

*Decrees of the  
Ecumenical Councils*

Volume One  
*Nicaea I to Lateran V*

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Sheed & Ward  
and  
Georgetown University Press  
1990

*Lateran II*

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1139

## INTRODUCTION

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In Lent of 1139 a general council was summoned by Pope Innocent II and held in the Lateran basilica<sup>1</sup>. As we know, the synod had been convoked the previous year; for the papal legates in England<sup>2</sup> and Spain<sup>3</sup> pressed the bishops and abbots to go to the council. Thus, a good number of fathers, at least five hundred, met in Rome. One of these came from the East, the patriarch of Antioch, but he was a Latin<sup>4</sup>. With the pope presiding the council began on 2 April and it seems to have ended before 17 April, as far as we can judge from the sources<sup>5</sup>.

This council is called "general" in the records and more frequently "plenary" by Innocent himself<sup>6</sup>. However, there is a doubt as to its ecumenicity for the same reasons that affect Lateran I<sup>7</sup>.

The Roman church, which for a long time had been divided in its obedience between Innocent II (1130-1143) and Anacletus II (1130-1138), seems to have overcome schism and factionalism, and indeed to have recovered its peace. This was due to the death of Anacletus in 1138 and the efforts of Bernard of Clairvaux, who had fought with the utmost zeal on behalf of Innocent for the restoration of unity. But Innocent, perhaps upset by the agreements which Anacletus had arrived at, vigorously cited and condemned Anacletus's part in the evil affair<sup>8</sup>, an action which seems to have provoked a complaint from Bernard<sup>9</sup>.

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<sup>1</sup> There are no surviving acts of the council and very little can be surmised from the records and chronicles. The sources are collected in H-L 5/1, 721-722; but see also, Bernhardi 154 n. 12; *Dialogus de pontificatu sanctae Romanae ecclesiae*, in MGH *Libelli*, III Hanover 1897, 534; Gerhoh of Reichersberg, *ibid.*, 290, 291.

<sup>2</sup> See Richard of Hexham, *De gestis regis Stephani*, ed. R. Howlett (Rolls series 82/3), London 1886, 175-177.

<sup>3</sup> See *Historia Compostellana*, ed. E. Florez (España sagrada 20), Madrid 1765, 597-598 (PL 170, 1236).

<sup>4</sup> See Bernhardi 154 n. 12; H-L 5/1, 722 n. 1; DThC 8/2, 2638; see also Tangl 205-210 (on the patriarch of Antioch see G. Mittarelli and A. Costadoni, *Annales Camaldulenses ...*, IV Venice 1759, 614).

<sup>5</sup> See especially *Historia Compostellana*, *op. cit.*, 598; H-L 5/1, 721; DThC 8/2, 2638.

<sup>6</sup> See pope Innocent II, *Epistolae et privilegia*, PL 179, 450, 459, 462 (Jaffé 8007, 8016, 8017).

<sup>7</sup> See above p. 187.

<sup>8</sup> See canon 30, below p. 203 (his earlier name was Peter Pierleoni). Falk of Benevento (in L.A. Muratori, *Rer. Ital. Script.*, V Milan 1724, 127) says that king Roger of Sicily was also excommunicated by the council. Concerning some other opinions of the council fathers see H-L 5/1, 738.

<sup>9</sup> See letter 213 (PL 182, 378).

Some heretics were also condemned by the fathers, namely those who followed the monk Henry<sup>10</sup>, and canons were enacted concerning the reform of the church. The pope and the council fathers, following the example and mind of Pope Gregory VII, took up a good many canons which had been established by previous councils, with a view to restoring ecclesiastical discipline to an unblemished state. They furnish a sort of body of precepts for the whole church, taken from councils in the times of Gregory VII (canon 10), Urban II (canons 3, 21-22), Callistus II (canons 3, 7, 23-25) and especially Innocent II (canons 1, 4-7, 9-12, 14-20). Gratian included many of them shortly afterwards in his *Decrees* (canons 2, 4-6, 8, 19-21, 26-28 and parts of 7, 10, 12, 15-16, 18, 22). Orderic Vitalis, however, was sceptical about their effectiveness in practice<sup>11</sup>.

Baronius was the first to print the thirty canons (*Annales ecclesiastici* 12, 1607, 277-280), having taken them from two manuscript codices ("a register of the Vatican library and a Vatican codex of decrees"). The Roman editors shortly after produced a more accurate version (Rm 4, 1612, 21-23), from "manuscript codices of the Vatican library and of Anthony Augustine of Tarragona"; this was copied by all later editions, as we have verified, though with some errors. These later editions are as follows: Bn<sup>2</sup> 3/2 (1618) 487-489; ER 17 (1644) 123-133; LC 10 (1671) 1002-1009; Hrd 6/2 (1714) 1207-1214; Cl 12 (1730) 1497-1507; Msi 21 (1776) 526-533. The canon which E. Martène and U. Durand published (*Thesaurus novus anecdotorum*, IV, Paris 1717, 139-140) as being "omitted in the editions, from a manuscript of St Vincent of Bisignano", is in fact the same as canons 15 and 30. Having collated together all these editions, we have followed the text of the Roman edition.

BIBLIOGRAPHY: H-L 5/1 (1912) 721-738; DThC 8/2 (1925) 2637-2644; DDrC 6 (1957) 346-347; LThK 6 (2<sup>1961</sup>) 816; NCE 8 (1967) 406-410; HC 4 (1980) 10; W. Bernhardt, *Konrad III* (Jahrbücher der deutschen Geschichte), I Leipzig 1883, 154-160; A. Hauck, *Die Rezeption und Umbildung der allgemeinen Synode im Mittelalter*, Historische Vierteljahrsschrift 10 (1907) 468 ff.; G. Tangl, *Die Teilnehmer an den allgemeinen Konzilien des Mittelalters*, Weimar 1922, 196-201, 205-210; R. L. Poole, *The English Bishops at the Lateran Council of 1139*, English Historical Review 38 (1923) 61-63; W. Hunt, *ibid.*, 557-560; H. J. Schroeder, *Disciplinary Decrees of the General Councils*, St. Louis, Mo. — London 1937, 195-213; P. Palumbo, *Lo scisma del MCXXX ...*, Rome 1942, 592-594; A. Fliche, R. Foreville and J. Rousset, *Du premier concile du Latran à l'avènement d'Innocent III*, I (Histoire de l'église 9/1), Paris 1948, 67-71, 137-138; G. Franzen, *L'ecclésiologie des conciles médiévaux*, in *Le concile*, 124-141; F.-J. Schmale, *Studien zum Schisma des Jahres 1130*, Cologne — Graz 1961; R. Foreville, *Latran I, II, III et Latran IV* (Histoire des Conciles 6), Paris 1965; M. Mollat and P. Tombeur, *Les conciles Latran I à Latran IV: Concordance, index, listes de fréquence, tables comparatives* (Conciles oecuméniques médiévaux 1), Louvain 1974.

<sup>10</sup> See R. Manselli, *Il monaco Enrico e la sua eresia*, *Bullettino dell'Ist. Stor. Ital. per il Medio Evo*, 65 (1953) 30 and n. 1 (subsequently in *Studi sulle eresie del secolo XII*, Rome 1953, 56).

<sup>11</sup> See *Historia ecclesiastica*, in *MGH Script.*, XX Hanover 1868, 80.

## CANONES

1. Statuimus ut<sup>a</sup>, si quis simoniace ordinatus fuerit, ab officio omnino cadat quod illicite usurpavit.<sup>1</sup>

2. Si quis praebendam vel prioratum seu decanatum aut honorem vel promotionem aliquam ecclesiasticam seu quodlibet sacramentum ecclesiasticum, utpote<sup>b</sup> chrisma vel oleum sanctum, consecrationes altarium vel ecclesiarum, interveniente execrabili ardore avaritiae<sup>c</sup>, per pecuniam acquisivit, honore<sup>d</sup> male acquisito careat; et emptor atque venditor et interventor<sup>e</sup> nota infamiae percillantur<sup>2</sup>. Et nec pro pastu nec sub obtentu alicuius consuetudinis ante vel post a quoquam aliquid exigatur vel ipse dare praesumat, quoniam simoniacum est; sed libere et absque imminutione aliqua, collata sibi dignitate atque beneficio perfruatur.<sup>3</sup>

3. A suis episcopis excommunicatos ab aliis<sup>f</sup> suscipi, modis omnibus prohibemus<sup>4</sup>. Qui vero excommunicato, antequam ab eo qui eum excommunicaverit absolvatur, scienter communicare praesumpserit, pari sententiae teneatur obnoxius.

4. Praecipimus etiam quod tam episcopi quam clerici in statu mentis, in habitu corporis, Deo et hominibus placere studeant, et nec in superfluitate, scissura<sup>g</sup> aut colore vestium nec in tonsura, intuentium, quorum forma et exemplum esse debent, offendant aspectum, sed potius, quae<sup>h</sup> eos deceat, sanctitatem prae se ferant<sup>i</sup>. Quod si moniti ab episcopis, emendari noluerint, ecclesiasticis careant beneficiis.<sup>6</sup>

5. Illud autem<sup>k</sup> quod in sacro Chalcedoniensi constitutum est concilio<sup>7</sup>, irrefragabiliter conservari praecipimus, ut videlicet decedentium bona episcoporum a nullo omnino hominum diripiantur, sed ad opus ecclesiae et successoris sui in libera oeconomia et clericorum permaneant potestate. Cesset igitur de cetero illa detestabilis et saeva rapacitas. Si quis autem amodo<sup>l</sup> hoc attentare praesumpserit, excommunicationi subiaceat. Qui vero morientium presbyterorum vel clericorum bona rapuerint, simili sententiae subiiciantur.<sup>8</sup>

<sup>a</sup> ut *Br om. Rm*    <sup>b</sup> utputa *Br*    <sup>c</sup> emptionis *add. v. l. in Br*  
<sup>d</sup> avaritiae . . . honore *om. Br*    <sup>e</sup> intervenditor *Br*    <sup>f</sup> alio *Br*  
<sup>g</sup> *om. Br*    <sup>h</sup> quam *Br*    <sup>i</sup> prae se ferant *om. Br*  
<sup>k</sup> etiam *Br*    <sup>l</sup> aliquo modo *v. l. in Rm hoc amodo Br*

<sup>1</sup> Conc. Claromontanum (1130), c. 1 partim (Msi 21, 438); conc. Remense (1131), c. 1 partim (Msi 21, 458); conc. Pisanum (1135), c. 1 partim (Msi 21, 489).

<sup>2</sup> Si quis . . . percillantur: conc. Claromontanum (1130), c. 1 partim (Msi 21, 438); conc. Remense (1131), c. 1 partim (Msi 21, 458); conc. Pisanum (1135), c. 1 partim (Msi 21, 489).

<sup>3</sup> c. 15 C. I q. 3 (Fr 1, 418).

<sup>4</sup> Cf. conc. Melfitanum (1089), c. 15 (Msi 20, 724); conc. Lat. I, c. 2 (v. supra p. 190).

<sup>5</sup> Praecipimus . . . se ferant: conc. Claromontanum (1130), c. 2 (Msi 21, 438); conc. Remense (1131), c. 2 (Msi 21, 458).

<sup>6</sup> c. 5 C. XXI q. 4 (Fr 1, 859); cf. conc. Remense (1148), c. 2 (Msi 21, 714).

<sup>7</sup> Cf. conc. Chalced., c. 22 (ACO II/2, 151, 183, 194, 201; v. supra p. 97).

<sup>8</sup> Conc. Claromontanum (1130), c. 3 (Msi 21, 438); conc. Remense (1131), c. 3 (Msi 21, 458); c. 47 C. XII q. 2 (Fr 1, 702).

## CANONS

1. We decree that if anyone has been ordained simoniacally, he is to forfeit entirely the office which he illicitly usurped.<sup>1</sup>

2. If anyone has acquired, through payment, a prebend, priory, deanery or any ecclesiastical honour or preferment, or a holy thing of the church of any kind, such as chrism or holy oil, or the consecrations of altars or churches, where the execrable passion of avarice has been the motive, let him be deprived of the honour which he wrongly acquired; and let the buyer and seller and intermediary be stigmatised with the mark of infamy<sup>2</sup>. And let nothing be demanded for sustenance or under the pretext of any custom from anyone before or afterwards, nor should the person himself presume to give anything, since this is simony; but let him enjoy freely and without any diminution the dignity and benefice which has been conferred on him.<sup>3</sup>

3. We utterly prohibit those who have been excommunicated by their bishops to be received by others<sup>4</sup>. Indeed, whoever knowingly presumes to communicate someone who has been excommunicated, before he is absolved by the one who excommunicated him, is to be held liable to the same sentence.

4. We also enjoin that bishops as well as clergy take pains to be pleasing to God and to humans in both their interior and exterior comportment. Let them give no offence in the sight of those for whom they ought to be a model and example, by the excess, cut or colour of their clothes, nor with regard to the tonsure, but rather, as is fitting for them, let them exhibit holiness<sup>5</sup>. If after a warning from the bishops they are unwilling to change their ways, let them be deprived of their ecclesiastical benefices.<sup>6</sup>

5. We enjoin that what was laid down in the sacred council of Chalcedon<sup>7</sup> be rigidly adhered to, namely, that the goods of deceased bishops are not to be seized by anyone at all, but are to remain freely at the disposal of the treasurer and the clergy for the needs of the church and the succeeding incumbent. Therefore, from now on, let that detestable and wicked rapacity cease. Furthermore, if anyone dares to attempt this behaviour henceforth, he is to be excommunicated. And those who despoil the goods of dying priests or clerics are to be subject to the same sentence.<sup>8</sup>

<sup>1</sup> Council of Clermont (1130), canon 1 in part (Msi 21, 438); council of Rheims (1131), canon 1 in part (Msi 21, 458); council of Pisa (1135), canon 1 in part (Msi 21, 489).

<sup>2</sup> If anyone . . . infamy: council of Clermont (1130), canon 1 in part (Msi 21, 438); council of Rheims (1131), canon 1 in part (Msi 21, 458); council of Pisa (1135), canon 1 in part (Msi 21, 489).

<sup>3</sup> ch. 15 C. I q. 3 (Fr 1, 418).

<sup>4</sup> See council of Melfi (1089), canon 15 (Msi 20, 724); Lateran council I, canon 2 (see above p. 190).

<sup>5</sup> We also enjoin . . . holiness: council of Clermont (1130), canon 2 (Msi 21, 438); council of Rheims (1131), canon 2 (Msi 21, 458).

<sup>6</sup> ch. 5 C. XXI q. 4 (Fr 1, 859); see council of Rheims (1148), canon 2 (Msi 21, 714).

<sup>7</sup> See council of Chalcedon, canon 22 (ACO II/2, 151, 183, 194, 201; see above p. 97).

<sup>8</sup> Council of Clermont (1130), canon 3 (Msi 21, 438); council of Rheims (1131), canon 3 (Msi 21, 458); ch. 47 C. XII q. 2 (Fr 1, 702).

6. Decernimus etiam ut ii<sup>a</sup>, qui in ordine subdiaconatus et supra uxores duxerint aut concubinas habuerint, officio atque ecclesiastico<sup>b</sup> beneficio careant. Cum enim ipsi templum Dei, vasa Domini, sacrarium Spiritus sancti debeant esse et dici, indignum est eos cubilibus et im-

munditiis<sup>1</sup> deservire.<sup>2</sup>

7. Ad haec praedecessorum nostrorum Gregorii VII, Urbani et Paschalis Romanorum pontificum vestigiis inhaerentes, praecipimus<sup>c</sup> ut nullus missas eorum audiat, quos uxores vel concubinas habere cognoverit<sup>3</sup>. Ut autem lex continentiae et Deo placens munditia in ecclesiasticis personis et sacris ordinibus dilatetur, statuimus quatenus episcopi presbyteri diaconi subdiaconi regulares canonici et monachi atque conversi praesumpserint, separentur. Huiusmodi namque copulationem, quam contra ecclesiasticam regulam constat esse contractam, matrimonium non esse censemus. Qui etiam ab invicem separati, pro tantis excessibus condignam poenitentiam agant<sup>4</sup>.

8. Id ipsum quoque de sanctimonialibus feminis si, quod absit, nubere attentaverint, observari decernimus.<sup>5</sup>

9. Prava autem consuetudo, prout accepimus, et detestabilis inolevit, quoniam<sup>h</sup> monachi et regulares canonici post susceptum habitum et professionem factam, sprete beatorum magistrorum Benedicti et Augustini regula, leges temporales et medicinam gratia lucri temporalis addiscunt. Avaritiae namque flammis accensi, se patronos causarum faciunt; et cum psalmodiae et hymnis vacare debeant<sup>i</sup>, gloriosae vocis confisi munimine, allegationum suarum varietate iustum et iniustum, fas<sup>k</sup> nefasque confundunt. Attestantur<sup>l</sup> vero<sup>m</sup> imperiales constitutiones, absurdum immo et<sup>b</sup> opprobrium esse clericis, si peritos se velint disceptationum esse forensium. Huiusmodi temeratores graviter feriendos<sup>n</sup>, apostolica auctoritate decernimus<sup>o</sup>. Ipsi quoque<sup>p</sup>, neglecta animarum cura, ordinis sui propositum nullatenus attendentes, pro detestanda pecunia sanitatem pollicentes, humanorum curatores se faciunt<sup>q</sup> corporum. Cumque impudicus oculus impudicis cordis sit nuntius, illa<sup>f</sup> de quibus loqui erubescit honestas, non debet religio pertractare. Ut ergo ordo monasticus et canonicus Deo placens in sancto proposito

35 a hi Br b om. Br c interdicimus Br d et professi v. l. in Rm e sacrum Br  
f praeceptum v. l. in Rm g poenitentiam agant condignam Br  
h quod et Br i deberent Br k fasque Br l attestantes Br m enim Br  
n temeratoribus . . . feriendis Br o apostolica . . . decernimus om. Br  
p canonici et monachi add. Br q se faciunt curatores Br r etiam add. Br

<sup>1</sup> Cf. Rm 13, 13.

<sup>2</sup> Conc. Claromontanum (1130), c. 4 (Msi 21, 438); conc. Remense (1131), c. 4 (Msi 21, 458); c. 2 D. XXVIII (Fr 1, 101).

<sup>3</sup> Ad haec . . . cognoverit: conc. Remense (1131), c. 5 (Msi 21, 459).

<sup>4</sup> Ut autem lex . . . agant: c. 40 C. XXVII q. 1 partim (Fr 1, 1059); cf. conc. Lat. I, c. 21 b (v. supra p. 194).

<sup>5</sup> c. 40 C. XXVII q. 1 partim (Fr 1, 1059).

6. We also decree that those in the orders of subdeacon and above who have taken wives or concubines are to be deprived of their position and ecclesiastical benefice. For since they ought to be in fact and in name temples of God, vessels of the Lord and sanctuaries of the holy Spirit, it is unbecoming that they give themselves up to marriage and impurity<sup>1,2</sup>.

7. Adhering to the path trod by our predecessors, the Roman pontiffs Gregory VII, Urban and Paschal, we prescribe that nobody is to hear the masses of those whom he knows to have wives or concubines<sup>3</sup>. Indeed, that the law of continence and the purity pleasing to God might be propagated among ecclesiastical persons and those in holy orders, we decree that where bishops, priests, deacons, subdeacons, canons regular, monks and professed lay brothers have presumed to take wives and so transgress this holy precept, they are to be separated from their partners. For we do not deem there to be a marriage which, it is agreed, has been contracted against ecclesiastical law. Furthermore, when they have separated from each other, let them do a penance commensurate with such outrageous behaviour<sup>4</sup>.

8. We decree that the selfsame thing is to apply also to women religious if, God forbid, they attempt to marry.<sup>5</sup>

9. Moreover, the evil and detestable practice has grown, so we understand, whereby monks and canons regular, after receiving the habit and making their profession, are learning civil law and medicine with a view to temporal gain, in scornful disregard of the rules of their blessed teachers Benedict and Augustine. In fact, burning with the fire of avarice, they make themselves the advocates of suits; and since they have to neglect the psalms and hymns, placing their trust in the power of fine rhetoric instead, they confuse what is right and what is wrong, justice and iniquity, by reason of the variety of their arguments. But the imperial constitutions testify that it is truly absurd and reprehensible for clerics to want to be experts in the disputes of law courts. We decree by apostolic authority that lawbreakers of this kind are to be severely punished. There are also those who, neglecting the care of souls, completely ignore their state in life, promise health in return for hateful money and make themselves healers of human bodies. And since an immodest eye manifests an immodest heart, religion ought to have nothing to do with those things of which virtue is ashamed to speak. Therefore, we forbid by apostolic authority this practice to continue, so

<sup>1</sup> See Rm 13, 13.

<sup>2</sup> Council of Clermont (1130), canon 4 (Msi 21, 438); council of Rheims (1131), canon 4 (Msi 21, 458); ch. 2 D. XXVIII (Fr 1, 101).

<sup>3</sup> Adhering . . . concubines: council of Rheims (1131), canon 5 (Msi 21, 459).

<sup>4</sup> Indeed . . . behaviour: ch. 40 C. XXVII q. 1 in part (Fr 1, 1059); see Lateran council I, canon 21b (see above p. 194).

<sup>5</sup> ch. 40 C. XXVII q. 1 in part (Fr 1, 1059).

inviolabiliter conservetur, ne hoc ulterius praesumatur, apostolica auctoritate<sup>a</sup> interdicimus. Episcopi autem, abbates et priores tantae enormitati consentientes et non corrigentes, propriis honoribus spolientur et<sup>b</sup> ab ecclesiae liminibus arceantur.<sup>1</sup>

10. Decimas ecclesiarum, quas in usu pietatis concessas esse canonica demonstrat auctoritas, a laicis possideri apostolica auctoritate<sup>a</sup> prohibemus. Sive enim ab episcopis vel regibus vel quibuslibet personis eas acceperint, nisi ecclesiae reddiderint, sciant se sacrilegii crimen committere et periculum aeternae damnationis incurrere<sup>2</sup>. Praecipimus etiam ut laici, qui ecclesias tenent, aut eas episcopis restituant aut excommunicationi subiaceant<sup>3</sup>. Innovamus autem et praecipimus, ut nullus in archidiaconum vel decanum nisi diaconus vel presbyter ordinetur; archidiaconi vero, decani<sup>c</sup> vel praepositi<sup>d</sup>, qui infra ordines praenominatos existunt, si inoboedientes ordinari contempserint, honore suscepto priventur<sup>e</sup><sup>4</sup>. Prohibemus autem ne adolescentibus vel infra sacros ordines constitutis, sed<sup>f</sup> qui<sup>f</sup> prudentia et merito vitae clarescunt, praedicti concedantur honores<sup>5</sup>. Praecipimus etiam ne conductitiis<sup>g</sup> presbyteris ecclesiae committantur et unaquaqueque ecclesia, cui facultas suppetit, proprium habeat sacerdotem.<sup>6</sup>

11. Praecipimus etiam ut presbyteri, clerici, monachi, peregrini et mercatores et<sup>b</sup> rustici euntes et redeuntes et in agricultura persistentes, et animalia cum quibus aratur<sup>i</sup> et semina portant ad agrum, et oves<sup>k</sup>, omni tempore securi sint.<sup>7</sup>

12. Treguam autem<sup>l</sup> ab occasu solis in quarta feria usque ad ortum solis in secunda feria, et ab adventu Domini usque ad octavas epiphaniae et a quinquagesima usque ad octavam paschae, ab omnibus inviolabiliter observari praecipimus. Si quis autem treguam<sup>h</sup> frangere tentaverit, post tertiam commonitionem si non satisfecerit, episcopus suus in eum excommunicationis<sup>h</sup> sententiam dictet et scriptam<sup>m</sup> episcopis vicinis<sup>n</sup>

<sup>a</sup> auctoritate apostolica Br <sup>b</sup> vel Br et v. l. in Rm Bn<sup>o</sup> RE <sup>c</sup> vel praepositi Br

<sup>d</sup> decani Br <sup>e</sup> priventur suscepto Br <sup>f</sup> nisi Br <sup>g</sup> inductiis Br

<sup>h</sup> om. Br <sup>i</sup> fortasse arant <sup>k</sup> et animalia . . . oves om. Br <sup>l</sup> Dei add. Br

<sup>m</sup> fortasse scripto <sup>n</sup> vicinis episcopis Br

<sup>1</sup> Conc. Claromontanum (1130), c. 5 (Msi 21, 438-439); conc. Remense (1131), c. 6 (Msi 21, 459).

<sup>2</sup> Decimas . . . incurrere: conc. Romanum (1078), c. 6 (Msi 20, 510); c. 1 C. XVI q. 7 partim, sub nomine Gregorii papae VII (Fr 1, 800).

<sup>3</sup> Praecipimus . . . subiaceant: conc. Claromontanum (1130), c. 6 (Msi 21, 439); conc. Remense (1131), c. 7 (Msi 21, 459).

<sup>4</sup> Innovamus . . . priventur: conc. Claromontanum (1130), c. 7 (Msi 21, 439); conc. Pisanum (1135), c. 7 (Msi 21, 489).

<sup>5</sup> Innovamus . . . honores: conc. Remense (1131), c. 8 (Msi 21, 459-460); c. 3 D. LX (Fr 1, 226-227); Prohibemus . . . honores: conc. Pisanum (1135), c. 9 (Msi 21, 489-490).

<sup>6</sup> Praecipimus . . . sacerdotem: conc. Remense (1131), c. 9 (Msi 21, 460); c. 5 C. XXI q. 2 (Fr 1, 855). De hoc c. cf. Gerhohus praepositus Reichersbergensis, *Liber de novitatibus huius temporis*, ed. E. Sackur, in MGH *Libelli*, III Hannoverae 1897, 291.

<sup>7</sup> Conc. Claromontanum (1130), c. 8 partim (Msi 21, 439); conc. Remense (1131), c. 10 (Msi 21, 460).

that the monastic order and the order of canons may be preserved without stain in a state of life pleasing to God, in accord with their holy purpose. Furthermore, bishops, abbots and priors who consent to and fail to correct such an outrageous practice are to be deprived of their own honours and kept from the thresholds of the church.<sup>1</sup>

10. We prohibit, by apostolic authority, that the tithes of churches be possessed by lay people where canonical authority shows these were assigned for religious purposes. For whether they accept them from bishops or kings, or any person whatsoever, let them know that they are committing the crime of sacrilege and incurring the threat of eternal damnation, unless they hand them back to the church<sup>2</sup>. We also direct that lay people who are in possession of churches must either restore them to the bishops or become subject to excommunication<sup>3</sup>. We reiterate our decision that nobody is to hold the office of archdeacon or dean unless he is ordained deacon or priest; and archdeacons, deans or provosts who are without these orders are to be deprived of the honour they have received, if through disobedience they refuse to be ordained<sup>4</sup>. Moreover, we forbid the aforesaid honours to be conferred on youths or those not yet in sacred orders; let them be conferred rather on those who are outstanding in prudence and integrity of life<sup>5</sup>. We also enjoin that churches are not to be entrusted to hired priests and that each and every church with sufficient means is to have its own priest.<sup>6</sup>

11. We also prescribe that priests, clerics, monks, pilgrims, merchants and peasants, in their coming and going and their work on the land, and the animals with which they plough and carry seeds to the fields, and their sheep<sup>k</sup>, be left in peace at all times.<sup>7</sup>

12. We decree that the truce<sup>l</sup> is to be inviolably observed by all from sunset on Wednesday until sunrise on Monday, and from Advent until the octave of the Epiphany, and from Quinquagesima until the octave of Easter. If anyone tries to break the truce, and he does not comply after the third warning, let his bishop pronounce sentence of excommunication on him, and communicate his decision in writing to the neighbouring bishops. Moreover let none of the bishops receive

<sup>k</sup> and the animals . . . sheep omitted in Br

<sup>l</sup> of God added in Br

<sup>1</sup> Council of Clermont (1130), canon 5 (Msi 21, 438-439); council of Rheims (1131), canon 6 (Msi 21, 459).

<sup>2</sup> We prohibit . . . church: council of Rome (1078), canon 6 (Msi 20, 510); ch. 1 C. XVI q. 7 in part, under the name of pope Gregory VII (Fr 1, 800).

<sup>3</sup> We also direct . . . excommunication: council of Clermont (1130), canon 6 (Msi 21, 439); council of Rheims (1131), canon 7 (Msi 21, 459).

<sup>4</sup> We reiterate . . . ordained: council of Clermont (1130), canon 7 (Msi 21, 439); council of Pisa (1135), canon 7 (Msi 21, 489).

<sup>5</sup> We reiterate . . . life: council of Rheims (1131), canon 8 (Msi 21, 459-460); ch. 3 D. LX (Fr 1, 226-227); Moreover . . . life: council of Pisa (1135), canon 9 (Msi 21, 489-490).

<sup>6</sup> We also enjoin . . . priests: council of Rheims (1131), canon 9 (Msi 21, 460); ch. 5 C. XXI q. 2 (Fr 1, 855); On this canon see Gerhoh, provost of Reichersberg, *Liber de novitatibus huius temporis*, ed. E. Sackur, in MGH *Libelli*, III Hanover 1897, 291.

<sup>7</sup> Council of Clermont (1130), canon 8 in part (Msi 21, 439); council of Rheims (1131), canon 10 (Msi 21, 460).

annuntiet. Episcoporum autem nullus excommunicatum<sup>a</sup> in communionem suscipiat, immo scripto susceptam sententiam quisque confirmet. Si quis autem hoc violare praesumpserit, ordinis sui periculo subiacebit. Et quoniam *funiculus triplex difficile rumpitur*<sup>1</sup>, praecipimus<sup>2</sup> ut episcopi,  
 5 ad solum Deum et salutem populi habentes respectum, omni tepiditate seposita, ad pacem firmiter tenendam mutuam sibi consilium et auxilium praebent neque hoc alicuius amore aut odio praetermittant<sup>b</sup>. Quod si quis in hoc Dei opere<sup>c</sup> tepidus inventus fuerit, damnum propriae dignitatis incurrat.<sup>3</sup>

10 13. Porro detestabilem et probrosam divinis et humanis legibus, per Scripturam in veteri et novo Testamento abdicatam, illam, inquam, insatiabilem foeneratorum rapacitatem damnamus et ab omni ecclesiastica consolatione sequestramus, praecipientes ut nullus archiepiscopus, nullus episcopus vel cuiuslibet ordinis abbas seu quis in ordine et clero, nisi cum summa cautela usurarios recipere praesumat; sed in tota vita infames habeantur et nisi resipuerint, christiana sepultura priverentur.<sup>4</sup>

14. Detestabiles autem illas nundinas vel ferias, in quibus milites ex conducto convenire solent et ad ostentationem virium suarum et audaciae temerarie<sup>d</sup> congregantur, unde mortes hominum et animarum pericula saepe proveniunt, omnino<sup>e</sup> fieri interdiximus. Quod si quis eorum ibidem mortuus fuerit, quamvis ei poscenti poenitentia et viaticum non negetur, ecclesiastica tamen careat sepultura.<sup>5</sup>

15. Item placuit ut si quis, suadente diabolo, huius<sup>f</sup> sacrilegii reatum incurreret<sup>g</sup>, quod<sup>h</sup> in clericum vel monachum violentas<sup>i</sup> manus iniecerit<sup>k</sup>, anathematis<sup>l</sup> vinculo<sup>l</sup> subiaceat et nullus episcoporum illum praesumat absolvere, nisi mortis urgente periculo, donec apostolico conspectui praesentetur et eius mandatum suscipiat<sup>m</sup>. Praecipimus etiam ut in eos, qui ad ecclesiam vel coemeterium confugerint, nullus omnino manum<sup>m</sup> mittere audeat. Quod si<sup>n</sup> fecerit, excommunicetur.<sup>7</sup>

30 <sup>a</sup> excommunicatos *Br*    <sup>b</sup> neque . . . praetermittant] ne . . . praetermittatur *Br*  
<sup>c</sup> opere Dei *Br*    <sup>d</sup> temerariae *Br*    <sup>e</sup> omni modo *Br*    <sup>f</sup> in *Br*    <sup>g</sup> incurrit *Rm*  
<sup>h</sup> sive *Br*    <sup>i</sup> om. *Br*    <sup>k</sup> violenter *add. Br*  
<sup>l</sup> anathemati *Br*    <sup>m</sup> manus *Br*    <sup>n</sup> qui *Br*

<sup>1</sup> Ec 4, 12.    <sup>2</sup> praecipimus . . . incurrat: c. 11 D. XC (Fr 1, 315).

<sup>3</sup> Conc. Claromontanum (1130), c. 8 partim (Msi 21, 439); conc. Remense (1131), c. 11 (Msi 21, 460).

<sup>4</sup> Cf. T. P. McLaughlin, *The Teaching of Canonists on Usury . . .*, Mediaeval Studies 1 (1939) 84; 2 (1940) 4 sqq.

<sup>5</sup> Conc. Claromontanum (1130), c. 9 (Msi 21, 439); conc. Remense (1131), c. 12 (Msi 21, 460-461).

<sup>6</sup> Item placuit . . . suscipiat: conc. Remense (1131), c. 13 (Msi 21, 461); conc. Pisanum (1135), c. 12 (Msi 21, 490); c. 29 C. XVII q. 4 (Fr 1, 822).

<sup>7</sup> Praecipimus etiam . . . excommunicetur: conc. Remense (1131), c. 14 (Msi 21, 461); conc. Pisanum (1135), c. 14 (Msi 21, 490); Item placuit . . . anathematis vinculo subiaceat. Quod si fecerit, excommunicetur: conc. Claromontanum (1130), c. 10 (Msi 21, 439). De hoc c. cf. inter alia DThC 7, 1221; S. Kuttner, *Kanonistische Schuldlehre von Gratian bis auf die Dekretalen Gregors IX.* (Studi e testi 64), Città del Vaticano 1935, 68-69.

into communion the excommunicated person, but rather let each confirm the sentence received in writing. If anyone presumes to infringe this, he will do so at the risk of his position. Since *a threefold cord is not quickly broken*<sup>1</sup>, we enjoin<sup>2</sup> bishops, having regard for God alone and the salvation of the people, and laying aside all timidity, to furnish each other with mutual counsel and help towards firmly maintaining peace, and not to omit this duty by reason of any affection or aversion. For if anyone is found to be lukewarm in this work of God, let him incur the loss of his dignity.<sup>3</sup>

13. Furthermore, we condemn that practice accounted despicable and blameworthy by divine and human laws, denounced by Scripture in the old and new Testaments, namely, the ferocious greed of usurers; and we sever them from every comfort of the church, forbidding any archbishop or bishop, or an abbot of any order whatever or anyone in clerical orders, to dare to receive usurers, unless they do so with extreme caution; but let them be held infamous throughout their whole lives and, unless they repent, be deprived of a christian burial.<sup>4</sup>

14. We entirely forbid, moreover, those abominable jousts and tournaments in which knights come together by agreement and rashly engage in showing off their physical prowess and daring, and which often result in human deaths and danger to souls. If any of them dies on these occasions, although penance and viaticum are not to be denied him when he requests them, he is to be deprived of a church burial.<sup>5</sup>

15. In the same way we have decided to legislate that if anyone, at the instigation of the devil, incurs the guilt of the following sacrilege, that is, to lay violent hands on a cleric or a monk, he is to be subject to the bond of anathema; and let no bishop presume to absolve such a person unless he is in immediate danger of death, until he has been presented before the apostolic See and submits to its decision<sup>6</sup>. We also prescribe that nobody dare to lay hands on those who flee to a church or cemetery. If anyone does this, let him be excommunicated.<sup>7</sup>

<sup>1</sup> Ec 4, 12.    <sup>2</sup> we enjoin . . . dignity: ch. 11 D. XC (Fr 1, 315).

<sup>3</sup> Council of Clermont (1130), canon 8 in part (Msi 21, 439); council of Rheims (1131), canon 11 (Msi 21, 460).

<sup>4</sup> See T. P. McLaughlin, *The Teaching of Canonists on Usury . . .*, Mediaeval Studies 1 (1939) 84; 2 (1940) 4 ff.

<sup>5</sup> Council of Clermont (1130), canon 9 (Msi 21, 439); council of Rheims (1131), canon 12 (Msi 21, 460-461).

<sup>6</sup> In the same . . . decision: council of Rheims (1131), canon 13 (Msi 21, 461); council of Pisa (1135), canon 12 (Msi 21, 490); ch. 29 C. XVII q. 4 (Fr 1, 822).

<sup>7</sup> We also . . . excommunicated: council of Rheims (1131), canon 14 (Msi 21, 461); council of Pisa (1135), canon 14 (Msi 21, 490); In the same . . . bond of anathema. If anyone does this, let him be excommunicated: council of Clermont (1130), canon 10 (Msi 21, 439). On this canon see among others DThC 7, 1221; S. Kuttner, *Kanonistische Schuldlehre von Gratian bis auf die Dekretalen Gregors IX.* (Studi e testi 64), Vatican City 1935, 68-69.



16. Indubitatum est quoniam honores ecclesiastici sanguinis non sunt sed meriti, et ecclesia Dei non hereditario iure aliquem<sup>a</sup>, neque<sup>b</sup> secundum carnem, successorem<sup>c</sup> expectat<sup>c</sup>, sed ad sua regimina et officiorum suorum dispensationes, honestas sapientes et religiosas personas exposcit<sup>d</sup>. Propterea<sup>1</sup> auctoritate prohibemus apostolica, ne quis ecclesias, prae-  
bendas, praeposuras, capellanas aut aliqua<sup>a</sup> ecclesiastica officia hereditario iure valeat vindicare aut expostulare<sup>e</sup> praesumat. Quod si quis improbus aut ambitionis<sup>f</sup> reus<sup>f</sup> attentare praesumpserit, debita pena mulctabitur et postulatis carebit.<sup>2</sup>

17. Sane coniunctiones consanguineorum omnino fieri prohibemus; huiusmodi namque incestum<sup>g</sup>, qui fere<sup>h</sup> (stimulante humani generis inimico) in usum versus<sup>i</sup> est, sanctorum patrum instituta et sacrosancta Dei detestatur ecclesia. Leges etiam saeculi de tali contubernio natos, infames pronuntiant et ab hereditate repellunt.<sup>3</sup>

18. Pessimam siquidem et depopulatricem et horrendam incendiorum<sup>k</sup> malitiam, auctoritate Dei et beatorum apostolorum Petri et Pauli, omnino detestamur et interdicimus<sup>4</sup>. Haec etenim<sup>l</sup> pestis et<sup>m</sup> hostilis vastitas omnes alias depraedationes exsuperat; quae quantum populo Dei sit damnosa quantumque detrimentum animabus et corporibus inferat<sup>n</sup>, nullus ignorat. Assurgendum est igitur et omni<sup>o</sup> modo<sup>o</sup> laborandum, ut tanta clades<sup>a</sup> tantaque<sup>a</sup> pernicies pro salute populi eradicetur et extirpetur. Si quis igitur post huius nostrae prohibitionis promulgationem, malo studio sive pro odio sive pro vindicta, ignem<sup>p</sup> apposuerit vel apponi fecerit aut appositoribus consilium vel auxilium scienter<sup>q</sup> tribuerit, excommunicetur. Et si mortuus fuerit incendiarius, christianorum careat sepultura.  
Nec absolvatur nisi prius, damno cui intulit secundum facultatem suam resarcito, iuret se ulterius ignem non appositorum. Poenitentia autem<sup>r</sup> ei<sup>q</sup> detur<sup>q</sup>, ut Hierosolymis aut in Hispania in servitio Dei per annum integrum permaneat.<sup>5</sup>

19. Si quis autem archiepiscopus vel<sup>a</sup> episcopus<sup>a</sup> hoc<sup>r</sup> relaxaverit, 30  
damnum restituat et per<sup>3</sup> annum<sup>a</sup> ab<sup>a</sup> officio episcopali absteat.<sup>6</sup>

<sup>a</sup> om. Br    <sup>b</sup> non Br    <sup>c</sup> successores expectet Br    <sup>d</sup> exposcat Br  
<sup>e</sup> expoliare v. l. in Br ea postulare v. l. in Hrd Cl Msi    <sup>f</sup> ambitiosus Br  
<sup>g</sup> incestus Br    <sup>h</sup> quod iam Br    <sup>i</sup> versum Br  
<sup>k</sup> incendiariorum a LC ad Msi    <sup>l</sup> enim Br    <sup>m</sup> haec Br Cl Msi    <sup>n</sup> conferat Br 35  
<sup>o</sup> omnino Br    <sup>p</sup> ignes Br    <sup>q</sup> videtur Rm Bn<sup>2</sup> ER et v. l. a LC    <sup>r</sup> haec Br

<sup>1</sup> Propterea . . . carebit: c. 7 C. VIII q. 1 (Fr 1, 591).

<sup>2</sup> Conc. Claromontanum (1130), c. 11 (Msi 21, 439); conc. Remense (1131), c. 15 (Msi 21, 461).

<sup>3</sup> Conc. Claromontanum (1130), c. 12 (Msi 21, 439-440); conc. Remense (1131), c. 16 (Msi 21, 461); cf. conc. Lat. I, c. 9 (v. supra p. 191).

<sup>4</sup> Pessimam . . . interdicimus. Si quis . . . permaneat: c. 32 C. XXIII q. 8 partim (Fr 1, 964-965).

<sup>5</sup> Conc. Claromontanum (1130), c. 13 partim (Msi 21, 440); conc. Remense (1131), c. 17 partim (Msi 21, 461-462). De hoc et duobus sqq. c. cf. *Casus monasterii Petribusensis*, edd. O. Abel et L. Weiland, in MGH *Script.*, XX Hannoverae 1868, 673.

<sup>6</sup> Conc. Claromontanum (1130), c. 13 partim (Msi 21, 440); conc. Remense (1131), c. 17 partim (Msi 21, 462); c. 32 C. XXIII q. 8 partim (Fr 1, 965).

16. It is undoubtedly the case that since ecclesiastical honours depend not on blood-relationships but on merit, and since the church of God awaits successors not on the basis of any right of inheritance, nor according to the flesh, it requires virtuous, wise and devout persons for its administration and the distribution of its offices. Therefore<sup>1</sup> we prohibit, by apostolic authority, anyone to exercise a claim over or to demand, by hereditary right, churches, prebends, provostships, chaplaincies or any ecclesiastical offices. If anyone, unjustly and guilty of ambition, dares to attempt this, he will be duly punished and deprived of the object of his suit.<sup>2</sup>

17. With good reason we entirely prohibit unions within the bounds of consanguinity; for the teachings of holy fathers and the holy church of God detest incestuous behaviour of this kind, which (under the influence of the enemy of the human race) is engaged in nowadays. Even the secular laws pronounce those born of such a union infamous, and refuse them the right of inheritance.<sup>3</sup>

18. We completely detest and forbid, by the authority of God and the blessed apostles Peter and Paul, that most dreadful, devastating and malicious crime of incendiariism.<sup>4</sup> For this pernicious and inimical calamity surpasses all other kinds of destruction. Nobody is unaware of the extent to which it is injurious to the people of God and the damage it brings to souls and bodies. It is necessary, therefore, to oppose it and to labour with all one's might, that so great a harm and danger be eradicated and suppressed for the sake of the people. If anyone, then, after the publication of this prohibition of ours, from some wicked design born of hate or vengeance, starts a fire or causes it to be started, or knowingly provides counsel or help to those starting one, let him be excommunicated. And when an arsonist dies, he is to be deprived of a christian burial. Nor is he to be absolved unless, having first made reparation for the loss according to his means, he swears that he will never raise a fire again. Moreover, let him be given the penalty of remaining a whole year in Jerusalem or Spain in the service of God.<sup>5</sup>

19. If any archbishop or bishop relaxes this decree, he is to make restitution for the loss and abstain from his episcopal office for a year.<sup>6</sup>

<sup>1</sup> Therefore . . . suit: ch. 7 C. VIII q. 1 (Fr 1, 591).

<sup>2</sup> Council of Clermont (1130), canon 11 (Msi 21, 439); council of Rheims (1131), canon 15 (Msi 21, 461).

<sup>3</sup> Council of Clermont (1130), canon 12 (Msi 21, 439-440); council of Rheims (1131), canon 16 (Msi 21, 461); see Lateran council I, canon 9 (see above p. 191).

<sup>4</sup> We completely . . . incendiariism. If anyone . . . of God: ch. 32 C. XXIII q. 8 in part (Fr 1, 964-965).

<sup>5</sup> Council of Clermont (1130), canon 13 in part (Msi 21, 440); council of Rheims (1131), canon 17 in part (Msi 21, 461-462). On this and the two following canons see *Casus monasterii Petribusensis*, edd. O. Abel et L. Weiland, in MGH *Script.*, XX Hannover 1868, 673.

<sup>6</sup> Council of Clermont (1130), canon 13 in part (Msi 21, 440); council of Rheims (1131), canon 17 in part (Msi 21, 462); ch. 32 C. XXIII q. 8 in part (Fr 1, 965).

20. Sane regibus et principibus facultatem<sup>a</sup> faciendae<sup>a</sup> iustitiae, consultis archiepiscopis et episcopis, non negamus.<sup>1</sup>

21. Presbyterorum filios a sacri altaris ministeriis removendos decernimus, nisi aut in coenobiis aut in canonicis religiose fuerint conversati<sup>2</sup>.

22. Sane quia inter cetera unum est quod sanctam maxime perturbat ecclesiam, falsa videlicet poenitentia, confratres<sup>3a</sup> nostros<sup>b</sup> et presbyteros admonemus<sup>c</sup>, ne falsis poenitentibus laicorum animas decipi<sup>d</sup> et in infernum pertrahi patiantur. Falsam autem poenitentiam esse constat cum, spretis pluribus, de uno solo poenitentia agitur aut cum sic agitur de uno ut non discedatur ab<sup>e</sup> alio. Unde scriptum est: *Qui totam legem observaverit, offendit<sup>f</sup> autem in uno, factus est omnium reus<sup>4</sup>*, scilicet quantum ad vitam aeternam. Sicut enim si peccatis esset omnibus involutus, ita si in uno tantum maneat, aeternae vitae ianua non intrabit<sup>g</sup>. Falsa etiam<sup>h</sup> fit<sup>h</sup> poenitentia, cum poenitens ab officio vel curiali vel negotiali non recedit, quod sine peccato<sup>i</sup> agi nulla ratione praevallet, aut si odium in corde aestetur, aut si offenso cuilibet<sup>k</sup> non satisfiat, aut si offendentis offensus non<sup>l</sup> indulgeat, aut si arma quis contra iustitiam gerat.<sup>5</sup>

23. Eos<sup>m</sup> autem qui religiositatis<sup>n</sup> speciem simulantes, Domini corporis et sanguinis sacramentum, baptismum puerorum, sacerdotium et ceteros ecclesiasticos ordines, et legitimarum damnant foedera nuptiarum, tamquam haereticos ab ecclesia Dei pellimus et damnamus, et per potestates exterarum<sup>o</sup> coerceri praecipimus. Defensores quoque ipsorum eiusdem damnationis vinculo innodamus.<sup>6</sup>

24. Illud quoque adicientes praecipimus, ut pro chrismatis, olei sacri et sepulturae acceptione nullum venditionis pretium exigatur.<sup>7</sup>

25. Si quis praeposituras, praebendas vel alia ecclesiastica beneficia de manu laici acceperit, indigne suscepto careat beneficio. Iuxta namque decreta sanctorum patrum, laici, quamvis religiosi sint, nullam tamen habent disponendi de ecclesiasticis facultatibus potestatem.<sup>8</sup>

30 <sup>a</sup> faciendae facultatem *Br*

<sup>b</sup> fratres nostros episcopos *v. l. in LC Hrd CI Msi*    <sup>c</sup> commonemus *Br*

<sup>d</sup> decipiant *Br*    <sup>e</sup> de *Br*    <sup>f</sup> offendat *Br*    <sup>g</sup> sicut . . . intrabit *om. Br*

<sup>h</sup> est autem *Br*    <sup>i</sup> peccatis *Br*    <sup>k</sup> cuilibet offenso *Br*    <sup>l</sup> non offendentis offensus *Br*

<sup>m</sup> hos *Br*    <sup>n</sup> religionis *Br et v. l. in Rm Bn<sup>2</sup> ER*

35 <sup>o</sup> ceteras *Br et v. l. in Rm Bn<sup>2</sup> ER fortasse terrenas*

<sup>1</sup> Conc. Claromontanum (1130), c. 13 partim (Msi 21, 440); conc. Remense (1131), c. 17 partim (Msi 21, 462); c. 32 C. XXIII q. 8 partim (Fr 1, 965).

<sup>2</sup> Conc. Melfitanum (1089), c. 14 (Msi 20, 724); c. 1 D. LVI sub nomine Urbani papae II (Fr 1, 219).

<sup>3</sup> Confratres . . . gerat: c. 8 D. V *de poen.* (Fr 1, 1242).    <sup>4</sup> Ic 2, 10.

<sup>5</sup> Conc. Melfitanum (1089), c. 16 (Msi 20, 724).

<sup>6</sup> Conc. Tolosanum (1119), c. 3 (Msi 21, 226-227); cf. R. Manselli, *Bullettino dell'Ist. Stor. Ital. per il Medio Evo* 65 (1953) 30 et n. 1; A. Borst, *Die Katharer* (Schriften der MGH 12), Stuttgart 1953, 115 n. 21; cf. etiam A. Frugoni, *Arnaldo da Brescia nelle fonti del secolo XII*, Roma 1954, 21-22.

<sup>7</sup> Conc. Tolosanum (1119), c. 9 (Msi 21, 227).

<sup>8</sup> Cf. conc. Lat. I, c. 8 (v. supra p. 191); cf. etiam ps.-Isid., Steph. 12 (Hinschius 186).

20. As is right, we do not deny to kings and princes the power to dispense justice, in consultation with the archbishops and bishops.<sup>1</sup>

21. We decree that sons of priests are to be removed from the ministries of the sacred altar unless they are living religiously in monasteries or canonries.<sup>2</sup>

22. Because there is one thing that conspicuously causes great disturbance to holy church, namely, false penance, we warn<sup>3</sup> our brothers in the episcopate and priests not to allow the souls of the laity to be deceived or dragged off to hell by false penances. It is agreed that a penance is false when many sins are disregarded and a penance is performed for one only, or when it is done for one sin in such a way that the penitent does not renounce another. Thus it is written: *Whoever keeps the whole law but fails in one point, has become guilty of all of it<sup>4</sup>*; this evidently pertains to eternal life. Therefore, just as a person who is entangled in all sins will not enter the gate of eternal life, so also if a person remains in one sin<sup>5</sup>. False penance also occurs when the penitent does not resign a position at a court or in business which cannot be carried on without sin, or if hate is harboured in his heart, or if the person does not make amends to whomever he offended, or if an injured party does not pardon the offender, or if anyone unjustly carries arms.<sup>6</sup>

23. Those who, simulating a kind of religiosity, condemn the sacrament of the Lord's body and blood, the baptism of children, the priesthood and other ecclesiastical orders, and legitimate marriages, we expel from the church of God and condemn as heretics, and prescribe that they be constrained by the secular powers. We also bind up their defenders in the fetter of the same condemnation.<sup>6</sup>

24. We also prescribe that no sale-price is to be demanded for chrism, holy oil and burials.<sup>7</sup>

25. If anyone receives provostships, prebends or other ecclesiastical benefices from the hand of a lay person, let him be deprived of the benefice unworthily received. For the decrees of the holy fathers state that lay people, no matter how devout they may be, have no power of disposal over ecclesiastical property.<sup>8</sup>

<sup>6</sup> Therefore . . . sin omitted in *Br*

<sup>1</sup> Council of Clermont (1130), canon 13 in part (Msi 21, 440); council of Rheims (1131), canon 17 in part (Msi 21, 462); ch. 32 C. XXIII q. 8 in part (Fr 1, 965).

<sup>2</sup> Council of Melfi (1089), canon 14 (Msi 20, 724); ch. 1 D. LVI under the name of pope Urban II (Fr 1, 219).

<sup>3</sup> we warn . . . arms: ch. 8 D. V *on pen.* (Fr 1, 1242).    <sup>4</sup> Jas 2, 10.

<sup>5</sup> Council of Melfi (1089), canon 16 (Msi 20, 724).

<sup>6</sup> Council of Toulouse (1119), canon 3 (Msi 21, 226-227); see R. Manselli, *Bullettino dell'Ist. Stor. Ital. per il Medio Evo* 65 (1953) 30 and n. 1; A. Borst, *Die Katharer* (Schriften der MGH 12), Stuttgart 1953, 115 n. 21; see also A. Frugoni, *Arnaldo da Brescia nelle fonti del secolo XII*, Rome 1954, 21-22.

<sup>7</sup> Council of Toulouse (1119), canon 9 (Msi 21, 227).

<sup>8</sup> See Lateran council I, canon 8 (see above p. 191); see also pseudo-Isidore, Stephen 12 (Hinschius 186).

26. Ad haec perniciosam et detestabilem consuetudinem quarundam mulierum, quae licet neque secundum regulam beati Benedicti neque Basilii aut Augustini vivant, sanctimonialia tamen vulgo censi desiderant, aboleri decernimus<sup>a</sup>. Cum enim, iuxta regulam degentes in coenobiis, tam in ecclesia quam in refectorio atque dormitorio communiter esse debeant, propria sibi aedificant receptacula et privata domicilia, in quibus sub<sup>b</sup> hospitalitatis velamine passim hospites et minus religiosos contra sacros canones<sup>b</sup> et bonos mores suscipere nullatenus erubescunt. Quia ergo omnis qui male agit odit lucem, ac per hoc ipsae, absconditae in iustorum<sup>c</sup> tabernaculo, opinantur se posse latere oculos Iudicis cuncta cernentis, hoc tam inhonestum detestandumque flagitium, ne ulterius fiat, omnimodis prohibemus et sub poena anathematis interdicimus.<sup>1</sup>

27. Simili<sup>d</sup> modo<sup>d</sup> prohibemus, ne<sup>e</sup> sanctimoniales simul cum canonicis vel<sup>f</sup> monachis in ecclesia in uno choro conveniant ad psallendum.<sup>2</sup>

28. Obeuntibus sane episcopis, quoniam ultra tres menses vacare ecclesias<sup>g</sup> prohibent patrum<sup>h</sup> sanctiones, sub anathemate interdicimus, ne canonici de sede episcopali ab electione episcoporum excludant religiosos viros, sed eorum consilio honesta et idonea persona in episcopum eligatur. Quod si exclusis eisdem religiosis electio fuerit celebrata, quod absque eorum assensu et convenientia<sup>i</sup> factum fuerit, irritum habeatur et vacuum.<sup>3</sup>

29. Artem autem illam mortiferam et<sup>k</sup> Deo odibilem ballistariorum<sup>l</sup> et sagittariorum, adversus christianos et catholicos exerceri de cetero sub anathemate prohibemus.<sup>4</sup>

30. Ad haec<sup>m</sup> ordinationes factas a Petro Leonis et aliis schismaticis et<sup>n</sup> haereticis evacuamus et irritas esse censemus.<sup>5</sup>

<sup>a</sup> decrevimus *Br*    <sup>b</sup> *om. Br*    <sup>c</sup> iustorum *v. l. Rm Bn<sup>2</sup> iniustorum rel.*

<sup>d</sup> similiter *Br*    <sup>e</sup> *ut Br*    <sup>f</sup> *sive Br*    <sup>g</sup> *ecclesiam Br*

<sup>h</sup> *patrum prohibent Br*    <sup>i</sup> *conniventia Br*    <sup>k</sup> *om. Rm Bn<sup>2</sup>*

<sup>l</sup> *ballistaliorum Br*    <sup>m</sup> *hoc MD*    <sup>n</sup> *om. MD*

<sup>1</sup> c. 25 C. XVIII q. 2 partim (Fr 1, 836).

<sup>2</sup> c. 25 C. XVIII q. 2 partim (Fr 1, 836).

<sup>3</sup> c. 35 D. LXIII (Fr. 1, 247); atque etiam Gerhohus praepositus Reichersbergensis, *Liber de novitatibus huius temporis*, in MGH *Libelli*, III 290; *Dialogus de pontificatu sanctae Romanae ecclesiae*, ed. H. Boehmer, *ibid.*, 534. Cf. G. Schreiber, *Kurie und Kloster im 12. Jahrhundert*, I Stuttgart 1910, 163.

<sup>4</sup> c. 1 X. V 15 sub nomine Innocentii papae III (Fr 2, 805).

<sup>5</sup> Cf. conc. Pisanum (1135), c. 7 (MGH *Constit.*, I 579); cf. etiam, inter alia, conc. Lat. I, c. 5 (v. supra p. 190), atque *Annales Herbipolenses*, ed. G. H. Pertz, in MGH *Script.*, XVI 2; *Annales Seligenstadenses*, ed. L. Bethmann, in MGH *Script.*, XVII 32; *Historia Mauriniacensis monasterii*, in MGH *Script.*, XXVI 44-45; *Otonis Frisingensis Chronicon*, ed. R. Wilmans, in MGH *Script.*, XX 261; *Chronicon Urspergense*, in MGH *Script.*, XXIII 344 (de quibus cf. P. Scheffer-Boichorst, *Über die sogenannten Annalen von Seligenstadt und verwandte Quellen*, Forschungen zur deutschen Geschichte 9 [1869] 395, at v. Bernhardi 157 n. 15).

26. We decree that the pernicious and detestable custom which has spread among some women who, although they live neither according to the rule of blessed Benedict, nor Basil nor Augustine, yet wish to be thought of by everyone as nuns, is to be abolished. For when, living according to the rule in monasteries, they ought to be in church or in the refectory or dormitory in common, they build for themselves their own retreats and private dwelling-places where, under the guise of hospitality, indiscriminately and without any shame they receive guests and secular persons contrary to the sacred canons and good morals. Because everyone who does evil hates the light, these women think that, hidden in the tabernacle of the just<sup>c</sup>, they can conceal themselves from the eyes of the Judge who sees everything; so we prohibit in every way this unrighteous, hateful and disgraceful conduct and forbid it to continue under pain of anathema.<sup>1</sup>

27. In the same way, we prohibit nuns to come together with canons or monks in choir for the singing of the office.<sup>2</sup>

28. Since the decrees of the fathers prohibit churches to be left vacant for more than three months, we forbid under anathema the canons of the episcopal see to exclude religious men from the election following on the death of the bishop; but let a virtuous and suitable person be elected as bishop with their advice. Because if an election is held with these religious persons excluded, where this is done without their knowledge and consent, it is null and void.<sup>3</sup>

29. We prohibit under anathema that murderous art of crossbowmen and archers, which is hateful to God, to be employed against Christians and Catholics from now on.<sup>4</sup>

30. We render void the ordinances enacted by Peter Leoni and other schismatics and heretics, and deem them null.<sup>5</sup>

<sup>c</sup> of the just *variant reading in Rm Bn<sup>2</sup>, of the unjust others*

<sup>1</sup> ch. 25 C. XVIII q. 2 in part (Fr 1, 836).

<sup>2</sup> ch. 25 C. XVIII q. 2 in part (Fr 1, 836).

<sup>3</sup> ch. 35 D. LXIII (Fr 1, 247); and Gerhoh, provost of Reichersberg, *Liber de novitatibus huius temporis*, in MGH *Libelli*, III 290; *Dialogus de pontificatu sanctae Romanae ecclesiae*, ed. H. Boehmer, *ibid.*, 534. See G. Schreiber, *Kurie und Kloster im 12. Jahrhundert*, I Stuttgart 1910, 163.

<sup>4</sup> ch. 1, *Decretals*, V 15 under the name of pope Innocent III (Fr 2, 805).

<sup>5</sup> See council of Pisa (1135), canon 7 (MGH *Constit.*, I 579); see also, among others, Lateran council I, canon 5 (see above p. 190), and *Annales Herbipolenses*, ed. G. H. Pertz, in MGH *Script.*, XVI 2; *Annales Seligenstadenses*, ed. L. Bethmann, in MGH *Script.*, XVII 32; *Historia Mauriniacensis monasterii*, in MGH *Script.*, XXVI 44-45; Otto of Freising, *Chronicon*, ed. R. Wilmans, in MGH *Script.*, XX 261; *Chronicon Urspergense*, in MGH *Script.*, XXIII 344 (on these see P. Scheffer-Boichorst, *Über die sogenannten Annalen von Seligenstadt und verwandte Quellen*, Forschungen zur deutschen Geschichte 9 [1869] 395, and see Bernhardi 157 n. 15).