

Sabbath and Sunday Laws in the Roman Empire

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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 that it shared the same protections as Judaism. This included 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 mid-second century AD among a few people in Rome and Alexandria. This idea eventually spread to other cities in the Roman world. A concurrent development was the spread of sun worship and Mithraism within 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 fifty to sixty 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 epoch, the Sabbath continued to be confirmed as a protected practice and most Christians still observed it.

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, came 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 by later Emperors and continued into 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 (*idem*, 14.10). He then gives a series of decrees issued by various cities that confirmed their rights to worship God and keep the Sabbath. Among them are: Laodicea, Milesians, Halicarnassus, Sardians, and Ephesians (*ibid*, 14.10.20-25). Apparently these cities were once hostile to Jewish practices.

Augustus then issued a major edict which continued the precedent set by Julius Caesar. It is estimated to have been enacted about 1

BC. We have a copy of it below:

Edict of Augustus on Jewish Rights, approx. 1 BC - “Cesar Augustus, Pontifex Maximus, and Tribune of the people ordains thus. Since the nation of the Jews has been found friendly to the Roman people, not only at this time, but in time past also, and especially Hyrcanus the high priest, under my father Caesar the emperor,’ it has seemed good to me and my council, according to the wish and oath of the people of Rome, that the Jews should have liberty to follow their own customs, according to the law of their forefathers, as they did 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 appear in court either on the Sabbath-day, or on the day of preparation before it, after the ninth hour. And if any one be caught stealing their holy books, or their sacred money, whether it be out of the synagogue, or from the men’s apartments, he shall be deemed a sacrilegious person, and his goods shall be confiscated to the public treasury of the Romans. And I give order, that the decree which they have given me, on account of the piety which I exercise to all mankind, and out of regard to Caius Marcus Censorinus, and the present edict, be put up in the most eminent place consecrated to me by the community of Asia at Ancyra. And if any one transgress any part of what is above decreed, he shall be severely punished.” This was inscribed upon a pillar in the temple of Caesar Augustus...” (Josephus, *Antiquities of the Jews*, 16.6.2).

This law was preserved by Josephus. It gave more formal protection to Jewish practices, specifically the Sabbath. A reference is even made to Julius Caesar’s previous protections. The Jewish people were given Friday afternoon at about 3 pm free from legalities so that they could prepare to honor the Sabbath. The day we call Friday had become known as preparation day by this time.

The Emperor Claudius also confirmed these rights. Josephus recorded that the people of Alexandria treated the Jewish people very poorly. In response, he issued a decree to be read there and spread throughout the Empire. We have a copy below:

Edict of Claudius on Jewish Rights, about 41 CE - “Tiberius

Claudius Caesar, Augustus, Germanicus, Pontifex Maximus, Tribune of the people, chosen Consul the second time, ordains as follows. 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 to be preserved to the Jews throughout all the Roman empire, as I have granted to the Jews of Alexandria, I very willingly comply therewith, not only to gratify my petitioners, but also 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 Greek city should be deprived of such rights and privileges, since they were preserved to them under the great Augustus. It is therefore right to permit the Jews throughout all our empire to keep their ancient customs without let or hindrance. And I do charge them also to use this my kindness to them with moderation, and not to show contempt at the superstitious observances of other nations, but to observe their own laws only. And I will that the rulers of cities and colonies and municipal towns, both within and without Italy, and kings and governors by their ambassadors, post up this decree publicly for full thirty days, in a place where it may plainly be read from the ground” (ibid, 19.5.3).

The importance of these laws cannot be overlooked. Some would say that Josephus’ record of these protections is questionable because he was also Jewish. However, modern scholarship tends to agree that these recorded decrees are authentic (see *Ancient Roman Statutes*, trans by Johnson, Norton, and Bourne. Edited by Clyde Pharr. Austin: University of Texas Press, 1961). Furthermore, at least four primary sources confirm that such protections existed for the Jewish people: Seneca, Tacitus, Dio Cassius, and later Roman laws. We will provide quotes from each of them.

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).

Later Roman laws also help us confirm the information in Josephus. Among the rulers who issued these laws were Constantine, Theodosius II, and Justinian. We will continue this chapter by reviewing them.

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" (Cameron and Hall, p 159). 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 (Honorius and Theodosius) 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, p 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, p 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 (English: Pharr, p 469; Latin: Haenel, p 1601).

*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 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 text from the opening sentence of this law 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 or 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 Justinian

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*, 29.1-7, 69.63; Athanasius, *Against Arianism*, 3.29.55; Council of Laodi-

cea canons 29, 37, 38 (Sabbatarians are called Judaizers); Augustine, *Letter 36*. Dio Cassius wrote that people who participated in Jewish practices were also called Jews (*Roman History*, 37.16-17 – quoted above).

Chapter 2

Sunday Laws (Part 1 of 2)

As reviewed in the last chapter, the Roman Empire protected Sabbath observance for hundreds of years. These protections lasted into the Byzantine period. Unlike Sabbath protections, the idea of Sunday as a rest day in the Empire was a nuanced idea. It does not appear until the fourth century.

The first Roman laws regarding Sunday were enacted in 321 AD by Constantine, who was a dedicated sun worshiper. During his reign, Sol Invictus was honored on monuments and coins. His Sun-day rulings are consistent with his view of sun worship.

Before we delve into these two laws, it is important to recognize that Constantine held the title *pontifex maximus*. This was an ancient pagan Roman title that allowed him to control the religious calendar of the Empire. Sunday was a day commonly honored by worshippers of Mithras (Encyclopedia Britannica: “Mithras”). His actions regarding Sun-day are consistent with the Roman ideal of the Pontifex Maximus. We have a copy of his two Sunday laws below:

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” — March 7, 321 (English: Ayers, pp 284-285; Latin: Krueger, p 127).

*In the Latin manuscript of this law, the phrase translated as “venerable day of the sun” is *venerabili die solis*. Constantine’s decree was based upon honoring and esteeming the celestial body called the sun. The decree did not honor the Hebrew God or Jesus Christ. No penalty was described for those who did not comply.

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 Saturday 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's second Sunday law was issued a few months later.

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 [Latin: *festo*], and the legal formalities thereof are not forbidden” — July 3, 321 (English: Pharr, p 44; Latin: Haenel, p 207). *This law is repeated in CJ: 3.12.7.*

This law required freedom from legalities on Sunday, except those which involved freeing slaves. Once again, this law had no Christian meaning attached to it.

As the Pontifex Maximus, Constantine had responsibilities to uphold certain ideals regarding Roman celebrations. The ancient writer Cicero wrote about three to four hundred years before Constantine. However, his writings can bring some clarity to the first Sunday laws. Cicero lived was a major contributor to Roman thought as a statesman and lawyer. In his work *On Law*, he described special characteristics of the ancient Roman celebrations.

“Next, our provision for holidays and festivals [Latin: *feriarum festorumque dierum*] ordains rest from lawsuits and controversies for free men, and from labour and toil for slaves. Whoever plans the official year ought to arrange that these festivals shall come at the completion of the various labours of the farm...” (idem, 2.12 [29]).

The principles described by Cicero continued to be applied to Ro-

man festivals during the Imperial period. This included the Saturnalia (Dec 17-24) and the Kalends of January (Jan 1-3), which were celebrated during Constantine's time. (for primary sources, see Seneca, *Epistulae*, 18.1-4, Lucian, *Saturnalia*, sec 2 and *Chronosolon*, sec 13-14, Dio Cassius, *Roman History*, 60.19.3, Libianus, *Oration*, 9, and Macrobius, *Saturnalia*).

Constantine's 321 Sunday laws matched the anticipated patterns for festivals described by Cicero and other Roman authors. The issues of work and agricultural toils were addressed in the first law (March 7). While farmers were not granted rest on the day, their appropriate behavior was discussed to be consistent with other festivals. Many annual festivals related in some way to the harvest cycle. It was not logical to allow farmers off on Sunday since there is not a weekly crop cycle. In the second law, most legal proceedings were suspended and freedom for slaves were addressed (July 3). The Latin word *festo* was employed in this law.

The day after his first Sun-day law, Constantine 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. Tacitus, writing a couple of centuries earlier, mentioned that pontiffs were involved with overseeing the haruspices (*Annals*, 11.15).

Balkans Inscription

An inscription found in a Slavonian bath house provides a third sun-day law. To understand this inscription, one must grasp that the Romans had two ways they calculated weeks. There was the market week, which was composed of eight days. Every eighth day was *nundinae* or market day (see Macrobius, *Saturnalia*, 1.16.28-35). It was not a day of complete rest like the Biblical Sabbath; some types of business could be held on this Roman day. The inscription informs us that Constantine adjusted the ancient Roman *nundinae* or market day so that it would occur every *dies solis* instead of every eighth day (Orellius, p 140). Despite this ruling, the dual system of eight day and seven day weeks continued into at least the mid-fourth century AD.

Constantine utilized the title *pontifex maximus* to promote *dies solis* as a weekly feast day. He merged it with the older concept of *nundinae*, which showed his continued respect for the ancient Roman custom. Another important detail is that Sunday was the second day of the week in the pagan astrological seven-day week (for more on this subject, see our free booklet *How Did Sunday Become the First Day of the Week?*; it is available for free download from www.sabbathsentinel.org on the “Free Resources” page).

Constantine’s Sunday laws lack the necessary evidence to have firm Roman Catholic influence. First, he does not recognize it as the first day of the week or the Lord’s Day (which was common in Roman Catholic writings during that time). Secondly, the Roman Church did not have a developed theology about Sunday rest in 321 AD. The first Roman Church Council to discuss Sunday rest does not occur until about 364 (Laodicea).

However, Constantine’s rulings continued to set apart Sunday from the other days of the week in the Empire. This was a development which would work to the favor of the Roman Church in later decades.

Another development which occurred during his reign 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]).

In 326, he decreed that 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 (16.2.6 [326 AD]). The wealthy were prevented from serving in the clergy; only the poor could serve in those positions ([16.2.6 [326 or 329 AD]). He prevented clerics from being summoned to municipal councils for public service (16.2.6, 16.2.7 [330 AD]). Secular judges were required to enforce the decisions of Catholic Bishops; when such a bishop testified or judged, their witness was considered supreme and voided all others (CS: 1 [333 AD]).

During the reign of Theodosius, this union between Church and State was made complete. We will review this occurrence in the next chapter. The next Sunday law was enacted about 45-50 years later by the Emperors Valentinian and Valens.

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, which has **long*** been considered **holy**** , 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 (English: Pharr, 209; Latin: Haenel, p 754).

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

Notice the word translated as ‘holy’ in the law. This is not a good 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 does not have to. This is another way that the Roman government differentiated between a holy day such as the Sabbath (which they labeled *sacratum*) and Sunday, which was *faustus*.

This law was written to the governor of Venetia, which was a province in northeastern Italy. This means that it was likely not applied in other areas. This is the first Roman law that mentions Christianity in relationship to Sun-day. Notice that nearly fifty years after the first Sun-day laws, the Emperors still did not use the term Lord’s day; this continues to show a lack of Roman Church influence. They continued to use the pagan term *dies solis* or variations thereof.

One thing that we can learn from this law is that there must have been a significant number of Christians (affiliated with the Ro-

man sect) who desired to be free from legalities on Sunday. Another detail to be garnered from this law is that up until that time, tax collections still took place on Sunday in Venetia. This day of the week was not yet been fully treated as a rest day even in areas where significant numbers of Sunday observant people were found. Tax collections must have taken place on Sunday elsewhere in the Empire as well.

CT: 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***, 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 (English: Pharr, p 300; Latin: Haenel, p 1070).

*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 five Sunday laws were issued from 321 to as late as 373. Two in 321, one at an unknown date, and two more 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 during this time reflects the merger of the Roman Empire with the Roman Church. In this chapter, we will analyze the content of these laws.

Theodosius became Emperor in 379 AD. Early in his reign, Theodosius heard the religious perspectives of various Christian groups. After considering what they each had to say, he sided with the Roman Church. He decided to make the union between Roman Church and Roman State much stronger. However, he was also 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 pun-

ishment and after that by the vengeance of our indignation, which has divine approval” (CT: 16.1.2; quoted from Ayers, pp 367-368]).

*This is the first known 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 made a mistake about Christianity during the late fourth century. Many people have tried to condense the distinction between the Roman Church and the rest of Christianity down to the subject of Sunday versus Sabbath. Notice that the issue of Sabbath and Sunday was never brought up by Theodosius in this law. Why? Most Christians in the Roman world kept the Sabbath during that time (see **Appendix A**).

The issue which he viewed as being necessary (above any others) to be considered 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.

Those who did not conform to these principles 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 against them.

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 beyond 380 inside and outside of the Eastern Roman Empire. Roman laws reflected the views of the Imperial government at that time and their agenda.

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

The laws of Theodosius targeted non-Trinitarian groups and were clearly draconian. While some of these laws suppressing these groups were carried out, the more severe laws were not. 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 most of the time. 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 (*ibid*, 7.18). He also mentioned that most Christians in his time kept the Sabbath (*ibid*, 7.19). Those two issues are not mentioned as a reason for persecution, punishment, or intimidation during the reign of Theodosius.

This Emperor 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.

Codex Theodosianus

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 or voluntarily chosen. If any person should turn aside from the inspiration and ritual of **holy religion****, he shall be adjudged not only infamous but also sacrilegious”—Nov. 3, 386 (English: Pharr, p 300; Latin: Haenel, p 1071)

*The latin translated as “our ancestors rightly called the Lord’s Day” is *quem dominicam rite dixere maiores*. By that time, *dominicam* had come to be known as ‘Lord’s Day’. *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. It was common for Roman Catholic writers to do the same (see Eusebius, *Exposition on Psalm 92*, in Odom, p 292). 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.

**The Latin word translated as holy is *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).

CT: 2.8.18 Emperors Gratian, Valentinian, and Theodosius Augustuses to Principius, Praetorian Prefect.

“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*” — November 24, 386 (Pharr, p 44).

*This law is a repetition of the previous law.

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

“On the Day of the Sun, 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 controversies, 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, he shall be adjudged not only infamous but also sacrilegious” — Nov. 24, 386* (ibid, p 209) *This law is repeated in CJ: 3.12.6.*

*This law is a repetition of the previous law.

CT: 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*** or disturb divine worship by holding such celebrations” — May 20, 386 (English: Pharr, p 432; Latin: Haenel, p 1452). Pharr notes that this law more properly belongs to sometime between 392 and 395.

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 *solis die*.

This law also prohibited spectacles on Sunday. 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 Latin term phrase translated as divine worship is *divinam venerationem*; it does not necessarily confine the terms to Christian worship. Constantine, who still honored other gods, used the term *venerabili* in relationship to *dies solis* (see CJ: 3.12.2 in the last chapter).

CT: 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 Paschal days**, of which seven follow **Easter (term not in original text)**,*** likewise the **Days of the Sun** 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 (English: Pharr, p 44; Latin: Haenel, p 210). *This law is repeated in 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.

**This law provides us with an overview of the holidays allowed by the merger of Roman Church and Roman State. In it, we can see a mix of the older pagan holidays, such as the summer/autumn rest days, January 1, the founding of Rome and Constantinople, Sun-day, and the Imperial birthdays/anniversaries, and newer Roman Catholic days, such as the Paschal days. While the Roman Church resisted the celebration of days like January 1 dur-

ing that time, it was still practiced in the Empire (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 phrase translated as sacred Paschal dies is *sacros quoque Paschae dies*. This refers to Passover, which the Roman Church kept on a Sunday and seven days following 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 in earlier laws was labeled as *faustus* or lucky.

Lastly, Sunday was not called the Lord’s Day in this law, but *dies solis*. The seven day week is recognized because *dies solis* is described as occurring in an interval. Also, the birthdays of the Emperors and the anniversaries of their reigns were to be remembered.

A controversy that arose during this time was whether contests in the Circuses should be allowed on the birthdays of the Emperors, even if their birthdays occurred on Sunday. The Circus maximus was dedicated to the sun (See Tertullian, *De Spectaculis*, 7-8). We will see this controversy be settled over the next several laws.

CT: 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***, 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 (English: Pharr, p 44; Latin: Haenel, pp 211-212).

*Latin: *Festis solis diebus*

**This decree contains a clear reference to Christian law (Latin: *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, which is quoted above), the term ‘Christian’ only meant the Roman Church.

In this particular law, Sunday was not labeled *sacros*. It was not labeled as inspired by God or given by the Scriptures. Instead, it was described as being defended 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, races in the circus 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 (which denotes is secondary importance). Seven years later, another law affirmed this same viewpoint.

CT: 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 (English: Pharr, p 45; Latin: Haenel, p 212).

*The Latin phrase *dies solis* is not used in this law. 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.

CT: 2.8.24 The same Augustuses to Aurelianus, Praetorian Prefect.Latin

“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. (English: Pharr, p 45; Latin: Haenel, pp 212-213).

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

**It is not clear 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 described in the law (Latin: *epiphaniae*).

CT: 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 (Pharr, pp 229-230). *This law is repeated in CJ: 1.4.9.*

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

CT: 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 (English: Pharr, p 45; Latin: Haenel,

p 213). *This law is repeated in CT: 16.8.19.*

*Despite using the phrase “Lord’s Day”, this law reminds us that the Sun was still the common name for that day (Latin: *quam vulgo solis appellant*).

**The word birthday was likely a reference to the birthday of the emperors in context of the anniversaries of the days of their reigns (see CT.2.8.20, 2.8.23 above).

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 greater weight than it did a decade earlier.

CT: 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 (English: Pharr, p 433; Latin:

Haenel, pp 1453-1454). *This law is repeated in CT: 2.8.19 and CJ: 3.12.6.*

*To my present knowledge, this is the first Roman law to label Sunday the first day of the week (Latin: “*Dominico, qui septimanae totius primus est dies..*”). Previously, the common usage in the pagan planetary week recognized Sunday as the second day of the week. The process of trying to ‘Christianize’ the pagan planetary week seemed complete at this time. To learn more about this subject, read our free booklet *How Did Sunday Become the First Day of the Week?* from www.sabbathsentinel.org.

**This is the first clear law to legally recognize the birth of Jesus as an Imperial feast day. Keep in mind that many in the East commemorated Christ’s 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. The last of these laws was issued in 469 AD.

Codex Justinian

3.12.9 Emperors Leo and Anthemius to Armasius, Praetorian Prefect

pr. We do not want the **festal days***, 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, (English: Blume, pp 645-647; Latin, Kreger, p 128).

*Latin: *dies festos*

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

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

This law was the first to mention that the Lord’s 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 they should fall on Sunday. It imposed more rules on people and penalties for its transgression to force Sunday observance on the population.

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

Conclusion

As we survey Sabbath and Sunday laws in the Roman Empire, we will find stark differences 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 Sabbath keeping – the Bible was the primary source for this instruction (the Jewish people also had their own rules concerning Sabbath).

On the other hand, Sunday laws start vague and sometimes confusing. Constantine, a sun worshiper, mandated rest for certain groups but required work for others. He utilized his authority as pontifex maximus to incorporate Sunday into the Roman pagan celebrations of that time. His Sunday laws were also patterned after the ancient customs of Roman pagan celebrations.

Some sixty or more years later, during the reign of Theodosius, significant detail was added to Sunday laws. The Emperors began to define what it really meant to keep Sunday as a rest day since the Bible does not give any direction for it. If anything, these laws refute the notion that Sunday observance was an entrenched, established, and developed practice.

If Sunday rest (as a Sabbath) was an established Apostolic practice that the vast majority of Christianity followed by the fourth century, then why does its observance have to be discussed in such detail and refined from time to time?

The obvious answer is that Sunday observance was not established in Apostolic times (to read more, download our free booklets *A Brief History of the Sabbath in Early Christianity* and *Prevalence of the Sabbath in the Early Roman Empire* from www.sabbathsentinel.org). Sunday rest was not a majority practice in Christianity. Where Sunday gatherings were observed, 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 work to explain (one which we may do in the future).

Additionally, consider the following: The Sabbath was an established practiced protected by Roman law whereas Sunday laws were being imposed on everyone else. If the claim that most Christians ‘observed Sunday’ or ‘abandoned the Sabbath in Apostolic times’ were true, then why does Sunday observance have to be imposed on others?

The conversation about how to properly observe Sunday continued for centuries into the future. From the sixth through the eighth centuries, there were still debates about when Sunday should start to be observed (sunset Saturday, sunrise Sunday, or even at noon on Saturday).

The Sabbath was certainly the majority practice among most Christians in the fourth and even fifth centuries, as attested to by primary sources in **Appendix A** (more evidence beyond that is available). The shared heritage with Judaism (which included the shared text of the Tanakh) facilitated the spread of Sabbath keeping Christianity.

On the other hand, the whole concept of a Sunday celebration day, rest day, or worship day (which ever term you prefer) did not occur overnight. It took centuries to be developed. How could it? There is not a hint of instruction in the New Testament about it. 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?

We are left with the question: why and how did Sunday become so popular? This work provides part of the answer to this quandary. One of the chief factors by which Sunday 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 it-

self. "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 became more uniform, but finer details of it 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. The Bible was and is the primary source for Sabbath observance.

Appendix A

Sabbath Keeping in 300/400s AD

Among the predominant myths about the Sabbath is that its practice ceased in early Church history. Interestingly enough, zero primary sources in early Church History hint at this assertion. There is 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 even in the Roman Church as the Scriptures were encouraged to be read on it. One goal of this Council was to curb the widespread keeping of the Sabbath; its canons confirm its widespread practice. 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 Juda-

ism, 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 cited 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. In it, the Sabbath was promoted 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” (*idem*, 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 82.14)

The greater part of the Christian world still considered the Sabbath a day of rest and enjoyment, whereas some of the Western Churches considered it a fast day. Other Church historians from the same time period affirm the widespread prevalence of the Sabbath.

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*, 7.19).

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*, 6.8)

“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, 5.22)

Of these three quotes, the last is very instructive. First, we learn that nearly all churches still honored the Sabbath. Secondly, we learn that Rome and Alexandria were the only two cities that did not gather every Sabbath. Socrates recorded that Rome and Alexandria **ceased** to honor the Sabbath; this means at one time they honored it. He noted that 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).

The typical Roman Catholic view of the fourth century was the tradition served as the basis for Sun-day observance (see Eusebius, *Exposition on Psalm 92*, in Odom, p 292).

John Cassian (420-429 AD)

“**And throughout the whole of the East it has been settled, ev-**

er 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 years beyond this time. In Western Europe, Sabbath keeping gradually became a minority practice among Christians. We plan to examine the Sabbath beyond the fifth century in future works.

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. We should all be aware that not a single early Church writing or piece of legislation from his reign ever hints at a direct attack upon the Biblical Sabbath.

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 Sabbath.

A very important writing on this subject comes from Eusebius. He was a pro-Roman Church writer in the fourth century. 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 is: "...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 referred 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. These laws had no Christian meaning attached to them. Constantine never called them the 'Lord's Day', but instead used the Latin phrase 'dies solis.' This was the common Latin phrase used to refer to Sun-day. This makes sense considering 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 proceeds the Sabbath, which is Friday. This statement is strange; not a single Roman law of any time period agrees with it.

One thing to keep in mind is that many English translations of early church works were written in the 1700s or 1800s. Many of them have not been critically reviewed to make sure the translation and original manuscripts agree 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 their assertion to be true! I will show you their translation and the explanation from the original documents. Moreover, I will also show you corroborating evidence from before and after Constantine's time to reaffirm the correct manuscript translation.

Here is the translation provided by Stuart and Hall of *The Life of Constantine*, 4.18.2. "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" (idem, 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).

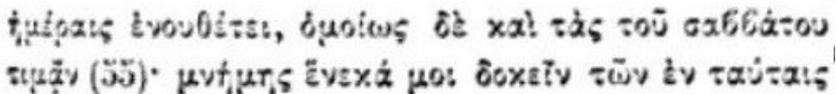
My own independent research on this subject confirms this translation. I will now provide the evidence from the original manuscripts to show you how this error occurred in the 1800s.

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 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:

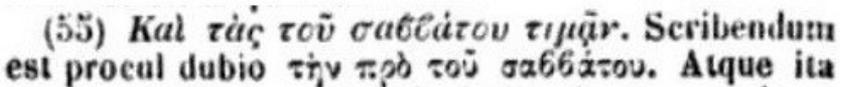


From the first comma, the Greek transliteration reads: “**OMOIOS DE KAI TAS TOU SABBATOU TIMAN (55).**”

A rough English translation would be: “**,and similarly honor they the days of the Sabbath**”

Notice in the picture above that there is a **(55)** after this excerpt from the Greek text. This is a footnote 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”; he then gives an edited ver-

sion of the original Greek phrase. It now says, “**TEN PRO TOU SABBATOU**”

The scribe has confessed to adding in the Greek word **PRO**. This word means before (in time, position, rank, etc). This one additional word changes the meaning of the sentence to say that Constantine enjoined Roman subjects to rest 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 to confirm this finding are the eye-witness accounts that attest to two facts about the third, fourth, and fifth centuries: 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 primary 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 Code of Justinian (CJ: 1.9.13), which means Justinian extended the same protections (sixth century). These 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 aforesaid matter by general constitutions of earlier Emperors**” (Pharr, 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, *Antiquities of the Jews*, 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 added 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 added 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 antonym, *infaustus* during the Roman Imperial period. We have a smattering of sources taken from the first through the fifth centuries AD to show a continuity of usage and meaning.

The word *faustus* generally means ‘happy, lucky, fortunate’. The term was sometimes used with the word *ominor*, which means omen or to forbode. 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)

“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” (*Natural History*, 2.23).

Tacitus (56-120 AD)

“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 they 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” (*Annals*, 1:30).

Seutonius (71-135 AD)

“He, speaking for the whole body, said: "**Good fortune [faustumque]** and divine favour attend thee and thy house, Caesar Augustus” (*Life of Augustus*, 58:2).

“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” (*Life of Claudius*, chapter 27).

Censorinus (200s AD)

“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” (*The Natal Day*, 20:4-5).

Macrobius (370-430 AD)

“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*, 1.7.31).

“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].” (*Saturnalia*, 1.13.17)

In these examples, we can see that the term *faustus* and *infaustus* were used in terms of omens for the future. They did not necessarily have religious meaning. Instead, they were used to read the present or future as potentially fortunate or unfortunate circumstances. The Romans were very superstitious.

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



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