

Pope Urban II,
The *Collectio Britannica*, and
the Council of Melfi
(1089)

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The Canons of Melfi

Anno Dominice incarnationis m.lxxx.viii, pontificatus domini U(rbani) pape secundo, indictione xii, iiii idus Septembris, congregata est apud Melfiam Apulie urbem eius iussu sinodus episcoporum lxx, abbatum xii.

1-4 Anno-xii.] Urbanus papa. MC; Ex synodo Urbani Papae apud Melfiam. R; Decretum Urbani pape II habitum apud Amalfiam. cap.i. Vb; Ex synodo eiusdem Urbani pape apud Melfiam. Vq 1 millesimo octogesimo viii CB pontificatus] vero add. CB donni CB 2 secundo] secundi T2; ii Φ Va Φ Vr quarto CB 3 Melfiam CB T2

Die autem secundo edita sunt capitula hec.

solummodo in Φ & T2 adita Φ Va

5 <1a> Sanctorum patrum sententiis consona sentientes,^a ex Dei et apostolorum eius parte^b precipimus ne quis ulterius vel dato vel promisso pretio vel servitio ea intentione impenso vel precibus episcopalem nitatur assequi dignitatem, nec ullus eam pretaxato tenore indulgeat. Hoc idem et de omni ecclesiastica dignitate vel officio apostolice potestatis auctoritate^c prefigimus. Alias et dator et acceptor proprii ordinis dignitate priventur.

Item. *praem.* CB; v. *praem.* Vq 1 p^atrum Φ Pa consentientes MC ex om. R Vq 2 eius om. CB ulterius om. Φ Va; alterius Φ Vr 3 promisso] vel add. R Vq pretio promisso Φ Va Φ Vr impenso] intenso R 4 dignitatem] et add. CB ne T2 pretextato Φ Va Φ Vr 5 idem] etiam add. Φ Va et] etiam R Vq et de omni *iterat* CB 6 officio om. MC potestatis] dignitatis Φ Va Φ Vr auctoritatem T2 7 ordinis om. CB privantur T2

^a *Sanctorum-sentientes*: cf. Conc. Placent., 1095. c. 15, lin. 13, ed. Weiland, *Constitutiones*, 563, et JL 5409, ed. Taylor, lin. 69; cf. quoque Comment. ad canones infra. ^b *ex Dei-parte*: cf. JL 4405, JL 4406, JL 4501, ed. Schieffer, *Entstehung*, 220-1. ^c *apostolice potestatis auctoritate*: cf. CB 15, lin. 12 (*potestate auctoritatis Romane*).

5 <1b> Episcopus omnia sui episcopatus membra,^a videlicet archidiaconatus, archipresbiteratus, decanias, vel aliquas preposituras ecclesie sive canonicas, gratis et absque omni venalitate disponat. Prebendas etiam, que canonice dicuntur, sine venalitate distribuat. Quisquis etiam ea pretio dederit, quisquis pretio acceperit, depositioni subiaceat.

ii. *praem.* Vb; vi. *praem.* Vq 1 episcopatus sui JL 1-2 archid.(tios *sup.* lin.) R1, archidiaconatus R2 2 decanias] diaconias MC Φ 3 sive] sue CB canonicas] se add. CB 4 etiam] et JL Φ Va 5 etiam] autem CB JL MC R Vb Vq; et Φ Va pretio om. R2 6 depositioni] anathematique add. CB

Subiunxit deinde atque ait:

⟨1c⟩ Ut unica Domini nostri sponsa^a sine macula et ruga^b permaneat,

⟨2⟩ sacrorum canonum instituta^c renovantes precipimus ut a subdiaconatus tempore nulli liceat carnale commercium^d exercere. 5
Quod qui deprehensus fuerit ordinis sui periculum sustinebit.^e

1-2 Subiunxit-unica] Ut unica tunica R; t unica Vq⁵⁵ 1 Subiunxit ΦPa denique CB Vb; demum ΦVa 2 Ut] *om. sed una littera nunc oblitterata olim inveniebatur ante* unica CB; iii. *praem.* Vb et] aut R Vb Vq 4 sanctorum MC revocantes *ante corr.* R1 4-5 tempore subdiaconatus R Vq 6 fuit MC

Coll. can. (A, fol. 150^v): 1-2 Subiunxit-unica] Urbanus II presidens Melfensi synodo dixit. Tunica 2 nostri] Ihesu Christi *add.* 5 commercium] officium 6 periculum] sui *add.*

^a *Domini nostri sponsa*: cf. JK 255, c. 10, ed. Coustant, *Epistolae*, 630; JL 5403 (IP 2.104-5, no. 2), data 8/VIII/1089: *ad Christi sponse utilitatem . . . disposuimus . . .* ^b *macula et ruga*: cf. Ephes. 5:27; JK 255, c. 10, ed. Coustant; Augustinum (cf. Dec. Grat. C. 24, q. 1, c. 20 et C. 32, q. 4, c. 2); JL 4949 (Gregorii VII), *Register*, ed. Caspar, 223, lin. 29-31. ^c Cf. Comment. ad canones infra. ^d *carnale commercium*: cf. JK 255, c. 9, ed. Coustant; Concil. Claromonten. (a. 1095), ed. Somerville, *Decreta*, 91. ^e *periculum sustinebit*: cf. *Digest. Iustiniani*, 18.6.1.

⟨3⟩ Nemo preterea ad sacrum ordinem permittatur accedere nisi aut virgo aut probate sit castitatis, et qui usque ad subdiaconatum unicam et virginem uxorem habuerit.^a

iii. *praem.* Vb; viii. *praem.* Vq 1 sacros ordines *ante corr.* ΦVa permittatur] presumat CB 3 uxorem habuerit virginem ΦVa ΦVr

Coll. can. (A, fol. 152r; G, D. 32, c. 12; π, 3.104): Idem Meldensi Sinodo presidens ait, [cap. 3.] c. XII. Ad sacros ordines non accedit, nisi uirgo, aut probatae castitatis. *praem.* G; Urbanus II Meldensi (Melfensi A) synodo presidens dixit. (ait A πO). *praem.* A πL πO; Urbanus II Meldensi synodo. *praem.* πPi 1 preterea *om.* A G π 2 sit *om.* π

^a Cf. JK 255, c. 13, ed. Coustant, *Epistolae*, 633: *Qui . . . si probabiliter vixerit, una tantum, et ea, quam virginem . . . perceperit, uxore contentus, acolythus et subdiaconus esse debet.*

⟨4⟩ Igitur ut hec annuente Domino valeant conservari, sanctorum patrum decretis^a obsecundantes et eorum precepta apostolico moderamine temperantes, constituimus ut nemo ante annos xv aut xiiii subdiaconus ordinetur, nemo ante annos xx diaconus fiat, nemo ante annos xxx in presbiterum consecratur. Responderunt: 5
iusta et canonica definitio^b ab omnibus observetur.

Φ canone vacat; invenitur in CB, R, Vb, Vq, et additur hic ex CB Item. *praem.* CB; viiii. *praem.* Vq 3 temperantes] temptantes *add.* R1; temptantes Vq anno CB 4 ante *om.* CB; cf. 'Gesta Romanae ecclesiae' (ut *supra*, Cap. 2, sect. v.b), ed. K. Francke, MGH LdL 2.415-16 xx] 15 vel 14 R; xxv aut (vel Vq) xxiiii Vb Vq 5 annos] antios *vere*

⁵⁵ See above, Ch. 3 n.19.

CB in *sup. lin.* Vb Responderunt] omnes *add.* Vb 5-6 Responderunt—observe-
tur. *om.* R Vq 6 iuxta CB

^a Cf. Comment. ad canones infra. ^b Cf. Concil. Roman. Papae Nicholai I (a. 862),
in *Vita Nicholai*, LP, ed. Duchesne 2.157-8: . . . *surrexit sancta synodus et tribus vicibus acclamavit:*
'Rectum iudicium summi presulis, iusta diffinitio totius pastoris Ecclesiae . . . omnibus placet'.

Eodem die talia^a sunt decreta coram sinodo promulgata.

solummodo in CB

^a Cf. *supra*, Sect. iii.b.

- 5 <5> Nullus laicus decimas suas aut ecclesiam aut quicquid ecclesi-
astici iuris est sine consensu episcopi vel Romani concessione
pontificis monasteriis aut canonicis offerre presumat. Quod si quis
episcopus improbitatis et avaritiae causa consentire noluerit,
Romano pontifici nuntietur et cum eius licentia quod offerendum
est offeratur.

Ex sinodo dompni Urbani pape apud Melfiam die iiii capitulum i. *praem.* T1; v. *praem.*
Vb; x. *praem.* Vq 1 ecclesie Φ Va 2 consensu] sui *add.* T1 3 monasteri-
is—offerre] monastiis offerre CB si quis] quis *sup. lin.* Vb 3-6 Quod—offeratur.
om. T1 4 et] vel CB 5 eius] eis Φ Pa que T2 qui offerendus
 Φ Va offendum CB 6 offerat. R

- <6> Nullus abbas, nullus ecclesiarum prepositus, que iuris sunt
ecclesiastici a laicis accipere sine episcopi concessione presumat.

CB *canone vacat* ii. *praem.* T1; vi. *praem.* Vb; xi. *praem.* Vq 1 abba R Vq
1-2 ecclesiastici sunt Vb 2 a laicis *om.* R accipere *om.* T1

- <7> Nullus abbas pretium exigere ab eis, qui ad conversionem
veniunt, aliqua placiti occasione presumat.

CB *canone vacat* iii. *praem.* T1; vii. *praem.* Vb; xii. *praem.* Vq 1 abba R Vq
pretium] presumat *add. et eras.* Vb pretium abbas accipere Φ Va Φ Vr conver-
sationem T1

Coll. can. (G, C. 1, q. 2, c. 3 *palea*): [Unde Urbanus Papa in Concilio apud Melfiam, c.
12.] *PALEA.* c. III. De eodem. *praem. ed. Friedberg sequens Ed. Roman.* 1 pretium]
sumere vel *add.* 2 pacti presumat.] *etc. add., sed cf. supra, Cap. 2 n. 41.*

- 5 <8> Illud summopere et apostolice auctoritatis privilegio^a pro-
hibentes et providentes interdiciamus ut nullus in clericali ordine
constitutus, nullus monachus, episcopatus aut abbatie aut cuius-
libet ecclesiastice dignitatis investituram de manu laici suscipere
audeat. Quod qui presumpserit depositione multetur.

viii. *praem.* Vb 1–2 prohibentes et providentes] et providentes R1; prohibentes R2
 2 interdicamus nullus CB 3 episcopatus *sup. lin.* R1 5 qui] si R Vq

^a *apostolice auctoritatis privilegio*: cf. Deusededit, 'Prologus', ad *Coll. canonum*, ed. Wolf von Glanvell, 2: *Itaque ego auctoritatis ipsius* [i.e. Romane ecclesie] *privilegium . . . patefacere cupiens . . .*

<9> Quia novum hoc tempore clericorum acephalorum genus
 emersit, qui morantur in curiis et viris et feminis ad sui ordinis
 dedecus subditi, cum in canonibus^a cautum sit ne quis sine licentia
 episcopi clericus nec episcopus sine metropolitani curiam adeat,
 precipientes precipimus et prohibentes prohibemus ne quis
 ulterius huiusmodi retineat, sed proceres ab episcopis animarum
 suarum procuratores clericos postulent, et episcopi iussione pro
 tempore ac vicissim in curiis conversentur. Ipsis itaque omnino
 interdicimus ne decimis procerum sine concessione sui episcopi
 abutantur. 5 10

iiii. *praem.* T1; viiii. *praem.* Vb; xiii. *praem.* Vq 1 Quia] vero *add.* CB R T1 Vb Vq
 genus *iterat* CB 2 quae *ante corr.* R1 curis CB *ad]* et (f. *ad marg.*) R; a Vq
 4 sine] sive CB metropolitani Φ Pa; metropolitano R 5 precipientes] pro-
 hibentes Φ Va Φ Vr et-prohibemus *om.* Φ Va Φ Vr 6 ulterius *om.* R
 retineat huiusmodi R Vq 7 procuratores CB; procures R; procuratores animarum
 suarum Vb postulet Φ Vp; postularet R et] si R Vq 8 conversetur
 Φ Va Φ Vr; convertentur R Ipsi CB 9 procerum decimis Φ Va sui *sup.*
lin. Vb

^a Cf. Comment. ad canones infra.

<10> Preterea constituimus ne quis episcopus aut primas
 monachum quemlibet vagantem in sua diocesi provinciae
 retineat, nisi abbatis proprii regulariter^a litteris fuerit commenda-
 tus. Responsum est ab omnibus, fiat.

Item. *praem.* CB; x. *praem.* Vb; xiiii. *praem.* Vq 1 aut *om.* R 2 monachum]
 aut *add.* Φ Vr 3 nisi] ab *add.* Vq proprii *sup. lin.* R1 fuerit litteris regu-
 lariter CB R Vb Vq; fuerit regulariter litteris T2 fuerit *om.* Φ Va Φ Vr
 4 Responsum–fiat. *om.* R Vq Responsus Φ Pa Φ Vp est *om.* T2

Coll. can.(Z): Ex concilio Melfiano. Urbanus papa. *praem.* 1 Preterea–quis] Nullus
 2 vacantem 3 fuerit litteris regulariter 4 Responsum–fiat. *om.*

^a Cf. Reg. Benedicti, cap. 61.

Sexto demum die postquam diutius est de moribus ecclesie dispu-
 tatum adiunxit:

<11> Ne gravamen aliquod sancta patiatur ecclesia, nullum laicis in
 clericos ius esse volumus et censemus. Unde cavendum est ne
 servilis conditionis aut curialium officiorum obnoxii ab episcopis
 promoveantur in clerum, neque liceat laicis exactionem aliquam 5

pro ecclesie beneficiis aut pro paternis maternisque facultatibus querere. Quod si forte clericorum aliquis cuiuslibet laici possessionibus usus fuerit, aut vicarium, qui debitum reddat, inveniatur
10 aut possessione cadat ne gravamen ecclesie inferatur.

xi. *praem.* Vb 1 diutius est *om.* $\Phi Va \Phi Vr$ est *om.* Vb 1-2 Sexto adi-
unxit] *om.* R Vq disputatum] est *add.* $\Phi Va \Phi Vr Vb$ 3 gravamina aliqua
 ΦVa ; ^a $gva\tilde{m}aliq \Phi Vr$ ecclesiam ΦPa nullis $\Phi Va \Phi Vr$ 3-4 ius laicis in
clericos esse R Vq 6 exactione aliqua $\Phi Va \Phi Vr$ 7 beneficii CB pro(2)
om. $\Phi Va \Phi Vr$ pro paternis] proternis Vq maternisque] materni suc *fortasse*
 ΦPa , *vere* ΦVp , *ante corr.* R1 8 querere *om.* $\Phi Va \Phi Vr$ *forter(?) ante corr.* R1;
forit Vq 9 debitum *om.* ΦVa 10 possessionem ΦVa cedat CB ΦVp R
Vb Vq; cedat ΦPa ; concedat $\Phi Va \Phi Vr$ beneficiis(?) *cancell. post gravamen* R1

(12) Porro eos, qui a subdiaconatu uxoris vacare voluerint, ab
omni sacro ordine removemus, officioque atque beneficio ecclesie
carere decernimus. Quod si ab episcopo commoniti non se cor-
rexerint, principibus licentiam indulgemus ut eorum feminas
5 mancipient servituti. Si vero episcopi consenserint eorum pravitati-
bus, ipsi officii interdictione multentur.

Aliud. *praem.* JL; Item. *praem.* CB; xiii. *praem.* Vb 1 Porro *om.* JL eos *om.*
 $\Phi Va \Phi Vr$ quia *ante corr.* R1 a subdiaconatu] post subdiaconium CB
vacare voluerint] vacaverunt JL voluerint] voluerit ΦVa ; voluerit ut R
2 removeamus R officio Vb; officioque Vq atque] ac $\Phi Va \Phi Vr Vb$
ecclesie *om.* T2 3 carere *om.* ΦVa se *om.* CB T2 3-5 Quod si servitu-
ti. *om.* JL 4 indulgemus] tribuimus CB 5 episcopo CB *consen (eras. in*
fin. lin.), consenserint CB 5-6 privatis *ante corr.* R1 6 ipsi-
multentur] a suis se noverint officii interdictos. JL

Coll. can. (A, fol. 149^v; G, D. 32, c. 10; π , 3.101; Z); Urbanus II in synodo apud Melfiam.
praem. A π ; C.x. Beneficio et officio careant, qui post diaconatum uxoris uacant. Item
Urbanus II. in Synodo apud Melfiam, [cap.12.] *praem.* G; Urbanus II in synodo apud
Melfiam. *praem.* Z 1 Porro *om.* A G π Z Hos πO a subdiaconatu] post
subdc.(subdc) A; post diaconatum G π Z voluerint] noluerint πPi 2 officio G
3 decrevimus G se *om.* A π Z 4 indulgemus licentiam G 5 servitutis
Z 6 officii ipsi πO

(13) Et ut omnia scandala, omnes occasiones laicis subtrahantur,
scissis vestibus clericos abuti ulterius prohibemus, et ne pomposis
induantur exuviis admonemus. Pensandum namque est quanto
viri flagitio ascribantur: a quibus curavit pastor ecclesie etiam femi-
5 nas prohibere dicens,^a 'Non in veste pretiosa'. Quod Dominus
ipse vituperans nobisque cavendum insinuans ait,^b 'Qui molli-
bus induuntur in domibus regum sunt'.

xiii. *praem.* Vb 1 subtrahantur ΦVp 2 abuti clericos prohibemus ulterius
 $\Phi Va \Phi Vr$ et *cancell.* ΦVa pomposis CB 3 est namque CB R T2 Vb Vq
quanta CB T2 4 viri] viris CB R (*vires ante corr.* R1) T2 Vb Vq; viri (*iiiiri cancell.*) ΦPa
(*cf. n. 113, Cap. 5*); iuris (*viris cancell.*) ΦVa ; iuri ΦVp ascribatur CB ac T2

curam R etiam] et Φ Va R 5 dicens] dictis (dicens *margin.*) Φ Va Quod]
 quam Φ Va R Dominus *sup. lin.* Φ Va; *om.* Φ Vr 7 induuntur—sunt.] v. i. D. r.
 sunt CB induuntur] vestiuntur R T2 Vb Vq

^a Cf. I Tim. 2:9.

^b Cf. Luc. 7:25 et Matt. 11:8.

<14> Presbiterorum filios a sacris altaris ministeriis removendos
 decernimus, nisi aut in cenobiis aut in canonicis religiose probati
 fuerint conversari.

xiii. *praem.* Vb; ccv. *praem.* T1 1 sacri Vb altaribus CB ministeriis
om. CB removendo R1; remonendo Vq 2 in (2) *om.* CB 3 coversari
 Φ Pa

Coll. can. (A, fol. 132v; Δ , 6.410; G, D, 56, c. 1; π , 3.51; Z): Urbanus II Melfensi sinodo
 presidens ait. *praem.* A; Decretum Gregorii VII et Urbani II (II *om.* π L). De filiis sacerdo-
 tum. *praem.* Δ π L; Unde Urbanus Papa II. ait: c.I. Filii presbiterorum a sacris ordinibus
 remouentur. *praem.* G; Ex decretis Gregorii VII et Urbani II. De filiis sacerdotum. Quod
 filii presbiterorum non sint ordinandi nisi probate vite fuerint. *praem.* π O; Gregorius VII et
 Urbanus II. *praem.* π Pi; De filiis presbiterorum. Urbanus II. *praem.* Z 1 sacri Δ π Pi
 1-2 removendos decernimus] removemus G 2 canonicis] regularibus *add.* Δ π

<15> A suis episcopis excommunicatos ab aliis recipi magnopere
 prohibemus.

Item *praem.* CB; xv. *praem.* Vb Vq 1 A *om.* CB episcopis *om.* Φ Va
 alios R2

<16> Sane quia inter cetera unum est quod sanctam maxime
 perturbat ecclesiam, false videlicet penitentie, confratres nostros
 episcopos et presbiteros admonemus ne falsis penitentiis laicorum
 animas decipi et in infernum pertrahi patiantur. Falsam autem
 penitentiam esse constat cum spretis pluribus de uno solo peni- 5
 tentia agitur, aut cum sic agitur de uno ut non discedatur de alio.
 Unde scriptum est,^a 'Qui totam legem observaverit, offendit
 autem in uno, factus est omnium reus', scilicet quantum ad vitam
 eternam. Sicut enim si peccatis esset omnibus involutus ita si in
 uno tantum maneat eterne vite ianuam non intrabit. Falsa etiam 10
 fit penitentia cum penitens ab officio, vel curiali vel negotiali, non
 recedit, quod sine peccatis agi ulla ratione non prevalet, aut si
 odium in corde gestetur, aut si non offenso cuilibet satis fiat, aut
 si non offendenti offensus indulgeat, aut si arma contra quis
 iustitiam gerat. 15

xvi. *praem.* Vb; capitulum vi. *praem.* T1 1 Sana CB ceteros R Vq
 sanctam *om.* T1 maxime sanctam R Vq 2 nostros] et *add.* CB Vb T1
 3 episcopos] archiepiscopos Φ Va; coepiscopos Φ Vr laicorum] clericorum T1
 4 recipi T1 in *sup. lin.* R1 infernum] animas *add.* Φ Va Φ Vr protrahi CB

54. G211, 541 f. 561. 673, fol. 221,

R T₁, *post corr.* ex pertrahi Φ Va 4-5 autem penitentia *add. al. man.* Φ Va; *om.* Φ Vr
 5 cum *rep. sup. lin.* Φ Va spretis *add. marg.* Φ Va; conspretis T₂ pluribus] pec-
 catis pluribus Φ Va; peccatis *add.* T₁ 6 ut] et *ante corr.* R₁ ut de uno CB
 de(2)] ab T₁ Vb 7 observavit T₁; observerit T₂; servaverit R Vq offenderit
 Φ Va Φ Vr, *post corr.* ex offendit T₂; offenderit T₁ 8 factum Vq 9 enim] peci(?)
cancell. R₁ omnibus esset Φ Va T₁ in *om.* Φ Pa, *sup. lin.* R₁ 10 mandat
ante corr. R₁ etiam] enim Φ Va; *om.* R; autem T₁ 11 fit *om.* T₂ peniten-
 tia fit T₁ penitus R officio] officiali Φ Va Φ Vr curali Φ Vr non
om. Φ Vr 12 quod] qui R ulla] nulla CB Φ Va R ratione *om.* Φ Va
 13 gestet R satisfaciatur Φ Vr aut (2)] au Φ Pa 14 offenderit] offenderit
 R Vq offenderis offensio CB quis] *rep. sup. lin. manu fortasse recentiore* Φ Pa; *om.*
 Φ Va Φ Vr quis contra R T Vb Vq 14-15 contra-gerat] nisi pro ecclesie
 oportunitate ferat. CB

Coll. can. (Z): Urbanus II. *praem.* 2 nostros] et *add.* 3 clericorum 6 dis-
 cedat 7 offenderit 10-11 autem penitentia fit 14 quis contra

^a Jac. 2:10.

Interim dum agerentur hec Rogerius dux domino Urbano pape
 iuravit, cuius iuramenti tenor infra inscriptum est.

solummodo in CB

Addendum I

- ¶ Item in eodem concilio omnimodis precepit ut si quis in episco-
 pum manus iniecerit eumque, quod dici nefas est, capere pre-
 sumpserit, iuxta sanctorum patrum traditionem^a proprii honoris
 dignitate privetur, et depositis armis perpetua exilii dampnatione
 5 multetur vel in monasterium Domino semper serviturus detru-
 datur. ¶ Si quis vero presbiterum aut diaconem vel subdiaconem
 vel clericum quemlibet ceperit, tamdiu excommunicatus permaneat
 donec contumeliam captionis pro sacrilegio restituat. Bona vero
 clericorum si quis abstulerit in quadruplum emendare cogatur.
 10 Bona autem episcoporum aut clericorum, que ipsi post mortem
 dimiserint, ita maneant sicut ipsi in supremo fine ordinarint, illis
 omnimodo profutura, quibus ipsi ea reliquerint. Quod si quis ex
 rebus illorum aliquit deripere (?) vel aliter ut statutum est evertere
 temptaverit, tamdiu excommunicetur donec pro sacrilegio emendet.
 15 ¶ Item instituit ut nullus deinceps ex militia neque ex minoribus
 ordinibus in episcopum promoveatur, nisi prius ante annum sub-
 diaconus aut diaconus sive presbiter fuerit ordinatus.

solummodo in T2

^a Cf. Comment. ad canones infra.

Addendum II.

Nullus in duabus ecclesiis preposituram obtineat, et cuiuslibet honorem altero vivente per aliquam occasionem nullus adquirat. Quod si quis fecerit illum honorem, cui post mortem alterius putabat succedere, nullatenus habeat, et ad alterius ecclesiastici honoris ambitum non ascendat.

5

solummodo in ℣: Ex concilio Melfiano Urbani pape. praem.

(VI) TRANSLATION

The comments about translation to be found at the end of the Introduction to Part I also apply to the canons of Melfi. Those remarks can be consulted, but readers are reminded that an effort has been made to follow the Latin texts in as literal a manner as seemed feasible.

In the year of the Lord's Incarnation 1089, in the second year of the pontificate of the lord Pope Urban, in the twelfth indiction, on 10 September, by his order a synod of seventy bishops and twelve abbots was assembled in the city of Melfi in Apulia.

On the second day these chapters were published.^a

^a See n. 42, above.

⟨1a⟩ Being in harmony with the decisions of the holy fathers, on behalf of^a God and his apostles we command that henceforth no one should strive to gain the episcopal dignity either by payment given or promised, or by service rendered with that intention, or by prayers, nor should anyone grant it on the aforesaid terms. We add by the authority of apostolic power the very same thing concerning every ecclesiastical dignity or office. Otherwise both donor and recipient should be stripped of the dignity of his own order.

^a See J. F. Niermeyer, *et al.*, *Lexicon*, 767, no. 15, for *ex parte* meaning 'in the name of'.

⟨1b⟩ The bishop should dispose gratis and without any venality of all members of his bishopric, namely archdeaconries, archpresbyteries,⁵⁶ deaneries, and any provostships of the church or of the canons. He also should distribute without venality the prebends which are called canonries.^a Whoever, furthermore, gives and

⁵⁶ Although it is done here, rendering these terms, which mean 'the positions of archdeacon' etc., with one English word creates some awkwardness.

whoever receives these things for a price should be subject to deposition.

^a For the term *canonica* to designate the prebend of a canon see *Mittelaltinisches Wörterbuch* (Munich, 1969) 2.2.182.

He then added to this and said:

⟨1c⟩ So that the unique bride of our Lord may remain without stain and wrinkle,

⟨2⟩ renewing the teachings of the sacred canons we command that from the time of the subdiaconate it should be permitted to no one to engage in carnal relations. But whoever is caught will risk losing his order.

⟨3⟩ No one, furthermore, should be allowed to advance to a sacred order unless he is a virgin or of proven chastity, and up to the subdiaconate had one wife and she a virgin.

⟨4⟩ Therefore so that these things, the Lord granting, can be upheld, complying with the decrees of the holy fathers and tempering their commands with apostolic moderation we constitute that no one should be ordained a subdeacon before he is 15, or 14 years old, no one should be made a deacon before he is 20, no one should be ordained^a a priest before he is 30. They responded: 'A just and canonical definition to be observed by all.'

^a *consecratur*: for the interchangeable use of *ordinatio* and *consecratio* in the eleventh and twelfth centuries see above, Part I, CB 8 Texts, n. 35.

On the same day decrees of this sort were promulgated before the synod.^a

^a See n. 42, above.

⟨5⟩ No layman should presume to offer to monasteries or to canons his tithes or a church, or whatever belongs to ecclesiastical law, without consent of the bishop or concession of the Roman pontiff. But if any bishop because of unscrupulousness and avarice is unwilling to agree, it should be announced to the Roman pontiff and with his permission let what ought to be offered be offered.

⟨6⟩ No abbot, no provost of churches, should presume to receive from the laity things which belong to ecclesiastical law without concession of the bishop.

⟨7⟩ No abbot should presume to demand a payment under any pretext of agreement from those who enter the religious life.

⟨8⟩ Attending to this especially, and prohibiting it by the privilege of apostolic authority, we forbid that anyone constituted in the clerical order or any monk should dare to receive investiture of a bishopric or an abbey, or any ecclesiastical dignity whatsoever, from the hand of a layman. Whoever presumes to do so should be punished by deposition.

⟨9⟩ Because in this time a new variety of acephalous clerics has emerged, who reside at courts, subject, to the shame of their order, to both men and women, although in the canons it is established that no cleric without permission of the bishop, no bishop without permission of the metropolitan, should go to a court, commanding we command and prohibiting we prohibit that no one henceforth should retain someone of this sort. But magnates should request from bishops clerics as caretakers of their souls, and by order of the bishop they should live at courts temporarily and by turns. We absolutely forbid them, accordingly, to avail themselves of the tithes of magnates without concession of their bishop.

⟨10⟩ We constitute, furthermore, that no bishop or primate should retain a wandering monk of any sort in his diocese or province, unless, in accordance with the Rule, he was commended by a letter from his own abbot. It was responded by all, 'Let it be done'. At length on the sixth day, after it was debated more extensively about the customs of the church, he added:

⟨11⟩ Lest the holy church should suffer any injury we wish and we decree that the laity have no jurisdiction over clerics. Wherefore care ought to be taken that those under the obligation of servile status or curial offices should not be promoted by bishops into the clergy, neither should it be permitted for the laity to seek any exaction for benefices of the church or for paternal or maternal bequests [to the church]. But if perchance any cleric has used the possessions of any layman, lest injury be inflicted on the church either let him find a deputy who will render what is owed or let him give up the possession.

⟨12⟩ In addition we remove from every sacred order those who from the subdiaconate wish to have leisure for wives, and we decree that they be without office and benefice of the church. But if, warned by the bishop, they fail to correct themselves, we give permission to rulers that they subject their women to servitude.

But if bishops consent to their depravities, they themselves should be punished by interdiction of office.

(13) And so that all causes of offence, all suspicions be removed from the laity, we prohibit clerics henceforth to wear cut clothing, and we admonish that they should not dress in ornate garments. For, indeed, it ought to be weighed carefully with how much disgrace men would be marked: the pastor of the church took pains to prohibit even women from these things saying, 'Not with precious clothing'. The Lord himself censuring this and showing us that it ought to be avoided said, 'Those who are attired in delicate things^a are in the halls of kings'.

^a *Mollia* also can mean things 'effeminate' or 'unmanly', and the passage could be translated as 'those who are entwined with effeminate things'.

(14) We decree that sons of priests should be removed from the sacred ministries of the altar, unless they have been shown to live a religious life in monasteries or in houses of canons.

(15) We prohibit emphatically that those excommunicated by their own bishops be received by others.

(16) Indeed because among other things there is one which especially disturbs the holy church, namely false penances, we admonish our brother bishops and priests that they should not permit the souls of the laity to be deceived and dragged into hell by false penances. It is clear that penance is false when, many [sins] having been disregarded, penance is done for only one, or when it is done for one in such a way that another not be given up. Whence it is written, 'Who would observe the whole law but offends in one thing is made guilty of all', that is to say as far as eternal life is concerned. For just as if a person were ensnared by all sins, thus if he remains in one only he will not enter the door of eternal life. False penance is even done when a penitent does not withdraw from an office, either curial or mercantile, which cannot by any reasoning be performed without sins; or if hatred is harboured in the heart; or if satisfaction is not made to someone who has been offended; or if having been offended a person does not forgive the offender; or if anyone bears arms against justice.

Meanwhile at the same time these things were happening Duke Roger took an oath to the lord Pope Urban, the text of which is written below.

Likewise in the same council he commanded by all means that if

anyone lays hands on a bishop and, what is horrible to be uttered, presumes to seize him, according to the tradition of the holy fathers he should be stripped of the dignity of his own office, and having put down arms be punished by the permanent condemnation of exile, or thrust into a monastery always to serve the Lord. If anyone seizes a priest, or a deacon, or a subdeacon, or any cleric, he should remain excommunicated until, on behalf of the injury of captivity, he makes restitution for sacrilege. If anyone steals the goods of clerics he should be compelled to make restitution fourfold. The goods, however, of bishops or clerics which they leave after death should be disposed of just as they arranged at the end, to be used entirely by those to whom they bequeathed them. But if anyone attempts to seize or to divert any of their possessions in a manner otherwise than was prescribed, he should be excommunicated until he makes amends for sacrilege. Likewise he decreed that no one henceforth should be promoted to be a bishop either from sinfulness or from minor orders, and unless at least a year beforehand he was ordained as a subdeacon or a deacon or a priest.

No one should obtain a provostship in two churches, and no one under any pretext should acquire anyone's office while that person is alive. If someone does this he should by no means have that office to which he thought to succeed after the death of the other, and he should not ascend to embrace another ecclesiastical office.^a

^a For this last line see Ch. 5, below.