Decrees of the 
Ecumenical Councils

Volume One
Nicaea I to Lateran V

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Lateran III
1179
By an agreement reached at Venice in 1177, the bitter conflict which had arisen about twenty years earlier between Pope Alexander III (1159–1181) and Emperor Frederick I (1152–1190) was brought to an end. For when Pope Hadrian IV had died in 1159, the cardinals elected two popes together, namely Roland of Siena, who took the name of Alexander III, and Octavian of Rome, who though he was nominated by fewer cardinals, nevertheless with the support of the emperor Frederick usurped the name of Pope Victor IV. The emperor, wishing to remove everything which stood in the way of his authority in Italy, declared war upon the Italian states and especially the Roman church which, after its struggle for ecclesiastical liberty for so many years, was enjoying great authority. The emperor carried on the war for a long time. A serious schism had arisen out of this conflict, and after Victor IV two antipopes were nominated in opposition to Alexander III, namely Paschal III (1164–1168) and Calixtus III (1168–1178). At last, when Alexander had gained the victory, he promised the emperor at Venice that he would summon a general council.

The particular object of this council was to put an end to the schism within the church and the quarrel between the emperor and the papacy. It was summoned by Pope Alexander in 1178, "so that according to the custom of the ancient fathers, the good should be sought and confirmed by many, and that with the cooperation of the grace of the holy Spirit, by the efforts of all, there should be carried out what was required for the correction of abuses and the establishment of what was pleasing to God". The council was held at Rome in March 1179.

About three hundred fathers assembled from the provinces of Europe and some from the Latin east, and a single legate from the Greek church. It began on 5 March, according to Archbishop William of Tyre, our chief authority.

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1 See *Pactum praecium inter imperatorem et ecclesiam*, ed. L. Weiland, in MGH Const., I Hanover 1893, 364 (ch. 25).
2 *Alexandri III papae epistolae et privilegia*, letter 1356 (PL 200, 1184); see also the letters of summons 1357–1358 (Jaffé 13097–13099); all are dated 21 September 1178; we also know of another letter of summons, dated 30 May 1178 (Jaffé 13070); see *Epistolae pontificum Romanorum ineditae*, ed. S. Löwenfeld, Leipzig 1855, 154–155 no. 271.
3 See DThC 8/2 (1925) 2645.
4 There are two lists of signatures, though they are not complete; see L. D'Achery, *Spicilegium*, XII Paris 1675, 638–651 (Msi 22, 213–217, 237–240), and Msi 1 (1748) 691–700 (Msi 22, 458–468); see Tangl, *Die Teilnehmer ... , 210–219; Rousset de Pina 159 and n. 2.
bishops first heard Rufinus, bishop of Assisi, who in a highly polished address praised the Roman pontiff and the Roman church, "that church to which alone belongs the decision and power to summon a general council, to lay down new canons and cancel the old; indeed, though the fathers had summoned a solemn council many times in the past, yet the obligation and reason to do this was never more expedient than at the present"[7].

We do not have the same reasons for doubting the ecumenical nature of this council as we have for Lateran I and II[8]. For, the way in which the council was summoned and conducted by the pope, and the number of fathers who gathered from the whole Latin world and devoted their efforts to strengthening the unity of the church and condemning heretics, resemble rather the ancient councils of the Early Church and exemplify the typical council of the Middle Ages presided over by the Roman pontiff[9]. For this reason it is not surprising that chronicles of the period frequently refer to this council as Lateran I.

Although we do not possess the acts of the council, we have evidence from chronicles and annals[10] and especially from the canons which the fathers laid down in the final session on 19 March[11]. Accordingly, to avoid future schisms it was first laid down that nobody was to be regarded as Roman pontiff unless he had been elected by two thirds of the cardinals (canon 1); all appointments by antipopes were deemed invalid (canon 2); heretics called Cathars were excomunicated[12] and likewise were the bands of mercenaries, or rather criminals, which were causing utter destruction in some parts of Europe; it was declared, and this seems an innovation, that arms should be taken up against them (canon 27)[13]; it was also decided not to pass judgment about the preaching of the Waldensian[14]. All this seems to have been directed to strengthening the unity of the church[15]. In addition, Alexander III and the fathers, renewing the precedent of Lateran I and II, laid down several canons for the reform of the church and some concerning morals and civil affairs.

8 See above pp. 187 and 195.
9 See Hauck, Die Rezeption ..., 468; Tanguy, Rossette de Pina 158-159; Fransen, in Le concile, 127.
10 See among others Rossette de Pina 156 n. 4.
11 See Rossette de Pina 161-173; concerning the days on which sessions were held, see DThC 8/2 (1925) 2645-2646.
12 See among others A. Borst, Die Katharer, Stuttgart 1953, 119 and also 10, 241, 247, 250.
13 See among others H. Pissard, La guerre sainte en pays christian, Essai sur l'origine et le developpement des th-eories canoniques, Paris 1912, 27-34.
15 See also canons 24 and 26 on Jews and Saracens.

The canons of this council played a notable part in the future government of the church[16]. They were frequently included in the collections of decreets compiled in the late 12th and early 13th century, and afterwards all were inserted into Pope Gregory IX's Decretals. Walter Holtzmann and other scholars considered that these decreetal collections in fact arose from this Lateran council and its canons[17]. Certainly the canons, unlike those of Lateran I and II and many preceding councils, appear to have been worked out by an excellent legal mind, so that it is probable they were composed under the authority of Alexander III himself, who was an expert lawyer. The canons, except for those which refer to Lateran II or the council of Rheims in 1148 (see canons 2, 11, 20-22) or to Gratian's Decrees (see canons 1-4, 7, 11, 13-14, 17-18), are new and original.

The tradition of the canons has not yet been adequately examined and remains very uncertain. Many manuscript codices survive for this council (in contrast to Lateran I and II). However, they do not seem to give us the version of the canons which was confirmed by ecclesiastical authority and which Archbishop William of Tyre, with the authority of the fathers, had himself drawn up[18]. Frequently the canons are to be found in chronicles and decreetal collections. They are included in four contemporary English chronicles: those of Abbot Benedict of Peterborough[19], Gervase of Canterbury[20], William of Newburgh[21], and Roger of Hoveden[22]. And in the following collections of decreets[23], the collection called the Appendix of the Lateran council[24], the collections of

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16 See however PL 205, 235 C.
18 See William of Tyre, Historia ..., 1051 (PL 201, 842; trans. Babcock II 438).
19 See Gesta regni Henrici secundi Benedicti abbatis ..., ed. W. Stubbs (Rolls Series 49/1), 1 London 1867, 222-238.
22 See Chronica magistri Rogeri de Hovedene, ed. W. Stubbs (Rolls Series 51/2), 11 London 1695, 173-189; the edition which was printed by Mls' 2 (1748) 687-690 (Ms 2, 425-458) from the anonymous Zweta history of the Roman pontiffs, appear to be rubrics.
23 See the list of collections in Holtzmann 21-24, Holtzmann II 58-63.
24 See J. von Schulte, Zur Geschichte der Literatur über das Dekret Gratianii, II, Beitrag, Sitzungsber. Ak. Wien 64 (1870) 139-140 (Schulte II. Beitr.); idem, Beitrag zur Geschichte des canonicum Rechts von Gratian bis auf Bernardus Petrus, Bd. 72 (1872) 486, 502, 514-515 (Schulte); J. Friedberg, Die Kanones-Sammlungen zwischen Gratian und Bern-


26 See Heyer 622; Juncker 288–289, 306–307, 321 ff., 348 ff., 408; see also Kutter 278; Holtzmann 22 no. 8; Holtzmann II 59.

27 See G. Warner and J. Gilson, Catalogue of Western Manuscripts in the Old Royal and King's Collections, I London 1921, 32; see also Kutter 282; Holtzmann 22 no. 14; Holtzmann II 59.

28 See Corpus iuris canonici, ed. I. H. Böhm, Halle 1747, XXIV; Schule II. Beitr. 139–140; Schulte 494, 514–515; Freiberg 130; Juncker 408–409; Deeters 43, 315–323; see also Kutter 293; Holtzmann 23 no. 33; Holtzmann II 62.


30 See Kutter 279 (Cotton I); see also Holtzmann 22 no. 20; Holtzmann II 60.

31 See K. Hanke, Reise nach England von Juli 1895 bis Februar 1896, Neues Archiv 22 (1896–1897) 388 n. 1; Heyer 635; see also Kutter 279 (Cotton II); Holtzmann 22 no. 25; Holtzmann II 62.

32 See W. Holtzmann, Beiträge zu den Dekretalsammlungen des zwölften Jahrhunderts, Zeitschrift der Savigny-Stiftung für Rechtsgeschichte, Kanon. Abt. 16 (1927) 43; see also Kutter 279; Holtzmann 21 no. 1; Holtzmann II 58.

33 See Kutter 279; see also Holtzmann 22 no. 11; Holtzmann II 59.

34 See Kutter 281; see also Holtzmann 22 no. 16; Holtzmann II 60.

35 See Holtzmann, Collectio Eberbachensis, . . ., 551, 555; see also Kutter 281; Holtzmann 21 no. 22; Holtzmann II 58.

36 See Deeters 43, 315–323; see also Kutter 294; Holtzmann 23 no. 31; Holtzmann II 62.

37 See Kutter 281; see also Holtzmann 22 no. 9; Holtzmann II 59.


40 See Kutter 295; see also Holtzmann 23 no. 29; Holtzmann II 61.

41 See Friedberg 46, 52–63; Heyer 621; Juncker 297, 300, 408; see also Kutter 286; Holtzmann 22 no. 6; Holtzmann II 59.

42 See W. Holtzmann, Zum Prozeß der Absission Maria von S. Maria in Capua, Zeitschrift der Savigny-Stiftung für Rechtsgeschichte, Kanon. Abt. 27 (1938) 302; see also Holtzmann 22 no. 26; Holtzmann II 60.

43 See W. Holtzmann, Papiesturken in England, I Berlin 1930, 141; Kutter 282; see also Holtzmann 22 no. 15; Holtzmann II 59.


46 To these decrletal collections, Herold (see below p. 210) added three others: Abalba (see Homann 38), Ambrosian (see Holtzmann II 59), Cusa (see Holtzmann II 59).


50 See F. Maassen, Beiträge zur Geschichte der juristischen Literatur des Mittelalters, insbesondere der Decretisten-Literatur des zwölften Jahrhunderts, Zitzschung. Ak. Wien 24 (1857) 64; Friedberg 3; Juncker 296, 408; Kutter 286; see also Holtzmann 21 no. 2; Holtzmann II 58.


52 To these chronicles Herold (see below p. 210) added two others: Brussels, Bibl. Royale, II 2532; Darmstadt, Hessische Landes- und Universitätsbibliothek, 542.

53 The canons, as we have said, were included in the Decretals of Gregory IX. They were also included in the collections of Bruges (see Friedberg 137; Juncker 408–409; Kutter 297–298; Holtzmann 23 no. 36; Holtzmann II 62–63) and of Frankfurt (see S. Kutter, Collectio Francopontana, Zeitschrift der Savigny-Stiftung für Rechtsgeschichte, Kanon. Abt. 22 (1933) 372; Holtzmann 23 no. 37; Holtzmann II 63) and in the first Compilation (see Schulte 514–515; Quinque compilations antiquae . . ., VIII; Juncker 408–409; Kutter 322–344).

54 In the manuscript codex Vatican Latin 6418, I (on which see S. Kutter, L'édition romaine des conciles généraux et les actes du premier concile de Lyon, Rome 1940, 84) it is said of the
more variant readings. Later editions, all of which we have examined, followed the
Roman text, namely: ER 27 (1644) 439–463; LC 10 (1671) 1507–1523; Hrd 6 (1714)
1673–1684; Cl 13 (1730) 416–432; Msi 22 (1778) 217–233. Böhmer, who published
his edition in 1747, before Msi, is an exception. He took the canons from the
Kassel collection of decretais, where the order and some readings are different. Finally Herold, in his unpublished Bonn dissertation of 1952, examined
thoroughly the whole tradition and established the order of the
canons; using 36 sources, he concluded there were 34 different traditions.
For, these sources reveal only a limited part of the whole tradition and,
examined thoroughly the whole tradition and established the order of the
canons; using 36 sources, he concluded there were 34 different traditions.
As things now stand, it is impossible to use all the known sources for our
dition. For, these sources reveal only a limited part of the whole tradition and,
what is even more important, we do not yet understand the relations between
the individual traditions. Even Herold has not examined these relations sufficiently. We have therefore preferred to publish the text of a single tradition,
namely that of the Appendix of the Lateran council, using Cr and Rm as the
best text of this tradition and including the variant readings listed in Rm. This
"Appendix" is a good text, as even Herold’s text (= H) shows. We have given
Herold’s variant readings in the critical apparatus, and we have noted in foot-
notes the order in which he places the 23 canons that he includes.

B I B L I O G R A P H Y: H. L. 5/2 (1913) 1086–1112; DThC 8/2 (1925) 2644–2652; DDNC 6

Kirchengeschichte Deutschlands, IV Leipzig 1903, 294–296; idem, Die Rezeption und Umbildung

der allgemeinen Synode im Mittelalter, Historische Vierteljahrschrift 10 (1907) 468 ff.; F.

Heyer, Zeitschrift der Savigny-Stiftung für Rechtsgeschichte, Kanon. Abt. 3 (1913) 625–627;

G. Tangl, Die Teilnehmer an den allgemeinen Konzilien des Mittelalters, Weimar 1922, 196–

201, 210–219; W. Holtmann, Collectio Episcopaliensis, Zeitschrift der Savigny-Stiftung für

Rechtsgeschichte, Kanon. Abt. 17 (1928) 550–551; H. E. Lohmann, Die Collectio Wigorniensis

.., ibid. 22 (1933) 54–55; H. J. Schroeder, Disciplinary Decrees of the General Councils, St.

Louis, Mo. — London 1937, 214–235; J. Roussel de Pina, in A. Fliche and others, Du premier

concile du Latran à l’avènement d’Innocent III, II (Histoire de l’église 9/2), Paris 1953,

156–174; W. M. Plochl, Geschichte des Kirchenrechts, II Vienna 1955, see p. 495; M. Pacaut,

Alexandre III. Étude sur la conception du pouvoir pontifical dans sa pensée et dans son oeuvre,

Paris 1956, 128, 261, 262, 268, 272, 281, 284, 286, 287, 292, 301; S. Kuttner, Brief Note,
Concerning the Canons of the Third Lateran Council, Traditio 13 (1957) 505–506; G. Fransen,

L’ecclélosiologie des conciles médiévaux, in Le concile, 125–141; R. Foreville, Latran I, II, III et

Latran IV (Histoire des Conciles 6), Paris 1965; M. Mollat and P. Tombure, Les conciles

Latran I à Latran IV: Concordance, index, listes de fréquence, tables comparatives (Conciles

oeccuméniques médiévaux I). Louvain 1974; J. Longère (ed.), Le troisième concile de Latran

(1179). Sa place dans l’histoire, Communications présentées à la Table Ronde du C.N.R.S., le


The canons of this council: "... the canons must be placed as they have been edited, and
the various readings in the codex of Antonio Augustine must be considered ..." (fol. 544) ; but in
the table of contents we read: "... collated with the manuscript codices and with the Annals of
the Englishman Roger of Hoveden" (fol. 51r).

56 See Corpus juris canonici ..., ed. I. Böhmer, II Halle 1747, App. 185–189; below each of the
canons are the variant readings taken from Hrd. 57 W. Herold, Die Canones des 3. Lateran-
konzils (1179). His dissertation relies on the advice and direction of W. Holtmann.

56 Herold however was unaware of the Florence and two Vatican Regn. codices.

59 See S. Kuttner, Brief Note, Concerning the Canons of the Third Lateran Council, Traditio
13 (1957) 505–506.

Walter Herold

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CANONES

1. Vizit ex evitanda discordia in electione summis pontificiis manifesta sita a nostris praecedessoribus constituta manaverint, tamen quia saepe post illa per improbae ambitionis audaciam gravem passa est ecclesia scissuram, nos etiam ad malum hoc evitandum, de consilio fratrum nostrorum et sacri approbatione concilii aliquid decrevimus adiungendum. Statuimus igitur ut si forte, inimico homine supersemi nante zizania, inter cardinales de substituendo pontifice non potu erit concordia plena esse, et duabus partibus concordantibus tertia pars noluerit concordare aut sibi alium praeumperit ordinare, ille Romanus pontifex habeatur, qui a duabus partibus fuerit electus et receptus. Si quis autem de tertiae partis nominatione confius, quia rem non potest, sibi nomen episcopi usurpaverit, tam ipse quam qui cum scepterint, siasticas est? Inrerserit, nulla tenuis assumatur et praedictae poenae subiaceat, si humilitur nonuerit abstiner. Ex hoc tamen nullum canonicis venet, superiore poterit iudicio erit. Tamen si suscipiatur, et passibus fuerit cunctis ad apostolatus cura assumatur, et toius sacri ordinis privatione multentur, ita ut viaticum eis etiam, nisi tanum in ultimis, communio desacert, et nisi respuerint, cum Dathan et Abiron, quos terra vivos swallow up alive by the earth. Further, if anyone is chosen to the apostolic office by less than two thirds, unless in the meantime he receives a larger support, let him in no way assume it, and let him be subject to the fore said penalty if he is unwilling humbly to refrain. However, as a result of this decree, let no prejudice arise to the canons and other ecclesiastical constitutions according to which the decision of the greater and senior part should prevail, because any doubt that can arise in them can be settled by a higher authority; whereas in the Roman church there is a special constitution, since no recourse can be had to a superior.

2. Quod a praecedens nostro felicis memoriae Innocentio factum est innovantes, ordinationes ab Octavianio et Guidone haeeresiarcha necon et Ioanne Strumenio, quos eos secutus est, factas, et ab ordinatis ab eis, irritas esse censemur, adicientes etiam ut, si qui dignitatis ecclesiasticas seu beneficia per praedictos schismaticos receperint, careant

a. inita H b. Romani H c. decernimus H d. zizania CR2-ER, H e. nominare vel ordinarum v. L. RM nominare H f. absque illa exceptione ab universa ecclesia add. v. L. RM, H g. de ratione esse v. L. RM quae tamen glosa sidetur h. institutionibus H i. ecclesiae v. L. RM, H; fortasse ecclesiasticis (electoinibus)

k. sanioris CR2, LC-M, H l. om. H m. acceperunt H

1. Con. 1 in H.
2. Cf. praesidem c. 1 conc. Romani a. 1059 sub Nicolao II papae habitus (Mii 19, 897, 907) eiuisdemque bull. In nomine Domini (Mii 19, 903-904; MGH, Leges in-f°, II/2, 177-179); cf. etiam c. 1 D. XXIII (Fr 1 77-79).
4. Cf. Dtt 11, 6 (atque etiam Nm 16, 30-33).
5. C. 6 X. 16 (Fr 2, 51). * C. 2 in H.
6. Cf. conc. Lat. 11 c. 30 (cf. supra p. 203).
7. Octavianus i. e. Victor IV antipapa (1159-1164), Guido i. e. Paschalis III antipapa (1164 ad 1168), Johannes abbas Strumenis i. e. Callistus III antipapa (1168-1178).

1.1. Licet de evitanda discordia in electione summis pontificiis manifesta sita a nostris praecedessoribus constituta manaverint, tamen quia saepe post illa per improbae ambitionis audaciam gravem passa est ecclesia scissuram, nos etiam ad malum hoc evitandum, de consilio fratrum nostrorum et sacri approbatione concilii aliquid decrevimus adiungendum. Statuimus igitur ut si forte, inimico homine supersemi nante zizania, inter cardinales de substituendo pontifice non potu erit concordia plena esse, et duabus partibus concordantibus tertia pars noluerit concordare aut sibi alium praeumperit ordinare, ille Romanus pontifex habeatur, qui a duabus partibus fuerit electus et receptus. Si quis autem de tertiae partis nominatione confius, quia rem non potest, sibi nomen episcopi usurpaverit, tam ipse quam qui cum scepterint, siasticas est? Inrerserit, nulla tenuis assumatur et praedictae poenae subiaceat, si humilitur nonuerit abstiner. Ex hoc tamen nullum canonicis venet, superiore poterit iudicio erit. Tamen si suscipiatur, et passibus fuerit cunctis ad apostolatus cura assumatur, et toius sacri ordinis privatione multentur, ita ut viaticum eis etiam, nisi tanum in ultimis, communio desacert, et nisi respuerint, cum Dathan et Abiron, quos terra vivos swallow up alive by the earth. Further, if anyone is chosen to the apostolic office by less than two thirds, unless in the meantime he receives a larger support, let him in no way assume it, and let him be subject to the fore said penalty if he is unwilling humbly to refrain. However, as a result of this decree, let no prejudice arise to the canons and other ecclesiastical constitutions according to which the decision of the greater and senior part should prevail, because any doubt that can arise in them can be settled by a higher authority; whereas in the Roman church there is a special constitution, since no recourse can be had to a superior.

2. Renewing the decision taken by our predecessor of happy memory, Innocent, we decree that the ordinances made by the heresiarchs Octavian and Guido, and also by John of Struma who followed them, and by those ordained by them, are void; and furthermore that if any have received ecclesiastical dignities or benefits through the foresaid schismatics, they are to be deprived of

1.2. Although clear enough decrees have been handed down by our predecessors to avoid dissension in the choice of a sovereign pontiff, nevertheless in spite of these, because through wicked and reckless ambition the church has often suffered serious division, we too, in order to avoid this evil, on the advice of our brethren and with the approval of the sacred council, have decided that some addition must be made. Therefore we decree that if by chance, through some enemy sowing tares, there cannot be full agreement among the cardinals on a successor to the papacy, and though two thirds are in agreement a third party is unwilling to agree with them or presumes to appoint someone else for itself, that person shall be held as Roman pontiff who has been chosen and received by the two thirds. But if anyone trusting to his nomination by the third party assumes the name of bishop, since he cannot take the reality, both he and those who receive him are to incur excommunication and be deprived of all sacred order, so that viaticum be denied them, except at the hour of death, and unless they repent, let them receive the lot of Dathan and Abiron, who were swallowed up alive by the earth. Further, if anyone is chosen to the apostolic office by less than two thirds, unless in the meantime he receives a larger support, let him in no way assume it, and let him be subject to the fore said penalty if he is unwilling humbly to refrain. However, as a result of this decree, let no prejudice arise to the canons and other ecclesiastical constitutions according to which the decision of the greater and senior part should prevail, because any doubt that can arise in them can be settled by a higher authority; whereas in the Roman church there is a special constitution, since no recourse can be had to a superior.
imperatris. Aliationes quoque seu invasiones, quae per eosdem schismaticos sive per laicos factae sunt de rebus ecclesiasticis, omni careant firmitate et ad ecclesiam sine omni eius onere revertantur. Si quis autem contraire praesumperit, excommunicationi se noverit subiacere. Illos autem, qui sponte iuramentum de tenendo schismate praestiterint, a sacris ordinibus et dignitatis decrevimus manere suspensos.\footnote{3} Cum ind sacris ordinibus et ministeriis ecclesiasticis, et aetatis maturitas et morum gravitas et scientia litterarum sit inquirenda, multo fortius haec in episcopo inoperto inquiri, qui ad curam positus alienor, in se ipso debet ostendere qualiter alienor in domo Domini oporetat conversari. Eapropert, ne quod de quibusdam ex necessitate temporis factum est, in exemplum theatrum a posteris, praesentium decreto statuimus, ut nullus in episcopum eligatur, nisi qui iam trigesimum aetatis annum egerit et de legitimo sit matrimonio natus, qui etiam vita et scientia commendabilis demonstretur. Cum autem electus fuerit et confirmationem electionum acceperit et ecclesiasticorum honorum\footnote{3} administrationem habuerit, decurso tempore de consecrandis episcopis a canonicis definito, is ad quem spectant beneficia, quae habuerat, disponendi de illis liberam habeat facultatem. Inferiora etiam ministeria, utpura\footnote{1} decanatus, archidiaconus et alia quae animarum curam habent annexam, nullus omnino suscipiat, sed nec parochialium ecclesiarum regimen, nisi qui iam vigesimum quinquagesimum aetatis\footnote{3} annum attigisset, et qui scientia et moribus existat commendabilis. Cum autem assumptus fuerit, si archidiaconus in diaconum\footnote{1} et\footnote{1} decanum\footnote{1} (et reliqui admodum) non fuerint praefixo\footnote{3} a canonicus in presbyteros ordinati, et ab illo removantur officio et ali conferatur, qui et velit et possit convenienter illud implere; nec pro istis\footnote{1} appellatiohis diffusigium, si forte in transgressionem\footnote{3} constitutionis istius per appellacionem voluerint se tueri. Hoc sane non solum de promovendis, sed de his etiam qui iam promoti sunt, si canones non obstant, praepicium observandum. Clerici sane\footnote{3} si contra formam istam quemquam elegerint, et eligendi postestate tunc privatos et ab ecclesiasticis beneficiis triennio se noverint suspensos. Dignum est enim ut, quos timor Dei a male non revocat, ecclesiasticae saltem\footnote{3} coercet severitas disciplinae. Episcopus autem\footnote{3}, si cui fecerit aut fieri consensurat contra hoc\footnote{3}, in conferendis praedictis\footnote{3} potestatem suam amittat: et per

\begin{enumerate}
\item [a] sive H b praestiterunt H c decernimus H d cunctis add. v. l. Rm, H
\item [e] quaeerenda H f hoc C\textsuperscript{5} Su g de v. l. Rm a rol.
\item [h] honorum Su Rm i utpote H k om. H l diaconem C\textsuperscript{5} Su H
\item [m] decanus H n eius H o transgressionem H p vero v. l. C\textsuperscript{5} Su
\item [q] tanen C\textsuperscript{5} Su r etiam H
\item [s] si contra hoc fecerit aut fieri consensurat v. l. Rm si aut fecerit contra hoc aut consensurat fieri H t officiis et beneficiis add. v. l. Rm officii add. H
\end{enumerate}

\footnote{3} See also \textit{Chronicon universale} by the anonymous writer from Laon, ed. G. Watz, in MGH Script., XXVI Hannoverae 1882, 449; Sigeberti Gemblacensis \textit{Continuatio Aquincimitina}, ed. L. Bethmann, in MGH Script., VI Hannoverae 1849, 417.
\footnote{3} See also \textit{Chronicon universale} by the anonymous writer from Laon, ed. G. Watz, in MGH Script., XXVI Hannoverae 1882, 449; Sigebert of Gembloux, \textit{Continuatio Aquincimitina}, ed. L. Bethmann, in MGH Script., VI Hannoverae 1849, 417.
\footnote{3} Canon 3 in H.
capitulum aut per metropolitanum, si capitulum concordare nequiverit, ordinentur.

4. 3. Cum apostolus se et suos propriis manibus decreverit exhibendos, ut locum praedicandi auferret pseudoapostolis et illis quibus praedicabat non existenter onerosos, grave nimis et emendatione fore dignum dignoscitur, quod quidam fratrum et episcoporum nostrorum ita graves in procurationibus suis subditis existunt, ut pro huiusmodi causa interdum ornamenta ecclesiastica subditi compellantur exponere et longi temporis victum brevis hora consumat. Quocirca statuimus, quod
darchiepastori parochias visitantes pro diversitate provinciarum et facultatibus ecclesiariarum quadraginta vel quinquaginta evectionibus numerum non minorem, cardinales vero viginti vel viginti quinque nonne excedant? Nec cum canibus venatoriis et avibus proficiantur, sed ut procedant, ut non quiu sunt sua sed quae Jesu Christi quaerere videantur; nec sumptuosas epulas quaerant, sed ut nongas sunt suas sed quae Christi quaerere nesciunt. Archidiaconi autem circumstantias depraevadant, ut ex accessu maiorum minores non debeat.
Concilium Lateranense III — 1179

1179

grав, ne sub tali indulgentia illi, qui paucioribus equs uti solebant hactenus, plurimum1 sibi credant potestatem indultam.2

5. Episcopos si3 aliquem sine certo titulo, de quo necessaria vitae percipiat, in diaconum4 vel presbyterum ordinaverit, tamdui necessaria ei subministret, donec in aliqua ei5 ecclesia conveniunt stipendia militiae clericalis assignet; nisi forte talis6 qui ordinatur7 exsitterit, qui de sua vel paterna hereditate subsidium vitae possit habere.8

6. Reprehensibilis valde consetueto in quibusdam partibus inolevit, ut8 fratres et coepiscopi nostri seu etiam archiadaconi, quos9 appellatus10 in causis sus existimant, nulla penitus admonitione praemissa, suspensionis vel11 excommunicationis in eos ferat sententiam. Alii etiam, dum superioris sententiam et disciplinam canonicam reformidunt, sine ullo gravamine appellationem obiciunt et ad defensionem iniquitatis usurpant, quod ad subsidium12 innocentium dignoscitur in institutum. Quocirca ne vel praesulati valeant sine causa gravare subjectos vel subdidit pro sua voluntate sub appellationis obtentu correctionem valeant eludere praetorium, praesenti decreto statui rumus, ut nec praetarii, nisi canonica commune praemissa, suspensionis vel excommunicationis sententiam proferant in subjectos, nisi forte talis sit culpa, quae ipso genere suo excommunicationis13 poenam inducat; nec subjecti contra disciplinam ecclesiasticam ante ingressum causae in vocem appellationis prorumpant14. Si vero quisquam pro sua necessitate crediderit appellandum, competens ei ad prosequendum appellationem terminus praefatur, infra quem, si forte prosequi15 neglexerit, libere tunc episcopos suas auctoritate utatur.

Si autem in quocumque negotio aliquis appelleret et eo qui appellerat fuerit veniente, qui appellarerit venire neglexerit, si proprium quid habuisset, competentem ei16 compensationem faciat expensarum, ut hoc saltem timore perturritum17, in gravamen alterius non facile quis appelle. Praecipue vero in locis18 religiosis hoc volumus observari, ne monachi sive quicumque religiosi, cum pro aliquo excessu fuerint corrigendi, congruunt regulae praetarii et capitulum disciplinam appellare praesumant, sed humiliere ac debete suscipiant, quod pro salute sua utilizet19 et fuerit iniciumt.20

7. Cum in ecclesiae corpore omnia debent ex caritate tractari et quod gratis receptum est gratis21 impendi, horribile nimis est, quod in quibus-

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1 suspension or excommunication
2 variant reading in Rm, H
3 ch. 6 Decretals III 39 (Fr 2, 623); see also ch. 3 D. XCIV (Fr 1, 331) and ch. 8 C. X q. 3 (Fr 1, 625-626); G. Schreiber, Karle und Kloster im 12. Jahrhundert, Stuttgart 1910, I 226, 242; II 171-173, 176.
4 C. 5, II in H.
5 C. 4 X. III 5 (Fr 2, 465); cf. cone. Chalc. c. 6 (cf. supra p. 90).
6 C. 12 in H.
7 c. 26 X. II 28 (Fr 2, 418-419).
8 c. 4 in H.
9 c. 6 X. III 39 (Fr 2, 623); cf. etiam c. 3 D. XCIV (Fr 1, 331) et c. 8 C. X q. 3 (Fr 1, 625-626); G. Schreiber, Karle und Kloster im 12. Jahrhundert, Stuttgart 1910, I 226, 242; II 171-173, 176.
10 c. 5 II in H.
11 suspensionis vel excommunicationis n. l. Rm, H m erumpant H n persequi Gr Su
12 hauberet H p illi H q deterrius H om. v. l. Rm s om. H
13 sua sciant ii iniciumt n. l. Rm u debit add. H

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1 suspension or excommunication variant reading in Rm, H
2 ch. 6 Decretals III 39 (Fr 2, 623); see also ch. 3 D. XCIV (Fr 1, 331) and ch. 8 C. X q. 3 (Fr 1, 625-626); G. Schreiber, Karle und Kloster im 12. Jahrhundert, Stuttgart 1910, I 226, 242; II 171-173, 176.
3 ch. 4 Decretals III 5 (Fr 2, 465); see council of Chalcedon, canon 6 (see above p. 90).
4 Canon 12 in H.
5 ch. 26 Decretals II 28 (Fr 2, 418-419).
6 Canon 4 in H.
exigatur. de longa invaluissc consuctudine abstrantur, non satis, quia cupiditate abbatis dam ecclesiis locum venalitas perhibetur ut nemo se habere ita, ut pro episcopis vel abbatis us ab quisque occupaverit largitoris.

instituen dis aut mortuis sepulcridis sequantur binebendum praebendum binebendis praebenda s ecclesiasticae personae ecclesiasticis deducendi ad sedem vel sacram aedificandis in basilicam ecclesiam nec non profectis suavis voluntatem perpetuam esse, quae autem contra hoc venire praesumpserit, portionem cum Giezi se noverit habitarum, cuius factum turpis munieris exactioinum imitatur. Prohibamus insuper, ne novi census ab episcopis vel abbatibus aliis praelatis in ecclesiis nee novi censores ecclesiasticis deducendi s ad sedem vel sacera dotibus suusibus appropria praebendum, sed libertatem, quas ibi maioribus desideram conservari, minoribus quoque suusibus convenientur.

prohibitus insuper, nee novi censores ab episcopis vel abbatibus aliis praebendis in sede seu ecclesiis situis sui suusibus convenientur, sed libertatem, quas ibi maioribus desideram conservari, minoribus quoque

b ecclesiasticae ministeria seu etiam beneficia vel ecclesiae alicui tribuantur seu promittantur antequam vacent, ne desiderare quis mortem proximi videatur, in cuius locum et beneficia se crediderint successurum. Cum enim etiam in ipsius gentilium legibus inventur prohibendum turpis nimis est et divini plenum animadversione iudicii, si locum in Dei ecclesia futurae successioris exspectatio habeat, quam etiam damare ipse gentiles homines curaverunt. Cum vero praebendas ecclesiasticas seu quaelibet officia in aliqua ecclesia vacaret vel etiam si modo digne administrare velantur, conferantur.

Sic autem mitit fastigium, quia legem moris e sanctissimae ecclesiae absumitur, cuius creditur ad quem quibusque ecclesia vacaret vel etiam si modo digne administrare velantur, conferantur. Si autem episcopus, ubi non eam spectavit, conferre distulerit, capitolium ordinetur. Quod si ad capitulum electum pertinerit et infra praedictum terminum hoc non fecerit, ecclesia hoc episcopum Deum cum virorum religiosorum consilio exsequatur aut, si omnes forte neglexerint, metropolitanus de ecclesia successu illorum contradicitione disponat.

Cum et plantare sacram religionem et plantatam fovere modis omnibus debeatum, namque hoc melius exsequeretur, quam si nutrire quae recta sunt et corrige quae profectum veritatis impedient.

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1. See 4 Kg 5, 20-27. 2. ch. 9 Decretals V 3 (Fr 2, 751); see also ch. 100 C. 1 q. 1 (Fr 1, 398).
3. c. 7 X, III 39 (Fr 2, 623). 4. C. 5, 1 in H.
4. c. 2 X, III 8 (Fr 2, 488); cf. G. J. Ebers, Das Devotionsrecht, vornehmlich nach katholischem Kirchenrecht, Stuttgart 1906, 171-178. 5. C. 8 in H.

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4. Nulla ecclesiastica ministeria seu etiam beneficia vel ecclesiasticae alicui tribuantur seu promittantur antequam vacent, ne desiderare quis mortem proximi videatur, in cuius locum et beneficia se crediderint successurum. Cum enim etiam in ipsius gentilium legibus inventur prohibendum turpis nimis est et divini plenun animadversione iudicii, si locum in Dei ecclesia futurae successioris exspectatio habeat, quam etiam damare ipse gentiles homines curaverunt. Cum vero praebendas ecclesiasticas seu quaelibet officia in aliqua ecclesia vacaret vel etiam si modo digne administrare velantur, conferantur. Si autem episcopus, ubi non eam spectavit, conferre distulerit, capitolium ordinetur. Quod si ad capitulum electum pertinerit et infra praedictum terminum hoc non fecerit, ecclesia hoc episcopum Deum cum virorum religiosorum consilio exsequatur aut, si omnes forte neglexerint, metropolitanus de ecclesia successu illorum contradicitione disponat.
Concilium Lateranense III — 1179

commissa nobis auctoritate curenus. Fratrum autem et coepiscoporum nostrorum vehemens est questione commiserimus, quod fratres Templi et Hospitalis, alii quoque religiosae profissionis, indulta sibi ab apostolica sede excedentes privilegia, contra episcopalem auctoritatem multa praesumunt, quae et scandalum generant ex populo Dei et grave pariam periculum animarum. Proponunt enim quod ecclesias recipiant de manibus laicorum, excommunicatos et interdictos ad ecclesiastica sacra menta et sepulturam admittere, in ecclesiis suis praeclaram eorum conscientiam et instituere et amoveant sacerdotes, et fratres ibi ad ecleemosynas quae etiam simul existentes, cum indultum sit eis ut in adventu eorum semel in anno ecclesiae aperiantur atque in eis divina celebrentur officia, plures ex eis de una sive diversis domibus ad locum interdictum saepius accedentes, indulgentia privilegiorum in celebrandis officiis abuntur et tum mortuos apud praedictas ecclesias sepelire praesumunt.

Occasione quoque fraternitatum, quas in pluribus locis faciunt, robur episcopalis auctoritatis enervant, dum contra eos volunt acceptum et se conferre. In his, quia non tam de maiorum conscientia vel consilio quam de minorum indiscretionem quo-rundam excidit, et removenda ea in quibus excidit et quae dubie tatem faciunt declaranda, decrevimus. Ecclesias sane et decimas de manu laicorum, sine consensu episcoporum, tam illis quam quosque reliquos recipere prohibemus, dimissis etiam quas contra tenorem iustitiae tempor receptionem. Excommunicatos et nominatum interdictos tam ab illis quam ab omnibus alius, iuxta episcoporum sententiam statuimus evitandos. In ecclesiis suis, quae ad eas plenam ius non pertinent, instituendum presbyteri episcopi praestent, ut eis quidem de plebis cura respondeant, ipsis vero pro rebus temporaliis rationem exhibeant competentem; institutos autem, episcopi inquisitores, non audeant removere. Si vero Templarii sive Hospitalarii ad ecclesiam interdictam venerint, non nisi semel in anno ad ecclesiasticum interdictum officium nec tunc ibi corpora sepeliant.

On occasion also of the brethrens which they establish in many places, they weaken the bishops' authority, for contrary to their decision and under cover of some privileges they seek to defend all who wish to approach and join their brotherhood. In these matters, because the faults arise not so much with the knowledge or advice of the superiors as from the indiscretion of some of the subjects, we have decreed that abuses should be removed and doubtful points settled. We absolutely forbid that these orders and all other religious should receive churches and tithes from the hands of lay persons, and we even order them to put away what they have recently received contrary to this decree. We declare that those who are excommunicated, or interdicted by name, must be avoided by them and all others according to the sentence of the bishop. In churches which do not belong to them but are full of faults, let them present to the bishops the priests to be instituted, so that while they are answerable to the bishops for the care of the people, they may give to their own members a proper account of temporal matters. Let them not presume to remove those priests who have been appointed without first consulting the bishops. If the Templars or Hospitalers come to a church which is under an interdict, let them be allowed to hold the services of the church only once a year and let them not bury there the bodies of the dead. With regard to the brotherhoods we declare as follows: if any do not give themselves entirely to the said brothers but decide to keep their possessions, they are in no way on this account exempt from the sentence of the bishops, but the bishops may exercise their power over them as over other

what is right and to correct what stands in the way of the progress of truth by means of the authority entrusted to us. Now we have learnt from the strongly worded complaints of our brethren and fellow bishops that the Templars and Hospitalers, and other professed religious, exceeding the privileges granted them by the apostolic see have often disregarded episcopal authority, causing scandal to the people of God and grave danger to souls. We are told that they receive churches from the hands of lay persons; that they admit those under excommunication and interdict to the sacraments of the church and to burial; that in their churches they appoint and remove priests without the knowledge of the bishop; that when the brothers go to seek alms, and it is granted that the churches should be open on their arrival once a year and the divine services should be celebrated in them, several of them from one or more houses often go to a place under interdict and abuse the privileges granted to them by holding divine service, and then presume to bury the dead in the said churches.

\[a\] Deo add. H  
\[b\] et add. H  
\[c\] faciunt H  
\[d\] proponeantur H  
\[e\] cunctis add. H  
\[f\] conscientias H  
\[g\] de add. H  
\[h\] nostrorum add. H  
\[i\] et sepelendi mortuis add. H  
\[k\] interdictas H  
\[l\] volunt & conferre voluerint se conferre H  
\[m\] autem add. H  
\[n\] discretione H  
\[o\] om. H  
\[p\] dubitatores H  
\[q\] decernimus H  
\[r\] etiam add. H  
\[s\] quosqueque H  
\[t\] aliquo a. l. Rem  
\[u\] repraesentent H  
\[v\] ecclesiastiam interdictam v. l. Rem ecclesiasticum interdictum roll.  
\[w\] interdictorum v. l. Rem  
\[x\] contraribus v. l. Rem autem add. H  
\[y\] constitueimus H  
\[z\] omnino add. v. l. Rem  

\[a\] by God added in H  
\[b\] by us added in H  

\[1\] See among others G. Bottarelli, Storia politica e militare del sovrano ordine ... di Malta, 1 Milano 1940, 69; M. Barber, The Trial of the Templars, Cambridge 1978, 12.
concilium parochianum suos exercerant, cum pro suis excessibus fuerint corrigendi. Quod autem de praedictis fratribus dictum est, de aliis quoque religiosis, qui praesumptione sua episcoporum uera praepriptum et contra canonica eorum sentientias et tenorem privilegiorum nostrorum venire praesumunt, praecepimus observari. Si autem contra hoc institutum venerint, et ecclesiae in quibus ista praesumpserint subiacent interdicto, et quod egreditur b habebatur. 1

10. Monachi non pretio recipiuntur in monasterio, non peculium permittantur habere, non singuli per villas et oppida seu ad quasquumque parochiales ponuntur ecclesiis, sed in maiori conventu aut cum aliquis fratribus maneant, non soli inter seaulae homines spiritualium hostium conflictionem b expectent, Salomone dicente: Vae soli, quia si siderei non habebant sublunantes. c Si quis autem exactus pro sua receptione aliquid dederit, ad sacros ordines non ascendat; is autem qui acciperit, officii sui privatione mulctetur. Si vero peculium habuerit, nisi ei ab abbate pro iniuncta fuerit administratione permissum, a communique removeatur altaris, et qui in extremis cum peculio inventus fuerit, nec oblatio pro eo fiat nec inter frates recipiendum sepulturn. Quod etiam de diversis religiosis praecipimus observari. Abbas etiam qui ista diligenter non coraverit, officii suis iacturam non expectur. Prioratus quoque sive obedienciae pretii datione nulli tradantur, aliqui et dantes et accipientes a ministerio iant ecclesiasticum aliens. Prieres vero, cum in conventualibus ecclesiis fuerint constituti, nisi pro manifesta causa et rationabili non mutentur, vident et si fuerint dilapidatores nec continent vixerint aliquid tegerint, pro quo amovendi meritum videantur, aut ei etiam necessitate maioris officii c fratum fuerint tenebant. 4

11. Clerici in sacris ordinibus constituti, qui mulierulcas suas et in domibus suas incontinentiae nota teneantur, aut obiciant eas et continenter vivant, aut ab officio et beneficio ecclesiasticum ianis. Quicumque incontinentia illa, quae contra naturam est, propter quam venit ira Dei in juici diffidentiae et quinque civitates igne consumpsit, 1 qui H

f recerperit H

i de C 2, Su k et digne non penitus add. H

m universis v. l. Rm = autem H o seu H p recipieris H q autem H

per electionem capitulatorum suorum canonici add. v. l. Rm si incontinentis H

t consensu v. l. Rm = sub add. H

v autem add. H = et H x retractandum H y penitus H


4 c. 2. X. III 35 (Fr 2, 594-597). 5 C 10 in H. 6 1 Eph 5, 6. 7 Cf. Gn 19, 24-25.

8 c. 4. X. V 31 (Fr 2, 836); cf. etiam c. 13 C. XXXII q. 7 (Fr 1, 1143).

and has not repented in a fitting manner added in H

1 ch. 3 Decretals V 33 (Fr 2, 849-850); see G. Schreiber, Carus und Kloster im 12. Jahrhundert, Stuttgart 1910, I 294; II 15, 67, 116, 354. 2 Canon 9 in H. 3 Ec 4, 10.

4 ch. 2 Decretals III 35 (Fr 2, 594-597). 5 Canon 10 in H. 6 1 Eph 5, 6.

7 See Gn 19, 24-25.

8 ch. 4 Decretals V 31 (Fr 2, 836); see also ch. 13 C. XXXII q. 7 (Fr 1, 1143).
Clerics in the subdiaconate and above and also those in minor orders, if they are supported by ecclesiastical revenues, should not presume to become advocates in legal matters before a secular judge, unless they happen to be defending their own case or that of their church, or acting on behalf of the helpless who cannot conduct their own cases. Let clerics not presume to take upon themselves the management of towns or even secular jurisdiction under princes or seculars so as to become their ministers of justice. If anyone dares to act contrary to this decree, and so contrary to the teaching of the Apostle who says, *No soldier of God gets entangled in secular affairs*, and acts as a man of this world, let him be deprived of ecclesiastical ministry, on the grounds that neglecting his duty as a cleric he plunges into the waves of this world to please its princes. We decree in the strictest terms that any religious who presumes to attempt any of the above-mentioned things should be punished.  

Because some, setting no limit to their avarice, strive to obtain several ecclesiastical dignities and several parish churches contrary to the decrees of the holy canons, so that though they are scarcely able to fulfill one office sufficiently they claim the revenues of very many, we strictly forbid this for the future. Therefore when it is necessary to entrust a church or ecclesiastical ministry to anyone, the person sought for this office should be of such a kind that he is able to reside in the place and exercise his care for it himself. If the contrary is done, both he who receives it is to be deprived of it, because he has received it contrary to the sacred canons, and he who gave it is to lose his power of bestowing it. 

Because the ambition of some has now gone to such lengths that they are said to hold not two or three but six or more churches, and since they cannot devote the proper care to two, we order, through our brethren and most dear fellow bishops, that this be corrected; and with regard to this pluralism, so contrary to the canons, and which gives rise to loose conduct and instability, and causes definite danger to the souls of those who are able to serve the churches worthily, it is our wish to relieve their want by ecclesiastical benefices. Further, since some of the laity have become so bold that disregarding the authority of bishops they appoint clerics to churches and even remove them when they wish, and distribute the property and other goods of the church for the most part according to their own wishes, and even dare to burden the
hosines tallius et exactionibus praesumant gravare, eos qui amodo ista commiserint, anathemata decernimus fieriendos. Presbyter autem sive clericus, qui ecclesiam per laicos\textsuperscript{3} sine propriis episcopis auctoritate receperit tenendum,\textsuperscript{1} communionem privetur, et si perseverit, a ministerio ecclesiastico et ordine depunatur.\textsuperscript{1} Sane quia laici quidam ecclesiastica\textsuperscript{5} personas et ipso etiam episcopos suo iudicio stare compellunt, eos qui de cetero id praesumperint, a communione fideilium decernimus segreganos. Prohibemos etiam\textsuperscript{4} ne laici, decimas cum animarum suarum periculum detinentes,\textsuperscript{5} in alios laicos possint aliquo modo\textsuperscript{6} transfere. Si quis vero receperit et ecclesiae non tradiderit,\textsuperscript{6} Christiana sepulitura privetur.\textsuperscript{10}

15.\textsuperscript{5} Cum in officis caritatis illis primo\textsuperscript{6} teneambm obnoxii, a quibus nos beneficium cognoscimus accepisse,\textsuperscript{6} et contrario\textsuperscript{6} ecclesiastic\textsuperscript{6} quidam clerici, cum ab ecclesiis suis multa bona\textsuperscript{1} perceperint, bona per ecclesias\textsuperscript{6} adquisita in alios usus\textsuperscript{1} praesumunt transferre, hoc ignotur quia et antiquis canibus constat inhibitum, nos etiam nihilominus inibemus;\textsuperscript{13} indemniti\textit{a itaque} ecclesiis providere volentes, sive intestati decesserint sive alii conferre voluerint, penes ecclesias\textsuperscript{6} eadem bona praecipimus remanere.\textsuperscript{6} Praeterea, quoniam quidam in quibusdam partibus sub pretio statuuntur, qui decern vocantur, et pro certo pecuniae quantitate episcopalem jurisdictionem exercent, praenti decreto statuimus ut qui de cetero id praesumperit, officio suo privetur et episcopus confondere hoc officium potestatem amitat.\textsuperscript{10}

16.\textsuperscript{6} Cum in cunctis ecclesiis quod pluribus et senioribus\textsuperscript{8} fratribus visum fuerit, incunctanter debeat observari, grave nimis et reprehensione est dignum, quod quarumdam ecclesiis\textsuperscript{10} pauci, quandoque non tam de ratione quam de propria voluntate, ordinacionem multoties\textsuperscript{8} impendii et ordinacionem ecclesiasticam procedere non permittunt. Quocirca praenti decreto statuimus, ut nisi a paecoribus et inferioribus aliquid rationabile fuerit ostensum,\textsuperscript{8} appellatione remota, semper praevalere et suum consequatur effectum, quod a maiori et seniori\textsuperscript{8} parte capitule\textsuperscript{9} fuerit constitutum. Nec nostrum constitutionem impedit, si forte aliquid ad conservandum ecclesiae suas seque turem in iuramento se dictat adstrictum; non enim dicenda sunt iuramenta sed potius peruria, quae praesumperint H\textsuperscript{2} sive patronatus obtentum sive alio quoquum modo\textsuperscript{3} add. H\textsuperscript{3} om. H\textsuperscript{4} in super H\textsuperscript{5} retinentes C\textsuperscript{3} Su

\textit{et add.}\textsuperscript{6} om. C\textsuperscript{3} Su e contra H

beneficia H\textsuperscript{7} ecclesiam H\textsuperscript{8} ecclesiis C\textsuperscript{3} Su p sanioribus H
dignissimum H\textsuperscript{8} per quasdam ecclesias\textsuperscript{8} r. l. Rm, H

multorum r. l. Rm multorum et prudentiorum H

t rationabiliter (rationabile H) objectum fuerit et ostensum r. l. Rm, H

saniori r. l. Rm v concilii r. l. Rm consili H

\begin{enumerate}
\item c. 4 X. III 38 (Fr 2; 610); cf. etiam c. 20 C. XVI q. 7 (Fr 1; 806).
\item Prohibemos ... privetur: c. 19 X. III 30 (Fr 2; 562).
\item c. 7 X. III 26 (Fr 2; 540).
\item c. 1 X. V 4 (Fr 2; 767-768).
\item c. 7 in H.
\end{enumerate}

\begin{itemize}
\item \textit{whether under cover of patronage or in any other way added in H}
\item \textit{without the consent of their bishop added in H}
\item \textit{sounder H}
\item \textit{sounder variant reading in Rm}
\end{itemize}

\begin{enumerate}
\item \textit{ch. 4 Decretals III 38 (Fr 2; 610); see also ch. 20 C. XVI q. 7 (Fr 1; 806).}
\item Further we ... burial: ch. 19 Decretals III 30 (Fr 2; 562).
\item Canon 13 in H.
\item ch. 7 Decretals III 26 (Fr 2; 540).
\item ch. 1 Decretals V 4 (Fr 2; 767-768).
\item Canon 7 in H.
\end{enumerate}
contra utilitatem ecclesiasticam et sanctorum patrum veniunt instituta. Si quis autem huiusmodi consuetudines, quae nec ratione iuventur nec sacris cougruant institutis, iurare praesumperit, donec congruas et egit poenitentiam, a Domini corporis perceptione fiat alienus. 1

17. 2 Quoniam in quibusdam locis ecclesiarii fundatores aut heredes eorum, potestate in qua eos ecclesiae hucusque sustinuit, abutuntur et, cum in ecclesia Dei unus debeat esse qui praesit, ipsi plures sine respectu subjectionis eligere moliantur et, cum una ecclesiae unius debat esse rectoris, pro sua defensione plurimos repraesentant, quocirca praesenti decoeto statuimus ut, si forte in plures partes fundatorum se vota diffus- derint, ille praefecerit ecclesiae, qui maioribus iuvaret meritis et plurimum eligitur et probatur assensu. Si autem hoc sine scandalo fieret nequeverit, ordinat antistes ecclesiam sicut melius secundum Deum viderit ordinandum. Id ipsum etiam faciat, si de iure patronorum quaeque emserit inter aliquos et cui competat infra tres menses non fuerit definitum. 3

18. 4 Quoniam ecclesia Dei et in eis qua spectant ad subsidium corporum et in eis qua ad prefectum veniunt animarum, indigentibus sicut pia mater providere tenetur, ne pauperibus, qui parentum opibus iuvari non possunt, legendi et proficiendi opportunitas subtrahatur, per unanquamque ecclesiam cathedralem magistro, qui clericos eiusdem ecclesiae et scholares pauperes gratis docet, competens aliquo beneficium assignet, quo docetis necessitas sublevetur et dissentius via pateat ad doctrinam. In aliis quoque restituatur ecclesiae sive monasteris, si retroactis temporibus aliquid in eis ad hoc fuerit deputatum. Pro licentia vero docendi nullus omnino pretium exigat vel sub obtentu aliquis consuetudinibus ab eis qui docent aliquid quacerat, nec docere quaspiam expetita licentia, qui sit donecus, interdicat. Qui vero contra hoc venire praesumperit, a beneficio ecclesiastico fiat alienus. Dignum quidem esse videtur, ut in ecclesia Dei fructum laboris sui non habeat, qui cupiditate animi, dum vendit licentiam docendi, ecclesiaraum profectum nittipr. 5

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1 Eber 3, 1970, 220. 2 Saint Alexander III, Decretals III 11 (Fr. 2, 506). 3 Canon 16, I in H. 4 ch. 1 Decretals III 38 (Fr. 2, 610); see also ch. 36 D. LXIII (Fr. 1, 247); G. J. Ebers, Das Devotionsrecht, vornehmlich nach Katholischen Kirchenrecht, Stuttgart 1906, 171-178. 5 Canon 17 in H. 6 ch. 1 Decretals V 5 (Fr. 2, 768-769); see also ch. 12 D. XXXVII (Fr. 1, 139); G. Post, Alexan-
19.1 Non minus pro peccato eorum qui faciunt, quam pro illorum detrimento qui sustinent, grave(n)is esse dignoscitur, quod in diversis partibus mundi rectores et consules civitatum nee(n)non et alii qui potesta tem habebant videndum, tot ecclesiis frequenter onera imponunt et in gravis eas crebrisque61 exactionibus presumunt, ut d[eterioris conditionis]5 factum sub eis sacerdotium videatur quam sub Pharaone fuerit, qui divinae legis notitiam non habebat. Ille quidem, omnibus alis serviti subiectis,7 sacerdotes suos et eorum possessiones in pristina libertate dimisit et de publico eis almoniam ministravit. Iste vero universa fere onera sua imponunt ecclesiis et tot angaris eae8 affligunt, ut illud eis,9 quod Jeremias deplorat, eompetere videatur: Prin peproviniciarum facta est sub tributo9. Sive quidem fossata sive expeditiones sive quaelibet alia sibi arbitrentur agenda, de bonis ecclesiis,2 clericorum et pauperum Christi usibus deputatis cuncta volunt fere compilari.10 Jurisdictionem etiam et auctoritatem episcoporum et aliorum praetorium i[ta] evacuation, ut nihil potestatis eis in suis videatrum hominibus remanisset, super quo dolendum est pro ecclesiis; dolendum etiam nihilominus et pro ipsis, quid11 timorem Dei et ecclesiastici ordinis reverentiam videndum penitus abiecisse[es]. Quocirca sub anathematis distinctione severius proh ibens, ne de cetero talia praesumant attendere, nisi episcopus et clerus tanti[mem] necessitatem vel [utilitatem] 12 uti[litatem]13 impus[sumerent]14, et absque15 coactione1 ad relevandas communes16 necessitates, ubi laicorum non suppetunt facultates, subsidia per ecclesiam existimant conferenda. Si autem consoles aut alii de cetero idem17 praepsumerint et communiter desistere forte noluerint, tam ipsi quod eorum fautores excommunicati se noverint subiacerent, nec communioni lidelium reddantur nisi18 satisfactionem fecerint competentem.19

20. Felicis memoriae papae Innocentii et Eugenii praedecessorum nostrorum vestigii inhaerentes, in[dependentes19] nun[bas]20 vel ferias, quasi vulgo torneamenta vocant, in quibus milites ex conducto venire vel21 solent et ad ostentationem virium suarum et audaciae temerarie22 congregati[um], unde mortes hominum et animarum pericula saepe proven[iunt], fieri prohibebum. Quia[re] si quid eorum i[bi]adem mortuus fuerit, quamvis ei po
centi veniam23 non negent, ecclesiastica tamen careat sepulchra.24

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1 C. 15 in H. 2 Cf. Ex 1, 8-12. 3 Lm 1, 1. 4 c. 4 X. III 49 (Fr 2, 654-655). 5 C. 19, 1 in H. 6 Conc. Lat. I, c. 14 (v. supra p. 208). 7 C. conc. Remense (1146), c. 12 (Msi 21, 716-717). 8 c. 1. X. V 13 (Fr 2, 804).

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1 Canon 15 in H. 2 See Ex 1, 8-12. 3 Lm 1, 1. 4 ch. 4 Decretals III 49 (Fr 2, 654-655). 5 Canon 19, 1 in H. 6 Lateran council II, canon 14 (see above p. 200). 7 See council of Rheims (1154), canon 12 (Msi 21, 716-717). 8 ch. 1 Decretals V 13 (Fr 2, 804).
21. Treugas a quarta feria post occasum solis usque ad secundam fieriam in orbis solis et ab adventu Domini usque ad octavas Epiphaniae et a septuagesima usque ad octavas paschae, ab omnibus inviolabili observari praecipimus. Si quis autem treugam frangere tentaverit, post tertiam commotionem sem non satisfecerit, episcopos suus sentientiam excommunicationis dictet et scriptam vicinis episcopis annuntiet; episcopus autem nullus excommunicationem in communionem suscipiat, immo scripto susceptam sententiæ quisque confirmet. Si quis autem hoc violare praesumserit, ordinis in periculum subiet, et quoniam funiculæ triplices non facile rampatum, præcipimus ut episcopi, solum Dei et salutis populi habentes respectum, omni tepiditate seposita, ad pacem firmiter tenendum mutuum sibi consilium et auxilium praestent, neque hoc alius amore vel odio praetermissat. Quod si quis inope Dei tepidus fuerit inventus, damnnum dignitatis suae incurrat. 3

22. Innovamus ut presbyteri monachi clericis conversi peregrini mercatores rustici uentes et redeunentes et in agricultura existentes et animalia quae semina portant ad agrum, congrua securitate laestuent, nec quisquam alium novas pedagorum exactiones sine auctoritate regum et proprio consensu statuere aut statutum de novo tenetur aut veteres augmentare aliquo modo temere praesumat. Si quis autem contra hoc venire praesumserit et communions non desisterit, donec satis faciat communionem careat christianæ. 6

23. Cum dicat Apostolus, abundantiorem honorum membris infermi oribus deferendum, ecclesiasticis quidam, quae sua sunt, non quae Jesu Christi, quaerentibus, leprosis qui cum sanis habitare non possunt et ad ecclesiam cum aliis convenire, ecclesias et coeptorium non permittent habeare nec proprii iuvavi ministerio sacerdotis. Quod quia procul a pietate christianæ esse dognoscitur, de benigne apostolica constituimus, ut ubicunque tu simul sub communio vita fuerint congregati, qui ecclesiam sibi cum coeptorium constituere et proprium gaudere valeant presbytero, sine contradictione aliqua permittantur habeare. Caveant tamen ut inuriosis veteribus ecclesiis de iure parochiali nequaquam existant. Quod

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1 C. 19, II in H. 2 Ec 4, 12. 3 Conc. Lat. II, c. 12 (v. supra p. 199-200); c. 1 X. I 34 (Fr 2, 203). 4 C. 19, III in H. 5 c. 2 X. I 34 (Fr 2, 203); cf. Conc. Lat. II, c. 11 (v. supra p. 199). 6 c. 10 X. III 39 (Fr 2, 624). 7 C. 18 in H. 8 Cf. 1 Cor 12, 22-23. 9 Cf. Ph 2, 21.

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1 Canon 19, II in H. 2 Ec 4, 12. 3 Lateran council II, canon 12 (see above pp. 199-200); ch. 1 Decretals 1 34 (Fr 2, 203). 4 Canon 19, III in H. 5 ch. 2 Decretals 1 34 (Fr 2, 203); see Lateran Council II, canon 11 (see above p. 199). 6 ch. 10 Decretals III 39 (Fr 2, 624). 7 Canon 18 in H. 8 See 1 Cor 12, 22-23. 9 See Ph 2, 21.
of piety should result in harm to others. We also declare that they should not be compelled to pay tithes for their gardens or the pasture of animals.

24. Cruel avarice has so seized the hearts of some that though they glory in the name of Christians they provide the Saracens with arms and wood for helmets, and become their equals or even their superiors in wickedness and supply them with arms and necessaries to attack Christians. There are even some who for gain act as captains or pilots in galleys or Saracen pirate vessels. Therefore we declare that such persons should be cut off from the communion of the church and be excommunicated for their wickedness, that Catholic princes and civil magistrates should confiscate their possessions, and that if they are captured they should become the slaves of their captors. We order that throughout the churches of maritime cities frequent and solemn excommunication should be pronounced against them. Let those also be under excommunication who dare to rob Romans or other Christians who sail for trade or other honourable purposes. Let those also who in the vilenest avarice presume to rob shipwrecked Christians, whom by the rule of faith they are bound to help, know that they are excommunicated unless they return the stolen property.

25. Nearly everywhere the crime of usury has become so firmly rooted that many, omitting other business, practise usury as if it were permitted, and in no way observe how it is forbidden in both the Old and New Testament. We therefore declare that notorious usurers should not be admitted to communion of the altar or receive Christian burial if they die in this sin. Whoever receives them or gives them Christian burial should be compelled to give back what he has received, and let him remain suspended from the performance of his office until he has made satisfaction according to the judgment of his own bishop.

26. Jews and Saracens are not to be allowed to have Christian servants in their houses, either under pretence of nourishing their children or for service or any

20a enim H 21 ligamina Gr. lizigamina Lc-Mi 22 c illis H 23 dum autem H 24 om. Gr. Su 25 nafragium H 26 crimen v. I. Rm tantum omnes 27 in valluit 28 condementur H 29 acceptit H 30 diocesani H 31 neque H 32 suorum add. v. I. Rm 33 vel H 34.

1 ch. 2 Decretals III 48 (Fr 2, 652); see G. Schreiber, Karie und Kloster im 12. Jahrhundert, II Stuttgart 1910, 21, 113.
2 Canon 22 in H. 3 ch. 6 Decretals V 6 (Fr 2, 773).
5 Canon 20 in H.
6 ch. 3 Decretals V 19 (Fr 2, 812); see F. Schneider, Das kirchliche Zinsverbot und die kuriale Praxis im 13. Jahrhundert, Festgabe ... Heinrich Finke, Münster i. W. 1904, 143–144; T. P. McLaughlin, "The Teaching of the Canonists on Usury (XII, XIII and XIV Centuries)," Mediaeval Studies 1 (1939) 110; 2 (1940) 4, 12 sqq.; G. Le Bras, Usury, DTHC 15 (1948) 2342, 2365, 2366.
7 Canon 21 in H.
permittantur habere. Excommunicentur autem qui cum eis præsumpserint habitare. Testimonium quoque Christianorum adversus Iudaicos in omnibus causis, cum illi adversus Christianos testibus sui sunt contrecti, recipiendum esse censumus, et anathemate decernimus fieriendum, quicumque Iudaice Christianus voluerint in hac parte praefecerre, cum eos subiecire Christianis oportere et ab eis pro sola humanitate fovere. Si quicquam praeterea Deo inspirante ad fidem se convertent Christianam, a possessionibus suis nullatenus excludantur, cum melioris conditionis conversos ad fidem esse oportet quam ante quem fidem acceperunt, habeantur. Si autem secus factum fuerit, principibus vel potestatibus eorumdem locorum sub poena excommunicationis inimigumus, ut portionem hereditatis et honorum suorum ex integro eis faciant exhiberit.

27. Sic aut it beatus Leo, licet ecclesiastica disciplina, sacerdotalem contenta iudicio, cruentas non teneat uliones, catholicorum tamen præsocia constitutionem adiuvaret, ut sapa quaeant homines salutare medium, dum corporale super se metuunt evenire suppscidium. Eapropopter, quia in Gasconia Albigescos et partibus Tolosanis et alis locis, ita haereticorum, quos aliis Caris, aliis Patrinos, aliis Publicanos, aliis aliis nominibus vocant, invuluit damnata perversitas, ut iam non in occulto sicut alii nequiquam eam exerceant, sed suum errorem publice manifestent et ad suum consensum simplices attrahant et infirmos, eos et defensores eorum et receptores anathematizatae decernimus subiaceret, et sub anathematibus prohibamus, ne quis eos in domibus vel in terris suarum tenere vel fovere vel negotiationem cum eis exercere præsumat. Si autem in hoc peccato decesserint, non sub nostrorum privilegiis eritulorum feudorum unilateraliter obtenuit nec sub aliacumque occasione, aut oblati fiat pro eis aut inter eorum recipienda sepulcrorum. De Brabantibus et Aragonensibus, Navarriis, Bas��is, Cotelleribus et Triàverdis, qui tantum in christianos immunitatem exerceant, ut nec ecclesiis nec monasteriis deferant, non viduus et pupillis, non senibus et ipsis nec cuilibet parcent actatii aut sexui, sed more paganorum omnia perdant et vential, similiter constituiunt, ut qui eos conduexerint vel teneuerint vel fovereit per

\[ \text{a commenibus} \quad \text{b antea quam} \quad \text{c suscipere} \quad \text{d cum} \quad \text{e seu} \quad \text{f effugiat s. l. Rm.} \quad \text{g Patarinos s. l. Sw LC-Mii} \quad \text{h etiam add. H} \]

\[ \text{i albi} \quad \text{k ipsos in domo} \quad \text{l aut} \quad \text{m neque} \quad \text{n quibuscumque} \quad \text{a alia quacumque} \quad \text{h accipient H} \quad \text{q Brabanconibus s. l. Rm} \quad \text{r Baschis s. l. Rm} \quad \text{s om. H} \quad \text{t non aut} \quad \text{u ipsi et add. H} \]

1 Testimonium quoque ... foveiri: c. 21 X. II 20 (Fr 2, 322); cf. W. Holtzmann, zur päpstlichen Gesetzgebung ... 217-224; S. W. Baron, a Social and Religious History of the Jews, IV New York 1957, 8, 10, 15-16, 236, 238, 240.

2 Iudaici ... habitare. Si qui praeterea ... exhiberis: c. 5 X. V 6 (Fr 2, 723).

3 C. 23, 1 et 2 in H; c. 23, II inc: De Brabantionibus ...

4 Cfr. epistolam XV ad Turribium (PL 54, 680 A).

5 Cf. A. Borst, De Katharoi (Schriften der MGH XII), Stuttgart 1953, 115, 247 n. 1, 250 n. 8. * c. 8 X. V 7 (Fr 2, 779-780).

other reason. Let those be excommunicated who presume to live with them. We declare that the evidence of Christians is to be accepted against Jews in every case, since Jews employ their own witnesses against Christians, and that those who prefer Jews to Christians in this matter are to lie under anathema, since Jews ought to be subject to Christians and to be supported by them on grounds of humanity alone. If any by the inspiration of God are converted to the Christian faith, they are in no way to be excluded from their possessions, since the condition of converts ought to be better than before their conversion. If this is not done, we enjoin on the princes and rulers of these places, under penalty of excommunication, the duty to restore fully to these converts the share of their inheritance and goods. 2

27. As St. Leo says, though the discipline of the church should be satisfied with the judgment of the priest and should not cause the shedding of blood, yet it is helped by the laws of Catholic princes so that people often seek a salutary remedy when they fear that a corporal punishment will overtake them. For this reason, since in Gascony and the regions of Albi and Toulouse and in other places the loathsome heresy of those whom some call the Cathars, others the Patareans, others the Publicani, and others by different names, has grown so strong that they no longer practise their wickedness in secret, as others do, but proclaim their error publicly and draw the simple and weak to join them, we declare that they and their defenders and those who receive them are under anathema, and we forbid under pain of anathema that anyone should keep or support them in their houses or lands or should trade with them. If anyone dies in this sin, then neither under cover of our privileges granted to anyone, nor for any other reason, is mass to be offered for them or are they to receive burial among Christians. With regard to the Brabanters, Aragonese, Navarrese, Basques, Cotelleri and Triaverdini, who practise such cruelty upon Christians that they respect neither churches nor monasteries, and spare neither widows, orphans, old or young nor any age or sex, but like pagans destroy and lay everything waste, we likewise decree that those who hire, keep or support them,
in the districts where they rage around, should be denounced publicly on Sundays and other solemn days in the churches, that they should be subject in every way to the same sentence and penalty as the above-mentioned heretics, and that they should not be received into the communion of the church, unless they abjure their pernicious society and heresy. As long as such people persist in their wickedness, let all who are bound to them by any pact know that they are free from all obligations of loyalty, homage or any obedience. On these and on all the faithful we enjoin, for the remission of sins, that they oppose this scourge with all their might and by arms protect the christian people against them. Their goods are to be confiscated and princes free to subject them to slavery. Those who in true sorrow for their sins die in such a conflict should not doubt that they will receive forgiveness for their sins and the fruit of an eternal reward. We too, trusting in the mercy of God and the authority of the blessed apostles Peter and Paul, grant to faithful Christians who take up arms against them, and who on the advice of bishops or other prelates seek to drive them out, a remission for two years of penance imposed on them, or, if their service shall be longer, we entrust it to the discretion of the bishops, to whom this task has been committed, to grant greater indulgence, according to their judgment, in proportion to the degree of their toil. We command that those who refuse to obey the exhortation of the bishops in this matter should not be allowed to receive the body and blood of the Lord. Meanwhile we receive under the protection of the church, as we do towards those who visit the Lord’s sepulchre, those who fired by their faith have taken upon themselves the task of driving out these heretics, and we decree that they should remain undisturbed from all disquiet both in their property and persons. If any of you presumes to molest them, he shall incur the sentence of excommunication from the bishop of the place, and let the sentence be observed by all until what has been taken away has been restored and suitable satisfaction has been made for the loss inflicted. Bishops and priests who do not resist such wrongs are to be punished by loss of their office until they gain the pardon of the apostolic see.