

# Fourth Lateran Council : 1215

CONSTITUTIONS {These headings are provided by the Hypertext Editor}

1. [Confession of Faith](#)
2. [On the error of abbot Joachim](#)
3. [On Heretics](#)
4. [On the pride of the Greeks towards the Latins](#)
5. [The dignity of the patriarchal sees](#)
6. [On yearly provincial councils](#)
7. [The correction of offences and the reform of morals](#)
8. [On inquests](#)
9. [On different rites within the same faith](#)
10. [On appointing preachers](#)
11. [On schoolmasters for the poor](#)
12. [On general chapters of monks](#)
13. [A prohibition against new religious orders](#)
14. [Clerical incontinence](#)
15. [Clerical gluttony and drunkenness](#)
16. [Decorum in the dress and behaviour of clerics](#)
17. [Dissolute prelates](#)
18. [Clerics to dissociate from shedding-blood](#)
19. [That profane objects may not be stored in churches](#)
20. [Chrism and the Eucharist to be kept under lock and key](#)
21. [On yearly confession to one's own priest, yearly communion, the confessional seal](#)
22. [Physicians of the body to advise patients to call physicians of the soul](#)
23. [Churches are to be without a prelate for no more than 3 months](#)
24. [Democratic election of pastors](#)
25. [Invalid elections](#)
26. [Nominees for prelatures to be carefully screened](#)
27. [Candidates for the priesthood to be carefully trained and scrutinized](#)
28. [Who asks to resign must resign](#)
29. [Multiple benefices require papal dispensation](#)
30. [Penalties for bestowing ecclesiastical benefices on the unworthy](#)
31. [Canons' sons cannot be canons where their fathers are](#)
32. [Parish priests to have adequate incomes](#)
33. [Remuneration for visitations to be reasonable](#)
34. [Prelates forbidden to procure ecclesiastical services at a profit](#)
35. [On appeal procedures](#)
36. [On interlocutory sentences](#)
37. [On Summons by Apostolic Letter](#)
38. [Written records of trials to be kept](#)
39. [On knowingly receiving stolen goods](#)
40. [True owner is the true possessor even if not possessing the object for a year](#)
41. [No one is to knowingly prescribe an object to the wrong party](#)
42. [Clerics and laity are not to usurp each others rights](#)
43. [Clerics cannot be forced to take oaths of fealty to those from whom they hold no temporalities](#)
44. [Only clerics may dispose of church property](#)
45. [Penalties for patrons who steal church goods or physically harm their clerics](#)
46. [Taxes cannot be levied on the Church, but the Church can volunteer contributions for the common good](#)
47. [On unjust excommunication](#)
48. [Challenging an ecclesiastical judge](#)
49. [Penalties for excommunication out of avarice](#)

50. [Prohibition of marriage is now perpetually restricted to the fourth degree](#)
51. [Clandestine marriages forbidden](#)
52. [On rejecting evidence from hearsay at a matrimonial suit](#)
53. [On those who give their fields to others to be cultivated so as to avoid tithes](#)
54. [Tithes should be paid before taxes](#)
55. [Tithes are to be paid on lands acquired, notwithstanding privileges](#)
56. [A parish priest shall not lose a tithes on account of some people making a pact](#)
57. [Interpreting the words of privileges](#)
58. [On the same in favour of bishops](#)
59. [Religious cannot give surety without permission of his abbot and convent](#)
60. [Abbots not to encroach on episcopal office](#)
61. [Religious may not receive tithes from lay hands](#)
62. [Regarding saint's relics](#)
63. [On simony](#)
64. [Simony with regards to monks and nuns](#)
65. [Simony and extortion](#)
66. [Simony and avarice in clerics](#)
67. [Jews and excessive Usury](#)
68. [Jews appearing in public](#)
69. [Jews not to hold public offices](#)
70. [Jewish converts may not retain their old rite](#)
71. [Crusade to recover the holy Land](#)

## Introduction

During the pontificate of **Innocent III** (1198-1216) there appears to have occurred much growth in the reform of the church and in its freedom from subservience to the empire as well as in the primacy of the bishop of Rome and in the summoning of ecclesiastical business to the Roman curia. Innocent himself, turning his whole mind to the things of God, strove to build up the christian community. Spiritual things, and therefore the church, were to have first place in this endeavour; so that human affairs were to be dependent upon, and to draw their justification from, such considerations.

The council may therefore be regarded as a great summary of the pontiff's work and also as his greatest initiative. He was not able, however, to bring it to completion since he died shortly afterwards (1216). Christian disasters in the holy Land probably provided the occasion for Innocent to call the council. Thus the pontiff ordered a new crusade to be proclaimed. But he also used the crusade as an instrument of ecclesiastical administration, combined with reform of the church, namely in a fierce war against heretics which he thought would restore ecclesiastical society.

The council was summoned on 19 April 1213 to meet in November 1215. All the bishops and abbots of the church as well as priors and even (which was new) chapters of churches and of religious orders -- namely Cistercians, Premonstratensians, Hospitallers and Templars -- and the kings and civil authorities throughout Europe were invited. The bishops were explicitly asked to propose topics for discussion at the council, something which does not seem to have happened at the preceding Lateran councils. This was done by the legates who had been dispatched throughout Europe to preach the crusade. In each province only one or two bishops were allowed to remain at home; all the rest were ordered to be present. The **purposes** of the council were clearly set forth by Innocent himself : *"to eradicate vices and to plant virtues, to correct faults and to reform morals, to remove heresies and to strengthen faith, to settle discords and to establish peace, to get rid of oppression and to foster liberty, to induce princes and christian people to come to the aid and succour of the holy Land..."* . It seems that when Innocent summoned the council he wished to observe the customs of the early ecumenical councils, and indeed this fourth Lateran council was regarded as an ecumenical council by all learned and religious men of the age.

When the council began in the Lateran basilica in November 1215 there were present 404 bishops from throughout the western church, and from the Latin eastern church a large number of abbots, canons and representatives of the secular power. No Greeks were present, even those invited, except the patriarch of the Maronites and a legate of the patriarch of Alexandria. The bond with the Greek church was indeed neglected, and matters became more serious through the actions of Latin bishops living in the east or through the decrees of the council.

The council began on *11 November* with the pontiff's sermon. He was especially looking for a religious outcome to the council. Soon, however secular matters and power politics came to the fore. At the second session (on 20 November) the struggle for the empire between Frederick II and Otto IV was brought before the council and gave rise to a bitter and

contentious debate. This affected the nature of the council in a way that had not been foreseen and revealed a certain ineffectiveness in Innocent's plans for governing the church. Finally, the third session (on 30 November) was devoted to reading and approving the constitutions, which were proposed by the pontiff himself. The last decree dealt with preparations for a crusade -- "Jesus Christ's business" -- and fixed 1 June 1217 for its start, though this was prevented by the pontiff's death.

The seventy constitutions would seem to give proof of the council's excellent results. The work of Innocent appears clearly in them even though they were probably not directly composed by him. He regarded them as universal laws and as a summary of the jurisdiction of his pontificate. Few links with earlier councils survive, those with the third Lateran council being the only relevant ones of which we know.

Thus,

- the first constitution is regarded as a new profession of faith.
- The second and third constitutions, which deal with heretics and contain dogmatic statements, are new.
- The remainder, which deal with the reform of the church, appear for the most part to be new either in form or in content. They deal with
  - the church's discipline (6-13) ,
  - the reform of clerical morals (14-22) ,
  - episcopal elections and the administration of benefices (23-32) ,
  - exaction of taxes (33-34) ,
  - canonical suits (35-49) ,
  - matrimony (50-52) ,
  - tithes (53-61) ,
  - simony (63-66) , and
  - Jews (67-70) .

The constitutions were first edited by Cr 2 (1538) CLXv-CLXXIIv, the text of which was used in Cr 2 (1551) 946-967, Su 3 (1567) 735-756, and Bn 3/2 (1606) 1450-1465. Roman editors produced a more accurate edition (Rm 4 [1612] 43-63) , collating the common text "with manuscript codices from the Vatican". Rm was followed by Bn 3/2 (1618) 682-696 and ER 28 (1644) 154-225. LC 11/1 (1671) 142-233 provided a text "in Greek and Latin..... from a Mazarin codex" (=M) with various readings from a d'Achery codex (=A) . The Greek translation, however, which LC had thought to be contemporary, does not provide a complete text and was taken from a later codex. LC was followed by Hrd 7 (1714) 15-78, Cl 13 (1730) 927-1018, and Msi 22 (1778) 981-1068. There are many surviving manuscripts of the constitutions, as has been shown by Garcia, who is preparing a critical edition. That is to say, twenty manuscripts containing the constitutions and twelve others containing the constitutions together with commentaries; and probably there are others which are not yet known. The constitutions were taken into *Compilatio IV*, except 42 and [71], and into *Decretalia* of Gregory IX, except 42, 49 and [71]. **The present edition follows the Roman edition, but all the variant readings that have so far been brought to light by scholars have been cited with {n} referring to the endnotes.**

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## CONSTITUTIONS

### 1. Confession of Faith

We firmly believe and simply confess that there is only one true God, eternal and immeasurable, almighty, unchangeable, incomprehensible and ineffable, Father, Son and holy Spirit, three persons but one absolutely simple essence, substance or nature {1} . The Father is from none, the Son from the Father alone, and the holy Spirit from both equally, eternally without beginning or end; the Father generating, the Son being born, and the holy Spirit proceeding; consubstantial and coequal, co-omnipotent and coeternal; one principle of all things, creator of all things invisible and visible, spiritual and corporeal; who by his almighty power at the beginning of time created from nothing both spiritual and corporeal creatures, that is to say angelic and earthly, and then created human beings composed as it were of both spirit and body in common. The devil and other demons were created by God naturally good, but they became evil by their own doing. Man, however, sinned at the prompting of the devil.

This holy Trinity, which is undivided according to its common essence but distinct according to the properties of its persons, gave the teaching of salvation to the human race through Moses and the holy prophets and his other servants, according to the most appropriate disposition of the times. Finally the only-begotten Son of God, Jesus Christ, who became incarnate by the action of the whole Trinity in common and was conceived from the ever virgin Mary through the cooperation of the holy

Spirit, having become true man, composed of a rational soul and human flesh, one person in two natures, showed more clearly the way of life. Although he is immortal and unable to suffer according to his divinity, he was made capable of suffering and dying according to his humanity. Indeed, having suffered and died on the wood of the cross for the salvation of the human race, he descended to the underworld, rose from the dead and ascended into heaven. He descended in the soul, rose in the flesh, and ascended in both. He will come at the end of time to judge the living and the dead, to render to every person according to his works, both to the reprobate and to the elect. All of them will rise with their own bodies, which they now wear, so as to receive according to their deserts, whether these be good or bad; for the latter perpetual punishment with the devil, for the former eternal glory with Christ.

There is indeed one universal church of the faithful, outside of which nobody at all is saved, in which Jesus Christ is both priest and sacrifice. His body and blood are truly contained in the sacrament of the altar under the forms of bread and wine, the bread and wine having been changed in substance, by God's power, into his body and blood, so that in order to achieve this mystery of unity we receive from God what he received from us. Nobody can effect this sacrament except a priest who has been properly ordained according to the church's keys, which Jesus Christ himself gave to the apostles and their successors. But the sacrament of baptism is consecrated in water at the invocation of the undivided Trinity -- namely Father, Son and holy Spirit -- and brings salvation to both children and adults when it is correctly carried out by anyone in the form laid down by the church. If someone falls into sin after having received baptism, he or she can always be restored through true penitence. For not only virgins and the continent but also married persons find favour with God by right faith and good actions and deserve to attain to eternal blessedness.

## **2. On the error of abbot Joachim**

We therefore condemn and reprove that small book or treatise which abbot Joachim published against master Peter Lombard concerning the unity or essence of the Trinity, in which he calls Peter Lombard a heretic and a madman because he said in his Sentences, "For there is a certain supreme reality which is the Father and the Son and the holy Spirit, and it neither begets nor is begotten nor does it proceed". He asserts from this that Peter Lombard ascribes to God not so much a Trinity as a quaternity, that is to say three persons and a common essence as if this were a fourth person. Abbot Joachim clearly protests that there does not exist any reality which is the Father and the Son and the holy Spirit--neither an essence nor a substance nor a nature -- although he concedes that the Father and the Son and the holy Spirit are one essence, one substance and one nature. He professes, however, that such a unity is not true and proper but rather collective and analogous, in the way that many persons are said to be one people and many faithful one church, according to that saying : Of the multitude of believers there was one heart and one mind, and Whoever adheres to God is one spirit with him; again He who plants and he who waters are one, and all of us are one body in Christ; and again in the book of Kings, My people and your people are one. In support of this opinion he especially uses the saying which Christ uttered in the gospel concerning the faithful : I wish, Father, that they may be one in us, just as we are one, so that they may be made perfect in one. For, he says, Christ's faithful are not one in the sense of a single reality which is common to all. They are one only in this sense, that they form one church through the unity of the catholic faith, and finally one kingdom through a union of indissoluble charity. Thus we read in the canonical letter of John : For there are three that bear witness in heaven, the Father and the Word and the holy Spirit, and these three are one; and he immediately adds, And the three that bear witness on earth are the spirit, water and blood, and the three are one, according to some manuscripts.

We, however, with the approval of this sacred and universal council, believe and confess with Peter Lombard that there exists a certain supreme reality, incomprehensible and ineffable, which truly is the Father and the Son and the holy Spirit, the three persons together and each one of them separately. Therefore in God there is only a Trinity, not a quaternity, since each of the three persons is that reality -- that is to say substance, essence or divine nature--which alone is the principle of all things, besides which no other principle can be found. This reality neither begets nor is begotten nor proceeds; the Father begets, the Son is begotten and the holy Spirit proceeds. Thus there is a distinction of persons but a unity of nature. Although therefore the Father is one person, the Son another person and the holy Spirit another person, they are not different realities, but rather that which is the Father is the Son and the holy Spirit, altogether the same; thus according to the orthodox and catholic faith they are believed to be consubstantial. For the Father, in begetting the Son from eternity, gave him his substance, as he himself testifies : What the Father gave me is greater than all. It cannot be said that the Father gave him part of his substance and kept part for himself since the Father's substance is indivisible, inasmuch as it is altogether simple. Nor can it be said that the Father transferred his substance to the Son, in the act of begetting, as if he gave it to the Son in such a way that he did not retain it for himself; for otherwise he would have ceased to be substance. It is therefore clear that in being begotten the Son received the Father's substance without it being diminished in any way, and thus the Father and the Son have the same substance. Thus the Father and the Son and also the holy Spirit proceeding from both are the same reality.

When, therefore, the Truth prays to the Father for those faithful to him, saying I wish that they may be one in us just as we are one, this word one means for the faithful a union of love in grace, and for the divine persons a unity of identity in nature, as the Truth says elsewhere, You must be perfect as your heavenly Father is perfect {2} , as if he were to say more plainly, You must be perfect in the perfection of grace, just as your Father is perfect in the perfection that is his by nature, each in his own way. For between creator and creature there can be noted no similarity so great that a greater dissimilarity cannot be seen

between them. If anyone therefore ventures to defend or approve the opinion or doctrine of the aforesaid Joachim on this matter, let him be refuted by all as a heretic. By this, however, we do not intend anything to the detriment of the monastery of Fiore, which Joachim founded, because there both the instruction is according to rule and the observance is healthy; especially since Joachim ordered all his writings to be handed over to us, to be approved or corrected according to the judgment of the apostolic see. He dictated a letter, which he signed with his own hand, in which he firmly confesses that he holds the faith held by the Roman church, which is by God's plan the mother and mistress of all the faithful.

We also reject and condemn that most perverse doctrine of the impious Amalric, whose mind the father of lies blinded to such an extent that his teaching is to be regarded as mad more than as heretical.

### 3. On Heretics

We excommunicate and anathematize every heresy raising itself up against this holy, orthodox and catholic faith which we have expounded above. We condemn all heretics, whatever names they may go under. They have different faces indeed but their tails are tied together inasmuch as they are alike in their pride. Let those condemned be handed over to the secular authorities present, or to their bailiffs, for due punishment. Clerics are first to be degraded from their orders. The goods of the condemned are to be confiscated, if they are lay persons, and if clerics they are to be applied to the churches from which they received their stipends. Those who are only found suspect of heresy are to be struck with the sword of anathema, unless they prove their innocence by an appropriate purgation, having regard to the reasons for suspicion and the character of the person. Let such persons be avoided by all until they have made adequate satisfaction. If they persist in the excommunication for a year, they are to be condemned as heretics. Let secular authorities, whatever offices they may be discharging, be advised and urged and if necessary be compelled by ecclesiastical censure, if they wish to be reputed and held to be faithful, to take publicly an oath for the defence of the faith to the effect that they will seek, in so far as they can, to expel from the lands subject to their jurisdiction all heretics designated by the church in good faith. Thus whenever anyone is promoted to spiritual or temporal authority, he shall be obliged to confirm this article with an oath. If however a temporal lord, required and instructed by the church, neglects to cleanse his territory of this heretical filth, he shall be bound with the bond of excommunication by the metropolitan and other bishops of the province. If he refuses to give satisfaction within a year, this shall be reported to the supreme pontiff so that he may then declare his vassals absolved from their fealty to him and make the land available for occupation by Catholics so that these may, after they have expelled the heretics, possess it unopposed and preserve it in the purity of the faith -- saving the right of the suzerain provided that he makes no difficulty in the matter and puts no impediment in the way. The same law is to be observed no less as regards those who do not have a suzerain.

Catholics who take the cross and gird themselves up for the expulsion of heretics shall enjoy the same indulgence, and be strengthened by the same holy privilege, as is granted to those who go to the aid of the holy Land. Moreover, we determine to subject to excommunication believers who receive, defend or support heretics. We strictly ordain that if any such person, after he has been designated as excommunicated, refuses to render satisfaction within a year, then by the law itself he shall be branded as infamous and not be admitted to public offices or councils or to elect others to the same or to give testimony. He shall be intestable, that is he shall not have the freedom to make a will nor shall succeed to an inheritance. Moreover nobody shall be compelled to answer to him on any business whatever, but he may be compelled to answer to them. If he is a judge sentences pronounced by him shall have no force and cases may not be brought before him; if an advocate, he may not be allowed to defend anyone; if a notary, documents drawn up by him shall be worthless and condemned along with their condemned author; and in similar matters we order the same to be observed. If however he is a cleric, let him be deposed from every office and benefice, so that the greater the fault the greater be the punishment. If any refuse to avoid such persons after they have been pointed out by the church, let them be punished with the sentence of excommunication until they make suitable satisfaction. Clerics should not, of course, give the sacraments of the church to such pestilent people nor give them a christian burial nor accept alms or offerings from them; if they do, let them be deprived of their office and not restored to it without a special indult of the apostolic see. Similarly with regulars, let them be punished with losing their privileges in the diocese in which they presume to commit such excesses.

"There are some who holding to the form of religion but denying its power (as the Apostle says) , claim for themselves the authority to preach, whereas the same Apostle says, How shall they preach unless they are sent? Let therefore all those who have been forbidden or not sent to preach, and yet dare publicly or privately to usurp the office of preaching without having received the authority of the apostolic see or the catholic bishop of the place", be bound with the bond of excommunication and, unless they repent very quickly, be punished by another suitable penalty. We add further that each archbishop or bishop, either in person or through his archdeacon or through suitable honest persons, should visit twice or at least once in the year any parish of his in which heretics are said to live. There he should compel three or more men of good repute, or even if it seems expedient the whole neighbourhood, to swear that if anyone knows of heretics there or of any persons who hold secret conventicles or who differ in their life and habits from the normal way of living of the faithful, then he will take care to point them out to the bishop. The bishop himself should summon the accused to his presence, and they should be punished canonically if they are unable to clear themselves of the charge or if after compurgation they relapse into their former errors of faith. If however any of them with damnable obstinacy refuse to honour an oath and so will not take it, let them by this very fact be regarded as heretics. We therefore will and command and, in virtue of obedience, strictly command that bishops see

carefully to the effective execution of these things throughout their dioceses, if they wish to avoid canonical penalties. If any bishop is negligent or remiss in cleansing his diocese of the ferment of heresy, then when this shows itself by unmistakable signs he shall be deposed from his office as bishop and there shall be put in his place a suitable person who both wishes and is able to overthrow the evil of heresy.

#### **4. On the pride of the Greeks towards the Latins**

Although we would wish to cherish and honour the Greeks who in our days are returning to the obedience of the apostolic see, by preserving their customs and rites as much as we can in the Lord, nevertheless we neither want nor ought to defer to them in matters which bring danger to souls and detract from the church's honour. For, after the Greek church together with certain associates and supporters withdrew from the obedience of the apostolic see, the Greeks began to detest the Latins so much that, among other wicked things which they committed out of contempt for them, when Latin priests celebrated on their altars they would not offer sacrifice on them until they had washed them, as if the altars had been defiled thereby. The Greeks even had the temerity to rebaptize those baptized by the Latins; and some, as we are told, still do not fear to do this. Wishing therefore to remove such a great scandal from God's church, we strictly order, on the advice of this sacred council, that henceforth they do not presume to do such things but rather conform themselves like obedient sons to the holy Roman church, their mother, so that there may be one flock and one shepherd. If anyone however does dare to do such a thing, let him be struck with the sword of excommunication and be deprived of every ecclesiastical office and benefice.

#### **5. The dignity of the patriarchal sees**

Renewing the ancient privileges of the patriarchal sees, we decree, with the approval of this sacred universal synod, that after the Roman church, which through the Lord's disposition has a primacy of ordinary power over all other churches inasmuch as it is the mother and mistress of all Christ's faithful, the church of Constantinople shall have the first place, the church of Alexandria the second place, the church of Antioch the third place, and the church of Jerusalem the fourth place, each maintaining its own rank. Thus after their pontiffs have received from the Roman pontiff the pallium, which is the sign of the fullness of the pontifical office, and have taken an oath of fidelity and obedience to him they may lawfully confer the pallium on their own suffragans, receiving from them for themselves canonical profession and for the Roman church the promise of obedience. They may have a standard of the Lord's cross carried before them anywhere except in the city of Rome or wherever there is present the supreme pontiff or his legate wearing the insignia of the apostolic dignity. In all the provinces subject to their jurisdiction let appeal be made to them, when it is necessary, except for appeals made to the apostolic see, to which all must humbly defer.

#### **6. On yearly provincial councils**

As is known to have been ordained of old by the holy fathers, metropolitans should not fail to hold provincial councils each year with their suffragans in which they consider diligently and in the fear of God the correction of excesses and the reform of morals, especially among the clergy. Let them recite the canonical rules, especially those which have been laid down by this general council, so as to secure their observance, inflicting on transgressors the punishment due. In order that this may be done more effectively, let them appoint for each diocese suitable persons, that is to say prudent and honest persons, who will simply and summarily, without any jurisdiction, throughout the whole year, carefully investigate what needs correction or reform and will then faithfully report these matters to the metropolitan and suffragans and others at the next council, so that they may proceed with careful deliberation against these and other matters according to what is profitable and decent. Let them see to the observance of the things that they decree, publishing them in episcopal synods which are to be held annually in each diocese. Whoever neglects to carry out this salutary statute is to be suspended from his benefices and from the execution of his office, until his superior decides to release him.

#### **7. The correction of offences and the reform of morals**

By this inviolable constitution we decree that prelates of churches should prudently and diligently attend to the correction of their subjects' offences especially of clerics, and to the reform of morals. Otherwise the blood of such persons will be required at their hands. In order that they may be able to exercise freely this office of correction and reform, we decree that no custom or appeal can impede the execution of their decisions, unless they go beyond the form which is to be observed in such matters. The offences of canons of a cathedral church, however, which have customarily been corrected by the chapter, are to be corrected by the chapter in those churches which until now have had this custom, at the instance and on the orders of the bishop and within a suitable time-limit which the bishop will decide. If this is not done, then the bishop, mindful of God and putting an end to all opposition, is to go ahead with correcting the persons by ecclesiastical censure according as the care of souls requires, and he shall not omit to correct their other faults according as the good of souls requires, with due order however being observed in all things {3} . For the rest, if the canons stop celebrating divine services without manifest and reasonable cause, especially if this is in contempt of the bishop, then the bishop himself may celebrate in the cathedral church if he wishes, and on complaint from him, the metropolitan, as our delegate in the matter, may, when he has learned the truth,

punish the persons concerned in such fashion that for fear of punishment they shall not venture such action in the future. Let prelates of churches therefore carefully see that they do not turn this salutary statute into a form of financial gain or other exaction, but rather let them carry it out assiduously and faithfully, if they wish to avoid canonical punishment, since in these matters the apostolic see, directed by the Lord, will be very vigilant.

## **8. On inquests**

"How and in what way a prelate ought to proceed to inquire into and punish the offences of his subjects may be clearly ascertained from the authorities of the new and old Testament, from which subsequent sanctions in canon law derive", as we said distinctly some time ago and now confirm with the approval of this holy council.

"For we read in the gospel that the steward who was denounced to his lord for wasting his goods heard him say : What is this that I hear about you? Give an account of your stewardship, for you can no longer be my steward. And in Genesis the Lord says : I will go down and see whether they have done altogether according to the outcry which has come to me. From these authorities it is clearly shown that not only when a subject has committed some excess but also when a prelate has done so, and the matter reaches the ears of the superior through an outcry or rumour which has come not from the malevolent and slanderous but from prudent and honest persons, and has come not only once but frequently (as the outcry suggests and the rumour proves) , then the superior ought diligently to seek out the truth before senior persons of the church. If the seriousness of the matter demands, then the fault of the offender should be subjected to canonical punishment. However, the superior should carry out the duty of his office not as if he were the accuser and the judge but rather with the rumour providing the accusation and the outcry making the denunciation. While this should be observed in the case of subjects, all the more carefully should it be observed in the case of prelates, who are set as a mark for the arrow. Prelates cannot please everyone since they are bound by their office not only to convince but also to rebuke and sometimes even to suspend and to bind. Thus they frequently incur the hatred of many people and risk ambushes. Therefore the holy fathers have wisely decreed that accusations against prelates should not be admitted readily, without careful provision being taken to shut the door not only to false but also to malicious accusations, lest with the columns being shaken the building itself collapses. They thus wished to ensure that prelates are not accused unjustly, and yet that at the same time they take care not to sin in an arrogant manner, finding a suitable medicine for each disease : namely, a criminal accusation which entails loss of status, that is to say degradation, shall in no wise be allowed unless it is preceded by a charge in lawful form. But when someone is so notorious for his offences that an outcry goes up which can no longer be ignored without scandal or be tolerated without danger, then without the slightest hesitation let action be taken to inquire into and punish his offences, not out of hate but rather out of charity. If the offence is grave, even though not involving his degradation, let him be removed from all administration, in accordance with the saying of the gospel that the steward is to be removed from his stewardship if he cannot give a proper account of it".

The person about whom the inquiry is being made ought to be present, unless he absents himself out of contumacy. The articles of the inquiry should be shown to him so that he may be able to defend himself. The names of witnesses as well as their depositions are to be made known to him so that both what has been said and by whom will be apparent; and legitimate exceptions and responses are to be admitted, lest the suppression of names leads to the bold bringing false charges and the exclusion of exceptions leads to false depositions being made. A prelate should therefore act the more diligently in correcting the offences of his subjects in proportion as he would be worthy of condemnation were he to leave them uncorrected. Notorious cases aside, he may proceed against them in three ways : namely, by accusation, denunciation and inquest. Let careful precaution nevertheless be taken in all cases lest serious loss is incurred for the sake of a small gain. Thus, just as a charge in lawful form ought to precede the accusation, so a charitable warning ought to precede the denunciation, and the publication of the charge ought to precede the inquest, with the principle always being observed that the form of the sentence shall accord with the rules of legal procedure. We do not think, however, that this order needs to be observed in all respects as regards regulars, who can be more easily and freely removed from their offices by their own superiors, when the case requires it.

## **9. On different rites within the same faith**

Since in many places peoples of different languages live within the same city or diocese, having one faith but different rites and customs, we therefore strictly order bishops of such cities and dioceses to provide suitable men who will do the following in the various rites and languages : celebrate the divine services for them, administer the church's sacraments, and instruct them by word and example. We altogether forbid one and the same city or diocese to have more than one bishop, as if it were a body with several heads like a monster. But if for the aforesaid reasons urgent necessity demands it, the bishop of the place may appoint, after careful deliberation, a catholic bishop who is appropriate for the nations in question and who will be his vicar in the aforesaid matters and will be obedient and subject to him in all things. If any such person behaves otherwise, let him know that he has been struck by the sword of excommunication and if he does not return to his senses let him be deposed from every ministry in the church, with the secular arm being called in if necessary to quell such great insolence.

## **10. On appointing preachers**

Among the various things that are conducive to the salvation of the christian people, the nourishment of God's word is recognized to be especially necessary, since just as the body is fed with material food so the soul is fed with spiritual food, according to the words, man lives not by bread alone but by every word that proceeds from the mouth of God. It often happens that bishops by themselves are not sufficient to minister the word of God to the people, especially in large and scattered dioceses, whether this is because of their many occupations or bodily infirmities or because of incursions of the enemy or for other reasons-let us not say for lack of knowledge, which in bishops is to be altogether condemned and is not to be tolerated in the future. We therefore decree by this general constitution that bishops are to appoint suitable men to carry out with profit this duty of sacred preaching, men who are powerful in word and deed and who will visit with care the peoples entrusted to them in place of the bishops, since these by themselves are unable to do it, and will build them up by word and example. The bishops shall suitably furnish them with what is necessary, when they are in need of it, lest for want of necessities they are forced to abandon what they have begun. We therefore order that there be appointed in both cathedral and other conventual churches suitable men whom the bishops can have as coadjutors and cooperators not only in the office of preaching but also in hearing confessions and enjoining penances and in other matters which are conducive to the salvation of souls. If anyone neglects to do this, let him be subject to severe punishment.

## **11. On schoolmasters for the poor**

Zeal for learning and the opportunity to make progress is denied to some through lack of means. The Lateran council therefore dutifully decreed that "in each cathedral church there should be provided a suitable benefice for a master who shall instruct without charge the clerics of the cathedral church and other poor scholars, thus at once satisfying the teacher's needs and opening up the way of knowledge to learners". This decree, however, is very little observed in many churches. We therefore confirm it and add that not only in every cathedral church but also in other churches with sufficient resources, a suitable master elected by the chapter or by the greater and sounder part of it, shall be appointed by the prelate to teach grammar and other branches of study, as far as is possible, to the clerics of those and other churches. The metropolitan church shall have a theologian to teach scripture to priests and others and especially to instruct them in matters which are recognized as pertaining to the cure of souls. The income of one prebend shall be assigned by the chapter to each master, and as much shall be assigned by the metropolitan to the theologian. The incumbent does not by this become a canon but he receives the income of one as long as he continues to teach. If the metropolitan church finds providing for two masters a burden, let it provide for the theologian in the aforesaid way but get adequate provision made for the grammarian in another church of the city or diocese.

## **12. On general chapters of monks**

In every kingdom or province let there be held every three years, saving the right of diocesan bishops, a general chapter of those abbots, and priors who do not have abbots over them, who have not been accustomed to hold one. All should attend, unless they have a canonical impediment, at one of the monasteries which is suitable for the purpose; with this limitation, that none of them brings with him more than six mounts and eight persons. Let them invite in charity, at the start of this innovation, two neighbouring Cistercian abbots to give them appropriate advice and help, since from long practice the Cistercians are well informed about holding such chapters. The two abbots shall then coopt without opposition two suitable persons from among them. The four of them shall then preside over the whole chapter, in such a way however that none of them assumes the leadership; so that they can if necessary be changed after careful deliberation. This kind of chapter shall be held continuously over a certain number of days, according to Cistercian custom. They shall treat carefully of the reform of the order and the observance of the rule. What has been decided, with the approval of the four presiding, is to be observed inviolably by all without any excuse or contradiction or appeal. They shall also decide where the next chapter is to be held. Those attending shall lead a common life and divide out proportionately all the common expenses. If they cannot all live in the same house, let them at least live in groups in various houses.

Let religious and circumspect persons be appointed at the chapter who will make it their business to visit on our behalf all the abbeys of the kingdom or province, of both monks and nuns, according to the manner prescribed for them. Let them correct and reform what seems to need correction and reform. Thus if they know of the superior of a place who should certainly be removed from office, let them denounce the person to the bishop concerned so that he may see to his or her removal. If the bishop will not do this, let the visitors themselves refer the matter to the apostolic see for examination. We wish and command canons regular to observe this according to their order. If there emerges out of this innovation any difficulty that cannot be resolved by the aforesaid persons, let it be referred, without offence being given, to the judgment of the apostolic see; but let the other matters, about which after careful deliberation they were in agreement, be observed without breach. Diocesan bishops, moreover, should take care to reform the monasteries under their jurisdiction, so that when the aforesaid visitors arrive they will find in them more to commend than to correct. Let them be very careful lest the said monasteries are weighed down by them with unjust burdens, for just as we wish the rights of superiors to be upheld so we do not wish to support wrongs done to subjects. Furthermore, we strictly command both diocesan bishops and those who preside at chapters to restrain by ecclesiastical censure, without appeal, advocates, patrons, lords' deputies, governors, officials, magnates, knights, and any other people, from daring to cause harm to monasteries in respect of their persons and their goods. Let them not fail to

compel such persons, if by chance they do cause harm, to make satisfaction, so that almighty God may be served more freely and more peacefully.

### **13. A prohibition against new religious orders**

Lest too great a variety of religious orders leads to grave confusion in God's church, we strictly forbid anyone henceforth to found a new religious order. Whoever wants to become a religious should enter one of the already approved orders. Likewise, whoever wishes to found a new religious house should take the rule and institutes from already approved religious orders. We forbid, moreover, anyone to attempt to have a place as a monk in more than one monastery or an abbot to preside over more than one monastery.

### **14. Clerical incontinence**

In order that the morals and conduct of clerics may be reformed for the better, let all of them strive to live in a continent and chaste way, especially those in holy orders. Let them beware of every vice involving lust, especially that on account of which the wrath of God came down from heaven upon the sons of disobedience, so that they may be worthy to minister in the sight of almighty God with a pure heart and an unsullied body. Lest the ease of receiving pardon prove an incentive to sin, we decree that those who are caught giving way to the vice of incontinence are to be punished according to canonical sanctions, in proportion to the seriousness of their sins. We order such sanctions to be effectively and strictly observed, in order that those whom the fear of God does not hold back from evil may at least be restrained from sin by temporal punishment. Therefore anyone who has been suspended for this reason and presumes to celebrate divine services, shall not only be deprived of his ecclesiastical benefices but shall also, on account of his twofold fault, be deposed in perpetuity. Prelates who dare to support such persons in their wickedness, especially if they do it for money or for some other temporal advantage, are to be subject to like punishment. Those clerics who have not renounced the marriage bond, following the custom of their region, shall be punished even more severely if they fall into sin, since for them it is possible to make lawful use of matrimony.

### **15. Clerical gluttony and drunkenness**

All clerics should carefully abstain from gluttony and drunkenness. They should temper the wine to themselves and themselves to the wine. Let no one be urged to drink, since drunkenness obscures the intellect and stirs up lust. Accordingly we decree that that abuse is to be entirely abolished whereby in some places drinkers bind themselves to drink equal amounts, and that man is most praised who makes the most people drunk and himself drains the deepest cups. If anyone shows himself worthy of blame in these matters, let him be suspended from his benefice or office, unless after being warned by his superior he makes suitable satisfaction. We forbid all clerics to hunt or to fowl, so let them not presume to have dogs or birds for fowling {4} .

### **16. Decorum in the dress and behaviour of clerics**

Clerics should not practice callings or business of a secular nature, especially those that are dishonourable. They should not watch mimes, entertainers and actors. Let them avoid taverns altogether, unless by chance they are obliged by necessity on a journey. They should not play at games of chance or of dice, nor be present at such games. They should have a suitable crown and tonsure, and let them diligently apply themselves to the divine services and other good pursuits. Their outer garments should be closed and neither too short nor too long. Let them not indulge in red or green cloths, long sleeves or shoes with embroidery or pointed toes, or in bridles, saddles, breast-plates and spurs that are gilded or have other superfluous ornamentation. Let them not wear cloaks with sleeves at divine services in a church, nor even elsewhere, if they are priests or parsons, unless a justifiable fear requires a change of dress. They are not to wear buckles or belts ornamented with gold or silver, or even rings except for those whose dignity it befits to have them. All bishops should wear outer garments of linen in public and in church, unless they have been monks, in which case they should wear the monastic habit; and let them not wear their cloaks loose in public but rather fastened together behind the neck or across the chest.

### **17. Dissolute prelates**

We regretfully relate that not only certain lesser clerics but also some prelates of churches pass almost half the night in unnecessary feasting and forbidden conversation, not to mention other things, and leaving what is left of the night for sleep, they are barely roused at the dawn chorus of the birds and pass away the entire morning in a continuous state of stupor. There are others who celebrate mass barely four times a year and, what is worse, do not bother to attend; if they happen to be present when it is being celebrated, they flee the silence of the choir and pay attention to conversations of the laity outside and so while they attend to talk that is unnecessary for them, they do not give an attentive ear to the things of God. We altogether

forbid these and similar things on pain of suspension. We strictly command such persons, in virtue of obedience, to celebrate the divine office, day and night alike, as far as God allows them, with both zeal and devotion.

#### **18. Clerics to dissociate from shedding-blood**

No cleric may decree or pronounce a sentence involving the shedding of blood, or carry out a punishment involving the same, or be present when such punishment is carried out. If anyone, however, under cover of this statute, dares to inflict injury on churches or ecclesiastical persons, let him be restrained by ecclesiastical censure. A cleric may not write or dictate letters which require punishments involving the shedding of blood, in the courts of princes this responsibility should be entrusted to laymen and not to clerics. Moreover no cleric may be put in command of mercenaries or crossbowmen or suchlike men of blood; nor may a subdeacon, deacon or priest practise the art of surgery, which involves cauterizing and making incisions; nor may anyone confer a rite of blessing or consecration on a purgation by ordeal of boiling or cold water or of the red-hot iron, saving nevertheless the previously promulgated prohibitions regarding single combats and duels.

#### **19. That profane objects may not be stored in churches**

We are unwilling to tolerate the fact that certain clerics deposit in churches their own and even others' furniture, so that the churches look like lay houses rather than basilicas of God, regardless of the fact that the Lord would not allow a vessel to be carried through the temple. There are others who not only leave their churches uncared for but also leave the service vessels and ministers' vestments and altar cloths and even corporals so dirty that they at times horrify some people. Because zeal for God's house consumes us, we strictly forbid objects of this kind to be allowed into churches, unless they have to be taken in on account of enemy incursions or sudden fires or other urgent necessities, and then in such a way that when the emergency is over the objects are taken back to where they came from. We also order the aforesaid churches, vessels, corporals and vestments to be kept neat and clean. For it seems too absurd to take no notice of squalor in sacred things when it is unbecoming even in profane things.

#### **20. Chrism and the Eucharist to be kept under lock and key**

We decree that the chrism and the eucharist are to be kept locked away in a safe place in all churches, so that no audacious hand can reach them to do anything horrible or impious. If he who is responsible for their safe-keeping leaves them around carelessly, let him be suspended from office for three months; if anything unspeakable happens on account of his carelessness, let him be subject to graver punishment.

#### **21. On yearly confession to one's own priest, yearly communion, the confessional seal**

All the faithful of either sex, after they have reached the age of discernment, should individually confess all their sins in a faithful manner to their own priest at least once a year, and let them take care to do what they can to perform the penance imposed on them. Let them reverently receive the sacrament of the eucharist at least at Easter unless they think, for a good reason and on the advice of their own priest, that they should abstain from receiving it for a time. Otherwise they shall be barred from entering a church during their lifetime and they shall be denied a christian burial at death. Let this salutary decree be frequently published in churches, so that nobody may find the pretence of an excuse in the blindness of ignorance. If any persons wish, for good reasons, to confess their sins to another priest let them first ask and obtain the permission of their own priest; for otherwise the other priest will not have the power to absolve or to bind them. The priest shall be discerning and prudent, so that like a skilled doctor he may pour wine and oil over the wounds of the injured one. Let him carefully inquire about the circumstances of both the sinner and the sin, so that he may prudently discern what sort of advice he ought to give and what remedy to apply, using various means to heal the sick person. Let him take the utmost care, however, not to betray the sinner at all by word or sign or in any other way. If the priest needs wise advice, let him seek it cautiously without any mention of the person concerned. For if anyone presumes to reveal a sin disclosed to him in confession, we decree that he is not only to be deposed from his priestly office but also to be confined to a strict monastery to do perpetual penance.

#### **22. Physicians of the body to advise patients to call physicians of the soul**

As sickness of the body may sometimes be the result of sin -- as the Lord said to the sick man whom he had cured, Go and sin no more, lest something worse befall you -- so we by this present decree order and strictly command physicians of the body, when they are called to the sick, to warn and persuade them first of all to call in physicians of the soul so that after their spiritual health has been seen to they may respond better to medicine for their bodies, for when the cause ceases so does the effect. This among other things has occasioned this decree, namely that some people on their sickbed, when they are advised by physicians to arrange for the health of their souls, fall into despair and so the more readily incur the danger of death. If any physician transgresses this our constitution, after it has been published by the local prelates, he shall be barred from entering a

church until he has made suitable satisfaction for a transgression of this kind. Moreover, since the soul is much more precious than the body, we forbid any physician, under pain of anathema, to prescribe anything for the bodily health of a sick person that may endanger his soul.

### **23. Churches are to be without a prelate for no more than 3 months**

Lest a rapacious wolf attack the Lord's flock for want of a shepherd, or lest a widowed church suffer grave injury to its good, we decree, desiring to counteract the danger to souls in this matter and to provide protection for the churches, that a cathedral church or a church of the regular clergy is not to remain without a prelate for more than three months. If the election has not been held within this time, provided there is no just impediment, then those who ought to have made the election are to lose the power to elect for that time and it is to devolve upon the person who is recognized as the immediate superior. The person upon whom the power has devolved, mindful of the Lord, shall not delay beyond three months in canonically providing the widowed church, with the advice of his chapter and of other prudent men, with a suitable person from the same church, or from another if a worthy candidate cannot be found in the former, if he wishes to avoid canonical penalty.

### **24. Democratic election of pastors**

On account of the various forms of elections which some try to invent, there arise many difficulties and great dangers for the bereaved churches. We therefore decree that at the holding of an election, when all are present who ought to, want to and conveniently can take part, three trustworthy persons shall be chosen from the college who will diligently find out, in confidence and individually, the opinions of everybody. After they have committed the result to writing, they shall together quickly announce it. There shall be no further appeal, so that after a scrutiny that person shall be elected upon whom all or the greater *or sounder* part of the chapter agree. Or else the power of electing shall be committed to some suitable persons who, acting on behalf of everybody, shall provide the bereaved church with a pastor. Otherwise the election made shall not be valid, unless perchance it was made by all together as if by divine inspiration and without flaw. Those who attempt to make an election contrary to the aforesaid forms shall be deprived of the power of electing on that occasion. We absolutely forbid anyone to appoint a proxy in the matter of an election, unless he is absent from the place where he ought to receive the summons and is detained from coming by a lawful impediment. He shall take an oath about this, if necessary, and then he may commit his representation to one of the college, if he so wishes. We also condemn clandestine elections and order that as soon as an election has taken place it should be solemnly published.

### **25. Invalid elections**

Whoever presumes to consent to his being elected through abuse of the secular power, against canonical freedom, both forfeits the benefit of being elected and becomes ineligible, and he cannot be elected to any dignity without a dispensation. Those who venture to take part in elections of this kind, which we declare to be invalid by the law itself, shall be suspended from their offices and benefices for three years and during that time shall be deprived of the power to elect.

### **26. Nominees for prelatures to be carefully screened**

There is nothing more harmful to God's church than for unworthy prelates to be entrusted with the government of souls. Wishing therefore to provide the necessary remedy for this disease, we decree by this irrevocable constitution that when anyone has been entrusted with the government of souls, then he who holds the right to confirm him should diligently examine both the process of the election and the character of the person elected, so that when everything is in order he may confirm him. For, if confirmation was granted in advance when everything was not in order, then not only would the person improperly promoted have to be rejected but also the author of the improper promotion would have to be punished. We decree that the latter shall be punished in the following way : if his negligence has been proved, especially if he has approved a man of insufficient learning or dishonest life or unlawful age, he shall not only lose the power of confirming the person's first successor but shall also, lest by any chance he escapes punishment, be suspended from receiving the fruits of his own benefice until it is right for him to be granted a pardon. If he is convicted of having erred intentionally in the matter, then he is to be subject to graver punishment. Bishops too, if they wish to avoid canonical punishment, should take care to promote to holy orders and to ecclesiastical dignities men who will be able to discharge worthily the office entrusted to them. Those who are immediately subject to the Roman pontiff shall, to obtain confirmation of their office, present themselves personally to him, if this can conveniently be done, or send suitable persons through whom a careful inquiry can be made about the process of the election and the persons elected. In this way, on the strength of the pontiff's informed judgment, they may finally enter into the fullness of their office, when there is no impediment in canon law. For a time, however, those who are in very distant parts, namely outside Italy, if they were elected peaceably, may by dispensation, on account of the needs and benefit of the churches, administer in things spiritual and temporal, but in such a way that they alienate nothing whatever of the church's goods. They may receive the customary consecration or blessing.

### **27. Candidates for the priesthood to be carefully trained and scrutinized**

To guide souls is a supreme art. We therefore strictly order bishops carefully to prepare those who are to be promoted to the priesthood and to instruct them, either by themselves or through other suitable persons, in the divine services and the sacraments of the church, so that they may be able to celebrate them correctly. But if they presume henceforth to ordain the ignorant and unformed, which can indeed easily be detected, we decree that both the ordainers and those ordained are to be subject to severe punishment. For it is preferable, especially in the ordination of priests, to have a few good ministers than many bad ones, for if a blind man leads another blind man, both will fall into the pit.

### **28. Who asks to resign must resign**

Certain persons insistently ask for permission to resign and obtain it, but then do not resign. Since in such a request to resign they would seem to have in mind either the good of the churches over which they preside or their own well-being, neither of which do we wish to be impeded either by the arguments of any people seeking their own interests or even by a certain fickleness, we therefore decree that such persons are to be compelled to resign.

### **29. Multiple benefices require papal dispensation**

With much foresight it was forbidden in the Lateran council for anyone to receive several ecclesiastical dignities and several parish churches, contrary to the regulations of the sacred canons, on pain of both the recipient losing what he had received and the conferrer being deprived of the power to confer. On account of the presumption and covetousness of certain persons, however, none or little fruit is resulting from this statute. We therefore, desiring to remedy the situation more clearly and expressly, ordain by this present decree that whoever receives any benefice with the cure of souls attached, if he was already in possession of such a benefice, shall be deprived by the law itself of the benefice held first, and if perchance he tries to retain this he shall also be deprived of the second benefice. Moreover, the person who has the right to confer the first benefice may freely bestow it, after the recipient has obtained a second benefice, on someone who seems to deserve it. If he delays in conferring it beyond three months, however, then not only is the collation to devolve upon another person, according to the statute of the Lateran council, but also he shall be compelled to assign to the use of the church belonging to the benefice as much of his own income as is established as having been received from the benefice while it was vacant. We decree that the same is to be observed with regard to parsonages adding that nobody shall presume to hold several dignities or parsonages in the same church even if they do not have the cure of souls. As for exalted and lettered persons, however, who should be honoured with greater benefices, it is possible for them to be dispensed by the apostolic see, when reason demands it.

### **30. Penalties for bestowing ecclesiastical benefices on the unworthy**

It is very serious and absurd that prelates of churches, when they can promote suitable men to ecclesiastical benefices, are not afraid to choose unworthy men who lack both learning and honesty of behaviour and who follow the urgings of the flesh rather than the judgment of reason. Nobody of a sound mind is ignorant of how much damage to churches arises from this. Wishing therefore to remedy this ill, we order that they pass over unworthy persons and appoint suitable persons who are willing and able to offer a pleasing service to God and to the churches, and that careful inquiry be made about this each year at the provincial council. Therefore he who has been found guilty after a first and second correction is to be suspended from conferring benefices by the provincial council, and a prudent and honest person is to be appointed at the same council to make up for the suspended person's failure in this matter. The same is to be observed with regard to chapters who offend in these matters. The offence of a metropolitan, however, shall be left by the council to be reported to the judgment of the superior. In order that this salutary provision may have fuller effect, a sentence of suspension of this kind may not be relaxed at all without the authority of the Roman pontiff or of the appropriate patriarch, so that in this too the four patriarchal sees shall be specially honoured.

### **31. Canons' sons cannot be canons where their fathers are**

In order to abolish a very bad practice that has grown up in many churches, we strictly forbid the sons of canons, especially if they are illegitimate, to become canons in the secular churches in which their fathers hold office. If the contrary is attempted, we declare it to be invalid. Those who attempt to make such persons canons are to be suspended from their benefices.

### **32. Parish priests to have adequate incomes**

There has grown up in certain parts a vicious custom which should be eradicated, namely that patrons of parish churches and certain other people claim the incomes from the churches wholly for themselves and leave to the priests, for the appointed services, such a small portion that they cannot live fittingly on it. For in some regions, as we have learnt for certain, parish

priests receive for their sustenance only a quarter of a quarter, that is to say a sixteenth, of the tithes. Whence it comes about in these regions that almost no parish priest can be found who is even moderately learned. As the mouth of the ox should not be muzzled when it is treading out the grain, and he who serves at the altar should live from it, we therefore decree that, notwithstanding any custom of a bishop or a patron or anyone else, a sufficient portion is to be assigned to the priest. He who has a parish church is to serve it not through a vicar but in person, in the due form which the care of that church requires, unless by chance the parish church is annexed to a prebend or a dignity. In that case we allow that he who has such a prebend or dignity should make it his business, since he must serve in the greater church, to have a suitable and permanent vicar canonically instituted in the parish church; and the latter is to have, as has been said, a fitting portion from the revenues of the church. Otherwise let him know that by the authority of this decree he is deprived of the parish church, which is freely to be conferred on someone else who is willing and able to do what has been said. We utterly forbid anyone to dare deceitfully to confer a pension on another person, as it were as a benefice, from the revenues of a church which has to maintain its own priest.

### **33. Renumeration for visitations to be reasonable**

Procurations which are due, by reason of a visitation, to bishops, archdeacons or any other persons, as well as to legates or nuncios of the apostolic see, should by no means be exacted, without a clear and necessary reason, unless the visitations were carried out in person, and then let them observe the moderation in transport and retinue laid down in the Lateran council. We add the following moderation with regard to legates and nuncios of the apostolic see : that when it is necessary for them to stay in any place, and in order that the said place may not be burdened too much on their behalf, they may receive moderate procurations from other churches and persons that have not yet been burdened with procurations of their own, on condition that the number of procurations does-not exceed the number of days in the stay; and when any of the churches or persons have not sufficient means of their own, two or more of them may be combined into one. Those who exercise the office of visitation, moreover, shall not seek their own interests but rather those of Jesus Christ, by devoting themselves to preaching and exhortation, to correction and reformation, so that they may bring back fruit which does not perish. He who dares to do the contrary shall both restore what he has received and pay a like amount in compensation to the church which he has thus burdened.

### **34. Prelates forbidden to procure ecclesiastical services at a profit**

Many prelates, in order to meet the cost of a procurator or some service to a legate or some other person, extort from their subjects more than they pay out, and in trying to extract a profit from their losses they look for booty rather than help in their subjects. We forbid this to happen in the future. If by chance anyone does attempt it, he shall restore what he has extorted and be compelled to give the same amount to the poor. The superior to whom a complaint about this has been submitted shall suffer canonical punishment if he is negligent in executing this statute.

### **35. On appeal procedures**

In order that due honour may be given to judges and consideration be shown to litigants in the matter of trouble and expenses, we decree that when somebody sues an adversary before the competent judge, he shall not appeal to a superior judge before judgment has been given, without a reasonable cause; but rather let him proceed with his suit before the lower judge, without it being possible for him to obstruct by saying that he sent a messenger to a superior judge or even procured letters from him before they were assigned to the delegated judge. When, however, he thinks that he has reasonable cause for appealing and has stated the probable grounds of the appeal before the same judge, such namely that if they were proved they would be reckoned legitimate, the superior judge shall examine the appeal. If the latter thinks the appeal is unreasonable, he shall send the appellant back to the lower judge and sentence him to pay the costs of the other party; otherwise he shall go ahead, saving however the canons about major cases being referred to the apostolic see.

### **36. On interlocutory sentences**

Since the effect ceases when the cause ceases, we decree that if an ordinary judge or a judge delegate has pronounced a comminatory or an interlocutory sentence which would prejudice one of the litigants if its execution was ordered, and then acting on good advice refrains from putting it into effect, he shall proceed freely in hearing the case, notwithstanding any appeal made against such a comminatory or interlocutory sentence, provided he is not open to suspicion for some other legitimate reason. This is so that the process is not held up for frivolous reasons.

### **37. On Summons by Apostolic Letter**

Some people, abusing the favour of the apostolic see, try to obtain letters from it summoning people to distant judges, so that

the defendant, wearied by the labour and expense of the action, is forced to give in or to buy off the importunate bringer of the action. A trial should not open the way to injustices that are forbidden by respect for the law. We therefore decree that nobody may be summoned by apostolic letters to a trial that is more than two days' journey outside his diocese, unless the letters were procured with the agreement of both parties or expressly mention this constitution. There are other people who, turning to a new kind of trade, in order to revive complaints that are dormant or to introduce new questions, make up suits for which they procure letters from the apostolic see without authorization from their superiors. They then offer the letters for sale either to the defendant, in return for his not being vexed with trouble and expense on account of them, or to the plaintiff, in order that by means of them he may wear out his adversary with undue distress. Lawsuits should be limited rather than encouraged. We therefore decree by this general constitution that if anyone henceforth presumes to seek apostolic letters on any matter without a special mandate from his superior, then the letters are invalid and he is to be punished as a forger, unless by chance persons are involved for whom a mandate should not in law be demanded.

### **38. Written records of trials to be kept**

An innocent litigant can never prove the truth of his denial of a false assertion made by an unjust judge, since a denial by the nature of things does not constitute a direct proof. We therefore decree, lest falsehood prejudice truth or wickedness prevail over justice, that in both ordinary and extraordinary trials the judge shall always employ either a public official, if he can find one, or two suitable men to write down faithfully all the judicial acts -- that is to say the citations, adjournments, objections and exceptions, petitions and replies, interrogations, confessions, depositions of witnesses, productions of documents, interlocutions {5} , appeals, renunciations, final decisions and the other things that ought to be written down in the correct order -- stating the places, times and persons. Everything thus written down shall be given to the parties in question, but the originals shall remain with the scribes, so that if a dispute arises over how the judge conducted the case, the truth can be established from the originals. With this measure being applied, such deference will be paid to honest and prudent judges that justice for the innocent will not be harmed by imprudent and wicked judges. A judge who neglects to observe this constitution shall, if some difficulty arises from his negligence, be punished as he deserves by a superior judge; nor shall presumption be made in favour of his handling of the case except insofar as it accords with the legal documents.

### **39. On knowingly receiving stolen goods**

It often happens, when a person has been unjustly robbed and the object has been transferred by the robber to a third party, that he is not helped by an action of restitution against the new possessor because he has lost the advantage of possession, and he loses in effect the right of ownership on account of the difficulty of proving his case. We therefore decree, notwithstanding the force of civil law, that if anyone henceforth knowingly receives such a thing, then the one robbed shall be favoured by his being awarded restitution against the one in possession. For the latter as it were succeeds the robber in his vice, inasmuch as there is not much difference, especially as regards danger to the soul, between unjustly hanging on to another's property and seizing it.

### **40. True owner is the true possessor even if not possessing the object for a year**

It sometimes happens that when possession of something is awarded to the plaintiff in a suit, on account of the contumacy of the other party, yet because of force or fraud over the thing he is unable to obtain custody of it within a year, or having gained it he loses it. Thus the defendant profits from his own wickedness, because in the opinion of many the plaintiff does not qualify as the true possessor at the end of a year. Lest therefore a contumacious party is in a better position than an obedient one, we decree, in the name of canonical equity, that in the aforesaid case the plaintiff shall be established as the true possessor after the year has elapsed. Furthermore, we issue a general prohibition against promising to abide by the decision of a layman in spiritual matters, since it is not fitting for a layman to arbitrate in such matters.

### **41. No one is to knowingly prescribe an object to the wrong party**

Since whatever does not proceed from faith is sin, and since in general any constitution or custom which cannot be observed without mortal sin is to be disregarded, we therefore define by this synodal judgment that no prescription, whether canonical or civil, is valid without good faith. It is therefore necessary that the person who prescribes should at no stage be aware that the object belongs to someone else.

### **42. Clerics and laity are not to usurp each others rights**

Just as we desire lay people not to usurp the rights of clerics, so we ought to wish clerics not to lay claim to the rights of the laity. We therefore forbid every cleric henceforth to extend his jurisdiction, under pretext of ecclesiastical freedom, to the prejudice of secular justice. Rather, let him be satisfied with the written constitutions and customs hitherto approved, so that

the things of Caesar may be rendered unto Caesar, and the things of God may be rendered unto God by a right distribution.

#### **43. Clerics cannot be forced to take oaths of fealty to those from whom they hold no temporalities**

Certain laymen try to encroach too far upon divine right when they force ecclesiastics who do not hold any temporalities from them to take oaths of fealty to them. Since a servant stands or falls with his Lord, according to the Apostle, we therefore forbid, on the authority of this sacred council, that such clerics be forced to take an oath of this kind to secular persons.

#### **44. Only clerics may dispose of church property**

Lay people, however devout, have no power to dispose of church property. Their lot is to obey, not to be in command. We therefore grieve that charity is growing cold in some of them so that they are not afraid to attack through their ordinances, or rather their fabrications, the immunity of ecclesiastical freedom, which has in the past been protected with many privileges not only by holy fathers but also by secular princes. They do this not only by alienating fiefs and other possessions of the church and by usurping jurisdictions but also by illegally laying hands on mortuaries and other things which are seen to belong to spiritual justice. We wish to ensure the immunity of churches in these matters and to provide against such great injuries. We therefore decree, with the approval of this sacred council, that ordinances of this kind and claims to fiefs or other goods of the church, made by way of a decree of the lay power, without the proper consent of ecclesiastical persons, are invalid since they can be said to be not laws but rather acts of destitution or destruction and usurpations of jurisdiction. Those who dare to do these things are to be restrained by ecclesiastical censure.

#### **45. Penalties for patrons who steal church goods or physically harm their clerics**

Patrons of churches, lords' deputies and advocates have displayed such arrogance in some provinces that they not only introduce difficulties and evil designs when vacant churches ought to be provided with suitable pastors, but they also presume to dispose of the possessions and other goods of the church as they like and, what is dreadful to relate, they are not afraid to set about killing prelates. What was devised for protection should not be twisted into a means of repression. We therefore expressly forbid patrons, advocates and lords' deputies henceforth to appropriate more in the aforesaid matters than is permitted in law. If they dare to do the contrary, let them be curbed with the most severe canonical penalties. We decree, moreover, with the approval of this sacred council, that if patrons or advocates or feudatories or lords' deputies or other persons with benefices venture with unspeakable daring to kill or to mutilate, personally or through others, the rector of any church or other cleric of that church, then the patron shall lose completely his right of patronage, the advocate his advocacy, the feudatory his fief, the lord's deputy his deputyship and the beneficed person his benefice. And lest the punishment be remembered for less time than the crime, nothing of the aforesaid shall descend to their heirs, and their posterity to the fourth generation shall in nowise be admitted into a college of clerics or to hold the honour of any prelacy in a religious house, except when out of mercy they are dispensed to do so.

#### **46. Taxes cannot be levied on the Church, but the Church can volunteer contributions for the common good**

The Lateran council, wishing to provide for the immunity of the church against officials and governors of cities and other persons who seek to oppress churches and churchmen with tallages and taxes and other exactions, forbade such presumption under pain of anathema. It ordered transgressors and their supporters to be excommunicated until they made adequate satisfaction. If at some time, however, a bishop together with his clergy foresee so great a need or advantage that they consider, without any compulsion, that subsidies should be given by the churches, for the common good or the common need, when the resources of the laity are not sufficient, then the above-mentioned laymen may receive them humbly and devoutly and with thanks. On account of the imprudence of some, however, the Roman pontiff, whose business it is to provide for the common good, should be consulted beforehand. We add, moreover, since the malice of some against God's church has not abated, that the ordinances and sentences promulgated by such excommunicated persons, or on their orders, are to be deemed null and void and shall never be valid. Since fraud and deceit should not protect anyone, let nobody be deceived by false error to endure an anathema during his term of government as though he is not obliged to make satisfaction afterwards. For we decree that both he who has refused to make satisfaction and his successor, if he does not make satisfaction within a month, is to remain bound by ecclesiastical censure until he makes suitable satisfaction, since he who succeeds to a post also succeeds to its responsibilities.

#### **47. On unjust excommunication**

With the approval of this sacred council, we forbid anyone to promulgate a sentence of excommunication on anyone, unless an adequate warning has been given beforehand in the presence of suitable persons, who can if necessary testify to the warning. If anyone dares to do the contrary, even if the sentence of excommunication is just, let him know that he is forbidden

to enter a church for one month and he is to be punished with another penalty if this seems expedient. Let him carefully avoid proceeding to excommunicate anyone without manifest and reasonable cause. If he does so proceed and, on being humbly requested, does not take care to revoke the process without imposing punishment, then the injured person may lodge a complaint of unjust excommunication with a superior judge. The latter shall then send the person back to the judge who excommunicated him, if this can be done without the danger of a delay, with orders that he is to be absolved within a suitable period of time. If the danger of delay cannot be avoided, the task of absolving him shall be carried out by the superior judge, either in person or through someone else, as seems expedient, after he has obtained adequate guarantees. Whenever it is established that the judge pronounced an unjust excommunication, he shall be condemned to make compensation for damages to the one excommunicated, and be nonetheless punished in another way at the discretion of the superior judge if the nature of the fault calls for it, since it is not a trivial fault to inflict so great a punishment on an innocent person -- unless by chance he erred for reasons that are credible -- especially if the person is of praiseworthy repute. But if nothing reasonable is proved against the sentence of excommunication by the one making the complaint, then the complainant shall be condemned in punishment, for the unreasonable trouble caused by his complaint, to make compensation or in some other way according to the discretion of the superior judge, unless by chance his error was based on something that is credible and so excuses him; and he shall moreover be compelled upon a pledge to make satisfaction in the matter for which he was justly excommunicated, or else he shall be subject again to the former sentence which is to be inviolably observed until full satisfaction has been made. If the judge, however, recognizes his error and is prepared to revoke the sentence, but the person on whom it was passed appeals, for fear that the judge might revoke it without making satisfaction, then the appeal shall not be admitted unless the error is such that it may deserve to be questioned. Then the judge, after he has given sufficient security that he will appear in court before the person to whom the appeal had been made or one delegated by him, shall absolve the excommunicated person and thus shall not be subject to the prescribed punishment. Let the judge altogether beware, if he wishes to avoid strict canonical punishment, lest out of a perverse intention to harm someone he pretends to have made an error.

#### **48. Challenging an ecclesiastical judge**

Since a special prohibition has been made against anyone presuming to promulgate a sentence of excommunication against someone without adequate warning being given beforehand, we therefore wish to provide against the person warned being able, by means of a fraudulent objection or appeal, to escape examination by the one issuing the warning. We therefore decree that if the person alleges he holds the judge suspect, let him bring before the same judge an action of just suspicion; and he himself in agreement with his adversary (or with the judge, if he happens not to have an adversary) shall together choose arbiters or, if by chance they are unable to reach agreement together, he shall choose one arbiter and the other another, to take cognisance of the action of suspicion. If these cannot agree on a judgment they shall call in a third person so that what two of them decide upon shall have binding force. Let them know that they are bound to carry this out faithfully, in accordance with the command strictly enjoined by us in virtue of obedience and under the attestation of the divine judgment. If the action of suspicion is not proved in law before them within a suitable time, the judge shall exercise his jurisdiction; if the action is proved, then with the consent of the objector the challenged judge shall commit the matter to a suitable person or shall refer it to a superior judge so that he may conduct the matter as it should be conducted. As for the person who has been warned but then hastens to make an appeal, if his offence is made manifest in law by the evidence of the case or by his own confession or in some other way, then provocation of this kind is not to be tolerated, since the remedy of an appeal was not established to defend wickedness but to protect innocence. If there is some doubt about his offence, then the appellant shall, lest he impedes the judge's action by the subterfuge of a frivolous appeal, set before the same judge the credible reason for his appeal, such namely that if it was proved it would be considered legitimate. Then if he has an adversary, let him proceed with his appeal within the time laid down by the same judge according to the distances, times and nature of the business involved. If he does not prosecute his appeal, the judge himself shall proceed notwithstanding the appeal. If the adversary does not appear when the judge is proceeding in virtue of his office, then once the reason for the appeal has been verified before the superior judge the latter shall exercise his jurisdiction. If the appellant fails to get the reason for his appeal verified, he shall be sent back to the judge from whom it has been established that he appealed maliciously. We do not wish the above two constitutions to be extended to regulars, who have their own special observances. '

#### **49. Penalties for excommunication out of avarice**

We absolutely forbid, under threat of the divine judgment, anyone to dare to bind anyone with the bond of excommunication, or to absolve anyone so bound, out of avarice. We forbid this especially in those regions where by custom an excommunicated person is punished by a money penalty when he is absolved. We decree that when it has been established that a sentence of excommunication was unjust, the excommunicator shall be compelled by ecclesiastical censure to restore the money thus extorted, and shall pay as much again to his victim for the injury unless he was deceived by an understandable error. If perchance he is unable to pay, he shall be punished in some other way.

#### **50. Prohibition of marriage is now perpetually restricted to the fourth degree**

It should not be judged reprehensible if human decrees are sometimes changed according to changing circumstances,

especially when urgent necessity or evident advantage demands it, since God himself changed in the new Testament some of the things which he had commanded in the old Testament. Since the prohibitions against contracting marriage in the second and third degree of affinity, and against uniting the offspring of a second marriage with the kindred of the first husband, often lead to difficulty and sometimes endanger souls, we therefore, in order that when the prohibition ceases the effect may also cease, revoke with the approval of this sacred council the constitutions published on this subject and we decree, by this present constitution, that henceforth contracting parties connected in these ways may freely be joined together. Moreover the prohibition against marriage shall not in future go beyond the fourth degree of consanguinity and of affinity, since the prohibition cannot now generally be observed to further degrees without grave harm. The number four agrees well with the prohibition concerning bodily union about which the Apostle says, that the husband does not rule over his body, but the wife does; and the wife does not rule over her body, but the husband does; for there are four humours in the body, which is composed of the four elements. Although the prohibition of marriage is now restricted to the fourth degree, we wish the prohibition to be perpetual, notwithstanding earlier decrees on this subject issued either by others or by us. If any persons dare to marry contrary to this prohibition, they shall not be protected by length of years, since the passage of time does not diminish sin but increases it, and the longer that faults hold the unfortunate soul in bondage the graver they are.

### **51. Clandestine marriages forbidden**

Since the prohibition against marriage in the three remotest degrees has been revoked, we wish it to be strictly observed in the other degrees. Following in the footsteps of our predecessors, we altogether forbid clandestine marriages and we forbid any priest to presume to be present at such a marriage. Extending the special custom of certain regions to other regions generally, we decree that when marriages are to be contracted they shall be publicly announced in the churches by priests, with a suitable time being fixed beforehand within which whoever wishes and is able to may adduce a lawful impediment. The priests themselves shall also investigate whether there is any impediment. When there appears a credible reason why the marriage should not be contracted, the contract shall be expressly forbidden until there has been established from clear documents what ought to be done in the matter. If any persons presume to enter into clandestine marriages of this kind, or forbidden marriages within a prohibited degree, even if done in ignorance, the offspring of the union shall be deemed illegitimate and shall have no help from their parents' ignorance, since the parents in contracting the marriage could be considered as not devoid of knowledge, or even as affectors of ignorance. Likewise the offspring shall be deemed illegitimate if both parents know of a legitimate impediment and yet dare to contract a marriage in the presence of the church, contrary to every prohibition. Moreover the parish priest who refuses to forbid such unions, or even any member of the regular clergy who dares to attend them, shall be suspended from office for three years and shall be punished even more severely if the nature of the fault requires it. Those who presume to be united in this way, even if it is within a permitted degree, are to be given a suitable penance. Anybody who maliciously proposes an impediment, to prevent a legitimate marriage, will not escape the church's vengeance.

### **52. On rejecting evidence from hearsay at a matrimonial suit**

It was at one time decided out of a certain necessity, but contrary to the normal practice, that hearsay evidence should be valid in reckoning the degrees of consanguinity and affinity, because on account of the shortness of human life witnesses would not be able to testify from first-hand knowledge in a reckoning as far as the seventh degree. However, because we have learned from many examples and definite proofs that many dangers to lawful marriages have arisen from this, we have decided that in future witnesses from hearsay shall not be accepted in this matter, since the prohibition does not now exceed the fourth degree, unless there are persons of weight who are trustworthy and who learnt from their elders, before the case was begun, the things that they testify : not indeed from one such person since one would not suffice even if he or she were alive, but from two at least, and not from persons who are of bad repute and suspect but from those who are trustworthy and above every objection, since it would appear rather absurd to admit in evidence those whose actions would be rejected. Nor should there be admitted in evidence one person who has learnt what he testifies from several, or persons of bad repute who have learnt what they testify from persons of good repute, as though they were more than one and suitable witnesses, since even according to the normal practice of courts the assertion of one witness does not suffice, even if he is a person resplendent with authority, and since legal actions are forbidden to persons of bad repute. The witnesses shall affirm on oath that in bearing witness in the case they are not acting from hatred or fear or love or for advantage; they shall designate the persons by their exact names or by pointing out or by sufficient description, and shall distinguish by a clear reckoning every degree of relationship on either side; and they shall include in their oath the statement that it was from their ancestors that they received what they are testifying and that they believe it to be true. They shall still not suffice unless they declare on oath that they have known that the persons who stand in at least one of the aforesaid degrees of relationship, regard each other as blood-relations. For it is preferable to leave alone some people who have been united contrary to human decrees than to separate, contrary to the Lord's decrees, persons who have been joined together legitimately.

### **53. On those who give their fields to others to be cultivated so as to avoid tithes**

In some regions there are intermingled certain peoples who by custom, in accordance with their own rites, do not pay tithes, even though they are counted as christians. Some landlords assign their lands to them so that these lords may obtain greater

revenues, by cheating the churches of the tithes. Wishing therefore to provide for the security of churches in these matters, we decree that when lords make over their lands to such persons in this way for cultivation, the lords must pay the tithes to the churches in full and without objection, and if necessary they shall be compelled to do so by ecclesiastical censure. Such tithes are indeed to be paid of necessity, inasmuch as they are owed in virtue of divine law or of approved local custom.

#### **54. Tithes should be paid before taxes**

It is not within human power that the seed should answer to the sower since, according to the saying of the Apostle, Neither he who plants nor he who waters is anything, but rather he who gives the growth, namely God, who himself brings forth much fruit from the dead seed. Now, some people from excess of greed strive to cheat over tithes, deducting from crops and first-fruits the rents and dues, which meanwhile escape the payment of tithes. Since the Lord has reserved tithes unto himself as a sign of his universal lordship, by a certain special title as it were, we decree, wishing to prevent injury to churches and danger to souls, that in virtue of this general lordship the payment of tithes shall precede the exaction of dues and rents, or at least those who receive untithed rents and dues shall be forced by ecclesiastical censure, seeing that a thing carries with it its burden, to tithe them for the churches to which by right they are due.

#### **55. Tithes are to be paid on lands acquired, notwithstanding privileges**

Recently abbots of the Cistercian order, assembled in a general chapter, wisely decreed at our instance that the brethren of the order shall not in future buy possessions from which tithes are due to churches, unless by chance it is for founding new monasteries; and that if such possessions were given to them by the pious devotion of the faithful, or were bought for founding new monasteries, they would assign them for cultivation to other people, who would pay the tithes to the churches, lest the churches be further burdened on account of the Cistercians' privileges. We therefore decree that on lands assigned to others and on future acquisitions, even if they cultivate them with their own hands or at their own expense, they shall pay tithes to the churches which previously received the tithes from the lands, unless they decide to compound in another way with the churches. Since we consider this decree to be acceptable and right, we wish it to be extended to other regulars who enjoy similar privileges, and we order prelates of churches to be readier and more effectual in affording them full justice with regard to those who wrong them and to take pains to maintain their privileges more carefully and completely.

#### **56. A parish priest shall not lose a tithe on account of some people making a pact**

Many regulars, as we have learnt, and sometimes secular clerics, when letting houses or granting fiefs, add a pact, to the prejudice of the parish churches, to the effect that the tenants and vassals shall pay tithes to them and shall choose to be buried in their ground. We utterly reject pacts of this kind, since they are rooted in avarice, and we declare that whatever is received through them shall be returned to the parish churches.

#### **57. Interpreting the words of privileges**

In order that privileges which the Roman church has granted to certain religious may remain unimpaired, we have decided that certain things in them must be clarified lest through their not being well understood they lead to abuse, on account of which they could deservedly be revoked. For, a person deserves to lose a privilege if he abuses the power entrusted to him. The apostolic see has rightly granted an indult to certain regulars to the effect that ecclesiastical burial should not be refused to deceased members of their fraternity if the churches to which they belong happen to be under an interdict as regards divine services, unless the persons were excommunicated or interdicted by name, and that they may carry off for burial to their own churches their confraters whom prelates of churches will not allow to be buried in their own churches, unless the confraters have been excommunicated or interdicted by name. However, we understand this to refer to confraters who have changed their secular dress and have been consecrated to the order while still alive, or who in their lifetime have given their property to them while retaining for themselves as long as they live the usufruct of it. Only such persons may be buried at the non-interdicted churches of these regulars and of others in which they have chosen to be buried. For if it were understood of any persons joining their fraternity for the annual payment of two or three pennies, ecclesiastical discipline would be loosened and brought into contempt. Even the latter may, however, obtain a certain remission granted to them by the apostolic see. It has also been granted to such regulars that if any of their brethren, whom they have sent to establish fraternities or to receive taxes, comes to a city or a castle or a village which is under an interdict as regards divine services, then churches may be opened once in the year at their "joyous entry" so that the divine services may be celebrated there, after excommunicated persons have been excluded. We wish this to be understood as meaning that in a given city, castle or town one church only shall be opened for the brethren of a particular order, as mentioned above, once in the year. For although it was said in the plural that churches may be opened at their "joyous entry", this on a true understanding refers not to each individual church of a given place but rather to the churches of the aforesaid places taken together. Otherwise if they visited all the churches of a given place in this way, the sentence of interdict would be brought into too much contempt. Those who dare to usurp anything for themselves contrary to the above declarations shall be subjected to severe punishment.

## **58. On the same in favour of bishops**

We wish to extend to bishops, in favour of the episcopal office, the indult which has already been given to certain religious. We therefore grant that when a country is under a general interdict, the bishops may sometimes celebrate the divine services, behind closed doors and in a lowered voice, without the ringing of bells, after excommunicated and interdicted persons have been excluded, unless this has been expressly forbidden to them. We grant this, however, to those bishops who have not given any cause for the interdict, lest they use guile or fraud of any sort and so turn a good thing into a damaging loss.

## **59. Religious cannot give surety without permission of his abbot and convent**

We wish and order to be extended to all religious what has already been forbidden by the apostolic see to some of them : namely that no religious, without the permission of his abbot and the majority of his chapter, may stand surety for someone or accept a loan from another beyond a sum fixed by the common opinion. Otherwise the convent shall not be held responsible in any way for his actions, unless perchance the matter has clearly redounded to the benefit of his house. Anyone who presumes to act contrary to this statute shall be severely disciplined.

## **60. Abbots not to encroach on episcopal office**

From the complaints which have reached us from bishops in various parts of the world, we have come to know of serious and great excesses of certain abbots who, not content with the boundaries of their own authority, stretch out their hands to things belonging to the episcopal dignity : hearing matrimonial cases, enjoining public penances, even granting letters of indulgences and like presumptions. It sometimes happens from this that episcopal authority is cheapened in the eyes of many. Wishing therefore to provide for both the dignity of bishops and the well-being of abbots in these matters, we strictly forbid by this present decree any abbot to reach out for such things, if he wishes to avoid danger for himself, unless by chance any of them can defend himself by a special concession or some other legitimate reason in respect of such things.

## **61. Religious may not receive tithes from lay hands**

It was forbidden at the Lateran council, as is known, for any regulars to dare to receive churches or tithes from lay hands without the bishop's consent, or in any way to admit to the divine services those under excommunication or those interdicted by name. We now forbid it even more strongly and will take care to see that offenders are punished with condign penalties. We decree, nevertheless that in churches which do not belong to them by full right the regulars shall, in accordance with the statutes of that council, present to the bishop the priests who are to be instituted, for examination by him about the care of the people; but as for the priests' ability in temporal matters, the regulars shall furnish the proof unto themselves. Let them not dare to remove those who have been instituted without consulting the bishop. We add, indeed, that they should take care to present those who are either noted for their way of life or recommended by prelates on probable grounds.

## **62. Regarding saint's relics**

The christian religion is frequently disparaged because certain people put saints' relics up for sale and display them indiscriminately. In order that it may not be disparaged in the future, we ordain by this present decree that henceforth ancient relics shall not be displayed outside a reliquary or be put up for sale. As for newly discovered relics, let no one presume to venerate them publicly unless they have previously been approved by the authority of the Roman pontiff. Prelates, moreover, should not in future allow those who come to their churches, in order to venerate, to be deceived by lying stories or false documents, as has commonly happened in many places on account of the desire for profit. We also forbid the recognition of alms-collectors, some of whom deceive other people by proposing various errors in their preaching, unless they show authentic letters from the apostolic see or from the diocesan bishop. Even then they shall not be permitted to put before the people anything beyond what is contained in the letters.

We have thought it good to show the form of letter which the apostolic see generally grants to alms-collectors, in order that diocesan bishops may follow it in their own letters. It is this : "Since, as the Apostle says, we shall all stand before the judgment seat of Christ to receive according to what we have done in the body, whether it be good or bad, it behooves us to prepare for the day of the final harvest with works of mercy and to sow on earth, with a view to eternity, that which, with God returning it with multiplied fruit, we ought to collect in heaven; keeping a firm hope and confidence, since he who sows sparingly reaps sparingly, and he who sows bountifully shall reap bountifully unto eternal life. Since the resources of a hospital may not suffice for the support of the brethren and the needy who flock to it, we admonish and exhort all of you in the Lord, and enjoin upon you for the remission of your sins, to give pious alms and grateful charitable assistance to them, from the goods that God has bestowed upon you; so that their need may be cared for through your help, and you may reach eternal happiness through these and other good things which you may have done under God's inspiration. "

Let those who are sent to seek alms be modest and discreet, and let them not stay in taverns or other unsuitable places or incur useless or excessive expenses, being careful above all not to wear the garb of false religion. Moreover, because the keys of the church are brought into contempt and satisfaction through penance loses its force through indiscriminate and excessive indulgences, which certain prelates of churches do not fear to grant, we therefore decree that when a basilica is dedicated, the indulgence shall not be for more than one year, whether it is dedicated by one bishop or by more than one, and for the anniversary of the dedication the remission of penances imposed is not to exceed forty days. We order that the letters of indulgence, which are granted for various reasons at different times, are to fix this number of days, since the Roman pontiff himself, who possesses the plenitude of power, is accustomed to observe this moderation in such things.

### **63. On simony**

As we have certainly learnt, shameful and wicked exactions and extortions are levied in many places and by many persons, who are like the sellers of doves in the temple, for the consecration of bishops, the blessing of abbots and the ordination of clerics. There is fixed how much is to be paid for this or that and for yet another thing. Some even strive to defend this disgrace and wickedness on the grounds of long-established custom, thereby heaping up for themselves still further damnation. Wishing therefore to abolish so great an abuse, we altogether reject such a custom which should rather be termed a corruption. We firmly decree that nobody shall dare to demand or extort anything under any pretext for the conferring of such things or for their having been conferred. Otherwise both he who receives and he who gives such an absolutely condemned payment shall be condemned with Gehazi and Simon.

### **64. Simony with regards to monks and nuns**

The disease of simony has infected many nuns to such an extent that they admit scarcely any as sisters without a payment, wishing to cover this vice with the pretext of poverty. We utterly forbid this to happen in the future. We decree that whoever commits such wickedness in the future, both the one admitting and the one admitted, whether she be a subject or in authority, shall be expelled from her convent without hope of reinstatement, and be cast into a house of stricter observance to do perpetual penance. As regards those who were admitted in this way before this synodal statute, we have decided to provide that they be moved from the convents which they wrongly entered, and be placed in other houses of the same order. If perchance they are too numerous to be conveniently placed elsewhere, they may be admitted afresh to the same convent, by dispensation, after the prioress and lesser officials have been changed, lest they roam around in the world to the danger of their souls. We order the same to be observed with regard to monks and other religious. Indeed, lest such persons be able to excuse themselves on the grounds of simplicity or ignorance, we order diocesan bishops to have this decree published throughout their dioceses every year.

### **65. Simony and extortion**

We have heard that certain bishops, on the death of rectors of churches, put these churches under an interdict and do not allow anyone to be instituted to them until they have been paid a certain sum of money. Moreover, when a knight or a cleric enters a religious house or chooses to be buried with religious, the bishops raise difficulties and obstacles until they receive something in the way of a present, even when the person has left nothing to the religious house. Since we should abstain not only from evil itself but also from every appearance of evil, as the Apostle says, we altogether forbid exactions of this kind. Any offender shall restore double the amount exacted, and this is to be faithfully used for the benefit of the places harmed by the exactions.

### **66. Simony and avarice in clerics**

It has frequently been reported to the apostolic see that certain clerics demand and extort payments for funeral rites for the dead, the blessing of those marrying, and the like; and if it happens that their greed is not satisfied, they deceitfully set up false impediments. On the other hand some lay people, stirred by a ferment of heretical wickedness, strive to infringe a praiseworthy custom of holy church, introduced by the pious devotion of the faithful, under the pretext of canonical scruples. We therefore both forbid wicked exactions to be made in these matters and order pious customs to be observed, ordaining that the church's sacraments are to be given freely but also that those who maliciously try to change a praiseworthy custom are to be restrained, when the truth is known, by the bishop of the place.

### **67. Jews and excessive Usury**

The more the christian religion is restrained from usurious practices, so much the more does the perfidy of the Jews grow in these matters, so that within a short time they are exhausting the resources of Christians. Wishing therefore to see that

Christians are not savagely oppressed by Jews in this matter, we ordain by this synodal decree that if Jews in future, on any pretext, extort oppressive and *excessive* interest from Christians, then they are to be removed from contact with Christians until they have made adequate satisfaction for the immoderate burden. Christians too, if need be, shall be compelled by ecclesiastical censure, without the possibility of an appeal, to abstain from commerce with them. We enjoin upon princes not to be hostile to Christians on this account, but rather to be zealous in restraining Jews from so great oppression. We decree, under the same penalty, that Jews shall be compelled to make satisfaction to churches for tithes and offerings due to the churches, which the churches were accustomed to receive from Christians for houses and other possessions, before they passed by whatever title to the Jews, so that the churches may thus be preserved from loss.

#### **68. Jews appearing in public**

A difference of dress distinguishes Jews or Saracens from Christians in some provinces, but in others a certain confusion has developed so that they are indistinguishable. Whence it sometimes happens that by mistake Christians join with Jewish or Saracen women, and Jews or Saracens with christian women. In order that the offence of such a damnable mixing may not spread further, under the excuse of a mistake of this kind, we decree that such persons of either sex, in every christian province and at all times, are to be distinguished in public from other people by the character of their dress -- seeing moreover that this was enjoined upon them by Moses himself, as we read. They shall not appear in public at all on the days of lamentation and on passion Sunday; because some of them on such days, as we have heard, do not blush to parade in very ornate dress and are not afraid to mock Christians who are presenting a memorial of the most sacred passion and are displaying signs of grief. What we most strictly forbid however, is that they dare in any way to break out in derision of the Redeemer. We order secular princes to restrain with condign punishment those who do so presume, lest they dare to blaspheme in any way him who was crucified for us, since we ought not to ignore insults against him who blotted out our wrongdoings.

#### **69. Jews not to hold public offices**

It would be too absurd for a blasphemer of Christ to exercise power over Christians. We therefore renew in this canon, on account of the boldness of the offenders, what the council of Toledo providently decreed in this matter : we forbid Jews to be appointed to public offices, since under cover of them they are very hostile to Christians. If, however, anyone does commit such an office to them let him, after an admonition, be curbed by the provincial council, which we order to be held annually, by means of an appropriate sanction. Any official so appointed shall be denied commerce with Christians in business and in other matters until he has converted to the use of poor Christians, in accordance with the directions of the diocesan bishop, whatever he has obtained from Christians by reason of his office so acquired, and he shall surrender with shame the office which he irreverently assumed. We extend the same thing to pagans.

#### **70. Jewish converts may not retain their old rite**

Certain people who have come voluntarily to the waters of sacred baptism, as we learnt, do not wholly cast off the old person in order to put on the new more perfectly. For, in keeping remnants of their former rite, they upset the decorum of the christian religion by such a mixing. Since it is written, cursed is he who enters the land by two paths, and a garment that is woven from linen and wool together should not be put on, we therefore decree that such people shall be wholly prevented by the prelates of churches from observing their old rite, so that those who freely offered themselves to the christian religion may be kept to its observance by a salutary and necessary coercion. For it is a lesser evil not to know the Lord's way than to go back on it after having known it.

#### **71. Crusade to recover the holy Land**

It is our ardent desire to liberate the holy Land from infidel hands. We therefore declare, with the approval of this sacred council and on the advice of prudent men who are fully aware of the circumstances of time and place, that crusaders are to make themselves ready so that all who have arranged to go by sea shall assemble in the kingdom of Sicily on 1 June after next : some as necessary and fitting at Brindisi and others at Messina and places neighbouring it on either side, where we too have arranged to be in person at that time, God willing, so that with our advice and help the christian army may be in good order to set out with divine and apostolic blessing. Those who have decided to go by land should also take care to be ready by the same date. They shall notify us meanwhile so that we may grant them a suitable legate a latere for advice and help. Priests and other clerics who will be in the christian army, both those under authority and prelates, shall diligently devote themselves to prayer and exhortation, teaching the crusaders by word and example to have the fear and love of God always before their eyes, so that they say or do nothing that might offend the divine majesty. If they ever fall into sin, let them quickly rise up again through true penitence. Let them be humble in heart and in body, keeping to moderation both in food and in dress, avoiding altogether dissensions and rivalries, and putting aside entirely any bitterness or envy, so that thus armed with spiritual and material weapons they may the more fearlessly fight against the enemies of the faith, relying not on their own power but rather trusting in the strength of God. We grant to these clerics that they may receive the fruits of their benefices in

full for three years, as if they were resident in the churches, and if necessary they may leave them in pledge for the same time.

To prevent this holy proposal being impeded or delayed, we strictly order all prelates of churches, each in his own locality, diligently to warn and induce those who have abandoned the cross to resume it, and them and others who have taken up the cross, and those who may still do so, to carry out their vows to the Lord. And if necessary they shall compel them to do this without any backsliding, by sentences of excommunication against their persons and of interdict on their lands, excepting only those persons who find themselves faced with an impediment of such a kind that their vow deservedly ought to be commuted or deferred in accordance with the directives of the apostolic see. In order that nothing connected with this business of Jesus Christ be omitted, we will and order patriarchs, archbishops, bishops, abbots and others who have the care of souls to preach the cross zealously to those entrusted to them. Let them beseech kings, dukes, princes, margraves, counts, barons and other magnates, as well as the communities of cities, vills and towns -- in the name of the Father, Son and holy Spirit, the one, only, true and eternal God -- that those who do not go in person to the aid of the holy Land should contribute, according to their means, an appropriate number of fighting men together with their necessary expenses for three years, for the remission of their sins in accordance with what has already been explained in general letters and will be explained below for still greater assurance. We wish to share in this remission not only those who contribute ships of their own but also those who are zealous enough to build them for this purpose. To those who refuse, if there happen to be any who are so ungrateful to our lord God, we firmly declare in the name of the apostle that they should know that they will have to answer to us for this on the last day of final judgment before the fearful judge. Let them consider beforehand, however with what conscience and with what security it was that they were able to confess before the only-begotten Son of God, Jesus Christ, to whom the Father gave all things into his hands, if in this business, which is as it were peculiarly his, they refuse to serve him who was crucified for sinners, by whose beneficence they are sustained and indeed by whose blood they have been redeemed.

Lest we appear to be laying on men's shoulders heavy and unbearable burdens which we are not willing to lighten, like those who say yes but do nothing behold we, from what we have been able to save over and above necessities and moderate expenses, grant and give thirty thousand pounds to this work, besides the shipping which we are giving to the crusaders of Rome and neighbouring districts. We will assign for this purpose, moreover, three thousand marks of silver, which we have left over from the alms of certain of the faithful, the rest having been faithfully distributed for the needs and benefit of the aforesaid Land by the hands of the abbot patriarch of Jerusalem, of happy memory, and of the masters of the Temple and of the Hospital. We wish, however, that other prelates of churches and all clerics may participate and share both in the merit and in the reward. We therefore decree, with the general approval of the council, that all clerics, both those under authority and prelates, shall give a twentieth of their ecclesiastical revenues for three years to the aid of the holy Land, by means of the persons appointed by the apostolic see for this purpose; the only exceptions being certain religious who are rightly to be exempted from this taxation and likewise those persons who have taken or will take the cross and so will go in person. We and our brothers, cardinals of the holy Roman church, shall pay a full tenth. Let all know, moreover, that they are obliged to observe this faithfully under pain of excommunication, so that those who knowingly deceive in this matter shall incur the sentence of excommunication. Because it is right that those who persevere in the service of the heavenly ruler should in all justice enjoy special privilege, and because the day of departure is somewhat more than a year ahead, crusaders shall therefore be exempt from taxes or levies and other burdens. We take their persons and goods under the protection of St Peter and ourself once they have taken up the cross. We ordain that they are to be protected by archbishops, bishops and all prelates of the church, and that protectors of their own are to be specially appointed for this purpose, so that their goods are to remain intact and undisturbed until they are known for certain to be dead or to have returned. If anyone dares to act contrary to this, let him be curbed by ecclesiastical censure.

If any of those setting out are bound by oath to pay interest, we ordain that their creditors shall be compelled by the same punishment to release them from their oath and to desist from exacting the interest; if any of the creditors does force them to pay the interest, we command that he be forced by similar punishment to restore it. We order that Jews be compelled by the secular power to remit interest, and that until they do so all intercourse shall be denied them by all Christ's faithful under pain of excommunication. Secular princes shall provide a suitable deferral for those who cannot now pay their debts to Jews, so that after they have undertaken the journey and until there is certain knowledge of their death or of their return, they shall not incur the inconvenience of paying interest. The Jews shall be compelled to add to the capital, after they have deducted their necessary expenses, the revenues which they are meanwhile receiving from property held by them on security. For, such a benefit seems to entail not much loss, inasmuch as it postpones the repayment but does not cancel the debt. Prelates of churches who are negligent in showing justice to crusaders and their families should know that they will be severely punished.

Furthermore, since corsairs and pirates greatly impede help for the holy Land, by capturing and plundering those who are travelling to and from it, we bind with the bond of excommunication everyone who helps or supports them. We forbid anyone, under threat of anathema, knowingly to communicate with them by contracting to buy or to sell; and we order rulers of cities and their territories to restrain and curb such persons from this iniquity. Otherwise, since to be unwilling to disquiet evildoers is none other than to encourage them, and since he who fails to oppose a manifest crime is not without a touch of secret complicity, it is our wish and command that prelates of churches exercise ecclesiastical severity against their persons and lands. We excommunicate and anathematize, moreover, those false and impious Christians who, in opposition to Christ and the christian people, convey arms to the Saracens and iron and timber for their galleys. We decree that those who sell them galleys or ships, and those who act as pilots in pirate Saracen ships, or give them any advice or help by way of machines or

anything else, to the detriment of the holy Land, are to be punished with deprivation of their possessions and are to become the slaves of those who capture them. We order this sentence to be renewed on Sundays and feast-days in all maritime towns; and the bosom of the church is not to be opened to such persons unless they send in aid of the holy Land the whole of the damnable wealth which they received and the same amount of their own, so that they are punished in proportion to their offence. If perchance they do not pay, they are to be punished in other ways in order that through their punishment others may be deterred from venturing upon similar rash actions. In addition, we prohibit and on pain of anathema forbid all Christians, for four years, to send or take their ships across to the lands of the Saracens who dwell in the east, so that by this a greater supply of shipping may be made ready for those wanting to cross over to help the holy Land, and so that the aforesaid Saracens may be deprived of the not inconsiderable help which they have been accustomed to receiving from this.

Although tournaments have been forbidden in a general way on pain of a fixed penalty at various councils, we strictly forbid them to be held for three years, under pain of excommunication, because the business of the crusade is much hindered by them at this present time. Because it is of the utmost necessity for the carrying out of this business that rulers of the christian people keep peace with each other, we therefore ordain, on the advice of this holy general synod, that peace be generally kept in the whole christian world for at least four years, so that those in conflict shall be brought by the prelates of churches to conclude a definitive peace or to observe inviolably a firm truce. Those who refuse to comply shall be most strictly compelled to do so by an excommunication against their persons and an interdict on their lands, unless their wrongdoing is so great that they ought not to enjoy peace. If it happens that they make light of the church's censure, they may deservedly fear that the secular power will be invoked by ecclesiastical authority against them as disturbers of the business of him who was crucified.

We therefore, trusting in the mercy of almighty God and in the authority of the blessed apostles Peter and Paul, do grant, by the power of binding and loosing that God has conferred upon us, albeit unworthy, unto all those who undertake this work in person and at their own expense, full pardon for their sins about which they are heartily contrite and have spoken in confession, and we promise them an increase of eternal life at the recompensing of the just; also to those who do not go there in person but send suitable men at their own expense, according to their means and status, and likewise to those who go in person but at others' expense, we grant full pardon for their sins. We wish and grant to share in this remission, according to the quality of their help and the intensity of their devotion, all who shall contribute suitably from their goods to the aid of the said Land or who give useful advice and help. Finally, this general synod imparts the benefit of its blessings to all who piously set out on this common enterprise in order that it may contribute worthily to their salvation.

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## ENDNOTES

1. three persons ... nature omitted in Cr.
2. as if ... perfect omitted in Cr.
3. and he ... things omitted in A.M.
4. We forbid ... fowling omitted in Cr M.
5. confessions ... interlocutions omitted in Cr.

- Cr = P.Crabbe, *Concilia omnia, tam generalia, quam particularia ...*, 2 vols. Cologne 1538; 3 vols. *ibid* 1551
- M = the Mazarin codex used by P. Labbe and G. Cossart, *Sacrosancta concilia ad regiam editionem exacta quae nunc quarta parte prodit auctior studio Philippi Labbei et Gabrielis Cossartii ...*, 17 vols. Paris 1671-72
- A = the d'Achery codex used by Labbe and Cossart