

Sabbath and Sunday Laws in the Roman Empire

Kelly McDonald, Jr.

Written/authored by: Kelly McDonald, Jr.

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First Edition Published May 2020

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Introduction

Early in the Roman Imperial period, the seventh-day Sabbath became a protected practice for the Jewish people. Other practices were also protected and confirmed by later rulers. Christianity started as a sect of Judaism called the Way (Acts 24:14), which means it shared the same protections as Judaism including Sabbath observance.

From the New Testament it is obvious that the Sabbath continued to be observed (see Acts chapter 13:13-48, 16:11-15, 17:1-4, 18:1-4 for examples). As we will review, this remained the majority practice for centuries into the future.

The concept of Sunday as an important day in Christianity started in the second century AD (about 150) among a few people in Rome. This idea stayed largely confined to Rome, but eventually spread to other cities in the Roman world. Concurrently, sun worship and Mithraism also spread in the Roman world.

These two developments merge in the reign of Constantine, who was a sun worshiper but also showed great favor to Christians. During his reign, the first Sunday laws were enacted. However, they are not given any Christian meaning by him. He worshipped Sol Invictus, so why would he try to honor the God of the Bible? During his reign, the Roman Church and Roman Empire began a merging process which would be solidified about 60 years later during the reign of Theodosius. From this time forward, many more Sunday laws were enacted to impose Sunday rest on others and even define its observance (sometimes with the threat of punishment for a lack of compliance). During this same time period, the Sabbath continued to be confirmed as a protected practice and most Christians still observed it even many years later.

We will learn many valuable lessons from Sabbath and Sunday laws in the Roman Empire.

Chapter 1

Sabbath Laws

Rome's first significant contact with Jewish people came in the mid-second century BC after the victory of the Maccabees over Antiochus. During this time, the Romans formally ratified a treaty with the Jewish people and recognized their state, which was ruled by the Hasmonean dynasty.

After a civil war in the 60s BC, Rome took control of the Judean state and forced them to pay tribute. Jewish slaves were brought to Rome during this time. Biblical practices, such as keeping the Sabbath, were brought with them. Eventually a Jewish quarter was founded in Rome.

The first well-known Roman ruler to show special favor to the Jewish people was Julius Caesar (about 46 BC). Other decrees protecting the practice of their faith were continued during the early Imperial period, such as Augustus and Claudius. They were confirmed also during the later Imperial period by Constantine, Theodosius II, and Justinian.

These protections had to be extended to Christians to some extent as the vast majority of Christians in the fourth and fifth centuries still honored the Sabbath. **See Appendix A for a list of quotes about this subject from that time period.**

In this week's article, we will examine Sabbath laws in the Roman Empire. We have English translations provided below.

The time of Julius Caesar (approx. 46 BC) - Josephus, in his work *Antiquities of the Jews*, says that Julius Caesar was favorable towards Jewish people (bk 14, c10). He then gives a series of decrees issued by various cities that confirmed their rights to worship their God and keep the Sabbath. Among them are: Laodicea, Milesians, Halicarnassus, Sardians, and Ephesians (*ibid*, 14.10.sections 20-25). Apparently these cities were once hostile to Jewish practices.

Edict of Augustus on Jewish Rights, approx. 1 BC - "2. "Cesar Augustus, High Priest, and Tribune of the people ordains thus.

Since the nation of the Jews hath been found grateful to the Roman people, not only at this time, but in time past also, and chiefly Hyrcanus, the High Priest, under my father Cesar the Emperor. It seemed good to me and my counsellours, according to the sentence and oath of the people of Rome, that the Jews have liberty to make use of their own customs, according to the law of their fathers, as they made use of them under Hyrcanus the High Priest of Almighty God; and that their sacred money be not touched, but be sent to Jerusalem; and that it be committed to the care of the receivers at Jerusalem; and that they be not obliged to go before any judge on the Sabbath-day, nor on the day of the preparation to it, after the ninth hour: But if any one be caught stealing their holy books, or their sacred money; whether it be out of the synagogue, or publick school, he shall be deemed a sacrilegious person, and his goods shall be brought into the publick treasury of the Romans. ..." (Josephus. *Antiquities of the Jews*. 16.6.2:162-165).

This law is preserved by Josephus. It gave more formal protection to Jewish practices, specifically the Sabbath. A reference is even made to Julius Caesar, who apparently ruled the same way. This lines up with a later law, CT: 16.8.20, which we will review later in this article. The Jewish people were given Friday afternoon at about 3 pm free from legalities so that they could prepare to honor the Sabbath.

Edict of Claudius on Jewish Rights, 41 CE - "Tiberius Claudius Cesar, Augustus, Germanicus, High Priest, tribune of the people, chosen consul the second time,⁶ ordains thus. Upon the petition of King Agrippa, and King Herod, who are persons very dear to me, that I would grant the same rights and privileges should be preserved to the Jews which are in all the Roman Empire, which I have granted to those of Alexandria, I very willingly comply therewith: and this grant I make not only for the sake of the petitioners, but as judging those Jews for whom I have been petitioned worthy of such a favour, on account of their fidelity and friendship to the Romans. I think it also very just that no Grecian city should be deprived of such rights and privileges: since they were preserved to them under the great Augustus. It will therefore

be fit to permit the Jews, who are in all the world under us, to keep their ancient customs, without being hindred so to do. And I do now charge them also to use this my kindness to them with moderation; and not to shew a contempt of the superstitious observances of other nations, but to keep their own laws only.” (Josephus, *Antiquities of the Jews*. 19.5.3:287-291).

The importance of these laws cannot be overlooked. Though preserved by Josephus, they are considered to be historically sound. In 1961, a compilation of ancient Roman laws was made in the United States. They included Josephus’ records about the Roman Empire in the compilation (*Ancient Roman Statutes*, trans. By Johnson, Norton, and Bourne, ed. By Clyde Pharr. University of Texas Press: Austin).

At least two primary sources from the period confirm that such protections for Jewish people existed. Seneca, who lived between 4 BC and 65 AD, said this “...customs of that most accursed nation have gained such strength that they have been now received in all lands, the conquered have given laws to the conquerors....” (preserved by Augustine, *The City of God*, 6:11).

Tacitus, writing about 110 AD said: “...They are said to have devoted the seventh day to rest, because that day brought an end to their troubles. Later, finding idleness alluring, they gave up the seventh year as well to sloth. Others maintain that they do this in honour of Saturn...**Whatever their origin, these rites are sanctioned by their antiquity...**” (*The Histories*, 5:4-5).

Dio Cassius, a Roman historian who lived about 155-235 AD confirmed that Jewish religious practices were protected in the third century. He also mentioned the great numbers that existed at that time. “They have also another name that they have acquired: the country has been named Judea, and the people themselves Jews. I do not know how this title came to be given to them, but it applies also to all the rest of mankind, although of alien race, who affect their customs. This class exists even among the Romans, and though often repressed has increased to a very great extent and has won its way to the right of freedom in its observances” (*Roman History*, 37:16-17).

Constantine (313-337)

Contrary to popular opinion, Constantine also protected Sabbath observance. In the correct translation of *The Life of Constantine* book 4, chapter 18, section 2, we learn: "...Accordingly he enjoined on all the subjects of the Roman empire to observe the Lord's day, as a day of rest, and also to honor the Sabbath; in memory, I suppose, of what the Saviour of mankind is recorded to have achieved on that day." To learn more about Constantine's Sabbath protections, see **Appendix B** in the back.

Codex Theodosianus

The Codex Theodosianus was a code of laws issued during the reign of Theodosius II about 438/439 AD. It was a compilation of Roman laws from 311 to 438 AD. In it, we find three laws pertaining to the Sabbath.

2.8.26 The same Augustuses to Johannes, Praetorian Prefect (After other matters.) On the Sabbath Day called on all other days at the time when Jews observe the reverence of their own cult, We command that no one of them shall be compelled to do anything or be sued in any way, since it appears that the other days can suffice for fiscal advantages and for private litigation. (Etc.) – July 26, 409; 412. (Pharr, 45)

8.8.8 – Emperors Honorius and Theodosius Augustuses to Johannes, Praetorian Prefect

(After other matters.) On the Sabbath Day called on all other days at the time when Jews observe the reverence of their own cult, We command that no one of them shall be compelled to do anything or be sued in any way, since it appears that the other days can suffice for fiscal advantages and for private litigation. (Etc.) July 26, 409; 412. (Pharr, 210)

16.8.20 The same Augustuses (Honorius and Theodosius) to Johannes, Praetorian Prefect.

If it should appear that any places are frequented by conventicles of the Jews and are called by the name of synagogues, no one shall dare to violate or to occupy and retain such places, since all

persons must retain their own property in undisturbed right, without any claim of religion or worship.

1. Moreover, since indeed **ancient** custom and practice have preserved for the aforesaid Jewish people the consecrated day of the Sabbath, We also decree that it shall be forbidden that any man of the aforesaid faith should be constrained by any summons on that day, under the pre-text of public or private business, since all the remaining time appears sufficient to satisfy the public laws, and since it is most worthy of the moderation of Our time that the privileges granted should not be violated although sufficient provision appears to **have been made with reference to the aforesaid matter by general constitutions of earlier Emperors.*** (July 26, 412). (Pharr, 469)

* This law made a reference to earlier “constitutions” (plural) made by other Emperors (plural). At the very least this refers to the decrees of Augustus, Claudius, and perhaps even Constantine. There may have been others which are now lost. This law and the statement which concludes it is further proof that Constantine continued to provide protections for Sabbath observance.

The Latin from the opening sentence of 16.8.20, section 1 reads: “At cum vero iudaeorum memorato populo **sacratum diem sabbati vetus** mos et consuetudo servaverit...”

The Latin word translated as ‘ancient’ is *vetus*, and it means former, long-standing, old, aged, or ancient. These Roman rulers recognized that the Jewish people honored the Sabbath from ancient times. They described the Sabbath using the Latin word ‘*sacratum*’, which refers to that which is sacred. It refers to something that is intrinsically set apart for religious purposes. The Roman peoples began to identify the Biblical Sabbath with the Latin word *sacra* as early as the first century BC (see Pompeius Trogus, *Epitome*, 36.2.14; Tibullus, *Elegies*, 1.3.17-18; Ovid, *The Art of Love*, 1:3, 1:11 and *The Cure for Love*, part 3).

Codex Justinianus

The Code of Justinian was composed in the 520s/530s AD under the reign of the Roman Emperor Justinian. In it, we find CT

16.8.20 repeated as 1.9.13, which means that he allowed the same protections as earlier Emperors.

The Sabbath was protected by Roman rulers as early as Julius Caesar. This custom was retained by most other Emperors until at least Justinian. While these laws specifically grant privileges to Jewish people, these same laws would have been extended to Christians as well.

As discussed earlier, a vast majority of Christians still honored the Sabbath into the fifth century AD. Eusebius' comment above about Constantine would also agree with this conclusion, as discussed in Appendix B. Since the second century AD, many teachers in the Roman Church labeled the Sabbath a Jewish institution and attempted to lump Sabbath keeping Christians and Jews together. Even groups, such as Arians, that were known to have Sabbath keeping tendencies also were put in the same view as Jewish people.*

*For some examples of this see the following sources: Justin the Martyr, *Dialogue with Trypho*, chapters 10, 18, 47, and 121; Justin, *First Apology*, 19; Tertullian, *Against the Nations* 1:13, John Chrysostom, *Eight Homilies Against the Jews* and *Commentary on Galatians* 2:7; Epiphanius, *Against All Heresies*, 29:1:2a-3, 7:1-8, 69:63; Athanasius, *Against Arianism*, 3:29, 55; Council of Laodicea canons 29, 37, 38; Augustine, *Letter* 36. See also Dio Cassius where he wrote that people who practice their customs are also called Jews (*Roman History*, 37:16-17 – discussed above).

Of these sources, the Council of Laodicea is interesting in that those who rest on Sabbath are called Judiazers.

Chapter 2

Sunday Laws (Part 1 of 2)

As reviewed in the last chapter, the Roman Empire protected Sabbath observance. On the other hand, the idea of making Sunday a protected day of rest was a nuanced idea.

The first Sunday civil rest law in history was passed in 321 AD by Constantine. The idea that he passed this law to promote Christianity is far from accurate. Constantine was definitely enthralled by sun worship. The language in the law supports this as the chief reason for the law being passed.

One other detail to keep in mind is that Sunday was the second day of the week in the original pagan planetary week. It was not recognized as the first day of the week by Roman law until the 400s AD, which occurred after much influence from the Roman Catholic Church.

Codex Justinus

3.12.3 (some list as 3.12.2) The Emperor Constantius

“All Judges and city people and the craftsmen shall rest upon the venerable Day of the Sun. Country people, however, may freely attend to the cultivation of the fields, because it frequently happens that no other days are better adapted for planting the grain in the furrows or the vines in trenches. So that the advantage given by heavenly providence may not for the occasion of a short time perish. 321 AD.” (*quoted from Ayers, 284-285*)

The first Sunday law in history was passed by Constantine. In the Latin manuscript of this law, the phrase translated as “venerable day of the sun” is *venerabilis dies solis*. Constantine’s decree was based upon honoring and esteeming the celestial body we call the sun. The decree did not honor the Hebrew God or Jesus Christ. Notice that no worship is mentioned; it simply declared a civil day of rest.

This law was not designed to mirror the Biblical Sabbath. Notice that farmers were not allowed to take off work on the day. The God of the Holy Bible gave us the Sabbath (Friday sunset to Sat-

urday sunset) as the weekly day of rest for all people, regardless of their occupation. This command extends to farmers in their slow and busy seasons (Ex. 34:21).

Constantine held the title *pontifex maximus*. This was an ancient pagan Roman title that allowed him to control the religious calendar of the Empire. He commonly struck coins with images of Sol Invictus (the invincible sun god) and Jupiter. Sunday was a day commonly honored by worshippers of Mithras (Encyclopedia Britannica “Mithras”). The day after his first Sun-day law, he received a law allowing the pagan soothsayers to enter buildings where lightning had struck (CT: 16.10.1). This decree upheld the ancient Roman custom where a ceremony was used to determine which god or goddess was angry and how to pacify him/her.

In other words, while Constantine did show favor to Christians, he also continued to honor paganism. In this way, he utilized the title *pontifex maximus*.

Codex Theodosianus

2.8.1 Emperor Constantine Augustus to Helpidius.

“Just as it appears to Us most unseemly that the Day of the Sun (Sunday), which is celebrated on account of its own veneration, should be occupied with legal altercations and with noxious controversies of the litigation of contending parties, so it is pleasant and fitting that those acts which are especially desired shall be accomplished on that day. 1. Therefore all men shall have the right to emancipate and to manumit on this festive day, and the legal formalities thereof are not forbidden. (July 3, 321)” (Pharr, 44). **Repeated in: CJ: 3.12.7**

This law was passed later in the same year. It required freedom from legalities and even slaves were free from work. Once again, this law has no overt religious meaning to it. It was common for the pagan Romans to free people from legal proceedings and even release slaves from work during heathen celebrations. A great example of this would be Saturnalia and the Kalends of January festivals (Jan 1st), which were celebrated before and after Constantine’s time (see Seneca, *Epistulae*, 18:1-4, Lucian, *Saturnalia*, sec 2 and *Chronosolon*, sec 13-14, Dio Cassius, *Roman History*, 60.19.3, and Libianus, *Oration*, 9).

Inscriptionum Latinarum

An inscription from Constantine's reign provides a little more information about his attitude towards Sunday. To understand this inscription, one must grasp that the Romans had two ways that they calculated weeks. There was the market week, which was composed of eight days. Every eighth day was *nunindae* or market day. The pagan planetary week had seven days. This dual system of reckoning weeks meant that after so many weeks the eighth day of the market week would coincide with second day of the pagan planetary week, which is Sunday.

An inscription found in a Slavonian bath house detailed that Constantine allowed markets to be held on Sundays throughout the year (Orellius, *Inscriptionum Latinarum*, 140). We do not know the date of this law. However, it is proof of two things: 1) he did not strictly enforce this Sunday law and 2) he continued to honor the pagan Roman system.

One of the more important developments with regard to this subject is the gradual intertwining of the Roman Church and Roman State. Constantine started paying the expenses of Church Councils (Eusebius, *Church History*, 10:6). He ruled that clergy and their families did not have to pay taxes (CT: 16.2.10, Pharr notes that this law properly belongs to 320 AD). By law, people were allowed to leave property to the Roman Church at death (CT: 16.2.4 [321 AD]). He commanded that people in the Empire no longer force Catholics to make pagan sacrifices (CT: 10.2.5 [323 AD]).

In 326 AD, he passed a law that granted the Roman Church special privileges. All other Christian groups were not allowed these privileges and were bound to public service (CT: 16.5.1). He regulated the number of clergy in Christianity (CT: 16.2.6 [326 AD]). The wealthy were prevented from serving in the clergy; only the poor could serve in those positions ([10.2.6 [326 or 329 AD]). He prevented clerics from being summoned to municipal councils for public service (10.2.6, 10.2.7 [330 AD]). Secular judges were even forced to enforce the decisions of Catholic Bishops; when such a bishop testified, their witness was considered supreme and voided all others (CS: 1 [333 AD]).

During the reign of Theodosius, this union was made complete. We will review this some in the next chapter. The next Sunday law was about 45-50 years later.

Codex Theodosianus

8.8.1 Emperors Valentinian and Valens Augustuses to Florianus, Governor of Venetia

It is our will that no Christian shall be sued by tax collectors on the Day of the Sun (Sunday), which has **long*** been considered **holy (FAUSTUS)****, and by this interdict of our statute we sanction peril against any person who should dare to commit this offense. (April 21, 368, 370, 371). (Pharr, 209)

*The Latin phrase translated as “long” is *qui dudum*. It more refers to the present and the immediate past rather than a long period of time (Lewis, *A Latin Dictionary*). This is different than the Sabbath – which the Roman Emperors viewed as being sacred since ‘ancient times’ (vetus).

Notice the word translated as ‘holy’ in the law. This is a terrible translation. The Latin word *faustus* means lucky, fortunate, or a good omen. For a brief review of how this word was used in the Roman world, see **APPENDIX C. The word can have religious meaning, but it doesn’t have to. It is interesting that even the Romans knew the difference between a holy day such as the Sabbath (which they labeled *sacratum*) and Sunday merely being a *faustus* day.

Notice that nearly fifty years later, the Emperors still labeled the day ‘*dies solis*’ (not Lord’s day) and attached no overt religious meaning to it. Notice that this law was written to the governor of Venetia, which was a province in northeastern Italy. This means that it was likely not universally applied.

One thing that we can learn from this law is that there must have been a significant number of Christians (affiliated with the Roman sect) who kept Sunday. Another detail to be garnered from this law is that up until this law, tax collections still took place on Sunday. This day of the week had not yet been fully treated as a rest day even in areas where significant numbers of Sunday observant people were found.

11.7.10 The same Augustuses to Florianius Governor of Ventia.

It is our Will that no Christian shall be sued by tax collectors on the Day of the Sun (Sunday), which has long been considered holy (faustus)*, and by this interdict of Our statute We sanction peril against any person who should dare to commit this offense. (April 21, 368, 370, 373) (ibid, 300)

*Once again, Sunday is called Faustus or lucky.

We will continue the discussion of Sunday laws in the next chapter. Over the next several decades more Sunday laws were established with a different focus.

Chapter 3

Sunday Laws (Part 2 of 2)

The first four Sunday laws were issued from 321 to as late as 373. Two in 321, one at an unknown date, but certainly after 321, and the last one between 368-373. There would not be another one (that we know of) until 386 AD.

From 386 to 425, eleven laws were enacted that governed some sort of Sunday observance (including the annual observance of Pascha on Sunday). The Codex Justinian adds one from 469, bringing the total to twelve laws during a little over sixty years. The sudden increase in Sunday laws, including the usage of the term 'Lord's Day' in them, reflects the merger of the Roman Empire with the Roman Church.

Theodosius became Emperor in 379 AD. He heard the religious perspectives of various Christian groups and sided with the Roman Church. He was determined to make the Empire uniform in its view of God. In 380, he issued a decree to try and force subjects of the Empire to become Catholic. We have a copy of this law below:

“To the residents of Constantinople: It is our will that all the peoples whom the government of our clemency rules shall follow that religion which a pious belief from Peter to the present declares the holy Peter delivered to the Romans, and which it is evident the **Pontiff*** Damascus and Peter, bishop of Alexandria, a man of apostolic sanctity, follow; that is, that according to the apostolic discipline and evangelical doctrine we believe in the deity of the Father and the Son and the Holy Spirit of equal majesty in a holy trinity. Those who follow this law we command shall be comprised under the name of Catholic Christians; but others, indeed, we require, as insane and raving, to bear the infamy of heretical teaching; their gatherings shall not receive the name of churches; they are to be smitten first with the divine punishment and after that by the vengeance of our indignation, which has divine approval” (CT: 16.1.2 [Ayers 367-368]).

*This is the first official Roman law where the Bishop of Rome is

called Pontiff. This indicated that the Roman government acknowledged the Bishop of Rome as the regulator of the ancient pagan Roman religion.

Too often people have tried to make the division between the rest of Christianity and the Roman Church boil down to Sabbath versus Sunday. See **Appendix A** for proof that most Christians kept the Sabbath. Notice that the issue of Sabbath and Sunday was never brought up by Theodosius in this law. The issue which he viewed as being necessary (above any others) to be identified as a ‘Catholic Christian’ was the Trinity, which involved an ongoing argument at that time concerning the nature of God.

The law also suggests that everyone should follow the teachings of the Bishop of Rome, but that part seems vague. The focus is on the Trinity.

Those who did not conform to this were to be called insane, raving, and heretical. The meeting places of these groups were no longer to be called churches. He threatened that God would punish these groups first and if that does not work the Imperial authority would act.

Keep in mind that people did not instantly comply with this law. Laws in the ancient world took time to implement; it does not necessarily follow that people obeyed. Non-Trinitarian groups continued for many centuries after this inside and outside of the Eastern Roman Empire. Ancient Roman laws reflected the views of the Imperial government at that time and what they desired to see happen.

The very next year, 381, a decree was issued to the proconsul of Asia. All churches were given to those who confessed the Trinity. All who dissented from the Trinitarian belief and their bishops were declared heretics. The Nicene creed was also upheld (CT: 16.1.3). From this time forward, the decrees against non-Catholic groups increased with intensity.

In 386, Theodosius issued a law that those who disrupted the peace of the Church were to be put to death (CT: 16.4.1). Two years later, he enacted a law that people were not allowed to quarrel or discuss religious matters in public (CT: 16.4.2). If they vio-

lated this, they would be punished. Anyone caught disturbing the “Catholic faith” was to be exiled (CT: 16.4.3 [392 AD]).

The laws of his reign targeted non-Trinitarian groups and were clearly draconian. However, they often were not carried out. Sozomen, a Christian historian, wrote this about Theodosius:

“The emperor, after receiving their formularies, expressed himself in favor of that one alone in which consubstantiality of the Trinity was recognized...[he] enacted a law, prohibiting heretics from holding churches, from giving public instructions in the faith, and from conferring ordination on bishops or others. Some of the herodox were expelled from the cities and villages, while others were disgraced and deprived of the privileges enjoyed by other subjects of the empire. Great as were the punishments adjudged by the laws against heretics, they were not always carried into execution, for the emperor had no desire to persecute his subjects; he only desired to enforce uniformity of view about God through the medium of intimidation...” (*Church History*, 7:12).

While Theodosius issued laws with terrible punishments, he did not enforce them. It seems that he wanted to intimidate people into changing their view about the nature of God.

Later in the same book, Sozomen discussed groups that diverged from Rome in areas such as keeping Passover on the 14 of Nisan (chapter 18). Sozomen also mentioned that most Christians in his time kept the Sabbath (Chapter 19). These issues are not mentioned as a reason for persecution or punishment during the reign of Theodosius.

Theodosius completed the merger of the Roman Church and State, which began decades earlier under Constantine. Now we will review the Sunday laws from his reign forward.

11.7.13 The same Augustuses (Gratian, Valentinian, and Theodosius Augustuses) to Principius, Praetorian Prefect

On the Day of the Sun (Sunday), which **our ancestors rightly called the Lord’s Day***, the prosecution of all litigation and actions shall entirely cease. No person shall demand payment of either a public or private debt. There shall be no cognizance of any contention, even before arbitrators, whether these arbitrators be demanded in court of voluntarily chosen. If any person should

turn aside from the inspiration and ritual of **holy (sanctae) religion (religionis)****, he shall be adjudged not only infamous but also sacrilegious. (Nov. 3, 386) (ibid, 300)

*The latin translated as “our ancestors rightly called the Lord’s Day” is *quem dominicam rite dixere maiores*. *Dominicam* has come to be known as ‘Lord’s Day’ by this time. *Rite* means a duty according to religious observance. *Dixere* means called or said and *maiores* means ancestors or forefathers. The use of the term *maiores* does not indicate length of time.

Notice that they attributed the usage of the term ‘Lord’s Day’ to their forefathers, not God or the Bible. This is the first Roman law where Sunday is called ‘The Lord’s Day.’ It reiterated some of the details from Constantine’s law in CT: 2.8.1. He declared people who violated this rule to be infamous and sacrilegious.

**He labeled the religion ‘sanctae’, which means set apart and protected by human laws (rather than intrinsically set apart for divine worship). (See Justinian’s Digest 1.8.8, 1.8.9.3).

2.8.18 Emperors Gratian, Valentinian, and Theodosius Augustuses to Principius, Praetorian Perfect.

On the Day of the Sun, which our ancestors rightly called the Lord’s Day, the prosecution of all litigation, court business, and suits, shall be entirely suspended. No person shall demand the payment of a public or a private debt, nor shall there be any cognizance of controversies before arbitrators, whether they have been requested in court or chosen voluntarily. 1. That person shall be adjudged not only infamous but also sacrilegious who turns aside from the inspiration and ritual of holy religion (*sanctae religionis*).* (November 24, 386) (ibid, 44)

*This law is a repetition of the previous law.

8.8.3 The same Augustuses (Gratian, Valentinian, and Theodosius Augustuses) to Principius, Praetorian Prefect

On the Day of the Sun (Sunday), which our ancestors rightly called the Lord’s Day, the prosecution of all litigation and actions shall entirely cease. No person shall demand payment of either a public or private debt. There shall be no co of any contention, even before arbitrators, whether these arbitrators be demanded in

court of voluntarily chosen. If any person should turn aside from the inspiration and ritual of holy religion (*sanctae religionis*), he shall be adjudged not only infamous but also sacrilegious. (Nov. 24, 386)* (*ibid*, 209) ***Repeated: CJ 3.12.6***

*This law is a repetition of the previous law.

15.5.2 Emperors Gratian, Valentinian, and Theodosius Augustuses to Rufinus, Praetorian Prefect.

No judge whatever shall take time to attend theatrical plays, contests in the circus, or the chase of wild beasts, except only on the anniversaries of the day when We were born or of the day when We assumed the scepter of the Empire. On those days they may appear at the celebration only before midday, but they shall refrain from returning to the spectacle after their meal.

1. All judges, moreover, as well as private persons, shall know that no prize whatever of hold shall be given at the spectacle; for the right to give such prizes is permitted only to consuls, to whom because of the merits of their lives We have entrusted the regulation of such donations.

2. Moreover, We issue the forewarning that no person shall transgress Our law which We formerly issued, namely, that no one shall give a spectacle for the people on the Day of the Sun (Sunday)* or disturb divine worship by holding such celebrations. (May 20, 386; more properly the law belongs to 392-395 AD). (*ibid*, 432)

Things to note about this law: This law only allows judges to take time off to attend amusements when the celebration of the Emperor's birthday or anniversary of their rule takes place.

*Sunday is not called the Lord's Day, but by the common pagan name *dies solis*.

Spectacles are mentioned in this law. This can refer to any kind of show such as the theater, musical performances, chariot races, and even gladiator combat. Typically a public official put on these spectacles for the people. The term phrase translated as 'divine worship' (*divinam venerationem*) does not necessarily confine the terms to Christian worship. Constantine, who still honored other gods, used the term *venerabilis* in relationship to *dies solis* (see the last chapter: CJ. 3.12.2).

2.8.19 Emperors Valentinian, Theodosius, and Arcadius Augustuses to Albinus, Prefect of the City.

We order all days to be court days. It shall be lawful for only those days to remain as holidays which throughout two months a very indulgent year has recognized as a respite from toil for the mitigation of **summer heat and for the harvesting of the autumn crops.*** 1. We also set aside the **kalends of January (January 1)** as a customary rest day. 2. To the aforementioned days We add the **natal days of the greatest cities, Rome (April 21) and Constantinople (May 11)**, to which the law ought to defer, since it also was born of them.** 3. We count the same category the **holy (sacros) Paschal days (paschae dies)**, of which seven follow **Easter (not in original text);***** likewise the **Days of the Sun (Sundays)**& which revolve upon themselves at regular intervals. 4. It is necessary for Our anniversaries also to be held in equal reverence, that is, both the day which brought forth the auspicious beginning of Our life and the day which produced the beginning of Our imperial power. (August 7, 389) (ibid, 44)
Repeated: CJ. 3.12.6

* This is a reference to certain holidays which related to summer and harvest, starting with the pagan Roman summer solstice on June 24.

** The reference to the summer and harvest holidays, January 1, and the birthdays of Rome and Constantinople are further proof that the old pagan system of Rome was being merged with Roman Church beliefs. The Roman Catholic Church resisted the celebration of January 1 during this time and for centuries afterwards (for primary sources see McDonald, *Ancient Roman Celebrations and their Adaptation by Early Christianity*, pp 39-68). Despite Roman Catholic resistance to its celebration, the Roman Imperial government recognized it (along with summer/harvest days and the birthdays of Rome/Constantinople).

*** The term ‘Easter’ or an equivalent term was not used at this time. The Latin word is Paschae, which means Passover. The Roman Church kept Passover for seven days at this time, likely in some imitation of the seven days of Unleavened Bread. They kept it on a timing different than the Biblical Calendar. Notice that Passover is called sacros (sacred, intrinsically devoted to divine

worship), whereas Sunday was earlier labeled as *faustus* or *lucky*. &Sunday is not called the Lord's Day, but *dies solis*. Also, the birthdays of the Emperors and the anniversaries of their reigns were to be remembered.

2.8.20 The same Augustuses to Proculus, Perfect of the City. Contests in the circuses shall be prohibited on the festal Days of the Sun (Sundays), except on the birthdays of Our Clemency, in order that no concourse of people to the spectacles may divert men from the reverend mysteries of the Christian law*. (April 17, 392). (ibid)

*This decree contains a clear reference to Christian law (*Christianae legis*), which means that Sunday during this time had become more established. During the reign of Theodosius (especially after one reads CT: 16.1.2 [see above]), the term 'Christian' meant only Roman Church.

Sunday was not labeled *sacros*, inspired by God, or given by the Scriptures but defined in Roman Church Law. The only legislation that could be considered Roman Church Law with regard to Sunday would be the Council of Laodicea (see **Appendix A**). In CT 2.8.20, circuses were prohibited on Sunday except when the birthdays of the emperors fell on Sunday (this could mean the anniversary of their reigns). Thus, the imperial celebration took precedent over the idea of Sunday rest.

2.8.23 The same Augustuses to Aurelianus, Praetorian Prefect.

On the **Lord's Day***, to which the name was given out of the very reverence for it, neither theatrical plays nor contest of horses nor any spectacles which were devised to effeminate the spirit shall be celebrated in any municipality. But indeed the birthdays of the Emperors shall be celebrated, even if they should fall on the Lord's Day. (August 27, 399). (ibid, 45)

*The phrase '*dies solis*' is not used. The Latin words *die dominico* are used to refer to Sunday. Circuses were prohibited on Sunday except when the birthdays of the emperors fell on Sunday. Thus, the imperial celebration took precedent over the idea of Sunday rest.

2.8.24 The same Augustuses to Aurelianus, Praetorian Prefect.

Out of respect for religion We provide and decree that on the seven days of Quadragesima* and on seven Paschal days, when through religious observances and fasts men's sins are purged, and also on **the birthday**** and on Epiphany, spectacles shall not be produced. February 4, 400; 405. (ibid)

*Quadragesima was a seven-day period before Passover that included fasting. In the Eastern tradition, Sabbath was never a fast day except during this period.

**Not sure if this is a reference to the commemoration of the birthday of Jesus or not, which started to gain popularity at that time. This could be a reference to the birthday of the emperors. It is not clear. Epiphany is clearly listed in the law (epifaniae).

9.3.7 Emperors Honorius and Theodosius Augustses to Caecilianus, Praetorian Prefect.

(After other matters). On every Lord's day, judges shall inspect and question the accused persons who have been led forth from the confinement of prison, les human needs be denied these prisoners by corrupt prison guards. They shall cause food to be supplied to those prisoners who do not have it, since two or three libellee a day, or whatever the prison registrars estimate, are decreed, by the expenditure of which they shall provide sustenance for the poor. Prisoners must be conducted to the bath under trustworthy guard. Fines have been established, fixed at twenty pounds of gold for the judges and the same weight of hold for their office staffs, and for the high ranking members of the office staffs fines of three pounds of gold have been set, if they should scorn these very salutary statutes. For there shall not be lacking the laudable care of the bishops of the Christian religion which shall suggest this admonition for observance by the judge.” (Jan. 25, 409 AD).* (ibid, 229-230) **Repeated: CJ: 1.4.9**

*This law requires that food be supplied to prisoners and review their human needs on Sunday.

2.8.25 Emperors Honorius and Theodosius Augustuses to Jovius, Praetorian Prefect.

(After other matters.) On the Lord's Day, which is commonly called the Day of the Sun,* We permit absolutely no amusements to be produced, even if by chance as the ends of the years return upon themselves the day should be the anniversary of the day when the beginning of Our reign shone forth, or if it should be the day to which are assigned the solemn rites that are due to the **birthday****. (April 1, 409) (ibid, 45) **Repeated CT: 16.8.19**

*Despite using the phrase "Lord's Day", this law reminds us that the Day of the Sun was still the common name.

**birthday is likely a reference to the birthday of the emperors in context of the anniversaries of the days of their reigns (look up previous laws and put them here)

In this law, no amusements or spectacles were allowed to be produced on Sunday even if the anniversaries of the Emperors' reigns fall on Sunday or their birthdays. This signals a shift from previous imperial policy (see CT:2.8.20, 2.8.23), which means the concept of Sunday rest had even greater weight.

15.5.5 – The same Augustus and Valentinian Caesar to Asclepiodotus, Praetorian Prefect.

"On the following occasions all amusements of the theaters and the circuses shall be denied throughout all cities to the people thereof, and the minds of Christians and of the faithful shall be wholly occupied in the worship of God: namely, on the Lord's Day, which is the first day of the whole week*, on the Natal Day and Epiphany of Christ**, and on the day of Easter (paschae)*** and of Pentecost, as long as the vestalments that imitate the light of the celestial font attest to the new light of holy (sancti) baptism; at the time also when the commemoration of the Apostolic Passion, the teacher of all Christianity, is fully celebrated by everyone. If any persons even now are enslaved by the madness of the Jewish impiety or the error and insanity of stupid paganism, they must know that there is a time for prayer and a time for pleasure. No man shall suppose that in the case of spectacles in honor of our Divine Majesty he is, as it were, under some major compulsion by reason of the necessity in his duty to the Emperor, and that he will incur for himself the displeasure of Our Serenity unless he should neglect the divine religion and should give attention to such spectacles and if he should show less devotion to Us than customary. Let no one doubt that then especially is devotion

paid to our Clemency by humankind, when the reverence of the whole earth is paid to the virtues and merits of the omnipotent God. (Feb. 1 425 AD) (ibid, 433) **REPEATED – 2.8.19; CJ: 3.12.6**

*To my present knowledge, this is the first Roman law to label Sunday the first day of the week. Previously, the common usage in the pagan planetary week made Sunday was the second day of the week. The process of trying to ‘Christianize’ the pagan planetary week seemed complete.

** Keep in mind that many in the East commemorated the birth on January 6, not December 25.

*** No word correlating to Easter was used. The Latin word is Paschae meaning Passover.

This law commands conformity with resting from certain activities on Sunday, which is called the Lord’s Day.

Codex Justinian

3.12.9 Emperors Leo and Anthemius to Armasius, Praetorian Prefect

pr. We do not want the festal days (dies festos), the days dedicated to the Highest Majesty, to be taken up with pleasures or profaned by vexatious demands.

1. We decree therefore that the holy* Lord’s Day shall always be honored and venerated** and excused from all executions of judgments. No summons shall disturb anyone; no exaction for providing surety shall be made; the clerks of the court shall be silent; let advocates retire from court; trials shall not be held on that day; the harsh voice of the auctioneer shall not be heard; litigants shall relax from controversies and have respite from their contracts; let adversaries come together without fear, let reciprocal penitence enter their minds; let pacts be made and settlements speak loudly.

2. But despite allowing this leisureliness on a day dedicated to God, We permit no one to give himself over to unseemly pleasures. The day shall not be open for the theater, the competition of the circus, or the tearful spectacle of wild beasts. If Our birthday or the day when We came to the throne should fall on Sunday, its celebration shall be deferred. 3. If anyone ever attends spectacles

on that festal day, or if any clerk of a judge should believe that he can rashly violate the provisions of this law under the pretext of public or private business, he shall suffer the loss of his office and confiscation of his property. (December 9 469) (Blume, 645-647)

* No appropriate Latin term for holy is used here. It is added by translators; some translations properly leave out the word 'holy'.

**The word venerable is used here (Latin: venerandum). It is the same word used by Constantine in CJ. 3.12.2 (which we reviewed in the last chapter).

This law is the first to mention that the day was to be dedicated to God. Most things were closed to enforce its observance. It deferred practice of celebrating birthdays/anniversaries of the throne if it should fall on Sunday.

In the conclusion, we will examine the difference between Sabbath and Sunday laws.

Conclusion

As we survey the Sabbath and Sunday laws in the Roman Empire, we will find a difference between the two.

The Sabbath laws protected the existing practice of Sabbath observance for the Jewish people (and by extension Christians). There was no need for a large body of laws to define what keeping the Sabbath really meant – the Bible already provided this instruction (Additionally, the Jewish people had a developed body of their own rules concerning Sabbath).

On the other hand, Sunday laws start vague and sometimes confusing. Constantine mandated rest for certain groups but required work for others. He relaxed these laws in favor of pre-existing pagan Roman customs. Similar customs were also applied to Sunday. By using his authority as pontifex maximus in this way, he incorporated Sunday into the pagan celebrations of the time.

Some sixty or more years later, significant detail was added in these laws to define what it really meant to keep Sunday as a quasi rest day since the Bible does not give us any direction for it.

The Sabbath was an established practiced protected by Roman law whereas Sunday laws were being imposed on everyone else. If anything, these laws refute the notion that Sunday observance was an entrenched, established, and developed practice. If the greatest portion of Christians in the Roman world were already keeping ‘Sunday’, then why does its observance have to be enumerated in such detail and subsequently imposed?

The obvious answer is that Sunday observance was not a majority practice in Christianity. Where Sunday was honored, its observance was not clearly defined, and its practice was certainly not uniform. For instance, it was not until the fourth century that pro-Roman writers advocated for Sunday as a rest day (Eusebius and other writers attest to this). The development of Sunday would require a separate research article to explain (one which we may do in the future).

The conversation about Sunday observance continued for centuries into the future. From the sixth through the eight centuries, there were still debates about when Sunday should start to be ob-

served (sunset Saturday, sunrise Sunday, or even at noon on Saturday).

The Sabbath was certainly the majority in most places, as attested to by primary sources in **Appendix A** (we could have listed more).

The whole concept of a Sunday celebration day, rest day, or worship day (which ever term you prefer) did not occur overnight. How could it? There isn't the hint of instruction in the New Testament about such an observance. It took time to develop what it really meant to keep Sunday – was it a day of leisure, rest, celebration, or all of the above?

With this knowledge, one must ask themselves: why and how did Sunday become so popular? One of the ways in which its observance was promulgated and certainly imposed on others is Roman Law.

The Roman Catholic Church admits that one source of their canon law is Roman law. According to the Catholic Encyclopedia 1911, article “canon law”: “The civil law of different nations, and especially the Roman law, may be numbered among the accessory sources of canon law.” The article goes on to state that the Roman Church for centuries did not have any system of law for itself. “Later when the canonists of the twelfth century began to systemize the ecclesiastical law, they found themselves in presence, on the one hand, of a fragmentary canon law, and on the other hand of the complete methodical Roman code; they had recourse to the latter to supply what was wanting in the former, whence the maxim was adopted by the canonists and inserted in the Corpus Juris (of Justinian), that the Church acts according to Roman law when canon is silent.”

Roman law also gives us insight into the gradual development of the Sunday mindset. Certainly by the fifth century its practice becomes more uniform, but details still are not agreed upon for centuries later. Sabbath laws protected a previously defined practice which was observed by Jewish people and most Christians in the Imperial period proper.

Appendix A

Sabbath Keeping in 300/400s AD

Among the predominant myths about the Sabbath is its practice ceased in early Church history. Interestingly enough, no primary sources in early Church History hint at this. There is actually very little discussion about the Sabbath in the first two centuries after the first Apostles.

As we arrive in the fourth and fifth centuries AD, the Sabbath becomes a more common subject discussed in primary sources. During these centuries, the Roman Church argued against Sabbath observance while most of the Christian world still honored it. The Roman Church advocated fasting on Sabbath in an attempt to denigrate it.

Below, I have listed quotes from these two centuries which clarify that most Christians still honored the seventh-day Sabbath.

363/364 AD – Council of Laodicea

Canon 16: On Sabbath [Saturday], the Gospels and other portions of the Scripture shall be read aloud. Canon 29: Christians shall not Judaize and be idle on Saturday, but shall work on that day; but the Lord's day they shall especially honour, and, as being Christians, shall if possible, do no work on that day. If, however, they are found Judaizing, they shall be shut out from Christ. (Quoted from: Hefele, pp 302-319)

This Roman Church Council was held at a time when Arians were a strong political and religious entity in the Eastern Roman Empire. Sabbath observance was condemned, but the Sabbath still retained some significance as the Scriptures were encouraged to be read on it. Despite its canons, the council did not change the strong Sabbath keeping tendencies of the times.

360s AD - Pseudo-Athanasius

“They met on the Sabbath, not that they were infected with Judaism, but to worship Jesus, the Lord of the Sabbath...” (*Homilia de Semente*, quoted by Bingham, 1138).

360s AD – Epiphanius

He wrote that the Apostles set services for the fourth day of the week, the evening of Sabbath and the Lord's Day (*De fide*, sec. 22, 24). It should be noted that no assemblies for teaching or exhortation were commanded by the Apostles for the fourth day and first day of the week. Epiphanius cites no Scriptures to support this view.

Late 300s AD

The *Apostolic Constitutions* was a series of books written to describe the practices of some Christians. The seventh and eighth books were composed in the later part of the fourth century. We have some quotes from it below. The Sabbath was honored as a day of rest and sacred convocation. Fasting on the day was forbidden.

“O Lord Almighty You have created the world by Christ, and hast appointed the Sabbath in memory thereof, because that on that day You have made us rest from our works, for the meditation upon Your laws...On this account He permitted men every Sabbath to rest, that so no one might be willing to send one word out of his mouth in anger on the day of the Sabbath. For the Sabbath is the ceasing of the creation, the completion of the world, the inquiry after laws, and the grateful praise to God for the blessings He has bestowed upon men” (Book 7:36).

380-390s AD – John Chrysostom

“**There are many among us now**, who fast on the same day as the Jews, and **keep the Sabbaths in the same manner...**” (Commentary on Galatians, 1:7).

405 AD – Letter from Augustine to Jerome

“For if we say that it is wrong to fast on the seventh day, we shall condemn not only the Church of Rome, but also many other churches, both neighbouring and more remote, in which the same custom continues to be observed. **If, on the other hand, we pronounce it wrong not to fast on the seventh day**, how great is our presumption in censuring so many churches in the East, and by far **the greater part of the Christian world!**” (Letter 82, sec. 14)

The greater part of the Christian world still considered the Sab-

bath a day of rest and enjoyment, whereas some of the Western Churches considered it a fast day.

Sozomen (late 300s-420s AD)

“Likewise some meet both upon the Sabbath and upon the day after the Sabbath, as at Constantinople, and among almost all others. At Rome and Alexandria they do not. Among the Egyptians, likewise, in many cities and villages, there is also a sacred custom among all of meeting on the evening of the Sabbath, when the sacred mysteries are partaken of” (*Church History*, bk 7, ch 19).

Socrates Scholasticus (late 300s-430s AD)

“The Arians, as we have said, held their meetings without the city. As often therefore as the festal days occurred — I mean Saturday and Lord's day—in each week, on which assemblies are usually held in the churches, they congregated within the city gates about the public squares...” (*Church History*, bk 6, ch 8)

“For although **almost all churches throughout the world** celebrate the sacred mysteries on the **Sabbath** of every week, yet **the Christians of Alexandria and at Rome, on account of some ancient tradition, have ceased to do this...**” (ibid, bk 5, ch 22)

Socrates recorded important details. First, nearly all churches honored the Sabbath. Secondly, Rome and Alexandria were the two cities that ceased to gather every Sabbath. He recorded that Rome and Alexandria **ceased** to honor the Sabbath; this means at one time they honored it. They stopped honoring it because of a tradition, not Scripture. Jesus warned us about the traditions of man that contradict the commandments of God (Matt. 15:1-20).

John Cassian (420-429 AD)

“**And throughout the whole of the East it has been settled, ever since the time of the preaching of the Apostles, when the Christian faith and religion was founded, that these Vigils should be celebrated as the Sabbath dawns...** And so, after the exertion of the Vigil, **a dispensation from fasting, appointed in like manner for the Sabbath by apostolic men, is not without reason enjoined in all the churches of the East...**...” (Institutes, 3:9)

These primary sources indicate the obvious truth that Sabbath keeping was retained by the greatest portion of Christianity in the fourth and fifth centuries. In the Eastern Churches, some degree of Sabbath keeping would remain the majority practice for hundreds of year into the future. In Western Europe, Sabbath keeping gradually became a minority practice among Christians.

Appendix B

Constantine Protected Sabbath Observance

In the various articles and books written about Sabbath history, the Roman Emperor Constantine is among the most mentioned individuals. Some claim that he tried to change the Sabbath to Sunday or even persecute Sabbath keepers. Not a single early Church writing or piece of legislation from his reign ever hints at a direct attack upon the Biblical Sabbath (Friday sunset to Saturday sunset).

More recent research into writings about Constantine's life combined with a study of Roman law have produced a breakthrough discovery in understanding the relationship between his reign and the Biblical Sabbath. You will need to read this article in its entirety to understand this new finding.

One such early Church writing comes from Eusebius. He was a pro-Roman Church writer in the 300s AD. He wrote a work called *The Life of Constantine*. It is one of the primary sources about the ruler's life.

The traditional translation of *The Life of Constantine*, book 4, chapter 18, section 2: "...his earnest desire being gradually to lead all mankind to the worship of God. Accordingly he enjoined on all the subjects of the Roman empire **to observe the Lord's day, as a day of rest, and also to honor the day which precedes the Sabbath**; in memory, I suppose, of what the Saviour of mankind is recorded to have achieved on that day."

Eusebius refers to the first day of the week as "The Lord's Day" and notes that Constantine enjoined subjects of the Empire to rest on that day. In 321 AD, Constantine issued two Sunday rest laws. Both were civil and had no Christian meaning attached to them. Constantine never called them the Lord's day, but instead used 'dies solis' (which reflects his sun-worshipping tendencies). Neither law impacted the true Sabbath, but they did introduce an imitation day of rest beside the one established by God.

Eusebius also mentioned that Constantine caused people to rest on the day which preceded the Sabbath, which is Friday. This

statement is strange; not a single Roman law of any time period agrees with this statement.

One thing to keep in mind is that many English translations of early church works were written in the 1700s or 1800s. Most of them have NOT been critically reviewed to make sure the translation and original manuscripts are in agreement with each other. In the late 1990s, the first and (to my knowledge) only critical edition of the Life of Constantine was translated by Averil Cameron and Stuart G. Hall (who were at King's College in London). Several other Universities and scholars contributed to this monumental work.

Among their findings is that the first translations of *The Life of Constantine* bk 4, ch 18, sec 2 included an added word which changed the meaning of the sentence. I have researched their statements about this subject myself and found that the assertion is true! I will show you their translation and then I will show you the explanation from the original documents (which I looked up myself).

Here is the translation provided by Stuart and Hall of The Life of Constantine, bk 4, ch 18, section 2. "The Blessed One urged all men also to do the same, as if by encouraging this he might gently bring all men to piety. He therefore decreed that all those under Roman government should rest on the days named after the Saviour, **and similarly that they should honour the days of the Sabbath**, in memory, I suppose, of the things recorded as done by the universal Saviour on those days" (Stuart and Hall, p 159).

The accurate translation of this section conveys that Constantine provided protection for Sabbath observance. This refers to the seventh day of the week (Friday sunset to Saturday sunset) - and Eusebius is consistent in this point.

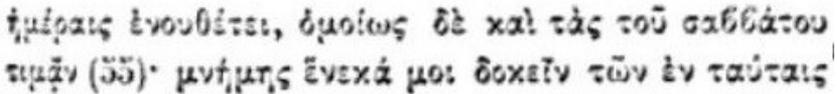
As stated before, I have done my own independent research on this subject and agree with the translation. I will now provide for you the evidence from the original manuscripts to show you how this error occurred in the 1800s.

First, a little history: In the 1800s, J.P. Migne, a priest in the Catholic Church, made copies of existing manuscripts of the early

Church writings. These early manuscripts were written in either Greek or Latin. The works originally composed in Greek had a Latin translation placed beside them on a page so that the Roman priests could read them in the language of the Roman Church (Latin).

The works of Eusebius were written in Greek. In the *Patrologiae Cursus Completus. Series Graeca*, Vol 20, published in 1857, we find Eusebius' work *Life of Constantine* copied from the original manuscripts in Greek. We also find a Latin translation beside it. On Page 1165, we find the copy of the original Greek for chapter 18 from this work. Below is a picture from this page which has the sentence in question.

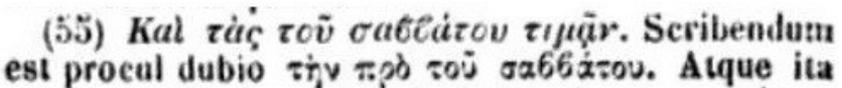
Picture 1:



From the first comma, the Greek transliteration reads: **“,OMOIOS DE KAI TAS TOU SABBATOU TIMAN (55).”** A rough English translation would be: **“,and similarly honor they the day of the Sabbath”**

Notice in the picture I posted above that there is a (55) after this excerpt from the Greek text. This is a foot note made by the copyist. The footnote, which is on page 1166, is in the picture below:

Picture 2:



The footnote starts out with the Greek phrase: **“DE KAI TAS TOU SABBATOU TIMAN”** which was part of the original text. The copyist then adds a note in Latin which says: **“Scribendum est procul dubio”** which is roughly translated as **“It would be far from doubtful to write”** then he gives an edited version of the original Greek phrase. It now says, **“TEN PRO TOU SABBATOU”**

The scribe has confessed to adding in the Greek word **PRO**, which means before (in time, position, rank, etc). It would change the meaning of the sentence that Constantine forced the Roman government to close on FRIDAY (before the Sabbath), which is NOT CORRECT!

The copy of the original Greek manuscript on Page 1165 (see Picture #1 above), does NOT have PRO! What's also interesting is that the copyist added the word "pridie" in the Latin translation, which makes the Latin now say "est pridie sabbati..." or in English "the day before the Sabbath."

Thus, the correct translation is that Constantine protected Sabbath observance in the Roman Empire. Does this corroborate with other primary sources? YES.

The first group of primary sources are eye-witness accounts that say two things about the 200s, 300s and 400s AD: 1) that the Sabbath was still observed and that 2) most Christians still honored it. You can read these in **Appendix A**.

The second group of sources which confirm this finding would be Roman Law. In the Codex Theodosianus, we find three laws which protect Sabbath observance for Jewish people (CT: 2.8.26, 8.8.8, and 16.8.20). The dates for these laws are 409 and 412 AD. They are repeated in the Codex Justinus (CJ: 1.9.13), which means Justinian extended the same protections. These laws are reviewed in Chapter 1 of this work.

Of these laws, CT: 16.8.20 referenced rulings of earlier Roman Emperors that protected Sabbath observance. The law, which was issued by Honorius and Theodosius, reads:

"1. Moreover, since indeed **ancient** custom and practice have preserved for the aforesaid Jewish people the consecrated day of the Sabbath, We also decree that it shall be forbidden that any man of the aforesaid faith should be constrained by any summons on that day, under the pre-text of public or private business, since all the remaining time appears sufficient to satisfy the public laws, and since it is most worthy of the moderation of Our time that the privileges granted should not be violated although sufficient provision appears to **have been made with reference to the afore-**

said matter by general constitutions of earlier Emperors” (Pharr’s translation, p 469).

Notice that the law mentioned the constitutions of earlier emperors (plural). The earliest mention of protections for Sabbath observance go back to the time of Julius Caesar and Octavian Augustus. Octavian gave the Jewish people freedom to keep the Sabbath from Friday at 3 pm until the Sabbath ended (Josephus, 16.6.2). Claudius apparently had the same ruling (ibid, 19.5.3).

The 409 and 412 laws do not mention that the Sabbath law was re-instituted, but simply a continuation of previous imperial policy. With the correct translation of *The Life of Constantine*, we can now add Constantine to the list of Emperors that protected Sabbath observance.

Eusebius’ adds an interesting statement to the end of 4.18.2: “... in memory, I suppose, of what the Saviour of mankind is recorded to have achieved on that day.” Eusebus adds a Christian meaning to the protection granted for Sabbath rest. This is in agreement with other Christian writers of the time.

As we survey all the primary sources presented in this booklet, we can see that Constantine protected Sabbath observance. He continued the protections started by earlier rulers such as Augustus and those protections continued to be protected by later Emperors such as Theodosius II and Justinian. These protections had to be extended in some form or fashion to Christians who observed the Sabbath; as noted the majority of Christians at this time still observed it.

Appendix C – The Use of Faustus and Infaustus in Roman Culture

In this appendix, we will examine the use of Faustus and its opposite word, infaustus during the Roman Imperial period. We have a smattering of sources taken from the 1st century through the fifth century AD to show a continuity of usage and meaning.

The word Faustus generally means ‘happy, lucky, fortunate’. The term was often used with the word ominor, which means omen or to forbode (though I only used one quote with this word). Anything labeled faustus was thought to be a sign of good things to come or that things looked favorable. Infaustus means the opposite – unfortunate, unlucky, or dreadful.

Pliny the Elder (23-79 AD) *Natural History*, 2.23

“Rome is the only place in the whole world where there is a temple dedicated to a comet; it was thought by the late Emperor Augustus to be **auspicious (faustus)** to him, from its appearing during the games which he was celebrating in honour of Venus Genetrix, not long after the death of his father Caesar, in the College which was founded by him.”

Tacitus (56-120 AD) *Annals*, 1:30

“Continual and excessive rains made it impossible for them to leave their tents or gather together; they could scarcely keep up the standards, which were blown down by these winds and swept away by the waters. And they were still under a fear of divine wrath: - It was not for nothing that they had seen the heavenly bodies grow dim, and their storms come down upon their impious heads; their troubles would have no end till they quitted that **ill-omened (infaustus)** and unhallowed camp, and returned, after expiating their offences, to their several winter quarters.”

Seutonius (71-135 AD) *Life of Augustus*, 58:2

“He, speaking for the whole body, said: "**Good fortune (faustumque)** and divine favour attend thee and thy house, Caesar Augustus”

***Life of Claudius*, chapter 27**

“When he was still very small, Claudius would often take him in

his arms and commend him to the assembled soldiers, and to the people at the games, holding him in his lap or in his outstretched hands, and he would wish him **happy (faustique) auspices (ominibus)**, joined by the applauding throng.”

Censorinus (200s AD) *The Natal Day*, 20:4-5

“Of these ten months the four longer ones were called “long” months, and the six others “short” months. Afterwards Numa, if we defer to Fulvius, or Tarquin, if we believe Junius, instituted⁶⁴ the 28year of 12 months, making 355 days; although the moon, in these 12 months completes but 354 days. The extra day was the result either of a blunder, or, what seems more probable, was due to the superstitious believe which regarded uneven numbers as more perfect and **fortunate** (Faustus).”

“Thus all the months dating from this epoch became long months and were composed of an uneven number of days, with the exception of February, which alone remained “short,” and was on that account regarded as more **unlucky (infaustior)** than the others.”

Macrobius (370-430 AD) *Saturnalia*, 1.7.31

“They say that Hercules, returning through Italy with Geryon’s cattle, persuaded their descendants to replace those **ill-omened (infausta)** sacrifices with **favorable ones (faustis)**, offering to Dis not human heads but masks with skillfully fashioned human faces and honoring Saturn’s altar not by slaughtering a man but by kindling lights – for phota means not only ‘man’ and also ‘lights’: hence the custom of exchanging candles during the Saturnalia.”

***Saturnalia*, 1.13.17**

“Whenever a year began with a market day, **dreadful (infaustus)** calamities made the year one long period of mourning, a view that was especially corroborated during the sedition of Lepidus [78 BCE].”

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In the Roman Empire, a series of laws were passed concerning the Sabbath. Hundreds of years later, Sunday laws were also passed. These laws help us to understand the protection of Sabbath observance in broader Christianity and the development of Sunday as a day of rest in the Roman Church.



Kelly McDonald, Jr. is an ordained Evangelist at Hungry Hearts Ministries in Jackson, TN. He is also President of the Bible Sabbath Association (BSA). He has written over 40 books and booklets on pursuing Jesus Christ. He has been preaching since 2007 and is available to speak at your church upon request.