the earth he intended that they should be preserved by the effect of the sun, to which, rather than to the industry of the cultivators of the soil, is due the abundance of the crops, and should be so attributed; and as the existence of a law of this kind dishonors the worship of the Lord, and is contrary to what was prescribed by those who, with the assistance of the Holy Spirit, obtained a victory over all their adversaries, We hereby decree, in accordance with the wishes of the Holy Spirit, as proclaimed by Jesus Christ and His Apostles, that, during the sacred day when Our redemption is celebrated, everyone shall desist from labor, and neither farmers nor anyone else shall be allowed to perform any unlawful work. For if those who observed only the shadow and semblance of the laws had so much respect for the Sabbath as to

strictly abstain from every kind of labor, how can those who are enlightened by divine grace, and cultivate the truth, fail to exhibit the same reverence for the one day out of seven which has been consecrated to the glory of God, and on which he has honored Us, and delivered Us from death? And when one day of the seven has been dedicated to Our Lord, does it not evince contempt for religion to refuse to be satisfied with working during the other days and not preserve this one sacred and inviolate for God, nor make a distinction between it and the others by using it for the same purpose?

CONSTITUTION LV.

JEWS SHALL LIVE IN ACCORDANCE WITH THE RITES OF CHRISTIANITY.

The Same Emperor to the Same Stylianus.

Those who formerly were invested with Imperial authority promulgated various laws with reference to the Hebrew people, who, once nourished by Divine protection, became renowned, but are now remarkable for the calamities inflicted upon them because of their contumacy towards Christ and God; and these laws, while regulating their mode of life, compelled them to read the Holy Scriptures, and ordered them not to depart from the ceremonies of their worship. They also provided that their children should adhere to their religion, being obliged to do so as well by the ties of blood, as on account of the institution of circumcision. These are the laws which I have already stated were formerly enforced throughout the Empire. But the Most Holy Sovereign from whom We are descended, more concerned than his predecessors for the salvation of the Jews, instead of allowing them (as they did) to obey only their ancient laws, attempted, by the interpretation of prophecies and the conclusions which he drew from them, to convert them to the Christian religion, by means of the vivifying water of baptism. He fully succeeded in his attempts to transform them into new men, according to the doctrine of Christ, and induced them to denounce their ancient doctrines and abandon their religious ceremonies, such as circumcision, the observance of the Sabbath, and all their other rites. But although he, to a certain extent, overcame the obstinacy of the Jews, he was unable to force them to abolish the laws which permitted them to live in accordance with their ancient customs.

Therefore We, desiring to accomplish what Our Father failed to effect, do hereby annul all the old laws enacted with reference to the Hebrews, and We order that they shall not dare to live in any other manner than in accordance with the rules established by the pure and salutary Christian Faith. And if anyone of them should be proved to have neglected to observe the ceremonies of the Christian religion, and to have returned to his former practices, he shall pay the penalty prescribed by the law for apostates.