

1243-1254 – SS Innocentius IV – Bulla ‘Ad Extirpanda’ [AD 1252-05-15]

http://userwww.sfsu.edu/~draker/history/Ad_Extirpanda.html

A Proclamation of the Laws and Regulations to be Followed by Magistrates and Secular Officials against Heretics and their Accomplices and Protectors

Innocent, the Bishop, Servant of the Servants of God, to his beloved sons, the heads of state or rulers, ministers and citizens established in the states and districts of Lombardy, Riviera di Romagnola, and Marchia Tervisina, salvation and an apostolic benediction.

To root up from the midst of Christian people the weed¹ of heretical wickedness, which infests the healthy plants more than it formerly did, pouring out licentiousness through the offices of the enemy of mankind in this age the more eagerly (as we address ourselves to the sweated labor of the task assigned us) the more dangerously we overlook the manner in which this weed runs riot among the Catholic growth. ²Desiring, then, that the sons of the church, and fervent adherents of the orthodox faith, rise up and make their stand against the artificers of this kind of evildoing, we hereby bring forth to be followed by you as by the loyal defenders of the faith, with exact care, these regulations, contained serially in the following document, for the rooting-up of the plague of heresy.

1. In what we gave to your community in apostolical writings, amounting to regulations that we wrote for your legal codes, never at any time to be repealed, making war according to these regulations against all heresy, which rears its head above this holy church, you have gone forward without stint. ³However, I have sent a letter to my beloved sons, the Dominican priors, provincials and inquisitors into heretical wickedness in Lombardy, Marchia Tervisina and Riviera di Romagnola, commanding each of you that you compel recalcitrant individuals by your excommunication and countries by your interdict to submit (sc. to the new regulations).

The Laws and Regulations then Are as Follows:

Law 1.

We decree that the head of state, whatever his rank or title, in each dominion, whether he is so situated at present, or to be so in the future, in Lombardy, Riviera di Romagnola, or Marchia Tervisina must unequivocally and unhesitatingly swear that he will inviolably preserve, and during his entire term of office see to it that everybody, both in his diocese or administrative domain and the lands subject to his power, shall observe, both what is written herein, and other regulations and laws both ecclesiastical and civil, that are published against heretical wickedness. And the oaths concerning these precisely-observed regulations and laws are to be accepted by whoever succeeds to the monarchical or gubernatorial dignity. Whoever defaults in this regard shall lose the character of head of state or governor. Heads of state and rulers so acting will lose absolutely all guarantees of non-aggression from other governments. No one is obliged to offer fealty to such persons, or ought to do so, even if, afterwards, they submit by swearing the oath. If any head of state or ruler refuses to obey, each and all, these statutes, or neglects them, besides the stigma of forswearing, and the disaster of eternal infamy, he shall undergo the penalty of seeing his country lose its borders, ⁴which penalty shall be imposed on him irrecoverably; the country will be converted to common use, ⁵because, specifically, a man forsworn and infamous, and, in effect, a protector of heretics, his faith compromised, has usurped the dignity and honor of governmental power; nor shall another head of state or ruler from anywhere replace him, or in any way, by any means, take to himself the vacated dignity or public office.

Law 2.

3. At the commencement of his term of office, at the assembly of citizens convoked as is the custom, by the authority of the city or feudal domain, the head of state or ruler of the city or feudal domain shall accuse of criminal conduct all heretics of both sexes, no matter by what name they appear on the rolls of citizens. And he will confirm his right to the office inherited from his predecessor in this manner. And furthermore, that no heretical man or woman may dwell, sojourn, or maintain a bare subsistence in the country, or any kind of jurisdiction or district belonging to it, whoever shall find the heretical man or woman shall boldly seize, with impunity, all his or their goods, and freely carry them off, to belong to the remover with full right, unless this kind of removing is restricted to persons designated by law.

Law 3.

This head of state or ruler, by the third day of his term of office, must appoint twelve upright and Catholic men, and two notaries and two servants, or as many as may be needed, selected by the Diocesan bishop if there is one

and he wishes to take part; and two Dominicans and two Franciscans selected for this work by their priors, if the region has religious houses of those orders.

Law 4.

Those who are thus appointed may and should seize the heretical men and women and carry off their possessions and cause these to be carried off by others, and take the heretics, or cause them to be taken, into the custody of the Diocesan bishop or his surrogates, and see to it that these things are fully accomplished as well in the diocese as in its entire jurisdiction and district.

Law 5.

6. The head of state, or whatever ruler stands foremost in the public esteem, must cause the heretics who have been arrested in this manner to be taken to whatever jurisdiction the Diocesan, or his surrogate, is in, or whatever district, or city, or place the Diocesan bishop wishes to take them to.

Law 6.

7. The utterances of the aforementioned officials are to be faithfully accepted in every matter that regards their office, specially in the aforementioned oath; arguments tending to the contrary are not allowed, where two, three, or more of those present are such officials.

Law 7.

8. Moreover, when these officials are chosen, they shall swear to execute faithfully all these laws, and to the best of their ability, to tell nothing but the truth, in all those commitments, which as they belong to their office, they fully carry out.

Law 8.

9. And both the aforesaid twelve men and their aforesaid servants and notaries, whether acting as a group, or singly, shall, in all that belongs to their office, have full command, backed by the executive and punitive power of the state.

Law 9.

10. The head of state or ruler is obliged to treat as fixed and unrepealable all precepts which their office shall require them to utter, and to punish those who fail to conform to these precepts.

Law 10.

11. If the said officials shall at any time receive any damage either in their persons or their goods as a result of the performance of their duties, they shall be saved harmless by means of a full restitution.

Law 11.

12. Neither these officials, nor their successors, are permitted at any time to reach an agreement about what they are doing, or of what their duties consist, unless this agreement is dictated by the aforesaid Diocesan and religious orders.

Law 12.

13. The term of office of these officials shall last only six months, which when they have completed, the head of state is obliged to substitute for them according to the prescribed form, an equal number of officials who shall serve the aforesaid term in the same form in the following six-month period.

Law 13.

14. These officials shall receive out of the state treasury, or that of the district, when they leave them for the purpose of performing these duties, each of them 18 gold coins, which the head of state or ruler is obliged to give them or cause to be given them; if not then, before the third day after their return to the same city or district.

Law 14.

15. And beyond that they shall seize one-third of the heretics' property; one-third of the fines to which the heretics shall be sentenced shall go to the lesser officials who must content themselves with this pay.

Law 15.

16. But they shall not be, in any way, required to perform any other duty or work which interferes with, or might interfere with, this duty.

Law 16.

17. No legislation, passed or yet to be passed, shall have force to interfere with any of these official functions.

Law 17.

18. And if one of these officials, through incompetence, sloth, preoccupation with another task, or exceeding of the limits of his authority, is removed from office by the aforesaid Diocesan bishop and religious orders, the head of state or ruler must remove him by their command or word and, according to the prescribed form, substitute another.

Law 18.

19. If one of these officials, faithlessly and falsely, exceeds the limits of his authority to give aid and comfort to persons in custody on heresy charges, besides everlasting infamy, which, as a protector of heretics, he shall incur, he shall be punished by the head of state or ruler according to the sentence of the aforesaid Diocesan and monastic orders of the place.

Law 19.

20. When the Diocesan, or his surrogate, or the inquisitors commissioned by the Apostolic See, arrive on their missions, the head of state and his vassals and other assistants will lend aid and will faithfully perform their duty with them. Anyone, moreover, whether he is present in the country or sent for to obtain his assistance there, whether in the state or in its jurisdiction, or any district of any kind, will be bound to give the aforesaid officials and their assistants counsel and help when they are trying to arrest a male or female heretic, or seize such a person's belongings, or gather evidence; or enter a house, or a manor, or a hideaway to arrest heretics, on pain of paying 25 pounds in Imperials as a penalty or fine on their former loyalty changing, in whatever manner, to dereliction; the government of a city shall pay a hundred pounds, a manorial domain fifty imperials in coin.

Law 20.

21. Whoever shall have the audacity to arrange the escape from custody of a male or female heretic, or shall try to prevent the arrest of such a person: or shall prevent the entry of an official into any house, or tower, or any place to hinder arrest, or prevent the gathering of evidence concerning such persons, shall have all his goods, according to the law at Padua when Frederick was emperor there, ⁶consigned to the state in perpetuity, and the house that was barred against the official shall be levelled with the ground and its rebuilding prohibited, and the belongings found therein shall be awarded to the officials making the arrest; and if the heretics are found as a result of this prohibition or special preventive measure, the borough shall forfeit to the state two hundred pounds; localities both of the boroughs and the state fifty Imperials, unless within three days the would-be liberator or liberators of the heretics are brought before the head of state for a personal interview.

Law 21.

22. Above all, the head of state or ruler must hold all male and female heretics who shall be arrested from this date, in the custody of Catholic men appointed by the Diocesan if there is one, and the abovementioned monastic orders, in a safe and secure prison set aside for them, in which only they will be held, away from thieves and violators of the secular criminal code, till their cases are decided; expenses to be paid by the state or the administrative district.

Law 22.

23. If at any time a non-heretical man or woman state that heretics in custody, who have already confessed, are no heretics; or if perhaps the non-heretics demand that the aforesaid fraudulent persons should be released from

life imprisonment, though they are nevertheless convicted heretics and must be acknowledged such; the persons who create this snare, accordingly to the aforesaid law shall resign all their property to the state in perpetuity.

Law 23.

24. The head of state and ruler of whatever kind are especially obliged to present all male and female heretics, under whatever name they are accused, within fifteen days after their arrest, to the Diocesan or his surrogate, or to the inquisitors of heresy, to perform the examination of themselves and their heresies.

Law 24.

Those convicted of heresy by the aforesaid Diocesan Bishop, surrogate or inquisitors, shall be taken in shackles to the head of state or ruler or his special representative, instantly, or at least within five days, and the latter shall apply the regulations promulgated against such persons.⁷

Law 25.

26. The head of state or ruler must force all the heretics whom he has in custody, ⁸provided he does so without killing them or breaking their arms or legs, as actual robbers and murderers of souls and thieves of the sacraments of God and Christian faith, to confess their errors and accuse other heretics whom they know, and specify their motives, ⁹and those whom they have seduced, and those who have lodged them and defended them, as thieves and robbers of material goods are made to accuse their accomplices and confess the crimes they have committed.

Law 26.

27. And the house, in which a male or female heretic shall be discovered, shall be levelled with the ground, never to be rebuilt; unless it is the master of the house who shall have arranged the discovery of the heretics. And if the master of the house owns other houses in the same neighborhood, all of the other houses shall in like manner be destroyed, and the goods that shall be found in the house and the others related to it shall be dispersed to the populace, and shall belong to whoever carries them off, unless the removers shall be appointed by law. Above all, the master of the house, besides incurring eternal infamy, must pay the government or locality fifty pounds Imperial in coin; if unable to pay, he shall suffer life imprisonment. The borough where the heretics are arrested or discovered shall pay the government of the state a hundred pounds; and a manor shall pay fifty, and the regions adjoining manors and states, fifty.

Law 27.

28. Whoever shall be caught giving any male or female heretic counsel, help, or favor, besides the other punishments mentioned duly in their logical places in other passages of this decree, shall become infamous by that same law, and shall be admitted neither to public office, nor public affairs, nor the election of persons to these, nor may he testify in a legal process; to that extent shall his incapacity to testify go, that he shall neither bequeath legacies to heirs nor inherit them himself. No one shall be compelled to respond to any business dealings initiated by him but he shall be so compelled by others. If he be by chance a judge, his sentence shall prove nothing, nor shall he hear any case. If he be an attorney, his defence in court will never be allowed to prevail. If he be a notary, the legal documents drawn up by him shall be utterly without validity. Those who give ear to the false doctrines of heretics shall be punished like heretics.

Law 28.

29. The head of state or ruler must cause the names of all men rendered infamous by heresy, or under a statute of outlawry for it, to be written in a consistent form and manner in four books, of which one shall go to the state or local government, another to the Diocesan bishop, the third to the Dominican friars, and the fourth to the Franciscans, and the names of these persons are to be read aloud three times a year in a solemn public ceremony.

Law 29.

30. The head of state or ruler must carefully investigate the sons and grandsons of heretics and those who have lodged them, defended them, and given them aid, and in the future admit them to no public affairs or public office.

Law 30.

31. The head of state or ruler must send one of his aides, chosen by the Diocesan if there is one, with the aforesaid inquisitors obtained from the Apostolic See, as often as they shall wish, into the jurisdiction of the state and the district. This aide, as the aforesaid inquisitors shall have determined, will compel three men or more, reliable witnesses, or, if it seem good to them, the whole neighborhood, to testify to the aforesaid inquisitors if they have detected any heretics, or want to expose their motives, ⁹whether the heretics celebrate rites in secret gatherings, or scoff at the common life of the faithful, and their customs; or if the witnesses want to expose those the heretics have seduced, or their defenders, or those who lodge them, or those who give the heretics help. The head of state shall proceed against the accused according to the laws of the Emperor Frederick when he governed Padua.

Law 31.

32. The head of state or ruler must, within ten days after the accusation, complete the following tasks: the destruction of the houses, the imposition of the fines, the consigning and dividing-up of the valuables that have been found or seized, all of which have already been described in this decree. He must obtain all fines in coin within three months, and divide them up in the manner to be set forth hereafter, and convict of crime those who cannot pay, and hold them in prison until they can. However, he shall be subject to investigation for all and each of these things, as it shall be described hereunder, and moreover he must designate one of the assistants, chosen by the Diocesan bishop or his surrogate and the aforesaid inquisitors, to carefully complete all these tasks; another assistant shall be substituted if they so decide.

Law 32.

33. None of these sentences or punishments imposed on account of heresy, shall, either by the motion of any public gathering, the advice of counselors, or any kind of popular outcry, or the innate humanity ¹⁰of those in authority, be in any way waived or pardoned.

Law 33.

34. The head of state or ruler must divide up all the property of the heretics that is seized or discovered by the aforesaid officials, and the fines exacted from these heretics, in the form and manner following: one-third shall go to the government of the state or district. The second as a reward of the industry of the office shall go to the officials who handled this particular case. The third shall be deposited in some secure place to be kept by the aforesaid Diocesan bishop and inquisitors, and spent as they shall think fit to promote the faith and extirpate ¹¹heretics, this policy prevailing in spite of any statute that has been or shall be enacted against this dividing-up of the heretics' property.

Law 34.

35. If anyone tries to abolish, reduce or change any of these statutes, without particular authority from the Apostolic See, the head of state or ruler presiding at that time over the state or district, must, according to the prescribed form, render him infamous, as a public advocate and patron of heretics, and fine him fifty Imperials in coin, which if the head of state is unable to collect, he shall declare him an outlaw, a brand not to be removed till twice the sum is paid over.

Law 35.

36. The head of state, or ruler, during the first ten days of his term of office, by employing three faithful Catholic men, chosen for this purpose by the Diocesan bishop, if there is one, and the Dominican and Franciscan friars, must investigate the most recent occupant of his post, and the latter's aides, concerning everything that is written in these statutes or regulations and laws against heretics and their accomplices, and punish those who have overstepped the bounds of their authority for each and every particular they have neglected to perform, and compel the present government to restore the lost function; nor shall any departure from the regular procedure cause anyone in the government to be exempted from the investigation.

Law 36.

37. The aforesaid three men shall swear that they have acted in good faith in investigating the previous government concerning everything in these laws and regulations.

Law 37.

38. In addition, the head of state or ruler of any city or district must delete or erase completely whatever, in any statute or legal code, is found to contradict or hinder, in any way, these regulations, statutes, or laws; and in the beginning and the middle of his term of office, he shall cause these statutes, regulations, and laws to be solemnly read aloud in a public assembly; and even in places outside his jurisdiction or district, they shall be set forth if it seem good to the aforesaid Diocesan, or inquisitors and friars aforementioned.

Law 38.

39. Finally, all these statutes, regulations, and laws, and whatever shall be enacted at any time by the Apostolic See against heretics and their accomplices, must be written in a consistent format in four books, of which the first shall be deposited in the legal archives of the state, the second with the Diocesan bishop, the third with the Dominicans, the fourth with the Franciscans, all kept with the greatest care, that they may in no way be violated by forgers.

Given at Perusio, 15 May, in the ninth year of our pontificate.