CHURCH COUNCILS DOWN THROUGH THE AGES

by Various

A historical survey of church councils from the apostolic council in Acts 15 through the major ecumenical and regional councils of church history. The work traces how the church addressed doctrinal disputes and established orthodox teaching.

46 Chapters

Table of Contents

1. 01 Acts: Very first Council
2. 01 FIRST COUNCIL OF NICAEA - 325 AD
3. 02 First Council of Constantinople - 381
4. 03 Council Of Ephesus - 431 A.D.
5. 04 Council of Chalcedon - 451 A.D.
6. 05 Second Council of Constantinople - 553
7. 06 Third Council of Constantinople : 680-681 A. D.
8. 07 Second Council of Nicaea - 787 A.D.
9. 08 Fourth Council of Constantinople : 869-870
10. 09 First Lateran Council 1123 A.D.
11. 10 Second Lateran Council - 1139 A.D.
12. 11 Third Lateran Council - 1179 A.D.
13. 12 Part 1 Fourth Lateran Council : 1215
14. 12 Part 2 Fourth Lateran Council : 1215
15. 13 Part 1 First Council of Lyons - 1245 A.D.
16. 13 Part 2 First Council of Lyons - 1245 A.D.
17. 14 Part 1 Second Council of Lyons - 1274
18. 14 Part 2 Second Council of Lyons - 1274
19. 15 Part 1 Council of Vienne 1311-1312 A.D.
20. 15 Part 2 Council of Vienne 1311-1312 A.D.
21. 15 Part 3 Council of Vienne 1311-1312 A.D.
22. 15 Part 4 Council of Vienne 1311-1312 A.D.
23. 16 Part 1 Council of Constance 1414-18
24. 16 Part 2 Council of Constance 1414-18
25. 16 Part 3 Council of Constance 1414-18
26. 16 Part 4 Council of Constance 1414-18
27. 17 Part 1 Council of Basel 1431-45 A.D.
28. 17 Part 2 Council of Basel 1431-45 A.D.
29. 17 Part 3 Council of Basel 1431-45 A.D.
30. 17 Part 4 Council of Basel 1431-45 A.D.
31. 17 Part 5 Council of Basel 1431-45 A.D.
32. 17 Part 6 Council of Basel 1431-45 A.D.
33. 18 Part 1 Fifth Lateran Council 1512-17 A.D.
34. 18 Part 2 Fifth Lateran Council 1512-17 A.D.
35. 18 Part 3 Fifth Lateran Council 1512-17 A.D.
36. 18 Part 4 Fifth Lateran Council 1512-17 A.D.
37. 19 Part 1 The Council of Trent
38. 19 Part 2 The Council of Trent
39. 19 Part 3 The Council of Trent

40. 19 Part 4 The Council of Trent
41. 19 Part 5 The Council of Trent
42. 19 Part 6 The Council of Trent
43. 19 Part 7 The Council of Trent
44. 20 Part 1 First Vatican Council
45. 20 Part 2 First Vatican Council
46. 30 Lateran Council of 649 AD

Chapter 1

01 Acts: Very first Council

Acts 15:1 Some who had come down from Judea were instructing the brothers, Unless you are circumcised according to the Mosaic practice, you cannot be saved.

Acts 15:2 Because there arose no little dissension and debate by Paul and Barnabas with them, it was decided that Paul, Barnabas, and some of the others should go up to Jerusalem to the apostles and presbyters about this question.

Acts 15:5 But some from the party of the Pharisees who had become believers stood up and said, It is necessary to circumcise them and direct them to observe the Mosaic law.

Acts 15:6The apostles and the presbyters met together to see about this matter.

Acts 15:7 After much debate had taken place, Peter got up and said to them, My brothers, you are well aware that from early days God made his choice among you that through my mouth the Gentiles would hear the word of the gospel and believe.

Acts 15:8 And God, who knows the heart, bore witness by granting them the holy Spirit just as he did us.

Acts 15:9He made no distinction between us and them, for by faith he purified their hearts.

Acts 15:10 Why, then, are you now putting God to the test by placing on the shoulders of the disciples a yoke that neither our ancestors nor we have been able to bear?

Acts 15:11 On the contrary, we believe that we are saved through the grace of the Lord Jesus, in the same way as they.

Acts 15:12 The whole assembly fell silent, and they listened while Paul and Barnabas described the signs and wonders God had worked among the Gentiles through them.

Acts 15:13 After they had fallen silent, James responded, My brothers, listen to me.

Acts 15:14 Symeon has described how God first concerned himself with acquiring from among the Gentiles a people for his name.

Acts 15:15 The words of the prophets agree with this, as is written:

Acts 15:16 ’After this I shall return and rebuild the fallen hut of David; from its ruins I shall rebuild it and raise it up again,

Acts 15:17 so that the rest of humanity may seek out the Lord, even all the Gentiles on whom my name is invoked. Thus says the Lord who accomplishes these things, Acts 15:18 known from of old.’

Acts 15:19 It is my judgment, therefore, that we ought to stop troubling the Gentiles who turn to God,

Acts 15:20 but tell them by letter to avoid pollution from idols, unlawful marriage, the meat of strangled animals, and blood.

Acts 15:21 For Moses, for generations now, has had those who proclaim him in every town, as he has been read in the synagogues every sabbath.

Acts 15:22Then the apostles and presbyters, in agreement with the whole church, decided to choose representatives and to send them to Antioch with Paul and Barnabas. The ones chosen were Judas, who was called Barsabbas, and Silas, leaders among the brothers.

Acts 15:23 This is the letter delivered by them: The apostles and the presbyters, your brothers, to the brothers in Antioch, Syria, and Cilicia of Gentile origin: greetings.

Acts 15:24 Since we have heard that some of our number (who went out) without any mandate from us have upset you with their teachings and disturbed your peace of mind,

Acts 15:25we have with one accord decided to choose representatives and to send them to you along with our beloved Barnabas and Paul, Acts 15:26 who have dedicated their lives to the name of our Lord Jesus Christ.

Acts 15:27 So we are sending Judas and Silas who will also convey this same message by word of mouth:

Acts 15:28 ’It is the decision of the holy Spirit and of us not to place on you any burden beyond these necessities,

Acts 15:29 namely, to abstain from meat sacrificed to idols, from blood, from meats of strangled animals, and from unlawful marriage. If you keep free of these, you will be doing what is right. Farewell.’

Acts 15:30 And so they were sent on their journey. Upon their arrival in Antioch they called the assembly together and delivered the letter.

Acts 15:31 When the people read it, they were delighted with the exhortation.

Acts 15:32 Judas and Silas, who were themselves prophets, exhorted and strengthened the brothers with many words.

Acts 15:33 After they had spent some time there, they were sent off with greetings of peace from the brothers to those who had commissioned them.

Acts 15:34 But it seemed good unto Silas to remain there: and Judas alone departed to Jerusalem.

Acts 15:35 But Paul and Barnabas remained in Antioch, teaching and proclaiming with many others the word of the Lord.

01 FIRST COUNCIL OF NICAEA - 325 AD

Council of Nicaea (325) lasted two months and twelve days. Three hundred and eighteen bishops were present. Hosius, Bishop of Cordova, assisted as legate of Pope Sylvester. The Emperor Constantine was also present. To this council we owe The Creed (Symbolum) Of Nicaea, defining against Arius the true Divinity of the Son of God (homoousios), and the fixing of the date for keeping Easter (against the Quartodecimans).

FIRST COUNCIL OF NICAEA - 325 AD

INTRODUCTION This council opened on 19 June in the presence of the emperor, but it is uncertain who presided over the sessions. In the extant lists of bishops present, Ossius of Cordova, and the presbyters Vitus and Vincentius are listed before the other names, but it is more likely that Eustathius of Antioch or Alexander of Alexandria presided. (see Decrees of the Ecumenical Councils, ed. Norman P. Tanner S.J.) The bold text in the profession of faith of the 318 fathers constitutes, according to Tanner "The additions made by the council to an underlying form of the creed", and that the underlying creed was most likely "derived from the baptismal formula of Caesarea put forward by the bishop of that city Eusebius" or that it "developed from an original form which existed in Jerusalem or at any rate Palestine". "A direct descent from the creed of Eusebius of Caesarea is manifestly out of the question." Vol 1, p2) The figure of 318 given in the heading below is from Hilary of Poitier and is the traditional one. Other numbers are Eusebius 250, Eustathius of Antioch 270., Athanasius about 300, Gelasius of Cyzicus at more than 300. THE PROFESSION OF FAITH OF THE 318 FATHERS

We believe in one God the Father all powerful, maker of all things both seen and unseen. And in one Lord Jesus Christ, the Son of God, the only-begotten begotten from the Father, that is from the substance [Gr. ousias, Lat. substantia] of the Father, God from God, light from light, true God from true God, begotten [Gr. gennethenta, Lat. natum] not made [Gr. poethenta, Lat. factum], CONSUBSTANTIAL [Gr. homoousion, Lat. unius substantiae (quod Graeci dicunt homousion)] with the Father, through whom all things came to be, both those in heaven and those in earth; for us humans and for our salvation he came down and became incarnate, became human, suffered and rose up on the third day, went up into the heavens, is coming to judge the living and the dead. And in the holy Spirit. And those who say "there once was when he was not", and "before he was begotten he was not", and that he came to be from

things that were not, or

from another hypostasis [Gr. hypostaseos] or substance [Gr. ousias, Lat. substantia],

affirming that the Son of God is subject to change or alteration these the catholic and apostolic church anathematises.

CANONS

If anyone in sickness has undergone surgery at the hands of physicians or has been castrated by barbarians, let him remain among the clergy. But if anyone in good health has castrated himself, if he is enrolled among the clergy he should be suspended, and in future no such man should be promoted. But, as it is evident that this refers to those who are responsible for the condition and presume to castrate themselves, so too if any have been made eunuchs by barbarians or by their masters, but have been found worthy, the canon admits such men to the clergy.

Since, either through necessity or through the importunate demands of certain individuals, there have been many breaches of the church's canon, with the result that men who have recently come from a pagan life to the faith after a short catechumenate have been admitted at once to the spiritual washing, and at the same time as their baptism have been promoted to the episcopate or the presbyterate, it is agreed that it would be well for nothing of the kind to occur in the future. For a catechumen needs time and further probation after baptism, for the apostle's words are clear: "Not a recent convert, or he may be puffed up and fall into the condemnation and the snare of the devil". But if with the passage of time some sin of sensuality is discovered with regard to the person and he is convicted by two or three witnesses, such a one will be suspended from the clergy. If anyone contravenes these regulations, he will be liable to forfeit his clerical status for acting in defiance of this great synod. This great synod absolutely forbids a bishop, presbyter, deacon or any of the clergy to keep a woman who has been brought in to live with him, with the exception of course of his mother or sister or aunt, or of any person who is above suspicion.

It is by all means desirable that a bishop should be appointed by all the bishops of the province. But if this is difficult because of some pressing necessity or the length of the journey involved, let at least three come together and perform the ordination, but only after the absent bishops have taken part in the vote and given their written consent. But in each province the right of confirming the proceedings belongs to the metropolitan bishop.

Concerning those, whether of the clergy or the laity, who have been excommunicated, the sentence is to be respected by the bishops of each province according to the canon which forbids those expelled by some to be admitted by others. But let an inquiry be held to ascertain whether anyone has been expelled from the community because of pettiness or quarrelsomeness or any such ill nature on the part of the bishop. Accordingly, in order that there may be proper opportunity for inquiry into the matter, it is agreed that it would be well for synods to be held each year in each province twice a year, so that these inquiries may be conducted by all the bishops of the province assembled together, and in this way by general consent those who have offended against their own bishop may be recognised by all to be reasonably excommunicated, until all the bishops in common may decide to pronounce a more lenient sentence on these persons. The synods shall be held at the following times: one before Lent, so that, all pettiness being set aside, the gift offered to God may be unblemished; the second after the season of autumn. The ancient customs of Egypt, Libya and Pentapolis shall be maintained, according to which the bishop of Alexandria has authority over all these places since a similar custom exists with reference to the bishop of Rome. Similarly in Antioch and the other provinces the prerogatives of the churches are to be preserved. In general the following principle is evident: if anyone is made bishop without the consent of the metropolitan, this great synod determines that such a one shall not be a bishop. If however two or three by reason of personal rivalry dissent from the common vote of all, provided it is reasonable and in accordance with the church's canon, the vote of the majority shall prevail.

Since there prevails a custom and ancient tradition to the effect that the bishop of Aelia is to be honoured, let him be granted everything consequent upon this honour, saving the dignity proper to the metropolitan.

Concerning those who have given themselves the name of Cathars, and who from time to time come over publicly to the catholic and apostolic church, this holy and great synod decrees that they may remain among the clergy after receiving an imposition of hands. But before all this it is fitting that they give a written undertaking that they will accept and follow the decrees of the catholic church, namely that they will be in communion with those who have entered into a second marriage and with those who have lapsed in time of persecution and for whom a period [of penance] has been fixed and an occasion [for reconciliation] allotted, so as in all things to follow the decrees of the catholic and apostolic church. Accordingly, where all the ordained in villages or cities have been found to be men of this kind alone, those who are so found will remain in the clergy in the same rank; but when some come over in places where there is a bishop or presbyter belonging to the catholic church, it is evident that the bishop of the church will hold the bishop's dignity, and that the one given the title and name of bishop among the so-called Cathars will have the rank of presbyter, unless the bishop thinks fit to let him share in the honour of the title. But if this does not meet with his approval, the bishop will provide for him a place as chorepiscopus or presbyter, so as to make his ordinary clerical status evident and so prevent there being two bishops in the city.

If any have been promoted presbyters without examination, and then upon investigation have confessed their sins, and if after their confession men have imposed hands upon such people, being moved to act against the canon, the canon does not admit these people, for the catholic church vindicates only what is above reproach.

If any have been promoted to ordination through the ignorance of their promoters or even with their connivance, this fact does not prejudice the church's canon; for once discovered they are to be deposed.

Concerning those who have transgressed without necessity or the confiscation of their property or without danger or anything of this nature, as happened under the tyranny of Licinius, this holy synod decrees that, though they do not deserve leniency, nevertheless they should be treated mercifully. Those therefore among the faithful who genuinely repent shall spend three years among the hearers, for seven years they shall be prostrators, and for two years they shall take part with the people in the prayers, though not in the offering.

Those who have been called by grace, have given evidence of first fervour and have cast off their [military] belts, and afterwards have run back like dogs to their own vomit, so that some have even paid money and recovered their military status by bribes -- such persons shall spend ten years as prostrators after a period of three years as hearers. In every case, however, their disposition and the nature of their penitence should be examined. For those who through their fear and tears and perseverance and good works give evidence of their conversion by deeds and not by outward show, when they have completed their appointed term as hearers, may properly take part in the prayers, and the bishop is competent to decide even more favourably in their regard. But those who have taken the matter lightly, and have thought that the outward form of entering the church is all that is required for their conversion, must complete their term to the full.

Concerning the departing, the ancient canon law is still to be maintained namely that those who are departing are not to be deprived of their last, most necessary viaticum. But if one whose life has been despaired of has been admitted to communion and has shared in the offering and is found to be numbered again among the living, he shall be among those who take part in prayer only [here a variant reading in Les canons des conciles oecumeniques adds "until the term fixed by this great ecumenical synod has been completed"]. But as a general rule, in the case of anyone whatsoever who is departing and seeks to share in the eucharist, the bishop upon examining the matter shall give him a share in the offering.

Concerning catechumens who have lapsed, this holy and great synod decrees that, after they have spent three years as hearers only, they shall then be allowed to pray with the catechumens. On account of the great disturbance and the factions which are caused, it is decreed that the custom, if it is found to exist in some parts contrary to the canon, shall be totally suppressed, so that neither bishops nor presbyters nor deacons shall transfer from city to city. If after this decision of this holy and great synod anyone shall attempt such a thing, or shall lend himself to such a proceeding, the arrangement shall be totally annulled, and he shall be restored to the church of which he was ordained bishop or presbyter or deacon.

Any presbyters or deacons or in general anyone enrolled in any rank of the clergy who depart from their church recklessly and without the fear of God before their eyes or in ignorance of the church’s canon, ought not by any means to be received in another church, but all pressure must be applied to them to induce them to return to their own dioceses, or if they remain it is right that they should be excommunicated. But if anyone dares to steal away one who belongs to another and to ordain him in his church without the consent of the other’s own bishop among whose clergy he was enrolled before he departed, the ordination is to be null.

Since many enrolled [among the clergy] have been induced by greed and avarice to forget the sacred text, "who does not put out his money at interest", and to charge one per cent [a month] on loans, this holy and great synod judges that if any are found after this decision to receive interest by contract or to transact the business in any other way or to charge [a flat rate of] fifty per cent or in general to devise any other contrivance for the sake of dishonourable gain, they shall be deposed from the clergy and their names struck from the roll.

It has come to the attention of this holy and great synod that in some places and cities deacons give communion to presbyters, although neither canon nor custom allows this, namely that those who have no authority to offer should give the body of Christ to those who do offer. Moreover it has become known that some of the deacons now receive the eucharist even before the bishops. All these practices must be suppressed. Deacons must remain within their own limits, knowing that they are the ministers of the bishop and subordinate to the presbyters. Let them receive the eucharist according to their order after the presbyters from the hands of the bishop or the presbyter. Nor shall permission be given for the deacons to sit among the presbyters, for such an arrangement is contrary to the canon and to rank. If anyone refuses to comply even after these decrees, he is to be suspended from the diaconate.

Concerning the former Paulinists who seek refuge in the catholic church, it is determined that they must be rebaptised unconditionally. Those who in the past have been enrolled among the clergy, if they appear to be blameless and irreproachable, are to be rebaptised and ordained by the bishop

of the catholic church. But if on inquiry they are shown to be unsuitable, it is right that they should be deposed. Similarly with regard to deaconesses and all in general whose names have been included in the roll, the same form shall be observed. We refer to deaconesses who have been granted this status, for they do not receive any imposition of hands, so that they are in all respects to be numbered among the laity.

Since there are some who kneel on Sunday and during the season of Pentecost, this holy synod decrees that, so that the same observances may be maintained in every diocese, one should offer one’s prayers to the Lord standing. THE LETTER OF THE SYNOD IN NICAEA TO THE EGYPTIANS The bishops assembled at Nicaea, who constitute the great and holy synod, greet the church of the Alexandrians, by the grace of God holy and great, and the beloved brethren in Egypt, Libya and Pentapolis.

Since the grace of God and the most pious emperor Constantine have called us together from different provinces and cities to constitute the great and holy synod in Nicaea, it seemed absolutely necessary that the holy synod should send you a letter so that you may know what was proposed and discussed, and what was decided and enacted.

First of all the affair of the impiety and lawlessness of Arius and his followers was discussed in the presence of the most pious emperor Constantine. It was unanimously agreed that anathemas should be pronounced against his impious opinion and his blasphemous terms and expressions which he has blasphemously applied to the Son of God,

saying

"he is from things that are not", and

"before he was begotten he was not", and

"there once was when he was not",

saying too that

by his own power the Son of God is capable of

evil and

goodness,

and calling him

a creature and a work.

Against all this the holy synod pronounced anathemas, and did not allow this impious and abandoned opinion and these blasphemous words even to be heard. Of that man and the fate which befell him, you have doubtless heard or will hear, lest we should seem to trample upon one who has already received a fitting reward because of his own sin. Such indeed was the power of his impiety that Theonas of Marmarica and Secundus of Ptolemais shared in the consequences, for they too suffered the same fate. But since, when the grace of God had freed Egypt from this evil and blasphemous opinion, and from the persons who had dared to create a schism and a separation in a people which up to now had lived in peace, there remained the question of the

presumption of Meletius and the men whom he had ordained, we shall explain to you, beloved brethren, the synod's decisions on this subject too. The synod was moved to incline towards mildness in its treatment of Meletius for strictly speaking he deserved no mercy. It decreed that that he might remain in his own city without any authority to nominate or ordain, and that he was not to show himself for this purpose in the country or in another city, and that he was to retain the bare name of his office.

It was further decreed that those whom he had ordained, when they had been validated by a more spiritual ordination, were to be admitted to communion on condition that they would retain their rank and exercise their ministry, but in every respect were to be second to all the clergy in each diocese and church who had been nominated under our most honoured brother and fellow minister Alexander; they were to have no authority to appoint candidates of their choice or to put forward names or to do anything at all without the consent of the bishop of the catholic church, namely the bishop of those who are under Alexander. But those who by the grace of God and by our prayers have not been detected in any schism, and are spotless in the catholic and apostolic church, are to have authority to appoint and to put forward the names of men of the clergy who are worthy, and in general to do everything according to the law and rule of the church. In the event of the death of any in the church, those who have recently been accepted are thereupon to succeed to the office of the deceased, provided that they appear worthy and are chosen by the people; the bishop of Alexandria is to take part in the vote and confirm the election. This privilege, which has been granted to all others, does not apply to the person of Meletius because of his inveterate seditiousness and his mercurial and rash disposition, lest any authority or responsibility should be given to one who is capable of returning to his seditious practices.

These are the chief and most important decrees as far as concerns Egypt and the most holy church of the Alexandrians. Whatever other canons and decrees were enacted in the presence of our lord and most honoured fellow minister and brother Alexander, he will himself report them to you in greater detail when he comes, for he was himself a leader as well as a participant in the events. The following is not found in the latin text, but is found in the greek text :

We also send you the good news of the settlement concerning the holy pasch, namely that in answer to your prayers this question also has been resolved. All the brethren in the East who have hitherto followed the Jewish practice will henceforth observe the custom of the Romans and of yourselves and of all of us who from ancient times have kept Easter together with you. Rejoicing then in these successes and in the common peace and harmony and in the cutting off of all heresy, welcome our fellow minister, your bishop Alexander, with all the greater honour and love. He has made us happy by his presence, and despite his advanced age has undertaken such great labour in order that you too may enjoy peace.

Pray for us all that our decisions may remain secure through almighty God and our lord Jesus Christ in the holy Spirit, to whom is the glory for ever and ever. Amen.

Translation taken from Decrees of the Ecumenical Councils, ed. Norman P. Tanner

END OF TEXT

Chapter 3

02 First Council of Constantinople - 381

First Council of Constantinople (381), under Pope Damasus and the Emperor Theodosius I, was attended by 150 bishops. It was directed against the followers of Macedonius, who impugned the Divinity of the Holy Ghost. To the above-mentioned Nicene creed it added the clauses referring to the Holy Ghost (qui simul adoratur) and all that follows to the end.

First Council of Constantinople - 381

CONTENTS

The exposition of the 150 fathers <file://C:\CCD\churchfathers\CHURCH COUNCILS & Liturgies\ECUM02-1STCONSTANTINOPLE381.HTM>

A letter of the bishops gathered in Constantinople <file://C:\CCD\churchfathers\CHURCH COUNCILS & Liturgies\ECUM02-1STCONSTANTINOPLE381.HTM>

CANONS <file://C:\CCD\churchfathers\CHURCH COUNCILS & Liturgies\ECUM02-1STCONSTANTINOPLE381.HTM>

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INTRODUCTION In the year 380 the emperors Gratian and Theodosius I decided to convoke this council to counter the Arians, and also to judge the case of Maximus the Cynic, bishop of Constantinople. The council met in May of the following year. One hundred and fifty bishops took part, all of them eastern Orthodox, since the Pneumatomachi party had left at the start.

After Maximus had been condemned, Meletius, bishop of Antioch, appointed Gregory of Nazianzus as the lawful bishop of Constantinople and at first presided over the council. Then on Meletius's sudden death, Gregory took charge of the council up to the arrival of Acholius, who was to table Pope Damasus's demands: namely, that Maximus should be expelled as an interloper, and that the translation of bishops should be avoided. But when Timothy, bishop of Alexandria, arrived he declared Gregory's appointment invalid. Gregory resigned the episcopacy and Nectarius, after baptism and consecration, was installed as bishop and presided over the council until its closure. No copy of the council's doctrinal decisions, entitled tomos kai anathematismos engraphos (record of the tome and anathemas), has survived. So what is presented here is the synodical letter of the synod of Constantinople held in 382, which expounded these doctrinal decisions, as the fathers witness, in summary form: namely, along the lines defined by the council of Nicaea, the consubstantiality and coeternity of the three divine persons against the Sabellians, Anomoeans, Arians and Pneumatomachi, who thought that the divinity was divided into several natures; and the enanthropesis (taking of humanity) of the Word, against those who supposed that the Word had in no way taken a human soul. All these matters were in close agreement with the tome that Pope Damasus and a Roman council, held probably in 378, had sent to the East.

Scholars find difficulties with the creed attributed to the council of Constantinople. Some say that the council composed a new creed. But no mention is made of this creed by ancient witnesses until the council of Chalcedon; and the council of Constantinople was said simply to have endorsed the faith of Nicaea, with a few additions on the holy Spirit to refute the Pneumatomachian heresy. Moreover, if the latter tradition is accepted, an explanation must be given of why the first two articles of the so-called Constantinopolitan creed differ considerably from the Nicene creed.

It was J. Lebon, followed by J. N. D. Kelly and A. M. Ritter, who worked at the solution of this problem. Lebon said that the Nicene creed, especially since it was adapted to use at baptism, had taken on a number of forms. It was one of these which was endorsed at the council of Constantinople and developed by additions concerning the holy Spirit. All the forms, altered to some extent or other, were described by a common title as "the Nicene faith". Then the council of Chalcedon mentioned the council of Constantinople as the immediate source of one of them, marked it out by a special name "the faith of the 150 fathers", which from that time onwards became its widely known title, and quoted it alongside the original simple form of the Nicene creed. The Greek text of the Constantinopolitan creed, which is printed below, is taken from the acts of the council of Chalcedon. The council of Constantinople enacted four disciplinary canons: against the Arian heresy and its sects (Song of Solomon 1:1-17), on limiting the power of bishops within fixed boundaries (Song of Solomon 2:1-17), on ranking the see of Constantinople second to Rome in honour and dignity (Song of Solomon 3:1-11), on the condemnation of Maximus and his followers (Song of Solomon 4:1-16). Canons 2-4 were intended to put a stop to aggrandisement on the part of the see of Alexandria. The two following canons, 5 and 6, were framed at the synod which met in Constantinople in 382. The 7th canon is an extract from a letter which the church of Constantinople sent to Martyrius of Antioch. The council ended on 9 July 381, and on 30 July of the same year, at the request of the council fathers, the emperor Theodosius ratified its decrees by edict .

Already from 382 onwards, in the synodical letter of the synod which met at Constantinople, the council of Constantinople was given the title of "ecumenical". The word denotes a general and plenary council. But the council of Constantinople was criticised and censured by Gregory of Nazianzus. In subsequent years it was hardly ever mentioned. In the end it achieved its special status when the council of Chalcedon, at its second session and in its definition of the faith, linked the form of the creed read out at Constantinople with the Nicene form, as being a completely reliable witness of the authentic faith. The fathers of Chalcedon acknowledged the authority of the canons -- at least as far as the eastern church was concerned -- at their sixteenth session. The council's dogmatic authority in the western church was made clear by words of Pope Gregory I: "I confess that I accept and venerate the four councils (Nicaea, Constantinople, Ephesus and Chalcedon) in the same way as I do the four books of the holy Gospel...." The bishop of Rome's approval was not extended to the canons, because they were never brought "to the knowledge of the apostolic see'. Dionysius Exiguus knew only of the first four -- the ones to be found in the western collections. Pope Nicholas I wrote of the sixth canon to Emperor Michael III: "It is not found among us, but is said to be in force among you'. The English translation is from the Greek text, which is the more authoritative version.

Return to Table of Contents <file://C:\CCD\churchfathers\CHURCH COUNCILS & Liturgies\ECUM02-1STCONSTANTINOPLE381.HTM> The exposition of the 150 fathers

We believe in one God the Father all-powerful, maker of heaven and of earth, and of all things both seen and unseen. And in one Lord Jesus Christ, the only-begotten Son of God, begotten from the Father before all the ages, light from light, true God from true God, begotten not made, consubstantial with the Father, through whom all things came to be; for us humans and for our salvation he came down from the heavens and became incarnate from the holy Spirit and the virgin Mary, became human and was crucified on our behalf under Pontius Pilate; he suffered and was buried and rose up on the third day in accordance with the scriptures; and he went up into the heavens and is seated at the Father's right hand; he is coming again with glory to judge the living and the dead; his kingdom will have no end. And in the Spirit, the holy, the lordly and life-giving one, proceeding forth from the Father, co-worshipped and co-glorified with Father and Son, the one who spoke through the prophets; in one, holy, catholic and apostolic church. We confess one baptism for the forgiving of sins. We look forward to a resurrection of the dead and life in the age to come. Amen.

Return to Table of Contents <file://C:\CCD\churchfathers\CHURCH COUNCILS & Liturgies\ECUM02-1STCONSTANTINOPLE381.HTM> A letter of the bishops gathered in Constantinople [1] To the most honoured lords and most reverend brethren and fellow-ministers, Damasus, Ambrose, Britton, Valerian, Acholius, Anemius, Basil, and the rest of the holy bishops who met in the great city of Rome: the sacred synod of orthodox bishops who met in the great city of Constantinople sends greetings in the Lord.

It may well be unnecessary to instruct your reverence by describing the many sufferings that have been brought upon us under Arian domination, as if you did not know already. Nor do we imagine that your piety considers our affairs so trivial that you need to learn what you must be suffering along with us. Nor were the storms which beset us such as to escape your notice on grounds of insignificance. The period of persecution is still recent and ensures that the memory remains fresh

not only among those who have suffered but also among those who have through love made the lot of those who suffered their own. It was barely yesterday or the day before that some were freed from the bonds of exile and returned to their own churches through a thousand tribulations. The remains of others who died in exile were brought back. Even after their return from exile some experienced a ferment of hatred from the heretics and underwent a more cruel fate in their own land than they did abroad, by being stoned to death by them in the manner of the blessed Stephen. Others were torn to shreds by various tortures and still carry around on their bodies the marks of Christ's wounds and bruises. Who could number the financial penalties, the fines imposed on cities, the confiscations of individual property, the plots, the outrages, the imprisonments? Indeed all our afflictions increased beyond number: perhaps because we were paying the just penalty for our sins; perhaps also because a loving God was disciplining us by means of the great number of our sufferings. So thanks be to God for this. He has instructed his own servants through the weight of their afflictions, and in accordance with his numerous mercies he has brought us back again to a place of refreshment The restoration of the churches demanded prolonged attention, much time and hard work from us if the body of the church which had been weak for so long was to be cured completely by gradual treatment and brought back to its original soundness in religion. We may seem on the whole to be free from violent persecutions and to be at the moment recovering the churches which have long been in the grip of the heretics. But in fact we are oppressed by wolves who even after expulsion from the fold go on ravaging the flocks up and down dale, making so bold as to hold rival assemblies, activating popular uprisings and stopping at nothing which might harm the churches. As we have said, this made us take a longer time over our affairs. But now you have shown your brotherly love for us by convoking a synod in Rome, in accordance with God's will, and inviting us to it, by means of a letter from your most God-beloved emperor, as if we were limbs of your very own, so that whereas in the past we were condemned to suffer alone, you should not now reign in isolation from us, given the complete agreement of the emperors in matters of religion. Rather, according to the word of the apostle, we should reign along with you'. So it was our intention that if it were possible we should all leave our churches together and indulge our desires rather than attend to their needs. But who will give us wings as of a dove, so we shall fly and come to rest with you? This course would leave the churches entirely exposed, just as they are beginning their renewal; and it is completely out of the question for the majority. As a consequence of last year's letter sent by your reverence after the synod of Aquileia to our most God-beloved emperor Theodosius, we came together in Constantinople. We were equipped only for this stay in Constantinople and the bishops who remained in the provinces gave their agreement to this synod alone. We foresaw no need for a longer absence, nor did we hear of it in advance at all, before we gathered in Constantinople. On top of this the tightness of the schedule proposed allowed no opportunity to prepare for a longer absence, nor to brief all the bishops in the provinces who are in communion with us and to get their agreement. Since these considerations, and many more besides, prevented most of us from coming, we have done the next best thing both to set matters straight and to make your love for us appreciated: we have managed to convince our most venerable and reverend brethren and fellow-ministers, Bishops Cyriacus, Eusebius and Priscian to be willing to undertake the wearisome journey to you. Through them we wish to show that our intentions are peaceful and have unity as their goal. We also want to make clear that what we are zealously seeking is sound faith.

What we have undergone -- persecutions, afflictions, imperial threats, cruelty from officials, and whatever other trial at the hands of heretics -- we have put up with for the sake of the gospel faith established by the 318 fathers at Nicaea in Bithynia. You, we and all who are not bent on subverting the word of the true faith should give this creed our approval. It is the most ancient and is consistent with our baptism. It tells us how to believe in the name of the Father and of the Son and of the holy Spirit: believing also, of course, that the Father, the Son and the holy Spirit have a single Godhead and power and substance, a dignity deserving the same honour and a co-eternal sovereignty, in three most perfect hypostases, or three perfect persons. So there is no place for Sabellius's diseased theory in which the hypostases are confused and thus their proper characteristics destroyed. Nor may the blasphemy of Eunomians and Arians and Pneumatomachi prevail, with its division of substance or of nature or of Godhead, and its introduction of some nature which was produced subsequently, or was created, or was of a different substance, into the uncreated and consubstantial and co-eternal Trinity. And we preserve undistorted the accounts of the Lord's taking of humanity, accepting as we do that the economy of his flesh was not soulless nor mindless nor imperfect. To sum up, we know that he was before the ages fully God the Word, and that in the last days he became fully man for the sake of our salvation. So much, in summary, for the faith which is openly preached by us. You can take even more heart concerning these matters if you think fit to consult the tome that was issued in Antioch by the synod which met there as well as the one issued last year in Constantinople by the ecumenical synod. In these documents we confessed the faith in broader terms and we have issued a written condemnation of the heresies which have recently erupted. With regard to particular forms of administration in the churches, ancient custom, as you know, has been in force, along with the regulation of the saintly fathers at Nicaea, that in each province those of the province, and with them-should the former so desire -- their neighbours, should conduct ordinations as need might arise. Accordingly, as you are aware, the rest of the churches are administered, and the priests [= bishops] of the most prominent churches have been appointed, by us. Hence at the ecumenical council by common agreement and in the presence of the most God-beloved emperor Theodosius and all the clergy, and with the approval of the whole city, we have ordained the most venerable and God-beloved Nectarius as bishop of the church newly set up, as one might say, in Constantinople -- a church which by God's mercy we just recently snatched from the blasphemy of the heretics as from the lion's jaws. Over the most ancient and truly apostolic church at Antioch in Syria, where first the precious name of "Christians" came into use, the provincial bishops and those of the diocese of the East came together and canonically ordained the most venerable and God-beloved Flavian as bishop with the consent of the whole church, as though it would give the man due honour with a single voice. The synod as a whole also accepted that this ordination was legal. We wish to inform you that the most venerable and God-beloved Cyril is bishop of the church in Jerusalem, the mother of all the churches. He was canonically ordained some time ago by those of the province and at various times he has valiantly combated the Arians.

We exhort your reverence to join us in rejoicing at what we have legally and canonically enacted. Let spiritual love link us together, and let the fear of the Lord suppress all human prejudice and put the building up of the churches before individual attachment or favour. In this way, with the account of the faith agreed between us and with christian love established among us, we shall cease to declare what was condemned by the apostles, "I belong to Paul, I to Apollo, I to Cephas"; but we shall all be seen to belong to Christ, who has not been divided up among us; and with

God’s good favour, we shall keep the body of the church undivided, and shall come before the judgment-seat of the Lord with confidence.

Return to Table of Contents <file://C:\CCD\churchfathers\CHURCH COUNCILS & Liturgies\ECUM02-1STCONSTANTINOPLE381.HTM>

CANONS

1 The profession of faith of the holy fathers who gathered in Nicaea in Bithynia is not to be abrogated, but it is to remain in force. Every heresy is to be anathematised and in particular that of the Eunomians or Anomoeans, that of the Arians or Eudoxians, that of the Semi-Arians or Pneumatomachi, that of the Sabellians that of the Marcellians, that of the Photinians and that of the Apollinarians.

Return to Table of Contents <file://C:\CCD\churchfathers\CHURCH COUNCILS & Liturgies\ECUM02-1STCONSTANTINOPLE381.HTM>

2

Diocesan bishops are not to intrude in churches beyond their own boundaries nor are they to confuse the churches: but in accordance with the canons, the bishop of Alexandria is to administer affairs in Egypt only; the bishops of the East are to manage the East alone (whilst safeguarding the privileges granted to the church of the Antiochenes in the Nicene canons); and the bishops of the Asian diocese are to manage only Asian affairs; and those in Pontus only the affairs of Pontus; and those in Thrace only Thracian affairs. Unless invited bishops are not to go outside their diocese to perform an ordination or any other ecclesiastical business. If the letter of the canon about dioceses is kept, it is clear that the provincial synod will manage affairs in each province, as was decreed at Nicaea. But the churches of God among barbarian peoples must be administered in accordance with the custom in force at the time of the fathers.

Return to Table of Contents <file://C:\CCD\churchfathers\CHURCH COUNCILS & Liturgies\ECUM02-1STCONSTANTINOPLE381.HTM>

3 Because it is new Rome, the bishop of Constantinople is to enjoy the privileges of honour after the bishop of Rome.

Return to Table of Contents <file://C:\CCD\churchfathers\CHURCH COUNCILS & Liturgies\ECUM02-1STCONSTANTINOPLE381.HTM>

4

Regarding Maximus the Cynic and the disorder which surrounded him in Constantinople: he never became, nor is he, a bishop; nor are those ordained by him clerics of any rank whatsoever. Everything that was done both to him and by him is to be held invalid.

Return to Table of Contents <file://C:\CCD\churchfathers\CHURCH COUNCILS & Liturgies\ECUM02-1STCONSTANTINOPLE381.HTM>

5

Regarding the Tome [2] of the Westerns: we have also recognised those in Antioch who confess a single Godhead of Father and Son and holy Spirit.

Return to Table of Contents <file://C:\CCD\churchfathers\CHURCH COUNCILS & Liturgies\ECUM02-1STCONSTANTINOPLE381.HTM>

6

There are many who are bent on confusing and overturning the good order of the church and so fabricate, out of hatred and a wish to slander, certain accusations against orthodox bishops in charge of churches. Their intention is none other than to blacken priests' reputations and to stir up trouble among peace- loving laity. For this reason the sacred synod of bishops assembled at Constantinople has decided not to admit accusers without prior examination, and not to allow everyone to bring accusations against church administrators -- but with- out excluding everyone. So if someone brings a private (that is a personal) complaint against the bishop on the grounds that he has been defrauded or in some other way unjustly dealt with by him, in the case of this kind of accusation neither the character nor the religion of the accuser will be subject to examination. It is wholly essential both that the bishop should have a clear conscience and that the one who alleges that he has been wronged, whatever his religion may be, should get justice. But if the charge brought against the bishop is of an ecclesiastical kind, then the characters of those making it should be examined, in the first place to stop heretics bringing charges against orthodox bishops in matters of an ecclesiastical kind. (We define "heretics" as those who have been previously banned from the church and also those later anathematised by ourselves: and in addition those who claim to confess a faith that is sound, but who have seceded and hold assemblies in rivalry with the bishops who are in communion with us.) In the second place, persons previously condemned and expelled from the church for whatever reason, or those excommunicated either from the clerical or lay rank, are not to be permitted to accuse a bishop until they have first purged their own crime. Similarly, those who are already accused are not permitted to accuse a bishop or other clerics until they have proved their own innocence of the crimes with which they are charged. But if persons who are neither heretics nor excommunicates, nor such as have been previously condemned or accused of some transgression or other, claim that they have some ecclesiastical charge to make against the bishop, the sacred synod commands that such persons should first lay the accusations before all the bishops of the province and prove before them the crimes committed by the bishop in the case. If it emerges that the bishops of the province are not able to correct the crimes laid at the bishop's door, then a higher synod of the bishops of that diocese, convoked to hear this case, must be approached, and the accusers are not to lay their accusations before it until they have given a written promise to submit to equal penalties should they be found guilty of making false accusations against the accused bishop, when the matter is investigated.

If anyone shows contempt of the prescriptions regarding the above matters and presumes to bother either the ears of the emperor or the courts of the secular authorities, or to dishonour all the diocesan bishops and trouble an ecumenical synod, there is to be no question whatever of allowing such a person to bring accusations forward, because he has made a mockery of the canons and violated the good order of the church.

Return to Table of Contents <file://C:\CCD\churchfathers\CHURCH COUNCILS & Liturgies\ECUM02-1STCONSTANTINOPLE381.HTM>

7

Those who embrace orthodoxy and join the number of those who are being saved from the heretics, we receive in the following regular and customary manner: Arians, Macedonians, Sabbatians, Novatians, those who call themselves Cathars and Aristae, Quartodeciman or Tetradites, Apollinarians-these we receive when they hand in statements and anathematise every heresy which is not of the same mind as the holy, catholic and apostolic church of God. They are first sealed or anointed with holy chrism on the forehead, eyes, nostrils, mouth and ears. As we seal them we say: "Seal of the gift of the holy Spirit". But Eunomians, who are baptised in a single immersion, Montanists (called Phrygians here), Sabellians, who teach the identity of Father and Son and make certain other difficulties, and all other sects -- since there are many here, not least those who originate in the country of the Galatians -- we receive all who wish to leave them and embrace orthodoxy as we do Greeks. On the first day we make Christians of them, on the second catechumens, on the third we exorcise them by breathing three times into their faces and their ears, and thus we catechise them and make them spend time in the church and listen to the scriptures; and then we baptise them.

Return to Table of Contents <file://C:\CCD\churchfathers\CHURCH COUNCILS & Liturgies\ECUM02-1STCONSTANTINOPLE381.HTM>

FOOTNOTES Namely the synod of Constantinople in 382 This tome has not survived; it probably defended Paul of Antioch Translation taken from Decrees of the Ecumenical Councils, ed. Norman P. Tanner

END OF TEXT

Chapter 4

03 Council Of Ephesus - 431 A.D.

3. Council of Ephesus (431), of more than 200 bishops, presided over by St. Cyril of Alexandria representing Pope Celestine l, defined the true personal unity of Christ, declared Mary the Mother of God (theotokos) against Nestorius, Bishop of Constantinople, and renewed the condemnation of Pelagius. The Council Of Ephesus - 431 A.D.

Contents Introduction <file://C:\CCD\churchfathers\CHURCH COUNCILS & Liturgies\ECUM03-EPHESUS431.HTM>

Second letter of Cyril to Nestorius - approved <file://C:\CCD\churchfathers\CHURCH COUNCILS & Liturgies\ECUM03-EPHESUS431.HTM>

Second letter of Nestorius to Cyril - condemned <file://C:\CCD\churchfathers\CHURCH COUNCILS & Liturgies\ECUM03-EPHESUS431.HTM>

Third letter of Cyril to Nestorius - approved <file://C:\CCD\churchfathers\CHURCH COUNCILS & Liturgies\ECUM03-EPHESUS431.HTM>

Twelve Anathemas Proposed by Cyril and accepted by the Council of Ephesus <file://C:\CCD\churchfathers\CHURCH COUNCILS & Liturgies\ECUM03-EPHESUS431.HTM>

The judgment against Nestorius <file://C:\CCD\churchfathers\CHURCH COUNCILS & Liturgies\ECUM03-EPHESUS431.HTM>

Synodical letter about the expulsion of the eastern bishops (et al.) <file://C:\CCD\churchfathers\CHURCH COUNCILS & Liturgies\ECUM03-EPHESUS431.HTM>

Definition of the faith at Nicaea [6th session 22 July 431] <file://C:\CCD\churchfathers\CHURCH COUNCILS & Liturgies\ECUM03-EPHESUS431.HTM>

Definition against the impious Messalians or Euchites <file://C:\CCD\churchfathers\CHURCH COUNCILS & Liturgies\ECUM03-EPHESUS431.HTM>

Resolution : that the bishops of Cyprus may themselves conduct ordinations <file://C:\CCD\churchfathers\CHURCH COUNCILS & Liturgies\ECUM03-EPHESUS431.HTM>

Formula of union between Cyrill and John of Antioch <file://C:\CCD\churchfathers\CHURCH COUNCILS & Liturgies\ECUM03-EPHESUS431.HTM>

Letter of Cyril to John of Antioch about peace <file://C:\CCD\churchfathers\CHURCH COUNCILS & Liturgies\ECUM03-EPHESUS431.HTM>

Excerpt from the Council of Chalcedon <file://C:\CCD\churchfathers\CHURCH COUNCILS & Liturgies\ECUM03-EPHESUS431.HTM> accepting the Letter of Cyril to John of Antioch about peace.

Introduction

Nestorius, who had been condemned in a council at Rome on 11 August 430, asked the emperor Theodosius II to summon this council. The emperor therefore decided to summon it together with his co-emperor Valentinian III and with the agreement of Pope Celestine I. Theodosius's letter of 19 November 430 requested all those who had been summoned to be present at Ephesus on 7 June 431, the feast of Pentecost. On 22 June, however, before the arrival either of the Roman legates or the eastern bishops led by John of Antioch, Cyril of Alexandria began the council. Nestorius was summoned three times but did not come. His teaching was examined and judgment passed upon it, which 197 bishops subscribed at once and others later accepted.

Shortly afterwards John of Antioch and the easterners arrived: they refused communion with Cyril and set up another council. The Roman legates (the bishops Arcadius and Projectus and the priest Philip), on arriving, joined Cyril and confirmed the sentence against Nestorius. Then the council in its fifth session on 17 July excommunicated John and his party. The documents of the Cyrilline council, the only one which is ecumenical, are included below and are as follows. The central dogmatic act of the council is its judgment about whether the second letter of Cyril to Nestorius, or Nestorius's second letter to Cyril, was in conformity with the Nicene creed which was recited at the opening of the council's proceedings.

Cyril's letter <file://C:\CCD\churchfathers\CHURCH COUNCILS & Liturgies\ECUM03-EPHESUS431.HTM> was declared by the fathers to be in agreement with Nicaea,

Nestorius's <file://C:\CCD\churchfathers\CHURCH COUNCILS & Liturgies\ECUM03-EPHESUS431.HTM>was condemned <file://C:\CCD\churchfathers\CHURCH COUNCILS & Liturgies\ECUM03-EPHESUS431.HTM>

Both are here printed. Mention is made of Cyril's letter in the definition of Chalcedon. The 12 anathemas <file://C:\CCD\churchfathers\CHURCH COUNCILS & Liturgies\ECUM03-EPHESUS431.HTM> and the preceding explanatory letter, <file://C:\CCD\churchfathers\CHURCH COUNCILS & Liturgies\ECUM03-EPHESUS431.HTM>which had been produced by Cyril and the synod of Alexandria in 430 and sent to Nestorius, were read at Ephesus and included in the proceedings. The decision about Nestorius. <file://C:\CCD\churchfathers\CHURCH COUNCILS & Liturgies\ECUM03-EPHESUS431.HTM> The letter of the council advising all the bishops, clergy and people about the condemnation of John of Antioch; <file://C:\CCD\churchfathers\CHURCH COUNCILS & Liturgies\ECUM03-EPHESUS431.HTM>and some paragraphs dealing with the discipline of the Nestorian party. A decree on the faith, <file://C:\CCD\churchfathers\CHURCH COUNCILS & Liturgies\ECUM03-EPHESUS431.HTM>approved in the sixth session on 22 July, which confirmed the Nicene creed, ordered adherence to that alone and forbade the production of new creeds. A definition against the Messalians. <file://C:\CCD\churchfathers\CHURCH COUNCILS & Liturgies\ECUM03-EPHESUS431.HTM> A decree about the autonomy of the church of Cyprus. <file://C:\CCD\churchfathers\CHURCH COUNCILS & Liturgies\ECUM03-EPHESUS431.HTM>

Both councils sent legates to the emperor Theodosius, who approved neither and sent the bishops away. Nestorius had already been given permission to revisit his monastery at Antioch, and on 25 October 431 Maximianus was ordained patriarch at Constantinople. The decrees of the council were approved by Pope Sixtus III shortly after his own ordination on 31 July 432. The reconciliation between the Cyrilline party and the eastern bishops was not easy. In the end, on 23 April 433, Cyril and John of Antioch made peace. John's profession of faith was accepted by Cyril and became the doctrinal formula of union. <file://C:\CCD\churchfathers\CHURCH COUNCILS & Liturgies\ECUM03-EPHESUS431.HTM> It is included here, together with Cyril's letter <file://C:\CCD\churchfathers\CHURCH COUNCILS & Liturgies\ECUM03-EPHESUS431.HTM> in which he at some length praises John's profession and accepts it, adding to it some explanation about his own expressions; this letter is mentioned in the definition of Chalcedon <file://C:\CCD\churchfathers\CHURCH COUNCILS & Liturgies\ECUM03-EPHESUS431.HTM>. Shortly afterwards, probably in 436, Nestorius was definitely sent into exile by the emperor . The English translation is from the Greek text, which is the more authoritative version.

Second letter of Cyril to Nestorius [Declared by the council of Ephesus to be in agreement with Nicaea] Cyril sends greeting in the Lord to the most religious and reverend fellow-minister Nestorius

I understand that there are some who are talking rashly of the reputation in which I hold your reverence, and that this is frequently the case when meetings of people in authority give them an opportunity. I think they hope in this way to delight your ears and so they spread abroad uncontrolled expressions. They are people who have suffered no wrong, but have been exposed by me for their own profit, one because he oppressed the blind and the poor, a second because he drew a sword on his mother, a third because he stole someone else's money in collusion with a maidservant and since then has lived with such a reputation as one would hardly wish for one's worst enemy. For the rest I do not intend to spend more words on this subject in order not to vaunt my own mediocrity above my teacher and master or above the fathers. For however one may try to live, it is impossible to escape the malice of evil people, whose mouths are full of cursing and bitterness and who will have to defend themselves before the judge of all. But I turn to a subject more fitting to myself and remind you as a brother in Christ always to be very careful about what you say to the people in matters of teaching and of your thought on the faith. You should bear in mind that to scandalise even one of these little ones that believe in Christ lays you open to unendurable wrath. If the number of those who are distressed is very large, then surely we should use every skill and care to remove scandals and to expound the healthy word of faith to those who seek the truth. The most effective way to achieve this end will be zealously to occupy ourselves with the words of the holy fathers, to esteem their words, to examine our words to see if we are holding to their faith as it is written, to conform our thoughts to their correct and irreproachable teaching. The holy and great synod, therefore, stated that

1. the only begotten Son, begotten of God the Father according to nature, true God from true God, the light from the light, the one through whom the Father made all things, came down, became incarnate, became man, 2. suffered, rose on the third day and ascended to heaven.

1. We too ought to follow these words and these teachings and consider what is meant by saying that the Word from God took flesh and became man. For we do not say that the nature of the Word

was changed and became flesh, nor that he was turned into a whole man made of body and soul. Rather do we claim that the Word in an unspeakable, inconceivable manner united to himself hypostatically flesh enlivened by a rational soul, and so became man and was called son of man, not by God's will alone or good pleasure, nor by the assumption of a person alone. Rather did two different natures come together to form a unity, and from both arose one Christ, one Son. It was not as though the distinctness of the natures was destroyed by the union, but divinity and humanity together made perfect for us one Lord and one Christ, together marvellously and mysteriously combining to form a unity. So he who existed and was begotten of the Father before all ages is also said to have been begotten according to the flesh of a woman, without the divine nature either beginning to exist in the holy virgin, or needing of itself a second begetting after that from his Father. (For it is absurd and stupid to speak of the one who existed before every age and is coeternal with the Father, needing a second beginning so as to exist.) The Word is said to have been begotten according to the flesh, because for us and for our salvation he united what was human to himself hypostatically and came forth from a woman. For he was not first begotten of the holy virgin, a man like us, and then the Word descended upon him; but from the very womb of his mother he was so united and then underwent begetting according to the flesh, making his own the begetting of his own flesh.

2. In a similar way we say that he suffered and rose again, not that the Word of God suffered blows or piercing with nails or any other wounds in his own nature (for the divine, being without a body, is incapable of suffering), but because the body which became his own suffered these things, he is said to have suffered them for us. For he was without suffering, while his body suffered. Something similar is true of his dying. For by nature the Word of God is of itself immortal and incorruptible and life and life-giving, but since on the other hand his own body by God's grace, as the apostle says, tasted death for all, the Word is said to have suffered death for us, not as if he himself had experienced death as far as his own nature was concerned (it would be sheer lunacy to say or to think that), but because, as I have just said, his flesh tasted death. So too, when his flesh was raised to life, we refer to this again as his resurrection, not as though he had fallen into corruption--God forbid--but because his body had been raised again. So we shall confess one Christ and one Lord. We do not adore the man along with the Word, so as to avoid any appearance of division by using the word "with". But we adore him as one and the same, because the body is not other than the Word, and takes its seat with him beside the Father, again not as though there were two sons seated together but only one, united with his own flesh. If, however, we reject the hypostatic union as being either impossible or too unlovely for the Word, we fall into the fallacy of speaking of two sons. We shall have to distinguish and speak both of the man as honoured with the title of son, and of the Word of God as by nature possessing the name and reality of sonship, each in his own way. We ought not, therefore, to split into two sons the one Lord Jesus Christ. Such a way of presenting a correct account of the faith will be quite unhelpful, even though some do speak of a union of persons. For scripture does not say that the Word united the person of a man to himself, but that he became flesh. The Word's becoming flesh means nothing else than that he partook of flesh and blood like us; he made our body his own, and came forth a man from woman without casting aside his deity, or his generation from God the Father, but rather in his assumption of flesh remaining what he was. This is the account of the true faith everywhere professed. So shall we find that the holy fathers believed. So have they dared to call the holy virgin, mother of God, not as though the nature of the Word or his godhead received the origin of

their being from the holy virgin, but because there was born from her his holy body rationally ensouled, with which the Word was hypostatically united and is said to have been begotten in the flesh. These things I write out of love in Christ exhorting you as a brother and calling upon you before Christ and the elect angels, to hold and teach these things with us, in order to preserve the peace of the churches and that the priests of God may remain in an unbroken bond of concord and love.

Second letter of Nestorius to Cyril [condemned by the council of Ephesus]

Nestorius sends greeting in the Lord to the most religious and reverend fellow-minister Cyril. I pass over the insults against us contained in your extraordinary letter. They will, I think, be cured by my patience and by the answer which events will offer in the course of time. On one matter, however, I cannot be silent, as silence would in that case be very dangerous. On that point, therefore avoiding longwindedness as far as I can, I shall attempt a brief discussion and try to be as free as possible from repelling obscurity and undigestible prolixity. I shall begin from the wise utterances of your reverence, setting them down word for word. What then are the words in which your remarkable teaching finds expression ?

"The holy and great synod states that the only begotten Son, begotten of God the Father according to nature, true God from true God, the light from the light, the one through whom the Father made all things, came down, became incarnate, became man, suffered, rose."

These are the words of your reverence and you may recognise them. Now listen to what we say, which takes the form of a brotherly exhortation to piety of the type of which the great apostle Paul gave an example in addressing his beloved Timothy: "Attend to the public reading of scripture, to preaching, to teaching. For by so doing you will save both yourself and your hearers". Tell me, what does "attend" mean? By reading in a superficial way the tradition of those holy men (you were guilty of a pardonable ignorance), you concluded that they said that the Word who is coeternal with the Father was passible. Please look more closely at their language and you will find out that that divine choir of fathers never said that the consubstantial godhead was capable of suffering, or that the whole being that was coeternal with the Father was recently born, or that it rose again, seeing that it had itself been the cause of resurrection of the destroyed temple. If you apply my words as fraternal medicine, I shall set the words of the holy fathers before you and shall free them from the slander against them and through them against the holy scriptures.

"I believe", they say, "also in our Lord Jesus Christ, his only begotten Son". See how they first lay as foundations "Lord" and "Jesus" and "Christ" and "only begotten" and "Son", the names which belong jointly to the divinity and humanity. Then they build on that foundation the tradition of the incarnation and resurrection and passion. In this way, by prefixing the names which are common to each nature, they intend to avoid separating expressions applicable to sonship and lordship and at the same time escape the danger of destroying the distinctive character of the natures by absorbing them into the one title of "Son". In this Paul was their teacher who, when he remembers the divine becoming man and then wishes to introduce the suffering, first mentions "Christ", which, as I have just said, is the common name of both natures and then adds an expression which is appropriate to both of the natures. For what does he say ? "Have this mind among yourselves, which is yours in Christ Jesus who though he was in the form of God, did not count equality with God a thing to be grasped", and so on until, "he became obedient unto death, even death on a

cross". For when he was about to mention the death, to prevent anyone supposing that God the Word suffered, he says "Christ", which is a title that expresses in one person both the impassible and the passible natures, in order that Christ might be called without impropriety both impassible and passible impassible in godhead, passible in the nature of his body.

I could say much on this subject and first of all that those holy fathers, when they discuss the economy, speak not of the generation but of the Son becoming man. But I recall the promise of brevity that I made at the beginning and that both restrains my discourse and moves me on to the second subject of your reverence. In that I applaud your division of natures into manhood and godhead and their conjunction in one person. I also applaud your statement that God the Word needed no second generation from a woman, and your confession that the godhead is incapable of suffering. Such statements are truly orthodox and equally opposed to the evil opinions of all heretics about the Lord’s natures. If the remainder was an attempt to introduce some hidden and incomprehensible wisdom to the ears of the readers, it is for your sharpness to decide. In my view these subsequent views seemed to subvert what came first. They suggested that he who had at the beginning been proclaimed as impassible and incapable of a second generation had somehow become capable of suffering and freshly created, as though what belonged to God the Word by nature had been destroyed by his conjunction with his temple or as though people considered it not enough that the sinless temple, which is inseparable from the divine nature, should have endured birth and death for sinners, or finally as though the Lord’s voice was not deserving of credence when it cried out to the Jews: "Destroy this temple and in three days I will raise it up.’ He did not say, "Destroy my godhead and in three days it will be raised up."

Again I should like to expand on this but am restrained by the memory of my promise. I must speak therefore but with brevity. Holy scripture, wherever it recalls the Lord’s economy, speaks of the birth and suffering not of the godhead but of the humanity of Christ, so that the holy virgin is more accurately termed mother of Christ than mother of God. Hear these words that the gospels proclaim: "The book of the generation of Jesus Christ, son of David, son of Abraham." It is clear that God the Word was not the son of David. Listen to another witness if you will: "Jacob begat Joseph, the husband of Mary, of whom was born Jesus, who is called the Christ. " Consider a further piece of evidence: "Now the birth of Jesus Christ took place in this way. When his mother Mary had been betrothed to Joseph, she was found to be with child of the holy Spirit." But who would ever consider that the godhead of the only begotten was a creature of the Spirit? Why do we need to mention: "the mother of Jesus was there"? And again what of: "with Mary the mother of Jesus"; or "that which is conceived in her is of the holy Spirit"; and "Take the child and his mother and flee to Egypt"; and "concerning his Son, who was born of the seed of David according to the flesh"? Again, scripture says when speaking of his passion: "God sending his own Son in the likeness of sinful flesh and for sin, he condemned sin in the flesh"; and again "Christ died for our sins" and "Christ having suffered in the flesh"; and "This is", not "my godhead", but "my body, broken for you".

Ten thousand other expressions witness to the human race that they should not think that it was the godhead of the Son that was recently killed but the flesh which was joined to the nature of the godhead. (Hence also Christ calls himself the lord and son of David: " ’What do you think of the Christ ? Whose son is he ?’ They said to him, ’The son of David.’ Jesus answered and said to them, ’How is it then that David inspired by the Spirit, calls him Lord, saying, "The Lord said to my

Lord, sit at my right hand"?'". He said this as being indeed son of David according to the flesh, but his Lord according to his godhead.) The body therefore is the temple of the deity of the Son, a temple which is united to it in a high and divine conjunction, so that the divine nature accepts what belongs to the body as its own. Such a confession is noble and worthy of the gospel traditions. But to use the expression "accept as its own" as a way of diminishing the properties of the conjoined flesh, birth, suffering and entombment, is a mark of those whose minds are led astray, my brother, by Greek thinking or are sick with the lunacy of Apollinarius and Arius or the other heresies or rather something more serious than these. For it is necessary for such as are attracted by the name "propriety" to make God the Word share, because of this same propriety, in being fed on milk, in gradual growth, in terror at the time of his passion and in need of angelical assistance. I make no mention of circumcision and sacrifice and sweat and hunger, which all belong to the flesh and are adorable as having taken place for our sake. But it would be false to apply such ideas to the deity and would involve us in just accusation because of our calumny.

These are the traditions of the holy fathers. These are the precepts of the holy scriptures. In this way does someone write in a godly way about the divine mercy and power, "Practise these duties, devote yourself to them, so that all may see your progress'. This is what Paul says to all. The care you take in labouring for those who have been scandalised is well taken and we are grateful to you both for the thought you devote to things divine and for the concern you have even for those who live here. But you should realise that you have been misled either by some here who have been deposed by the holy synod for Manichaeism or by clergy of your own persuasion. In fact the church daily progresses here and through the grace of Christ there is such an increase among the people that those who behold it cry out with the words of the prophet, "The earth will be filled with the knowledge of the Lord as the water covers the sea". As for our sovereigns, they are in great joy as the light of doctrine is spread abroad and, to be brief, because of the state of all the heresies that fight against God and of the orthodoxy of the church, one might find that verse fulfilled "The house of Saul grew weaker and weaker and the house of David grew stronger and stronger". This is our advice from a brother to a brother. "If anyone is disposed to be contentious", Paul will cry out through us to such a one, "we recognize no other practice, neither do the churches of God". I and those with me greet all the brotherhood with you in Christ. May you remain strong and continue praying for us, most honoured and reverent lord.

Third letter of Cyril to Nestorius [Read at the council of Ephesus and included in the proceedings . We omit the preface of the letter] We believe in one God . . .[Nicene Creed]

Following in all points the confessions of the holy fathers, which they made with the holy Spirit speaking in them, and following the direction of their opinions and going as it were in the royal way, we say that the only-begotten Word of God, who was begotten from the very essence of the Father, true God from true God, the light from the light and the one through whom all things in heaven and earth were made, for our salvation came down and emptying himself he became incarnate and was made man.This means that he took flesh from the holy virgin and made it his own, undergoing a birth like ours from her womb and coming forth a man from a woman. He did not cast aside what he was, but although he assumed flesh and blood, he remained what he was, God in nature and truth. We do not say that his flesh was turned into the nature of the godhead or that the unspeakable Word of God was changed into the nature of the flesh. For he (the Word) is unalterable and absolutely unchangeable and remains always the same as the scriptures say. For

although visible as a child and in swaddling cloths, even while he was in the bosom of the virgin that bore him, as God he filled the whole of creation and was fellow ruler with him who begot him. For the divine is without quantity and dimension and cannot be subject to circumscription.

We confess the Word to have been made one with the fleshhypostatically, and we adore one Son and Lord, Jesus Christ. We do not divide him into parts and separate man and God in him, as though the two natures were mutually united only through a unity of dignity and authority; that would be an empty expression and nothing more. Nor do we give the name Christ in one sense to the Word of God and in another to him who was born of woman, but we know only one Christ, the Word from God the Father with his own flesh. As man he was anointed with us, even though he himself gives the Spirit to those who are worthy to receive it and not in measure, as the blessed evangelist John says. But we do not say that the Word of God dwelt as in an ordinary man born of the holy virgin, in order that Christ may not be thought of as a God-bearing man. For even though "the Word dwelt among us", and it is also said that in Christ dwelt "all the fullness of the godhead bodily", we understand that, having become flesh, the manner of his indwelling is not defined in the same way as he is said to dwell among the saints, he was united by nature and not turned into flesh and he made his indwelling in such a way as we may say that the soul of man does in his own body.

There is therefore one Christ and Son and Lord, but not with the sort of conjunction that a man might have with God as unity of dignity or authority. Equality of honour by itself is unable to unite natures. For Peter and John were equal in honour to each other, being both of them apostles and holy disciples, but they were two, not one. Neither do we understand the manner of conjunction to be one of juxtaposition for this is not enough for natural union. Nor yet is it a question of relative participation, as we ourselves, being united to the Lord, are as it is written in the words of scripture "one spirit with him". Rather do we deprecate the term "conjunction" as being inadequate to express the idea of union. Nor do we call the Word from God the Father, the God or Lord of Christ. To speak in that way would appear to split into two the one Christ and Son and Lord and we might in this way fall under the charge of blasphemy, making him the God and Lord of himself. For, as we have already said, the Word of God was united hypostatically with the flesh and is God of all and Lord of the universe, but is neither his own slave or master. For it is foolish or rather impious to think or to speak in this way. It is true that he called the Father "God" even though he was himself God by nature and of his being, we are not ignorant of the fact that at the same time as he was God he also became man, and so was subject to God according to the law that is suitable to the nature of manhood. But how should he become God or Lord of himself? Consequently as man and as far as it was fitting for him within the limits of his self-emptying it is said that he was subject to God like ourselves. So he came to be under the law while at the same time himself speaking the law and being a lawgiver like God. When speaking of Christ we avoid the expression: "I worship him who is carried because of the one who carries him; because of him who is unseen, I worship the one who is seen." It is shocking to say in this connexion: "The assumed shares the name of God with him who assumes." To speak in this way once again divides into two Christs and puts the man separately by himself and God likewise by himself. This saying denies openly the union, according to which one is not worshipped alongside the other, nor do both share in the title "God", but Jesus Christ is considered as one, the only begotten Son, honoured with one worship, together with his own flesh.

We also confess that the only begotten Son born of God the Father, although according to his own nature he was not subject to suffering, suffered in the flesh for us according to the scriptures, and was in his crucified body, and without himself suffering made his own the sufferings of his own flesh, for "by the grace of God he tasted death for all". For that purpose he gave his own body to death though he was by nature life and the resurrection, in order that, having trodden down death by his own unspeakable power, he might first in his own flesh become the firstborn from the dead and "the first fruits of them that sleep". And that he might make a way for human nature to return to incorruption by the grace of God, as we have just said, "he tasted death for all" and on the third day he returned to life, having robbed the underworld. Accordingly, even though it is said that "through man came the resurrection of the dead", yet we understand that man to have been the Word which came from God, through whom the power of death was overcome. At the right time he will come as one Son and Lord in the glory of the Father, to judge the world in justice, as it is written.

We will necessarily add this also. Proclaiming the death according to the flesh of the only begotten Son of God, that is Jesus Christ, and professing his return to life from the dead and his ascension into heaven, we offer the unbloody worship [sacrificii servitutem] in the churches and so proceed to the mystical thanksgivings and are sanctified having partaken of the holy flesh [corpus] and precious blood of Christ, the saviour of us all. This we receive not as ordinary flesh, heaven forbid, nor as that of a man who has been made holy and joined to the Word by union of honour, or who had a divine indwelling, but as truly the life-giving and real flesh of the Word [ut vere vivificatricem et ipsius Verbi propriam factam.]. For being life by nature as God, when he became one with his own flesh, he made it also to be life-giving, as also he said to us: "Amen I say to you, unless you eat the flesh of the Son of man and drink his blood" . For we must not think that it is the flesh of a man like us (for how can the flesh of man be life-giving by its own nature?), but as being made the true flesh [vere proprium eius factam] of the one who for our sake became the son of man and was called so. For we do not divide up the words of our Saviour in the gospels among two hypostases or persons. For the one and only Christ is not dual, even though he be considered to be from two distinct realities, brought together into an unbreakable union. In the same sort of way a human being, though he be composed of soul and body, is considered to be not dual, but rather one out of two. Therefore, in thinking rightly, we refer both the human and divine expressions to the same person. For when he speaks about himself in a divine manner as "he that sees me sees the Father", and "I and the Father are one", we think of his divine and unspeakable nature, according to which he is one with his own Father through identity of nature and is the "image and impress and brightness of his glory". But when, not dishonouring the measure of his humanity, he says to the Jews: "But now you seek to kill me, a man who has spoken the truth to you", again no less than before, we recognise that he who, because of his equality and likeness to God the Father is God the Word, is also within the limits of his humanity. For if it is necessary to believe that being God by nature he became flesh, that is man ensouled with a rational soul, whatever reason should anyone have for being ashamed at the expressions uttered by him should they happen to be suitable to him as man ? For if he should reject words suitable to him as man, who was it that forced him to become a man like us? Why should he who submitted himself to voluntary self-emptying for our sake, reject expressions that are suitable for such self-emptying? All the expressions, therefore, that occur in the gospels are to be referred to one person, the one enfleshed hypostasis of the Word. For there is one Lord Jesus Christ, according to the scriptures.

Even though he is called "the apostle and high priest of our confession", as offering to the God and Father the confession of faith we make to him and through him to the God and Father and also to the holy Spirit, again we say that he is the natural and only-begotten Son of God and we shall not assign to another man apart from him the name and reality of priesthood. For he became the "mediator between God and humanity" and the establisher of peace between them, offering himself for an odour of sweetness to the God and Father. Therefore also he said: "Sacrifice and offering you would not, but a body you have prepared for me; [in burnt offerings and sacrifice for sin you have no pleasure]. Then I said, 'Behold I come to do your will, O God', as it is written of me in the volume of the book". For our sake and not for his own he brought forward his own body in the odour of sweetness. Indeed, of what offering or sacrifice for himself would he have been in need, being as God superior to all manner of sin? For though "all have sinned and fall short of the glory of God", and so we are prone to disorder and human nature has fallen into the weakness of sin, he is not so and consequently we are behind him in glory. How then can there be any further doubt that the true lamb was sacrificed for us and on our behalf? The suggestion that he offered himself for himself as well as for us is impossible to separate from the charge of impiety. For he never committed a fault at all, nor did he sin in any way. What sort of offering would he need then since there was no sin for which offering might rightly be made? When he says of the Spirit, "he will glorify me", the correct understanding of this is not to say that the one Christ and Son was in need of glory from another and that he took glory from the holy Spirit, for his Spirit is not better than he nor above him. But because he used his own Spirit to display his godhead through his mighty works, he says that he has been glorified by him, just as if any one of us should perhaps say for example of his inherent strength or his knowledge of anything that they glorify him. For even though the Spirit exists in his own hypostasis and is thought of on his own, as being Spirit and not as Son, even so he is not alien to the Son. He has been called "the Spirit of truth", and Christ is the truth, and the Spirit was poured forth by the Son, as indeed the Son was poured forth from the God and Father. Accordingly the Spirit worked many strange things through the hand of the holy apostles and so glorified him after the ascension of our lord Jesus Christ into heaven. For it was believed that he is God by nature and works through his own Spirit. For this reason also he said: "He (the Spirit) will take what is mine and declare it to you". But we do not say that the Spirit is wise and powerful through some sharing with another, for he is all perfect and in need of no good thing. Since he is the Spirit of the power and wisdom of the Father, that is the Son, he is himself, evidently, wisdom and power.

Therefore, because the holy virgin bore in the flesh God who was united hypostatically with the flesh, for that reason we call her mother of God, not as though the nature of the Word had the beginning of its existence from the flesh (for "the Word was in the beginning and the Word was God and the Word was with God", and he made the ages and is coeternal with the Father and craftsman of all things), but because, as we have said, he united to himself hypostatically the human and underwent a birth according to the flesh from her womb. This was not as though he needed necessarily or for his own nature a birth in time and in the last times of this age, but in order that he might bless the beginning of our existence, in order that seeing that it was a woman that had given birth to him united to the flesh, the curse against the whole race should thereafter cease which was consigning all our earthy bodies to death, and in order that the removal through him of the curse, "In sorrow thou shalt bring forth children", should demonstrate the truth of the words of the prophet: "Strong death swallowed them Up", and again, "God has wiped every tear

away from all face". It is for this cause that we say that in his economy he blessed marriage and, when invited, went down to Cana in Galilee with his holy apostles.

We have been taught to hold these things by the holy apostles and evangelists and by all the divinely inspired scriptures and by the true confession of the blessed fathers. To all these your reverence ought to agree and subscribe without any deceit. What is required for your reverence to anathematise we subjoin to this epistle.

Twelve Anathemas Proposed by Cyril and accepted by the Council of Ephesus

1. If anyone does not confess that Emmanuel is God in truth, and therefore that the holy virgin is the mother of God (for she bore in a fleshly way the Word of God become flesh, let him be anathema.

2. If anyone does not confess that the Word from God the Father has been united by hypostasis with the flesh and is one Christ with his own flesh, and is therefore God and man together, let him be anathema.

3. If anyone divides in the one Christ the hypostases after the union, joining them only by a conjunction of dignity or authority or power, and not rather by a coming together in a union by nature, let him be anathema.

4. If anyone distributes between the two persons or hypostases the expressions used either in the gospels or in the apostolic writings, whether they are used by the holy writers of Christ or by him about himself, and ascribes some to him as to a man, thought of separately from the Word from God, and others, as befitting God, to him as to the Word from God the Father, let him be anathema.

5. If anyone dares to say that Christ was a God-bearing man and not rather God in truth, being by nature one Son, even as "the Word became flesh", and is made partaker of blood and flesh precisely like us, let him be anathema.

6. If anyone says that the Word from God the Father was the God or master of Christ, and does not rather confess the same both God and man, the Word having become flesh, according to the scriptures, let him be anathema.

7. If anyone says that as man Jesus was activated by the Word of God and was clothed with the glory of the Only-begotten, as a being separate from him, let him be anathema.

8. If anyone dares to say that the man who was assumed ought to be worshipped and glorified together with the divine Word and be called God along with him, while being separate from him, (for the addition of "with" must always compel us to think in this way), and will not rather worship Emmanuel with one veneration and send up to him one doxology, even as "the Word became flesh", let him be anathema.

9. If anyone says that the one Lord Jesus Christ was glorified by the Spirit, as making use of an alien power that worked through him and as having received from him the power to master unclean spirits and to work divine wonders among people, and does not rather say that it was his own proper Spirit through whom he worked the divine wonders, let him be anathema.

10. The divine scripture says Christ became "the high priest and apostle of our confession"; he offered himself to God the Father in an odour of sweetness for our sake. If anyone, therefore, says that it was not the very Word from God who became our high priest and apostle, when he became flesh and a man like us, but as it were another who was separate from him, in particular a man from a woman, or if anyone says that he offered the sacrifice also for himself and not rather for us alone (for he who knew no sin needed no offering), let him be anathema.

11. If anyone does not confess that the flesh of the Lord is life-giving and belongs to the Word from God the Father, but maintains that it belongs to another besides him, united with him in dignity or as enjoying a mere divine indwelling, and is not rather life-giving, as we said, since it became the flesh belonging to the Word who has power to bring all things to life, let him be anathema.

12. If anyone does not confess that the Word of God suffered in the flesh and was crucified in the flesh and tasted death in the flesh and became the first born of the dead, although as God he is life and life-giving, let him be anathema. The judgment against Nestorius The holy synod said: As, in addition to all else, the excellent Nestorius has declined to obey our summons and has not received the holy and God-fearing bishops we sent to him, we have of necessity started upon an investigation of his impieties. We have found him out thinking and speaking in an impious fashion, from his letters, from his writings that have been read out, and from the things that he has recently said in this metropolis which have been witnessed to by others; and as a result we have been compelled of necessity both by the canons and by the letter of our most holy father and fellow servant Celestine, bishop of the church of the Romans, to issue this sad condemnation against him, though we do so with many tears. Our lord Jesus Christ, who has been blasphemed by him, has determined through this most holy synod that the same Nestorius should be stripped of his episcopal dignity and removed from the college of priests.

Synodical letter about the expulsion of the eastern bishops (et al.) The holy and ecumenical synod, gathered together in Ephesus at the behest of the most pious princes, [sends greeting] to the bishops, priests, deacons and the whole people in every province and city. When we had gathered together in accordance with the pious decree in the metropolis of Ephesus, some separated themselves from us, a little more than thirty in number. The leader of this apostasy was John, bishop of Antioch, and their names are as follows: First the same John, bishop of Antioch in Syria, [the names of 33 other eastern bishops follow]

These men, despite the fact that they were members of the ecclesiastical community, had no licence either to do harm through their priestly dignity or to do good, because some among their number had already been deposed. Their support of the views of Nestorius and Celestius was clearly shown by their refusal to condemn Nestorius together with us. By a common decree the sacred synod has expelled them from ecclesiastical communion and deprived them of the exercise of their priestly office, through which they have been able to harm some and help others.

Since it is necessary that those who were absent from the synod and remained in the country or the city, on account of their own church affairs or because of their health, should not be ignorant of the decisions formulated concerning these matters, we make it known to your holinesses that if any metropolitan of a province dissents from the holy and ecumenical synod and attaches himself to the assembly of the revolters, or should do so later, or should he have adopted the opinions of Celestius, or do so in the future, such a one is deprived of all power to take steps against the

bishops of his province. He is thereby cast out by the synod from all ecclesiastical communion and is deprived of all ecclesiastical authority. Instead he is to be subjected to the bishops of his own province and the surrounding metropolitans, provided they be orthodox, even to the extent of being completely deposed from the rank of bishop.

If any provincial bishops have absented themselves from the holy synod and have either attached themselves or attempted to attach themselves to the apostasy, or after subscribing the deposition of Nestorius have returned to the assembly of apostates, these, according to the decision of the holy synod, are to be deprived of the priesthood and deposed from their rank.

If any clerics either in city or country have been suspended by Nestorius and those with him from their priesthood because of their orthodoxy, we have thought it right that these should regain their proper rank; and in general we decree that those clerics who are in agreement with the orthodox and ecumenical synod should in no way be subject to those bishops who have revolted or may revolt from it. If any clerics should apostatise and in private or in public dare to hold the views of Nestorius or Celestius, it is thought right that such should stand deposed by the holy synod.

Whoever have been condemned of improper practices by the holy synod or by their own bishops, and have been uncanonically restored to communion and rank by Nestorius or his sympathisers, with their habitual lack of discrimination, such persons we have decreed gain nothing by this and are to remain deposed as before.

Similarly if anyone should wish in any way to upset the decisions in each point taken in the holy synod of Ephesus, the holy synod decides that if they are bishops or clerics they should be completely deprived of their own rank and if they are laity they should be excommunicated.

Definition of the faith at Nicaea [6th session 22 July 431] The synod of Nicaea produced this creed: We believe ... [the Nicene Creed follows]

It seems fitting that all should assent to this holy creed. It is pious and sufficiently helpful for the whole world. But since some pretend to confess and accept it, while at the same time distorting the force of its expressions to their own opinion and so evading the truth, being sons of error and children of destruction, it has proved necessary to add testimonies from the holy and orthodox fathers that can fill out the meaning they have given to the words and their courage in proclaiming it. All those who have a clear and blameless faith will understand, interpret and proclaim it in this way. When these documents had been read out, the holy synod decreed the following.

It is not permitted to produce or write or compose any other creed except the one which was defined by the holy fathers who were gathered together in the holy Spirit at Nicaea.

Any who dare to compose or bring forth or produce another creed for the benefit of those who wish to turn from Hellenism or Judaism or some other heresy to the knowledge of the truth, if they are bishops or clerics they should be deprived of their respective charges and if they are laymen they are to be anathematised. In the same way if any should be discovered, whether bishops, clergy or laity, thinking or teaching the views expressed in his statement by the priest Charisius about the incarnation of the only-begotten Son of God or the disgusting, perverted views of Nestorius, which underlie them, these should be subject to the condemnation of this holy and ecumenical synod. A bishop clearly is to be stripped of his bishopric and deposed, a cleric to be deposed from the

clergy, and a lay person is to be anathematised, as was said before.

Definition against the impious Messalians or Euchites The most pious and religious bishops Valerian and Amphilochius came together to us and made a joint enquiry about the so called Messalians or Euchites or Enthusiasts, or whatever name this appalling heresy goes under, who dwell in the region of Pamphylia. We made investigation and the god-fearing and reverent Valerian produced a synodical document concerning these people, which had been drawn up in great Constantinople in the time of Sisinnius of blessed memory. When this had been read out in the presence of all, it was agreed that it had been well made and was correct. We all agreed, as did the most religious bishops Valerian and Amphilochius and all the pious bishops of the provinces of Pamphylia and Lycaonia, that what had been inscribed in the synodical document should be confirmed and in no way disobeyed, clearly without prejudice to the acts of Alexandria. Consequently those anywhere in that province who subscribed to the heresy of the Messalians or Enthusiasts, or who were suspected of the disease, whether clerical or lay, are to come together; if they sign the anathemas according to what was promulgated in the aforementioned synod, should they be clergy they should remain such and if laity they are to remain in communion. But if they decline and do not anathematise, if they are presbyters or deacons or hold any other rank in the church, they are to forfeit their clerical status and grade and communion, and if they are laity let them be anathematised. In addition, those who have been condemned are not to be permitted to govern monasteries, lest tares be sown and increase. The vigorous and zealous execution of all these decrees is enjoined upon the reverent bishops Valerian and Amphilochius and the other reverent bishops throughout the whole province. Furthermore it seemed good that the filthy book of this heresy, which has been published and is called by them Asceticon, should be anathematised, as being composed by heretics, a copy of which the most pious and religious Valerian brought with him. Any other production savouring of the like impiety which is found anywhere is to be treated similarly. In addition, when they come together, they should commit clearly to writing whatever conduces to the creation of concord, communion and order. But if any discussion should arise in connexion with the present business among the most godly bishops Valerian, Amphilochius and the other reverent bishops in the province, and if something difficult or ambiguous crops up, then in such a case it seems good that the godly bishops of Lycia and Lycaonia should be brought in, and the metropolitan of whatever province these choose should not be left out. In this way the disputed questions should through their means be brought to an appropriate solution.

Resolution : that the bishops of Cyprus may themselves conduct ordinations. The holy synod declared: The most reverent bishop Rheginus and with him Zenon and Evagrius, revered bishops of the province of Cyprus, have brought forward what is both an innovation against the ecclesiastical customs and the canons of the holy fathers and concerns the freedom of all. Therefore, since common diseases need more healing as they bring greater harm with them, if it has not been a continuous ancient custom for the bishop of Antioch to hold ordinations in Cyprus--as it is asserted in memorials and orally by the religious men who have come before the synod -- the prelates of the holy churches of Cyprus shall, free from molestation and violence, use their right to perform by themselves the ordination of reverent bishops for their island, according to the canons of the holy fathers and the ancient custom. The same principle will be observed for other dioceses and provinces everywhere. None of the reverent bishops is to take possession of

another province which has not been under his authority from the first or under that of his predecessors. Any one who has thus seized upon and subjected a province is to restore it, lest the canons of the fathers be transgressed and the arrogance of secular power effect an entry through the cover of priestly office. We must avoid bit by bit destroying the freedom which our lord Jesus Christ the liberator of all people, gave us through his own blood. It is therefore the pleasure of the holy and ecumenical synod to secure intact and inviolate the rights belonging to each province from the first, according to the custom which has been in force from of old. Each metropolitan has the right to take a copy of the proceedings for his own security. If any one produces a version which is at variance with what is here decided, the holy and ecumenical synod unanimously decrees it to be of no avail.

Formula of union between Cyrill and John of Antioch We will state briefly what we are convinced of and profess about the God-bearing virgin and the manner of the incarnation of the only begotten Son of God --

not by way of addition but in the manner of a full statement, even as we have received and possess it from of old from

the holy scriptures and from

the tradition of the holy fathers,

adding nothing at all to the creed put forward by the holy fathers at Nicaea.

For, as we have just said, that creed is sufficient both for the knowledge of godliness and for the repudiation of all heretical false teaching. We shall speak not presuming to approach the unapproachable; but we confess our own weakness and so shut out those who would reproach us for investigating things beyond the human mind.

We confess, then, our lord Jesus Christ, the only begotten Son of God perfect God and perfect man of a rational soul and a body, begotten before all ages from the Father in his godhead, the same in the last days, for us and for our salvation, born of Mary the virgin, according to his humanity, one and the same consubstantial with the Father in godhead and consubstantial with us in humanity, for a union of two natures took place. Therefore we confess one Christ, one Son, one Lord. According to this understanding of the unconfused union, we confess the holy virgin to be the mother of God because God the Word took flesh and became man and from his very conception united to himself the temple he took from her. As to the evangelical and apostolic expressions about the Lord, we know that theologians treat some in common as of one person and distinguish others as of two natures, and interpret the god-befitting ones in connexion with the godhead of Christ and the lowly ones with his humanity.

Letter of Cyril to John of Antioch about peace

Having read these holy phrases and finding ourselves in agreement (for "there is one Lord, one faith, one baptism"), we have given glory to God who is the saviour of all and rejoice together that our churches and yours are at one in professing the same faith as the inspired scriptures and the tradition of our holy fathers. But since I discovered that there are some always eager to find fault, who buzz around like angry wasps and spit forth evil words against me, to the effect that I say that the holy body of Christ came down from heaven and not from the holy virgin, I thought it necessary

in answer to them to say a little about this matter to you.

O fools, whose only competence is in slander! How did you become so perverted in thought and fall into such a sickness of idiocy? For you must surely know that almost all our fight for the faith arose in connexion with our insistence that the holy virgin is the mother of God. But if we claim that the holy body of our common saviour Christ is born from heaven and was not of her, why should she still be considered God-bearer? For whom indeed did she bear, if it is untrue that she bore Emmanuel according to the flesh? It is rather they who speak such nonsense against me who deserve to be ridiculed. For the holy prophet Isaiah does not lie when he says, "Behold a virgin shall conceive and bear a son and they shall call his name Emmanuel, which is interpreted God with us". Again the holy Gabriel speaks total truth when he says to the blessed virgin: "Do not fear, Mary. You have found favour with God, and behold you will conceive in your womb and bear a son and you will call his name Jesus . For he will save his people from their sins". But when we say that our lord Jesus Christ came from heaven and above, we do not apply such expressions as "from above" and "from heaven" to his holy flesh. Rather do we follow the divine Paul who clearly proclaimed: "The first man was of the earth, earthly, the second man is the Lord from heaven".

We also recall our Saviour who said: "No one has gone up into heaven except him who came down from heaven, the son of man". Yet he was born, as I have just said, from the holy virgin according to the flesh. But since God the Word, who came down from above and from heaven, "emptied himself, taking the form of a slave", and was called son of man though all the while he remained what he was, that is God (for he is unchangeable and immutable by nature), he is said to have come down from heaven, since he is now understood to be one with his own flesh, and he has therefore been designated the man from heaven, being both perfect in godhead and perfect in humanity and thought of as in one person. For there is one lord Jesus Christ, even though we do not ignore the difference of natures, out of which we say that the ineffable union was effected. As for those who say that there was a mixture or confusion or blending of God the Word with the flesh, let your holiness see fit to stop their mouths. For it is quite likely that some should spread it abroad that I have thought or said such things. But I am so far from thinking anything of the kind that I think that those are quite mad who suppose that "a shadow of change" is conceivable in connexion with the divine nature of the Word. For he remains what he is always and never changes, nor could he ever change or be susceptible of it. Furthermore we all confess that the Word of God is impassible though in his all-wise economy of the mystery he is seen to attribute to himself the sufferings undergone by his own flesh. So the all-wise Peter speaks of "Christ suffering for us in the flesh" and not in the nature of his unspeakable godhead. For in order that he might be believed to be the saviour of all, in accordance with our economic appropriation, as I said, he refers to himself the sufferings of his own flesh, in much the same way as is suggested through the voice of the prophet coming as it were from him in advance: "I gave my back to the smiters and my cheeks to blows; I hid not my face from shame and spitting" .

Let your holiness be persuaded and let no one else cherish any doubt, that we everywhere follow the opinions of the holy fathers especially those of our blessed and glorious father Athanasius, with whose opinions we differ not in the slightest. I would have added many of their testimonies, proving my opinions from theirs, had I not feared that the length of the letter would be made tedious thereby. We do not permit anyone in any way to upset the defined faith or the creed drawn up by the holy fathers who assembled at Nicaea as the times demanded. We give neither

ourselves nor them the licence to alter any expression there or to change a single syllable, remembering the words: "Remove not the ancient landmarks which your fathers have set". For it was not they that spoke, but the Spirit of God the Father, who proceeds from him and who is not distinct from the Son in essence. We are further confirmed in our view by the words of our holy spiritual teachers. For in the Acts of the Apostles it is written: "When they came to Mysia, they tried to go to Bithynia and the Spirit of Jesus did not permit them". And the divine Paul writes as follows: "Those who are in the flesh cannot please God. But you are not in the flesh, you are in the spirit, if the Spirit of God really dwells in you. And anyone who does not have the Spirit of Christ does not belong to him". When, therefore, any of those who love to upset sound doctrine pervert my words to their way of thinking, your holiness should not be surprised at this, but should remember that the followers of every heresy extract from inspired scripture the occasion of their error, and that all heretics corrupt the true expressions of the holy Spirit with their own evil minds and they draw down on their own heads an inextinguishable flame.

Since therefore we have learnt that even the letter of our glorious father Athanasius to the blessed Epictetus, which is completely orthodox, has been corrupted and circulated by some, with the result that many have been injured therefore, thinking it both useful and necessary for the brethren, we have despatched to your holiness accurate copies of the original, unadulterated writings which we have.

Excerpt from the Council of Chalcedon The Council of Chalcedon "has accepted the synodical letters of the blessed Cyril, pastor of the church in Alexandria, to Nestorius <file://C:\CCD\churchfathers\CHURCH COUNCILS & Liturgies\ECUM03-EPHESUS431.HTM> and to the Orientals <file://C:\CCD\churchfathers\CHURCH COUNCILS & Liturgies\ECUM03-EPHESUS431.HTM>, as being well-suited to refuting Nestorius’s mad folly and to providing an interpretation for those who in their religious zeal might desire understanding of the saving creed.".

Introduction and translation taken from Decrees of the Ecumenical Councils, ed. Norman P. Tanner

END OF TEXT

Chapter 5

04 Council of Chalcedon - 451 A.D.

Council of Chalcedon (451) -- 150 bishops under Pope Leo the Great and the Emperor Marcian defined the two natures (Divine and human) in Christ against Eutyches, who was excommunicated The Council of Chalcedon - 451 A.D.

Contents The letter of Pope Leo, <file://C:\CCD\churchfathers\CHURCH COUNCILS & Liturgies\ECUM04-CHALCEDON451.HTM> to Flavian, bishop of Constantinople, about Eutyches Definition of the faith <file://C:\CCD\churchfathers\CHURCH COUNCILS & Liturgies\ECUM04-CHALCEDON451.HTM>

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Introduction

It was the emperor Marcian who, after the "robber" council of Ephesus (449), commanded this council to meet. Pope Leo I was opposed to it. His view was that all the bishops should repent of their ways and individually sign his earlier dogmatic letter to Flavian <file://C:\CCD\churchfathers\CHURCH COUNCILS & Liturgies\ECUM04-CHALCEDON451.HTM>, patriarch of Constantinople, and so avoid a new round of argument and debate. Moreover, the provinces of the West were being laid waste by Attila's invasions. But before the pope's view became known, the emperor Marcian had, by an edict of 17 May 451, convoked the council for 1 September 451. Although the pope was displeased, he sent legates: Paschasinus bishop of Lilybaeum, Bishop Lucentius, the priests Boniface and Basil, and Bishop Julian of Cos. No doubt Leo thought that the council would cause people to leave the church and go into schism. So he wanted it to be postponed for a time, and he implored the emperor that the faith handed down from ancient times should not become the subject of debate. The only business should be the restoration of the exiled bishops to their former positions. The council was convoked at Nicaea but later transferred to Chalcedon, so as to be close to Constantinople and the emperor. It began on 8 October 451. The legates Paschasinus, Bishop Lucentius and the priest Boniface presided, while Julian of Cos sat among the bishops. By their side were the imperial commissars and those serving on the Senate, whose responsibility was simply to keep order in the council's deliberations. The lists we have of those present are unsatisfactory. According to Leo there were 600 bishops at the council, whereas according to a letter to him there were 500. The "Definition of the faith <file://C:\CCD\churchfathers\CHURCH COUNCILS & Liturgies\ECUM04-CHALCEDON451.HTM>" was passed at the council's fifth session, and was solemnly promulgated at the sixth session in the presence of the emperor and the imperial authorities. The formula accepted in the decree is: Christ is one in two natures. This is in agreement with Leo's letter to Flavian of Constantinople, and Leo's letter is expressly mentioned in the Definition of the faith <file://C:\CCD\churchfathers\CHURCH COUNCILS & Liturgies\ECUM04-CHALCEDON451.HTM> . The council also issued 27 disciplinary canons <file://C:\CCD\churchfathers\CHURCH COUNCILS & Liturgies\ECUM04-CHALCEDON451.HTM>

(it is unclear at which session).

What is usually called canon 28 <file://C:\CCD\churchfathers\CHURCH COUNCILS & Liturgies\ECUM04-CHALCEDON451.HTM> (on the honour to be accorded the see of Constantinople) is in fact a resolution passed by the council at the 16th session. It was rejected by the Roman legates. In the ancient Greek collections, canons 29 and 30 are also attributed to the council: canon 29 <file://C:\CCD\churchfathers\CHURCH COUNCILS & Liturgies\ECUM04-CHALCEDON451.HTM> is an extract from the minutes of the 19th session; and canon 30 <file://C:\CCD\churchfathers\CHURCH COUNCILS & Liturgies\ECUM04-CHALCEDON451.HTM> is an extract from the minutes of the 4th session.

Because of canon 28, which the Roman legates had opposed, the emperor Marcian and Anatolius, patriarch of Constantinople, sought approval for the council from the pope. This is clear from a letter of Anatolius which tries to defend the canon, and especially from a letter of Marcian which explicitly requests confirmation. Because heretics were misinterpreting his withholding approval, the pope ratified the doctrinal decrees on 21 March 453, butrejectedcanon 28 since it ran counter to the canons of Nicaea and to the privileges of particular churches. The imperial promulgation was made by Emperor Marcian in 4 edicts of February 452.

Apart from Pope Leo's letter to Flavian, which is in Latin, the English translation is from the Greek text, since this is the more authoritative version. The letter of Pope Leo to Flavian, bishop of Constantinople, about Eutyches

Surprised as we were at the late arrival of your charity's letter, we read it and examined the account of what the bishops had done. We now see what scandal against the integrity of the faith had reared its head among you. What had previously been kept secret now became clearly revealed to us. Eutyches, who was considered a man of honour because he had the title of priest, is shown to be very rash and extremely ignorant. What the prophet said can be applied to him: He did not want to understand and do good: he plotted evil in his bed. What can be worse than to have an irreligious mind and to pay no heed to those who are wiser and more learned? The people who fall into this folly are those in whom knowledge of the truth is blocked by a kind of dimness. They do not refer to

the sayings of the prophets, nor to

the letters of the apostles, nor even to

the authoritative words of the gospels,

but to themselves. By not being pupils of the truth, they turn out to be masters of error. A man who has not the most elementary understanding even of the creed itself can have learnt nothing from the sacred texts of the New and Old Testaments. This old man has not yet taken to heart what is pronounced by every baptismal candidate the world over!

He had no idea how he ought to think about the incarnation of the Word of God; and he had no desire to acquire the light of understanding by working through the length and breadth of the holy scriptures. So at least he should have listened carefully and accepted the common and undivided creed by which the whole body of the faithful confess that they believe in God the Father almighty and in Jesus Christ his only Son, our Lord, who was born of the holy Spirit and the virgin Mary.

These three statements wreck the tricks of nearly every heretic. When God is believed to be both almighty and Father, the Son is clearly proved to be co-eternal with him, in no way different from the Father, since he was born God from God, almighty from the Almighty, co-eternal from the Eternal, not later in time, not lower in power, not unlike in glory, not distinct in being. The same eternal, only-begotten of the eternal begetter was born of the holy Spirit and the virgin Mary. His birth in time in no way subtracts from or adds to that divine and eternal birth of his: but its whole purpose is to restore humanity, who had been deceived, so that it might defeat death and, by its power, destroy the devil who held the power of death. Overcoming the originator of sin and death would be beyond us, had not he whom sin could not defile, nor could death hold down, taken up our nature and made it his own. He was conceived from the holy Spirit inside the womb of the virgin mother. Her virginity was as untouched in giving him birth as it was in conceiving him. But if it was beyond Eutyches to derive sound understanding from this, the purest source of the christian faith, because the brightness of manifest truth had been darkened by his own peculiar blindness, then he should have subjected himself to the teaching of the gospels. When Matthew says, The book of the generation of Jesus Christ, son of David, son of Abraham, Eutyches should have looked up the further development in the apostolic preaching. When he read in the letter to the Romans, Paul, the servant of Christ Jesus, called to be an apostle, set apart for God’s gospel, which he had formerly promised through his prophets in the holy writings which refer to his Son, who was made for him of David’s seed according to the flesh, he should have paid deep and devout attention to the prophetic texts. And when he discovered God making the promise to Abraham that in your seed shall all nations be blessed, he should have followed the apostle, in order to eliminate any doubt about the identity of this seed, when he says, The promises were spoken to Abraham and his seed . He does not say "to his seeds"--as if referring to a multiplicity--but to a single one, "and to thy seed " which is Christ. His inward ear should also have heard Isaiah preaching Behold, a virgin will receive in the womb and will bear a son, and they will call his name Emmanuel, which is translated "God is with us". With faith he should have read the same prophet’s words, A child is born to us, a son is given to us. His power is on his shoulders. They will call his name "Angel of great counsel, mighty God, prince of peace, father of the world to come". Then he would not deceive people by saying that the Word was made flesh in the sense that he emerged from the virgin’s womb having a human form but not having the reality of his mother’s body. Or was it perhaps that he thought that our lord Jesus Christ did not have our nature because the angel who was sent to the blessed Mary said, The holy Spirit will come upon you and the power of the most High will overshadow you, and so that which will be born holy out of you will be called Son of God, as if it was because the conception by the virgin was worked by God that the flesh of the one conceived did not share the nature of her who conceived it? But uniquely wondrous and wondrously unique as that act of generation was, it is not to be understood as though the proper character of its kind was taken away by the sheer novelty of its creation. It was the holy Spirit that made the virgin pregnant, but the reality of the body derived from body. As Wisdom built a house for herself, the Word was made flesh and dwelt amongst us: that is, in that flesh which he derived from human kind and which he animated with the spirit of a rational life. So the proper character of both natures was maintained and came together in a single person. Lowliness was taken up by majesty, weakness by strength, mortality by eternity. To pay off the debt of our state, invulnerable nature was united to a nature that could suffer; so that in a way that corresponded to the remedies we needed, one and the same mediator between God and

humanity the man Christ Jesus, could both on the one hand die and on the other be incapable of death. Thus was true God born in the undiminished and perfect nature of a true man, complete in what is his and complete in what is ours. By "ours" we mean what the Creator established in us from the beginning and what he took upon himself to restore. There was in the Saviour no trace of the things which the Deceiver brought upon us, and to which deceived humanity gave admittance. His subjection to human weaknesses in common with us did not mean that he shared our sins. He took on the form of a servant without the defilement of sin, thereby enhancing the human and not diminishing the divine. For that self-emptying whereby the Invisible rendered himself visible, and the Creator and Lord of all things chose to join the ranks of mortals, spelled no failure of power: it was an act of merciful favour. So the one who retained the form of God when he made humanity, was made man in the form of a servant. Each nature kept its proper character without loss; and just as the form of God does not take away the form of a servant, so the form of a servant does not detract from the form of God.

It was the devil’s boast that humanity had been deceived by his trickery and so had lost the gifts God had given it; and that it had been stripped of the endowment of immortality and so was subject to the harsh sentence of death. He also boasted that, sunk as he was in evil, he himself derived some consolation from having a partner in crime; and that God had been forced by the principle of justice to alter his verdict on humanity, which he had created in such an honourable state. All this called for the realisation of a secret plan whereby the unalterable God, whose will is indistinguishable from his goodness, might bring the original realisation of his kindness towards us to completion by means of a more hidden mystery, and whereby humanity, which had been led into a state of sin by the craftiness of the devil, might be prevented from perishing contrary to the purpose of God. So without leaving his Father’s glory behind, the Son of God comes down from his heavenly throne and enters the depths of our world, born in an unprecedented order by an unprecedented kind of birth. In an unprecedented order, because one who is invisible at his own level was made visible at ours. The ungraspable willed to be grasped. Whilst remaining pre-existent, he begins to exist in time. The Lord of the universe veiled his measureless majesty and took on a servant’s form. The God who knew no suffering did not despise becoming a suffering man, and, deathless as he is, to be subject to the laws of death. By an unprecedented kind of birth, because it was inviolable virginity which supplied the material flesh without experiencing sexual desire. What was taken from the mother of the Lord was the nature without the guilt. And the fact that the birth was miraculous does not imply that in the lord Jesus Christ, born from the virgin’s womb, the nature is different from ours. The same one is true God and true man.

There is nothing unreal about this oneness, since both the lowliness of the man and the grandeur of the divinity are in mutual relation. As God is not changed by showing mercy, neither is humanity devoured by the dignity received. The activity of each form is what is proper to it in communion with the other: that is, the Word performs what belongs to the Word, and the flesh accomplishes what belongs to the flesh. One of these performs brilliant miracles the other sustains acts of violence. As the Word does not lose its glory which is equal to that of the Father, so neither does the flesh leave the nature of its kind behind. We must say this again and again: one and the same is truly Son of God and truly son of man. God, by the fact that in the beginning was the Word, and the Word was with God, and the Word was God; man, by the fact that the Word was made flesh

and dwelt among us. God, by the fact that all things were made through him, and nothing was made without him, man, by the fact that he was made of a woman, made under the law. The birth of flesh reveals human nature; birth from a virgin is a proof of divine power. A lowly cradle manifests the infancy of the child; angels' voices announce the greatness of the most High. Herod evilly strives to kill one who was like a human being at the earliest stage the Magi rejoice to adore on bended knee one who is the Lord of all. And when he came to be baptised by his precursor John, the Father's voice spoke thunder from heaven, to ensure that he did not go unnoticed because the divinity was concealed by the veil of flesh: This is my beloved Son, in whom I am well pleased. Accordingly, the same one whom the devil craftily tempts as a man, the angels dutifully wait on as God. Hunger, thirst, weariness, sleep are patently human. But to satisfy five thousand people with five loaves; to dispense living water to the Samaritan woman, a drink of which will stop her being thirsty ever again; to walk on the surface of the sea with feet that do not sink; to rebuke the storm and level the mounting waves; there can be no doubt these are divine.

So, if I may pass over many instances, it does not belong to the same nature to weep out of deep-felt pity for a dead friend, and to call him back to life again at the word of command, once the mound had been removed from the four-dayold grave; or to hang on the cross and, with day changed into night, to make the elements tremble; or to be pierced by nails and to open the gates of paradise for the believing thief. Likewise, it does not belong to the same nature to say I and the Father are one, and to say The Father is greater than I. For although there is in the Lord Jesus Christ a single person who is of God and of man, the insults shared by both have their source in one thing, and the glory that is shared in another. For it is from us that he gets a humanity which is less than the Father; it is from the Father that he gets a divinity which is equal to the Father. So it is on account of this oneness of the person, which must be understood in both natures, that we both read that the son of man came down from heaven, when the Son of God took flesh from the virgin from whom he was born, and again that the Son of God is said to have been crucified and buried, since he suffered these things not in the divinity itself whereby the Only-begotten is co-eternal and consubstantial with the Father, but in the weakness of the human nature. That is why in the creed, too, we all confess that the only-begotten Son of God was crucified and was buried, following what the apostle said, If they had known, they would never have crucified the Lord of majesty. And when our Lord and Saviour himself was questioning his disciples and instructing their faith, he says, Who do people say 1, the son of man, am? And when they had displayed a variety of other people's opinions, he says, Who do you say I am ? --in other words, I who am the son of man and whom you behold in the form of a servant and in real flesh: Who do you say I am? Whereupon the blessed Peter, inspired by God and making a confession that would benefit all future peoples, says, You are the Christ, the Son of the living God. He thoroughly deserved to be declared "blessed" by the Lord. He derived the stability of both his goodness and his name from the original Rock, for when the Father revealed it to him, he confessed that the same one is both the Son of God and also the Christ. Accepting one of these truths without the other was no help to salvation; and to have believed that the Lord Jesus Christ was either only God and not man, or solely man and not God, was equally dangerous.

After the Lord's resurrection--which was certainly the resurrection of a real body, since the one brought back to life is none other than the one who had been crucified and had died--the whole point of the forty-day delay was to make our faith completely sound and to cleanse it of all

darkness. Hence he talked to his disciples and lived and ate with them, and let himself be touched attentively and carefully by those who were in the grip of doubt; he would go in among his disciples when the doors were locked, and impart the holy Spirit by breathing on them, and open up the secrets of the holy scriptures after enlightening their understanding; again, he would point out the wound in his side, the holes made by the nails, and all the signs of the suffering he had just recently undergone, saying, Look at my hands and feet--it is I. Feel and see, because a spirit does not have flesh and bones as you see that I have. All this was so that it would be recognised that the proper character of the divine and of the human nature went on existing inseparable in him; and so that we would realise that the Word is not the same thing as the flesh, but in such a way that we would confess belief in the one Son of God as being both Word and flesh. This Eutyches must be judged to be extremely destitute of this mystery of the faith. Neither the humility of the mortal life nor the glory of the resurrection has made him recognise our nature in the only-begotten of God. Nor has even the statement of the blessed apostle and evangelist John put fear into him: Every spirit which confesses that Jesus Christ came in the flesh is from God, and every spirit which puts Jesus asunder is not from God, and this is Antichrist. But what does putting Jesus as under consist in if not in separating his human nature from him, and in voiding, through the most barefaced fictions, the one mystery by which we have been saved? Once in the dark about the nature of Christ’s body, it follows that the same blindness leads him into raving folly about his suffering too. If he does not think that the Lord’s cross was unreal and if he has no doubt that the suffering undergone for the world’s salvation was real, then let him acknowledge the flesh of the one whose death he believes in. And let him not deny that a man whom he knows to have been subject to suffering had our kind of body, for to deny the reality of the flesh is also to deny the bodily suffering. So if he accepts the christian faith and does not turn a deaf ear to the preaching of the gospel, let him consider what nature it was that hung, pierced with nails, on the wood of the cross. With the side of the crucified one laid open by the soldier’s spear, let him identify the source from which blood and water flowed, to bathe the church of God with both font and cup.

Let him heed what the blessed apostle Peter preaches, that sanctification by the Spirit is effected by the sprinkling of Christ’s blood; and let him not skip over the same apostle’s words, knowing that you have been redeemed from the empty way of life you inherited from your fathers, not with corruptible gold and silver but by the precious blood of Jesus Christ, as of a lamb without stain or spot. Nor should he withstand the testimony of blessed John the apostle: and the blood of Jesus, the Son of God, purifies us from every sin; and again, This is the victory which conquers the world, our faith. Who is there who conquers the world save one who believes that Jesus is the Son of God ? It is he, Jesus Christ who has come through water and blood, not in water only, but in water and blood. And because the Spirit is truth, it is the Spirit who testifies. For there are three who give testimony--Spirit and water and blood. And the three are one. In other words, the Spirit of sanctification and the blood of redemption and the water of baptism. These three are one and remain indivisible. None of them is separable from its link with the others. The reason is that it is by this faith that the catholic church lives and grows, by believing that neither the humanity is without true divinity nor the divinity without true humanity. When you cross-examined Eutyches and he replied, "I confess that our Lord was of two natures before the union, but I confess one nature after the union", I am amazed that such an absurd and corrupt declaration of faith was not very severely censured by the judges; and that an extremely foolish statement was disregarded, as if nothing whatever offensive had been heard. It is just as wicked to say that the only-begotten Son of God

was of two natures before the incarnation as it is abominable to claim that there was a single nature in him after the Word was made flesh. Eutyches must not suppose that what he said was either correct or tolerable just because no clear statement of yours refuted it. So we remind you, dearest brother, of your charity's responsibility to see to it that if through God's merciful inspiration the case is ever settled, the rash and ignorant fellow is also purged of what is blighting his mind. As the minutes have made clear, he made a good start at abandoning his opinion when, under pressure from your statement, he professed to say what he had not previously said, and to find satisfaction in the faith to which he had previously been a stranger. But when he had refused to be party to the anathematising of his wicked doctrine, your fraternity would have realised that he was persisting in his false belief and that he deserved a verdict of condemnation. If he is honestly and suitably sorry about this, and acknowledges even at this late stage how rightly episcopal authority was set in motion, or if, to make full amends, he condemns every wrong thought he had by word of mouth and by his actual signature, then no amount of mercy towards one who has reformed is excessive. Our Lord, the true and good shepherd who laid down his life for his sheep, and who came not to destroy but to save the souls of men and women, wants us to be imitators of his goodness, so that whilst justice represses sinners, mercy does not reject the converted. The defence of the true faith is never so productive as when false opinion is condemned even by its adherents. In place of ourself, we have arranged for our brothers, Bishop Julius and the priest Renatus of the church of St Clement, and also my son, the deacon Hilary, to ensure a good and faithful conclusion to the whole case. To their company we have added our notary Dulcitius, of proven loyalty to us. We trust that with God's help he who has fallen into error might condemn the wickedness of his own mind and find salvation.

God keep you safe, dearest brother.

Definition of the faith The sacred and great and universal synod by God's grace and by decree of your most religious and Christ-loving emperors Valentinian Augustus and Marcian Augustus assembled in Chalcedon, metropolis of the province of Bithynia, in the shrine of the saintly and triumphant martyr Euphemia, issues the following decrees. In establishing his disciples in the knowledge of the faith, our lord and saviour Christ said: "My peace I give you, my peace I leave to you"', so that no one should disagree with his neighbour regarding religious doctrines but that the proclamation of the truth would be uniformly presented. But the evil one never stops trying to smother the seeds of religion with his own tares and is for ever inventing some novelty or other against the truth; so the Master, exercising his usual care for the human race, roused this religious and most faithful emperor to zealous action, and summoned to himself the leaders of the priesthood from everywhere, so that through the working of the grace of Christ, the master of all of us, every injurious falsehood might be staved off from the sheep of Christ and they might be fattened on fresh growths of the truth. This is in fact what we have done. We have driven off erroneous doctrines by our collective resolution and we have renewed the unerring creed of the fathers. We have proclaimed to all the creed of the 318; and we have made our own those fathers who accepted this agreed statement of religion -- the 150 who later met in great Constantinople and themselves set their seal to the same creed.

Therefore, whilst we also stand by

the decisions and all the formulas relating to the creed from the sacred synod which took place formerly at Ephesus,

whose leaders of most holy memory were Celestine of Rome and Cyril of Alexandria

we decree that

pre-eminence belongs to the exposition of the right and spotless creed of the 318 saintly and blessed fathers who were assembled at Nicaea when Constantine of pious memory was emperor: and that

those decrees also remain in force which were issued in Constantinople by the 150 holy fathers in order to destroy the heresies then rife and to confirm this same catholic and apostolic creed.

The creed of the 318 fathers at Nicaea.

And the same of the 150 saintly fathers assembled in Constantinople.

This wise and saving creed, the gift of divine grace, was sufficient for a perfect understanding and establishment of religion. For its teaching about the Father and the Son and the holy Spirit is complete, and it sets out the Lord’s becoming human to those who faithfully accept it. But there are those who are trying to ruin the proclamation of the truth, and through their private heresies they have spawned novel formulas:

some by daring to corrupt the mystery of the Lord’s economy on our behalf, and refusing to apply the word "God-bearer" to the Virgin; and

others by introducing a confusion and mixture, and mindlessly imagining that there is a single nature of the flesh and the divinity, and fantastically supposing that in the confusion the divine nature of the Only-begotten is passible.

Therefore this sacred and great and universal synod, now in session, in its desire to exclude all their tricks against the truth, and teaching what has been unshakeable in the proclamation from the beginning,

decrees that the creed of the 318 fathers is, above all else, to remain inviolate. And because of those who oppose the holy Spirit, it

ratifies the teaching about the being of the holy Spirit handed down by the 150 saintly fathers who met some time later in the imperial city

-- the teaching they made known to all,

not introducinganything left out by their predecessors, but clarifying their ideas about the holy Spirit by the use of scriptural testimonies against those who were trying to do away with his sovereignty.

And because of those who are attempting to corrupt the mystery of the economy and are shamelessly and foolishly asserting that he who was born of the holy virgin Mary was a mere man, it has accepted the synodical letters of the blessed Cyril, [already accepted by the Council of Ephesus] pastor of the church in Alexandria, to Nestorius and to the Orientals, as being well-suited

to refuting Nestorius's mad folly and to providing an interpretation for those who in their religious zeal might desire understanding of the saving creed. To these it has suitably added, against false believers and for the establishment of orthodox doctrines the letter of the primate of greatest and older Rome, <file://C:\CCD\churchfathers\CHURCH COUNCILS & Liturgies\ECUM04-CHALCEDON451.HTM> the most blessed and most saintly Archbishop Leo, written to the sainted Archbishop Flavian to put down Eutyches's evil-mindedness, because it is in agreement with great Peter's confession and represents a support we have in common.

It is opposed to those who attempt to tear apart the mystery of the economy into a duality of sons; and

it expels from the assembly of the priests those who dare to say that the divinity of the Only-begotten is passible, and

it stands opposed to those who imagine a mixture or confusion between the two natures of Christ; and

it expels those who have the mad idea that the servant-form he took from us is of a heavenly or some other kind of being; and

it anathematises those who concoct two natures of the Lord before the union but imagine a single one after the union.

So, following the saintly fathers, we all with one voice teach the confession of one and the same Son, our Lord Jesus Christ: the same perfect in divinity and perfect in humanity, the same truly God and truly man, of a rational soul and a body; consubstantial with the Father as regards his divinity, and the same consubstantial with us as regards his humanity; like us in all respects except for sin; begotten before the ages from the Father as regards his divinity, and in the last days the same for us and for our salvation from Mary, the virgin God-bearer as regards his humanity; one and the same Christ, Son, Lord, only-begotten, acknowledged in two natures which undergo no confusion, no change, no division, no separation; at no point was the difference between the natures taken away through the union, but rather the property of both natures is preserved and comes together into a single person and a single subsistent being; he is not parted or divided into two persons, but is one and the same only-begotten Son, God, Word, Lord Jesus Christ, just as the prophets taught from the beginning about him, and as the Lord Jesus Christ himself instructed us, and as the creed of the fathers handed it down to us.

Since we have formulated these things with all possible accuracy and attention, the sacred and universal synod decreed that no one is permitted to produce, or even to write down or compose, any other creed or to think or teach otherwise. As for those who dare either to compose another creed or even to promulgate or teach or hand down another creed for those who wish to convert to a recognition of the truth from Hellenism or from Judaism, or from any kind of heresy at all: if they be bishops or clerics, the bishops are to be deposed from the episcopacy and the clerics from the clergy; if they be monks or layfolk, they are to be anathematised.

CANONS

1

We have deemed it right that the canons hitherto issued by the saintly fathers at each and every synod should remain in force.

2

If any bishop performs an ordination for money and puts the unsaleable grace on sale, and ordains for money a bishop, a chorepiscopus, a presbyter or a deacon or some other of those numbered among the clergy; or appoints a manager, a legal officer or a warden for money, or any other ecclesiastic at all for personal sordid gain; led him who has attempted this and been convicted stand to lose his personal rank; and let the person ordained profit nothing from the ordination or appointment he has bought; but let him be removed from the dignity or responsibility which he got for money. And if anyone appears to have acted even as a go-between in such disgraceful and unlawful dealings, let him too, if he is a cleric, be demoted from his personal rank, and if he is a lay person or a monk, let him be anathematised.

3

It has come to the notice of the sacred synod that some of those enrolled in the clergy are, for sordid gain, acting as hired managers of other people's property, and are involving themselves in worldly business, neglecting the service of God, frequenting the houses of worldly persons and taking over the handling of property out of avarice. So the sacred and great synod has decreed that in future no one, whether a bishop, a cleric or a monk, should either manage property or involve himself as an administrator of worldly business, unless he is legally and unavoidably summoned to take care of minors, or the local bishop appoints him to attend, out of fear of the Lord, to ecclesiastical business or to orphans and unprovided widows and persons in special need of ecclesiastical support. If in future anyone attempts to transgress these decrees, he must be subject to ecclesiastical penalties.

4

Those who truly and sincerely live the monastic life should be accorded appropriate recognition. But since there are some who don the monastic habit and meddle with the churches and in civil matters, and circulate indiscriminately in the cities and even are involved in founding monasteries for themselves, it has been decided that no one is to build or found a monastery or oratory anywhere against the will of the local bishop; and that monks of each city and region are to be subject to the bishop, are to foster peace and quiet, and attend solely to fasting and prayer, staying set apart in their places. They are not to abandon their own monasteries and interfere, or take part, in ecclesiastical or secular business unless they are perhaps assigned to do so by the local bishop because of some urgent necessity. No slave is to be taken into the monasteries to become a monk against the will of his own master. We have decreed that anyone who transgresses this decision of ours is to be excommunicated, lest God's name be blasphemed. However, it is for the local bishop to exercise the care and attention that the monasteries need.

5 In the matter of bishops or clerics who move from city to city, it has been decided that the canons issued by the holy fathers concerning them should retain their proper force.

6 No one, whether presbyter or deacon or anyone at all who belongs to the ecclesiastical order, is to be ordained without title, unless the one ordained is specially assigned to a city or village church

or to a martyr's shrine or a monastery. The sacred synod has decreed that the ordination of those ordained without title is null, and that they cannot operate anywhere, because of the presumption of the one who ordained them.

7

We decree that those who have once joined the ranks of the clergy or have become monks are not to depart on military service or for secular office. Those who dare do this, and do not repent and return to what, in God, they previously chose, are to be anathematised.

8

Clerics in charge of almshouses and monasteries and martyrs' shrines are, in accordance with the tradition of the holy fathers, to remain under the jurisdiction of the bishop in each city. They are not to be self-willed and rebellious towards their own bishop. Those who dare to break a rule of this kind in any way whatever, and are not obedient to their own bishop, are, if they are clerics, to be subject to the canonical penalties; and if they are monks or layfolk they are to be made excommunicate.

9

If any cleric has a case to bring against a cleric, let him not leave his own bishop and take himself off to the secular courts, but let him first air the problem before his own bishop, or at least, with the permission of the bishop himself, before those whom both parties are willing to see act as arbiters of their lawsuit. If anyone acts in a contrary fashion, let him be subject to canonical penalties. If a cleric has a case to bring either against his own or against another bishop, let him bring the case to the synod of the province. If a bishop or a cleric is in dispute with the metropolitan of the same province, let him engage either the exarch of the diocese or the see of imperial Constantinople, and let him bring his case before him.

10 A cleric is not allowed to be appointed to churches in two cities at the same time: to the one where he was originally ordained, and to another more important one to which he has betaken himself out of desire to increase a baseless reputation. Those who do this are to be sent back to their own church in which they were ordained at the beginning, and only there are they to serve. But if some have already been transferred from one church to another, they are not to take part in any of the affairs of their former church, or of the martyrs' shrines or almshouses or hospices that come under it. The sacred synod has decreed that those who, subsequent to this decree of this great and universal synod, dare to do anything that is now forbidden are to lose their personal rank.

11

We have decreed that, subject to examination, all paupers and needy persons are to travel with ecclesiastical letters or letters of peace only, and not of commendation, since it befits only reputable persons to be provided with letters of commendation.

12

It has come to our notice that, contrary to the ecclesiastical regulations, some have made approaches to the civil authorities and have divided one province into two by official mandate, with the result that there are two metropolitans in the same province. The sacred synod therefore decrees that in future no bishop should dare do such a thing, since he who attempts it stands to lose his proper station. Such places as have already been honoured by imperial writ with the title of metropolis must treat it simply as honorary, and that goes also for the bishop who is in charge of the church there, without prejudice of course to the proper rights of the real metropolis.

13

Foreign clerics and readers without letters of commendation from their own bishop are absolutely forbidden to serve in another city.

14

Since in certain provinces readers and cantors have been allowed to marry, the sacred synod decrees that none of them is permitted to marry a wife of heterodox views. If those thus married have already had children, and if they have already had the children baptised among heretics, they are to bring them into the communion of the catholic church. If they have not been baptised, they may no longer have them baptised among heretics; nor indeed marry them to a heretic or a Jew or a Greek, unless of course the person who is to be married to the orthodox party promises to convert to the orthodox faith. If anyone transgresses this decree of the sacred synod, let him be subject to canonical penalty.

15 No woman under forty years of age is to be ordained a deacon, and then only after close scrutiny. If after receiving ordination and spending some time in the ministry she despises God’s grace and gets married, such a person is to be anathematised along with her spouse.

16

It is not permitted for a virgin who has dedicated herself to the Lord God, or similarly for a monk, to contract marriage. If it is discovered that they have done so, let them be made excommunicate. However, we have decreed that the local bishop should have discretion to deal humanely with them.

17

Rural or country parishes belonging to a church are to stay firmly tied to the bishops who have possession of them, and especially if they have continually and peacefully administered them over a thirty-year period. If, however, within the thirty years any dispute about them has arisen, or should arise, those who are claiming to be wronged are permitted to bring the case before the provincial synod. If there are any who are wronged by their own metropolitan, let their case be judged either by the exarch of the diocese or by the see of Constantinople, as has already been said. If any city has been newly erected, or is erected hereafter, by imperial decree, let the arrangement of ecclesiastical parishes conform to the civil and public regulations.

18 The crime of conspiracy or secret association is entirely prohibited even by the laws of the land; so all the more properly is this forbidden in the church of God. So if any clerics or monks are found to be either forming a conspiracy or a secret society or hatching plots against bishops or fellow

clergy, let them lose their personal rank completely.

19

We have heard that in the provinces the synods of bishops prescribed by canon law are not taking place, and that as a result many ecclesiastical matters that need putting right are being neglected. So the sacred synod decrees that in accordance with the canons of the fathers, the bishops in each province are to foregather twice a year at a place approved by the bishop of the metropolis and put any matters arising to rights. Bishops failing to attend who enjoy good health and are free from all unavoidable and necessary engagements, but stay at home in their own cities, are to be fraternally rebuked.

20 As we have already decreed, clerics who are serving a church are not permitted to join a church in another city, but are to be content with the one in which they were originally authorised to minister, apart from those who have been displaced from their own country and been forced to move to another church. If subsequent to this decision any bishop receives a cleric who belongs to another bishop, it is decreed that both the received and the receiver are to be excommunicate until such time as the cleric who has moved returns to his own church.

21

Clerics or layfolk who bring allegations against bishops or clerics are not to be admitted to make their charges without more ado and before any examination, but their reputation must first be investigated.

22

It is not permitted for clerics, following the death of their own bishop, to seize the things that belong to him, as has been forbidden even by earlier canons. Those who do this risk losing their personal rank.

23

It has come to the notice of the sacred synod that certain clerics and monks who have no employment from their own bishop and have sometimes even been excommunicated by him, are frequenting imperial Constantinople and spending long periods there causing disturbances, upsetting the ecclesiastical establishment and ruining people’s homes. So the sacred synod decrees that such people are first to be warned by the public attorney of the most holy Constantinopolitan church to get out of the imperial city; and if they shamelessly persist in the same kinds of behaviour, they are to be expelled by the same public attorney even against their will, and are to betake themselves to their own places.

24

Monasteries once consecrated in accordance with the will of the bishop are to remain monasteries in perpetuity, and the effects which belong to them are reserved to the monastery, and they must not be turned into secular hostelries. Those who allow this to happen are to be subject to the canonical penalties.

25

According to our information, certain metropolitans are neglecting the flocks entrusted to them and are delaying the ordination of bishops, so the sacred synod has decided that the ordination of bishops should take place within three months, unless the period of delay has been caused to be extended by some unavoidable necessity. If a metropolitan fails to do this, he is to be subject to ecclesiastical penalties. The income of the widowed church is to be kept safe by the administrator of the said church.

26

According to our information, in some churches the bishops handle church business without administrators; so it has been decided that every church which has a bishop is also to have an administrator, drawn from its own clergy, to administer ecclesiastical matters according to the mind of the bishop concerned so that the church's administration may not go unaudited, and that consequently the church's property is not dispersed and the episcopate not exposed to serious criticism. If he does not comply with this, he is to be subject to the divine canons.

27 The sacred synod decrees that those who carry off girls under pretext of cohabitation, or who are accomplices or co-operate with those who carry them off, are to lose their personal rank if they are clerics, and are to be anathematised if they are monks or layfolk.

28 [in fact a resolution passed by the council at the 16th session but rejected by the Pope]

Following in every way the decrees of the holy fathers and recognising the canon which has recently been read out--the canon of the 150 most devout bishops who assembled in the time of the great Theodosius of pious memory, then emperor, in imperial Constantinople, new Rome -- we issue the same decree and resolution concerning the prerogatives of the most holy church of the same Constantinople, new Rome. The fathers rightly accorded prerogatives to the see of older Rome, since that is an imperial city; and moved by the same purpose the 150 most devout bishops apportioned equal prerogatives to the most holy see of new Rome, reasonably judging that the city which is honoured by the imperial power and senate and enjoying privileges equalling older imperial Rome, should also be elevated to her level in ecclesiastical affairs and take second place after her. The metropolitans of the dioceses of Pontus, Asia and Thrace, but only these, as well as the bishops of these dioceses who work among non-Greeks, are to be ordained by the aforesaid most holy see of the most holy church in Constantinople. That is, each metropolitan of the aforesaid dioceses along with the bishops of the province ordain the bishops of the province, as has been declared in the divine canons; but the metropolitans of the aforesaid dioceses, as has been said, are to be ordained by the archbishop of Constantinople, once agreement has been reached by vote in the usual way and has been reported to him.

29 [an extract from the minutes of the 19th session] The most eminent and illustrious officials asked: What does the sacred synod advise in the case of the bishops ordained by the most reverend Bishop Photius and removed by the most reverend Bishop Eustathius and consigned to be priests after losing the episcopacy? The most reverend Bishops Paschasinus and Lucentius and the priest Bonifatius, representatives of the apostolic see of Rome, replied: It is sacrilege to reduce a bishop to the rank of priest. But if whatever cause there is for removing those persons from the exercise of episcopacy is just, they ought not to occupy the position even of a priest. And if they have been removed from office and are without fault, they shall be restored to the episcopal

dignity. The most reverend archbishop of Constantinople, Anatolius, replied: If those who are said to have descended from the episcopal dignity to the rank of priest have been condemned on what are reasonable grounds, they are clearly not worthy to hold even the office of a priest. But if they have been demoted to the lower rank without reasonable cause, then as long as they are seen to be innocent, they have every right to resume the dignity and priesthood of the episcopacy .

30 [an extract from the minutes of the 4th session] The most eminent and illustrious officials and the exalted assembly declared: Since the most reverend bishops of Egypt have up to now put off subscribing to the letter of the most holy Archbishop Leo, not because they are in opposition to the catholic faith, but because they claim that it is customary in the Egyptian diocese not to do such things in contravention of the will and ordinance of their archbishop, and because they consider they should be given until the ordination of the future bishop of the great city of Alexandria, we think it reasonable and humane that, retaining their present rank in the imperial city, they should be granted a moratorium until such time as an archbishop of the great city of Alexandria is ordained. Most reverend Bishop Paschasinus, representative of the apostolic see, said: If your authority demands it, and you order that some measure of kindness be shown them, let them give guarantees that they will not leave this city before Alexandria receives its bishop. The most eminent and illustrious officials and the exalted assembly replied: Let the resolution of the most holy Bishop Paschasinus be upheld. So let the most reverend bishops of the Egyptians maintain their present rank and, either providing guarantees if they can, or pledging themselves on solemn oath, let them await the ordination of the future bishop of the great city of Alexandria.

05 Second Council of Constantinople - 553

Second Council of Constantinople (553), of 165 bishops under Pope Vigilius and Emperor Justinian I, condemned the errors of Origen and certain writings (The Three Chapters) of Theodoret, of Theodore, Bishop of Mopsuestia and of Ibas, Bishop of Edessa; it further confirmed the first four general councils, especially that of Chalcedon whose authority was contested by some heretics.

Second Council of Constantinople - 553 A.D.

Contents

Sentence against the "Three Chapters" <file://C:\CCD\churchfathers\CHURCH COUNCILS & Liturgies\ECUM05-2ONDCONSTANINOPLE553.HTM>

Anathemas against the "Three Chapters" <file://C:\CCD\churchfathers\CHURCH COUNCILS & Liturgies\ECUM05-2ONDCONSTANINOPLE553.HTM>

Introduction The emperor Justinian and Pope Vigilius decided to summon this council after the latter withdrew his "Judgment" condemning the "Three Chapters" of Theodore of Mopsuestia, Theodoret and Ibas. This "Judgment" had been issued on 11 April 548 but the bishops of the west and especially of Africa unanimously opposed it. The council was summoned by Justinian to Constantinople, although Vigilius would have preferred to convene it in Sicily or Italy so that western bishops might be present. It assembled on 5 May 553 in the great hall attached to Hagia Sophia cathedral.

Since the Roman pontiff refused to take part in the council, because Justinian had summoned bishops in equal numbers from each of the five patriarchal sees, so that there would be many more eastern than western bishops present, Eutychius, patriarch of Constantinople, presided. The decrees of the council were signed by 160 bishops, of whom 8 were Africans. On 14 May 553 Pope Vigilius issued his "Constitution", which was signed by 16 bishops (9 from Italy, 2 from Africa, 2 from Illyricum and 3 from Asia Minor). This rejected sixty propositions of Theodore of Mopsuestia, but spared his personal memory and refused to condemn either Theodoret or Ibas since, on the testimony of the council of Chalcedon, all suspicion of heresy against them had been removed. Nevertheless, the council in its 8th session on 2 June 553 again condemned the "Three Chapters" <file://C:\CCD\churchfathers\CHURCH COUNCILS & Liturgies\ECUM05-2ONDCONSTANINOPLE553.HTM>, for the same reasons as Justinian had done so, in a judgment which concludes with14 anathemas <file://C:\CCD\churchfathers\CHURCH COUNCILS & Liturgies\ECUM05-2ONDCONSTANINOPLE553.HTM>.

After carefully considering the matter for six months, Vigilius ,weighing up the persecutions of Justinian against his clergy and having sent a letter to Eutychius of Constantinople, approved the council, thus changing his mind "after the example of Augustine". Furthermore he anathematized Theodore and condemned his writings and those of Theodoret and Ibas. On 23 February 554, in a

second "Constitution", he tried to reconcile the recent condemnation with what had been decreed at the council of Chalcedon. The council did not debate ecclesiastical discipline nor did it issue disciplinary canons. Our edition does not include the text of the anathemas against Origen since recent studies have shown that these anathemas cannot be attributed to this council. For the 14 anathemas (pp. 114-122) the translation is from the Greek text, since this is the more authoritative version.

Sentence against the "Three Chapters" Our great God and saviour Jesus Christ, as we are told in the parable in the gospel, gives talents to each one according to his ability, and at the proper time asks for an account of what has been done by each one. If the person to whom only one talent has been given is condemned because he has not worked and increased it, but has only preserved it without diminishment, how much more serious and more frightening must be the condemnation to which the person is subjected who not only fails to look after himself but scandalizes others and is a cause of offence to them ? It is clear to all believers that when a problem about the faith comes up it is not only the heretical person who is condemned but also the person who is in a position to correct the heresy of others and fails to do so. To those of us to whom the task has been given of governing the church of the Lord, there comes a fear of the condemnation which threatens those who neglect to do the Lord’s work. We hurry to take care of the good seed of faith protecting it from the weeds of heresy which have been planted by the enemy. We observed that the pupils of Nestorius were trying to bring their heresy into the church of God by means of the heretical Theodore, bishop of Mopsuestia and his books as also by the writings of the heretical Theodoret and the disgraceful letter which is alleged to have been sent by Ibas to Mari the Persian. Our observations prompted us to correct what was happening. We assembled in this imperial city, summoned here by the will of God and the command of the most religious emperor. The most religious Vigilius happened to be present in this imperial city and took part in all the criticisms against the three chapters. He had frequently condemned them by word of mouth and in his writings. Later he gave a written agreement to take part in our council and to study with us the three chapters so that we could all issue an appropriate definition of the true faith. The most pious emperor, prompted by what was acceptable to us, encouraged a meeting between Vigilius and ourselves because it is proper that the priesthood should impose a common conclusion to matters of common concern. Consequently we asked his reverence to carry out his written undertakings. It did not seem right that the scandal over these three chapters should continue and that the church of God should be further disturbed. In order to persuade him, we reminded him of the great example left us by the apostles and of the traditions of the fathers. Even though the grace of the holy Spirit was abundant in each of the apostles, so that none of them required the advice of another in order to do his work, nevertheless they were loathe to come to a decision on the issue of the circumcision of gentiles until they had met together to test their various opinions against the witness of the holy scriptures. In this way they unanimously reached the conclusion which they wrote to the gentiles: It has seemed good to the holy Spirit and to us to lay upon you no greater burden than these necessary things; that you abstain from what has been sacrificed to idols and from blood and from what is strangled and from unchastity. The holy fathers, who have gathered at intervals in the four holy councils, have followed the examples of antiquity. They dealt with heresies and current problems by debate in common, since it was established as certain that when the disputed question is set out by each side in communal discussions, the light of truth drives out the shadows of lying. The truth cannot be made clear in any other way when there are debates

about questions of faith, since everyone requires the assistance of his neighbour. As Solomon says in his proverbs: A brother who helps a brother shall be exalted like a strong city; he shall be as strong as a well-established kingdom. Again in Ecclesiastes he says: Two are better than one, for they have a good reward for their toil. And the Lord himself says: Amen I say to you, if two of you agree on earth about anything they ask, it will be done for them by my Father in heaven. For where two or three are gathered in my name, there am I in the midst of them. Vigilius was frequently invited by us all, and most distinguished judges were sent to him by the most pious emperor. Eventually he promised to give judgment personally on the three chapters. When we heard this promise, we remembered the warning of the Apostle that each of us shall give an account of himself to God. We were afraid of the condemnation which threatens those who scandalize one of the least important, and of the much more serious one which threatens those who scandalize so very christian an emperor, the people and all the churches. We also remembered what was said by God to Paul: Do not be afraid, but speak, and do not be silent; for I am with you, and nobody shall be able to harm you. When we met together, therefore, we first of all briefly made a confession of the faith which our lord Jesus Christ true God, handed down to his holy apostles and by means of them to the holy churches, the same faith which those who afterwards were holy fathers and doctors handed down to the people entrusted to them. We confessed that we believe, protect and preach to the holy churches that confession of faith which was set out at greater length by the 318 holy fathers who met in council at Nicaea and handed down the holy doctrine or creed. The 150 who met in council at Constantinople also set out the same faith and made a confession of it and explained it. The 200 holy fathers who met in the first council of Ephesus agreed to the same faith. We follow also the definitions of the 630 who met in council at Chalcedon, regarding the same faith which they both followed and preached. We confessed that we held to be condemned and anathematized all those who had been previously condemned and anathematized by the catholic church and by the aforesaid four councils. When we had made this confession in this way, we made a start on the examination of the three chapters. First, we considered Theodore of Mopsuestia. When all the blasphemies in his works were exposed, we were astonished at God’s patience, that the tongue and mind which had formed such blasphemies were not straightaway burned up by divine fire. We would not even have allowed the official reader of these blasphemies to continue, such was our fear of the anger of God at even a rehearsal of them (since each blasphemy was worse than the one before in the extent of its heresy and shook to their foundation the minds of their listeners), if it had not been the case that those who revelled in these blasphemies seemed to us to require the humiliation which their exposure would bring upon them. All of us, angered by the blasphemies against God, burst into attacks and anathemas against Theodore, during and after the reading, as if he had been living and present there. We said: Lord, be favourable to us; not even the demons themselves have dared to speak such things against you.

O his intolerable tongue! O the wickedness of the man ! O the proud hand he raised against his creator! This disgraceful man, who had made a promise to understand the scriptures, did not remember the words of the prophet Hosea: Woe to them, for they have strayed from me! They have become notorious because of their impiety towards me. They spoke evil things about me, and after they had considered them, they spoke even worse things against me. They will fall into a trap because of the depravity of their tongues. Their contempt will be turned inwards on themselves, because they have broken my covenant and acted impiously against my law. The

impious Theodore deserves to come under these curses. He dismissed the prophecies about Christ and he vilified, as far as he could, the great mystery of the arrangements that have been made for our salvation. In many ways he tried to demonstrate that the divine word was nothing but fables composed for the amusement of the gentiles. He ridiculed the other condemnations of the impious made by the prophets, especially the one in which holy Habakkuk says of those who teach false doctrines: Woe to him who makes his neighbours drink of the cup of his wrath, and makes them drunk, to gaze on their caverns. This refers to their teachings which are full of darkness and quite separate from the light.

Why ought we to add anything more? Anyone who wishes can consult the volumes of the heretical Theodore or the heretical chapters from his heretical books which have been included in our acts. Anyone can see his unbelievable folly and the disgraceful utterances made by him. We fear to continue and to rehearse again those shameful things. The writings of the holy fathers against him were also read out to us. We heard what had been written against his folly which was more than all the other heretics, and the historical records and imperial laws which set out his heresy from its beginning. Despite all this, those who defended his heresy, delighting in the insults offered by him to his creator, declared that it was improper to anathematize him after his death. Although we were aware of the ecclesiastical tradition concerning heretics, that they are anathematized even after death, we deemed it necessary to go into this matter as well and it can be found in the acts how several heretics were anathematized after they were dead. In many ways it has become clear to us that those who put forward this argument have no concern for God’s judgments, nor for the pronouncements of the apostles, nor for the traditions of the fathers. We would willingly question them concerning what they would say about the Lord, who said of himself: He who believes in him is not condemned, he who does not believe in him is condemned already, because he has not believed in the name of the only-begotten Son of God. And about that claim of the Apostle: Even if we, or an angel from heaven, should preach to you a gospel contrary to what you have received, let him be accursed. As we said earlier, I repeat once more: If anyone preaches to you a gospel contrary to what you have received, let him be accursed.

Since the Lord declares that the person is judged already, and the Apostle curses even the angels if they instruct in anything different from what we have preached, how is it possible even for the most presumptuous to assert that these condemnations apply only to those who are still alive? Are they unaware, or rather pretending to be unaware, that to be judged anathematized is just the same as to be separated from God? The heretic, even though he has not been condemned formally by any individual, in reality brings anathema on himself, having cut himself off from the way of truth by his heresy. What reply can such people make to the Apostle when he writes: As for someone who is factious, after admonishing him once or twice, have nothing more to do with him, knowing that such a person is perverted and sinful; he is self-condemned.

It was in the spirit of this text that Cyril of holy memory, in the books which he wrote against Theodore, declared as follows: "Whether or not they are alive, we ought to keep clear of those who are in the grip of such dreadful errors. It is necessary always to avoid what is harmful, and not to be worried about public opinion but rather to consider what is pleasing to God". The same Cyril of holy memory, writing to bishop John of Antioch and to the synod which met there about Theodore who was condemned with Nestorius, says, "It was necessary that a brilliant festival should be kept since all those who had expressed opinions in accordance with Nestorius had been rejected,

whoever they were. Action was taken against all those who believed, or had at any time believed, in these mistaken views. This is exactly what we and your holiness pronounced: 'We anathematize those who assert that there exist two sons and two Christs. He who is preached by you and us is, as was said, the single Christ, both Son and Lord, the only-begotten as man, as learned Paul says'". Moreover in his letter to the priests and fathers of monks, Alexander, Martinian, John, Paregorious and Maximus, and to those who were living as solitaries along with them, he says: "The holy synod of Ephesus, meeting in accordance with the will of God, has pronounced sentence against the heresy of Nestorius and has condemned according to justice and with accuracy both Nestorius himself and all those who might later, in inane fashion, adopt the same opinions as he held, and those who had previously adhered to the same opinions and who were bold enough to put them in writing, placing upon them all an equal condemnation. It was quite logical that when a condemnation was issued against one person for such stupidity in what he said, then that condemnation should apply not only to that person alone but also, so to speak, against all those who spread the heresies and untruths. They express these falsehoods against the true dogmas of the church, offering worship to two sons, trying to divide what cannot be divided, and introducing to both heaven and earth the offence of the worship of man. But the sacred band of heavenly spirits worship along with us only one lord Jesus Christ". Moreover, several letters of Augustine of sacred memory, who was particularly outstanding among the African bishops, were read in which he indicates that it is correct to condemn heretics even after their death. Other most reverend bishops of Africa have also observed this church custom; moreover the holy church of Rome has issued anathemas against certain bishops even after they were dead, although they had not been accused on matters of faith while they were alive; the acts of our deliberations bear witness to both these cases. Since the followers of Theodore and his heresy, who are plainly opposed to the truth, have tried to adduce some sections of the writings of Cyril and Proclus of holy memory, as though these were in favour of Theodore, it is appropriate to apply to these attempts the observation of the prophet when he writes: The ways of the Lord are right, and the upright walk in them, but transgressors stumble in them. These followers have willfully misunderstood what the holy fathers wrote, even though it was true and appropriate; they have quoted these writings, dissembling excuses for their own iniquities. It seems that the fathers did not lift the anathema against Theodore but rather used the language of concession in order to lead away from their mistake those who offered some defence of Nestorius and his heresy; their aim was to lead them to perfection and to instruct them that not only was Nestorius, the disciple of heresy, condemned but also his teacher Theodore. The fathers indicate their intention in this matter despite the conciliatory forms used: Theodore was to be anathematized. This has been very clearly shown to be the case by us in our acts from the works of Cyril and Proclus of blessed memory in respect of the condemnation of Theodore and his heresy. This conciliatory attitude is also to be found in the holy scriptures. The apostle Paul employed this tactic at the start of his ministry when he was dealing with those who had been Jews; he circumcised Timothy so that by this conciliation and concession he might lead them to perfection. Afterwards, however, he ruled against circumcision, writing on the subject to the Galatians: Now I Paul say to you that if you receive circumcision, Christ will be of no advantage to you. We found that the defenders of Theodore have done exactly what the heretics were accustomed to do. They have tried to lift the anathema on the said heretical Theodore by omitting some of the things which the holy fathers had written, by including certain confusing falsehoods of their own, and by quoting a letter of Cyril

of blessed memory, as if all this were the evidence of the fathers. The passages which they quoted made the truth absolutely clear once the omitted sections were put back in their proper place. The falsehoods were quite apparent when the true writings were collated. In this matter those who issued these empty statements are those who, in the words of scripture, rely on lies, they make empty pleas; they conceive mischief and bring forth iniquity, they weave the spider's web.

After we had investigated in this way Theodore and his heresy, we took the trouble to quote and include in our acts a few of Theodoret's heretical writings against true faith, against the twelve chapters of holy Cyril and against the first synod of Ephesus. We also included some of Theodoret's writings on the side of the heretical Theodore and Nestorius so that it would be made clear, to the satisfaction of anyone reading our acts, that these opinions had been properly rejected and anathematized.

Thirdly, the letter which is alleged to have been written by Ibas to Mari the Persian was brought under scrutiny and we discovered that it too ought to be officially read out. When the letter was read out, its heretical character was immediately apparent to everyone. Until this time there had been some dispute as to whether the aforesaid three chapters ought to be condemned and anathematized. Since the supporters of the heretics Theodore and Nestorius were conspiring to strengthen in another way the case of these men and their heresy, and were alleging that this heretical letter, which approves and defends Theodore and Nestorius, had been accepted by the holy council of Chalcedon, it was therefore necessary for us to demonstrate that that holy synod was unaffected by the heresy which is present in that letter, and that clearly those who make such allegations are doing so not with the assistance of the holy council but so as to give some support to their own heresy by associating it with the name of Chalcedon. It was demonstrated in our acts that Ibas was previously accused of the same heresy which is contained in this letter. This accusation was levelled first by Proclus of holy memory, bishop of Constantinople, and afterwards by Theodosius of blessed memory and Flavian, the bishop there after Proclus, both of whom gave the task of examining the whole matter to Photius, bishop of Tyre, and to Eustathius, bishop of the city of Beirut. When Ibas was later found to be blameworthy, he was deposed from the episcopate. This being the state of affairs, how could anyone be so bold as to allege that that heretical letter was accepted by the holy council of Chalcedon or that the holy council of Chalcedon agreed with it in its entirety? So as to prevent those who misrepresent the holy council of Chalcedon in this way from having any further opportunity to do so we instructed that there should be a formal reading of the official pronouncements of the holy synods, namely the first of Ephesus and that of Chalcedon, on the subject of the letters of Cyril of holy memory and of Leo of blessed memory, formerly pope of older Rome. We gathered from these authorities that nothing which has been written by anyone ought to be accepted unless it has been shown conclusively that it is in accord with the true faith of the holy fathers. Therefore we broke off from our deliberations so as to reiterate in a formal declaration the definition of faith which was promulgated by the holy council of Chalcedon. We compared what was written in the letter with this official statement. When this comparison was made, it was quite apparent that the contents of the letter were quite contradictory to those of the definition of faith. The definition was in accord with the unique, permanent faith set out by the 318 holy fathers, and by the 150, and by those who gathered for the first council at Ephesus. The heretical letter, on the other hand, included the blasphemies of the heretical Theodore and Nestorius and even gave support to them and describes them as doctors, while it condemns the

holy fathers as heretics. We make it quite clear to everyone that we do not intend to omit what the fathers had to say in the first and second investigations, which are adduced by the supporters of Theodore and Nestorius in support of their case. Rather these statements and all the others were formally read out and what they contained was submitted to official scrutiny, and we found that they had not allowed the said Ibas to be accepted until they had obliged him to anathematize Nestorius and his heretical doctrines which were affirmed in that letter. This was the view not only of the two bishops whose interventions some have tried to misapply but also of the other religious bishops of that holy council. They also acted thus in the case of Theodoret and insisted that he anathematize those opinions about which he was accused. If they would permit the acceptance of Ibas only if he condemned the heresy which was to be found in his letter, and on condition that he subscribed to a definition of faith set out by the council, how can an attempt be made to allege that this heretical letter was accepted by the same holy council? We are rightly told: What partnership has righteousness with iniquity? Or what fellowship has light with darkness? What accord has Christ with Belial? Or what has a believer in common with an unbeliever? What participation has the temple of God with idols?

Now that we have given the details of what our council has achieved, we repeat our formal confession that we accept the four holy synods, that is, of Nicaea, of Constantinople, the first of Ephesus, and of Chalcedon. Our teaching is and has been all that they have defined concerning the one faith. We consider those who do not respect these things as foreign to the catholic church. Furthermore, we condemn and anathematize, along with all other heretics who have been condemned and anathematized by the same four holy councils and by the holy, catholic and apostolic church, Theodore, formerly bishop of Mopsuestia, and his heretical writings, and also what Theodoret heretically wrote against the true faith, against the twelve chapters of holy Cyril and against the first synod of Ephesus, and we condemn also what he wrote defending Theodore and Nestorius. Additionally, we anathematize the heretical letter which Ibas is alleged to have written to Mari the Persian. This letter denies that God the Word was made incarnate of the ever virgin Mary, the holy mother of God, and that he was made man. It also condemns as a heretic Cyril of holy memory, who taught the truth, and suggests that he held the same opinions as Apollinarius. The letter condemns the first synod of Ephesus for deposing Nestorius without proper process and investigation. It calls the twelve chapters of holy Cyril heretical and contrary to the orthodox faith, while it supports Theodore and Nestorius and their heretical teachings and writings. Consequently we anathematize the aforesaid three chapters, that is, the heretical Theodore of Mopsuestia along with his detestable writings, and the heretical writings of Theodoret, and the heretical letter which Ibas is alleged to have written. We anathematize the supporters of these works and those who write or have written in defence of them, or who are bold enough to claim that they are orthodox, or who have defended or tried to defend their heresy in the names of holy fathers or of the holy council of Chalcedon.

These matters having been treated with thorough-going exactness, we bear in mind what was promised about the holy church and him who said that the gates of hell will not prevail against it (by these we understand the death-dealing tongues of heretics); we also bear in mind what was prophesied about the church by Hosea when he said, I shall betroth you to me in faithfulness and you shall know the Lord; and we count along with the devil, the father of lies, the uncontrolled tongues of heretics and their heretical writings, together with the heretics themselves who have

persisted in their heresy even to death. So we declare to them: Behold all you who kindle a fire, who set brands alight! Walk by the light of your fire, and by the brands which you have kindled! Since we are under command to encourage the people with orthodox teaching and to speak to the heart of Jerusalem, that is the church of God, we very properly hurry to sow in righteousness and to reap the fruit of life. In doing this we are lighting for ourselves the lamp of knowledge from the scriptures and the teachings of the fathers. It has therefore seemed necessary to us to sum up in certain statements both our declarations of the truth and our condemnations of heretics and their heretical teachings.

Anathemas against the "Three Chapters"

If anyone will not confess that the Father, Son and holy Spirit have one nature or substance, that they have one power and authority, that there is a consubstantial Trinity, one Deity to be adored in three subsistences or persons: let him be anathema. There is only one God and Father, from whom all things come, and one Lord, Jesus Christ, through whom all things are, and one holy Spirit, in whom all things are.

If anyone will not confess that the Word of God has two nativities, that which is before all ages from the Father, outside time and without a body, and secondly that nativity of these latter days when the Word of God came down from the heavens and was made flesh of holy and glorious Mary, mother of God and ever-virgin, and was born from her: let him be anathema.

If anyone declares that the [Word] of God who works miracles is not identical with the Christ who suffered, or alleges that God the Word was with the Christ who was born of woman, or was in him in the way that one might be in another, but that our lord Jesus Christ was not one and the same, the Word of God incarnate and made man, and that the miracles and the sufferings which he voluntarily underwent in the flesh were not of the same person: let him be anathema.

If anyone declares that it was only in respect of grace, or of principle of action, or of dignity or in respect of equality of honour, or in respect of authority, or of some relation, or of some affection or power that there was a unity made between the Word of God and the man, or if anyone alleges that it is in respect of good will, as if God the Word was pleased with the man, because he was well and properly disposed to God, as Theodore claims in his madness; or if anyone says that this union is only a sort of synonymity, as the Nestorians allege, who call the Word of God Jesus and Christ, and even designate the human separately by the names "Christ" and "Son", discussing quite obviously two different persons, and only pretending to speak of one person and one Christ when the reference is to his title, honour, dignity or adoration; finally if anyone does not accept the teaching of the holy fathers that the union occurred of the Word of God with human flesh which is possessed by a rational and intellectual soul, and that this union is by synthesis or by person, and that therefore there is only one person, namely the lord Jesus Christ, one member of the holy Trinity: let him be anathema. The notion of "union" can be understood in many different ways. The supporters of the wickedness of Apollinarius and Eutyches have asserted that the union is produced by a confusing of the uniting elements, as they advocate the disappearance of the elements that unite. Those who follow Theodore and Nestorius, rejoicing in the division, have brought in a union which is only by affection. The holy church of God, rejecting the wickedness of both sorts of heresy, states her belief in a union between the Word of God and human flesh which is by synthesis, that is by a union of subsistence. In the mystery of Christ the union of synthesis

not only conserves without confusing the elements that come together but also allows no division.

If anyone understands by the single subsistence of our lord Jesus Christ that it covers the meaning of many subsistences, and by this argument tries to introduce into the mystery of Christ two subsistences or two persons, and having brought in two persons then talks of one person only in respect of dignity, honour or adoration, as both Theodore and Nestorius have written in their madness; if anyone falsely represents the holy synod of Chalcedon, making out that it accepted this heretical view by its terminology of "one subsistence", and if he does not acknowledge that the Word of God is united with human flesh by subsistence, and that on account of this there is only one subsistence or one person, and that the holy synod of Chalcedon thus made a formal statement of belief in the single subsistence of our lord Jesus Christ: let him be anathema. There has been no addition of person or subsistence to the holy Trinity even after one of its members, God the Word, becoming human flesh.

If anyone declares that it can be only inexactly and not truly said that the holy and glorious ever-virgin Mary is the mother of God, or says that she is so only in some relative way, considering that she bore a mere man and that God the Word was not made into human flesh in her, holding rather that the nativity of a man from her was referred, as they say, to God the Word as he was with the man who came into being; if anyone misrepresents the holy synod of Chalcedon, alleging that it claimed that the virgin was the mother of God only according to that heretical understanding which the blasphemous Theodore put forward; or if anyone says that she is the mother of a man or the Christ-bearer, that is the mother of Christ, suggesting that Christ is not God; and does not formally confess that she is properly and truly the mother of God, because he who before all ages was born of the Father, God the Word, has been made into human flesh in these latter days and has been born to her, and it was in this religious understanding that the holy synod of Chalcedon formally stated its belief that she was the mother of God: let him be anathema.

If anyone, when speaking about the two natures, does not confess a belief in our one lord Jesus Christ, understood in both his divinity and his humanity, so as by this to signify a difference of natures of which an ineffable union has been made without confusion, in which neither the nature of the Word was changed into the nature of human flesh, nor was the nature of human flesh changed into that of the Word (each remained what it was by nature, even after the union, as this had been made in respect of subsistence); and if anyone understands the two natures in the mystery of Christ in the sense of a division into parts, or if he expresses his belief in the plural natures in the same lord Jesus Christ, God the Word made flesh, but does not consider the difference of those natures, of which he is composed, to be only in the onlooker’s mind, a difference which is not compromised by the union (for he is one from both and the two exist through the one) but uses the plurality to suggest that each nature is possessed separately and has a subsistence of its own: let him be anathema.

If anyone confesses a belief that a union has been made out of the two natures divinity and humanity, or speaks about the one nature of God the Word made flesh, but does not understand these things according to what the fathers have taught, namely that from the divine and human natures a union was made according to subsistence, and that one Christ was formed, and from these expressions tries to introduce one nature or substance made of the deity and human flesh of Christ: let him be anathema. In saying that it was in respect of subsistence that the only-begotten

God the Word was united, we are not alleging that there was a confusion made of each of the natures into one another, but rather that each of the two remained what it was, and in this way we understand that the Word was united to human flesh. So there is only one Christ, God and man, the same being consubstantial with the Father in respect of his divinity, and also consubstantial with us in respect of our humanity. Both those who divide or split up the mystery of the divine dispensation of Christ and those who introduce into that mystery some confusion are equally rejected and anathematized by the church of God.

If anyone says that Christ is to be worshipped in his two natures, and by that wishes to introduce two adorations, a separate one for God the Word and another for the man; or if anyone, so as to remove the human flesh or to mix up the divinity and the humanity, monstrously invents one nature or substance brought together from the two, and so worships Christ, but not by a single adoration God the Word in human flesh along with his human flesh, as has been the tradition of the church from the beginning: let him be anathema.

If anyone does not confess his belief that our lord Jesus Christ, who was crucified in his human flesh, is truly God and the Lord of glory and one of the members of the holy Trinity: let him be anathema.

If anyone does not anathematize Arius, Eunomius, Macedonius, Apollinarius Nestorius, Eutyches and Origen, as well as their heretical books, and also all other heretics who have already been condemned and anathematized by the holy, catholic and apostolic church and by the four holy synods which have already been mentioned, and also all those who have thought or now think in the same way as the aforesaid heretics and who persist in their error even to death: let him be anathema.

If anyone defends the heretical Theodore of Mopsuestia, who said that God the Word is one, while quite another is Christ, who was troubled by the passions of the soul and the desires of human flesh, was gradually separated from that which is inferior, and became better by his progress in good works, and could not be faulted in his way of life, and as a mere man was baptized in the name of the Father and the Son and the holy Spirit, and through this baptism received the grace of the holy Spirit and came to deserve sonship and to be adored, in the way that one adores a statue of the emperor, as if he were God the Word, and that he became after his resurrection immutable in his thoughts and entirely without sin. Furthermore this heretical Theodore claimed that the union of God the Word to Christ is rather like that which, according to the teaching of the Apostle, is between a man and his wife: The two shall become one. Among innumerable other blasphemies he dared to allege that, when after his resurrection the Lord breathed on his disciples and said, Receive the holy Spirit, he was not truly giving them the holy Spirit, but he breathed on them only as a sign. Similarly he claimed that Thomas's profession of faith made when, after his resurrection, he touched the hands and side of the Lord, namely My Lord and my God, was not said about Christ, but that Thomas was in this way extolling God for raising up Christ and expressing his astonishment at the miracle of the resurrection. This Theodore makes a comparison which is even worse than this when, writing about the acts of the Apostles, he says that Christ was like Plato, Manichaeus, Epicurus and Marcion, alleging that just as each of these men arrived at his own teaching and then had his disciples called after him Platonists, Manichaeans, Epicureans and Marcionites, so Christ found his teaching and then had disciples who were called Christians. If

anyone offers a defence for this more heretical Theodore, and his heretical books in which he throws up the aforesaid blasphemies and many other additional blasphemies against our great God and saviour Jesus Christ, and if anyone fails to anathematize him and his heretical books as well as all those who offer acceptance or defence to him, or who allege that his interpretation is correct, or who write on his behalf or on that of his heretical teachings, or who are or have been of the same way of thinking and persist until death in this error: let him be anathema.

If anyone defends the heretical writings of Theodoret which were composed against the true faith, against the first holy synod of Ephesus and against holy Cyril and his Twelve Chapters, and also defends what Theodoret wrote to support the heretical Theodore and Nestorius and others who think in the same way as the aforesaid Theodore and Nestorius and accept them or their heresy and if anyone, because of them, shall accuse of being heretical the doctors of the church who have stated their belief in the union according to subsistence of God the Word; and if anyone does not anathematize these heretical books and those who have thought or now think in this way, and all those who have written against the true faith or against holy Cyril and his twelve chapters, and who persist in such heresy until they die: let him be anathema.

If anyone defends the letter which Ibas is said to have written to Mari the Persian, which denies that God the Word, who became incarnate of Mary the holy mother of God and ever virgin, became man, but alleges that he was only a man born to her, whom it describes as a temple, as if God the Word was one and the man someone quite different; which condemns holy Cyril as if he were a heretic, when he gives the true teaching of Christians, and accuses holy Cyril of writing opinions like those of the heretical Apollinarius ;which rebukes the first holy synod of Ephesus, alleging that it condemned Nestorius without going into the matter by a formal examination; which claims that the twelve chapters of holy Cyril are heretical and opposed to the true faith; and which defends Theodore and Nestorius and their heretical teachings and books. If anyone defends the said letter and does not anathematize it and all those who offer a defence for it and allege that it or a part of it is correct, or if anyone defends those who have written or shall write in support of it or the heresies contained in it, or supports those who are bold enough to defend it or its heresies in the name of the holy fathers of the holy synod of Chalcedon, and persists in these errors until his death: let him be anathema.

Such then are the assertions we confess. We have received them from holy Scripture, from the teaching of the holy fathers, and from the definitions about the one and the same faith made by the aforesaid four holy synods.

Moreover, condemnation has been passed by us against the heretics and their impiety, and also against those who have justified or shall justify the so-called "Three Chapters", and against those who have persisted or will persist in their own error. If anyone should attempt to hand on, or to teach by word or writing, anything contrary to what we have regulated, then if he is a bishop or somebody appointed to the clergy, in so far as he is acting contrary to what befits priests and the ecclesiastical status, let him be stripped of the rank of priest or cleric, and if he is a monk or lay person, let him be anathema.

Introduction and translation taken from Decrees of the Ecumenical Councils, ed. Norman P. Tanner

END OF TEXT

06 Third Council of Constantinople : 680-681 A. D.

Third Council of Constantinople (680-681), under Pope Agatho and the Emperor Constantine Pogonatus, was attended by the Patriarchs of Constantinople and of Antioch, 174 bishops, and the emperor. It put an end to Monothelism by defining two wills in Christ, the Divine and the human, as two distinct principles of operation. It anathematized Sergius, Pyrrhus, Paul, Macarius, and all their followers.

Third Council of Constantinople : 680-681 A. D.

Contents Exposition of faith <file://C:\CCD\churchfathers\CHURCH COUNCILS & Liturgies\ECUM06-3RDCONSTANTINOPLE.HTM>

INTRODUCTION To make an end of the Monothelite controversy, Emperor Constantine IV asked Pope Donus in 678 to send twelve bishops and four western Greek monastic superiors to represent the pope at an assembly of eastern and western theologians. Pope Agatho, who meanwhile had succeeded Donus, ordered consultation in the west on this important matter. Around Easter 680 a synod in Rome <file://C:\CCD\churchfathers\CHURCH COUNCILS & Liturgies\ECUM06-3RDCONSTANTINOPLE.HTM> of 125 Italian bishops, with Pope Agatho presiding, assessed the replies of the regional synods of the west and composed a profession of faith in which Monothelitism was condemned. Legates of the pope took this profession to Constantinople, arriving at the beginning of September 680. On 10 September 680 the emperor issued an edict to Patriarch George of Constantinople, ordering a council of bishops to be convoked. The council assembled on 7 November in the hall of the imperial palace in Constantinople. It immediately called itself an ecumenical council. There were 18 sessions, at the first eleven of which the emperor presided. In the 8th session, on 7 March 681, the council adopted the teaching of Pope Agatho <file://C:\CCD\churchfathers\CHURCH COUNCILS & Liturgies\ECUM06-3RDCONSTANTINOPLE.HTM>in condemnation of Monothelitism. Patriarch Macarius of Antioch was one of the few who refused his assent; he was deposed in the 12th session. The doctrinal conclusions of the council were defined in the 17th session and promulgated in the 18th and last session on 16 September 681. The acts of the council, signed both by 174 fathers and finally by the emperor himself, were sent to Pope Leo II, who had succeeded Agatho, and he, when he had approved them, ordered them to be translated into Latin and to be signed by all the bishops of the west. Constantine IV, however, promulgated the decrees of the council in all parts of the empire by imperial edict. The council did not debate church discipline and did not establish any disciplinary cannons.

Exposition of faith The only Son and Word of God the Father, who became a man like us in all things but sin, Christ our true God, proclaimed clearly in the words of the gospel; I am the light of the world; anyone who follows me shall not walk in darkness but shall have the light of life, and again, My peace I leave to you, my peace I give you. Our most mild emperor, champion of right belief and adversary of wrong belief, guided in godly wisdom by this teaching of peace spoken by God, has brought together this holy and universal assembly of ours and set at one the whole

judgment of the church.

Wherefore this holy and universal synod of ours, driving afar the error of impiety which endured for some time even till the present, following without deviation in a straight path after the holy and accepted fathers, has piously accorded in all things with the five holy and universal synods: that is to say, with the synod of 318 holy fathers who gathered at Nicaea against the madman Arius, and that which followed it at Constantinople of 150 God-led men against Macedonius, opponent of the Spirit, and the impious Apollinarius; similarly too, with the first at Ephesus of 200 godly men brought together against Nestorius, who thought as the Jews and that at Chalcedon of 630 God-inspired fathers against Eutyches and Dioscorus, hateful to God; also, in addition to these, with the fifth holy synod, the latest of them, which was gathered here against Theodore of Mopsuestia, Origen, Didymus and Evagrius, and the writings of Theodoret against the twelve chapters of the renowned Cyril, and the letter said to have been written by Ibas to Mari the Persian.

Reaffirming the divine tenets of piety in all respects unaltered, and banishing the profane teachings of impiety, this holy and universal synod of ours has also, in its turn, under God's inspiration, set its seal on the creed which was made out by the 318 fathers and confirmed again with godly prudence by the 150 and which the other holy synods too accepted gladly and ratified for the elimination of all soul-corrupting heresy We believe in one God ...[Creed of Nicaea and of Constantinople 1] The holy and universal synod said: This pious and orthodox creed of the divine favour was enough for a complete knowledge of the orthodox faith and a complete assurance therein. But since from the first, the contriver of evil did not rest, finding an accomplice in the serpent and through him bringing upon human nature the poisoned dart of death, so too now he has found instruments suited to his own purpose--namely Theodore, who was bishop of Pharan, Sergius, Pyrrhus, Paul and Peter, who were bishops of this imperial city, and further Honorius,who was pope of elder Rome, Cyrus, who held the see of Alexandria, and Macarius, who was recently bishop of Antioch, and his disciple Stephen -- and has not been idle in raising through them obstacles of error against the full body of the church sowing with novel speech among the orthodox people the heresy of a single will and a single principle of action in the two natures of the one member of the holy Trinity Christ our true God, a heresy in harmony with the evil belief, ruinous to the mind, of the impious Apollinarius, Severus and Themistius, and one intent on removing the perfection of the becoming man of the same one lord Jesus Christ our God, through a certain guileful device, leading from there to the blasphemous conclusion that his rationally animate flesh is without a will and a principle of action.

Therefore Christ our God has stirred up the faithful emperor, the new David, finding in him a man after his own heart, who, as the scripture says, did not allow his eyes sleep or his eyelids drowsing until through this holy assembly of ours, brought together by God, he found the perfect proclamation of right belief; for according to the God-spoken saying, Where there are two or three gathered in my name, there am I in their midst. This same holy and universal synod, here present, faithfully accepts and welcomes with open hands the report of Agatho, most holy and most blessed pope of elder Rome, that came to our most reverend and most faithful emperor Constantine, which rejected by name those who proclaimed and taught, as has been already explained, one will and one principle of action in the incarnate dispensation of Christ our true God; and likewise it approves as well the other synodal report to his God-taught serenity, from the

synod of 125 bishops dear to God meeting under the same most holy pope, as according with the holy synod at Chalcedon and with the Tome of the all-holy and most blessed Leo, pope of the same elder Rome, which was sent to Flavian, who is among the saints, and which that synod called a pillar of right belief, and furthermore with the synodal letters written by the blessed Cyril against the impious Nestorius and to the bishops of the east.

Following the five holy and universal synods and the holy and accepted fathers, and defining in unison, it professes our lord Jesus Christ our true God, one of the holy Trinity, which is of one same being and is the source of life, to be perfect in divinity and perfect in humanity, the same truly God and truly man, of a rational soul and a body; consubstantial with the Father as regards his divinity, and the same consubstantial with us as regards his humanity, like us in all respects except for sin; begotten before the ages from the Father as regards his divinity, and in the last days the same for us and for our salvation from the holy Spirit and the virgin Mary, who is properly and truly called mother of God, as regards his humanity; one and the same Christ, Son, Lord, only-begotten, acknowledged in two natures which undergo no confusion, no change, no separation, no division; at no point was the difference between the natures taken away through the union, but rather the property of both natures is preserved and comes together into a single subsistent being [in unam personam et in unam subsistentiam concurrente]; he is not parted or divided into two persons, but is one and the same only-begotten Son, Word of God, lord Jesus Christ, just as the prophets taught from the beginning about him, and as Jesus the Christ himself instructed us, and as the creed of the holy fathers handed it down to us. And we proclaim equallytwo natural volitions or wills in him and two natural principles of action which undergo no division, no change, no partition, no confusion, in accordance with the teaching of the holy fathers. And the two natural wills not in opposition, as the impious heretics said, far from it, but his human will following, and not resisting or struggling, rather in fact subject to his divine and all powerful will. For the will of the flesh had to be moved, and yet to be subjected to the divine will, according to the most wise Athanasius. For just as his flesh is said to be and is flesh of the Word of God, so too the natural will of his flesh is said to and does belong to the Word of God, just as he says himself: I have come down from heaven, not to do my own will, but the will of the Father who sent me, calling his own will that of his flesh, since his flesh too became his own. For in the same way that his all holy and blameless animate flesh was not destroyed in being made divine but remained in its own limit and category, so his human will as well was not destroyed by being made divine, but rather was preserved, according to the theologian Gregory, who says: "For his willing, when he is considered as saviour, is not in opposition to God, being made divine in its entirety." And we hold there to be two natural principles of action in the same Jesus Christ our lord and true God, which undergo no division, no change, no partition, no confusion, that is, a divine principle of action and a human principle of action, according to the godly-speaking Leo, who says most clearly: "For each form does in a communion with the other that activity which it possesses as its own, the Word working that which is the Word’s and the body accomplishing the things that are the body’s". For of course we will not grant the existence of only a single natural principle of action of both God and creature, lest we raise what is made to the level of divine being, or indeed reduce what is most specifically proper to the divine nature to a level befitting creatures for we acknowledge that the miracles and the sufferings are of one and the same according to one or the other of the two natures out of which he is and in which he has his being, as the admirable Cyril said. Therefore, protecting on all sides the "no confusion" and "no division", we announce the whole in these brief

words: Believing our lord Jesus Christ, even after his incarnation, to be one of the holy Trinity and our true God, we say that he has two natures [naturas] shining forth in his one subsistence[subsistentia] in which he demonstrated the miracles and the sufferings throughout his entire providential dwelling here, not in appearance but in truth, the difference of the natures being made known in the same one subsistence in that each nature wills and performs the things that are proper to it in a communion with the other; then in accord with this reasoning we hold that two natural wills and principles of action meet in correspondence for the salvation of the human race. So now that these points have been formulated by us with all precision in every respect and with all care, we definitely state thatit is not allowable for anyone to produce another faith, that is, to write or to compose or to consider or to teach others; those who dare to compose another faith, or to support or to teach or to hand on another creed to those who wish to turn to knowledge of the truth, whether from Hellenism or Judaism or indeed from any heresy whatsoever, or to introduce novelty of speech, that is, invention of terms, so as to overturn what has now been defined by us, such persons, if they are bishops or clerics, are deprived of their episcopacy or clerical rank, and if they are monks or layfolk they are excommunicated.

Introduction and translation taken from Decrees of the Ecumenical Councils, ed. Norman P. Tanner

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Chapter 8

07 Second Council of Nicaea - 787 A.D.

Second Council of Nicaea (787) was convoked by Emperor Constantine VI and his mother Irene, under Pope Adrian I, and was presided over by the legates of Pope Adrian; it regulated the veneration of holy images. Between 300 and 367 bishops assisted.

Second Council of Nicaea - 787 A.D.

Contents

Definition <file://C:\CCD\churchfathers\CHURCH COUNCILS & Liturgies\ECUM07-2ONDNICAEA787.HTM>Anathemas concerning holy images <file://C:\CCD\churchfathers\CHURCH COUNCILS & Liturgies\ECUM07-2ONDNICAEA787.HTM>CANONS <file://C:\CCD\churchfathers\CHURCH COUNCILS & Liturgies\ECUM07-2ONDNICAEA787.HTM>

INTRODUCTION A recommendation to summon an ecumenical council, in order to correct the iconoclast heretics, had been addressed to Empress Irene, then acting as regent for her son Emperor Constantine VI (780-797) who was still a minor, both by Patriarch Paul IV of Constantinople (who had repented of his earlier iconoclast views) before his abdication from the see in 784 and by his successor as patriarch, Tarasius. The aim was to unite the church and to condemn the decrees passed by the council of 338 bishops held at Hiereia and St Mary of Blachernae in 754. The convocation of the council was announced to Pope Hadrian I (772-795) in a letter of Constantine VI and Irene, dated 29 August 784. They urged him either to attend in person or to send legates. Patriarch Tarasius sent the same message in synodal letters to the pope and the three eastern patriarchs. Pope Hadrian I gave his approval for the convocation of the council, stipulating various conditions, and sent as his legates the archpriest Peter and Peter, abbot of the Greek monastery of St Sabas in Rome. The council, which was summoned by an imperial edict in the summer of 786, met for the first time on 1 August 786, in the presence of Emperor Constantine and Empress Irene. When the proceedings were interrupted by the violent entry of iconoclast soldiers, faithful to the memory of Emperor Constantine V (741-775), the council was adjourned until the arrival of a reliable army under Staurakios. It assembled again at Nicaea on 24 September 787, the papal legates having been recalled from Sicily.

After the bishops suspected of heresy had been admitted, 263 fathers embraced the doctrine concerning the cult of sacred images as explained in the letters of Pope Hadrian I, which were read out at the second session. The question of the intercession of saints was dealt with in the fourth session.

Once all these matters had been approved, a doctrinal definition <file://C:\CCD\churchfathers\CHURCH COUNCILS & Liturgies\ECUM07-2ONDNICAEA787.HTM> was decreed at the seventh session. At the eighth and last session, which was held at the request of Constantine and Irene in the Magnaura palace in Constantinople, the definition was again decreed and proclaimed and 22 canons <file://C:\CCD\churchfathers\CHURCH COUNCILS &

Liturgies\ECUM07-2ONDNICAEA787.HTM>were read out. The papal legates presided over the council and were the first to sign the acts; but in reality it was Patriarch Tarasius who presided, and it was he, at the command of the council, who informed Pope Hadrian I about it: "the occasion when the letters of your fraternal holiness were read out and all acclaimed them".

Pope Hadrian I wrote no letter in reply, yet the defence he made of the council in 794 against Charlemagne shows that he accepted what the council had decreed, and that he had sent no acknowledgement because the concessions which he had requested in his letter of 26 October 785 to Constantine and Irene had not been granted to him, especially concerning the restoration of the papacy's patrimony to the state at which it had been prior to 731, that is, before Illyricum had been confiscated by the emperor Leo III. Emperor Constantine VI and his mother Irene signed the acts of the council but it is unclear whether or not they promulgated a decree on the matter. The translation is from the Greek text, since this is the more authoritative version. {Material in curly parentheses ,{ }, paragraphing, italicizing and bolding, are added by the hypertext editor. The material in square brackets [ ] is found in the hardcopy book from which the translation was taken.}

Definition The holy, great and universal synod, by the grace of God and by order of our pious and Christ-loving emperor and empress, Constantine and his mother Irene, assembled for the second time in the famous metropolis of the Nicaeans in the province of the Bithynians, in the holy church of God named after Wisdom, following the tradition of the catholic church, has decreed what is here laid down.

{The council bases itself on the inspiration of Tradition & of itself} The one who granted us the light of recognizing him, the one who redeemed us from the darkness of idolatrous insanity, Christ our God, when he took for his bride his holy catholic church, having no blemish or wrinkle, promised he would guard her and assured his holy disciples saying,I am with you every day until the consummation of this age. This promise however he made not only to them butalso to us, who thanks to them have come to believe in his name. To this gracious offer some people paid no attention, being hoodwinked by the treacherous foe they abandoned the true line of reasoning, and setting themselves against the tradition of the catholic church they faltered in their grasp of the truth. As the proverbial saying puts it, they turned askew the axles of their farm carts and gathered no harvest in their hands. Indeed they had the effrontery to criticise the beauty pleasing to God established in the holy monuments; they were priests in name, but not in reality. They were those of whom God calls out by prophecy, Many pastors have destroyed my vine, they have defiled my portion. For they followed unholy men and trusting to their own frenzies they calumniated the holy church, which Christ our God has espoused to himself, and they failed to distinguish the holy from the profane, asserting that the icons of our Lord and of his saints were no different from the wooden images of satanic idols.

Therefore the Lord God, not bearing that what was subject to him should be destroyed by such a corruption, has by his good pleasure summoned us together through the divine diligence and decision of Constantine and Irene, our faithful emperor and empress, we who are those responsible for the priesthood everywhere, in order that the divinely inspired tradition of the catholic church should receive confirmation by a public decree. So having made investigation with all accuracy and having taken counsel, setting for our aim the truth, we neither diminish nor augment, but simply guard intact all that pertains to the catholic church.

{Recapitulation and re-affirmation of everything taught by any previous ecumenical council}

Thus, following the six holy universal synods, in the first place that assembled in the famous metropolis of the Nicaeans { {1}Nicea I}, and then that held after it in the imperial, God-guarded city: {i.e. {2} Constantinople I} We believe in one God ...[the Nicene-Constantinopolitan creed follows]. We abominate and anathematize - Arius and those who think like him and share in his mad error; also Macedonius and those with him, properly called the Pneumatomachi; we also confess our Lady, the holy Mary, to be really and truly the God-bearer, because she gave birth in the flesh to Christ, one of the Trinity, our God, just as the first synod at {3}Ephesus decreed; it also expelled from the church Nestorius and those with him, because they were introducing a duality of persons. Along with these synods, we also confess the two natures of the one who became incarnate for our sake from the God-bearer without blemish, Mary the ever-virgin, recognizing that he is perfect God and perfect man, as the synod at {4}Chalcedon also proclaimed, when it drove from the divine precinct the foul-mouthed Eutyches and Dioscorus. We reject along with them Severus Peter and their interconnected band with their many blasphemies, in whose company we anathematize the mythical speculations of Origen, Evagrius and Didymus, as did the fifth synod, that assembled at {5}Constantinople. Further we declare that there are two wills and principles of action, in accordance with what is proper to each of the natures in Christ, in the way that the sixth synod, that at {6}Constantinople, proclaimed, when it also publicly rejected Sergius, Honorius, Cyrus, Pyrrhus, Macarius, those uninterested in true holiness, and their likeminded followers. To summarize, we declare that we defend free from any innovations all the written and unwritten ecclesiastical traditions that have been entrusted to us

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{Council formulates for the first time what the Church has always believed regarding icons}

One of these is the production of representational art; this is quite in harmony with the history of the spread of the gospel, as it provides confirmation that the becoming man of the Word of God was real and not just imaginary, and as it brings us a similar benefit. For, things that mutually illustrate one another undoubtedly possess one another’s message.

Given this state of affairs and stepping out as though on the royal highway, following as we are the God-spoken teaching of our holy fathers and the tradition of the catholic church -- for we recognize that this tradition comes from the holy Spirit who dwells in her-- we decree with full precision and care that, like the figure of the honoured and life-giving cross, the revered and holy images, whether painted or made of mosaic or of other suitable material, are to be exposed in the holy churches of God, on sacred instruments and vestments, on walls and panels, in houses and by public ways, these are the images of our Lord, God and saviour, Jesus Christ, and of our Lady without blemish, the holy God-bearer, and of the revered angels and of any of the saintly holy men. The more frequently they are seen in representational art, the more are those who see them drawn to remember and long for those who serve as models, and to pay these images the tribute of salutation and respectful veneration. Certainly this is not the full adoration {latria} in accordance with our faith, which is properly paid only to the divine nature, but it resembles that given to the figure of the honoured and life-giving cross, and also to the holy books of the gospels and to other sacred cult objects. Further, people are drawn to honour these images with the offering of incense and lights, as was piously established by ancient custom. Indeed, the honour paid to an image

traverses it, reaching the model, and he who venerates the image, venerates the person represented in that image. So it is that the teaching of our holy fathers is strengthened, namely, the tradition of the catholic church which has received the gospel from one end of the earth to the other. So it is that we really follow Paul, who spoke in Christ, and the entire divine apostolic group and the holiness of the fathers, clinging fast to the traditions which we have received. So it is that we sing out with the prophets the hymns of victory to the church: Rejoice exceedingly O daughter of Zion, proclaim O daughter of Jerusalem; enjoy your happiness and gladness with a full heart. The Lord has removed away from you the injustices of your enemies, you have been redeemed from the hand of your foes. The Lord the king is in your midst, you will never more see evil, and peace will be upon you for time eternal.

Therefore all those who dare to think or teach anything different, or who follow the accursed heretics in rejecting ecclesiastical traditions, or who devise innovations, or who spurn anything entrusted to the church (whether it be the gospel or the figure of the cross or any example of representational art or any martyr's holy relic), or who fabricate perverted and evil prejudices against cherishing any of the lawful traditions of the catholic church, or who secularize the sacred objects and saintly monasteries, we order that they be suspended if they are bishops or clerics, and excommunicated if they are monks or lay people.

Anathemas concerning holy images If anyone does not confess that Christ our God can be represented in his humanity, let him be anathema.

If anyone does not accept representation in art of evangelical scenes, let him be anathema.

If anyone does not salute such representations as standing for the Lord and his saints, let him be anathema.

If anyone rejects any written or unwritten tradition of the church, let him be anathema.

CANONS

1 For those to whom the priestly dignity is allotted, the guide-lines contained in the canonical regulations are testimonies and directives. We accept them gladly and sing out to the Lord God with David, the revealer of God: In the path of your testimonies I have taken delight, as with all manner of wealth; and, You have enjoined justice, your testimonies are for ever; instruct me to give me life. And if the prophetic voice orders us for all eternity to observe the messages of God and to live in them, it is obvious that they remain unshakeable and immoveable; thus Moses, who looked on God, declares, To these there is no addition, and from these there is no subtraction. The divine apostle takes pride in them when he cries out, These things which the angels long to gaze upon, and, If an angel brings you a gospel contrary to what you have received, let him be accursed.

Since these things really are such and have been testified to us in these ways, we exult in them as a person would if he were to come across a great mass of booty. We joyfully embrace the sacred canons and we maintain complete and unshaken their regulation, both those expounded by those trumpets of the Spirit, the apostles worthy of all praise, and those from the six holy universal synods and from the synods assembled locally for the promulgation of such decrees, and from our holy fathers. Indeed all of these, enlightened by one and the same Spirit, decreed what is

expedient. In the case of those whom they sent away under an anathema, we also anathematize them, those whom they suspended, we also suspend; those whom they excommunicated, we also excommunicate; those whom they placed under penalties, we also deal with in the same way. Let your conduct be free from avariciousness, contenting yourself with what you have, cried out with all explicitness the divine apostle Paul, who mounted to the third heaven and heard words that cannot be uttered.

2

Since we make an undertaking before God as we sing, I shall meditate on your judgments, I shall not neglect your words, it is essential to our salvation that every Christian should observe these things, but more especially those who have been invested with priestly dignity. Therefore we decree that everyone who is to be advanced to the grade of bishop should have a thorough knowledge of the psalter, in order that he may instruct all the clergy subordinate to him, to be initiated in that book.

He should also be examined without fail by the metropolitan to see if he is willing to acquire knowledge--a knowledge that should be searching and not superficial--of the sacred canons, the holy gospel, the book of the divine apostle, and all divine scripture; also if he is willing to conduct himself and teach the people entrusted to him according to the divine commandments.

"The substance of our hierarchy are the words handed down from God", that is to say, the true knowledge of the divine scriptures, as the great Dionysius made plain. If someone is doubtful and ill at ease with such conduct and teaching, let him not be ordained. For God said through the prophet: You rejected knowledge, and I shall reject you, so that you may not serve me in a priestly function.

3

Any election of a bishop, priest or deacon brought about by the rulers is to be null and void in accordance with the canon that says: "If any bishop, through the influence of secular rulers, acquires responsibility for a church because of them, let him be suspended and let all those who are in communion with him be excommunicated".

It is necessary that the person who is to be advanced to a bishopric should be elected by bishops, as has been decreed by the holy fathers at Nicaea in the canon that says: "It is by all means desirable that a bishop should be appointed by all [the bishops] in the province. But if this is difficult because of some pressing necessity or the length of the journey involved, let at least three come together and perform the ordination, but only after the absent bishops have taken part in the vote and given their written consent. But in each province the right of confirming the proceedings belongs to the metropolitan".

4 The herald of the truth, Paul, the divine apostle, laying down a sort of rule for the presbyters of Ephesus, or rather for the whole priestly order, declared firmly: I have not coveted silver or gold or anybody’s clothing; I have made completely plain to you that it is by working in this fashion that we should provide for the weak being convinced that it is blessed to give.

Therefore we also, having been taught by him, decree that a bishop should never have any sort of design on foul profit, inventing excuses for his sins, nor demand any gold or silver or anything

similar from the bishops, clerics and monks subject to him. For the apostle says: The unjust will not inherit the kingdom of God; and, It is not children who should heap up treasures for their parents, but parents for their children. So if it is discovered that somebody, because of a demand for gold or something similar, or because of some private infatuation of his own, has excluded from the liturgy or excommunicated one of the clerics under his authority, or has closed off one of the holy churches, preventing the celebration of God’s liturgies in it, pouring out his own madness against insensible things, then he is truly senseless himself and he should be subjected to suffer what he would inflict and the penalty imposed by him will turn upon his own head, because he has transgressed both the law of God and the rulings of the apostles. For Peter also, the spokesman of the apostles, urges: Be pastors to the flock of God entrusted to you, not under compulsion, but willingly as pleasing to God, not for sordid gain but with enthusiasm, not as men who lord it over those entrusted to you, but as being models for the flock. Then when the chief shepherd is disclosed, you will carry off the imperishable crown of glory.

5

It is a sin leading to death when sinners remain uncorrected, but still worse is it when people flaunt their sin as they override holiness and truth, both preferring mammon to obedience to God and neglecting his legally formulated instructions. The Lord God is not present among such persons unless they humbly turn from their fault. Their duty is to approach God with a contrite heart and implore his forgiveness for their sin and his pardon, rather than to take pride in an unholy distribution of gifts: For the Lord is close to the contrite of heart. Therefore in the case of those who boast that they have been appointed in the church by distributing gifts of gold, and who pin their hopes on this evil custom, which alienates a person from God and from all priesthood, and who take this as a reason for deriding quite shamelessly and openly those who have been chosen by the holy Spirit and appointed for the virtue of their lives, without any distribution of gifts of gold, when they first do this each should take the lowest rank in his order, and if they persist they should be corrected with a penalty.

If someone is found to have done this at any time in connection with an ordination, let matters proceed in accordance with the apostolic canon which says: "If some bishop or priest or deacon has obtained his dignity by means of money, let him and the person who performed the ordination be suspended, and let them be excluded completely from the communion, as Simon Magus was by me, Peter".

Similarly, in accordance with canon 2 of our holy fathers at Chalcedon, which says "If any bishop performs an ordination for money and puts the unsaleable grace on sale, and ordains for money a bishop, a chorepiscopus, a presbyter or deacons or some others of those numbered among the clergy; or appoints a manager, a legal officer or a warden for money, or any other ecclesiastic at all for personal sordid gain; let him who has attempted this and been convicted stand to lose his personal rank, and let the person ordained profit nothing from the ordination or appointment he has bought; but let him be removed from the dignity or responsibility which he got for money. And if anyone appears to have acted even as a go-between in such disgraceful and unlawful dealings, let him too, if he is a cleric, be demoted from his personal rank, and if he is a lay person or a monk, let him be anathematized".

6

Although there is indeed a canon which says, "In each province the canonical investigations should take place twice yearly by means of a gathering of the bishops", because of the trouble and because those attending the meetings lack the resources for such journeys, the holy fathers of the sixth synod decreed "they should be held in any case and despite all excuses, once a year, and all that is incorrect should be put right". We also renew this canon, and should a ruler be found who prevents its observance, let him be excommunicated; however if one of the metropolitan bishops neglects its fulfillment, let him be subject to canonical penalties, unless it is a case of necessity, constraint or some other reasonable cause. When such a synod is held to discuss canonical and evangelical matters, the gathered bishops should pay particular care and attention to the divine and life-giving laws of God: There is a great reward for their observance; for a law is a lamp, a regulation is a light, and reproof and discipline are the path of life indeed the law of the Lord gives light to the eyes. However, the metropolitan bishop does not have the right to demand anything that a bishop may have brought with him, such as a beast or some other thing; and if he is convicted of doing so, let him pay back fourfold.

7 The divine apostle Paul said: The sins of some people are manifest, those of others appear later. Some sins take the front rank but others follow in their footsteps. Thus in the train of the impious heresy of the defamers of Christians, many other impieties appeared. Just as those heretics removed the sight of venerable icons from the church, they also abandoned other customs, which should now be renewed and which should be in vigour in virtue of both written and unwritten legislation. Therefore we decree that in venerable churches consecrated without relics of the holy martyrs, the installation of relics should take place along with the usual prayers. And if in future any bishop is found out consecrating a church without relics, let him be deposed as someone who has flouted the ecclesiastical traditions.

8

Since some of those who come from the religion of the Hebrews mistakenly think to make a mockery of Christ who is God, pretending to become Christians, but denying Christ in private by both secretly continuing to observe the sabbath and maintaining other Jewish practices, we decree that they shall not be received to communion or at prayer or into the church, but rather let them openly be Hebrews according to their own religion; they should not baptize their children or buy, or enter into possession of, a slave. But if one of them makes his conversion with a sincere faith and heart, and pronounces his confession wholeheartedly, disclosing their practices and objects in the hope that others may be refuted and corrected, such a person should be welcomed and baptized along with his children, and care should be taken that they abandon Hebrew practices. However if they are not of this sort, they should certainly not be welcomed.

9

All those childish baubles and bacchic rantings, the false writings composed against the venerable icons, should be given in at the episcopal building in Constantinople, so that they can be put away along with other heretical books. If someone is discovered to be hiding such books, if he is a bishop, priest or deacon, let him be suspended, and if he is a lay person or a monk, let him be excommunicated.

10 As some clerics, who despise the canonical ordinance, abandon their own dioceses and run off into other dioceses--something that happens with special frequency in this imperial, God-guarded city--and there they lodge with rulers, celebrating the liturgy in their chapels, let it not be permitted for them to be received in any house or church without the approval of their own bishop and that of the bishop of Constantinople. If they do so and persist therein, they are to be suspended. In the case of those who do this with the approval of the above-mentioned prelates, it is not permitted for them to assume worldly and secular responsibilities, since they are forbidden to do so by the sacred canons; and if someone is misled into occupying himself with the responsibility of the so-called high stewards, he is to desist or be suspended. Rather let him busy himself with the teaching of the children and servants, lecturing them on the divine scriptures because it is for such activity that he received the priesthood.

11

Since we are obliged to observe all the sacred canons, we ought also to maintain in all its integrity the one that says that there should be administrators in each church. Therefore if each metropolitan bishop installs an administrator in his own church, that is well and good; but if not, the bishop of Constantinople on his own authority has the right to appoint one over the other’s church, and similarly with metropolitan bishops, if the bishops under them do not choose administrators to hold these posts in their own churches. The same rule is also to be observed with respect to monasteries.

12

If it is discovered that a bishop or a monastic superior is transferring episcopal or monastic farmland to the control of the ruler, or has been conceding it to another person, the transaction is null and void in accordance with the canon of the holy apostles which stipulates: "Let the bishop take care of all ecclesiastical affairs, and let him administer them as if under God’s inspection. It is not permitted him to appropriate any of these things, nor to make a present of the things of God to his own relatives. Should the latter be poor, let him care for them as for other poor people, but let him not use them as an excuse for selling off the church’s possessions." However, if he pretends that the land is a loss and brings in no profit at all, let him make a present of the place to clerics or landworkers, but even in these circumstances it should not be given to the local rulers. If they use evil cunning and the ruler buys up the land from the landworker or the cleric in question, this sale shall also be null and void in such circumstances, and the land should be restored to the bishopric or monastery. And the bishop or monastic superior who acts thus should be expelled, the bishop from the episcopal house and the monastic superior from the monastery, because they wickedly waste what they have not gathered.

13 On account of the disaster which came about in the churches due to our sins certain venerable houses--episcopal buildings as well as monasteries--were seized by certain men and became public inns. Now if those who hold them choose to restore them, so that they are established once more as formerly they were, this is good and excellent. However if such is not the case, should they be inscribed in the list of priests, we order that they be suspended, and if they are monks or lay persons, that they be excommunicated, seeing that they are criminals condemned by the Father, the Son and the holy Spirit, and let them be assigned there where the worm does not die and the fire is not quenched, because they oppose the voice of the Lord declaring, You shall not

make my Father’s house a house of trade.

14

It is perfectly clear to everyone that a certain order has been established in the priesthood, and that it is God’s good pleasure that the appointment to priestly offices should be observed with care. However we have noticed that some, without the imposition of hands, are adopting the clerical tonsure while still youngsters, and without having received the imposition of hands from the bishop they are undertaking to read publicly from the ambo during the church service, even though they are acting uncanonically. We urge therefore that this be discontinued, and that the same regulation be observed among monks.

Each monastic superior has permission for the imposition of hands on a reader for his own monastery, and only for that monastery, provided that the monastic superior has himself received from the bishop the imposition of hands to rule there, and obviously provided that he is himself a priest. Similarly it is an ancient custom that chorepiscopi, with the permission of the bishop, should appoint readers.

15 From now on, no cleric should be appointed to office in two churches. Such a procedure savours of commerce and sordid profit-making, and is quite foreign to ecclesiastical custom. We have learned from the Lord’s own voice: No one can serve two masters, because either he will hate the one and love the other, or he will be devoted to the one and despise the other. Therefore, following the advice of the apostle, Each should stay where he has been called, and remain in one church. In ecclesiastical matters, whatever is done for the sake of sordid gain constitutes something alien to God. But as far as the needs of this present life are concerned, there are various gainful occupations; each may use these, as he prefers, to procure what is needed for the body. As the apostle said: These hands of mine have provided for my own needs and for the persons accompanying me. These are the regulations for this God-protected city; for what concerns places in the country, a concession may be granted because of the lack of population.

16

All indulgence and adornment bestowed on the body is alien to the priestly order. Therefore all those bishops and clerics who deck themselves out in brilliant and showy clothes should be called to order, and if they persist let them be punished. The same holds for those who use perfumes. However, since the root of bitterness has sprouted, there has appeared in the catholic church the plague of a heresy which delights in the defamation of Christians. Those who adopt this heresy not only heap insults on representational art, but also reject all forms of reverence and make a mockery of those who live pious and holy lives, thus fulfilling in their own regard that saying of scripture, For the sinner piety is an abomination. So if persons are found who make fun of those who wear simple and respectful clothing, they should be corrected with punishment. Indeed, from the earliest times all those ordained to the priesthood have been accustomed to present themselves in public dressed in modest and respectful clothing, and anyone who adds to his apparel for the sake of decoration and not out of necessity deserves, as the great Basil remarked, to be accused of "vainglory". Neither did anyone dress in variegated clothes made of silk, nor did they add various coloured ornaments to the fringes of their garments. They had heard the tongue that spoke God’s words declare, Those who dress in soft clothes are in the houses of kings.

17

Some monks abandon their own monasteries because they desire to be in authority and disdain obeying others, and then they attempt to found houses of prayer, although they lack adequate resources. If somebody undertakes to do this, let him be prevented by the local bishop. If someone possesses adequate resources, however, his plans should be brought to completion. The same ruling holds for both laity and clerics.

18 Be irreproachable even for those outside, says the divine apostle. Now for women to live in the houses of bishops or in monasteries is a cause for every sort of scandal. Therefore if anybody is discovered to be keeping a woman, whether a slave or free, in the bishop’s house or in a monastery in order to undertake some service, let him be censured, and if he persists let him be deposed. Should it happen that women are living in the suburban residence and the bishop or monastic superior wishes to journey there, no woman should be allowed to undertake any sort of work during the time that the bishop or monastic superior is present; she should stay on her own in some other area until the bishop has retired, in order to avoid all possible criticism.

19 The blight of avarice has spread to such an extent among ecclesiastical authorities that even some so called pious men and women, forgetting the Lord’s commands, have been tricked into authorizing, for the sake of cash payments, the entry of those presenting themselves for the priestly order and the monastic life. Thus it happens, as the great Basil says, "when people begin wrongly, all they do is to be rejected", for it is not possible to serve God through mammon. So, if somebody is found out to be doing this, if he is a bishop or a male monastic superior or one of the priests, let him stop or be deposed, in accordance with canon 2 of the holy council of Chalcedon. If the person is a female monastic superior, let her be expelled from the monastery and put under obedience in another monastery, and similarly for a male monastic superior who has not received priestly ordination. With regard to gifts given by parents under the concept of dowries for their children, or with regard to the personally acquired goods that the latter present provided that those presenting them declare that these are gifts offered to God, we have decreed that these gifts are to remain in the monastery, whether the person stays or leaves, in accordance with their explicit undertaking, unless there is a reprehensible cause on the part of the person in charge.

20

We decree that from now on no more double monasteries are to be started because this becomes a cause of scandal and a stumbling block for ordinary folk. If there are persons who wish to renounce the world and follow the monastic life along with their relatives, the men should go off to a male monastery and their wives enter a female monastery, for God is surely pleased with this. The double monasteries that have existed up to now should continue to exist according to the rule of our holy father Basil, and their constitutions should follow his ordinances. Monks and nuns should not live in one monastic building, because adultery takes advantage of such cohabitation. No monk should have the licence to speak in private with a nun, nor any nun with a monk. A monk should not sleep in a female monastery, nor should he eat alone with a nun. When the necessary nourishment is being carried from the male area for the nuns, the female superior, accompanied by one of the older nuns, should receive it outside the door. And if it should happen that a monk wishes to pay a visit to one of his female relatives, let him speak with her in the presence of the female superior, but briefly and rapidly, and let him leave her quickly.

21

It is not right for a monk or a nun to leave his or her own monastery and transfer to another. However should this occur, it is obligatory that hospitality be given but such a person should not be accepted as a member without the agreement of his or her monastic superior.

22

It is very important to dedicate everything to God and not to become slaves of our own desires; for whether you eat or drink, the divine apostle says, do all for the glory of God. Now Christ our God has instructed us in his gospels to eradicate the beginnings of sins. So not only adultery is rebuked by him, but also the movement of one's intention towards the performance of adultery, when he says: He who looks on a woman lustfully has already committed adultery with her in his heart.

Thus instructed we should purify our intentions: For if all things are lawful, not all things are expedient, as we learn from the words of the apostle. Now everybody is certainly obliged to eat in order to live, and in the case of those whose life includes marriage and children and the conditions proper to layfolk it is not reprehensible that men and women should eat in one another's company; though they should at least say grace to thank the giver of their nourishment, and they should avoid certain theatrical entertainments, diabolical songs, the strumming of lyres and the dancing fit for harlots, against all such there is the curse of the prophet which says, Woe on those who drink their wine to the sound of lyre and harp, those who pay no attention to the deeds of the Lord and have never a thought for the works of his hands. If ever such people are found among Christians, they should reform, and if they do not, let the canonical sanctions established by our predecessors be imposed on them.

Those whose mode of life is contemplative and solitary should sit and be silent, because they have entered into a contract with the Lord that the yoke they carry will be a solitary one. Indeed, all those who have chosen the life of priests are certainly not free to eat privately in the company of women, but at the most in the company of certain God-fearing and pious men and women, in order that such a meal taken in common may draw them to spiritual betterment. Let the same be done in the case of relatives. As for another situation, if a monk or even a man in priestly orders happens to be making a journey and is not carrying with him his indispensable provisions, and then wishes to satisfy his needs in a public inn or in someone's house, he is allowed to do so when it is a case of pressing necessity.

Introduction and translation taken from Decrees of the Ecumenical Councils, ed. Norman P. Tanner

END OF TEXT

Chapter 9

08 Fourth Council of Constantinople : 869-870

Fourth Council of Constantinople (869), under Pope Adrian II and Emperor Basil numbering 102 bishops, 3 papal legates, and 4 patriarchs, consigned to the flames the Acts of an irregular council (conciliabulum) brought together by Photius against Pope Nicholas and Ignatius the legitimate Patriarch of Constantinople; it condemned Photius who had unlawfully seized the patriarchal dignity. The Photian Schism, however, triumphed in the Greek Church, and no other general council took place in the East.

Fourth Council of Constantinople : 869-870

CONTENTS

Definition <file://C:\CCD\churchfathers\CHURCH COUNCILS & Liturgies\ECUM08-4THCONSTANOPLE-869.HTM>Canons <file://C:\CCD\churchfathers\CHURCH COUNCILS & Liturgies\ECUM08-4THCONSTANOPLE-869.HTM>

INTRODUCTION This council, designated as the eighth ecumenical council by western canonists, is not found in any canonical collections of the Byzantines; its acts and canons are completely ignored by them. Modern scholars have shown that it was included in the list of ecumenical councils only later, that is, after the eleventh century. We have decided to include the council, for the sake of historical completeness.

Emperor Basil I and the patriarch Ignatius, after being restored to his see of Constantinople, asked Pope Nicholas I to call a council to decide about the bishops and priests who had been ordained by Photius. It was held at Constantinople after the arrival of legates from Pope Hadrian II, who had meanwhile succeeded Nicholas. These legates were Donatus, Stephen and Marinus and they presided at the council. It began in the cathedral of Hagia Sophia on 5 October 869. The tenth and last session was held on 28 February 870, when 27 canons were read out and approved by the council. All who were willing to sign the Liber satisfactionis, which had been sent by Pope Hadrian II, were admitted to the council. The account made by Anastasius contains the authentic list of those who signed the acts of the council. Emperor Basil I and his sons, Constantine and Leo, signed the acts after the patriarchs and in the same year they promulgated the council’s decisions, after drawing up a decree for this purpose. As regards the canonical authority of these deliberations, various facts regarding the council held in the cathedral of Hagia Sophia in November 879, so that Photius might be restored to the see of Constantinople, should be remembered. Peter, a Roman cardinal, presided at this council. It took account of a letter of Pope John VIII, which had been sent to the emperor and translated into Greek. This reads (chapter 4): "We declare that the synod held at Rome against the most holy patriarch Photius in the time of the most blessed pope Hadrian, as well as the holy synod of Constantinople attacking the same most holy Photius (i.e., in 869-870), are totally condemned and abrogated and must in no way be invoked or named as synods. Let this not happen". Some people have thought that this text had

been altered by Photius; but in the so-called "unaltered" text of the letter this passage is replaced by dots (. . .), and the following passage reads: "For the see of blessed Peter, the key-bearer of the heavenly kingdom, has the power to dissolve, after suitable appraisal, any bonds imposed by bishops. This is so because it is agreed that already many patriarchs, for example Athanasius .. .. after having been condemned by a synod, have been, after formal acquittal by the apostolic see, promptly reinstated". Ivo of Chartres explicitly affirms: "The synod of Constantinople which was held against Photius must not be recognised. John VIII wrote to the patriarch Photius (in 879): We make void that synod which was held against Photius at Constantinople and we have completely blotted it out for various reasons as well as for the fact that Pope Hadrian did not sign its acts". Ivo adds from the instructions that John VIII gave to his legates for the council in 879: "You will say that, as regards the synods which were held against Photius under Pope Hadrian at Rome or Constantinople, we annul them and wholly exclude them from the number of the holy synods". For these reasons there is no ground for thinking that the text was altered by Photius. An authentic copy of the acts of the council of 869-870 was sent to Rome, as of right. Anastasius, the librarian, ordered a complete copy to be made for himself. Then, when the legates' copy was stolen, he translated his own copy into Latin, on Pope Hadrian's orders, making a word for word translation. Anastasius also makes it plain that the Greeks adopted every means to distort the acts, "by abbreviating here and by expanding or changing there". He adds: "Whatever is found in the Latin copy of the acts of the eighth synod is completely free from the alloy of falsehood; however, whatever more is found in the Greek text is thoroughly infected with poisonous lies". The Greek text has been partly preserved from total destruction in the summary of an anonymous writer who copied out anti-Photian texts. This summary has 14 canons, as opposed to the 27 of Anastasius, and only contains excerpts, dealing with the most important points, of these canons. Where comparison is possible, the Latin version of Anastasius hardly departs from the Greek text. Indeed it is so literal that at times it can only be understood by comparison with the Greek text, and when the latter is missing we must sometimes rely on conjecture. The documents printed below are taken from the following: the "Definition" from the Roman edition, (Concilia generalia Ecclesiae catholicae [Editio Romana], Rome 4 vols, 1608-1612) 3, 284-287; the canons from Les canons des conciles oecumeniques, ed. P-P. Jouannou (Pontificia commissione per la redazione del codice di diritto canonico orientale. Fonti. Fasc. IX: Discipline generale antique [IIe-IXe s.] tome 1 part 1), Grottaferata 1962 289-342. The English translation is from the Latin text, for the reasons mentioned above. The material in curly brackets { } has been added by the hypertext editor, as also has some of the formatting [Definition of the holy and universal eighth synod] The holy, great and universal synod, which was assembled by God's will and the favour of our divinely approved emperors Basil and Constantine, the holy friends of Christ, in this royal and divinely protected city and in the most famous church bearing the name of holy and great Wisdom, declared the following. The Word, of one nature with the almighty God and Father, is he who established heaven like a vault and fixed the ends of the earth and the place of all other things. He made it to be contingent and he rules, preserves and saves it. He says through the voice of the prophet, Isaiah: Lift up your eyes to heaven, because heaven has been fashioned like smoke, but the earth shall wear out like a garment; its inhabitants shall perish like them; but my salvation shall last for ever and my justice shall not fail. He was made like us for our sake and has established on earth heavenly justice and said, Heaven and earth shall pass away but my words shall not pass away. He said to all who believed in him: If you continue in my word, you will truly be my disciples, and

you will know the truth and the truth will make you free.

It was our God and Lord of infinite power alone who, just like a farmer of supreme wisdom and power, uprooted and scattered and rightfully obliterated many others from an earlier time and from long ago who, given over to lies and in opposition to the truth, were sowing -- to use the gospel image -- evil tares in his field, that is, in the church, and were trying to overwhelm the pure grain of divine justice. He always prepared his manner of deliverance so as to give warning, he established his justice and revealed it with greater clarity. But nevertheless, in our time too, the sower of tares is trying to make the field of the church useless through some utterly depraved and impious people. With that one and the same providence, he has shown that this field is worthy of compassion and snatched it from the filth of iniquity and called it back to its ancient purity. For, to destroy injustice and reinforce divine justice, he has raised up, as an unwavering follower of his commandments, a person proved to be incorrupt in both his knowledge and his maintenance of the truth, our most devout and serene emperor, who is a friend of divine justice and an enemy of injustice. He, by means of the divine help and the overall favour of the church, has gathered together architects from the ends of the earth into this royal city, which must be built up by God, and has assembled a universal synod which, while guarding the strong defences of

the gospel sanctions,

the laws of Moses and the prophets together with

the commands of the apostles

and fathers as well as of

the councils,

has revived the established forms of right conduct and proclaimed truth and justice in the courts of the church.

{Now the customary recapitulation and reassertion of all previous ecumenical councils}

Consequently, all of us bishops who have come to take part in the synod and to strengthen the true and undefiled faith of Christians and the teaching of orthodox religion, we declare our belief in one God, in three persons consubstantial, divine and autonomous, as, for example, we may look at the one nature of light in three suns not unlike each other or in the same number of dazzling objects. We confess, indeed, God to be one, unique in respect of substance, but threefold or three if we are speaking of him in respect of persons, and we declare he has not received from himself that he has been made, nor in any way whatsoever from anyone else; but that he is alone, ever existing without beginning, and eternal, ever the same and like to himself, and suffering no change or alteration, that he exists as the maker and source of all beings endowed with intelligence and feeling. For the holy and great synod of { 1 } Nicaea spoke thus when expounding the creed: Light from light, true God, clearly declaring the Son to be from the Father who is true God, and the rest as the catholic church received it. We too, accepting this in the identical meaning, anathematize as of unsound mind and an enemy of the truth, Arius and all who, with him and following him, speculate with faulty perceptions on the term "hetero-substantial", that is otherness of substance and unlikeness, with reference to the divinely-ruling and blessed Trinity. But no less do we accept the second, holy and universal synod {2 Constantinople I}, and we anathematize that adversary of

the Spirit or rather adversary of God, Macedonius; for we admit in the distinction of persons no difference of substance between the Father, the Son and the divine and autonomous Spirit, as the aforementioned heresiarchs did, nor do we confuse, like the lunatic Sabellius, the persons in one and the same substance. Moreover, we also confess that the unique Word of God became incarnate and was made like us for our sake, for it was not an angel or an envoy but the Lord himself who came and saved us and was made Emmanuel with us; and he was true God, God of Israel and saviour of all, in accordance with the divine and prophetic utterances. For this reason we confess that Mary, most holy and without experience of marriage, who bore him, is properly and truly mother of God, just as the third universal synod, which first assembled at { 3 } Ephesus, proclaimed. In union with that council we too anathematize Nestorius, that worshipper of the man and most self-opinionated individual who possessed a Jewish mentality. We teach that the one and same Christ and Lord is twofold, that is, perfect God and perfect man, possessing in one person the differences of each nature but keeping their properties always unchangeable and unconfused, just as the fourth, holy and universal synod {4 Chalcedon } solemnly taught. In accepting this synod together with the three councils previously enumerated, just like the quadruplicity of the holy gospels, we anathematize the insane Eutyches and the mad Dioscorus. In addition, proclaiming the two natures in the one Christ, according to the still clearer teaching of the fifth, holy and universal synod { 5 Constantinople II}, we anathematize Severus , Peter and Zoharas the Syrian, as well as Origen with his useless knowledge, Theodore of Mopsuestia and Didymus along with Evagrius, who also, although of the same or different opinions, were ensnared in the same pit of damnation.

Further, we accept the sixth, holy and universal synod {6 Constantinople III}, which shares the same beliefs and is in harmony with the previously mentioned synods in that it wisely laid down that in the two natures of the one Christ there are, as a consequence, two principles of action and the same number of wills. So, we anathematize Theodore who was bishop of Pharan, Sergius, Pyrrhus, Paul and Peter, the unholy prelates of the church of Constantinople, and with these, Honorius of Rome, Cyrus of Alexandria as well as Macarius of Antioch and his disciple Stephen, who followed the false teachings of the unholy heresiarchs Apollinarius, Eutyches and Severus and proclaimed that the flesh of God, while being animated by a rational and intellectual soul, was without a principle of action and without a will, they themselves being impaired in their senses and truly without reason. For if the one and same Christ and God exists as perfect God and perfect man, it is most certain that none of the natures which belong to him can exist partially without a will or without a principle of action, but that he carried out the mystery of his stewardship when willing and acting in accordance with each substance; this is how the chorus of all God’s spokesmen, having knowledge of it from the apostles down to our own time, have constructed a colourful representation of that human form, assigning to each part of the one Christ natural properties distinct from each other, by which the meanings and conceptions of his divine nature and of his human nature are believed beyond all doubt to remain without confusion.

We also know that the seventh, holy and universal synod, held for the second time at { 7 } Nicaea, taught correctly when it professed the one and same Christ as both invisible and visible lord, incomprehensible and comprehensible, unlimited and limited, incapable and capable of suffering, inexpressible and expressible in writing. In agreement with that synod, this holy and universal synod publicly anathematizes Anastasius , Constantine and Nicetas , that irrational prelature

whose name stinks, or, to put it better, that plain corruption; so too Theodosius of Ephesus, Sisinnius Pastilas and Basil Tricacabus, not forgetting Theodoret, Antony and John, once prelates of new Rome, the royal city of Christians, but better called defamers of Christ. They declared by word and deed that, despite what the list of prophets proclaimed about Christ, he had been incapable of destroying the statues of the idols. Furthermore, we also anathematize Theodore, who was called Krithinos, whom this great and holy synod summoned and condemned and loudly dinned an anathema into his ears. Similarly we anathematize all those who agreed with or supported those who said that the Word of the divine incarnation came about and existed by fantasy and supposition, indeed that through the removal of the image of our Christ and saviour there came the simultaneous removal of the accepted form of the true body which bore God within it. Everything which cannot be grasped by the imagination is surely to be understood in two ways, either as not existing or as in fact existing but minimally understandable, inasmuch as being invisible and hidden.

Therefore, if anyone happens to have taught any of these things about Christ the God and saviour of us all, he will be clearly proclaimed an enemy of true religion, since the first of these declares that Emmanuel was not truly made man and the second declares that he was indeed man but lacked human qualities, laid aside the flesh he assumed and had recourse in everything to his divine [nature] and to his incomprehensibility; this is alien to all the divinely inspired scriptures, which also clearly state that he will come once more as judge of all, and he is to be seen in the same way as he was seen by his disciples and apostles when he was taken up into heaven. That theory is full of Manichaean ideas and ungodliness inasmuch as it foolishly declares that a saying of the divinely inspired David was spoken about Christ, in which it says, He has set his tabernacle in the sun, since this impiety supposes that the casting off and laying aside of the Lord’s deified body is meant. But the word of truth confidently says, both concerning the well-named Manes and all those who share his thought and are authors of the heresy about the destruction of icons and all other heresiarchs and enemies of religion: They have not known nor understood, but they walked in darkness. 0 you who abandon the right way and walk in the way of darkness, who rejoice in wrongdoing and exult in evil conversion; O you whose paths are evil and steps crooked so that they take you far from the right way and make you foreign to right thinking! Again, those who sowed what was corrupted by the wind have received destruction as their reward; and again, He that trusts in lies feeds the winds: and the same person runs after birds that fly away. For he has abandoned the rows of his vines, he wanders in the furrows of his field; for he wanders through a waterless desert and a great parched plain, yet gathers no fruit in his hands. For this reasons [the church] brands all these with an anathema and, besides recognizing the seven, holy and universal synods already enumerated by us, has gathered together this eighth universal synod through the grace of our all powerful Christ and God and the piety and zeal of our most serene and divinely strengthened emperor, to cut down and destroy the shoots of injustice that have sprung up against those synods, together with the evil stirrings and influences, in order to bring about peaceful order in the church and stability in the world. For it is not only the removal of true teaching which knows how to destroy those of evil mind and to agitate and disturb the church, but also quibbling over the meaning of the divine commandments equally brings the same destruction on those who are not vigilant, and the world is filled with storms and disturbances by those who are reckoned as Christians.

{Now the council strikes out on its own} This is what happened in recent times through the folly, cunning and evil machinations of the wretched Photius. He entered the sheepfold not through the door but through a window, and, like a thief or a robber, a destroyer of souls, as the Lord's words indicate, has tried, on every occasion and by every means, to steal, slaughter and destroy the right-thinking sheep of Christ and, by engineering all manner of persecution, he has not ceased from contriving numerous arrests and imprisonments, confiscations of property, protracted periods of exile and, in addition to these, accusations, charges, false testimonies and forgeries against all who worked for true religion and fought for the truth. For he, like another Severus or Dioscorus, engineered the expulsion of the most just, lawful and canonically appointed high priest of the church of Constantinople, namely the most holy patriarch Ignatius, and like an adulterous robber, breaking into his see and repeatedly submitting him to a thousand charges involving dethronement and as many anathemas, he roused continuous turmoil and storms for all the churches of Christ our saviour, in a multiplicity of ways.

However, the salt of the earth has not lost its savour, nor has the eye of the church become completely darkened, nor has the light of true religion been extinguished by the spirits of wickedness; nor has the fire of divine charity lost its destroying and burning power over sinful and worthless material, nor has the word of the Lord, which is sharper than a two-edged sword and a discerner of thoughts, been found ineffectual, nor did the foundation of solid stone collapse when submerged by swollen waters and floods of rivers and storms, but the precious cornerstone, which was laid down in Sion, that is, in the church, upon which the foundation stone of the apostles and prophets was laid for the building up of the church, in our time has sent out from every one of the church's established ranks, even into the ruling city, the new Rome, many other stones rolling over the land, as the prophet says, to destroy and lay waste the intrigues of those who desired and attempted to destroy truth and divine justice. But with greater force and particular significance, Nicholas, the most blessed and aptly-named pope of old Rome, was sent from above as another cornerstone for the church, preserving as far as possible the figurative likeness, as from an exalted and pre-eminent place, to confront the carefully organised opposition of Photius. By the missiles of his letters and speeches, he struck down the powerful leading supporters of Photius and, reflecting a story of the old Testament, after the manner of the zealot Phinehas, he pierced Photius with the lance of truth as if he were another Midianite defiling the assembly of Israel; and he completely destroyed him on his not [added in Hrd [1]] agreeing to accept the remedies of a healing discipline aimed at treating the scars and healing the adulterous wound, and just as another Peter dealt with Ananias and Sapphira, who stole what belonged to God, by an anathema included as it were in his priestly dignity, he committed him to death.

Following these directives and decrees, the most religious friend of Christ, our emperor, whom the heavenly Emperor and Lord of majesty has raised up for the salvation of the world, has consigned Photius to a suitable place and recalled the most holy patriarch Ignatius to his rightful seat. Furthermore, for the perfect discernment and definition of what is agreed to be good and is beneficial, he has gathered together vicars from all the patriarchal seats and the whole college of bishops which is under his authority. Those of us who came together have celebrated this great and universal synod and, with much examination, testing and discussion, with due care and consistency, we have cut out with the sword of the spirit the roots of scandals and weeds along with their shoots, as we establish the truly innocent and most holy patriarch Ignatius in the

controlling seat, while we condemn Photius, the interloper and illegal occupier with all his supporters and promoters of evil. For almighty God says somewhere by the mouth of a prophet: Because of the wickedness of their deeds I will drive them out of my house. I will do no more to love them. Ephraim is stricken, their root is dried up, they shall bear no fruit; and again: Canaan, there is a deceitful balance in his hand, he has loved oppression. And Ephraim said: But yet I am become rich, I have found for myself a place of repose: all his labours shall not find me, despite the iniquities that I have committed; and again: And the house of Jacob shall possess their own possessions. The house of Jacob shall be afire and the house of Joseph aflame, and the house of Esau stubble; they shall burn them and consume them, and there shall be no survivor to the house of Esau, for the Lord has spoken. For the wretched Photius was truly like the person who did not make God his refuge; but trusted in the abundance of his cunning and sought refuge in the vanity of his iniquities, following the example of Ephraim of old, in turning his back on the divine mercy; the word of the prophet mocks and derides him, saying: Ephraim is become as bread baked under ashes, that is not turned. Strangers have devoured his strength and he knew it not, grey hairs also are spread upon him, and he is ignorant of it. He shall be humbled by the insult of Israel before his face; and in all this he has not returned to the Lord, his God. Ephraim is become as a dove, that called upon the table of Egypt and went to the Assyrians. When they shall go, I will spread my net upon them as upon the birds of the air; I will bring them down, I will strike them to make their tribulation heard. For Photius was lifted up to the heights of arrogance in attacking the most blessed pope of old Rome, Nicholas, and he vomited out the poison of his evil. He gathered together false vicars from three supposedly eastern sees, set up what was thought to be a synodical council, and, making lists of the names of accusers and witnesses, fashioning profiles and speeches which seemed to be suited to each person who plays a part in a synodical investigation, and making up, writing down and organizing forged records as accounts of those proceedings, he had the audacity to anathematize the aforementioned most blessed pope Nicholas and all those in communion with him. Photius did this in such a way that as a result all the existing bishops and priests, that is, the other patriarchal sees and all the clerics within them, were included in the same anathema, for all were most certainly in communion with the leading bishop, and amongst them himself and his followers. The word of the prophet condemns and refutes him when it says: They have multiplied their transgressions, they have enacted extraneous laws and invoked their confession; and again: They conceived in their heart lying words and turned justice back, and righteousness has stood afar off from them; for truth has been destroyed in their streets and they have been unable to follow the right path. Truth has disappeared and changed their mind so that it cannot understand. And: He who turns from evil is attacked, and the Lord saw and it displeased him because there was no judgment, and again: Thus says the Lord: For three transgressions of Judah and for four, I will grant them no reprieve; because they have rejected the law of the Lord and have not kept his statutes. Therefore, as regards the man who has acted in this way and has disturbed and shaken the whole holy, catholic and apostolic church with so many brazen attacks of this kind, has utterly refused to be converted and repent, and has refused to submit to the decrees and judgment of the holy patriarchal sees, just as long ago the most blessed pope Nicholas and then his successor, the most holy pope Hadrian, anathematized him, so too this holy and universal synod has reproved him and put him under an ever severer anathema while addressing to him, in the person of all God’s people, the words of the prophet Isaiah: Just as a garment soiled in blood will not be clean, so you will not be clean, for you have defiled the church

of Christ and have been a source of scandal and destruction to the people of God on many counts and in many ways. We command that those who do not share this view, but give Photius their willing support, if they are bishops or clerics, must be deposed for ever; we anathematize monks or lay people, until such time as they are converted from their false ways and wickedness.

C A N O N S

1 If we wish to proceed without offence along the true and royal road of divine justice, we must keep the declarations and teachings of the holy fathers as if they were so many lamps which are always alight and illuminating our steps which are directed towards God. Therefore, considering and esteeming these as a second word of God, in accordance with the great and most wise Denis, let us sing most willingly along with the divinely inspired David, The commandment of the Lord is bright, enlightening the eyes, and, Your word is a lamp to my feet and a light to my paths; and with the author of Proverbs we say, Your commandment is a lamp and your law a light, and like Isaiah we cry to the lord God with loud voice, because your commands are a light for the earth. For the exhortations and warnings of the divine canons are rightly likened to light inasmuch as the better is distinguished from the worse and what is advantageous and useful is distinguished from what is not helpful but harmful.

Therefore we declare that we are preserving and maintaining the canons which have been entrusted to the holy, catholic and apostolic church by the holy and renowned apostles, and by universal as well as local councils of orthodox [bishops], and even by any inspired father or teacher of the church. Consequently, we rule our own life and conduct by these canons and we decree that all those who have the rank of priests and all those who are described by the name of Christian are, by ecclesiastical law, included under the penalties and condemnations as well as, on the other hand, the absolutions and acquittals which have been imposed and defined by them. For Paul, the great apostle, openly urges us to preserve the traditions which we have received, either by word or by letter, of the saints who were famous in times past.

2 Obey your leaders and submit to them; for they are keeping watch over your souls, as persons who will have to give account, commands Paul, the great apostle. So, having both the most blessed pope Nicholas as the instrument of the holy Spirit and his successor, the most holy pope Hadrian, we declare and order that everything which has been expounded and promulgated by them in a synod at various times, both for the defence and well-being of the church of Constantinople and of its chief priest, namely Ignatius, its most holy patriarch, as well as for the expulsion and condemnation of Photius, the upstart and usurper, should be maintained and observed together with the canons there set forth, unchanged and unaltered, and no bishop, priest or deacon or anyone from the ranks of the clergy should dare to overturn or reject any of these things.

Whoever, then, shall be found, after these directives of ours, despising any of the articles or decrees which have been promulgated by these popes, must be stripped of his dignity and rank, if he is a priest or cleric; a monk or lay person, of whatever dignity, must be excommunicated until he repents and promises to observe all the decrees in question.

3 We decree that the sacred image of our lord Jesus Christ, the redeemer and saviour of all people, should be venerated with honour equal to that given to the book of the holy gospels. For,

just as through the written words which are contained in the book, we all shall obtain salvation, so through the influence that colours in painting exercise on the imagination, all, both wise and simple, obtain benefit from what is before them; for as speech teaches and portrays through syllables, so too does painting by means of colours. It is only right then, in accordance with true reason and very ancient tradition, that icons should be honoured and venerated in a derivative way because of the honour which is given to their archetypes, and it should be equal to that given to the sacred book of the holy gospels and the representation of the precious cross.

If anyone then does not venerate the icon of Christ, the saviour, let him not see his face when he comes in his father's glory to be glorified and to glorify his saints', but let him be cut off from his communion and splendour; similarly the image of Mary, his immaculate mother and mother of God, we also paint the icons of the holy angels just as divine scripture depicts them in words; we also honour and venerate those of the highly renowned apostles, prophets, martyrs and holy men as well as those of all the saints. Let those who are not so disposed be anathema from the Father, the Son and the holy Spirit.

4 In tearing up by the roots the love of power, as being an evil root nourishing the scandals which have arisen in the church, we condemn, with a just decree, him who boldly, cunningly and unlawfully, like a dangerous wolf, leapt into the sheepfold of Christ; we are speaking about Photius, who has filled the whole world with a thousand upheavals and disturbances. We declare that he never was nor is now a bishop, nor must those, who were consecrated or given advancement by him to any grade of the priesthood, remain in that state to which they were promoted. Moreover, we debar from this kind of preferment those who received from Photius the customary rescripts for promotion to special office. As for the churches which Photius and those who were ordained by him are thought to have consecrated and the altars which they are thought to have renovated after they had been torn down, we decree that they are to be consecrated, anointed and renovated again. In sum, everything that was done in his person and by him, for the establishing or penalizing of the sacerdotal state, has been abrogated. For the God of the whole universe says through his prophet: Because you have rejected knowledge, I reject you from being a priest to me and, You have forgotten the laws of your God, I also will forget your children. The more they increased, the more they sinned against me; I will change their glory into shame. They feed on the sin of my people; they bloat their souls with their iniquities. And again he says: Because Ephraim has multiplied altars for sinning, they have become to him altars for sins; 1 will write copiously about them.

5 Since we desire to ensure, in Christ, that the stability of the canons should always remain firm in the churches, we renew and confirm the limits and conditions which were formerly decreed by the holy apostles and our holy fathers and which made it a law in the church that nobody, who is a neophyte in the faith or priestly office, should be made a bishop, lest he be puffed up and fall into the judgment and snare of the devil, as the Apostle says. Therefore, in accordance with the previous canons, we declare that nobody of senatorial rank or a secular way of life, who has recently been admitted to the tonsure with the intention or expectation of the honour of becoming a bishop or patriarch, and who has been made a cleric or monk, should rise to such a level, even if he is shown to have completed a considerable time in each stage of the divine priesthood. For it is clear that the tonsure was not received for religious reasons, love of God or hope of progressing along the path of the virtues, but for love of glory and honour. We exclude such people still more

rigorously if they are pushed forward by imperial backing.

However, if someone gives no suspicion of seeking the worldly benefits just mentioned, but, prompted by the actual good of a humility which is centered on Christ, renounces the world and becomes a cleric or monk and, while passing through every ecclesiastical grade, is found without reproach and of good character during the periods of time currently established, so that he completes one year in the order of lector, two in that of subdeacon, three as deacon and four as priest, this holy and universal synod has decreed that such a one may be chosen and admitted. As for those who have remained religiously in the order of cleric or monk and have been judged worthy of the dignity and honour of the episcopacy, we reduce the aforesaid period of time to that which the superiors of these bishops approved at the time. If, however, anyone has been advanced to this supreme honour contrary to this directive of ours, he must be condemned and completely excluded from all priestly functions, because he has been elevated contrary to the sacred canons.

6 It appears that Photius, after the sentences and condemnations most justly pronounced against him by the most holy pope Nicholas for his criminal usurpation of the church of Constantinople, in addition to his other evil deeds, found some men of wicked and sycophantic character from the squares and streets of the city and proposed and designated them as vicars of the three most holy patriarchal sees in the east. He formed with these a church of evil-doers and a fraudulent council and set in motion accusations and charges entailing deposition against the most blessed pope Nicholas and repeatedly, impudently and boldly issued anathemas against him and all those in communion with him. The records of all these things have been seen by us, records which were cobbled together by him with evil intent and lying words, and all of which have been burnt during this very synod.

Therefore, to safeguard church order, we anathematize first and foremost the above-mentioned Photius for the reason given; next everyone who henceforth acts deceitfully and fraudulently and falsifies the word of truth and goes through the motions of having false vicars or composes books full of deceptions and explains them in favour of his own designs. With equal vigour Martin, the most holy pope of Rome, a valiant contender for the true faith, rejected behaviour of this kind by a synodal decree.

7 Moses, the divine spokesman, clearly declares in his law that what is right should also be rightly executed, since a good act is not good unless it is carried out in accordance with reason. So it is indeed good and very advantageous to paint holy and venerable images as also to teach others the disciplines of divine and human wisdom. But it is not good nor at all profitable for any of these things to be done by those who are unworthy. For this reason we declare and proclaim that those declared anathema by this holy and universal synod may not, on any account, work on sacred images in holy places of worship nor teach anywhere at all, until they are converted from their error and wickedness. Whoever, therefore, after this directive of ours, admits them in any way to paint sacred images in churches, or to teach, must be removed from office if he is a cleric; if he is a lay person, he must be excommunicated and debarred from taking part in the divine mysteries.

8 The great apostle Paul says somewhere: All things are lawful for me, but not all things are helpful; all things are lawful for me, but not all things are beneficial. Therefore, we ought to do everything for the advantage and perfection of the holy church of God and nothing at all to

promote controversy and vainglory. Since a report has come to our ears that not only heretics and those who have wrongly obtained the patriarchate of Constantinople, but also the orthodox and legitimate patriarchs, demand and extract from the order of priests guarantees, written in their own hands, which are designed for the security, benefit and, as it were, permanence of the above persons, it has therefore seemed good to this holy and universal synod that nobody at all should do this from now on, with the exception of what is demanded at the time of episcopal consecrations, according to rule and custom, in order to witness to the purity of our faith; every other way of doing it is completely inappropriate and has no part in the building up of the church. So whoever dares to nullify this directive of ours, either by asking for such a document or by providing it to those who ask, shall lose his own office.

9 From the very beginning the wretched Photius brought about in the church of Constantinople an abundance of all kinds of wickedness. We have learnt that even before his tyrannical period in office he used to give documents, signed by his own hand, to his followers who were learning the wisdom that has been made foolish by God, even though this system was clearly a new invention and thoroughly alien to our holy fathers and doctors of the church.

Since therefore they direct us to loose every bond of wickedness and to make void enforced contracts, the holy and universal synod has declared that nobody, from now on, should hold or keep such a contract, but all, without hindrance, hesitation or fear, may both teach and study if they are competent for either task, with the exception of those who are found to be enslaved to error or heretical beliefs since we strictly forbid such persons to teach or to pursue studies. If anyone shall be found rejecting and transgressing against this directive, he shall lose his rank if he is a cleric; if a lay person, he shall be excommunicated as one who does not believe the Lord’s word which says, Whatever you bind on earth shall be bound in heaven, and whatever you loose on earth shall be loosed in heaven .

10 As divine scripture clearly proclaims, Do not find fault before you investigate, and understand first and then find fault, and does our law judge a person without first giving him a hearing and learning what he does?. Consequently this holy and universal synod justly and fittingly declares and lays down that no lay person or monk or cleric should separate himself from communion with his own patriarch before a careful enquiry and judgment in synod, even if he alleges that he knows of some crime perpetrated by his patriarch, and he must not refuse to include his patriarch’s name during the divine mysteries or offices. In the same way we command that bishops and priests who are in distant dioceses and regions should behave similarly towards their own metropolitans, and metropolitans should do the same with regard to their own patriarchs. If anyone shall be found defying this holy synod, he is to be debarred from all priestly functions and status if he is a bishop or cleric; if a monk or lay person, he must be excluded from all communion and meetings of the church until he is converted by repentance and reconciled.

11 Though the old and new Testament teach that a man or woman has one rational and intellectual soul, and all the fathers and doctors of the church, who are spokesmen of God, express the same opinion, some have descended to such a depth of irreligion, through paying attention to the speculations of evil people, that they shamelessly teach as a dogma that a human being has two souls, and keep trying to prove their heresy by irrational means using a wisdom that has been made foolishness.

Therefore this holy and universal synod is hastening to uproot this wicked theory now growing like some loathsome form of weed. Carrying in its hand the winnowing fork of truth, with the intention of consigning all the chaff to inextinguishable fire, and making clean the threshing floor of Christ, in ringing tones it declares anathema the inventors and perpetrators of such impiety and all those holding similar views; it also declares and promulgates that nobody at all should hold or preserve in any way the written teaching of the authors of this impiety. If however anyone presumes to act in a way contrary to this holy and great synod, let him be anathema and an outcast from the faith and way of life of Christians.

12 The apostolic and conciliar canons clearly forbid the nomination and consecration of bishops which have come about as a result of the power and intrigues of the civil authorities. Therefore we declare and proclaim, in full agreement with them, that if any bishop has received his consecration through the manipulation and constraint of such persons, he should be deposed absolutely as one who has desired and consented to have the gift of God not from the will of God and ecclesiastical law and decree, but from human beings and through their machinations as a result of the prompting of carnal desire.

13 The divine word says, The worker is worthy of his pay For this reason we too decree and proclaim that the clerics of the great church [of Constantinople], who have served in the lower orders, may rise to the higher grades and, if they have shown themselves worthy, may deservedly enjoy higher dignities, since some of those who now enjoy them either will be called through promotion to more important duties or will vacate them by dying. But those who do not belong to this particular clergy and yet insinuate themselves into it, must not receive the dignities and honours due to those who have laboured in it a long time, for in that case the clerics of the church [of Constantinople] would be found to have no promotion.

Those who manage the houses or estates of leading persons must by no means have the possibility of being admitted or inducted into the clergy of the great church [of Constantinople]: No soldier on service for God gets entangled in civilian pursuits. If indeed anyone, contrary to the directive we have now issued, is promoted to any dignity whatsoever in this great church, he must be excluded from all ecclesiastical dignity as one who has been promoted contrary to the decision of the great synod.

14 We declare that those who are called by divine grace to the office of bishop, since they bear the image and likeness of the holy hierarchies in heaven, that is of the angels, in accordance with what is clearly an hierarchical dignity and function, should be held as worthy of all honour on the part of everyone, rulers and ruled alike.

We also declare that they must not go to meet a general or any other high official a long way from their churches, nor should they dismount from their horses or mules a long way off or bow down in fear and trembling and prostrate themselves; nor should they go to table for dinner with secular dignitaries and show the same honours as they do to generals, but according to what is in keeping with their own spiritual dignity and honour, they should render to everyone his due: Tribute to whom tribute is due, honour to whom honour is due. They must show that the confessors of the emperors, who are friends of Christ, and those who have the same dignity, deserve great respect from the leading persons of those emperors. Thus the bishop will have the courage to reprimand generals and other leading officials and all other secular authorities as often as he finds them

doing something unjust or unreasonable, and in this way to correct them and make them better. But if some bishop, after the holy directive of this council, shall ignore the honour duly and canonically bestowed on him, and permits something to happen according to the old, debased and disordered custom which is contrary to what has now been declared, he must be suspended for a year and the official involved is to be considered unworthy to take part in the mysteries or the means of grace for two years.

15 This holy and universal synod, in renewing the canons of the apostles and fathers, has decreed that no bishop may sell or in any way dispose of precious objects or consecrated vessels except for the reason laid down long ago by the ancient canons, that is to say, objects received for the redemption of captives. They must not hand over endowments of churches by emphyteutic leases nor put on sale other agricultural properties, thereby damaging ecclesiastical revenues. We decree that such revenues are for church purposes, the feeding of the poor and the assistance of pilgrims. However, bishops have full powers to improve and enlarge, as opportunity offers, the ecclesiastical properties which produce these revenues. Moreover, they have the right to apportion or bestow their own property on whomsoever they wish and choose, in accordance with their own powers and rights of ownership.

Now that this decree has been made, whoever appears to have acted in a way contrary to this holy and universal synod, must be deposed on the grounds of violating divine law and precepts. Any sale which was made by the bishop, either in writing or otherwise, must be made entirely void, as well as any emphyteutic lease or any other act disposing of precious objects or endowments. Whoever buys or acquires any of the aforementioned precious objects or endowments and does not restore to the church what belongs to it and does not hand over for burning the bills of sale or leases, is anathema until he does what has been determined by this holy and universal synod.

If a bishop is found guilty of having built a monastery with the revenues of a church, he must hand over the monastery to the same church. But if he built it from his own money or other sources, he may have it for his whole life under his own jurisdiction and direction; he may also bequeath it after his death to whomsoever he wishes, but it may not be used as a secular dwelling.

16 A matter which merits great sorrow, even many tears, has come to our ears from many of the faithful. They say that under the previous emperor some laymen of the senatorial order were seen to plait their hair and arrange it on their heads, and to adopt a kind of priestly dignity in accordance with their different ranks at the emperor’s court. They did this by wearing various ornaments and articles of clothing which are proper to priests and, as it was thought, made themselves out to be bishops by wearing a pallium over their shoulders and every other piece of episcopal dress. They also adopted as their patriarch the one who took the leading role in these buffooneries. They insulted and made a mockery of a variety of holy things, such as elections, promotions and consecrations of bishops, or by bringing up subtle but false accusations against bishops, and condemning and deposing them, switching in turn from distress to collusion as prosecutors and defendants.

Such a way of behaving has never been heard of since time began, even among the pagans. It shows that those we have now brought to light are in a worse and more wretched state than the pagan nations. The sacred and universal synod, therefore, has declared and promulgated that these attempts to do evil must be condemned as crimes, and no member of the faithful who bears

the name of Christian should henceforth attempt to do or tolerate such a thing, or to protect by silence anyone who has committed such an impious act. If any emperor or any powerful or influential person should attempt to mock holy things in such a way, or with evil intent to carry out or permit such a great wrong to be done against the divine priesthood, he must first be condemned by the patriarch of the time, acting with his fellow bishops, and be excommunicated and declared unworthy to share in the divine mysteries, and then he must accept certain other corrective practices and penances which are judged appropriate. Unless he repents quickly, he must be declared anathema by this holy and universal synod as one who has dishonoured the mystery of the pure and spotless faith.

However, if the patriarch of Constantinople and his suffragan bishops come to know of any others who have committed crimes of this kind and neglect to act against them with the necessary zeal, they must be deposed and debarred from the dignity of their priesthood. Those who in any way have shown, or shall show in future, such impious conduct and have not confessed it in any way and received the appropriate penance, are declared excommunicate by this synod for three years; during the first year they must remain outside the church as public penitents, during the second year they may stand inside the church among the. ranks of the catechumens, during the third year they may join the faithful and thus become worthy of the sanctifying effects of the holy mysteries.

17 The first, holy and universal synod of Nicaea orders that the ancient custom should be preserved throughout Egypt and the provinces subject to her, so that the bishop of Alexandria has them all under his authority; it declares, "Because such a custom has prevailed in the city of Rome". Therefore this great and holy synod decrees that in old and new Rome and the sees of Antioch and Jerusalem the ancient custom must be preserved in all things, so that their prelates should have authority over all the metropolitans whom they promote or confirm in the episcopal dignity, either through the imposition of hands or the bestowal of the pallium; that is to say, the authority to summon them, in case of necessity, to a meeting in synod or even to reprimand and correct them, when a report about some wrongdoing leads to an accusation. But since some metropolitans give as an excuse for not responding to the summons of their apostolic prelate that they are detained by their temporal rulers, it has been decided that such an excuse will be utterly invalid. For since a ruler frequently holds meetings for his own purposes, it is intolerable that he should prevent leading prelates from going to synods for ecclesiastical business or hold some back from their meetings. We have learnt, however, that such an obstacle and alleged refusal of permission can come about in various ways at the suggestion of the metropolitan.

Metropolitans have had the custom of holding synods twice a year and therefore, they say, they cannot possibly come to the chief one, that of the patriarch. But this holy and universal synod, without forbidding the meetings held by the metropolitans, is conscious that the synods summoned by the patriarchal see are more necessary and profitable than the metropolitan ones, and so demands that they take place. A metropolitan synod affects the good order of only one province, a patriarchal synod often affects the good order of a whole civil diocese, and in this way the common good is provided for. So it is fitting that the common good take priority over a particular one, especially when the summons to meet has been issued by those of greater authority. The fact is that certain metropolitans seem to regard with contempt the ancient custom and canonical tradition, by their not meeting together for the common good. Therefore the laws of the church demand, with severe penalties and leaving no loop-hole, that they comply with the summons of

their patriarchs whether they are summoned as a body or individually.

We refuse to listen to the offensive claim made by some ignorant people that a synod cannot be held in the absence of the civil authorities. The reason for this is that the sacred canons have never prescribed the presence of secular rulers at synods but only the presence of bishops. Hence we find that they have not been present at synods but only at universal councils. Furthermore, it is not right that secular rulers should be observers of matters that sometimes come before the priests of God.

Therefore, if any metropolitan ignores his patriarch and disobeys his summons, whether addressed to him alone or to several or to all, unless prevented by a genuine illness or a pagan invasion, and for two whole months after notice of the summons makes no attempt to visit his patriarch, or if he hides in some way or pretends he has no knowledge of the patriarch's summons, he must be excommunicated. If he shows the same stubbornness and disobedience for a year, he must be unconditionally deposed and suspended from all sacerdotal functions and excluded from the dignity and honour that belong to metropolitans. If any metropolitan disobeys even this directive, let him be anathema.

18 This holy and great synod has decided that the goods or privileges which belong to the churches of God as a result of long enduring custom and have been granted, whether in writing or not, by emperors of revered memory or by other religious people and possessed by the churches for thirty years, must in no way be removed by force on the part of any secular person, or taken away by him on any pretext whatsoever, from the jurisdiction of the prelate who has them. Whatever is known to have been possessed by the churches for thirty years must remain subject to the control and use of the prelate of the church. Any secular person who acts in a way contrary to this present decree shall be ad judged as one who commits sacrilege and, until he reforms himself and restores or gives back the privileges and goods belonging to the church, let him be anathema.

19 Paul, the great apostle, condemns greed as another form of idolatry and wants all who unite under the name of Christian to abstain from every form of shameful love of gain. It is all the more wrong, therefore, for those who have the ministry of the priesthood to burden their fellow-bishops and suffragans in any way whatsoever. For this reason this holy and universal synod has decreed that no archbishop or metropolitan should leave his own church and visit other churches under the pretext of an official visitation, nor abuse his authority over other churches and consume the revenues which they have at their disposal and for feeding the poor, and thus, by a form of greed, be a burden to the consciences of our brothers and fellow ministers. An exception is made in the case of hospitality, which may sometimes arise on account of necessary travel. But even then he must accept, with reverence and fear of God, nothing else than what is found prepared from that which is currently at hand. He should quickly continue the journey he has undertaken without asking or demanding any at all of the things which belong to that church or the suffragan bishop. For if the sacred canons decree that every bishop should be sparing in his use of what belongs to his own church, and should no way spend or consume the ecclesiastical revenues in an unfitting or unreasonable way for his own advantage, what kind of impiety do you think he will be found guilty of if he has no scruples about going around and burdening the churches entrusted to other bishops and thereby incurring the charge of sacrilege ?

Whoever attempts to do such a thing, after this directive of ours, shall incur from the patriarch of the time the punishment commensurate with his unjust and greedy behaviour, and shall be deposed and excommunicated as the sacrilegious person he is or, to put it otherwise, as an idolater, according to the teaching of the great Apostle.

20 It has come to the ears of this holy synod that in certain places some, on their own authority and without the agreement of those who are entrusted with such decisions, callously and mercilessly expel people who have received some of their lands by emphyteusis, on the pretext that the contract about the agreed rent has been broken. This must not be allowed to happen unless the person who made the emphyteutic contract first listens to the objections through the mediation of some suitable and trustworthy persons. Then, if the leaseholder has not paid for three years the rent due, he may be expelled from his lands. But it is necessary, after the rent has been unpaid for three years, to go to the authorities of the city or region and bring before them a charge against the person who obtained the emphyteutic lease, and to show how he has defaulted. Only then, after the decision and judgment of the officials, may the church take back its property. Nobody may effect the confiscation of the aforesaid lands on his own initiative and authority, since this would be a sign of the worst form of profiteering and greed.

So, if any bishop or metropolitan, contrary to this directive of ours, confiscates any property from anyone, thinking he is protecting his own church, let him be suspended by his patriarch for a time, having first restored what he took away. If he persists in his disobedience to the decision of this holy universal synod, he must be completely removed from office.

21 We believe that the saying of the Lord that Christ addressed to his holy apostles and disciples, Whoever receives you receives me, and whoever despises you despises me, was also addressed to all who were likewise made supreme pontiffs and chief pastors in succession to them in the catholic church. Therefore we declare that no secular powers should treat with disrespect any of those who hold the office of patriarch or seek to move them from their high positions, but rather they should esteem them as worthy of all honour and reverence. This applies in the first place to the most holy pope of old Rome, secondly to the patriarch of Constantinople, and then to the patriarchs of Alexandria, Antioch and Jerusalem. Furthermore, nobody else should compose or edit writings or tracts against the most holy pope of old Rome, on the pretext of making incriminating charges, as Photius did recently and Dioscorus a long time ago. Whoever shows such great arrogance and audacity, after the manner of Photius and Dioscorus, and makes false accusations in writing or speech against the see of Peter, the chief of the apostles, let him receive a punishment equal to theirs.

If, then, any ruler or secular authority tries to expel the aforesaid pope of the apostolic see, or any of the other patriarchs, let him be anathema. Furthermore, if a universal synod is held and any question or controversy arises about the holy church of Rome, it should make inquiries with proper reverence and respect about the question raised and should find a profitable solution; it must on no account pronounce sentence rashly against the supreme pontiffs of old Rome.

22 This holy and universal synod declares and decrees, in agreement with earlier councils, that the promotion and consecration of bishops should be done by means of an election and decision of the college of bishops. So it promulgates as law that no lay authority or ruler may intervene in the election or promotion of a patriarch, a metropolitan or any bishop, lest there be any irregularity

leading to improper confusion or quarrelling, especially since it is wrong for any ruler or other lay person to have any influence in such matters. Rather he should be silent and mind his own business until the election of the future bishop has been completed with due process by the ecclesiastical assembly. But if any lay person is invited by the church to join in the discussion and to help with the election, he is permitted to accept the invitation with respect, if he so wishes. For in this way he may be able to promote a worthy pastor in a regular manner, to the benefit of his church.

If any secular authority or ruler, or a lay person of any other status, attempts to act against the common, agreed and canonical method of election in the church, let him be anathema- this is to last until he obeys and agrees to what the church shows it wants concerning the election and appointment of its leader.

23 We have also learnt that some bishops, at the request of certain people, have unreasonably made a gift of properties belonging to other churches. Thus they usurp the authority of other bishops, so far as they can. This conduct will clearly bring on them the curse of the prophet who says, Woe to those who add house to house and field to field in order to defraud their neighbour, and it has made them guilty of sacrilege. For this reason, this great and universal synod has decided that no brother of ours in the episcopate or anyone else may transact such a wicked property deal, nor, if asked by someone, dispose of any property belonging to other churches, nor install priests or any other clerics in churches that are not under his jurisdiction, without the permission of the bishop responsible for the church in question. Furthermore, no priests or deacons, who are consecrated for holy functions, should perform, of their own accord and decision, any sacred functions in churches to which they have not been appointed from the beginning. This behaviour is unlawful and utterly alien to the canonical regulations.

Whoever, after this declaration of ours, shall be seen to do any of these things which have now been forbidden, must be excommunicated for a period of time, and the contractual arrangements, whether written or not, must be completely dissolved and abrogated because they were made in contravention of the canons. Likewise, the priest or deacon is to be suspended until he withdraws from the church to which he does not belong. But if he ignores the suspension, he must be got rid of completely and dispossessed of every sacred office.

24

Divine scripture says, Cursed is everyone who does the work of the Lord with slackness Yet some metropolitans have fallen into the depths of negligence and sloth. They summon the bishops subject to their jurisdiction and commit to them the divine offices of their own church as well as litanies and all the sacred ministries which are personal to themselves. The consequence is that they celebrate through the agency of these bishops everything they should readily do themselves. In this way they make those who have merited the dignity of bishop seem like clerics in their service.

These metropolitans, contrary to church law, give themselves to secular business and administration, failing to persevere in prayers and petitions for their own sins and the ignorance of their people. Some excuse this behaviour even though it is utterly and completely contrary to canonical regulations. What is still more serious, it is said that the bishops are told to complete the

above ministries at allotted times each month at their own expense. This is totally alien to all apostolic sanction. All this makes such people worthy of the most severe condemnation possible, for they are shown by their actions to be infected by a form of satanic pride and arrogance.

Any metropolitan who, after this directive of the holy and universal synod, is consumed by a similar pride, arrogance or contempt and does not carry out with fear, promptitude and a good conscience the necessary ministries in his own city, but seeks to carry them out through his suffragan bisho

09 First Lateran Council 1123 A.D.

First Lateran Council (1123) held at Rome under Pope Callistus II. About 900 bishops and abbots assisted. It abolished the right claimed by lay princes, of investiture with ring and crosier to ecclesiastical benefices and dealt with church discipline and the recovery of the Holy Land from the infidels First Lateran Council 1123 A.D.

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INTRODUCTION In 1123, during the pontificate of Pope Callistus II, a general Roman council was held "for various important matters of the church", as Callistus himself says in the letter of convocation which he sent on 25 June 1122 to bishop Baldric of Doll. A great number of bishops, abbots and religious, numbering at least 300, gathered in Rome from the western churches, although none that we know of came from the eastern churches {1 } . There is no evidence that legates of the emperor Henry V took part. The council began on 18 March 1123, with the pope presiding. There were at least two sessions. The council ended before 6 April, probably on 27 March. This council is often called "general" in the letters and decrees of Pope Callistus II. It is reasonable, however, to doubt its ecumenicity. Indeed the manner in which the council was called and conducted by the pope and the fathers differed from that of the older councils. Moreover several other councils, similar to Lateran I, were convened in the 11th and 12th centuries but were not termed ecumenical. The ecumenicity of this council seems, as far as we can tell, to have been confirmed later by the tradition of the Roman church.

There had long been conflict between church and state, though some sort of a solution had been reached a short time before at the Concordat of Worms (September 1122). Thus, questions concerning the investiture of prelates and the freedom of the church were a major concern of the council. The said concordat was approved and confirmed by the council’s authority, though not without opposition on the part of many, as Gerhoh of Reichersberg {2 } testifies; canons 3-4, 8 and 12 make mention of this debate. Thereby a measure of peace and discipline was restored to the church. The fathers devoted themselves principally to the reform of the church, to the abolition of simony and to the correction of ecclesiastical abuses. There were a few other matters of lesser importance. Also, the struggle for the Corsican episcopacy between the churches of Genoa and Pisa was a considerable problem, and a commission of twenty-four fathers had to be created by the pope in order to resolve the matter; for this see canons 1, 7, and also canons 2, 5-6, 9, 11, 16. Thus pope Callistus, following as closely as he could the examples of Gregory VII and Urban II {3 } , and supported by the approval of the council, brought to a successful conclusion matters which had engrossed the whole church’s effort and zeal for almost fifty years. A number of canons were ratified by the council fathers, perhaps at the session on 27 March. Many of these were included in Gratian’s Decrees (c. 1140), namely canons 1, 3-4, 6, 9, 12, 14, 16B, 19-22B, and part of 8, 18B. As far as we know, Baronius was the first to print others which Gratian did not accept (Br {4 } 12, 1607, 149-150; ed. Theiner 18, 1869, 343-344). Twelve more follow in the Roman edition (Rm {5 }

4, 1612, 16- 17), where a complete text of the canons may be found. We have examined all the canons in the following: Bn {6 } 3/2 (1618) 464-465; ER {7 } 27 (1644) 37-43; S. Baluze, in P. de Marca, Dissertationum de concordia sacerdotii et imperii ...libri II Paris l663, 363 (=BdM); LC10 {8 } (l67l) 896-900; Hrd {9 } 6/2 (1714) 1111-1114; Cl {10 } 12 (1730) 1333-1337; E. Martene and U. Durand, in Veterum scriptorum et monumentorum ... collectio, VII Paris 1733, 68-69, four canons only (= MD); Msi {11 } 2 (1748) 355-358; Msi 21 (1776) 281-286; G.H. Pertz, in MGH {12 } , Leges in f.ø, II/2 Hanover 1837, 182-183 (= Pertz); PL 163 (1854) 1361-1365; L. Weiland, in MGH, Const., I Hanover 1893, 574-576 (= MGH). The text of the canons presents some difficulties. Bn 2, ER, LC, Hrd, Cl and Msi must have printed the same text as that used by Rm (though with some differences). This commonly accepted version, which we call B, consists of 22 canons and seems to derive from two manuscript codices (not from Rm, since this has the different readings). In addition, seven canons (2, 5, 10-11, 13, 15, 17) printed by Br seem to relate to B, even though they often do not agree with 13 in their readings. A second version of the canons, "from an ancient manuscript codex of the monastery of Aniane", which is now in the Bibliotheque Nationale in Paris, was published by BdM. The order of the canons in it, and often the readings, are different from B; moreover six canons (11 and the last five, 18-22B) are missing and two (15-16) are completely different from B. Regarding this other version, which we call alpha, MD published four canons (6, 12, 15- 16) "from a manuscript of the marquis of Laubes", and Pertz published sixteen canons (15 and 18-22B are missing, in place of which are what appear to be two rubrics) from Vienna MS. Codex of Canon Law 91 (now 2178). Migne transcribed the text of Pertz. LC took several readings of (alpha and included them in B[eta] as variant readings. Finally, the text printed by Msi "from a Pistoia codex of canons", as well as the order of canons in it, appear similar to alpha; although canons 15-16 are preserved according to the B text and 18-19 are added to B. If alpha is earlier than B, then the text of Msi seems to date from an earlier time and to have been corrected occasionally from B; therefore we conclude that this text belongs to alpha.

We believe the (alpha version is older than B[eta].For, the canons from alpha(except ll-12, 15-17) are mentioned in Simeon of Durham’s "Historia Regum" {13 } (= S), which is contemporaneous. This point has not been noticed by scholars. In addition, Gratian’s Decrees ascribe the last 5 canons to the earlier pontificate of Urban II (1088-99) and not to the time of Lateran I, as Br noted; therefore alpha seems right to omit these five canons. The document on which Br and possibly Rm depend is a Vatican codex "which contains the Collection of Anselm [of Lucca], in which the canons of this council are included as an appendix after chapter 55". Maybe, therefore, our B should be attributed to this peculiar version in Anselm of Lucca’s text. Certainly all the known manuscript codices are related to alpa, so far as we are aware {14 } , including the 12th century Vatican Reginensis lat. 987 (= R), which was the first to be examined by us. We think that little confidence can be placed in MGH, which is the only critical edition so far made. Its editor, Weiland, divided the sources into three groups: the "Parisian", more correctly called the "Roman"- the Pistoian codex; and the codices used by BdM and Pertz. But he completely ignored the similarities between the three groups, and in the end collated only the two sources of the third group, omitting for no reason canon 17. We have collated together R and all the other editions, and have prepared our text with the alpha version as the basis. We think that R and BdM are the most reliable sources. We have relegated the alternative version of canons 15-16 to a footnote, and the last five canons to an appendix. We have not used the MGH text except in a few instances. There is a preface to the canons in R, S, BdM and Msi vol 1, but we do not reproduce it.

BIBLIOGRAPHY H-L 5/1 (1912) 630-634; DThC 8/2 (1925) 2628-2637; DDrC 6 (1957) 344-346; LThK 6 (vol 2 1961) 815-816; NCE 8 (1967) 406; HC 3 (1980) 401-402; U. Robert, Histoire du pape Calixte II, Paris-Besancon 1891, 162-177, A. Hauck, Die Rezeption und Umbildung der allgemeinen Synode im Mittelalter, Historische Vierteljahrschrifl 10 (1907) 468 ff.; G. Meyer von Knonau, Jahrbucher des deutschen Reiches . . ., VII Leipzig 1909, 228-239; G Tangl, Die Teilnehmer an den allgemeinen Konzilien des Mittelalters, Weimar 1922, 196-205; H. J. Schroeder, Disciplinary Decrees of the General Councils, St. Louis, Mo. --London 1937, 177-194; A. Eliche, La reforme gregorienne et la reconquete chretienne (Histoire de l'Eglise 8), Paris 1950, 390-393; G. Eranzen, L'ecclesiologie des conciles medievaux, in Le concile, 125-141; R Eoreville, Latran I, II, III et Latran IV (Histoire des Conciles 6), Paris 1965; M. Mollat and P. Tombeur, Les conciles Latran I a Latran IV: Concordance, index, listes de frequence, tables comparatives (Conciles oecumeniques medievaux 1), Louvain 1974.

C A N O N S

1. Following the examples of the holy fathers and renewing them as we are bound by our office, by the authority of the apostolic see we altogether forbid anyone to be ordained or promoted in the church of God for money. If anyone indeed should have been ordained or promoted in the church in such a fashion, let him be utterly deprived of the office acquired. {15 }

2. {16 } We absolutely forbid those excommunicated by their own bishops to be received into communion by other bishops, abbots and clergy {17 }

3. {18 } No one may consecrate as a bishop someone who is not canonically elected. If anyone should presume to do this, let both consecrator and consecrated be deposed {19 } beyond hope of restoration.

4 {20 } Absolutely no archdeacon, archpriest {21 } , provost or dean {22 } may grant to anyone the care of souls or prebends in a church without the decision or consent of the bishop. Rather, as it is constituted by the holy canons, let the care of souls and the dispensing of ecclesiastical affairs remain in the decision and power of the bishop. Indeed, if anyone presumes to do something against this, or to claim for himself the power which pertains to the bishop, let him be banished from the bounds of the church

5. {23 } The ordinations made by the heresiarch Burdinus {24 }, after he was condemned by the Roman church, and whatever was afterwards done by pseudo-bishops ordained by him, we judge to be null and void.

6. {25 } No one except a priest {26 } may be ordained to the office of provost, archpriest or dean; no one except a deacon may be ordained to the office of archdeacon. {27 } {28 }

7. {29 } We absolutely forbid priests, deacons or subdeacons to live with concubines and wives, and to cohabit with other women, except those whom the council of Nicaea permitted to dwell with them solely on account of necessity, namely a mother, sister, paternal or maternal aunt, or other such persons, about whom no suspicion could justly arise

8. {30 } We further resolve, in accordance with the statute of the most blessed pope Stephen, that lay persons, however religious they may be, have no power to dispose of any ecclesiastical business; but following the apostolic canons, let the bishop have the care of all ecclesiastical

matters, and let him manage them as in the sight of God. Therefore {31 } if any prince or other lay person should arrogate to himself the disposition or donation {32 } of ecclesiastical things or possessions, let him be regarded as sacrilegious.

9. {33 } We prohibit unions between blood relatives, because both the divine and secular laws prohibit them. For, the divine laws not only cast out those doing this and their progeny but also call them accursed; the secular laws call such people disreputable and deprive them of inheritance. We, therefore, following our fathers, mark them with infamy and judge them to be infamous.

[crusades]

10. {34 } To those who set out for Jerusalem and offer effective help towards the defence of the christian people and overcoming the tyranny of the infidels, we grant the remission of their sins, and we place their houses and families and all their goods under the protection of blessed Peter and the Roman church, just as has been decreed by our lord pope Urban. Whoever dares to distrain or carry off their houses, families and goods, while they are on their way, shall be punished with excommunication. {35 } Those who have put crosses on their clothes, with a view to journeying to Jerusalem or to Spain, and have later taken them off, we command by our apostolic authority to wear the crosses again and to complete the journey between this Easter and the following Easter. Otherwise, from that moment we cut them off from entry into church and forbid divine services in all their lands, apart from the baptism of infants and confessions for the dying.

11. {36 } With the advice of our brothers and of the whole curia, and also with the wish and consent of the prefect, we order the abolition of that immoral practice hitherto obtaining with respect to the dead Porticani, so that the goods of Porticani dwellers dying without heirs are not to be dispersed against the wishes of those dying. This, however, is to the extent that the Porticani remain obedient and faithful to the Roman church and to us and our successors. {37 }

12. {38 } In accordance with the canons of the holy fathers, we absolutely forbid and prohibit the laity, under the penalty of anathema, to remove the offerings from the most sacred and revered altars of blessed Peter and of the Saviour and of St Mary Rotunda and of St Nicholas of Bari, of St Giles {39 } , or from the altars or crosses of all the other churches. By {40 } apostolic authority we forbid the fortification or taking hold of churches by {41 } lay persons {42 } . {43 }

13. {44 } Whoever knowingly makes or intentionally spends counterfeit money shall be separated from the communion of the faithful as one accursed, an oppressor of the poor and a disturber of the state.

14. {45 } If anyone tries to attack pilgrims to Rome and foreigners {46 } visiting the shrines of the apostles and the oratories of other saints, or to rob them of the things they bring, or to trouble merchants {47 } with new exactions of tolls and fees, let him be deprived of christian communion until he makes reparation.

15. {48 } We confirm, with the authority of the holy Spirit, whatever has been determined by the Roman pontiffs our predecessors concerning the peace and truce of God or arson or the public highways.

Msi (as canon 14) and B (as canon 13) have a different text namely

If anyone should violate a truce, he is to be admonished up to three times by the bishop to make reparation. If he acts in contempt of the third admonition to make reparation, the bishop, either with the counsel of the metropolitan {49 } or with two or one of the neighbouring bishops, shall declare the sentence of anathema on the rebel, and denounce him in writing to the bishops all around

16. {50 } Following in the footsteps of the holy fathers, we order by general decree, that monks be subject to their own bishops {51 } with all humility, and show due obedience and devoted submission to them in all things, as if to masters and shepherds of the church of God. They may not celebrate masses in public anywhere. Moreover, let them completely abstain from public visitations of the sick, from anointings and even from hearing confessions, for these things in no way pertain to their calling. Indeed, in the churches where their ministry is recognized, they may only have priests who were ordained by their own bishop, to whom they will answer for the care of souls which they have assumed. In Pertz there is only "We absolutely forbid anointings and visits to the sick and public masses by monks" and then : "The examples of Leo to Dioscorus, that on the day of the resurrection there may be a levitical and a sacerdotal ordination, ch 19. That on Sunday mnorning, continuing the fast of Saturday, there can be an ordination, ch 20".

Msi (as canon 18) and B (as canon 17) have a different text, namely :

We forbid abbots and monks to give public penances, to visit the sick, to perform anointings and to chant public masses. They shall receive chrism, holy oil, consecrations of altars and ordinations of clerics from the bishops in whose dioceses they reside.

17. {52 } In our desire to preserve in peace, by the grace of God, the possessions of the holy Roman church, we strictly forbid, under pain of anathema, any military {53 } person to presume to seize or hold by force Benevento, the city of blessed Peter. If anyone should dare otherwise, he shall be bound by the chain of anathema. The remaining canons are missing in alpha, and Msi has canons 18-19 together with canon 16. The first part of this canon (Priests ... pertain to the bishop) may belong to canon 16 (B).

18. Priests are to be appointed to parish churches by the bishops, to whom they shall answer for the care of souls and for those matters which pertain to the bishop. They may not receive tithes or churches from lay persons without the consent and wish of the bishops; and if they presume to do otherwise, they shall be subject to the canonical penalty. {54 }

19. We allow the service which monasteries and their churches have paid from the time of {55 } pope Gregory VII until now. We altogether forbid abbots and monks to have the possessions of churches and bishops by a thirty {56 } years provision. {57 }

20. Having in mind the examples in the traditions of the fathers, and discharging the duty of our pastoral office, we decree that churches and what belongs to them, both persons and possessions, namely clerics, monks and their lay brothers, as well as those who come to pray and what they bring with them, are to be under protection and not be harmed. If anyone dares to act contrary to this and after recognizing his villainy, has not properly made amends within the space of thirty days, let him be banished from the bounds of the church and be smitten with the sword of anathema.

21. We absolutely forbid priests, deacons, subdeacons and monks to have concubines or to contract marriages. We adjudge, as the sacred canons have laid down, that marriage contracts between such persons should be made void and the persons ought to undergo penance.

22. We condemn the alienations which have been made everywhere, especially by Otto {58 } , Jeremias, and perhaps Philip {59 } , of the property of the exarchate of Ravenna. Moreover, we declare in general to be invalid the alienations made in whatever fashion by all persons, whether they were intruded or were canonically elected in the name of a bishop or an abbot, who should be consecrated in accordance with the usage of his own church, and the ordinations conferred by them without the consent of the clergy of the church or through simony. We also forbid absolutely that any cleric should presume to alienate in any way his prebend or any ecclesiastical benefice. Any such action in the past or the future shall be invalid and subject to canonical penalty."

FOOTNOTES 1 There are no surviving acts of the council. On the number of fathers, see K.J. Hefele, Histoire des conciles d'apres les documents originaux, trans. and continued by H. Leclerq, 11 vols. 1907-1952., 5/1, 631 n. 2; and also Simeon of Durham Opera Omnia ..., II ed. T. Arnold (Rolls series 75), London 1885, 272; Annali genovesi di Caffaro ..., ed. L. Belgrano (Fonti per las storia d'Italia 11), I Rome-Genoa 1890, 19 2 See Gerhoh of Reichersberg, Libellus de ordine donorum sancti Spiritus, ed. E. Sackur, in Monumenta Germaniae Historica, Hannover and Berlin 1826-, Libelli, III Hanover 1897, 280; see also Hefele 5/1, 631 3 See also canon 10 on the recovery of the holy Land, and canons 14-15 on peace among Christians. 4 C. Baronius (continued by O. Raynaldi), Anales ecclesiastici, ed. J. D. Mansi, 38 vols. Lucca 1728-1759) 5 Ton hagion iokoumenikon synodon tes katholikes ekklesias apanta. Concilia generalia Ecclesiae catholicae [Editio Romana], 4 vols. Rome 1608-1612. 6 S. Binius, Concilia generalia et provincialia ..., 5 vols. Cologne 1609; 9 vols. ibid [ed. 2] . 1618; 11 vols. Paris[ed. 3] 1636. 7 Conciliorum omnium generalium et provincialium collectio [Editio Regia], 37 vols. Paris 1644. 8 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 1671-1672 9 J. Hardouin, Conciliorum collectio regia maxima ad p. Philippi Labbei et p. Gabrielis Cossartii e Societate Jesu labores haud modica accessione facta et emendationibus pluribus additis ..., 12 vols. Paris 1714-1715 10 N. Coleti, Sacrosancta concilia ad regiam editionem exacta quae olim quarta parte prodiit ... longe locupletior et emendatior exhibeture ..., 23 vols. Venice 1728-1733 11 J. D. Mansi (continued by J.B. Martin and L. Petit), Sacrorum conciliorum nova et amplissima collectio ..., 53 vols. Florence, Venice, Paris and Leipzig 1759-1927 12 in Monumenta Germaniae Historica, Hannover and Berlin 1826-, 13 See Simeon and Durham., Opera Omnia ..., II 270-272 14 We have not seen Olmutz Chapter Codex 205; see Pertz, Archiv 10 (1849) 682. 15 Council of Toulouse (1119), canon 1 (Msi 21, 226); ch. 10 C. I q. 1 (Fr 1, 360); see Schroeder 179 n. 4 16 Canon 3 in Msi, 9 in B 17 See council of Melfi (1089), canon 15 (Msi 20, 724) 18 Canon 2 in Msi, 10 in B 19 condemned Pertz 20 Canon 5 in Msi, 7 in B 21 priest Msi 22 deacon Msi 23 Canon 9 in Msi, 6 in B 24 Maurice Burdinus, antipope Gregory VIII (1118-1121) 25 Canon 4 in Msi, 2 in B 26 or a deacon added in alpha except S 27 Council of Toulouse (119), canon 2 (Msi 21, 226); 28 no one ... deacon omitted in Pertz 29 Canon 3 in B 30 Canon 6 in Msi, 4 in B 31 included in canon 9 in Pertz 32 domination in Pertz and variant reading in B 33 Canon 8 in Msi, 5 in B 34 Canon 12 in Msi, 12 in B 35 included in canon 13 in Msi, Pertz 36 Omitted in R S BdM; canon 12 in B, 14 in Pertz 37 This, however ... our successors omitted in Baronius 38 Omitted in S; Canon 11 in BdM,

14 in B, 15 in Msi vol 1 39 and of St Nicholas ... St Giles omitted in Msi 1 B. 40 included in canon 12 in B 41 omitted in B 42 omitted in B 43 by ... persons omitted in E. Martene and U. Durand, Thesaurus novus anecdotorum seu collectio monumentorum ..., 5 vols. Paris 1717. 44 Canon 16 in Msi, 15 in B 45 Canon 17 in Msi, 16 in B 46 or merchants added in R, BdM 47 omitted in R, BdM, B (in B as variant reading) 48 Omitted in S, Pertz 49 with ...metropolitan] the metropolitan Br and variant reading in B 50 Omitted in S; 51 omitted in R 52 Omitted in S; Canon 10 in Msi, 11 in Pertz, 8 in B 53 omitted in Baronius and variant reading in B 54 and if ... penalty omitted in Msi; see canon 19 55 holy (?saint) added in Msi 56 3 years Msi 57 But if they presume to do otherwise they shall be subject to canonical penalty added in Msi 58 Atto variant reading in B 59 dissident archbishops of the church of Ravenna in 12th century

10 Second Lateran Council - 1139 A.D.

Second Lateran Council (1139) held at Rome under Pope Innocent II with an attendance of about 1000 prelates and the Emperor Conrad. Its object was to put an end to the errors of Arnold of Brescia Second Lateran Council - 1139 A.D. canons <file://C:\CCD\churchfathers\CHURCH COUNCILS & Liturgies\ECUM10-2ONDLATERAN1139.HTM>

Introduction In Lent of 1139 a general council was summoned by Pope Innocent II and held in the Lateran basilica {1} . As we know, the synod had been convoked the previous year; for the papal legates in England and Spain pressed the bishops and abbots to go to the council. Thus, a good number of fathers, at least five hundred, met in Rome. One of these came from the East, the patriarch of Antioch, but he was a Latin. With the pope presiding the council began on 2 April and it seems to have ended before 17 April, as far as we can judge from the sources. This council is called "general" in the records and more frequently "plenary" by Innocent himself. However, there is a doubt as to its ecumenicity for the same reasons that affect Lateran I. The Roman church, which for a long time had been divided in its obedience between Innocent II (1130-1143) and Anacletus II (1130-1138), seems to have overcome schism and factionalism, and indeed to have recovered its peace. This was due to the death of Anacletus in 1138 and the efforts of Bernard of Clairvaux, who had fought with the utmost zeal on behalf of Innocent for the restoration of unity. But Innocent, perhaps upset by the agreements which Anacletus had arrived at, vigorously cited and condemned Anacletus’s part in the evil affair {2} , an action which seems to have provoked a complaint from Bernard.

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

Baronius was the first to print the thirty canons (Annales ecclesiastici 12,1607, 277-280), having taken them from two manuscript codices ("a register of the Vatican library and a Vatican codex of decrees"). The Roman editors shortly after produced a more accurate version (Rm {3} 4, 1612, 21 -23), from "manuscript codices of the Vatican library and of Anthony Augustine of Tarragona"; this was copied by all later editions, as we have verified, though with some errors. These later editions are as follows: Bn2 {4} 3/2 (1618) 487-489; ER {5} 17 (1644) 123-133; LC {6} 10 (1671) 1002-1009; Hrd {7} 6/2 (1714) 1207-1214; Cl {8} 12 (1730) 1497-1507;Msi {9} 21 (1776) 526-533.The canon which E.Martene and U.Durand published (Thesaurus novus anecdotorum, IV, Paris 1717, 139-140) as being "omitted in the editions, from a manuscript of St Vincent of

Bisignano", is in fact the same as canons 15 and 30. Having collated together all these editions, we have followed the text of the Roman edition.

CANONS

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

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

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

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

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

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

7. Adhering to the path trod by our predecessors, the Roman pontiffs Gregory VII, Urban and Paschal, we prescribe that nobody is to hear the masses of those whom he knows to have wives or concubines. Indeed, that the law of continence and the purity pleasing to God might be propagated among ecclesiastical persons and those in holy orders, we decree that where bishops, priests, deacons, subdeacons, canons regular, monks and professed lay brothers have presumed to take wives and so transgress this holy precept, they are to be separated from their partners. For

we do not deem there to be a marriage which, it is agreed, has been contracted against ecclesiastical law. Furthermore, when they have separated from each other, let them do a penance commensurate with such outrageous behaviour.

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

9. Moreover, the evil and detestable practice has grown, so we understand, whereby monks and canons regular, after receiving the habit and making their profession, are learning civil law and medicine with a view to temporal gain, in scornful disregard of the rules of their blessed teachers Benedict and Augustine. In fact, burning with the fire of avarice, they make themselves the advocates of suits; and since they have to neglect the psalmody and hymns, placing their trust in the power of fine rhetoric instead, they confuse what is right and what is wrong, justice and iniquity, by reason of the variety of their arguments. But the imperial constitutions testify that it is truly absurd and reprehensible for clerics to want to be experts in the disputes of law courts. We decree by apostolic authority that lawbreakers of this kind are to be severely punished. There are also those who, neglecting the care of souls, completely ignore their state in life, promise health in return for hateful money and make themselves healers of human bodies. And since an immodest eye manifests an immodest heart, religion ought to have nothing to do with those things of which virtue is ashamed to speak. Therefore, we forbid by apostolic authority this practice to continue, so that the monastic order and the order of canons may be preserved without stain in a state of life pleasing to God, in accord with their holy purpose. Furthermore, bishops, abbots and priors who consent to and fail to correct such an outrageous practice are to be deprived of their own honours and kept from the thresholds of the church.

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

11. We also prescribe that priests, clerics, monks, pilgrims, merchants and peasants, in their coming and going and their work on the land, and the animals with which they plough and carry seeds to the fields, and their sheep {10} , be left in peace at all times.

12. We decree that the truce {11} is to be inviolably observed by all from sunset on Wednesday until sunrise on Monday, and from Advent until the octave of the Epiphany, and from Quinquagesima until the octave of Easter. If anyone tries to break the truce, and he does not comply after the third warning, let his bishop pronounce sentence of excommunication on him, and

communicate his decision in writing to the neighbouring bishops. Moreover let none of the bishops receive into communion the excommunicated person, but rather let each confirm the sentence received in writing. If anyone presumes to infringe this, he will do so at the risk of his position. Since a threefold cord is not quickly broken, we enjoin bishops, having regard for God alone and the salvation of the people, and laying aside all timidity, to furnish each other with mutual counsel and help towards firmly maintaining peace, and not to omit this duty by reason of any affection or aversion. For if anyone is found to be lukewarm in this work of God, let him incur the loss of his dignity

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

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

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

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

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

18. We completely detest and forbid, by the authority of God and the blessed apostles Peter and Paul, that most dreadful, devastating and malicious crime of incendiarism For this pernicious and inimical calamity surpasses all other kinds of destruction. Nobody is unaware of the extent to which it is injurious to the people of God and the damage it brings to souls and bodies. It is

necessary, therefore, to oppose it and to labour with all one's might, that so great a harm and danger be eradicated and suppressed for the sake of the people. If anyone, then, after the publication of this prohibition of ours, from some wicked design born of hate or vengeance, starts a fire or causes it to be started, or knowingly provides counsel or help to those starting one, let him be excommunicated. And when an arsonist dies, he is to be deprived of a christian burial. Nor is he to be absolved unless, having first made reparation for the loss according to his means, he swears that he will never raise a fire again. Moreover, let him be given the penance of remaining a whole year in Jerusalem or Spain in the service of God.

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

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

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

22. Because there is one thing that conspicuously causes great disturbance to holy church, namely, false penance, we warn our brothers in the episcopate and priests not to allow the souls of the laity to be deceived or dragged off to hell by false penances. It is agreed that a penance is false when many sins are disregarded and a penance is performed for one only, or when it is done for one sin in such a way that the penitent does not renounce another. Thus it is written: Whoever keeps the whole law but fails in one point, has become guilty of all of it; this evidently pertains to eternal life. Therefore, just as a person who is entangled in all sins will not enter the gate of eternal life, so also if a person remains in one sin {12} . False penance also occurs when the penitent does not resign a position at a court or in business which cannot be carried on without sin, or if hate is harboured in his heart, or if the person does not make amends to whomever he offended, or if an injured party does not pardon the offender, or if anyone unjustly carries arms.

23. Those who, simulating a kind of religiosity, condemn the sacrament of the Lord's body and blood, the baptism of children, the priesthood and other ecclesiastical orders, and legitimate marriages, we expel from the church of God and condemn as heretics, and prescribe that they be constrained by the secular powers. We also bind up their defenders in the fetter of the same condemnation. {13} 24. We also prescribe that no sale-price is to be demanded for chrism, holy oil and burials.

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

26. We decree that the pernicious and detestable custom which has spread among some women who although they live neither according to the rule of blessed Benedict, nor Basil nor Augustine, yet wish to be thought of by everyone as nuns, is to be abolished. For when, living according to the rule in monasteries, they ought to be in church or in the refectory or dormitory in common, they build for themselves their own retreats and private dwelling-places where, under the guise of hospitality, indiscriminately and without any shame they receive guests and secular persons

contrary to the sacred canons and good morals. Because everyone who does evil hates the light, these women think that, hidden in the tabernacle of the just {14} , they can conceal themselves from the eyes of the Judge who sees everything; so we prohibit in every way this unrighteous, hateful and disgraceful conduct and forbid it to continue under pain of anathema.

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

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

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

30. We render void the ordinances enacted by Peter Leoni and other schismatics and heretics, and deem them null.

FOOTNOTES

1 There are no surviving acts of the council and very little can be surmised from the records and chronicles. The sources are collected in Hefele, Histoire des conciles d’apres les documents originaux, trans. and continued by H. Leclerq 1907-52., 5/1, 721-722; but see also, Bernhardi Jahrbuecher der deutschen Geschichte, I Leipzig 1883, 154-160. 2 his earlier name was Peter Pierleoni. See canon 30 3 Ton hagion iokoumenikon synodon tes katholikes ekklesias apanta. Concilia generalia Ecclesiae catholicae [Editio Romana], 4 vols. Rome 1608-1612. 4 Binius, Concilia generalia et provincialia ..., 5 vols. Cologne 1609; 9 vols. ibid [ed. 2] . 1618; 11 vols. Paris[ed. 3] 1636 5 Conciliorum omnium generalium et provincialium collectio [Editio Regia], 37 vols. Paris 1644 6 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 1671-1672 7 . Hardouin, Conciliorum collectio regia maxima ad p. Philippi Labbei et p. Gabrielis Cossartii e Societate Jesu labores haud modica accessione facta et emendationibus pluribus additis ..., 12 vols. Paris 1714-1715 8 N. Coleti, Sacrosancta concilia ad regiam editionem exacta quae olim quarta parte prodiit ... longe locupletior et emendatior exhibeture ..., 23 vols. Venice 1728-1733 9 J. D. Mansi (continued by J.B. Martin and L. Petit), Sacrorum conciliorum nova et amplissima collectio ..., 53 vols. Florence, Venice, Paris and Leipzig 1759-1927 10 and the animals ... sheep omitted in Baronius 11 of God added in Baronius 12 Therefore ... sin omitted in Baronius 13 Cathars 14 of the just variant reading in Rm Bn, of the unjust others

11 Third Lateran Council - 1179 A.D.

Third Lateran Council (1179) took place under Pope Alexander III, Frederick I being emperor. There were 302 bishops present. It condemned the Albigenses and Waldenses and issued numerous decrees for the reformation of morals.

Third Lateran Council - 1179 A.D. canons <file://C:\CCD\churchfathers\CHURCH COUNCILS & Liturgies\ECUM11-3RDLATERAN1179.HTM>

Introduction By an agreement reached at Venice in 1177, the bitter conflict which had arisen about twenty years earlier between Pope Alexander III (1159-1181) and Emperor Frederick I (1152-1190) was brought to an end. For when Pope Hadrian IV had died in 1159, the cardinals elected two popes together, namely Roland of Siena, who took the name of Alexander III, and Octavian of Rome who though he was nominated by fewer cardinals, nevertheless with the support of the emperor Frederick usurped the name of Pope Victor IV. The emperor, wishing to remove everything which stood in the way of his authority in Italy, declared war upon the Italian states and especially the Roman church which after its struggle for ecclesiastical liberty for so many years, was enjoying great authority. The emperor carried on the war for a long time. A serious schism had arisen out of this conflict, and after Victor IV two antipopes were nominated in opposition to Alexander III, namely Paschal III (1164-1168) and Callistus III (1168-1178). At last, when Alexander had gained the victory, he promised the emperor at Venice that he would summon a general council. The particular object of this council was to put an end to the schism within the church and the quarrel between the emperor and the papacy. It was summoned by Pope Alexander in 1178, "so that according to the custom of the ancient fathers, the good should be sought and confirmed by many, and that with the cooperation of the grace of the holy Spirit, by the efforts of all, there should be carried out what was required for the correction of abuses and the establishment of what was pleasing to God". The council was held at Rome in March 1179. About three hundred fathers assembled from the provinces of Europe and some from the Latin east, and a single legate from the Greek church. It began on 5 March, according to Archbishop William of Tyre, our chief authority. The bishops first heard Rufinus, bishop of Assisi, who in a highly polished address praised the Roman pontiff and the Roman church, "that church to which alone belongs the decision and power to summon a general council, to lay down new canons and cancel the old; indeed, though the fathers had summoned a solemn council many times in the past, yet the obligation and reason to do this was never more expedient than at the present".

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

Although we do not possess the acts of the council, we have evidence from chronicles and annals and especially from the canons which the fathers laid down in the final session on 19 March. Accordingly, to avoid future schisms it was first laid down that nobody was to be regarded as Roman pontiff unless he had been elected by two thirds of the cardinals (canon 1) ; all appointments by antipopes were deemed invalid (canon 2), heretics called Cathars were excommunicated and likewise were the bands of mercenaries, or rather criminals, which were causing utter destruction in some parts of Europe; it was declared, and this seems an innovation, that arms should be taken up against them (canon 27) ; it was also decided not to pass judgment about the preaching of the Waldensians. All this seems to have been directed to strengthening the unity of the church. In addition, Alexander III and the fathers, renewing the precedent of Lateran I and II, laid down several canons for the reform of the church and some concerning morals and civil affairs. The canons of this council played a notable part in the future government of the church. They were frequently included in the collections of decretals compiled in the late 12th and early 13th century, and afterwards all were inserted into Pope Gregory IX’s Decretals. Walter Holtzmann and other scholars considered that these decretal collections in fact arose from this Lateran council and its canons. Certainly the canons, unlike those of Lateran I and II and many preceding councils, appear to have been worked out by an excellent legal mind so that it is probable they were composed under the authority of Alexander III himself, who was an expert lawyer. The canons, except for those which refer to Lateran II or the council of Rheims in 1148 (see canons 2, 11, 20-22) or to Gratian’s Decrees (see canons 1-4, 7, 11, 13-14, 17-18), are new and original. The tradition of the canons has not yet been adequately examined and remains very uncertain. Many manuscript codices survive for this council (in contrast to Lateran I and II). However, they do not seem to give us the version of the canons which was confirmed by ecclesiastical authority and which Archbishop William of Tyre, with the authority of the fathers, had himself drawn up. Frequently the canons are to be found in chronicles and decretal collections. They are included in four contemporary English chronicles: those of Abbot Benedict of Peterborough, Gervase of Canterbury, William of Newburgh, and Roger of Hoveden. And in the following collections of decretals: the collection called the Appendix of the Lateran council, the collections of Bamberg, Berlin I, Canterbury I-II, Kassel, Cheltenham, Claudian, Cotton, Dertosa, Douai, Durham, Eberbach, Erlangen, Florian, Klosterneuberg, Leipzig, Oriel II, Paris I, Peterhouse, Rochester, Sangerman, and Tanner; and there are a considerable number of collections still to be examined. The canons are also contained in the book called "Rommersdorfer Briefbuch", the Cartulary of Rievaulx, and the codices Florence Ricc. 288 (Day-book), Innsbruck Univ. 90 (Gratian’s Decrees), and (which seem to have been unnoticed hitherto) Vatican Regin. lat. 596, 12th century (fos. 6V-8v), and 984, 12th century (fos. 2r-7v). We can say for certain that the canons of the council were spread abroad through the whole Latin church, and were of great weight in its concerns and transactions. The first printed edition was made by Cr2 (2, 1551, 836-843). He edited, from a manuscript now lost or unknown, the whole collection known as the Appendix of the Lateran council, which is divided into fifty parts; all 27 canons of Lateran III are in the first part. This text was copied by Su (3, 1567, 626-633) and Bn (3, 1606, 1345-1350), though Su introduced some errors. Bn who was the first to give the name "Appendix of the Lateran council" to the collection, added some variant readings and rubrics which he had found in the chronicle of Roger of Hoveden. The Roman editors (Romans 4, 1612, 27-33), using also the manuscript codex of Antonio Augustine of Tarragona, produced a more accurate text and more variant readings. Later

editions, all of which we have exarnined, followed the Roman text, narnely:ER27 (1644) 439-463;LC10 (1671) 1507-1523;Hrd 6 (1714) 1673-1684; Cl 13 (1730) 416-432; Msi 22 (1778) 217-233. Boehmer, who published his edition in 1747, before Msi, is an exception. He took the canons from the Kassel collection of decretals, where the order and some readings are different. Finally Herold, in his unpublished Bonn dissertation of 1952, examined thoroughly the whole tradition and established the order of the canons; using 36 sources, he concluded there were 34 different traditions! As things now stand, it is impossible to use all the known sources for our edition. For, these sources reveal only a limited part of the whole tradition and, what is even more important, we do not yet understand the relations between the individual traditions. Even Herold has not examined these relations sufficiently. We have therefore preferred to publish the text of a single tradition, namely that of the Appendix of the Lateran council, using Cr2 and Rm as the best text of this tradition and including the variant readings listed in Rrn. This "Appendix" is a good text, as even Herold's text (= H) shows. We have given Herold's variant readings in the critical apparatus, and we have noted in footnotes the order in which he places the 23 canons that he includes.

CANONS

1. Although clear enough decrees have been handed down by our predecessors to avoid dissension in the choice of a sovereign pontiff, nevertheless in spite of these, because through wicked and reckless ambition the church has often suffered serious division, we too, in order to avoid this evil, on the advice of our brethren and with the approval of the sacred council, have decided that some addition must be made. Therefore we decree that if by chance, through some enemy sowing tares, there cannot be full agreement among the cardinals on a successor to the papacy, and though two thirds are in agreement a third party is unwilling to agree with them or presumes to appoint someone else for itself, that person shall be held as Roman pontiff who has been chosen and received by the two thirds. But if anyone trusting to his nomination by the third party assumes the name of bishop, since he cannot take the reality, both he and those who receive him are to incur excommunication and be deprived of all sacred order, so that viaticum be denied them, except at the hour of death, and unless they repent, let them receive the lot of Dathan and Abiron, who were swallowed up alive by the earth. Further, if anyone is chosen to the apostolic office by less than two thirds, unless in the meantime he receives a larger support, let him in no way assume it, and let him be subject to the foresaid penalty if he is unwilling humbly to refrain. However, as a result of this decree, let no prejudice arise to the canons and other ecclesiastical constitutions according to which the decision of the greater and senior {1 } part should prevail, because any doubt that can arise in them can be settled by a higher authority; whereas in the Roman church there is a special constitution, since no recourse can be had to a superior.

2. Renewing the decision taken by our predecessor of happy memory, Innocent, we decree that the ordinances made by the heresiarchs Octavian {2 } and Guido {3 }, and also by John of Struma {4 } who followed them, and by those ordained by them, are void; and furthermore that if any have received ecclesiastical dignities or benefices through the foresaid schismatics, they are to be deprived of them. Moreover alienations or seizures of ecclesiastical property, which have been made by these schismatics or by lay persons, are to lack all validity and are to return to the church without any burden to it. If anyone presumes to act against this, let him know that he is

excommunicated. We decree that those who of their own accord have taken an oath to remain in schism are suspended from sacred orders and dignities.

3. Since in holy orders and ecclesiastical ministries both maturity of age, a serious character and knowledge of letters should be required, much more should these qualities be required in a bishop, who is appointed for the care of others and ought to show in himself how others should live in the house of the Lord. Therefore, lest what has been done with regard to certain persons through the needs of the time should be taken as a precedent for the future, we declare by the present decree that no one should be chosen bishop unless he has already reached the age of thirty, been born in lawful wedlock and also is shown to be worthy by his life and learning. When he has been elected and his election has been confirmed, and he has the administration of ecclesiastical property, after the time has passed for the consecration of bishops as laid down by the canons let the person to whom the benefices which he held belong, have the free disposition of them. Further, with regard to the inferior ministries, for instance that of dean or archdeacon, and others which have the care of souls annexed, let no one at all receive them, or even the rule of parish churches, unless he has already reached his twenty-fifth year of age, and can be approved for his learning and character. When he has been nominated, if the archdeacon is not ordained deacon, and the deans (and the rest after due warning) are not ordained priests within the time fixed by the canons, let them be removed from that office and let it be conferred on another who is both able and willing to fulfill it properly; and let them not be allowed the evasion of recourse to an appeal, should they wish by an appeal to protect themselves against a transgression of the constitution. We order that this should be observed with regard to both past and future appointments, unless it is contrary to the canons. Certainly if clerics appoint someone contrary to this rule, let them know that they are deprived of the power of election and are suspended from ecclesiastical benefices for three years. For it is right that at least the strictness of ecclesiastical discipline should restrain those who are not recalled from evil by the fear of God. But if any bishop has acted in anyone’s interest contrary to this decree, or has consented to such actions, let him lose the power of conferring the foresaid offices, and let these appointments be made by the chapter, or by the metropolitan if the chapter cannot agree.

4. Since the apostle decided that he ought to support himself and those accompanying him by his own hands, so that he might remove the opportunity of preaching from false apostles and might not be burdensome to those to whom he was preaching, it is recognized that it is a very serious matter and calls for correction that some of our brethren and fellow bishops are so burdensome to their subjects in the procurations demanded that sometimes, for this reason, subjects are forced to sell church ornaments and a short hour consumes the food of many days. Therefore we decree that archbishops on their visitations of their dioceses are not to bring with them more than forty or fifty horses or other mounts, according to the differences of dioceses and ecclesiastical resources; cardinals should not exceed twenty or twenty-five, bishops are never to exceed twenty or thirty, archdeacons five or seven, and deans, as their delegates, should be satisfied with two horses. Nor should they set out with hunting dogs and birds, but they should proceed in such a way that they are seen to be seeking not their own but the things of Jesus Christ. Let them not seek rich banquets but let them receive with thanksgiving what is duly and suitably provided {5 }. We also forbid bishops to burden their subjects with taxes and impositions. But we allow them, for the many needs which sometimes come upon them, if the cause be clear and reasonable, to ask for

assistance moderated by charity. For since the apostle says children ought not to lay up for their parents, but parents for their children, it seems to be far removed from paternal affection if superiors are burdensome to their subjects, when like a shepherd they ought to cherish them in all their needs. Archdeacons or deans should not presume to impose charges or taxes on priests or clerics. Indeed, what has been said above by way of permission about the number of horses may be observed in those places where there are greater resources or revenues, but in poorer places we wish measure so to be observed that the visit of greater personages should not be a burden to the humbler, lest by such a grant those who were accustomed to use fewer horses should think that the widest powers have been granted to them.

5. If a bishop ordains someone as deacon or priest without a definite title from which he may draw the necessities of life, let the bishop provide him with what he needs until he shall assign him the suitable wages of clerical service in some church, unless it happens that the person ordained is in such a position that he can find the support of life from his own or family inheritance.

6. A most reprehensible custom has become established in certain places whereby our brethren and fellow bishops and even archdeacons have passed sentence of excommunication or suspension, without any previous admonition on those who they think will lodge an appeal. Others too, while they fear the sentence and canonical discipline of a superior, lodge an appeal without any real grounds and thus make use of a means ordained for the help of the innocent as a defence of their own wrongdoing. Therefore to prevent prelates burdening their own subjects without reason, or subjects at their will being able to escape the correction of prelates under cover of an appeal, we lay down by this present decree that prelates should not pass sentence of suspension or excommunication without a previous canonical warning, unless the fault is such that by its nature it incurs the penalty of excommunication {6 } , and that subjects should not recklessly have recourse to an appeal, contrary to ecclesiastical discipline, before the introduction of their case. But if anyone believes that because of his own need he should make an appeal, let a proper limit be fixed for his making it, and if it happens that he fails to do so within this limit, let the bishop freely use his own authority. If in any business someone makes an appeal, but fails to appear when the defendant has arrived, let him make a proper repayment of the defendant’s expenses, if he is in a position to do so; in this way, at least by fear, a person may be deterred from lightly making an appeal to the injury of another. But we wish that in religious houses especially this should be observed, namely that monks or other religious, when they are to be corrected for any fault, should not presume to appeal against the regular discipline of their superior or chapter, but they should humbly and devoutly submit to what is usefully enjoined them for their salvation.

7. Since in the body of the church everything should be treated with a spirit of charity, and what has been freely received should be freely given, it is utterly disgraceful that in certain churches trafficking is said to have a place, so that a charge is made for the enthroning of bishops, abbots or ecclesiastical persons, for the installation of priests in a church, for burials and funerals, for the blessing of weddings or for other sacraments, and that he who needs them cannot gain them unless he first makes an offering to the person who bestows them. Some think that this is permitted in the belief that long standing custom has given it the force of law. Such people, blinded by avarice, are not aware that the longer an unhappy soul is bound by crimes the graver they are. Therefore, so that this may not be done in the future, we severely forbid that anything be demanded for the enthronement of ecclesiastical persons or the institution of priests, for burying

the dead as well as for blessing marriages or for any other sacrament. But if anyone presumes to act against this, let him know that he will have his lot with Giezi {7 }, whose action he imitates by his demand of a disgraceful present. Moreover we forbid bishops, abbots or other prelates to impose upon churches new dues, increase the old or presume to appropriate to their own use part of the revenues, but let them readily preserve for their subjects those liberties which superiors wish to be preserved for themselves. If anyone acts otherwise, his action is to be held invalid.

8. Let no ecclesiastical ministries or even benefices or churches be assigned or promised to anyone before they are vacant, so that nobody may seem to wish for the death of his neighbour to whose position or benefice he believes himself to be the successor. For since we find this forbidden even in the laws of the pagans themselves, it is utterly disgraceful and calls for the punishment of God's judgment if the hope of future succession should have any place in God's church when even pagans have taken care to condemn it. But whenever ecclesiastical prebends or any offices happen to become vacant in a church, or are even now vacant, let them no longer remain unassigned and let them be conferred within six months on persons who are able to administer them worthily. If the bishop, when it concerns him, delays to make the appointment, let it be done by the chapter; but if the election belongs to the chapter and it does not make the appointment within the prescribed time, let the bishop proceed according to God's will, with the advice of religious men; or if by chance all fail to do so, let the metropolitan dispose of these matters without opposition from them and in accordance with God's will.

9. Since we ought both to plant holy religion and in every way to cherish it when planted, we shall never fulfil this better than if we take care to nourish what is right and to correct what stands in the way of the progress of truth by means of the authority entrusted to us {8 }. Now we have learnt from the strongly worded complaints of our brethren and fellow bishops that the Templars and Hospitallers, and other professed religious, exceeding the privileges granted them by the apostolic see have often disregarded episcopal authority, causing scandal to the people of God and grave danger to souls. We are told that they receive churches from the hands of lay persons; that they admit those under excommunication and interdict to the sacraments of the church and to burial; that in their churches they appoint and remove priests without the knowledge of the bishop; that when the brothers go to seek alms, and it is granted that the churches should be open on their arrival once a year and the divine services should be celebrated in them, several of them from one or more houses often go to a place under interdict and abuse the privileges granted {9 } to them by holding divine service, and then presume to bury the dead in the said churches. On the occasion also of the brotherhoods which they establish in many places, they weaken the bishops' authority, for contrary to their decision and under cover of some privileges they seek to defend all who wish to approach and join their brotherhood. In these matters, because the faults arise not so much with the knowledge or advice of the superiors as from the indiscretion of some of the subjects, we have decreed that abuses should be removed and doubtful points settled. We absolutely forbid that these orders and all other religious should receive churches and tithes from the hands of lay persons, and we even order them to put away what they have recently received contrary to this decree. We declare that those who are excommunicated, or interdicted by name, must be avoided by them and all others according to the sentence of the bishop. In churches which do not belong to them by full right, let them present to the bishops the priests to be instituted, so that while they are answerable to the bishops for the care of the people, they may give to their own members a proper

account of temporal matters. Let them not presume to remove those priests who have been appointed without first consulting the bishops. If the Templars or Hospitallers come to a church which is under an interdict, let them be allowed to hold the services of the church only once a year and let them not bury there the bodies of the dead. With regard to the brotherhoods we declare as follows: if any do not give themselves entirely to the said brothers but decide to keep their possessions, they are in no way on this account exempt from the sentence of the bishops, but the bishops may exercise their power over them as over other parishioners whenever they are to be corrected for their faults. What has been said about the said brothers, we declare shall be observed with regard to other religious who presume to claim for themselves the rights of bishops and dare to violate their canonical decisions and the tenor of our privileges. If they do not observe this decree, let the churches in which they dare so to act be placed under an interdict, and let what they do be considered void.

10. Monks are not to be received in a monastery for money nor are they allowed money of their own. They are not to be stationed individually in towns or cities or parish churches, but they are to remain in larger communities or with some of their brethren, nor are they to await alone among people of the world the attack of their spiritual foes, since Solomon says, Woe to him who is alone when he falls and has not another to lift him up. If anyone when demanded gives something for his reception, let him not proceed to sacred orders and let the one who has received him be punished by loss of his office. If he has money in his possession, unless it has been granted him by the abbot for a specific purpose, let him be removed from the communion of the altar, and any one who is found at his death with money in his possession {10 } is not to receive burial among his brethren and mass is not to be offered for him. We order that this is also to be observed with regard to other religious. Let the abbot who does not exercise care in such matters know that he will incur the loss of his office. Neither priories nor obediences are to be handed over to anyone for a sum of money; otherwise both giver and receiver are to be deprived of ministry in the church. Priors, when they have been appointed to conventual churches, are not to be changed except for a clear and reasonable cause, for instance if they are wastrels or live immoral lives or have committed an offence for which they clearly should be removed, or if on account of the demands of higher office they should be transferred on the advice of their brethren.

11. Clerics in holy orders, who in open concubinage keep their mistresses in their houses, should either cast them out and live continently or be deprived of ecclesiastical office and benefice. Let all who are found guilty of that unnatural vice for which the wrath of God came down upon the sons of disobedience and destroyed the five cities with fire, if they are clerics be expelled from the clergy or confined in monasteries to do penance; if they are laymen they are to incur excommunication and be completely separated from the society of the faithful. If any cleric without clear and necessary cause presumes to frequent convents of nuns, let the bishop keep him away; and if he does not stop, let him be ineligible for an ecclesiastical benefice.

12. Clerics in the subdiaconate and above and also those in minor orders, if they are supported by ecclesiastical revenues, should not presume to become advocates in legal matters before a secular judge, unless they happen to be defending their own case or that of their church, or acting on behalf of the helpless who cannot conduct their own cases. Let clerics not presume to take upon themselves the management of towns or even secular jurisdiction under princes or seculars so as to become their ministers of justice. If anyone dares to act contrary to this decree, and so

contrary to the teaching of the Apostle who says, No soldier of God gets entangled in secular affairs, and acts as a man of this world, let him be deprived of ecclesiastical ministry, on the grounds that neglecting his duty as a cleric he plunges into the waves of this world to please its princes. We decree in the strictest terms that any religious who presumes to attempt any of the above-mentioned things should be punished.

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

14. Because the ambition of some has now gone to such lengths that they are said to hold not two or three but six or more churches, and since they cannot devote the proper care to two, we order, through our brethren and most dear fellow bishops, that this be corrected, and with regard to this pluralism, so contrary to the canons, and which gives rise to loose conduct and instability, and causes definite danger to the souls of those who are able to serve the churches worthily, it is our wish to relieve their want by ecclesiastical benefices. Further, since some of the laity have become so bold that disregarding the authority of bishops they appoint clerics to churches and even remove them when they wish, and distribute the property and other goods of the church for the most part according to their own wishes, and even dare to burden the churches themselves and their people with taxes and impositions, we decree that those who from now on are guilty of such conduct are to be punished by anathema. Priests or clerics who receive the charge of a church from the hands of lay persons {11 }, without the authority of their own bishop, are to be deprived of communion, and if they persist, they are to be deposed from the ecclesiastical ministry and order. We firmly decree that because some of the laity force ecclesiastics and even bishops to come before their courts, those who presume to do so in the future are to be separated from the communion of the faithful. Further we forbid lay persons, who hold tithes to the danger of their souls, to transfer them in any way {12 } to other lay persons. If anyone receives them and does not hand them over to the church, let him be deprived of christian burial.

15. Although in duties of charity we are especially under obligation to those from whom we know we have received a gift, on the contrary certain clerics, after receiving many goods from their churches, have presumed to transfer these goods to other uses. We forbid this, knowing that it is also forbidden by ancient canons. Therefore, as we wish to prevent damage to the churches, we order that such goods should remain under the control of the churches, whether the clerics die intestate or wish to bestow them upon others. Besides, since in certain places certain persons called deans are appointed for a fee and exercise episcopal jurisdiction for a sum of money, by the present decree we declare that those who in future presume to do this should be deprived of their office and the bishop shall lose the power of conferring this office.

16. Since in every church what is approved by the greater and senior {13 } part of the brethren should unhesitatingly be observed, it is a very serious and blameworthy matter that in certain

churches a few persons, sometimes not so much for a good reason as for their own will, frequently prevent an election and do not allow the ecclesiastical appointment to go forward. Therefore we declare by the present decree that unless some reasonable objection is shown by the smaller and junior party, apart from an appeal, whatever is determined by the greater and senior {14 } part of the chapter should always prevail and should be put into effect. Nor let it stand in the way of our decree if someone perchance says that he is under oath to preserve the custom of his church. For this is not to be called an oath but rather perjury, which is opposed to the advantage of the church and the decrees of the holy fathers. If anyone presumes to maintain under oath such customs, which are neither supported by reason nor in accord with the sacred decrees, let him be denied the reception of the body of the Lord until he performs fit penance.

17. Since in certain places the founders of churches or their heirs abuse the power in which the church has supported them until now, and though there ought to be one superior in the church of God they nevertheless contrive to choose several without regard to subordination, and though there ought to be one rector in each church they nevertheless put forward several in order to protect their own interests; for these reasons we declare by the present decree that if the founders support several candidates, that one should be in charge of the church who is supported by greater merits and is chosen and approved by the consent of the greater number. If this cannot be done without scandal, let the bishop arrange in the manner that he sees best according to the will of God. He should also do this if the question of the right of patronage arises among several persons, and it has not been settled to whom it belongs within three {15 } months.

18. Since the church of God is bound to provide like a mother for those in want, with regard to both the things which concern the support of the body and those which lead to the progress of the soul, therefore, in order that the opportunity of learning to read and progress in study is not withdrawn from poor children who cannot be helped by the support of their parents, in every cathedral church a master is to be assigned some proper benefice so that he may teach the clerics of that church and the poor scholars. Thus the needs of the teacher are to be supplied and the way to knowledge opened for learners. In other churches and monasteries too, if anything in times past has been assigned in them for this purpose, it should be restored. Let no one demand any money for a licence to teach, or under cover of some custom seek anything from teachers, or forbid anyone to teach who is suitable and has sought a licence. Whoever presumes to act against this decree is to be deprived of ecclesiastical benefice. Indeed, it seems only right that in the church of God a person should not have the fruit of his labour if through self-seeking he strives to prevent the progress of the churches by selling the licence to teach.

19. It is recognized as a very serious matter, as regards the sin of those who do it no less than the loss of those who suffer it, that in several parts of the world the governors and officials of cities, and others too who are seen to have power, often impose on churches so many burdens and oppress them with such heavy and frequent impositions, that under them the priesthood seems to be in a worse condition than it was under Pharaoh, who had no knowledge of the divine law. He indeed, though he reduced all others to slavery, left his priests and their possessions in their ancient freedom, and provided them with support from public funds. But these others impose burdens of nearly every kind upon the churches and afflict them with so many exactions that the lamentation of Jeremiah seems to apply to them, The prince of provinces has become a tributary. For whenever they think that entrenchments or expeditions or anything else should be made, they

wish that almost everything should be seized from the goods assigned to the use of churches, clerics and Christ's poor. They even so reduce the jurisdiction and authority of bishops and other prelates that these seem to retain no power over their own subjects. But though we must in this matter grieve for the churches, we must grieve none the less for those who seem to have utterly cast aside the fear of God and respect for the ecclesiastical order. Therefore we strictly forbid them under pain of anathema to attempt such acts in future, unless the bishop and clergy see the need or advantage to be so great that they believe that where the means of the laity are insufficient, aid should be given voluntarily by the churches to relieve common needs. But if in future officials or others presume to continue such practices and after warning refuse to stop, let both them and their supporters know that they are excommunicated, and let them not be restored to the communion of the faithful unless they make due satisfaction.

20. Following the footsteps of our predecessors of happy memory, popes Innocent and Eugenius, we forbid those abominable jousts and fairs, which are commonly called tournaments, in which knights come together by agreement and rashly engage in showing off their physical prowess and daring, and which often result in human deaths and danger to souls. If any of them dies on these occasions, although forgiveness {16 } is not to be denied him when he requests it, he is to be deprived of a church burial.

21. We decree that truces are to be inviolably observed by all from after sunset on Wednesday until sunrise on Monday, and from Advent until the octave of the Epiphany, and from Septuagesima until the octave of Easter. If anyone tries to break the truce, and he does not comply after the third warning, let his bishop pronounce sentence of excommunication and communicate his decision in writing to the neighbouring bishops. Moreover, let no bishop receive into communion the excommunicated person, but rather let him confirm the sentence received in writing. If anyone presumes to infringe this, he will do so at the risk of his position. Since a threefold cord is not quickly broken, we enjoin bishops, having regard only for God and the salvation of the people, and laying aside all timidity, to furnish each other with mutual counsel and help towards firmly maintaining peace, and not to omit this duty by reason of any affection or aversion. For if anyone is found to be lukewarm in the work of God, let him incur the loss of his dignity.

22. We renew our decree that priests, monks, clerics, lay brothers, merchants and peasants, in their coming and going and their work on the land, and the animals which carry seeds to the field, should enjoy proper security, and that nobody should impose on anyone new demands for tolls, without the approval of kings and princes, or renew those already imposed or in any way increase the old. If anyone presumes to act against this decree and does not stop after warning, let him be deprived of christian society until he makes satisfaction.

23. Although the Apostles says that we should pay greater honour to our weaker members, certain ecclesiastics, seeking what is their own and not the things of Jesus Christ, do not allow lepers, who cannot dwell with the healthy or come to church with others, to have their own churches and cemeteries or to be helped by the ministry of their own priests. Since it is recognized that this is far from christian piety, we decree, in accordance with apostolic charity, that wherever so many are gathered together under a common way of life that they are able to establish a church for themselves with a cemetery and rejoice in their own priest, they should be allowed to have them

without contradiction. Let them take care, however, not to harm in any way the parochial rights of established churches. For we do not wish that what is granted them on the score of piety should result in harm to others. We also declare that they should not be compelled to pay tithes for their gardens or the pasture of animals.

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

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

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

27. As St. Leo says, though the discipline of the church should be satisfied with the judgment of the priest and should not cause the shedding of blood, yet it is helped by the laws of catholic princes so that people often seek a salutary remedy when they fear that a corporal punishment will overtake them. For this reason, since in Gascony and the regions of Albi and Toulouse and in other places the loathsome heresy of those whom some call the Cathars, others the Patarenes, others the Publicani, and others by different names, has grown so strong that they no longer practise their wickedness in secret, as others do, but proclaim their error publicly and draw the

simple and weak to join them, we declare that they and their defenders and those who receive them are under anathema, and we forbid under pain of anathema that anyone should keep or support them in their houses or lands or should trade with them. If anyone dies in this sin, then neither under cover of our privileges granted to anyone, nor for any other reason, is mass to be offered for them or are they to receive burial among Christians. With regard to the Brabanters, Aragonese, Navarrese, Basques, Coterelli and Triaverdini {17 }, who practise such cruelty upon Christians that they respect neither churches nor monasteries, and spare neither widows, orphans, old or young nor any age or sex, but like pagans destroy and lay everything waste, we likewise decree that those who hire, keep or support them, in the districts where they rage around, should be denounced publicly on Sundays and other solemn days in the churches, that they should be subject in every way to the same sentence and penalty as the above-mentioned heretics and that they should not be received into the communion of the church, unless they abjure their pernicious society and heresy. As long as such people persist in their wickedness, let all who are bound to them by any pact know that they are free from all obligations of loyalty, homage or any obedience. On these {18 } and on all the faithful we enjoin, for the remission of sins, that they oppose this scourge with all their might and by arms protect the christian people against them. Their goods are to be confiscated and princes free to subject them to slavery. Those who in true sorrow for their sins die in such a conflict should not doubt that they will receive forgiveness for their sins and the fruit of an eternal reward. We too trusting in the mercy of God and the authority of the blessed apostles Peter and Paul, grant to faithful Christians who take up arms against them, and who on the advice of bishops or other prelates seek to drive them out, a remission for two years of penance imposed on them, or, if their service shall be longer, we entrust it to the discretion of the bishops, to whom this task has been committed, to grant greater indulgence, according to their judgment, in proportion to the degree of their toil. We command that those who refuse to obey the exhortation of the bishops in this matter should not be allowed to receive the body and blood of the Lord. Meanwhile we receive under the protection of the church, as we do those who visit the Lord’s sepulchre, those who fired by their faith have taken upon themselves the task of driving out these heretics, and we decree that they should remain undisturbed from all disquiet both in their property and persons. If any of you presumes to molest them, he shall incur the sentence of excommunication from the bishop of the place, and let the sentence be observed by all until what has been taken away has been restored and suitable satisfaction has been made for the loss inflicted. Bishops and priests who do not resist such wrongs are to be punished by loss of their office until they gain the pardon of the apostolic see.

FOOTNOTES

1 sounder in Cr, LC-Msi, H 2 antipope Victor IV (1159-1164) 3 antipope Paschal III (1164-1168) 4 antipope Callistus III (1168-1178) 5 Let them not... provided omitted in Cr Su. 6 suspension or excommunication variant reading in Rm, H 7 see 4 Kg, 20-27 8 by God added in H 9 by us added in H 10 and has not repented in a fitting manner added in H 11 whether under cover of patronage or in any other way added in H 12 without the consent of their bishop added in H 13 sounder in H 14 sounder variant reading in Romans 15:1-33 four variant reading in Rm, two in H 16 penance H 17 omitted in H 18 princes H

Introduction and translation taken from Decrees of the Ecumenical Councils, ed. Norman P. Tanner. {e-text version omits many footnotes found in the Tanner, but all variant readings are

given}

12 Part 1 Fourth Lateran Council : 1215

Fourth Lateran Council (1215), under Innocent III. There were present the Patriarchs of Constantinople and Jerusalem, 71 archbishops, 412 bishops, and 800 abbots the Primate of the Maronites, and St. Dominic. It issued an enlarged creed (symbol) against the Albigenses (Firmiter credimus), condemned the Trinitarian errors of Abbot Joachim, and published 70 important reformatory decrees. This is the most important council of the Middle Ages, it marks the culminating point of ecclesiastical life and papal power.

Fourth Lateran Council : 1215

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Clerical incontinence <file://C:\CCD\churchfathers\CHURCH COUNCILS & Liturgies\ECUM12-4TH LATERAN1215.HTM>

Clerical gluttony and drunkeness <file://C:\CCD\churchfathers\CHURCH COUNCILS & Liturgies\ECUM12-4TH LATERAN1215.HTM>

Decorum in the dress and behaviour of clerics <file://C:\CCD\churchfathers\CHURCH COUNCILS & Liturgies\ECUM12-4TH LATERAN1215.HTM>

Dissolute prelates <file://C:\CCD\churchfathers\CHURCH COUNCILS & Liturgies\ECUM12-4TH LATERAN1215.HTM>

Clerics to dissociate from shedding-blood <file://C:\CCD\churchfathers\CHURCH COUNCILS & Liturgies\ECUM12-4TH LATERAN1215.HTM> That profane objects may not be stored in churches <file://C:\CCD\churchfathers\CHURCH COUNCILS & Liturgies\ECUM12-4TH LATERAN1215.HTM>

Chrism and the Eucharist to be kept under lock and key <file://C:\CCD\churchfathers\CHURCH COUNCILS & Liturgies\ECUM12-4TH LATERAN1215.HTM> On yearly confession to one's own priest, yearly communion, the confessional seal <file://C:\CCD\churchfathers\CHURCH COUNCILS & Liturgies\ECUM12-4TH LATERAN1215.HTM>

Physicians of the body to advise patients to call physicians of the soul <file://C:\CCD\churchfathers\CHURCH COUNCILS & Liturgies\ECUM12-4TH LATERAN1215.HTM>

Churches are to be without a prelate for no more than 3 months <file://C:\CCD\churchfathers\CHURCH COUNCILS & Liturgies\ECUM12-4TH LATERAN1215.HTM>

Democratic election of pastors <file://C:\CCD\churchfathers\CHURCH COUNCILS & Liturgies\ECUM12-4TH LATERAN1215.HTM>

Invalid elections <file://C:\CCD\churchfathers\CHURCH COUNCILS & Liturgies\ECUM12-4TH LATERAN1215.HTM>

Nominees for prelatures to be carefully screened <file://C:\CCD\churchfathers\CHURCH COUNCILS & Liturgies\ECUM12-4TH LATERAN1215.HTM>

Candidates for the priesthood to be carefully trained and scrutinized <file://C:\CCD\churchfathers\CHURCH COUNCILS & Liturgies\ECUM12-4TH LATERAN1215.HTM> Who asks to resign must resign <file://C:\CCD\churchfathers\CHURCH COUNCILS & Liturgies\ECUM12-4TH LATERAN1215.HTM>

Multiple benefices require papal dispensation <file://C:\CCD\churchfathers\CHURCH COUNCILS & Liturgies\ECUM12-4TH LATERAN1215.HTM>

Penalties for bestowing ecclesiatical benefices on the unworthy <file://C:\CCD\churchfathers\CHURCH COUNCILS & Liturgies\ECUM12-4TH LATERAN1215.HTM>

Canons' sons cannot be canons where their fathers are <file://C:\CCD\churchfathers\CHURCH COUNCILS & Liturgies\ECUM12-4TH LATERAN1215.HTM>

Parish priests to have adequate incomes <file://C:\CCD\churchfathers\CHURCH COUNCILS & Liturgies\ECUM12-4TH LATERAN1215.HTM>

Renumeration for visitations to be reasonable <file://C:\CCD\churchfathers\CHURCH COUNCILS & Liturgies\ECUM12-4TH LATERAN1215.HTM>

Prelates forbidden to procure ecclesiastical services at a profit <file://C:\CCD\churchfathers\CHURCH COUNCILS & Liturgies\ECUM12-4TH LATERAN1215.HTM> On appeal procedures <file://C:\CCD\churchfathers\CHURCH COUNCILS & Liturgies\ECUM12-4TH LATERAN1215.HTM> On interlocutory sentences <file://C:\CCD\churchfathers\CHURCH COUNCILS & Liturgies\ECUM12-4TH LATERAN1215.HTM> On Summons by Apostolic Letter <file://C:\CCD\churchfathers\CHURCH COUNCILS & Liturgies\ECUM12-4TH LATERAN1215.HTM>

Written records of trials to be kept <file://C:\CCD\churchfathers\CHURCH COUNCILS & Liturgies\ECUM12-4TH LATERAN1215.HTM> On knowingly receiving stolen goods <file://C:\CCD\churchfathers\CHURCH COUNCILS & Liturgies\ECUM12-4TH LATERAN1215.HTM>

True owner is the true possessor even if not possessing the object for a year <file://C:\CCD\churchfathers\CHURCH COUNCILS & Liturgies\ECUM12-4TH LATERAN1215.HTM> No one is to knowingly prescribe an object to the wrong party <file://C:\CCD\churchfathers\CHURCH COUNCILS & Liturgies\ECUM12-4TH LATERAN1215.HTM>

Clerics and laity are not to usurp each others rights <file://C:\CCD\churchfathers\CHURCH COUNCILS & Liturgies\ECUM12-4TH LATERAN1215.HTM>

Clerics cannot be forced to take oaths of fealty to those from whom they hold no temporalities <file://C:\CCD\churchfathers\CHURCH COUNCILS & Liturgies\ECUM12-4TH LATERAN1215.HTM>

Only clerics may dispose of church property <file://C:\CCD\churchfathers\CHURCH COUNCILS & Liturgies\ECUM12-4TH LATERAN1215.HTM>

Penalties for patrons who steal church goods or physically harm their clerics <file://C:\CCD\churchfathers\CHURCH COUNCILS & Liturgies\ECUM12-4TH LATERAN1215.HTM>

Taxes cannot be levied on the Church, but the Church can volunteer contributions for the common good <file://C:\CCD\churchfathers\CHURCH COUNCILS & Liturgies\ECUM12-4TH LATERAN1215.HTM> On unjust excommunication <file://C:\CCD\churchfathers\CHURCH COUNCILS & Liturgies\ECUM12-4TH LATERAN1215.HTM>

Challenging an ecclesiastical judge <file://C:\CCD\churchfathers\CHURCH COUNCILS & Liturgies\ECUM12-4TH LATERAN1215.HTM>

Penalties for excommunication out of avarice <file://C:\CCD\churchfathers\CHURCH COUNCILS & Liturgies\ECUM12-4TH LATERAN1215.HTM>

Prohibition of marriage is now perpetually restricted to the fourth degree <file://C:\CCD\churchfathers\CHURCH COUNCILS & Liturgies\ECUM12-4TH LATERAN1215.HTM>

Clandestine marriages forbidden <file://C:\CCD\churchfathers\CHURCH COUNCILS & Liturgies\ECUM12-4TH LATERAN1215.HTM> On rejecting evidence from hearsay at a matrimonial suit <file://C:\CCD\churchfathers\CHURCH COUNCILS & Liturgies\ECUM12-4TH LATERAN1215.HTM> On those who give their fields to others to be cultivated so as to avoid tithes <file://C:\CCD\churchfathers\CHURCH COUNCILS & Liturgies\ECUM12-4TH LATERAN1215.HTM>

Tithes should be paid before taxes <file://C:\CCD\churchfathers\CHURCH COUNCILS & Liturgies\ECUM12-4TH LATERAN1215.HTM>

Tithes are to be paid on lands acquired, notwithstanding privileges <file://C:\CCD\churchfathers\CHURCH COUNCILS & Liturgies\ECUM12-4TH LATERAN1215.HTM> A parish priest shall not lose a tithe on account of some people making a pact <file://C:\CCD\churchfathers\CHURCH COUNCILS & Liturgies\ECUM12-4TH LATERAN1215.HTM>

Interpreting the words of privileges <file://C:\CCD\churchfathers\CHURCH COUNCILS & Liturgies\ECUM12-4TH LATERAN1215.HTM> On the same in favour of bishops <file://C:\CCD\churchfathers\CHURCH COUNCILS & Liturgies\ECUM12-4TH LATERAN1215.HTM>

Religious cannot give surety without permission of his abbot and convent <file://C:\CCD\churchfathers\CHURCH COUNCILS & Liturgies\ECUM12-4TH LATERAN1215.HTM>

Abbots not to encroach on episcopal office <file://C:\CCD\churchfathers\CHURCH COUNCILS & Liturgies\ECUM12-4TH LATERAN1215.HTM>

Religious may not receive tithes from lay hands <file://C:\CCD\churchfathers\CHURCH COUNCILS & Liturgies\ECUM12-4TH LATERAN1215.HTM>

Regarding saint’s relics <file://C:\CCD\churchfathers\CHURCH COUNCILS & Liturgies\ECUM12-4TH LATERAN1215.HTM> On simony <file://C:\CCD\churchfathers\CHURCH COUNCILS & Liturgies\ECUM12-4TH LATERAN1215.HTM>

Simony with regards to monks and nuns <file://C:\CCD\churchfathers\CHURCH COUNCILS & Liturgies\ECUM12-4TH LATERAN1215.HTM>

Simony and extortion <file://C:\CCD\churchfathers\CHURCH COUNCILS & Liturgies\ECUM12-4TH LATERAN1215.HTM>

Simony and avarice in clerics <file://C:\CCD\churchfathers\CHURCH COUNCILS & Liturgies\ECUM12-4TH LATERAN1215.HTM>

Jews and excessive Usury <file://C:\CCD\churchfathers\CHURCH COUNCILS & Liturgies\ECUM12-4TH LATERAN1215.HTM>

Jews appearing in public <file://C:\CCD\churchfathers\CHURCH COUNCILS & Liturgies\ECUM12-4TH LATERAN1215.HTM>

Jews not to hold public offices <file://C:\CCD\churchfathers\CHURCH COUNCILS & Liturgies\ECUM12-4TH LATERAN1215.HTM>

Jewish converts may not retain their old rite <file://C:\CCD\churchfathers\CHURCH COUNCILS & Liturgies\ECUM12-4TH LATERAN1215.HTM>

Crusade to recover the holy Land <file://C:\CCD\churchfathers\CHURCH COUNCILS & Liturgies\ECUM12-4TH LATERAN1215.HTM>

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 (Romans 4:1-25 [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.

C O N S T I T U T I O N S 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 unmistakeable 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 drunkeness

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

12 Part 2 Fourth Lateran Council : 1215

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 ecclesiatical 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 procuration 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.

. 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 advocation, 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 Song of Solomon 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 affecters 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.

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

13 Part 1 First Council of Lyons - 1245 A.D.

First Council of Lyons (1245). Innocent IV presided the Patriarchs of Constantinople, Antioch, and Aquileia (Venice), 140 bishops, Baldwin II, Emperor of the East, and St. Louis, King of France, assisted. It excommunicated and deposed Emperor Frederick II and directed a new crusade, under the command of St. Louis, against the Saracens and Mongols.

First Council of Lyons - 1245 A.D.

CONTENTS Abbreviations <file://C:\CCD\churchfathers\CHURCH COUNCILS & Liturgies\ECUM13-1STLYONS1245.HTM>

INTRODUCTION <file://C:\CCD\churchfathers\CHURCH COUNCILS & Liturgies\ECUM13-1STLYONS1245.HTM>

Bull Deposing The Emperor Frederick II <file://C:\CCD\churchfathers\CHURCH COUNCILS & Liturgies\ECUM13-1STLYONS1245.HTM>

CONSTITUTIONS <file://C:\CCD\churchfathers\CHURCH COUNCILS & Liturgies\ECUM13-1STLYONS1245.HTM>

I On rescripts <file://C:\CCD\churchfathers\CHURCH COUNCILS & Liturgies\ECUM13-1STLYONS1245.HTM>

Those to whom cases should be entrusted <file://C:\CCD\churchfathers\CHURCH COUNCILS & Liturgies\ECUM13-1STLYONS1245.HTM>

Curtailing legal expenses <file://C:\CCD\churchfathers\CHURCH COUNCILS & Liturgies\ECUM13-1STLYONS1245.HTM> On challenging elections etc. <file://C:\CCD\churchfathers\CHURCH COUNCILS & Liturgies\ECUM13-1STLYONS1245.HTM>

Only unconditional votes valid <file://C:\CCD\churchfathers\CHURCH COUNCILS & Liturgies\ECUM13-1STLYONS1245.HTM>

Jurisdiction of conservators <file://C:\CCD\churchfathers\CHURCH COUNCILS & Liturgies\ECUM13-1STLYONS1245.HTM>

Legates and benefices <file://C:\CCD\churchfathers\CHURCH COUNCILS & Liturgies\ECUM13-1STLYONS1245.HTM>

Judge delegates <file://C:\CCD\churchfathers\CHURCH COUNCILS & Liturgies\ECUM13-1STLYONS1245.HTM> On peremptory exceptions <file://C:\CCD\churchfathers\CHURCH COUNCILS & Liturgies\ECUM13-1STLYONS1245.HTM> The objection of robbery <file://C:\CCD\churchfathers\CHURCH COUNCILS & Liturgies\ECUM13-1STLYONS1245.HTM>

No-show plaintiffs <file://C:\CCD\churchfathers\CHURCH COUNCILS & Liturgies\ECUM13-1STLYONS1245.HTM> On early possession for the sake of preservation <file://C:\CCD\churchfathers\CHURCH COUNCILS & Liturgies\ECUM13-1STLYONS1245.HTM> On the acceptability of negative assertions <file://C:\CCD\churchfathers\CHURCH COUNCILS & Liturgies\ECUM13-1STLYONS1245.HTM> The exception of major excommunication <file://C:\CCD\churchfathers\CHURCH COUNCILS & Liturgies\ECUM13-1STLYONS1245.HTM> On Judges Who Give Dishonest Judgment <file://C:\CCD\churchfathers\CHURCH COUNCILS & Liturgies\ECUM13-1STLYONS1245.HTM> On appeals <file://C:\CCD\churchfathers\CHURCH COUNCILS & Liturgies\ECUM13-1STLYONS1245.HTM> On the same <file://C:\CCD\churchfathers\CHURCH COUNCILS & Liturgies\ECUM13-1STLYONS1245.HTM> On employing assassins <file://C:\CCD\churchfathers\CHURCH COUNCILS & Liturgies\ECUM13-1STLYONS1245.HTM> On excommunication 1 <file://C:\CCD\churchfathers\CHURCH COUNCILS & Liturgies\ECUM13-1STLYONS1245.HTM> On excommunication 2 <file://C:\CCD\churchfathers\CHURCH COUNCILS & Liturgies\ECUM13-1STLYONS1245.HTM> On excommunication 3 <file://C:\CCD\churchfathers\CHURCH COUNCILS & Liturgies\ECUM13-1STLYONS1245.HTM> On excommunication 4 <file://C:\CCD\churchfathers\CHURCH COUNCILS & Liturgies\ECUM13-1STLYONS1245.HTM>

II Management of church debts <file://C:\CCD\churchfathers\CHURCH COUNCILS & Liturgies\ECUM13-1STLYONS1245.HTM> On help for the empire of Constantinople <file://C:\CCD\churchfathers\CHURCH COUNCILS & Liturgies\ECUM13-1STLYONS1245.HTM>

Admonition to be made by prelates to the people in their charge <file://C:\CCD\churchfathers\CHURCH COUNCILS & Liturgies\ECUM13-1STLYONS1245.HTM> On the Tartars <file://C:\CCD\churchfathers\CHURCH COUNCILS & Liturgies\ECUM13-1STLYONS1245.HTM> On the crusade <file://C:\CCD\churchfathers\CHURCH COUNCILS & Liturgies\ECUM13-1STLYONS1245.HTM>

INTRODUCTION The dispute, distinctive of the Middle Ages, between the papacy and the empire became very serious under Pope Innocent IV and Emperor Frederick II. Already in 1240 Pope Gregory IX had tried to define the questions between the two powers by calling a general council, but Frederick II by arms had prevented the council from meeting. When Innocent IV succeeded as pope in 1243 he gave his earnest attention to renewing this policy. He was able to make his way in 1244 to Lyons, which was outside the direct authority of the emperor, and there proclaimed a council. Some letters of summons exist, dated 3 January 1245 and the days following, in which the purpose of the council is stated thus: "That the church, through the salutary counsel of the faithful and their fruitful help, may have the dignity of its proper position; that assistance may speedily be brought to the unhappy crisis in the holy Land and the sufferings of the eastern empire; that a remedy may be found against the Tartars and other enemies of the faith and persecutors of the christian people; further, for the issue between the church and the emperor; for these reasons we think that the kings of the earth, the prelates of the church and other princes of the world should be summoned". The chief purposes for which the council was called -- and from the beginning it was called "general" -- seem to have been political ones. When the council opened on 26 June 1245, in a meeting which was probably only preparatory, there were present three patriarchs and about 150 bishops besides other religious and secular persons, among whom was the Latin emperor of

Constantinople. Emperor Frederick II sent a legation headed by Thaddaeus of Suessa. Many bishops and prelates were unable to attend the council because they had been prevented by the invasions of the Tartars in the east or the attacks of the Saracens in the holy Land, or because Frederick II had intimidated them (especially the Sicilians and Germans). Thus it was that the four chief parties of the council were the French and probably the Spanish, English and Italian. In the three sessions which were held during the council (26 June, 5 and 17 July) the fathers, not without hesitation and dispute, had to treat especially of Frederick II. There seems to have been a bitter conflict between Innocent IV on the one side and Thaddaeus of Suessa on the other. The sources, especially the Brevis nota and Matthew Paris, tell us clearly about the nature of the discussion and the determined attitude of the pope, who induced the council to depose the emperor at the session on 17 July 1245, a matter that appeared unprecedented to the fathers themselves. The council on this question shows us clearly the critical position reached by the medieval theory and practice of ruling a christian state, which rested on a double order of authority. In the same session of 17 July the council also approved some strictly legal constitutions and others on usury, the Tartars and the Latin east. But the council, unlike the previous councils of the Middle Ages, did not approve canons concerning the reform of the church and the condemnation of heresy. Enthusiasm for the Gregorian reform movement seems to have died down completely. The council, however, concerned itself with promoting and confirming the general canonical legislation for religious life. The transmission of the text of the constitutions is involved and still partly obscure. Only in recent times has it been realised that the authentic and definitive drawing up of the constitutions, and their promulgation, took place after the council. This collection consists of 22 constitutions, all of which are of a legal nature, and was sent to the universities by Innocent IV on 25 August 1245 (Coll. I). A second collection of 12 decrees was published by Innocent IV on 21 April 1246 (Coll. II). A final collection (Coll. I + II and 8 other decrees) was issued on 9 September 1253 (Coll. III), and was included (except for const. 2) in Liber Sextus in 1298. Coll. I, however, is not identical with the constitutions of the council. For in it can be found neither the condemnation of Frederick II, which seems to have been the chief matter of the council, nor the five constitutions pertaining to the important questions introduced by Innocent IV at the opening of the council, namely those concerned with the Tartars, the Latin east and the crusades.

Stephen Kuttner has shown that the constitutions have been transmitted to us through three versions: the conciliar version (= M), known principally from the chronicle of Matthew of Paris (const. 1-19, and the const. on the crusade corresponding to R 17); the intermediate version (= R), known from the register of Innocent IV (const. 1-17, of which const. 1-12 correspond to M 1-10); and the definitive version (= Coll. I), containing two constitutions (18 and 22) which are absent from the other versions, but lacking the constitutions not directly concerned with the law (R 13-17).

Indeed, the origins of the constitutions must be placed before the council, as is shown by an earlier version of constitutions M 13, 15 and 19, antedating the council. Evidently the council fathers were discussing matters which had already been partly worked out, and it was somewhat later that the constitutions acquired their more accurate and definite legal form. The constitutions taken from Matthew Paris were edited in Bn[1] III/2 (1606) 1482-1489. Those from the register of Innocent IV were edited in Rm IV (1612) 73-78. All later editions followed Rm. However, I. H. Boehmer and Msi[1] 2 (1748) 1073-1098 (afterwards in Msi 23 (1779) 651-674) printed Coll. III. in addition. Coll.

I, as such, has never been edited; but there exists both an indirect transmission (Coll. I + II, Coll. III, Liber Sextus) and a direct, single-family transmission through eight manuscript codices: Arras, Bibl. Municipale 541; Bratislava, formerly Cathedral Library, 13; Innsbruck, Universitaetsbibl., 70, fos. 335v-338v (= I); Kassel, Landesbibl., Iur. fol. 32; Munich, Bayerische Staatsbibl., Lat. 8201e, fos. 219v-220r, and Lat. 9654; Trier, Stadtbibl., 864; Vienna, Nationalbibl., 2073, fos. 238v-242v (= W). Our edition of the constitutions tries to give all the documents truly belonging to the council. Coll. I has been taken as the base, and variants from M and R are set out in the critical apparatus. The text of Coll. I has been established from codices I and W, which we have seen in microfilm. With regard to M, the edition of H.R. Luard has been used. With regard to R, we have examined directly the register of Innocent IV. We think, moreover, that the last five constitutions in R (13-17, 17 is also in M and Annales de Burton) should also be included among the constitutions of the council, even though they were not included in Coil. I. We have printed the text of these five constitutions from the register of Innocent IV;as regards const. 17 we have also compared M and Annales de Burton (= Bu).

We think that the bull of deposition of the emperor Frederick II must be considered a statute of the council, and we place this in front of the constitutions. The transmission of the text of the bull is involved, and the editions are very faulty. There are three copies of the bull: Vatican Archives, AA. Arm. I-XVIII, 171 (= V); Paris, Archives Nationales, L 245 no. 84 (= P); Lyons, Archives du Rhone, Fonds du chap. primat., Arm. Cham. vol. XXVII no. 2 (= L). Of these only V has been published. Other transcriptions of the bull are given in the register of Innocent IV, in some chronicles (Matthew of Paris, Annals of Plasencia, Annals of Melrose), in collections of decretals, and in some more recent publications (Bzovius). Our edition takes as its base V, P and L.

{The headings are added by the hypertext editor. Endnotes are given in parenthesis {}. They should be noted for variant readings and numberings.} Bull Deposing The Emperor Frederick II Innocent {1}, bishop, servant of the servants of God, in the presence of the holy council, for an everlasting record.

Raised, though unworthy, to the highest point of the apostolic dignity, by the will of the divine majesty, we ought to exercise a watchful, diligent and wise care of all Christians, to examine with close attention the merits of individuals and to weigh them in the balance of prudent deliberation, so that we may raise by suitable favours those whom a rigorous and just examination shows to be worthy, and depress the guilty with due penalties, weighing always the merit and the reward in a fair scale, repaying to each the amount of penalty or favour according to the nature of his work. Indeed since the terrible conflict of war has afflicted some countries of the christian world for a long time, as we desired with our whole heart the peace and tranquillity of the holy church of God and of all the christian people in general, we thought that we should send special ambassadors, men of great authority, to {2} the secular prince who was the special cause of this discord and suffering. He was the man whom our predecessor of happy memory, Pope Gregory {3}, had bound by anathema because of his excesses. The ambassadors we sent, men eager for his salvation, were our venerable brethren Peter of Albano {4}, at that time bishop of Rouen, William of Sabina {5}, at that time bishop of Modena, and our beloved son William {6}, cardinal-priest of the basilica of the Twelve Apostles and at that time abbot of Saint Facundus. Through them we proposed to him, because we and our brethren desired to have peace with him and with all people, as far as lay in our power, that we were ready to grant peace and tranquillity to him and also to the rest of the

whole world.

Because the restitution of the prelates, clerics and all others whom he kept in captivity, and of all both clerics and laymen whom he had taken in the galleys7, could especially lead the way to peace, we asked and begged him through our said ambassadors to set these prisoners free. This both he and his envoys had promised before we had been called to the apostolic office. Further we informed him that our ambassadors were ready on our behalf to hear and treat of peace, and even of satisfaction, should the emperor be ready to make it with regard to all those things for which he had incurred excommunication; and besides to offer him that if the church had injured him in anything contrary to justice-though it did not believe it had done so -- it was ready to put it to rights and restore the proper position. If he said that he had harmed the church in nothing unjustly, or that we had harmed him contrary to justice, we were ready to call the kings, prelates and princes, both ecclesiastical and lay, to some safe place where either by themselves or by official representatives they might come together, and that the church was ready on the advice of the council to satisfy him if in anything it had harmed him, and to recall the sentence of excommunication if it had been brought unjustly against him, and with all clemency and mercy, in so far as it could be done without offence to God and its own honour, to receive satisfaction from him for the injuries and wrongs done to the church itself and its members through him. The church also wished to secure peace for his friends and supporters and the enjoyment of full security, so that for this reason they should never incur any danger. But though in our relations with him, for the sake of peace, we have always taken care to rely on paternal admonitions and gentle entreaty, yet he, following the hardness of Pharaoh and blocking his ears like an asp, with proud obstinacy and obstinate pride has despised such prayers and admonitions. Furthermore on the Maundy Thursday previous to that which has just passed, in our presence and that of our brother cardinals, and in the presence of our dear son in Christ, the illustrious emperor of Constantinople {8}, and of a considerable gathering of prelates, before the senate and people of Rome and a very large number of others, who on that day because of its solemnity had come to the apostolic see from different parts of the world, he guaranteed on oath, through the noble count Raymond of Toulouse, and Masters Peter de Vinea and Thaddaeus of Suessa, judges of his court, his envoys and proctors who had in this matter a general commission, that he would keep our commands and those of the church. However afterwards he did not fulfil what he had sworn. Indeed it is likely enough that he took the oath, as can be clearly gathered from his following actions, with the express intention of mocking rather than obeying us and the church, since after more than a year he could not be reconciled to the bosom of the church, nor did he trouble to make satisfaction for the losses and injuries he had caused it, even though he was asked to do this. For this reason, as we are unable without giving offence to Christ to bear any longer his wickedness, we are compelled, urged on by our conscience, justly to punish him. To say nothing about his other crimes, he has committed four of the greatest gravity, which cannot be hidden by evasion. For, he has often failed to keep his oath; he deliberately broke the peace previously established between the church and the empire; he committed a sacrilege by causing the arrest of cardinals of the holy Roman church and of prelates and clerics of other churches, both religious and secular, who were coming to the council which our predecessor had decided to summon; he is also suspect of heresy, by proofs which are not light or doubtful but clear and inescapable.

It is clear that he has often been guilty of perjury. For, once when he was staying in Sicily, before he had been elected to the dignity of emperor, in the presence of Gregory of happy memory, cardinal deacon of Saint Theodore {9} and legate of the apostolic see, he took an oath of loyalty to our predecessor Pope Innocent10 of happy memory and his successors and the Roman church, in return for the grant of the kingdom of Sicily made to him by this same church. Likewise, as is said, after he had been elected to that same dignity and had come to Rome, in the presence of Innocent and his brother cardinals and before many others, he renewed that oath, making his pledge of hommage in the pope's hands. Then, when he was in Germany he swore to the same Innocent, and on his death to our predecessor Pope Honorius {11} of happy memory and his successors and the Roman church itself, in the presence of the princes and nobles of the empire, to preserve as far as was in his power, the honours, rights and possessions of the Roman church, and loyally to protect them, and without difficulty to see to the restoration of whatever came into his hands, expressly naming the said possessions in the oath: afterwards he confirmed this when he had gained the imperial crown. But he has deliberately broken these three oaths, not without the brand of treachery and the charge of treason. For against our predecessor Gregory and his brother cardinals, he has dared to send threatening letters to these cardinals, and in many ways to slander Gregory before his brother cardinals, as is clear from the letters which he then sent to them, and almost throughout the whole world, as it is said, he has presumed to defame him.

He also personally caused the arrest of our venerable brother Otto {12}, bishop of Porto, at that time cardinal deacon of Saint Nicholas in Carcere Tulliano, and James of happy memory, bishop of Palestrina {13}, legates of the apostolic see, noble and important members of the Roman church. He had them stripped of all their goods, and after more than once being led shamefully through different places, committed to prison. Furthermore this privilege which our lord Jesus Christ handed to Peter and in him to his successors, namely, whatever you bind on earth shall be bound in heaven, and whatever you loose on earth shall be loosed in heaven, in which assuredly consists the authority and power of the Roman church, he did his best to diminish or take away from the church itself, writing that he did not fear Pope Gregory's condemnations. For, not only by despising the keys of the church he did not observe the sentence of excommunication pronounced against him, but also by himself and his officials he prevented others from observing that and other sentences of excommunication and interdict, which he altogether set at nought. Also without fear he seized territories of the said Roman church, namely the Marches, the Duchy, Benevento, the walls and towers of which he has caused to be demolished, and others with few exceptions in parts of Tuscany and Lombardy and certain other places which he holds, and he still keeps hold of them. And as if it were not enough that he was clearly going against the aforesaid oaths by such presumption, either by himself or through his officials he has forced the inhabitants of these territories to break their oath, absolving them in fact, since he cannot do it in law, from the oaths of loyalty by which they were bound to the Roman church, and making them nonetheless forswear the said loyalty and take an oath of loyalty to himself.

It is absolutely clear that he is the violator of the peace. For, previously at a time when peace had been restored between himself and the church, he took an oath before the venerable John of Abbeville {14}, bishop of Sabina, and Master Thomas {15}, cardinal priest of the title of Saint Sabina, in the presence of many prelates, princes and barons, that he would observe and obey exactly and without reserve all the commands of the church with regard to those things for which

he had incurred excommunication, after the reasons of that excommunication had been set out in order before him. Then, when remitting every sanction and penalty to the Teutonic knights, the inhabitants of the kingdom of Sicily and any others who had supported the church against him, he guaranteed on his soul through Thomas, count of Acerra, that he would never wrong them or cause them to be wronged on the ground that they had supported the church. But he did not keep the peace and violated these oaths without any sense of shame that he was guilty of perjury. For afterwards he caused some of these very men, both nobles and others, to be captured; and after stripping them of all their goods, he had their wives and children imprisoned; and contrary to the promise he had made to bishop John of Sabina and cardinal Thomas, he invaded the lands of the church without hesitation, even though they promulgated in his presence that henceforth he would incur sentence of excommunication if he broke his promise. And when these two ecclesiastics, by their apostolic authority, ordered that neither by himself nor through others should he hinder postulations, elections or confirmations of churches and monasteries in the kingdom of Sicily from being held freely in future according to the statutes of the general council; that henceforth nobody in the same kingdom should impose taxes or collections on ecclesiastical persons or their property; that in the same kingdom no cleric or ecclesiastical person should in future be brought before a lay judge in a civil or criminal case, except for a suit in civil law over feudal rights; and that he should make adequate compensation to the Templars, Hospitallers and other ecclesiastical persons for the loss and injury inflicted upon them; he nevertheless refused to obey these commands.

It is clear that in the kingdom of Sicily eleven or more archiepiscopal and many episcopal sees, abbacies and other churches are at present vacant, and through his agency, as is patent, these have long been deprived of prelates, to their own grave loss and the ruin of souls. And though perhaps in some churches of the kingdom elections have been held by chapters, since however they have elected clerics who are Frederick’s dependants, it can be concluded in all probability that they did not have a free power of choice. Not only has he caused the possessions and goods of churches in the kingdom to be seized at his pleasure, but also the crosses, thuribles, chalices and other sacred treasures of theirs, and silk cloth, to be carried off, like one who sets at nought divine worship, and although it is said that they have been restored in part to the churches, yet a price was first exacted for them. Indeed clerics are made to suffer in many ways by collections and taxes, and not only are they dragged before a lay court but also, as it is asserted, they are compelled to submit to duels and are imprisoned, killed and tortured to the disturbance and insult of the clerical order. Satisfaction has not been made to the said Templars, Hospitallers and ecclesiastical persons for the loss and injury done to them.

It is also certain that he is guilty of sacrilege. For when the aforesaid bishops of Porto and Palestrina, and many prelates of churches and clerics, both religious and secular, summoned to the apostolic see to hold the council which Frederick himself had previously asked for, were coming by sea, since the roads had been entirely blocked at his command, he stationed his son Enzo with a large number of galleys and, by means of many others duly placed long beforehand, he laid an ambush against them in the parts of Tuscany on the coast; and so that he might vomit forth in more deadly fashion the poison which had long gathered within him, by an act of sacrilegious daring he caused them to be captured; during their seizure some of the prelates and others were drowned, a number were killed, some were put to flight and pursued, and the rest

were stripped of all their possessions, ignominiously led from place to place to the kingdom of Sicily, and there harshly imprisoned. Some of them, overcome by the filth and beset by hunger, perished miserably.

Furthermore, he has deservedly become suspect of heresy. For, after he had incurred the sentence of excommunication pronounced against him by the aforesaid John, bishop of Sabina, and cardinal Thomas, after the said pope Gregory had laid him under anathema, and after the capture of cardinals of the Roman church, prelates, clerics and others coming at different times to the apostolic see; he has despised and continues to despise the keys of the church, causing the sacred rites to be celebrated or rather, as far as in him lies, to be profaned, and he has consistently asserted, as said above, that he does not fear the condemnations of the aforesaid pope Gregory. Besides, he is joined in odious friendship with the Saracens; several times he has sent envoys and gifts to them, and receives the like from them in return with expressions of honour and welcome; he embraces their rites; he openly keeps them with him in his daily services; and, following their customs, he does not blush to appoint as guards, for his wives descended from royal stock, eunuchs whom it is seriously said he has had castrated. And what is more loathsome, when he was in the territory overseas, after he had made an agreement, or rather had come to a wicked understanding with the sultan, he allowed the name of Mahomet to be publicly proclaimed day and night in the Lord’s temple. Recently, after the sultan of Babylon and his followers had brought serious loss and untold injury to the holy Land and its christian inhabitants, he caused the envoys of the sultan to be honourably received and lavishly entertained throughout the kingdom of Sicily with, it is said, every mark of honour being paid to the sultan. Using the deadly and hateful service of other unbelievers against the faithful, and securing a bond by friendship and marriage with those who, wickedly making light of the apostolic see, have separated from the unity of the church, he brought about by assassins the death of the famous duke Ludwig of Bavaria {16}, who was specially devoted to the Roman church, with disregard of the christian religion, and he gave his daughter in marriage to Vatatzes {17}, that enemy of God and the church who, together with his counsellors and supporters, was solemnly separated by excommunication from the communion of the faithful.

Rejecting the customs and actions of christian princes and heedless of salvation and reputation, he gives no attention to works of piety. Indeed to say nothing of his wicked acts of destruction, though he has learnt to oppress, he does not care mercifully to relieve the oppressed, and instead of holding out his hand in charity, as befits a prince, he sets about the destruction of churches and crushes religious and other ecclesiastical persons by constant affliction. Nor is he seen to have built churches, monasteries, hospitals or other pious places. Surely these are not light but convincing proofs for suspecting him of heresy? The civil law declares that those are to be regarded as heretics, and ought to be subject to the sentences issued against them, who even on slight evidence are found to have strayed from the judgment and path of the catholic religion. Besides this the kingdom of Sicily, which is the special patrimony of blessed Peter and which Frederick held as a fief from the apostolic see, he has reduced to such a state of utter desolation and servitude, with regard to both clergy and laity, that these have practically nothing at all; and as nearly all upright people have been driven out, he has forced those who remain to live in an almost servile condition and to wrong in many ways and attack the Roman church, of which in the first place they are subjects and vassals. He could also be rightly blamed because for more than nine

years he has failed to pay the annual pension of a thousand gold pieces, which he is bound to pay to the Roman church for this kingdom.

We therefore, after careful discussion with our brother cardinals and the sacred council on his wicked transgressions already mentioned and many more besides, since though unworthy we hold on earth the place of Jesus Christ, and to us in the person of the blessed apostle Peter has been said, whatever you bind on earth etc., denounce the said prince, who has made himself so unworthy of the empire and kingdoms and every honour and dignity and who also, because of his crimes, has been cast out by God from kingdom and empire; we mark him out as bound by his sins, an outcast and deprived by our Lord of every honour and dignity; and we deprive him of them by our sentence. We absolve from their oath for ever all those who are bound to him by an oath of loyalty, firmly forbidding by our apostolic authority anyone in the future to obey or heed him as emperor or king, and decreeing that anyone who henceforth offers advice, help or favour to him as to an emperor or king, automatically incurs excommunication. Let those whose task it is to choose an emperor in the same empire, freely choose a successor to him. With regard to the aforesaid kingdom of Sicily, we shall take care to provide, with the counsel of our brother cardinals, as we see to be expedient.

Given at Lyons on 17 July in the third year of our pontificate.

CONSTITUTIONS

I

1.On rescripts

Since in many articles of law failure to define their scope is blameworthy, after prudent consideration we decree that by the general clause "certain others" which frequently occurs in papal letters, no more than three or four persons are to be brought to court. The petitioner should state the names in his first citation, lest by chance a place is left for fraud if the names can be freely altered {18}.

2. {19} Those to whom cases should be entrusted By {20} the present decree we ordain that the apostolic see or its legates should not entrust cases to any persons except those who possess a dignity or belong to cathedrals or other collegiate churches of high standing; and such cases are to be conducted only in cities or large and well-known places where are to be found many men learned in the law. Judges who, contrary to this statute, cite either one or both parties to other places may be disobeyed without penalty, unless the citation takes place with the consent of both parties.

3. {21} Curtailing legal expenses As we wish, to the best of our power, to curtail the expenses of lawsuits by shortening the legal process, extending the decree of Innocent III of happy memory on this matter, we decree that if anyone wishes to bring several personal claims against another, he must be careful to gain letters on all these claims to the same judges and not to different ones. If anyone acts contrary to this, his letters and the processes initiated by them are to lack all validity; besides if he has caused inconvenience to the defendant by them, he is to be condemned to pay the legal expenses. Also if the defendant during the course of the same trial declares that he has a charge against the plaintiff, he ought, through benefit either of reconvention or of convention, if he

prefers to obtain letters against him, to have his case tried before the same judges, unless he can reject them as being suspect. If he acts contrary to this, he should suffer the same penalty.

4. {22} On challenging elections etc.

We decree that if anyone attacks an election, postulation or provision already made, bringing some objection to the form or the person, and should happen to appeal to us in this matter, both the objector and the defendant, and in general all those who are concerned and whom the case affects, either by themselves or by their procurators instructed for the case, should make their way to the apostolic see within a month of the lodging of the objection. But if one party {23} does not come after twenty days, and the other party has arrived and is waiting, the case about the election may proceed according to law, notwithstanding the absence of anyone. We wish and command that this is to be observed in dignities parsonages and canonries. We {24} also add that anyone who does not fully prove the objection he has brought regarding the form, shall be condemned to pay the expenses which the other party claims to have incurred on this account. But anyone who fails to prove his objection against the person, should know that he is suspended from ecclesiastical benefices for three years, and if within that time he continues to act with similar reckless conduct, that by the law itself he is deprived of these benefices for ever, and he is to have no hope or confidence of mercy in this matter, unless it is established by the clearest proof that a probable and sufficient cause excuses him from a malicious accusation.

5. {25} Only unconditional votes valid In {26} elections, postulations and ballots, from which the right of election arises, we completely disapprove of conditional, alternative and indefinite votes, and we decree that the said votes are to be held invalid, and that the election is to be determined by unconditional votes; for the power of decision of those who do not express a clear opinion is transferred to the others {27}.

6. {28} Jurisdiction of conservators

We decree that conservators, whom we frequently appoint, may defend from manifest injury and violence those whom we entrust to their protection, but that their power does not extend to other matters which require a judicial investigation.

7. {29} Legates and benefices

We are required by our office to watch for remedies for our subjects, because while we relieve their burdens and remove their stumbling blocks, so we rest in their ease and enjoy their peace. Therefore we enact by the present decree that legates of the Roman church, however much they hold the full power of legates whether they have been sent by us or claim the dignity of that office on behalf of their own churches, have no power from the office of legate of conferring benefices, unless we have judged that this is specially to be granted to a particular one. We do not, however, wish this restriction to hold with our brother cardinals while acting as legates, because just as they rejoice in a prerogative of honour, so we wish them to exercise a wider authority.

8. {30} Judge delegates The law seems to be clear that a judge delegate, unless he has received a special concession for the purpose from the apostolic see, cannot order either of the parties to appear in person before him, unless it be a criminal case or, in order to obtain a statement of the truth or an oath regarding calumny, the necessity of the law demands that the parties appear

before him.

9. {31} On peremptory exceptions The objection of a peremptory exception or of any major defence concerning the trial of a case, raised before the contestation of the suit, shall not prevent or hold up the contestation, unless the objector makes an exception concerning a matter already judged or concluded or brought to a solution, even though the objector says that the rescript would not have been granted if the grantor had been aware of the things which are adverse to the plaintiff.

10. {32} The objection of robbery

We are well aware of the frequent and persistent complaint that the exception of robbery, sometimes maliciously introduced in trials, hinders and confuses ecclesiastical cases. For while the exception is admitted, sometimes appeals are introduced. Thus the hearing of the chief case is interrupted and often comes to nothing. Thus we who are ever ready to take labours upon ourselves so that we may win peace for others, wishing to limit lawsuits and to remove material for malicious accusations, decree that in civil suits a judge is not to hold up the proceedings of the major issue on account of an objection of robbery brought by anyone except the plaintiff. But if the defendant declares in civil suits that he has been robbed by the plaintiff, or in criminal cases by anyone at all, then he must prove his assertion within fifteen days after the day on which the claim is put forward; otherwise he is to be condemned to pay the expenses which the plaintiff has incurred on this account, after a judicial estimate has been made, or let him be punished otherwise if the judge thinks right. By the word "robbed" we wish to be understood in this case a criminal accusation whereby someone declares that he has been stripped by violence of all his substance or a greater part of it. This we think is the only honest interpretation of the canons, for we ought not to meet our opponents either naked or without arms. For the one stripped has the advantage that he cannot be stripped again. Among the schoolmen the matter is debated, whether one who has been robbed by a third party can bring an exception against his accuser, or whether a time should be granted him by the judge within which he should ask for restitution, lest perchance he should wish to continue in this state in order to evade every accuser, and this we think is fully according to justice. If he does not seek restitution within the time granted, or does not bring his case to a conclusion even though he could do so, then he can be accused regardless of the exception of robbery. In addition to this we decree that robbery of private goods cannot in any way be brought up against one for ecclesiastics or vice versa.

11. {33} No-show plaintiffs A plaintiff who does not take the trouble to come on the date for which he has caused his appeal to be cited, should be condemned on his arrival to pay the expenses incurred by the defendant on account of this, and he is not to be admitted to another citation unless he gives a sufficient surety that he will appear on the date.

12. {34} On early possession for the sake of preservation

We decree that a person who, in order to obtain a dignity, parsonage or ecclesiastical benefice, brings a suit against the possessor, may not be admitted to possession of it for the sake of its preservation, on the grounds of the other’s contumacy; this is to prevent his entering upon it from appearing irregular. But in this case the divine presence may make up for the absence of the contumacious one, so that though the suit is not opposed, the matter may be brought to the proper

conclusion after a careful examination.

13. {35} On the acceptability of negative assertions

We decree that negative assertions, which can only be proved by the admission of the opponent, may be accepted by the judges if they see this to be expedient in the interests of equity.

14. {36} The exception of major excommunication

After due consideration our holy mother the church decrees that the exception of a major excommunication should hold up the suit and delay the agents, in whatever part of the proceedings it is produced. Thus ecclesiastical censure will be the more feared, the danger of communion avoided, the vice of contumacy checked, and those excommunicated, while they are excluded from the acts of the community, may the more easily be brought, through a sense of shame, to the grace of humility and reconciliation. But with the growth of human evil what was provided as a remedy has turned to harm. For while in ecclesiastical cases this exception is frequently brought up through malice, it happens that business is delayed and the parties worn out by toil and expense. Therefore, since this has crept in like a general plague, we think it right to apply a general remedy. Thus if anyone brings up the objection of excommunication, he should set out the kind of excommunication and the name of the person who imposed the penalty. He must know that he is bringing the matter into public notice, and he must prove it with the clearest evidence within eight days, not counting the day on which he brings it forward. If he does not prove it, the judge should not fail to proceed in the case, condemning the accused to repay the sum which the plaintiff shows he has incurred, after an estimate has been made. If however later, while the hearing continues and the proof is progressing, an exception is made either with regard to the same excommunication or another and is proved, the plaintiff is to be excluded from the proceedings until he has deserved to gain the grace of absolution, and all that has gone before shall nevertheless be regarded as valid; provided that this exception is not put forward more than twice, unless a new excommunication has arisen or a clear and ready proof has come to light concerning the old. If such an exception is brought forward after the case has been decided though it will prevent the execution it will not weaken the verdict, with the qualification that, if the plaintiff has been publicly excommunicated, and the judge knows this at any time, then even if the accused shall not make an exception on this score, the judge should not delay in removing the plaintiff from his office.

15. {37} On Judges Who Give Dishonest Judgment

Since before the judgment seat of the eternal king a person will not be held guilty when a judge unjustly condemns him, according to the words of the prophet, the Lord will not condemn him when he is judged, ecclesiastical judges must take care and be on the watch that in the process of justice dislike has no power, favour does not take an undue place, fear is banished, and reward or hope of reward does not overturn justice. Let them bear the scales in their hands and weigh with an equal balance, so that in all that is done in the court, especially in forming and giving the verdict, they may have God only before their eyes following the example of him who when entering the tabernacle referred the complaints of the people to the Lord to judge according to his command. If any ecclesiastical judge, whether ordinary or delegated, careless of his reputation and seeking his own honour, acts against his conscience and justice in any way to the injury of

one party in his judgment, whether from favour or from base motives, let him know that he is suspended from the exercise of his office for a year and he is to be condemned to pay to the injured party the damages incurred; further, let him know that if during the period of his suspension he sacrilegiously takes part in the sacred rites of the church, he is caught in the noose of irregularity according to the canonical sanctions, from which he can be freed only by the apostolic see, saving the other constitutions which assign and inflict punishment on judges who give dishonest judgment. For it is right that he who dares to offend in so many ways should suffer a multiple penalty.

16. {38} On appeals

It is our earnest wish to lessen lawsuits and to relieve subjects of their troubles. Therefore we decree that if anyone thinks that he should appeal to us in a court of law or outside it because of an interlocutory decree or a grievance, let him at once put in writing the reason for his appeal, seeking a writ which we order to be granted him. In this writ the judge is to declare the reason for the appeal, and why the appeal has not been granted or whether it was granted out of respect for a superior. After this let time be granted to the appellant, according to distance and the nature of the persons and the business, to follow up his appeal. If the appellee wishes it and the principals petition for it, let them approach the apostolic see, either by themselves or through agents who have been instructed and given a commission to act, bringing with them the reasons and documents relating to the case. Let them come so prepared that if it seems good to us, when the matter of the appeal has been dealt with or committed to the parties for agreement, the principal case may proceed, insofar as it can and should by law; without however any change in what tradition has ordained about appeals from definitive sentences. If the appellant does not observe the above provisions, he is not to be reckoned an appellant and he must return to the examination of the former judge, and is to be condemned to pay the legitimate expenses. If the appellee disregards this statute, he shall be proceeded against as contumacious, as regards both the costs and the case, in so far as this is allowed by the law. Indeed it is right that the laws should raise their hands against someone who mocks the law, judge and litigant.

17. {39} On the same When reasonable grounds for suspicion have been noted against a judge, and arbitrators have been chosen by the parties according to the form of law to investigate it, it often happens that when the two arbitrators fail to agree and do not summon a third one, with whom both or one of them can proceed to settle the matter as they are obliged, the judge brings a sentence of excommunication against them, which they through dislike or favour for long disregard. Thus the case itself, interrupted more than it should be, does not proceed to a settlement of the principal business. As it is our wish therefore to apply a necessary remedy for a disease of this nature, we decree that a fitting time-limit should be fixed by the judge for the two arbitrators, so that within it they may either agree or by consent summon a third one, with whom both or one of them may put an end to the suspicion. Otherwise the judge thenceforth shall proceed in the principal business.

18. {40} On employing assassins The son of God, Jesus Christ, for the redemption of the human race descended from the height of heaven to the lowest part of the world and underwent a temporal death. But when after his resurrection he was about to ascend to his Father, that he might not leave the flock redeemed by his glorious blood without a shepherd, he entrusted its care

to the blessed apostle Peter, so that by the firmness of his own faith he might strengthen others in the christian religion and kindle their minds with the ardour of devotion to the works of their salvation. Hence we who by the will of our Lord, though without merit of our own, have been made successors of this apostle and hold on earth, though unworthy, the place of our Redeemer, should always be careful and vigilant in the guarding of that flock and be forced to direct our thoughts continuously to the salvation of souls by removing what is harmful and doing what is profitable. Thus casting off the sleep of negligence and with the eyes of our heart ever vigilant, we may be able to win souls to God with the cooperation of his grace. Since therefore there are people who with a terrible inhumanity and loathsome cruelty thirst for the death of others and cause them to be killed by assassins, and thus bring about not only the death of the body but also of the soul, unless the abundant divine grace prevents it, we wish to meet such danger to souls, so that the victims may be defended beforehand by spiritual arms and all power may be bestowed by God for justice and the exercise of right judgment, and to strike those wicked and reckless people with the sword of ecclesiastical punishment, so that the fear of punishment may set a limit to their audacity. We do so especially since some persons of high standing, fearing to be killed in such a way, are forced to beg for their own safety from the master of these assassins, and thus so to speak to redeem their life in a way that is an insult to christian dignity. Therefore, with the approval of the sacred council, we decree that if any prince, prelate or any ecclesiastical or secular person shall cause the death of any Christian by such assassins, or even command it -- even though death does not follow from this-or receives, defends or hides such persons, he automatically incurs the sentence of excommunication and of deposition from dignity, honour, order, office and benefice, and these are to be conferred on others by those who have the right to do so. Let such a one with all his worldly goods be cast out for ever by all christian people as an enemy of religion, and after it has been established by reasonable evidence that so loathsome a crime has been committed, no other sentence of excommunication, deposition or rejection shall in any way be needed.

19. {41} On excommunication 1

Since the aim of excommunication is healing and not death, correction and not destruction, as long as the one against whom it is pronounced does not treat it with contempt, let an ecclesiastical judge proceed with caution, so that in pronouncing It he may be seen as one who acts with a correcting and healing hand. Whoever pronounces an excommunication, therefore, should do this in writing and should write down expressly the reason why the excommunication was pronounced. He is bound to hand over a copy of this written document to the one excommunicated within a month after the date of sentence, if requested to do so. As to this request, we wish a public document to be drawn up or testimonial letters to be furnished, sealed with an official seal. If any judge rashly violates this constitution, let him know that he is suspended for one month from entering a church or attending divine services. The superior to whom the one excommunicated has recourse, should readily remove the excommunication and condemn the judge who pronounced it to repay the expenses and all losses, or punish him in other ways with a fitting penalty, so that judges may learn by the lesson of punishment how serious it is to hurl the bolt of excommunication without due consideration. We wish the same to be observed in sentences of suspension and interdict. Let prelates of churches and all judges take care that they do not incur the foresaid penalty of suspension. But if it happens that they take part m divine offices as before, they will not escape irregularity according to the canonical sanctions, in a matter where

dispensation cannot be granted except by the sovereign pontiff.

20. {42} On excommunication 2 The question is sometimes asked whether, when a person who asks to be absolved by a superior by way of precaution, asserting that the sentence of excommunication pronounced against him is void, the act of absolution should be performed for him without objection; and whether one who declares before such absolution that he will prove in a court of law that he was excommunicated after a legitimate appeal, or that an intolerable mistake was clearly expressed in the sentence, should be avoided in all things except in what concerns the proof. To the first question we decree that the following is to be observed: absolution is not to be refused to the petitioner, even though the pronouncer of the sentence or the adversary opposes it, unless he says that the petitioner was excommunicated for a manifest offence, in which case a limit of eight days is to be granted to the one saying this. If he proves his objection, the sentence is not to be set aside unless there is sufficient guarantee of amendment or an adequate assurance that the petitioner will appear in court if the offence with which he is charged is still doubtful. To the second question, we decree that he who is allowed to submit a proof, as long as the matter of proof is in dispute, is to be avoided in all matters in the court in which he is engaged as an agent, but outside the court he may take part in offices, postulations, elections and other lawful Acts 21:1-40. {43} On excommunication 3

We decree {44} that no judge should presume to pronounce, before a canonical warning, a sentence of major excommunication upon persons who associate, in speech or other ways by which an associate incurs a minor excommunication, with persons already excommunicated by the judge; saving those decrees which have legitimately been promulgated against those who presume to associate with one condemned for grievous crime. But it the excommunicated person becomes hardened in speech or other ways by which an associate incurs a minor excommunication, the judge can, after canonical warning, condemn such associates with a similar censure. Otherwise excommunication pronounced against these associates is not to have any binding power, and those who pronounce it may fear the penalty of the law.

22. {45} On excommunication 4

Since there is danger that bishops and their superiors in the execution of their pontifical office, which is often their duty, may incur in some case an automatic sentence of interdict or suspension, we have thought it right, after careful consideration, to decree that bishops and other higher prelates in no way incur, because of any decree, sentence or order, the aforesaid sentence by reason of the law itself, unless there is express mention in them of bishops and superiors. In the constitution Solet a nonnullis, previously promulgated by us, it is laid down that when someone offers in court to prove that a sentence of excommunication was passed against him after a legitimate appeal, he is not to be avoided during the period of proof in matters which lie outside the court, such as elections, postulations and offices. To this we add that this constitution should not be extended to the sentences of bishops and archbishops, but what was previously observed in such actions should be observed in the future for these too.

II 1. {46} Management of church debts Our pastoral care incites and urges us to look to the interest of those churches which have fallen into debt, and to provide by a salutary constitution that this should not happen for the future. The abyss of usury has almost destroyed many churches, and some prelates are found to be very careless and remiss in the payment of debts, especially

those contracted by their predecessors, too ready to contract heavier debts and mortgage the property of the church, slothful in guarding what has been acquired, and preferring to win praise for themselves by making some small innovation than to guard their possessions, recover what has been thrown away, restore what is lost and repair damage. For this reason, so that they may not be able for the future to excuse themselves for an inefficient administration and to throw the blame on their predecessors and others, we lay down the following rules, with the approval of the present council. Bishops, abbots, deans and others who exercise a lawful and common administration, within one month after they have assumed office, having first informed their immediate superior, so that he may be present either in person or through some suitable and faithful ecclesiastical person, in the presence of the chapter or convent especially summoned for this purpose, must see that an inventory is made of the goods that belong to the administration they have taken up. In this the movable and immovable goods, books, charters, legal instruments, privileges, ornaments or fittings of the church, and all things which belong to the equipment of the estate, whether urban or rural, as well as debts and credits, are to be carefully written down. Thus, what was the condition of the church or the administration when they took it up, how they governed it during their incumbency, and what was its state when they laid it down by death or withdrawal, may be clearly known to the superior, if necessary, and those who are appointed for the service of the church. Archbishops who have no superior except the Roman pontiff, are to see to it that for this purpose they summon one of their suffragans, either in person or through another, as is expressed above, and abbots and other lesser exempt prelates, a neighbouring bishop, who is to claim no right for himself in the exempt church. The said inventory is to be furnished with the seals of the new incumbent and his chapter, and of the archbishop’s suffragan or the neighbouring bishop called for the purpose. It is to be preserved in the archives of the church with due safeguards. Moreover a transcript of this inventory is to be given to both the new incumbent and the prelate summoned for the above purpose, and is to be similarly sealed. Existing goods are to be carefully guarded, their administration carried out in a worthy manner, and the debts which have been found are to be speedily paid, if possible, from the movable possessions of the church. If these movable goods are not sufficient for a speedy payment, all revenues are to be directed to the payment of debts that are usurious or burdensome; only necessary expenses are to be deducted from these revenues, after a reasonable estimate has been made by the prelate and his chapter. But if the debts are not burdensome or usurious, a third part of these revenues is to be set aside for this obligation, or a greater part with the agreement of those whom we have said must be summoned to take the inventory.

Further we strictly forbid, with the authority of the same council, those mentioned above to mortgage to others their persons or the churches entrusted to them, or to contract debts on behalf of themselves or the churches which may be a source of trouble. If evident necessity and the reasonable advantage of their churches should persuade them, then prelates with the advice and consent of their superiors, and archbishops and exempt abbots with the advice and consent of those already mentioned and of their chapter, may contract debts which, if possible, are not usurious and which are never in fairs or public markets. The names of the debtors and creditors and the reason why the debt was contracted are to be included in the written contract, even if it is turned to the advantage of the church, and for this purpose we wish that in no way ecclesiastical persons or churches should be given as security. Indeed the privileges of churches, which we command should be faithfully guarded in a safe place, are never to be given as securities, nor are

other things, except for necessary and useful debts contracted with the full legal forms mentioned above. That this salutary constitution should be kept unbroken, and the advantage which we hope from it may be clearly seen, we consider that we must lay down by an inviolable decree that all abbots and priors as well as deans and those in charge of cathedrals or other churches, at least once a year in their chapters, should render a strict account of their administration, and a written and sealed account should be faithfully read out in the presence of the visiting superior. Likewise archbishops and bishops are to take care each year to make known to their chapters with due fidelity the state of administration of the goods belonging to their households, and bishops to their metropolitans, and metropolitans to the legates of the apostolic see, or to others to whom the visitation of their churches has been assigned by the same see. Written accounts are always to be kept in the treasury of the church for a record, so that in the accounts a careful comparison can be made between future years and the present and past; and the superior may learn from this the care or negligence of the administration. Let the superior requite any negligence, keeping God only before his eyes and putting aside love, hate and fear of humans, with such a degree and kind of correction that he may not on this account receive from God or his superior or the apostolic see condign punishment. We order that this constitution is to be observed not only by future prelates but also by those already promoted.

2. {47} On help for the empire of Constantinople

Though we are engaged in difficult matters and distracted by manifold anxieties, yet among those things which demand our constant attention is the liberation of the empire of Constantinople. This we desire with our whole heart, this is ever the object of our thoughts. Yet though the apostolic see has eagerly sought a remedy on its behalf by earnest endeavour and many forms of assistance, though for long Catholics have striven by grievous toils, by burdensome expense, by care, sweat, tears and bloodshed, yet the hand that extended such aid could not wholly, hindered by sin, snatch the empire from the yoke of the enemy. Thus not without cause we are troubled with grief. But because the body of the church would be shamefully deformed by the lack of a loved member, namely the aforesaid empire, and be sadly weakened and suffer loss; and because it could rightly be assigned to our sloth and that of the church, if it were deprived of the support of the faithful, and left to be freely oppressed by its enemies; we firmly propose to come to the help of the empire with swift and effective aid. Thus at the same time as the church eagerly rises to its assistance and stretches out the hand of defence, the empire can be saved from the dominion of its foes, and be brought back by the Lord’s guidance to the unity of that same body, and may feel after the crushing hammer of its enemies the consoling hand of the church its mother, and after the blindness of error regain its sight by the possession of the catholic faith. It is the more fitting that prelates of churches and other ecclesiastics should be watchful and diligent for its liberation, and bestow their help and assistance, the more they are bound to work for the increase of the faith and of ecclesiastical liberty, which could chiefly come about from the liberation of the empire; and especially because while the empire is helped, assistance is consequently rendered to the holy Land.

Indeed, so that the help to the empire may be speedy and useful, we decree, with the general approval of the council, that half of all incomes of dignities parsonages and ecclesiastical prebends, and of other benefices of ecclesiastics who do not personally reside in them for at least six months, whether they hold one or more, shall be assigned in full for three years to the help of

the said empire, having been collected by those designated by the apostolic see. Those are exempt who are employed in our service or in that of our brother cardinals and of their prelates, those who are on pilgrimages or in schools, or engaged in the business of their own churches at their direction, and those who have or will take up the badge of the cross for the aid of the holy Land or who will set out in person to the help of the said empire; but if any of these, apart from the crusaders and those setting out, receive from ecclesiastical revenues more than a hundred silver marks, they should pay a third part of the remainder in each of the three years. This is to be observed notwithstanding any customs or statutes of churches to the contrary, or any indulgences granted by the apostolic see to these churches or persons, confirmed by oath or any other means. And if by chance in this matter any shall knowingly be guilty of any deceit, they shall incur the sentence of excommunication.

We ourselves, from the revenues of the church of Rome, after first deducting a tenth from them to be assigned to the aid of the holy Land, will assign a tenth part in full for the support of the said empire. Further, when help is given to the empire, assistance is given in a very particular way and directed to the recovery of the holy Land, while we are striving for the liberation of the empire itself. Thus trusting in the mercy of almighty God and the authority of his blessed apostles Peter and Paul, from the power of binding and loosing which he conferred upon us though unworthy, we grant pardon of their sins to all those who come to the help of the said empire, and we desire they may enjoy that privilege and immunity which is granted to those who come to the help of the holy Land.

3. {48} Admonition to be made by prelates to the people in their charge In the belief that it is for ever our native country, from times long past all the children of the church have not only poured out countless sums of money but have also freely shed their blood to recover the holy Land, which the Son of God has consecrated with the shedding of his own blood. This we learn, sad at heart, from what has happened across the sea where the unbelievers fight against the faithful. Since it is the special prayer of the apostolic see that the desire of all for the redemption of the holy Land may, if God so wills, be speedily accomplished, we have made due provision, in order to win God’s favour, to arouse you to this task by our letter. Therefore we earnestly beg all of you, commanding you in our lord Jesus Christ, that by your pious admonitions you should persuade the faithful committed to your care, in your sermons or when you Impose a penance upon them, granting a special indulgence, as you see it to be expedient, that in their wills, in return for the remission of their sins, they should leave something for the help of the holy Land or the eastern empire. You are carefully to provide that what they give for this support by way of money, through reverence of our crucified Lord, is faithfully preserved in definite places under your seal, and that what is bequeathed for this purpose in other forms is accurately recorded in writing. May your own devotion carry out this work of piety, in which the only aim is God’s cause and the salvation of the faithful, so readily that with full assurance you may look at least for the reward of glory from the hand of the divine Judges 4:1-24. {49} On the Tartars

Since we desire above all things that the christian religion should be spread still further and more widely throughout the world, we are pierced with the deepest sorrow when any people by aim and action go against our wishes, and strive with all their might to blot out utterly this religion from the face of the world. Indeed the wicked race of the Tartars, seeking to subdue, or rather utterly destroy the christian people, having gathered for a long time past the strength of all their tribes,

have entered Poland, Russia, Hungary and other christian countries. So savage has been their devastation that their sword spared neither sex nor age, but raged with fearful brutality upon all alike. It caused unparalleled havoc and destruction in these countries in its unbroken advance; for their sword, not knowing how to rest in the sheath, made other kingdoms subject to it by a ceaseless persecution. As time went on, it could attack stronger christian armies and exercise its savagery more fully upon them. Thus when, God forbid, the world is bereaved of the faithful, faith may turn aside from the world to lament its followers destroyed by the barbarity of this people. Therefore, so that the horrible purpose of this people may not prevail but be thwarted, and by the power of God be brought to the opposite result, all the faithful must carefully consider and ensure by their earnest endeavour that the Tartar advance may be hindered and prevented from penetrating any further by the power of their mailed arm. Therefore, on the advice of the holy council, we advise, beg, urge and earnestly command all of you, as far as you can, carefully to observe the route and approaches by which this people can enter our land, and by ditches, walls or other defences and fortifications, as you think fitting, to keep them at bay, so that their approach to you may not easily be open. Word of their arrival should previously be brought to the apostolic see. Thus we may direct the assistance of the faithful to you, and thus you may be safe against the attempts and raids of this people. For to the necessary and useful expenses which you should make for that purpose, we shall contribute handsomely, and we shall see that contributions are made in proportion by all christian countries, for in this way we may meet common dangers. Nevertheless, in addition to this, we shall send similar letters to all Christians through whose territories this people could make its approach.

13 Part 2 First Council of Lyons - 1245 A.D.

Second Council of Lyons - 1274

Part 2 5 [On the crusade{50}]{51}

Deeply sorrowful at the grievous dangers of the holy Land, but especially at those which have recently happened to the faithful settled there, we seek with all our heart to free it from the hands of the wicked. Thus with the approval of the sacred council, in order that the crusaders may prepare themselves, we lay it down that at an opportune time, to be made known to all the faithful by preachers and our special envoys, all who are ready to cross the sea should gather at suitable places for this purpose, so that they may proceed from there with the blessing of God and the apostolic see to the assistance of the holy Land. 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 majesty of the eternal king. If they ever fall into sin, let them quickly rise up again through true penitence. Let them he 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. Let nobles and the powerful in the army, and all who abound in riches, be led by the holy words of prelates so that, with their eyes fixed on the crucified one for whom they have taken up the badge of the cross, they may refrain from useless and unnecessary expenditure, especially in feasting and banquets, and let they give a share of their wealth to the support of those persons through whom the work of God may prosper; and on this account, according to the dispensation of the prelates themselves, they may be granted remission of their sins. We grant to the aforesaid 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 communes 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 knowledge 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.

We therefore decree, with the general approval of the council, that all clerics, both those under authority and prelates, shall give a twentieth of the revenues of their churches for a full 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, the 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 of God, 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 them and their

principal helpers and supporters. 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 anathematise, moreover, those false and impious Christians who, in opposition to Christ and the christian people, convey {52} arms and iron and timber for galleys; and we decree that those who sell them galleys or ships, and those who act as pilots in pirate Saracen ships, or give them any help or advice 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 publicly 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 all that they received from this damnable commerce and the same amount of their own, so that they are punished in proportion to their sins. 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 and christian peoples keep peace with each other, we therefore ordain, on the advice of this holy and general synod, that peace be generally kept in the whole christian world for 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 the malice of the wrongdoers 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. 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 grant to share in this remission, according to the amount 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 regarding the above. Finally, this holy and general synod imparts the

benefit of its prayers and blessings to all who piously set out on this enterprise in order that it may contribute worthily to their salvation.

ENDNOTES 1 Pope Innocent IV 2 F(rederick) added in P 3 Pope Gregory IX (1227-1241) 4 Peter of Colmeiu, cardinal 1244-1253 5 William of Savoy, cardinal 1244-1251 6 William of Talliante, cardinal 1244-1250

7 On 3 May 1241 8 Baldwin II, Latin emperor in the east (d. 1261) 9 Gregory of Crescentio, cardinal 1205-1226 10 Pope Innocent III (1198-1216) 11 Honorius III (1216-1227) 12 Otto of Montferrat, cardinal 1227-1251 13 James of Pecoraria, cardinal 1231-1244 14 John Halgrin, cardinal 1227-1238 15 Thomas de Episcopo, cardinal 1216-1243 16 Ludwig I, duke of Bavaria (1183-1231) 17 John III Vatatzes, Greek emperor in the east (1222-1254) 18 The petitioner ... altered omitted in M.

19 const. 4 in M, 2 in R

20 In the conduct of cases uncertainty is insidious, and the renown of persons and places is very advantageous. Therefore by added in M.

21 const. 6 in M, 8 in R 22 const. 11 in M, omitted in R 23 the party which appealed W 24 const. 12 in M, omitted in R 25 const. 9 in M, 3 in R

26 Since legitimate acts are not tied to particular days and conditions by a legal sanction, and among legitimate acts the election of bishops is important, since by it the electors and the one elected are bound together by the ties of a spiritual marriage added in M.

27 for ... others omitted in M.

28 const. 10/11 in M, 4 in R 29 const. 13 in M, omitted in R 30 const. 7 in M, 5 in R.

31 const. 3 in M, 6 in R 32 const. 14 in M, omitted in R 33 const. 5 in M, 7 in R.

34 const. 2 in M, 9 in R.

35 const. 8 in M, 10 in R.

36 const. 15 in M, omitted in R 37 const. 16 in M, omitted in R 38 const. 17 in M, omitted in R 39 const. 11 in R, omitted in M 40 const. 22 in W, omitted in M R 41 const. 18 in M W, omitted in R 42 const 19 in M W, omitted in R 43 const. 1 in M, 12 in R, 20 in W

44 Judges damnably abuse an ecclesiastical censure when they use it rashly to try to expel innocent persons from the bosom of mother church on account of someone else’s fault; thereby the persons illegally named are not harmed, and the censure is said to fall on the issuer on account of his misuse of the keys. Wishing to prevent such rashness we ordain by this decree added in M.

45 const 21 in W, omitted in M R 46 const. 13 in R, omitted in others 47 const. 14 in R, omitted in others 48 const. 15 in R, omitted in others 49 const. 16 in R, omitted in others

50 omitted in R 51 const 17 in R, omitted in others 52 to the Saracens added in M Bu.

14 Part 1 Second Council of Lyons - 1274

Council of Lyons (1274) with Pope Gregory X, the Patriarchs of Antioch and Constantinople, 15 cardinals, 500 bishops, and more than 1000 other dignitaries. It effected a temporary reunion of the Greek Church with Rome. The word filioque was added to the symbol of Constantinople and means were sought for recovering Palestine from the Turks. It also laid down the rules for papal elections.

Second Council of Lyons - 1274 Hypertext partial index

CONTENTS

Introduction <file://C:\CCD\churchfathers\CHURCH COUNCILS & Liturgies\ECUM14-2ONDLYONS1274.HTM>

C O N S T I T U T I O N S <file://C:\CCD\churchfathers\CHURCH COUNCILS & Liturgies\ECUM14-2ONDLYONS1274.HTM>

Constitution I <file://C:\CCD\churchfathers\CHURCH COUNCILS & Liturgies\ECUM14-2ONDLYONS1274.HTM>

Constitution II <file://C:\CCD\churchfathers\CHURCH COUNCILS & Liturgies\ECUM14-2ONDLYONS1274.HTM>

1. On the supreme Trinity and the catholic faith <file://C:\CCD\churchfathers\CHURCH COUNCILS & Liturgies\ECUM14-2ONDLYONS1274.HTM>

2. On election and the power of the elected person <file://C:\CCD\churchfathers\CHURCH COUNCILS & Liturgies\ECUM14-2ONDLYONS1274.HTM>

15. On the circumstances of ordination and the quality of ordinands <file://C:\CCD\churchfathers\CHURCH COUNCILS & Liturgies\ECUM14-2ONDLYONS1274.HTM>

16. On bigamists <file://C:\CCD\churchfathers\CHURCH COUNCILS & Liturgies\ECUM14-2ONDLYONS1274.HTM>

17. On the office of ordinary judge <file://C:\CCD\churchfathers\CHURCH COUNCILS & Liturgies\ECUM14-2ONDLYONS1274.HTM>

19. On pleading <file://C:\CCD\churchfathers\CHURCH COUNCILS & Liturgies\ECUM14-2ONDLYONS1274.HTM>

21. On prebends and dignities <file://C:\CCD\churchfathers\CHURCH COUNCILS & Liturgies\ECUM14-2ONDLYONS1274.HTM>

22. On not alienating the property of the church <file://C:\CCD\churchfathers\CHURCH COUNCILS & Liturgies\ECUM14-2ONDLYONS1274.HTM>

23. On religious houses, that they are to be subject to the bishop <file://C:\CCD\churchfathers\CHURCH COUNCILS & Liturgies\ECUM14-2ONDLYONS1274.HTM>

24. On taxes and procurations <file://C:\CCD\churchfathers\CHURCH COUNCILS & Liturgies\ECUM14-2ONDLYONS1274.HTM>

25. On the immunity of churches <file://C:\CCD\churchfathers\CHURCH COUNCILS & Liturgies\ECUM14-2ONDLYONS1274.HTM>

26. On usury <file://C:\CCD\churchfathers\CHURCH COUNCILS & Liturgies\ECUM14-2ONDLYONS1274.HTM>

28. On wrongs and the loss caused <file://C:\CCD\churchfathers\CHURCH COUNCILS & Liturgies\ECUM14-2ONDLYONS1274.HTM>

29. On the sentence of excommunication <file://C:\CCD\churchfathers\CHURCH COUNCILS & Liturgies\ECUM14-2ONDLYONS1274.HTM>

Introduction"

Introduction

After the death of Pope Clement IV (29 November 1268) almost three years passed before the cardinals were able to elect a new pope, Gregory X (1 September 1271). The political aspect of Europe in those times was undergoing great change. The popes themselves in their struggles with the German emperors had sought help from various states and had placed Charles of Anjou on the throne of Sicily. This long conflict, which the popes fought in order to protect their freedom and immunity, had finally upset the traditional system of government in Christendom. This system depended on two institutions, the papacy and the empire. In the East, moreover, the emperor Michael VIII Palaeologus had captured Constantinople in 1261 and brought the Latin empire there to an end.

Since the state of affairs was undoubtedly complex and difficult, Gregory X had conceived a very broad plan involving the whole christian world. In this plan the eastern question was of the highest importance. The pope sought to conclude a treaty with Michael VIII Palaeologus and to unite the eastern and western churches. For if the churches were united and the strength of all christian peoples were combined, the problem of the holy Land could be resolved and the Roman church could flourish with fresh authority and influence in the western states.

Gregory X, therefore, when he convoked the general council on 31 March 1272, outlined three themes: union with the Greeks, the crusade, and the reform of the church. Regarding the third theme, which was not only traditional in medieval councils but was also required by the actual state of ecclesiastical morals, the pope in March 1273 sought the opinion of all christian people and asked for their help. Some reports sent to him for this purpose are still extant. After long preparatory arrangements the council assembled at Lyons and opened on 7 May 1274. Probably

there were present about 300 bishops, 60 abbots and a large number of other clergy, many of whom apparently were theologians (Thomas Aquinas died while on his journey to Lyons), as well as king James of Aragon and the delegates sent by the rulers of France, Germany, England and Sicily. The Greeks arrived late, on 24 June, since they had been shipwrecked. Meanwhile a delegation of Tartars had also arrived. Although the number of participants does not seem to have been especially large, the whole christian world was present either in person or through representatives, and it was evident that the council, as Gregory X had wished, was universal and ecumenical.

The council had six general sessions: on 7 and 18 May, 4 or 7 June, 6, 16 and 17 July. In the fourth session the union of the Greek church with the Latin church was decreed and defined, this union being based on the consent which the Greeks had given to the claims of the Roman church. In the last session the dogmatic constitution concerning the procession of the holy Spirit was approved, this question having been a cause of disagreement between the two churches. The union however appears to have been imposed, on the Greek side by the emperor Michael VIII. He wanted the support of the pope in order to deter Charles of Anjou from an attack on the Byzantine empire, while the majority of the Greek clergy opposed the union. The union was therefore fleeting, either because in the East the clergy steadily resisted it, or because the popes after Gregory X changed their plan of action.

The weakness of the union with the Greeks also rendered a crusade impossible. Gregory X won the approval of the principal states of Europe for the undertaking and was able, in the second session, to impose heavy taxes (a tenth for six years) in order to carry it out (const. Zelus fidei, below pp. 309-314). The council however merely decided to engage in the crusade; no start was made at getting things done and the project came to nothing. Moreover Gregory died soon afterwards (10 January 1276), and he was not sufficiently influential or powerful to bring to a conclusion his plans for church and state.

With regard to the reform of the church, Gregory complained in the council's last session that discussion had not been sufficient to pass any definite decree. However, he was able to bring about that certain constitutions relating to the parish should be delegated to the curia. For the rest, some constitutions concerning church institutions were approved in various sessions. The most important one prescribed that a pope should be elected by the college of cardinals assembled in conclave (const. 2); constitution 23 attempts to adjust relations between secular clerics and religious; constitutions 26-27 treat of usury; and others treat of particular questions about the reform of morals and of the church.

There are at least two redactions (conciliar and post-conciliar) of the council's constitutions, as S. Kuttner has shown. In the second session the fathers had approved the decree Zelus fidei, which was rather a collection of constitutions about the holy Land, the crusade, the war against Saracens and pirates, and the order and procedure to be observed in the council (here for the first time the nations appear as ecclesiastical parts of a council). Next, twenty-eight constitutions were approved in the following sessions: const. 3-9, 15, 19, 24, 29-30 in the third, const. 2, 10-12, 16-17, 20-22, 25-28, 31 in the fifth, const. 1, 23 in the sixth session. The pope promulgated a collection of the council's constitutions on 1 November 1274, sent this to the universities with the bull Cum nuper, and informed all the faithful in the encyclical Infrascriptas. In this collection, however, three of the

thirty-one constitutions are post-conciliar (const. 13-14, 18). These concern the parish, on which subject the pope and the council fathers had decided in the last session of the council that some decrees should be made later on. Moreover the constitution Zelus fidei is missing from the collection, perhaps because it contained no juridical statutes of universal validity; and the other constitutions had been subjected to the examination of the curia and emended, notably as far as we know const. 2 on the conclave and const. 26-27 On usury.

The collection of constitutions promulgated by Gregory X was incorporated into Boniface VIII's Liber Sextus (1298) . It also survives, together with the encyclical Infrascriptas, in Gregory X's register (=R), on which we have based our text. The conciliar redaction, however, is known only in part. The constitution Zelus fidei was discovered first by H. Finke in an Osnabruck codex (= O), and then by S. Kuttner, without its beginning, in a Washington codex (= W), it is also extant in three English cartularies, which we have not examined; our edition relies on the transcriptions of Finke (= F) and Kuttner (= K). The other constitutions of the conciliar redaction we know only from W and, as regards const. 2, from eight scrolls containing the approval of the council fathers for this constitution (Vatican Archives, AA. arm. I-XVIII, 2187-2194 = V I-8). We therefore give the conciliar redaction on the basis of V and W; but W is very incomplete, having only 20 constitutions (const. 2-8, 9 mutilated, 10-12 16-17, 20, 22-23, 25-27, 31), and is full of errors. As the best solution at this intermediate stage, we therefore give the constitution Zelus fidei (below pp. 309-314) separately from the post-conciliar collection (below pp. 314-331), and we note in the critical apparatus the latter the variant readings of the conciliar redaction. In the main editions of the council's acts only the collection of constitutions promulgated by Gregory X is to be found; all these editions depend on Rm (4, 95-104), which is taken from R (R was edited later by Guiraud).

CONSTITUTIONS"

C O N S T I T U T I O N S

I

[1a]. Zeal for the faith, fervent devotion and compassionate love ought to rouse the hearts of the faithful, so that all who glory in the name of Christian grieved to the heart by the insult to their redeemer, should rise vigorously and openly in defence of the holy Land and support for God's cause. Who, filled with the light of the true faith and thinking over with filial affection the marvellous favours conferred on the human race by our saviour in the holy Land, would not burn with devotion and charity, and sorrow deeply with that holy Land, portion of the Lord's inheritance ? Whose heart will not soften with compassion for her, from so many proofs of love given in that land by our creator? Alas! the very land in which the Lord deigned to work our salvation and which, in order to redeem humanity by payment of his death, he has consecrated by his own blood, has been boldly attacked and occupied over a long period by the impious enemies of the christian name, the blasphemous and faithless Saracens. They not only rashly retain their conquest, but lay it waste without fear. They slaughter savagely the christian people there to the greater offence of the creator, to the outrage and sorrow of all who profess the catholic faith. "Where is the God of the Christians ?" is the Saracens' constant reproach, as they taunt them. Such scandals, which neither mind can fully conceive nor tongue tell, inflamed our heart and roused our courage so that we who from experience overseas have not only heard of those events but have looked with our eyes and touched with our hands, might rise to avenge, as far as we can, the insult to the crucified one. Our

help will come from those afire with zeal of faith and devotion. Because the liberation of the holy Land should concern all who profess the catholic faith, we convoked a council, so that after consultation with prelates, kings, princes and other prudent men, we might decide and ordain in Christ the means for liberating the holy Land. We also proposed to lead back the Greek peoples to the unity of the church; proudly striving to divide in some way the Lord's seamless tunic, they withdrew from devotion and obedience to the apostolic see. We purposed also a reform of morals, which have become corrupt owing to the sins of both clergy and people. In everything we have mentioned he to whom nothing is impossible will direct our acts and counsels; when he wills, he makes what is difficult easy, and levelling by his power the crooked ways, makes straight the rough going. Indeed, in order the more readily to effect our plans, having regard to the risks from wars and dangers of journeys for those whom we judged should be summoned to the council, we did not spare ourself and our brothers but rather sought hardships so that we might arrange rest for others. We came to the city of Lyons with our brothers and curia, believing that in this place those summoned to the council might meet with less exertion and expense. We came undertaking various dangers and troubles, running many risks, to where all those summoned to the council were assembled, either in person or through suitable representatives. We held frequent consultations with them about help for the holy Land, and they, zealous to avenge the insult to the Saviour, thought out the best ways to succour the said Land and gave, as was their duty, advice and insight. [I b].

Having listened to their advice, we rightly commend their resolutions and praiseworthy enthusiasm for the liberation of that Land. Lest, however, we seem to lay on others' shoulders heavy burdens, hard to bear, which we are unwilling to move with our finger, we begin with ourself; declaring that we hold all we have from God's only-begotten Son, Jesus Christ, by whose gift we live, by whose favour we are sustained, by whose blood even we have been redeemed. We and our brothers, the cardinals of the holy Roman church, shall pay fully for six successive years a tenth of all our ecclesiastical revenues, fruits and incomes for the aid of the holy Land. With the approval of this sacred council, we decree and ordain that for the said six years, beginning from the next feast of the birthday of blessed John the Baptist, all ecclesiastical persons of whatever rank or pre-eminence, condition, order, or religious state or order-and we wish none to invoke for themselves and their churches any privileges or indults, in whatever form of words or expression these were granted, rather we recall completely those we have granted till now--shall pay wholly and without any reduction a tenth of all ecclesiastical revenues, fruits and incomes of each year in the following way: that is, half on the feast of the Lord's birth and the other half on the feast of blessed John the Baptist. In order to observe more carefully the reverence due to him whose undertaking this is, in himself and in his saints and especially in the glorious Virgin whose intercession we ask in this and in our other needs, and in order that there may be a fuller subsidy for the holy Land, we order that the constitution of Pope Gregory our predecessor of happy memory against blasphemers be inviolably observed. The fines prescribed in this constitution are to be exacted in full through the authorities of the place where blasphemy is committed, and through others who exercise temporal jurisdiction there. Coercive measures, if necessary, are to be taken through diocesan and other local ordinaries. The money is to be assigned to the collectors for the subsidy. Moreover, we strictly command confessors who hear confessions by ordinary jurisdiction or by privilege to prompt and enjoin on their penitents to give the said money to the holy Land in full satisfaction for their sins; and they should persuade those making wills to

leave, in proportion to their means, some of their goods for aid to the holy Land. We direct also that in each church there should be placed a box fitted with three keys, the first to be kept in the possession of the bishop, the second in that of the priest of the church, the third in that of some conscientious lay person. The faithful are to be instructed to place their alms, as the Lord inspires them, in this box for the remission of their sins. Mass is to be sung publicly in the churches once a week, on a certain day to be announced by the priest, for the remission of such sins and especially of those offering alms. Besides these measures, to provide more assistance for the holy Land, we exhort and urge kings and princes, marquises, counts and barons, magistrates, governors and other secular leaders to arrange that in the lands subject to their jurisdiction each of the faithful pays a coin to the value of a tournois or of one sterling in accordance with the customs or circumstances of the region, and they should order a further small tax of no burden to anyone for the remission of sins; these contributions are to be made each year in aid of the holy Land, so that just as nobody may excuse himself from compassion for the wretched state of the holy Land, nobody may be dismissed from contributing or shut out from meriting. Also, lest these prudent arrangements concerning the subsidy to the holy Land be hindered by anyone's fraud or malice or craft, we excommunicate and anathematise one and all who knowingly offer hindrance, directly or indirectly, publicly or secretly, to the payment, as described above, of the tithes in aid of the holy Land.

Furthermore, since corsairs and pirates greatly impede those travelling to and from that Land, by capturing and plundering them, we bind with the bond of excommunication them and their principal helpers and supporters. We forbid anyone, under threat of anathema, knowingly to communicate with them by contracting to buy or sell. We also order rulers of cities and their territories to restrain and curb such persons from this iniquity; otherwise it is our wish that prelates of churches exercise ecclesiastical severity in their land. We excommunicate and anathematise, moreover, those false and impious Christians who, in opposition to Christ and the christian people, convey to the Saracens arms and iron, which they use to attack Christians and timber for their galleys and other ships; and we decree that those who sell them galleys or ships, and those who act as pilots in pirate Saracen ships, or give them any help or advice by way of machines or anything else to the detriment of Christians and especially 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 publicly 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 all that they received from this damnable commerce and the same amount of their own, so that they are punished in proportion to their sins. 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 six 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 considerable help which they have been accustomed to receiving from this. Because it is of the utmost necessity for the carrying out of this business that rulers and christian peoples keep peace with each other, we therefore ordain, with the approval of this holy and general synod, that peace be generally kept in the whole world among Christians, so that those in conflict shall be led by the prelates of churches to observe inviolably for six years a definitive agreement or peace or a firm truce. Those who refuse

to comply shall be most strictly compelled to do so by a sentence of excommunication against their persons and an interdict on their lands, unless the malice of the wrongdoers 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 of crossing the sea to aid the holy Land, in person and at their own expense, full pardon for their sins about which they are truly and heartily contrite and have spoken in confession, and we promise them an increase of eternal life at the recompensing of the just. 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 to grant to share in this remission, according to the nature 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 regarding the above, and all who make available their own ships for the help of the holy Land or who undertake to build ships for this purpose. Finally, this dutiful and holy general synod imparts the benefit of its prayers and blessings to all who piously set out on this enterprise in order that it may contribute to their salvation. ' [Id].

Not to us but to the Lord we give glory and honour; let us also thank him that to so sacred a council a very great number of patriarchs, primates, archbishops, bishops, abbots, priors provosts, deans, archdeacons and other prelates of churches, both personally and by suitable procurators, and the procurators of chapters, colleges and convents, have assembled at our call. However, although for the happy pursuit of so great an enterprise their advice would be useful, and their presence as beloved sons is so delightful, filling us in a certain way with spiritual joy, there are difficulties for some as to staying on. Various inconveniences result from their great number; we do not wish them to suffer any longer the squeezing of the enormous crowd; and their absence may be harmful to them and their churches. A certain prudent love moves us to decide with our brothers' advice how to lighten the burden of these representatives, while pursuing our object no less ardently or zealously. We therefore have decided that all patriarchs, primates, archbishops, bishops, abbots and priors whom we summoned specially and by name are to remain, they are not to depart without our special leave before the council ends. The other non-mitred abbots and priors and the other {1} abbots and priors, who were not summoned by us specially and by name, and the provosts, deans, archdeacons and other prelates of churches, and the procurators of any prelates, chapters, colleges and convents, have our gracious leave to depart with the blessing of God and our own. We commission all who so depart to leave enough procurators, as described below, to receive our commands and both the decrees of our present council and any other decrees that may, with God's inspiration, be issued in the future. Thus, all so departing are to leave behind the following adequate number of procurators: namely, four from the realm of France, four from the realm of Germany, four from the realms of the Spains, four from the realm of England one from the realm of Scotland {2} , two from the realm of Sicily, two from Lombardy, one from Tuscany, one from the states of the church, one from the realm of Norway, one from the realm of Sweden, one from the realm of Hungary {3} , one from the realm of Dacia, one from the realm of Bohemia, one from the duchy of Poland. Furthermore {4} , it has come to our ears that some archbishops, bishops and other prelates, when they were summoned by us to the council,

asked an excessive contribution from their subjects and committed great extortion, imposing heavy taxes on them. Some of these prelates, although they made great exactions, did not come to the council. Since it neither was nor is our intention that prelates in coming to the council should associate the virtue of obedience with the oppression of their subjects, we admonish prelates one and all with great firmness, that none may presume to use the council as a pretext for burdening his subjects with taxes or exactions. If in fact some prelates have not come to the council and have made demands on the pretext of coming, it is our will and precise command that they make restitution without delay. Those however who have oppressed their subjects, demanding excessive contributions, should take care to make amends to them without creating difficulties, and so fulfil our commands that we do not have to apply a remedy by our authority.

II

1. On the supreme Trinity and the catholic faith{5}

1. We profess faithfully and devotedly that the holy Spirit proceeds eternally from the Father and the Son, not as from two principles, but as from one principle; not by two spirations, but by one single spiration. This the holy Roman church, mother and mistress of all the faithful, has till now professed, preached and taught; this she firmly holds, preaches, professes and teaches; this is the unchangeable and true belief of the orthodox fathers and doctors, Latin and Greek alike. But because some, on account of ignorance of the said indisputable truth, have fallen into various errors, we, wishing to close the way to such errors, with the approval of the sacred council, condemn and reprove all who presume to deny that the holy Spirit proceeds eternally from the Father and the Son, or rashly to assert that the holy Spirit proceeds from the Father and the Son as from two principles and not as from one.

2. On election and the power of the elected person {6}

2. {7} Where there is greater danger, there must certainly be greater foresight. We learn from the past how heavy are the losses sustained by the Roman church in a long vacancy, how perilous it is; we see this all too clearly when we wisely consider the crises undergone. Reason therefore openly challenges us, while we devote ourselves skilfully to the reform of lesser evils, certainly not to leave without appropriate remedy those of greater danger. We judge therefore that everything wisely instituted by our predecessors and especially by Pope Alexander III of happy memory, for avoiding discord in the election of the Roman pontiff, should remain altogether intact. We intend in no way to detract from this legislation, but to supply by the present constitution what experience has shown to be missing.

With the approval of the sacred council {8} , we decree that if the pope dies in a city where he was residing with his curia, the cardinals present in that city are obliged to await the absent cardinals, but for ten days only. When these days have passed, whether those absent have arrived or not, all are to assemble in the palace where the pope lived. Each is to be content with one servant only, clerical or lay, at choice. We allow however those in evident need to have two, with the same choice. In this palace all are to live in common in one room, with no partition or curtain. Apart from free entry to a private room, the conclave is to be completely locked, so that no one can enter or leave. No one may have access to the cardinals or permission to talk secretly with them, nor are they themselves to admit anyone to their presence, except those who, by consent of all the

cardinals present, might be summoned only for the business of the imminent election. It is not lawful for anyone to send a messenger or a written message to the cardinals or to any one of them. Whoever acts otherwise, sending a messenger or a written message, or speaking secretly to one of the cardinals, is to incur automatic excommunication. In the conclave some suitable window is to be left open through which the necessary food may be served conveniently to the cardinals, but no entry for anyone is to be possible through this way.

If, which God forbid, within three days after the cardinals have entered the said conclave, the church has not been provided with a shepherd, they are to be content for the next five days, every day both at dinner and supper, with one dish only. If these days also pass without the election of a pope, henceforth only bread, wine and water are to be served to the cardinals until they do provide a pope. While the election is in process, the cardinals are to receive nothing from the papal treasury, nor any other revenue coming from whatever source to the church while the see is vacant. Everything during this period remains in the custody of him to whose faithfulness and care the treasury has been entrusted, to be kept by him for the disposal of the future pope. Those who have accepted something are obliged from then on to abstain from receiving any of the revenues due to them until they have made full restitution of what they have accepted in this way. The cardinals are to devote their time so carefully to hastening the election as to occupy themselves with no other business whatever unless perhaps there occurs such an urgent necessity as the defence of the states of the church or some part of them, or there be threat of such a great and evident danger that it seems to each and all the cardinals present, by general consent, that they should quickly counteract it.

Of course if one of the cardinals does not enter the conclave, which we have described above, or having entered leaves without evident cause of illness, the others, without in any way searching for him and without re-admitting him to the election, may proceed freely to elect the next pope. If in fact, owing to sudden illness, one of them leaves the conclave, the election may proceed without the need for his vote, even while the illness lasts. But if after regaining his health or even before, he wishes to return, or even if other absentees, for whom a wait of ten days should be made as we have said, come on the scene while the election is still undecided, that is, before the church has been provided with a shepherd, they are to be admitted to the election in the state in which they find it; they are to keep the rules with the others as regards enclosure, servants, food and drink and everything else.

If the Roman pontiff happens to die outside the city in which he resided with his curia, the cardinals are obliged to assemble in the city in whose territory or district the pontiff died, unless perhaps the city lies under interdict or persists in open rebellion against the Roman church. In which case they are to meet in another city, the nearest which is neither under interdict nor openly rebellious. In this city also, the same rules about waiting for absentees, living together, enclosure and everything else, in the episcopal palace or any other residence specified by the cardinals, are to be observed as above when the pope dies in the city where he resided with his curia.

Moreover, since it is not enough to make laws unless there is someone to see that they are kept, we further ordain that the lord and other rulers and officials of the city where the election of the Roman pontiff is to be held, by the power given to them by our authority and the approval of the council, are to enforce the observance of everything prescribed above in every detail, fully and

inviolably without any deceit and trickery, but they may not presume to restrict the cardinals beyond what has been said. As soon as the said lord, rulers and officials hear of the supreme pontiff's death, they are to take an oath as a body, in the presence of the clergy and people specially mustered for the purpose, to observe these prescriptions. If it happens that they commit fraud in this matter or do not observe the regulations with care, of whatever pre-eminence, condition or status they may be, they lose all privileges; they are automatically subject to the bond of excommunication and are forever infamous; and they are permanently excluded from all honours, nor may they be admitted to any public office. We have decreed that over and above this they are automatically deprived of the fiefs goods and all they hold from the same Roman church or any other churches, this property returns fully and freely to the churches themselves, to be without any opposition at the disposal of the administrators of those churches. The city itself is to be not only laid under interdict but also deprived of its episcopal dignity.

Furthermore {9} , since when a disordered passion enslaves the will or some pledge compels it to one way of acting, the election is null from lack of freedom, we implore the cardinals through the tender mercy of our God', and we call them to witness through the sprinkling of his precious blood, that they consider very carefully what they are about to do. They are electing the vicar of Jesus Christ, the successor of Peter, the ruler of the universal church, the guide of the Lord's flock. They are to lay aside all the disorder of private affection, to be free from any bargain, agreement or pledge; they are not to consider any promise or understanding, to have no regard for their mutual advantage or that of their friends. They are not to look after their own interests or their individual convenience. Without any constraint on their judgment other than God, they are to seek purely and freely the public good, with the election alone in mind. They are to use every endeavour and care that is possible. Their one aim is to provide, by their service and speedily, what is so useful and necessary for the whole world, a fitting spouse for the church. Those who act otherwise are subject to the divine retribution, their fault never to be pardoned except after severe penance. We invalidate all bargains, agreements, pledges, promises and understandings, whether confirmed by oath or any other bond; we nullify all these and decree that such have no force whatever. No one is constrained in any way to observe them, nor anyone to fear that by transgressing them he is breaking faith. Rather he deserves praise, for even human law testifies that such transgressions are more acceptable to God than the keeping of the oath.

Since the faithful should rely not so much on human resource, however solicitous, than on the urgency of humble and devoted prayer, we make an addition to this decree. In all the cities and important places, as soon as the death of the pope becomes known, solemn exequies are to be celebrated for him by clergy and people. After this, every day until undoubted news is brought that the church truly has her pastor, there is to be humble and devoted prayer to the Lord, that he who makes peace in his high heaven may so unite the hearts of the cardinals in their choice that provision may be made for the church swiftly, harmoniously, unanimously and beneficially, for the salvation of souls and the advantage of the whole world. And lest this salutary decree be disregarded on pretext of ignorance, we strictly order patriarchs, archbishops, bishops, other prelates of churches, and all who have faculties to explain the word of God, that they should often gather together the clergy and people for the purpose of urging them in sermons to pray earnestly and repeatedly for a swift and happy outcome of the conclave. With the same authority they should prescribe not only frequent prayer but also, as circumstances recommend, the observance

of fasting.

3 {10} That we may, as far as possible, close the way to evil practices in ecclesiastical elections, postulations and provisions, and that churches may not have long and dangerous vacancies or the provision of parsonages, dignities and other ecclesiastical benefices be delayed, we make this perpetual decree. When opponents to elections, postulations or provisions raise difficulties against the form of the election, postulation or provision, or against the persons of the electors or of the one elected or of him for whom the provision was to be made or has been made, and for these reasons make an appeal, the appellants are to express in a public document or letter of appeal every individual objection they intend to make against the form or persons. They shall do this in the presence of a qualified person or persons bearing witness to the truth on the above points, and they shall personally swear that they believe what they say to be true and can prove it. If this is not done, both the objectors and, during the time of appeal or afterwards, their adherents are to know that the power of objecting anything not expressed in these letters or documents is forbidden to them, unless there is some new evidence or there suddenly appears means of proving the former objections, or some facts of the past have newly come to the knowledge of the objectors, facts of which at the time of the appeal the appellants probably could have been, and in fact were, ignorant. They are to establish their good faith concerning this ignorance and the subsequent possibility of proof by taking an oath personally, adding in the same oath that they believe they have sufficient proof. It is our will certainly that the penalties imposed by Pope Innocent IV of happy memory on those who do not fully substantiate their objections against the form or the person, shall remain in force.

4 {11} Blind greed and criminal, dishonest ambition, seizing on certain minds, drive them to the rash attempt to usurp by ingenious fraud what they know is forbidden to them by the law. Some, indeed, are elected to the government of churches and, because the law forbids any interference in the administration of churches before the election has been confirmed, contrive to have the churches entrusted to themselves as procurators and managers. Since it is not good to give way to human trickery, we wish to take wider precautions in this general constitution. We decree that none may henceforth presume, before confirmation of his election, to conduct or accept the administration of an office to which he has been elected, or to interfere in it, under the pretext of management or procuratorship or some other newly invented disguise, in things spiritual or temporal, directly or through others, in part or in whole. We decree that all who act otherwise are by that very fact deprived of the right they would have acquired by the election.

5. {12} Not only do the laws bear witness but also experience, that effective teacher of reality, makes clear how damaging to churches is their vacancy, how dangerous it usually is to souls. Desirous, then, of counteracting the long duration of vacancies by suitable remedies, we make a perpetual decree that after there has been an election in any church, the electors are obliged to inform the elect as soon as conveniently possible and to ask his consent. The elect in his turn is to give it within a month from the day of being informed. If the elect delays beyond this, he is to know that from then on he is deprived of the right he would have acquired from his election, unless perhaps his condition is such that he cannot consent to his election without his superior’s leave, on account of a prohibition or some disposition of the apostolic see {13} . The elect or his electors must then earnestly seek and gain the superior’s leave as quickly as his presence or absence will permit. Otherwise, if the time has expired, even with the allowance made for the presence or

absence of the superior, and permission has not been obtained, the electors are then free to proceed to another election. Furthermore, any elect must ask for confirmation of his election within three months after giving consent. If without lawful impediment he omits to do this within such a three-month period, the election is by that very fact null and void.

6. {14} We declare, with the force of a perpetual decree, that they who in an election vote knowingly for an unworthy candidate are not deprived of the power of electing, unless they have so far persisted as to make the election depend on their votes, even though in nominating an unworthy person they have deliberately acted against their consciences and may rightly fear divine retribution and a punishment, in accordance with the offence, from the apostolic see.

7. {15} We decree that nobody, after voting for someone whose election follows, or after giving consent to an election made by others, may oppose him concerning the election itself, except for reasons coming to light afterwards, or unless the elect's evil character previously hidden from the objector is now disclosed, or the existence of some other hidden vice or defect, of which in all probability he could have been ignorant, is revealed. He is however to guarantee his good faith regarding this lack of knowledge by oath.

8. {16} If after two scrutinies one part of the electors is to be found more than double the number of the other, we by this decree take away from the minority all power of imputing lack of zeal, merit or authority to the majority or their candidate. We do not however forbid such objections as would render null, in virtue of the law itself, the election of the candidate so opposed.

9. {17} The constitution of Pope Alexander IV, our predecessor of happy memory, rightly includes cases about episcopal elections, and those arising therefrom, in the category of major cases and asserts that their judicial inquiry subsequent to any appeal falls to the apostolic see. We, however, wishing to curb both the rash boldness and unbridled frequency of appeals, have considered that we should make provision by this general constitution. If someone appeals extrajudicially with an evidently frivolous motive in the aforesaid elections or in others which concern dignities higher than the episcopate, such an appeal is by no means to go before the apostolic see. When however in the business of such elections an appeal is made in writing, judicially or extrajudicially, from a credible motive which on proof ought to be considered legitimate, such business is to be brought to the apostolic see. Furthermore, it is lawful for the parties in these cases, provided there is no malice, to withdraw from such appeals before they are laid before the said see. Subordinate judges, who were competent for these cases, should on withdrawal of the appeal first of all inquire carefully whether there has been any irregularity. If they find such, they are to have no further dealings with the case itself, but shall set for the parties a suitable fixed term in which they are to present themselves with all their acts and records to the apostolic see. I

10. {18} If among other objections against the elect or nominee or candidate to be promoted in any other way to some dignity, it is said that he clearly lacks the requisite knowledge or has some other obvious personal defect, we decree that there is to be an invariable order in discussing the objections. The candidate is to be examined first of all concerning the alleged defect, the outcome deciding whether other objections are to be considered or not. If the result of the said examination shows that the objections concerning the alleged defect are devoid of truth, we exclude the objectors altogether from pursuing further the case in which they have made their objections, and we decree that they are to be punished exactly as if they had thoroughly failed to prove any of their

objections.

11. {19} All those who presume to oppress clerics or any other ecclesiastical persons having the right of election in certain churches, monasteries or other pious places, because they have refused to elect the person for whom they were asked or urged to vote, or who presume to oppress their relatives or the said churches, monasteries or other places, robbing them of benefices or other property, either directly or through others, or taking revenge in other ways, are to know that they incur automatic excommunication.

12 20 We decree by a general constitution that one and all, however high their rank, who try to usurp the royal privileges, the custody or guard, or the title of advocate or defender, in churches, monasteries and any other pious places, and presume to take possession of their property during a vacancy, lie under automatic sentence of excommunication. The clerics of the churches, the monks of the monasteries, and the other persons in the above places, who abet these offences, are automatically excommunicated in the same way. We indeed strictly forbid those clerics who do not oppose, as they ought, those who act in such a way, to receive any income from these churches or places during the time they have allowed the usurpation to happen without opposition. Those who claim these rights by the foundation of the churches or of the other places, or by reason of ancient custom, are prudently to avoid abusing their rights and take care that their agents do not abuse them, so that they appropriate nothing beyond what pertains to the fruits or revenues accruing during the vacancy, and do not allow the dilapidation of the other property of which they claim to be the guardians but preserve it in good condition.

13. The canon promulgated by Pope Alexander III, our predecessor of happy memory, decreed among other things that nobody is to be appointed parish priest until he is twenty-five and approved as to knowledge and morals; and that after his appointment, if he has not been ordained priest within the time fixed by the canons, despite being warned to this effect, he is to be removed from office and it is to be conferred on someone else. Since many neglect to observe this canon, we wish their dangerous negligence to be made good by observance of the law. We therefore decree that nobody is to be appointed parish priest unless he is suitable by knowledge, morals and age. Any appointments from now of those younger than twenty-five are to lack all validity. The person appointed is obliged to reside in the parish church of which he has become rector, in order that he may take more diligent care of the flock entrusted to him. Within a year of being appointed to his charge he is to have himself ordained to the priesthood. If within that time he has not been ordained, he is deprived of his church, even without previous warning, by authority of the present constitution. As to residence, as above described, the ordinary may grant a dispensation for a time and for a reasonable cause.

14. No one may henceforth presume to give a parish church "in commendam" to anyone under the lawful age and not ordained priest. Such a commendatory may have only one parish church and there must be an evident need or advantage for the church itself. We declare, however, that such a commendam, even when properly made, is not to last more than six months. We decree that any contrary procedure relating to commendams of parish churches is invalid by law.

15. On the circumstances of ordination and the quality of ordinands

15. {21} We decree that those who knowingly or with affected ignorance or on any other pretext presume to ordain clerics of another diocese without permission of the ordinands' superior, are suspended for a year from conferring any orders. The penalties prescribed by law against those so ordained are to remain in full vigour. We also grant the faculty to clerics of the dioceses of bishops thus suspended, after their suspension has become public, freely to receive orders meanwhile from neighbouring bishops, even without their own bishop's leave, but in other respects canonically.

16. On bigamists

16. {22} Putting an end to an old debate by the present declaration, we declare that bigamists are deprived of any clerical privilege and are to be handed over to the control of the secular law, any contrary custom notwithstanding. We also forbid bigamists under pain of anathema to wear the tonsure or clerical dress.

17. On the office of ordinaryJudges 17:1-13. {23} If canons wish to suspend the celebration of divine worship, as is their claim from custom or otherwise in certain churches, they are obliged, before taking any steps to suspend the celebration, to express their reasons for this in a confirmation of authenticity. They are to consign this document or letter to the person against whom the suspension is directed. They are to know that if they suspend services without this formality or the reason expressed is not canonical, they shall restore all the income they have received, during the time of the suspension, from the church in which the suspension has taken place. They shall in no way receive anything owing to them for that period but make it over to the church in question. They will, moreover, be obliged to make restitution for the loss or injustice done to the person whom they intended to punish. If however their cause is judged to be canonical, the one who occasioned the suspension is to be sentenced to compensate the said canons and the church from which divine service has been withdrawn through his fault. The superior is to adjudicate the compensation and it is to be used for the benefit of divine worship. Nevertheless we utterly rebuke the detestable abuse and horrible impiety of those who treating with irreverent boldness crucifixes and images or statues of the blessed Virgin and other saints, throw them to the ground in order to emphasise the suspension of divine worship, and leave them under nettles and thorns. We forbid severely any sacrilege of this kind. We decree that those who disobey are to receive a hard retributive sentence which will so chastise the offenders as to suppress the like arrogance in others.

18. Local ordinaries must strictly compel their subjects to produce the dispensations by which they hold canonically, as they assert, several dignities or churches to which is annexed the cure of souls, or a parsonage or dignity together with another benefice to which a similar cure is annexed. These dispensations are to be shown within a time proportionate to the situation as judged by the ordinaries themselves. If without just reason no dispensation has been shown within that time, the churches, benefices, parsonages or dignities which it is now obvious are held unlawfully without dispensation, are to be conferred freely on suitable persons by those who have the right. If on the other hand the dispensation shown seems clearly sufficient, the holder is not to be troubled in any way in the possession of these benefices canonically obtained. The ordinary is however to make provision that neither the care of souls in those churches, parsonages or dignities is neglected nor the benefices themselves are defrauded of the services owing to them. If there is doubt whether

the dispensation is sufficient, recourse should be had to the apostolic see, to which judgment belongs concerning its benefices. Ordinaries, moreover, in bestowing parsonages, dignities and other benefices involving the cure of souls, are to take care not to confer one on someone already holding several similar benefices, unless an obviously sufficient dispensation is shown for those already held. Even then, we wish the ordinary to confer the benefice only if it appears from the dispensation that the beneficiary may lawfully retain this parsonage, dignity or benefice together with those he already holds, or if he is prepared freely to resign those he already holds. If not, the bestowing of such parsonages, dignities and benefices is to be of no consequence whatever. ’

19. On pleading

19 {24} It seems that we must counteract promptly the crafty dragging-out of lawsuits. We hope to do this effectively by giving suitable remedial directives to those who offer their services in legal matters. Since the things that have been beneficially provided by legal sanction concerning advocates seem to have fallen into disuse, we renew the same sanction by the present constitution, with some addition and modification. We decree that each and every advocate in the ecclesiastical forum, whether before the apostolic see or elsewhere, is to swear on the holy gospels that in all ecclesiastical causes and others in the same forum, of which they have assumed or will assume the defence, they will do their utmost for their clients in what they judge to be true and just. They are also to swear that at whatever part of the process they find out that the cause which they had accepted in good faith is unjust, they will cease to defend it; they will rather abandon it altogether, having nothing further to do with it, and will inviolably observe the rest of the above sanction. Proctors also are to be bound by a similar oath. Both advocates and proctors are obliged to renew this oath every year in the forum in which they have assumed office. Those who come before the apostolic see or to the court of some ecclesiastical judge, in which they have not yet taken such an oath, in order to act as advocate or proctor in some individual case, are to take a like oath, in each case, at the beginning of the litigation. Advocates and proctors who refuse to swear in the above way are forbidden to practise while their refusal persists. If they deliberately violate their oath, counsellors who have knowingly encouraged an unjust cause incur, in addition to the guilt of perjury, the divine and our malediction, from which they cannot be absolved unless they restore double the amount they accepted for such evil work as advocate, proctor or counsel. They are moreover obliged to make restitution for the loss caused to the parties wronged by their unjust ministry. Furthermore, lest insatiate greed drive some into contempt for these sound decrees, we strictly forbid an advocate to accept more than twenty tournois pounds for any case, a proctor more than twelve, as salary or even on the pretext of a reward for winning. Those who accept more are not in any way to acquire ownership of the excess, but are obliged to restitution; none of this penalty of restitution can be remitted in evasion of the present constitution. In addition, advocates who thus violate the present constitution are to be suspended from their office for three years. Proctors, on the other hand, shall be denied permission to exercise their office in a court of law.

20. On what is done by force or because of fear

20. {25} We annul by authority of this constitution any absolution from sentence of excommunication or any recall of it, or of suspension or even of interdict, which has been extorted by force or fear. Lest boldness increase when violence goes unpunished, we decree that those

who have extorted such an absolution or withdrawal by force or fear lie under sentence of excommunication.

21. On prebends and dignities

21. {26} We have decreed that the statute of Pope Clement IV, our predecessor of happy memory, that dignities and benefices which become vacant in the Roman curia are to be conferred by nobody other than the Roman pontiff, is to be modified as follows. Those who have the conferring of these benefices and dignities may confer them validly, notwithstanding the said statute, but not till a month after the day on which the dignities and benefices have become vacant, and then only by themselves personally or, if they are at a distance, through their vicar-generals in their dioceses, to whom this charge has been canonically entrusted . 5

22. On not alienating the property of the church

22. {27} By this well-considered decree we forbid each and every prelate to submit, subject or subordinate the churches entrusted to him, their immovable property or rights, to lay people without the consent of his chapter and the special leave of the apostolic see. It is not a question of granting the property or rights in emphyteusis or otherwise alienating them in the form and in the cases permitted by the law. What is forbidden is the establishment or recognition of these laity as superiors from whom the property and rights are held, or making them the protectors, an arrangement which is called in the vernacular of certain places "to avow", that is, the laity are appointed patrons or advocates of the churches or their property, either perpetually or for a long period. We decree that all such contracts of alienation, even when fortified by oath, penalty or any other confirmation, which are made without the above leave and consent, and any consequences of these contracts, are entirely null; no right is conferred, no cause for prescription is provided. We decree moreover that prelates who disobey are automatically suspended for three years from office and administration, and clerics who know that the prohibition has been violated but fail to give notice of it to the superior, are automatically suspended for three years from receiving the fruits of benefices they hold in the church so oppressed. The laity indeed, who have hitherto forced prelates, chapters of churches or other ecclesiastical persons to make these submissions, are to be bound by sentence of excommunication, unless after suitable admonition, having given up the submission they exacted through force or fear, they set free the churches and return the property thus surrendered to them. Those also who in future shall compel prelates or other ecclesiastical persons to make such submissions are also to be excommunicated, whatever be their condition or status. Even when contracts have been or will be made with the due leave and consent, or on the occasion of such contracts, the laity are not to transgress the limits set by the nature of the contract itself or the law on which the contract is based. Those indeed who act otherwise, unless after lawful admonition they desist from such usurpation restoring also what they have usurped, incur automatic excommunication, and henceforward the way is open, if need be, to lay their land under ecclesiastical interdict.

14 Part 2 Second Council of Lyons - 1274

Second Council of Lyons - 1274 23. On religious houses, that they are to be subject to the bishop

23 {28} A general council by a considered prohibition averted the excessive diversity of religious orders, lest it might lead to confusion. Afterwards, however, not only has the troublesome desire of petitioners extorted their multiplication, but also the presumptuous rashness of some has produced an almost unlimited crowd of diverse orders, especially mendicant, which have not yet merited the beginnings of approval. We therefore renew the constitution, and severely prohibit that anyone found henceforth a new order or form of religious life, or assume its habit. We perpetually forbid absolutely all the forms of religious life and the mendicant orders founded after the said council which have not merited confirmation of the apostolic see, and we suppress them in so far as they have spread. As to those orders, however, confirmed by the apostolic see and instituted after the council, whose profession, rule or constitutions forbid them to have revenues or possessions for their fitting support but whose insecure mendicancy usually provides a living through public begging, we decree that they may survive on the following terms. The professed members of these orders may continue in them if they are willing not to admit henceforth anyone to profession, nor to acquire a new house or land, nor to have power to alienate the houses or land they have, without special leave of the apostolic see. We reserve these possessions for the disposal of the apostolic see, to be used for aid to the holy Land or for the poor or to be turned to other pious uses through local ordinaries or others commissioned by the apostolic see. If the above conditions are violated, neither the reception of persons nor the acquisition of houses or land nor the alienation of these or other property is valid, and in addition excommunication is incurred. We also forbid absolutely to members of these orders, in regard to externs, the office of preaching and hearing confessions and the right of burial. Of course we do not allow the present constitution to apply to the orders of Preachers and Minors; their approval bears witness to their evident advantage to the universal church. Furthermore, we grant that the order of Carmelites and that of the Hermits of Saint Augustine, the institution of which preceded the said general council {29} , may remain as they are, until other regulations are made for them. We intend in fact to provide both for them and for the other orders, even the non-mendicants, as we shall see to be for the good of souls and for the good state of the orders. We grant also a general permission to members of orders to which this present constitution applies, to pass to the other approved orders on this condition: no order is to transfer itself wholly to another, no community is to transfer itself and its possessions wholly to another, without special permission from the apostolic see. ’

24. On taxes and procurations

24 {30} The boldness of wicked people demands that we should not be satisfied with merely forbidding offences, but should inflict punishment on the offenders. The constitution of Pope Innocent IV, our predecessor of happy memory, forbade procurations to be received in the form of money, or the acceptance of gifts by pastoral visitors and their attendants. It is said that many rashly transgress this constitution. We wish it to be inviolably observed and have decreed that it

should be strengthened by adding a penalty. We decree that one and all who presume, because of the procuration owing to them by reason of a visitation, to exact money or even to accept money from someone willing; or to violate the constitution in another way by accepting gifts or, without making the visitation, accepting procurations in food or anything else; are obliged to give back double of what they have received to the church from which they received it, and this within a month. If they do not, from that time patriarchs, archbishops and bishops who put off restoration of the double payment beyond the said period, are to know that entry into the church is forbidden them; and lower clergy are to know that they are suspended from office and benefice until they have made full satisfaction of this double to the burdened churches; the remission, liberality or kindness of the givers is to avail nothing.

25. On the immunity of churches

25 {31} Holiness befits the house of the Lord; it is fitting that he whose abode has been established in peace should be worshipped in peace and with due reverence. Churches, then, should be entered humbly and devoutly; behaviour inside should be calm, pleasing to God, bringing peace to the beholders, a source not only of instruction but of mental refreshment. Those who assemble in church should extol with an act of special reverence that name with is above every name, than which no other under heaven has been given to people, in which believers must be saved, the name, that is, of Jesus Christ, who will save his people from their sins. Each should fulfil in himself that which is written for all that at the name of Jesus every knee should bow; whenever that glorious name is recalled, especially during the sacred mysteries of the mass, everyone should bow the knees of his heart, which he can do even by a bow of his head. In churches the sacred solemnities should possess the whole heart and mind; the whole attention should be given to prayer. Here where it is proper to offer heavenly desires with peace and calm, let nobody arouse rebellion, provoke clamour or be guilty of violence. The consultations of universities and of any associations whatever must cease to be held in churches, so also must public speeches and parliaments. Idle and, even more, foul and profane talk must stop; chatter in all its forms must cease. Everything, in short, that may disturb divine worship or offend the eyes of the divine majesty should be absolutely foreign to churches, lest where pardon should be asked for our sins, occasion is given for sin, or sin is found to be committed. No more business is to be conducted in churches or their cemeteries, especially they are not to have the bustle of markets and public squares. All noise of secular courts must be stilled. The laity are not to hold their trials in churches, more especially criminal cases. The church is not to be a place for lay judicial inquiries. Local ordinaries should see that all this is observed, persuade where persuasion is needed, suppress by their authority what is forbidden by this canon. They should also depute for this purpose persons in the churches who are most assiduous and suitable for the above aims. Moreover, the proceedings of secular judges, and in particular the sentences passed in these sacred places, are to lack all validity. Those indeed who impudently defy the above prohibitions, in addition to the sanctions imposed by ordinaries and their deputies, will have to fear the sternness of the divine retribution and our own until, having confessed their guilt, they have firmly resolved to avoid such conduct for the future.

26. On usury

26. {32} Wishing to close up the abyss of usury, which devours souls and swallows up property, we order under threat of the divine malediction that the constitution of the Lateran council against usurers be inviolably observed. Since the less convenient it is for usurers to lend, the more their freedom to practise usury is curtailed, we ordain by this general constitution as follows. Neither a college, nor other community, nor an individual person, of whatever dignity, condition or status, may permit those foreigners and others not originating from their territories {33} , who practise usury or wish to do so, to rent houses for that purpose or to occupy rented houses or to live elsewhere. Rather, they must expel all such notorious usurers from their territories within three months, never to admit any such for the future. Nobody is to let houses to them for usury, nor grant them houses under any other title {34} . Those indeed who act otherwise, if they are ecclesiastical persons, patriarchs, archbishops or bishops, are to know that they incur automatic suspension; lesser individual persons, excommunication, colleges or other communities, interdict. If they remain obdurate throughout a month, their territories shall lie henceforth under ecclesiastical interdict as long as the usurers remain there. Furthermore, if they are layfolk, they are to be restrained from such transgression through their ordinaries by ecclesiastical censure, all privileges ceasing {35}

27 {36} Although notorious usurers give orders in their wills that restitution be made for their usurious gains, either in express terms or in general, ecclesiastical burial is nevertheless to be refused until full restitution has been made as far as the usurer’s means allow, or until a pledge has been given of fitting restitution. This pledge is to be given to those to whom restitution is due, if they themselves or others who can receive for them are present. If they are absent, the pledge is to be given to the local ordinary or his vicar or the rector of the parish where the testator lives, in the presence of trustworthy persons from the parish (the ordinary, vicar and rector, as just mentioned, shall have permission to receive such pledge in their name by authority of the present constitution, so that these ecclesiastics have the right to action). The pledge may also be given to a public servant commissioned by the ordinary. If the sum owing from usury is openly known, we wish this sum always to be expressed in the pledge, if the amount is not clearly known, the sum is to be determined by the receiver of the pledge {37} . The receiver must make his estimate at not less than the probable amount; if he does otherwise, he is obliged to restitution for anything still owing. We decree that all religious and others who presume to grant ecclesiastical {38} burial to notorious usurers, contrary to this decree, are subject to the penalty promulgated against usurers at the Lateran council . Nobody is to assist at the wills of notorious usurers or hear their confessions or absolve them, unless they have made restitution for their usury or have given a fitting guarantee, as far as they can, as described above. The wills made in any other way by notorious usurers have no validity, but are by law null and void. {39} 28. On wrongs and the loss caused

28. {40} The distraints which in the vernacular are called "reprisals", by which some people are burdened in place of others, have been forbidden by the civil constitution as oppressive and contrary to the laws and natural equity. In order, however, that offenders may have greater fear of breaking the law where ecclesiastical persons are concerned, in accordance with the more particular prohibition of reprisals against them, we severely forbid the granting of reprisals against ecclesiastical persons or their goods. By this present decree we also forbid the extension of such reprisals, perhaps granted universally on pretext of some custom which we would prefer to call an

abuse, to these persons. Those who act otherwise, by granting distraints or reprisals against such persons or extending the grant to include them, unless they revoke such presumption within a month, incur sentence of excommunication, if they are individuals; they are to be laid under ecclesiastical interdict, if they are a community.

29. On the sentence of excommunication

29. {41} The constitution of Pope Innocent IV, our predecessor of happy memory, forbids that those who communicate with excommunicated persons in matters carrying only a minor excommunication should be bound, without first receiving canonical admonition, by a major excommunication; the sentence of excommunication thus promulgated does not bind. In order to remove any scruple of ambiguity, we declare that the admonition is canonical only if, after all other formalities have been duly observed, it names the persons admonished. We decree also that in the course of the admonitions required for the sentence to be promulgated canonically, the judges, whether they give three admonitions or one for all three, should observe fitting intervals of some days, unless the urgency of the situation counsels otherwise.

{42} 30. By the present general decree we declare that the benefit of provisional absolution does not in any way apply to cities, villages or any other places against which a general interdict has been promulgated.

31. {43} Whoever, from the fact that a sentence of excommunication, suspension or interdict has been promulgated against kings, princes, barons, nobles, bailiffs or their agents or anyone else, gives leave to someone to kill, capture or molest, in their persons or goods or in those of their relatives, those who have published such sentences, or on whose account the sentences were published, or who observe such sentences or refuse to communicate with those so excommunicated, unless they revoke in time such permission, automatically fall under sentence of excommunication. If property has been seized on the occasion of such permission, the same sentence is incurred unless the goods are returned within eight days or satisfaction is made for the loss. All who have dared to make use of the permission, or commit on their own initiative any of the above crimes for which we have forbidden permission to be given, are bound by the same sentence. Those who remain under this sentence of excommunication for two months cannot henceforth obtain absolution except through the apostolic see.

ENDNOTES

{1} non-mitred ... other omitted in W {2} one from the realm of Scotland omitted in W {3} tow from the realm of Sicily ... Hungary omitted in o. {4} Furthermore ... by our authority omitted in O. {5} const. 29 in BN {6} To all who by God’s mercy (by God’s mercy omitted in V 8) will see this present letter ... (the names follow, for which see Actenstuecke zur Geschichte des deutschen Reiches ..., ed. F. Kaltenbrunner (Mitteilungen aus dem Vaticanischen Archive, I), Vienna 1869, no. 52; Kuttner, Conciliar Law ... , 62. The scrolls are signed by the bishops of the individual nations, namely Italy, France, Germany, Ireland and Britain, Spain and Portugal, Provence, and the East, and by the abbots and priors of religious orders.) greetings in the author of salvation (the same words in a different order in V 3, 5). By this writing we bear witness that we have seen and carefully examined the constitution of the most holy father (the most holy father omitted in V 1, 7-8), our lord the lord Gregory X by divine providence pope, of the following tenor V {7} const. 14 in

BN {8} With the approval ... council omitted in V W {9} Furthermore ... fasting i.e. to the end of the constitution is omitted in V W, which have instead: On each and all of these points we reserve for us and our successors full freedom to declare (to change added in V 3, 5, 7-8), to add or to subtract, as will seem expedient for the common good. We therefore note the holy and pious intention of the same supreme pontiff, since in the said constitution he is concerned only with pleasing God and providing for the universal church. In it (In it omitted in V 1, 4, 6, 8) the supreme pontiff is not pursuing any private interest of his own, especially since the effect of the constitution extends to the time when he will no longer be among mortals. We also note how many dangers arose from the recent prolonged vacancy of the Roman church. For these reasons we accept, approve and expressly consent to the same constitution which obviates so many dangers. In testimony of which we set our seal to the present document. Continued in V 1-7: Given at Lyons on Friday {10} const. 2 in BN {11} const 3. in BN {12} const 4. in BN {13} on account ... see omitted in W {14} const 5. in BN {15} const. 6 in BN {16} const. 7 in BN {17} const. 8 in BN {18} const. 15 in BN {19} const. 18 in BN 20 const. 21 in B {21} const. 10 in BN {22} const. 22 in BN {23} const. 16 in BN {24} const. 9 in BN {25} const. 17 in BN {26} const. 27 in BN {27} const. 26 in BN {28} const. 28 in BN {29} the institution ... council] which claim to have been founded before the said council W {30} const. 11 in BN {31} const. 23 in BN {32} const. 24 in BN {33} foreigners ... territories omitted in W {34} Nobody ... title omitted in W {35} In addition, sentence of excommunication is incurred by all who let houses to notorious usurers for usury or who allow houses to be granted under any other title W {36} const. 25 in BN {37} receiver ... pledge] ordinary himself W {38} confession or absolution or communion or added in W {39} Nobody ... void omitted in W {40} const. 19 in BN {41} const. 12 in BN {42} const. 13 in BN {43} const. 20 in BN

15 Part 1 Council of Vienne 1311-1312 A.D.

Council of Vienne 1311-1312 A.D.

CONTENTS

INTRODUCTION

BULLS OF CLEMENT V ON THE KNIGHTS TEMPLAR

Vox in excelso - 22 MARCH 1312 <file://C:\CCD\churchfathers\CHURCH COUNCILS & Liturgies\ECUM15-VIENNE-1311.HTM>

Ad providam - 2 MAY 1312 <file://C:\CCD\churchfathers\CHURCH COUNCILS & Liturgies\ECUM15-VIENNE-1311.HTM>

Considerantes - 6 MAY 1312 <file://C:\CCD\churchfathers\CHURCH COUNCILS & Liturgies\ECUM15-VIENNE-1311.HTM>

Nuper in concilio - 16 MAY 1312 <file://C:\CCD\churchfathers\CHURCH COUNCILS & Liturgies\ECUM15-VIENNE-1311.HTM>

1 DEC 1312 <file://C:\CCD\churchfathers\CHURCH COUNCILS & Liturgies\ECUM15-VIENNE-1311.HTM>

Licet dudum - 18 DEC 1312 <file://C:\CCD\churchfathers\CHURCH COUNCILS & Liturgies\ECUM15-VIENNE-1311.HTM>

31 DEC 1312 <file://C:\CCD\churchfathers\CHURCH COUNCILS & Liturgies\ECUM15-VIENNE-1311.HTM>

Licet pridem - 13 JAN 1313 <file://C:\CCD\churchfathers\CHURCH COUNCILS & Liturgies\ECUM15-VIENNE-1311.HTM>

DECREES <file://C:\CCD\churchfathers\CHURCH COUNCILS & Liturgies\ECUM15-VIENNE-1311.HTM>

[1] <file://C:\CCD\churchfathers\CHURCH COUNCILS & Liturgies\ECUM15-VIENNE-1311.HTM> - the rational or intellectual soul is the form of the human body of itself and essentially

[28] <file://C:\CCD\churchfathers\CHURCH COUNCILS & Liturgies\ECUM15-VIENNE-1311.HTM> - the Beghards or Beguines - 8 errors

[29] <file://C:\CCD\churchfathers\CHURCH COUNCILS & Liturgies\ECUM15-VIENNE-1311.HTM> - usury is a sin

INTRODUCTION The general council of Vienne was summoned by pope Clement V with the bull Regnans in caelis, which he had written on 12 August 1308 at Poitiers (the Roman pontiff had

remained in France from the year of his election, thus beginning the period of the church's history known as the Avignon captivity). The pope was subject to forceful pressure from the European states, particularly from France. Philip IV of France, the king who had opposed Boniface VIII so bitterly, had so much power over Clement V that he seems to have been able to change the whole state of ecclesiastical affairs at will. The council of Vienne is seen as an outstanding example of this political pressure, although the pope energetically defended the liberty of the church as far as circumstances allowed and he himself had the power. The council had been summoned for 1 October 1310 at Vienne. This city did not belong to the kingdom of France, though Philip IV in 1310 had occupied nearby Lyons by force. There were no general summonses and only 231 ecclesiastics were invited; the others however could employ a procurator . The complaint against the Templars seems to have been the first and greatest concern of the council. Thus the bull convoking the council was written at the same time as Clement V summoned the Templar order to a canonical enquiry. Through the whole of Europe cases were heard concerning the order and individual Templars. This work had not been completed by 1310 and so the pope deferred the opening of the council to 1 October 1311. Events had moved, however, in such a way that the Templars' condemnation and Philip's victory seemed very probable. This placed the authority and freedom of the council under severe constraint. The council began at Vienne on the 16 October 1311 in the presence of 20 cardinals, 4 patriarchs, about 100 archbishops and bishops, and a number of abbots and priors. From the sermon given in the first session by Clement V, three questions were seen as of greatest importance: the case of the Templars, the business of the holy Land, and the reform of the church. Clement-himself gave an account of the allegations which had been made against the Templar order. The work of the council was carried on outside the full assembly, that is to say, through a consistory of cardinals together with the pope, and through a committee which was elected by the council fathers from their own body and which seems to have acted in place of the whole council, the full assembly merely confirmed the decrees and bulls, promulgating them in the second and third sessions. A commission of cardinals was appointed in order to probe the grievances and advice put forward by the bishops and other fathers on the subject of church reform. The council fathers gave long and careful consideration to the case of the Templars. It is likely that they preferred the order to be allowed to defend itself against the accusations than to condemn it too easily and without sure proof. However, "all the difficult questions which were considered in the council seemed to be left doubtful or unsettled, or else to be treated". So when the case was still unresolved in January 1312, the fathers devoted themselves to the business of the holy Land and to decrees which seemed timely for the reform of ecclesiastical morals. Regarding the former, the delegates of the king of Aragon thought the city of Granada should first be attacked and occupied in order that the enemy might be enfeebled by a threat to each flank. Other fathers and ambassadors favoured an expedition to the east only. As far as we know, however, after an agreement by kings and princes that a crusade to the holy Land was opportune and necessary, and the imposition of a tithe on all ecclesiastical provinces, no decision was taken.

Meanwhile in March 1312 Philip IV held a general assembly of his kingdom in Lyons, his object being to disturb and steamroller the minds of the council fathers and of the pope himself. Secret bargains had been made between Clement V and the envoys of Philip IV from 17 to 29 February 1312; the council fathers were not consulted. By this bargaining Philip obtained the condemnation of the Templars. It is most likely he used the threat that he would bring a public action against

Boniface VIII. The king of France made for Vienne on 20 March, and after two days Clement V delivered to the commission of cardinals for approval the bull by which the order of Templars was suppressed (the bull Vox in excelso). In the second session of the council, which took place on 3 April 1312, this bull was approved and the pope announced a future crusade. The Templars' property, of immense value, was entrusted to other persons by the bulls Ad providam of 2 May and Nuper in concilio of 16 May. The fate of the Templars themselves was decided by the bull Considerantes of 6 May. In the bulls Licet dudum (18 Dec. 1312), Dudum in generali concilio (31 Dec. 1312) and Licet pridem (13 Jan. 1313) Clement V gave further treatment to the question of the Templars' property. In the third session of the council, which was held on 6 May 1312, certain constitutions were promulgated. We do not know their text or number. In Mueller's opinion, what happened was this: the constitutions, with the exception of a certain number still to be polished in form and text, were read by the council fathers; Clement V then ordered the constitutions to be corrected and arranged after the pattern of decretal collections. This text, although read in the consistory held in the castle of Monteux near Carpentras on 21 March 1314 was not promulgated, since Clement V died a month later. It was pope John XXII who, after again correcting the constitutions, finally sent them to the universities. It is difficult to decide which constitutions are the work of the council. We adopt Mueller's opinion that 38 constitutions may be counted as such, but only 20 of these have the words "with the approval of the sacred council". The texts that we publish are taken from Hefele's edition (see above p. 334, n. 17) for the bull Vox in excelso, and from the edition of the Vatican register (= Regestum) for the other bulls; for the text of the constitutions, we have used Friedberg's edition of Corpus Iuris Canonici (= Fr).

[Where there is considerable doubt that a document is the work of the council it is in smaller print]
[Bulls and ordinances of the Roman curia concerning the order of the Templars and the business of the holy Land]

[1]. Clement, bishop, servant of the servants of God, for an everlasting record. A voice was heard from on high, of lamentation and bitter weeping, for the time is coming, indeed has come, when the Lord shall complain through his prophet: This house has aroused my anger and wrath, so that I will remove it from my sight because of the evil of its sons, for they have provoked me to anger turning their backs to me, not their faces, and setting up their idols in the house in which my name is invoked, to defile it. They have built the high places of Baal in order to consecrate their sons to idols and demons. They have sinned deeply as in the days of Gibeah. When I learnt of such deeds of horror, at the dread of such notorious scandal -- for who ever heard of such infamy? who ever saw the like? -- I fell down at hearing it, I was dismayed at seeing it, my heart grew embittered and darkness overwhelmed me. Hark, a voice of the people from the city! a voice from the temple! the voice of the Lord rendering recompense to his enemies. The prophet is compelled to exclaim: Give them, Lord, a barren womb and dry breasts. Their worthlessness has been revealed because of their malice. Throw them out of your house, and let their roots dry up; let them not bear fruit, and let not this house be any more a stumbling block of bitterness or a thorn to hurt. Not slight is the fornication of this house, immolating its sons, giving them up and consecrating them to demons and not to God, to gods whom they did not know. Therefore this house will be desolate and in disgrace, cursed and uninhabited, thrown into confusion and levelled to the dust, lowly, forsaken, inaccessible, spurned by the anger of the Lord, whom it has despised; let it not be lived in but reduced to a wilderness. Let everyone be astonished at it and hiss at all its wounds. For the Lord

did not choose the people on account of the place, but the place on account of the people. Therefore the very place of the temple was made to share in the punishment of the people, as the Lord proclaimed openly to Solomon when he built the temple for him, to Solomon who was filled with wisdom like a river: But if your sons turn aside from me, not following and honouring me but going instead after strange gods and worshipping them, then I will cut them off from before me and expel them from the land which I have given to them; and the temple which I have consecrated to my name I will cast out of my sight, and it will become a proverb and a byword among all peoples. Everyone passing by it will be astonished and shall hiss, and shall say, "Why has the Lord done thus to this temple and to this house?" And they will say : "Because they forsook the Lord their God who bought and redeemed them, and followed instead Baal and other gods, worshipping and serving them. Therefore the Lord has brought all this evil upon them'".

Indeed a little while ago, about the time of our election as supreme pontiff before we came to Lyons for our coronation, and afterwards, both there and elsewhere, we received secret intimations against the master, preceptors and other brothers of the order of Knights Templar of Jerusalem and also against the order itself. These men had been posted in lands overseas for the defence of the patrimony of our lord Jesus Christ, and as special warriors of the catholic faith and outstanding defenders of the holy Land seemed to carry the chief burden of the said holy Land. For this reason the holy Roman church honoured these brothers and the order with her special support, armed them with the sign of the cross against Christ's enemies, paid them the highest tributes of her respect, and strengthened them with various exemptions and privileges; and they experienced in many and various ways her help and that of all faithful Christians with repeated gifts of property. Therefore it was against the lord Jesus Christ himself that they fell into the sin of impious apostasy, the abominable vice of idolatry, the deadly crime of the Sodomites, and various heresies. Yet it was not to be expected nor seemed credible that men so devout, who were outstanding often to the shedding of their blood for Christ and were seen repeatedly to expose their persons to the danger of death, who even more frequently gave great signs of their devotion both in divine worship and in fasting and other observances, should be so unmindful of their salvation as to commit such crimes. The order, moreover, had a good and holy beginning; it won the approval of the apostolic see. The rule, which is holy, reasonable and just, had the deserved sanction of this see. For all these reasons we were unwilling to lend our ears to insinuation and accusation against the Templars; we had been taught by our Lord's example and the words of canonical scripture.

Then came the intervention of our dear son in Christ, Philip, the illustrious king of France. The same crimes had been reported to him. He was not moved by greed. He had no intention of claiming or appropriating for himself anything from the Templars' property; rather, in his own kingdom he abandoned such claim and thereafter released entirely his hold on their goods. He was on fire with zeal for the orthodox faith, following in the well marked footsteps of his ancestors. He obtained as much information as he lawfully could. Then, in order to give us greater light on the subject, he sent us much valuable information through his envoys and letters. The scandal against the Templars themselves and their order in reference to the crimes already mentioned increased. There was even one of the knights, a man of noble blood and of no small reputation in the order, who testified secretly under oath in our presence, that at his reception the knight who received him suggested that he deny Christ, which he did, in the presence of certain other knights of the

Temple, he furthermore spat on the cross held out to him by this knight who received him. He also said that he had seen the grand master, who is still alive, receive a certain knight in a chapter of the order held overseas. The reception took place in the same way, namely with the denial of Christ and the spitting on the cross, with quite two hundred brothers of the order being present. The witness also affirmed that he heard it said that this was the customary manner of receiving new members: at the suggestion of the person receiving the profession or his delegate, the person making profession denied Jesus Christ, and in abuse of Christ crucified spat upon the cross held out to him, and the two committed other unlawful acts contrary to christian morality, as the witness himself then confessed in our presence.

We were duty-bound by our office to pay heed to the din of such grave and repeated accusations. When at last there came a general hue and cry with the clamorous denunciations of the said king and of the dukes, counts, barons, other nobles, clergy and people of the kingdom of France, reaching us both directly and through agents and officials, we heard a doleful tale: that the master, preceptors and other brothers of the order as well as the order itself had been involved in these and other crimes. This seemed to be proved by many confessions, attestations and depositions of the master, of the visitor of France, and of many preceptors and brothers of the order, in the presence of many prelates and the inquisitor of heresy. These depositions were made in the kingdom of France with our authorisation, edited as public documents and shown to us and our brothers. Besides, the rumour and clamour had grown to such insistence that the hostility against both the order itself and the individual members of it could not be ignored without grave scandal nor be tolerated without imminent danger to the faith. Since we though unworthy, represent Christ on earth, we considered that we ought, following in his footsteps, to hold an inquiry. We called to our presence many of the preceptors, priests, knights and other brothers of the order who were of no small reputation. They took an oath, they were adjured urgently by the Father, Son and holy Spirit; we demanded, in virtue of holy obedience, invoking the divine judgment with the menace of an eternal malediction, that they tell the pure and simple truth. We pointed out that they were now in a safe and suitable place where they had nothing to fear in spite of the confessions they had made before others. We wished those confessions to be without prejudice to them. In this way we made our interrogation and examined as many as seventy-two, many of our brothers being present and following the proceedings attentively. We had the confessions taken down by notary and recorded as authentic documents in our presence and that of our brothers. After some days we had these confessions read in consistory in the presence of the knights concerned. Each was read a version in his own language; they stood by their confessions, expressly and spontaneously approving them as they had been read out.

After this, intending to make a personal inquiry with the grand master, the visitor of France and the principal preceptors of the order, we commanded that the grand master, the visitor of France and the chief preceptors of Outremer, Normandy, Aquitaine and Poitou be presented to us while we were at Poitiers. Some of them, however, were ill at the time and could not ride a horse nor conveniently be brought to our presence. We wished to know the truth of the whole matter and whether their confessions and depositions, which were said to have been made in the presence of the inquisitor of heresy in the kingdom of France and witnessed by certain public notaries and many other good men, and which were produced in public and shown to us and our brothers by the inquisitor, were true. We empowered and commanded our beloved sons Berengar, cardinal,

then with the title of Nereus and Achilleus, now bishop of Frascati, and Stephen, cardinal priest with the title of saint Cyriacus at the Baths, and Landulf, cardinal deacon with the title of saint Angelo, in whose prudence, experience and loyalty we have the fullest confidence, to make a careful investigation with the grand master, visitor and preceptors, concerning the truth of the accusations against them and individual persons of the order and against the order itself. If there was evidence, it was to be brought to us; the confessions and depositions were to be taken down in writing by a public notary and presented to us. The cardinals were to grant absolution from the sentence of excommunication, according to the form of the church, to the master, visitor and preceptors -- a sentence incurred if the accusations were true -- provided the accused humbly and devoutly requested absolution, as they ought to do. The cardinals went to see the grand master, the visitor and the preceptors personally and explained the reason for their visit. Since these men and other Templars resident in the kingdom of France had been handed over to us because they would freely and without fear of anyone reveal the truth sincerely to the cardinals, the cardinals by our apostolic authority enjoined on them this duty of telling the truth. The master, the visitor and the preceptors of Normandy, Outremer, Aquitaine and Poitou, in the presence of the three cardinals, four notaries and many other men of good repute, took an oath on the holy gospels that they would tell the truth, plainly and fully. They deposed one by one, in the cardinals' presence, freely and spontaneously, without any compulsion or fear. They confessed among other things that they had denied Christ and spat upon the cross at their reception into the order of the Temple. Some of them added that they themselves had received many brothers using the same rite, namely with the denial of Christ and the spitting on the cross. There were even some who confessed certain other horrible crimes and immoral deeds, we say nothing more of these at present. The knights confessed also that the content of their confessions and depositions made a little while ago before the inquisitor was true. These confessions and depositions of the grand master, visitor and preceptors were edited as a public document by four notaries, the master and the others being present and also certain men of good repute. After some days, the confessions were read to the accused on the orders and in the presence of the cardinals; each knight received an account in his own language. They persisted in their confessions and approved them, expressly and spontaneously, as they had been read out to them. After these confessions and depositions, they asked from the cardinals absolution from the excommunication incurred by the above crimes; humbly and devoutly, on bended knee, with hands joined, they made their petition with many tears. Since the church never shuts her heart to the sinner who returns, the cardinals granted absolution by our authority in the customary form of the church to the master, visitor and preceptors on abjuration of their heresy. On their return to our presence, the cardinals presented to us the confessions and depositions of the master, visitor and preceptors in the form of a public document, as has been said. They also gave us a report on their dealings with these knights. From these confessions, depositions and report we find that the master, the visitor and the preceptors of Outremer, Normandy, Aquitaine and Poitou have often committed grave offences, although some have erred less frequently than others. We considered that such dreadful crimes could not and should not go unpunished without insult to almighty God and to every Catholic. We decided on the advice of our brothers to hold an enquiry into the above crimes and transgressions. This would be carried out through the local ordinaries and other wise, trustworthy men delegated by us in the case of individual members of the order; and through certain prudent persons of our considered choice in the case of the order as a whole. After this, investigations were made both by the

ordinaries and by our delegates into the allegations against individual members, and by the inquisitors appointed by us into those against the order itself, in every part of the world where the brothers of the order have usually lived. Once made and sent to us for examination, these investigations were very carefully read and examined, some by us and our brothers, cardinals of the holy Roman church others by many very learned, prudent, trustworthy and God-fearing men, zealous for and well-trained in the catholic faith, some being prelates and others not. This took place at Malaucene in the diocese of Vaison.

Later we came to Vienne where there were assembled already very many patriarchs, archbishops, selected bishops, exempt and non-exempt abbots, other prelates of churches, and procurators of absent prelates and of chapters, all present for the council we had summoned. In the first session we explained to them our reasons for calling the council. After this, because it was difficult indeed almost impossible, for the cardinals and all the prelates and procurators gathered for the council to meet in our presence in order to discuss how to proceed in the matter of the Templars, we gave orders as follows. Certain patriarchs, archbishops, bishops, exempt and non-exempt abbots, other prelates of churches, and procurators from all parts of Christendom, of every language nation and region, were concordantly chosen out of all the prelates and procurators at the council. The choice was made from those believed to be among the more skilful, discreet and apt for consultation on such an important affair and for discussing it with us and the above-mentioned cardinals. After this we had the attestations received during the inquiry read publicly in the presence of the prelates and procurators. This reading went on during several days, for as long as they wished to listen, in the place assigned for the council, namely the cathedral church. Afterwards the said attestations and the summaries made from them were considered and examined, not in a perfunctory manner but with great care, by many of our venerable brethren, by the patriarch of Aquileia, by archbishops and bishops of the present sacred council who were specially chosen and delegated for the purpose, and by those whom the whole council had chosen very carefully and earnestly.

We convoked therefore the said cardinals, patriarchs, archbishops and bishops, the exempt and non-exempt abbots, and the other prelates and procurators elected by the council to consider this affair, and we asked them, in the course of a secret consultation in our presence, how we should proceed, taking special account of the fact that certain Templars were presenting themselves in defence of their order. The greater part of the cardinals and nearly the whole council, that is those who were elected by the whole council and were representing the whole council on this question, in short the great majority, indeed four-fifths among every nation taking part, were firmly convinced, and the said prelates and procurators advised accordingly, that the order should be given an opportunity to defend itself and that it could not be condemned, on the basis of the proof provided thus far, for the heresies that had been the subject of the inquiry, without offence to God and injustice. Certain others on the contrary said that the brothers should not be allowed to make a defence of their order and that we should not give permission for such a defence, for if a defence were allowed or given there would be danger to a settlement of the affair and no small prejudice to the interests of the holy Land. There would be dispute, delay and putting off a decision, many different reasons were mentioned. Indeed although legal process against the order up to now does not permit its canonical condemnation as heretical by definitive sentence, the good name of the order has been largely taken away by the heresies attributed to it. Moreover, an almost indefinite number of individual members, among whom are the grand master the visitor of France and the

chief preceptors, have been convicted of such heresies, errors and crimes through their spontaneous confessions. These confessions render the order very suspect, and the infamy and suspicion render it detestable to the holy church of God, to her prelates, to kings and other rulers, and to Catholics in general. It is also believed in all probability that from now on there will be found no good person who wishes to enter the order, and so it will be made useless to the church of God and the carrying on of the undertaking to the holy Land, for which service the knights had been destined. Furthermore, the putting off of a settlement or arrangement of this affair of the Templars, for which we had set ourselves a final decision or sentence to be promulgated in the present council, would lead in all probability to the total loss, destruction and dilapidation of the Templars' property. This has for long been given, bequeathed and granted by the faithful for the aid of the holy Land and to oppose the enemies of the christian faith.

There were therefore two opinions: some said that sentence should immediately be pronounced, condemning the order for the alleged crimes, and others objected that from the proceedings taken up to now the sentence of condemnation against the order could not justly be passed. After long and mature deliberation, having in mind God alone and the good of the holy Land without turning aside to right or to left, we elected to proceed by way of provision and ordinance, in this way scandal will be removed, perils avoided and property saved for the help of the holy Land. We have taken into account the disgrace, suspicion, vociferous reports and other attacks mentioned above against the order, also the secret reception into the order, and the divergence of many of the brothers from the general behaviour, way of life and morals of other Christians. We have noted here especially that when new members are received, they are made to swear not to reveal the manner of their reception to anyone and not to leave the order; this creates an unfavourable presumption. We observe in addition that the above have given rise to grave scandal against the order, scandal impossible to allay as long as the order continues to exist. We note also the danger to faith and to souls, the many horrible misdeeds of so many brothers of the order, and many other just reasons and causes, moving us to the following decision. The majority of the cardinals and of those elected by the council, a proportion of more than four-fifths, have thought it better, more expedient and advantageous for God's honour and for the preservation of the christian faith, also for the aid of the holy Land and many other valid reasons, to suppress the order by way of ordinance and provision of the apostolic see, assigning the property to the use for which it was intended. Provision is also to be made for the members of the order who are still alive. This way has been found preferable to that of safeguarding the right of defence with the consequent postponement of judgment on the order. We observe also that in other cases the Roman church has suppressed other important orders for reasons of far less gravity than those mentioned above, with no fault on the part of the brethren. Therefore, with a sad heart, not by definitive sentence, but by apostolic provision or ordinance, we suppress, with the approval of the sacred council, the order of Templars, and its rule, habit and name, by an inviolable and perpetual decree, and we entirely forbid that anyone from now on enter the order, or receive or wear its habit, or presume to behave as a Templar. If anyone acts otherwise, he incurs automatic excommunication. Furthermore, we reserve the persons and property for our disposition and that of the apostolic see. We intend with divine grace, before the end of the present sacred council, to make this disposition to the honour of God the exaltation of the christian faith and the welfare of the holy Land. We strictly forbid anyone, of whatever state or condition, to interfere in any way in this matter of the persons and property of the Templars. We forbid any action concerning them which would

prejudice our arrangements and dispositions, or any innovation or tampering. We decree that from now on any attempt of this kind is null and void, whether it be made knowingly or in ignorance. Through this decree, however, we do not wish to derogate from any processes made or to be made concerning individual Templars by diocesan bishops and provincial councils, in conformity with what we have ordained at other times. Let nobody therefore ... If anyone ...

Given at Vienne on 22 March in the seventh year of our pontificate.

[2]. For an everlasting record. It belongs to Christ's vicar, exercising his vigilant care from the apostolic watch-tower, to judge the changing conditions of the times, to examine the causes of the affairs which crop up and to observe the characters of the people concerned. In this way he can give due consideration to each affair and act opportunely; he can tear out the thistles of vice from the field of the Lord so that virtue may increase; and he can remove the thorns of false dealing so as to plant rather than to destroy. He transfers slips dedicated to God into the places left empty by the eradication of the harmful thistles. By thus transferring and uniting in a provident and profitable way, he brings a joy greater than the harm he has caused to the people uprooted; true justice has compassion for sorrow. By enduring the harm and replacing it profitably, he increases the growth of the virtues and rebuilds what has been destroyed with something better. A little while ago we suppressed definitively and perpetually the order of the Knights Templar of Jerusalem because of the abominable, even unspeakable, deeds of its master, brothers and other persons of the order in all parts of the world. These men were spattered with indecent errors and crimes, with depravity-they were blemished and stained. We are silent here as to detail because the memory is so sad and unclean. With the approval of the sacred council we abolished the constitution of the order, its habit and name, not without bitterness of heart. We did this not by definitive sentence, since this would be unlawful according to the inquiries and processes carried out, but by apostolic provision or ordinance. We issued a strict prohibition that nobody might henceforth enter the order or wear its habit or presume to behave as a Templar. Anyone doing otherwise incurred automatic excommunication. We commanded, by our apostolic authority, that all the property of the order be left to the judgment and disposition of the apostolic see. We strictly forbade anyone, of whatever state or condition, to interfere in any way regarding the persons or property of the order or to act in prejudice of the direction or disposition of the apostolic see in this matter, or to alter or even to tamper; we decreed all attempts of this kind to be henceforth null and void, whether made knowingly or in ignorance.

Afterwards we took care lest the said property, which over a long period had been given, bequeathed, granted and acquired from the worshippers of Christ for the help of the holy Land and to assail the enemies of the christian faith, should be left without management and perish as belonging to nobody or be used in ways other than those intended by the pious devotion of the faithful. There was the further danger that tardiness in our arrangements and dispositions might lead to destruction or dilapidation. We therefore held difficult, lengthy and varied consultations and discussions with our brothers, the cardinals of the holy Roman church, with patriarchs, archbishops, bishops and prelates, with certain outstanding and distinguished persons, and with the procurators at the council of the chapters, convents, churches and monasteries, and of the remaining absent prelates, in order that, through this painstaking deliberation, a wholesome and beneficial disposal of the said property might be made to the honour of God, the increase of the faith, the exaltation of the church, the help of the holy Land, and the salvation and peace of the

faithful. After especially long carefully thought out, deliberate and complete consultations, for many just reasons, we and the said fathers and patriarchs, archbishops, bishops, other prelates, and the outstanding and distinguished persons, then present at the council, finally came to a conclusion. The property should become forever that of the order of the Hospital of saint John of Jerusalem, of the Hospital itself and of our beloved sons the master and brothers of the Hospital, in the name of the Hospital and order of these same men, who as athletes of the Lord expose themselves to the danger of death for the defence of the faith, bearing heavy and perilous losses in lands overseas.

We have observed with the fullness of sincere charity that this order of the Hospital and the Hospital itself is one of the bodies in which religious observance flourishes. Factual evidence tells us that divine worship is fervent, works of piety and mercy are practised with great earnestness, the brothers of the Hospital despise the attractions of the world and are devoted servants of the most High. As fearless warriors of Christ they are ardent in their efforts to recover the holy Land, despising all human perils. We bear in mind also that the more plentifully they are supplied with means, the more will the energy of the master and brothers of the order and Hospital grow, their ardour increase and their bravery be strengthened to repel the insults offered to our Redeemer and to crush the enemies of the faith. They will be able to carry more lightly and easily the burdens demanded in the execution of such an enterprise. They will therefore, not unworthily, be made more watchful and apply themselves with greater zeal. In order that we may grant them increased support, we bestow on them, with the approval of the sacred council, the house itself of the Knights Templar and the other houses, churches, chapels, oratories, cities, castles, towns, lands, granges, places, possessions, jurisdictions, revenues, rights, all the other property, whether immovable, movable or self-moving, and all the members together with their rights and belongings, both beyond and on this side of the sea, in each and every part of the world, at the time when the master himself and some brothers of the order were arrested as a body in the kingdom of France, namely in October 1308. The gift is to include everything which the Templars had, held or possessed of themselves or through others, or which belonged to the said house and order of Knights Templar, or to the master and brothers of the order as also the titles, actions and rights which at the time of their arrest belonged in any way to the house, order or persons of the order of Knights Templar, or could belong to them, against whomsoever of whatever dignity, state or condition, with all the privileges, indults, immunities and liberties with which the said master and brothers of the house and order of Knights Templar, and the house and order itself, had been legitimately endowed by the apostolic see or by catholic emperors, kings and princes, or by other members of the faithful, or in any other way. All this we present, grant, unite, incorporate, apply and annex in perpetuity, by the fullness of our apostolic power, to the said order of the Hospital of saint John of Jerusalem and to the Hospital itself.

We except the property of the said former order of Knights Templar in the kingdoms and lands of our beloved sons in Christ, the illustrious kings of Castile, Aragon, Portugal and Majorca, outside the kingdom of France. We reserve this property, from the said gift, grant, union, application, incorporation and annexation, to the disposal and regulation of the apostolic see. We wish the prohibition made a little while ago by other proceedings of ours to remain in full force. Nobody of any state or condition may intervene in any way as regards these persons and property in prejudice to the regulation or disposition of the apostolic see. We wish that our decree concerning these persons and property in the kingdoms and lands of the above kings should remain in full

force until the apostolic see makes another arrangement.

Occupiers and unlawful detainers of the property, irrespective of state, condition, eminence or dignity, even if this is pontifical, imperial or royal, unless they abandon the property within a month after it is called for by the master and brothers of the Hospital, or by any of them, or by their procurators [. . .]. The property must be fully and freely restored to the order of Hospitallers and to the said Hospital, or to the master, priors, preceptors or brothers of the said Hospital, in any regions or provinces, or to any of them individually, or to their procurator or procurators, in the name of the said order of Hospitallers, even if the priors, preceptors and brothers and their procurators or any one of them have no special mandate from the master of the Hospital, provided that the procurators hold or show a special commission from the priors and preceptors or from any one of them, in the provinces or regions in which these priors and preceptors have been delegated. The priors, preceptors and brothers are obliged to give a full reckoning to the master concerning everything: conduct, actions, receipts and negotiations. The procurators are to render a similar account to the priors and preceptors, and to each one of them, by whom they were delegated. All who have knowingly given counsel, aid or favour to the occupiers and detainers mentioned above concerning such occupation or detention, publicly or secretly, lie under excommunication. Chapters, colleges or governing bodies of churches and monasteries, and the corporations of cities, castles, towns and other places, as well as the cities, castles, towns and other places themselves which were at fault in this, and the cities, castles and places in which the detainers and occupiers hold temporal lordship, if such temporal lords place obstacles to the giving up of the property and its restoration to the master and brothers of the Hospital, in the name of the Hospital, not desisting from such conduct within a month after the property is called for, are automatically laid under interdict. They cannot be absolved from this until they offer full satisfaction. Moreover the occupiers and detainers and those who have given them counsel, aid or favour, whether individuals or the chapters, colleges or governing bodies of churches or monasteries, as also the corporations of cities, castles, lands or other places, incur, in addition to the above-mentioned penalties, automatic deprivation of everything they hold as fiefs from the Roman or other churches. These fiefs are to revert freely without opposition to the churches concerned, and the prelates or rulers of those churches may dispose of the fiefs at will, as they judge will be to the advantage of the churches. Let nobody therefore . . . If anyone . . .

Given at Vienne on 2 May in the seventh year of our pontificate.

Continued in E:

We therefore commission you by our apostolic letters, that acting together or in pairs or singly, directly or through one or more others, you induct the master or priors or preceptors or brothers of the Hospital, or any individual member, or their procurator or procurators, in the name of the Hospital, into possession of the house of the Knights Templar and of their other houses, churches, chapels, oratories, cities, castles, towns, lands, granges, places, possessions, jurisdictions, revenues and rights to all their other movable, immovable and self-moving property, with all their members, rights and belongings, both on the near and far side of the sea and in every part of the world, which the order, master and brothers of the Knights Templar had, held or possessed, directly or through others, at the time of their arrest. The Hospitallers are to be inducted by our authority and defended afterwards; occupiers, detainers, administrators and conservators are to

be removed. You are to ask a full account from those who have been delegated by apostolic authority and any other, including those sub-delegated, to care for the aforesaid property. The account is to comprise all the fruits, revenues, incomes, rights and accretions. The occupiers or detainers, administrators, conservators and others, unless within the prescribed time they abandon the property and revenues, and restore them freely and fully to the order of the Hospital and to the same Hospital, or to the master, prior, preceptors or brothers of the Hospital, in the regions and provinces in which the property has been, including to each of them individually, or to their procurator or procurators, in the name of the Hospital, as said above, as well as those who give help, counsel or favour to the occupiers, detainers, administrators or conservators, are to be excommunicated by you, if they are individuals; but if they are chapters, colleges, convents or corporations, as well as the cities, castles, towns and places themselves at fault in this, and those in which the detainers and occupiers have temporal dominion and are obstructive when asked to abandon the property and restore it to the master and brothers of the Hospital, in the name of the Hospital, and refuse to desist from such conduct within a month, you are to lay them under interdict. The offenders are also to be deprived of all property which they hold in fief from the Roman or any other church. You will give notice everywhere where you think it useful and have it announced by others that the excommunicated persons are to be strictly avoided until they have made suitable satisfaction and merited absolution. No exception is to be made on account of any indult from the apostolic see to the effect that they cannot be laid under interdict, suspended or excommunicated by apostolic letters which do not make an express, full and word for word declaration. You are also to suppress any other objectors, if there be such, by ecclesiastical censure, disregarding appeals. It is our will also and we decree by our apostolic authority, that with the present instruction you all and singly are given power and jurisdiction in every detail of this matter. You may from now proceed freely as if this same jurisdiction were perpetuated by citation or by any other lawful way. The jurisdiction shall be considered perpetuated as though the case were no longer undecided. Each of you may continue the part which has been left unfinished by one of your colleagues, in spite of his opposition and unhampered, notwithstanding the constitution of pope Boniface VIII, our predecessor of happy memory, as often and whenever this is suitable. Given as above.

[3]. Clement, bishop, servant of the servants of God, for assurance in the present and for future record. The inquiries and various processes commissioned not long ago by the apostolic see through all parts of Christendom against the former order of Knights Templar and its individual members, concerning accusation of heresies, brought them into grave disrepute. In particular there was the accusation that the brothers of the former order at, and sometimes after, their reception denied Christ and spat in his dishonour on a cross held out to them, and sometimes trampled it underfoot. The master of the order, the visitor of France, the chief preceptors and many brothers of the order confessed at their trial to these heresies. The confessions cast grave suspicion on the order. In addition, the widespread disgrace, the strong suspicion, and the clamorous charges of the prelates, dukes, communes, barons and counts of the kingdom of France also gave grave scandal which could hardly be allayed without suppression of the order. There were many other just reasons mentioned in the legal process which influenced us. We therefore, with the approval of the sacred council, our heart filled with great bitterness and sorrow, suppressed and abolished the said former order of the Temple and its constitution, habit and name and we forbade its restoration. We did this, not by definitive sentence since we could not legally do

this according to the inquiries and processes mentioned above, but by apostolic provision and ordinance. We reserved the persons and property of the order to the decision and disposal of the apostolic see. In doing so, however, we had no intention of derogating from the processes made or to be made concerning individual persons or brothers of the said former order by diocesan bishops and provincial councils, as we have ordained elsewhere.

Now therefore we wish to provide more suitably for individual persons or brothers. We reserved lately for our own disposition the master of the former order, the visitor of France and the chief preceptors of the holy Land, Normandy, Aquitaine, Poitou and the province of Provence, as well as brother Oliver de Penne, a knight of the said former order, whom henceforth we reserve to the disposition of the apostolic see. We have decided that all the other brothers should be left to the judgment and disposition of provincial councils, as we have indeed done until now. We wish judgment to be given by these councils in accordance with the different cases of individuals. Thus those who have been legally acquitted, or will be acquitted in the future, shall be supplied with the goods of the former order whereby they can live as becomes their state. With those who have confessed concerning the above errors, we wish the provincial councils prudently to temper justice with mercy: the situation of these men and the extent of their confessions are to be duly weighed. With regard to those who are impenitent and have relapsed, if any -- which God forbid -- be found among them, justice and canonical censure are to be observed. As for those who even when questioned have denied their involvement in the above errors, the councils are to observe justice and equity according to the canons. With the approval of the sacred council, we hereby cite those who have not yet been questioned and who are not held by the power or authority of the church but are perhaps fugitives, to appear in person before their diocesans within a year from today. This we assign them as a precise and final limit. They are to undergo an examination by their diocesans, receiving a just judgment from the said councils according to their deserts. Great mercy however is to be shown and observed both to these last and to those previously mentioned, except the relapsed and impenitent. They should also be provided from the property of the order with the necessities of life; all the brothers of the former order, whenever they return to the obedience of the church and as long as they persist in that obedience, shall be maintained as becomes the circumstances of their state. All of them shall be placed in houses of the former order or in monasteries of other religious, at the expense however of the former order itself according to the judgment of the said provincial councils; but many of them shall not be placed together at the same time in one house or monastery.

We order also and strictly command all those with whom and by whom the brothers of the former order are detained, to surrender them freely whenever required to do so by the metropolitans and the ordinaries of the brothers. If within the year those cited do not appear before the diocesans, as stated above, they incur automatically sentence of excommunication; and because in a case especially concerning the faith, contumacy adds strong presumption to suspicion, the contumacious who stubbornly remain excommunicate for a year are henceforth to be condemned as heretics. This citation of ours is made of set purpose and we wish the brothers to be obliged by it as if they had received a special citation personally, for as vagabonds they can in no way be found or at least not easily. In order, then, to prevent all subterfuge, we publish our edict in the present sacred council. And in order to bring this citation more assuredly to the knowledge of the brothers themselves and to the general knowledge of all, we shall have papers or parchments

containing the citation and sealed with our bull hung or fastened to the doors of the principal church of Vienne. This will secure a loud and widespread publication of this citation, so that the brothers whom the citation concerns can claim no excuse that the citation has not reached them or that they were ignorant of it, since it is improbable that what is so openly made public to all can remain unknown or hidden to them. Furthermore, in order to observe greater precaution, we order the local diocesans to make public this edict of our citation, as soon as conveniently possible, in their cathedrals and in the churches at the most conspicuous places in their dioceses.

Given at Vienne on 6 May 1312 in the seventh year.

[4]. To all the administrators and guardians of the property of the former house and order of the Knights Templar, delegated by apostolic and any other authority. Recently we held, as the Lord so disposed, a general council at Vienne. There we gave long and careful consideration to the disposal of the former house and order of the Knights Templar. We thought it more acceptable to the most High, more honourable to those who worship in the true faith, and more useful for the aid of the holy Land, to grant this property to the order of the Hospital of saint John of Jerusalem, rather than to give it or even attach it to a new order to be created. There were some, however, who asserted that it would be better to confer the property on an order to be newly created than to attach it to the order of the Hospital, and so we were unable to obtain the result we hoped for. At last, however, by God's favour, on 2 May of this present month, with the approval of the sacred council, we judged that the property should be granted and attached and even united to the said Hospital or order. We made an exception, for certain reasons, of the Templars' property in the kingdoms and lands of our beloved sons in Christ, the illustrious kings . . . of Castile, . . . of Aragon, . . . of Portugal, and . . . of Majorca', outside the kingdom of France. We reserved this property for our disposition and that of the apostolic see, until some other arrangement be made by us and the apostolic see for its use to aid the holy Land.

We therefore strictly command all of you, by apostolic ordinance, to restore in full, in the name of the said Hospital and order, this property with the revenue gathered from it, after all expenses have been paid, to the master and brothers of the Hospital, or to restore individual items to the said Hospital's individual priors or preceptors of the provinces or cities or dioceses or places in which the property lies, or to the procurator or procurators of one or more of them, according to the terms of your commission, within a month of being so required. For this the master, brothers, priors and preceptors, or their procurator or procurators, shall fittingly commend you, and we shall rightly acknowledge your prompt and devoted obedience.

15 Part 2 Council of Vienne 1311-1312 A.D.

Council of Vienne 1311-1312 A.D.

Given at Livron in the diocese of Valence on 16 May in the seventh year.{1}

[5].{2} Our redeemer, the only-begotten Son of God, our Lord Jesus Christ, loved so much the daughter of Zion, the holy Land, that he chose her as his inheritance and his own patrimony. He therefore, clothed with our flesh, honoured her with his presence and consecrated her by the shedding of his precious blood. But we mourn and bitterly lament that so noble an inheritance of our redeemer has been turned over to strangers and laid low by the frenzy of the Babylonian persecutor, trampled underfoot by the feet of the defiled. She is dishonoured by the vile grasp of the unclean Saracens, faithless enemies of the christian name. She has been occupied and wretchedly retained, the christian people have been savagely slaughtered. To the insult of the creator, to the outrage and sorrow of all Christendom, the name of Christ is horribly blasphemed by the filthy and detestable conduct of the enemy. This sad region therefore weeps under the lash and repeatedly laments to the vicar of Christ about this intolerable persecution. Wounded by her disgrace, she pleads with christian princes and the catholic people. She uncovers her wounds to those from whom she awaits the work of the healer. She demands liberation from those for whose salvation the author of salvation bore within her borders the suffering of the cross. All this and more besides, which the mind cannot fully conceive nor the tongue tell, rose to our heart and roused our mind as soon as we were called by divine favour, though unworthy, to the summit of apostolic dignity. We gazed tenderly at the doleful state of the holy Land and we applied ourselves to think out remedies by which, with the aid of heaven, that Land, freed from the enemy's criminal hands, might see, after the darkness of so many tribulations, the bright times of longed-for peace For this and other holy works acceptable to God, to be advanced by his almighty power, we convoked a general council in the city of Vienne{3}. Then, together with our brothers the cardinals of the holy Roman church, the patriarchs, archbishops, bishops and other prelates and our beloved sons in Christ the illustrious kings Philip of the Franks and Louis of Navarre, who were present at the council, as also some other eminent men and the procurators of the remaining absent prelates and of chapters, convents, churches and monasteries, assembled at the council, we held a long, complete and careful discussion on bringing aid to the holy Land. At last we resolved, with the council's approval, to succour the holy Land by a general crusade. Intending to use our apostolic power zealously to this end, and having duly weighed all we have said, we judged, with the approval of the sacred council, that a tithe should be imposed by our apostolic authority on all ecclesiastical revenues and incomes throughout the world. Only the persons and places belonging to the Hospital of saint John of Jerusalem and the other military orders were to be exempted. The tithe was to be collected and paid for six years to be reckoned from 1 January last, in fixed installments, as we should find best, and to be directed to helping the holy Land and opposing the infidels and the enemies of the catholic faith.{4} But actually we reflected of late that our letters concerning the imposition, collection and payment of the tithe had not reached you by I January, nor could easily do so in a short time, on account of the great distance of those parts

from the Roman curia. Wishing, then, to consult your ease and convenience, we have decreed that the six years are to begin in your region on I October next. We therefore ask, admonish and earnestly exhort you, also commanding you strictly by apostolic ordinance in virtue of obedience, to pay without difficulty the tithe for six years beginning from I October. The tithe is to be paid in the customary way, namely for the first half of the first year on 1 October next, and for the second half on I April immediately following, and in the same way for each of the remaining five years. Each of you is to pay it in full from your ecclesiastical revenues and incomes. If you fail to pay the tithe within the above periods, each of you automatically incurs sentences similar to those pronounced for nonpayment by you or by the suitable and trustworthy persons delegated by you to collect the tithe in your cities and dioceses.

Furthermore, you are to collect the tithe from our beloved sons, the abbots, priors, deans, archdeacons, provosts, archpriests and other prelates of churches, the chapters, colleges and convents of the Cistercians, Cluniacs, Premonstratensians, of saint Benedict and saint Augustine, of the Carthusians, Grandmontines and other orders, and other non-exempt secular and regular ecclesiastical persons, in your cities and dioceses, that is, each of you in each city and diocese. The priors, preceptors, masters and other persons and the places of the Hospital of saint John of Jerusalem and of the other military orders are to be the only exceptions made. The tithe is to be collected by you or by other suitable and trustworthy persons delegated by you for this service in each of your cities and dioceses. It is altogether our wish and command that you should delegate such persons. We entrust to them and command them by this document to claim and collect it in full by our authority, in each of the cities and dioceses where they are delegated, from our beloved sons the abbots, priors, deans, provosts, archdeacons, archpriests and other prelates of churches, and the exempt chapters, colleges and convents of the above-mentioned orders, in your cities and dioceses. Only the priors, preceptors, masters, persons and places of the Hospital of saint John of Jerusalem and of the said other military orders are to be excepted. The tithe is to be claimed and collected in full from the ecclesiastical revenues and incomes, by our authority, in the customary way according to the years and periods mentioned above. The delegates are to collect it from both the exempt and the non-exempt: each is to hand over and assign it for each period to the person among you by whom he was delegated, without delay or as soon as he conveniently can. You are to compel them by ecclesiastical censure, without any appeal, to give you an account of the money claimed and collected from the aforesaid non-exempt persons, as well as to hand over and assign the tithe claimed and collected from both the exempt and the non-exempt. Public instruments are to be drawn up and other due precautions taken concerning the handing over and assigning of the tithe. In this way, when needed, it can be established how much, from whom, when and for what period the delegates received the money and how much, when and for what period they handed over and assigned it to each of you. The money which has been duly claimed and collected by you and your delegates from the exempt and non-exempt persons and has been handed over to you, including that which has been claimed and collected by your delegates from the said exempt persons, as mentioned above, and also the money which you will pay from your own revenues and incomes, is to be put away by each of you, together with your cathedral chapter, beneath the church or even elsewhere, as you think best, in some more becoming and safe place. Here, at your expense and that of the chapter, you will have it guarded carefully and faithfully, to be consigned by each of you to our delegates as and when shall seem good to us, for the business of the holy Land and the service of the faith. In order that you may more easily and

effectively collect this tithe, we grant by this document full and unrestricted power to each of you to constrain by ecclesiastical censure directly or through your delegates, disregarding any appeal, the abbots, priors, deans, provosts and other aforesaid non-exempt persons, in your cities and dioceses. We grant the same power to your delegates, in each city or diocese for which they have been delegated, with regard to the abbots, priors, deans, provosts and other aforesaid exempt persons. This power may also be used to constrain any opponents and rebels. In addition, we grant full and unrestricted power to you to absolve in your cities and dioceses, after satisfaction has been made, the aforesaid non-exempt persons, and to your delegates regarding the aforesaid exempt persons who, because of non-payment of the tithe in due time, are bound by sentences of excommunication, suspension or interdict; also to dispense from irregularity contracted by celebrating divine worship or taking part in it while bound by one or more of the above sentences. In order that you and your delegates may have a reward for the labours undertaken, we enjoin on you the above things in remission of your sins. The tithe is to be paid even if the apostolic see has granted an indult to you or some of you, or to the abbots, priors and other aforesaid exempt or non-exempt persons, or to anyone else, that you are not obliged and compelled to pay, or that you cannot be laid under interdict, suspension or excommunication by apostolic letters which have not made full and express mention of this indult and its tenor word for word, or of the names of your orders, localities and persons. The same applies to any privileges, indulgences, exemptions and apostolic letters which have been granted generally or specially in any form of words by the said apostolic see to any dignities, orders, places or persons, and of which and their whole tenor there should be made in our letters word for word, special, full and express mention. Consider, besides, that in these duties you are engaged in God’s business, and that you are acting in the sight of him who sees all. You will therefore be obliged to render an account to him and to us; we intend to use all diligence in this matter. You will receive due reward from both him and us. You should therefore act prudently and carefully, not only to avoid the danger of punishment and confusion, but also to gain the glory of praise and well-deserved reward.

It is our wish also that each of you oblige the persons delegated by you for collecting the tithe, to swear that they will be diligent and careful in their work and to use this formula: "I swear . . . by you, lord . . ., who am delegated by the authority of the apostolic see and by the same see itself to claim, collect and receive a tithe of all ecclesiastical revenues and incomes from all exempt and non-exempt ecclesiastical persons in your city and diocese, that I will faithfully claim, collect, receive and guard this tithe which has been imposed by the apostolic see for the business of the holy Land and of the catholic faith. Only the priors, preceptors masters and other persons and places of the Hospital of saint John of Jerusalem and of the other military orders are excepted. I shall not give way in this to any person, of whatever dignity, status or condition, whether from entreaty, fear, gratitude, favour or any other cause. I shall restore and consign the full tithe to you at your order. I shall render a final and integral account concerning everything in detail, namely to you regarding what I have claimed, collected and received from non-exempt persons, and to the delegate or delegates of the holy see regarding exempt persons. If you lay down your office in this matter, I shall do the same according to the orders of your successor. So may God help me and these holy gospels of God."

Given at Avignon on 1 December in the eighth year.

[6]. For future record. Not long ago, in the general council at Vienne, we transferred, with the approval of the sacred council, the property, rights, privileges, indults, immunities and liberties of the former order of the Temple to the order of the Hospital of saint John of Jerusalem. For the sake of greater peace and concord between prelates of churches and other clergy on the one hand, and the brothers of the order of the Hospital on the other, as also for other justifiable reasons, we suspended, in the last session of the council, all the privileges granted to the Hospital by the apostolic see, and with them as a necessary consequence the privileges of the former Temple, which should be thought of as belonging to the said Hospital and transferred to it. We excepted the privilege of exemption, if they had any. We wished these privileges to be suspended at our good pleasure. There are some, however, who assert on insufficient grounds that the suspension of these privileges of the Hospital does not extend to the privileges of the former order of the Temple. Although there is not the faintest reason for such an assertion, we wish to remove from their minds the slightest doubt that it was our intention, by the said suspension of the privileges of the order of the Hospital, to suspend the privileges of the former Temple, which have become by the transference those of the Hospital itself. We declare therefore by our apostolic authority and decree that these, like the other privileges of the Hospital, are and remain suspended.

Indeed, before the suspension, it was said in general by some of our brothers cardinals of the holy Roman church, to many of the prelates assembled at the general council, that there would be a suspension of the Hospital's privileges until everything that was still uncertain among the said prelates and other clergy, with regard to concord, lawsuits and disputes, had been completely settled. We observed, however, that if it was necessary to await the end of all these lawsuits and disputes, one little case might generate grave prejudice against the Hospitallers, and great loss might result from the continuing suspension of their privileges. We reflected that this might provide material for many misrepresentations. In the last session of the council, therefore, wishing to obviate such greater dangers, we judged it fitting to make known orally, clearly and openly, even for a third time, so that each and all might clearly understand, that we wished the said suspension of the privileges of the order of the Hospital to continue until we willed otherwise. We intend with the Lord's help to consider what is good for both sides and to make provision for both prelates and other clergy on the one hand, and the Hospitallers on the other, so that neither will have reason for complaint but both will receive due satisfaction. Let nobody therefore ...

Given at Avignon on 18 December in the eighth year.

[7]. For an everlasting record. Not long ago, under the Lord's providence, we held a general council at Vienne, at which we suppressed the former order of the Knights Templar of Jerusalem. We granted, attached and joined the Templar possessions, with the approval of the sacred council, to the order of the Hospital of saint John of Jerusalem, for the help of the holy Land; with the exception, for certain reasons, of their property lying in the kingdoms and lands of our beloved sons in Christ, the illustrious kings . . . of Castile, . . . of Aragon, . . . of Portugal and . . . of Majorca, outside the kingdom of France, which we reserved for our disposal and that of the apostolic see until we made other arrangements. Then, in the same council, we made some sound provisions for furthering the cause of the holy Land and others by which quarrels, scandals and discord might be prevented, and continuous peace and concord be established, between prelates of churches and other clergy on the one hand and the brothers of the Hospital on the other. We also made provision on other points relating to the reform of the order of the Hospital.

Actually, business has pressed upon us. It is like an ocean pouring into the apostolic see. The waters of care constantly harass our heart. We have not been permitted until now, and are still not permitted, to put into execution the arrangements we desire. In order that the fruit of such sound proposals may not perish through oblivion or pressure of business, but rather may be gathered up, by the Lord's will, at the opportune time, we have had the headings of these projected decrees inserted into the present document. Their drift is as follows. We wish that the transfer of property of the former order of the Temple to the order of the Hospital may, by our provision, be of advantage to the holy Land. We also wish that quarrels, scandals and discord be prevented between prelates and other clergy on the one hand and the brothers of the order on the other; that lasting concord be established between them; and that the order and its members be reformed, if and as this seems good. We have therefore made three special provisions regarding the order of the Hospital. The first has to do with the holy Land. We shall have an exact and careful enquiry made into the past and present possessions of the order of the Hospital and their exact annual value. We shall wish to know fully the annual value of each old and new house of the order, and how much this represents each year in terms of assistance to the holy Land. On completion of this valuation, and taking into account the necessary local expenditure, we shall oblige the order to maintain continuously in the holy Land a certain number of brothers and knights. These brothers and knights are to labour effectively and strive to win the holy Land and keep it, as far as God grants. We shall arrange and provide that very few brothers of the order remain on this side of the sea. These shall be only those required to govern the houses of the order and those who are old, sick or unfit for war. The young and the strong, who are able to fight, shall be required to go and stay overseas so that the holy Land may have its needs met. The order will thus pursue the purpose for which it was instituted, as is only right and fitting. In this way it will not reserve for itself great wealth or many persons of quality. Rather, the order will lose all occasion for pride or the prosecution of idle enterprises, since the brothers and knights who drag their feet on this side of the sea will be far fewer than before. The property remaining behind will also be heavily and more than usually burdened as a result of our above-mentioned provisions.

We cannot impose on our successors the continuation of the above policy. Yet, in order to make this course of action possible and easier for them, we shall have the annual value of each house registered exactly in the Roman curia, and also the service which it will be able to provide each year for the holy Land, and the fixed number of brothers and knights required to stay overseas. We shall arrange that the registered material be kept permanently with the papal registers under our bull. Further, that there be no lack of carefulness or caution in this matter, we shall send the registered material under our bull to all christian kings to be permanently kept by them in order that if it should happen -- though may it not -- that this ordinance is not observed by the Hospitallers, the kings themselves, being informed in the above manner, may more quickly and fully know where the observance of this ordinance has ceased. As a result, they will also be moved to take care that it is observed.

Secondly, in order to establish tranquility and peace, as was said above, between the churches with their prelates and the order of the Hospital, we shall see that all the privileges of the order are fully shown to us. And although we have no intention whatsoever of taking away its exemption, if the order has such, or of granting exemption, if the order has none, we shall altogether take away any privileges, if such there be, which are odious or provide matter for quarrels, discord or

scandals. If we happen to find areas of uncertainty which it is not advisable to remove, we shall clarify. In addition, we shall delegate in each province two of its prelates and one of our clerics or another cleric to provide more fully for concord, giving them full and unrestricted powers, so that simply and easily, and without the din of a court of law, they may hear and settle or make peace between the parties in all disputes and cases that have arisen or might arise for any reason between the aforesaid order and the churches and any ecclesiastics with regard to churches, tithes, first-fruits, procurations and any property or rights whatsoever. This is to include questions concerning the property and rights of the former order of the Temple. The parties may be summoned or not as they wish; charges may be laid or not, as they please. Before or after the delegates' decision there can be no appeal. Whatever they do or decide shall altogether be regarded as done or decided by us.

We shall also grant to them the power of regulating the procurations owed by the order to the bishops in different places so that, when and as seems good to them, they are converted into an annual payment as money to be paid by the order to the bishops. The bishops, on receiving such payments, are bound to visit at their own expense, at a time suitable for them, the places making them. If this regulation does not seem useful, the bishops will receive on visitation the procurations owed to them by the churches of the order, if these are able to pay them. If a church cannot pay the full procuration, the above delegates will make an estimate of the amount payable to the bishop as the procuration for that church. We shall also ordain that all churches which have annexed to them the cure of souls and belonged to the order of the Hospital on account of any right of the Temple, or even on account of any other rights which belong or shall belong to the Hospital, shall be subject in all spiritual matters to their diocesans, notwithstanding any privilege of exemption. Indeed, in order that everything decreed above may be fulfilled more quickly and without evasion on the part of the order, and that our good will may appear to everyone, we suspend entirely from now all the privileges for long granted by the apostolic see to the order, except for the privilege of exemption, if possessed, and we wish them to remain suspended at our pleasure.

Thirdly, concerning the order of the Hospital itself, we shall be making decrees regarding its regulation and reform. We shall be seeing and examining carefully the rules, statutes, form of government and progress of the order itself and of its members. We shall approve and confirm what is good. We shall clarify doubtful points that we find in need of revision in the order itself and in its personnel, both head and members. We shall restore the norm of truth, justice and regular observance with the equilibrium of reason and equity, to the advantage and welfare of the order and for the help of the holy Land. In this way the order itself will be preserved from decay and kept in a healthy and prosperous condition. The prelates of France, after the above intentions had been explained to them, petitioned that we should take away the privilege of exemption, if the order of the Hospital possessed it, or at least suspend such exemption, just as we have decreed the suspension of the order's other privileges. These prelates also declared that, as long as the unlettered and simple brothers of the order remain under the care of their simple priests, and the prelates themselves are unacquainted with the brothers' deeds and consciences, they can be in grave danger of losing their souls through having the privilege of exemption, if they do in fact possess it. Our reply is that because of shortness of time we are unable here to formulate a full and determinate decree. As soon as we can conveniently do so we shall with the Lord's help

decree and provide in this matter. Also, as these prelates earnestly petitioned us, it is our will and decree that just as individual catholic kings shall receive in writing the valuation of the order's revenues and the other relevant information, so each province ought to have and shall have the same document.

Also, in accordance with the petition of these prelates, we decree and determine that the compositions pending or made within the last ten years, which were extorted from churches and ecclesiastics through fear of the order of the Hospital and the order of the former Temple, do not disadvantage or harm the said churches and ecclesiastics in any way, and that if two prelates and a non-prelate delegated by us cannot reach agreement, then whatever is decided by one of the prelates and the non-prelate, or decreed by them by way of composition or agreement, shall have effect and full validity. Also, we wish to be as gracious as possible to the said prelates. Therefore we shall allow the two prelates delegated by us to raise in ready money the procurations of their dioceses while absent, and we shall have the non-prelate provided for in money from the property of the former order of the Temple. We shall also decree in accordance with the petition of the prelates of France, that Hospitallers who publicly receive excommunicated persons or those under interdict or notorious usurers for ecclesiastical burial, or for solemnizing their marriages or having them solemnized or permitting them to be solemnized in their churches against the law, or for administering the sacraments to outside parishioners or permitting this in their churches, incur automatic excommunication. And we strictly forbid the Hospitallers to trouble anyone unduly by use of apostolic letters. We shall also decree, in accordance with the petition of the same prelates, against the building of new churches or chapels, the erecting of bell-towers and the making of cemeteries; we shall provide adequate laws on these subjects to be observed by the Hospitallers.

Given at Avignon on 31 December in the eighth year of our pontificate {5}

[8]. For an everlasting record. Some time ago, in the general council held at Vienne under the Lord's inspiration, we suppressed the former order of the Temple for certain good reasons as explained in the letter of suppression. After long and careful deliberations with our brothers and the whole council, we bestowed on the order of the Hospital of saint John of Jerusalem, on the Hospital itself and on our beloved sons, the master and brothers of the Hospital, in the name of the Hospital and of the order of these men, who as the Lord's athletes expose themselves unfailingly to the danger of death in defence of the faith and have borne and still bear heavy loss overseas, the house of the Knights Templar and their other houses, churches, chapels, oratories, cities, castles, towns, lands, granges and all their other movable, immovable and self-moving property, together with all the members and rights and all that belongs to them, beyond and on this side of the sea and in all parts of the world, which the former order and its master and brothers had and comprised at the time when the master himself and some of the brothers were arrested as a body in the kingdom of France, namely in October 1308. The property includes that which the Templars had of themselves or through others, and anything belonging to them in any way, with all their rights, privileges, indults, immunities, liberties, honours and charges. We donated and united all this forever to the Hospital and incorporated it into the Hospital, with the approval of the sacred council and from the fullness of our apostolic power, for the help of the holy Land. However, whatever rights belonged to kings, princes, prelates, barons, nobles and any other Catholics, before the arrest of the master of the former order of the Temple and of some other brothers, were to remain. We excepted from the said donation, union and incorporation the property of the former

order of the Temple in the kingdoms and lands of our beloved sons in Christ, the illustrious kings ... of Castile, ... of Aragon, ... of Portugal, and ... of Majorca, lying outside the kingdom of France, which we reserved with good reason for the disposal of the apostolic see. In the letter of donation, union and incorporation, however, through the carelessness, neglect or engagements of the scribe or secretary, mention was omitted of the non-violation of the rights of kings, princes, prelates and other persons concerned. Lest therefore any doubt arises in the future from such an omission concerning these charges and rights, and any prejudice be generated against the said kings, princes, prelates, barons, nobles and other persons, we, who desire that everyone retains his rights unimpaired, wishing to provide a suitable remedy in the matter for the said kings, princes, prelates, barons, nobles and any other Catholics, declare that we have made the above donation, union and incorporation to the order of the Hospital of saint John of Jerusalem, and to the Hospital itself and its master and brothers, in the name of the said Hospital and order, in the way expressed above. We determine and decree of our certain knowledge that, without violation of the property of the former order of the Temple donated to the order of the Hospital, together with all its privileges, indults, immunities, liberties, rights, honours and charges, for the help of the holy Land, nevertheless whatever rights belonged to kings, princes, prelates, barons, nobles and any other Catholics, at the time of the said arrest of the master and some brothers of the Temple, remain intact, unimpaired and exactly as they would be in everything as if they had been distinctly and expressly mentioned in the said letter of donation, union and incorporation. Let nobody therefore . . .

Given at Avignon on 13 January in the eighth year.{6}

DECREES

[1]. Adhering firmly to the foundation of the catholic faith, other than which, as the Apostle testifies, no one can lay, we openly profess with holy mother church that the only begotten Son of God, subsisting eternally together with the Father in everything in which God the Father exists, assumed in time in the womb of a virgin the parts of our nature united together, from which he himself true God became true man: namely the human, passible body and the intellectual or rational soul truly of itself and essentially informing the body. And that in this assumed nature the Word of God willed for the salvation of all not only to be nailed to the cross and to die on it, but also, having already breathed forth his spirit, permitted his side to be pierced by a lance, so that from the outflowing water and blood there might be formed the one, immaculate and holy virginal mother church, the bride of Christ, as from the side of the first man in his sleep Eve was fashioned as his wife, in this way, to the determinate figure of the first and old Adam, who according to the Apostle is a type of the one who was to come, the truth might correspond in our last Adam, that is to say in Christ. This, we say, is the truth, fortified by the witness of that huge eagle which the prophet Ezechiel saw flying over the other gospel animals, namely blessed John the apostle and evangelist, who relating the event and order of this sacrament, said in his gospel : But when they came to Jesus and saw that he was already dead, they did not break his legs, but one of the soldiers pierced his side with a spear, and at once there came out blood and water. He who saw it has borne witness - his testimony is true, and he knows that he tells the truth -- that you also may believe.

We, therefore, directing our apostolic attention, to which alone it belongs to define these things, to such splendid testimony and to the common opinion of the holy fathers and doctors, declare with the approval of the sacred council that the said apostle and evangelist, John, observed the right order of events in saying that when Christ was already dead one of the soldiers opened his side with a spear. Moreover, with the approval of the said council, we reject as erroneous and contrary to the truth of the catholic faith every doctrine or proposition rashly asserting that the substance of the rational or intellectual soul is not of itself and essentially the form of the human body, or casting doubt on this matter. In order that all may know the truth of the faith in its purity and all error may be excluded, we define that anyone who presumes henceforth to assert defend or hold stubbornly that the rational or intellectual soul is not the form of the human body of itself and essentially, is to be considered a heretic.

All are faithfully to profess that there is one baptism which regenerates all those baptized in Christ, just as there is one God and one faith'. We believe that when baptism is administered in water in the name of the Father and of the Son and of the holy Spirit, it is a perfect means of salvation for both adults and children. Yet because, as regards the effect of baptism in children, we find that certain theologians have held contrary opinions, some saying that by baptism guilt is indeed remitted in infants but grace is not conferred, others on the contrary asserting that both guilt is remitted and the virtues and sanctifying grace are infused with regard to habit though for the time being not with regard to use, we, considering the general efficacy of Christ's death, which through baptism is applied in like manner to all the baptised, choose, with the approval of the sacred council, the second opinion, which says that sanctifying grace and the virtues are conferred in baptism on both infants and adults, as more probable and more in harmony with the words of the saints and of modern doctors of theology.

[2]. Abbots and other religious holding any major ecclesiastical office may not, when it is a question of priories or other places subject to them, bring an action against anyone on the authority of letters of the apostolic see or its legates, except in such places and before such persons as is permitted to the priors and other persons in charge of the priories and other places. Nor is anything else of this kind permissible in the case of places belonging to the table maintenance of these abbots and other religious, except when these places have special officials in charge of them. If anyone presumes to molest someone in contravention of the above, he is to be condemned by the judge of the case to pay the expenses and for any damage. Any process contrary to this decree is null and void.

[3]. Although the chief official of a bishop, or a religious obtaining the office of conventual prior (even though that office is not customarily elective), may be delegated by the apostolic see or its legate, nevertheless we do not wish this to be observed in the cases of an official-forane or of a religious who is the claustal prior of his monastery.

[4]. Since prelates of religious orders occasionally neglect to fill vacant priories, churches, offices or other benefices pertaining to their disposition within the time prescribed by the Lateran council, the local diocesan bishops shall supply for this negligence by their own authority in the case of the non-exempt, and by apostolic authority in the case of the exempt. Those which have customarily been governed by the secular clergy shall be conferred on secular clerics, those which have usually been entrusted to or conferred on only religious shall be conferred on the religious of the

monasteries whose prelates were negligent. The diocesan bishops, by the same authority, shall in no way permit the said prelates to apply such priories, churches, offices or benefices to their table maintenance, to impose new payments or to increase the old ones any new ones imposed or old ones increased shall be paid back. By the said priories, churches, offices and benefices we mean those that are not for the table maintenance of their prelates and customarily have their own priors, administrators or rectors, even though these priors and administrators can be freely recalled, if necessary, to the cloister. In this matter we have decided to uphold the constitution of our predecessor pope Boniface VIII, which prohibits the property of vacant benefices to be appropriated by prelates or anyone else, as well as that other constitution of the same Boniface which forbids any religious to have several priories or churches with the cure of souls, even though the cure is exercised by someone other than himself and there is no danger to souls for the priories.

[5]. So that those who are obliged to divine office in cathedrals or secular collegiate churches, or will be so obliged in the future, may be more readily moved to receive sacred orders, we decree that nobody henceforth may have in such churches a voice in the chapter, even though this is freely granted to him by the others, unless he has received at least the subdiaconate. Moreover, those who now hold peacefully dignities, parsonages, offices or prebends to which certain orders are annexed, or will hold them in future, shall have no voice in the chapter unless, having no just impediment, they receive the corresponding orders within a year. They shall receive only half the payment made to those who assist at certain hours, all customs and statutes to the contrary notwithstanding. The penalties, moreover, which are decreed by law against those refusing to be promoted to orders, are to remain in force.

[6]. We wish to check, in the cases mentioned below, the expensive prolongation of lawsuits which, as experience teaches us, arises sometimes from overprecise observance of judicial order. We therefore decree that in cases concerning elections, postulations, or provisions, concerning dignities, parsonages, offices, canonries, prebends or any other church benefices, concerning tithes, even when those obliged to pay them have been admonished and can be corrected by ecclesiastical censure, and concerning matrimony or usury and anything connected with it, that a simple, easy process shall be valid without the noise and rhetoric of a court of justice. We wish this decree to apply not only to future business but also to the present, and even to cases awaiting appeal.

[7].Although it is generally forbidden by the sacred canons for a bishop to exercise jurisdiction in a diocese other than his own, we nevertheless make an exception for bishops who have been driven from their sees by the insolence of the ungodly and do not dare, from fear of their persecutors, to reside in their cities and dioceses or in any part of them, nor to exercise their jurisdiction there directly or through others. Lest the wrong done to their churches by their expulsions remains unpunished, we have considered it necessary to permit that in other dioceses, from cities or other prominent places near their churches, where they will be able to reside securely and to exercise freely their jurisdiction they may freely proceed against their expellers and their counsellors and supporters, as justice shall advise. (The cities and places must be such as are untroubled by these expellers and their counsellors and supporters. They are to be cited personally or to the bishop’s house, if this can be done safely; if not, they are to be cited publicly in the cathedral church of the place or of their domicile.) If however the bishops have not dared to cite their expellers or their

counsellors or supporters in this way, or if these have maliciously frustrated their being cited, it is lawful for the bishops to cite the expellers, counsellors and supporters, or to have them cited, on Sundays and festivals when the people assemble for divine worship, so that the accused may be presumed in all probability to have learned of the citation. This shall take place publicly in the churches of the cities or other prominent places, and then the bishops shall proceed against their persecutors, if they refuse to appear in the bishops' presence within a suitable fixed time, just as if the citation had been made legally elsewhere. We grant also to those bishops, lest justice suffer, authority to exercise full jurisdiction over their subjects from the other dioceses in which they have to stay, provided that they cannot or dare not do this, either directly or through someone else, in their own dioceses. The subjects, however, excluding the expellers or their counsellors and supporters, should not have to travel more than two days' journey from the boundary of their diocese. It is our will also that the bishops first seek permission from the diocesans of their places of exile; if they are not able to obtain this, they may nevertheless proceed as we have said. Of course if the said bishops have asserted that they did not dare to cite the expellers or their counsellors and supporters, personally or to the bishop's house, or publicly in their cathedral church, as has been said, or that they maliciously prevented the citation, or that the bishops cannot or dare not exercise jurisdiction in their dioceses either directly or through someone else against these persecutors, then we wish these assertions to be reliable, strictly enjoining the bishops, under threat of the divine judgment, that they do not assert or invent anything false or deceptive. The neighbouring bishops, when asked by the exiled bishops, should give notice or have notice given throughout their dioceses of the verdicts and the legal processes which the exiled bishops have judged necessary. No prejudice shall arise from the passage of time, or for any other reason, to the local ordinaries or to anyone else having jurisdiction in these places where the expelled bishops also exercise jurisdiction.

[8]. We strictly command local ordinaries to admonish by name three times clerics who publicly and personally engage in the butcher's trade or conduct taverns, that they cease to do so within a reasonable time to be fixed by the ordinary and never resume such trades. If after admonition they do not leave off or if they resume them at any time, then as long as they persist in the above ways of life those who are married shall automatically lose all clerical privileges, and those who are unmarried shall automatically lose their clerical privileges relating to things, and if the latter go about in every way as laymen they shall also lose automatically their personal privileges as clerics. As for other clerics who apply themselves publicly to secular commerce and trade or any occupation inconsistent with the clerical state, or who carry arms, the ordinaries are to be diligent in observing the canons, so that these clerics may be restrained from such miscon duct and they themselves may not be guilty of reprehensible negligence.

[9]. Since he who abandons the dress proper to his order, and puts on other clothes and wears them in public, without a good reason, renders himself unworthy of the privileges of that order, we ordain by the present constitution that any cleric wearing striped or variegated clothes in public, without a good reason, is automatically suspended, if he is beneficed, from receiving the revenues of his benefices for a period of six months. If however he does not have a benefice but is in sacred orders below the priesthood, he becomes automatically disqualified for the same period from obtaining an ecclesiastical benefice. The same penalty applies to other clerics having the tonsure yet wearing such clothes in public. He who holds a dignity, a parsonage or another benefice to

which the cure of souls is annexed, as also any other priests and religious, whose outward garb should reveal their inner integrity, who without reasonable cause wear such clothing in public, or appear thus with a woollen band or linen cap on their heads, are, if beneficed, automatically suspended for a year from receiving the revenues of their benefices. Such other priests and religious are also disqualified for the same period from obtaining any ecclesiastical benefices. These and any other clerics who wear a gown or tabard which is furred to the edge and so short that the lower garment is clearly seen, if they are secular clergy or religious with administrative posts, are obliged to give the gown to the poor within a month. The other religious who do not have administrative posts are obliged within the same period to consign the gown to their superiors, to be used for some pious purpose. If this is not done, the above penalties, of suspension in the case of the beneficed clergy and of disqualification in the case of the rest, are incurred for the above period of time. To this penalty we add that clerics, especially those with benefices, may not wear in public chequered, red or green boots.

[10]. The following decretal, published a little while ago by our predecessor pope Boniface VIII, was revoked by our predecessor pope Benedict XI. Since, as results have proved, the revocation did not bring with it the peace hoped for by its author, but rather stimulated the discord which it was designed to allay, we annul it altogether and renew, with the insistence and approval of the sacred council, the said decretal published by Boniface which runs as follows.

"Boniface, bishop, servant of the servants of God, for an everlasting record.

"Having been placed by the divine clemency on the chair of pastoral preeminence, burdened though we are by the many arduous affairs which flow like a torrent from all directions into the Roman curia, summoned by many cares distracted by many proposals, we nevertheless aim ardently and devote ourselves with ever-active solicitude so that, to the glory of the divine name, the exaltation of the catholic faith and the profit of faithful souls, after the thornbushes of disagreement have been rooted out and the intricacies of quarrels removed, the tranquility of peace may thrive with the ardour of charity, and unity of heart and mind may grow and persist, between the bishops charged with the care and rule of the Lord’s flock and other persons in the clerical state. We know, and experience teaches us, that only in time of peace is the author of peace duly worshipped, nor are we ignorant that dissensions and scandals prepare the way to wicked acts, stir up rancour and hatred, and give boldness to evil living. For a long time past there has existed between prelates and rectors or priests and clerics of parish churches throughout the different provinces of the world on the one hand, and the friars Preacher and Minor on the other, grave and dangerous discord, produced by that enemy of peace, the sower of cockle, in the matters of preaching to the faithful, hearing their confessions, enjoining penances, and burying the dead who choose to be buried in the churches or lands of the friars.

"As an affectionate father rightly suffers with his children, we carefully considered and turned over in our mind the great danger and loss that such discord brings, and how detestable it is in the sight of the divine majesty. We therefore intend with all the energy of fatherly care to eradicate and remove it wholly, so that with the Lord’s favour it may never revive in the future. We desire greatly that this business, so close to our heart, may be beneficially and speedily completed by apostolic sagacity. After careful deliberation with our brothers, we decree and ordain, with the advice of our brothers and by our apostolic authority, to the honour of God and the exaltation of the catholic faith

and for the peaceful condition of the aforesaid parties and the salvation of the souls of the faithful, that the friars of the said orders may freely preach and explain the word of God to the clergy and the people in their churches and other places as also in public places, except at that hour only when the local prelates wish to preach or have someone to give a special sermon in their presence; at this hour they shall not preach, except the prelates decide otherwise and give special permission. In institutes of general studies, where it is customary to give a special sermon to the clergy on certain days, at funerals, and on special feasts of the friars, they are at liberty to preach, unless perhaps during the hour when it is customary to preach to the clergy in the above places the bishop or a higher prelate should summon the clergy in general to his presence, or for some urgent reason should assemble them. In parish churches, however, the said friars may not preach or explain God's word, unless invited or called to do so by the priests of the parishes, and with their good will and assent, or having asked and obtained permission, unless the bishop or higher prelate should through them commission a friar to preach.

"By the same authority we also decree and ordain that in each city and diocese in which the friars have houses, or in neighbouring cities and dioceses where they have no houses, the masters and priors provincial of the Preachers or their vicars, and the ministers general and provincial and the guardians of the Minors, should gather in the presence of the prelates of those places either personally or through friars whom they judge will be suitable delegates, and humbly request that friars chosen for the purpose may freely hear the confessions of those of the prelates' subjects who wish to confess to them, may impose salutary penances as they shall think right in God's eyes, and may grant absolution to them, with the leave, favour and good will of the prelates. The masters, priors, provincials and ministers of the orders are then to choose diligently sufficient persons who are suitable, of approved life, discreet, modest and skilled for such a salutary ministry and office. These they are to present or have presented to the prelates that by their leave, favour and good will, they may hear the confessions of those wishing to confess to them in the prelates' cities and dioceses, impose salutary penances and grant absolution, as has been said above. They are by no means to hear confessions outside the cities and dioceses for which they were appointed. We want them to be appointed for cities and dioceses, not for provinces. The number of persons to be chosen for this ministry ought to be in proportion to that which the number of clergy and people demands.

"If the prelates grant the permission requested for hearing confessions, the said masters, ministers and others shall receive it with thanks, and the persons chosen should carry out the duties entrusted to them. If the prelates do not accept one of the friars presented to them, another may and should be presented in his place. But if the prelates issue a general refusal to the friars chosen, we graciously grant, from the fullness of our apostolic power, that they may freely and lawfully hear the confessions of those wishing to confess to them and impose salutary penances, and then impart absolution. By this permission, however, we by no means intend to give more ample power to such friars than is granted by law to the parish clergy, unless perhaps the prelates of the churches think that such power should be given to them.

"To this decree and regulation of ours we add that the friars of the said orders may provide free burial everywhere in their churches and cemeteries, that is they may receive for burial all who have chosen these places for their burial. Yet, lest parish churches and their clergy, whose office it is to administer the sacraments and to whom it belongs by law to preach God's word and to hear

the confessions of the faithful, should be denied their due and necessary benefits, since the labourer deserves his wages, we decree and ordain by the same apostolic authority, that the friars are obliged to give the parish clergy a fourth part of all the income from funerals and from everything left to them, expressly or not, for whatever definite purpose, even from such bequests of which a fourth or canonical part is not claimed by custom or by law, and also a fourth part of bequests made at the death or at the point of death of the giver, whether directly or through a third party. We set and also limit this amount to the fourth part by our apostolic authority. The friars are to see to it that bequests are not left to others from whom this fourth part is not owed, to the advantage or interest of the friars themselves, nor go in this way as gifts to these others; and that they do not arrange for that which would be given at death or in illness to the friars, to be given to themselves while the donors are healthy. We intend to prevent anything of this kind by binding the friars' consciences, so that if, which God forbid, any deceit or fraud has been practised by the friars themselves, contrary to their obligation to the said priests, rectors and pastors, a strict account will be demanded at the last judgment. The rectors of parishes, pastors and prelates may not, however, exact more than this portion, nor are the friars obliged to pay more, nor may they be compelled by anyone to do so.

"In order that everything may go forward evenly and peacefully with the Lord's favour, we revoke, void, annul and invalidate completely all the privileges, favours and indults granted orally or in writing, in any form or expression of words, by ourself or our predecessors as Roman pontiffs to any of the said orders, and also customs, agreements and contracts, in so far as these are contrary to the above provisions or any one of them. We declare all such privileges to be null and void. Furthermore, by this present decree, we earnestly ask and exhort, indeed we strictly command, all prelates of churches, of whatever pre-eminence, status or dignity, and the parish priests, pastors and rectors, out of their reverence for God and the apostolic see, to show friendliness to these orders and their members, not being difficult, severe, hard or austere to the friars, but rather gracious, favourable and kind, showing them a spirit of holy generosity. They should accept the friars as suitable fellow-workers in the office of preaching and explaining God's word and in everything else mentioned above, admitting them with ready kindness and affection to a share in their labours, so as to increase their reward of eternal happiness and the fruitful harvest of souls. Nor let them be unaware that if perhaps they act otherwise, the kindness of the apostolic see, which honours these orders and their members with great favour and holds them in its heart, will with good reason be roused against them, nor can it tolerate with good will such behaviour without applying a suitable remedy. The indignation, moreover, of the heavenly king, the just rewarder, whom the friars serve with all earnestness, will not be lacking."

[11]. There are religious who presume to usurp by cunning fraud, or under a feigned title, tithes on newly tilled land or other tithes owing to churches, to which they have no legal claim, or who do not permit or even forbid tithes to be paid to the churches on animals belonging to their familiars and shepherds or others whose animals intermingle with their flocks, or on animals which they buy in many places and then hand over to the keeping of sellers or others, thus defrauding the churches, or on land the cultivation of which they have entrusted to others. If such religious, after claim has been made by those whom it concerns, do not desist within a month from the above practices, or if they do not make fitting satisfaction to the defrauded churches within two months, they are and remain suspended from their offices, administrative posts and benefices until they have desisted

and made satisfaction, as stated above. If these religious have no administrative posts or benefices, they incur, in place of suspension, the sentence of excommunication, from which they cannot receive absolution before making due satisfaction, notwithstanding privileges to the contrary. We do not wish, however, this decree to apply where animals are held by oblates of the religious, provided that these oblates have given themselves and their possessions to the religious.

[12]. If a tithe on the benefices of anyone be granted for a time, the tithe can and should be raised in accordance with the customary valuing of the tithe in the regions in which the grant is made, and in the money generally current. We do not wish the chalices of churches, books and other equipment destined for divine worship to be taken or received as security or distraint by the collectors, raisers or exactors of the tithe, nor are such objects to be distrained or seized in any way.

[13]. In order that those who profess poverty in any order may persevere more readily in the vocation to which they have been called, and that those who have gone over to a non-mendicant order may apply themselves to live there more peacefully the more the ambition which produces discord and division is checked, we decree, with the approval of the sacred council, that any mendicants, who even with apostolic authority shall go over to non-mendicant orders in the future or have hitherto done so, even though they now hold the office of prior or obedientiary or other offices, or have any care or government of souls in the non-mendicant order, shall have no voice or place in the chapter, even though this be granted freely to them by the others. They may not continue to hold the office of prior or obedientiary or other offices previously held, even as vicar or minister or deputy, nor may they have the care or government of souls either directly or on behalf of others. All actions contrary to this decree shall be automatically null and void, notwithstanding any privilege whatsoever. We do not however wish this constitution to extend to those mendicant orders which the apostolic see has allowed to continue on condition that they admit no more persons to profession, and to which it has granted a general permission for passing to other approved orders.

[14]. That nothing unbecoming or corrupt find its way into that field of the Lord, namely the sacred order of the black monks, or anything grow into a ruinous crop, but rather that the flowers of honour and integrity may there produce much fruit, we decree as follows.

We forbid the monks all excess or irregularity with regard to clothes, food, drink, bedding and horses. We decree that the upper garment next to their habit should be black, brown or white, according to the custom of the region in which they live. The quality of the cloth should not exceed monastic moderation, nor should they seek what is expensive and fine, but what is practical. The garment itself should be round and not slit, neither too long nor too short; it should have broad sleeves extending to the hands, not sewn or buttoned in any way. The monks should be content with an almuce of black cloth or fur in place of a hood together with the hood of the habit which they wear, or by arrangement of the abbot they may wear unpretentious hoods which are open over the shoulders. They should not wear silk in place of fur. They may use large summer shoes or high boots for their footwear. None shall presume to wear an ornate belt, knife or spurs, or ride a horse with the saddle highly ornamented with nails or sumptuous in any other way, or with a decorative iron bridle. In communities in which there are twelve monks or more, the abbot, prior or

other superior may wear within the monastery walls a frock of the cloth customarily used for the frocks and cowls of the monastery; other monks in monasteries where frocks are customarily worn should use them also. In other monasteries, however, and in houses and priories where there is a smaller community, they should wear cowls which are closed and of becoming appear ance. When the abbots, priors or other superiors and other monks set footoutside the monastery, they should wear a frock or a cowl or a closed cloak; if they wear the cloak, they should wear underneath it a cowl or, if they prefer, a scapular. When they put on albs or sacred vestments in order to minister at the divine offices, or when they are engaged in work, they may wear the scapular. Lest any uncertainty arises from the different meanings in different regions of the world of the words cowl and frock, we declare that by cowl we understand a long and full habit without sleeves, and by frock we understand a habit with long full sleeves. At least once every month, both inside and outside the monastery, each and all of the monks must go to confession, and on the first Sunday of each month they should receive communion in the monastery, except for some reason which they should make known to the abbot, prior or confessor in the monastery; they should abide by his decision. When the rule is read in chapter, it is to be explained in the vernacular by him who presides, or by someone else appointed by him, for the sake of the younger monks. The novices shall have a competent instructor in the divine offices and in regular observance.

All shall always abstain from hunting and fowling. They shall not be present at them, nor presume to have hunting-dogs or birds of prey in their keeping or in that of others, nor permit familiars living with them to keep them, unless the monastery has woods, game preserves or warrens, or has the right to hunt on property belonging to others, in which there might be rabbits or other wild animals. They are then permitted to keep such dogs and birds, as long as they do not keep the hunting-dogs in the monastery or the houses in which they live or within the cloister, and the monks themselves do not appear at the hunt.

If someone rashly violates the above regulations, he shall be subject to the regular discipline. If he presumes to wear unlaced high shoes, or a hood not open as aforesaid, he is also suspended from conferring benefices for a year, if he is an abbot or a prior who does not have an abbot above him; if anyone else, he is suspended for a year from administrative office, if he holds any. If he has no administrative office, he is automatically disqualified for a year from holding such office or an ecclesiastical benefice. If any are deliberately present at rowdy hunting or fowling or occupied in other ways with dogs and birds, they incur automatic suspension and disqualification, according to the above distinction of persons, for two years. If the abbot or prior has been suspended from conferring benefices, this devolves, with the counsel and assent of the community or its greater part, on the claustral prior.

Some monks, as we hear, throw off the sweet yoke of regular observance and leave their monasteries, feigning that they cannot securely remain there, or under some other pretext, to wander about the courts of princes. Unless these monks' superiors grant them the pension or subsidy which they ask for, the monks conspire against their superiors, betray them or otherwise oppress them, bring about their capture and imprisonment, have their own monasteries burned, and occasionally even presume to seize in whole or in great part the property of the monastery. We wish to counter such unprincipled audacity. We forbid, by this perpetual edict, that monks and canons regular who are not administrators should presume, without special leave of their

superiors, to betake themselves to the courts of princes. If, in order to do harm to their superiors or monasteries, they presume to go to such courts, we determine that they incur automatic excommunication. We nevertheless strictly enjoin on their superiors to restrain them with all diligence from visiting the said courts and from any wandering about; they are to correct severely those who do not obey. We decree that monks who keep arms inside their monastery, without leave of their abbot, incur the same sentence.

15 Part 3 Council of Vienne 1311-1312 A.D.

Council of Vienne 1311-1312 A.D.

Following in the footsteps of our predecessors, we forbid by a perpetual edict that monks presume to live alone in houses and priories of which they have charge. If the incomes of such priories and houses do not suffice for the support of two, then, unless the abbots make them sufficient, let the local ordinaries, with the advice and consent of the abbots, unite these houses and priories with neighbouring places belonging to the monasteries, or with offices of the monasteries, or with one another, as will be most convenient. The monks of the places which will be united to others are first to be recalled to their monastery, and due provision is to be made, from the incomes of the said places, for the clergy who are to serve there. Furthermore, conventual priories cannot be conferred or entrusted to anyone under twenty-five, and non-conventual priories having the care of souls, even if that care is exercised by secular priests, to anyone under twenty. Those who hold priories of either kind are to have themselves ordained priest within a year from the time of their collation or commission and taking possession, or before the age of twenty-five if they are entrusted with or collated to non-conventual priories when they are under that age. If they have not done this, and are without reasonable excuse, they are deprived of the said priories, even without previous admonition, and the priories may not be conferred on them again that time. Nobody may be given or entrusted with a priory or an administrative post unless he has previously made profession in a monastic order. Those appointed to priories or administrative posts outside the monastery are not permitted to remain in the monastery and are obliged to reside where they hold office, notwithstanding any contrary custom, unless they are excused for a time from this residence for some reasonable cause, such as studies. In order to promote divine worship, we decree that every monk, at the command of his abbot, should have himself raised to all the sacred orders, unless there is some lawful excuse. Further, in order that the monks may not be deprived of the opportunity to make progress in knowledge, there should be in each monastery which has sufficient means a suitable master to instruct them carefully in the primary branches of knowledge.

All the foregoing, and those things which our predecessor pope Innocent III of happy memory decreed for greater religious observance in the monastic state, regarding clothing, poverty, silence, the eating of meat, the triennial chapter, and anything else, we approve, renew and expressly wish and decree to be strictly observed.

[15]. Considering that where discipline is despised, religion suffers shipwreck, we have thought it especially necessary to provide that such contempt produces nothing discordant in those who have dedicated themselves to Christ by vow, staining the good name of religious life and offending the divine majesty. We therefore, with the approval of this sacred council, have judged it wise to decree that every convent of nuns should be visited each year by their ordinary as follows: exempt convents subject to the apostolic see alone, by the authority of that see; non-exempt convents by the ordinary's authority, and other exempt convents, by the authority to whom they are subject. The visitors are to be very careful that the nuns -- some of whom, to our sorrow, we have heard

are transgressors -- do not wear silk, various furs or sandals; do not wear their hair long in a horn-shaped style, nor make use of striped and multicoloured caps, do not attend dances and the banquets of seculars, do not go walking through the streets and towns by day or night; and do not lead a luxurious life in other ways. They shall carefully withdraw the nuns from the excesses and allurements of this world and persuade them to devote themselves in their convents to the cultivation of the virtues which is due to the Lord. We order the visitors to compel the nuns to observe all this by suitable measures, notwithstanding exemptions and privileges of any kind, without prejudice however to these exemptions in other respects. We also decree that anyone chosen for the office of abbess in those convents where it is customary for abbesses to be blessed, should receive that blessing within a year from the time of her confirmation in office. If she does not, unless there be reasonable cause, she has completely lost her right, and provision is to be made canonically for the monastery to be provided with an abbess by those to whom this belongs. We also order, by our apostolic authority, that those women who are commonly called secular canonesses and who lead a life like that of secular canons, making no renunciation of private property and no profession, should be visited by the local ordinaries, who are to visit the non-exempt on their own authority and the exempt on the authority of the apostolic see. By this, however, we are not intending to approve the status, rule or order of secular canonesses. We command the visitors, in making their visitation, to be content with two notaries and two persons from their own church and four other men of undoubted honour and maturity. Those who presume to hinder the visitors in their task or any part of it, unless they repent on being admonished, incur automatic excommunication, notwithstanding any privileges, statutes and customs to the contrary.
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[16]. The women commonly known as Beguines, since they promise obedience to nobody, nor renounce possessions, nor profess any approved rule are not religious at all, although they wear the special dress of Beguines and attach themselves to certain religious to whom they have a special attraction. We have heard from trustworthy sources that there are some Beguines who seem to be led by a particular insanity. They argue and preach on the holy Trinity and the divine essence, and express opinions contrary to the catholic faith with regard to the articles of faith and the sacraments of the church. These Beguines thus ensnare many simple people, leading them into various errors. They generate numerous other dangers to souls under the cloak of sanctity. We have frequently received unfavourable reports of their teaching and justly regard them with suspicion. With the approval of the sacred council, we perpetually forbid their mode of life and remove it completely from the church of God. We expressly enjoin on these and other women, under pain of excommunication to be incurred automatically, that they no longer follow this way of life under any form, even if they adopted it long ago, or take it up anew. We strictly forbid, under the same penalty, the religious mentioned above, who are said to have favoured these women and persuaded them to adopt the Beguinage way of life, to give in any way counsel, help or favour to women already following this way of life or taking it up anew; no privilege is to avail against the above. Of course we in no way intend by the foregoing to forbid any faithful women, whether they promise chastity or not, from living uprightly in their hospices, wishing to live a life of penance and serving the Lord of hosts in a spirit of humility. This they may do, as the Lord inspires them.

[17]. It happens now and then that those in charge of hospices, leper-houses almshouses or hospitals disregard the care of such places and fail to loosen the hold of those who have usurped

the goods, possessions and rights of these places. They indeed permit them to slip and be lost completely and the buildings to fall into ruin. They have no care that these places were founded and endowed by the faithful so that the poor and lepers might find a home and be supported by the revenues. They have the barbarity to refuse this charity, criminally turning the revenues to their own use, even though that which has been given by the faithful for a certain purpose should, except by authority of the apostolic see, be applied to that purpose and no other. Detesting such neglect and abuse, we decree, with the approval of the sacred council, that they to whom the duty belongs by right or by statute laid down at the foundation of these places, or by lawful custom, or by privilege of the apostolic see, should strive to reform these places in all that has been referred to above. They are to restore what has been seized, lost and alienated. They should compel the persons in charge to receive the poor people and maintain them in accordance with the resources and revenues of the places. If they are remiss in this, we enjoin on the local ordinaries, even if the institutions enjoy the privilege of exemption, to fulfil each and all of the foregoing, either directly or through others, and to compel the nonexempt rectors by their own authority and the exempt and otherwise privileged rectors by the authority of the apostolic see. Those who object, of whatever state or condition they may be, and those who give them counsel, help or favour, are to be checked by ecclesiastical censure and other legal remedies. By this, however, we do not impair the validity of exemptions or privileges in relation to other matters. In order that the above may be more readily observed, none of these places shall be conferred as benefices on secular clerics, even though this may have been observed as a custom (which we utterly condemn), unless it was otherwise determined at the foundation or unless the post is to be filled by election. But let these institutions be governed by prudent suitable men of good repute, who have the knowledge, good will and ability to rule the institutions, to take care of their property and defend their rights to advantage, to distribute their revenues faithfully for the use of needy persons, and who are not likely to divert the property to other uses. We lay these responsibilities on the consciences of those entrusted with these places, calling on the witness of the divine judgment. Those who are entrusted with the government or administration of such places shall also take an oath, after the manner of guardians, and make inventories of the property belonging to the place, and give an account each year of their administration to the ordinaries or others to whom these places are subject, or to their representatives. If anyone attempts to act otherwise, we decree that the appointment, provision or arrangement is null and void.

We do not wish, however, the foregoing to apply to the hospices of military or religious orders. For these hospices we order those in charge of them, in virtue of holy obedience, to provide in them for the poor in accordance with the institutes and ancient observances of their orders, and to show themselves duly hospitable. They shall be compelled to do this by strict disciplinary measures of their superiors, notwithstanding any statute or custom. Furthermore, our intention is that, if there are hospices which have had from old times an altar or altars and a cemetery, with priests who celebrate divine services and administer the sacra ments to the poor, or if the parish priests have been accustomed to do this, theseancient customs are to be retained.

[18]. We wish the constitution to be observed which forbids that anyone even at the presentation of exempt religious, be admitted to some church, contrary custom notwithstanding, unless a portion of the revenues of that church has been assigned to him in the presence of the diocesan bishop, wherewith he may be able to meet his obligations to the bishop and have a suitable means of

livelihood. We are therefore taking care, with the approval of the sacred council, to explain the constitution and to add certain considerations. Thus we strictly forbid, adjuring the divine judgment, diocesan bishops to admit anyone presented by any ecclesiastical person having the right of presentation to some church, unless within a certain suitable period, set beforehand by the bishop for the presenter, the one presented is assigned, in the bishop's presence, a suitable portion of the revenues. If the one presenting neglects to assign this within the period, we decree, lest this neglect harm the presentee, that the bishop should then admit him, unless there is some other canonical obstacle, and the power of assigning is to devolve on the bishop as a penalty against the presenter. We admonish however the diocesan bishops, adjuring the divine judgment, and we lay it on their consciences, that they act justly in assigning this portion, nor are they to be knowingly swayed by hatred or favour or in any other way to assign more or less than what is due. Of course in the churches of priories or of other places, regular as well as secular, in which religious or others, to whom the revenues belong, have been accustomed to carry the burdens mentioned above the above instructions are not to be observed; but the said religious and others are obliged to undertake all the burdens which would lie upon the permanent priests or vicars if the portion had been assigned to them, to treat the priests and vicars correctly, and to provide them with adequate and fitting sustenance. We wish the diocesan bishops to compel the religious and others by ecclesiastical censure to full observance of all this, including the assignation of a just portion by the bishop if the religious and others fail to do this themselves, notwithstanding any exemptions, privileges, customs or statutes, which we wish to be of no avail to the religious and others with regard to the above.

[19]. Since it is only reasonable that those who enjoy advantages should not refuse the burdens connected with them, we decree by the following inviolable constitution that any religious who have in any way obtained monasteries or churches, should take care to pay the procurations of legates of the apostolic see and the obligations to bishops and others which were in force before they took possession, unless they are excused by privilege of the apostolic see, exemption or other lawful cause. We do not wish, however, that such privileges or exemptions should be extended to monasteries or churches which they may happen to acquire in the future.

[20]. We have heard with sorrow that prelates visiting the monasteries of the Cistercian order, although charitably received and courteously served with all that is needful, are nevertheless not content with the food prescribed by the monastic rule. Contrary to the privileges of the said order they demand meat and if it is not served to them, they obtain it by force. Although they receive suitable alms in these monasteries, the prelates procure more for themselves against the will of the religious, sometimes even in places where neither custom nor law provide a title to procurations. They demand and extort money for their horses to be shoed, even when this is unnecessary, and their cooks demand and extort money by reason of their office; nor do they observe the arrangements made between the prelates and the monks concerning procurations. In receiving the procurations they are so oppressive that in one short hour they consume what would last the community for a long time. They have with them, while they are receiving the procurations, their hunting-dogs, falcons and hawks. Unless their demands are met, the doors of monasteries or churches are often violently broken and the ornaments of the church are carried off. Without any privilege from the apostolic see they receive several procurations in one day occasionally paid in money, even without making a visitation; and on the occasion of these procurations they often

demand from the monks what these are not obliged to pay them, laying on the monks an intolerable burden. There are also some prelates who impose on exempt and other religious the greater part of procurations due to nuncios of the apostolic see and other extraordinary burdens, in order to free themselves and secular priests, without any consultation with the religious about dividing the load. In many other ways the said prelates oppress exempt monasteries and churches which are subject to these monasteries in both civil and canon law, in receiving their procurations and in imposing unaccustomed burdens.

We wish therefore to provide a suitable remedy for this state of affairs. We decree, with the approval of the sacred council, that if the bishops come to the said monasteries not for visitation but for hospitality, they should receive graciously the refreshment offered in charity to them. But if the bishops come to these monasteries and receive the procurations due to them by common law custom, privilege or any other law, they may if they wish be served with meat on days when it is permitted, in the houses of the monasteries if these are available, but outside the monastic precincts, notwithstanding any privilege to the contrary; if the houses are not available, they may be served within the monastic precincts but not inside the religious door, as it is called. Nor do we consider it unbecoming if the fragments which are collected from the tables of the bishops and the members of their households are collected up and given by the bishops' almoners to the poor of the area. The prelates are carefully to refrain from all the other oppressions mentioned above, if they wish to avoid the indignation of God and of the apostolic see.

[21]. By the present constitution we order local ordinaries, when the matter becomes known to them, to publish or have published by their subjects the sentences of excommunication and interdict pronounced by law against those who, either on their own initiative or at the command of others, exact or extort tolls or imposts, to the danger of their own souls and the disadvantage of those they oppress, from churches or ecclesiastical persons for goods that are their own, which they are not carrying or having carried or sending for the purposes of trade. They shall continue to publish such sentences until restitution is made for the exactions and fitting satisfaction is given.

[22]. We are gravely disturbed that, owing to the negligence of some rectors, their subjects fear no punishment and so are encouraged in bad behaviour. Many ministers of churches have cast aside clerical modesty. They ought to offer to God a sacrifice of praise, the fruit of their lips, in purity of conscience and devotion of mind. Instead they presume to say or chant the canonical hours in a hurried manner, omitting parts, mingling with them conversation which is mostly vain, profane and unbecoming. They come late to choir, or often leave the church without good reason before the end of the office, occasionally carrying birds or having them carried and bringing hunting-dogs with them. As if regardless of their clerical obligations, they presume to celebrate or be present at office, even though tonsured and vested, with an utter lack of devotion. There are some, both clergy and laity, especially on the vigil of certain feasts when they ought to be in church persevering in prayer, who are not afraid to hold licentious dances in the cemeteries of the churches and occasionally to sing ballads and perpetrate many excesses. From this sometimes there follows the violation of churches and cemeteries, disgraceful conduct and various crimes; and the liturgical office is greatly disturbed, to the offence of the divine majesty and the scandal of the people nearby. In many churches also the vessels, vestments and other articles necessary for divine worship are, considering the churches' means, unworthy.

We do not wish these transgressions to increase and become a bad example to others. We therefore, with the approval of the sacred council, forbid these practices. We decree that those whose duty it is -- namely the local ordinaries for the non-exempt and the superiors for the exempt and otherwise privileged-must exercise watchful, care to get rid of all negligence and carelessness, to reform the above-mentioned things and to correct each of them. Also, the day and night office is to be devoutly chanted at the proper hours in cathedrals and in regular and collegiate churches, and in other churches it is to be fittingly and duly celebrated, if ordinaries and superiors wish to avoid the indignation of God and of the apostolic see. They are to curb, if they have jurisdiction, those who oppose correction, by ecclesiastical censure and other suitable remedies. In this and other matters which concern the worship of God and the reform of morals, and also the honourable reputation of churches and cemeteries, they are to see to it, as far as duty binds them, that the sacred canons are inviolably observed, and they shall take care to be well acquainted with these canons.'

[23]. We think it altogether right and fitting that clerics, both religious and others, who belong to the household of a cardinal of the holy Roman church or of any bishop in communion with the apostolic see, should join with them in the divine office. We therefore concede, with the approval of the sacred council, that these clerics may lawfully say the same office as the cardinal or bishop, nor are they obliged to say any other.

[24]. Among the cares lying heavily on us there is one on which we reflect constantly: how we may lead the erring into the way of truth and win them for God with the help of his grace. This is what we seek earnestly and longingly, to this we direct our mind with great zeal, to this we are alert with an ever-attentive enthusiasm. We are in no doubt that to attain our desire, the word of God should be fittingly explained and preached to great advantage. Nor are we unaware that the word of God is learned in vain and returns empty to the speaker if it is directed to the ears of those ignorant of the speaker's language. We are therefore following the example of him whom we, though unworthy, represent on earth. He wished that his apostles, going through the whole world to evangelize, should have a knowledge of every tongue. We desire earnestly that holy church should be well supplied with catholic scholars acquainted with the languages most in use by unbelievers. These scholars should know how to train unbelievers in the christian way of life, and to make them members of the christian body through instruction in the faith and reception of sacred baptism. In order, then, that skill in these languages be attained by suitable instruction, we have stipulated, with the approval of the sacred council, that schools be established for the following languages wherever the Roman curia happens to reside and also at Paris, Oxford, Bologna and Salamanca: that is, we decree that in each of these places there should be catholic scholars with adequate knowledge of Hebrew, Arabic and Chaldaic. There are to be two experts for each language in each place. They shall direct the schools, make faithful translations of books from these languages into Latin, and teach others those languages with all earnestness, passing on a skilful use of the language, so that after such instruction these others may, God inspiring, produce the harvest hoped for, propagating the saving faith among the heathen peoples. The salaries and expenses of these lecturers in the Roman curia will be provided by the apostolic see, those at Paris by the king of France, and those at Oxford, Bologna and Salamanca by the prelates, monasteries, chapters, convents, exempt and nonexempt colleges, and rectors of churches, of England, Scotland, Ireland and Wales, of Italy, and of Spain respectively. The burden of

contributing shall be imposed on each in accordance with the needs of the faculties, notwithstanding any contrary privileges and exemptions, which however we do not wish to be impaired in other respects.

[25]. It is an insult to the holy name and a disgrace to the christian faith that in certain parts of the world subject to christian princes where Saracens live, sometimes apart, sometimes intermingled with Christians, the Saracen priests commonly called Zabazala, in their temples or mosques, in which the Saracens meet to adore the infidel Mahomet, loudly invoke and extol his name each day at certain hours from a high place, in the hearing of both Christians and Saracens and there make public declarations in his honour. There is a place, moreover, where once was buried a certain Saracen whom other Saracens venerate as a saint. A great number of Saracens flock there quite openly from far and near. This brings disrepute on our faith and gives great scandal to the faithful. These practices cannot be tolerated any further without displeasing the divine majesty. We therefore, with the sacred council's approval, strictly forbid such practices henceforth in christian lands. We enjoin on catholic princes, one and all, who hold sovereignty over the said Saracens and in whose territory these practices occur, and we lay on them a pressing obligation under the divine judgment that, as true Catholics and zealous for the christian faith, they give consideration to the disgrace heaped on both them and other Christians. They are to remove this offence altogether from their territories and take care that their subjects remove it, so that they may thereby attain the reward of eternal happiness. They are to forbid expressly the public invocation of the sacrilegious name of Mahomet. They shall also forbid anyone in their dominions to attempt in future the said pilgrimage or in any way give countenance to it. Those who presume to act otherwise are to be so chastised by the princes for their irreverence, that others may be deterred from such boldness.

[26]. The apostolic see has received many complaints that some inquisitors, appointed by it to suppress heresy, have overstepped the limits of the power given to them. They occasionally so enlarge their authority that what has been wisely provided by the apostolic see for the growth of the faith, oppresses the innocent under pretext of piety and results in harm to the faithful. The work of the inquisition will be the more successful the more solemnly, diligently and cautiously its investigations are prosecuted. We decree therefore, for the glory of God and the increase of the faith, that this work will be done by both diocesan bishops and by inquisitors appointed by the apostolic see. All worldly affection hatred and fear shall be put aside, as also any seeking of temporal advantage. We decree that the bishops and the inquisitors may act independently of one another. They may summon, arrest or hold for sake-keeping, even securing those arrested hand and foot if it seems necessary. For this we hold them responsible. They may also inquire about those concerning whom inquiry seems right before God and just. The bishop, however, without the inquisitor, or the inquisitor without the diocesan bishop or his officer or the delegate of the chapter when the see is vacant, may not commit to harsh or close imprisonment, which seems more like punishment than custody, or subject anyone to torture or pronounce sentence on anyone, if they can have access to each other within eight days after seeking it; any contravention of this has no legal validity. If nevertheless the bishop, or the delegate of the chapter when the see is vacant, cannot or will not personally meet the inquisitor, or if the inquisitor cannot or will not personally meet either of the other two, the matter may be entrusted to their proxies or settled by counsel and consent through letters. In regard to the custody of prisons for heretics, commonly called walls in

certain regions, we have realized that much deceit has been practised of late, and we wish to obviate this. We decree that any such prison or wall, which we wish for the future to be for the joint use of bishop and inquisitor, shall have two principal guards, discreet, diligent and trustworthy, one to be appointed and provided for by the bishop, the other by the inquisitor. Each of these guards may have a loyal and trustworthy assistant. For each room of the prison there will be two different keys, one held by each guard. He may entrust or subdelegate his key to his assistant for the purpose of ministering to the prisoners. Furthermore, the guards, before they assume office, shall, in the presence of both the bishop, or the chapter while the see is vacant, and the inquisitor, or their substitutes, take an oath on the holy gospels, which they shall touch, that they will use all diligence and care in their duty of guarding those placed or to be placed in their custody on account of the crime of heresy; that one guard shall say nothing in secret to a prisoner out of hearing of the other guard; that they will administer faithfully and without any deduction the provisions which the prisoners receive from the administration and those that they may be offered by relatives, friends or other trustworthy persons, unless there is an order to the contrary from the bishop and the inquisitor or their deputies, and that in this matter there will be no fraud. The assistants of the guards shall take the same oath in the presence of the same persons before exercising their office. And since it often happens that bishops have their own prisons, not shared with inquisitors, we wish and strictly command that the guards appointed by the bishop, or by the chapter while the see is vacant, and their assistants, shall take a similar oath before the inquisitors or their substitutes. Notaries of the inquisition shall also swear in the presence of the bishop and the inquisitor or their substitutes, to exercise the office of notary faithfully. The same shall hold good of other persons necessary for the carrying out of this duty.

While it is a grave offence not to work for the extermination of heresy when this monstrous infection requires action, it is also a grave offence and deserving of severe punishment to impute maliciously such wickedness to the innocent. We therefore order bishops, inquisitors and their substitutes, in virtue of holy obedience and under threat of eternal damnation, that they proceed discreetly and promptly against those suspected of heresy, while not imputing maliciously or deceitfully such a disgraceful crime to an innocent person, or accusing him of hindering them in the execution of their office. If they fail, because of hatred, favour, affection, money or temporal advantage, to proceed against someone when they ought, against justice and their conscience, then the bishop or superior is suspended from office for three years and others incur automatic excommunication, in addition to other punishments imposed in accordance with the gravity of the offence. The same penalties apply if they presume for the same reasons to disturb someone with the imputation that he is a heretic or has hindered them in their duties. They shall obtain absolution from this excommunication only from the Roman pontiff, except at the hour of death, and then after making satisfaction. No privilege shall avail in this matter. We wish of course, with the approval of the sacred council, that any other rulings made by our predecessors concerning the office of the inquisition and not in conflict with the above are to remain in full force.

[27]. We do not wish the splendour of the faith to be obscured, as it were by a dark shadow, by the indiscreet and wicked acts of any inquisitors of heresy. We therefore decree, with the approval of this sacred council, that nobody below the age of forty may be entrusted with the office of inquisitor. We enjoin very strictly on all commissaries of inquisitors or of bishops or, in vacant sees, of chapters that they do not, under pretext of the office of the inquisition, extort money by any

unlawful means from anyone, or knowingly attempt to apply the property of churches, on account of the offences of clerics, even to the treasury of a church. If the commissaries disobey, we place them automatically under sentence of excommunication. They cannot be absolved, except at the moment of death, until they have made full satisfaction to those from whom they have extorted the money; all privileges, pacts and remissions are of no avail. Notaries and officials of the inquisition, as also the brethren and associates of the inquisitors and commissaries, who have secret knowledge that the inquisitors and commissaries have committed such extortions, if they wish to avoid the indignation of God and of the apostolic see as well as offence to both, shall strive to correct the culprits severely in secret. If they have such knowledge as to be able to offer proof if need be, they should earnestly report the matter to the relevant superiors of the inquisitors and commissaries, and these superiors are obliged to remove from office those found guilty and then duly to punish or correct them in other ways. Superiors of inquisitors who fail to do this are to be informed of this decree by the local ordinaries, whom we strictly order in virtue of holy obedience to make known these affairs to the apostolic see. Furthermore, we strictly forbid the inquisitors themselves to abuse in any way the concession to carry arms, or to have any but the necessary officials for accomplishing the duties of their office.

[28]. We entertain in our heart a deep longing that the catholic faith prosper in our time and that the perverseness of heresy be rooted out of christian soil. We have therefore heard with great displeasure that an abominable sect of wicked men, commonly called Beghards, and of faithless women, commonly called Beguines, has sprung up in the realm of Germany. This sect, planted by the sower of evil deeds, holds and asserts in its sacrilegious and perverse doctrine the following errors.

First, that a person in this present life can acquire a degree of perfection which renders him utterly impeccable and unable to make further progress in grace. For, as they say, if someone could always make further progress, he could become more perfect than Christ.

Secondly, that it is not necessary to fast or pray after gaining this degree of perfection, for then the sensitive appetite has been so perfectly subjected to the spirit and to reason that one may freely grant the body whatever pleases it.

Thirdly, that those who have reached the said degree of perfection and spirit of liberty, are not subject to human obedience nor obliged to any commandments of the church, for, as they say, where the spirit of the Lord is, there is freedom.

Fourthly, that a person can gain in this life final beatitude in every degree of perfection that he will obtain in the life of the blessed.

Fifthly, that any intellectual nature in itself is naturally blessed, and that the soul does not need the light of glory to elevate it to see God and enjoy him blissfully.

Sixthly, that the practice of the virtues belongs to the state of imperfection and the perfect soul is free from virtues.

Seventhly, that to kiss a woman is a mortal sin since nature does not incline one to it, but the act of intercourse is not a sin, especially in time of temptation, since it is an inclination of nature.

Eighthly, that at the elevation of the body of Jesus Christ, they ought not to rise or show reverence to it; it would be an imperfection for them to come down from the purity and height of their contemplation so far as to think about the ministry or sacrament of the eucharist, or about the passion of Christ as man. With the counterfeit appearance of sanctity they say and do other things also that offend the eyes of the divine majesty' and constitute a grave danger to souls. Since the duty of the office committed to us obliges us to exstirpate from the catholic church this detestable sect and the above execrable errors, lest they be further propagated and corrupt the hearts of the faithful, we condemn and utterly reject, with the approval of the sacred council, the sect itself and the errors described above, and we strictly forbid anyone henceforth to hold, approve or defend the errors. We decree that those who act otherwise are to be punished with canonical censure. The diocesans and the inquisitors of heresy for the regions where these Beghards and Beguines live, are to exercise their office with special care concerning them, making inquiries about their life and behaviour and about their beliefs in relation to the articles of faith and the sacraments of the church. They are to impose due punishment on those whom they find guilty, unless there is voluntary abjuration of the above errors and repentance with fitting satisfaction.

[29]. Serious suggestions have been made to us that communities in certain places, to the divine displeasure and injury of the neighbour, in violation of both divine and human law, approve of usury. By their statutes, sometimes confirmed by oath, they not only grant that usury may be demanded and paid, but deliberately compel debtors to pay it. By these statutes they impose heavy burdens on those claiming the return of usurious payments, employing also various pretexts and ingenious frauds to hinder the return. We, therefore, wishing to get rid of these pernicious practices, decree with the approval of the sacred council that all the magistrates, captains, rulers, consuls, judges, counsellors or any other officials of these communities who presume in the future to make, write or dictate such statutes, or knowingly decide that usury be paid or, if paid, that it be not fully and freely restored when claimed, incur the sentence of excommunication. They shall also incur the same sentence unless within three months they delete from the books of their communities, if they have the power, statutes of this kind hitherto published, or if they presume to observe in any way these statutes or customs. Furthermore, since money-lenders for the most part enter into usurious contracts so frequently with secrecy and guile that they can be convicted only with difficulty, we decree that they be compelled by ecclesiastical censure to open their account books, when there is question of usury. If indeed someone has fallen into the error of presuming to affirm pertinaciously that the practice of usury is not sinful, we decree that he is to be punished as a heretic; and we strictly enjoin on local ordinaries and inquisitors of heresy to proceed against those they find suspect of such error as they would against those suspected of heresy.

[30]. Complaints, loud, frequent and incessant come to us from certain religious that very many prelates -- bishops, their superiors and others-unjustly disturb in many ways the peace of the religious. Some of them seize and imprison exempt religious when the law does not permit this. Some, by threat of severe penalties, hinder those who owe tithes or revenues to exempt religious from paying and prevent people from hearing their masses. They suspend, interdict and excommunicate without reasonable cause the millers of the religious, their cooks, servants, vassals, and members of household, and anyone who has any relation with them, occasionally also seizing unlawfully their goods. They in no way submit to the appeals which the said exempt

religious sometimes make with good reason, because of the foregoing or other oppressions. They now and then seize the appellants on the occasion of these appeals, or they have them seized and thrown into prison.

There are some prelates, moreover, who without lawful cause do not permit chaplains to celebrate nor to administer the sacraments to the parishioners in churches belonging fully and lawfully to the exempt religious. There are even some prelates who with indiscreet haste unjustly suspend, excommunicate, seize and imprison exempt abbots, monks and laybrothers, as also clerics legally subject to them, and lay under interdict their churches and houses, if they do not obey even in matters where there is no obligation. In addition, the prelates exceed all measure in claiming charitable aid from the exempt religious themselves and from those subject to them. Contrary to law they make demands which are unjust and unusual. They lay new taxes and unfair burdens on parish churches in which exempt religious have the right of patronage. They do not permit legal actions and decisions justly made in favour of the exempt religious, by delegates of the apostolic see or by conservators, to be made public or to be put into execution by their subjects. They restrain public notaries from drawing up instruments, judges from administering justice, and lawyers from giving counsel or aid in the suits or legal business of the exempt religious. The prelates also refuse to admit to orders or benefices those presented by exempt religious who have the right of presentation, unless the presenters profess obedience in the greeting of the letter of presentation. Furthermore, these prelates, when the churches for which monasteries have the right of patronage become vacant, turn away the suitable persons presented to them and appoint people who are incompetent and unworthy. Certain prelates confer churches, which have the cure of souls and belong to the table maintenance of abbots, and the revenues of which they sometimes hand over for a rent to secular clerics, on their own clergy at the death of those secular clerics, even though the churches because of this are not truly vacant. Some prelates appropriate unjustly for themselves the rights of monks in churches belonging to monasteries, and so regulate the disposal of the revenues that not enough remains for the livelihood of the rectors.

Some prelates, armed and with standards hoisted, destroy the mills and other property of exempt religious, disregarding all justice, even when the religious have been in possession from time immemorial. Prelates also often send their relatives and nephews to the monasteries in their cities and dioceses, occasionally with their animals and herdsmen, with the demand that they be provided for. Often also prelates compel abbots and priors of monasteries to grant the possessions of their monasteries or priories to their kindred and nephews either perpetually or for a period; these grants or pensions we wish to be of no consequence in law. They also compel the abbots and priors to present to them for vacant churches in which the monks have the right of patronage, and occasionally to receive into their order, their friends, kindred and nephews. Frequently also they permit and tacitly consent to the seizure, in the prelates' temporal domains, of movable and immovable property of the monasteries in cases not permitted by law, by the prelates' soldiers, vassals and secular officials. They also outrage in various other ways both the clerical and lay persons of the monasteries.

Besides, the prelates occasionally deprive unjustly of their benefices abbots, priors and others, so that if they can take the revenues of the benefices in the first year, under pretext of a privilege which they claim to have, then they may be able to receive the first year's revenues of vacant benefices for a certain time. Not content with this, they seize unlawfully horses, cattle, treasure

and other property of monasteries and vacant benefices which should be reserved for posterity. Some prelates sell for a time to knights and other powerful persons the revenues and incomes of their dignities, in order to oppress the neighbouring exempt religious more heavily by means of these people. Some even destroy monasteries without just cause. Others often seize houses, hospitals and other property of the monasteries, both movable and immovable, and retain what they have seized. Many times also, without just cause, they prevent exempt religious from repairing their houses. Certain prelates enact statutes derogatory to the privileges of the exempt religious. And in general, very many prelates unjustly inflict grave injury and loss on religious, especially on those who are exempt and have privileges: on their persons, property and rights, both spiritual and temporal.

Since however there is for both regulars and seculars, for superiors and subjects, for exempt and non-exempt, one universal church, outside of which there is no salvation, for all of whom there is one Lord, one faith and one baptism, it is right that all who are of the same body should be of one will, and as brethren bound to one another by the bond of charity. It is right therefore that both prelates and others, exempt and non-exempt, should be content with their rights and abstain from inflicting injury or loss on one another. We therefore strictly command, by the present decree, all prelates of churches that they desist altogether from the oppression described above, and see to it that their subjects do likewise. They are to treat religious men, whether exempt or having privileges or non-exempt, both mendicant and non-mendicant, with charity, and they are to encourage them. They are to respect their rights and privileges as inviolable. And since what is specially forbidden is feared more than what is forbidden merely in general, we forbid most strictly that prelates presume to hinder in any way abbots, priors and other religious from going to their general or provincial chapters.

[31]. Religious who presume to administer the sacrament of extreme unction or the eucharist to clerics or lay people or to solemnise marriages, without the special leave of the parish priest, or to absolve those excommunicated by canon law, except in cases expressed in law or granted to them by privilege of the apostolic see, or those excommunicated by sentences promulgated by provincial or synodal statutes, or (to use their own words) to absolve anyone from punishment and guilt, incur automatic excommunication. They are to be absolved only by the apostolic see. The local ordinaries are to announce publicly that they are excommunicated, once this is established, until notified of their absolution. The religious can make no valid appeal in this matter to any exemption or privilege. We also strictly forbid religious, in virtue of holy obedience and under threat of eternal malediction, to disparage prelates in their sermons or to draw the laity away from their churches, to publish false indulgences, to restrain testators, when present at the making of their wills, from making due restitutions or legacies to their mother churches, or to bring about that money legacies, or money owed or perhaps unjustly taken, should come or be bequeathed to themselves or to other individuals of their order, or to their houses, to the detriment of other people. Nor are they to absolve anyone in cases reserved to the apostolic see or to the local ordinaries. They are not to annoy unreasonably ecclesiastical persons who prosecute justice against them, especially before judges delegated by us, nor are they to bring them to court in more than one place, especially if these places are distant.

Those who presume to act contrary to this decree are subject for two months to the penalties usually imposed by their rule or statutes on those who commit grave crimes or faults. Dispensation

shall not be granted without manifest necessity. Their superiors, besides, unless after these excesses they make full satisfaction within a month to the churches or ecclesiastical persons harmed or offended, after being required to do so, incur automatic suspension until they have made due satisfaction, notwithstanding statutes or privileges of whatever tenor. Of course the religious who have been granted permission by the aposto lic see to administer the sacraments to members of their household or to the poorin their hospices, are not affected by this decree.

[32]. With the approval of the sacred council, we grant by this present constitution to an archbishop passing through, or perhaps turning aside, to exempt localities of his diocese to have the cross carried openly before him, to bless the people, to hear the divine offices there privately or publicly, also to celebrate them in pontificals and to have them celebrated in his presence without pontificals, notwithstanding any contrary privilege. In like manner we grant to a bishop that in exempt localities of his diocese he may bless the people, hear the divine offices and celebrate them there, as also have them celebrated in his presence. Under pretext of this concession, however, the archbishop or bishop may exercise no other jurisdiction in the exempt or privileged localities. He is not to annoy the exempt or privileged persons, there should be no cause for complaint and nothing prejudicial to the exemption or privileges of the religious. The archbishop or bishop does not acquire by this decree any other right.

[33]. If anyone at the instigation of the devil has committed the sacrilege of wrongfully and rashly striking a bishop, or of seizing or banishing him, or has ordered these things to be done, or approved them when done by others, or been an accomplice, or given advice or shown favour, or knowingly defended the guilty, and has not incurred excommunication by canons already published, he is excommunicated by this our present constitution, notwithstanding any custom to the contrary. Indeed, with the approval of the sacred council, we consider such a custom to be a corruption, and the culprit may be absolved by the supreme pontiff only, except at the moment of death. In addition, he shall lose all fiefs, leases, offices and benefices, whether spiritual or temporal, which he holds from the church over which the offended bishop presides. All these shall revert freely to that church. The offender’s descendants in the male line to the second generation shall be disqualified, without hope of dispensation, from holding ecclesiastical benefices in the city and diocese of the bishop. The offender’s estates also, when within one diocese, shall lie under interdict until he has made due satisfaction. The place where the captured bishop is detained shall likewise be under interdict for as long as he remains detained. If the criminal’s estates include two or more dioceses, then the diocese of his principal domicile and the diocese where the crime was committed, if the land is his, and two other dioceses which belong to his territory and are nearest to the place of the crime, shall he under the same interdict.

Since his confusion will increase the more his offence is known, his excommunication will be announced in public, with the ringing of bells and candles burning, until he has made due satisfaction, in all the places where the crime was committed, as also in the churches of the neighbouring cities and dioceses, on all Sundays and feast days. And when he is to receive absolution, let him be well prepared to undergo the punishment imposed and, with the help of God, to perform the penance enjoined on him. The city, moreover, that has committed any of the crimes described above against its bishop, shall be placed under the above-mentioned interdict until it has made satisfaction. The authorities, counsellors, bailiffs, magistrates, advocates, consuls, governors and officials of any description who are at fault in this affair, are likewise subject to

excommunication from which they can be absolved only in the manner stated above. All these instructions shall be observed all the more strictly in dealing with those who kill bishops, since they should be punished more severely than the offenders already mentioned and merit greater indignation.

Let nobody be surprised that we do not inflict heavier punishment on those who perpetrate the above crimes. Alas! shameful to relate, these crimes are of frequent occurrence, and for the many men of violence an example is needed. The punishment of the offender ought to be in proportion to the dignity of the person wronged. Bishops are called most holy, are Christ's ambassadors, spiritual fathers, our brothers and fellow bishops, the acknowledged pillars of the church. The punishment, then, ought to be heavy, proportionate to the guilt of one who violates the dignity of such an eminent person. However, we wish to mitigate the severity of the punishment for the present, being prepared to impose other penalties if we see that the offenders' insolence demands such action. If of course anyone involved in the above cases has been absolved at the moment of death from excommunication, he shall incur automatically the same sentence if after recovery he does not, as soon as conveniently possible, present himself before the Roman pontiff in order to receive humbly his commands, as justice shall advise. Although this has been fully enough provided for elsewhere in the law, we thought it well to make this addition, lest someone from ignorance of the law should busy himself to find excuses.

[34]. Many serious complaints have reached us that some who hold temporal power do not hesitate to capture ecclesiastics frequently and detain them with sacrilegious audacity until they resign their benefices, nor to prevent those summoned to the apostolic see by someone or by law from going there, for the most part seizing them as they depart. In view of the great offence to our honour and that of the apostolic see, as also to the peace and welfare of ecclesiastical persons, not to speak of the damnable scandal, we, with the approval of the sacred council, decree that, in addition to the penalty attached by the canon to such deeds, those who bring them about, if prelates, are suspended for three years from receiving the revenues of their churches. If they are lower clergy, they are automatically deprived of their benefices. Those who have brought about their own capture by the secular power -- this, we have heard, sometimes occurs -- as a pretext for not obeying a summons to the apostolic see, are to incur the same penalty. Resignations of benefices extorted in the above manner, although accepted and ratified by the prelates of those who resign, have no validity whatever. We enjoin on local ordinaries that, after learning that subjects of theirs have incurred these penalties, they do not delay in publishing them and, as far as it concerns them, they put the penalties into execution.

[35]. Desiring to restrain those whom the rewards of virtue do not induce to observe the law, by the addition of new penalties and by fear of those to be added, we decree that transgressors of the constitution which forbids mendicant religious to acquire houses or places of any kind, or to exchange those already acquired or transfer them to others under any title of alienation, are automatically subject to excommunication. The same sentence of excommunication is incurred by those religious who presume in their sermons or otherwise to restrain their hearers from due payment of tithes to churches. And since it is not enough to abstain from evil unless good is done, we enjoin on all religious, invoking the divine judgment and under threat of eternal malediction, that whenever they preach to the people on the first, fourth and last Sundays of Lent, and on the feasts of the Ascension of the Lord, Pentecost, the Birthday of blessed John the Baptist, the

Assumption and the Birthday of the most blessed virgin Mary, the mother of God, they take care to exhort their hearers expressly, if required by the rectors or vicars of the churches or those taking their place, and also to inform the consciences of their penitents in confession, that they have the obligation to pay tithes. If the religious knowingly evade this duty in their sermons on the above-mentioned days, they are to receive a severe rebuke from their superiors. We also strictly command the superiors, in virtue of holy obedience, to enact laws in accordance with which they may so severely punish transgressors that their punishment may be an example for others. The constitution of our predecessor of happy memory pope Gregory IX, dealing with this matter, is to remain in full force. Those who knowingly have neglected to inform the consciences of penitents with regard to payment of these tithes, are automatically to remain suspended from preaching until they inform the consciences of their penitents, if they can conveniently do this. They are to incur automatic excommunication if they presume to preach without atoning for their neglect as above. We do not however wish this to apply to the religious of monasteries, or the rectors of churches, who are in receipt of tithes.

Rash violators of the constitution which forbids religious and secular clerics to induce anyone to vow, swear, pledge or otherwise promise that they will choose a burial place beside their churches or, having made this choice, that they will not alter it, incur automatically the same sentence of excommunication (the penalty in the said constitution is to remain in force); they are not to be absolved except by the apostolic see, except at the moment of death, notwithstanding any privileges or statutes of whatever tenor.

[36]. Grave complaint has been made to us by prelates that certain nobles and temporal lords, when their territory has been laid under ecclesiastical interdict, have masses and other divine offices celebrated publicly and solemnly not only in the chapels of their houses, but also in collegiate churches and other churches of prominent places. They invite and, what is worse, sometimes compel now these, now those, to celebrate the offices. Not content with these excesses, they have people summoned, even those under interdict, by the ringing of bells and by the public crier, to hear these masses. Some of the lords and nobles are not afraid to order people, for the most part their own subjects, although they are publicly under excommunication and interdict, not to leave the churches while mass is being celebrated, even though the celebrants urge their departure. It therefore happens frequently that mass is left unfinished to the offence of God and the scandal of clergy and people. In order, then, that excesses so grave may not be imitated because the transgressors are left unpunished, we excommunicate, with the approval of the sacred council, all those who shall presume to compel anyone in any way in places under interdict to celebrate the divine offices, or to summon people in the above way to hear them, especially those under excommunication or interdict. The same penalty is imposed on those who forbid persons publicly excommunicated or under interdict to leave the church during mass when warned to do so by the celebrant, also on those publicly excommunicated and those under interdict who presume to remain in church when named by the celebrant and warned that they must leave. The excommunications can be remitted only by the apostolic see.

[37]. The friars Minor receive into their churches to hear the divine offices in time of interdict brothers and sisters of the third order, instituted by blessed Francis; they are called continent or of penance. Since this practice generates scandal in the minds of others who are excluded, thus debasing ecclesiastical censure and weakening the force of an interdict, we strictly forbid the friars

Minor to admit henceforth in any way to their churches for the divine offices in time of interdict any of the above-mentioned persons, even if they or the friars have privileges of any kind in this matter; we in no way favour such privileges. If the friars infringe this decree, they lie under automatic excommunication, from which they can only be absolved by the Roman pontiff or, if they have made satisfaction, by the local bishops, whom we wish to act in this matter by our authority.

15 Part 4 Council of Vienne 1311-1312 A.D.

Council of Vienne 1311-1312 A.D.

[38]. I came out of paradise, I said: I will water my garden of plants. Thus speaks the heavenly cultivator, who is truly the source of wisdom, God's Word, begotten by the Father from eternity, yet remaining in the Father. In these last days, made flesh in the womb of a virgin by the operation of the holy Spirit, he went forth to the arduous work of redeeming the human race, giving himself to humanity as the model of a heavenly life. But because so often people, overcome by the anxieties of this mortal life, turned their mental gaze away from such a model, our true Solomon has made in the realm of the church militant, among other gardens, a garden of delight, far from the stormy waves of the world, in which people might devote themselves with greater peace and security to contemplating and imitating the works of the exemplar, and he himself entered this world that he might refresh it with the fertile waters of his spiritual grace and teaching. This garden is the holy religion of the friars Minor which, enclosed within the firm walls of regular observance, is content with God alone and is constantly enriched with fresh shoots, her sons. Entering this garden, the beloved Son of God gathers the myrrh and spices of mortification and penance which by their marvellous fragrance diffuse to everyone the perfume of an attractive sanctity. This is that form and rule of the heavenly life sketched by that eminent confessor of Christ, saint Francis, who taught his sons its observance by both word and example. The observers of that holy rule, men of zeal and devotion, as both pupils and true sons of so great a father, aspired and still ardently aspire to observe that rule faithfully in all its purity and fullness. They perceived certain particulars of which the interpretation was doubtful, and they prudently had recourse to the apostolic see for clarification. Receiving assurance from that see, to which their very rule proclaims allegiance, they were able to serve the Lord, free from all doubt, in the fullness of charity. Several Roman pontiffs, our predecessors, rightfully heeded their pious and just requests; they defined doubtful points, promulgating certain interpretations and making some concessions, as they thought good for the consciences of the friars and the purity of religious observance. But because there are devout consciences which very often fear sin where it does not exist, and dread any turning in the way of God, the previous clarifications have not fully quietened the consciences of all the friars. There are still some points belonging to their rule and state of life where doubts arise, as many have often told us in public and private consistories. For this reason the friars themselves have humbly entreated us to clarify opportunely the doubts which have arisen and those which may arise in the future, thus applying a remedy by the kindness of the apostolic see.

We have from a tender age had a warm devotion to those who profess this rule and to the whole order. Now that, though unworthy, we bear the office of universal pastor, we are the more roused to cherish them and to honour them more kindly and attentively, the more often we consider and reflect on the plentiful harvest reaped continually from their exemplary lives and wholesome teaching for the good of the universal church. Moved by the pious intentions of the petitioners, we have directed our efforts to carry out diligently what they ask. We have had a careful examination made of these doubts by several archbishops, bishops, masters in theology and other learned,

prudent and discreet men. At the beginning of the rule it is said: "The rule and life of the friars Minor is this, to observe the gospel of our lord Jesus Christ, by living in obedience without property and in chastity"2. Also, further down: "Having completed a year of probation, let them be received to obedience, promising always to observe this life and rule"3. Also, towards the end of the rule: "Let us observe poverty, humility and the gospel of our lord Jesus Christ, which we have firmly promised"4. There was uncertainty whether the friars of the order were obliged to all the precepts and counsels of the gospel by profession of their rule. Some said they were obliged to all. Others, however, asserted that they were obliged to three only, namely "to live in obedience, in chastity and without property", and to what was stated as obligatory in the rule. With regard to this article we follow in the footsteps of our predecessors and, giving this article further clarification, we answer the doubt as follows. Since every determinate vow must have a defined object, he who vows to follow the rule cannot be considered obliged by his vow to those evangelical counsels which are not mentioned in the rule. And indeed this is shown to have been the intention of blessed Francis the founder, from the fact that he laid down certain counsels in the rule but omitted others. For if by those words, "The rule and life of the friars Minor is this" etc. he had intended to oblige them to all the evangelical counsels, it would have been superfluous and futile to include some of them and not others.

However, since the nature of a restrictive term demands the exclusion of everything foreign to it but includes everything belonging to it, we declare that the friars are bound by the profession of their rule not only to those three vows simply and solely, but also to everything related to them expressed in the rule itself. For if the friars were obliged to observe the three vows precisely and no more, in their promise to observe the rule by living in "obedience, chastity and without property", and not also to observe everything contained in the rule that is relevant to those vows, then the words "I promise to observe always this rule" would be useless, as implying no obligation. We must not think, however, that blessed Francis intended to impose on those who profess this rule the same obligation regarding everything in the rule relating to the three vows, or anything else contained in the rule. Rather, he made a clear distinction: in some matters his words imply that transgression is a mortal sin, in others not, since he applies to some the word "precept" or its equivalent, while elsewhere he is content to use other expressions.

Besides those things laid down in the rule expressly in words of precept or exhortation or admonition, there are some things in the imperative mood in either a negative or an affirmative form. Concerning these, there has been up to now some doubt as to whether they are of precept. This doubt is not made less but rather increased by the declaration of our predecessor pope Nicholas III’ of happy memory, that the friars are obliged by rule to those evangelical counsels which the rule expresses in form of precept or prohibition or equivalent words and, in addition, to the observance of everything that the rule imposes in words of obligation. The friars therefore begged that we would, for their peace of conscience, graciously define which of these matters should be considered equivalent to precepts and obligatory. We therefore, delighted by their sincerity of conscience, observing that in matters affecting salvation the safer path is to be taken in order to avoid grave remorse of conscience, say that, although the friars are not obliged to observe everything expressed by the rule in the imperative mood in the way that they are obliged to observe matters which are explicitly or equivalently of precept, it is right for them, if they are to observe the rule strictly in its purity, to acknowledge that they are bound to observe in this way the

injunctions noted below. In order to summarise these things which appear equivalent to precepts, in virtue of the words or at least of the subject-matter, or of both, we declare the following to be of obligation for the friars, as expressed in the rule: not having more tunics than one "with a hood, and one without a hood"2, not wearing shoes, and not riding a horse except in case of necessity; that the friars "wear cheap clothes"5; that they fast "from the feast of all saints to Christmas"6 and on Fridays; that "clerics recite the divine office according to the rite of the holy Roman church"7; that ministers and guardians take great care "of the needs of the sick and of the friars' clothing"8, that, "if a friar falls ill, the other friars are to wait on him"9; that "the friars are not to preach in the diocese of a bishop when he has forbidden them this"; that "nobody ventures at all to preach to the people unless he has been examined, approved and appointed for this by the minister general" or by others having authority according to the aforesaid declaration; that "friars who know that they cannot observe the rule in detail, may and should have recourse to their ministers"3; and everything laid down in the rule regarding the form of the habit of both novices and professed friars, the manner of reception, and profession, except for the habit of novices with regard to those admitting them (here the rule which says "according to God it may seem otherwise"4 may be followed). The order generally has judged, holds and has held from of old that wherever in the rule there occurs the words "they shall be bound", there is a precept and the friars ought to act as bound by precept. The confessor of Christ, when prescribing the practice of the friars and their ministers in relation to the reception of those entering the order, said in the rule: "The friars and their ministers shall take care not to be solicitous about their temporal goods, but leave them free to do with them whatever the Lord inspires them to do; the ministers may have leave, however, to send them to some God-fearing men, if counsel be needed, who may advise them how to give their goods to the poor"5. Many of the friars were uncertain, and still are, whether they may receive anything from those who enter, if it is given; whether they may without fault persuade them to give to individuals and friaries; and whether the ministers themselves or the friars ought to give advice concerning the disposal of property, when there are other suitable advisers to whom the entrants can be sent. We observe attentively that saint Francis intended to banish from his disciples, whose rule he had based on a very strict poverty, all affection for the temporal goods of those entering the order, especially in using the above words in order that, on the part of the friars, reception into the order might appear holy and pure. They should be seen to have no eye to their temporal goods, but only to deliver the novices up to the divine service. We say that both ministers and friars ought to abstain from persuasion to give them the property, and also from advice as to its distribution. They should send those who seek counsel to God-fearing men of another state, not to friars. In this way all will see them truly as zealous and perfect observers of their father's sound tradition. Since however the rule itself wishes those entering to be free to do as the Lord inspires concerning their property, it does not seem unlawful for the friars to receive something, in view of their needs and in accordance with the aforesaid declaration, if the entrant freely wishes to give it, as he would to other poor people by way of alms. The friars however do well to take care, in accepting such offerings, that they do not create an unfavourable impression by the amount they receive. The rule says that "those who have promised obedience should have one tunic with a hood, and another without a hood, those who wish to have it"; also, that "all the friars should wear cheap clothes"' . We have declared that the said words are equivalent to precepts. In order to express this more clearly, however, we say that it is not lawful to have more tunics, except when this is necessary in accordance with the rule, as our said predecessor has more fully explained. As for the poverty of

the clothes, both of the habit and of the inner clothing, it is to be judged in relation to the customs and observances of the country, as to the colour of the cloth and the price. There cannot be one standard for every region. We think that this poverty in dress should be entrusted to the judgment of the ministers and guardians; they must form their own consciences, but see to it that poverty in dress is maintained. In the same way we leave it to the judgment of the ministers and guardians as to when the friars have need to wear shoes. The rule refers to two periods: "from the feast of all saints until Christmas", and especially in Lent, when the friars are obliged to fast. We find inserted in the rule: "at other times they are not obliged to fast, with the exception of Fridays"3. From these statements some have concluded that the friars are not obliged to observe any other fasts except from propriety. We declare that they are not obliged to fast at other times except at the times established by the church. For it is not probable that either he who instituted the rule or he who confirmed it intended to dispense the friars from observing the fasting days to which the general law of the church obliges other Christians. When St Francis, wishing his friars to be completely detached from money, commanded "firmly all the friars not to accept money in any manner, either directly or through some other person"4, this same predecessor of ours, in his interpretation, defined the cases and the ways in which the friars cannot and ought not to be called receivers of money against the rule and sincerity of their order. We declare that the friars must take the greatest care that they have no recourse to those who give money or their agents in ways other than those defined by our said predecessor, lest they deservedly be called transgressors of the precept and rule. For when there is a general prohibition, anything not expressly granted is understood to be refused. For this reason, all collection of money and acceptance of offerings in church or elsewhere, boxes for storing offerings or gifts of money, and any other recourse to money or those who have it which is not allowed by the said declaration, is, we say, completely and absolutely forbidden. Recourse to special friends is expressly allowed in only two cases, according to the rule. These are "the needs of the sick and the clothing of the friars"'. Our said predecessor kindly and wisely extended this permission, in view of their needy life, to other wants of the friars which can occur or even be pressing when there are no alms. The friars however are to observe that for no other reasons except the above or those of a similar kind, may they have recourse to such friends, either on the road or elsewhere, whether their friends themselves give the money or their representatives, messengers or trustees, whatever name they are given, even if the ways granted by the above declaration are entirely observed. The confessor of Christ wished above all that those who professed his rule should be completely detached from love and desire of earthly things, and in particular from money and its use, as is proved by his constantly repeating in the rule the prohibition of accepting money. When, therefore, the friars need, for the reasons mentioned above, to have recourse to those who have money, destined for their needs, whether they are their principal benefactors or their envoys, these friars should so behave in the eyes of all as to show that they are completely unconcerned as regards money, as indeed it does not belong to them. Therefore such actions as to order that the money be spent and in what way, to exact an account, to ask for the return of the money in any way, to put it away or have it put away, and to carry a money-box or its key, are unlawful for the friars. These actions belong properly to the owners who gave the money and to their agents. When the saint expressed the manner of the friars' poverty in the rule, he said: "The friars should make nothing their own, neither house nor land nor anything, but go confidently to seek alms as pilgrims and strangers serving the Lord in poverty and humility"2. This is also the renunciation defined by certain of our predecessors as

Roman pontiffs, to be understood both specifically and in general. These pontiffs have therefore accepted for themselves and for the Roman church the absolute ownership of everything granted, offered or given to the friars, leaving them simply the right of use. Yet we have been asked to examine certain practices that are said to go on in the order and seem repugnant to the vow of poverty and the sincerity of the order. The following are the practices which we believe are in need of remedy. The friars not only allow themselves to inherit, but even bring this about. They sometimes accept annual revenues so high that the friaries concerned can live completely on them. When their affairs, even of a temporal kind, are debated in the courts, they assist the advocates and procurators; in order to encourage them, they present themselves in person. They accept the office of executor of wills and carry it out. They sometimes meddle with settlements involving usury or unjust acquisition and the restitution to be made. Sometimes they have not only extensive gardens but also large vineyards, from which they collect great quantities of vegetables and wine to sell. At the time of harvest they collect so much corn and wine by begging or buying, storing them in their cellars and granaries, that they can live off them without begging for the rest of the year. They build churches or other edifices, or have them built, of such size, style and costliness that they seem to be the abodes of the wealthy not of the poor. The friars in very many places have so many church ornaments and so obviously precious ones as to surpass in this the great cathedrals. They also accept indiscriminately horses and arms offered to them at funerals.

Yet the community of friars, and in particular the rulers of the order, asserted that the above abuses, or most of them, did not exist in the order and any friars found guilty in such matters are punished rigorously. Moreover, very strict laws were passed long ago in the order to prevent such abuses. Wishing, therefore, to provide for the consciences of the friars and to remove, as far as we can, all doubt from their hearts, we give the following replies. For a way of life to be authentic, outward actions must correspond to the interior attitude of mind. The friars, therefore, who have torn themselves away from temporal possessions by so great a renunciation, must abstain from all that is or may seem to be contrary to that renunciation. Now, heirs acquire not only use of their inheritance but, in time, ownership also, and the friars cannot acquire anything for themselves in particular or for their order in general. We therefore declare that the absoluteness of their vow renders the friars altogether incapable of such inheritance, which of its nature extends both to money and to other movable and immovable goods. Nor may they allow themselves to be left or accept as a legacy the value of such inheritance, or a great part of it, so that it could be presumed that this was done by deceit; indeed, we absolutely forbid this.

Since annual revenues are considered by law as immovable goods, and are contrary to poverty and mendicancy, there is no doubt that the friars may not accept or have revenues of any kind, given their state of life, just as they may not have possessions or even their use, since this use is not granted to them.

Further, not only what is known to be evil, but also everything which has the appearance of evil, should be specially avoided by perfect men. Now, to be present in court and urge their case, when the law is concerned with matters of advantage to them, leads people to believe from external appearances that the friars present are seeking something as their own. In no way, therefore, ought the friars who profess this rule and vow, to meddle in legal processes in such courts. By abstention they will be thought well of by outsiders, and they will live up to the purity of their vow and avoid scandal to their neighbour. Indeed, the friars are to be complete strangers not only to

the acceptance, possession, ownership or use of money, but even to any handling of it, as our said predecessor has repeatedly and clearly said in his interpretation of the rule. Also, the members of this order cannot go to law for any temporal thing. The friars may therefore not lend themselves to such legal processes, but rather consider them forbidden by the purity of their state, because these activities cannot be concluded without litigation and the management or administration of money. Nevertheless they do not act in a manner contrary to their state if they give advice for the execution of these affairs, since this advice does not confer upon them any jurisdiction or legal authority or administration with regard to temporal goods.

Certainly it is not only lawful but very reasonable that the friars who devote themselves to the spiritual works of prayer and study should have gardens and open spaces for recollection and recreation, and sometimes in order to provide a bodily distraction after their spiritual labours, as also to cultivate vegetables for their needs. To keep gardens, however, in order to cultivate vegetables and other garden produce for sale, and vines likewise, is inconsistent with the rule and purity of their order. Our said predecessor has declared and also ordained that if, for this kind of use, someone were to leave a field or a vineyard or something of this nature to the friars, they should refrain absolutely from accepting it, since to have such things in order to receive the price of the produce in season is similar to having an income.

Again, saint Francis has shown, both by the example of his life and by the words of his rule, that he wishes his brothers and sons, relying on divine providence, to cast their burden on the Lord, who feeds the birds of the air, which neither sow nor reap nor gather into barns. It is not likely, then, that he would have wished them to have granaries or wine-cellars, when they hope to live by daily begging. And for that reason they should not lay by provisions from some slight fear, but only when it is very probable from experience that they will not otherwise find the necessities of life. We therefore consider that the decision should be left to the consciences of the ministers and guardians, both as a body and separately in their offices and guardianships, acting with the advice and consent of the guardian and two discreet older priests from a house of the order in the area. The saint wished to establish his friars in the greatest poverty and humility, both in inclination and in fact, as practically the whole rule proclaims. It is only right, then, that they should in no way build, or allow to be built, churches or edifices of any kind which, in relation to the numbers of friars living there, might be considered excessive in number or in size. We therefore wish that, everywhere in the order, the friars should be satisfied with buildings which are modest and humble, lest outward appearances, which strike the eye, should contradict the great poverty promised by the heart.

Although church ornaments and vessels are ordained to the honour of God’s name, for which purpose God created everything, yet he who discerns what is secret looks chiefly at the heart of those who serve him, not at their hands. He does not wish to be served through things which jar with the professed life-style of his servants. The friars should therefore be content with vessels and church ornaments which are seemly in appearance and sufficient in size and number. Excess, costliness or over-elaboration in these or in anything else does not become the friars’ profession or state of life. Everything which smacks of treasure and abundance detracts, in the eyes of people, from the profession of such great poverty. We therefore wish and command the friars to observe what we have said. As for the presents of horses and arms, we decree that everywhere and in everything the aforesaid declaration concerning alms of money be observed. From the above

matters, however, there has arisen among the friars an uneasy question, namely, whether their rule obliges them to a strict and meagre use of things. Some of the friars believe and say that, just as they are vowed to a very strict renunciation of ownership, they are also enjoined the greatest restraint in the use of things. Other friars on the contrary assert that by their profession they are not obliged to any restrained use that is not expressed in the rule; they are however obliged to a temperate use, in the same way as other Christians and even more fittingly. Wishing, then, to give peace to the friars' consciences and to put an end to these disputes, we declare that the friars Minor in professing their rule are obliged specially to the strict and restrained use expressed in the rule. To say, however, as some are said to assert, that it is heretical to hold that a restricted use of things is or is not included in the vow of evangelical poverty, this we judge to be presumptuous and rash.

Finally, when the rule states by whom and where the minister general should be elected, it makes no mention at all of the election or appointment of provincial ministers. There can arise some uncertainty among the friars on this point. We wish them to be able to go forward with clarity and security in all they do. We therefore declare, decree and ordain in this constitution of perpetual validity, that when a province is to be provided with a minister, his election belongs to the provincial chapter. It shall hold the election the day after assembling. The confirmation of the election belongs to the minister general. If this election is made by ballot, and the votes are divided in such a way that several ballots are made without agreement, then the choice made by the numerical majority of the chapter (leaving aside considerations of zeal or merit), notwithstanding objections of any kind from the other side, is to be confirmed or invalidated by the minister general. Having first given careful consideration to the matter, in accordance with his office, he shall take counsel with discreet members of the order, so that a decision is made which is pleasing to God. If the minister general invalidates the election, the provincial chapter shall vote again. If the chapter does not elect its minister on the day mentioned, the minister general shall freely provide a provincial minister. There are, however, certain provinces -- Ireland, Greece and Rome -- which are said to have had until now, for just reasons, another way of providing the provincial minister. In these cases, if the minister general and the general chapter judge, with good reason, that the provincial minister should be appointed by the minister general, with the advice of good religious of the order, rather than by the election of the provincial chapter, this shall be done without dispute for the provinces of Ireland, Rome and Greece when the previous provincial minister dies or is relieved of office on this side of the sea; there shall be no deceit, partiality or fraud, the burden resting on the consciences of those who decide the appointment. As for the dismissal of provincial ministers, we wish the order to retain the procedure which has been customary up to now. For the rest, if the friars are without a minister general, his duties shall be carried out by the vicar of the order until there is a new minister general. Further, if there be any attempted violation of this decree concerning the provincial minister, such action shall be automatically null and void.

Let nobody therefore ... If anyone however ...'

NOTES 16 May 1312, from Regestum 7952 The introductory address given in Regestum 9983 is omitted here because many other introductory addresses are known of (see Regestum VIII, pp. 416-420). Regestum gives two versions of the letter. The one used here as the base text (Regestum 9983) is addressed to each and all of the bishops. The other is addressed to king Philip of France (= P), see Regestum 8986 (19 Dec. 1312).

P adds: Indeed our beloved son in Christ, Philip the illustrious king of the Franks, who together with our beloved son in Christ, Louis the illustrious king of Navarre, was present at the council, showed himself to be the most christian of princes. He had the cause of the holy Land very much at heart. He burned with zeal of faith and devotion to rescue the holy Land from the hands of the impious and to right the wrongs there of him who underwent disgrace and shame for the sake of our redemption. He so directed and still directs the desires of his heart, that he undertook in the council the business of the general crusade ordained by us intending therefore to take for a certain time the sign of the life-giving cross, with the deliberate purpose of sailing personally with his forces to the aid of the holy Land. But actually we . . . holy gospels of God"] And at last, commending in the Lord this purpose of the king, so acceptable to God, we thought it fitting and most proper that we and the church ought to assist such a glorious prince in proceeding with this great enterprise. We observed especially that because the cities and other places once held by the faithful had been laid waste by the wild rage of the enemy, there was no place left to admit the champions of the faith. The enterprise would be more costly than formerly when some of the king's ancestors and other christian princes had sailed to the aid of the holy Land; then the cities and places were prosperous and could produce and admit catholic warriors. We therefore judged that the tithe for six years, namely that on the ecclesiastical revenues and incomes of France, which used to be paid in times past in that kingdom, should be granted to the king to help him in his enterprise, so that he might use it for the aid of the holy Land.

We therefore ask, admonish and exhort earnestly all our venerable brothers, the archbishops and bishops, our beloved chosen sons, the abbots, priors, deans, provosts, archdeacons, archpriests and other prelates of churches, the chapters, colleges and convents of the Cistercians, Cluniacs, Premonstratensians, of saints Benedict and Augustine, of the Carthusians, Grandmontines and other orders, and other secular and regular ecclesiastical persons, exempt and non-exempt, in the kingdom of France, with the exception only of the persons and places belonging to the Hospital of saint John of Jerusalem and of the other military orders, by our other letters, and also enjoining on them strictly by apostolic ordinance and in virtue of obedience, to pay the tithe, each and all of them, out of reverence for God, the apostolic see and us, for six years, which we wish to be reckoned from the next feast of blessed Mary Magdalen. We enjoin further on each archbishop and bishop to claim and collect from each and all of the abbots, priors, deans, provosts, archdeacons, archpriests and other prelates of churches, the chapters, colleges and convents, and other non-exempt secular and regular ecclesiastical persons, in their cities and dioceses, except for the persons and places of the Hospital of saint John of Jerusalem and of the other military orders. The collection is to be made directly or through other persons appointed by them in each city and diocese, from the ecclesiastical revenues and incomes, in the usual manner for the periods stated below, namely for half of the first year on the next feast of blessed Mary Magdalen and for the remaining half on the coming feast of the purification of the blessed virgin Mary, and so on for the remaining five years. The tithe should be collected without difficulties being made and by our authority. We empower and command, by our aforesaid letters, the persons delegated by the archbishops and bishops to make this collection, to claim and collect this tithe by our authority from the abbots, priors, deans, provosts, archdeacons, archpriests and other prelates of churches, the chapters, colleges and convents, and other exempt secular and regular ecclesiastical persons, with the exception of the persons and places of the Hospital of saint John of Jerusalem and the other military orders. The tithe is to be collected for the years and periods mentioned above. The

archbishops and bishops, as also their delegates, are to take care to transfer to you, our deputies, their own tithe and that of others as collected by themselves or their delegates for each of the six years. You are to assign the collection to the king of France or his delegate or delegates for the purpose of the crusade. In order that you may more easily and effectively collect and assign this tithe, we grant you by the present document free and unrestricted power, in virtue of our authority, to compel the archbishops and bishops and their delegates, disregarding any appeal, to the fulfilment and collection of this tithe and its assignation, as prescribed. We also grant you the same full power in imparting absolution to those archbishops and bishops bound by sentences of excommunication, suspension or interdict for not paying the tithe in due time, after they have made satisfaction, and of dispensing with those bound by such sentences who have contracted irregularity by celebrating or taking part in divine worship. P 31 December; from Regestum 9984 13 January 1313; from Regestum 8973

16 Part 1 Council of Constance 1414-18

Council of Constance (1414-1418), was held during the great Schism of the West, with the object of ending the divisions in the Church. It only became legitimate when Gregory XI had formally convoked it. Owing to this circumstance it succeeded in putting an end to the schism by the election of Pope Martin V, which the Council of Pisa (1403) had failed to accomplish on account of its illegality. The rightful pope confirmed the former decrees of the synod against Wyclif and Hus. This council is thus only ecumenical in its last sessions (XLII-XLV inclusive) and with respect to the decrees of earlier sessions approved by Martin V.Council of Constance 1414-18

INTRODUCTION 1 [This is the introduction given by Tanner inDecrees of the Ecumenical Councils] This council was summoned by John XXIII, the Pisan pope [1] , with the support of Emperor Sigismund. It began on 5 November 1414 in the cathedral of Constance, with many bishops from all parts of Europe. Business in the council was transacted in a way that was largely new for an ecumenical council, namely votes were cast not by Individual persons but by nations. The council, from the very beginning, proposed the following three topics:

1. To bring unity back to the church and to make an end to the schism which had divided the church since 1378 and which the council held at Pisa in 1409 had not healed but rather aggravated when it elected Alexander V as a third pope. When the council of Constance opened, Christians owed obedience to three different popes: some owed obedience to Gregory XII of the Roman party others to Benedict XIII of the Avignon party, and others to John XXIII, who had been elected after the death of Alexander V. John XXIII and Benedict XIII were deposed by the council, Gregory XII voluntarily resigned. Then Martin V was elected pope on 11 November 1417 and he was regarded as the legitimate pontiff by the church as a whole.

2. To eradicate heresies, especially those spread by John Wyclif in Britain and by John Hus and Jerome of Prague in Bohemia.

3. To reform the corrupt morals of the church. This, however, was only partly accomplished in the final sessions of the council. With regard to the ecumenical nature of the sessions, there is dispute about those before the election of Martin V and also about the significance and force of the approval which he gave to the matters transacted by the council. The decrees notably those of sessions 3-5 and the decree Frequens (session 39), appear to proceed from the council's teaching. Objection has been made to them on the grounds of the primacy of the Roman pontiff. There is no doubt, however, that in enacting these decrees there was solicitude and care to choose the true and sure way ahead in order to heal the schism, and this could only be done by the authority of a council. The acts of the council of Constance were first published by Jerome of Croaria at Hagenau in 1500 (Acta scitu dignissima docteque concinnata Constantiensis concilii celebratissimi = Asd), from the epitome of the acts which the council of Basel had ordered to be compiled and publicly accepted in 1442. This edition of the Basel epitome was followed by all general collections of the councils (including Editio Romana, IV 127-300, even though it ignores the council of Basel). These collections, down to Mansi (27, 529-1240), added various

appendices. H. von der Hardt, in his great collection of the sources of the council of Constance, made an edition of the acts and decrees of the council according to the earliest trustworthy documents (Magnum oecumenicum Constantiense concilium, in six tomes, Frankfurt-Leipzig 1696-1700; tome IV, Corpus actorum et decretorum magni Constantiensis concilii de Ecclesiae refor matione, unione ac fide = Hardt). We have followed von der Hardt's edition throughout and have noted only the principle variants provided by Asd. We indicate only, and do not print, the decrees pertaining to the internal administration of the council and of the church and to judicial acts.

Second Introduction [By the e-text editor]

I have given the conventional session numbers for "the" Council of Constance so as to make cross referencing with other editions easier. However it is very misleading to do so. One should not speak of "the" Council of Constance, but of the councils of Constance. There was a council of bishops [and others] beginning 16 November 1414 which styled itself ecumenical, but which the true pope of the day did not recognize as such. There was another council [even if its members were those of the first] which he convoked, by proxy, on 4 July 1415 and did recognize as ecumenical. The ratification of "the" council by Martin the fifth, given in a footnote to session 45, was a ratification of everything determined "in a conciliar way ... by this present council of Constance", i.e. of the one convoked on 4 July 1415. The intent of the words "in a conciliar way" is, on my reading, to distinguish the true [ecumenical] council from the false one. The matter is crucial to the possibility of the catholic doctrine of the infallibility of ecumenical councils, since the teachings of Vatican 1 on papal primacy are inconsistent with those of the first [non-ecumenical] Council of Constance [in particular the famous session 5, Haec Sancta, which taught conciliarism] , but not with those of the second [ecumenical] one

Crucial to my claim is the question of who the true pope was and when a genuinely ecumenical council came into existence. I shall quote from Phillip Hughes (the footnotes here included are from Hughes' text) :

"Just five weeks after Baldassare Cossa so meekly accepted the council's sentence, the fathers met to receive the solemn abdication of Gregory XII. He was in fact, and to the end he claimed to be in law, the canonically elected representative of the line that went back to Urban VI, the last pope to be acknowledged as pope by Catholics everywhere [2] . The abdication was arranged and executed with a care to safeguard all that Gregory claimed to be; and this merits - and indeed, requires - much more detailed consideration than it usually receives. [3]

Gregory XII sent to Constance as his representatives his protector Carlo Malatesta, the Lord of Rimini, and the Dominican cardinal, John Domenici -- to Constance indeed, but not to the General Council assembled there by the authority, and in the name, of John XXIII. The envoys' commission was to the emperor Sigismund, presiding over the various bishops and prelates whom his zeal to restore peace to the Church had brought together. To these envoys -- and to Malatesta in the first place-Gregory gave authority to convoke as a General Council -- to convoke and not to recognise -- these assembled bishops and prelates ; [4] and by a second bull [5] he empowered Malatesta to resign to this General Council in his name. The emperor, the bishops and prelates consented and accepted the role Gregory assigned. And so, on July 4, 1415. Sigismund, clad in the royal robes, left the throne he had occupied in the previous sessions for a throne placed before the altar,

as for the president of the assembly. Gregory's two legates sat by his side facing the bishops. The bull was read commissioning Malatesta and Domenici to convoke the council and to authorise whatever it should do for the restoration of unity and the extirpation of the schism -- with Gregory's explicit condition that there should be no mention of Baldassare Cossa, [6] with his reminder that from his very election he had pledged himself to resign if by so doing he could truly advance the good work of unity, and his assertion that the papal dignity is truly his as the canonically elected successor of Urban VI.

Malatesta then delegated his fellow envoy, the cardinal John Domenici, to pronounce the formal operative words of convocation [7] ; and the assembly -- but in its own way -- accepted to be thus convoked, authorised and confirmed in the name "of that lord who in his own obedience is called Gregory XII" [8] . The council next declared that all canonical censures imposed by reason of the schism were lifted, and the bull was read by which Gregory authorised Malatesta to make the act of abdication [9] and promised to consider as ratum gratum et firmum, and forever irrevocable, whatever Malatesta, as his proxy, should perform. The envoy asked the council whether they would prefer the resignation immediately, or that it should be delayed until Peter de Luna's decision was known. The council preferred the present moment. It ratified all Gregory XII's acts, received his cardinals as cardinals, promised that his officers should keep their posts and declared that if Gregory was barred from re-election as pope, this was only for the peace of the Church, and not from any personal unworthiness. Then the great renunciation was made [10] , " . . . renuncio et cedo . . . et resigno . . . in hac sacrosancta synodo et universali concilio, sanctam Romanam et universalem eccleciam repraesentante"and the council accepted it [11] , but again as made "on the part of that lord who in his own obedience was called Gregory XII". The Te Deum was sung and a new summons drawn up calling upon Peter de Luna to yield to the council's authority. The work of Pisa was now almost undone, and by this council which, in origin, was a continuation of Pisa. It had suppressed the Pisan pope whom Pisa, with biting words, had rejected as a schismatic and no pope."

Phillip Hughes A History of the Church, p289-291 SESSION 1 - 16 November 1414 [On the matters to be treated in the council, in which order and by which officials [12]]

John, bishop, servant of the servants of God, for future record. Wishing to carry out those things which were decreed at the council of Pisa [13] by our predecessor of happy memory, pope [14] Alexander V, regarding the summoning of a new general council, we earlier convoked this present council by letters of ours, the contents of which we have ordered to be inserted here:

John, bishop ... [15]

We have therefore come together with our venerable brothers, cardinals of the holy Roman church, and our court to this city of Constance at the appointed time. Being present here by the grace of God, we now wish, with the advice of this sacred synod, to attend to the peace, exaltation and reform of the church and to the quiet of the christian people. In such an arduous matter it is not right to rely on one's own strength, but rather trust should be placed in the help of God. Therefore, in order to begin with divine worship, we decreed, with the approval of this sacred council, that a special mass for this purpose should be said today. This mass has now been duly celebrated, by the grace of God. We now decree that such a mass shall be celebrated collegially in this and every other collegiate church of this city whether secular or regular, once a week,

namely each Friday, for the duration of this sacred council. Moreover, in order that the faithful may devote themselves to this holy celebration most fervently, whereby they will feel themselves refreshed by a more abundant gift of grace, we relax, mercifully in the Lord, the following amounts of enjoined penance to each and every one of them who is truly penitent and has confessed: for each mass, one year to the celebrating priest and forty days to those present at it. Furthermore, we exhort our venerable brothers, cardinals of the holy Roman church, as well as patriarchs, archbishops and bishops, and our beloved chosen sons, abbots and others in the priesthood, devoutly to celebrate this mass once every week, in order that the aforesaid divine aid may be implored; and we grant the same indulgences to the celebrant and to those present at the mass. We exhort in the Lord, moreover, each and all who glory in the name of Christ, in order that the desired outcome to so great a matter may be obtained, to give themselves diligently to prayer, fasting, almsgiving and other pious works, so that God may be placated by our and their humility, and so deign to grant a happy outcome to this sacred gathering.

Considering, moreover, that a council should specially treat of those matters which concern the catholic faith, according to the praiseworthy practices of the early councils, and aware that such things demand diligence, sufficient time and study, on account of their difficulty, we therefore exhort all those who are well versed in the sacred scriptures to ponder and to treat, both within themselves and with others, about those things which seem to them useful and opportune in this matter. Let them bring such things to our notice and to that of this sacred synod, as soon as they conveniently can, so that at a suitable time there may be decided what things, it seems, should be held and what repudiated for the profit and increase of the same catholic faith.

Let them especially ponder on the various errors which are said to have sprouted in certain places at various times, especially on those which are said to have arisen from a certain John called Wyclif.

We exhort, moreover, all Catholics assembled here and others who will come to this sacred synod that they should seek to think on, to follow up and to bring to us, and to this same sacred synod, those matters by which the body of Catholics may be led, if God is willing, to a proper reformation and to the desired peace. For it is our intention and will that all who are assembled for this purpose may say, consult about and do, with complete freedom, each and all of the things that they think pertain to the above. In order, however, that a rule may be observed in the procedure of this sacred synod with regard to what things are to be said and decided, the action to be taken and the regulating of customs, we think that recourse should be had to the practices of the ancient fathers, which are best learned from a canon of the council of Toledo, the contents of which we have decided to insert here [16] :

Nobody should shout at or in any way disturb the Lord’s priests when they sit in the place of blessing. Nobody should cause disturbance by telling idle stories or jokes or, what is even worse, by stubborn disputes. As the apostle says, if anyone thinks himself religious and does not bridle his tongue but deceives his heart, then his religion is vain. For, justice loses its reverence when the silence of the court is disturbed by a crowd of turbulent people. As the prophet says, the reverence due to justice shall be silence. Therefore whatever is being debated by the participants, or is being proposed by persons making an accusation, should be stated in quiet tones so that the hearers’ senses are not disturbed by contentious voices and they do not weaken the authority of

the court by their tumult. Whoever thinks that the aforesaid things should not be observed while the council is meeting, and disturbs it with noise or dissensions or jests, contrary to the things forbidden here, shall leave the assembly, dishonourably stripped of the right to attend, according to the precept of the divine law (whereby it is commanded: drive out the scoffer, and strife will go out with him), and he shall be under sentence of excommunication for three days.

Since it may happen that some of the participants will not be in their rightful seats, we decree, with this sacred council's approval, that no prejudice shall arise to any church or person as a result of this seating arrangement.

Since certain ministers and officials are required in order that this council may proceed, we therefore depute, with this sacred council's approval, those named below, namely our beloved sons... [17] SESSION 2 - 2 March 1415 [John XXIII publicly offers to resign the papacy] SESSION 3 - 26 March 1415 [Decrees on the integrity and authority of the council, after the pope s flight [18]] For the honour, praise and glory of the most holy Trinity, Father and Son and holy Spirit, and to obtain on earth, for people of good will, the peace that was divinely promised in God's church, this holy synod, called the sacred general council of Constance, duly assembled here in the holy Spirit for the purpose of bringing union and reform to the said church in its head and members, discerns declares, defines and ordains as follows.

First, that this synod was and is rightly and properly summoned to this city of Constance, and likewise has been rightly and properly begun and held.

Next, that this sacred council has not been dissolved by the departure of our lord pope from Constance, or even by the departure of other prelates or any other persons, but continues in its integrity and authority, even if decrees to the contrary have been made or shall be made in the future.

Next, that this sacred council should not and may not be dissolved until the present schism has been entirely removed and until the church has been reformed in faith and morals, in head and members.

Next, that this sacred council may not be transferred to another place, except for a reasonable cause, which is to be debated and decided on by this sacred council.

Next, that prelates and other persons who should be present at this council may not depart from this place before it has ended, except for a reasonable cause which is to be examined by persons who have been, or will be, deputed by this sacred council. When the reason has been examined and approved, they may depart with the permission of the person or persons in authority. When the individual departs, he is bound to give his power to others who stay, under penalty of the law, as well as to others appointed by this sacred council, and those who act to the contrary are to be prosecuted.

SESSION 4 - 30 March 1415 [Decrees of the council on its authority and integrity, in the abbreviated form read out by cardinal Zabarella] In the name of the holy and undivided Trinity, Father and Son and holy Spirit Amen. This holy synod of Constance, which is a general council, for the eradication of the present schism and for bringing unity and reform to God's church in head and members, legitimately assembled in the holy Spirit to the praise of almighty God, ordains,

defines, decrees, discerns and declares as follows, in order that this union and reform of God's church may be obtained the more easily, securely, fruitfully and freely.

First, that this synod, legitimately assembled in the holy Spirit, constituting a general council, representing the catholic church militant, has power immediately from Christ, and that everyone of whatever state or dignity, even papal, is bound to obey it in those matters which pertain to the faith and the eradication of the said schism. [19]

Next, that our most holy lord pope John XXIII may not move or transfer the Roman curia and its public offices, or its or their officials, from this city to another place, nor directly or indirectly compel the persons of the said offices to follow him, without the deliberation and consent of the same holy synod; this refers to those officials or offices by whose absence the council would probably be dissolved or harmed. If he has acted to the contrary in the past, or shall in the future, or if he has in the past, is now or shall in the future fulminate any processes or mandates or ecclesiastical censures or any other penalties against the said officials or any other adherents of this council, to the effect that they should follow him then all is null and void and in no way are the said processes, censures and penalties to be obeyed, inasmuch as they are null and void, and they are invalid. The said officials are rather to exercise their offices in the said city of Constance, and to carry them out freely as before, as long as this holy synod is being held in the said city.

Next, that all translations of prelates, and depositions of the same, or of any other beneficed persons, revocations of commendams and gifts, admonitions, ecclesiastical censures, processes, sentences, acts and whatever has been or will be done or accomplished by our aforesaid lord and his officials or commissaries, from the time of his departure, to the injury of the council or its adherents, against the supporters or participants of this sacred council, or to the prejudice of them or any one of them, in whatever way they may have been or shall be made or done, against the will of the persons concerned, are in virtue of the law itself null, quashed, invalid and void, and of no effect or moment, and the council by its authority quashes, invalidates and annuls them.

[Next, it was declared and decided that three persons should be chosen from each nation who know both the reasons of those wishing to depart and the punishments that ought to be inflicted on those departing without permission. [20]]

Next, that for the sake of unity new cardinals should not be created. Moreover, lest for reasons of deceit or fraud some persons may be said to have been made cardinals recently, this sacred council declares that those persons are not to be regarded as cardinals who were not publicly recognised and held to be such at the time of our lord pope's departure from the city of Constance.

SESSION 5 - 6 April 1415 The famous Haec Sancta decree contradicting Vatican 1 on papal primacy/infallibility.

[Decrees of the council, concerning its authority and integrity, which had beenabbreviated by cardinal Zabarella at the preceding session, against the wishes of thenations, and which are now restored, repeated and confirmed by a public decree] In the name of the holy and undivided Trinity, Father and Son and holy Spirit. Amen. This holy synod of Constance, which is a general council, for the eradication of the present schism and for bringing unity and reform to God's church in head and members, legitimately assembled in the holy Spirit to the praise of almighty God, ordains, defines, decrees, discerns and declares as follows, in order that this union and reform of

God’s church may be obtained the more easily, securely, fruitfully and freely.

First it declares that, legitimately assembled in the holy Spirit, constituting a general council and representing the catholic church militant, it has power immediately from Christ; and that everyone of whatever state or dignity, even papal, is bound to obey it in those matters which pertain to the faith, the eradication of the said schism and the general reform of the said church of God in head and members.

Next, it declares that anyone of whatever condition, state or dignity, even papal, who contumaciously refuses to obey the past or future mandates, statutes, ordinances or precepts of this sacred council or of any other legitimately assembled general council, regarding the aforesaid things or matters pertaining to them, shall be subjected to well-deserved penance, unless he repents, and shall be duly punished, even by having recourse, if necessary, to other supports of the law.

Next, the said holy synod defines and ordains that the lord pope John XXIII may not move or transfer the Roman curia and its public offices, or its or their officials, from the city of Constance to another place, nor directly or indirectly compel the said officials to follow him, without the deliberation and consent of the same holy synod. If he has acted to the contrary in the past, or shall in the future, or if he has in the past, is now or shall in the future fulminate any processes or mandates or ecclesiastical censures or any other penalties, against the said officials or any other adherents of this sacred council, to the effect that they should follow him, then all is null and void and in no way are the said processes, censures and penalties to be obeyed, inasmuch as they are null and void. The said officials are rather to exercise their offices in the said city of Constance, and to carry them out freely as before, as long as this holy synod h being held in the said City.

Next, that all translations of prelates, or depositions of the same, or of any other beneficed persons, officials and administrators, revocations of commendams and gifts, admonitions, ecclesiastical censures, processes, sentences and whatever has been or will be done or accomplished by the aforesaid lord pope John or his officials or commissaries, since the beginning of this council, to the injury of the said council or its adherents, against the supporters or participants of this sacred council, or to the prejudice of them or of any one of them, in whatever way they may have been or shall be made or done, against the will of the persons concerned, are by this very fact, on the authority of this sacred council, null, quashed, invalid and void, and of no effect or moment, and the council by its authority quashes, invalidates and annuls them.

Next, it declares that the lord pope John XXIII and all the prelates and other persons summoned to this sacred council, and other participants in the same synod, have enjoyed and do now enjoy full freedom, as has been apparent in the said sacred council, and the opposite has not been brought to the notice of the said summoned persons or of the said council. The said sacred council testifies to this before God and people. [21] SESSION 6 - 17 April 1415

[At this session there were, among other minor deliberations, decrees about admitting the office of proctor in the matter of pope John XXIII’s renunciation of the papacy and about the citing of Jerome of Prague.] SESSION 7 - 2 May 1415

[At this session it was decreed that pope John should be publicly summoned and that the summons of Jerome of Prague, now charged with contumacy, should be repeated.] SESSION 8 -

4 May 1415 This most holy synod of Constance, which is a general council and represents the catholic church and is legitimately assembled in the holy Spirit, for the eradication of the present schism and the elimination of the errors and heresies which are sprouting beneath its shade and for the reform of the church, make this perpetual record of its acts.

[Sentence condemning various articles of John Wyclif]

We learn from the writings and deeds of the holy fathers that the catholic faith without which (as the Apostle says) it is impossible to please God , has often been attacked by false followers of the same faith, or rather by perverse assailants, and by those who, desirous of the world's glory, are led on by proud curiosity to know more than they should; and that it has been defended against such persons by the church's faithful spiritual knights armed with the shield of faith. Indeed these kinds of wars were prefigured in the physical wars of the Israelite people against idolatrous nations. Therefore in these spiritual wars the holy catholic church, illuminated in the truth of faith by the rays of light from above and remaining ever spotless through the Lord's providence and with the help of the patronage of the saints, has triumphed most gloriously over the darkness of error as over profligate enemies. In our times, however, that old and jealous foe has stirred up new conflicts so that the approved ones of this age may be made manifest. Their leader and prince was that pseudo-christian John Wyclif. He stubbornly asserted and taught many articles against the christian religion and the catholic faith while he was alive. We have decided that forty-five of the articles should be set out on this page as follows.

1. The material substance of bread, and similarly the material substance of wine, remain in the sacrament of the altar.

2. The accidents of bread do not remain without their subject in the said sacrament.

3. Christ is not identically and really present in the said sacrament in his own bodily persona.

4. If a bishop or a priest is in mortal sin, he does not ordain or confect or consecrate or baptise.

5. That Christ instituted the mass has no basis in the gospel.

6. God ought to obey the devil.

7. If a person is duly contrite, all exterior confession is superfluous and useless for him.

8. If a pope is foreknown as damned and is evil, and is therefore a limb of the devil, he does not have authority over the faithful given to him by anyone, except perhaps by the emperor.

9. Nobody should be considered as pope after Urban VI. Rather, people should live like the Greeks, under their own laws.

10. It is against sacred scripture for ecclesiastics to have possessions.

11. No prelate should excommunicate anyone unless he first knows that the person has been excommunicated by God; he who does so thereby becomes a heretic and an excommunicated person.

12. A prelate excommunicating a cleric who has appealed to the king or the king's council is thereby a traitor to the king and the kingdom.

13. Those who stop preaching or hearing the word of God on account of an excommunication issued by men are themselves excommunicated and will be regarded as traitors of Christ on the day of judgment.

14. It is lawful for any deacon or priest to preach the word of God without authorisation from the apostolic see or from a catholic bishop.

15. Nobody is a civil lord or a prelate or a bishop while he is in mortal sin.

16. Secular lords can confiscate temporal goods from the church at their discretion when those who possess them are sinning habitually, that is to say sinning from habit and not just in particular Acts 17:1-34. The people can correct sinful lords at their discretion.

18. Tithes are purely alms, and parishioners can withhold them at will on account of their prelates' sins.

19. Special prayers applied by prelates or religious to a particular person avail him or her no more than general prayers, if other things are equal.

20. Whoever gives alms to friars is thereby excommunicated.

21. Whoever enters any religious order whatsoever, whether it be of the possessioners or the mendicants, makes himself less apt and suitable for the observance of God's commands.

22. Saints who have founded religious orders have sinned in so doing.

23. Members of religious orders are not members of the christian religion.

24. Friars are bound to obtain their food by manual work and not by begging. [22] 25. All are simoniacs who bind themselves to pray for people who help them in temporal matters.

26. The prayer of someone foreknown as damned profits nobody.

27. All things happen from absolute necessity.

28. Confirming the young, ordaining clerics and consecrating places have been reserved to the pope and bishops because of their greed for temporal gain and honour.

29. Universities, places of study, colleges, degrees and academic exercises in these institutions were introduced by a vain pagan spirit and benefit the church as little as does the devil.

30. Excommunication by a pope or any prelate is not to be feared since it is a censure of antichrist.

31. Those who found religious houses sin, and those who enter them belong to the devil.

32. It is against Christ's command to enrich the clergy.

33. Pope Silvester and the emperor Constantine erred in endowing the church.

34. All the members of mendicant orders are heretics, and those who give them alms are excommunicated.

35. Those who enter a religious or other order thereby become incapable of observing God's commands, and consequently of reaching the kingdom of heaven, unless they leave them.

36. The pope with all his clerics who have property are heretics, for the very reason that they have property; and so are all who abet them, namely all secular lords and other laity.

37. The Roman church is Satan's synagogue; and the pope is not the immediate and proximate vicar of Christ and the apostles.

38. The decretal letters are apocryphal and seduce people from Christ's faith, and clerics who study them are fools.

39. The emperor and secular lords were seduced by the devil to endow the church with temporal goods.

. The election of a pope by the cardinals was introduced by the devil.

41. It is not necessary for salvation to believe that the Roman church is supreme among the other churches. [23] 42. It is ridiculous to believe in the indulgences of popes and bishops.

43. Oaths taken to confirm civil commerce and contracts between people are unlawful.

44. Augustine, Benedict and Bernard are damned, unless they repented of having owned property and of having founded and entered religious orders; and thus they are all heretics from the pope down to the lowest religious.

45. All religious orders alike were introduced by the devil.

[Condemnation of Wyclif's books] This same John Wyclif wrote books called by him Dialogus and Trialogus and many other treatises, works and pamphlets in which he included and taught the above and many other damnable articles. He issued the books for public reading, in order to publish his perverse doctrine, and from them have followed many scandals, losses and dangers to souls in various regions, especially in the kingdoms of England and Bohemia. Masters and doctors of the universities and houses of study at Oxford and Prague, opposing with God's strength these articles and books, later refuted the above articles in scholastic form. They were condemned, moreover, by the most reverend fathers who were then the archbishops and bishops of Canterbury, York and Prague, legates of the apostolic see in the kingdoms of England and of Bohemia. The said archbishop of Prague, commissary of the apostolic see in this matter, also judicially decreed that the books of the same John Wyclif were to be burnt and he forbade the reading of those that survived.

After these things had again been brought to the notice of the apostolic see and a general council, the Roman pontiff condemned the said books, treatises and pamphlets at the lately held council of Rome [24] , ordering them to be publicly burnt and strictly forbidding anyone called a Christian to dare to read, expound, hold or make any use of any one or more of the said books, volumes, treatises and pamphlets, or even to cite them publicly or privately, except in order to refute them. In order that this dangerous and most foul doctrine might be eliminated from the church's midst, he ordered, by his apostolic authority and under pain of ecclesiastical censure, that all such books, treatises, volumes and pamphlets should be diligently sought out by the local ordinaries and should then be publicly burnt; and he added that if necessary those who do not obey should be proceeded against as if they were promoters of heresy. This sacred synod has had the aforesaid forty-five articles examined and frequently considered by many most reverend fathers, cardinals of

the Roman church, bishops, abbots, masters of theology, doctors in both laws and many notable persons. After the articles had been examined it was found, as indeed is the case, that some of them, indeed many, were and are notoriously heretical and have already been condemned by holy fathers, others are not catholic but erroneous, others scandalous and blasphemous, some offensive to the ears of the devout and some rash and seditious. It was also found that his books contain many other similar articles and introduce into God's church teaching that is unsound and hostile to faith and morals. This holy synod, therefore, in the name of our lord Jesus Christ, in ratifying and approving the sentences of the aforesaid archbishops and of the council of Rome, repudiates and condemns for ever, by this decree, the aforesaid articles and each one of them in particular, and the books of John Wyclif called by him Dialogus and Trialogus, and the same author's other books, volumes, treatises and pamphlets (no matter what name these may go under, and for which purpose this description is to be regarded as an adequate listing of them). It forbids the reading, teaching, expounding and citing of the said books or of any one of them in particular, unless it is for the purpose of refuting them. It forbids each and every Catholic henceforth, under pain of anathema, to preach, teach or affirm in public the said articles or any one of them in particular, or to teach, approve or hold the said books, or to refer to them in any way, unless this is done, as has been said, for the purpose of refuting them. It orders, moreover, that the aforesaid books, treatises, volumes and pamphlets are to be burnt in public, in accordance with the decree of the synod of Rome, as stated above. This holy synod orders local ordinaries to attend with vigilance to the execution and due observance of these things, insofar as each one is responsible, in accordance with the law and canonical sanctions.

[Condemnation of 260 other articles of Wyclif] [25] When the doctors and masters of the university of Oxford examined the aforesaid written works, they found 260 articles in addition to the 45 articles that have been mentioned. Some of them coincide in meaning with the 45 articles, even if not in the forms of words used. Some of them, as has been said, were and are heretical, some seditious, some erroneous, others rash, some scandalous, others unsound, and almost all of them contrary to good morals and the catholic truth. They were therefore condemned by the said university in correct and scholastic form. This most holy synod, therefore, after deliberating as mentioned above, repudiates and condemns the said articles and each one of them in particular; and it forbids, commands and decrees in the same way as for the other 45 articles. We order the contents of these 260 articles to be included below [26] .

[The council pronounces John Wyclif a heretic, condemns his memory and orders his bones to be exhumed]

Furthermore, a process was begun, on the authority or by decree of the Roman council, and at the command of the church and of the apostolic see, after a due interval of time, for the condemnation of the said Wyclif and his memory. Invitations and proclamations were issued summoning those who wished to defend him and his memory, if any still existed. However, nobody appeared who was willing to defend him or his memory. Witnesses were examined by commissaries appointed by the reigning lord pope John and by this sacred council, regarding the said Wyclif's final impenitence and obstinacy. Legal proof was thus provided, in accordance with all due observances, as the order of law demands in a matter of this kind, regarding his impenitence and final obstinacy. This was proved by clear indications from legitimate witnesses. This holy synod, therefore, at the instance of the procurator-fiscal and since a decree was issued to the effect that

sentence should be heard on this day, declares, defines and decrees that the said John Wyclif was a notorious and obstinate heretic who died in heresy, and it anathematises him and condemns his memory. It decrees and orders that his body and bones are to be exhumed, if they can be identified among the corpses of the faithful, and to be scattered far from a burial place of the church, in accordance with canonical and lawful sanctions.

SESSION 9 - 13 May 1415 [Pope John is publicly summoned for the second time and an inquiry against him is decreed.] SESSION 10 - 14 May 1415 [John XXIII is summoned for the third time, he is accused of contumacy and is suspended from the papacy.] SESSION 11 - 25 May 1415 [Pope John XXIII is publicly charged and forty-four articles against him are produced.] SESSION 12 - 29 May 1415

[Decree stating that the process for electing a pope, if the see happens to be vacant, may not begin without the council's express consent [27]] This most holy general synod of Constance, representing the catholic church, legitimately assembled in the holy Spirit, for the eradication of the present schism and errors, for bringing about the reform of the church in head and members, and in order that the unity of the church may be obtained more easily, quickly and freely, pronounces, determines, decrees and ordains that if it happens that the apostolic see becomes vacant, by whatever means this may happen, then the process of electing the next supreme pontiff may not begin without the deliberation and consent of this sacred general council. If the contrary is done then it is by this very fact, by the authority of the said sacred council, null and void. Nobody may accept anyone elected to the papacy in defiance of this decree, nor in any way adhere to or obey him as pope, under pain of eternal damnation and of becoming a supporter of the said schism. Those who make the election in such a case, as well as the person elected, if he consents, and those who adhere to him, are to be punished in the forms prescribed by this sacred council. The said holy synod, moreover, for the good of the church's unity, suspends all positive laws, even those promulgated in general councils, and their statutes, ordinances, customs and privileges, by whomsoever they may have been granted, and penalties promulgated against any persons, insofar as these may in any way impede the effect of this decree.

[Sentence deposing pope John XXIII] In the name of the holy and undivided Trinity, Father and Son and holy Spirit Amen. This most holy general synod of Constance, legitimately assembled in the holy Spirit, having invoked Christ's name and holding God alone before its eyes, having seen the articles drawn up and presented in this case against the lord pope John XXIII, the proofs brought forward, his spontaneous submission and the whole process of the case, and having deliberated maturely on them, pronounces, decrees and declares by this definitive sentence which it commits to writing: that the departure of the aforesaid lord pope John XXIII from this city of Constance and from this sacred general council, secretly and at a suspicious hour of the night, in disguised and indecent dress, was and is unlawful, notoriously scandalous to God's church and to this council, disturbing and damaging for the church's peace and unity, supportive of this long-standing schism, and at variance with the vow, promise and oath made by the said lord pope John to God, to the church and to this sacred council; that the said lord pope John has been and is a notorious simoniac, a notorious destroyer of the goods and rights not only of the Roman church but also of other churches and of many pious places, and an evil administrator and dispenser of the church's spiritualities and temporalities; that he has notoriously scandalised God's church and the christian people by his detestable and dishonest life and morals, both before his promotion to

the papacy and afterwards until the present time, that by the above he has scandalised and is scandalising in a notorious fashion God's church and the christian people; that after due and charitable warnings, frequently reiterated to him, he obstinately persevered in the aforesaid evils and thereby rendered himself notoriously incorrigible; and that on account of the above and other crimes drawn from and contained in the said process against him, he should be deprived of and deposed from, as an unworthy, useless and damnable person, the papacy and all its spiritual and temporal administration. The said holy synod does now remove, deprive and depose him. It declares each and every Christian, of whatever state, dignity or condition, to be absolved from obedience, fidelity and oaths to him. It forbids all Christians henceforth to recognise him as pope, now that as mentioned he has been deposed from the papacy, or to call him pope, or to adhere to or in any way to obey him as pope. The said holy synod, moreover, from certain knowledge and its fullness of power, supplies for all and singular defects that may have occurred in the above-mentioned procedures or in any one of them. It condemns the said person, by this same sentence, to stay and remain in a good and suitable place, in the name of this sacred general council, in the safe custody of the most serene prince lord Sigismund, king of the Romans and of Hungary, etc., and most devoted advocate and defender of the universal church, as long as it seems to the said general council to be for the good of the unity of God's church that he should be so condemned. The said council reserves the right to declare and inflict other punishments that should be imposed for the said crimes and faults in accordance with canonical sanctions, according as the rigour of justice or the counsel of mercy may advise.

[Decree to the effect that none of the three contenders for the papacy may be re-elected as pope] The said holy synod decrees, determines and ordains for the good of unity in God's church that neither the lord Baldassare de Cossa, recently John XXIII, nor Angelo Correr nor Peter de Luna, called Gregory XII and Benedict XIII by their respective obediences, shall ever be re-elected as pope. If the contrary happens, it is by this very fact null and void. Nobody, of whatever dignity or pre-eminence even if he be emperor, king, cardinal or pontiff, may ever adhere to or obey them or any one of them, contrary to this decree, under pain of eternal damnation and of being a supporter of the said schism. Let those who presume to the contrary, if there are any in the future, also be firmly proceeded against in other ways, even by invoking the secular arm. [28] SESSION 13 - 15 June 1415 [Condemnation of communion under both kinds, recently revived among the Bohemians by Jakoubek of Stribro] In the name of the holy and undivided Trinity, Father and Son and holy Spirit, Amen. Certain people, in some parts of the world, have rashly dared to assert that the christian people ought to receive the holy sacrament of the eucharist under the forms of both bread and wine. They communicate the laity everywhere not only under the form of bread but also under that of wine, and they stubbornly assert that they should communicate even after a meal, or else without the need of a fast, contrary to the church's custom which has been laudably and sensibly approved, from the church's head downwards, but which they damnably try to repudiate as sacrilegious. Therefore this present general council of Constance, legitimately assembled in the holy Spirit, wishing to provide for the safety of the faithful against this error, after long deliberation by many persons learned in divine and human law, declares, decrees and defines that, although Christ instituted this venerable sacrament after a meal and ministered it to his apostles under the forms of both bread and wine, nevertheless and notwithstanding this, the praiseworthy authority of the sacred canons and the approved custom of the church have and do retain that this sacrament ought not to be celebrated after a meal nor received by the faithful without fasting, except in cases

of sickness or some other necessity as permitted by law or by the church. Moreover, just as this custom was sensibly introduced in order to avoid various dangers and scandals, so with similar or even greater reason was it possible to introduce and sensibly observe the custom that, although this sacrament was received by the faithful under both kinds in the early church, nevertheless later it was received under both kinds only by those confecting it, and by the laity only under the form of bread. For it should be very firmly believed, and in no way doubted, that the whole body and blood of Christ are truly contained under both the form of bread and the form of wine. Therefore, since this custom was introduced for good reasons by the church and holy fathers, and has been observed for a very long time, it should be held as a law which nobody may repudiate or alter at will without the church's permission. To say that the observance of this custom or law is sacrilegious or illicit must be regarded as erroneous. Those who stubbornly assert the opposite of the aforesaid are to be confined as heretics and severely punished by the local bishops or their officials or the inquisitors of heresy in the kingdoms or provinces in which anything is attempted or presumed against this decree, according to the canonical and legitimate sanctions that have been wisely established in favour of the catholic faith against heretics and their supporters.

[That no priest, under pain of excommunication, may communicate the people under the forms of both bread and wine] This holy synod also decrees and declares, regarding this matter, that instructions are to be sent to the most reverend fathers and lords in Christ, patriarchs, primates, archbishops, bishops, and their vicars in spirituals, wherever they may be, in which they are to be commissioned and ordered on the authority of this sacred council and under pain of excommunication, to punish effectively those who err against this decree. They may receive back into the church's fold those who have gone astray by communicating the people under the forms of both bread and wine, and have taught this, provided they repent and after a salutary penance, in accordance with the measure of their fault, has been enjoined upon them. They are to repress as heretics, however, by means of the church's censures and even if necessary by calling in the help of the secular arm, those of them whose hearts have become hardened and who are unwilling to return to penance.

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========== From this point on the council becomes a duly convened ecumenical council, all previous sessions being ultra-vires.

SESSION 14 - 4 July 1415

[29] [Uniting of the followers of pope Gregory XII and of the former pope John XXIII, now that both men have abdicated] In order that the reunion of the church may be possible and that a beginning may be made which is fitting and pleasing to God, since the most important part of any matter is its beginning, and in order that the two obediences--namely the one claiming that the lord John XXIII was formerly pope and the other claiming that the lord Gregory XII is pope--may be united together under Christ as head, this most holy general synod of Constance, legitimately assembled in the holy Spirit and representing the catholic church, accepts in all matters the convoking, authorising, approving and confirming that is now being made in the name of the lord who is called Gregory XII by those obedient to him, insofar as it seems to pertain to him to do this, since the certainty obtained by taking a precaution harms nobody and benefits all, and it decrees and declares that

the aforesaid two obediences are joined and united in the one body of our lord Jesus Christ and of this sacred universal general council, in the name of the Father and of the Son and of the holy Spirit.

[Decree stating that the election of the Roman pontiff is to be made in the manner and form to be laid down by the sacred council, and that the council shall not be dissolved until the election of the next Roman pontiff has been made] The most holy general synod of Constance, etc., enacts, pronounces, ordains and decrees, in order that God's holy church may be provided for better, more genuinely and more securely, that the next election of the future Roman pontiff is to be made in the manner, form, place, time and way that shall be decided upon by the sacred council; that the same council can and may henceforth declare fit, accept and designate, in the manner and form that then seems suitable, any persons for the purposes of this election, whether by active or by passive voice, of whatever state or obedience they are or may have been, and any other ecclesiastical acts and all other suitable things, notwithstanding any proceedings, penalties or sentences; and that the sacred council shall not be dissolved until the said election has been held. The said holy synod therefore exhorts and requires the most victorious prince lord Sigismund, king of the Romans and of Hungary, as the church's devoted advocate and as the sacred council's defender and protector, to direct all his efforts to this end and to promise on his royal word that he wishes to do this and to order letters of his majesty to be made out for this purpose.

[The council approves Gregory XII's resignation] The most holy general synod of Constance, legitimately assembled in the holy Spirit, representing the universal catholic church, accepts, approves and commends, in the name of the Father, the Son and the holy Spirit, the cession renunciation and resignation made on behalf of the lord who was called Gregory XII in his obedience, by the magnificent and powerful lord Charles Malatesta. here present, his irrevocable procurator for this business, of the right, title and possession that he had, or may have had, in regard to the papacy. [30]

16 Part 2 Council of Constance 1414-18

[The council pronounces John Wyclif a heretic, condemns his memory and orders his bones to be exhumed]

Furthermore, a process was begun, on the authority or by decree of the Roman council, and at the command of the church and of the apostolic see, after a due interval of time, for the condemnation of the said Wyclif and his memory. Invitations and proclamations were issued summoning those who wished to defend him and his memory, if any still existed. However, nobody appeared who was willing to defend him or his memory. Witnesses were examined by commissaries appointed by the reigning lord pope John and by this sacred council, regarding the said Wyclif's final impenitence and obstinacy. Legal proof was thus provided, in accordance with all due observances, as the order of law demands in a matter of this kind, regarding his impenitence and final obstinacy. This was proved by clear indications from legitimate witnesses. This holy synod, therefore, at the instance of the procurator-fiscal and since a decree was issued to the effect that sentence should be heard on this day, declares, defines and decrees that the said John Wyclif was a notorious and obstinate heretic who died in heresy, and it anathematises him and condemns his memory. It decrees and orders that his body and bones are to be exhumed, if they can be identified among the corpses of the faithful, and to be scattered far from a burial place of the church, in accordance with canonical and lawful sanctions.

SESSION 9 - 13 May 1415 [Pope John is publicly summoned for the second time and an inquiry against him is decreed.] SESSION 10 - 14 May 1415 [John XXIII is summoned for the third time, he is accused of contumacy and is suspended from the papacy.] SESSION 11 - 25 May 1415 [Pope John XXIII is publicly charged and forty-four articles against him are produced.] SESSION 12 - 29 May 1415

[Decree stating that the process for electing a pope, if the see happens to be vacant, may not begin without the council's express consent [27]] This most holy general synod of Constance, representing the catholic church, legitimately assembled in the holy Spirit, for the eradication of the present schism and errors, for bringing about the reform of the church in head and members, and in order that the unity of the church may be obtained more easily, quickly and freely, pronounces, determines, decrees and ordains that if it happens that the apostolic see becomes vacant, by whatever means this may happen, then the process of electing the next supreme pontiff may not begin without the deliberation and consent of this sacred general council. If the contrary is done then it is by this very fact, by the authority of the said sacred council, null and void. Nobody may accept anyone elected to the papacy in defiance of this decree, nor in any way adhere to or obey him as pope, under pain of eternal damnation and of becoming a supporter of the said schism. Those who make the election in such a case, as well as the person elected, if he consents, and those who adhere to him, are to be punished in the forms prescribed by this sacred council. The said holy synod, moreover, for the good of the church's unity, suspends all positive laws, even those promulgated in general councils, and their statutes, ordinances, customs and privileges, by

whomsoever they may have been granted, and penalties promulgated against any persons, insofar as these may in any way impede the effect of this decree.

[Sentence deposing pope John XXIII] In the name of the holy and undivided Trinity, Father and Son and holy Spirit Amen. This most holy general synod of Constance, legitimately assembled in the holy Spirit, having invoked Christ's name and holding God alone before its eyes, having seen the articles drawn up and presented in this case against the lord pope John XXIII, the proofs brought forward, his spontaneous submission and the whole process of the case, and having deliberated maturely on them, pronounces, decrees and declares by this definitive sentence which it commits to writing: that the departure of the aforesaid lord pope John XXIII from this city of Constance and from this sacred general council, secretly and at a suspicious hour of the night, in disguised and indecent dress, was and is unlawful, notoriously scandalous to God's church and to this council, disturbing and damaging for the church's peace and unity, supportive of this long-standing schism, and at variance with the vow, promise and oath made by the said lord pope John to God, to the church and to this sacred council; that the said lord pope John has been and is a notorious simoniac, a notorious destroyer of the goods and rights not only of the Roman church but also of other churches and of many pious places, and an evil administrator and dispenser of the church's spiritualities and temporalities; that he has notoriously scandalised God's church and the christian people by his detestable and dishonest life and morals, both before his promotion to the papacy and afterwards until the present time, that by the above he has scandalised and is scandalising in a notorious fashion God's church and the christian people; that after due and charitable warnings, frequently reiterated to him, he obstinately persevered in the aforesaid evils and thereby rendered himself notoriously incorrigible; and that on account of the above and other crimes drawn from and contained in the said process against him, he should be deprived of and deposed from, as an unworthy, useless and damnable person, the papacy and all its spiritual and temporal administration. The said holy synod does now remove, deprive and depose him. It declares each and every Christian, of whatever state, dignity or condition, to be absolved from obedience, fidelity and oaths to him. It forbids all Christians henceforth to recognise him as pope, now that as mentioned he has been deposed from the papacy, or to call him pope, or to adhere to or in any way to obey him as pope. The said holy synod, moreover, from certain knowledge and its fullness of power, supplies for all and singular defects that may have occurred in the above-mentioned procedures or in any one of them. It condemns the said person, by this same sentence, to stay and remain in a good and suitable place, in the name of this sacred general council, in the safe custody of the most serene prince lord Sigismund, king of the Romans and of Hungary, etc., and most devoted advocate and defender of the universal church, as long as it seems to the said general council to be for the good of the unity of God's church that he should be so condemned. The said council reserves the right to declare and inflict other punishments that should be imposed for the said crimes and faults in accordance with canonical sanctions, according as the rigour of justice or the counsel of mercy may advise.

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pre-eminence even if he be emperor, king, cardinal or pontiff, may ever adhere to or obey them or any one of them, contrary to this decree, under pain of eternal damnation and of being a supporter of the said schism. Let those who presume to the contrary, if there are any in the future, also be firmly proceeded against in other ways, even by invoking the secular arm. [28] SESSION 13 - 15 June 1415 [Condemnation of communion under both kinds, recently revived among the Bohemians by Jakoubek of Stribro] In the name of the holy and undivided Trinity, Father and Son and holy Spirit, Amen. Certain people, in some parts of the world, have rashly dared to assert that the christian people ought to receive the holy sacrament of the eucharist under the forms of both bread and wine. They communicate the laity everywhere not only under the form of bread but also under that of wine, and they stubbornly assert that they should communicate even after a meal, or else without the need of a fast, contrary to the church's custom which has been laudably and sensibly approved, from the church's head downwards, but which they damnably try to repudiate as sacrilegious. Therefore this present general council of Constance, legitimately assembled in the holy Spirit, wishing to provide for the safety of the faithful against this error, after long deliberation by many persons learned in divine and human law, declares, decrees and defines that, although Christ instituted this venerable sacrament after a meal and ministered it to his apostles under the forms of both bread and wine, nevertheless and notwithstanding this, the praiseworthy authority of the sacred canons and the approved custom of the church have and do retain that this sacrament ought not to be celebrated after a meal nor received by the faithful without fasting, except in cases of sickness or some other necessity as permitted by law or by the church. Moreover, just as this custom was sensibly introduced in order to avoid various dangers and scandals, so with similar or even greater reason was it possible to introduce and sensibly observe the custom that, although this sacrament was received by the faithful under both kinds in the early church, nevertheless later it was received under both kinds only by those confecting it, and by the laity only under the form of bread. For it should be very firmly believed, and in no way doubted, that the whole body and blood of Christ are truly contained under both the form of bread and the form of wine. Therefore, since this custom was introduced for good reasons by the church and holy fathers, and has been observed for a very long time, it should be held as a law which nobody may repudiate or alter at will without the church's permission. To say that the observance of this custom or law is sacrilegious or illicit must be regarded as erroneous. Those who stubbornly assert the opposite of the aforesaid are to be confined as heretics and severely punished by the local bishops or their officials or the inquisitors of heresy in the kingdoms or provinces in which anything is attempted or presumed against this decree, according to the canonical and legitimate sanctions that have been wisely established in favour of the catholic faith against heretics and their supporters.

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of the secular arm, those of them whose hearts have become hardened and who are unwilling to return to penance.

========== From this point on the council becomes a duly convened ecumenical council, all previous sessions being ultra-vires.

SESSION 14 - 4 July 1415

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[Decree stating that the election of the Roman pontiff is to be made in the manner and form to be laid down by the sacred council, and that the council shall not be dissolved until the election of the next Roman pontiff has been made] The most holy general synod of Constance, etc., enacts, pronounces, ordains and decrees, in order that God’s holy church may be provided for better, more genuinely and more securely, that the next election of the future Roman pontiff is to be made in the manner, form, place, time and way that shall be decided upon by the sacred council; that the same council can and may henceforth declare fit, accept and designate, in the manner and form that then seems suitable, any persons for the purposes of this election, whether by active or by passive voice, of whatever state or obedience they are or may have been, and any other ecclesiastical acts and all other suitable things, notwithstanding any proceedings, penalties or sentences; and that the sacred council shall not be dissolved until the said election has been held. The said holy synod therefore exhorts and requires the most victorious prince lord Sigismund, king of the Romans and of Hungary, as the church’s devoted advocate and as the sacred council’s defender and protector, to direct all his efforts to this end and to promise on his royal word that he wishes to do this and to order letters of his majesty to be made out for this purpose.

[The council approves Gregory XII’s resignation] The most holy general synod of Constance, legitimately assembled in the holy Spirit, representing the universal catholic church, accepts, approves and commends, in the name of the Father, the Son and the holy Spirit, the cession renunciation and resignation made on behalf of the lord who was called Gregory XII in his obedience, by the magnificent and powerful lord Charles Malatesta. here present, his irrevocable procurator for this business, of the right, title and possession that he had, or may have had, in regard to the papacy. [30] SESSION 15 - 6 July 1415 [Sentence condemning 260 articles Wyclif]

[31] The books and pamphlets of John Wyclif, of cursed memory, were carefully examined by the doctors and masters of Oxford university. They collected 260 unacceptable articles from these books and pamphlets and condemned them in scholastic form. This most holy general synod of Constance, representing the catholic church, legitimately assembled in the holy Spirit for the purpose of extirpating schism, errors and heresies, has had all these articles examined many times by many most reverend fathers, cardinals of the Roman church, bishops, abbots, masters of theology, doctors of both laws, and very many other notable persons from various universities. It was found that some, indeed many, of the articles thus examined were and are notoriously heretical and have already been condemned by holy fathers, some are offensive to the ears of the devout and some are rash and seditious. This holy synod, therefore, in the name of our lord Jesus Christ, repudiates and condemns, by this perpetual decree, the aforesaid articles and each one of them in particular; and it forbids each and every Catholic henceforth, under pain of anathema, to preach, teach, or hold the said articles or any one of them. The said holy synod orders local ordinaries and inquisitors of heresy to be vigilant in carrying out these things and duly observing them, insofar as each one is responsible, in accordance with the law and canonical sanctions. Let anyone who rashly violates the aforesaid decrees and sentences of this sacred council be punished, after due warning, by the local ordinaries on the authority of this sacred council, notwithstanding any privilege. [32] [Articles of John Wyclif selected from the 260]

1. Just as Christ is God and man at the same time, so the consecrated host is at the same time the body of Christ and true bread. For it is Christ’s body at least in figure and true bread in nature; or, which comes to the same thing, it is true bread naturally and Christ’s body figuratively.

2. Since heretical falsehood about the consecrated host is the most important point in individual heresies, I therefore declare to modern heretics, in order that this falsehood may be eradicated from the church, that they cannot explain or understand an accident without a subject. And therefore all these heretical sects belong to the number of those who ignore the fourth chapter of John: We worship what we know.

3. I boldly foretell to all these sects and their accomplices that even by the time Christ and all the church triumphant come at the final judgment riding at the trumpet blast of the angel Gabriel, they shall still not have proved to the faithful that the sacrament is an accident without a subject.

4. Just as John was Elias in a figurative sense and not in person, so the bread on the altar is Christ’s body in a figurative sense. And the words, This is my body, are unambiguously figurative, just like the statement "John is Elias".

5. The fruit of this madness whereby it is pretended that there can be an accident without a subject is to blaspheme against God, to scandalise the saints and to deceive the church by means of false doctrines about accidents.

6. Those who claim that the children of the faithful dying without sacramental baptism will not be saved, are stupid and presumptuous in saying this.

7. The slight and short confirmation by bishops, with whatever extra solemnised rites, was introduced at the devil’s suggestion so that the people might be deluded in the church’s faith and the solemnity and necessity of bishops might be believed in the more.

8. As for the oil with which bishops anoint boys and the linen cloth which goes around the head, it seems that this is a trivial rite which is unfounded in scripture; and that this confirmation, which was introduced after the apostles, blasphemes against God.

9. Oral confession to a priest, introduced by Innocent [33] , is not as necessary to people as he claimed. For if anyone offends his brother in thought, word or deed, then it suffices to repent in thought, word or deed.

10. It is a grave and unsupported practice for a priest to hear the confessions of the people in the way that the Latins use.

11. In these words, You are clean, but not all are, the devil has laid a snare of the unfaithful ones in order to catch the Christian's foot. For he introduced private confession, which cannot be justified, and after the person's malice has been revealed to the confessor, as he decreed in the law, it is not revealed to the people.

12. It is a probable conjecture that a person who lives rightly is a deacon or a priest. For just as I infer that this person is John, so I recognise by a probable conjecture that this person, by his holy life, has been placed by God in such an office or state.

13. The probable evidence for such a state is to be taken from proof provided by the person's deeds and not from the testimony of the person ordaining him. For God can place someone in such a state without the need of an instrument of this kind, no matter whether the instrument is worthy or unworthy. There is no more probable evidence than the person's life. Therefore if there is present a holy life and catholic doctrine, this suffices for the church militant. (Error at the beginning and at the end.)

14. The bad life of a prelate means that his subjects do not receive orders and the other sacraments. They can receive them from such persons, however, when there is urgent need, if they devoutly beseech God to supply on behalf of his diabolical ministers the actions and purpose of the office to which they have bound themselves by oath.

15. People of former times would copulate with each other out of desire for temporal gain or for mutual help or to relieve concupiscence, even when they had no hope of offspring; for they were truly copulating as married persons. [34]

16. The words, I will take you as wife, are more suitable for the marriage contract than, I take you as wife. And the first words ought not to be annulled by the second words about the present, when someone contracts with one wife in the words referring to the future and afterwards with another wife in those referring to the present.

17. The pope, who falsely calls himself the servant of God's servants, has no status in the work of the gospel but only in the work of the world. If he has any rank, it is in the order of demons, of those who serve God rather in a blameworthy way.

18. The pope does not dispense from simony or from a rash vow, since he is the chief simoniac who rashly vows to preserve, to his damnation, his status here on the way. (Error at the end.) 19. That the pope is supreme pontiff is ridiculous. Christ approved such a dignity neither in Peter nor in anyone else.

20. The pope is antichrist made manifest. Not only this particular person but also the multitude of popes, from the time of the endowment of the church, of cardinals, of bishops and of their other accomplices, make up the composite, monstrous person of antichrist. This is not altered by the fact that Gregory and other popes, who did many good and fruitful things in their lives, finally repented.

21. Peter and Clement, together with the other helpers in the faith, were not popes but God's helpers in the work of building up the church of our lord Jesus Christ.

22. To say that papal pre-eminence originated with the faith of the gospel is as false as to say that every error arose from the original truth.

23. There are twelve procurators and disciples of antichrist: the pope, cardinals, patriarchs, archbishops, bishops, archdeacons, officials, deans, monks, canons with their two-peaked hats, the recently introduced pseudo-friars, and pardoners.

24. It is clear that whoever is the humbler, of greater service to the church, and the more fervent in Christ's love towards his church, is the greater in the church militant and to be reckoned the most immediate vicar of Christ.

25. Whoever holds any of God's goods unjustly, is taking the things of others by rapine, theft or robbery.

26. Neither the depositions of witnesses, nor a judge's sentence, nor physical possession, nor inheritance, nor an exchange between persons, nor a gift, nor all such things taken together, confer dominion or a right to anything upon a person without grace. (An error, if it is understood as referring to sanctifying grace.)

27. Unless the interior law of charity is present, nobody has more or less authority or righteousness on account of charters or bulls. We ought not to lend or give anything to a sinner so long as we know that he is such, for thus we would be assisting a traitor of our God.

28. Just as a prince or a lord does not keep the title of his office while he is in mortal sin, except in name and equivocally, so it is with a pope, bishop or priest while he has fallen into mortal sin.

29. Everyone habitually in mortal sin lacks dominion of any kind and the licit use of an action, even if it be good in its kind.

30. It is known from the principles of the faith that a person in mortal sin, sins mortally in every action.

31. In order to have true secular dominion, the lord must be in a state of righteousness. Therefore nobody in mortal sin is lord of anything.

32. All modern religious necessarily become marked as hypocrites. For their profession demands that they fast, act and clothe themselves in a particular way, and thus they observe everything differently from other people.

33. All private religion as such savours of imperfection and sin whereby a person is indisposed to serve God freely.

34. A private religious order or rule savours of a blasphemous and arrogant presumption towards God. And the religious of such orders dare to exalt themselves above the apostles by the hypocrisy of defending their religion.

35. Christ does not teach in scripture about any kind of religious order in antichrist's chapter. Therefore it is not his good pleasure that there should be such orders. The chapter is composed, however, of the following twelve types: the pope, cardinals, patriarchs, archbishops, bishops, archdeacons, officials, deans, monks, canons, friars of the four orders, and pardoners.

36. I infer as evident from the faith and works of the four sects--which are the caesarean clergy, the various monks, the various canons, and the friars-that nobody belonging to them is a member of Christ in the catalogue of the saints, unless he forsakes in the end the sect which he stupidly embraced.

37. Paul was once a pharisee but abandoned the sect for the better sect of Christ, with his permission. This is the reason why cloistered persons, of whatever sect or rule, or by whatever stupid vow they may be bound, ought freely to cast off these chains, at Christ's command, and freely join the sect of Christ.

38. It is sufficient for the laity that at some times they give tithes of their produce to God's servants. In this way they are always giving to the church, even if not always to the caesarean clergy deputed by the pope or by his dependents.

39. The powers that are claimed by the pope and the other four new sects are pretended and were diabolically introduced in order to seduce subjects; such are excommunications by caesarean prelates, citations, imprisoning, and the sale of money rents.

. Many simple priests surpass prelates in such power. Indeed, it appears to the faithful that greatness of spiritual power belongs more to a son who imitates Christ in his way of life than to a prelate who has been elected by cardinals and similar apostates.

41. The people may withhold tithes, offerings and other private alms from unworthy disciples of Christ, since God's law requires this. The curse or censure imposed by antichrist's disciples is not to be feared but rather is to be received with joy. The lord pope and bishops and all religious or simple clerics, with titles to perpetual possession, ought to renounce them into the hands of the secular arm. If they stubbornly refuse, they ought to be compelled to do so by the secular lords.

42. There is no greater heretic or antichrist than the cleric who teaches that it is lawful for priests and levites of the law of grace to be endowed with temporal possessions. The clerics who teach this are heretics or blasphemers if ever there were any.

43. Temporal lords not only can take away goods of fortune from a church that is habitually sinning, nor is it only lawful for them to do so, but indeed they are obliged to do so under pain of eternal damnation.

44. God does not approve that anyone be judged or condemned by civil law.

45. If an objection is made against those who oppose endowments for the church, by pointing to Benedict, Gregory and Bernard, who possessed few temporal goods in poverty, it may be said in

reply that they repented at the end. If you object further that I merely pretend that these saints finally repented of their falling away from God's law in this way, then you may teach that they are saints and I will teach that they repented at the end.

46. If we ought to believe in sacred scripture and in reason, it is clear that Christ's disciples do not have the authority to exact temporal goods by means of censures, and those who attempt this are sons of Eli and of Belial.

47. Each essence has one suppositum, following which another suppositum, equal to the first, is produced. This is the most perfect immanent action possible to nature.

48. Each essence, whether corporeal or incorporeal, is common to three supposita; and the properties, the accidents and the operations inhere in common in all of them.

49. God cannot annihilate anything, nor increase or diminish the world, but he can create souls up to a certain number, and not beyond it.

50. It is impossible for two corporeal substances to be co-extensive, the one continuously at rest in a place and the other continuously penetrating the body of Christ at rest.

51. Any continuous mathematical line is composed of two, three or four contiguous points, or of only a simply finite number of points; and time is, was and will be composed of contiguous instants. It is not possible that time and a line, if they exist, are composed of in this way. (The first part is a philosophical error, the last part is an error with regard to God's power.)

52. It must be supposed that one corporeal substance was formed at its beginning as composed of indivisibles, and that it occupies every possible place.

53. Every person is God.

54. Every creature is God.

55. Every being is everywhere, since every being is God.

56. All things that happen, happen from absolute necessity.

57. A baptised child foreknown as damned will necessarily live long enough to sin in the holy Spirit, wherefore it will merit to be condemned for ever. Thus no fire can burn the child until that time or instant.

58. I assert as a matter of faith that everything that will happen, will happen of necessity. Thus if Paul is foreknown as damned, he cannot truly repent; that is, he cannot cancel the sin of final impenitence by contrition, or be under the obligation not to have the sin.

[Sentence against John Hus] The most holy general council of Constance, divinely assembled and representing the catholic church, for an everlasting record. Since a bad tree is wont to bear bad fruit, as truth itself testifies, so it is that John Wyclif, of cursed memory, by his deadly teaching, like a poisonous root, has brought forth many noxious sons, not in Christ Jesus through the gospel, as once the holy fathers brought forth faithful sons, but rather contrary to the saving faith of Christ, and he has left these sons as successors to his perverse teaching. This holy synod of Constance is compelled to act against these men as against spurious and illegitimate sons, and to cut away

their errors from the Lord's field as if they were harmful briars, by means of vigilant care and the knife of ecclesiastical authority, lest they spread as a cancer to destroy others. Although, therefore, it was decreed at the sacred general council recently held at Rome [35] that the teaching of John Wyclif, of cursed memory, should be condemned and the books of his containing this teaching should be burnt as heretical; although his teaching was in fact condemned and his books burnt as containing false and dangerous doctrine; and although a decree of this kind was approved by the authority of this present sacred council [36] ; nevertheless a certain John Hus, here present in person at this sacred council, who is a disciple not of Christ but rather of the heresiarch John Wyclif, boldly and rashly contravening the condemnation and the decree after their enactment, has taught, asserted and preached many errors and heresies of John Wyclif which have been condemned both by God's church and by other reverend fathers in Christ, lord archbishops and bishops of various kingdoms, and masters in theology at many places of study. He has done this especially by publicly resisting in the schools and in sermons, together with his accomplices, the condemnation in scholastic form of the said articles of John Wyclif which has been made many times at the university of Prague, and he has declared the said John Wyclif to be a catholic man and an evangelical doctor, thus supporting his teaching, before a multitude of clergy and people. He has asserted and published certain articles listed below and many others, which are condemned and which are, as is well known, contained in the books and pamphlets of the said John Hus. Full information has been obtained about the aforesaid matters, and there has been careful deliberation by the most reverend fathers in Christ, lord cardinals of the holy Roman church, patriarchs archbishops, bishops and other prelates and doctors of holy scripture and of both laws, in large numbers. This most holy synod of Constance therefore declares and defines that the articles listed below, which have been found on examination, by many masters in sacred scripture, to be contained in his books and pamphlets written in his own hand, and which the same John Hus at a public hearing, before the fathers and prelates of this sacred council, has confessed to be contained in his books and pamphlets, are not catholic and should not be taught to be such but rather many of them are erroneous, others scandalous, others offensive to the ears of the devout, many of them are rash and seditious, and some of them are notoriously heretical and have long ago been rejected and condemned by holy fathers and by general councils, and it strictly forbids them to be preached, taught or in any way approved. Moreover, since the articles listed below are explicitly contained in his books or treatises, namely in the book entitled De ecclesia and in his other pamphlets, this most holy synod therefore reproves and condemns the aforesaid books and his teaching, as well as the other treatises and pamphlets written by him in Latin or in Czech, or translated by one or more other persons into any other language, and it decrees and determines that they should be publicly and solemnly burnt in the presence of the clergy and people in the city of Constance and elsewhere. On account of the above, moreover, all his teaching is and shall be deservedly suspect regarding the faith and is to be avoided by all of Christ's faithful. In order that this pernicious teaching may be eliminated from the midst of the church, this holy synod also orders that local ordinaries make careful inquiry about treatises and pamphlets of this kind, using the church's censures and even if necessary the punishment due for supporting heresy, and that they be publicly burnt when they have been found. This same holy synod decrees that local ordinaries and inquisitors of heresy are to proceed against any who violate or defy this sentence and decree as if they were persons suspected of heresy.

[Sentence of degradation against J. Hus]

Moreover, the acts and deliberations of the inquiry into heresy against the aforesaid John Hus have been examined. There was first a faithful and full account made by the commissioners deputed for the case and by other masters of theology and doctors of both laws, concerning the acts and deliberations and the depositions of very many trustworthy witnesses. These depositions were openly and publicly read out to the said John Hus before the fathers and prelates of this sacred council. It is very clearly established from the depositions of these witnesses that the said John has taught many evil, scandalous and seditious things, and dangerous heresies, and has publicly preached them during many years. This most holy synod of Constance, invoking Christ's name and having God alone before its eyes, therefore pronounces, decrees and defines by this definitive sentence, which is here written down, that the said John Hus was and is a true and manifest heretic and has taught and publicly preached, to the great offence of the divine Majesty, to the scandal of the universal church and to the detriment of the catholic faith, errors and heresies that have long ago been condemned by God's church and many things that are scandalous, offensive to the ears of the devout, rash and seditious, and that he has even despised the keys of the church and ecclesiastical censures. He has persisted in these things for many years with a hardened heart. He has greatly scandalised Christ's faithful by his obstinacy since, bypassing the church's intermediaries, he has made appeal directly to our lord Jesus Christ, as to the supreme judge, in which he has introduced many false, harmful and scandalous things to the contempt of the apostolic see, ecclesiastical censures and the keys. This holy synod therefore pronounces the said John Hus, on account of the aforesaid and many other matters, to have been a heretic and it judges him to be considered and condemned as a heretic, and it hereby condemns him. It rejects the said appeal of his as harmful and scandalous and offensive to the church's jurisdiction. It declares that the said John Hus seduced the christian people, especially in the kingdom of Bohemia, in his public sermons and in his writings; and that he was not a true preacher of Christ's gospel to the same christian people, according to the exposition of the holy doctors, but rather was a seducer. Since this most holy synod has learnt from what it has seen and heard, that the said John Hus is obstinate and incorrigible and as such does not desire to return to the bosom of holy mother the church, and is unwilling to abjure the heresies and errors which he has publicly defended and preached, this holy synod of Constance therefore declares and decrees that the same John Hus is to be deposed and degraded from the order of the priesthood and from the other orders held by him. It charges the reverend fathers in Christ, the archbishop of Milan and the bishops of Feltre Asti, Alessandria, Bangor and Lavour with duly carrying out the degradation in the presence of this most holy synod, in accordance with the procedure required by law.

[Sentence condemning J. Hus to the stake] This holy synod of Constance, seeing that God's church has nothing more that it can do, relinquishes John Hus to the judgment of the secular authority and decrees that he is to be relinquished to the secular court.

[Condemned articles of J. Hus]

1. There is only one holy universal church, which is the total number of those predestined to salvation. It therefore follows that the universal holy church is only one, inasmuch as there is only one number of all those who are predestined to salvation.

2. Paul was never a member of the devil, even though he did certain acts which are similar to the acts of the church's enemies.

3. Those foreknown as damned are not parts of the church, for no part of the church can finally fall away from it, since the predestinating love that binds the church together does not fail.

4. The two natures, the divinity and the humanity, are one Christ.

5. A person foreknown to damnation is never part of the holy church, even if he is in a state of grace according to present justice; a person predestined to salvation always remains a member of the church, even though he may fall away for a time from adventitious grace, for he keeps the grace of predestination.

6. The church is an article of faith in the following sense: to regard it as the convocation of those predestined to salvation, whether or not it be in a state of grace according to present justice.

7. Peter neither was nor is the head of the holy catholic church.

8. Priests who live in vice in any way pollute the power of the priesthood, and like unfaithful sons are untrustworthy in their thinking about the church's seven sacraments, about the keys, offices, censures, customs, ceremonies and sacred things of the church, about the veneration of relics, and about indulgences and orders.

9. The papal dignity originated with the emperor, and the primacy and institution of the pope emanated from imperial power.

10. Nobody would reasonably assert of himself or of another, without revelation, that he was the head of a particular holy church; nor is the Roman pontiff the head of the Roman church.

11. It is not necessary to believe that any particular Roman pontiff is the head of any particular holy church, unless God has predestined him to salvation.

12. Nobody holds the place of Christ or of Peter unless he follows his way of life, since there is no other discipleship that is more appropriate nor is there another way to receive delegated power from God, since there is required for this office of vicar a similar way of life as well as the authority of the one instituting.

13. The pope is not the manifest and true successor of the prince of the apostles, Peter, if he lives in a way contrary to Peter's. If he seeks avarice, he is the vicar of Judas Iscariot. Likewise, cardinals are not the manifest and true successors of the college of Christ's other apostles unless they live after the manner of the apostles, keeping the commandments and counsels of our lord Jesus Christ.

14. Doctors who state that anybody subjected to ecclesiastical censure, if he refuses to be corrected, should be handed over to the judgment of the secular authority, are undoubtedly following in this the chief priests, the scribes and the pharisees who handed over to the secular authority Christ himself, since he was unwilling to obey them in all things, saying, It is not lawful for us to put any man to death; these gave him to the civil judge, so that such men are even greater murderers than Pilate.

15. Ecclesiastical obedience was invented by the church's priests, without the express authority of scripture.

16. The immediate division of human actions is between those that are virtuous and those that are wicked. Therefore, if a man is wicked and does something, he acts wickedly; if he is virtuous and does something, he acts virtuously. For just as wickedness, which is called crime or mortal sin, infects all the acts of a wicked man, so virtue gives life to all the acts of a virtuous man.

17. A priest of Christ who lives according to his law, knows scripture and has a desire to edify the people, ought to preach, notwithstanding a pretended excommunication. And further on: if the pope or any superior orders a priest so disposed not to preach, the subordinate ought not to obey.

18. Whoever enters the priesthood receives a binding duty to preach; and this mandate ought to be carried out, notwithstanding a pretended excommunication.

19. By the church's censures of excommunication, suspension and interdict the clergy subdue the laity, for the sake of their own exaltation, multiply avarice protect wickedness and prepare the way for antichrist. The clear sign of this is the fact that these censures come from antichrist. In the legal proceedings of the clergy they are called fulminations, which are the principal means whereby the clergy proceed against those who uncover antichrist's wickedness, which the clergy has for the most part usurped for itself.

20. If the pope is wicked, and especially if he is foreknown to damnation, then he is a devil like Judas the apostle, a thief and a son of perdition and is not the head of the holy church militant since he is not even a member of it.

21. The grace of predestination is the bond whereby the body of the church and each of its members is indissolubly joined with the head.

22. The pope or a prelate who is wicked and foreknown to damnation is a pastor only in an equivocal sense, and truly is a thief and a robber.

23. The pope ought not to be called "most holy" even by reason of his office, for otherwise even a king ought to be called "most holy" by reason of his office and executioners and heralds ought to be called "holy", indeed even the devil would be called "holy" since he is an official of God.

24. If a pope lives contrary to Christ, even if he has risen through a right and legitimate election according to the established human constitution, he would have risen by a way other than through Christ, even granted that he entered upon office by an election that had been made principally by God. For, Judas Iscariot was rightly and legitimately elected to be an apostle by Jesus Christ who is God, yet he climbed into the sheepfold by another way.

25. The condemnation of the forty-five articles of John Wyclif, decreed by the doctors, is irrational and unjust and badly done and the reason alleged by them is feigned, namely that none of them is catholic but each one is either heretical or erroneous or scandalous.

26. The viva voce agreement upon some person, made according to human custom by the electors or by the greater part of them, does not mean by itself that the person has been legitimately elected or that by this very fact he is the true and manifest successor or vicar of the apostle Peter or of another apostle in an ecclesiastical office. For, it is to the works of the one elected that we should look irrespective of whether the manner of the election was good or bad. For, the more plentifully a person acts meritoriously towards building up the church, the more

copiously does he thereby have power from God for this.

27. There is not the least proof that there must be one head ruling the church in spiritual matters who always lives with the church militant.

28. Christ would govern his church better by his true disciples scattered throughout the world, without these monstrous heads.

29. The apostles and faithful priests of the Lord strenuously governed the church in matters necessary for salvation before the office of pope was introduced, and they would continue to do this until the day of judgment if--which is very possible--there is no pope.

30. Nobody is a civil lord, a prelate or a bishop while he is in mortal sin.

[Sentence condemning John Petit's proposition, "Any tyrant-'] This most holy synod wishes to proceed with special care to the eradication of errors and heresies which are growing in various parts of the world, as is its duty and the purpose for which it has assembled. It has recently learnt that various propositions have been taught that are erroneous both in the faith and as regards good morals, are scandalous in many ways and threaten to subvert the constitution and order of every state. Among these propositions this one has been reported: Any tyrant can and ought to be killed, licitly and meritoriously, by any of his vassals or subjects, even by means of plots and blandishments or flattery, notwithstanding any oath taken, or treaty made with the tyrant, and without waiting for a sentence or a command from any judge. This holy synod, wishing to oppose this error and to eradicate it completely, declares, decrees and defines, after mature deliberation, that this doctrine is erroneous in the faith and with regard to morals, and it rejects and condemns the doctrine as heretical, scandalous and seditious and as leading the way through perjury to frauds, deceptions, lies and betrayals. It declares, decrees and defines, moreover, that those who stubbornly assert this very pernicious doctrine are heretics and are to be punished as such according to canonical and legitimate sanctions. [37] SESSION 16 - 11 July 1415

[Deliberation about the council's legates due to depart with the emperor Sigismund for Spain; minor deliberations about the conduct of the council's business.] SESSION 17 - 15 July 1415 [The emperor's imminent departure from the council is treated of; the council offers prayers for his success.] SESSION 18 - 17 August 1415

[Decrees about various matters to be decided by the council: power is given to judges to make decisions, and for pairs of them to hear cases; that bulls of the council are to be obeyed; that forgers of conciliar bulls are to be punished in the same way as forgers of apostolic letters; that letters are to be despatched regarding the graces granted by the former pope John, except expectative and exceptional graces; ambassadors to Italy are appointed.] SESSION 19 - 23 September 1415

[Jerome of Prague finally abjures his faith publicly and solemnly. There is promulgated at this session an Ordinance between the friars Minor of the strict observance and others of the common life, to put an end to the discords which have arisen in certain provinces; another Ordinance by which cases of heresy are committed to certain judges. It is also decreed that, notwithstanding safe conducts of emperors and kings and others, a competent judge can inquire into heresy; that the lord vice-chancellor shall expedite the Caroline constitution [38] under a bull of the council;

that those with benefices who are attending the council shall receive the fruits of their benefices in their absence, that the letters regarding provisions to patriarchal, metropolitan and other churches, which were granted by the former pope John before his suspension, shall be despatched.] SESSION 20 - 21 November 1415 [A warning is decreed against the duke of Austria, on behalf of the bishop of Trent.] SESSION 21 - 30 May 1416 [Sentence condemning Jerome of Prague] In the name of the Lord, Amen. Christ our God and saviour, the true vine whose Father is the vine-dresser, said when teaching his disciples and other followers in these matters: If anyone does not abide in me, he shall be cast forth as a branch and shall wither. This holy synod of Constance is following the teaching and carrying out the commands of this sovereign teacher and master in this case of inquiry into heresy which was started by the same holy synod. It notes the public talk and loud outcry against the said master Jerome of Prague, master of arts, layman. From the acts and proceedings of the case it is evident that the said Jerome has held, asserted and taught various heretical and erroneous articles, which were long ago condemned by holy fathers, some of which are blasphemous, others scandalous and others offensive to the ears of the devout as well as rash and seditious. They were long ago asserted, preached and taught by John Wyclif and John Hus, of cursed memory, and were included in various of their books and pamphlets. These articles, doctrines and books of the aforesaid John Wyclif and John Hus, as well as the memory of Wyclif, and finally the person of Hus, were condemned and damned by this same holy synod and its sentence of heresy. The said Jerome later, during the course of this inquiry, in this holy synod, approved and consented to this sentence of condemnation and acknowledged and professed the true, catholic and apostolic faith. He anathematised all heresy, especially that for which he had been defamed-and he confessed himself defamed--and which John Wyclif and John Hus had taught and held in the past in their works, sermons and pamphlets, and on account of which the said Wyclif and Hus, together with their dogmas and errors, had been condemned as heretical by this same holy synod, and their teaching likewise condemned. He professed acceptance of every condemnation of the aforesaid things and swore that he would remain in the truth of the faith, and that if he ever dared to think or preach anything to the contrary then he wished to submit to the severity of canon law and to be bound to eternal punishment. He offered and gave this profession of his, written in his own hand to this holy synod. Many days after his profession and abjuration, however, like a dog returning to its vomit, he asked for a public hearing to be granted to him in this same holy synod, in order that he might vomit forth in public the deadly poison which lay hidden within his breast. The hearing was granted to him and he asserted, said and professed in effect, at a public assembly of the same synod, that he had wrongly consented to the aforesaid sentence condemning the said Wyclif and John Hus and that he had lied in approving the sentence. He did not fear to state that he had lied. Indeed, he revoked now and for eternity his confession, approval and profession regarding the condemnation of the two men. He asserted that he had never read any heresy or error in the books of the said Wyclif and John Hus, even though it was clearly proved, before his profession to the sentence on the two men, that he had carefully studied, read and taught their books and it is clear that many errors and heresies are contained in them. The said Jerome professed, however, that he held and believed what the church holds and believes regarding the sacrament of the altar and the transubstantiation of the bread into the body of Christ, saying that he believed in Augustine and the other doctors of the church more than in Wyclif and Hus. It is evident from the above that the said Jerome adhered to the condemned Wyclif and Hus and their errors, and that he was and is a supporter of them. This holy synod has therefore

decreed and now declares that the said Jerome is to be cast away as a branch that is rotten, withered and separated from the vine; and it pronounces, declares and condemns him as a heretic who has relapsed into heresy and as an excommunicated and anathematised person.

SESSION 22 - 15 October 1416

[The treaty of Narbonne, between the king of Aragon, the emperor and the envoys of the council, is confirmed [39] : the king of Aragon withdraws obedience from Benedict XIII and recognises the council of Constance through his envoys.] SESSION 23 - 5 November 1416 [Beginning of the process against Peter de Luna, called Benedict XIII in his obedience.] SESSION 24 - 28 November 1416 [A citation against Peter de Luna, called Benedict XIII in his obedience, is decreed.] SESSION 25 - 14 December 1416 [The envoys of the Spanish count of Foix are united with the council in accordance with the terms of the treaty of Narbonne.] SESSION 26 - 24 December 1416 [The envoys of the king of Navarre are united with the council in accordance with the terms of the treaty of Narbonne.] SESSION 27 - 20 February 1417

[The dispute between Frederick, duke of Austria, and the bishop of Trent is discussed: a report is made on the carrying out of the warning decreed in session 20.] SESSION 28 - 3 March 1417 [The Trent dispute is concluded: Frederick, duke of Austria, is condemned.]

I The articles of Narbonne concerning the unity of the church, which were agreed between the emperor Sigismund and the envoys of the council of Constance on the one side, and the envoys of the kings and princes of Benedict XIII's obedience on the other side, were published by the council in a general assembly on 13 December 1415 (see Hardt 4,584). They are printed in Hardt 2, 542-554.

SESSION 29 - 8 March 1417 [Peter de Luna is accused of contumacy.] SESSION 30 - 10 March 1417 [The process against Peter de Luna continues.] SESSION 31 - 31 March 1417

[A warning is decreed against Philip, count of Vertus, at the request of the bishop of Asti. Other minor deliberations take place.] SESSION 32 - 1 April 1417 [Peter de Luna is again accused of contumacy and an inquiry about him is established.] SESSION 33 - 12 May 1417 [The process against Peter de Luna, who is deemed contumacious, continues.] SESSION 34 - 5 June 1417 [Everything is made ready for the condemnation of Peter de Luna.] SESSION 35 - 18 June 1417 [The envoys of the king of Castile are united with the council in accordance with the terms of the treaty of Narbonne.] SESSION 36 - 22 July 1417 [It is decreed that Peter de Luna is to be cited to hear the council's sentence.] SESSION 37 - 26 July 1417 [Definitive sentence whereby Peter de Luna, pope Benedict XIII, is divested of the papacy and deprived of the faith.] May this judgment come forth from the face of him who sits on the throne, and from his mouth proceeds a double-edged sword, whose scales are just and weights are true, who will come to judge the living and the dead, our lord Jesus Christ, Amen. The Lord is just and loves just deeds, his face looks on righteousness. But the Lord looks on those who do evil so as to cut off their remembrance from the earth. Let there perish, says the holy prophet, the memory of him who did not remember to show mercy and who persecuted the poor and needy. How much more should there perish the memory of Peter de Luna, called by some Benedict XIII, who persecuted and disturbed all people and the universal church? For, how greatly he has sinned against God's church and the entire christian people, fostering, nourishing and continuing the schism and division of God's church How ardent

and frequent have been the devout and humble prayers, exhortations and requests of kings, princes and prelates with which he has been warned in charity, in accordance with the teaching of the gospel, to bring peace to the church, to heal its wounds and to reconstitute its divided parts into one structure and one body, as he had sworn to do, and as for a long time it was within his power to do ! He was unwilling, however, to listen to their charitable admonitions. How many were the persons afterwards sent to attest to him! Because he did not listen at all even to these, it has been necessary, in accordance with the aforesaid evangelical teaching of Christ, to say to the church, since he has not listened even to her, that he should be treated as a heathen and a publican. All these things have been clearly proved by the articles coming from the inquiry into faith and the schism held before this present synod, regarding the above and other matters brought against him, as well as by their truth and notoriety. The proceedings have been correct and canonical, all the acts have been correctly and carefully examined and there has been mature deliberation. Therefore this same holy general synod, representing the universal church and sitting as a tribunal in the aforesaid inquiry, pronounces, decrees and declares by this definitive sentence written here, that the same Peter de Luna, called Benedict XIII as has been said, has been and is a perjurer, a cause of scandal to the universal church, a promoter and breeder of the ancient schism, that long established fission and division in God’s holy church, an obstructer of the peace and unity of the said church, a schismatic disturber and a heretic, a deviator from the faith, a persistent violator of the article of the faith One holy catholic church, incorrigible, notorious and manifest in his scandal to God’s church, and that he has rendered himself unworthy of every title, rank, honour and dignity, rejected and cut off by God, deprived by the law itself of every right in any way belonging to him in the papacy or pertaining to the Roman pontiff and the Roman church, and cut off from the catholic church like a withered member. This same holy synod, moreover, as a precautionary measure, since according to himself he actually holds the papacy, deprives, deposes and casts out the said Peter from the papacy and from being the supreme pontiff of the Roman church and from every title, rank, honour, dignity, benefice and office whatsoever. It forbids him to act henceforth as the pope or as the supreme and Roman pontiff. It absolves and declares to be absolved all Christ’s faithful from obedience to him, and from every duty of obedience to him and from oaths and obligations in any way made to him. It forbids each and every one of Christ’s faithful to obey, respond to or attend to, as if he were pope, the said Peter de Luna, who is a notorious, declared and deposed schismatic and incorrigible heretic, or to sustain or harbour him in any way contrary to the aforesaid, or to offer him help, advice or good will. This is forbidden under pain of the offender being counted as a promoter of schism and heresy and of being deprived of all benefices, dignities and ecclesiastical or secular honours, and under other penalties of the law, even if the dignity is that of a bishop, a patriarch, a cardinal, a king or the emperor. If they act contrary to this prohibition, they are by this very fact deprived of these things, on the authority of this decree and sentence, and they incur the other penalties of the law. This holy synod, moreover, declares and decrees that all and singular prohibitions and all processes, sentences, constitu- tions, censures and any other things whatsoever that were issued by him and might impede the aforesaid, are without effect; and it invalidates, revokes and annuls them; saving always the other penalties which the law decrees for the above cases.

SESSION 38 - 28 July 1417

[Decree about the right to vote of the deputies of the kings of Castile and Aragon, concerning which agreement had not been reached among the said deputies in the previous session; decrees about other lesser matters.] SESSION 39 - 9 October 1417 [On general councils] The frequent holding of general councils is a pre-eminent means of cultivating the Lord's patrimony. It roots out the briars, thorns and thistles of heresies, errors and schisms, corrects deviations, reforms what is deformed and produces a richly fertile crop for the Lord's vineyard. Neglect of councils, on the other hand, spreads and fosters the aforesaid evils. This conclusion is brought before our eyes by the memory of past times and reflection on the present situation. For this reason we establish, enact, decree and ordain, by a perpetual edict, that general councils shall be held henceforth in the following way. The first shall follow in five years immediately after the end of this council, the second in seven years immediately after the end of the next council, and thereafter they are to be held every ten years for ever. They are to be held in places which the supreme pontiff is bound to nominate and assign within a month before the end of each preceding council, with the approval and consent of the council, or which, in his default, the council itself is bound to nominate. Thus, by a certain continuity, there will always be either a council in existence or one expected within a given time. If perchance emergencies arise, the time may be shortened by the supreme pontiff, acting on the advice of his brothers, the cardinals of the Roman church, but it may never be prolonged. Moreover, he may not change the place assigned for the next council without evident necessity. If an emergency arises whereby it seems necessary to change the place--for example in the case of a siege, war, disease or the like--then the supreme pontiff may, with the consent and written endorsement of his aforesaid brothers or of two-thirds of them, substitute another place which is suitable and fairly near to the place previously assigned. It must, however, be within the same nation unless the same or a similar impediment exists throughout the nation. In the latter case he may summon the council to another suitable place which is nearby but within another nation, and the prelates and other persons who are customarily summoned to a council will be obliged to come to it as if it had been the place originally assigned. The supreme pontiff is bound to announce and publish the change of place or the shortening of time in a legal and solemn form within a year before the date assigned, so that the aforesaid persons may be able to meet and hold the council at the appointed time.

[Provision to guard against future schisms]

If it happens--though may it not!--that a schism arises in the future in such a way that two or more persons claim to be supreme pontiffs, then the date of the council, if it is more than a year off, is to be brought forward to one year ahead; calculating this from the day on which two or more of them publicly assumed the insignia of their pontificates or on which they began to govern. All prelates and others who are bound to attend a council shall assemble at the council without the need for any summons, under pain of the law's sanctions and of other penalties which may be imposed by the council, and let the emperor and other kings and princes attend either in person or through official deputies, as if they had been besought, through the bowels of the mercy of our lord Jesus Christ, to put out a common fire. Each of those claiming to be the Roman pontiff is bound to announce and proclaim the council as taking place at the end of the year, as mentioned, in the previously assigned place; he is bound to do this within a month after the day on which he came to know that one or more other persons had assumed the insignia of the papacy or was administering the papacy; and this is under pain of eternal damnation, of the automatic loss of any

rights that he had acquired in the papacy, and of being disqualified both actively and passively from all dignities. He is also bound to make the council known by letter to his rival claimant or claimants, challenging him or them to a judicial process, as well as to all prelates and princes, insofar as this is possible. He shall go in person to the place of the council at the appointed time, under pain of the aforesaid penalties, and shall not depart until the question of the schism has been fully settled by the council. None of the contenders for the papacy, moreover shall preside as pope at the council. Indeed, in order that the church may rejoice more freely and quickly in one undisputed pastor, all the contenders for the papacy are suspended by law as soon as the council has begun, on the authority of this holy synod, from all administration; and let not obedience be given in any way by anyone to them, or to any one of them until the question has been settled by the council.

If it happens in the future that the election of a Roman pontiff is brought about through fear, which would weigh upon even a steadfast man, or through pressure, then we declare that it is of no effect or moment and cannot be ratified or approved by subsequent consent even if the state of fear ceases. The cardinals, however, may not proceed to another election until a council has reached a decision about the election, unless the person elected resigns or dies. If they do proceed to this second election, then it is null by law and both those making the second election and the person elected, if he embarks upon his reign as pope, are deprived by law of every dignity, honour and rank--even cardinalatial or pontifical--and are thereafter ineligible for the same, even the papacy itself; and nobody may in any way obey as pope the second person elected, under pain of being a fosterer of schism. In such a case the council is to provide for the election of a pope. It is lawful, however, and indeed all the electors are bound, or at least the greater part of them, to move to a safe locality and to make a statement about the said fear. The statement is to be made in a prominent place before public notaries and important persons as well as before a multitude of the people. They are to do this as quickly as they can without danger to their persons, even if there is a threat of danger to all their goods. They shall state in their allegation the nature and extent of the fear and shall solemnly swear that the allegation is true that they believe they can prove it and that they are not making it out of malice or calumny. Such an allegation of fear cannot be delayed in any way until after the next council.

After they have moved and have alleged the fear in the above form, they are bound to summon the person elected to a council. If a council is not due for more than a year after their summons, then its date shall be brought forward by the law itself to only a year ahead, in the way explained above. The elected person is bound under pain of the aforesaid penalties, and the cardinals under pain of automatically losing the cardinalate and all their benefices, to announce and proclaim the council within a month after the summons, in the way mentioned above, and to make it known as soon as possible. The cardinals and other electors are bound to come in person to the place of the council, at a suitable time, and to remain there until the end of the affair. The other prelates are bound to answer the cardinals' summons, as mentioned above, if the person elected fails to issue a summons. The latter will not preside at the council since he will have been suspended by law from all government of the papacy from the time the council begins, and he is not to be obeyed by anyone in any matter under pain of the offender becoming a promoter of schism. If the aforesaid emergencies arise within a year before the beginning of a council-namely that more than one person claim to be pope or that someone has been elected through fear or pressure--then those

who claim to be pope, or the one elected through fear or pressure, as well as the cardinals, are deemed by law as having been summoned to the council. They are bound, moreover, to appear in person at the council, to explain their case and to await the council's judgment. But if some emergency happens during the above occurrences whereby it is necessary to change the place of the council--for example a siege or war or disease or some such--then nevertheless all the aforesaid persons, as well as all prelates and others who are obliged to attend a council, are bound to assemble at a neighbouring place suitable for the council, as has been said above. Moreover, the greater part of the prelates who have moved to a particular place within a month may specify it as the place of the council to which they and others are bound to come, just as if it had been the place first assigned. The council, after it has thus been summoned and has assembled and become acquainted with the cause of the schism, shall bring a suit of contumacy against the electors or those claiming to be pope or the cardinals, if perchance they fail to come. It shall then pronounce judgment and shall punish, even beyond the aforesaid penalties and in such a way that the fierceness of the punishment acts as an example to others, those who are to blame--no matter of what state or rank or pre-eminence, whether ecclesiastical or secular, they may be--in starting or fostering the schism, in their administering or obeying, in their supporting those who governed or in making an election against the aforesaid prohibition, or who lied m their allegations of fear. The disturbance caused by fear or pressure at a papal election corrodes and divides, in a lamentable way, the whole of Christianity. In order that it may be assiduously avoided, we have decided to decree, in addition to what has been said above, that if anyone brings to bear or causes, or procures to be brought about, fear or pressure or violence of this kind upon the electors in a papal election, or upon any one of them, or has the matter ratified after it has been done, or advises or acts in support of it, or knowingly receives or defends someone who has done this, or is negligent in enforcing the penalties mentioned below--no matter of what state or rank or pre-eminence the offender may be, even if it be imperial or regal or pontifical, or any other ecclesiastical or secular dignity he may hold--then he automatically incurs the penalties contained in pope Boniface VIII's constitution which begins Felicis, and he shall be effectively punished by them.

Any city--even if it be Rome itself, though may it not be!--or any other corporation that gives aid, counsel or support to someone who does these things, or that does not have such an offender punished within a month, insofar as the enormity of the crime demands and there exists the possibility of inflicting the punishment, shall automatically be subject to ecclesiastical interdict. Furthermore the city, apart from the one mentioned above, shall be deprived of the episcopal dignity, notwithstanding any privileges to the contrary. We wish, moreover, that this decree be solemnly published at the end of every general council and that it be read out and publicly announced before the start of a conclave, wherever and whenever the election of a Roman pontiff is about to take place.

[On the profession to be made by the pope]

Since the Roman pontiff exercises such great power among mortals, it is right that he be bound all the more by the incontrovertible bonds of the faith and by the rites that are to be observed regarding the church's sacraments. We therefore decree and ordain, in order that the fullness of the faith may shine in a future Roman pontiff with singular splendour from the earliest moments of his becoming pope, that henceforth whoever is to be elected Roman pontiff shall make the

following confession and profession in public, in front of his electors, before his election is published. In the name of the holy and undivided Trinity, Father and Son and holy Spirit. Amen. In the year of our Lord's nativity one thousand etc., I, N., elected pope, with both heart and mouth confess and profess to almighty God, whose church I undertake with his assistance to govern, and to blessed Peter, prince of the apostles, that as long as I am in this fragile life I will firmly believe and hold the catholic faith, according to the traditions of the apostles, of the general councils and of other holy fathers, especially of the eight holy universal councils-namely the first at Nicaea, the second at Constantinople, the third at Ephesus, the fourth at Chalcedon, the fifth and sixth at Constantinople, the seventh at Nicaea and the eighth at Constantinople--as well as of the general councils at the

Lateran,

Lyons and

Vienne, and I will preserve this faith unchanged to the last dot and will confirm, defend and preach it to the point of death and the shedding of my blood, and likewise I will follow and observe in every way the rite handed down of the ecclesiastical sacraments of the catholic church. This my profession and confession, written at my orders by a notary of the holy Roman church, I have signed below with my own hand. I sincerely offer it on this altar N. to you, almighty God, with a pure mind and a devout conscience, in the presence of the following. Made etc.

[That prelates may not be translated without their consent] When prelates are translated, there is commonly both spiritual and temporal loss and damage of a grave nature for the churches from which they are transferred. The prelates, moreover, sometimes do not maintain the rights and liberties of their churches as carefully as they otherwise might, out of fear of being translated. The importunity of certain people who seek their own good, not that of Jesus Christ, may mean that the Roman pontiff is deceived in such a matter, as one ignorant of the facts, and so is easily led astray. We therefore determine and ordain, by this present decree, that henceforth bishops and superiors ought not to be translated unwillingly without a grave and reasonable cause which, after the person in question has been summoned, is to be inquired into and decided upon with the advice of the cardinals of the holy Roman church, or the greater part of them, and with their written endorsement. Lesser prelates, such as abbots and others with perpetual benefices, ought not to be changed, moved or deposed without a just and reasonable cause that has been inquired into.

We add, moreover, that for abbots to be changed the written endorsement of the cardinals is necessary--just as it is necessary for bishops, as has been said-saving, however, the constitutions and privileges of any churches, monasteries and orders.

[On spoils and procurations]

Papal reservations as well as the exacting and receiving of procurations which are due to ordinaries and other lesser prelates, by reason of a visitation, and of spoils on deceased prelates and other clerics, are seriously detrimental to churches, monasteries and other benefices and to churchmen. We therefore declare, by this present edict, that it is reasonable and in the public interest that reservations made by the pope, as well as exactions and collections of this kind made by collectors and others appointed or to be appointed by apostolic authority, are henceforth in no way to occur or to be attempted. Indeed, procurations of this kind, as well as spoils and the goods

of any prelates found at their deaths, even if they are cardinals or members of the papal household or officials or any other clerics whatsoever, in the Roman curia or outside it, no matter where or when they die, are to belong to and to be received by, fully and freely, those persons to whom they would and ought to belong with the ending of the aforesaid reservations, mandates and exactions. We forbid the exaction of such spoils on prelates even inferior ones and others, which are outside and contrary to the form of common law. However, the constitution of pope Boniface VIII of happy memory, beginning Praesenti, which was published with this specially in mind, is to remain in force.

SESSION Matthew - 30 OCTOBER 1417 [Reforms to be made by the pope together with the council before it is dissolved] The most holy synod of Constance [40] declares and decrees that the future supreme Roman pontiff, who by God's grace is to be elected very soon, together with this sacred council or those to be deputed by the individual nations, is bound to reform the church in its head and in the Roman curia, according to justice and the good government of the church, before this council is dissolved, under the topics contained in the following articles, which were at various times put forward by the nations by way of reforms.

1. First, the number, quality and nationality of the lord cardinals.

2. Next, reservations of the apostolic see.

3. Next, annates, common services and petty services.

4. Next, collations to benefices and expectative graces.

5. Next, the cases that are, or are not, to be heard at the Roman curia.

6. Next, appeals to the Roman curia.

7. Next, the offices of chancery and penitentiary.

8. Next, exemptions and incorporations made at the time of the schism.

9. Next, commendams.

10. Next, confirmation of elections. [41] 11. Next, intercalary fruits.

12. Next, not alienating goods of the Roman church and of other churches.

13. Next, for what reasons and how a pope can be corrected or deposed.

14. Next, the eradication of simony.

15. Next, dispensations.

16. Next, revenues of the pope and the cardinals.

17. Next, indulgences.

18. Next, tithes. With this addition, that when the nations have deputed their representatives as mentioned above, the others may freely return to their own countries with the pope's permission.

[That the election of the Roman pontiff may be begun, notwithstanding the absence of Peter de Luna's cardinals] The most holy general synod of Constance notes what was previously agreed upon at Narbonne concerning the church's unity and the admission to this synod of the cardinals of the obedience of Peter de Luna, called Benedict XIII in his obedience. It notes, too, that after the notorious expulsion of the said Peter de Luna, the aforesaid cardinals who had been summoned before the expulsion according to the terms of the agreement, did not come within three months and more after the aforesaid expulsion. The synod therefore decrees and declares that, notwithstanding their absence, it will proceed to the election of the Roman pontiff on the authority of the said synod and according to what has been decided by the same synod. It declares, however, that if they arrive before the election of the future supreme pontiff has been completed, and if they adhere to the council, they are to be admitted to the aforesaid election together with the other cardinals, according to the directives of the law and what shall be decided by the council.

[On the manner and form of electing the pope] For the praise, glory and honour of almighty God and for the peace and unity of the universal church and of the whole christian people. The election of the future Roman and supreme pontiff is soon to be held. We wish that it may be confirmed with greater authority and by the assent of many persons and that, mindful as we are of the state of the church, no doubts or scruples may later remain in people's minds regarding the said election but rather that a secure, true full and perfect union of the faithful may result from it. Therefore this most holy general synod of Constance, mindful of the common good and with the special and express consent and the united wish of the cardinals of the holy Roman church present at the same synod, and of the college of cardinals and of all the nations at this present council, declares, ordains and decrees that, for this time only, at the election of the Roman and supreme pontiff, there shall be added to the cardinals six prelates or other honourable churchmen in holy orders, from each of the nations currently present and named at the same synod, who are to be chosen by each of the said nations within ten days. This same holy synod gives power to all these people, insofar as it is necessary, to elect the Roman pontiff according to the form here laid down. That is to say, the person is to be regarded as the Roman pontiff by the universal church without exception who is elected and admitted by two-thirds of the cardinals present at the conclave and by two-thirds of those from each nation who are to be and have been added to the cardinals. Moreover, the election is not valid nor is the person elected to be regarded as supreme pontiff unless two-thirds of the cardinals present at the conclave, and two-thirds of those from each nation who should be and have been added to the same cardinals, agree to elect him as Roman pontiff. The synod also declares, ordains and decrees that the votes of any persons cast at the election are null unless, as has been said, two-thirds of the cardinals, and two-thirds of those from each nation who should be and have been added to them, agree, directly or by way of addition, upon one person. This must be added, moreover, that the prelates and other persons who should be and have been added to the cardinals for the election, are bound to observe all and singular apostolic constitutions, even penal ones, which have been promulgated regarding the election of the Roman pontiff, just as the cardinals themselves are bound to observe them, and they are bound to their observance. The said electors, both cardinals and others, are also bound to swear, before they proceed to the election, that in attending to the business of the election, they will proceed with pure and sincere minds--since it is a question of creating the vicar Jesus Christ, the successor of the blessed Peter, the governor of the universal church and the leader of the Lord's flock--and that they firmly believe it will benefit the public good of the universal church if they entirely prescind from all affection for

persons of any particular nation, or other inordinate affections, as well as from hatred and graces or favours bestowed, in order that by their ministry a beneficial and suitable pastor may be provided for the universal church. This same holy synod, mindful of this notorious vacancy in the Roman church, fixes and assigns the next ten days for all and singular cardinals of the holy Roman church, whether present here or absent, and the other electors mentioned above, to enter into the conclave which is to be held in this city of Constance, in the commune's principal building which has already been allocated for this purpose. The synod ordains, declares and decrees that within these next ten days the aforesaid electors, both cardinals and others mentioned above, must enter into the conclave for the purpose of holding the election and of doing and carrying out all the other matters according as the laws ordain and decree in all things, besides those mentioned above regarding the cardinals and other electors, concerning the election of a Roman pontiff. The same holy synod wishes all these laws to remain in force after the above matters have been observed. For this time, however, it approves, ordains, establishes and decrees this particular form and manner of election. The same holy synod, in order to remove all scruples, makes and declares fit for actively and passively carrying out all legitimate acts at the same synod, insofar as this is necessary, all those who are present at the same synod as well as those who will come and adhere to it, always saving the other decrees of this same sacred council, and it will supply for any defects, if perchance any shall occur in the above, notwithstanding any apostolic constitutions, even those published in general councils, and other constitutions to the contrary.

SESSION 41 - 8 November 1417

[Everything is prepared for the start of the conclave to elect a pope. On 11 November cardinal Oddo Colonna is elected pontiff as Martin V.] SESSION 42 - 28 December 1417

[In this session a bull of Martin V was approved regarding Baldassare Cossa, formerly pope, who was earlier deprived of his see and imprisoned by the council but who is now to be set free]

SESSION 43

[42]

- 23 MARCH 1418 [Certain statutes promulgated on the reform of the church] On exemptions

Martin, bishop and servant of the servants of God. We note that from the time of the death of pope Gregory XI, our predecessor of happy memory, some Roman pontiffs, or those who claimed to be and were reputed as such in their various obediences, either of their own will or on account of the importunity of petitioners, have granted exemption from the jurisdiction of their ordinaries to certain churches, monasteries, chapters, convents, priories, benefices, places and persons, which were in no way exempt in the time of the said Gregory, to the great detriment of the ordinaries in question. We wish to avoid damage of this kind. We therefore revoke, with the approval of this sacred council, all exemptions that were first granted after the said Gregory XI's death, by any persons whomsoever claiming to be Roman pontiffs, even if perchance we ourselves with full knowledge approved or renewed the exemptions, without the party in question being heard, to any cathedral churches, monasteries (even those that were exempt but were later made subject to a monastery of a different order or tradition), chapters, convents, prelacies, benefices, places and persons whatsoever, if they had enjoyed no exemption before they were exempted in this way, but were simply subject to ordinary jurisdiction, and had no beginning before that time. We except, however,

exemptions that were made or granted either by way of confirmation, increase or addition, or concerning which the matter was ordained by the competent authority, after the interested parties had presented themselves and been heard, or to which the ordinaries consented, to a whole order or to churches, monasteries, chapters, convents, benefices and places founded after the aforesaid time by way of or on condition of exemption or with a new foundation in mind, or to universities and colleges of scholars. We also revoke, with the approval of this sacred council, all perpetual exemptions granted by the pope through inferior persons. We revoke them even if unresolved suits about them are pending, and we end these suits. We return the churches, monasteries and other aforesaid places to the former jurisdiction of their ordinaries. We do not wish to prejudice by this in any way other exemptions held or granted before the death of the said Gregory. In future, however, we do not intend to grant exemptions unless the case has been examined and the interested parties have been summoned. On unions and incorporations

Martin, etc. It is not possible to give a certain rule about unions and incorporations made or granted after Gregory XI's death. We shall therefore revoke them, with due regard to justice, even though the authority of the apostolic see may have been involved, on the plea of the interested parties, unless they were made for good and true reasons or unless the interested persons themselves have obtained benefices united in this way. On intercalary fruits

Martin, etc. Next, we leave the fruits and revenues coming from churches, monasteries and benefices during a vacancy to be disposed of in accordance with the law and customs or privileges. We forbid them to be applied to us or to the apostolic camera. On simoniacs

Martin, etc. Many constitutions have been issued in the past against the evil of simony, but they have not been able to eradicate the disease. We wish to attend carefully to this matter in the future according as we are able to. We therefore declare, with the approval of this sacred council, that persons ordained in a simoniacal fashion are automatically suspended from exercising their orders. Simoniacal elections, postulations, confirmations and provisions that are henceforth made to or in respect of any churches, monasteries, dignities, parsonages, offices or ecclesiastical benefices are rendered null by the law itself and nobody acquires any rights through them. Those who have been thus promoted, confirmed or provided may not receive their fruits but are bound to restore them as though they had received things that had been unjustly taken. We decree, moreover, that both those who give and those who receive money in this matter of simony automatically incur the sentence of excommunication, even though their rank be pontifical or cardinalatial. On dispensations

Martin, etc. Since benefices are granted by reason of the duties attached to them, we consider it absurd that those who obtain benefices refuse or neglect to carry out their duties. We therefore revoke, with the approval of this sacred council, all dispensations, granted by any persons whomsoever claiming to be Roman pontiffs, to any persons elected to, confirmed in or provided to churches, monasteries, conventual priories, deaneries, archdeaconries or any other benefices for which a particular order ought to be bestowed, or to which one is attached, whereby the persons in question are dispensed from receiving the episcopal consecration or the abbatial blessing or the other orders that ought to be bestowed or are attached. This does not include, however, the dispensations granted according to the form of Boniface VIII's constitution beginning Cum ex eo We decree that within six months from the publication of this our constitution, for those who are

presently holding such appointments, and within the time laid down by the law for those who will hold them in the future, the persons concerned are to have themselves consecrated or blessed or promoted to some other required order. Otherwise they are deprived by the law itself of the said churches, monasteries, dignities, parsonages, offices and benefices. These may then be freely conferred on other persons or provision may be made for them. However, other published constitutions on this matter are to remain in force. On tithes and other dues

Martin, etc. We command and order the strict observance of the laws which forbid tithes and other dues to be imposed on churches and ecclesiastics by persons lower than the pope. For ourselves, moreover, we shall in no way impose them generally on the whole clergy unless there is a grave and serious reason and an advantage for the universal church in doing so, and then with the advice, consent and written endorsement of our brothers, the cardinals of the holy Roman church, and the prelates whose advice can conveniently be obtained. This should not happen especially in any kingdom or

16 Part 3 Council of Constance 1414-18

Council of Constance (1414-1418), was held during the great Schism of the West, with the object of ending the divisions in the Church. It only became legitimate when Gregory XI had formally convoked it. Owing to this circumstance it succeeded in putting an end to the schism by the election of Pope Martin V, which the Council of Pisa (1403) had failed to accomplish on account of its illegality. The rightful pope confirmed the former decrees of the synod against Wyclif and Hus. This council is thus only ecumenical in its last sessions (XLII-XLV inclusive) and with respect to the decrees of earlier sessions approved by Martin V.

SESSION Matthew - 30 OCTOBER 1417 [Reforms to be made by the pope together with the council before it is dissolved] The most holy synod of Constance [40] declares and decrees that the future supreme Roman pontiff, who by God’s grace is to be elected very soon, together with this sacred council or those to be deputed by the individual nations, is bound to reform the church in its head and in the Roman curia, according to justice and the good government of the church, before this council is dissolved, under the topics contained in the following articles, which were at various times put forward by the nations by way of reforms.

1. First, the number, quality and nationality of the lord cardinals.

2. Next, reservations of the apostolic see.

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4. Next, collations to benefices and expectative graces.

5. Next, the cases that are, or are not, to be heard at the Roman curia.

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10. Next, confirmation of elections. [41] 11. Next, intercalary fruits.

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14. Next, the eradication of simony.

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16. Next, revenues of the pope and the cardinals.

17. Next, indulgences.

18. Next, tithes. With this addition, that when the nations have deputed their representatives as mentioned above, the others may freely return to their own countries with the pope's permission.

[That the election of the Roman pontiff may be begun, notwithstanding the absence of Peter de Luna's cardinals] The most holy general synod of Constance notes what was previously agreed upon at Narbonne concerning the church's unity and the admission to this synod of the cardinals of the obedience of Peter de Luna, called Benedict XIII in his obedience. It notes, too, that after the notorious expulsion of the said Peter de Luna, the aforesaid cardinals who had been summoned before the expulsion according to the terms of the agreement, did not come within three months and more after the aforesaid expulsion. The synod therefore decrees and declares that, notwithstanding their absence, it will proceed to the election of the Roman pontiff on the authority of the said synod and according to what has been decided by the same synod. It declares, however, that if they arrive before the election of the future supreme pontiff has been completed, and if they adhere to the council, they are to be admitted to the aforesaid election together with the other cardinals, according to the directives of the law and what shall be decided by the council.

[On the manner and form of electing the pope] For the praise, glory and honour of almighty God and for the peace and unity of the universal church and of the whole christian people. The election of the future Roman and supreme pontiff is soon to be held. We wish that it may be confirmed with greater authority and by the assent of many persons and that, mindful as we are of the state of the church, no doubts or scruples may later remain in people's minds regarding the said election but rather that a secure, true full and perfect union of the faithful may result from it. Therefore this most holy general synod of Constance, mindful of the common good and with the special and express consent and the united wish of the cardinals of the holy Roman church present at the same synod, and of the college of cardinals and of all the nations at this present council, declares, ordains and decrees that, for this time only, at the election of the Roman and supreme pontiff, there shall be added to the cardinals six prelates or other honourable churchmen in holy orders, from each of the nations currently present and named at the same synod, who are to be chosen by each of the said nations within ten days. This same holy synod gives power to all these people, insofar as it is necessary, to elect the Roman pontiff according to the form here laid down. That is to say, the person is to be regarded as the Roman pontiff by the universal church without exception who is elected and admitted by two-thirds of the cardinals present at the conclave and by two-thirds of those from each nation who are to be and have been added to the cardinals. Moreover, the election is not valid nor is the person elected to be regarded as supreme pontiff unless two-thirds of the cardinals present at the conclave, and two-thirds of those from each nation who should be and have been added to the same cardinals, agree to elect him as Roman pontiff. The synod also declares, ordains and decrees that the votes of any persons cast at the election are null unless, as has been said, two-thirds of the cardinals, and two-thirds of those from each nation who should be and have been added to them, agree, directly or by way of addition, upon one person. This must be added, moreover, that the prelates and other persons who should be and have been added to the cardinals for the election, are bound to observe all and singular apostolic constitutions, even penal ones, which have been promulgated regarding the election of the Roman pontiff, just as the cardinals themselves are bound to observe them, and they are bound to their observance. The said electors, both cardinals and others, are also bound to swear, before they proceed to the election, that in attending to the business of the election, they will proceed with pure and sincere

minds--since it is a question of creating the vicar Jesus Christ, the successor of the blessed Peter, the governor of the universal church and the leader of the Lord's flock--and that they firmly believe it will benefit the public good of the universal church if they entirely prescind from all affection for persons of any particular nation, or other inordinate affections, as well as from hatred and graces or favours bestowed, in order that by their ministry a beneficial and suitable pastor may be provided for the universal church. This same holy synod, mindful of this notorious vacancy in the Roman church, fixes and assigns the next ten days for all and singular cardinals of the holy Roman church, whether present here or absent, and the other electors mentioned above, to enter into the conclave which is to be held in this city of Constance, in the commune's principal building which has already been allocated for this purpose. The synod ordains, declares and decrees that within these next ten days the aforesaid electors, both cardinals and others mentioned above, must enter into the conclave for the purpose of holding the election and of doing and carrying out all the other matters according as the laws ordain and decree in all things, besides those mentioned above regarding the cardinals and other electors, concerning the election of a Roman pontiff. The same holy synod wishes all these laws to remain in force after the above matters have been observed. For this time, however, it approves, ordains, establishes and decrees this particular form and manner of election. The same holy synod, in order to remove all scruples, makes and declares fit for actively and passively carrying out all legitimate acts at the same synod, insofar as this is necessary, all those who are present at the same synod as well as those who will come and adhere to it, always saving the other decrees of this same sacred council, and it will supply for any defects, if perchance any shall occur in the above, notwithstanding any apostolic constitutions, even those published in general councils, and other constitutions to the contrary.

SESSION 41 - 8 November 1417

[Everything is prepared for the start of the conclave to elect a pope. On 11 November cardinal Oddo Colonna is elected pontiff as Martin V.] SESSION 42 - 28 December 1417

[In this session a bull of Martin V was approved regarding Baldassare Cossa, formerly pope, who was earlier deprived of his see and imprisoned by the council but who is now to be set free]

SESSION 43

[42]

- 23 MARCH 1418 [Certain statutes promulgated on the reform of the church] On exemptions

Martin, bishop and servant of the servants of God. We note that from the time of the death of pope Gregory XI, our predecessor of happy memory, some Roman pontiffs, or those who claimed to be and were reputed as such in their various obediences, either of their own will or on account of the importunity of petitioners, have granted exemption from the jurisdiction of their ordinaries to certain churches, monasteries, chapters, convents, priories, benefices, places and persons, which were in no way exempt in the time of the said Gregory, to the great detriment of the ordinaries in question. We wish to avoid damage of this kind. We therefore revoke, with the approval of this sacred council, all exemptions that were first granted after the said Gregory XI's death, by any persons whomsoever claiming to be Roman pontiffs, even if perchance we ourselves with full knowledge approved or renewed the exemptions, without the party in question being heard, to any cathedral churches, monasteries (even those that were exempt but were later made subject to a monastery

of a different order or tradition), chapters, convents, prelacies, benefices, places and persons whatsoever, if they had enjoyed no exemption before they were exempted in this way, but were simply subject to ordinary jurisdiction, and had no beginning before that time. We except, however, exemptions that were made or granted either by way of confirmation, increase or addition, or concerning which the matter was ordained by the competent authority, after the interested parties had presented themselves and been heard, or to which the ordinaries consented, to a whole order or to churches, monasteries, chapters, convents, benefices and places founded after the aforesaid time by way of or on condition of exemption or with a new foundation in mind, or to universities and colleges of scholars. We also revoke, with the approval of this sacred council, all perpetual exemptions granted by the pope through inferior persons. We revoke them even if unresolved suits about them are pending, and we end these suits. We return the churches, monasteries and other aforesaid places to the former jurisdiction of their ordinaries. We do not wish to prejudice by this in any way other exemptions held or granted before the death of the said Gregory. In future, however, we do not intend to grant exemptions unless the case has been examined and the interested parties have been summoned. On unions and incorporations

Martin, etc. It is not possible to give a certain rule about unions and incorporations made or granted after Gregory XI's death. We shall therefore revoke them, with due regard to justice, even though the authority of the apostolic see may have been involved, on the plea of the interested parties, unless they were made for good and true reasons or unless the interested persons themselves have obtained benefices united in this way. On intercalary fruits

Martin, etc. Next, we leave the fruits and revenues coming from churches, monasteries and benefices during a vacancy to be disposed of in accordance with the law and customs or privileges. We forbid them to be applied to us or to the apostolic camera. On simoniacs

Martin, etc. Many constitutions have been issued in the past against the evil of simony, but they have not been able to eradicate the disease. We wish to attend carefully to this matter in the future according as we are able to. We therefore declare, with the approval of this sacred council, that persons ordained in a simoniacal fashion are automatically suspended from exercising their orders. Simoniacal elections, postulations, confirmations and provisions that are henceforth made to or in respect of any churches, monasteries, dignities, parsonages, offices or ecclesiastical benefices are rendered null by the law itself and nobody acquires any rights through them. Those who have been thus promoted, confirmed or provided may not receive their fruits but are bound to restore them as though they had received things that had been unjustly taken. We decree, moreover, that both those who give and those who receive money in this matter of simony automatically incur the sentence of excommunication, even though their rank be pontifical or cardinalatial. On dispensations

Martin, etc. Since benefices are granted by reason of the duties attached to them, we consider it absurd that those who obtain benefices refuse or neglect to carry out their duties. We therefore revoke, with the approval of this sacred council, all dispensations, granted by any persons whomsoever claiming to be Roman pontiffs, to any persons elected to, confirmed in or provided to churches, monasteries, conventual priories, deaneries, archdeaconries or any other benefices for which a particular order ought to be bestowed, or to which one is attached, whereby the persons in question are dispensed from receiving the episcopal consecration or the abbatial blessing or the

other orders that ought to be bestowed or are attached. This does not include, however, the dispensations granted according to the form of Boniface VIII's constitution beginning Cum ex eo We decree that within six months from the publication of this our constitution, for those who are presently holding such appointments, and within the time laid down by the law for those who will hold them in the future, the persons concerned are to have themselves consecrated or blessed or promoted to some other required order. Otherwise they are deprived by the law itself of the said churches, monasteries, dignities, parsonages, offices and benefices. These may then be freely conferred on other persons or provision may be made for them. However, other published constitutions on this matter are to remain in force. On tithes and other dues

Martin, etc. We command and order the strict observance of the laws which forbid tithes and other dues to be imposed on churches and ecclesiastics by persons lower than the pope. For ourselves, moreover, we shall in no way impose them generally on the whole clergy unless there is a grave and serious reason and an advantage for the universal church in doing so, and then with the advice, consent and written endorsement of our brothers, the cardinals of the holy Roman church, and the prelates whose advice can conveniently be obtained. This should not happen especially in any kingdom or province where the prelates in question, or the majority of them, have not been consulted or have not consented. In this way they may only be levied by ecclesiastics acting on the authority of the apostolic see. On the life and probity of clerics

Martin, etc. Among the various faults of clerics and prelates this one has especially taken root, namely that many of them despise an appearance of ecclesiastical decency in their dress and delight in what is unbecoming. They seek to conform to the laity and they exhibit outwardly in their dress whatever they are thinking in their minds. Therefore, with the approval of this sacred council, we renew and order the careful observance of all the laws currently in force regarding the clothing, tonsure and habits of clerics, as to both shape and colour, and their hair-styles and the style and uprightness of their lives. These laws have been heeded far too little by both the secular and the regular clergy. Especially we order to be utterly abolished, with the same council's approval, the abuse whereby in certain regions some clerics and churchmen, both secular and regular, and even (which we deplore still more) prelates of churches, wear long gloves that are unnecessarily large and sumptuous, extending to their elbows, and clothes with slits at the back and sides, with furs covering the edges even of the slit parts. Moreover, they are not afraid to attend the divine offices in churches--even in the churches in which they are beneficed--in such clothes together with their surplices and other garments worn for worship and the church's services. We condemn this unbecoming way of dressing for all churchmen and we forbid the wearing of such garments. Those who do otherwise are to be punished as transgressors of the canons. We decree in particular that if any beneficed person, or any holder of an office in a church, dares to attend the divine office in such clothing, then he shall know that he is suspended from receiving his ecclesiastical incomes for one month for each such occasion, and the fruits of these incomes are to be applied to the fabric of the church in question.

Martin, etc. We decree and declare with the approval of this sacred council, that the demands of this same sacred council. regarding the articles contained in the reform decree promulgated on Saturday 30 October [43] of last year, have been and are met by the various decrees, statutes and ordinances, both those which have been read out in this present session and those upon which agreement has been reached with the individual nations of the council. [44] We wish these

decrees, statutes and ordinances to be deposited in our chancellery and that letters in public form, under the seal of our vice-chancellor, be drawn up and handed over to those who wish to have them.

SESSION 44 - 19 April 1418 [Decree on the place of the next council]

Martin, etc. We wish and desire to put into effect a decree of this general council [45] which lays down, among other things, that general councils must always be held in the place which the supreme pontiff, with the consent and approval of the council, is bound to depute and assign, within the month before the end of this council, as the place for the next council after the end of the present one. With the consent and approval of this present council, we therefore, by this present decree, depute and assign the city of Pavia for this purpose, and we ordain and decree that prelates and others who ought to be summoned to general councils are obliged to go to Pavia at the aforesaid time. Let nobody therefore ... If anyone however . . . Given and enacted at Constance, in the place of this public session . . .

SESSION 45

[46]

- 22 April 1418 [Sentence dissolving the council, and the granting of indulgences]

Martin, etc. We dissolve the council, as the sacred council itself requires, for reasons that are certain, reasonable and just. We give permission, with the council's approval, to each and every person at the council to return home. Furthermore, on the authority of almighty God and of his blessed apostles Peter and Paul and on our authority, we grant to each and every person who has taken part in this sacred council and its business a full absolution of all his sins, once in his life, provided he takes advantage of the absolution in the correct form within two months of his hearing about it. We grant the same at the hour of death. This is to be understood as applying to both lords and members of their households; provided that they fast on each Friday for a year from the day they come to know of this indulgence, in the case of those who seek the absolution for while they are alive, and for another year in the case of those who seek it for the hour of death, unless they are legitimately prevented from doing so, in which case they should perform other pious works. After the second year, they ought to fast on Fridays until the end of their lives or to perform other pious works. Let nobody therefore . . . If anyone however . . . Given and enacted at Constance in the place of this public session. ..

FOOTNOTES

1 This footnote is not from Tanner. This council was occasioned by The Schism begun when the cardinals who had elected Urban VI pope on 8th April 1378 and who had all repeatedly recognised him subsequently, decided in view of his offensive zeal for reform to claim that the pressure they had been under during his election had invalidated it. In September 1378 they elected Robert of Genoa [anti] pope Clement VII. Urban VI excommunicated them all and appointed a new college of cardinals. There then continued two lines of popes with supporting cardinals. Fed up with this bipartite division of christendom the "council" of Pisa in 1409 made it tripartite beginning another line The legitimate line ran : Urban VI, Boniface IX, Innocent VII, Gregory XII. The first line of antipopes ran :Clement VII, Benedict XIII. The second line of antipopes ran : Alexander V, who

was succeeded by antipope John XXIII.

It should be remembered that those assembled at Constance did not constitute an ecumenical council until the bull of Gregory XII was proclaimed on 4 July 1415 in what in Tanner is called "Session 14".

2 i.e. for the few weeks of 1378 that intervened between his election and his electors' repudiation of the election.

3 The documentation can be found in MANSI, vol. XXVII, cols. 730-46.

4 Terrenas Affectiones, March 13, 1415, MANSI, XXXII, Colossians 733. 5 Cum ad laudem of same date; ib. Colossians 733-4. 6 Remota tamen omnino dicti Balthassaris praesidentia et praesentia; MANSI, Colossians 733. The powers granted in the commission are stated to have reference to " congregationem ipsam, in quantum per dictam serenitatem regiam, et non Balthassarem, sese nuncupari facientem Joannem XXIll vocatum . . ." Gregory XII nowhere speaks of John XXIII's "obedience".

7 The schedule, Quia sanctissimus dominus noster: which begins by describing the assembly . . . celebris fama huius sanctae congregationis pro generali concilio Constantiensi . . . congregatae: the vital words are given Ego Joannes . . . istud sacrum concilium generale CONVOCO et omnia per ipsum agenda auctorizo et confirmo: MANSI, ib. Colossians 734. 8 MANSI, ib., Colossians 735. 9 Divina gratia dirigente dated from Rimini, March 10, 1415; MANSI, ib. Colossians 737. 10 The schedule, Ego Carolus de Malatestes, MANSI, ib., Colossians 744 11 "Admittit, approbat et collaudet ", ib., Colossians 745. 12 This document of John XXIII was read and approved by the council at this first session.

13 A "council" not recognized by the legitimate pope, the council of Pisa (1409), session 22 (Msi 26, 1155).

14 really antipope Alexander V 15 Here was read John's "Bull" Ad pacem et exaltationem ecclesiae dated 9 December 1413.

16 The 11th council of Toledo (675), canon 1 (Mansi 11, 137; Bruns 1, 308), ch. 3 C. V q. 4 (Fr 1, 548).

17 Here follow the appointments of the council's ministers and officials 18 John XXIII had fled from Constance on 20 March 1415

19 and the general reform of God's church in head and members adds Asd. These words are not found even in the reliable codices of the Basle epitome (see Hardt IV, prologue 15 ff.) 20 This paragraph is in Asd, but in fact the matter was only proposed, not decided upon (see Hardt, IV 90).

21 The following were also approved at this session : a proposition concerning matters about Hus and Wyclif to be treated at the next session; a decree about writing letters to kings and princes in the name of the council, about the pope's flight and about the continuing integrity of the council; a decree to the effect that pope John should be brought back by the emperor to the council of Constance.

22 Regarding this article, the reasons for the condemnation are included in the acts as follows: The first part is scandalous and presumptuous inasmuch as it speaks in general terms and without distinctions; the second part is errorneous inasmuch as it asserts that beggin is not permitted to friars.

23 Regarding this article, the acts include the following reasons for the condemnation: It is an error if one understands by the Roman church the universal church or a general council, or inasmuch as it would deny the primacy of the supreme pontiff over the other individual churches.

24 In 1412 (Msi, 27, 505-508) 25 This condemnation is not in Asd

26 These 260 articles condemned by the university of Oxford in 1411 (see J. A. Robson, Wyclif and the Oxford Schools, Cambridge 1961, 244-246) are not to be found in any versions of the council's acts. Indeed, the French nation said that it knew nothing about them, and for this reason the same topic was taken up again in the 15th session (see Hardt 4, 156 and 191; Finke II 34, Matthew and 362. H-L wrongly affirms [7, 226] that this decree was passsed in the 9th session. See the 15th session below.

27 In Hardt this decree follows the sentencing of pope John to be removed and deposed; H-L (7, 248 n.), on the other hand, correctly affirms that it preceded the sentence, as the heading of the decree shows.

28 There follows a separate decree on electing four judges for summoning absent prelates.

29 Tanner curiously says "At this session pope Gregory XII, through his legate Charles Malatesta, approved the council of Constance and solemnly renounced the papacy." The actual word used was convoco. See my introduction (2).

30 The following decrees were also promulgated at this session for the purpose of confirming Gregory XII's resignation and of uniting the followers of the two obediences: Legal proceedings in the two obediences, arising from the schism, are declared ended. Decree stating that the process for electing the Roman pontiff, when the see is vacant, may not begin without the council's consent (this decree accords with the decrees promulgated in the earlier session). The council ratifies all that Gregory XII did, canonically and according to reason, within his actual obedience. The decree that Gregory XII may not be re-elected was not made on the grounds of incapacity on the part of the said lord Gregory. The council reserves to itself, and declares that it will indeed see to, the resolution of problems where two or more persons from different obediences hold the same title. The council accepts and admits as cardinals the lord Gregory and his cardinals. That the lord Gregory's officials shall retain their offices. That nobody may depart from the council without the council's permission. That the emperor Sigismund is to attend to the council's safety. Decree stating that the council requires Peter de Luna (Benedict XIII) to resign .

31 The whole of this sentence condemning John Wyclif, together with the articles selected from the 260, is not in Asd; but the articles are published also in H-L 7, 308-313.

32 See above, session 8 (p. 415). In Hardt (4, 400 and 408) this second condemnation of John Wyclif is not clearly distinguished from the condemnation of John Hus which follows immediately in the same session.

33 Innocent III; see Lateran council IV, constitution 21 (see above, p. 245) 34 but they were not copulating as married persons Msi 35 Held in 1412 (Msi 27, 505-508 36 Session 8 [before the council became ecumenical]

37 In this session various matters were also agreed upon concerning the ordering and protecting of the council's work: Decree on silence; Constitution of the council against those who plunder or despoil persons coming to or returning from the council.

38 The Caroline Constitution on ecclesiastical liberty, promulgated by the emperor Charles IV in 1377, was published by Hardt among the acts of the council (4, 523-525). On the confirmation discussed at this session and afterwards promulgated, see Hardt 4, 562-583

39 The articles of Narbonne concerning the unity of the church, which were agreed between the emperor Sigismund and the envoys of the council of Constance on the one side, and the envoys of the kings and princes of Benedict XIII's obedience on the other side, were published by the council in a general assembly on 13 December 145 (see Hardt 4, 584). They are printed in Hardt 2, 542-554

40 The most holy general synod of Constance, legitimately assembled in the holy Spirit, representing the universal church Asd.

41 This article comes fifth in the changed order in Asd.

42 On 22 February 1418 Martin V's bull Inter cunctas was promulgated against the followers of John Wyclif and John Hus. It was addressed to all archbishops, bishops and inquisitors. Included in it were the 45 articles of Wyclif condemned in the 8th session and the 30 articles of Hus condemned in the 15th session. All suspects were to answer 39 questions, which were enumerated in the bull, on these articles (see Hardt 4, 1518-1531; H-L 7, 507-529; D 657-689).

43 Session Matthew 44 Those agreed upon in the council by Martin V--with the Spanish, French, German and English nations--have also been published in Raccolta di concordati su matene ecclesiastiche tra la S. Sede e le autorita civili, edited by A. Mercati, I Roma 1954, 144-168 (see H-L 7, 535-565).

45 Session 39

46 At the beginning of this session the Poles petitioned for a solemn confirmation of the condemnation as heretical of John Falckenberg's doctrine on tyrannicide. This doctrine had already been condemned by the individual nations but not by the council. Pope Martin's reply was as follows: The aforesaid lord our pope said, in answer to these proposals, protestations, requests and suggestions, after silence had been imposed on all (since some were saying much and causing a disturbance), and by way of replying to the aforesaid points, that he wished to hold and inviolably observe, and never to contravene in any way, each and every thing that had been determined, concluded and decreed in a conciliar way, in matters of faith, by this present sacred general council of Constance. The pope approves the things done thus in a conciliar way, and he ratifies all things about matters of the faith that were done in the council in a conciliar way and not otherwise or in some other way (Hardt 4, 1557).

END OF TEXT

16 Part 4 Council of Constance 1414-18

SESSION 15 - 6 July 1415 [Sentence condemning 260 articles Wyclif] [31] The books and pamphlets of John Wyclif, of cursed memory, were carefully examined by the doctors and masters of Oxford university. They collected 260 unacceptable articles from these books and pamphlets and condemned them in scholastic form. This most holy general synod of Constance, representing the catholic church, legitimately assembled in the holy Spirit for the purpose of extirpating schism, errors and heresies, has had all these articles examined many times by many most reverend fathers, cardinals of the Roman church, bishops, abbots, masters of theology, doctors of both laws, and very many other notable persons from various universities. It was found that some, indeed many, of the articles thus examined were and are notoriously heretical and have already been condemned by holy fathers, some are offensive to the ears of the devout and some are rash and seditious. This holy synod, therefore, in the name of our lord Jesus Christ, repudiates and condemns, by this perpetual decree, the aforesaid articles and each one of them in particular; and it forbids each and every Catholic henceforth, under pain of anathema, to preach, teach, or hold the said articles or any one of them. The said holy synod orders local ordinaries and inquisitors of heresy to be vigilant in carrying out these things and duly observing them, insofar as each one is responsible, in accordance with the law and canonical sanctions. Let anyone who rashly violates the aforesaid decrees and sentences of this sacred council be punished, after due warning, by the local ordinaries on the authority of this sacred council, notwithstanding any privilege. [32] [Articles of John Wyclif selected from the 260]

1. Just as Christ is God and man at the same time, so the consecrated host is at the same time the body of Christ and true bread. For it is Christ’s body at least in figure and true bread in nature; or, which comes to the same thing, it is true bread naturally and Christ’s body figuratively.

2. Since heretical falsehood about the consecrated host is the most important point in individual heresies, I therefore declare to modern heretics, in order that this falsehood may be eradicated from the church, that they cannot explain or understand an accident without a subject. And therefore all these heretical sects belong to the number of those who ignore the fourth chapter of John: We worship what we know.

3. I boldly foretell to all these sects and their accomplices that even by the time Christ and all the church triumphant come at the final judgment riding at the trumpet blast of the angel Gabriel, they shall still not have proved to the faithful that the sacrament is an accident without a subject.

4. Just as John was Elias in a figurative sense and not in person, so the bread on the altar is Christ’s body in a figurative sense. And the words, This is my body, are unambiguously figurative, just like the statement "John is Elias".

5. The fruit of this madness whereby it is pretended that there can be an accident without a subject is to blaspheme against God, to scandalise the saints and to deceive the church by means of false doctrines about accidents.

6. Those who claim that the children of the faithful dying without sacramental baptism will not be saved, are stupid and presumptuous in saying this.

7. The slight and short confirmation by bishops, with whatever extra solemnised rites, was introduced at the devil's suggestion so that the people might be deluded in the church's faith and the solemnity and necessity of bishops might be believed in the more.

8. As for the oil with which bishops anoint boys and the linen cloth which goes around the head, it seems that this is a trivial rite which is unfounded in scripture; and that this confirmation, which was introduced after the apostles, blasphemes against God.

9. Oral confession to a priest, introduced by Innocent [33] , is not as necessary to people as he claimed. For if anyone offends his brother in thought, word or deed, then it suffices to repent in thought, word or deed.

10. It is a grave and unsupported practice for a priest to hear the confessions of the people in the way that the Latins use.

11. In these words, You are clean, but not all are, the devil has laid a snare of the unfaithful ones in order to catch the Christian's foot. For he introduced private confession, which cannot be justified, and after the person's malice has been revealed to the confessor, as he decreed in the law, it is not revealed to the people.

12. It is a probable conjecture that a person who lives rightly is a deacon or a priest. For just as I infer that this person is John, so I recognise by a probable conjecture that this person, by his holy life, has been placed by God in such an office or state.

13. The probable evidence for such a state is to be taken from proof provided by the person's deeds and not from the testimony of the person ordaining him. For God can place someone in such a state without the need of an instrument of this kind, no matter whether the instrument is worthy or unworthy. There is no more probable evidence than the person's life. Therefore if there is present a holy life and catholic doctrine, this suffices for the church militant. (Error at the beginning and at the end.)

14. The bad life of a prelate means that his subjects do not receive orders and the other sacraments. They can receive them from such persons, however, when there is urgent need, if they devoutly beseech God to supply on behalf of his diabolical ministers the actions and purpose of the office to which they have bound themselves by oath.

15. People of former times would copulate with each other out of desire for temporal gain or for mutual help or to relieve concupiscence, even when they had no hope of offspring; for they were truly copulating as married persons. [34]

16. The words, I will take you as wife, are more suitable for the marriage contract than, I take you as wife. And the first words ought not to be annulled by the second words about the present, when someone contracts with one wife in the words referring to the future and afterwards with another wife in those referring to the present.

17. The pope, who falsely calls himself the servant of God's servants, has no status in the work of the gospel but only in the work of the world. If he has any rank, it is in the order of demons, of those who serve God rather in a blameworthy way.

18. The pope does not dispense from simony or from a rash vow, since he is the chief simoniac who rashly vows to preserve, to his damnation, his status here on the way. (Error at the end.) 19. That the pope is supreme pontiff is ridiculous. Christ approved such a dignity neither in Peter nor in anyone else.

20. The pope is antichrist made manifest. Not only this particular person but also the multitude of popes, from the time of the endowment of the church, of cardinals, of bishops and of their other accomplices, make up the composite, monstrous person of antichrist. This is not altered by the fact that Gregory and other popes, who did many good and fruitful things in their lives, finally repented.

21. Peter and Clement, together with the other helpers in the faith, were not popes but God's helpers in the work of building up the church of our lord Jesus Christ.

22. To say that papal pre-eminence originated with the faith of the gospel is as false as to say that every error arose from the original truth.

23. There are twelve procurators and disciples of antichrist: the pope, cardinals, patriarchs, archbishops, bishops, archdeacons, officials, deans, monks, canons with their two-peaked hats, the recently introduced pseudo-friars, and pardoners.

24. It is clear that whoever is the humbler, of greater service to the church, and the more fervent in Christ's love towards his church, is the greater in the church militant and to be reckoned the most immediate vicar of Christ.

25. Whoever holds any of God's goods unjustly, is taking the things of others by rapine, theft or robbery.

26. Neither the depositions of witnesses, nor a judge's sentence, nor physical possession, nor inheritance, nor an exchange between persons, nor a gift, nor all such things taken together, confer dominion or a right to anything upon a person without grace. (An error, if it is understood as referring to sanctifying grace.)

27. Unless the interior law of charity is present, nobody has more or less authority or righteousness on account of charters or bulls. We ought not to lend or give anything to a sinner so long as we know that he is such, for thus we would be assisting a traitor of our God.

28. Just as a prince or a lord does not keep the title of his office while he is in mortal sin, except in name and equivocally, so it is with a pope, bishop or priest while he has fallen into mortal sin.

29. Everyone habitually in mortal sin lacks dominion of any kind and the licit use of an action, even if it be good in its kind.

30. It is known from the principles of the faith that a person in mortal sin, sins mortally in every action.

31. In order to have true secular dominion, the lord must be in a state of righteousness. Therefore nobody in mortal sin is lord of anything.

32. All modern religious necessarily become marked as hypocrites. For their profession demands that they fast, act and clothe themselves in a particular way, and thus they observe everything differently from other people.

33. All private religion as such savours of imperfection and sin whereby a person is indisposed to serve God freely.

34. A private religious order or rule savours of a blasphemous and arrogant presumption towards God. And the religious of such orders dare to exalt themselves above the apostles by the hypocrisy of defending their religion.

35. Christ does not teach in scripture about any kind of religious order in antichrist's chapter. Therefore it is not his good pleasure that there should be such orders. The chapter is composed, however, of the following twelve types: the pope, cardinals, patriarchs, archbishops, bishops, archdeacons, officials, deans, monks, canons, friars of the four orders, and pardoners.

36. I infer as evident from the faith and works of the four sects--which are the caesarean clergy, the various monks, the various canons, and the friars-that nobody belonging to them is a member of Christ in the catalogue of the saints, unless he forsakes in the end the sect which he stupidly embraced.

37. Paul was once a pharisee but abandoned the sect for the better sect of Christ, with his permission. This is the reason why cloistered persons, of whatever sect or rule, or by whatever stupid vow they may be bound, ought freely to cast off these chains, at Christ's command, and freely join the sect of Christ.

38. It is sufficient for the laity that at some times they give tithes of their produce to God's servants. In this way they are always giving to the church, even if not always to the caesarean clergy deputed by the pope or by his dependents.

39. The powers that are claimed by the pope and the other four new sects are pretended and were diabolically introduced in order to seduce subjects; such are excommunications by caesarean prelates, citations, imprisoning, and the sale of money rents.

. Many simple priests surpass prelates in such power. Indeed, it appears to the faithful that greatness of spiritual power belongs more to a son who imitates Christ in his way of life than to a prelate who has been elected by cardinals and similar apostates.

41. The people may withhold tithes, offerings and other private alms from unworthy disciples of Christ, since God's law requires this. The curse or censure imposed by antichrist's disciples is not to be feared but rather is to be received with joy. The lord pope and bishops and all religious or simple clerics, with titles to perpetual possession, ought to renounce them into the hands of the secular arm. If they stubbornly refuse, they ought to be compelled to do so by the secular lords.

42. There is no greater heretic or antichrist than the cleric who teaches that it is lawful for priests and levites of the law of grace to be endowed with temporal possessions. The clerics who teach

this are heretics or blasphemers if ever there were any.

43. Temporal lords not only can take away goods of fortune from a church that is habitually sinning, nor is it only lawful for them to do so, but indeed they are obliged to do so under pain of eternal damnation.

44. God does not approve that anyone be judged or condemned by civil law.

45. If an objection is made against those who oppose endowments for the church, by pointing to Benedict, Gregory and Bernard, who possessed few temporal goods in poverty, it may be said in reply that they repented at the end. If you object further that I merely pretend that these saints finally repented of their falling away from God's law in this way, then you may teach that they are saints and I will teach that they repented at the end.

46. If we ought to believe in sacred scripture and in reason, it is clear that Christ's disciples do not have the authority to exact temporal goods by means of censures, and those who attempt this are sons of Eli and of Belial.

47. Each essence has one suppositum, following which another suppositum, equal to the first, is produced. This is the most perfect immanent action possible to nature.

48. Each essence, whether corporeal or incorporeal, is common to three supposita; and the properties, the accidents and the operations inhere in common in all of them.

49. God cannot annihilate anything, nor increase or diminish the world, but he can create souls up to a certain number, and not beyond it.

50. It is impossible for two corporeal substances to be co-extensive, the one continuously at rest in a place and the other continuously penetrating the body of Christ at rest.

51. Any continuous mathematical line is composed of two, three or four contiguous points, or of only a simply finite number of points; and time is, was and will be composed of contiguous instants. It is not possible that time and a line, if they exist, are composed of in this way. (The first part is a philosophical error, the last part is an error with regard to God's power.)

52. It must be supposed that one corporeal substance was formed at its beginning as composed of indivisibles, and that it occupies every possible place.

53. Every person is God.

54. Every creature is God.

55. Every being is everywhere, since every being is God.

56. All things that happen, happen from absolute necessity.

57. A baptised child foreknown as damned will necessarily live long enough to sin in the holy Spirit, wherefore it will merit to be condemned for ever. Thus no fire can burn the child until that time or instant.

58. I assert as a matter of faith that everything that will happen, will happen of necessity. Thus if Paul is foreknown as damned, he cannot truly repent; that is, he cannot cancel the sin of final

impenitence by contrition, or be under the obligation not to have the sin.

[Sentence against John Hus] The most holy general council of Constance, divinely assembled and representing the catholic church, for an everlasting record. Since a bad tree is wont to bear bad fruit, as truth itself testifies, so it is that John Wyclif, of cursed memory, by his deadly teaching, like a poisonous root, has brought forth many noxious sons, not in Christ Jesus through the gospel, as once the holy fathers brought forth faithful sons, but rather contrary to the saving faith of Christ, and he has left these sons as successors to his perverse teaching. This holy synod of Constance is compelled to act against these men as against spurious and illegitimate sons, and to cut away their errors from the Lord's field as if they were harmful briars, by means of vigilant care and the knife of ecclesiastical authority, lest they spread as a cancer to destroy others. Although, therefore, it was decreed at the sacred general council recently held at Rome [35] that the teaching of John Wyclif, of cursed memory, should be condemned and the books of his containing this teaching should be burnt as heretical; although his teaching was in fact condemned and his books burnt as containing false and dangerous doctrine; and although a decree of this kind was approved by the authority of this present sacred council [36] ; nevertheless a certain John Hus, here present in person at this sacred council, who is a disciple not of Christ but rather of the heresiarch John Wyclif, boldly and rashly contravening the condemnation and the decree after their enactment, has taught, asserted and preached many errors and heresies of John Wyclif which have been condemned both by God's church and by other reverend fathers in Christ, lord archbishops and bishops of various kingdoms, and masters in theology at many places of study. He has done this especially by publicly resisting in the schools and in sermons, together with his accomplices, the condemnation in scholastic form of the said articles of John Wyclif which has been made many times at the university of Prague, and he has declared the said John Wyclif to be a catholic man and an evangelical doctor, thus supporting his teaching, before a multitude of clergy and people. He has asserted and published certain articles listed below and many others, which are condemned and which are, as is well known, contained in the books and pamphlets of the said John Hus. Full information has been obtained about the aforesaid matters, and there has been careful deliberation by the most reverend fathers in Christ, lord cardinals of the holy Roman church, patriarchs archbishops, bishops and other prelates and doctors of holy scripture and of both laws, in large numbers. This most holy synod of Constance therefore declares and defines that the articles listed below, which have been found on examination, by many masters in sacred scripture, to be contained in his books and pamphlets written in his own hand, and which the same John Hus at a public hearing, before the fathers and prelates of this sacred council, has confessed to be contained in his books and pamphlets, are not catholic and should not be taught to be such but rather many of them are erroneous, others scandalous, others offensive to the ears of the devout, many of them are rash and seditious, and some of them are notoriously heretical and have long ago been rejected and condemned by holy fathers and by general councils, and it strictly forbids them to be preached, taught or in any way approved. Moreover, since the articles listed below are explicitly contained in his books or treatises, namely in the book entitled De ecclesia and in his other pamphlets, this most holy synod therefore reproves and condemns the aforesaid books and his teaching, as well as the other treatises and pamphlets written by him in Latin or in Czech, or translated by one or more other persons into any other language, and it decrees and determines that they should be publicly and solemnly burnt in the presence of the clergy and people in the city of Constance and elsewhere. On account of the above, moreover, all his

teaching is and shall be deservedly suspect regarding the faith and is to be avoided by all of Christ's faithful. In order that this pernicious teaching may be eliminated from the midst of the church, this holy synod also orders that local ordinaries make careful inquiry about treatises and pamphlets of this kind, using the church's censures and even if necessary the punishment due for supporting heresy, and that they be publicly burnt when they have been found. This same holy synod decrees that local ordinaries and inquisitors of heresy are to proceed against any who violate or defy this sentence and decree as if they were persons suspected of heresy.

[Sentence of degradation against J. Hus]

Moreover, the acts and deliberations of the inquiry into heresy against the aforesaid John Hus have been examined. There was first a faithful and full account made by the commissioners deputed for the case and by other masters of theology and doctors of both laws, concerning the acts and deliberations and the depositions of very many trustworthy witnesses. These depositions were openly and publicly read out to the said John Hus before the fathers and prelates of this sacred council. It is very clearly established from the depositions of these witnesses that the said John has taught many evil, scandalous and seditious things, and dangerous heresies, and has publicly preached them during many years. This most holy synod of Constance, invoking Christ's name and having God alone before its eyes, therefore pronounces, decrees and defines by this definitive sentence, which is here written down, that the said John Hus was and is a true and manifest heretic and has taught and publicly preached, to the great offence of the divine Majesty, to the scandal of the universal church and to the detriment of the catholic faith, errors and heresies that have long ago been condemned by God's church and many things that are scandalous, offensive to the ears of the devout, rash and seditious, and that he has even despised the keys of the church and ecclesiastical censures. He has persisted in these things for many years with a hardened heart. He has greatly scandalised Christ's faithful by his obstinacy since, bypassing the church's intermediaries, he has made appeal directly to our lord Jesus Christ, as to the supreme judge, in which he has introduced many false, harmful and scandalous things to the contempt of the apostolic see, ecclesiastical censures and the keys. This holy synod therefore pronounces the said John Hus, on account of the aforesaid and many other matters, to have been a heretic and it judges him to be considered and condemned as a heretic, and it hereby condemns him. It rejects the said appeal of his as harmful and scandalous and offensive to the church's jurisdiction. It declares that the said John Hus seduced the christian people, especially in the kingdom of Bohemia, in his public sermons and in his writings; and that he was not a true preacher of Christ's gospel to the same christian people, according to the exposition of the holy doctors, but rather was a seducer. Since this most holy synod has learnt from what it has seen and heard, that the said John Hus is obstinate and incorrigible and as such does not desire to return to the bosom of holy mother the church, and is unwilling to abjure the heresies and errors which he has publicly defended and preached, this holy synod of Constance therefore declares and decrees that the same John Hus is to be deposed and degraded from the order of the priesthood and from the other orders held by him. It charges the reverend fathers in Christ, the archbishop of Milan and the bishops of Feltre Asti, Alessandria, Bangor and Lavour with duly carrying out the degradation in the presence of this most holy synod, in accordance with the procedure required by law.

[Sentence condemning J. Hus to the stake] This holy synod of Constance, seeing that God's church has nothing more that it can do, relinquishes John Hus to the judgment of the secular

authority and decrees that he is to be relinquished to the secular court.

[Condemned articles of J. Hus]

1. There is only one holy universal church, which is the total number of those predestined to salvation. It therefore follows that the universal holy church is only one, inasmuch as there is only one number of all those who are predestined to salvation.

2. Paul was never a member of the devil, even though he did certain acts which are similar to the acts of the church's enemies.

3. Those foreknown as damned are not parts of the church, for no part of the church can finally fall away from it, since the predestinating love that binds the church together does not fail.

4. The two natures, the divinity and the humanity, are one Christ.

5. A person foreknown to damnation is never part of the holy church, even if he is in a state of grace according to present justice; a person predestined to salvation always remains a member of the church, even though he may fall away for a time from adventitious grace, for he keeps the grace of predestination.

6. The church is an article of faith in the following sense: to regard it as the convocation of those predestined to salvation, whether or not it be in a state of grace according to present justice.

7. Peter neither was nor is the head of the holy catholic church.

8. Priests who live in vice in any way pollute the power of the priesthood, and like unfaithful sons are untrustworthy in their thinking about the church's seven sacraments, about the keys, offices, censures, customs, ceremonies and sacred things of the church, about the veneration of relics, and about indulgences and orders.

9. The papal dignity originated with the emperor, and the primacy and institution of the pope emanated from imperial power.

10. Nobody would reasonably assert of himself or of another, without revelation, that he was the head of a particular holy church; nor is the Roman pontiff the head of the Roman church.

11. It is not necessary to believe that any particular Roman pontiff is the head of any particular holy church, unless God has predestined him to salvation.

12. Nobody holds the place of Christ or of Peter unless he follows his way of life, since there is no other discipleship that is more appropriate nor is there another way to receive delegated power from God, since there is required for this office of vicar a similar way of life as well as the authority of the one instituting.

13. The pope is not the manifest and true successor of the prince of the apostles, Peter, if he lives in a way contrary to Peter's. If he seeks avarice, he is the vicar of Judas Iscariot. Likewise, cardinals are not the manifest and true successors of the college of Christ's other apostles unless they live after the manner of the apostles, keeping the commandments and counsels of our lord Jesus Christ.

14. Doctors who state that anybody subjected to ecclesiastical censure, if he refuses to be corrected, should be handed over to the judgment of the secular authority, are undoubtedly following in this the chief priests, the scribes and the pharisees who handed over to the secular authority Christ himself, since he was unwilling to obey them in all things, saying, It is not lawful for us to put any man to death; these gave him to the civil judge, so that such men are even greater murderers than Pilate.

15. Ecclesiastical obedience was invented by the church's priests, without the express authority of scripture.

16. The immediate division of human actions is between those that are virtuous and those that are wicked. Therefore, if a man is wicked and does something, he acts wickedly; if he is virtuous and does something, he acts virtuously. For just as wickedness, which is called crime or mortal sin, infects all the acts of a wicked man, so virtue gives life to all the acts of a virtuous man.

17. A priest of Christ who lives according to his law, knows scripture and has a desire to edify the people, ought to preach, notwithstanding a pretended excommunication. And further on: if the pope or any superior orders a priest so disposed not to preach, the subordinate ought not to obey.

18. Whoever enters the priesthood receives a binding duty to preach; and this mandate ought to be carried out, notwithstanding a pretended excommunication.

19. By the church's censures of excommunication, suspension and interdict the clergy subdue the laity, for the sake of their own exaltation, multiply avarice protect wickedness and prepare the way for antichrist. The clear sign of this is the fact that these censures come from antichrist. In the legal proceedings of the clergy they are called fulminations, which are the principal means whereby the clergy proceed against those who uncover antichrist's wickedness, which the clergy has for the most part usurped for itself.

20. If the pope is wicked, and especially if he is foreknown to damnation, then he is a devil like Judas the apostle, a thief and a son of perdition and is not the head of the holy church militant since he is not even a member of it.

21. The grace of predestination is the bond whereby the body of the church and each of its members is indissolubly joined with the head.

22. The pope or a prelate who is wicked and foreknown to damnation is a pastor only in an equivocal sense, and truly is a thief and a robber.

23. The pope ought not to be called "most holy" even by reason of his office, for otherwise even a king ought to be called "most holy" by reason of his office and executioners and heralds ought to be called "holy", indeed even the devil would be called "holy" since he is an official of God.

24. If a pope lives contrary to Christ, even if he has risen through a right and legitimate election according to the established human constitution, he would have risen by a way other than through Christ, even granted that he entered upon office by an election that had been made principally by God. For, Judas Iscariot was rightly and legitimately elected to be an apostle by Jesus Christ who is God, yet he climbed into the sheepfold by another way.

25. The condemnation of the forty-five articles of John Wyclif, decreed by the doctors, is irrational and unjust and badly done and the reason alleged by them is feigned, namely that none of them is catholic but each one is either heretical or erroneous or scandalous.

26. The viva voce agreement upon some person, made according to human custom by the electors or by the greater part of them, does not mean by itself that the person has been legitimately elected or that by this very fact he is the true and manifest successor or vicar of the apostle Peter or of another apostle in an ecclesiastical office. For, it is to the works of the one elected that we should look irrespective of whether the manner of the election was good or bad. For, the more plentifully a person acts meritoriously towards building up the church, the more copiously does he thereby have power from God for this.

27. There is not the least proof that there must be one head ruling the church in spiritual matters who always lives with the church militant.

28. Christ would govern his church better by his true disciples scattered throughout the world, without these monstrous heads.

29. The apostles and faithful priests of the Lord strenuously governed the church in matters necessary for salvation before the office of pope was introduced, and they would continue to do this until the day of judgment if--which is very possible--there is no pope.

30. Nobody is a civil lord, a prelate or a bishop while he is in mortal sin.

[Sentence condemning John Petit's proposition, "Any tyrant-'] This most holy synod wishes to proceed with special care to the eradication of errors and heresies which are growing in various parts of the world, as is its duty and the purpose for which it has assembled. It has recently learnt that various propositions have been taught that are erroneous both in the faith and as regards good morals, are scandalous in many ways and threaten to subvert the constitution and order of every state. Among these propositions this one has been reported: Any tyrant can and ought to be killed, licitly and meritoriously, by any of his vassals or subjects, even by means of plots and blandishments or flattery, notwithstanding any oath taken, or treaty made with the tyrant, and without waiting for a sentence or a command from any judge. This holy synod, wishing to oppose this error and to eradicate it completely, declares, decrees and defines, after mature deliberation, that this doctrine is erroneous in the faith and with regard to morals, and it rejects and condemns the doctrine as heretical, scandalous and seditious and as leading the way through perjury to frauds, deceptions, lies and betrayals. It declares, decrees and defines, moreover, that those who stubbornly assert this very pernicious doctrine are heretics and are to be punished as such according to canonical and legitimate sanctions. [37] SESSION 16 - 11 July 1415

[Deliberation about the council's legates due to depart with the emperor Sigismund for Spain; minor deliberations about the conduct of the council's business.] SESSION 17 - 15 July 1415 [The emperor's imminent departure from the council is treated of; the council offers prayers for his success.] SESSION 18 - 17 August 1415

[Decrees about various matters to be decided by the council: power is given to judges to make decisions, and for pairs of them to hear cases; that bulls of the council are to be obeyed; that forgers of conciliar bulls are to be punished in the same way as forgers of apostolic letters; that

letters are to be despatched regarding the graces granted by the former pope John, except expectative and exceptional graces; ambassadors to Italy are appointed.] SESSION 19 - 23 September 1415

[Jerome of Prague finally abjures his faith publicly and solemnly. There is promulgated at this session an Ordinance between the friars Minor of the strict observance and others of the common life, to put an end to the discords which have arisen in certain provinces; another Ordinance by which cases of heresy are committed to certain judges. It is also decreed that, notwithstanding safe conducts of emperors and kings and others, a competent judge can inquire into heresy; that the lord vice-chancellor shall expedite the Caroline constitution [38] under a bull of the council; that those with benefices who are attending the council shall receive the fruits of their benefices in their absence, that the letters regarding provisions to patriarchal, metropolitan and other churches, which were granted by the former pope John before his suspension, shall be despatched.] SESSION 20 - 21 November 1415 [A warning is decreed against the duke of Austria, on behalf of the bishop of Trent.] SESSION 21 - 30 May 1416 [Sentence condemning Jerome of Prague] In the name of the Lord, Amen. Christ our God and saviour, the true vine whose Father is the vine-dresser, said when teaching his disciples and other followers in these matters: If anyone does not abide in me, he shall be cast forth as a branch and shall wither. This holy synod of Constance is following the teaching and carrying out the commands of this sovereign teacher and master in this case of inquiry into heresy which was started by the same holy synod. It notes the public talk and loud outcry against the said master Jerome of Prague, master of arts, layman. From the acts and proceedings of the case it is evident that the said Jerome has held, asserted and taught various heretical and erroneous articles, which were long ago condemned by holy fathers, some of which are blasphemous, others scandalous and others offensive to the ears of the devout as well as rash and seditious. They were long ago asserted, preached and taught by John Wyclif and John Hus, of cursed memory, and were included in various of their books and pamphlets. These articles, doctrines and books of the aforesaid John Wyclif and John Hus, as well as the memory of Wyclif, and finally the person of Hus, were condemned and damned by this same holy synod and its sentence of heresy. The said Jerome later, during the course of this inquiry, in this holy synod, approved and consented to this sentence of condemnation and acknowledged and professed the true, catholic and apostolic faith. He anathematised all heresy, especially that for which he had been defamed-and he confessed himself defamed--and which John Wyclif and John Hus had taught and held in the past in their works, sermons and pamphlets, and on account of which the said Wyclif and Hus, together with their dogmas and errors, had been condemned as heretical by this same holy synod, and their teaching likewise condemned. He professed acceptance of every condemnation of the aforesaid things and swore that he would remain in the truth of the faith, and that if he ever dared to think or preach anything to the contrary then he wished to submit to the severity of canon law and to be bound to eternal punishment. He offered and gave this profession of his, written in his own hand to this holy synod. Many days after his profession and abjuration, however, like a dog returning to its vomit, he asked for a public hearing to be granted to him in this same holy synod, in order that he might vomit forth in public the deadly poison which lay hidden within his breast. The hearing was granted to him and he asserted, said and professed in effect, at a public assembly of the same synod, that he had wrongly consented to the aforesaid sentence condemning the said Wyclif and John Hus and that he had lied in approving the sentence. He did not fear to state that he had lied. Indeed, he revoked now and for eternity his confession, approval

and profession regarding the condemnation of the two men. He asserted that he had never read any heresy or error in the books of the said Wyclif and John Hus, even though it was clearly proved, before his profession to the sentence on the two men, that he had carefully studied, read and taught their books and it is clear that many errors and heresies are contained in them. The said Jerome professed, however, that he held and believed what the church holds and believes regarding the sacrament of the altar and the transubstantiation of the bread into the body of Christ, saying that he believed in Augustine and the other doctors of the church more than in Wyclif and Hus. It is evident from the above that the said Jerome adhered to the condemned Wyclif and Hus and their errors, and that he was and is a supporter of them. This holy synod has therefore decreed and now declares that the said Jerome is to be cast away as a branch that is rotten, withered and separated from the vine; and it pronounces, declares and condemns him as a heretic who has relapsed into heresy and as an excommunicated and anathematised person.

SESSION 22 - 15 October 1416

[The treaty of Narbonne, between the king of Aragon, the emperor and the envoys of the council, is confirmed [39] : the king of Aragon withdraws obedience from Benedict XIII and recognises the council of Constance through his envoys.] SESSION 23 - 5 November 1416 [Beginning of the process against Peter de Luna, called Benedict XIII in his obedience.] SESSION 24 - 28 November 1416 [A citation against Peter de Luna, called Benedict XIII in his obedience, is decreed.] SESSION 25 - 14 December 1416 [The envoys of the Spanish count of Foix are united with the council in accordance with the terms of the treaty of Narbonne.] SESSION 26 - 24 December 1416 [The envoys of the king of Navarre are united with the council in accordance with the terms of the treaty of Narbonne.] SESSION 27 - 20 February 1417

[The dispute between Frederick, duke of Austria, and the bishop of Trent is discussed: a report is made on the carrying out of the warning decreed in session 20.] SESSION 28 - 3 March 1417 [The Trent dispute is concluded: Frederick, duke of Austria, is condemned.]

I The articles of Narbonne concerning the unity of the church, which were agreed between the emperor Sigismund and the envoys of the council of Constance on the one side, and the envoys of the kings and princes of Benedict XIII’s obedience on the other side, were published by the council in a general assembly on 13 December 1415 (see Hardt 4,584). They are printed in Hardt 2, 542-554.

SESSION 29 - 8 March 1417 [Peter de Luna is accused of contumacy.] SESSION 30 - 10 March 1417 [The process against Peter de Luna continues.] SESSION 31 - 31 March 1417

[A warning is decreed against Philip, count of Vertus, at the request of the bishop of Asti. Other minor deliberations take place.] SESSION 32 - 1 April 1417 [Peter de Luna is again accused of contumacy and an inquiry about him is established.] SESSION 33 - 12 May 1417 [The process against Peter de Luna, who is deemed contumacious, continues.] SESSION 34 - 5 June 1417 [Everything is made ready for the condemnation of Peter de Luna.] SESSION 35 - 18 June 1417 [The envoys of the king of Castile are united with the council in accordance with the terms of the treaty of Narbonne.] SESSION 36 - 22 July 1417 [It is decreed that Peter de Luna is to be cited to hear the council’s sentence.] SESSION 37 - 26 July 1417 [Definitive sentence whereby Peter de Luna, pope Benedict XIII, is divested of the papacy and deprived of the faith.] May this judgment

come forth from the face of him who sits on the throne, and from his mouth proceeds a double-edged sword, whose scales are just and weights are true, who will come to judge the living and the dead, our lord Jesus Christ, Amen. The Lord is just and loves just deeds, his face looks on righteousness. But the Lord looks on those who do evil so as to cut off their remembrance from the earth. Let there perish, says the holy prophet, the memory of him who did not remember to show mercy and who persecuted the poor and needy. How much more should there perish the memory of Peter de Luna, called by some Benedict XIII, who persecuted and disturbed all people and the universal church? For, how greatly he has sinned against God's church and the entire christian people, fostering, nourishing and continuing the schism and division of God's church How ardent and frequent have been the devout and humble prayers, exhortations and requests of kings, princes and prelates with which he has been warned in charity, in accordance with the teaching of the gospel, to bring peace to the church, to heal its wounds and to reconstitute its divided parts into one structure and one body, as he had sworn to do, and as for a long time it was within his power to do ! He was unwilling, however, to listen to their charitable admonitions. How many were the persons afterwards sent to attest to him! Because he did not listen at all even to these, it has been necessary, in accordance with the aforesaid evangelical teaching of Christ, to say to the church, since he has not listened even to her, that he should be treated as a heathen and a publican. All these things have been clearly proved by the articles coming from the inquiry into faith and the schism held before this present synod, regarding the above and other matters brought against him, as well as by their truth and notoriety. The proceedings have been correct and canonical, all the acts have been correctly and carefully examined and there has been mature deliberation. Therefore this same holy general synod, representing the universal church and sitting as a tribunal in the aforesaid inquiry, pronounces, decrees and declares by this definitive sentence written here, that the same Peter de Luna, called Benedict XIII as has been said, has been and is a perjurer, a cause of scandal to the universal church, a promoter and breeder of the ancient schism, that long established fission and division in God's holy church, an obstructer of the peace and unity of the said church, a schismatic disturber and a heretic, a deviator from the faith, a persistent violator of the article of the faith One holy catholic church, incorrigible, notorious and manifest in his scandal to God's church, and that he has rendered himself unworthy of every title, rank, honour and dignity, rejected and cut off by God, deprived by the law itself of every right in any way belonging to him in the papacy or pertaining to the Roman pontiff and the Roman church, and cut off from the catholic church like a withered member. This same holy synod, moreover, as a precautionary measure, since according to himself he actually holds the papacy, deprives, deposes and casts out the said Peter from the papacy and from being the supreme pontiff of the Roman church and from every title, rank, honour, dignity, benefice and office whatsoever. It forbids him to act henceforth as the pope or as the supreme and Roman pontiff. It absolves and declares to be absolved all Christ's faithful from obedience to him, and from every duty of obedience to him and from oaths and obligations in any way made to him. It forbids each and every one of Christ's faithful to obey, respond to or attend to, as if he were pope, the said Peter de Luna, who is a notorious, declared and deposed schismatic and incorrigible heretic, or to sustain or harbour him in any way contrary to the aforesaid, or to offer him help, advice or good will. This is forbidden under pain of the offender being counted as a promoter of schism and heresy and of being deprived of all benefices, dignities and ecclesiastical or secular honours, and under other penalties of the law, even if the dignity is that of a bishop, a patriarch, a cardinal, a king or the

emperor. If they act contrary to this prohibition, they are by this very fact deprived of these things, on the authority of this decree and sentence, and they incur the other penalties of the law. This holy synod, moreover, declares and decrees that all and singular prohibitions and all processes, sentences, constitu- tions, censures and any other things whatsoever that were issued by him and might impede the aforesaid, are without effect; and it invalidates, revokes and annuls them; saving always the other penalties which the law decrees for the above cases.

SESSION 38 - 28 July 1417

[Decree about the right to vote of the deputies of the kings of Castile and Aragon, concerning which agreement had not been reached among the said deputies in the previous session; decrees about other lesser matters.] SESSION 39 - 9 October 1417 [On general councils] The frequent holding of general councils is a pre-eminent means of cultivating the Lord’s patrimony. It roots out the briars, thorns and thistles of heresies, errors and schisms, corrects deviations, reforms what is deformed and produces a richly fertile crop for the Lord’s vineyard. Neglect of councils, on the other hand, spreads and fosters the aforesaid evils. This conclusion is brought before our eyes by the memory of past times and reflection on the present situation. For this reason we establish, enact, decree and ordain, by a perpetual edict, that general councils shall be held henceforth in the following way. The first shall follow in five years immediately after the end of this council, the second in seven years immediately after the end of the next council, and thereafter they are to be held every ten years for ever. They are to be held in places which the supreme pontiff is bound to nominate and assign within a month before the end of each preceding council, with the approval and consent of the council, or which, in his default, the council itself is bound to nominate. Thus, by a certain continuity, there will always be either a council in existence or one expected within a given time. If perchance emergencies arise, the time may be shortened by the supreme pontiff, acting on the advice of his brothers, the cardinals of the Roman church, but it may never be prolonged. Moreover, he may not change the place assigned for the next council without evident necessity. If an emergency arises whereby it seems necessary to change the place--for example in the case of a siege, war, disease or the like--then the supreme pontiff may, with the consent and written endorsement of his aforesaid brothers or of two-thirds of them, substitute another place which is suitable and fairly near to the place previously assigned. It must, however, be within the same nation unless the same or a similar impediment exists throughout the nation. In the latter case he may summon the council to another suitable place which is nearby but within another nation, and the prelates and other persons who are customarily summoned to a council will be obliged to come to it as if it had been the place originally assigned. The supreme pontiff is bound to announce and publish the change of place or the shortening of time in a legal and solemn form within a year before the date assigned, so that the aforesaid persons may be able to meet and hold the council at the appointed time.

[Provision to guard against future schisms]

If it happens--though may it not!--that a schism arises in the future in such a way that two or more persons claim to be supreme pontiffs, then the date of the council, if it is more than a year off, is to be brought forward to one year ahead; calculating this from the day on which two or more of them publicly assumed the insignia of their pontificates or on which they began to govern. All prelates and others who are bound to attend a council shall assemble at the council without the need for

any summons, under pain of the law's sanctions and of other penalties which may be imposed by the council, and let the emperor and other kings and princes attend either in person or through official deputies, as if they had been besought, through the bowels of the mercy of our lord Jesus Christ, to put out a common fire. Each of those claiming to be the Roman pontiff is bound to announce and proclaim the council as taking place at the end of the year, as mentioned, in the previously assigned place; he is bound to do this within a month after the day on which he came to know that one or more other persons had assumed the insignia of the papacy or was administering the papacy; and this is under pain of eternal damnation, of the automatic loss of any rights that he had acquired in the papacy, and of being disqualified both actively and passively from all dignities. He is also bound to make the council known by letter to his rival claimant or claimants, challenging him or them to a judicial process, as well as to all prelates and princes, insofar as this is possible. He shall go in person to the place of the council at the appointed time, under pain of the aforesaid penalties, and shall not depart until the question of the schism has been fully settled by the council. None of the contenders for the papacy, moreover shall preside as pope at the council. Indeed, in order that the church may rejoice more freely and quickly in one undisputed pastor, all the contenders for the papacy are suspended by law as soon as the council has begun, on the authority of this holy synod, from all administration; and let not obedience be given in any way by anyone to them, or to any one of them until the question has been settled by the council.

If it happens in the future that the election of a Roman pontiff is brought about through fear, which would weigh upon even a steadfast man, or through pressure, then we declare that it is of no effect or moment and cannot be ratified or approved by subsequent consent even if the state of fear ceases. The cardinals, however, may not proceed to another election until a council has reached a decision about the election, unless the person elected resigns or dies. If they do proceed to this second election, then it is null by law and both those making the second election and the person elected, if he embarks upon his reign as pope, are deprived by law of every dignity, honour and rank--even cardinalatial or pontifical--and are thereafter ineligible for the same, even the papacy itself; and nobody may in any way obey as pope the second person elected, under pain of being a fosterer of schism. In such a case the council is to provide for the election of a pope. It is lawful, however, and indeed all the electors are bound, or at least the greater part of them, to move to a safe locality and to make a statement about the said fear. The statement is to be made in a prominent place before public notaries and important persons as well as before a multitude of the people. They are to do this as quickly as they can without danger to their persons, even if there is a threat of danger to all their goods. They shall state in their allegation the nature and extent of the fear and shall solemnly swear that the allegation is true that they believe they can prove it and that they are not making it out of malice or calumny. Such an allegation of fear cannot be delayed in any way until after the next council.

After they have moved and have alleged the fear in the above form, they are bound to summon the person elected to a council. If a council is not due for more than a year after their summons, then its date shall be brought forward by the law itself to only a year ahead, in the way explained above. The elected person is bound under pain of the aforesaid penalties, and the cardinals under pain of automatically losing the cardinalate and all their benefices, to announce and proclaim the council within a month after the summons, in the way mentioned above, and to make it known as

soon as possible. The cardinals and other electors are bound to come in person to the place of the council, at a suitable time, and to remain there until the end of the affair. The other prelates are bound to answer the cardinals' summons, as mentioned above, if the person elected fails to issue a summons. The latter will not preside at the council since he will have been suspended by law from all government of the papacy from the time the council begins, and he is not to be obeyed by anyone in any matter under pain of the offender becoming a promoter of schism. If the aforesaid emergencies arise within a year before the beginning of a council-namely that more than one person claim to be pope or that someone has been elected through fear or pressure--then those who claim to be pope, or the one elected through fear or pressure, as well as the cardinals, are deemed by law as having been summoned to the council. They are bound, moreover, to appear in person at the council, to explain their case and to await the council's judgment. But if some emergency happens during the above occurrences whereby it is necessary to change the place of the council--for example a siege or war or disease or some such--then nevertheless all the aforesaid persons, as well as all prelates and others who are obliged to attend a council, are bound to assemble at a neighbouring place suitable for the council, as has been said above. Moreover, the greater part of the prelates who have moved to a particular place within a month may specify it as the place of the council to which they and others are bound to come, just as if it had been the place first assigned. The council, after it has thus been summoned and has assembled and become acquainted with the cause of the schism, shall bring a suit of contumacy against the electors or those claiming to be pope or the cardinals, if perchance they fail to come. It shall then pronounce judgment and shall punish, even beyond the aforesaid penalties and in such a way that the fierceness of the punishment acts as an example to others, those who are to blame--no matter of what state or rank or pre-eminence, whether ecclesiastical or secular, they may be--in starting or fostering the schism, in their administering or obeying, in their supporting those who governed or in making an election against the aforesaid prohibition, or who lied m their allegations of fear. The disturbance caused by fear or pressure at a papal election corrodes and divides, in a lamentable way, the whole of Christianity. In order that it may be assiduously avoided, we have decided to decree, in addition to what has been said above, that if anyone brings to bear or causes, or procures to be brought about, fear or pressure or violence of this kind upon the electors in a papal election, or upon any one of them, or has the matter ratified after it has been done, or advises or acts in support of it, or knowingly receives or defends someone who has done this, or is negligent in enforcing the penalties mentioned below--no matter of what state or rank or pre-eminence the offender may be, even if it be imperial or regal or pontifical, or any other ecclesiastical or secular dignity he may hold--then he automatically incurs the penalties contained in pope Boniface VIII's constitution which begins Felicis, and he shall be effectively punished by them.

Any city--even if it be Rome itself, though may it not be!--or any other corporation that gives aid, counsel or support to someone who does these things, or that does not have such an offender punished within a month, insofar as the enormity of the crime demands and there exists the possibility of inflicting the punishment, shall automatically be subject to ecclesiastical interdict. Furthermore the city, apart from the one mentioned above, shall be deprived of the episcopal dignity, notwithstanding any privileges to the contrary. We wish, moreover, that this decree be solemnly published at the end of every general council and that it be read out and publicly announced before the start of a conclave, wherever and whenever the election of a Roman pontiff

is about to take place.

[On the profession to be made by the pope]

Since the Roman pontiff exercises such great power among mortals, it is right that he be bound all the more by the incontrovertible bonds of the faith and by the rites that are to be observed regarding the church's sacraments. We therefore decree and ordain, in order that the fullness of the faith may shine in a future Roman pontiff with singular splendour from the earliest moments of his becoming pope, that henceforth whoever is to be elected Roman pontiff shall make the following confession and profession in public, in front of his electors, before his election is published. In the name of the holy and undivided Trinity, Father and Son and holy Spirit. Amen. In the year of our Lord's nativity one thousand etc., I, N., elected pope, with both heart and mouth confess and profess to almighty God, whose church I undertake with his assistance to govern, and to blessed Peter, prince of the apostles, that as long as I am in this fragile life I will firmly believe and hold the catholic faith, according to the traditions of the apostles, of the general councils and of other holy fathers, especially of the eight holy universal councils-namely the first at Nicaea, the second at Constantinople, the third at Ephesus, the fourth at Chalcedon, the fifth and sixth at Constantinople, the seventh at Nicaea and the eighth at Constantinople--as well as of the general councils at the

Lateran,

Lyons and

Vienne, and I will preserve this faith unchanged to the last dot and will confirm, defend and preach it to the point of death and the shedding of my blood, and likewise I will follow and observe in every way the rite handed down of the ecclesiastical sacraments of the catholic church. This my profession and confession, written at my orders by a notary of the holy Roman church, I have signed below with my own hand. I sincerely offer it on this altar N. to you, almighty God, with a pure mind and a devout conscience, in the presence of the following. Made etc.

[That prelates may not be translated without their consent] When prelates are translated, there is commonly both spiritual and temporal loss and damage of a grave nature for the churches from which they are transferred. The prelates, moreover, sometimes do not maintain the rights and liberties of their churches as carefully as they otherwise might, out of fear of being translated. The importunity of certain people who seek their own good, not that of Jesus Christ, may mean that the Roman pontiff is deceived in such a matter, as one ignorant of the facts, and so is easily led astray. We therefore determine and ordain, by this present decree, that henceforth bishops and superiors ought not to be translated unwillingly without a grave and reasonable cause which, after the person in question has been summoned, is to be inquired into and decided upon with the advice of the cardinals of the holy Roman church, or the greater part of them, and with their written endorsement. Lesser prelates, such as abbots and others with perpetual benefices, ought not to be changed, moved or deposed without a just and reasonable cause that has been inquired into.

We add, moreover, that for abbots to be changed the written endorsement of the cardinals is necessary--just as it is necessary for bishops, as has been said-saving, however, the constitutions and privileges of any churches, monasteries and orders.

[On spoils and procurations]

Papal reservations as well as the exacting and receiving of procurations which are due to ordinaries and other lesser prelates, by reason of a visitation, and of spoils on deceased prelates and other clerics, are seriously detrimental to churches, monasteries and other benefices and to churchmen. We therefore declare, by this present edict, that it is reasonable and in the public interest that reservations made by the pope, as well as exactions and collections of this kind made by collectors and others appointed or to be appointed by apostolic authority, are henceforth in no way to occur or to be attempted. Indeed, procurations of this kind, as well as spoils and the goods of any prelates found at their deaths, even if they are cardinals or members of the papal household or officials or any other clerics whatsoever, in the Roman curia or outside it, no matter where or when they die, are to belong to and to be received by, fully and freely, those persons to whom they would and ought to belong with the ending of the aforesaid reservations, mandates and exactions. We forbid the exaction of such spoils on prelates even inferior ones and others, which are outside and contrary to the form of common law. However, the constitution of pope Boniface VIII of happy memory, beginning Praesenti, which was published with this specially in mind, is to remain in force.

17 Part 1 Council of Basel 1431-45 A.D.

Council of Basel 1431-45 A.D.

I N T R O D U C T I O N

Basel had been designated as the place for this ecumenical council by the abortive council of Pavia -- Siena (1423-1424). It was opened on 25 July 1431 by the papal legate, who had been appointed by Pope Martin V in two bulls dated 1 February 1431, Dum onus universalis gregis and Nuper siquidem cupientes shortly before the pope's death on 20 February 1431. A great part of the council's work in the early years was taken up with its quarrel with Pope Eugenius IV, who was accused of wishing to dissolve or transfer the council. The prospect of re-union with the eastern church provided an opportunity to transfer the council to another city. This move was supported by the council fathers loyal to the pope, who however were in a minority, and in the 25th session they voted for the city of Ferrara. There the council was re-opened on 8 January 1438, Pope Eugenius IV later attending in person. Some historians doubt the ecumenicity of the first 25 sessions at Basel. All agree that the sessions held at Basel after the 25th session until the final one on 25 April 1449 cannot be regarded as sessions of an ecumenical council. The Greek bishops and theologians attended the council of Ferrara from 9 April 1438. The council was transferred to Florence on 10 January 1439. There, in the session on 6 July 1439, the decree of union with the Greek church was approved. Subsequently decrees of union with the Armenian and Coptic churches were approved. Finally the council was transferred to Rome on 24 February 1443. There other decrees of union with the Bosnians, the Syrians and finally with the Chaldeans and Maronites of Cyprus, were approved. The last session of the council was held on 7 August 1445. The decisions taken at Basel have the form of conciliar decrees. Those taken at Ferrara, Florence and Rome are almost always in the form of bulls, since the pope was presiding in person; in these cases the decree mentions the council's approval and contains the words "in a solemnly celebrated general session of the synod".

Almost all the decrees of re-union were of little effect. Nevertheless it is significant that the church's unity was discussed in a council attended by some eastern bishops and theologians, and that there was agreement on the principal dogmatic and disciplinary questions which had divided the two churches for many centuries. The acts of the council of Basel were first published by S. Brant in Basel in 1499, with the title Decreta concilii Basileensis (= Dc). This collection was subsequently published by Z. Ferreri at Milan in 1511, and by J. Petit at Paris in 1512. Almost all later conciliar collections included the acts and decrees of the council of Basel, from Merlin to Mansi's Amplissima collectio (= Msi). A brief history of these collections was written in 1906 by H. Herre in his work entitled, Handschriften und Drucke Baseler Konzilsakten, in Deutsche Reichstagsakten unter Kaiser Sigmund, Part IV/1, 1431-1432, 10/1, Goettingen 1957, XCVI-CI. Another edition of the decrees of Basel is contained in John of Segovia's diary, which is to be found in Monumenta conciliorum generalium saeculi XV (= Mxv), II Vienna 1873. Editio Romana, however, omits the council of Basel (see Labbe-Cossart XIII, n. 7; S. Kuttner, L 'Edition romaine

des conciles generaux, Rome 1940). For Basel, we have followed the edition of Msi 29 (1788) 1-227. We have noted the principal variants in Dc and Mxv. We have omitted some decrees pertaining to internal matters of the council, to the quarrel with Eugenius IV and to administration; we have always noted the titles of these decrees in footnotes. The decrees of Ferrara, Florence and Rome were first published by P. Crabbe (1538, 2, 754V-826). H. Justinianus subsequently published a more careful edition, Acta sacri oecumenici concilii Florentini, Rome 1638, which was followed by later collections until Msi 31 supplement (1901) (see V. Laurent L'edition princeps des actes du Concile de Florence, Orient. Christ. Per.21 (1955) 165-189, and J.Gill, ibid. 22 (1956) 223-225). The decrees are also to be found in Monumenta conc. gen. saec. XV, III-IV Vienna 1886-1935. We have followed the critical edition published by the Pontifical Oriental Institute, Concilium Florentinum. Documenta et Scriptores (= CF), Rome 1940-, and we have included the principal variants noted in it. As regards the English translation, the following points should be noted where the original text is given in two languages, namely Latin and another. Where a Greek text is given (pp. 520-528), this is of equal authority with the parallel Latin version, and in the English translation the few significant discrepancies between the two texts have been noted. In the cases of Armenian and Arabic texts (pp. 534-559 and 567-583), these were translations from the Latin, which was the authoritative text, and therefore the English translation is from the Latin alone (the differences from the Latin in the Armenian and Arabic texts are numerous and complex). For these points, see J. Gill, The Council of Florence, Cambridge 1959, pp. 290-296, 308 and 326.

SESSION 1 14 December 1431 The holy synod of Basel, representing the universal church, legitimately assembled in the holy Spirit under the presidency of the most reverend father in Christ lord Julian, cardinal deacon of St Angelo of the holy Roman church, legate of the apostolic see, for the glory of almighty God, the exaltation of the catholic faith and the progress of the christian religion, laying its foundation on the cornerstone Christ Jesus, in whom the whole structure is joined together and grows into a holy temple in the Lord, calls to mind that the holy general synod of Constance, celebrated in the holy Spirit, esteeming it salutary and beneficial that general councils should be frequent in the holy church of God, established this by its decree as follows: The frequent holding of general councils . . . 2 Hence for the execution of that decree, the city of Pavia in Italy was chosen for the general council to be held at the end of the five years immediately following. At the decreed time that council was indeed inaugurated in the said city of Pavia and thence it was translated for certain reasons to the city of Siena. In that general council which was begun in Pavia and was held in the city of Siena, this city of Basel was chosen and duly assigned for the next future general council to be held after the seven-year period from the end of the council of Siena, as is stated in the public instrument then composed about this succession.

[Establishment of the holy council of Basel] The most reverend lord legate in his desire to fulfil the apostolic commission since at the time when the beginning of the council was imminent he was immersed in the expedition against the pestilential heresy of the Hussites for the sake of the faith, had his vicegerents despatched to this city and thereafter with all possible speed came himself to this city, in order that, with the help of God's grace, he might fulfil in this general council the office of legate laid upon him, as our most holy lord Eugenius IV, pope by divine providence, had by a series of letters of his holiness enjoined on him. In this city, during more than three months, he held several congregations with prelates and others who had arrived in the city for the said general council, and he had discussions about the establishment and holding of the council. Finally it was

decreed that the present solemn session should be held, in which, firstly, since from the above it is manifest that this city is the place deputed for the general council and the date for it to be held is already past, and the authority of the most holy apostolic see is not lacking, it decrees, defines and declares that in this city and place the general council is canonically fixed and founded, and that all, both prelates and others who by right or custom are obliged to attend general councils, are bound to come to its celebration.

[Purpose of the council of Basel]

Seeing that all things direct their actions more immediately and intensely the more knowledge they have of their destined purpose, so this holy synod, after intense meditation and thought on the needs of the christian religion and after mature and ordered deliberation, decrees that, with the help of God from whom all good things comet, it will pursue with all its zeal and attention these three ends. First that, with the banishment of the darkness of all heresies from the bounds of the christian people, the light of catholic truth, by the generosity of Christ the true light, may be resplendent. Secondly that, after due thought and with the help of the author of peace, the christian people, freed from the madness of wars by which -- with the sower of weeds doing his work -- it is affected and divided in various parts of the world, may be brought back to a peaceful and tranquil state. Thirdly, as the vine of Christ has already almost run wild on account of the multitude of thistles and thorns of vices crowding in upon it, to cut them back through the endeavour of necessary cultivation, with the work from on high of the evangelical husbandman, so that it may flourish again and produce with happy abundance the fruits of virtue and esteem. Since such great benefits as these cannot be hoped for without a generous flow of heavenly grace, it earnestly exhorts in the Lord all Christ's faithful that for the happy achievement of the aforesaid they should urge the divine majesty with devout prayers, fasts and almsgiving that the good and merciful God, placated by such humble submission, may deign with his accustomed goodness to grant to this sacred council the desired completion of all these things, imposing this on them unto the remission of their sins.

SESSION 2 15 February 1432 The holy general synod of Basel, representing the church militant, for an everlasting record. To the praise of almighty God and the glory and honour of the blessed and undivided Trinity, for the extirpation of heresies and errors, for the reformation of morals in head and members of the church of God, and for the pacification of kings and kingdoms and other Christians in discord among themselves through the instigation of the author of discords, the synod, legitimately assembled in the holy Spirit, decrees, establishes, defines, declares and ordains as follows.

[Decree that the council of Basel is legitimately begun]

First, that the same sacred synod of Basel, by the decrees and ordinances of the sacred general councils of Constance and of Siena, and by the action of apostolic authority, was and is duly and legitimately begun and assembled in this place of Basel. And lest anyone should doubt about the power of the same sacred synod of Basel, this same synod in this present session ordains and decrees that two declarations from the decrees of the synod of Constance are to be inserted among its other decrees already issued or to be issued. The text of the first of these declarations is as follows, First it declares . . . 1; that of the other is this, Next it declares . . . I Therefore, presupposing also some other decrees of the council of Constance, especially the one beginning

The frequent, which were read out in a former session of this sacred synod of Basel, the said synod of Basel decrees and declares that, legitimately assembled in the holy Spirit, for the extirpation of heresies and a general reformation of morals in the church in head and members, and also for procuring peace among Christians, as is stated above, no one of whatever authority, even if he is distinguished by the dignity of the papacy, could or should have in the past, or can or ought to now or in the future, dissolve or transfer the said synod of Basel to another locality or prorogue it to another date without the deliberation and consent of the same synod of Basel.

SESSION 3 29 April 1432 [Impossibility of the dissolution of the council is decreed] This holy council, considering that the aforesaid dissolution of the council was enacted contrary to the decrees of the council of Constance, and that it leads to a serious danger of subversion of the faith as well as disturbance and harm for the state of the church and scandal for the whole christian people, decreed that the dissolution could not be made. Since, therefore, the dissolution is no obstacle at all, the prosecution of what has been praiseworthily set in motion for the stability of the faith and the salvation of the christian people should, with the grace of the holy Spirit, be proceeded with. But since the aforesaid bishop of Lausanne and the dean of Utrecht, on their return, did not bring back from the most holy lord pope the desired reply, although the said most holy lord pope had been entreated, appealed to, required, requested and with every insistence very often implored not only by the aforesaid messengers in the name of the council but also by the most serene lord Sigismund, king of the Romans and loyal supporter of the church, so this holy synod, relying on the decrees of the sacred council of Constance, whose words are these, That the holy synod . . . ' decreed in this solemn session to make its demands to the most holy lord pope and also to the most reverend lord cardinals in the way and style as follows. This holy synod, therefore, legitimately assembled in the holy Spirit, beseeches the aforesaid most blessed lord pope Eugenius with all reverence and insistence and through the tender mercy of Jesus Christ entreats, requires implores and warns him to revoke in fact the alleged dissolution as in fact it was issued, and in the same way as he made the dissolution to send and publish over the different parts of the world the revocation, and completely to desist from every obstacle against the said council: indeed more, to favour and assist the council, as is his duty, and to offer it every support and opportune help, and to come in person within three months -- an interval which it assigns and determines as a peremptory limit -- if his physical state so allows. But if it does not, in his place and stead he should nominate some person or persons and send them with plenary power for each and every question in this council up to its very end through each and all of its acts gradually and successively. Otherwise, if his holiness should fail to do this, which is a thing that in no way is to be expected of the vicar of Christ, the holy synod will see to it that provision is made for the necessities of the church as shall seem just and as the holy Spirit shall dictate, and will proceed in accordance with what befits both divine and human law. In the same way it beseeches, requires, implores and warns the aforesaid most reverend lord cardinals, who as the chief hinges of the church of God should apply their minds with great fervour to these things, that they should bring earnest pressure to bear on the lord pope about the aforesaid things, and should favour, aid and help this sacred council in every opportune way. And since their presence, in view of their authority, great prudence and practical experience, is highly expedient for this sacred council, it requires and warns and cites the lord cardinals and each of them in particular that, canonical impediment ceasing, they shall come to the said council within three months from the notification by this present decree, which interval it precisely and peremptorily assigns and determines for the

triple canonical monition. Otherwise, since failure to come to the sacred general council so as to aid the church in its great necessities will without doubt be judged as contributing to the danger of a serious challenge to the catholic faith and to the harm of the whole church, this holy council at the expiry of the stated interval will take proceedings against those who have failed to come, since their contumacy demands this, according as the order of divine as well as human law shall dictate and allow, and will take steps, with the help of the most High, to provide for the necessities of the church. In the aforesaid however, the said synod has no intention of including the most reverend lord cardinal of holy Cross as long as he is engaged in negotiations for peace between the kingdoms of France and England; but in respect of the most reverend lord cardinals of Plasencia and of Foix, as they are commonly called, and the cardinal of St Eustathius, since they are in nearer localities, it limits the above-mentioned interval to two months.

Further the holy synod orders all lord patriarchs, archbishops, bishops and other prelates of churches, and clerics, notaries and ecclesiastical personages, as also other faithful of Christ, of every status, dignity, grade and condition, and it requires and requests all princes and lords, even if they possess imperial, regal, ducal or any other authority, who shall have been requested regarding the above, that in virtue of holy obedience, under threat of the divine judgment and under pain of excommunication, they should report, intimate and notify all and each of the aforesaid things to the said most holy lord pope and to the most reverend lord cardinals, and should have them reported, intimated and notified to these people in person, if they have safe and convenient access to them. Where personal access is not possible, this is to be done by affixing notices drawn up by a public notary, if this can be done safely, to their residences and also on the door of the apostolic palace and on the churches of St John Lateran, St Peter’s and St Mary Maggiore; or failing that, on the chief churches of the cities of Sutri Viterbo and Siena, or three other neighbouring cities, as it shall seem better. This holy synod decrees that these places are suitable for the execution of all the aforementioned.

Yet this holy synod, desiring to meeting future eventualities and to avoid all waste of time, since delay in these matters is fraught with danger, ordains and decrees that a decree of admonition and citation of this kind, after it has been read out in this solemn session and published, shall be affixed to the doors of the cathedral church of Basel so that, should it happen that its intimation cannot be effected in any of the ways outlined above, in that case, as by a public edict, for four months to be calculated from this day, the publication, monition and citation shall be considered as performed in respect of all its effects, so that all its effects are obtained and it binds those to whom it is directed as if it had been insinuated and presented in person, the above peremptory force and threats being considered here as inserted.

Further, this holy council declares and insists that, despite the aforesaid delays, since a legal summons has already been issued by the decrees of the council of Constance, and since the urgency of the situation suggests the following, as does also the nature of what is to be accomplished in the continuation of the council and of the things to be done in it, it means to proceed in anorderly, due and mature manner, and for that reason not to be remiss in any way in the process. Lastly, this holy synod decrees citations for all prelates and others who are obliged to come to a general council, and each and all generals of orders and also inquisitors of heresy, with the delay of a fixed term or terms as it shall seem good to the deputies, with penalties and censures and suitable conditions.

SESSION 4 20 June 1432 The holy general synod of Basel, legitimately assembled in the holy Spirit, representing the universal church. By this decree we indicate to all that to each and every priest, baron, noble, soldier and citizen and every other man of whatever status, condition or rank from the kingdom of Bohemia and the marquisate of Moravia, from Prague and the cities and other places of the same, and to all other ecclesiastical and secular persons who, male or female, will be sent with them to the general council of Basel and are about to set out, to all these persons under whatever name they are listed or can be called, within however the number of two hundred persons, by the force of this present decree we grant and give our fullest and perfect safe-conduct and we bestow a most genuine security for their coming to this city of Basel and their abiding, staying and resting here, and for their treating with us on affairs suitably committed to them and their arranging, concluding and ending them. We allow them to perform the divine offices in their lodgings without any obstacle on our part; so that also, on account of their presence, neither on their journey nor in any other place of their journey, in coming, remaining or returning, nor in the city itself of Basel, will cessation from divine offices be imposed in any way in the form of an interdict.

Further, they will be allowed freely to propose and explain in the general council or synod of Basel, by word of mouth or in writing, the four articles on whose clarity they insist; to prove, support and recommend them with quotations from the sacred scriptures and the blessed doctors and, if need be, to reply to the objections of the general synod or to argue about them with one or several from the council or to discuss them in a charitable way without any impediment; with reproach, abuse and taunt being totally excluded, observing the form and the ways specified and mutually agreed between our envoys and the messengers of the aforesaid kingdom and marquisate in the city of Eger; and specifically that in the case of the four articles proposed by them, the divine law, the apostolic practice of Christ and of the primitive church, and the councils and doctors truly founding themselves on the same, will be accepted in the council of Basel as the most true and impartial judge. Whether these discussions are or are not brought to a conclusion, whenever by the order or permission of their superiors they, or any one of them, shall choose to return home, then straightaway, without any refusal, condition or delay, they may return freely and safely at their pleasure, with their goods, honour and persons intact, but with the knowledge of the deputies of the council so that suitable provision may be made, without guile or fraud, for their safety.

Moreover, in this safe-conduct of theirs we wish all clauses to be included and contained, and to be held as included, which are necessary and opportune for full, efficacious and sufficient safety in coming, staying and returning; we express these things clearly in order to secure and keep the good of peace. If any one or several of them, whether coming on their journey to us in Basel or while staying here or on their return, shall commit (may it not be so) some heinous crime by which the benefit of security conceded to them could be annulled and quashed, we wish, admit and concede that those arrested in a deed of such sort shall straightaway be punished only by their own people, not by others, by an adequate censure and a sufficient penalty to be approved and praised by us, with the form, conditions and ways of their security remaining completely unimpaired. Similarly if any of ours, whether on their way to us in Basel or while staying here or returning, shall commit (may it not be so) some heinous crime through which the benefit of the security conceded to them could be annulled or quashed, we wish that those arrested in a crime of this sort shall straightaway be punished only by us and our people, not by others, by an adequate

censure and a sufficient penalty to be approved and praised by the lord ambassadors and envoys, with the present form, conditions and ways of the security remaining completely unimpaired.

We wish also that it be allowed to each and every ambassador as often as it is opportune or necessary, to leave the city of Basel in order to take the air and to return to it, and freely to send and despatch their messengers to any place for the arrangement of necessary affairs and to receive a messenger or messengers as often as it suits them, in such a way that they are accompanied by the deputies of the council who will provide for their safety. Further, neither in discussions, public sermons or other conferences can or may our side, in prejudice, derogation or depreciation of the case of the four articles, employ or procure in the locality of the city of Basel any terms that tend to disorder. These safe-conducts and assurances are to remain in force from the moment when, and for as long as, they are received into the care of our protection, to be brought to Basel, and in all the period of their staying here: and again on the conclusion of a sufficient hearing, an interval of twenty days having been set in advance, when they shall request it, or after the hearing the council shall decide, we shall, with God's help and without any guile or fraud, let them return from Basel to Tuschkau, Tachov or Engelsberg, to whichever of these places they prefer to go.

Also for all of Christ's faithful, especially for the most holy lord the Roman pontiff, the most serene prince the lord Sigismund, king of the Romans etc. , the venerable lord cardinals, archbishops and bishops and lord abbots, prelates and clerics as well as for the most illustrious princes, kings, dukes, marquises, counts, barons and noble soldiers, universities, and communities of cities, castles and towns, and their councillors, magistrates, officials and others of whatever condition and status, whether ecclesiastical or secular, under whatever name they go, and for the subjects of all the aforesaid and every part of them, we promise in good faith and guarantee that all of us and every one of the aforesaid persons will observe and guard the prescribed security and the form of their safe-conduct in all its conditions, points and clauses elaborated above, inviolably and unbroken in good faith and with pure heart. Further, we promise that we neither wish nor ought on any alleged occasion, covertly or overtly, to employ any authority, power, law, statute or privilege of laws or canons or of any councils whatever, especially of Constance and Siena, in whatever form of words they may be expressed, to any prejudice of the safe-conduct or assurance and the public hearing which we have granted to them. But if we or anyone of us, of whatever condition or status or pre-eminence, shall violate in any detail or clause the form and way of the above assurance and safe-conduct (which, however, may the Almighty deign to avert), and a suitable penalty shall not have followed straightaway, to be fittingly approved and praised by their judgment, let them hold us, as indeed they can, to have incurred all penalties which by divine and human law or by custom violators of such safe-conducts incur, without any excuse or any challenge from this side .

[If the apostolic see becomes vacant while the council is in progress, the election may not be held outside the council]' The holy general synod of Basel, legitimately assembled in the holy Spirit, representing the universal church, bears in mind that it pertains to the duty of providence to foresee the future with clear-sighted consideration and to take wholesome steps against what could bring harm to the common good. The synod is intent upon the extirpation of heresies, peace among the people of Christ and the reformation of morals, with the grace of the holy Spirit, as is really necessary in view of the present situation. It has summoned the venerable fathers in Christ,

the cardinals of the holy Roman church, to this sacred council, convinced that their presence at it is fruitful in many ways in view of their authority, wisdom and knowledge of affairs. If, then, as obedient sons they are coming to the council when the apostolic see falls vacant elsewhere, such a situation would redound to the benefit of the church but the obedient cardinals would be serving the council to their own disadvantage, whereas everyone knows that obedience should bring with it not disadvantage but an increase of benefit and honour. Lest disobedience may seem to be to the advantage of some who fail to come, this holy synod, with purposeful anticipation and for the above and other reasons which can and should motivate a prudent mind establishes, decrees and defines that, in the event of a vacancy of the apostolic see while this sacred council is in progress, the election of the supreme pontiff shall be held in the place of this sacred council, and it forbids it to be held elsewhere. The synod also decrees that any attempt against this by any authority whatsoever, be it even papal, notwithstanding any constitutions issued or to be issued or anything else acting to the contrary, even if there should be special mention in so many words or a confirmation on oath, which the synod rejects with full knowledge, is null and void and of no force or importance by law; and that those who attempt such things shall be disqualified in both active and passive voice with respect to the election of a Roman pontiff and for every other dignity, and deprived perpetually of all dignities which they hold, and shall automatically incur the mark of infamy as well as sentence of excommunication. If any such pretended election should be attempted, then both the one allegedly elected and his supporters as well as those who treat him as elected incur in the same way the above-mentioned penalties. The said synod reserves to itself, except at the moment of death, absolution of everyone who in any way shall incur the said sentences or any one of them. It declares that the present decree shall bind and come into force after forty days following its publication.

SESSION 5 9 August 1432

[In this session there were approved rules about the organization of the council: On cases and the procurator of the faith; Judges are deputed for the general examination of cases; That members of the council may not be brought to trial outside the place of this council; Officials are appointed.] SESSION 6 6 September 1432 [This session was devoted to reading: Petition of the promoters of the council against the pope and the cardinals.] SESSION 7 6 November 1432 [Interval for a papal election] The most holy general synod of Basel, legitimately assembled in the holy Spirit, representing the universal church, for an everlasting record. Earlier this holy synod issued a decree about the election of a Roman pontiff if a vacancy of the apostolic see occurs during this sacred council. It is entitled, It pertains to the duty of providence . . . , and is to be found in full in the fourth session. However, a doubt about that decree has occurred to some, namely that the interval of ten days which the constitution of the council of Lyons fixed for the cardinals of the holy Roman church to enter the conclave, might elapse and be too restricted at least by the time that notification of the vacancy reaches this council. For, the interval would seems to be too rigid and too short for many of the cardinals who may be away in localities distant from this council. Moreover this holy synod wishes to eliminate all grounds for doubt and to provide carefully for what is conducive to the peace and unity of God’s holy church, and with all modesty and due maturity to proceed with what is known in this matter, as in all things to promote the exaltation of the catholic faith and the general reformation and peace of the christian people, for which the council is legitimately assembled in the holy Spirit. It therefore decrees that in the case of a

vacancy of the apostolic see in the lifetime of this present council, nothing shall be done for the election of a Roman pontiff before the expiry of sixty days from the day of the vacancy.

SESSION 8 18 December 1432 [Decree that there ought to be only one council] The most holy general synod of Basel, legitimately assembled in the holy Spirit, representing the universal church, for an everlasting record. Just as there is only one holy catholic church, as Christ her spouse says, My dove, my perfect one, is only one, and as an article of the faith declares, since unity does not tolerate division, so there can be only one general council representing the holy catholic church. Since, therefore, by decrees of the sacred general councils of Constance and of Siena and by the approval of two Roman pontiffs, namely Martin V and Eugenius IV of happy memory, a general council was instituted and established in this city of Basel and assembled legitimately in the holy Spirit, it is clear that during this council another general council cannot exist elsewhere. Whoever therefore, during the lifetime of this sacred council shall presume to raise and hold another assembly with the title of a general council, is convicted of raising and holding a conventicle of schismatics and not a council of the catholic church. Therefore this holy council warns and exhorts all Christ's faithful, of whatever status or rank they may be, even if papal, imperial or regal, under the adjuration of the divine judgment which holy scripture relates in the case of Korah, Dathan and Abiram, authors of schism, and it strictly commands and forbids them in virtue of holy obedience and under the penalties laid down by the law, not to hold or summon, during this sacred council, another assembly with the title of a general council, which in reality would not be a council, nor to go to or to take part in or in any way to have recourse to it as if it were a general council, even under the pretext of any promise or oath, nor to hold or esteem it to be or even to call it a general council, even if it claims to have been summoned or shall try in the future to be summoned. If any ecclesiastical person, even a cardinal of the holy Roman church, or anyone else of whatever status, rank or condition he may be, shall dare to go to or stay in Bologna or any place with a pretended general council, during this present council, he shall automatically incur sentence of excommunication and deprivation of all benefices, dignities and offices and disqualification from them; and the dignities, offices and benefices of such persons may be freely disposed of by those to whom this pertains by law even if SESSION 9 22 January 1433 [This session was entirely taken up with the solemn reception of the emperor Sigismund.] SESSION 10 19 February 1433 [This session was almost entirely taken up with reading: Accusation of contumacy of the pope.] SESSION 11 27 April 1433 [For the permanent validity of the authority of general councils] The holy general council of Basel, legitimately assembled in the holy Spirit representing the universal church, for an everlasting record. Since the frequent holding of general councils, as a principal means of cultivating the Lord's field affects the universal church, every effort should be made that all obstacles that could impede so holy an institution are removed with great care. Hence this holy synod, obeying the decree of the council of Constance beginning The frequent, and anxious that no scandals such as unhappily have occurred in our day should spring up again in the future, to the detriment of the church, establishes and decrees that the Roman pontiff, who ought to be the first in working in the Lord's vineyard and in drawing others to work by his example, should take part in general councils in person or by a legate or legates a latere who is or are to be chosen in consultation with and with the consent -- which is not to be just by word of mouth -- of two-thirds of the cardinals. Also, all ecclesiastical persons who by law or custom ought to attend general councils are bound henceforward to come in person without further summons to general councils, both by force of the constitution The frequent and by the authority of this sacred

council of Basel or of some other future council legitimately assembled, unless they are prevented by a legitimate impediment, in which case they are bound to send suitable persons with a sufficient mandate. If the Roman pontiff or other above-mentioned persons fail to do this, or in any way take means to impede change, prorogue or dissolve the council, and shall not have repented with real satisfaction within four months, thereafter the pope will be automatically suspended from the papal administration and the other persons from the administration of their dignities; the papal administration will devolve by law upon the sacred council. If they persist with hardened hearts under the aforesaid penalties for a further two months after the said four months, then the general council shall proceed against both the Roman pontiff and the above-mentioned persons up to and including the penalty of deprivation.

[That everybody is free to come to the council] This holy synod decrees that, notwithstanding any prohibition, even from the Roman pontiff, there is freedom for absolutely all persons, of whatsoever status or condition they may be, even if they are cardinals of the Roman church, to go to general councils; and that the Roman pontiff is bound to grant permission to those who wish to go to general councils, especially to the aforesaid cardinals, if they request it.

[The council explains the phrase about prorogation of the council, and annuls attempts to the contrary, including future attempts] This holy synod also declares that those words "it may never be prorogued", contained in the said decree, are to be understood so prohibitively that it cannot be prorogued even by a pope, and that a council actually assembled cannot be dissolved or moved from place to place by a Roman pontiff without the express consent of the council itself, and it quashes, voids and annuls anything that may be attempted in the future against this or even in disparagement or obstruction of this general council or of the persons, prelates and supporters of it, by deprivation, translation and ecclesiastical censures or in any other way.

[That the council may not be dissolved or moved without the express consent of two-thirds of each deputation, etc.] For certain reasonable causes it decrees that the present council of Basel cannot be dissolved or moved from place to place by anybody, even by the pope, unless there is obtained the express consent of two-thirds of each deputation, after a scrutiny of the votes of individual members, and then the approval of two-thirds of the general congregation, after a similar scrutiny of the votes of individual members, and finally a declaration is to be made in a public session. It prays through the tender mercy of Jesus Christ, and by the sprinkling of his precious blood it adjures all members of this sacred council, both present and future, that in no way they give their consent to a dissolution or allow a change of place, except for just and manifest reasons, before the reform in head and members has been completed, in so far as this can reasonably be achieved.

[That the place of the council should be chosen a month before the dissolution, and the phrase "in ten years" is clarified] In accordance with the ordinance of the council of Constance, it wishes that the place of the future council should be chosen at least a month before the date of the dissolution. It also declares, as a precaution, that the phrase "in ten years" which is used in the said constitution should be understood in this way, namely that the ten years should be completely finished, and when it is fully completed the authorization to hold a general council begins. If it happens for any reason that those who are obliged to attend general councils do not come at the beginning, it declares that the said authorization to hold the council does not thereby cease, but

that it should be held as soon as it conveniently can. But so that it cannot be deferred for a long time, this council decrees that for twenty days before the end of the said ten years, or of some other interval if perhaps this should reasonably be determined by the council, the Roman pontiff in person or through his legate or legates, and the archbishop in whose province or diocese the council is to be held and all the prelates who are within four days' journey of the place of the forthcoming council, provided there is no canonical impediment, in person or, if that cannot be, through suitable men constituted as proxies for this purpose, are obliged to present themselves so as to negotiate about the disposition of the place and other preliminaries of the council. On the day appointed for the opening of the council, those present shall celebrate a solemn mass of the holy Spirit, and the council shall be considered constituted and begun from that day. However, on account of the many necessities that can occur for those coming to a council, this holy synod exhorts those who shall be present not to bring difficult questions to a conclusion until after a reasonable wait for those absent and a fitting interval of time, rather, with divine fear as a guide, let everything proceed with due gravity, as the great mass of business of the universal church demands and requires. In those cases in which, according to the decree of Constance, the pope may, with the consent of the cardinals of the holy Roman church, change the place of a future council, it determines that, should the pope fail to do this, the college of cardinals may supply for the defect, on condition however that two-thirds of the cardinals agree, keeping, , nevertheless to the procedure contained in the said decree The frequent. The said cardinals shall swear by God and their consciences that they are making the change of place, if indeed they decide this, for the clear reasons that are mentioned in the decree The frequent.

[That the electors of a pope before entering the conclave shall swear that, if one of them is elected, he will observe the said decrees]' So that the aforesaid may be put into execution the more easily, the holy synod determines that the electors of a Roman pontiff are bound, before entering the conclave, to swear to God and to promise the church that, should one of them be chosen as pope, he will observe the above decrees, statutes and ordinances, and to the best of his ability will endeavour to fulfil them really and effectively adding that whoever in future years shall be chosen as Roman pontiff must swear, among the other things which he must profess according to the decree of the council of Constance beginning Since the Roman pontiff, effective observance of the present decree. Later, in his first public consistory, he is bound to make again the same profession and let him also profess that, if he violates what is contained in this decree or commits a notorious crime which scandalizes the church, he will subject himself to the judgment of a general council. Both he and the college of cardinals shall insert this profession in the letters which they customarily send throughout the world on the accession of a new pope.

[That this decree should be published in synods] So that nobody may plead ignorance of this wholesome and necessary decree, the holy synod orders, in virtue of holy obedience, all metropolitan bishops to have this decree read and published in provincial and synodal councils, and superiors of religious to have it read and published in their general chapters. 2 SESSION 12 13 July 1433 [Decree on elections and confirmations of bishops and prelates]

Just as in building a house the architect's chief concern is to lay such a foundation that the edifice built on it will endure immovable, so in the general reformation of the church the principal preoccupation of this holy synod is that the pastors set over the church may be such that, like pillars and bases, they will firmly uphold the church by the strength of their doctrine and merits.

The office enjoined on prelates manifestly shows how great care should be taken in their election, for they are appointed for the government of souls for which our lord Jesus Christ died and shed his precious blood. Therefore the sacred canons promulgated under the Spirit of God, providentially established that each church and college or convent should elect a prelate for itself. Adhering to these prescriptions this holy synod, assembled in the same Spirit, establishes and defines that a general reservation of all metropolitan, cathedral, collegiate and monastic churches and elective dignities ought not to be made or used by the Roman pontiff in the future, always with the exception of reservations contained in the body of law and those which may arise in territories mediately or immediately subject to the Roman church by reason of direct or beneficial dominion. Rather, provision should duly be made for the aforesaid metropolitan, cathedral, monastic and collegiate churches and elective dignities, when they are vacant, by canonical elections and confirmations in conformity with the dispositions of the common law, without thereby derogating from statutes, privileges and reasonably customs, all postulations in the disposition of the common law remaining intact. This holy synod also decrees that it will be in conformity with reason and beneficial for the common good that the Roman pontiff should attempt nothing contrary to this salutary decree, except for an important, reasonable and manifest cause, which is to be specified expressly in an apostolic letter. So that this salutary decree may be more strictly adhered to, the same holy synod wishes that, among other things that the Roman pontiff shall profess on assuming office, he shall swear to observe inviolably this decree.

Since prelates should be such as is described above, those with the right of electing them should be very careful that they make a worthy election in the presence of God and of the people, and let them be most solicitous to elect such persons as can fill so great an office. Let them remember that if they act in so important an affair either fraudulently or carelessly or without regard for the fear of God, they will be the authors and cause of evil pastors and will therefore share in the penalties which the evil pastors themselves will suffer in the severe judgment of God. Since the endeavour of human fragility can effect nothing without the help of almighty God, from whom every good endowment and every perfect gift comes down, those in whose hands lies the election of a pontiff or an abbot shall meet in church on the day of the election in order to hear with great devotion a mass of the holy Spirit, whom they will humbly petition to deign to inspire them to elect a worthy pastor. The more devoutly they approach the act of election, the more readily they will merit that grace, so let them confess and reverently receive the sacrament of the eucharist. When they have entered the place of the election of any prelate who is to be chosen through election, they shall swear in the hands of the president of the chapter, and the president in the hands of his immediate subordinate, in these words: I, N. , swear and promise to almighty God and to such and such a saint (according to the dedication of the church) to elect the person who I believe will be the more useful to the church in spiritual and temporal things, and not to give a vote to anyone who I think is procuring the election for himself by the promise or gift of some temporal thing, or by making a request in person or through another, or in any other way directly or indirectly. He who appoints a procurator to elect a certain person shall take the same oath and shall confess and communicate; so also shall a procurator with a general mandate for election in matters in which by common law he can be appointed a procurator in the business of such an election. The oath shall be taken also by those who may have made an agreement about the election of a future prelate, and they too are obliged to confess and to communicate. If they do not do so, for that occasion they shall be deprived by law of the power of electing. Thereupon let them elect to the said prelacy

a man of lawful age, of serious character and adequate education, already in sacred orders and suitable in other respects in accordance with canonical regulations.

If the election is made in another way and of a different kind of person than the above or by the wickedness of simony, the election shall be invalid and null by law. Those electing simoniacally shall be automatically subject to perpetual deprivation of the right of electing, besides other penalties. Others shall be subject to canonical penalties. Those elected simoniacally and those who take part in such a simoniacal election, as well as the electors and those confirmed shall automatically incur the penalty of excommunication in horror of so great a crime. Moreover, those so elected and confirmed cannot be absolved from such guilt and excommunication unless they freely resign the churches and dignities which they had disgracefully obtained, and they are rendered perpetually disqualified from acquiring them again. In order to remove every root of ambition this holy synod implores through the tender mercy of Jesus Christ and most earnestly exhorts kings and princes, communities and others of whatever rank or dignity, ecclesiastical or secular, not to write letters to electors or to provide petitions for someone who will get such petitions or letters for himself or for another, and much less to resort to threats or pressure or anything else whereby the process of election would be rendered less free. Similarly, in virtue of holy obedience, it is enjoined on electors not to elect anyone on the strength of such letters, petitions, threats or pressure. When the election has been completed and presented to the person who has the right of confirmation, if a co-elected person or an objector to the election shows himself, he should be summoned by name to discuss the matter of the disputed election. Usually a public announcement should be made in the church in which the election was held, in accordance with the constitution of Boniface VIII of happy memory. Whether or not a co-elected person or an objector appears, the confirmer should proceed in virtue of his office, as is done in the business of the inquisition, using diligence in the due examination and discussion of the form of the election, of the merits of the one elected and of all the circumstances. The confirmation or the annulment of the election should be done in a judicial manner. So that the whole process may be clean and without blemish or even a suspicion of it, the confirmer should altogether refrain, personally as well as through others, from presuming to demand anything at all or even to receive free offerings in return for the confirmation or under the pretext of homage, subvention, gratitude or any other excuse of supposed custom or privilege. For notaries and scribes in such cases, let a moderate fee be levied which is proportionate to the work of writing and not to the value of the prelacy. If the said confirmers shall confirm elections in contravention of the above regulations or in respect of unsuitable persons or involving simony, such confirmations are automatically null. This is to be the case for the occasion, for those who confirm persons other than as stated above: but for the stain of simony, if they have incurred it, they automatically incur sentence of excommunication, from which they cannot be absolved except by the Roman pontiff', except at the point of death. This holy synod exhorts the supreme pontiff, since he should be the mirror and standard of all sanctity and purity, not to demand or accept anything at all for confirming elections referred to him. Otherwise, if he scandalizes the church by notorious and repeated contraventions, he will be delated to a future council. However, for the burdens which he must carry for the government of the universal church, and for the sustenance of the cardinals of the holy Roman church and of other necessary officials, this holy council will make due and suitable provision before its dissolution. If it does not make any provision in this way, then those churches and benefices which hitherto paid a certain tax on the entry into office of a new prelate, shall be obliged thenceforward

to pay in parts half of this tax for the year after their peaceful possession; this provision shall continue until the sustenance of the said pope and cardinals is otherwise provided for. By these ordinances the same synod does not intend any prejudice to the holy Roman and universal church or to any other church.

SESSION 13 11 September 1433

[In this session there was read out, Accusation of contumacy of the pope made by the promoters of the sacred council; the time-limit already intimated to Eugenius IV for him to come to Basel and to abrogate his decree dissolving the council was deferred; finally a new Decree for the protection of members was approved.] SESSION 14 7 November 1433

[In this session there was made, Another deferral, for ninety days, of the monition to the pope, to which were added two proposals, one regarding the revoking of the suspension of the council. the other regarding Eugenius IV's assent to the council.] SESSION 15 26 November 1433 [On provincial and synodal councils] The holy general council of Basel, legitimately assembled in the holy Spirit, representing the universal church, for an everlasting record. Already this holy synod has promulgated a most salutary decree on the stability and authority of general councils, the frequent holding of which is a principal means of cultivating the Lord's field. Indeed, since there is no doubt that episcopal synods and provincial councils form part of this same cultivation, inasmuch as the ancient canons decreed that they should be frequent, so this holy synod, desiring that ancient and praiseworthy customs should be observed in our age, establishes and commands that an episcopal synod should be held yearly in every diocese after the octave of Easter, or on another day according to diocesan custom, at least once a year where custom does not prescribe two, by the diocesan in person unless he is prevented by a canonical impediment, in which case by a vicar who is fitted for the task. This synod should last at least two or three days, or as the bishops deem to be necessary. On the first day, when the diocesan and all those who are obliged to be present at the synod have assembled, during or after the celebration of mass, the diocesan or another in his name shall expound the word of God, exhorting all to strive after good behaviour and refrain from vice, and to strive after what pertains to ecclesiastical discipline and each one's duties, and especially that those who have the care of souls should instruct the people subject to them in doctrine and with salutary exhortations on Sundays and feast-days. Then there should be read out the provincial and synodal statutes and, among other things, a comprehensive treatise on how the sacraments should be administered and other useful points for the instruction of priests. Then the diocesan himself should diligently inquire into the life and morals of his subjects and check with suitable correction the evil of simony, usurious contracts, concubinage, fornication and all other faults and excesses. He should revoke alienations of ecclesiastical property forbidden by law, and he should correct and reform abuses of clerics and other subjects who have failed in respect of the divine office and the wearing of proper dress. Since many scandals often arise because Pope Boniface VIII's constitution Periculoso on the enclosure of nuns is not observed, the diocesan should insist that this enclosure be strictly observed in accordance with that constitution; also that all religious subject to the diocesan should inviolably observe the rules and constitutions of their orders, especially that all ownership is renounced by them. Also let nothing be demanded simoniacally at their reception into a religious order. A chief care of the bishop at the synod should be to make inquiry and to apply proper remedies lest any teaching that is heretical, erroneous, scandalous or offensive to pious ears, or fortune-telling, divinations incantations, superstitions or

any diabolic inventions, infiltrate into his diocese. Let there be appointed synodal witnesses, who should be serious, prudent and honest men, filled with zeal for God's law, in a number proportionate to the area of the diocese, or others with their powers if none are appointed for this, who may be removed by the diocesan if they seem to him to be unsuitable and he may appoint others (as he thinks fit). They shall be obliged to take an oath in the hands of the diocesan himself or of his vicar, as is stated in the canon Episcopus in synodo; they shall travel round the diocese for a year and shall refer what they have seen to be in need of correction and reform to those whose duty it is to correct and reform. If these matters are not corrected and reformed, they shall refer them to a subsequent synod, when proper remedies should be applied. Besides what the diocesan hears from the synodal witnesses or others exercising their office, he should himself inquire assiduously about the faults of his subjects and so confront the guilty with the discipline of needed correction that it may serve as an example to others inclined to do evil.

Also, in every province within two years of the end of a general council, and thereafter at least once in every three years, a provincial council should be held in a safe place. It should be attended by both the archbishop and all his suffragans and others who are obliged to take part in such provincial councils, after a due summons has been issued to them. If a bishop is prevented by a canonical impediment, he should designate his procurator, not only to excuse and justify his absence, but also to participate in the council in his name and to report back what the council decides. Otherwise the bishop is automatically suspended from receiving half the fruits of his church for one year: these should be effectively diverted to the fabric of his church by someone deputed in the council itself. Others who fail to attend are to be punished at the decision of the council and other penalties of the law are to remain in force. Provincial councils are not to be held while a general council is sitting and for six months beforehand. At the beginning of a provincial council the metropolitan or someone in his name during the celebration of mass or afterwards, shall deliver an exhortation calling to mind the things that pertain to the ecclesiastical state and especially the episcopal office and warning all the participants that, as the prophet says, if any soul is lost by their fault his blood will be required by the Lord at their hands. In particular, there should be a strict warning that orders and benefices should be conferred, without any simony, on worthy and deserving persons whose lives are sufficiently well known. Above all, the greatest care and mature inquiry should be used when entrusting the care of souls. Ecclesiastical property on no account should be used for illegal purposes, but for the glory of God and the conservation of churches and, following the holy canons, with a primary concern for the poor and needy, mindful that at the tribunal of the eternal judge they will have to give an account of all of it to the very last farthing. In these councils there should be, according to the regulations of the law, a careful investigation into the correction of faults, the reform of the morals of subjects and especially the conduct of bishops in conferring benefices, confirming elections, administering orders, deputing confessors, preaching to the people, punishing the faults of their subjects and observing episcopal synods, and in any other points respecting the episcopal office and the jurisdiction and administration of bishops in spiritual and temporal matters, especially whether they keep their hands clean of the stain of simony, in order that all those who are found to have transgressed in the aforesaid matters may be corrected and punished by the council. A similar careful inquiry should be instituted about the metropolitan himself in all these respects, and the council should explain clearly to him his faults and defects, admonishing and imploring him that since he is called and ought to be the father of others, he should altogether desist from such failings. Even so, the

council should send straightaway to the Roman pontiff, or to another of his superiors if he has one, a written account of the investigation made about him, so that he may receive punishment and fitting reform from the Roman pontiff or other superior. Besides, if there are discords, quarrels and feuds among some which could disturb the peace and tranquillity of the province, the holy council should strive to pacify them and seek watchfully, as would a dutiful father, for peace and agreement among its sons. If discords of this sort arise between kingdoms, provinces and principalities, the holy bishops of God should straightaway arrange the simultaneous convocation of provincial councils and, in combining their respective counsel and help, strive to banish whatever promotes discord; they should not cease from this out of love or hatred for anyone, but raising the eyes of their minds to God alone and the salvation of their people and putting aside all half-heartedness, they should be intent on the sacred work of peace.

Moreover, in a provincial synod that immediately precedes a forthcoming general council, thought should be given to all that is likely to be dealt with in that general council, to the glory of God and the good of the province and the salvation of the christian people. Let a suitable number of people be elected at it to go in the name of the whole province to the next general council; let them be provided for by a grant or in some other way, according to the law and the judgment of the provincial council; in such a way, however, that those wishing to go to the council or their clergy, in addition to those deputed as above, shall in no way be disadvantaged thereby. Also, let there be read out in each provincial council those things which the canonical regulations order to be read out in them, so that they may be observed inviolably and transgressors may be duly punished. If metropolitans and diocesans fail to celebrate provincial and episcopal synods at the aforesaid time, after the cessation of any legal impediment, they shall lose half of all fruits and revenues accruing to them by reason of their churches, and these shall be applied immediately to the fabric of their churches. If they persist in such neglect for three consecutive months, they shall automatically be suspended from their offices and benefices. After these intervals of time have elapsed, with the aforesaid penalties, the senior bishop in the province of the metropolitan, or the person in orders who is highest in dignity below a bishop, unless by custom or privilege it pertains to another, is obliged to supply for this failure to hold the said provincial and episcopal synods. Moreover, this holy synod bids all superiors of religious communities and orders of all kinds, who are responsible for holding chapters, to hold them at the appointed times, under the aforesaid penalties, and to see that they are held; and let them aim in them, in accordance with canonical sanctions and the constitutions of the orders, at a true reform of the individual communities and orders, so that thereafter regular observance may duly flourish in all monasteries in accordance with their rules and constitutions, and in particular that the three fundamental vows of profession may be strictly observed. By the aforesaid, however, the holy synod does not mean to derogate in any way from anyone’s rights.

SESSION 16 5 February 1434

[This session declares the adherence of Pope Eugenius to the council, with the usual ceremonies; Eugenius’s bull Dudum sacrum, and three other bulls abrogated by that bull, are incorporated into the acts.]

17 Part 2 Council of Basel 1431-45 A.D.

Council of Basel 1431-45 A.D.

SESSION 17 26 April 1434 [On the admission of the presidents into the council in the name of the lord pope Eugenius IV] The holy general synod of Basel, legitimately assembled in the holy Spirit, representing the universal church, admits the beloved sons of the church Nicholas, priest of the title of holy Cross in Jerusalem, and Julian, deacon of St Angelo, cardinals of the holy Roman church, the venerable John, archbishop of Taranto, and Peter, bishop of Padua, and the beloved son of the church Louis, abbot of St Justina of Padua, as presidents in this sacred council in the name, stead and place of the most holy lord pope Eugenius IV, to have the fullest authority and effect throughout, but only on the following conditions: they are to be without any coercive jurisdiction, and the way of proceeding hitherto observed in this council is to remain unchanged, especially what is contained in the ordinances of this sacred council beginning, First, there shall be four deputations, as there are, among which all from the council shall be distributed equally as far as is possible, etc. It also ordains that apart from on a Friday, which is the ordinary day for a general congregation, another general congregation cannot be called unless at least three of the deputations agree to this beforehand. And then the presidents should be informed, or one of them, so that they may announce the programme. If they do not, one of the promoters of the council or someone from the deputations shall announce the programme. All from the council shall come to the congregation. On the other occasions, if the three deputations do not agree, nobody shall come to that congregation; and whatever is done there shall be null and void. The same with regard to a session. When what has been agreed upon by the deputations has been read out in the general congregation, the first of the presidents there present, even if another or others of them are absent, shall conclude the matter in accordance with the ordinances of the sacred council. If he or another of the presidents then presiding refuses to do this, the next prelate in the order of seating shall conclude the matter. If he is unwilling, let another in succession do it. If it happens that none of the presidents comes to a congregation or a session of the general council, then the first prelate, as indicated above, shall fulfil the office of president for that day. Also, all the acts of this sacred council shall be made and despatched under the name and seal of this council, as has been done until now.

SESSION 1 8 26 June 1434 [On the renewal of the decree of the council of Constance about the authority and power of general councils] The holy general synod of Basel, legitimately assembled in the holy Spirit, representing the universal church, for an everlasting record. It is well known that it redounds to the great benefit of the catholic church that its authority, which was earlier declared in the sacred council of Constance and to which all are obliged to submit, should be manifested frequently and the attention of all should be drawn to it. Just as councils of the past were accustomed to renew the salutary institutions and declarations of previous synods, so this holy synod too renews that necessary declaration on the authority of general councils, which was promulgated in the said council of Constance in the words that follow: First it declares . . . and Next it declares , SESSION 19 7 September 1434 [On the agreement between the council and the

Greeks about union] The holy general synod of Basel, legitimately assembled in the holy Spirit representing the universal church, for an everlasting record. As a dutiful mother is ever anxious about the health of her children and is uneasy until any dissension among them has been quietened, so and to a much greater extent holy mother church, which regenerates its children to eternal life, is wont to strive with every effort that all who go by the name of Christian may put aside all quarrelling and may guard in fraternal charity the unity of the faith, without which there can be no salvation. It has therefore been a primary care of this holy synod from the beginning of its meeting to put an end to the recent discord of the Bohemians and the ancient discord of the Greeks, and to bind them to us in the same permanent bond of faith and charity. We invited in all charity to this sacred council, through our letters and envoys, first the Bohemians, since they are nearer, and then the Greeks, so that the holy union might be achieved. Although many from the beginning thought that the Bohemian affair was not only difficult but almost impossible and judged our labours to be a waste of time and useless, nevertheless our lord Jesus Christ, to whom nothing is impossible, has so safely directed the business until now that the invitation to the Bohemians has been of much greater benefit to holy church than the many powerful armies which frequently invaded their country. This fills us with greater hope to pursue the union with the Greeks with all confidence and perseverance. We approach this task the more willingly because we perceive the Greeks to be very inclined to this union. For as soon as the most serene emperor of the Greeks and the patriarch of Constantinople were approached by our envoys, straightaway they appointed to this holy synod three outstanding men from those who seem to be of great authority among them -- the first of whom was indeed a blood-relative of the emperor -- with a sufficient commission from the emperor himself signed by his own hand and with a golden seal, and furnished with letters of the patriarch. Both in a general congregation and in the presence of our commissaries they expressed the most fervent desire of the emperor, the patriarch and the whole eastern church for this union. They urge and daily stimulate us in a wonderful way to pursue this holy work, strongly and persistently affirming two things: that union is only possible in a universal synod in which both the western church and the eastern church meet, and that union will assuredly follow if matters proceed in that synod in the way that is agreed below. We were filled with joy and gladness when we heard this. For what happier and more glorious thing could ever happen to the catholic church than that so many eastern peoples, who seem to be about equal in number to those of our faith, should be joined with us in the unity of faith ? What could be more useful and fruitful to the christian people, since the beginning of the church, than for an inveterate and destructive schism to be completely eradicated ? Moreover, we trust that with God’s help another benefit will accrue to the christian commonwealth; because from this union, once it is established, there is hope that very many from the abominable sect of Mahomet will be converted to the catholic faith. What, then, should not be attempted and done by Christ’s faithful for so holy and salutary an objective? What Catholic is not in duty bound to risk not only the passing substance of this world but even his body and soul for such an advance of the christian name and the orthodox faith? Wherefore, we venerable cardinals of the holy Roman church, presidents of the apostolic see, casting all our thought on God, who alone does great wonders, deputed the patriarch of Antioch and a suitable number of archbishops, bishops, abbots, masters and doctors to treat of this question with the ambassadors of the Greeks and to look for a way to reach a solution. After these men had frequently met and discussed among themselves and with the envoys, they reached the conclusions given below. These conclusions, in accordance with the custom of this

council, were seriously debated by the deputations and ratified by a general congregation. Their contents, together with the chrysobull of the lord emperor, are as follows.

[Agreement of the deputies of the sacred council with the ambassadors of the Greeks] The ambassadors of the most serene lord emperor of the Greeks and of the lord patriarch of Constantinople, namely the lord Demetrius protonostiarius Palaeologus Metotides, the venerable Isidore abbot of the monastery of St Demetrius, and the lord John Dissipatus of the household of the same emperor, meeting together with the lord deputies of the sacred council, first declared that if the western church would agree that this synod should be held in Constantinople, the eastern church would meet there at its own expense and there would be no need for the western church to pay any expenses to eastern prelates. Indeed, the lord emperor himself would, within his limits, provide for Latin prelates on their way to Constantinople. But if it was preferred that the prelates of the eastern church should come to Latin territories for the said synod, then for legitimate reasons the western church would have to meet the expenses of the eastern church. Since the said lord deputies for many reasons believed that this union would be more conveniently arranged in the city of Basel, where in fact the council was sitting, they frequently and urgently pressed the lord envoys that this place should be chosen for the holy union and offered to pay the necessary expenses for this. The envoys replied that since the instructions given to them by the emperor and the patriarch contained limitations on certain places, they would not choose the city of Basel because it was not mentioned in the instructions. The deputies of the sacred council, aware of the holy and perfect intention of the council not to spare any labour and expenditure for the honour of God and the advance of the catholic faith, judged it inexpedient to miss so great a good merely on a question of place. So they agreed, subject to the council’s consent, to one of the places named below with the condition, which is detailed later, that one or more persons should be sent to the lord emperor, the patriarch and others to persuade them by cogent reasons to agree to the city of Basel. The nominated places are these: Calabria, Ancona or another maritime territory; Bologna, Milan or another Italian city; and outside Italy, Buda in Hungary, Vienna in Austria or in the last place, Savoy. The lord deputies agreed with the lord ambassadors in what follows, subject to the council’s consent. First, the ambassadors promised that the emperor of the Greeks, the patriarch of Constantinople, the other three patriarchs and the archbishops, bishops and other ecclesiastics who can conveniently come, will come to the synod. Likewise, representatives will come from all the kingdoms and territories subject to the churches of the Greeks, with full power and authority which shall be confirmed by oath and suitable documents by both the secular authorities and the prelates. Also, the sacred council shall send one or more ambassadors with eight thousand ducats for the holding of a congregation of the prelates of the eastern church in Constantinople. The eight thousand ducats will be paid out by the ambassadors of the sacred council, as it shall seem good to the lord emperor or to the ambassadors themselves; but in such a way that, if the said prelates refuse to come to Constantinople or, having come to Constantinople, refuse to go to the synod, then the emperor shall be bound to restore to the said ambassadors whatever they may have expended on this matter.

Also, that the western church shall pay the expenses of four large galleys, of which two shall be from Constantinople and two from elsewhere, to convey to our port at the appropriate time the emperor, the patriarchs and the prelates of the eastern church with their suites, to the number of seven hundred persons, and to return them to Constantinople. The western church shall pay the

expenses for this in the following way. For the expenses of the emperor and of seven hundred persons from Constantinople to our last port, it will give the emperor fifteen thousand ducats. From the said last port to the place of the said council, and thereafter as long as they remain at the synod and until their return to Constantinople, it will give to the emperor with the said seven hundred persons fair expenses. Also that within the ten months after next November, the sacred council shall be obliged to send two large galleys and two lighter ones to Constantinople with three hundred crossbowmen. On these galleys shall travel the ambassadors of the sacred council and the lord Demetrius protonostiarius Palaeologus, chief of the lord emperor's ambassadors. These ambassadors of the sacred council will have with them fifteen thousand ducats to be given to the lord emperor for the expenses that he and the patriarchs, prelates and others who are coming, to the number of seven hundred persons, shall incur between Constantinople and the last port at which they shall put in, as mentioned above. Also, the said ambassadors of the sacred council who are to travel on the galleys will arrange that ten thousand ducats are at hand to be expended, if necessary, on the defence of the city of Constantinople against any danger that the Turks might cause the city during the lord emperor's absence; this money will be expended by someone deputed by the said ambassadors of the sacred council in proportion to the necessity. Also, the said ambassadors of the sacred council will pay the cost of two light galleys and three hundred crossbowmen for the defence of the city of Constantinople in the lord emperor's absence, and shall ensure that the crews of the said galleys and the crossbowmen take an oath in the hands of the emperor that they will serve him faithfully. Their captains shall be appointed by the emperor. Also, that the said ambassadors shall have for the expenses of the two large galleys what is usually expended in arming such galleys.

Also, the ambassadors of the sacred council who are to go with the said galleys to Constantinople, shall name to the lord emperor the port at which they should finally land and the place, from among those listed above, where the said universal synod shall be held. They will, however, strive with all their might that the city of Basel be chosen, as is to be hoped. Also, this sacred council of Basel will remain meanwhile at Basel, and shall not be dissolved as long as there is no legitimate impediment; but if a legitimate impediment arises, which may God avert, it may transfer itself for its continuation to another city, in accordance with the decree The frequent . If the lord emperor is not satisfied with this place, then within one month after he has landed at the said last port, the sacred council will transfer itself to one of the said places nominated by the same council, as was said above.

Also that, in any event, all the above shall be fulfilled by both parties; and all the above shall be effected in a really stable way and with the greatest force and security that is possible for the sacred council, namely by a decree and under a seal. Also, when all the aforesaid matters have been concluded and agreed and, as was said, fully confirmed, the supreme pontiff should give his express consent by his patent bulls. Everything above is to be understood in good faith, without fraud or deceit and without legitimate or manifest impediment. If all the clauses are fulfilled, the said ambassadors of the Greeks shall state and promise that assuredly the above persons will come even if there should be war and threats to their city, and in confirmation of all this they will deliver to the sacred council a chrysobull of the said emperor, and on behalf of the said emperor they and the others shall take an oath, in writing and signed, in pledge of their firm and true belief that the universal holy synod ought to take place with God's help, unless there intervenes the

death of the emperor or some obvious and real obstacle that cannot be escaped or avoided.

Lastly, the ambassadors of the Greeks were requested to explain the meaning of some terms contained in their instructions. First, what they understand by "universal synod". They replied that the pope and the patriarchs ought to be present at the synod either in person or through their procurators; similarly other prelates ought to be present either in person or through representatives; and they promised, as is stated above, that the lord emperor of the Greeks and the patriarch of Constantinople will participate in person. "Free and inviolate", that is each may freely declare his judgment without any obstacle or violence. "Without contention", that is without quarrelsome and ill-tempered contention; but debates and discussions which are necessary, peaceful, honest and charitable are not excluded. "Apostolic and canonical", to explain how these words and the way of proceeding in the synod are to be understood, they refer themselves to what the universal synod itself shall declare and arrange. Also that the emperor of the Greeks and their church shall have due honour, that is to say, what it had when the present schism began, always saving the rights, honours, privileges and dignities of the supreme pontiff and the Roman church and the emperor of the Romans. If any doubt arises, let it be referred to the decision of the said universal council. There follows the text of the chrysobull of the said emperor translated from Greek into Latin, Whereas there were sent . . . 1; and the letter of the lord patriarch of Constantinople with a leaden seal translated from Greek into Latin, which is as follows, Joseph by the grace of God archbishop of Constantinople . . . we receive the letter of your reverence . . . 2 By the authority of the universal church, therefore, this holy synod by this present decree approves, ratifies, confirms, determines and decrees the above clauses and agreements, and it promises to observe each and all of them and to keep them intact, as is said above. As they lead to an increase of the orthodox faith and the benefit of the catholic church and the whole christian people, they should be most welcome and acceptable to all who love the faith of Christ. Since, as has been said above, the Greeks for a variety of reasons request that the most holy lord pope Eugenius IV should expressly consent to these clauses and agreements, lest on this account so great a good should be let slip, this holy synod implores and begs Eugenius in all charity, and through the tender mercy of Jesus Christ it requests and demands with all possible insistence, that he expresses his assent, for the benefit of the faith and of ecclesiastical unity, to the aforesaid clauses and agreements, which have already been approved and ratified by a synodal decree, by his bulls in the customary style of the Roman curia.

[Decree on Jews and neophytes] The holy general synod of Basel, legitimately assembled in the holy Spirit, representing the universal church, for an everlasting record. This holy synod following in the footsteps of our saviour Jesus Christ, desires in deepest charity that all may acknowledge the truth of the gospel and thereafter abide in it faithfully. By these salutary instructions it desires to provide measures whereby Jews and other infidels may be converted to the orthodox faith and converts may remain steadfastly in it. It therefore decrees that all diocesan bishops should depute persons well trained in scripture, several times a year, in the places where Jews and other infidels live, to preach and expound the truth of the catholic faith in such a way that the infidels who hear it can recognise their errors. They should compel infidels of both sexes who have reached the age of discretion, to attend these sermons under pain both of being excluded from business dealings with the faithful and of other apposite penalties. But the bishops and the preachers should behave towards them with such charity as to gain them for Christ not only by the manifestation of the truth

but also by other kindnesses. The synod decrees that Christians of whatever rank or status who in any way impede the attendance of Jews at these sermons, or who forbid it, automatically incur the stigma of being supporters of unbelief.

Since this preaching will be more fruitful in proportion to the linguistic skill of the preachers, we decree that there must be faithful observance of the constitution of the council of Vienne, which ordered the provision in certain universities of teachers of the Hebrew, Arabic, Greek and Chaldean languages. So that this may be more adhered to, we wish that the rectors of these universities should add to what they swear to on taking office, that they will endeavour to observe the said constitution. It should be clearly laid down, at the councils of the provinces in which these universities are situated, that the teachers of the said languages are to be adequately recompensed.

Furthermore, renewing the sacred canons, we command both diocesan bishops and secular powers to prohibit in every way Jews and other infidels from having Christians, male or female, in their households and service, or as nurses of their children; and Christians from joining with them in festivities, marriages, banquets or baths, or in much conversation, and from taking them as doctors or agents of marriages or officially appointed mediators of other contracts. They should not be given other public offices, or admitted to any academic degrees, or allowed to have on lease lands or other ecclesiastical rents. They are to be forbidden to buy ecclesiastical books, chalices, crosses and other ornaments of churches under pain of the loss of the object, or to accept them in pledge under pain of the loss of the money that they lent. They are to be compelled, under severe penalties, to wear some garment whereby they can be clearly distinguished from Christians. In order to prevent too much intercourse, they should be made to dwell in areas, in the cities and towns, which are apart from the dwellings of Christians and as far distant as possible from churches. On Sundays and other solemn festivals they should not dare to have their shops open or to work in public.

[About those who desire conversion to the faith]

If any of them wishes to be converted to the catholic faith, all his goods, both movable and immovable, shall remain intact and unharmed in his possession. But if his goods were acquired by usury or illicit dealings, and the persons to whom restitution ought to be made are known, it is absolutely necessary that this restitution be made, since the sin is not forgiven unless the illegal object is restored. However, if these persons are no longer an issue because the church has turned the goods to pious uses, this holy synod, acting for the universal church, grants in favour of the baptism received that the goods should remain with the church as a pious use, and it forbids both ecclesiastics and secular persons, under pain of divine anathema, to cause or allow to be caused any vexation on this count under any pretext whatsoever, but they should regard it as a great gain to have won such persons for Christ. Moreover since, as it is written, if anyone has this world’s goods and sees his brother in need, yet closes his heart against him, how does God’s love abide in him ?, this holy synod through the tender mercy of God exhorts all, both ecclesiastics and secular persons, to stretch out helping hands to such converts if they are poor or in need at the time of their conversion. Bishops should exhort Christians to aid these converts and should themselves support them from the income of churches, as far as they can, and from what passes through their hands for the benefit of the poor, and they should defend them with fatherly solicitude

from detraction and invective.

Since by the grace of baptism converts have been made fellow citizens with the saints and members of the household of God, and since regeneration in the spirit is of far greater worth than birth in the flesh, we determine by this edict that they should enjoy these privileges, liberties and immunities, of the cities and localities in which they are regenerated by holy baptism, which others obtain merely by reason of birth and origin. Let the priests who baptise them and those who receive them from the sacred font carefully instruct them, both before and after their baptism, in the articles of the faith and the precepts of the new law and the ceremonies of the catholic church. Both they and the bishops should strive that, at least for a long time, they do not mingle much with Jews or infidels lest, as occurs with convalescents from illness, a small occasion may make them fall back into their former perdition. Since experience shows that social communication between converts renders them weaker in our faith, and has been found to damage much their salvation, this holy synod exhorts local ordinaries to exercise care and zeal that they are married to born-Christians, in so far as this seems to promote an increase of the faith. Converts should be forbidden, under pain of severe penalties, to bury the dead according to the Jewish custom or to observe in any way the sabbath and other solemnities and rites of their old sect. Rather, they should frequent our churches and sermons, like other Catholics, and conform themselves in everything to christian customs. Those who show contempt for the above should be delated to the diocesan bishops or inquisitors of heresy by their parish priests, or by others who are entrusted by law or ancient custom with inquiring into such matters, or by anyone else at all. Let them be so punished, with the aid of the secular arm if need be, as to give an example to others.

There should be careful inquiry into all these things in provincial councils and synods, and an opportune remedy should be applied not only to negligent bishops and priests but also to converts and infidels who scorn the above. If anyone, of whatever rank or status, shall encourage or defend such converts against being compelled to observe the christian rite or anything else mentioned above, he shall incur the penalties promulgated against abettors of heretics. If converts fail to correct themselves after a canonical warning, and as Judaizers are found to have returned to their vomit, let proceedings be taken against them as against perfidious heretics in conformity with the enactments of the sacred canons. If there have been granted to Jews or infidels, or perhaps shall be granted to them in the future, any indults or privileges by any ecclesiastics or secular persons, of whatever status or dignity, even papal or imperial, which tend in any way to the detriment of the catholic faith, the christian name or anything mentioned above, this holy synod decrees them quashed and annulled; the apostolic and synodal decrees and constitutions enacted about the above remaining in force. In order that the memory of this holy constitution may be perpetually retained and that nobody may be able to claim ignorance of it, the holy synod orders that it should be promulgated at least once a year during divine service in all cathedral and college churches and other holy places where the faithful gather in large numbers.

SESSION 20 22 January 1435 [Decree on concubinaries] The holy general synod of Basel, legitimately assembled in the holy Spirit representing the universal church, for an everlasting record. We are inclined to grant requests for authentic statutes and decrees in proportion to the likelihood that they will be observed. For this reason we ordered to be extracted from our acts and recorded in this present document, at the request of the beloved sons of the church N. and N. , who assert that they need texts of this kind for judicial and extra-judicial purposes, the texts of the

constitutions transcribed below, which we issued some time ago and promulgated in the cathedral church of Basel on 22 January 1435 and incorporated into our acts. They are as follows.

Any cleric of whatsoever status, condition, religious order or dignity, even if it be episcopal or some other pre-eminence, who, after receiving notice of this constitution, as he may be presumed to have done, for two months after its publication in cathedral churches, which bishops are bound to arrange, after the constitution has come to his notice, still persists as a public concubinary, shall automatically be suspended for three months from the fruits of all his benefices. These fruits shall be consigned by his superior to the fabric or some other evident need of the churches from which the fruits come. His superior is bound to admonish him, as soon as he is aware that he is a public concubinary, to dismiss his concubine within a very short time. If he does not dismiss her, or having dismissed her takes her again or another woman, this holy synod orders his superior to deprive him of all his benefices. These public concubinaries moreover, shall be disqualified from receiving any goods, dignities, benefices or offices until such time as, after dismissing their concubines and an evident emendation of their lives, they shall have received a dispensation from their superiors. Those who receive a dispensation and then return to public concubinage, as to their vomit, shall be totally debarred from the above without any hope of another dispensation. If those who are responsible for correcting such people fail to punish them, as stated above, their superiors shall punish properly both them for their neglect and the others for their concubinage. Severe measures must be taken also in provincial and synodal councils against both those who neglect to punish and those who are reputed offenders, even by suspension from the conferment of benefices or some other adequate penalty. Those who are found by provincial councils or their superiors to deserve deprivation for public concubinage, but who can be deprived only by the supreme pontiff, should be referred immediately to the supreme pontiff together with the process of inquiry. The same diligence and inquiry should be employed by general and provincial chapters in respect of their subjects: and other penalties established against them and other non-public concubinaries are to remain in force. By "public" is meant not only someone whose concubinage is made notorious by a judicial sentence or a legal confession or by a notoriety that no subterfuge can conceal, but also anyone who keeps a woman suspected of incontinence and of ill repute and who, after being admonished by his superior, does not dismiss her.

Because in some regions there are persons with ecclesiastical jurisdiction who are not ashamed to accept bribes from concubinaries for allowing them to wallow in their filth, this holy synod commands, under pain of eternal malediction, that henceforth they shall not tolerate or dissemble such conduct in any way by agreement, composition or promise; otherwise, in addition to the aforesaid penalty for negligence, they shall be strictly obliged and compelled to give to pious causes double what they have received in this way. Prelates should take every care to segregate from their subjects concubines and women of doubtful repute, even by recourse to the secular arm if need be, and they should not allow children born of such concubinage to live with their fathers. This holy synod also orders that this constitution is to be published in the aforesaid synods and chapters, and that stern warning should be given to subjects to dismiss their concubines. It also enjoins on all secular men, even if they are of royal rank, not to interpose any obstacle whatever under any excuse to prelates who proceed, in virtue of their office, against their subjects for concubinage. Moreover, since fornication of every kind is forbidden by divine law and is to be avoided under pain of mortal sin, this holy synod warns all lay people, both married and single, to

abstain from concubinage. That man is most blameworthy who has a wife but goes to another woman. If a single man cannot abstain, let him marry, as the apostle advises. Let those responsible strive with all their strength, by salutary advice and canonical sanctions, for the observance of this divine precept.

[Excommunicates are not to be shunned unless specifically named] To avoid scandals and many dangers and to relieve timorous consciences, this holy synod decrees that henceforth nobody shall be obliged to abstain from communion with anyone in the administration and reception of sacraments or in any other sacred or profane matters, or to shun someone or to observe an ecclesiastical interdict, on the ground of any ecclesiastical sentence, censure, suspension or prohibition that has been promulgated in general by a person or by the law, unless the sentence, prohibition, suspension or censure was specifically or expressly promulgated or pronounced by a judge against a specified person, college, university, church or place, or if it is clear that someone has incurred a sentence of excommunication with such notoriety that it cannot be concealed or in any way excused in law. For the synod wishes such persons to be avoided in accordance with canonical sanctions. By this, however, it does not intend any relief or favour to those so excommunicated, suspended, interdicted or prohibited.

[Interdicts are not to be imposed lightly]

Since an undiscriminating promulgation of interdicts has led to many scandals, this holy synod determines that no city, town, castle, vill or place may be laid under an ecclesiastical interdict except by reason or through the fault of the places themselves or of their lord, governors or officials. Such places cannot be laid under an interdict by any ordinary or delegated authority by reason or through the fault of any other private person, unless the person has been previously excommunicated and denounced, or publicly named in a church, and the lords or governors or officials of the places, though requested by the authority of a judge, have not effectively evicted the excommunicated person within two days or made him give satisfaction. If he is evicted after two days, or retires or gives satisfaction, divine services may be resumed straightaway. This applies also to dependencies of the place. So that lawsuits may be brought to a speedier end, a second appeal is hereby forbidden if it is a question of the same complaint or if the appeal is made from the same interlocutory sentence which does not have the force of a final judgment. Anyone who makes a frivolous or unjust appeal before the final judgment shall be condemned by the appeal judge to pay to the party appealed against the sum of fifteen gold florins of the treasury, in addition to the expenses, damages and interest.

SESSION 21 9 June 1435

[On annates] The holy general synod of Basel, legitimately assembled in the holy Spirit, representing the universal church, for an everlasting record. In the name of the holy Spirit the paraclete, this holy synod decrees that in future, both in the Roman curia and elsewhere, for the confirmation of elections, admission of postulations and provision of presentations and for collations, dispositions, elections, postulations, presentations, even if made by layfolk, institutions, installations and investitures, in respect of cathedral and metropolitan churches, monasteries, dignities, benefices and any ecclesiastical offices whatsoever, and for sacred orders, blessings and pallia, nothing whatsoever is to be exacted, either before or after, for sealing the bull of the letters, or for common annates, minor services, first fruits or dues, or under any other title or name,

or on the pretext of any custom, privilege or statute, or for any other reason or occasion, directly or indirectly. Only the writers abbreviators and registrars of the letters or minutes shall receive a suitable salary for their work. If anyone dares to contravene this sacred canon by demanding, giving or promising anything, he shall incur the penalty inflicted on simoniacs and shall acquire no right or title to the dignities or benefices thus obtained. Obligations, promises, censures and mandates, and whatever is done to the prejudice of this most salutary decree, are to be deemed null and void. Even if, which God forbid, the Roman pontiff, who beyond all others should carry out and observe the canons of universal councils, should scandalize the church by acting contrary to this sanction, he should be delated to a general council. Others are to be punished by their own superiors with a fitting penalty, proportionate to their offence, in accordance with canonical sanctions.

[About those in peaceful possession]

Whoever has been in possession for the last three years, not through violence but with a specious title, peacefully and without a lawsuit, of a prelacy, dignity, benefice or office, or shall have possession of them in the future, cannot be disturbed afterwards in his claim or possession by anyone, even by reason of a newly enacted law, except in the case of warfare or some other legitimate impediment, which he must protest and intimate in accordance with the council of Vienne. A lawsuit in this case is to be understood as regards future controversies, if the proceedings have reached the execution of the citation, the exhibition of his right in the judgment and the observance of all the terms. Ordinaries, however, should make careful inquiry to see that nobody possesses a benefice without a title. If they find such a person, they shall declare that the right does not belong to him, and they shall give the right either to him, if they think fit, unless he is an intruded person or violent or undeserving in some other way, or to some other suitable person.

[How the divine office is to be celebrated in church] A person who is about to make a request to a secular prince takes pains to compose himself and his words by decent dress, becoming gesture, regulated speech and close attention of mind. How much more careful ought he to be in all these things when he is about to pray to almighty God in a sacred place! The holy synod therefore decrees that in all cathedral and collegiate churches, at suitable times and at the sound of a bell, the divine praises shall be reverently celebrated by everyone through all the hours, not hurriedly but gravely and slowly and with reasonable pauses, especially in the middle of each verse of the psalms, and with a suitable distinction between solemn and ferial offices. Those who recite the canonical hours shall enter the church wearing an ankle-length gown and a clean surplice reaching below the middle of the shin-bone or a cloak, according to the different seasons and regions, and covering their heads not with a cowl but with an amice or a biretta. Having arrived in the choir, they shall behave with such gravity as the place and the duty demand, not gossiping or talking among themselves or with others, nor reading letters or other writings. They have gathered there to sing, so they should not keep their mouths shut rather all of them, especially those with more important functions, should sing to God eagerly in psalms, hymns and canticles. When "Glory be to the Father and, to the Son and to the holy Spirit" is being recited, all shall rise. Whenever mention is made of the glorious name of Jesus, at which every knee should bow in heaven, on earth and under the earth, they shall bow their heads. Nobody should read or say the office there privately during the public chanting of the hours in common, for not only does this take away due honour from the choir but also it distracts the singers. To ensure that these things and

whatever else concerns the performance of the divine office and the discipline of the choir are duly observed, the dean, or the person whose duty it is, shall carefully keep watch, looking round, to see if there is anything not in order. Transgressors shall be punished with the penalty of that hour in which the offence was committed, or even more severely, as the gravity of the fault demands.

[The times at which each one should be in choir]

Whoever is not present at matins before the end of the psalm Come let us exult at the other hours before the end of the first psalm, and at mass before the last Lord have mercy, until the end, except in cases of necessity and then only with the permission of the president of the choir, is to be considered absent from that hour, saving however any stricter regulations of churches in this regard. The same is to be observed with regard to those who do not remain in processions from the start until the finish. To ensure observance of this, someone, who shall be under oath to act honestly and to spare none, should be deputed with the duty of noting individuals who are absent at the appointed times. This holy synod also orders that in churches in which stipends are not allotted for individual hours, a deduction should be made from the gross revenues of delinquents so that their emoluments are more or less proportionate to their labours, thus destroying the abuses whereby anybody present at only one hour gets a full day’s stipend and presidents or deans or other officials, from the mere fact of being officials, receive the daily stipends even when absent for purposes other than those of their church.

[How the canonical hours should be recited outside choir] This holy synod admonishes all holders of benefices, or those in holy orders, since they are bound to the canonical hours, if they wish their prayers to be acceptable to God, to recite the day and night offices, not in a mumble or between their teeth, nor swallowing or abbreviating their words, nor intermingling conversation and laughter, but, whether they are alone or with others, reverently and distinctly and in such a place as will not diminish devotion, for which they ought to dispose and prepare themselves, as the scripture says: Before prayer prepare your soul, and do not be like someone who tempts God.

[About those who wander about the church during services]

Any holder of a benefice in a church, especially of a major one, if he is seen wandering around inside or outside the church during the divine services, strolling or chatting with others, shall automatically forfeit his attendance not only for that hour but also for the whole day. If after being corrected once he does not stop, let him be deprived of his stipends for a month, or, if he is obstinate, let him be subjected to a heavier penalty so that in the end he is forced to desist. Also, noisy comings and goings in the church should not be allowed to impede or disturb the divine service. Regulars who err in these matters in conventual churches should be punished with a heavy penalty at the judgment of their superior.

[About a notice-board hanging in the choir] So that everything may be well ordered in the house of God and that each person may know what he has to do, let there be affixed a notice-board permanently hanging in the choir, with information on it of the duties of each canon or other benefice-holder as regards reading or singing at the individual hours during the week or a longer time. Anyone who fails to do in person or by proxy what is prescribed there, shall forfeit for each hour the stipend of one day.

[On those who at mass do not complete the creed, or sing songs, or say mass in too low a voice or without a server]

There are abuses in some churches whereby the "I believe in one God", which is the symbol and profession of our faith, is not sung to the end, or the preface or the Lord’s prayer is omitted, or secular songs are sung in the church, or masses (including private ones) are said without a server, or the secret prayers are said in so low a voice that they cannot be heard by the people nearby. These abuses are to stop and we decree that any transgressors shall be duly punished by their superiors.

[About those who pledge divine worship]

We abolish also that abuse, so manifestly incompatible with divine worship, whereby some canons of churches, having contracted debts, bind themselves to their creditors in such a way that, if they do not pay their debts by a fixed time there will be a cessation of divine services. We declare this obligation null even if it has been confirmed by oath. We decree that those who make these illicit agreements shall automatically lose for three months their revenues, which shall be applied to their church They shall receive no emoluments from their church until they resume the divine services.

[On holding chapters at the same time as the principal’ mass] This holy synod forbids chapters and other meetings of canons to be held, or chapter business to be transacted, at the same time as the principal mass, especially on solemn feasts, unless an urgent and manifest necessity suddenly occurs. Whoever summons the chapter for that time shall be suspended from receiving his daily stipends for a week, and the canons shall forego their stipends for that hour.

[On not performing spectacles in churches] In some churches, during certain celebrations of the year, there are carried on various scandalous practices. Some people with mitre, crozier and pontifical vestments give blessings after the manner of bishops. Others are robed like kings and dukes; in some regions this is called the feast of fools or innocents, or of children. Some put on masked and theatrical comedies, others organize dances for men and women, attracting people to amusement and buffoonery. Others prepare meals and banquets there. This holy synod detests these abuses. It forbids ordinaries as well as deans and rectors of churches, under pain of being deprived of all ecclesiastical revenues for three months, to allow these and similar frivolities, or even markets and fairs, in churches, which ought to be houses of prayer, or even in cemeteries. They are to punish transgressors by ecclesiastical censures and other remedies of the law. The holy synod decrees that all customs, statutes and privileges which do not accord with these decrees, unless they add greater penalties, are null.

SESSION 22 15 October 1435 [On the condemnation of the book of friar Augustine of Rome, archbishop of Nazareth] The holy general synod of Basel, legitimately assembled in the holy Spirit, representing the universal church, for an everlasting record. The main reason, among other pious aims, why this holy synod assembled was to preserve the truth of the catholic faith and to eradicate errors and heresies. Therefore the chief goal of our activity is, as soon as we learn of the spread of something that can harm the purity of the christian faith or in any way obscures the brilliance of the light in the minds of the faithful, to eradicate it completely and carefully to clear the Lord’s field of noxious weeds and brambles. This holy synod therefore condemns and censures a

certain book by master Augustine, commonly called "of Rome", archbishop of Nazareth. Its first treatise is entitled, "On the sacrament of the unity of Jesus Christ and the church, or on the whole Christ"; the second, "On Christ the head and his glorious sovereignty", another, "On the charity of Christ towards the elect and his infinite love". The holy synod condemns and censures the book as containing teaching that is unsound and erroneous in the faith, as well as its defenders. The holy synod especially condemns and censures, in the book, the assertion which is scandalous, erroneous in the faith and offensive to the ears of the pious faithful, namely: Christ sins daily and has sinned daily from his very beginning, even though he avers that he does not understand this as of Christ our saviour, head of the church, but as referring to his members, which together with Christ the head form the one Christ, as he asserts. Also, the propositions, and ones similar to them, which the synod declares are contained in the articles condemned at the sacred council of Constance, namely the following. Not all the justified faithful are members of Christ, but only the elect, who finally will reign with Christ for ever. The members of Christ, from whom the church is constituted, are taken according to the ineffable foreknowledge of God; and the church is constituted only from those who are called according to his purpose of election. To be a member of Christ, it is not enough to be united with him in the bond of charity, some other union is needed. Also the following. The human nature in Christ is really Christ. The human nature in Christ is the person of Christ. The intimate cause that determines the human nature in Christ is not really distinguished from the nature that is determined. The human nature in Christ is without doubt the person of the Word; and the Word in Christ, once the nature has been assumed, is really the person who assumes. The human nature assumed by the Word in a personal union is truly God, natural and proper. Christ according to his created will loves the human nature united to the person of the Word as much as he loves the divine nature. Just as two persons in God are equally lovable, so the two natures in Christ, the human and the divine, are equally lovable on account of the common person. The soul of Christ sees God as clearly and intensely as God sees himself.

These propositions and others springing from the same root, which are to be found in the said book, this holy synod condemns and censures as erroneous in the faith. Lest it come to pass that any of the faithful fall into error on account of such teaching, the synod strictly forbids anyone to teach, preach, defend or approve the teaching of the said book, especially the aforesaid condemned and censured propositions, and its supporting treatises. It decrees that transgressors shall be punished as heretics and with other canonical penalties. By these measures the synod intends to detract in nothing from the sayings and writings of the holy doctors who discourse on these matters. On the contrary, it accepts and embraces them according to their true understanding as commonly expounded and declared by these doctors and other catholic teachers in the theological schools. Nor does the synod intend by this judgment to prejudice the person of the said author since, though duly summoned, he gave reasons for being absent, and in some of his writings and elsewhere he has submitted his teaching to the church’s judgment. Further, this holy synod orders all archbishops, bishops, chancellors of universities and inquisitors of heresy, who are responsible in this matter, to ensure that nobody has the said book and supporting treatises or presumes to keep them with him, rather he shall consign them to these authorities, so that they may deal with them in accordance with the law: otherwise let such persons be proceeded against with canonical censures.

SESSION 23 26 March 1436 [On the election of the supreme pontiff] The holy general synod of Basel, legitimately assembled in the holy Spirit, representing the universal church, for an everlasting record. Since a good shepherd is the salvation of his flock, it is the duty of this sacred synod to strive, with all the diligence that human law can contrive, that the Roman pontiff, who is first in the Lord's flock and the supreme shepherd, should be and continue to be such as to provide for the salvation of all souls and the benefit of the whole christian world and to fulfil worthily so great an office. Therefore it renews the constitutions about the election of Roman pontiffs which sacred councils and supreme pontiffs have issued and it adds to them some further salutary norms. It decrees that whenever the apostolic see falls vacant, all the cardinals of the holy Roman church who are present in the place where the election of the supreme pontiff is to be held, shall meet together on the tenth day after the see becomes vacant in some chapel or place near the conclave. From there they shall process behind a cross, two by two, devoutly singing the Veni creator Spiritus, and enter the place of the conclave, each taking with him not more than two necessary attendants. In view of the ceremonies, two clerics may also be admitted, at least one of whom shall be a notary. The chamberlain together with the deputies for the custody of the conclave shall ensure that nobody, apart from the aforesaid persons, enters the conclave. After the cardinals have entered and the doors have been closed, the chamberlain shall enter with the deputies and carefully examine the cells of all the cardinals. He shall remove any food and edibles found there, except medicines of the sick and infirm. He shall ensure a careful guard whenever he leaves and closes the door, and each day he shall closely inspect the food being brought in for the cardinals and allow only what seems necessary for moderate refreshment, without prejudice to the decrees passed in the fourth and seventh sessions of this sacred council. On the next day all the cardinals, in the presence of all those in the conclave, shall hear a mass of the holy Spirit and receive the eucharist. Before the voting begins, they shall swear before the holy gospels in these words: I, N. , cardinal of . . . , swear and promise to almighty God, Father, Son and holy Spirit, and to blessed Peter, prince of the apostles, that I shall elect as pontiff the person who I think will be beneficial to the universal church in both spiritual and temporal matters and suitable for so great a dignity; I shall not give my vote to anyone who I have reason to think is directly or indirectly aiming at getting himself elected, by his promising or giving some temporal thing or by asking in person or through another or in any other way whatsoever; and I shall not make obeisance to anyone elected as pontiff before he takes the oath prescribed by this council of Basel; so help me God, to whom on the day of tremendous judgment I shall have to give an account of this oath and all my deeds After this each cardinal shall submit a ballot-card, on which he shall nominate a maximum of three persons. If he nominates more than one person, the second and third persons shall be from outside the college of cardinals. There shall not be more than one ballot on any day and it shall be held immediately after the mass. When the ballot-cards have been read, they shall be burnt straightaway unless two-thirds of the votes are for the same person. No approach shall be made to anyone until six ballots have been completed. During this time let the cardinals reflect and seriously ponder how much merit or loss to themselves, how much fruit or damage to the christian people, how much good or evil, they will be causing by their choice of a pontiff. There is nothing, indeed, by which they can more merit the grace or the wrath of our lord Jesus Christ than when they are setting his vicar over his sheep, which he loved so much as to suffer the torments of the cross and to die for them.

[On the profession of the supreme pontiff] The holy synod decrees that the person elected as pope is obliged to express his consent to the election in the manner stated below. It is fitting that this consent should be made to the cardinals, if the person elected is present in the curia, or to one of the cardinals or someone mandated by them if he is not present there, in the presence of a notary and at least ten persons. After he has been informed of the election, he is bound to act within a day of the demand. If he does not do so, his election is annulled and the cardinals must proceed in the Lord’s name to another election. But if he expresses his consent, as stated above, the cardinals shall straightaway make due obeisance to him as supreme pontiff. Once the obeisance has been made by the cardinals, nobody has any right to challenge his pontificate.

17 Part 3 Council of Basel 1431-45 A.D.

Council of Basel 1431-45 A.D.

[Form of consent] In the name of the holy and undivided Trinity, Father, Son and holy Spirit. I, N. , elected pope, with both heart and mouth confess and profess to almighty God, whose church I undertake with his assistance to govern, and to blessed Peter, prince of the apostles, that as long as I am in this fragile life I will firmly believe and hold the catholic faith, according to the tradition of the apostles, of general councils and of other holy fathers, especially of the eight holy universal councils -- namely the first at Nicaea, the second at Constantinople, the third which was the first at Ephesus, the fourth at Chalcedon, the fifth and sixth at Constantinople, the seventh at Nicaea and the eighth at Constantinople -- as well as of the general councils at the Lateran, Lyons, Vienne, Constance and Basel, and to preserve intact this faith unchanged to the last dot, and to defend and preach it to the point of death and the shedding of my blood, and likewise to follow and observe in every way the rite handed down of the ecclesiastical sacraments of the church. I promise also to labour faithfully for the defence of the catholic faith, the extirpation of heresies and errors, the reform of morals and the peace of the christian people. I swear also to continue with the holding of general councils and the confirmation of elections in accordance with the decrees of the holy council of Basel. I have signed this profession with my own hand; I offer it on the altar with a sincere mind to you almighty God, to whom on the day of tremendous judgment I shall have to give an account of this and all my deeds; and I will repeat it at the first public consistory.

'So that this salutary institution may not fade from the supreme pontiff's memory with the passage of time, every year on the anniversary of his election or of his coronation, the first cardinal present shall, during mass, publicly and in a loud voice address the supreme pontiff thus: Most holy father, may your holiness heed and carefully ponder the promise which you made to God on the day of your election. He shall then read out the promise and shall continue as follows: May your holiness, therefore, for the honour of God, for the salvation of your soul and for the good of the universal church, strive to observe to your utmost all these things in good faith and without guile or fraud. Recall whose place it is that you hold on earth, namely of him who laid down his life for his sheep, who thrice asked the blessed Peter if he loved him, before he entrusted his sheep to him', and who, as the just judge whom nothing secret escapes, will exact from you an account of everything to the very last farthing. Remember what blessed Peter and his successors as pontiffs did: they thought only of the honour of God, the spread of the faith, the public good of the church and the salvation and benefit of the faithful; finally, imitating their master and Lord they did not hesitate to lay down their lives for the sheep entrusted to them. Do not lay up for yourself or your kinsfolk treasures on earth, where moth and rust consume and where thieves and robbers break in, but lay up for yourself treasure in heaven. Do not be an accepter of persons or of blood-ties or of homeland or of nation. All people are children of God and have been equally entrusted to your care and safe-keeping. Say after the example of Christ: Whoever does the will of my Father in heaven, he is my brother and sister and mother. In distributing dignities and benefices put before yourself neither the flesh nor gifts nor anything temporal at all, but solely God and the virtues and

merits of people. Exercise ecclesiastical discipline in correcting faults, mindful of what grace Phinehas merited and what punishment Eli, the one for avenging injuries to God, the other for pretending not to know them. Defend, help and support the poor and needy. Show a fatherly charity to all.

After the solemnities of his coronation, and each year after the anniversary of his election, the supreme pontiff shall carefully discuss with his brethren, for at least eight consecutive days, how he shall carry out his solemn promises to God. In the first place, therefore, he should examine where in the world the christian religion is being persecuted by Turks, Saracens, Tartars and other infidels; where heresy or schism or any form of superstition flourishes, in which provinces there has been a decline in morals and observance of the divine precepts and in the right way of living, in both ecclesiastical and secular matters, where ecclesiastical liberty is infringed; among which kings, princes and peoples enmity, wars and fears of war are rife; and like a dutiful father he should strive with his brethren carefully to provide remedies. When these affairs of an universal character have been settled, let him deal with those nearer at hand. Let him begin by reforming and ordering in an exemplary way his house, his household and the Roman curia, where and in so far as this is necessary, so that from the visible reform of the church which is the head of all others, lesser churches may draw purity of morals and no occasion may be given for calumny and malicious talk. Making diligent inquiry in person and through others about both important and lesser persons, he should allow no delay or pretence in correcting whatever is found in need of reform, remembering that the sin is twofold, the one being committed, the other and far more serious being its consequences. For whatever is done there is easily made into an example. That is why, if the head is sick, disease enters into the rest of the body. The papal household and court should be a kind of clear mirror, so that all who look at it form themselves and live according to its example. Thereafter let him banish and eradicate any traces of simony, filthy concubinage or whatever may offend God or scandalize people. He should take care that officials do not exercise their offices badly or oppress anybody or extort anything by threats or illegal means, and that those in charge of the officials do not let their excesses go unpunished. They should not tolerate clothes and colours which are forbidden by the sacred canons. Let him instruct the Roman clergy, who are chiefly and immediately subject to him, in all ecclesiastical decorum, admonishing them that God’s approval depends not on the parade and splendour of clothes but on humility, docility, purity of mind, simplicity of heart, holiness of behaviour and the other virtues which commend their possessor to God and to people. Let him enact reforms especially so that the divine services may be observed in the churches of Rome with all seemly devotion and discipline. He should also instruct the people of Rome, which is his own parish, and direct them in the way of salvation. He should bid the cardinals to visit and reform their titular churches and parishes as befits their office. He should appoint some prelate of great learning and of proven and exemplary life as his vicar in the city, to take his place in the episcopal care of the clergy and people, and he should often inquire about whether he is fulfilling his task.

Next, let him reflect carefully with the same brethren on the good and wholesome administration of the temporalities of the Roman church and let him ensure that the provinces, cities, towns, castles and lands subject to the Roman church are justly and peacefully ruled with such moderation that the difference between government by ecclesiastics and by secular princes is like that between a father and a master. He should not aim at gain, but cherishing all with paternal charity he should

esteem them not as subjects but as sons and daughters. Since he has charge of their spiritual and temporal well-being, he must watch to get rid of all factions and seditious groups -- especially of Guelphs and Ghibellines and other similar parties -- which breed destruction to both souls and bodies. He must strive, employing spiritual and temporal penalties of all possible kinds, to remove all causes of dissension and to keep people united for the defence of the church. To govern the provinces and chief cities, he should appoint cardinals or prelates of untarnished reputation who will seek not financial gain but justice and peace for their subjects. Their legation shall last for two, or at most three, years. When their legation has ended, since it is right that each one should give an account of his stewardship, one or more outstanding men shall be appointed to review their administration and to hear the complaints and petitions of the inhabitants and to render justice; these shall refer what they cannot easily effect to the pope, and he shall strive to find out what the former have done and to punish any illegal actions, so that their successors may learn from their example to avoid illegalities. Officials should be allotted a suitable salary on which they can live honestly, to prevent them turning their hand to what is illicit. The supreme pontiff should often inquire how his legates, governors and commissars, as well as deputies and feudatories of the Roman church, rule their subjects and whether they oppress them with new taxes and exactions. He should not tolerate any austere measure or unjust burden being laid on his subjects' necks. For it would be wicked to allow those whom the pope should rule as a father to be treated tyranically by others. He should ensure that statutes and ancient constitutions by which provinces and districts have been well governed in the past are kept intact. But if any have subsequently been issued unreasonably or from envy or partiality, they should be cancelled or altered when the reasons for doing so have been understood. Within a year from the day of his election, the Roman pontiff shall summon spokesmen and proctors of the provinces and chief cities of the Roman church and shall question them closely, with fatherly affection, about the following: the state and condition of their territories, how they were governed in the time of his predecessor, whether they are being oppressed by any unjust burden, and what should be done for their good government. Then let him apply to them as to sons remedies which will provide for their benefit and security and for the common good. He should not shrink from repeating this at least every two years. Among the other things that feudatories, captains, governors, senators, castellans and other high officials of Rome and of the lands of the church customarily swear to, there should be added at the time of their installation an oath that, when the papacy is vacant, they will hold their cities, lands, places, citadels, castles and peoples at the command of the cardinals, in the name of the Roman church, and that they will freely and without opposition hand them over to the same. Lest the supreme pontiff may seem to be influenced by carnal affection rather than by right reason, and to avoid the scandals that sad experience shows often arise, in future he shall not make or allow to be made anyone related to him by blood or affinity to the third degree inclusive a duke, marquis, count, feudatory, emphyteutic tenant, deputy, governor, official or castellan of any province, city, town, castle, fortress or place of the Roman church, nor give them any jurisdiction or power over them, nor appoint them captains or leaders of men under arms. The cardinals must never agree with a supreme pontiff attempting to act otherwise, and his successor as pontiff shall withdraw and revoke anything done in this way. In accordance with the constitution of Pope Nicholas IV, the holy synod decrees that half of all fruits, revenues, proceeds, fines, penalties and taxes deriving from all the lands and places subject to the Roman church belongs to the cardinals of the holy Roman church, and that the institution and dismissal of all rulers and governors and guardians, howsoever

they may be called, who are in charge of the aforesaid lands and places, and also of the collectors of the said fruits, should be made with the advice and agreement of the cardinals. The holy synod therefore admonishes the cardinals to protect the lands and subjects of the Roman church from harm and oppression and, mindful of their peace, safety and good government, to recommend them, if need be, to the supreme pontiff. While it is true that the supreme pontiff and the cardinals should give careful attention to all the territories of the Roman church, nevertheless the city of Rome should be at the centre of their concern. For there the holy bodies of blessed Peter and Paul and of innumerable martyrs and saints of Christ repose; there is the seat of the Roman pontiff, from which he and the Roman empire take their name; thither all Christians flock for the sake of devotion. They should feel for it a special love and affection, as being peculiarly their daughter and principal parish, so that it should be governed in peace, tranquillity and justice and should suffer no damage to its churches, walls and roads and the security of its streets. Hence this holy synod decrees that from the sum total of the income and proceeds of the city, an adequate portion shall be set aside for the preservation of the churches, walls, roads and bridges and the security of the streets in the city itself and the district; this money is to be administered by men of proven reputation who are to be chosen on the advice of the cardinals. The supreme pontiff calls himself the servant of the servants of God; let him prove it in deeds. As long as people from all parts have recourse to him as to a common father, he should give them all easy access. Let him set aside at least one day in the week for a public audience, when he shall listen with patience and kindness to all, especially the poor and oppressed, and shall grant their prayers as much as he can with God’s help, and shall assist all with kind advice and help as each one has need and as a father does for his children. If he is prevented by some bodily need, he shall entrust this task to some cardinal or other noteworthy person who will report everything to him, and he shall order all officials of the curia, especially the vice-chancellor, the penitentiary and the chamberlain, to expedite business for the poor with speed and free of charge, bearing in mind the apostolic charity of Peter and Paul, who pledged themselves to remember the poor . He should attend a public mass on Sundays and feast-days, and after it for a while he should give audience to the needy. He should hold a public consistory each week, or at least twice a month, to treat of the business of cathedral churches, monasteries, princes and universities and other important affairs. But he should refer lawsuits and lesser matters to the vice-chancellor. He should keep himself free of lawsuits and lesser business as far as he can, so as to be freer to attend to major issues. Since the cardinals of the holy Roman church are considered to be part of the body of the Roman pontiff, it is extremely expedient for the common good that, following ancient custom, serious and difficult questions should hereafter be settled on their advice and direction after mature deliberation, especially the following: decisions on matters of faith; canonizations of saints, erections, suppressions, divisions, subjections or unions of cathedral churches and monasteries; promotions of cardinals; confirmations and provisions relating to cathedral churches and monasteries; deprivations and translations of abbots, bishops and superiors; laws and constitutions; legations a latere or commissions or envoys and nuncios functioning with the authority of legates a latere; foundations of new religious orders; new exemptions for churches, monasteries and chapels, or the revocation of those already granted without prejudice to the decree of the holy council of Constance about not transferring prelates against their will.

[On the number and qualities of cardinals]

Since the cardinals of the holy Roman church assist the supreme pontiff in directing the christian commonweal, it is essential that such persons be appointed as may be, like their name, real hinges on which the doors of the universal church move and are upheld. The sacred synod therefore decrees that henceforth their number shall be so adjusted that it is not a burden to the church which now, owing to the malice of the times, is afflicted by many serious inconveniences) or cheapened by being too large. They should be chosen from all the regions of Christianity, as far as this is convenient and possible, so that information on new things in the church may be more easily available for mature consideration. They should not exceed twenty-four in number, including the present cardinals. Not more than a third of them at any given time shall be from one nation, not more than one from any city or diocese. None shall be chosen from that nation which now has more than a third of them, until its share has been reduced to a third. They should be men outstanding in knowledge, good conduct and practical experience, at least thirty years old, and masters, doctors or licentiates who have been examined in divine or human law. At least a third or a quarter of them should be masters or licentiates in holy scripture. A very few of them may be sons, brothers or nephews of kings or great princes; for them an appropriate education will suffice, on account of their experience and maturity of behaviour.

Nephews of the Roman pontiff, related to him through his brother or sister, or of any living cardinal shall not be made cardinals; nor shall bastards or the physically handicapped or those stained by a reputation of crime or infamy. There can, however, be added to the aforesaid twenty-four cardinals, on account of some great necessity or benefit for the church, two others who are outstanding in their sanctity of life and excellence of virtues, even if they do not possess the above-mentioned degrees, and some distinguished men from the Greeks, when they are united to the Roman church. The election of cardinals shall not be made by oral votes alone, rather only those shall be chosen who, after a genuine and publicized ballot, obtain the collegial agreement, signed with their own hands, of the majority of the cardinals. For this purpose let an apostolic letter be drawn up with the signatures of the cardinals. The decree of this sacred council beginning Also since the multiplication of cardinals, etc., which was published in the fourth session, is to remain in force. When cardinals receive the insignia of their dignity, whose meaning is readiness to shed their blood if necessary for the good of the church, they shall take the following oath in a public consistory, if they are in the curia, or publicly in the hands of some bishop commissioned for this purpose by an apostolic letter containing the oath, if they are not in the curia.

I,N., recently chosen as a cardinal of the holy Roman church, from this hour henceforward will be faithful to blessed Peter, to the universal and Roman church and to the supreme pontiff and his canonically elected successors. I will labour faithfully for the defence of the catholic faith, the eradication of heresies errors and schisms, the reform of morals and the peace of the christian people. I will not consent to alienations of property or goods of the Roman church or of other churches or of any benefices, except in cases allowed by law, and I will strive to the best of my ability for the restoration of those alienated from the Roman church. I will give neither advice nor my signature to the supreme pontiff except for what is according to God and my conscience. I will faithfully carry out whatever I am commissioned to do by the apostolic see. I will maintain divine worship in the church of my title and will preserve its goods: so help me God. For the preservation of the titular churches of the cardinals, some of which have sadly deteriorated both in divine worship and in their buildings, to the shame of the apostolic see and of the cardinals themselves,

this holy synod decrees that from the revenues and incomes of the territories of the Roman church -- half of which belongs to the cardinals in accordance with the constitution of Pope Nicholas, as was said above -- a tenth of what each cardinal receives shall be applied each year to his titular church. Moreover, each cardinal shall leave to his titular church, either in his lifetime or at his death, enough for the upkeep of one person. If he fails to do so, regarding both this and the said tenth, all his goods shall be sequestrated until due satisfaction has been made. We place the burden of carrying this out on the first cardinal of the order in which he died. Each cardinal present in the curia should make an annual visitation of his titular church in person; each one not present should make it through a suitable deputy. He should also inquire carefully concerning the clergy and the people of his dependent churches, and make useful provision with regard to the divine worship and the goods of these churches as well as the life and conduct of the clergy and parishioners, about whom, since they are his sheep, he will have to render an account at the severe judgment of God. As regards the time of the visitation and other things, let him observe what is laid down in our decree on synodal councils.

Although both the dignity itself and the cardinal's own promise urge him to toil at the holy tasks just mentioned, yet results will be greater if the tasks are spread among individuals. Therefore cardinal-bishops shall inquire about what regions are infected with new or old heresies, errors and superstitions; cardinal-priests shall inquire about where conduct, observance of the divine commandments and ecclesiastical discipline are lax; cardinal-deacons shall inquire about which kings, princes and peoples are troubled by actual or possible wars. Like busy bees, both with the supreme pontiff and among themselves, they should promote these holy works with diligence and in detail, striving to provide a remedy where this is needed. The supreme pontiff for his part, as the common father and pastor of all, should have investigations made everywhere not only when requested to do so but also on his own initiative and he should apply salutary medicines, as best he can, for all the illnesses of his children. If the cardinals ever notice that a pope is negligent or remiss or acting in a way unbefitting his state, though may this never happen, with filial reverence and charity they shall beg him as their father to live up to his pastoral office, his good name and his duty. First, let one or some of them warn him that if he does not desist they will delate him to the next general council, and if he does not amend they shall all do this as a college together with some notable prelates. For the well-being of the supreme pontiff and the common good they should not fear the hostility of the supreme pontiff himself or anything else, provided they act with reverence and charity. Much more so, if it comes to the pope's notice that some cardinal is acting wrongly and reprehensibly, he should correct him, always with paternal charity and according to evangelical teaching. Thus, acting in charity towards each other, one to another, a father to his sons and sons to their father, let them direct the church with exemplary and salutary government.

Let the cardinals both publicly and privately treat with kindness and respect prelates and all others, especially distinguished persons who come to the Roman curia, and let them present their business to the supreme pontiff freely and graciously. Since the cardinals assist him who is the common father of all, it is very unseemly for them to become accepters of persons or advocates. Hence this holy synod forbids them to exercise any favouritism as collateral judges, even if they take their origin from a favoured region. Neither should they be biased protectors or defenders of princes or communities or others against anyone, whether paid or unpaid, but putting aside all sentiment let them assist the pope in pacifying quarrels with harmony and justice. The holy synod

urges and commends them to promote the just business of princes and anybody else, especially religious and the poor, without charge and without seeking reward, as an act of charity. Let them preserve with readiness and kindness the gravity and modesty that befits their dignity. Let them maintain towards all people godliness which, according to the Apostle, is profitable in every way. Although they should not neglect their kinsfolk, especially if they are deserving and poor, they should not load them with a mass of goods and benefices to the scandal of others. Let them beware of pouring out on flesh and blood, beyond the bounds of necessity, goods coming from the churches. If the pontiff notices such strutting among the great, he should reprimand and object, as is fitting, and he will be blameworthy if he fails to correct, in keeping with his office, whatever needs correction. The household, table, furniture and horses of both pope and cardinals should not be open to blame as regards quantity, state, display or any other excess. The house and its contents should be on a moderate scale, a model of frugality and not a source of scandal. Both the supreme pontiff and the cardinals, as well as other bishops, should strive to observe the constitution of blessed Gregory which was published at a general synod and which this holy synod now renews the sense of which is as follows: Though the life of a pastor should be an example to disciples, the clergy for the most part do not know the private life-style of their pontiff, even though secular youths know it; we therefore declare by this present decree that certain clerics and even monks should be selected to minister in the pontifical chamber, so that he who is in the seat of government may have witnesses who will observe his true private behaviour and will draw an example of progress from this regular sight.

Let them also pay attention to the words of Pope Paschal: "Let bishops spend their time in reading and prayer and always have with them priests and deacons and other clerics of good reputation, so that, following the Apostle and the instructions of holy fathers, they may be found without blame."3 It does not profit the commonweal for cases other than those concerning elections to cathedral churches or monasteries, or princes or universities or similar matters, to be assigned by the pope or the chancery to cardinals, since they should devote themselves to the greater problems of the universal church. Lesser cases, therefore, should be sent to the court of the Rota, which was instituted for this purpose. Neither the pope nor cardinals should in future send their officials to prelates who have been confirmed or provided, as it were to accept gifts, lest they allow others to do what is unfitting for themselves to do. Something that has happened in the past -- namely a sum of money or something else is subtracted from the goods of a dead cardinal, as a charge for the ring given to him on the assignment of his titular church -- is not to occur in the future, since the labours of cardinals for the commonweal merit rather obsequies from public funds, if they are poor.

[On elections]

Already this holy synod, with its abolition of the general reservation of all elective churches and dignities, has wisely decreed that provision should be made for them by canonical elections and confirmations. It wishes also to forbid special and particular reservations of elective churches and dignities, whereby free elections and confirmations can be prevented; and to ensure that the Roman pontiff will attempt nothing against this decree, except for an important, persuasive and clear reason, which should be expressed in detail in an apostolic letter. However, much has been done against the intention of this decree and without the required reason, resulting in serious scandals already and the likelihood of even more serious ones in the future. This holy synod

wishes to prevent this and does not want the purpose of the decree, which was to remove every obstacle to canonical elections and confirmations, to be deprived of its effect. It therefore decrees that elections should assuredly be held in the said churches without any impediment or obstacle and that, after they have been examined in accordance with common law and the dispositions of our decree, they shall be confirmed. However, if perhaps on occasion it should happen that an election is made which in other respects is canonical but which, it is feared, will lead to trouble for the church or the country or the common good, the supreme pontiff, when the election is referred to him for confirmation, if he is convinced that there exists such a most pressing reason, after mature discussion and then with the signed votes of the cardinals of the Roman church or the majority of them declaring that the reason is true and sufficient, may reject the election and refer it back to the chapter or convent for them to institute another election, from which such consequences are not to be feared, within the legal time or otherwise according to the distance of the place.

[On reservations] The numerous reservations of churches and benefices hitherto made by supreme pontiffs have turned out to be burdensome to churches. Therefore this holy synod abolishes all of them both general and special or particular -- for all churches and benefices whatsoever that were customarily provided for by an election or a collation or some other disposition -- which were introduced either by the additional canons Ad regimen and Execrabilis or by rules of the chancery or by other apostolic constitutions, and it decrees that never again shall they exist, with the exception only of reservations expressly contained in the corpus of law and those which occur in the lands mediately or immediately subject to the Roman church by reason of direct or beneficial dominion.

[On Clementine "Letters"]3

Although apostolic and other letters may state that someone has renounced, or been deprived of, a dignity, benefice or right, or has done something for which a right of his has been taken away, nevertheless letters of this sort should not prejudice him, even though they are based on the status or the intention of the person making the statement, unless proof is forthcoming from witnesses or other legitimate documents.

SESSION 24 14 April 1436 [About business with the Greeks and about indulgences, etc.] The holy general synod of Basel, legitimately assembled in the holy Spirit, representing the universal church, for an everlasting record. Our ambassadors to the most serene emperor of the Romans and the most reverend lord patriarch of Constantinople, who were sent to Constantinople on behalf and in the name of this holy synod, for various reasons promised to present the terms which were concluded and signed by the two sides on another occasion in this holy synod regarding the manner of holding a universal and ecumenical council of both churches, and to exhibit them with effect, under the customary leaden seal of this holy synod, with the present date and containing the following text word for word. This holy synod, unwilling to omit anything that might help the union of Christ’s churches, accepts, approves, ratifies and confirms by this present decree the said promise of its ambassadors and includes in this document the said terms word for word as was promised by the said ambassadors, as follows. The holy general synod of Basel, legitimately assembled in the holy Spirit, representing the universal church, for an everlasting record. Among the various works necessary for the whole christian people for which this holy council was

assembled, the union of the western and eastern churches of Christ is the chief and greatest. Rightly, therefore, from the very start of its proceedings, this holy synod has made every effort to achieve this. For, as quickly as possible it sent its ambassadors with letters to the most serene emperor of the Greeks and the most reverend patriarch of Constantinople, to exhort them with all charity and insistence that they should send some persons with full authority to treat with us on the way to achieve the said holy union. As soon as they were asked, they appointed to this holy synod three outstanding men from those who seem to be of great authority among them -- the first of whom was indeed a blood-relative of the emperor -- with a sufficient commission from the emperor himself signed by his own hand and with a golden seal, and furnished with letters of the patriarch. Both in a general congregation and in the presence of our commissaries they expressed the most fervent desire of the emperor, the patriarch and the whole eastern church for this union. They urge and daily stimulate us in a wonderful way to pursue this holy work, strongly and persistently affirming two things: that union is only possible in a universal synod in which both the western church and the eastern church meet, and that it is to be hoped that this union will follow if matters proceed in that synod in the way that is agreed below. We were filled with joy and gladness when we heard this. Therefore we venerable cardinals of the holy Roman church, presidents of the apostolic see, casting all our thoughts on God, who alone does great wonders, deputed the patriarch of Antioch and a suitable number of archbishops, bishops, abbots, masters and doctors to treat of this question with the ambassadors of the Greeks and to look for a way to reach a solution. After these men had frequently met and discussed among themselves and with the ambassadors, they reached the conclusions given below. These conclusions, in accordance with the custom of this council, were seriously debated by the deputations and ratified by a general congregation. Their contents, together with the chrysobull of the lord emperor, are as follows: The ambassadors of the most serene lord emperor, etc., which is given at length in the council’s decree which is included above. But because the period of time mentioned above, within which the aforesaid things should have been fulfilled, has elapsed, not through the fault of either party but because of various intervening negotiations, this holy synod therefore accepts the period of time agreed by the most serene emperor of the Greeks and the most reverend patriarch of Constantinople on the one side, and by the ambassadors of this sacred council on the other, namely the year beginning this coming month of May, so that for the whole of this May until the following year each of the two parties is prepared to carry out the aforesaid points, and each accepts and promises that it will fulfil for its part, within the said time, whatever is included in the above-mentioned terms.

[Safe-conduct for the Greeks given by the sacred council of Basel to the lord emperor of the Greeks and the patriarch of Constantinople] The holy general synod of Basel, legitimately assembled in the holy Spirit, representing the universal church. In our western region and the obedience of the Roman church, a universal and ecumenical synod is to be held, under God’s inspiration, at which both the western church and the eastern church will meet in accordance with the agreement reached at this holy synod and later ratified in Constantinople. In order that the sincerity of our intention towards the eastern church may be manifest to all, and that all possible suspicion as regards the security and freedom of those coming to it may be removed, this holy synod of Basel by this present decree, in the name and on behalf of the entire western church and of all in that church of every status, including those of imperial, regal or pontifical rank or of any lower spiritual or secular dignity, authority or office, decrees, gives and concedes a full and free

safe-conduct to the most serene emperor of the Greeks, the most reverend patriarchs of Constantinople, Alexandria, Antioch and Jerusalem, and others up to the number of seven hundred persons, whether of imperial, regal, archiepiscopal or any other rank, dignity or condition, who are coming or shall come to the aforesaid universal and ecumenical council in the west. This holy synod, by this decree, receives and has received into its safe-keeping each and all of the said people, as regards their persons, honours and everything else, in the kingdoms, provinces, lordships, territories, communities, cities, castles, towns, vills and places of our obedience of the western church in which they shall stay or through which they shall pass. It promises and concedes to each and all of them, by this present synodal edict, free and safe permission to approach and enter the city or place in which the said holy universal council will be held; to stay, remain, reside and dwell there with all the immunities, liberties and securities which those of the obedience of the western church dwelling there will have; of debating, arguing and alleging rights and authorities and of saying, doing and treating of, freely and without hindrance from anyone, anything else that may seem to them useful and apt for the union of the churches of Christ.

They may at will go out and return from the said town or place safely, freely and without restraint, once or often or as many times as any of them may wish, singly or together, with or without their goods and money, with every real or personal obstacle ceasing and being put aside, even if the said union does not come about, though may that not be so. In the latter case and in every other outcome, the most serene emperor, the lord patriarchs and other aforesaid persons will be taken back to Constantinople, at our expense and in our galleys, without any delay or obstacle, with the same honours, good will and friendship with which they were brought to the said universal council, whether or not union resulted from the council.

All this is notwithstanding any differences, disagreements or dissensions about the aforesaid matters, or any of them in particular, which exist at present or could arise in the future between the said western and eastern churches, that is, between the Roman church and those subject and attached to it, and the aforesaid most serene emperor and others attached to the church of Constantinople; notwithstanding any judgments, decrees, condemnations, laws or decretals of any kind that have been or shall be made or issued; notwithstanding any crimes, excesses, faults or sins that may be committed by any of the aforesaid persons; and notwithstanding anything else, even if it is something for which a special mention in this decree is necessary. If one or some of ours should harm one or more of them, though may it not happen, or should molest them in their persons, honour, property or anything else, the miscreant shall be sentenced by us or ours to make adequate and reasonable satisfaction to the injured party. And conversely, if any of them harms any of ours, he shall be sentenced by them to make adequate and reasonable satisfaction to the injured party, in accordance with the customs of both parties. As regards other crimes, excesses and faults, each party will institute proceedings and pass judgment on its own members. This holy synod exhorts all Christ’s faithful and furthermore commands, by the authority of the universal church and in virtue of the holy Spirit and of holy obedience, all prelates, kings, dukes, princes, officials, communities and other individuals, of whatever status, condition or dignity, who are members of our western church, to observe inviolably each and all of the above things and, far as they can, to have them observed; and to honour and treat with favour and reverence, and to have so honoured and treated, both individually and together, the most serene emperor, the patriarch and each and all of the other aforesaid persons on their way to and from the said council.

If any doubt arises about the safe-conduct and its contents, it shall be decided by a declaration of the universal synod which is to be held. This holy synod, for its part, wishes the safe-conduct to remain in force until the most serene emperor, the patriarch and other aforesaid persons with their nobles and suites to the number of seven hundred persons, as was stated, and with their goods and chattels, have returned to Constantinople. If anyone attempts to act in any way contrary to the aforesaid or any part of it, let him know that he will incur the indignation of almighty God and of the said holy synod.

SESSION 25 7 May 1437 [On the places for the future ecumenical council for the Greeks] The holy general synod of Basel, legitimately assembled in the holy Spirit, representing the universal church, for an everlasting record. Recently this holy synod among the various tasks for which the inscrutable providence of the divine majesty has deigned, by the invocation of the holy Spirit the paraclete, to bring it together and to employ it in the cultivation of the Lord's field, turning its mind like a watchful farmer and clearly perceiving how deplorable and abiding has been the division in God's church over the profession of the same faith by the eastern and western churches, conceived high hope and confidence in the most merciful goodness of him with whom nothing is impossible, and who generously and without restraint gives to all who duly ask him, to bring about the unity of the catholic faith between these churches. It decided, therefore, to apply the resources of its diligence more fully, grudging no labour or expense, because it was convinced that thence would follow the greater praise and glory of almighty God, a more fruitful salvation of souls and a greater increase of the faith. Desirous of undertaking this most salutary project of union, with the help of the grace of the holy Spirit it invited and exhorted to come to the project, through various envoys and letters, the most serene emperor of the Romans, the venerable patriarch of Constantinople, the other prelates and the rest of the Greek people. The emperor, the patriarch and others of the Greeks received these exhortations with eagerness, their hearts inclined and influenced by the grace of the most High. Sincerely zealous to embark on this project of union, they decided to send to this holy synod their solemn envoys and spokesmen, who were furnished with an adequate mandate with the golden seal and signature of the emperor and the leaden seal of the patriarch, devoutly expressing their most fervent desire for this unity of faith. This holy synod concluded with them, in various preliminary meetings and deliberations about the execution of this salutary task of union, certain mutually agreed decrees and terms highly useful and necessary for this purpose, which were recorded above and were promulgated in a session of this holy synod in the cathedral of Basel. Thereafter this holy synod wished to implement these decrees and terms by all necessary and suitable means, and therefore to proceed to choosing a place for the coming ecumenical council, to which the aforesaid emperor, the patriarch and others of the Greeks could and should come. After many propositions about these and other topics relevant to this holy matter had been considered by the various deputations of this holy synod, and after the votes of their members on these points had been counted, finally in a general congregation summoned for this purpose in the said cathedral, as is customary, in which the votes of the individuals were again counted, it was found that more than two-thirds of them had voted for Basel, Avignon or Savoy. After they had invoked the grace of the holy Spirit and celebrated a mass, they agreed that due and earnest pressure should be exerted on the emperor, the patriarch and other aforesaid Greeks, with the many good reasons being put before them, so that they might agree to Basel as the place for the ecumenical council, and that if they rejected Basel, it should be held at Avignon. If Avignon proved impossible, it should be held in Savoy.

Therefore, in order that each and all of the aforesaid points might be brought to fruition, with all the solemnity normally employed in this sacred council of Basel in expediting matters of importance, while the fathers are seated in the cathedral of Basel after the mass, this holy synod decrees, wishes, ordains and declares that the future ecumenical council ought to be held at the due and agreed time in the city of Basel or, if that is rejected, in the city of Avignon or otherwise in Savoy, in accordance with the above-mentioned agreement; and that the emperor, the patriarch and other aforesaid Greeks, as detailed in the said terms and decrees, and all other persons of whatever rank, status, dignity or pre-eminence who ought by right or custom to take part in general councils, including those of episcopal rank, are bound and obliged to come to and take part in that ecumenical council, especially so that this salutary work might be completed. This holy synod wishes, declares and decrees this nomination and choice to be firm, fixed and unchangeable. Any modification, ordinance, disposition, nomination or choice to the contrary that may be made by this holy council or by one or more other persons, whatever their authority, even if it be papal, is utterly invalid; and this holy synod from its certain knowledge as from now quashes, revokes and annuls any such measures, and denounces them as quashed, null and of no effect, and it wishes them to be of no effect and holds them so now, in so far as they impede or oppose in whole or in part the said choice. Also this holy synod from its certain knowledge supplies for any defect that may exist in the aforesaid things or in any of them in particular. Furthermore, since this very difficult undertaking, which will bear great fruit in God’s church, as well as the transport and maintenance of the aforesaid Greeks, cannot be accomplished without heavy expenses, it is right and fitting that all of Christ’s faithful, especially ecclesiastics, should contribute generously from the substance of the patrimony of our lord Jesus Christ entrusted to them, for the conclusion of so happy a venture. This holy synod therefore imposes on each and every ecclesiastical person, both exempt and non-exempt under whatever form or words, even the order of St John of Jerusalem, of whatever status, dignity, rank, order or condition, even if they are cardinals or bishops, a tenth of all their ecclesiastical fruits and revenues -- only daily distributions being excepted -- from their churches, monasteries, dignities, offices and other ecclesiastical benefices. This tenth has already been imposed and agreed upon in a general congregation of this holy synod, and this holy synod now decrees and declares that it is to be imposed, and by this decree it imposes it. Furthermore, the said holy synod decrees, wishes, ordains and declares that the venerable bishops John of Luebeck, Luis of Viseu, Delfino of Parma and Louis of Lausanne, envoys of this holy synod, have full power for bringing the Greeks to the place of the ecumenical council, and for the majority of them then present to choose and nominate the Latin port which is most suitable and nearest to the places chosen and nominated above, and to which the said Greeks ought to direct themselves. The synod concedes this power to them by this present decree in accordance with the form of the other letters granted to them in this affair. Finally the same holy synod wishes, ordains and decrees, for the due and desired execution of the aforesaid points and what follows from them, and for the fuller security of the said envoys and of the council, that, at the request of these envoys or of their agents, any other suitable, useful and necessary letters shall be granted, drawn up and despatched in due and correct form by the synod’s chancery under the synod’s seal. The holy general synod of Basel, legitimately assembled in the holy Spirit, representing the universal church, for an everlasting record. This holy synod from its outset, in order that those things might be accomplished which general councils are instituted to achieve with the assistance of the holy Spirit, devoted very great care to promoting union between the western and eastern peoples so

that, as the church of God has suffered innumerable disasters from the long-standing dissension, the greatest profit might ensue from fraternal union. Therefore it sent envoys to Constantinople for the promotion of this holy work. They returned with the ambassadors of the most serene emperor of the Romans and of the venerable patriarch of Constantinople. After many meetings and mature deliberation on this subject, certain terms were agreed between this sacred council and those ambassadors and were confirmed by a decree in a public session. By these terms this holy synod bound itself to send envoys with certain sums of money, two large and two smaller galleys and three hundred crossbowmen within a fixed time, and to nominate through these envoys one of the places mentioned in the decree for the ecumenical council, where the emperor and the patriarch with seven hundred persons would meet with us to bring about this holy union.

However, since the time-limit for accomplishing the above is imminent, this holy synod, desirous of fulfilling its promises completely and of bringing to its desired goal this holy endeavour which is the most salutary of all works in these times, came to the following conclusion in its discussions and then in a general congregation: namely, that Florence or Udine in Friuli should be put into the council's hands, or else that there should be chosen for the ecumenical council some other safe place which is mentioned in the decree and is convenient for the pope and the Greeks, that is to say whichever of the aforesaid places shall be quickest to collect and send the galleys, the sums of money and other requisites with the necessary securities. The port would be Venice, Ravenna or Rimini; whichever of them the emperor and the patriarch of Constantinople prefer. Also, so that the clergy are not burdened uselessly, the tenth shall not be decreed or exacted until the Greeks have arrived at one of the above-mentioned ports. Also, that the sacred council should remain in this city during the whole time covered by the decree. Also, that the legates and presidents of the apostolic see, after they have summoned such fathers as shall seem good to them, shall choose the envoys for accompanying the Greeks and for carrying out the aforesaid things; these envoys ought to urge forcibly the choice of this city of Basel. Therefore, in order that each and all of the above may attain due effect, with the assistance of divine grace, in this public and solemn session this holy synod wishes, decrees and declares that the aforesaid decision is definite and valid, to be adhered to and to be implemented. It quashes, voids and annuls, and declares to be quashed, void and null, whatever has been or shall be done, or may be attempted, by any person or persons contrary to the above or its consequences or whatever could in any way impede their execution. And it wishes that the aforesaid apostolic legates and presidents shall compose in due form and under the seal of the council suitable letters for the execution of the above, and shall expedite whatever else may be necessary and appropriate for this holy enterprise.

SESSION 1 8 January 1438 [Declaration of cardinal Nicholas Albergati, president of the council]

We, Nicholas, legate of the apostolic see, announce that we preside on behalf of our most holy lord pope Eugenius IV in this sacred synod which was translated from Basel to the city of Ferrara and is already legitimately assembled, and that the continuation of this translated synod has been effected today 8 January, and that the synod is and ought to be continued from today onwards for all the purposes for which the synod of Basel was convened, including being the ecumenical council at which the union of the western and the eastern church is treated and with God's help achieved.

SESSION 2 10 January 1438 [On the legitimate continuation of the council of Ferrara, against the assembly at Basel] For the praise of almighty God, the exaltation of the catholic faith and the peace, tranquillity and unity of the whole christian people. This holy universal synod, through the grace of God authorized by the most blessed lord pope Eugenius IV, legitimately assembled in the holy Spirit in this city of Ferrara, represents the universal church. Its president, on behalf and in the name of the said most holy lord Eugenius, is the most reverend father and lord in Christ lord Nicholas, cardinal-priest of the holy Roman church of the title of holy Cross in Jerusalem, legate of the apostolic see. It adheres to the firm foundation of him who said to the prince of the apostles: You are Peter, and on this rock I will build my church. It is eager to preserve the unity of the spirit in the bond of peace, so that we might be one body and one spirit, just as we were called in the one hope of our calling. It records that much was done in days past both at the former council of Basel and after its translation by some staying on there without any authority, and also by the said most blessed pope lord Eugenius, especially in respect of the business of the most holy union of the western and the eastern church, namely the following: the decree of the nineteenth session of the former council of Basel beginning As a dutiful mother, to which the most holy lord Eugenius gave his assent by his letter; also an agreed proposal on the choice of a place to which the council of Basel should be translated which was agreed upon and confirmed by all the fathers in common and which led to the decree of the twenty-fifth session of the former council, which begins This holy synod from its outset etc. and which the pope himself, urged on by the envoys of the Greeks, accepted and confirmed by his letter given in a general consistory at Bologna and published in the presence of these envoys, also the letter of the same most blessed Eugenius dated 18 September last, issued in a general consistory at Bologna and solemnly read out at the beginning of the continuation of this synod, by which the pope with the counsel and consent of the most reverend cardinals of the holy Roman church and with the approval of the prelates then in the curia, transferred the council to this city of Ferrara; also the letter of the declaration of the same, dated 30 December, immediately following the said translation; all of which this holy synod has ordered to be registered verbatim in its acts as a permanent record, as is contained in these same acts.

All these facts and many more have been duly pondered and maturely discussed in various meetings. This holy synod declares that the aforesaid translation and declaration were and are legitimate, just and reasonable, and were and are made from urgent necessity so as to remove an obstacle to the most holy union of the western and the eastern church, to prevent a schism already threatening in God’s church, and for the manifest benefit of the whole christian commonwealth, and that therefore this holy synod was legitimately assembled and established in the holy Spirit in this city of Ferrara for all the purposes for which the said former council of Basel was instituted at its beginning, and especially to be the future ecumenical council for the aforesaid most holy union; and that it ought to continue and to proceed to all the aforesaid matters. This holy synod therefore praises, accepts and approves the translation and the consequent declaration, as mentioned above. It exhorts in the Lord and requires of each and all of the present and future members of the holy synod to apply themselves to the above things with earnest care and serious study. By the generosity of him who has begun in us a good work, may everything be directed and done for his glory and the salvation of the whole christian people. This holy synod further declares that, since the well known necessity of the above reasons demanded and impelled the said most holy lord Eugenius to that translation, the matter in no way falls within the decrees of the eighth, the eleventh or any other session of the former council of Basel.

It decrees that the assembly at Basel, and every other assembly which may perchance convene there or elsewhere under the name of a general council, rather is and ought to be considered a spurious gathering and conventicle, and can in no way exist with the authority of a general council.

It quashes, invalidates and annuls, and declares to be invalid, quashed, null and of no force or moment, each and all of the things done in the city of Basel in the name of a general council after the said translation, and whatever may be attempted there or elsewhere in the future in the name of a general council. But if in the matter of the Bohemians something useful has been achieved by the said people assembled at Basel after the said translation, it intends to approve that and supply for defects. In order that each and all of the members of the holy synod may be kept safe from every annoyance and may serve God in good works without anxiety, free from all fear, harassment and injury, this holy synod absolves, frees and dispenses, and declares to be absolved and freed, and the oaths to be dispensed from, each and all of those who, under whatsoever plea or cause, bound themselves to the former synod of Basel by oaths, with obligations and commitments, whereby their full and free right to obey this present holy synod and to promote its honour and good might be impeded and they might have scruples of some kind. This holy synod also ordains and decrees that nobody of whatsoever rank or dignity, by any ordinary or delegated jurisdiction for any cause or occasion, except by the jurisdiction of the apostolic see, shall dare to disturb, harass or molest, in their dignities, offices, administrations, privileges, honours, benefices and other goods, each and all of those, both seculars and religious, including members of mendicant orders, who are or shall be at this present synod, or who follow the Roman curia and will soon be at this synod on account of the move of the most holy lord Eugenius with his curia to this city, which has been announced by the posting up of notices in accordance with the ancient custom of the curia. But if, under any pretext, directly or indirectly, any should presume to molest any of the said persons in their dignities, offices, administrations, honours, privileges, benefices or other goods, or to prevent them from freely enjoying their jurisdiction, fruits and emoluments as they did before, or to confer on others their dignities, offices, administrations, honours and benefices, on the plea of some deprivation, this holy synod intends that each and all of them, even if they are cardinals, patriarchs, archbishops, bishops or persons with some other dignity, or chapters, colleges, convents or universities, shall incur automatically and without the need for a previous warning sentences of excommunication, suspension and interdict, absolution from which is reserved to the Roman pontiff alone, except at the hour of death.

Moreover the synod decrees that those who do not repent within three days after making these conferrals or placing these obstacles, by fully restoring those whose dignities, offices, administrations, honours and benefices they conferred, or whom they impeded in other ways, as stated above, to all their churches and benefices as they held them before, whether they held them by title, in commendam or in administration; and also each and all of those who presume to accept collation to the aforesaid dignities, offices, administrations, honours and benefices, even if they were made motu proprio, or to take possession of them in person or through others, or to hold such action as valid; all these persons are automatically deprived by law, if they previously had any claim in them, of all their other benefices, whether they held them by title, in commendam or in administration, and they are rendered perpetually disqualified from them and all other benefices, and they can be restored and habilitated only by the Roman pontiff. This holy synod, moreover, warns and requires each and all of those who are obliged by law or custom to take part in general

councils, to come as soon as possible to this present synod at Ferrara, which will continue, as noted above, for the speedy attainment of the aforesaid purposes.

17 Part 4 Council of Basel 1431-45 A.D.

SESSION 31 15 February 1438 [Ecclesiastical penalties against members of the Basel synod]

Eugenius, bishop, servant of the servants of God, for an everlasting record. The duties of the pastoral office over which we preside by divine mercy, despite our lack of merit, demand that we repress by opportune remedies the nefarious excesses of evil-minded persons, especially those who, unless prevented, strive to force the peaceful state of the church into various dangerous storms and disturbances and who endeavour to overturn the barque of Peter, and that we inflict due retribution for their excesses, lest boasting of their malice they give occasion to others to commit mischief. For it is a crime to be slack in punishing crimes that harm many people, as canonical regulations state.

Thus, the former council of Basel debated the choice of a place for the future ecumenical council. Those on whom the power of choosing the place devolved, passed a decree which was accepted by the ambassadors of our most dear son in Christ John, emperor of the Greeks, and of our venerable brother Joseph, patriarch of Constantinople. Some persons chose Avignon or another place, but the said ambassadors protested that most assuredly they did not want to go there, declaring as certain that the said emperor and patriarch would by no means go to the said sacred council unless we attended in person. Those who asked for Avignon, afraid that the Greeks certainly would not come to them, dared to concoct a certain decree or notorious pamphlet, which they call a monition, against us, even though it is null and indeed leads to serious scandal and a split in the church, disrupting this holy work of union with the Greeks. In order to preserve the unity of the church and to promote the said union with the Greeks, we, for just, necessary and pressing reasons, with the advice and assent of our venerable brothers the cardinals of the holy Roman church, and with the advice and approval of very many of our venerable brothers the archbishops, bishops, beloved chosen sons and abbots who were present at the apostolic see, translated the said council of Basel, by our apostolic authority and in a fixed manner and form, to the city of Ferrara, which is suitable for the Greeks and for us, so that those at Basel might duly recoil from their scandalous actions, as is contained at greater length in the letter composed for the occasion’ . But they, spurning every avenue of peace, persevering in their obstinate purpose, scorning the letter of the said translation and everything contained in it, and piling evil upon evil, not only rejected our reasonable translation made for the said most just and urgent reasons, as stated above, but even dared with renewed obstinacy to warn us to withdraw the said translation within a fixed time and under pain of suspension. Yet this would have been nothing less than to force us to abandon the prosecution of such a holy work so much desired by all Christians. When we realized this, with grief of heart, since we saw that everything tended to the destruction of the holy task of union and to an open split in the church, as was said above, we declared that the translation had been made by us from necessity, that the conditions attached to it had been regularized, and that the council at Ferrara ought to begin and legitimately continue, as is stated more fully in another letter of ours . To open this council at Ferrara we sent our beloved son Nicholas, cardinal-priest of the holy Roman church of the title of holy Cross, legate of us and the apostolic see. This council at

Ferrara, legitimately assembled and with many prelates, solemnly declared in a public session that the said translation and declaration were and are legitimate, just and reasonable, and were made from urgent necessity so as to remove an obstacle to the said most holy union between the western and the eastern church and to avoid an impending split in God's church for the evident benefit of the whole christian commonwealth, as is crystal clear from the decree made about it.

Meanwhile, informed that the aforesaid emperor, patriarch and Greeks were approaching the shores of Italy, under God's guidance we came to this council at Ferrara with the firm intention and purpose of effectively pursuing, with God's help, not only the work of holy union but also the objectives for which the council of Basel had assembled. In view of all this, our beloved son Julian, cardinal-priest of the title of St Sabina, legate of the apostolic see, strongly urged the aforesaid people at Basel to withdraw from such flagrant scandals. But because of their obstinacy of mind he was without effect. Then, seeing them ready to precipitate still worse scandals in God's church, he departed so as not to appear to approve their impiety. They, for their part, paid no attention to this. Ignorant of how to direct their steps in the way of peace and justice, although they were already aware that the Greeks were utterly unwilling to come to them and were approaching the shores of Italy, they persevered in their hardness of heart. Since they could in no other way prevent and disrupt the union with the Greeks, for which they should have been labouring with us with all their strength and mind and assisting us, they added bad to worse and went to such a pitch of rashness and insolence that, even though many of the envoys of kings and princes who were at Basel execrated so wicked a deed and protested against it, they dared to declare with sacrilegious arrogance that we were suspended from the administration of the papacy and to proceed to various other things, albeit everything was null. So we, conscious that their excesses are so notorious that they cannot be hidden by any subterfuge, and that error that is not resisted appears to be approved and throws wide open to delinquents a door that no longer guards against their intrusions, and unable without grave offence to our lord Jesus Christ and his holy church to tolerate further so many grievous excesses which are seen especially to impede, disrupt and utterly destroy the holy and most desired union with the Greeks, we decree against the aforesaid remnant at Basel, in virtue of the most High and with the approval of this holy council, the steps that should be taken with justice.

Hence we decree and declare, after mature deliberation with this holy synod and with its approval, that each and all of those meeting in Basel, in spite of the aforesaid translation and declaration, under the pretended name of a council which more accurately should be called a conventicle, and daring to perpetrate such scandalous and nefarious deeds, whether they are cardinals, patriarchs archbishops, bishops or abbots or of some other ecclesiastical or secular dignity, have already incurred the penalties instanced in our said letter of translation, namely excommunication, privation of dignities and disqualification from benefices and offices in the future.

We also decree and declare to be null and void and of no force or moment, whatever has been attempted by them in the name of a council or otherwise since the day of the translation made by us, or shall be attempted in the future, in respect of the aforesaid matters or against those who follow our curia or are at this sacred council at Ferrara.

We also command, with the approval of this council, under the same penalties and censures and in virtue of their oath by which they are bound to the holy apostolic see, each and all of the

cardinals, patriarchs, archbishops, bishops, elected persons, abbots and all others of whatsoever condition, status or rank who are meeting in the said city of Basel under the pretext of a council, really and effectively to leave the said city within thirty days of the date of this decree. We also order the mayor of the citizens, the councillors and the magistrates ruling the city of Basel and the governors and other officials, whatever name they go under, to expel the aforesaid persons who have not left the city within the said thirty days and really and effectively to eject them.

If they fail to do this within the said thirty days, we decree that each and all of the said rulers and officials automatically incur sentence of excommunication, and the people and the city automatically incur sentence of ecclesiastical interdict; we specially reserve to ourself absolution from the sentences of excommunication, except at the hour of death, and the lifting of the interdict. We order and command, in virtue of holy obedience and under pain of excommunication, each and all of those to whom this notice shall come that, if the aforesaid persons meeting in Basel and the citizens are obstinately disobedient towards us, nobody should approach the city of Basel after the said thirty days and they should deny them all commerce and all articles needed for human use.

Merchants of all kinds, who have gone to Basel on account of the former council, shall depart under the same pain of excommunication. If there are some who ignore these orders of ours, daring perhaps to convey goods after the time-limit to those at Basel persisting in contumacy, since it is written that the righteous plundered the ungodly, such persons may be despoiled without penalty by any of the faithful and their goods shall be ceded to the first takers.

However, because the church never closes its bosom to returning sons, if the said people meeting in Basel, or some of them, repent and depart from the said city within the said interval of thirty days from the date of this present decree, then with the approval of this sacred council we remit and fully cancel the aforesaid penalties as for obedient sons and we wish, decree and order that they and their consequences are to be regarded as without force from the date of their imposition, and we supply with the council’s approval for all defects, if perhaps there are any in respect of solemnity of the law or of omission. Let nobody therefore ... If anyone however ...

SESSION 42 9 April 1438 [Eugenius IV and the fathers of the council at Ferrara declare the council at Ferrara to be legitimate and ecumenical]

Eugenius, bishop, servant of the servants of God, for an everlasting record. It befits us to render thanks to almighty God who, mindful of his past mercies, always bestows on his church even richer growth and, although he allows her to be tossed on occasions by the waves of trials and tribulations, yet never permits her to be submerged but keeps her safe amid the mountainous waters, so that by his mercy she emerges from the various vicissitudes even stronger than before. For behold, the western and eastern peoples, who have been separated for long, hasten to enter into a pact of harmony and unity; and those who were justly distressed at the long dissension that kept them apart, at last after many centuries, under the impulse of him from whom every good gift comes, meet together in person in this place out of desire for holy union.

We are aware that it is our duty and the duty of the whole church to strain every nerve to ensure that these happy initiatives make progress and have issue through our common care, so that we may deserve to be and to be called co-operators with God.

Finally, our most dear son John Palacologus, emperor of the Romans, together with our venerable brother Joseph, patriarch of Constantinople, the apocrisiaries of the other patriarchal sees and a great multitude of archbishops, ecclesiastics and nobles arrived at their last port, Venice, on 8 February last. There, the said emperor expressly declared, as he had often done before, that for good reasons he could not go to Basel to celebrate the ecumenical or universal council, and he intimated this by a letter to those assembled at Basel. He exhorted and required all of them to go to Ferrara, which had been chosen for the council, to carry through the pious task of this holy union.

We have always had this holy union close to our heart and have sought with all our strength to bring it about. Therefore we intend to carry out with care, as is our duty, the decree of the council of Basel, to which the Greeks agreed, as well as the choice of a place for the ecumenical council, which was made at the council of Basel and which was later confirmed by us at Bologna at the urging of the envoys of the said emperor and patriarch, and any other things pertaining to this work of holy union.

Therefore we decree and declare, in every way and form as best we can, with the assent of the said emperor and patriarch and of all those in the present synod, that there exists a holy universal or ecumenical synod in this city of Ferrara, which is free and safe for all; and therefore it should be deemed and called such a synod by all, in which this holy business of union will be conducted without any quarrelsome contention but with all charity and, as we hope, will be brought by divine favour to a happy conclusion together with the other holy tasks for which the synod is known to have been instituted.

SESSION 5’ 10 January 1439 [Decree translating the council of Ferrara to Florence]

Eugenius, bishop, servant of the servants of God, for an everlasting record. It is fitting that the site of an ecumenical council, in which men chosen from the whole christian world meet together, should be such that in it, among other human necessities, there should be the most important of all, namely healthy air. Otherwise, because of the pest-laden contagion of infected air which all people naturally fear and flee, those present at the council may be forced to depart with nothing accomplished and the absent will refuse to attend. Assuredly it is right that those who come together at synods to treat of difficult questions should be free from every anxiety and fear, so that they may be able in greater peace and freedom to give their attention to the matters of public concern.

We would, indeed, have preferred that the universal council which we initiated in this city should continue here, and that the union of the eastern and western churches should be brought to its happy and desired conclusion in this city, where we initiated it. When the plague afflicted this city last autumn, pressure was exerted by some for the transferral of the synod to a non-infected locality. Nothing was done, however, because it was hoped that the plague would cease with the advent of winter, as it usually does.

Since in fact the plague continues from day to day and it is feared that it will gain strength when spring and summer come, all judge and advise that a move must be made without delay to some non-infected place. For this and several other good reasons, with the agreement of our dear son John Palaeologus, emperor of the Romans, and of our venerable brother Joseph, patriarch of

Constantinople, and with the approval of the council: In the name of the Trinity, Father, Son and holy Spirit, with the full securities and safe-conducts which we gave to all at the beginning of the sacred council, we transfer and declare to be transferred as from now this ecumenical or universal synod from this city of Ferrara to the city of Florence, which is manifestly free for all, safe, peaceful and tranquil, and enjoying healthy air, and which, situated as it is between the Tyrrhenian and Adriatic seas, is excellently situated for easy access for both easterners and westerners. Let nobody therefore . .. If anyone however . . .

SESSION 6 6 July 1439 [Definition of the holy ecumenical synod of Florence]

Eugenius, bishop, servant of the servants of God, for an everlasting record. With the agreement of our most dear son John Palaeologus, illustrious emperor of the

Romans, of the deputies of our venerable brothers the patriarchs and of other representatives of the eastern church, to the following.

Let the heavens be glad and let the earth rejoice. For, the wall that divided the western and the eastern church has been removed, peace and harmony have returned, since the corner-stone, Christ, who made both one, has joined both sides with a very strong bond of love and peace, uniting and holding them together in a covenant of everlasting unity. After a long haze of grief and a dark and unlovely gloom of long-enduring strife, the radiance of hoped-for union has illuminated all.

Let mother church also rejoice. For she now beholds her sons hitherto in disagreement returned to unity and peace, and she who hitherto wept at their separation now gives thanks to God with inexpressible joy at their truly marvellous harmony. Let all the faithful throughout the world, and those who go by the name of Christian, be glad with mother catholic church. For behold, western and eastern fathers after a very long period of disagreement and discord, submitting themselves to the perils of sea and land and having endured labours of all kinds, came together in this holy ecumenical council, joyful and eager in their desire for this most holy union and to restore intact the ancient love. In no way have they been frustrated in their intent. After a long and very toilsome investigation, at last by the clemency of the holy Spirit they have achieved this greatly desired and most holy union. Who, then, can adequately thank God for his gracious gifts?' Who would not stand amazed at the riches of such great divine mercy? Would not even an iron breast be softened by this immensity of heavenly condescension?

These truly are works of God, not devices of human frailty. Hence they are to be accepted with extraordinary veneration and to be furthered with praises to God. To you praise, to you glory, to you thanks, O Christ, source of mercies, who have bestowed so much good on your spouse the catholic church and have manifested your miracles of mercy in our generation, so that all should proclaim your wonders. Great indeed and divine is the gift that God has bestowed on us. We have seen with our eyes what many before greatly desired yet could not behold. For when Latins and Greeks came together in this holy synod, they all strove that, among other things, the article about the procession of the holy Spirit should be discussed with the utmost care and assiduous investigation. Texts were produced from divine scriptures and many authorities of eastern and western holy doctors, some saying the holy Spirit proceeds from the Father and the Son, others saying the procession is from the Father through the Son. All were aiming at the same meaning in

different words. The Greeks asserted that when they claim that the holy Spirit proceeds from the Father, they do not intend to exclude the Son; but because it seemed to them that the Latins assert that the holy Spirit proceeds from the Father and the Son as from two principles and two spirations, they refrained from saying that the holy Spirit proceeds from the Father and the Son. The Latins asserted that they say the holy Spirit proceeds from the Father and the Son not with the intention of excluding the Father from being the source and principle of all deity, that is of the Son and of the holy Spirit, nor to imply that the Son does not receive from the Father, because the holy Spirit proceeds from the Son, nor that they posit two principles or two spirations; but they assert that there is only one principle and a single spiration of the holy Spirit, as they have asserted hitherto. Since, then, one and the same meaning resulted from all this, they unanimously agreed and consented to the following holy and God-pleasing union, in the same sense and with one mind. In the name of the holy Trinity, Father, Son and holy Spirit, we define, with the approval of this holy universal council of Florence, that the following truth of faith shall be believed and accepted by all Christians and thus shall all profess it: that the holy Spirit is eternally from the Father and the Son, and has his essence and his subsistent being from the Father together with the Son, and proceeds from both eternally as from one principle and a single spiration. We declare that when holy doctors and fathers say that the holy Spirit proceeds from the Father through the Son, this bears the sense that thereby also the Son should be signified, according to the Greeks indeed as cause, and according to the Latins as principle of the subsistence of the holy Spirit, just like the Father. And since the Father gave to his only-begotten Son in begetting him everything the Father has, except to be the Father, so the Son has eternally from the Father, by whom he was eternally begotten, this also, namely that the holy Spirit proceeds from the Son.

We define also that the explanation of those words "and from the Son" was licitly and reasonably added to the creed for the sake of declaring the truth and from imminent need.

Also, the body of Christ is truly confected in both unleavened and leavened wheat bread, and priests should confect the body of Christ in either, that is, each priest according to the custom of his western or eastern church. Also, if truly penitent people die in the love of God before they have made satisfaction for acts and omissions by worthy fruits of repentance, their souls are cleansed after death by cleansing pains; and the suffrages of the living faithful avail them in giving relief from such pains, that is, sacrifices of masses, prayers, almsgiving and other acts of devotion which have been customarily performed by some of the faithful for others of the faithful in accordance with the church’s ordinances.

Also, the souls of those who have incurred no stain of sin whatsoever after baptism, as well as souls who after incurring the stain of sin have been cleansed whether in their bodies or outside their bodies, as was stated above, are straightaway received into heaven and clearly behold the triune God as he is, yet one person more perfectly than another according to the difference of their merits. But the souls of those who depart this life in actual mortal sin, or in original sin alone, go down straightaway to hell to be punished, but with unequal pains. We also define that the holy apostolic see and the Roman pontiff holds the primacy over the whole world and the Roman pontiff is the successor of blessed Peter prince of the apostles, and that he is the true vicar of Christ, the head of the whole church and the father and teacher of all Christians, and to him was committed in blessed Peter the full power of tending, ruling and governing the whole church, as is contained also in the acts of ecumenical councils and in the sacred canons.

Also, renewing the order of the other patriarchs which has been handed down in the canons, the patriarch of Constantinople should be second after the most holy Roman pontiff, third should be the patriarch of Alexandria, fourth the patriarch of Antioch, and fifth the patriarch of Jerusalem, without prejudice to all their privileges and rights.

SESSION 7 4 September 1439 [Decree of the council of Florence against the synod at Basel]

Eugenius, bishop, servant of the servants of God, for an everlasting record. Moses, the man of God, was zealous for the well-being of the people entrusted to him. He feared that God's wrath would be roused against them if they followed Korah, Dathan and Abiram in their seditious schism. Therefore he said to the whole people, at the Lord's command: depart from the tents of these wicked men and touch nothing of theirs, lest you be involved in their sins. For he had perceived, under the Lord's inspiration, that those seditious and schismatic men would incur a grievous retribution, as was demonstrated afterwards when even the earth could not bear with them but by God's just judgment swallowed them up, so that they fell alive into hell.

Similarly we too to whom, though unworthy, the lord Jesus Christ has deigned to entrust his people, as we hear of the abominable crime that certain wicked men dwelling in Basel have plotted in these days so as to breach the unity of holy church, and since we fear that they may seduce some of the unwary by their deceits and inject them with their poisons, are forced to proclaim in like words to the people of our lord Jesus Christ entrusted to us, depart from the tents of these wicked men, particularly since the christian people is far more numerous than the Jewish people of those days, the church is holier than the synagogue, and the vicar of Christ is superior in authority and status even to Moses. This impiety of those at Basel we began to foresee long ago, when we observed the council of Basel already lapsing into tyranny; when many, including those of lower status, were forced to go to it and to stay at the whim of that faction of agitators; when the votes and decisions of some of them were being extorted by various tricks and others were being suborned by lies and deceits, as they abandoned almost everything to conspiracies, cabals, monopolies and cliques, and from a long-standing rivalry with the papacy sought to prolong the duration of the council; when, finally, innumerable novelties, irregularities, deformities and ills were perpetrated, to which there concurred even clerics in lower orders, the ignorant and inexperienced, vagabonds, quarrellers, fugitives, apostates, condemned criminals, escapees from prison, those in rebellion against us and their own superiors, and other such human monsters, who brought with them every stain of corruption from those teachers of evil-doing.

We directed our attention also to that most holy work of union with the eastern church, which seemed to us to be greatly endangered by the deceit of certain factious persons, and we wished to provide as best we could for so many evils. For these and other just and necessary reasons which are stated in full in the decree of translation, with the advice of our venerable brothers the cardinals of the holy Roman church, and with the approval of very many venerable brothers and sons, archbishops, bishops, elected persons, abbots and other prelates of churches, masters and doctors, we transferred the aforesaid council of Basel to this city of Ferrara, where we established with the Lord's help an ecumenical council of the western and the eastern church.

Afterwards, when the plague came and continued unabated, under the inspiration of grace and with the approval of the same holy council, we transferred the council to this city of Florence. Here the most gracious and merciful God showed his wonders. For, the most disastrous schism, which

had endured in God's church for almost five hundred years to the immense harm of the whole of Christianity, and for the elimination of which very many of our predecessors as Roman pontiffs and many kings and princes and other Christians in past times had laboured very hard, at last, after public and private discussions in both places and many other labours, was removed and the most holy union of the Greeks and the Latins was happily achieved, as is described more fully in the decree about this which was drawn up and solemnly promulgated.

Returning fervent thanks for this to the eternal God and sharing our joy with all the faithful, we offered to God a sacrifice of jubilation and praise. For we saw that not just one nation like the Hebrew people was being summoned to the promised land, but peoples of many races, nations and tongues were hastening to the one utterance and merit of the divine truth. Through this, great hope is forthcoming that the sun of justice, rising in the east, will spread the beams of its light to pierce the darkness of many other races, even of infidels, and the salvation of the Lord may reach to the ends of the earth.

Already indeed, by God's providence, we have excellent pledges of this. For almighty God has granted that, by our means, representatives of the Armenians with full powers have recently come from most distant northern parts to us and the apostolic see and to this holy council. They regard and venerate us as no other than blessed Peter, prince of the apostles, they recognize the holy see as mother and mistress of all the faithful, and they profess that they have come to the holy see and to the aforesaid council for spiritual food and the truth of sound doctrine. For this too we have given many thanks to our God. But the mind recoils from recording what troubles, attacks and persecutions we have suffered in the course of this divine undertaking until now, not indeed from Turks or Saracens but from those who call themselves Christians. Blessed Jerome reports that from the time of Hadrian until the reign of Constantine there was set up and worshipped by the pagans at the place of the Lord's resurrection an image of Jupiter and on the rock of the crucifixion a marble statue of Venus, since the authors of persecution thought that they could take away from us our faith in the resurrection and the cross if they polluted the holy places with their idols.

Much the same has happened in these days against us and the church of God, at the hands of those desperate men at Basel, except that what was then done by pagans ignorant of the true God is now the work of men who have known him and hated him Their pride, then, according to the prophet, is ever rising, all the more dangerously in that it is under the cloak of reform, which in truth they have always abhorred, that they spread their poisons. In the first place, those who were the authors of all the scandals in Basel have failed in their promises to the Greeks. For they knew from the envoys of the Greeks and the eastern church that our most dear son in Christ John Palaeologus, illustrious emperor of the Romans, and Joseph, patriarch of Constantinople of happy memory, and the other prelates and persons of the eastern church wished to proceed to the place which had been legally chosen for the ecumenical council by our legates and presidents and other notable persons present there, whose right it was to choose the site in accordance with the agreement which had been approved by the common consent of the council after serious disagreements among its members. Whereupon we, for our part, confirmed the choice of place in a general consistory at Bologna and we sent to Constantinople, at great labour and expense, the galleys and other things necessary for this holy work of union. When they learnt of this, they dared to decree against us and the aforesaid cardinals a detestable admonition or citation, so as to block the holy work, [and to send it to the aforesaid emperor and patriarch of Constantinople, so that

they and all others] might be deterred from coming. Yet they knew full well that there was no chance of them going to any place other than the one which had been chosen for the site, as stated above.

Then, when they realized that the aforesaid emperor and patriarch and others were already on their way to us for this work of holy union, they tried to lay another wicked snare to catch this divine project. That is, they produced against us a sacrilegious sentence of suspension from the administration of the papacy. Finally, those leaders of scandal, very few in number, most of them of the lowest rank and reputation, in their intense hatred of true peace, piling iniquity on top of iniquity lest they should enter into the justice of the Lord, when they saw that the grace of the holy Spirit was working in us towards union with the Greeks, swerving away from the straight line into paths of error, held a so-called session on 16 May last asserting that they were obeying certain decrees, although these were passed at Constance by only one of the three obediences after the flight of John XXIII, as he was called in that one obedience, at a time of schism.

Alleging obedience to those decrees, they proclaimed three propositions which they term truths of the faith, seemingly to make heretics of us and all princes and prelates and other faithful and devout adherents of the apostolic see. The propositions are the following.

"The truth about the authority of a general council, representing the universal church, over a pope and anyone else whatsoever, declared by the general councils of Constance and this one of Basel, is a truth of the catholic faith. The truth that a pope cannot by any authority, without its consent, dissolve a general council representing the universal church, legitimately assembled for the reasons given in the above-mentioned truth or for any of them, or prorogue it to another time or transfer it from place to place, is a truth of the catholic faith. Anyone who persists in opposing the aforesaid truths is to be considered a heretic." In this, those utterly pernicious men, masking their malice with the rosy colour of a truth of the faith, gave to the council of Constance an evil and mischievous meaning completely opposed to its true teaching, imitating in this the teaching of other schismatics and heretics who always amass for their support fabricated errors and impious dogmas drawn from their perverse interpretation of the divine scriptures and the holy fathers.

Finally, completely perverting their mind and turning away their eyes from looking to heaven or remembering righteous judgments, after the manner of Dioscorus and the infamous synod of Ephesus, they proceeded to a declaratory sentence of deprivation, as they claimed, from the dignity and office of the supreme apostolate, a poisonous and execrable pronouncement involving an unforgivable crime. Here we will take the tenor of that sentence, abhorrent to every pious mind, as sufficiently expressed. They omitted nothing, as far as was in their power, that might overthrow this incomparable good of union.

O miserable and degenerate sons! O wicked and adulterous generation! What could be more cruel than this impiety and iniquity? Can anything more detestable, more dreadful and more mad be imagined? Earlier on they were the ones who said that nothing better, nothing more glorious and fruitful had ever been seen or heard of in the christian people, from the very birth of the church, than this most holy union, and that to further it there should be no contention about the place, but rather to achieve it the wealth of this world as well as body and soul should be hazarded, proclaiming this aloud to the whole world and urging the christian people to it, as their decrees and letters fully state. But now they persecute exactly this as furiously and as impiously as they can, so

that the devils of the entire world seem to have flocked together to that conventicle of brigands at Basel. So far almighty God has not allowed their iniquity and its lying inconsistencies to prevail. But seeing that they are striving with all their strength to bring it to success, even to the point of setting up the abomination of desolation in God's church, we can in no way pretend to ignore these things without most serious offence to God and imminent danger of confusion and abomination in God's church. In keeping with our pastoral office, at the urging of many who are fired with zeal for God, we wish to put a stop to such evils and, as far as we can, to take appropriate and salutary measures to eliminate from God's church this execrable impiety and most destructive pestilence.

Following in the steps of our predecessors who, as Pope Nicholas of holy memory writes, were accustomed to annul councils which had been conducted improperly, even those of universal pontiffs, as occurred at the second universal synod at Ephesus, inasmuch as the blessed pope Leo summoned it but later established the council of Chalcedon.

We renew by our apostolic authority, with the approval of this holy council of Florence, the solemn and salutary decree against those sacrilegious men, which was issued by us in the sacred general council of Ferrara on 15 February. By that decree we declared among other things, with the approval of the said sacred council of Ferrara, that each and every person at Basel who, in the name of a pretended council which we called more accurately a conventicle, dared to perpetrate those scandalous and wicked deeds in contravention of our translation and declaration, whether they are cardinals, patriarchs, archbishops, bishops, abbots or of some other ecclesiastical or secular dignity, has incurred the penalties of excommunication, privation of dignities, benefices and offices and disqualification for the future, which are instanced in our letter of translation.

Now we decree and declare again that all the things done or attempted by those impious men presently in Basel, which were mentioned in our said decree of Ferrara, and each and all of the things done, performed or attempted by the same men since then, especially in the two so-called sessions or rather conspiracies which have just been mentioned, and whatever may have followed from these things or from any of them, or may follow in the future, as coming from impious men who have no authority and have been rejected and reprobated by God, were and are null, quashed, invalid, presumptuous and of no effect, force or moment. With the approval of the sacred council we condemn and reject, and we proclaim as condemned and rejected, those propositions quoted above as understood in the perverse sense of the men at Basel, which they demonstrate by their deeds, as contrary to the sound sense of sacred scripture, the holy fathers and the council of Constance itself; and likewise the aforesaid so-called sentence of declaration or deprivation, with all its present and future consequences, as impious and scandalous and tending to open schism in God's church and to the confusion of all ecclesiastical order and christian government. Also, we decree and declare that all of the aforesaid persons have been and are schismatics and heretics, And that as such they are assuredly to be punished with suitable penalties over and above the penalties imposed at the aforesaid council of Ferrara, together with all their supporters and abettors, of whatever ecclesiastical or secular status, condition or rank they may be, even cardinals, patriarchs, archbishops, bishops or abbots or those of any other dignity, so that they may receive their deserts with the aforesaid Korah, Dathan and Abiram Let nobody therefore ... If anyone however ...

SESSION 8 22 November 1439 [Bull of union with the Armenians]

Eugenius, bishop, servant of the servants of God, for an everlasting record. All people everywhere who go by the name of Christian: Exult in God our helper, rejoice in the God of Jacob. Behold the Lord once again, mindful of his mercy had deigned to remove from his church another stumbling block which has endured for more than nine centuries. He who makes peace in the heavens and is peace on earth for people of good will, has granted in his inexpressible mercy that most desired union with the Armenians. Blessed be the God and Father of our lord Jesus Christ, the father of mercies and God of all comfort, who comforts us in all our tribulation. For the most merciful Lord, seeing his church buffeted about by strong whirlwinds, some times at the hands of those who are outside, at other times at the hands of those within, deigns in many ways every day to console and strengthen her so that she may be able to breathe freely in the midst of her troubles and to rise more robust to resist.

Some time ago God established that great union with the Greeks, who include many races and tongues spread far and wide. Today God has confirmed in the same bond of faith and charity with the apostolic see this union with the Armenians, who are a very numerous people spread over the north and east. These indeed are such great and wondrous benefactions of divine providence that the human mind cannot render worthy thanks for either of them, still less for both together. Who would not be overwhelmed with admiration at the achievement in this council, within so short a time, of two such brilliant feats which have been longed for over centuries ? Truly this is the Lord’s doing and it is wonderful in our eyes. For how could human prudence or diligence have brought to completion such great exploits as these are, unless the favour of God had given them their beginning and end? Let us, then, together and with all our hearts bless the Lord who alone does great wonders, let us sing with the spirit, let us sing with our minds and our mouths and let us give thanks in deeds, as far as human weakness allows, for such great gifts. Let us pray and beseech that, as the Greeks and the Armenians have been made one with the Roman church, so also may other nations be, especially those signed with the seal of Christ, and that finally the whole christian people, after all hatreds and wars have been extinguished, may rest and rejoice together in mutual peace and brotherly love. Rightly we hold that the Armenians deserve great praise. As soon as they were invited by us to this synod, in their eagerness for ecclesiastical unity, at the cost of many labours and much toil and perils at sea, they sent to us and this council from very distant parts, their notable, dedicated and learned envoys with sufficient powers to accept, namely whatever the holy Spirit should inspire this holy synod to achieve.

We, for our part, with all our attention as befits our pastoral office and desiring to bring this holy work to a successful conclusion, frequently conversed with their envoys about this holy union. To avoid even the slightest delay in this holy project, we nominated from every rank of this sacred council experts in divine and human law to treat of the matter with the envoys with all care, study and diligence, closely inquiring of them about their faith in respect of the unity of the divine essence and the Trinity of divine persons, also about the humanity of our lord Jesus Christ, the seven sacraments of the church and other points concerning the orthodox faith and the rites of the universal church.

So, after many debates, conferences and disputations, after a thorough examination of the written authorities which were produced from fathers and doctors of the church, and after discussion of

the questions at issue, at length, so that in future there could be no doubt about the truth of the faith of the Armenians and that they should think in every way like the apostolic see and that the union should be stable and lasting with no cause for hesitation whatsoever we judged it advantageous, with the approval of this sacred council of Florence and the agreement of the said envoys, to give in this decree a summary of the truth of the orthodox faith that the Roman church professes about the above. In the first place, then, we give them the holy creed issued by the hundred and fifty bishops in the ecumenical council of Constantinople, with the added phrase and the Son, which for the sake of declaring the truth and from urgent necessity was licitly and reasonably added to that creed, which runs as follows: I believe . . . I We decree that this holy creed should be sung or read within the mass at least on Sundays and greater feasts, as is the Latin custom, in all Armenian churches. In the second place, we give them the definition of the fourth council of Chalcedon about two natures in the one person of Christ, which was later renewed in the fifth and sixth universal councils. It runs as follows: This wise and saving creed ... Thirdly, the definition about the two wills and two principles of action of Christ promulgated in the above-mentioned sixth council, the tenor of which is This pious and orthodox creed, and the rest which follows in the above-mentioned definition of the council of Chalcedon until the end, after which it continues thus: And we proclaim

Fourth, apart from the three synods of Nicaea, Constantinople and the first of Ephesus, the Armenians have accepted no other later universal synods nor the most blessed Leo, bishop of this holy see, by whose authority the council of Chalcedon met. For they claim that it was proposed to them that both the synod of Chalcedon and the said Leo had made the definition in accordance with the condemned heresy of Nestorius. So we instructed them and declared that such a suggestion was false and that the synod of Chalcedon and blessed Leo holily and rightly defined the truth of two natures in the one person of Christ, described above, against the impious tenets of Nestorius and Eutyches. We commanded that for the future they should hold and venerate the most blessed Leo, who was a veritable pillar of the faith and replete with all sanctity and doctrine, as a saint deservedly inscribed in the calendar of the saints; and that they should reverence and respect, like the rest of the faithful, not only the three above-mentioned synods but also all other universal synods legitimately celebrated by the authority of the Roman pontiff.

Fifthly, for the easier instruction of the Armenians of today and in the future we reduce the truth about the sacraments of the church to the following brief scheme. There are seven sacraments of the new Law, namely baptism, confirmation, eucharist, penance, extreme unction, orders and matrimony, which differ greatly from the sacraments of the old Law. The latter were not causes of grace, but only prefigured the grace to be given through the passion of Christ; whereas the former, ours, both contain grace and bestow it on those who worthily receive them. The first five of these are directed to the spiritual perfection of each person in himself, the last two to the regulation and increase of the whole church.

For, by baptism we are reborn spiritually; by confirmation we grow in grace and are strengthened in faith. Once reborn and strengthened, we are nourished by the food of the divine eucharist. But if through sin we incur an illness of the soul, we are cured spiritually by penance. Spiritually also and bodily as suits the soul, by extreme unction. By orders the church is governed and spiritually multiplied; by matrimony it grows bodily.

All these sacraments are made up of three elements: namely, things as the matter, words as the form, and the person of the minister who confers the sacrament with the intention of doing what the church does. If any of these is lacking, the sacrament is not effected.

Three of the sacraments, namely baptism, confirmation and orders, imprint indelibly on the soul a character, that is a kind of stamp which distinguishes it from the rest. Hence they are not repeated in the same person. The other four, however, do not imprint a character and can be repeated.

Holy baptism holds the first place among all the sacraments, for it is the gate of the spiritual life; through it we become members of Christ and of the body of the church. Since death came into the world through one person, unless we are born again of water and the spirit, we cannot, as Truth says, enter the kingdom of heaven. The matter of this sacrament is true and natural water, either hot or cold. The form is: I baptize you in the name of the Father and of the Son and of the holy Spirit. But we do not deny that true baptism is conferred by the following words: May this servant of Christ be baptized in the name of the Father and of the Son and of the holy Spirit; or, This person is baptized by my hands in the name of the Father and of the Son and of the holy Spirit. Since the holy Trinity is the principle cause from which baptism has its power and the minister is the instrumental cause who exteriorly bestows the sacrament, the sacrament is conferred if the action is performed by the minister with the invocation of the holy Trinity. The minister of this sacrament is a priest, who is empowered to baptize in virtue of his office. But in case of necessity not only a priest or a deacon, but even a lay man or a woman, even a pagan and a heretic, can baptize provided he or she uses the form of the church and intends to do what the church does. The effect of this sacrament is the remission of all original and actual guilt, also of all penalty that is owed for that guilt. Hence no satisfaction for past sins is to be imposed on the baptized, but those who die before they incur any guilt go straight to the kingdom of heaven and the vision of God. The second sacrament is confirmation. Its matter is chrism made from oil and balsam blessed by a bishop, the oil symbolizing the gleaming brightness of conscience and balsam symbolizing the odour of a good reputation. The form is: I sign you with the sign of the cross and I confirm you with the chrism of salvation in the name of the Father and of the Son and of the holy Spirit. The ordinary minister is a bishop. Whereas a simple priest can use other unctions, only a bishop ought to confer this one, because it is said only of the apostles, whose place is held by bishops, that they gave the holy Spirit by the imposition of hands, as this text from the Acts of the Apostles shows: Now when the apostles at Jerusalem heard that Samaria had received the word of God, they sent to them Peter and John, who came down and prayed for them that they might receive the holy Spirit; for it had not yet come down upon any of them, but they had only been baptized in the name of the lord Jesus. Then they laid their hands on them and they received the holy Spirit'. In place of this imposition of hands confirmation is given in the church. We read that sometimes for a reasonable and really urgent cause, by dispensation of the apostolic see, a simple priest has conferred this sacrament of confirmation with chrism prepared by a bishop. The effect of this sacrament is that a Christian should boldly confess the name of Christ, since the holy Spirit is given in this sacrament for strengthening just as he was given to the apostles on the day of Pentecost. Therefore the candidate is enjoined on the forehead, which is the seat of shame, not to shrink from confessing the name of Christ and especially his cross, which is a stumbling block for Jews and a folly for gentiles, according to the Apostle, and for this reason he is signed with the sign of the cross. The third is the sacrament of the eucharist. Its matter is wheat bread and wine

from the vine, to which a very little water is added before the consecration. Water is added thus because it is believed, in accordance with the testimony of holy fathers and doctors of the church manifested long ago in disputation, that the Lord himself instituted this sacrament in wine mixed with water, and because it befits the representation of the Lord's passion. For the blessed pope Alexander, fifth after blessed Peter, says: "In the oblations of the sacraments which are offered to the Lord within the solemnities of masses, only bread and wine mixed with water are to be offered in sacrifice. There should not be offered in the chalice of the Lord either wine only or water only but both mixed together, because both blood and water are said to have flowed from Christ's side'; also because it is fitting to signify the effect of this sacrament, which is the union of the christian people with Christ. For, water signifies the people according to those words of the Apocalypse: many waters, many peoples. And Pope Julius, second after blessed Silvester, said: The chalice of the Lord, by a precept of the canons, should be offered mixed of wine and water, because we see that the people is understood in the water and the blood of Christ is manifested in the wine; hence when wine and water are mingled in the chalice, the people are made one with Christ and the mass of the faithful are linked and joined together with him in whom they believe. Since, therefore, both the holy Roman church taught by the most blessed apostles Peter and Paul and the other churches of Latins and Greeks, in which the lights of all sanctity and doctrine have shone brightly, have behaved in this way from the very beginning of the growing church and still do so, it seems very unfitting that any other region should differ from this universal and reasonable observance. We decree, therefore, that the Armenians should conform themselves with the whole christian world and that their priests shall mix a little water with the wine in the oblation of the chalice, as has been said. The form of this sacrament are the words of the Saviour with which he effected this sacrament. A priest speaking in the person of Christ effects this sacrament. For, in virtue of those words, the substance of bread is changed into the body of Christ and the substance of wine into his blood. In such wise, however, that the whole Christ is contained both under the form of bread and under the form of wine, under any part of the consecrated host as well as after division of the consecrated wine, there is the whole Christ. The effect of this sacrament, which is produced in the soul of one who receives it worthily, is the union of him or her with Christ. Since by grace a person is incorporated in Christ and is united with his members, the consequence is that grace is increased by this sacrament in those who receive it worthily, and that every effect that material food and drink produce for corporal life -- sustaining, increasing, repairing and delighting -- this sacrament works for spiritual life. For in it, as Pope Urban said, we recall the gracious memory of our Saviour, we are withdrawn from evil, we are strengthened in good and we receive an increase of virtues and graces. The fourth sacrament is penance. Its matter is the acts of the penitent, which are threefold. The first is contrition of heart, which includes sorrow for sin committed, with the resolve not to sin again. The second is oral confession, which implies integral confession to the priest of all sins that are remembered. The third is satisfaction for sins in accordance with the judgment of the priest which is ordinarily done by prayer, fasting and almsgiving. The form of this sacrament are the words of absolution which the priest pronounces when he says: I absolve you. The minister of this sacrament is a priest with authority to absolve, which is either ordinary or by commission of a superior. The fifth sacrament is extreme unction. Its matter is olive oil blessed by a priest. This sacrament should not be given to the sick unless death is expected. The person is to be anointed on the following places: on the eyes for sight, on the ears for hearing, on the nostrils for smell, on the mouth for taste or speech, on the hands for touch, on the feet for walking, on the

loins for the pleasure that abides there. The form of this sacrament is: Through this anointing and his most pious mercy may the Lord pardon you whatever you have done wrong by sight, and similarly for the other members. The minister of the sacrament is a priest. Its effect is to cure the mind and, in so far as it helps the soul, also the body. Blessed James the apostle said of this sacrament: Any one of you who is sick should send for the elders of the church, and they shall pray over him and anoint him with oil in the name of the Lord. The prayer of faith will save the sick person and the Lord will raise him up again: and if he is in sins, they will be forgiven him. The sixth is the sacrament of orders. Its matter is the object by whose handing over the order is conferred. So the priesthood is bestowed by the handing over of a chalice with wine and a paten with bread; the diaconate by the giving of the book of the gospels; the subdiaconate by the handing over of an empty chalice with an empty paten on it; and similarly for the other orders by allotting things connected with their ministry. The form for a priest is: Receive the power of offering sacrifice in the church for the living and the dead, in the name of the Father and of the Son and of the holy Spirit. The forms for the other orders are contained in full in the Roman pontifical. The ordinary minister of this sacrament is a bishop. The effect is an increase of grace to make the person a suitable minister of Christ. The seventh is the sacrament of matrimony, which is a sign of the union of Christ and the church according to the words of the apostle: This sacrament is a great one, but I speak in Christ and in the church. The efficient cause of matrimony is usually mutual consent expressed in words about the present. A threefold good is attributed to matrimony. The first is the procreation and bringing up of children for the worship of God. The second is the mutual faithfulness of the spouses towards each other. The third is the indissolubility of marriage, since it signifies the indivisible union of Christ and the church. Although separation of bed is lawful on account of fornication, it is not lawful to contract another marriage, since the bond of a legitimately contracted marriage is perpetual.

Sixthly, we offer to the envoys that compendious rule of the faith composed by most blessed Athanasius, which is as follows:

Whoever wills to be saved, before all things it is necessary that he holds the catholic faith. Unless a person keeps this faith whole and undefiled, without doubt he shall perish eternally. The catholic faith is this, that we worship one God in the Trinity, and the Trinity in unity, neither confounding the persons nor dividing the substance. For there is one person of the Father, another of the Son, and another of the holy Spirit. But the Godhead of the Father, of the Son and of the holy Spirit is one, the glory equal, and the majesty co-eternal. Such as the Father is, such is the Son, and such is the holy Spirit. The Father uncreated the Son uncreated and the holy Spirit uncreated. The Father infinite, the Son infinite and the holy Spirit infinite. The Father eternal, the Son eternal and the holy Spirit eternal. Yet they are not three eternals, but one eternal. As also they are not three uncreateds nor three infinites, but one uncreated and one infinite. Likewise the Father is almighty, the Son is almighty and the holy Spirit is almighty. Yet they are not three almighties, but one almighty. Likewise the Father is God, the Son is God and the holy Spirit is God. Yet they are not three gods, but one God. Likewise the Father is Lord, the Son is Lord and the holy Spirit is Lord. Yet they are not three lords, but one Lord. For just as we are compelled by the christian truth to acknowledge each person by himself to be God and Lord, so we are forbidden by the catholic religion to say there are three gods or three lords. The Father is made by none, neither created nor begotten. The Son is from the Father alone; not made nor created, but begotten. The holy Spirit is

from the Father and the Son; not made nor created nor begotten, but proceeding. So there is one Father, not three fathers; one Son, not three sons; one holy Spirit, not three holy spirits. And in this Trinity nothing is before or after, nothing is greater or less; but the whole three persons are co-eternal together and co-equal. So that in all things, as has been said above, the unity in Trinity and the Trinity in unity is to be worshipped. Whoever, therefore, wishes to be saved, let him think thus of the Trinity.

It is also necessary for salvation to believe faithfully the incarnation of our lord Jesus Christ. The right faith, therefore, is that we believe and confess that our lord Jesus Christ, Son of God, is God and man. God, of the substance of the Father, begotten before the ages; and man, of the substance of his mother, born in the world. Perfect God, perfect man, subsisting of a rational soul and human flesh. Equal to the Father according to his Godhead, less than the Father according to his humanity. Although he is God and man, he is not two, but one Christ. One, however, not by conversion of the Godhead into flesh, but by the taking of humanity into God. One altogether, not by confusion of substance, but by unity of person. For as a reasoning soul and flesh is one man, so God and man is one Christ. He suffered for our salvation and descended into hell. On the third day he rose from the dead. He ascended into heaven and sits at the right hand of God the Father almighty. Thence he shall come to judge the living and the dead. At his coming all shall rise again with their bodies, and shall give an account of their own deeds. Those who have done good shall go into eternal life, but those who have done evil shall go into eternal fire. This is the catholic faith. Unless a person believes it faithfully and firmly, he cannot be saved.

Seventhly, the decree of union concluded with the Greeks, which was promulgated earlier in this sacred ecumenical council of Florence and which is as follows: Let the heavens be glad . . . ’

Eighthly, there was discussion with the Armenians about, among other things, the days on which the following feasts should be kept: the annunciation of the blessed virgin Mary, the birth of blessed John the Baptist and, in consequence, the birth and the circumcision of our lord Jesus Christ and his presentation in the temple (or the purification of the blessed virgin Mary). The truth was made quite clear by the testimonies of fathers and by the custom of the Roman church and all other churches among Latins and Greeks. Therefore, lest the rites of Christians be at variance in such great celebrations, whence a threat to charity could arise, we decree that, as something consonant with truth and reason, the Armenians too should solemnly celebrate, according to the observance of the rest of the world, the following feasts on the following days: the annunciation of the blessed virgin Mary on 25 March, the birth of blessed John the Baptist on 24 June, the birth of our Saviour on 25 December, his circumcision on 1 January, the epiphany on 6 January, and the presentation of our Lord in the temple (or the purification of the mother of God) on 2 February.

After all these matters had been explained, the aforesaid Armenians, in their own name and in the name of their patriarch and of all Armenians, with all devotion and obedience accept, admit and embrace this salutary synodal decree with all its chapters, declarations, definitions, traditions, precepts and statutes and all the doctrine contained in it, and also whatever the holy apostolic see and the Roman church holds and teaches. They also accept with reverence all those doctors and holy fathers approved by the Roman church. Indeed, they hold as reprobated and condemned whatever persons and things the Roman church reprobates and condemns. They promise that as true sons of obedience, in the name as above, they will faithfully obey the ordinances and

commands of the apostolic see. When the aforesaid decree had been solemnly read out in our and the holy synod's presence, straightaway our beloved son Narses, an Armenian, in the name of the said envoys, publicly recited the following in Armenian and thereupon our beloved son Basil of the order of friars Minor, the interpreter between us and the Armenians, publicly read it out in Latin as follows.

Most blessed father and most holy synod. Recently the whole of this holy decree, which has now been read out in Latin in your presence, was clearly explained and interpreted to us word by word in our language. It was and is completely acceptable to us. To disclose our understanding more fully, however, we repeat its contents in summary. The following is contained in it. First, you give to our people of the Armenians the holy creed of Constantinople, with the added phrase and the Son, to be sung or read within the mass in our churches at least on Sundays and greater feasts. Secondly, the definition of the fourth universal council of Chalcedon about two natures in the one person of Christ. Thirdly, the definition about the two wills and principles of action of Christ which was promulgated in the sixth universal council.

Fourthly, you declare that the synod of Chalcedon and most blessed pope Leo rightly defined the truth about two natures in the one person of Christ against the impious doctrines of Nestorius and Eutyches. You order that we should venerate most blessed Leo as holy and a pillar of the faith and that we should reverently accept not only the synods of Nicaea, Constantinople and the first of Ephesus, but also all other synods legitimately celebrated . . authority of the Roman pontiff.

Fifthly, a short scheme of the seven sacraments of the church, namely baptism, confirmation, eucharist, penance, extreme unction, orders and matrimony indicating the matter, the form and the minister of each; and that while the chalice is being offered in the sacrifice of the altar a little water should be mixed with the wine.

Sixthly, a compendious rule of the faith of most blessed Athanasius, which begins: Whoever wills to be saved etc.

17 Part 5 Council of Basel 1431-45 A.D.

Council of Basel 1431-45 A.D.

Seventhly, the decree of union concluded with the Greeks, which was promulgated earlier in this sacred council, recording how the holy Spirit proceeds eternally from the Father and the Son, and that the phrase and the Son was licitly and reasonably added to the creed of Constantinople. Also that the body of the Lord is effected in leavened or unleavened wheat bread; and what is to be believed about the pains of purgatory and hell, about the life of the blessed and about suffrages offered for the dead. In addition, about the plenitude of power of the apostolic see given by Christ to blessed Peter and his successors, ... about the order of the patriarchal sees.

Eighthly, you decree that the following feasts should be kept on the following days, in accordance with the custom of the universal church: the annunciation of the blessed virgin Mary on 25 March, the birth of blessed John the Baptist on 24 June, the birth of our Saviour on 25 December, his circumcision on I January, the epiphany on 6 January, and the presentation of the Lord in the temple (or the purification of blessed Mary) on 2 February.

Therefore we envoys, in our own name and in the name of our reverend patriarch and of all Armenians, with all devotion and obedience accept, admit and embrace, just as your holiness affirms in the decree, this most salutary synodal decree with all its chapters, declarations, definitions, traditions, precepts and statutes and all the doctrine contained in it, and also whatever the holy apostolic see and the Roman church holds and teaches. We accept with reverence all those doctors and holy fathers approved by the Roman church. Indeed we hold as reprobated and condemned whatever persons and things the Roman church reprobates and condemns. We promise that as true sons of obedience, in the name of the above, we will faithfully obey the ordinances and commands of this apostolic see.

SESSION 9 23 March 1440 [Monition of the council of Florence against the antipope Felix V]

Eugenius, bishop, servant of the servants of God, for an everlasting record. Many examples of holy fathers of the old and the new Testament warn us that we should not pass over in silence or leave completely unpunished specially grave crimes which lead to the scandal and public division of the people entrusted to us. For if we delay to pursue and avenge what is grievously offensive to God, we thereby provoke the divine patience to wrath. For, there are sins for which it is a sin to be slack about their retribution. It is indeed right and eminently reasonable, in the opinion of holy fathers, that those who despise divine commands and disobey paternal enactments should be corrected with really severe penalties, so that others may fear to commit the same faults and that all may rejoice in fraternal harmony and take note of the example of severity and probity. For if -- though may it never be -- we are negligent about ecclesiastical vigilance and activity, idleness ruins discipline and the souls of the faithful will suffer great harm. Therefore, rotting flesh should be cut away and mangy sheep driven out

He cannot have God as his father If he does not hold the unity of the church i he who does not agree with the body of the church and the whole brotherhood, cannot agree with anyone. Since Christ suffered for the church and since the church is the body of Christ, without doubt the person who divides the church is convicted of lacerating the body of Christ. Hence the avenging will of the Lord went forth against schismatics like Korah, Dathan and Abiram, who were swallowed up together by an opening in the ground for instigating schism against Moses, the man of God, and others were consumed by fire from heaven; idolatry indeed was punished by the sword; and the burning of the book was requited by the slaughter of war and imprisonment in exile.

Finally, how indivisible is the sacrament of unity! How bereft of hope, and how punished by God's indignation with the direst loss, are those who produce schism and, abandoning the true spouse of the church, set up a pseudo-bishop! Divine scripture declares this in the book of Kings, which says that when ten tribes had separated themselves from the tribe of Judah and Benjamin and abandoned their king, setting up for themselves another king: the Lord was indignant with all the descendants of Israel and gave them over to destruction till he cast them away from his face. It says that the Lord was indignant and gave over to destruction those who split off from unity and set up for themselves another king. Indeed, so great was the wrath of God against those who had brought about a schism that even when the man of God had been sent to Jeroboam to reprove his sins and to predict a future vengeance, the man of God was forbidden to eat bread with them or to drink water and when he did not obey this order of the Lord and dined, straightaway the divine retribution struck him and he was killed by a lion on his return journey. Hence, as blessed Jerome declares, nobody should doubt that the crime of schism is very wicked since it is avenged so severely. In days gone by, in the holy general council of Constance, that chronic and disastrous schism, which had cruelly and daily afflicted God's church and the christian religion with great loss of souls, not only of individual persons but also in entire cities and provinces, was at last settled by the ineffable mercy of God and the unbounded labours and hardships of many kings and princes, both ecclesiastical and secular, many universities and others of Christ's faithful, and at great expense. With the election of lord Martin of happy memory and, after his death, the undisputed, genuine, unanimous and canonical elevation of your holiness to the summit of the apostolate, the universal church seemed to be enjoying a greatly desired peace. But behold! Again we are compelled with copious tears to say with Jeremiah the prophet: we looked for peace, but behold disturbance. And again with Isaiah: we looked for light, but behold darkness. Some sons of perdition and disciples of iniquity, who were few in numbers and of little authority, tried at Basel with all their strength, guile and cunning, even after the translation of the former council which had been made canonically and legitimately by your holiness for just, evident, urgent and necessary reasons, to prevent the most holy union with the Greeks and the whole eastern church, which was ardently desired by the whole christian people. For after the said authors of the scandals who remained in Basel had failed to fulfil their promise to the Greeks, when they learnt from the envoys of the Greeks and the eastern church that the most serene prince lord John Palaeologus, emperor of the Romans, and Joseph, patriarch of Constantinople of happy memory, with many other prelates and men of the eastern church were about to come to the place chosen for the ecumenical council, and that your holiness had despatched many prelates and envoys with galleys at great expense and outlay, they dared to decree, with a view to preventing the arrival of the said emperor and Greeks, a detestable monition against your holiness and my most reverend lords, the lord cardinals of the holy Roman church.

Afterwards, when they learnt that the said emperor and patriarch and other easterners were coming, they issued against your holiness a kind of sacrilegious decree of suspension from the administration of the papacy.

Despite these and other wicked attempts and sacrilegious acts, on account of the constant solicitude displayed by you and this sacred council and after great labours and many disputations, at last the divine mercy granted that the above-mentioned schism of the Greeks and the eastern church, which had lasted for almost five hundred years to the great harm of the whole christian people, should be removed from the midst of the church and that the most desired union of the western and the eastern church, which was hardly thought possible, should follow with the utmost harmony from your and this sacred council's holy work. This ought to be greatly admired and venerated with the highest praise and the joy of exultation, as all the rest of the christian religion had done, and thanks should be returned to the most High for so admirable a gift. But they became more hard-hearted and obstinate, preferring even at the cost of ruining the whole christian world to fan into flames the conflagration, which they had already begun, of their aforesaid most wicked monster. They adopted an attitude of opposition and, prodigal of their good name and enemies to their own honour, they strove to their utmost with pestilential daring to rend the unity of the holy Roman and universal church and the seamless robe of Christ', and with serpentlike bites to lacerate the womb of the pious and holy mother herself. The leader and prince of these men and the architect of the whole nefarious deed was that first-born son of Satan, the most unfortunate Amadeus, once duke and prince of Savoy. He meditated this scheme for long. Several years ago, as is widely said, he was seduced by the trickery, soothsayings and phantoms of certain unfortunate men and women of low reputation (commonly called wizards or witches or Waldensians and said to be very numerous in his country), who had forsaken their Saviour to turn backwards to Satan and be deceived by demonic illusions, to have himself raised up to be a monstrous head in God's church. He adopted the cloak of a hermit, or rather of a most false hypocrite, so that in sheep's clothing, like a lamb he might assume the ferocity of a wolf. Eventually he joined the people at Basel. By force, fraud, bribery, promises and threats he prevailed on the majority of those at Basel, who were subject to his sway and tyranny, to proclaim him as an idol and Beelzebub, the prince of these new demons, in opposition to your holiness, the true vicar of Christ and the undoubted successor of Peter in God's church.

Thus that most ill-starred Amadeus, a man of insatiable and unheard of greed, whom avarice (which, according to the Apostle, is the service of idols) has always blinded, was set up as an idol and like a statue of Nebuchadnezzar in God's church by that most wicked synagogue, those offscourings of forsaken men, that shameful cesspool of all Christianity, from among whom certain heinous men, or rather demons hiding under the form of men, had been deputed as electors or rather as profaners. He himself, agitated by the furies of his own crimes and sinking into the depth of all evils, said after the manner of Lucifer: I will set my throne in the north and I shall be like the most High. He grasped with avid and detestable greed at the above-mentioned election, or rather profanation made of him, which he had earlier sought with intense fever of mind and anguish of heart. He did not shrink from adopting and wearing papal robes, ornaments and insignia, from behaving, holding himself and acting as Roman and supreme pontiff, and from having himself venerated as such by the people. Further, he was not afraid to write and despatch to many parts of the world letters which were sealed with a leaden seal after the manner of the Roman pontiffs. By

these letters, in which he calls himself Felix even though he is the most unhappy of mortals, he tries to spread the poisons of his faction among the people of Christ.

What complaint or accusation am I to make first, most blessed father and most holy synod? With what force of speech, grief of mind or outpouring of words am I to deplore so great a crime? What rich discourse could suitably bewail or express this most foul deed? Assuredly no account can equal the grossness of the act, for the magnitude of so heinous a crime transcends the power of speech.

But, as I see it, most blessed father and most reverend and reverend fathers, now is the hour not for lament but for remedy. For behold, holy mother church was basking in true unity and peace, in the person of your holiness her undoubted spouse, when the fountain of tears was opened. To you, her spouse, and to you most reverend and reverend fathers, who share in solicitude and have been summoned to this sacred and ecumenical council, she is forced to cry and shout with many sighs and sobs: Have pity on me, have pity on me, at least you my fiends'. For my bowels are full of bitterness. For the foxes destroy the vineyard of the God of hosts, and the impious rend the seamless robe of Christ. Let God therefore arise, let all his enemies be scattered. And you, most blessed father, since all these things are so manifest, public and notorious that they cannot be hidden by any evasion or defended by excuses, arise in the power of the most High, together with this sacred council, and judge the cause of your spouse and be mindful of your sons. Gird your sword upon your thigh, O mighty one. Set out, proceed prosperously and reign, and say with the psalmist: I will pursue my enemies and crush them, and I shall not return until I consume them. I shall consume and crush them and they will not rise; they will fall at my feet. For it is wrong that so wicked a deed and so detestable a precedent should be allowed to pass by disguised, lest perhaps unpunished daring and malice find an imitator, but rather let the example of punished trangressions deter others from offending.

Therefore your holiness and this sacred synod, following the example of Moses the man of God, must say to the whole christian people: Depart from the tents of these impious men. Follow also the example of blessed pope Leo, your predecessor, who moved the second council of Ephesus and Dioscorus with his supporters to Chalcedon, where he instituted a synod which condemned them, and of your other predecessors as supreme pontiff, who continuously rising up in God's church have eliminated heresies and schisms, with their instigators, followers and supporters, from the church of God and the communion of the faithful, which is the most sacred body of Christ, and have afflicted them with many other condign penalties at the demand of justice. With the approval and help of this sacred ecumenical council, avenge with condign penalties this new frenzy which has become inflamed to your injury and that of the holy Roman church, your spouse, and to the notorious scandal of the whole christian people. By the authority of almighty God and of the blessed apostles Peter and Paul and by your own authority, remove and separate from God's holy church, by a perpetual anathema, the aforesaid wicked perpetrators of this prodigious crime and their unfortunate heresiarch and veritable antichrist in God's church together with all their supporters, adherents and followers and especially his execrable electors or rather profaners. May he and all the aforesaid be cast out like an antichrist and an invader and a destroyer of the whole of Christianity. Let no appeal in this matter ever be allowed to him or to them. Let them and their posterity and successors be deprived without appeal of every ecclesiastical or secular rank and dignity whatsoever. Let all of them be condemned by a perpetual anathema and excommunication

and may they be counted among the wicked who will not rise at the judgment. May they feel the anger of God against them. May they feel the rage of saints Peter and Paul, whose church they dare to throw into confusion, both in this life and in the next. May their dwelling be a desolation, let no one dwell in their tents. May their children be orphans and their wives be widows. May the world fight against them and all the elements be opposed to them, so that they may be cast out, destroyed and eliminated by all and so that, as they grovel in permanent penury, death may deservedly be their refuge and life their punishment. May the merits of all the saints cast them into confusion and display open vengeance on them in their lifetime. May they receive a deserved fate with Korah, Dathan and Abiram. Finally, unless they repent from their hearts, perform deeds worthy of repentance and make worthy satisfaction to your holiness and the universal church for the enormity of their sins, may they be thrust with the wicked into the everlasting darkness, doomed by the just judgment of God to eternal torments. May the grace of almighty God protect all of us and all Christ's faithful who execrate with merited blasphemies the aforesaid heresiarchs and their abominable idol and antichrist, who acknowledge you as Christ's vicar and spouse of his most worthy church, and who venerate you with devout reverence and constant faith and obedience. By the authority of blessed Peter and Paul and your authority, may we and they be absolved from all bonds of sins, be filled with all blessings on our pilgrimage and finally be led by his ineffable mercy to eternal joys. Amen. For our part, as soon as we were aware from the reports of trustworthy people that so great an impiety had been committed, we were afflicted with grief and sadness, as was to be expected, both for the great scandal to the church and for the ruin of the souls of its perpetrators, especially Amadeus that antichrist whom we used to embrace in the depths of charity and whose prayers and wishes we always strove to meet in so far as we could in God. Already for some time we had it in mind to provide salutary remedies, in accordance with our pastoral office, against an abomination of this sort. Now, however, challenged publicly before the church to confront these evils, we propose to rise to the defence of the church and tackle this great crime more quickly and more urgently. Therefore, in order that so enormous and execrable a deed may, with the help of God whose cause is at stake, be destroyed from its very roots, we are applying, in conjunction with this holy council and with the least possible delay, a remedy in accordance with the holy canons.

We are aware that the above petition of the promoter and the procurator is just and in conformity with both divine and human law, and although the aforesaid crimes and excesses are so very public and notorious that nothing can conceal them and no further information is required; Nevertheless, for greater precaution and certainly about the above, we commissioned, with the approval of this sacred council, some noteworthy persons from every rank in the council to seek information about the above and to refer their findings to us and the sacred council. Those so commissioned fulfilled their task of investigation with the care demanded by a schismatical depravity of this kind and faithfully reported to us and the sacred council in a synodal congregation what they had found out by the interrogation of trustworthy persons. In such public, manifest and notorious matters, action could have been taken against the said infamous and scandalous men without waiting further, by means of severe penalties in accordance with canonical sanctions. Nevertheless we and this holy synod, imitating the mercy of God who desires not the death of the sinner but rather that he be converted and live, have decided to show all possible mercy and to act, in so far as we can, in such a way that the proposed mildness may recall them to heart and lead them to recoil from the above-mentioned excesses, and so that when at last they return to the

bosom of the church like the prodigal son, we may receive them with kindness and embrace them with fatherly love.

Therefore, through the tender mercy of our God and by the shedding of the precious blood of our lord Jesus Christ, in whom and by whom the redemption of the human race and the foundation of holy mother church were effected, from the depths of our hearts we exhort, beg and beseech the antichrist Amadeus and the aforesaid electors, or rather profaners, and whoever else believes in, adheres to, receives or in any way supports him, straightaway to stop violating the church's unity for which the Saviour prayed so earnestly to the Father, and to cease from rending and lacerating the fraternal charity and peace which the same Redeemer, as he was about to leave this world, repeatedly and so insistently commended to his disciples and without which neither prayers nor fasts nor alms are acceptable to God, and utterly to desist as quickly as possible from the aforesaid destructive and scandalous excesses, and so to find with us and this sacred council, if they really obey as they are bound to do, the affection of a father in respect of everything.

However, so that fear of penalties and harshness of discipline may force them if perchance love of justice and virtue does not withdraw them from sin, with the approval of this sacred council we demand and warn the antichrist Amadeus and the aforesaid electors, or rather profaners, and believers, adherents, receivers and supporters, and we strictly enjoin and order him and them in virtue of holy obedience and under the penalties of anathema, heresy, schism and treason which have been inflicted in any ways against such persons, whether by men or by the law: That within fifty days immediately following the publication of this letter, the antichrist Amadeus should cease from acting any more and designating himself as the Roman pontiff and should not, in so far as he can, allow himself to be held and called such by others, and should not dare hereafter in any way to use papal insignia and other things belonging in any way to the Roman pontiff; And that the aforesaid electors, or rather profaners, and adherents, receivers and supporters should no longer, either in person or through others, directly or indirectly or under any pretext, aid, believe in, adhere to or support the said Amadeus in this crime of schism.

Rather, both Amadeus himself and the aforesaid electors, believers, adherents and supporters should hold, recognize and reverence us as the true Roman pontiff and vicar of Christ and legitimate successor of Peter, and should reverently obey and maintain us as father and pastor of their souls, and should take care legitimately to notify us and this sacred council about these matters within the appointed interval of time, so that no scruple of doubt may remain about their genuine obedience.

If Amadeus and the said electors, believers, adherents, receivers and supporters shall act otherwise -- though may it not be so -- and do not effectively fulfil each and all of the aforesaid points within the appointed time, we wish and decree that from then as from now they automatically incur the stated penalties.

Moreover, on the fifteenth day after the aforesaid interval of time, if it is not a feast, otherwise on the following non-feast day, the aforesaid supporters all together or singly shall appear in person before us and the aforesaid council where we shall then be, to be seen and heard individually and even by name. Thus we now cite them for that day, to be declared schismatics, blasphemers and as heretics, to be punished as traitors, and to have incurred the aforesaid censures and penalties, and others to be inflicted, according as it shall seem good and justice shall persuade:

Notifying the same people and any of them individually, whether or not they come, that if they shall not have shown that they have obeyed, we shall proceed with justice to declaring the aforesaid penalties, notwithstanding their contumacy or absence, with the intention of proceeding further to aggravation and re-aggravation, as the rigour of justice shall demand and their merits require. In order that this monition and citation of ours may be brought to the attention of the authors of their monition and citation and of other interested persons, we shall have sheets of paper or membranes of parchment containing it affixed to the doors or gates of the church of St Mary Novella in Florence, of our palace situated near that church and of the cathedral church of Florence. These will make known this monition as if by a sonorous town-crying and a public notice, in order that after such notification these people may not be able to pretend that it did not reach them or that they were ignorant of it, since it is unlikely that what is made known so obviously to all should remain unknown or hidden to them.

We wish and we decree by our apostolic authority that this our monition promulgated on the said doors and gates shall have as much value and be as immutable and as binding on the said warned people, notwithstanding any contrary constitution, as if it had been intimated and disclosed to each and all of the warned people in person and in their presence.

Finally, lest the aforesaid warned and cited persons allege as a cloak of excuse that the council and the Roman curia, the common fatherland of all, is an unsafe place for them and that, because of the above-mentioned things or other enmities or other reasons, danger threatens them in their coming, staying and returning, we reassure them by this present letter and we require and exhort by the same letter all patriarchs, archbishops, bishops and other prelates of churches and monasteries, clerics and ecclesiastical persons as well as dukes, marquises, princes, rulers, captains and any other officials and their lieutenants, as also the communities and corporations of cities, castles, towns, vills and other places, and we strictly command the patriarchs, archbishops, bishops and other prelates and our other subjects that they are not to inflict any injury or harm on the aforesaid warned persons and their goods and property nor, to the best of their power, to allow such to be inflicted by others. Let nobody therefore . . . If anyone however . . .

SESSION 10 27 May 1440 [Eugenius IV exhorts the members of the synod at Basel to desist from their opposition]

Eugenius, bishop, servant of the servants of God, for an everlasting record. In the opinion of holy fathers, public sinners ought to be publicly censured so that others may stand in fear. Accordingly, we and this sacred council of Florence recently censured and denounced in public before the church, in synodal form, the authors and abettors of the pestilential sin of schism against the holy apostolic see and the holy Roman church, the mother and mistress of all Christians, which was perpetrated by Amadeus, once duke of Savoy, and his accomplices. It would have been in conformity with the sacred canons to have passed a sentence of due severity straightaway on those notoriously sacrilegious persons. However, desiring their conversion and salvation rather than their punishment, we begged, warned and required of them, with all the charity and mildness we could, to reflect and to recoil from such great iniquity, promising them pardon and favour and a father’s affection. But if they refused to heed these dutiful admonitions, we decreed that they should be punished with penalties proportionate to so great an outrage, as is contained in the monition promulgated against them, which is as follows.

SESSION 11 4 February 1442 [Bull of union with the Copts]

Eugenius, bishop, servant of the servants of God, for an everlasting record. Sing praises to the Lord for he has done gloriously; let this be known in all the earth. Shout, and sing for joy, O inhabitant of Zion, for great in your midst is the holy one of Israel. To sing and to exult in the Lord certainly befits the church of God for his great magnificence and the glory of his name, which the most merciful God has deigned to bring about on this very day. It is right, indeed, to praise and bless with all our hearts our Saviour, who daily builds up his holy church with new additions. His benefactions to his christian people are at all times many and great and manifest more clearly than the light of day his immense love for us. Yet if we look more closely at the benefactions which the divine mercy has deigned to effect in most recent times, we shall assuredly be able to judge that in these days of ours the gifts of his love have been more in number and greater in kind than in many past ages. For in less than three years our lord Jesus Christ by his indefatigable kindness, to the common and lasting joy of the whole of Christianity, has generously effected in this holy ecumenical synod the most salutary union of three great nations. Hence it has come about that nearly the whole of the east that adores the glorious name of Christ and no small part of the north, after prolonged discord with the holy Roman church, have come together in the same bond of faith and love. For first the Greeks and those subject to the four patriarchal sees, which cover many races and nations and tongues, then the Armenians, who are a race of many peoples, and today indeed the Jacobites, who are a great people in Egypt, have been united with the holy apostolic see.

Nothing is more pleasing to our Saviour, the lord Jesus Christ, than mutual love among people and nothing can give more glory to his name and advantage to the church than that Christians, with all discord between them banished, should come together in the same purity of faith. Deservedly all of us ought to sing for joy and to exult in the Lord; we whom the divine clemency has made worthy to see in our days such great splendour of the christian faith. With the greatest readiness we therefore announce these marvellous facts to the whole christian world, so that just as we are filled with unspeakable joy for the glory of God and the exaltation of the church, we may make others participate in this great happiness. Thus all of us with one voice may magnify and glorify God and may return abundant and daily thanks, as is fitting, to his majesty for so many and so great marvellous benefits bestowed on his holy church in this age. He who diligently does the work of God not only awaits merit and reward in heaven but also deserves generous glory and praise among people. Therefore we consider that our venerable brother John, patriarch of the Jacobites, whose zeal for this holy union is immense, should deservedly be praised and extolled by us and the whole church and deserves, together with his whole race, the general approval of all Christians. Moved by us, through our envoy and our letter, to send an embassy to us and this sacred synod and to unite himself and his people in the same faith with the Roman church, he sent to us and this synod the beloved son Andrew, an Egyptian, endowed in no mean degree with faith and morals and abbot of the monastery of St Anthony in Egypt, in which St Anthony himself is said to have lived and died. The patriarch, fired with great zeal, ordered and commissioned him reverently to accept, in the name of the patriarch and his Jacobites, the doctrine of the faith that the Roman church holds and preaches, and afterwards to bring this doctrine to the patriarch and the Jacobites so that they might acknowledge and formally approve it and preach it in their lands.

We, therefore, to whom the Lord gave the task of feeding Christ's sheep', had abbot Andrew carefully examined by some outstanding men of this sacred council on the articles of the faith, the sacraments of the church and certain other matters pertaining to salvation. At length, after an exposition of the catholic faith to the abbot, as far as this seemed to be necessary, and his humble acceptance of it, we have delivered in the name of the Lord in this solemn session, with the approval of this sacred ecumenical council of Florence, the following true and necessary doctrine.

First, then, the holy Roman church, founded on the words of our Lord and Saviour, firmly believes, professes and preaches one true God, almighty, immutable and eternal, Father, Son and holy Spirit; one in essence, three in persons; unbegotten Father, Son begotten from the Father, holy Spirit proceeding from the Father and the Son; the Father is not the Son or the holy Spirit, the Son is not the Father or the holy Spirit, the holy Spirit is not the Father or the Son; the Father is only the Father, the Son is only the Son, the holy Spirit is only the holy Spirit. The Father alone from his substance begot the Son; the Son alone is begotten of the Father alone; the holy Spirit alone proceeds at once from the Father and the Son. These three persons are one God not three gods, because there is one substance of the three, one essence, one nature, one Godhead, one immensity, one eternity, and everything is one where the difference of a relation does not prevent this. Because of this unity the Father is whole in the Son, whole in the holy Spirit; the Son is whole in the Father, whole in the holy Spirit; the holy Spirit is whole in the Father, whole in the Son. No one of them precedes another in eternity or excels in greatness or surpasses in power. The existence of the Son from the Father is certainly eternal and without beginning, and the procession of the holy Spirit from the Father and the Son is eternal and without beginning. Whatever the Father is or has, he has not from another but from himself and is principle without principle. Whatever the Son is or has, he has from the Father and is principle from principle. Whatever the holy Spirit is or has, he has from the Father together with the Son. But the Father and the Son are not two principles of the holy Spirit, but one principle, just as the Father and the Son and the holy Spirit are not three principles of creation but one principle. Therefore it condemns, reproves, anathematizes and declares to be outside the body of Christ, which is the church, whoever holds opposing or contrary views. Hence it condemns Sabellius, who confused the persons and altogether removed their real distinction. It condemns the Arians, the Eunomians and the Macedonians who say that only the Father is true God and place the Son and the holy Spirit in the order of creatures. It also condemns any others who make degrees or inequalities in the Trinity.

Most firmly it believes, professes and preaches that the one true God, Father, Son and holy Spirit, is the creator of all things that are, visible and invisible, who, when he willed it, made from his own goodness all creatures, both spiritual and corporeal, good indeed because they are made by the supreme good, but mutable because they are made from nothing, and it asserts that there is no nature of evil because every nature, in so far as it is a nature, is good. It professes that one and the same God is the author of the old and the new Testament -- that is, the law and the prophets, and the gospel -- since the saints of both testaments spoke under the inspiration of the same Spirit. It accepts and venerates their books, whose titles are as follows.

Five books of Moses, namely Genesis, Exodus, Leviticus, Numbers, Deuteronomy; Joshua, Judges, Ruth, four books of Kings, two of Paralipomenon, Esdras, Nehemiah, Tobit, Judith, Esther, Job, Psalms of David, Proverbs, Ecclesiastes, Song of Songs, Wisdom, Ecclesiasticus, Isaiah, Jeremiah, Baruch, Ezechiel, Daniel; the twelve minor prophets, namely Hosea, Joel, Amos,

Obadiah, Jonah, Micah, Nahum, Habakkuk, Zephaniah, Haggai, Zechariah, Malachi; two books of the Maccabees; the four gospels of Matthew, Mark, Luke and John; fourteen letters of Paul, to the Romans, two to the Corinthians, to the Galatians, to the Ephesians, to the Philippians, two to the Thessalonians, to the Colossians, two to Timothy, to Titus, to Philemon, to the Hebrews; two letters of Peter, three of John, one of James, one of Jude; Acts of the Apostles; Apocalypse of John.

Hence it anathematizes the madness of the Manichees who posited two first principles, one of visible things, the other of invisible things, and said that one was the God of the new Testament, the other of the old Testament. It firmly believes, professes and preaches that one person of the Trinity, true God, Son of God begotten by the Father, consubstantial and coeternal with the Father, in the fullness of time which the inscrutable depth of divine counsel determined, for the salvation of the human race, took a real and complete human nature from the immaculate womb of the virgin Mary, and joined it to himself in a personal union of such great unity that whatever is of God there, is not separated from man, and whatever is human is not divided from the Godhead, and he is one and the same undivided, each nature perduring in its properties, God and man, Son of God and son of man, equal to the Father according to his divinity, less than the Father according to his humanity, immortal and eternal through the nature of the Godhead, passible and temporal from the condition of assumed humanity. It firmly believes, professes and preaches that the Son of God was truly born of the virgin in his assumed humanity, truly suffered, truly died and was buried, truly rose from the dead, ascended into heaven and sits at the right hand of the Father and will come at the end of time to judge the living and the dead. i It anathematizes, execrates and condemns every heresy that is tainted with the contrary. First it condemns Ebion, Cerinthus, Marcion, Paul of Samosata, Photinus and all similar blasphemers who, failing to see the personal union of the humanity with the Word, denied that our lord Jesus Christ was true God and professed him to be simply a man who by a greater participation in divine grace, which he had received through the merit of his holier life, should be called a divine man.

It anathematizes also Manes and his followers who, imagining that the Son of God took to himself not a real body but a phantasmal one completely rejected the truth of the humanity in Christ, Valentinus, who declared that the Son of God took nothing from his virgin mother but that he assumed a heavenly body and passed through the virgin’s womb like water flowing down an aqueduct; Arius, who by his assertion that the body taken from the virgin had no soul, wanted the Deity to take the place of the soul; and Apollinarius who, realizing that if the soul informing the body were denied there would be no true humanity in Christ, posited only a sensitive soul and held that the deity of the Word took the place of the rational soul. It anathematizes also Theodore of Mopsuestia and Nestorius, who asserted that the humanity was united to the Son of God through grace, and hence that there are two persons in Christ just as they profess there are two natures, since they could not understand that the union of the humanity to the Word was hypostatic and therefore they denied that he had received the subsistence of the Word. For according to this blasphemy the Word was not made flesh but the Word dwelt in flesh through grace, that is, the Son of God did not become man but rather the Son of God dwelt in a man. It also anathematizes, execrates and condemns the archimandrite Eutyches who, when he understood that the blasphemy of Nestorius excluded the truth of the incarnation, and that it was therefore necessary for the humanity to be so united to the Word of God that there should be one and the same person

of the divinity and the humanity; and also because, granted the plurality of natures, he could not grasp the unity of the person, since he posited one person in Christ of divinity and humanity; so he affirmed that there was one nature, suggesting that before the union there was a duality of natures which passed into a single nature in the act of assumption, thereby conceding a great blasphemy and impiety that either the humanity was converted into the divinity or the divinity into the humanity. It also anathematizes, execrates and condemns Macarius of Antioch and all others of similar views who, although they are orthodox on the duality of natures and the unity of person, yet have gone enormously wrong on Christ's principles of action by declaring that of the two natures in Christ, there was only one principle of action and one will. The holy Roman church anathematizes all of these and their heresies and affirms that in Christ there are two wills and two principles of action.

It firmly believes, professes and preaches that never was anyone, conceived by a man and a woman, liberated from the devil's dominion except by faith in our lord Jesus Christ, the mediator between God and humanity, who was conceived without sin, was born and died. He alone by his death overthrew the enemy of the human race, cancelling our sins, and unlocked the entrance to the heavenly kingdom, which the first man by his sin had locked against himself and all his posterity. All the holy sacrifices sacraments and ceremonies of the old Testament had prefigured that he would come at some time.

It firmly believes, professes and teaches that the legal prescriptions of the old Testament or the Mosaic law, which are divided into ceremonies, holy sacrifices and sacraments, because they were instituted to signify something in the future, although they were adequate for the divine cult of that age, once our lord Jesus Christ who was signified by them had come, came to an end and the sacraments of the new Testament had their beginning. Whoever, after the passion, places his hope in the legal prescriptions and submits himself to them as necessary for salvation and as if faith in Christ without them could not save, sins mortally. It does not deny that from Christ's passion until the promulgation of the gospel they could have been retained, provided they were in no way believed to be necessary for salvation. But it asserts that after the promulgation of the gospel they cannot be observed without loss of eternal salvation. Therefore it denounces all who after that time observe circumcision, the sabbath and other legal prescriptions as strangers to the faith of Christ and unable to share in eternal salvation, unless they recoil at some time from these errors. Therefore it strictly orders all who glory in the name of Christian, not to practise circumcision either before or after baptism, since whether or not they place their hope in it, it cannot possibly be observed without loss of eternal salvation. With regard to children, since the danger of death is often present and the only remedy available to them is the sacrament of baptism by which they are snatched away from the dominion of the devil and adopted as children of God, it admonishes that sacred baptism is not to be deferred for forty or eighty days or any other period of time in accordance with the usage of some people, but it should be conferred as soon as it conveniently can; and if there is imminent danger of death, the child should be baptized straightaway without any delay, even by a lay man or a woman in the form of the church, if there is no priest, as is contained more fully in the decree on the Armenians.

It firmly believes, professes and teaches that every creature of God is good and nothing is to be rejected if it is received with thanksgiving, because according to the word of the Lord not what goes into the mouth defiles a person, and because the difference in the Mosaic law between clean

and unclean foods belongs to ceremonial practices, which have passed away and lost their efficacy with the coming of the gospel. It also declares that the apostolic prohibition, to abstain from what has been sacrificed to idols and from blood and from what is strangled, was suited to that time when a single church was rising from Jews and gentiles, who previously lived with different ceremonies and customs. This was so that the gentiles should have some observances in common with Jews, and occasion would be offered of coming together in one worship and faith of God and a cause of dissension might be removed, since by ancient custom blood and strangled things seemed abominable to Jews, and gentiles could be thought to be returning to idolatry if they ate sacrificial food. In places, however, where the christian religion has been promulgated to such an extent that no Jew is to be met with and all have joined the church, uniformly practising the same rites and ceremonies of the gospel and believing that to the clean all things are clean, since the cause of that apostolic prohibition has ceased, so its effect has ceased. It condemns, then, no kind of food that human society accepts and nobody at all neither man nor woman, should make a distinction between animals, no matter how they died; although for the health of the body, for the practice of virtue or for the sake of regular and ecclesiastical discipline many things that are not proscribed can and should be omitted, as the apostle says all things are lawful, but not all are helpful.

It firmly believes, professes and preaches that all those who are outside the catholic church, not only pagans but also Jews or heretics and schismatics, cannot share in eternal life and will go into the everlasting fire which was prepared for the devil and his angels, unless they are joined to the catholic church before the end of their lives; that the unity of the ecclesiastical body is of such importance that only for those who abide in it do the church’s sacraments contribute to salvation and do fasts, almsgiving and other works of piety and practices of the christian militia produce eternal rewards; and that nobody can be saved, no matter how much he has given away in alms and even if he has shed his blood in the name of Christ, unless he has persevered in the bosom and the unity of the catholic church.

It embraces, approves and accepts the holy synod of 318 fathers at Nicaea, which was convened in the time of our predecessor most blessed Silvester and the great and most pious emperor Constantine. In it the impious Arian heresy and its author was condemned and there was defined that the Son of God is consubstantial and coeternal with the Father. It also embraces, approves and accepts the holy synod of 150 fathers at Constantinople, which was convoked in the time of our predecessor most blessed Damasus and the elder Theodosius and which anathematized the impious error of Macedonius, who asserted that the holy Spirit is not God but a creature. Those whom they condemn, it condemns; what they approve, it approves; and in every respect it wants what was defined there to remain unchanged and inviolate.

It also embraces, approves and accepts the first holy synod of 200 fathers at Ephesus, which is third in the order of universal synods and was convoked under our predecessor most blessed Celestine and the younger Theodosius. In it the blasphemy of the impious Nestorius was condemned, and there was defined that the person of our lord Jesus Christ, true God and true man, is one and that the blessed ever-virgin Mary should be preached by the whole church not only as Christ-bearer but also as God-bearer, that is as mother of God as well as mother of the man. But it condemns, anathematizes and rejects the impious second synod of Ephesus, which was convened under our predecessor most blessed Leo and the aforesaid emperor. In it

Dioscorus, bishop of Alexandria, defender of the heresiarch Eutyches and impious persecutor of holy Flavian, bishop of Constantinople, with cunning and threat led the execrable synod to an approval of the Eutychian impiety.

It also embraces, approves and accepts the holy synod of 630 fathers at Chalcedon, which is fourth in the order of universal synods and was held in the time of our predecessor most blessed Leo and the emperor Marcian. In it the Eutychian heresy and its author Eutyches and its defender Dioscorus were condemned, and there was defined that our lord Jesus Christ is true God and true man and that in the one and same person the divine and human natures remain entire, inviolate, incorrupt, unconfused and distinct, the humanity doing what befits man, the divinity what befits God. Those whom they condemn, it condemns; those whom they approve, it approves.

It also embraces, approves and accepts the fifth holy synod, the second of Constantinople, which was held in the time of our predecessor most blessed Vigilius and the emperor Justinian. In it the definition of the sacred council of Chalcedon about the two natures and the one person of Christ was renewed and many errors of Origen and his followers, especially about the penitence and liberation of demons and other condemned beings, were refuted and condemned.

It also embraces, approves and accepts the third holy synod of 150 fathers at Constantinople, which is sixth in the order of universal synods and was convened in the time of our predecessor most blessed Agatho and the emperor Constantine IV. In it the heresy of Macarius of Antioch and his adherents was condemned, and there was defined that in our lord Jesus Christ there are two perfect and complete natures and two principles of action and also two wills, although there is one and the same person to whom the actions of each of the two natures belong, the divinity doing what is of God, the humanity doing what is human.

It also embraces, approves and accepts all other universal synods which were legitimately summoned, celebrated and confirmed by the authority of a Roman pontiff, and especially this holy synod of Florence, in which, among other things, most holy unions with the Greeks and the Armenians have been achieved and many most salutary definitions in respect of each of these unions have been issued, as is contained in full in the decrees previously promulgated, which are as follows: Let the heavens be glad . . . 1; Exult in God . 2

However, since no explanation was given in the aforesaid decree of the Armenians in respect of the form of words which the holy Roman church, relying on the teaching and authority of the apostles Peter and Paul, has always been wont to use in the consecration of the Lord’s body and blood, we concluded that it should be inserted in this present text. It uses this form of words in the consecration of the Lord’s body: For this is my body. And of his blood: For this is the chalice of my blood, of the new and everlasting covenant, which will be shed for you and for many unto the remission of sins .

Whether the wheat bread, in which the sacrament is confected, has been baked on the same day or earlier is of no importance whatever. For, provided the substance of bread remains, there should be no doubt at all that after the aforesaid words of consecration of the body have been pronounced by a priest with the intention of consecrating, immediately it is changed in substance into the true body of Christ.

It is asserted that some people reject fourth marriages as condemned. Lest sin is attributed where it does not exist, since the apostle says that a wife on her husband's death is free from his law and free in the Lord to marry whom she wishes, and since no distinction is made between the deaths of the first, second and third husbands, we declare that not only second and third marriages but also fourth and further ones may lawfully be contracted, provided there is no canonical impediment. We say, however, that they would be more commendable if thereafter they abstain from marriage and persevere in chastity because we consider that, just as virginity is to be preferred in praise and merit to widowhood, so chaste widowhood is preferable to marriage.

After all these explanations the aforesaid abbot Andrew, in the name of the aforesaid patriarch and of himself and of all the Jacobites, receives and accepts with all devotion and reverence this most salutary synodal decree with all its chapters, declarations, definitions traditions, precepts and statutes and all the doctrine contained therein, and also whatever the holy apostolic see and the Roman church holds and teaches. He also reverently accepts those doctors and holy fathers whom the Roman church approves, and he holds as rejected and condemned whatever persons and things the Roman church rejects and condemns, promising as a son of true obedience, in the name of the above persons, faithfully and always to obey the regulations and commands of the said apostolic see.

SESSION 12 14 October 1443 [Eugenius IV convokes the Lateran council, that is, the continuation of the council of Florence]

Eugenius. Convocation of the Lateran council. For an everlasting record. By the infinite clemency and pity of the redeemer of the human race, our God and lord Jesus Christ, by whose ineffable providence the whole body of the church is sanctified and ruled and through whose aid -- which surpasses our merits and exceeds what we recognise ourselves as worthy either to seek or to solicit -- gifts and favours of his mercy daily come to us, we have returned to bountiful Rome, the see of most blessed Peter, to the holy of holies, the Lateran of the patriarchs. With great trust we are embracing and earnestly pursuing the things which seem to be promoted and revealed by divine rather than by human wisdom. Hence it is that because of various just, reasonable and necessary causes which then moved our mind, by apostolic authority and the plenitude of power and with the approval of the council, we transferred the holy ecumenical council of Florence, over which we were then presiding, to this bountiful city of Rome and the Lateran basilica, to be re-established and continued on the first day following the fifteenth day after our arrival, as is contained in more detail in the letter composed for that purpose, whose text is word for word as follows:

Eugenius, bishop, servant of the servants of God, for an everlasting record The compassionate and merciful Lord ordained that his only-begotten Son should assume a human nature and should so join it to himself into a single person that not only would fallen nature be repaired by virtue of that ineffable union, but also by his embrace as spouse and by the kiss of his mouth his bride the holy church would be brought forth, her members would be joined together by a solid bond of love, and the christian people would acquire peace in harmony, salvation in a unity of spirit, and glory in the bond of charity. In so far as it is granted to us by the mercy of our lord and saviour Jesus Christ, whose place we though unworthy take on earth, we, following in his footsteps, ardently desire and intensely pursue the salvation, unity and peace of the christian people. Therefore we

are intent, with a deserved watchfulness, on the conservation of this holy ecumenical council. In it, by the marvellous kindness and mercy of the same Saviour, very many most noteworthy works have been achieved for his praise and glory, the increase of the catholic faith, the unity of the christian people and the exaltation of the holy apostolic see and the Roman church. For in our own days we have seen Greeks, Armenians, Jacobites and other almost innumerable peoples, some of whom have been separated from the rite and the holy teaching of the Roman church for almost five hundred or even seven hundred years, joined with us in this sacred council, by God's mercy, under one divine law of truth and embracing us with due reverence as the true vicar of Christ, the successor of Peter and the shepherd of the universal church.

There are no limits to the kindness of our Saviour, who works for the unity of the christian people and his mystical body, for which he prayed: I wish, Father, that they may be one even as we are one. Indeed we are experiencing his kindness particularly in these times. For his infinite mercy has granted that we are now awaiting the arrival of envoys, furnished with full power to accept in this holy council the doctrine of the orthodox faith from which their peoples have gone astray in many points, from our most dear son in Christ Zar'a Ya'qob, king of Ethiopia, commonly called Prester John, to whom very many kings and almost innumerable peoples are subject and who is impelled, as we trust, by divine inspiration. To foster and hasten such a holy and divine proposal, which is so necessary for the whole of Christianity, we have sent our own nuncios and envoys, who are full of zeal for this holy task and have considerable influence with the said most powerful king.

Many more works have been proposed to us for the praise of God and the increase of the faith and the christian people. We wish to give careful attention to them. Frightened by neither the heavy expenses nor the many labours, we put our trust in the power of him whose inspiration motivates us. Let us hope, moreover, that in the course of time many other desirable and salutary fruits will accrue to the catholic faith and the church of Christ, especially if this holy synod is held in a place of greater importance and in a royal and sacerdotal city. To the genial city of Rome, which is particularly our city and which, as is right, we want to participate and help in these salutary and divine tasks, we have turned our attention, a city which we consider to be abounding in all spiritual and temporal goods and more holy and outstanding than all other cities for carrying out these holy tasks and bringing them to a religious and happy conclusion. For in it our Saviour in his eternal providence settled the apostolic see in blessed Peter, prince of all the apostles, and on his right in fellowship the wondrous foresight of the same Saviour added the blessed apostle Paul. They are two bulwarks of the faith through whom the gospel shone in Rome; they are true fathers and true pastors; they are those who suffered on one day for merit, in one place for grace, under one persecutor for equal virtue, and made this city sacerdotal and royal and the capital of the world, as being the holy seat of Peter, and consecrated it to the lord Christ with the glorious blood of martyrdom. "For the Roman church founded all, whether the eminence of a patriarch or the seats of metropolitan primacy or of bishoprics or the dignities of churches of whatever rank; he alone, who entrusted to blessed Peter, the key-bearer of eternal life, the rights of the heavenly as well as of the earthly kingdom, founded the Roman church and straightaway set it on the rock of nascent faith." Since, then, the city of Rome has been ennobled and distinguished by so many and so great divine gifts and is resplendent with so much authority and also draws the faithful to itself from all sides by the relics and sanctity of apostles, martyrs and confessors; since christian nations and peoples even in the furthest parts of the world flock to the said city and are seen to desire greatly

that we return to our see, which has been divinely constituted for Roman pontiffs, in order that a greater veneration and devotion may grow in the christian people towards both us, through the authority of the said see, and the said see, through our presence and authority, and since we are informed that, on account of our residence in Rome, subjects and faithful of ours and of the Roman church, whose peace and tranquillity we are bound to procure and preserve with special zeal, will enjoy much greater peace and unity and that in this way, with God's blessing, we shall be more expeditious and effective in pursuing works of peace and harmony and in arranging and confirming, as we ardently desire, peace and unity among other catholic kings and princes and peoples; Therefore to Rome, which is a suitable and safe place fulfilling all human needs as regards fertility of the soil and sea transport; under the influence of the above-mentioned necessary causes and many other just and reasonable ones which direct our mind to the praise and glory of almighty God, the extirpation of heresies and errors, the reform of morals, the peace, salvation and increase of the christian people and the prosecution of other holy works, under the Lord's leadership, for which the said council was originally convened; In the name of the holy and undivided Trinity, Father, Son and holy Spirit, with the approval of the said general council given on 5 January last, in a general congregation under our presidency, by apostolic authority and by this present letter, we translate as from now this holy ecumenical council of Florence, and by the same authority and the same letter we have decreed and declared it to be translated to the Lateran basilica, which is the first and proper seat of the supreme pontiff and the vicar of Jesus Christ, to be resumed, continued and prosecuted on the day following the fifteenth day after our entry into bountiful Rome. In addition, by an inviolable constitution and decree we ordain that each and all of the securities and safe-conducts, which we granted at the beginning of this sacred council and which we are extending anew and prolonging, are to be considered as included in this present letter and as having the same force and effect as if they had been mentioned word for word in this our synodal constitution and had been inserted and denoted in it. Let nobody therefore . . . If anyone however . . .

Now that the appointed day has come and all the reasons for which it had then seemed necessary to resume the council are recognised to be more than ever necessary, with the said necessary reasons and many other just and reasonable ones impelling us, for the praise and glory of almighty God, the extirpation of heresies and errors, the reform of morals, the peace, salvation and increase of the christian people, and the completion of other holy works, under the Lord's leadership, for which the aforesaid council was originally convened; In the name of the holy and undivided Trinity, Father, Son and holy Spirit, by the same authority and power, with the same approval and by this present letter; We resume, continue and carry forward the aforesaid ecumenical council of Florence, which was translated as above, and we decree and declare by this present letter that this continuation, resumption and prosecution is taking place in this council hall of the sacred Lateran patriarchate. We warn and require each and all of those who are bound by law or custom to take part in general councils that they should come as quickly as possible to this present holy ecumenical Lateran council, as referred to above, which is continuing for the attainment of the above-mentioned ends. In addition, we ordain again by this constitution and decree that each and all of the securities and safe-conducts, which we granted at the beginning of the sacred ecumenical council of Ferrara and which we are extending anew and prolonging, are to be considered as included in this present letter and as having the same force and effect as if they had been mentioned word for word in this our synodal constitution and had been inserted and

denoted in Let nobody therefore . . . if anyone however . . .

17 Part 6 Council of Basel 1431-45 A.D.

SESSION 13 30 November 1444 [Bull of union with the Syrians]

Eugenius, bishop, servant of the servants of God, for an everlasting record. In these our days the ineffable clemency of divine mercy bestows on his holy church many and marvellous gifts which are much greater than we could have asked for or envisaged. Hence we see that the orthodox faith is expanded, new peoples daily return to the obedience of the apostolic see and reasons for joy and exaltation are daily being multiplied for us and all Christ's faithful, in such wise that we are deservedly incited time and again to say in jubilation with the prophet to the faithful peoples: Come, let us exult in the Lord, let us hail the God who saves us, for the Lord is great and most worthy of praise in the city of our God, on his holy mountain. It is true that in the catholic church, which is the city of God on the holy mountain and is founded on the authority of the apostolic see and Peter, God, whose omnipotence and wisdom knows no limits, has always worked great and inscrutable deeds. But the singular and special gift which the ineffable providence of its founder bestowed on it is that the orthodox faith, which alone gives life to and sanctifies the human race, should abide for ever on that holy mountain in a unique and unchangeable profession of faith and that dissents, which arise against the church from the variety of earthly opinions and separate people off from the firmness of that rock, should return to that mountain and be exterminated and eradicated. Whence it comes about that the peoples and nations thronging to its bosom agree with it in one truth of faith. Assuredly it is not from our merit that the immensity of divine goodness has granted us to behold these great sublime and marvellous gifts of God. His benevolence and condescension alone have granted that after the union of the Greeks in the sacred ecumenical council of Florence, who were seen to differ from the Roman church in some articles, and after the return of the Armenians and the Jacobites, who were entangled in various opinions, they should at last, having abandoned all dissent, come together into the one right way of truth. Behold now again with the Lord's help other nations have gathered from afar, inhabitants of Mesopotamia between the Tigris and the Euphrates, whose thinking about the procession of the holy Spirit and some other articles had gone astray.

Great, then, for us and for all Christ's faithful is the reason for rejoicing. For with the Lord's approval the most illustrious profession of the Roman church about the truth of the faith, which has always been pure from all stain of error shines with new beams also in the east beyond the bounds of the Euphrates inasmuch as it has drawn our venerable brother Abdala, archbishop of Edessa and legate of our venerable brother Ignatius, patriarch of the Syrians, and of his whole nation, to us here in bountiful Rome and to this sacred ecumenical Lateran council and has bidden him humbly and devoutly to petition that we give to them the rule of faith which the holy Roman church professes. Among all the preoccupations of the holy apostolic see, we hold, as we have always done, our first and chiefest care to be the defence of the faith, the extermination of heresies and the propagation of the orthodox faith. Therefore we selected some of our venerable brethren, cardinals of the holy Roman church, who in turn co-opted from this sacred council some masters in holy scripture, to confer with the aforesaid archbishop about the difficulties, doubts and

errors of that nation, to examine him in person and to open to him the rule of catholic truth, and finally to instruct and inform him fully about the integrity of the faith of the Roman church.

They found him orthodox on all points of faith and practice except three articles: namely, the procession of the holy Spirit, the two natures in Jesus Christ our saviour, the two wills and principles of action in him. They laid before him the truth of the orthodox faith, opened up the meaning of the sacred scriptures, adduced the testimonies of holy doctors and added telling and pertinent reasons. When the archbishop had understood the doctrine on these points, he affirmed that all his doubts had been completely answered. He professed that he thought he fully understood the truth of the faith as regards both the procession of the holy Spirit and the two natures, two wills and two principles of action in our lord Jesus Christ. Moreover he declared that he would accept, in the name of the aforesaid patriarch and of the whole nation and of himself, the whole faith and all the teaching which we, with the approval of this sacred council, would propose to him. For this reason we were filled with exultation in Christ and poured out immense gratitude to our God, since we are seeing our desire for the salvation of that nation fulfilled.

After careful discussion with our brethren and the sacred council, we decided, with the approval of the same council, to propose and assign to the said archbishop, who will accept it in the name of the above persons, the faith and doctrine which the holy Roman mother church holds.

This, then, is the faith which the holy Roman mother church has always held, preached and taught and which she now holds, preaches, professes and teaches. This is the faith, as regards those three articles, which we decree that the said archbishop Abdala, on behalf and in the name of the said patriarch of the Syrians and of all that nation and of himself, shall accept and shall keep for ever. First, that the holy Spirit is eternally from the Father and the Son, and has his essence and his subsistent being from the Father together with the Son, and proceeds from both eternally as from one principle and a single spiration.

Also it holds, professes and teaches that one and the same Son of God and of man, our lord Jesus Christ, is perfect in divinity and perfect in humanity; true God and true man, of a rational soul and a body; consubstantial with the Father as regards his divinity, consubstantial with us as regards his humanity; like us in all respects except for sin; begotten before the ages from the Father, and in the last days the same born according to his humanity for us and our salvation from Mary the virgin mother of God; one and the same Christ true only-begotten Son of God, acknowledged in two natures which undergo no confusion, no change, no division, no separation; at no point was the difference between the natures taken away through the union, but rather the property of both natures is preserved and comes together into a single person and a single subsistent being; he is not parted or divided into two persons, but is one and the same Son of God and of man, our lord Jesus Christ.

Also it believes, professes and teaches in the one lord Jesus Christ two natural principles of action which undergo no division, no change, no separation, no confusion, in accordance with the teaching of the holy fathers; and two natural wills one divine, the other human, not in opposition, but his human will subject to his divine and all powerful will. For in the same way that his most holy animate flesh was made divine, not destroyed, but remained in its own limit and category, so his human will was made divine, not destroyed, but rather was preserved and perfected.

We decree that the said archbishop Abdala ought, in the name of the above persons, to accept this faith, to hold it in his heart and to profess it with his mouth. Further we ordain and decree that he ought to receive and embrace, in the name of the above persons, whatever has been defined and established at various times by the holy Roman church, especially the decrees on the Greeks, the Armenians and the Jacobites, which were issued in the sacred ecumenical council of Florence and which, since Archbishop Abdala has carefully read them translated into Arabic and praised them, we have given to him, in the name of the above persons, for a wider and more complete instruction on everything; that whatever doctors and holy fathers the holy Roman church approves and accepts, he should, in the name of the above persons, approve and accept; and that whatever persons and other things she condemns and rejects, he should, in the name of the above persons, hold as condemned and rejected; promising on oath as a true son of obedience, in the name of the above persons, always devoutly and faithfully to obey the regulations and orders of the said apostolic see. If anyone however . . . Let nobody therefore . . .

SESSION 14 7 August 1445 [Bull of union with the Chaldeans and the Maronites of Cyprus]

Eugenius, bishop, servant of the servants of God, for an everlasting record. Blessed be the God and Father of our lord Jesus Christ, the Father of mercies and God of all consolation, who daily promotes with many great favours, and accompanies with happy results far beyond our deserts, our aims and pious desires, whereby in fulfilment of our pastoral duties we long for and foster with many works, in so far as this allowed us from on high, the salvation of the christian people.

Indeed, after the union of the eastern church with the western church in the ecumenical council of Florence, and after the return of the Armenians, the Jacobites and the people of Mesopotamia, we despatched our venerable brother Andrew, archbishop of Kalocsa, to eastern lands and the island of Cyprus. He was to confirm in the faith which had been accepted the Greeks, Armenians and Jacobites living there, by his sermons and his expositions and explanations of the decrees issued for their union and return. He was also to try to bring back to the truth of the faith, using our warnings and exhortations, whoever else he might find there to be strangers to the truth of faith in other sects, whether they are followers of Nestorius or of Macarius.

He pursued this task with vigour, thanks to the wisdom and other virtues with which the Lord, the giver of graces, has enriched him. He finally eliminated from their hearts, after many discussions, first all the impurity of Nestorius, who asserted that Christ is only a man and that the blessed Virgin is the mother of Christ but not of God, then that of the most impious Macarius of Antioch who, although he confessed that Christ is true God and man, asserted that there is in him only the divine will and principle of action, thereby diminishing his humanity. With divine assistance he converted to the truth of the orthodox faith our venerable brothers Timothy, metropolitan of the Chaldeans, who have been called Nestorians in Cyprus until now because they used to follow Nestorius, and Elias, bishop of the Maronites, who with his nation in the same realm was infected with the teachings of Macarius, together with a whole multitude of peoples and clerics subject to him in the island of Cyprus. To these prelates and all their subjects there, he delivered the faith and doctrine that the holy church has always cherished and observed. The said prelates, moreover, accepted this faith and doctrine with much veneration in a great public assembly of different peoples living in that realm, which was held in the metropolitan church of St Sophia.

After that, the Chaldeans sent to us the aforesaid metropolitan Timothy, and Bishop Elias of the Maronites sent an envoy, to make to us a solemn profession of the faith of the Roman church, which by the providence of the Lord and the aid of blessed Peter and the apostle has always remained immaculate . Timothy, the metropolitan, reverently and devoutly professed this faith and doctrine to us, in this sacred general congregation of the ecumenical Lateran council, first in his own Chaldean tongue, which was interpreted in Greek and then translated from Greek into Latin, as follows: I, Timothy, archbishop of Tarsus and metropolitan of the Chaldeans who are in Cyprus, on behalf of myself and all my peoples in Cyprus, profess, vow and promise to almighty God, Father and Son and holy Spirit, and then to you, most holy and blessed father pope Eugenius IV, to this holy apostolic see and to this holy and venerable congregation, that henceforth I will always remain under the obedience of you and your successors and of the holy Roman church as under the unique mother and head of all other churches. Also, in future I will always hold and profess that the holy Spirit proceeds from the Father and the Son, as the holy Roman church teaches and holds. Also, in future I will always hold and approve two natures, two wills, one hypostasis and two principles of action in Christ.

Also, in future I will always confess and approve all seven sacraments of the Roman church, just as she holds, teaches and preaches.

Also, in future I will never add oil in the sacred eucharist.

Also, in future I will always hold, confess, preach and teach whatever the holy Roman church holds, confesses, teaches and preaches and I reject, anathematize and condemn whatever she rejects, anathematizes and condemns; in future I will always reject, anathematize and condemn especially the impieties and blasphemies of the most wicked heresiarch Nestorius and every other heresy raising itshead against this holy catholic and apostolic church. This is the faith, holy father, that I vow and promise to hold and observe and to see that it is held and observed by all my subjects. I engage myself and solemnly promise to deprive of all his goods and benefices, to excommunicate and to denounce as heretical and condemned, whoever rejects it and raises himself up against it and, if he is obstinate, to degrade him and to hand him over to the secular arm.

Then our beloved son in Christ Isaac, envoy of our venerable brother Elias, bishop of the Maronites, on his behalf and in his name, rejecting the heresy of Macarius about one will in Christ, made with great veneration a profession that was similar in all details. For the devotion of these professions and for the salvation of so many souls we offer immense thanks to God and our lord Jesus Christ, who is in our times so greatly enlarging the faith and bestowing benefits on so many christian peoples. We receive and approve these professions; we receive into the bosom of holy mother church the metropolitan and the bishop in Cyprus and their subjects; and while they remain in the aforesaid faith, obedience and devotion, we honour them with the following favours and privileges.

First, nobody shall in future dare to call the said metropolitan of the Chaldeans and the said bishop of the Maronites, or their clerics and peoples or any individual among them, heretics, or to call Chaldeans, Nestorians. If anyone despises this ordinance, we order him to be excommunicated until such time as he offers a worthy satisfaction or has been punished, in the judgment of the ordinary, by some other temporal penalty.

Also, the said metropolitan and bishop and their successors are forthwith to be preferred in each and every honour to bishops who are separated from the communion of the holy Roman church.

Also, in future they can lay censures on their subjects, and those whom they rightly excommunicate in future shall be held by all as excommunicated, and those whom they absolve shall be held by all as absolved.

Also, the said prelates and priests and their clerics can freely celebrate divine services in the churches of Catholics, and Catholics can freely celebrate them in their churches.

Also, in future the said prelates and clerics and their lay men and women, who have accepted this union and faith, can choose to be buried in the churches of Catholics, to contract marriages with Catholics, but in the rite of Latin Catholics, and to enjoy and utilize all benefits, immunities and liberties which other Catholics, both lay and clerical, possess and enjoy in the said realm. Let nobody therefore . . . If anyone however . . .

Introduction and translation taken from Decrees of the Ecumenical Councils, ed. Norman P. Tanner

END OF TEXT

18 Part 1 Fifth Lateran Council 1512-17 A.D.

Fifth Lateran Council, sat from 1512 to 1517 under Popes Julius II and Leo X, the emperor being Maximilian I. Fifteen cardinals and about eighty archbishops and bishops took part in it. Its decrees are chiefly disciplinary. A new crusade against the Turks was also planned, but came to naught, owing to the religious upheaval in Germany caused by Luther.

Fifth Lateran Council 1512-17 A.D.

INTRODUCTION This council was summoned by pope Julius II by the bull Sacrosanctae Romanae Ecclesiae, issued at Rome on 18 July 1511, after several schismatic cardinals, officially supported by Louis XII, king of France, had assembled a quasi-council at Pisa. Twice postponed, the council held its first session in full solemnity at Rome in the Lateran residence on 10 May 1512, at which session an elaborate address on the evils of the church was made by Giles of Viterbo, general of the order of Augustinian hermits.

There were twelve sessions. The first five of them, held during Julius II's pontificate, dealt primarily with the condemnation and rejection of the quasi-council of Pisa, and with the revoking and annulment of the French "Pragmatic Sanction". After the election of pope Leo X in March 1513, the council had three objectives: first, achieving a general peace between christian rulers; second, church reform; and third, the defence of the faith and the rooting out of heresy. The seven sessions after Leo's election gave approval to a number of constitutions, among which are to be noted the condemnation of the teaching of the philosopher Pomponazzi (session 8), and the approval of the agreement completed outside the council between pope Leo X and king Francis I of France (session 11).

All the decrees of this council, at which the pope presided in person, are in the form of bulls. At the beginning of them are added the words "with the approval of the sacred council", and at the end "in public session solemnly held in the Lateran basilica". The fathers confirmed all the decrees by their votes. If anyone wished to reject a proposal, he made his dissenting opinion known verbally, or briefly in writing. The result was that the matters proposed, after various debates, were sometimes altered. The decisions on the reform of the curia produced almost no effect because of the timidity and inadequacy of the recommendations, especially since the papacy showed slight inclination to carry the matter through. On the other hand, the council totally suppressed the Pisan schism. It is clear that bishops were never present in great numbers at the council, and that prelates who lived outside Italy were notably absent to such an extent that there has been frequent dispute about whether the council was ecumenical. The decrees and other acts of the council were first published in Rome shortly after the council ended, namely on 31 July 1521 by cardinal Antonio del Monte, acting on the orders of pope Leo X. The title of this edition is: SA. Lateranense concilium novissimum sub Iulio II et Leone X celebratum (= Lc). It was subsequently used in various conciliar collections from Cr2 3 (1551) 3-192 to Msi 32 (1802) 649-1002. We have followed this edition of 1521 and have taken the headings of the constitutions from the summary which precedes it.

SESSION 1

10 May 1512

[The bull convoking the council, Sacrosancta Romanae Ecclesiae, and the bulls postponing it, Inscrutabilis and Romanus pontifex, are read out1{Msi 32, 681-690}. Masses are ordered to be celebrated, and prayers to be offered, to beg God's assistance; various arrangements are to be observed in the council and decrees are set out; advocates, procurators, notaries, guards and vote-scrutineers are chosen; assigners of places, and the location of places in their due order, are established.]

SESSION 2

17 May 1512

[The quasi-council of Pisa is condemned, and everything done at it is declared null and void. The Lateran council and whatever has been rightly done at it are confirmed]

Julius, bishop, servant of the servants of God, with the approval of the sacred council, for an everlasting record. We intend, with the help of the most High, to proceed with the holding of this sacred Lateran council which has now begun for the praise of God, the peace of the whole church, the union of the faithful the overthrow of heresies and schisms, the reform of morals, and the campaign against the dangerous enemies of the faith, so that the mouths of all schismatics and enemies of peace, those howling dogs, may be silenced and Christians may be able to keep themselves unstained from such pernicious and poisonous contagion.

Accordingly, in this second session lawfully assembled in the holy Spirit, after mature deliberation held by us with our venerable brothers, the cardinals of the holy Roman church, by the advice and unanimous consent of the same brothers from sure knowledge and by the fullness of apostolic power, we confirm approve and renew, with the approval of the sacred council, the rejections condemnations, revocations, quashings, invalidations and annulments of the summoning, convoking and public utterances of that schismatical assembly, the vaunted quasi-council of Pisa, with its aim of rending and hampering the union of the aforesaid church, and of the citations, warnings, decrees, pardons, sentences, acts, legacies, creations, obediences, withdrawals, enjoined censures and applications issuing from it, and of the transfer of the said quasi-council to the cities of Milan or Vercellae or any other place, and of each and all of the acts and decisions of the said quasi-council, that have been expressed in our various letters completed and issued in due order, especially those issued under the dates of 18 July in the eighth year of our pontificate, and of 3 December and 13 April in the ninth year of our pontificate. Likewise we confirm, approve and renew with the approval of the sacred council, the letters themselves along with their decrees, declarations, prohibitions, commands, exhortations, warnings, applications of ecclesiastical interdicts, and other sentences, censures and penalties, whether by canonical sanctions or by our own act, especially those in the letter summoning this sacred universal council, and each and all of the other clauses contained in the said letters, the meanings of which we wish to be considered as expressed as if they were inserted herein word for word, even though, as being definite and valid, they require no other confirmation or approval for a more extensive guarantee and demonstration of the truth. We wish, decree and ordain that they be observed without alteration, and we make good each and all of the defects in them, should there be any.

We condemn and reject the aforesaid quasi-council and its transfer, and each and every thing done by it, and also those taking part in it or giving support, approval or consent, directly or indirectly, to whatever extent and in whatever manner, from the day of the summoning of the quasi-council until the present day, whether the things have already been done or are to be done in the future, even if they are or have been such that special, specific, definite and separate mention should be made about them, since we consider their meaning and characteristics as clearly expressed. We condemn and reject it like other counterfeit councils which diverge from the truth and whose acts have been condemned and rejected by the law and sacred canons. We proclaim these things to be null, void and empty, as indeed they are, to be or to have been of no force or Importance; and, so far as is necessary, we declare them void, invalid and null, and we wish them to be considered as void, invalid and null.

We decree and declare, with the approval of this same sacred council, that this sacred ecumenical council, justly, reasonably, and for true and lawful purposes duly and rightly summoned, has begun to be celebrated, and that each and every thing which has been and shall be done and executed in it, will be just, reasonable, settled and valid, and that it possesses and holds the same strength, power, authority and stability which other general councils approved by the sacred canons, especially the Lateran council, possess and hold.

Moreover, in the arrangement of the seasons, as the summer heats approach, in order to take account of the convenience and health of the prelates, and so that those may be awaited who live beyond the mountains and across the sea and who have hitherto been unable to come to this sacred council, and for other just and reasonable causes known to and approved by the said sacred council, we are summoning the third session of this same council to take place on 3 November next, with the said council likewise giving approval. And to each and every prelate and to others present at the same council, we grant and concede the freedom and permission to withdraw from the Roman curia and to stay wherever they wish, so long as they are present at the aforesaid Lateran council on the said 3 November, any clearly legitimate hindrance having been removed, subject to the infliction of the penalties indicated in the letter summoning the council and in canonical punishments against those failing to attend to councils, the said sacred council also approving. Let nobody therefore . . . If anyone however . . .2{2 At this session, on account of the arrival of the bishop of Gurk, representative of the most serene emperor, a postponement of the third session was made until 3 November.}

SESSION 3

3 December 1512 [Each and all of the measures sponsored by the schismatic cardinals are rejected]

Julius, bishop, servant of the servants of God, with the approval of the sacred council, for an everlasting record. To the praise and glory of him whose works are perfect, we are continuing the sacred council of the Lateran, lawfully assembled by favour of the holy Spirit, in this third session. We had summoned this session on another occasion, during the second session, for the third day of the following November. Later, by the advice and unanimous agreement of our venerable brothers, cardinals of the holy Roman church, for reasons then stated and for other lawful causes, we postponed it and summoned it to be held today, with the same sacred council giving approval to both the postponement and the summons for the said reasons which were known to it. This was

after the happy and favourable adherence to, and union with, this most holy Lateran council on the part of our most dear son in Christ, Maximilian, ever revered emperor-elect of the Romans

We condemn, reject and detest, with the approval of this same sacred council, each and every thing done by those sons of damnation, Bernard Carvajal, Guillaume Briconnet, Rene de Prie, and Frederick of San Severino, formerly cardinals, and their supporters, adherents, accomplices and disciples -- who are schismatics and heretics and have worked madly to their own and others' ruin, aiming to split asunder the unity of holy mother church at the quasi-council held at Pisa, Milan, Lyons and elsewhere -- whatever the things were in number and kind that have been enacted, carried out, done, written, published or ordained up to the present day, including the imposition of taxes carried out by them throughout the kingdom of France, or shall be done in the future. Even though they are indeed null, useless and void and have already been condemned and rejected by us with the approval of the aforesaid sacred council, we nevertheless retain this present condemnation and rejection for the sake of greater precaution. We wish the meaning and characteristics of the things done, or to be done, to be considered as expressed herein word for word and not just by general clauses. We decree and declare them to be and to have been null, without purpose and void, of no force, efficacy, effect or importance.

We renew our letter dated 13 August 1512, at St Peter's, Rome, in the ninth year of our pontificate, by which, on the advice of the Dominicans, on account of the support, favours, sustenance and help notoriously provided to schismatics and heretics in the promotion of the said condemned and rejected quasicouncil of Pisa, by the king of France and not a few other prelates, officials, nobles and barons of the kingdom of France, we placed under ecclesiastical interdict the kingdom of France and particularly Lyons, excepting the duchy of Brittany, and we forbade the customary fairs of Lyons to be held in that city and we transferred them to the city of Geneva. We also renew the decrees, declarations, prohibitions and every clause contained in the letter, the said sacred council likewise having full information about them and giving its approval. As stated, we subject the aforesaid kingdom and its cities, lands, towns and any other territories to this interdict, and we transfer the fairs from Lyons to the said city of Geneva. In order that this sacred Lateran council may be brought to a fruitful and beneficial conclusion, and that the many other serious matters due for treatment and discussion in the council may proceed to the praise of almighty God and the exaltation of the universal church, we declare, with the full approval of the said sacred council, that the fourth session of the continuing celebration of the council shall be held on the tenth day of the present month of December. Let nobody therefore ... If anyone however...

SESSION 4 10 December 1512

[The Pragmatic is revoked and the acts of the quasi-council of Pisa regarding the same are annulled1{Before this constitution, in the same session, there was also read out: A warning against the Pragmatic and its supporters}

Julius, bishop, servant of the servants of God, with the approval of the sacred council, for an everlasting record. Giving close attention by paternal and earnest consideration to the safety of the flock entrusted to us from above, to the reform of morals and the defence of the church's liberty, and to the peace and development of the catholic faith, we approve and renew, with the approval of this holy council, for the praise and glory of almighty God and the undivided Trinity, the letter recently issued by us, of which the same council is aware, by which we made a general reform of

the Roman curia's officials and of their imposts. We ordered the letter to be made public by certain persons, who were afterwards designated, for the benefit of the faithful, and in accordance with our wishes. We now order it to be made public in detail by the said designated persons together with other prelates from various nations who are present in the aforesaid council and are to be appointed. Everything that can pervert human judgment is to cease, as is right and fitting. We order, moreover, that the declarations are to be referred to us in other sessions of this sacred council and are to be approved by the same council, in order that they may be duly carried out.

Moreover, for considerable periods of time there has been great disparagement of the apostolic see and of the head, the liberty and the authority of the holy Roman universal church, as well as a limitation of the sacred canons, by a number of prelates of the French nation and by noble laymen and others supporting them, especially under pretext of a certain sanction which they call the Pragmatic{2 This Pragmatic Sanction had been promulgated by king Charles VII of France at Bourges on 7 July 1438, with the aim of removing abuses in the church, see DThC 12/2 (1935) 2780-2786, DDrC 7 (1958) 109-113, and NCE 11 (1967) 662-663}. We do not wish to endure further a thing so pernicious and offensive to God, a clear cheapening of and damage to the said church. For it is only in those regions that the sanction, carried out by those lacking all lawful power for that end and without the authority of popes or legitimate general councils, has been introduced and observed by way of an abuse. It must be rightly, along with its contents, be declared null and void and be repealed. Louis XI, king of France, of distinguished memory, repealed this sanction, as is clearly contained in his letters patent already made. Therefore, with the approval of the same council, we commit to the meetings of our venerable brothers, cardinals of the aforesaid church, and of other prelates, which are to be held in the upper room of the Lateran, insofar as this is necessary, the business of the declaration and abrogation which we are to make, as well as the report that is to be made to us and the same sacred council concerning the matters discussed in the first and other sessions, insofar as this can conveniently be done. We determine and decree that the prelates of France, chapters of churches and monasteries, and laymen favouring them, of whatever rank they may be, even royal, who approve or falsely use the said sanction, together with each and every other person thinking, either individually or in a group, that this sanction is to his advantage, be warned and cited, within a definite adequate term to be established, by a public edict -- which is to be fixed on the doors of the churches of Milan, Asti and Pavia, since a safe approach to France is not available -- that they are to appear before us and the aforesaid council and declare the reasons why the said sanction and its corrupting effect and misuse in matters concerning the authority, dignity and unity of the Roman church and the apostolic see, and the violation of sacred canons and of ecclesiastical freedom, ought not to be declared and judged null and void and be abrogated, and why those so warned and cited should not be restrained and held as if they had been warned and cited in person. Moreover, with regard to each and all provisions and collations of ecclesiastical benefices, confirmations of elections and petitions, grants of concessions, mandates and indults, of whatever kind, concerning both favours and matters of justice or both together, of whatever sense they may be -- which things we wish to be regarded as clearly stated in the present letter -- which were made by the synagogue or quasi-council of Pisa and its schismatic adherents, lacking all authority and merit, though they are indeed null and void, yet, for greater caution, we decree, with the approval of the said sacred council, that they are null and of no effect, force or importance; and that each individual, of whatever rank, status, grade, nobility, order or condition, to whom they were granted, or to whose

convenience, advantage or honour they pertain, are to give up their fruits, incomes and profits, or to arrange for this to be done, and they are bound to restore both these things and their benefices and to give up the other aforesaid concessions, and that unless they have really and completely given up the benefices themselves and the other things granted to them, within two months from the date of this present letter, they are automatically deprived of the other ecclesiastical benefices which they hold by lawful title. Moreover, we apply whatever has been or shall be obtained in the way of fruits, rents and profits of this kind, and money-taxes imposed by the said quasi-council, to the campaign which is to be conducted against the infidels. In order that the declaration of reform, and of the nullity of the said sanction, as well as other business may be carried out in due season, and so that the prelates who are still to come to this sacred council (we have received news that some have already set out on their journey to attend) may be able to arrive without inconvenience, we declare, with the approval of the council, that the fifth session shall be held on 16 February, which will be Wednesday after the first Sunday of the coming Lent. Let nobody therefore ... If anyone however ...

SESSION 5 16 February 1513

[Bull renewing and confirming the Constitution against not committing the evil of simony when electing the Roman pontiff]

Julius, bishop, servant of the servants of God, with the approval of the sacred council, for an everlasting record. The supreme maker of things, the creator of heaven and earth, has willed by his ineffable providence that the Roman pontiff preside over the christian people in the chair of pastoral supremacy, so that he may govern the holy, Roman, universal church in sincerity of heart and deeds and may strive after the progress of all the faithful. We therefore regard it as suitable and salutary that, in the election of the said pontiff, in order that the faithful may look upon him as a mirror of purity and honesty, all stain and every trace of simony shall be absent, that men shall be raised up for this burdensome office who, having embarked in the appropriate manner and order in a due, right and canonical way, may undertake the steering of the barque of Peter and may be, once established in so lofty a dignity, a support for right and good people and a terror for evil people; that by their example, the rest of the faithful may receive instruction on good behaviour and be directed in the way of salvation, that the things which have been determined and established by us for this, in accordance with the magnitude and seriousness of the case, may be approved and renewed by the sacred general council; and that the things so approved and renewed may be communicated, so that the more frequently they are upheld by the said authority, the more strongly they shall endure and the more resolutely they shall be observed and defended against the manifold attacks of the devil. Formerly, indeed, for great and urgent reasons, as a result of important and mature discussion and deliberation with men of great learning and authority, including cardinals of the Roman church, excellent and very experienced persons, a document on the following lines was issued by us.

Inserted constitution

Julius, bishop, servant of the servants of God, for an everlasting record. From a consideration that the detestable crime of simony is forbidden by both divine and human law, particularly in spiritual matters, and that it is especially heinous and destructive for the whole church in the election of the Roman pontiff, the vicar of our lord Jesus Christ, we therefore, placed by God in charge of the

government of the same universal church, despite being of little merit, desire, so far as we are able with God's help, to take effective measures for the future with regard to the aforesaid things, as we are bound to, in accordance with the necessity of such an important matter and the greatness of the danger. With the advice and unanimous consent of our brothers, cardinals of the holy Roman church, by means of this our constitution which will have permanent validity, we establish, ordain, decree and define, by apostolic authority and the fulness of our power, that if it happens (which may God avert in his mercy and goodness towards all), after God has released us or our successors from the government of the universal church, that by the efforts of the enemy of the human race and following the urge of ambition or greed, the election of the Roman pontiff is made or effected by the person who is elected, or by one or several members of the college of cardinals, giving their votes in a manner that in any way involves simony being committed -- by the gift, promise or receipt of money, goods of any sort, castles, offices, benefices, promises or obligations -- by the person elected or by one or several other persons, in any manner or form whatsoever, even if the election resulted in a majority of two-thirds or in the unanimous choice of all the cardinals, or even in a spontaneous agreement on the part of all, without a scrutiny being made, then not only is this election or choice itself null, and does not bestow on the person elected or chosen in this fashion any right of either spiritual or temporal administration, but also there can be alleged and presented, against the person elected or chosen in this manner, by any one of the cardinals who has taken part in the election, the charge of simony, as a true and unquestionable heresy, so that the one elected is not regarded by anyone as the Roman pontiff. A further consequence is that the person elected in this manner is automatically deprived, without the need of any other declaration, of his cardinal's rank and of all other honours whatsoever as well as of cathedral churches, even metropolitan and patriarchical ones, monasteries, dignities and all other benefices and pensions of whatever kind which he was then holding by title or in commendam or otherwise; and that the elected person is to be regarded as, and is in fact, not a follower of the apostles but an apostate and, like Simon, a magicianl and a heresiarch, and perpetually debarred from each and all of the above-mentioned things. A simoniacal election of this kind is never at any time to be made valid by a subsequent enthronement or the passage of time, or even by the act of adoration or obedience of all the cardinals. It shall be lawful for each and all of the cardinals, even those who consented to the simoniacal election or promotion, even after the enthronement and adoration or obedience, as well as for all the clergy and the Roman people, together with those serving as prefects, castellans, captains and other officials at the Castel Sant' Angelo in Rome and any other strongholds of the Roman church, notwithstanding any submission or oath or pledge given, to withdraw without penalty and at any time from obedience and loyalty to the person so elected even if he has been enthroned (while they themselves, notwithstanding this, remain fully committed to the faith of the Roman church and to obedience towards a future Roman pontiff entering office in accordance with the canons) and to avoid him as a magician, a heathen, a publican and a heresiarch. To discomfort him still further, if he uses the pretext of the election to interfere in the government of the universal church, the cardinals who wish to oppose the aforesaid election can ask for the help of the secular arm against him.

Those who break off obedience to him are not to be subject to any penalties and censures for the said separation, as though they were tearing the Lord's garment . However, the cardinals who elected him by simoniacal means are to be dealt with without further declaration as deprived of their orders as well as of their titles and honour as cardinals and of any patriarchal, archiepiscopal,

episcopal or other prelacies, dignities and benefices which at that time they held by title or in commendam, or in which or to which they now have some claim, unless they totally and effectively abandon him and unite themselves without pretence or trickery to the other cardinals who did not consent to this simony, within eight days after they receive the request from the other cardinals, in person if this shall be possible or otherwise by a public announcement. Then, if they have joined themselves in full union with the said other cardinals, they shall immediately stand reintegrated, restored, rehabilitated and re-established in their former state, honours and dignities, even of the cardinalate, and in the churches and benefices which they had charge of or held, and shall stand absolved from the stain of simony and from any ecclesiastical censures and penalties.

Intermediaries, brokers and bankers, whether clerical or lay, of whatever rank, quality or order they may have been, even patriarchal or archiepiscopal or episcopal, or enjoying other secular, worldly or ecclesiastical status, including spokesmen or envoys of any kings and princes, who had part in this simoniacal election, are by that very fact deprived of all their churches, benefices, prelacies and fiefs, and any other honours and possessions. They are debarred from anything of that kind and from making or benefiting from a will, and their property, like that of those condemned for treason, is immediately confiscated and allotted to the treasury of the apostolic see. if the aforesaid criminals are ecclesiastics or otherwise subjects of the Roman church. If they are not subjects of the Roman church, their goods and fiefs in regions under secular control are immediately allotted to the treasury of the secular ruler in whose territory the property is located; in such a way, however, that if within three months from the day on which it was known that they had committed simony, or had part in it, the rulers have not in fact allotted the said goods to their own treasury, then the goods are from that date considered as allotted to the treasury of the Roman church, and are immediately so considered without the need for any further pronouncement to the same effect.

Also not binding and invalid, and ineffectual for taking action, are promises and pledges or solemn engagements made at any time for that purpose, even if prior to the election in question and even if made in any way through persons other than the cardinals, with some strange solemnity and form, including those made under oath or conditionally or dependent upon the outcome, or in the form of agreed bonds under whatever inducement, whether it be a deposit, loan, exchange, acknowledged receipt, gift, pledge, sale, exchange or any other kind of contract, even in the fuller form of the apostolic camera. Nobody can be bound or under pressure by the strength of these in a court of justice or elsewhere, and all may lawfully withdraw from them without penalty or any fear or stigma of perjury.

Moreover, cardinals who have been involved in such a simoniacal election, and have abandoned the person thus elected, may join with the other cardinals, even those who consented to the simoniacal election but later joined with the cardinals who did not commit the said simony, if the latter are willing to join with them. If these cardinals are not willing, they may freely and canonically proceed without them in another place to the election of another pope without waiting for another formal declaration to the effect that the election was simoniacal, though there always remains in force our same current constitution. They may announce and call together a general council in a suitable place as they shall judge expedient, notwithstanding constitutions and apostolic orders, especially that of pope Alexander III, of happy memory, which begins Licet de evitanda discordia, and those of other Roman pontiffs, our predecessors, including those issued in general councils,

and any other things to the contrary that Impose restraint.

Finally, each and every one of the cardinals of the holy Roman church in office at the time, and their sacred college, are under pain of immediate excommunication, which they automatically incur and from which they cannot be absolved except by the canonically elected Roman pontiff, except when in immediate danger of death, not to dare, during a vacancy in the apostolic see, to contravene the aforesaid, or to legislate, dispose or ordain or to act or attempt anything in any way, under whatever alleged pretext or excuse, contrary to the aforesaid things or to any one of them. From this moment we decree it to be invalid and worthless if there should happen to be, by anyone knowingly or unknowingly, even by us, an attack on these or any one of the foregoing regulations. So that the meaning of this our present constitution, decree, statute, regulation and limitation may be brought to the notice of everyone, it is our will that our present letter be affixed to the doors of the basilica of the prince of the apostles and of the chancellery and in a corner of the Campo dei Fiori, and that no other formality for the publication of this letter be required or expected, but the aforesaid public display suffices for its solemn publication and perpetual force. Let nobody therefore . . . If anyone however . . Given at Rome at St Peter's on 14 January 1505/6, in the third year of our pontificate.

[. . .] As we ponder how heavy is the burden and how damaging the loss to the vicars of Christ on earth that counterfeit elections would be, and how great the hurt they could bring to the christian religion, especially in these very difficult times when the whole christian religion is being disturbed in a variety of ways, we wish to set obstacles to the tricks and traps of Satan and to human presumption and ambition, so far as it is permitted to us, so that the aforesaid letter shall be better observed the more clearly it is established that it has been approved and renewed by the mature and healthy discussion of the said sacred council, by which it has been decreed and ordained, though it does not need any other approval for its permanence and validity. For a more ample safeguard, and to remove all excuse for guile and malice on the part of evil thinkers and those striving to overthrow so sound a constitution, with a view to the letter being observed with greater determination and being more difficult to remove, to the extent that it is defended by the approval of so many of the fathers, we therefore, with the approval of this Lateran council and with the authority and fullness of power stated above, confirm and renew the said letter together with every statute, regulation, decree, definition, penalty, restraint, and all the other and individual clauses contained in it; we order it to be maintained and observed without change or breach and to preserve the authority of an unchanging firmness; and we decree and declare that cardinals, mediators, spokesmen, envoys and others listed in the said letter are and shall be bound to the observance of the said letter and of each and every point expressed in it, under pain of the censures and penalties and other things contained in it, in accordance with its meaning and form; notwithstanding apostolic constitutions and ordinances, as well as all those things which we wished not to prevent in the said letter, and other things of any kind to the contrary. Let nobody therefore ... If anyone however . . .{1 At this session other measures against the Pragmatic Sanction were also recorded, especially Julius II's constitution Inter alia (Msi 32, 772-773).}

SESSION 6

27 April 1513

[Safeconduct for those who wish and ought to come to the council, for their coming, residence, exchange of views and return journey]

Leo, bishop, servant of the servants of God, with the approval of the sacred council, for an everlasting record. By the supreme ordinance of the omnipotent who governs the things of heaven and of earth by his providence, we preside over his holy and universal church, though we are unworthy. Instructed by the saving and most holy teaching of the doctor of the gentiles, we direct our chief attention, among the many anxieties from which we unceasingly suffer distress, towards those things in particular by means of which unending unity and unsullied charity may abide in the church; the flock committed to us may go forward along the right courses towards the way of salvation, and the name of Christians and the sign of the most sacred cross, in which the faithful have been saved, may be more widely spread, after the infidels have been expelled with the help of God's right hand.

Indeed, after the holding of five sessions of the sacred general Lateran council, pope Julius II of happy memory, our predecessor, by the advice and agreement of our venerable brothers the cardinals of the holy Roman church, of whose number we then were, in a praiseworthy and lawful manner and for sound reasons, guided by the holy Spirit, summoned the sixth session of the council to take place on the eleventh day of this month. But after he had been taken from our midst, we postponed the sixth session until today, with the advice and consent of our said brothers, for reasons which were then expressed and for other reasons influencing the attitude of us and of our said brothers. But since there had always been an inner determination within us, while we were of lesser rank, to see the general council being celebrated (as a principal means of cultivating the Lord's field), now that we have been raised to the highest point of the apostolate, considering that a duty which results from the office of pastoral care enjoined on us has coincided with our honourable and beneficial wish, we have undertaken this matter with a more earnest desire and complete readiness of mind. Consequently, with the approval of the same sacred Lateran council we approve the postponement which we made and the council itself, until the aims for which it was summoned have been completed, in particular that a general and settled peace may be arranged between christian princes and rulers after the violence of wars has been stilled and armed conflict set aside. We intend to apply and direct all our efforts to this peace, with untiring care and leaving nothing untried for so salutary a good. We declare that it is and shall be our unchangeable attitude and intention that, after those things which affect the praise of God and the exaltation of the aforesaid church and the harmony of Christ's faithful have been achieved, the holy and necessary campaign against the enemies of the catholic faith may be carried out and may achieve (with the favour of the most High) a triumphant outcome. In order, however, that those who ought to attend so very useful a council may not be held back in any way from coming, we hereby grant and concede, with the approval of the said sacred council, to each and every one of those summoned to the council by the said Julius, our predecessor, or who ought to take part, by right or custom, in the meetings of general councils, especially those of the French nation, and to those schismatics and others who are coming to the said Lateran council by common or special right, on account of a declaration or apostolic letter of our predecessors or of the apostolic see (except, of course, those under prohibition), and to the attendants and associates of those who come, of whatever status, rank, condition or nobility they may be, ecclesiastical or secular, for themselves and all their belongings, a free, guaranteed and fully comprehensive safeconduct, for

coming by land or sea through the states, territories and places that are subject to the said Roman church, to this Lateran council in Rome, and of residing in the city and freely exchanging views, and of leaving it as often as they wish, with complete, unrestricted and total security and with a true and unchallengeable papal guarantee, notwithstanding any impositions of ecclesiastical or secular censures and penalties which may have been promulgated in general against them, for whatever reasons, by law or by the aforesaid see, under any forms of words or clauses, and which they may in general have incurred. By our letters we shall encourage, warn, and request each and every christian king, prince and ruler that, out of reverence for almighty God and the apostolic see, they are not to molest or cause to be molested directly or indirectly, in any way in their persons or goods, those on their way to this sacred Lateran council, but they are to allow them to come in freedom, security and peace. In addition, for the carrying out of the celebration of this council, we declare that the seventh session shall be held on 23 May next. Let nobody therefore . . . If anyone however...

SESSION 7

17 June 1513 The constitution Meditatio cordis nostri1 {Msi 32, 815-818}, postponing the eighth session to 16 November, is read out and approved.]

SESSION 8 19 December 1513 [Condemnation of every proposition contrary to the truth of the enlightened christian faith]

Leo, bishop, servant of the servants of God, with the approval of the sacred council, for an everlasting record. The burden of apostolic government ever drives us on so that, for the weaknesses of souls requiring to be healed, of which the almighty Creator from on high has willed us to have the care, and for those ills in particular which are now seen to be pressing most urgently on the faithful, we may exercise, like the Samaritan in the gospel, the task of healing with oil and wine, lest that rebuke of Jeremiah may be cast at us: Is there no balm in Gilead, is there no physician there? Consequently, since in our days (which we endure with sorrow) the sower of cockle, the ancient enemy of the human race, has dared to scatter and multiply in the Lord’s field some extremely pernicious errors, which have always been rejected by the faithful, especially on the nature of the rational soul, with the claim that it is mortal, or only one among all human beings, and since some, playing the philosopher without due care, assert that this proposition is true at least according to philosophy, it is our desire to apply suitable remedies against this infection and, with the approval of the sacred council, we condemn and reject all those who insist that the intellectual soul is mortal, or that it is only one among all human beings, and those who suggest doubts on this topic. For the soul not only truly exists of itself and essentially as the form of the human body, as is said in the canon of our predecessor of happy memory, pope Clement V, promulgated in the general council of Vienne, but it is also immortal; and further, for the enormous number of bodies into which it is infused individually, it can and ought to be and is multiplied. This is clearly established from the gospel when the Lord says, They cannot kill the soul; and in another place, Whoever hates his life in this world, will keep it for eternal life and when he promises eternal rewards and eternal punishments to those who will be judged according to the merits of their life; otherwise, the incarnation and other mysteries of Christ would be of no benefit to us, nor would resurrection be something to look forward to, and the saints and the just would be (as the Apostle says) the most miserable of all people. And since truth cannot contradict truth, we define that

every statement contrary to the enlightened truth of the faith is totally false and we strictly forbid teaching otherwise to be permitted. We decree that all those who cling to erroneous statements of this kind, thus sowing heresies which are wholly condemned, should be avoided in every way and punished as detestable and odious heretics and infidels who are undermining the catholic faith. Moreover we strictly enjoin on each and every philosopher who teaches publicly in the universities or elsewhere, that when they explain or address to their audience the principles or conclusions of philosophers, where these are known to deviate from the true faith -- as in the assertion of the soul's mortality or of there being only one soul or of the eternity of the world and other topics of this kind -- they are obliged to devote their every effort to clarify for their listeners the truth of the christian religion, to teach it by convincing arguments, so far as this is possible, and to apply themselves to the full extent of their energies to refuting and disposing of the philosophers' opposing arguments, since all the solutions are available. But it does not suffice occasionally to clip the roots of the brambles, if the ground is not dug deeply so as to check them beginning again to multiply, and if there are not removed their seeds and root causes from which they grow so easily. That is why, since the prolonged study of human philosophy -- which God has made empty and foolish, as the Apostle says, when that study lacks the flavouring of divine wisdom and the light of revealed truth -- sometimes leads to error rather than to the discovery of the truth, we ordain and rule by this salutary constitution, in order to suppress all occasions of falling into error with respect to the matters referred to above, that from this time onwards none of those in sacred orders, whether religious or seculars or others so committed, when they follow courses in universities or other public institutions, may devote themselves to the study of philosophy or poetry for longer than five years after the study of grammar and dialectic, without their giving some time to the study of theology or pontifical law. Once these five years are past, if someone wishes to sweat over such studies, he may do so only if at the same time, or in some other way, he actively devotes himself to theology or the sacred canons; so that the Lord's priests may find the means, in these holy and useful occupations, for cleansing and healing the infected sources of philosophy and poetry.

We command, in virtue of holy obedience, that these canons are to be published each year, at the beginning of the course, by the local ordinaries and rectors of universities where institutes of general studies flourish. Let nobody therefore ... If anyone however...

[On arranging peace between christian princes and on bringing back the Bohemians who reject the faith]

Leo, bishop, servant of the servants of God, with the approval of the sacred council, for an everlasting record. We are continuing the sacred Lateran council for the praise of the almighty and undivided Trinity and for the glory of him whose place we represent on earth, who develops peace and harmony in his high heavens, and who, on his departure from this world, left peace as a lawful inheritance to his disciples. For, in the previous seventh session, the council was confronting, among other matters, the threatening and very obvious danger from the infidels and the spilling of christian blood, which even then was being poured out because of our blatant faults. The quarrels between christian kings and princes and peoples must also be removed. and we were being compelled to seek with all our strength for peace between them. This was the reason for having to arrange one of the more important meetings of the said council: so that peace should follow and be maintained as unbroken and leading to its due fulfilment, especially in these times when the

power of the infidels is recognised to have grown to a remarkable extent. Therefore, with the approval of the same council, we have arranged and decided to send to the aforesaid kings, princes and rulers alert legates and envoys of peace, who are outstanding in learning, experience and goodness, with a view to negotiating and arranging peace. And, in order that these men may lay aside their arms, we have called upon their spokesmen who are present at the council, insofar as we were able to do with God's help, to devote all their energy and strength, out of reverence for the apostolic see and the union of the faithful, to giving notice of these matters to their kings, princes and rulers. These are invited, in our name, to negotiate and listen with good will and honour to the apostolic legates themselves, and to act in favour of our just and holy desires which are to be set before them by these messengers.

We were persuading ourself that they will do this, in order that our legates may be able to take up the task of the embassy as quickly as possible and manfully complete the undertaking, and so that, by the favour of the Father of lights (from whom comes every best gift) peace can be negotiated and arranged and, once this has been settled, the holy and necessary expedition against the frenzy of the infidels, panting to have their fill of christian blood, can take place and be brought to a favourable conclusion for the safety and peace of the whole of Christianity. After this we were hoping from the depths of our heart, because of our pastoral office, for peace and union within the whole christian people and in particular among the same kings, rulers and princes from whose discord it was feared that prolonged and serious damage could daily affect the christian state. A hope began to rise that the christian state would be cared for in a useful and salutary way by this peace and unity, because of the authority of these men. We dispatched our messengers and letters to the aforesaid kings, princes and rulers -- at that time in disunion with each other -- for them to be exhorted, requested and warned. We omitted nothing (so far as lay in our power) to arrange and produce by our every effort that, once discord and disagreement of any kind had been removed, they would wish eventually to return, in complete agreement, grace and love, to universal peace, harmony and union. In this way, further losses would not be inflicted on Christians from the hands of the savage ruler of the Turks or from other infidels, but there would be a rallying of forces to crush the terrible fury and the boastful endeavours of those peoples. In that situation, as we strive with all thought, care, effort and zeal for everything to be brought to the desired end, and with confidence in the gift of God, we have decreed that legates with a special mission from us -- who will be cardinals of the holy Roman church and who are soon to be named by us, on the advice of our brothers, in our secret consistory -- shall be appointed and sent with authority and with the necessary and appropriate faculties, as messengers of peace, for the arranging, negotiating and settling of this universal peace among Christians, for the embarking upon an expedition against the infidels, with the approval of this sacred council, and for inducing the said kings, out of generosity of soul befitting their rank and out of devotion towards the catholic faith, to move with ready and eager minds towards the holy tasks of both peace and the expedition, for the total and perfect protection, defence and safety of the entire christian state. In addition, since very great offence is given to God from the prolonged and manifold heresy of the Bohemians, and scandal is caused to the christian people, the charge of bringing back these people to the light and harmony of the true faith has been wholly entrusted by us for the immediate future to our dear son, Thomas of Esztergom, cardinal-priest of the title of St Martin in the Hills, as legate of ourself and the apostolic see to Hungary and Bohemia. We exhort these people in the Lord not to neglect to dispatch some of their spokesmen, with an adequate mandate, either to us

and this sacred Lateran council or to the same Thomas, cardinal-legate, who will be nearer to them. The purpose will be to exchange views with regard to an appropriate remedy by which they may recognise the errors to which they have long been in thrall and may be led back, with God's guidance, to the true practice of religion and into the bosom of holy mother church. With the approval of the sacred council, by the tenor of the present letter, we grant and bestow on them, by the faith of a pontiff, a public guarantee and a free safe-conduct as to their coming, going, remaining for as long as the negotiation of the aforesaid matters shall last, and afterwards for departing and returning to their own territories; and we shall consent to their wishes so far as we can under God. So that this sacred Lateran council may be brought to the completion of the fruitful benefit desired, since many other serious subjects remain to be discussed and debated for the praise of God and the triumph of his church, we declare with the approval of the sacred council, that the ninth session of the continuing celebration of this sacred Lateran council shall be held on 5 April 1514, in the first year of our pontificate, which will be Wednesday after Passion Sunday. Let nobody therefore ... If anyone however...

[Bull on reform]

Leo, bishop, servant of the servants of God, with the approval of the sacred council, for an everlasting record. Placed by the gift of divine grace at the supreme point of the apostolic hierarchy, we thought nothing was more in keeping with our official duty than to survey, with zeal and care, everything which could pertain to the protection, soundness and extension of the catholic flock entrusted to us. To this purpose we have applied all the force of our activity and the strength of our mind and talent. Our predecessor of happy memory, pope Julius II, since he was concerned about the well-being of the faithful and anxious to protect it, had summoned the ecumenical Lateran council for many other reasons indeed, but also because a constant complaint was being pressed concerning the officials of the Roman curia. For these reasons there were appointed a number of committees composed of his venerable brothers, the cardinals of the holy Roman church, of whose number we were then, and also of prelates, to investigate carefully into these complaints. In order that those attached to the curia and others approaching it for favours would not in the meantime be tormented by the excessive burden of expenses and that, at the same time, the ill-repute by which the said officials were deeply disturbed might be appeased by a speedy remedy, he issued a bull of reform by which they were bound anew, under a heavy penalty, to keep the legal terms of their offices. Because death intervened, he was unable to legislate in particular about the excesses or to complete the council.

We, as the successor of the concern no less than of the office, right at the beginning of our pontificate, did not delay to resume the synod, to promote peace between christian princes and no less, since it is our intention to complete a universal reform, to strengthen by new aids what was first provided by our predecessor concerning the curial offices, and to follow this through with the expanded committees. For no more pressing anxiety weighs on us than that the thorns and brambles be pulled up from the Lord's field, and if there is anything hindering its cultivation, it is to be removed root and branch. Therefore, after a careful report had been received from the committees, with notice of what was being side-tracked by which persons, we restored to the norm whatever had deviated either from a sound and praiseworthy custom or from a long-standing institution. We gathered these together into one bull of reform published on this matter with the approval of the sacred council;{This bull Pastoralis officii was published on 13 Dec. 1513, but it

was never submitted to a vote of the fathers} and we appointed to execute it those who would insist on the decisions being kept. With the approval of this sacred council, we order this to be observed without alteration and without deceit by the officials themselves as well as by others, according as it affects each, under penalty of immediate excommunication from which they can only be absolved by the Roman pontiff (except in immediate danger of death), in such a way that, in addition to this and other penalties stated in detail in the bull, those acting against it are automatically suspended for six months from the office in which they committed the fault. And if they have failed for a second time in the same office, they are deprived for ever because they have contaminated the office itself. After they have been brought back to good conduct by means of our constitution, and the general damage has been checked and removed, we shall proceed to the remaining stages of the reform.

If the Almighty in his mercy allows us to settle peace among the christian leaders, we shall press on not only to destroy completely the bad seeds, but also to expand the territories of Christ, and, supported by these achievements, we shall go forward, with God favouring his own purposes, to the most holy expedition against the infidels, the desire for which is deeply fixed in our heart .

Let nobody therefore ... If anyone however...

18 Part 2 Fifth Lateran Council 1512-17 A.D.

SESSION 9

5 May 1514

[The pope urges christian rulers to make peace among themselves so that an expedition against the enemies of the christian faith may be possible]

Leo, bishop, servant of the servants of God, with the approval of the sacred council, for an everlasting record. After we had been called by divine dispensation to the care and rule of the universal church, even though we are unworthy of so great a responsibility, we began from the highest point of the apostolate, as from the top of Mount Sion, to turn our immediate gaze and direct our mind to the things that seem to be of primary importance for the salvation, peace and extension of the church itself. When we focused all our care, thought and zeal in this direction, like an experienced and watchful shepherd, we found nothing more serious or dangerous to the christian state and more opposed to our holy desire than the fierce madness of armed conflicts. For, as a result of them, Italy has been almost wiped out by internecine slaughter, cities and territories have been disfigured, partly overturned and partly levelled, provinces and kingdoms have been stricken, and people cease not to act with madness and to welter in christian blood. Hence we have judged that nothing should be given more importance, consideration and attention than the quelling of these wars and the re-ordering of ecclesiastical discipline in accordance with resources and circumstances, so that with God appeased by a change of life, after quarrels have been set aside, we may be able to bring together and gather into one the Lord’s flock entrusted to our care, and to encourage and arouse this flock more readily, in a union of peace and harmony, as by a very strong binding force, against the common enemies of the christian faith who are now threatening it . This our intense desire for this campaign against the evil and implacable enemies of the cross of Christ is indeed so implanted in our heart that we determined to continue and follow up the sacred Lateran council -- which was summoned and begun by our predecessor of happy memory, Julius II, and interrupted by his death -- for that special reason, as is clear from all the different sessions held by us in the same council. Thus, with the christian princes or their spokesmen assembled at the same council, and prelates from different parts of the world coming to it, once peace between these christian princes had been settled and (as is right) the noxious brambles of heresies had been first uprooted from the Lord’s field, then the things necessary for the campaign against the same enemies, and what concerns the glory and triumph of the orthodox faith, and various other matters, could be happily decided upon by the timely advice and agreement of all.

Although many distinguished men, outstanding in every branch of learning, came from different parts of Europe to this council, which had been solemnly summoned and duly proclaimed, many also, legitimately hindered, sent their instructions in official form. However, because of the difficulties from wars and circumstances as a result of which many territories have been blocked by hostile arms for a long time, the resources and large numbers which we desired could not be

assembled. Moreover, that we have not as yet sent the specially appointed legates to kings and princes to promote union and peace between the same rulers -- something that perhaps seems necessary to many and that we too think is especially opportune -- cannot be attributed to us. The reason, of course, why we refrained from doing so is this: nearly all the princes made it known by letters and messages to us, that the sending of legates was not at all necessary or expedient. Nevertheless, we sent men of discretion and proved loyalty, endowed with the rank of bishop, as our envoys to those very princes who were undertaking serious armed activity among themselves and, as far as could be guessed, rather bitter wars. It has come about, especially by the action of these envoys, that truces have been agreed between some of the princes and the rest are thought to be on the point of giving their consent. Therefore we shall not put off sending the special legates, as we decided in the last session, whenever this is necessary and profitable for the setting up of a stable and lasting peace among them, and as we previously proposed. In the meantime, we shall not cease to act and reflect on what is relevant to the situation, with the spokesmen of the same princes who are negotiating with us, and to press on and exhort them and their princes to this action by means of our envoys and letters.

Oh that the almighty and merciful God would assist from on high our plans for peace and our constant thoughts, would regard the faithful people with more benevolent and favourable eyes and, for the sake of common safety and peace and for the suppression of the haughty madness of the wicked enemies of the christian name, would give a propitious hearing to their devout prayers ! By our apostolic authority, we enjoin on each and every primate, patriarch and archbishop, on chapters of cathedral and collegiate churches, both secular and those belonging to any of the religious orders, on colleges and convents, on leaders of peoples, deans, rectors of churches and others who have charge of souls, and on preachers, alms-collectors and those who expound the word of God to the people, and we order in virtue of holy obedience, that within the celebration of masses, during the time that the word of God is being set before the people or outside that time, and in prayers which they will say in chapter or as convents, or at some other time in any kind of gathering, they are to keep the following special collects for the peace of Christians and for the confounding of the infidels respectively: O God, from whom holy desires, and, O God, in whose hands are all power and authority over kingdoms, look to the help of Christians. And they are no less to enjoin on members of their dioceses and on any other persons of either sex, whether ecclesiastical or secular, over whom they have authority by reason of a prelature or any other ecclesiastical position of authority, and to encourage in the Lord those to whom God’s word is proposed on their own or another’s responsibility, that they should pour forth in private devout prayers to God himself and to his most glorious mother, in the Lord’s prayer and the Hail Mary, for the peace of Christians (as mentioned above) and for the complete destruction of the infidels.

Further, whoever of those mentioned above think that, by influence or favour with secular princes of any rank, distinction or dignity, or with their advisers, associates, attendants or officials, or with the magistrates, rectors and lieutenants of cities, towns, universities or any secular institutions, or with other persons of either sex, ecclesiastical or secular, they can take steps towards a universal or particular peace between princes, rulers and christian peoples, and towards the campaign against the infidels, let them use strong encouragement and lead them on to this peace and the campaign. By the tender mercy of our God and the merit of the passion of his only-begotten Son, Jesus Christ, we exhort all of them with all possible emotion of our heart, and we counsel them by

the authority of the pastoral office which we exercise, to lay aside private and public enmities and to turn to embracing the endeavour for peace and deciding on the aforesaid campaign.

We strictly forbid each and every prelate, prince or individual, whether ecclesiastical or secular, of whatever state, rank, dignity, pre-eminence or condition they may be, under threat of the divine judgment, to presume to introduce in any way, directly or indirectly, openly or secretly, any obstacle to the said peace which is to be negotiated by us or by our agents, whether legates or envoys of the apostolic see endowed (as said before) with the episcopal rank, for the defence of the christian state of the faithful. Those who, in working towards this peace, think that there is involved something of a private or a public nature that is of importance to their princes, cities or states, the care for whom or which pertains to them because of some office or public function should, as far as it will be possible in the Lord, with due moderation and calm take control of the matter inasmuch as it involves support and goodwill towards the coming peace. Indeed, those who wish to rouse the faithful by Christ's spiritual gifts, when these are duly contrite and absolved, and to pour out devout prayers for obtaining peace and for deciding on the expedition, so that the said peace and the campaign against the said enemies of the christian faith may be brought about and be secured from God himself, will devote worthwhile and well-considered efforts as often as they do this. These prayers, offered with devotion, should take place in masses, sermons and other divine services, in collegial, conventual and other public or communal prayers, and among princes, advisers, officials, governors and other persons named above who seem to have some influence in making or arranging the peace and in deciding (as said before) on the campaign against the enemies of the unconquered cross.

Trusting in the mercy of God and the authority of his blessed apostles Peter and Paul, we grant remission of one hundred days of imposed penances to those who, individually and in private, offer prayers to obtain the foregoing from God; seven times each day if they do it so often or, if fewer, as often as they shall do it; until the universal peace -- which is receiving our constant attention -between princes and peoples at present in armed dispute has been established, and the campaign against the infidels has been decreed with our approval. We lay an obligation on our venerable brothers, primates, patriarchs, archbishops and bishops, to whom the present letter or copies of it, accurately printed either in Rome or elsewhere, shall come under official seals, to have it published with all possible speed in their provinces and dioceses, and to give firm instructions for its due execution. In the meantime, with the approval of the sacred council, we have decreed, as we proposed and desired with all our heart, the ecclesiastical reform of our curia and of our venerable brothers, the cardinals of the holy Roman church, and of others dwelling in Rome, and many other necessary things, which will be contained in our other letters due for publication in this same session. It was Julius, our predecessor, who summoned to this council all those who were accustomed to attend councils. He gave them a comprehensive safe-conduct so that they could make the journey and arrive safely and unharmed. However, many prelates who ought to have come have so far not arrived, perhaps because of the obstacles already stated. In our desire to go ahead with the more serious business due in the next session, we appeal to in the Lord, and we ask and counsel by the tender mercy of the same, prelates, kings, dukes, marquises, counts and others who usually come or send someone to a general council, but who have not yet provided spokesmen or legitimate instructions, to decide with all possible speed either to come in person or to send chosen and competent envoys, with valid instructions, to this sacred Lateran

council which is so beneficial to the christian state. With regard to those venerable brethren, patriarchs, archbishops, bishops, abbots and prelates - especially those bound under oath to visit the place of the apostles Peter and Paul at certain fixed times, and to attend in person general councils which have been summoned, including those under that obligation at the time of their promotion -- whose obstinacy as being non-attenders at various sessions became a matter of frequent accusation by the sponsor of the same council, there is to be found in solemn form both a petition for proceedings against them and a statement of the censures and penalties incurred. This is notwithstanding any privileges, concessions and indults that were granted confirmed or renewed by us or our said predecessors in favour of them and their churches, monasteries and benefices. These we annul and invalidate through our certain knowledge and fullness of power, considering them to be fully stated here. We impose in virtue of holy obedience, and we strictly command under the penalties of excommunication and perjury and others derived from law or custom, and in particular from the letter which summoned and proclaimed the said Lateran council and was promulgated by our predecessor, Julius himself that they must attend in person the said Lateran council and remain in Rome until it has reached its conclusion and been terminated by our authority, unless they are prevented by some legitimate excuse. And if (as we said) they have somehow been prevented, they are to send their suitably qualified representatives with a full mandate on the matters that will have to be treated, dealt with and advised upon. In order to remove completely all excuse and leave no pretext of any impediment to anyone who is obliged to attend, in addition to the public guarantee which was clearly granted at the summoning of this council to all coming to it we give, concede and grant, acting on the advice and power mentioned above with the same council’s approval, to each and all who have been accustomed to be present at the meetings of general councils and are coming to the present Lateran council, as well as to members of their personal staff, of whatever status rank, order and condition or nobility they may be, ecclesiastical and secular, a free, safe and secure safe-conduct and, by apostolic authority in the meaning of the present letter, full protection in all its aspects, for themselves and for all their possessions of any kind as they pass through cities, territories and places, by sea and land, which are subject to the said Roman church, for the journey to the Lateran council in Rome, for remaining in the city of freedom, for exchanging views according to their opinions, for departing therefrom as often as they may wish and also after four months from the conclusion and dispersal of the said council; and we promise to give readily other safe-conducts and guarantees to those desiring to have them. Each and all of these visitors we shall deal with and welcome with kindness and charity.

Under the threat of the divine majesty and of our displeasure, and of the penalties against those impeding the holding of councils, particularly the said Lateran council, which are contained and set down in law or in the letter of the aforesaid summons of our predecessor, we are instructing each and all secular princes, of whatever exalted rank they may be, including imperial, royal, queenly, ducal or any other, the governors of cities, and citizens governing or ruling their states, to grant to the prelates and others coming to the said Lateran council a free permission and licence, a safe-conduct for coming and returning, and a free and unharmed transit through the dominions, lands and property of theirs through which the said persons must pass together with their equipment, possessions and horses; all exceptions and excuses being completely set aside and without force. In addition we order and command, under pain of our displeasure and of other penalties which can be inflicted at our will, each and all of our people who bear arms, both infantry

and cavalry, their commanders and captains, the castellans of our fortresses, the legates, governors, rulers, lieutenants, authorities, officials and vassals of the cities and territories that are subject to the said Roman church, and any others of whatever rank, status, condition or distinction they may be, to give permission, and to be responsible for the giving of permission, to those coming to the Lateran council, to pass through in freedom, safety and security, to stay, and to return, so that such a holy, praiseworthy and very necessary council may not be frustrated for any reason or pretext, and that those coming to it may be able to live in peace and calm and without restraint and to say and develop under the same conditions the things which concern the honour of almighty God and the standing of the whole church. This we enjoin notwithstanding any constitutions, apostolic ordinances, imperial laws or municipal statutes and customs (even those reinforced by oath and apostolic confirmation or by any other authority) which could modify in any respect or impede in any way the said safe-conduct and guarantee, even if the constitutions etc. were of such a kind that an individual, precise, clear and distinct form of speech, or some other clearly stated expression, should be employed regarding them, and not just general clauses which only imply the matter, for we consider the significance of all the above things to be clearly stated by the present letter, as if they had been included word for word. Let nobody therefore . . . If anyone however . . .

[Bull on reform of the curia]

Leo, bishop, servant of the servants of God, with the approval of the sacred council, for an everlasting record. It is eminently fitting for the Roman pontiff to carry out the duty of a provident shepherd, in order to care for and keep safe the Lord’s flock entrusted to him by God, since, by the will of the supreme ordinance by which the things of heaven and of earth are arranged by ineffable providence, he acts on the lofty throne of St Peter as vicar on earth of Christ, the only-begotten Son of God. When we notice, out of solicitude for our said pastoral office, that church discipline and the pattern of a sound and upright life are worsening, disappearing and going further astray from the right path throughout almost all the ranks of Christ’s faithful, with a disregard for law and with exemption from punishment, as a result of the troubles of the times and the malice of human beings, it must be feared that, unless checked by a well-guided improvement, there will be a daily falling into a variety of faults under the security of sin and soon, with the appearance of public scandals, a complete breakdown. We desire, then, as far as it is permitted to us from on high, to check the evils from becoming too strong, to restore a great many things to their earlier observance of the sacred canons, to create with God’s help an improvement in keeping with the established practice of the holy fathers, and to give -- with the approval of the sacred Lateran council initiated for that reason, among others, by our predecessor of happy memory, pope Julius II, and continued by us -healthy guidance to all these matters. In order to make a start, we take up the points which for the present seem more appropriate and which, having often been neglected during particular generations, have brought great loss to the christian religion and produced very great scandals in the church of God. We have therefore decided to begin with preferment to ecclesiastical dignities. Our predecessor of devout memory, pope Alexander III, also in a Lateran council, decreed that age, a serious character and knowledge of letters are to be carefully examined in the preferment of individuals to bishoprics and abbacies. Moreover, nothing impedes the church of God more than when unworthy prelates are accepted for the government of churches. Therefore, in the preferment of prelates, the Roman pontiffs must give much attention to

the matter, especially because they will have to give an account to God at the last judgment about those given preferment by them to churches and monasteries. Consequently, we rule and establish that henceforward, in accordance with the constitution of the aforesaid Alexander III, for vacant churches and monasteries of patriarchal, metropolitan and cathedral status, the person provided is to be of mature age, learning and serious character, as said above, and the provision is not to be made at someone's urging, by means of recommendation, direction or enforcement, or in any other way, unless it has seemed right to act differently on the grounds of advantage to the churches, prudence, nobility, uprightness, experience, lengthy contact with the curia (together with adequate learning), or service to the apostolic see. We wish the same to be observed regarding the persons elected and chosen in elections and choices that have customarily been admitted by the apostolic see. But if the question arises of providing for churches and monasteries of this kind with persons of less than thirty years of age, there can be no dispensation for them to be in charge of churches before their twenty-seventh year of age or of monasteries before their twenty-second year.

Indeed, so that suitable persons may be advanced with greater exactness and care, we rule that the cardinal to whom the reporting on an election, appointment or provision to a church or monastery has been entrusted, ought, before he gives an account in the sacred consistory (as the custom is) of his carrying out of such an examination or report assigned to him, to make his report known to one of the older cardinals of each grade, personally in the actual consistory, or, if there was no consistory on the day appointed for him to give his account, then by means of his secretary or some other member of his personal staff, and the three older cardinals in question are bound to communicate the report as soon as possible to the other cardinals of their grade. The said cardinal making the report shall personally examine the business of the election, administration, appointment or promotion in summary and extra-judicial fashion. If any have spoken against it, he is obliged to call, after the objectors have been summoned, competent, responsible and trustworthy witnesses and, if it should be necessary or appropriate, others by virtue of office. He is bound to bring with him to the consistory, on the day the report has to be made, the stages and decisions of the report together with the statements of the witnesses, and he shall not give his report in any form until the person to be promoted, if he is at the curia, shall have first visited the majority of the cardinals in order that they may be able to learn at first hand, insofar as it is relevant to his character, what they shall soon learn from the report of their colleague. Moreover, the person promoted is obliged, by longstanding practice and laudable custom, to visit as soon as possible the same cardinals who are then in the curia. This practice and praiseworthy custom, indeed, we renew and command to be kept without change.

Since it is right to maintain episcopal dignity unharmed, and for it to be protected from indiscriminate exposure to the attacks of wicked persons and to the false charges of accusers, we decree that no bishop or abbot may be deprived of his rank when anyone urges a charge or presses demands (unless the opportunity for a legitimate defence is afforded to him), even if the charges have been widely known and, after the parties have been attentively heard, the case has been fully proved; nor may any prelate be transferred against his will, except for other just and efficacious reasons and causes, in accordance with the terms and decree of the council of Constance.

Also, as a result of commendams for monasteries, the monasteries themselves (as experience, a practical mistress, has quite often taught) are seriously damaged in spiritual and temporal matters because their buildings fall into decay, partly through the negligence of the commendatories and partly through greed or lack of interest, divine worship is gradually reduced, and matter for contempt is generally offered especially to secular persons, not without a lessening of the standing of the apostolic see, from which commendams of this kind originate. In order that sounder measures may be taken to secure these monasteries from damage, we will and decree that when vacancies occur through the death of the abbot in charge, they cannot be given in commendam to anyone by any agreement unless it seems right to us to decide otherwise, in accordance with the actual circumstances and with the advice of our brothers, so as to protect the authority of the apostolic see and to oppose the evil designs of those attacking it . But let such monasteries be provided with competent persons, in keeping with the above-mentioned constitution, so that suitable abbots will have charge of them (as is fitting). Such monasteries may be given in commendam, when the original commendam no longer exists on account of the resignation or death of the commendatory, only to cardinals and to qualified and well-deserving persons; and in such a way that the commendatories of the monasteries, whatever their dignity, honour and high rank may be, even if they enjoy the status and dignity of a cardinal, are obliged, if they have meals in private, apart from the common table, to assign a quarter of their board for the renewal of the fabric, or for the purchase or repair of furnishings, clothings and adornment, or for the maintenance or sustenance of the poor, as the greater need demands or suggests . If, however, they share board completely, a third part of all the resources of the said monastery committed to the commendatory must be assigned, after all other imposts have been deducted, to the above-mentioned burdens and to the sustenance of the monks. Moreover, letters which are drawn up regarding such commendams to monasteries ought to contain a clause specifically stating this. If they are drawn up in some other form, they are of no worth or value .

Since it is fitting for such churches to be provided for without any loss of revenues, in such a way that both the honour of those in charge and the need of the churches and buildings are considered, we decree and rule that pensions may never be reserved from the incomes of these churches except on account of a resignation or for some other reason which has been considered credible and honourable in our secret consistory. We also rule that henceforth parochial churches, major and principal dignities and other ecclesiastical benefices whose rents, revenues and produce by ordinary reckoning do not amount to an annual value of two hundred golden ducats of the treasury, and also hospitals, leperhouses and hostels of any importance which have been set up for the use and provisioning of the poor, shall not be given in commendam to cardinals of the holy Roman church, or conferred on them by any other title, unless they have become vacant by the death of a member of their household. In the latter case they can be given in commendam to cardinals, but these are bound to dispose of them within six months for the benefit of such persons as are suitable and in good relations with them. We do not wish, however, to prejudge the cardinals further with respect to benefices to which they may have a reserve claim .

We also ordain that members of churches, monasteries or military orders may not be detached or separated from their head -- which is absurd -- without legitimate and reasonable cause. Perpetual unions, apart from cases permitted by law or on some reasonable grounds, are not permitted at all. Dispensations for more than two incompatible benefices are not to be granted, except for great

and pressing reasons or to qualified persons according to the form of common law . We set a limit of two years on persons of whatever rank who obtain more than four parish churches and their perpetual vicarages, or major and principal dignities, even if by way of union or commendam for life. They are bound to release the rest, only four being retained in the meantime. Such benefices, due for release, can be resigned into the hands of the ordinaries so that they may be provided with persons nominated by them; notwithstanding any reservations, even those of a general nature or resulting from the quality of the persons resigning. Once the period of two years is past, all the benefices that have not been disposed of may be reckoned as vacant and may freely be applied for as vacant. Those who hold on to them incur the penalties of the constitution Execrabilis of our memorable predecessor, pope John XXII. We also rule that special reservations of any benefice are in no way to be granted at the urging of anyone . On cardinals

Since the cardinals of the holy Roman church take precedence in honour and dignity over all the other members of the church after the sovereign pontiff, it is proper and right that they be distinguished beyond all others by the purity of their life and the excellence of their virtues. On that account, we not only exhort and advise them but also decree and order that henceforth each of the cardinals following the teaching of the Apostle, so live a sober, chaste and godly life that he shines out before people as one who abstains not merely from evil but from every appearance of evil . In the first place, let him honour God by his works . Let all of them be vigilant, constant at the divine office and the celebration of masses, and maintain their chapels in a worthy place, as they were wont to do . Their house and establishment, table and furniture, should not attract blame by display or splendour or superfluous equipment or in any other way, so as to avoid any fostering of sin or excess, but, as is right, let them deserve to be called mirrors of moderation and frugality. Therefore, let them find satisfaction in what contributes to priestly modesty; let them act with kindness and respect both in public and in private, towards prelates and other distinguished persons who come to the Roman curia; and let them undertake with grace and generosity the business committed to them by ourself and our successors .

Moreover, let them not employ bishops or prelates in demeaning tasks in their houses, so that those who have been appointed to give direction to others and who have been clad in a sacred character, will not lower themselves to menial chores and generally bring about a lack of respect for the pastoral office . Consequently, let them treat with honour as brothers, and as befits their state of life, those whom they have or will have in their houses. Since the cardinals assist the Roman pontiff, the common father of all Christians, it is very improper for them to be patrons of or special pleaders for individuals. We have therefore decided, lest they adopt partiality of any kind, that they are not to set up as promoters or defenders of princes or communities or of any other persons against anyone, except to the extent that justice and equity demands and the dignity and rank of such people requires. Rather, separated from all private interest, let them be available and engage with all diligence in calming and settling any disputes. Let them promote with due piety the maintenance of the just business of princes and all other persons, especially the poor and religious, and let them offer help in accordance with their resources and their official responsibility to those who are oppressed and unjustly burdened .

They are to visit at least once a year -- in person if they have been present in the curia, and by a suitable deputy if they have been absent -- the places of their titular basilica. They are, with due care, to keep themselves informed about the clergy and people of the churches subject to their

basilica; they are to keep under review the divine worship and the properties of the said churches; above all, let them examine with care the lives of the clergy and their parishioners, and with a father's affection encourage one and all to live an upright and honourable life . For the development of divine worship and the salvation of his own soul, each cardinal should give to his basilica during his lifetime, or bequeath at the time of his death, a sufficient amount for the suitable sustenance there of one priest; or, if the basilica needs repairs or some other form of aid, let him leave or donate as much as he may in conscience decide. It is entirely unfitting to pass over persons related to them by blood or by marriage, especially if they are deserving and need help. To come to their assistance is just and praiseworthy. But we do not consider that it is appropriate to heap on them a great number of benefices or church revenues, with the result that an uncontrolled generosity in these matters may bring wrong to others and may cause scandal. Consequently we have determined that they are not to squander thoughtlessly the goods of the churches, but are to apply them in works of devotion and piety, for which great and rich returns have been assigned and ordained by the holy fathers .

It is also our wish that they take care, without making any excuse, of the churches entrusted to them in commendam, whether these be cathedrals, abbeys, priories, or any other eeclesiastical benefices that they take measures, with all personal effect, to see that the cathedrals are duly served by the appointment of worthy and competent vicars or suffragans, according to what has been customary, with an appropriate and adequate salary; and that they provide for the other churches and monasteries held by them in commendam with the right number of clerics or chaplains, whether religious or monks, for the adequate and praiseworthy service of God. Let them also maintain in proper condition the buildings, properties and rights of any kind, and repair what has crumbled, in accordance with the duty of good prelates and commendatories . We also judge that the said cardinals are to use great discretion and careful foresight with regard to the number of their personal attendants and horses lest by having a greater number than their resources, situation and dignity permit, they can be accused of the vice of over-display and extravagance. Let them not be accounted greedy and squalid on the grounds that they enjoy great and plentiful revenues and yet offer sustenance to very few; for the house of a cardinal ought to be an open lodging, a harbour and refuge for upright and learned persons, especially men, for nobles who are now poor and for honourable persons. Hence let them be prudent about the manner and quantity of what has to be kept, and carefully check the character of their personal attendants, lest they themselves incur from the vices of others the shameful stain of dishonour and provide real opportunities for contradictions and false accusations .

Since very special provision must be made that our deeds be approved not only before God, whom we ought to please in the first place, but also before peoplel so that we can offer to others an example to be imitated, we ordain that every cardinal show himself an excellent ruler and overseer of his house and personal staff, with regard to both what is open for all to see and what lies hidden within . Therefore let each of them have the priests and deacons clad in respectable garments, and make careful provision that no one in his household who holds a benefice of any type, or is in holy orders, wears multi-coloured clothes or a garment that has little connection with ecclesiastical status. Those in the priesthood, therefore, ought to wear clothes of colours which are not forbidden to clerics by law and are of at least ankle length. Those who hold high office in cathedrals, canons of the said cathedrals those holding the chief posts in colleges, and chaplains

of cardinals when celebrating masses, are obliged to wear a head-covering in public. Shield-bearers are permitted garments somewhat shorter than ankle-length. Grooms, because they are generally moving about and perform a somewhat burdensome service, can use shorter and more suitable garments, even if they happen to be clerics, so long as they are not ordained priests; but in such a way that they do not cast aside decency and they so conduct themselves that their behaviour is in keeping with their position in the church . Other clerics are to do everything with due proportion and restraint. Both clerics holding benefices and those in holy orders are not to pay special attention to their hair and beards, nor to possess mules or horses with trappings and ornaments of velvet or silk, but for articles of this kind let them use ordinary cloth or leather .

If anyone of the aforesaid staff acts otherwise, or wears such forbidden garments after three months from the announcement of the present regulations, despite being given a legitimate warning, he incurs excommunication. If he has not corrected himself within a further three months, he is understood to be suspended from receiving the fruits of the benefices which he holds. And if he remains fixed in this obstinacy for another six months, after a similar legal warning, he is to be deprived of all the benefices which he holds, and he is to be considered as so deprived. The benefices thus made vacant may be freely sought from the apostolic see. We wish each and every one of these arrangements to apply to the households of ourself and any future Roman pontiffs, and likewise to all other beneficed clerics or persons in holy orders, even those in the curia . There is one single exception: the said attendants of ourself and future Roman pontiffs may wear red garments, in keeping with what is proper and usual for the papal dignity .

Since the care of the most important business is the special concern of cardinals, it is for them to use their ability to know which regions have been infected by heresies, errors and superstitions opposed to the true orthodox faith; where the ecclesiastical discipline of the Lord’s commandments is lacking; and which kings and princes or peoples are being troubled, or fear to be troubled, by wars. Cardinals shall apply themselves to obtain information on these and similar matters and make a report to us or the current Roman pontiff so that, by earnest effort, opportune and saving remedies for such evils and afflictions can be thought out. Since by frequent, almost daily, experience it is known that many evils quite often occur to provinces and cities on account of the absence of their own officially appointed legates, and various scandals are springing up which are not without disadvantages to the apostolic see, we decree and ordain that cardinals who are in charge of provinces or cities, under the title of legates, may not administer them through lieutenants or officials, but they are obliged to be present in person for the greater part of the time, and to rule and govern them with all vigilance. Those who now hold the title of legate, or will hold it for a time, are obliged to go to their provinces -- within three months from the date of the present proclamation if the provinces are in Italy, and within five months if they are outside Italy -- and to reside there for the greater part of the time, unless, by a command from us or our successors, they are held back in the Roman curia for some business of greater moment or are sent to other places as needs demand. In the latter cases, let them have in the said provinces and cities vice-legates, auditors, lieutenants and the other usual officials with due arrangements and salaries. Anyone who does not observe each and all of the above regulations is to be deprived of all the emoluments of his post as legate. These regulations were formulated and established long ago with this object: that the ready presence of the legates would be beneficial to the peoples; not that, being free from

toils and cares, under cover of being the legate, they would fix their attention only on profit .

Since the duty of a cardinal is primarily concerned with regular assistance to the Roman pontiff and the business matters of the apostolic see, we have decided that all cardinals shall reside at the Roman curia, and those who are absent are to return within six months if they are in Italy, or within a year from the day of promulgation of this present constitution if they are outside Italy. If they do not they are to lose the fruits of their benefices and the emoluments of all their offices; and they lose completely, as long as they arc absent, all privileges granted in general and in particular to cardinals. Those cardinals are excepted, however, who happen to be absent by reason of a duty imposed by the apostolic see, or of a command or permission from the Roman pontiff, or from reasonable fear or any other motive which justifiably excuses, or for health reasons . Moreover, the privileges, indults and immunities granted to the said cardinals and contained or declared in our bull under the date of our coronation1{Bull Licat Romani pontificis,9 April 1513; see Regesta Leonis X no. 14} remain in full force. We have also decided that the funeral expenses of cardinals, when all costs are included, ought not to exceed the total of 1,500 florins, unless the previous arrangement of the executors -- after just grounds and reasons have been set out -- has reckoned that more should be spent. The funeral rites and formal mourning are to be on the first and ninth days; within the octave, however, masses may be celebrated as usual .

Out of reverence towards the apostolic see, for the advantage and honour of the pontiff and the cardinals, in order that the possibility of scandals which could come to light may be removed and a greater freedom of votes in the holy senate may exist, and that, as is right, it may be lawful for each cardinal to say freely and without penalty whatever he feels before God and his own conscience, we lay down that no cardinal may reveal in writing or by word or in any other way, under pain of being a perjurer and disobedient, the votes that were given in the consistory, or whatever was done or said there which could result in hatred or scandal or prejudice with regard to anyone, or whenever silence on any point beyond the foregoing has been specially and clearly enjoined by ourself or the Roman pontiff of the time. If anyone acts to the contrary he incurs, as well as the punishments stated, immediate excommunication from which, except in immediate danger of death, he can only be absolved by ourself or the Roman pontiff of the time, and with a declaration of the reason .

Reforms of the curia and of other things

Since every generation inclines to evil from its youth, and for it to grow accustomed from tender years towards good is the result of work and purpose we rule and order that those in charge of schools, and those who teach young children and youths, ought not only to instruct them in grammar, rhetoric and similar subjects but also to teach those matters which concern religion, such as God’s commandments, the articles of the faith, sacred hymns and psalms, and the lives of the saints. On feast days they should limit themselves to teaching what has reference to religion and good habits, and they are obliged to instruct, encourage and compel their pupils in these matters insofar as they can. Thus, let them attend churches not only for masses, but also to listen to vespers and the divine offices, and let them encourage the hearing of instructions and sermons . Let them not teach anything to their pupils that is contrary to good morals or may lead to a lack of reverence . To wipe out the curse of blasphemy, which has increased beyond measure towards a supreme contempt for the divine name and for the saints, we rule and ordain that whoever curses

God openly and publicly and, by insulting and offensive language, has expressly blasphemed our lord Jesus Christ or the glorious virgin Mary, his mother, if he has held a public office or jurisdiction, he is to lose three months' emoluments of his said office for the first and second offence, and if he has committed the fault a third time, he is automatically deprived of his post. If he is a cleric or a priest, he is to be punished further as follows for being found guilty of such a fault: for the first time he blasphemed, he is to lose the fruits of whatever benefices he held for one year; for the second time he offended and was convicted, he is to be deprived of his benefice if he held only one, and if he held several then he is to be compelled to lose the one that his ordinary decides upon; if he is charged and convicted for a third time, he is automatically deprived of all the benefices and dignities that he holds, he is rendered incapable of holding them any longer, and they can be freely asked for and allotted to others. A lay person who blasphemes, if he is a noble, is to be fined a penalty of twenty-five ducats; for the second offence the fine is fifty ducats, which are to be applied to the fabric of the basilica of the prince of the apostles in Rome; for other offences he is to be punished as set out below; for a third fault, however, he is to lose his noble status. If he is of no rank and a plebian, he is to be cast into prison. If he has been caught committing blasphemy in public more than twice, he is to be compelled to stand for a whole day in front of the entrance of the principal church, wearing a hood signifying his infamy; but if he has fallen several times into the same fault, he is to be condemned to permanent imprisonment or to the galleys, at the decision of the appointed judge. In the forum of conscience, however, nobody guilty of blasphemy can be absolved without a heavy penance imposed by the decision of a strict confessor . We wish those who blaspheme against the other saints to be punished somewhat more lightly, at the decision of a judge who will take account of individuals .

We also decree that secular judges who have not taken action against such convicted blasphemers and have not imposed rightful penalties on them, insofar as they are able to, are to be subjected to the same penalties as if they had been involved in the said crime. But those who have exercised care and severity in their examinations and punishments, will gain for each occasion an indulgence of ten years and may keep a third of the fine imposed. Any persons who have heard the blasphemer are obliged to rebuke him sharply in words, if it should happen that this can be done without danger to themselves, and they are obliged to report the same or bring it to the knowledge of an ecclesiastical or secular judge within three days. But if several persons have at the same time heard the said blasphemer committing the fault, each one is obliged to make an accusation against him, unless perhaps they all agree that one will perform the task for all . We urge and counsel in the Lord all the said persons, in virtue of holy obedience, that they command and ensure, for the reverence and honour of the divine name, that all the foregoing are kept and very exactly carried out in their lordships and lands. Thus they will have from God himself an abundant reward for such a good and pious deed, and they too will obtain from the apostolic see an indulgence of ten years, and a third of the fine by which the blasphemer is punished, as often as they have taken the trouble to have such a crime punished . It is likewise our will that this indulgence and the remaining third of the fine imposed be granted and assigned to the person reporting the name of the blasphemer. Moreover, other penalties set down in the sacred canons against such blasphemers remain in force . In order that clerics, especially, may live in continence and chastity according to canonical legislation, we rule that offenders be severely punished as the canons lay down. If anyone, lay or cleric, has been found guilty of a charge on account of which the wrath of God comes upon the sons of disobedience, let him be punished by the penalties

respectively imposed by the sacred canons or by civil law. Those involved in concubinage, whether they be lay or cleric, are to be punished by the penalties of the same canons. Concubinage is not to be allowed by the tolerance of superiors, or as an evil custom of a great number of sinners, which should rather be called a corruption, or under any other excuse; but let those involved be punished severely in accordance with the judgment of the law .

Moreover, for the good and peaceful government of cities and all places subject to the Roman church, we renew the constitutions published some time ago by Giles, the well-remembered bishop of Sabina, and we enjoin and command that they be kept without alteration . So that the stain and disease of abominable simony may be driven out for ever not only from the Roman curia but also from all christian rule, we renew the constitutions issued by our predecessors, also in sacred councils, against simoniacs of this kind, and we prescribe that they be observed unaltered. We wish the penalties they contain to be regarded as clearly stated and included herein, and the offenders to be punished by our authority .

We rule and order that anyone who holds a benefice with or without the care of souls, if he has not recited the divine office after six months from the date of his obtaining the benefice, and any legitimate impediment has come to an end may not receive the revenues of his benefices, on account of his omission and the length of time, but he is bound to spend them, as being unjustly received, on the fabric of the benefices or on alms to the poor. If he obstinately remains in such negligence beyond the said period, after a legitimate warning has been given, let him be deprived of the benefice, since it is for the sake of the office that the benefice is granted. He is to be understood as neglecting the office, so that he can be deprived of his benefice, if he fails to recite it at least twice during fifteen days . However, in addition to what has just been said, he will be obliged to offer to God an explanation for the said omission. The penalty on those holding several benefices may be repeated as often as they are proved to act contrary to these obligations . The full disposal and administration of the revenues of cathedral and metropolitan churches, monasteries and any other ecclesiastical benefices belong exclusively to us and the Roman pontiff of the time, and to those who legally and canonically hold churches, monasteries and benefices of this kind. Secular princes ought in no way to interpose themselves in the said churches, monasteries and benefices, since all divine law also forbids it. For these reasons we rule and command that the fruits and revenues of churches, monasteries and benefices ought not to be sequestrated, held or detained in any way by any secular rulers, even if they be the emperor, kings, queens, republics or other powers, or by their officials, or by judges, even ecclesiastical ones, or by any other persons public or private, acting at the command of the said emperor, kings, queens princes, republics or powers. Those who hold such churches, monasteries and benefices ought not to be impeded -- under the pretext of the restoration of the fabric (unless permission is expressly given by the Roman pontiff of the time) or of alms-giving or under any other guise or pretence -- so that they cannot freely and without restriction, as before, dispose of the fruits and revenues. If there have been sequestrations, seizures or retentions, then restoration of the fruits and revenues must be made totally, freely, and without exception or delay, to the prelates to whom they pertain by right and by law. If they have been scattered and can nowhere be found, it is our will, supported by the penalty of excommunication or ecclesiastical interdict to be automatically incurred by the lands and domain of the ruler, that, after a just estimate has been made about them, the said prelates receive satisfaction through those who carried out the said sequestrations,

applications or dispersals or who gave orders for them to be carried out; and further, that their goods and the goods of those subject to them, wherever these may be found, may be seized and held if, after being warned, they refuse to obey. Those who act in a contrary manner do so under pain of both the penalties mentioned above and those of deprivation of the fiefs and privileges which they have obtained for a time from us and from the Roman or other churches, and of those issued against violators and oppressors of ecclesiastical liberties, including those in extraordinary and other constitutions, even if they are unknown and perhaps not now in actual use. We renew all these penalties as stated and included herein, we decree and declare that they have perpetual force- and we will and order that sentence, judgment and interpretation are to be given according to them by all judges, even cardinals of the holy Roman church, with all power of judging and declaring otherwise being removed and taken away from them .

Since no power over ecclesiastical persons is granted to lay people by either divine or human law, we renew the constitution of pope Boniface VIII, our predecessor of happy memory, which begins Felicis, and that of pope Clement V which begins Si quis suadente, and also any other apostolic ordinance, however issued, in favour of ecclesiastical freedom and against its violators . Moreover, the penalties against those who dare to do such things, contained in the bull In coena Domini3, are to remain in force. It has similarly been forbidden in the Lateran and general councils, under penalty of excommunication, for kings, princes, dukes, counts, barons, republics and any other authorities exercising control over kingdoms, provinces, cities and territories, to impose and exact money contributions, tithes and other similar imposts on or from clerics, prelates and any other persons of the church, or even to receive them from those who freely offer them and give their consent. Those who openly or covertly provide help, favour or advice in the aforesaid matters automatically incur the penalty of immediate excommunication; and states, communities and universities which are at fault in any way on this point are by this very fact to be subject to ecclesiastical interdict. Prelates also, who have given consent to the foregoing without the clear permission of the Roman pontiff, automatically incur the penalty of excommunication and removal from office. For these reasons we decree and ordain that henceforth those who attempt such things, even if (as mentioned) they are qualified, in addition to the aforesaid penalties which we renew and wish them to incur by the very fact of their contravention, are to be regarded as incapable of all legal acts and as intestable .

Sorcery, by means of enchantments, divinations, superstitions and the invoking of demons, is prohibited by both civil laws and the sanctions of the sacred canons. We rule, decree and ordain that clerics who are found guilty of these things are to be branded with disgrace at the judgment of superiors. If they do not desist, they are to be demoted, forced into a monastery for a period of time that is to be fixed by the will of the superior, and deprived of their benefices and ecclesiastical offices. Lay men and women, however, are to be subject to excommunication and the other penalties of both civil and canon law. All false Christians and those with evil sentiments towards the faith, of whatever race or nation they may be, as well as heretics and those stained with some taint of heresy, or Judaizers, are to be totally excluded from the company of Christ’s faithful and expelled from any position, especially from the Roman curia, and punished with an appropriate penalty. For these reasons we rule that proceedings are to be taken against them, with careful enquiry everywhere and particularly in the said curia, by means of judges appointed by us, and that those accused and rightly convicted of these offences are to be punished with fitting penalties;

and we wish that those who have relapsed are to be dealt with without any hope of pardon or forgiveness .

Since these constitutions and ordinances which we are now establishing concern life, morals and ecclesiastical discipline, it is fitting that our own and other officials, both those in the Roman curia and those everywhere else, should be models of and bound to them, and it is our will and decision that they be held to their observance by an inviolable bond. Lest these constitutions seem at any point to detract from other censures and penalties imposed by ancient laws and constitutions against those acting otherwise, even though they have been thought out and issued as a development, we further declare that nothing whatever has been taken away from common law or from other decrees of Roman pontiffs by these regulations and ordinances. Indeed, if any parts of them have lost their force through the evil corruption of times, places and people, or through abuse, or for any other unapprovable reason, we here and now renew and confirm them and order them to be observed without alteration . We decree and declare that these our well-pondered constitutions are to be of binding force from two months after publication, and we strictly forbid anyone to presume to make glosses or commentaries or interpretations on them without special permission from us or the apostolic see. Anyone who rashly dares to oppose this, incurs the penalty of immediate excommunication by this very act . Let nobody therefore ... If anyone however.. .

SESSION 10

4 May 1515 [On the reform of credit organisations (Montes pietatis)]

Leo, bishop, servant of the servants of God, with the approval of the sacred council, for an everlasting record. We ought to give first place in our pastoral office, among our many anxious cares, to ensuring that what is healthy, praiseworthy, in keeping with the christian faith, and in harmony with good customs may be not only clarified in our time but also made known to future generations, and that what could offer matter for scandal be totally cut down, wholly uprooted and nowhere permitted to spread, while at the same time permitting those seeds to be planted in the Lord’s field and in the vineyard of the Lord of hosts which can spiritually feed the minds of the faithful, once the cockle has been uprooted and the wild olive cut down. Indeed, we have learnt that among some of our dear sons who were masters in theology and doctors of civil and canon law, there has recently broken out again a particular controversy, not without scandal and disquiet for ordinary people, with regard to the relief of the poor by means of loans made to them by public authorities. They are popularly called credit organisations and have been set up in many cities of Italy by the magistrates of the cities and by other Christians, to assist by this kind of loan the lack of resources among the poor lest they be swallowed up by the greed of usurers They have been praised and encouraged by holy men, preachers of God’s word, and approved and confirmed also by a number of our predecessors as popes, to the effect that the said credit organisations are not out of harmony with christian dogma, even though there is controversy and different opinions regarding the question .

Some of these masters and doctors say that the credit organisations are unlawful. After a fixed period of time has passed, they say, those attached to these organisations demand from the poor to whom they make a loan so much per pound in addition to the capital sum. For this reason they cannot avoid the crime of usury or injustice, that is to say a clearly defined evil, since our Lord,

according to Luke the evangelist, has bound us by a clear command that we ought not to expect any addition to the capital sum when we grant a loan. For, that is the real meaning of usury: when, from its use, a thing which produces nothing is applied to the acquiring of gain and profit without any work, any expense or any risk. The same masters and doctors add that in these credit organisations neither commutative nor distributive justice is observed, even though contracts of this kind, if they are to be duly approved, ought not to go beyond the bounds of justice. They endeavour to prove this on the grounds that the expenses of the maintenance of these organisations, which ought to be paid by many persons (as they say), are extracted only from the poor to whom a loan is made; and at the same time certain other persons are given more than their necessary and moderate expenses (as they seem to imply), not without an appearance of evil and an encouragement to wrongdoing . But many other masters and doctors say the opposite and, both in writing and in speech, unite in speaking in many of the schools in Italy in defence of so great a benefit and one so necessary to the state, on the grounds that nothing is being sought nor hoped for from the loan as such. Nevertheless, they argue, for the compensation of the organisations -- that is, to defray the expenses of those employed and of all the things necessarily pertaining to the upkeep of the said organisations -- they may lawfully ask and receive, in addition to the capital, a moderate and necessary sum from those deriving benefit from the loan, provided that no profit is made therefrom. This is in virtue of the rule of law that the person who experiences benefit ought also to meet the charge, especially when there is added the support of the apostolic authority. They point out that this opinion was approved by our predecessors of happy memory, the Roman pontiffs Paul II, Sixtus IV, Innocent VIII, Alexander VI and Julius II, as well as by saints and persons devoted to God and held in high esteem for their holiness, and has been preached in sermons about the gospel truth .

We wish to make suitable arrangements on this question (in accord with what we have received from on high). We commend the zeal for justice displayed by the former group, which desires to prevent the opening up of the chasm of usury, as well as the love of piety and truth shown by the latter group, which wishes to aid the poor, and indeed the earnestness of both sides. Since, therefore, this whole question appears to concern the peace and tranquility of the whole christian state, we declare and define, with the approval of the sacred council, that the above-mentioned credit organisations, established by states and hitherto approved and confirmed by the authority of the apostolic see, do not introduce any kind of evil or provide any incentive to sin if they receive, in addition to the capital, a moderate sum for their expenses and by way of compensation, provided it is intended exclusively to defray the expenses of those employed and of other things pertaining (as mentioned) to the upkeep of the organisations, and provided that no profit is made therefrom. They ought not, indeed, to be condemned in any way. Rather, such a type of lending is meritorious and should be praised and approved. It certainly should not be considered as usurious; it is lawful to preach the piety and mercy of such organisations to the people, including the indulgences granted for this purpose by the holy apostolic see; and in the future, with the approval of the apostolic see, other similar credit organisations can be established. It would, however, be much more perfect and more holy if such credit organisations were completely gratuitous: that is, if those establishing them provided definite sums with which would be paid, if not the total expenses, then at least half the wages of those employed by the organisations, with the result that the debt of the poor would be lightened thereby. We therefore decree that Christ’s faithful ought to be prompted, by a grant of substantial indulgences, to give aid to the poor by providing the sums of which we

have spoken, m order to meet the costs of the organisations .

It is our will that all religious as well as ecclesiastical and secular persons who henceforth dare to preach or argue otherwise by word or in writing, contrary to the sense of the present declaration and sanction, incur the punishment of immediate excommunication, notwithstanding any kind of privilege, things said above, constitutions and orders of the apostolic see, and anything else to the contrary .

18 Part 3 Fifth Lateran Council 1512-17 A.D.

[Bull against exempt persons, in which are included some points regarding ecclesiastical liberty and episcopal dignity]

Leo, bishop, servant of the servants of God, with the approval of the sacred council, for an everlasting record. Presiding over the government of the universal church (the Lord so disposing), we readily aim to secure the advantages of subjects, in conformity with the obligation of our pastoral office. In order to preserve the church's freedom, to remove scandals, to establish harmony, and to foster peace between prelates of churches and those subject to them, we apply the effort of apostolic care in proportion as experience shows that disagreement between such groups will be harmful. Thus we are glad to regulate the indults and privileges granted to the same subjects by both our predecessors and the apostolic see, at the expense of the prelates concerned, in such a way scandals do not arise from them, or material be provided to anyone for fostering ill-will, or ecclesiastical persons be somehow drawn away from the benefit of obedience as well as from perseverance in the divine service .

Recently, indeed, a trustworthy report has reached our ears that canons of patriarchal, metropolitan, cathedral and collegiate churches and other secular clerics are making too many claims, on account of which they give rise to considerable ill-report concerning themselves, have an injurious effect on others from their claims of exemption and freedom obtained from the apostolic see, evade the corrections and regulations of the ordinaries, and shun their courts and judgments. Some of them, in the hope of gaining freedom from punishment for their deviations by the privilege of exemption, do not fear to commit offences which they would certainly have never committed if they did not believe that they were protected by their exemption. The result is that, on account of the brashness of those trusting that they will obtain freedom from punishment for their offences, because of the privilege of exemption, they commit outrages on many occasions as a result of which the church is very much maligned and serious scandals arise, especially when those responsible for correcting and punishing them fail to do so. In our wish to provide the necessary remedy lest, on the above pretext, their faults remain unpunished, we rule, with the approval of the sacred council, that henceforth those to whom the correction and punishment of exempt persons has been committed by the apostolic see, are to attend carefully to these duties and diligently to carry out the obligations of the office entrusted to them. As soon as it is legally clear to them that exempt persons have been at fault, they are to punish them in such a way that they are restrained from their acts of arrogance by fear of a penalty and so that others, frightened by their example, will rightly shrink from committing similar faults .

If they are neglectful in this matter, the diocesan and other local ordinaries are to warn such persons, who have the responsibility for correcting those who are exempt, that they should punish such exempt persons who have committed faults and are guilty and should censure them within a suitable time, which is to be determined by the judgment of those giving the warning. The warning is to be given in person (if the resources and standing of the person giving it make this possible),

or otherwise, if there should be no clearly recognised judge in the region of the exempt persons, they are to warn those whom they consider to be responsible for the above by means of a public edict, which is to be fixed to the doors of the cathedrals or other churches where such judges of exempt persons may happen to reside, or if there are no judges of the exempt persons there, then where the exempt persons have committed the faults. If those who have received the warning are negligent in this matter, and do not trouble or have refused to carry it out, then, so that they may be penalised for their fault, they are to be deprived of hearing the inquiry for that time and are henceforth not to be involved in any way in such inquiries. Then the diocesan and other local ordinaries can proceed, on our authority, either to an inquiry or by means of an accusation, excluding the use of torture, against such offending and criminous persons and may personally examine the witnesses. They shall see that the process itself -- regarding which, by reason of the solemnity of the law, we forbid anything to be alleged or said except on account of an omitted citation (provided the offence has been correctly proved elsewhere) -- is held, closed and sealed by them and quickly despatched to the apostolic see, either by themselves or by another messenger, so as to be carefully examined by the apostolic see, either by the Roman pontiff or by someone else to whom he shall commit the matter; at the expense of the offending exempt persons, including the expenses incurred in the process itself, which expenses the ordinaries can compel the persons who have been investigated and charged to pay. And those found worthy of blame, either to the extent of being condemned or on account of there being sufficient evidence to justify recourse to torture so that the truth might be extracted, are to be returned to the diocesans or ordinaries so that these may lawfully proceed further, on our authority, in the inquiry or the accusation and may terminate the case according to what is just .

Notaries of the apostolic see, whose office is known to have been instituted by pope Clement I of happy memory at the beginnings of the primitive church, for the purpose of investigating and recording the acts of saints, and who have been elevated to the office of protonotary and wear an official garment and a rochet, together with other officials who are attached to us and to the said see, when they are actually engaged in their duties, are exempt from all jurisdiction of ordinaries in both civil and criminal matters. Other notaries, however, not wearing the dress of the protonotariate, unless they have adopted it within three months after the publication of this present document, both themselves and others due to be elevated to the office in the future who do not regularly wear the official dress and a rochet, as well as other officials, our own and those of the said see, when not actually engaged in their duties, are to be subject to the jurisdiction of the said diocesans and ordinaries in both criminal and civil cases which involve sums not exceeding twenty-five golden ducats of the treasury. But in civil cases involving sums exceeding such an amount, they are to enjoy full exemption and to be totally excluded from the jurisdiction of the said diocesans and ordinaries. We also judge it worthy and appropriate that among the personal staff of cardinals of the holy Roman church, only those shall enjoy the privilege of exemption who belong to the household staff and are regular sharers of its board, or have been sent by the same cardinals to carry out their personal business, or perhaps are absent for a time from the Roman curia to refresh themselves. But for others, even when they are registered as belonging to the personal staff, the privilege of staff membership in no way entitles them to be outside the control of their diocesans and ordinaries . By the constitution published at the council of Vienne which begins Attendentes, there was given to the aforesaid diocesans full faculties to visit once a year the convents of nuns, in their dioceses, that are immediately subject to the apostolic see. We renew

this constitution and we prescribe and command that it be strictly kept, notwithstanding any exemptions and privileges. By the foregoing, moreover, the same diocesans and ordinaries are not to be prejudiced by cases in which jurisdiction over exempt persons has been granted by law. Rather, we define that henceforth exemptions granted for a time without reasonable cause, and without any citation of those involved, are of no force or value .

Since order in the church is confused if the jurisdiction of each person is not preserved, we rule and ordain, in an effort to support the jurisdiction of ordinaries (so far as we can with God's favour), to impose more quickly an end to lawsuits, and to restrict the immoderate expenses of litigants, that individual cases, spiritual, civil and mixed, involving in any way an ecclesiastical forum and concerned with benefices -- provided that the actual benefices have not been under a general reservation and the incomes, rents and produce of the individual benefices do not surpass in value, by common reckoning, twenty-four golden ducats of the treasury -- shall in the first instance be examined and settled outside the Roman curia and before the local ordinaries. Thus, nobody may appeal prior to a definitive sentence, nor may an appeal (if made) be in any way admitted, except from an interlocutory judgment which may have the force of a definitive sentence, or by way of a complaint which in no way concerns the main business. For, redress cannot be obtained from a definitive sentence by means of an appeal, unless one of the litigants does not dare to go to law before the ordinary because of a genuine fear of his adversary's power, or for some other acceptable and honourable reason which must be at least partially proved otherwise than by his personal oath. In these exceptional cases, the appeal can be begun, investigated and concluded in the Roman curia, even in the first instance . In other cases, the appeals and the commissions of these and other such suits, and whatever follows from them, shall henceforth be of no force or value. The judges and conservators appointed by the apostolic see, if they are not graduates in either civil or canon law, are obliged, on being asked by the parties concerned or by one of them, to take an assessor who is not under suspicion with the parties and to judge the case according to his report .

We have learnt, by many and frequent reports, that very many churches and the bishops presiding over them, on both sides of the Alps, are being troubled and disturbed in their jurisdictions, rights and lordships by esquires, princes and nobles. These, under colour of a right of patronage which they pretend to hold in ecclesiastical benefices, without the support of any apostolic privileges, or of collations or letters from the ordinaries, or even of any pretence of a title, presume to confer benefices not only on clerics but also on layfolk; to punish at their own whim priests and clerics who are at fault; to remove, purloin and usurp in an arbitrary way, either directly or by ordering others, the tithes of everything on which they are obliged by law to pay, as well as tithes belonging to cathedrals, and other things which pertain to diocesan law and jurisdiction and are the exclusive concern of bishops; to forbid such tithes and any fruits to be taken out of their cities, lands and territories; to seize and unjustly hold fiefs, possessions and lands; to induce and compel, by threats, terror and other indirect means, the granting to them of fiefs and goods of churches and the conferring of ecclesiastical benefices on persons nominated by them; and not only to permit but even expressly to command very many other losses, damages and injuries to be inflicted on the aforesaid clerics and churches and their prelates .

We take thought, then, that no power has been granted to lay people over clerics and ecclesiastics, or over property belonging to the church, and that it is right and just that laws should

be made against those who refuse to observe this . We also consider how much such actions detract, with disastrous results which must be condemned, not only from the honour of ourself and the apostolic see but also from the peaceful and prosperous condition of churchmen. We desire too, to restrain from thoughtless acts of rashness, not so much by new penalties as by a renewed fear of existing ones that should be applied, those whom the rewards of virtues do not induce to observe laws. We therefore renew each and all of the constitutions hitherto issued regarding the payment of tithes; against violators and seizers of churches; against fire-raisers and pillagers of fields; against those seizing and holding cardinals of the holy Roman church, our venerable brother bishops and other persons of the church, both secular and regular, and unlawfully taking over in any way their jurisdiction and rights, or disturbing or molesting them in the exercise of their jurisdiction, or presumptuously forcing them to confer ecclesiastical benefices on persons named by them, or to dispose of them in some other way at their arbitrary choice, or to grant or otherwise sell fiefs and goods of the church in perpetual tenure, against making regulations in conflict with ecclesiastical liberty; against providing help, advice and support for the above practices. Since these acts are not merely opposed to law but are also in the highest degree insulting and contrary to ecclesiastical liberty, we therefore, in order that we may be able to give an honest account to God of the office entrusted to us, earnestly urge in the Lord, by fatherly sentiments and counsels, the emperor, kings, princes, dukes, marquises, counts, barons, and others of whatever other nobility, pre-eminence, sovereignty, power, excellence or dignity they may be, and we command them by virtue of holy obedience, to observe the foregoing constitutions and to make them inviolably observed by their subjects, notwithstanding any customs whatever to the contrary, if they wish to avoid the divine displeasure and the fitting reaction of the apostolic see. We decree that appointments made in the above-mentioned way to the said benefices are null and void, and those making use of them are rendered incapable of obtaining other ecclesiastical benefices until they have been dispensed in the matter by the apostolic see .

We have also been carefully reflecting that, after Christ’s ascension into heaven, the apostles assigned bishops to each city and diocese, and the holy Roman church became established throughout the world by inviting these same bishops to a role of responsibility, and by gradually sharing the burdens by means of patriarchs, primates, archbishops and bishops; and that it has also been laid down by the sacred canons that provincial councils and episcopal synods ought to be established by such persons for the correction of morals, the settlement and limiting of controversies, and the observance of God’s commandments, in order that corruptions may be corrected and those neglecting to do these things may be subjected to canonical penalties. In our desire that these canons be faithfully observed, since it is right for us to be interested in what concerns the christian state, we place a strict obligation on the said patriarchs, primates, archbishops and bishops, in order that they may be able to render to God a worthy account of the office entrusted to them, that they order the canons, councils and synods to be observed inviolably, notwithstanding any privilege whatsoever. Besides, we order that henceforth a provincial council is to be held every three years, and we decree that even exempt persons are to attend them, notwithstanding any privelege or custom to the contrary. Those who are negligent in these matters are to know that they will incur penalties contained in the same canons . In order that respect for the papal dignity might be preserved, it was determined by the constitution issued at the council of Vienne, which begins In plerisque that no persons, especially no religious, may be provided to cathedral churches which are deprived of temporal goods, without which spiritual

things cannot exist for long, and which lack both clergy and christian people. We renew this constitution, and we will and command that it must be observed inviolably unless we shall judge otherwise for some just reason to be approved in our secret consistory .

We decree that anything attempted against the foregoing, or any part thereof, is null and void, notwithstanding any constitution or privilege to the contrary . Let nobody therefore ... If anyone however.. .

[On printing books]

Leo, bishop, servant of the servants of God, with the approval of the sacred council, for an everlasting record. Among the anxieties resting on our shoulders we come back with constant thought to how we can bring back to the path of truth those going astray, and gain them for God (by his grace working in us) . This is what we truly seek after with eagerness; to this we unremittingly direct our mind's desires; and over this we watch with anxious earnestness .

It is certainly possible to obtain without difficulty some learning by reading books. The skill of book-printing has been invented, or rather improved and perfected, with God's assistance, particularly in our time. Without doubt it has brought many benefits to men and women since, at small expense, it is possible to possess a great number of books. These permit minds to devote themselves very readily to scholarly studies. Thus there can easily result, particularly among Catholics, men competent in all kinds of languages; and we desire to see in the Roman church, in good supply, men of this type who are capable of instructing even unbelievers in the holy commandments, and of gathering them for their salvation into the body of the faithful by the teaching of the christian faith . Complaints from many persons, however, have reached our ears and those of the apostolic see. In fact, some printers have the boldness to print and sell to the public, in different parts of the world, books -- some translated into Latin from Greek, Hebrew, Arabic and Chaldean as well as some issued directly in Latin or a vernacular language -- containing errors opposed to the faith as well as pernicious views contrary to the christian religion and to the reputation of prominent persons of rank. The readers are not edified. Indeed, they lapse into very great errors not only in the realm of faith but also in that of life and morals . This has often given rise to various scandals, as experience has taught, and there is daily the fear that even greater scandals are developing . That is why, to prevent what has been a healthy discovery for the glory of God, the advance of the faith, and the propagation of good skills, from being misused for the opposite purposes and becoming an obstacle to the salvation of Christians, we have judged that our care must be exercised over the printing of books, precisely so that thorns do not grow up with the good seed or poisons become mixed with medicines. It is our desire to provide a suitable remedy for this danger, with the approval of this sacred council, so that the business of book-printing may go ahead with greater satisfaction the more that there is employed in the future, with greater zeal and prudence, a more attentive supervision. We therefore establish and ordain that henceforth, for all future time, no one may dare to print or have printed any book or other writing of whatever kind in Rome or in any other cities and dioceses, without the book or writings having first been closely examined, at Rome by our vicar and the master of the sacred palace, in other cities and dioceses by the bishop or some other person who knows about the printing of books and writings of this kind and who has been delegated to this office by the bishop in question, and also by the inquisitor of heresy for the city or diocese where the said printing is to

take place, and unless the books or writings have been approved by a warrant signed in their own hand, which must be given, under pain of excommunication, freely and without delay . In addition to the printed books being seized and publicly burnt, payment of a hundred ducats to the fabric of the basilica of the prince of the apostles in Rome, without hope of relief, and suspension for a whole year from the possibility of engaging in printing, there is to be imposed upon anyone presuming to act otherwise the sentence of excommunication. Finally, if the offender's contumacy increases, he is to be punished with all the sanctions of the law, by his bishop or by our vicar, in such a way that others will have no incentive to try to follow his example. Let nobody therefore ... If anyone however.. .

[On setting a date for those acknowledging the Pragmatic Sanction]

Leo, bishop, servant of the servants of God, with the approval of the sacred council, for an everlasting record. Among other matters to be carried through in this sacred council, we especially desire to make known and proclaim what must be decided and announced concerning the sanction called the Pragmatic, which was issued by a number of leaders of the French nation, both clerics and laymen as well as nobles and others supporting them. This is in accordance with the wishes of our predecessor pope Julius II, of happy memory, who summoned this council. The prelates and other clergy and the aforesaid laity have been summoned on several occasions to appear before both our said predecessor, Julius, and ourself; and their obstinacy has quite often been alleged or been the subject of accusations in the said council. It was subsequently alleged on behalf of the prelates, clerics and laymen, including nobles, and their said supporters, who were legitimately summoned (as just stated) for this purpose, that there was no route which would allow them to travel in safety to the said council. In order that they may not be able to make this excuse, we have taken measures for a comprehensive safe-conduct to be granted and conveyed to them by the Genoans, through whose territory they can travel in safety to the Roman curia, so that they may be able to bring forward the views which they may wish to present in defence of this Pragmatic Sanction . To prevent them being able to bring up some further point against what has been set out and to claim a legitimate ignorance, and in order that their obstinacy may be overcome, we once again, with the approval of the sacred council, give notice and warning, regarding a final and definitive dead-line, to the clergy and laity, including nobles, prelates and their supporters, and to colleges of clerics and of seculars, that they must lawfully assemble (putting aside every excuse and delaying action) before I October next. We are extending the dead-line, for the aforesaid reasons and in order to remove all excuses, to the said I October, by way of a final postponement; and we grant and assign this anew. Once the dead-line has passed, however, proceedings will go forward at the next session to other matters and to the conclusion of the said business, even by means of a definitive sentence, notwithstanding their obstinacy and refusal to appear. This next eleventh session we summon for these and many other useful matters. with the approval of the sacred council, for 14 December after the next feast day of St Lucy. Let nobody therefore ... If anyone however .. .

SESSION 11 19 December 1516 [On how to preach]

Leo, bishop, servant of the servants of God, with the approval of the sacred council, for an everlasting record. Under the protection of the supreme majesty by whose ineffable providence things in heaven and on earth are guided, as we carry out the office of watchman over the Lord's

flock committed to us, insofar as this is granted to our weakness, we reflect within ourselves in great depth that, among many other important matters, the office of preaching is also our concern. Preaching is of the first importance, very necessary and of great effect and utility in the church, so long as it is being exercised rightly, from genuine charity towards God and our neighbour, and according to the precepts and examples of the holy fathers, who contributed a great deal to the church by publicly professing such things at the time of the establishment and propagation of the faith . For, our redeemer first did and taught, and by his command and example, the college of twelve apostles -- the heavens alike proclaiming the glory of the true God through all the earth -- led back from darkness the whole human race, which was held by the old bondage under the yoke of sin, and guided it to the light of eternal salvation. The apostles and then their successors propagated far and wide and rooted deeply the word itself through all the earth and unto the ends of the world. Therefore those who are now carrying this burden ought to remember and frequently reflect that they in turn, with respect to this office of preaching, are entering into and maintaining that succession of the author and founder of this office, Jesus Christ our most holy redeemer, of Peter and Paul, and of the other apostles and disciples of the Lord .

We have learnt from trustworthy sources that some preachers in our times (we record this with sorrow) do not attend to the fact that they are carrying out the office of those we have named, of the holy doctors of the church and of others professing sacred theology, who, ever standing by Christians and confronting false prophets striving to overturn the faith, have shown that the church militant remains unimpaired by her very nature; and that they ought to adopt only what the people who flock to their sermons will find useful, by means of reflection and practical application, for rooting out vices, praising virtues and saving the souls of the faithful. Reliable report has it, rather, that they are preaching many and various things contrary to the teachings and examples which we have mentioned, sometimes with scandal to the people. This fact influences our attitude very deeply when we reflect within ourself that these preachers, unmindful of their duty, are striving in their sermons not for the benefit of the hearers but rather for their own self-display. They flatter the idle ears of some people who seem to have already reached a state that would make true the words of the Apostle writing to Timothy: For, a time is coming when people will not endure sound teaching but, having itching ears, they will accumulate for themselves teachers to suit their own likings, and will turn away from listening to the truth and wander into myths . These preachers make no attempt whatever to lead back the deceived and empty minds of such people to the path of right and truth. Indeed, they involve them in even greater errors. Without any reverence for the testimony of canon law, indeed contrary to canonical censures, twisting the sense of scripture in many places, often giving it rash and false interpretations, they preach what is false; they threaten, describe and assert to be present, totally unsupported by legitimate proofs and merely following their own private interpretation, various terrors, menaces and many other evils, which they say are about to arrive and are already growing; they very often introduce to their congregations certain futile and worthless ideas and other matters of this nature; and, what is more appalling, they dare to claim that they possess this information from the light of eternity and by the guidance and grace of the holy Spirit . When these preachers spread this medley of fraud and error, backed by the false testimony of alleged miracles, the congregations whom they ought to be carefully instructing in the gospel message, and retaining and preserving in the true faith, are withdrawn by their sermons from the teaching and commands of the universal church. When they turn aside from the official sacred teachings, which they ought particularly to follow, they separate and move far from

salvation those who listen to them. For, as a result of these and similar activities, the less educated people, as being more exposed to deceit, are very easily led into manifold errors, as they wander from the path of salvation and from obedience to the Roman church. Gregory, therefore, who was outstanding in this task, moved by the warmth of his charity, gave a strong exhortation and warning to preachers that, when about to speak, they approach the people with prudence and caution lest, caught up in the enthusiasm of their oratory, they entangle the hearts of their hearers with verbal errors as if with nooses, and while perhaps they wish to appear wise, in their delusion they foolishly tear asunder the sinews of the hoped-for virtue. For, the meaning of words is often lost when the hearts of the audience are bruised by too urgent and careless forms of speech .

Indeed, in no other way do these preachers cause greater harm and scandal to the less educated than when they preach on what should be left unspoken or when they introduce error by teaching what is false and useless. Since such things are known to be totally opposed to this holy and divinely instituted religion, as being novelties and foreign to it, it is surely just for them to be examined seriously and carefully, lest they cause scandal for the christian people and ruin for the souls of their authors and of others. We therefore desire, in accord with the word of the prophet, Who makes harmony dwell in the house, to restore that uniformity which has lost esteem, and to preserve such as remains, insofar as we can with God’s help, in the holy church of God, which by divine providence we preside over and which is indeed one, preaches and worships one God and firmly and sincerely professes one faith. We wish that those who preach the word of God to the people be such that God’s church suffers no scandal from their preaching. If they are amenable to correction, let them abstain in future from these matters into which they have recently ventured. For it is clear that, in addition to the points which we have mentioned, a number of them are no longer preaching the way of the Lord in virtue and are not expounding the gospel, as is their duty, but rather invented miracles, new and false prophecies and other frivolities hardly distinguishable from old wives’ tales. Such things give rise to great scandal since no account is taken of devotion and authority and of its condemnations and rejections. There are those who make attempts to impress and win support by bawling everywhere, not sparing even those who are honoured with pontifical rank and other prelates of the church, to whom they should rather be showing honour and reverence. They attack their persons and their state of life, boldly and without discrimination, and commit other acts of this kind. Our aim is that so dangerous and contagious an evil and so mortal a disease may be thoroughly wiped out and that its consequences may be so completely swept away that not even its memory remains .

We decree and ordain, with the approval of the sacred council, that nobody -whether a secular cleric or a member of any of the mendicant orders or someone with the right to preach by law or custom or privilege or otherwise -- may be admitted to carry out this office unless he has first been examined with due care by his superior, which is a responsibility that we lay on the superior’s conscience, and unless he is found to be fit and suitable for the task by his upright behaviour, age, doctrine, honesty, prudence and exemplary life. Wherever he goes to preach, he must provide a guarantee to the bishop and other local ordinaries concerning his examination and competence, by means of the original or other letters from the person who examined and approved him. We command all who undertake this task of preaching, or will later undertake it, to preach and expound the gospel truth and holy scripture in accordance with the exposition, interpretation and commentaries that the church or long use has approved and has accepted for teaching until now,

and will accept in the future, without any addition contrary to its true meaning or in conflict with it. They are always to insist on the meanings which are in harmony with the words of sacred scripture and with the interpretations, properly and wisely understood, of the doctors mentioned above. They are in no way to presume to preach or declare a fixed time for future evils, the coming of antichrist or the precise day of judgment; for Truth says, it is not for us to know times or seasons which the Father has fixed by his own authority. Let it be known that those who have hitherto dared to declare such things are liars, and that because of them not a little authority has been taken away from those who preach the truth .

We are placing a restriction on each and all of the said clerics, secular and regular and others, of whatever status, rank or order, who undertake this task. In their public sermons they are not to keep on predicting some future events as based on the sacred writings, nor presume to declare that they know them from the holy Spirit or from divine revelation, nor that strange and empty predictions are matters which must be firmly asserted or held in some other way. Rather, at the command of the divine word, let them expound and proclaim the gospel to every creature, rejecting vices and commending virtues. Fostering everywhere the peace and mutual love so much commended by our Redeemer, let them not rend the seamless garment of Christ and let them refrain from any scandalous detraction of bishops, prelates and other superiors and of their state of life. Yet these they rebuke and hurt before people generally, including the laity, not only heedlessly and extravagantly but also by open and plain reproof, with the names of the evildoers sometimes being stated by them .

Finally, we decree that the constitution of pope Clement of happy memory beginning Religiosi, which we renew and approve by this present decree, must be observed by preachers without alteration, so that, preaching in these terms for the people’s advantage and winning them for the Lord, they may deserve to gain interest on the talent received from him and to win his grace and glory. But if the Lord reveals to certain of them, by some inspiration, some future events in the church of God, as he promises by the prophet Amos and as the apostle Paul, the chief of preachers, says, Do not quench the Spirit, do not despise prophesying, we have no wish for them to be counted with the other group of story-tellers and liars or to be otherwise hindered. For, as Ambrose bears witness, the grace of the Spirit himself is being extinguished if fervour in those beginning to speak is quietened by contradiction. In that case, a wrong is certainly done to the holy Spirit. The matter is important inasmuch as credence must not be easily given to every spirit and, as the Apostle states, the spirits have to be tested to see whether they come from God. It is therefore our will that as from now, by common law, alleged inspirations of this kind, before they are published, or preached to the people, are to be understood as reserved for examination by the apostolic see. If it is impossible to do this without danger of delay, or some pressing need suggests other action, then, keeping the same arrangement, notice is to be given to the local ordinary so that, after he has summoned three or four knowledgeable and serious men and carefully examined the matter with them, they may grant permission if this seems to them to be appropriate. We lay the responsibility for this decision on their consciences .

If any persons dare to carry through anything contrary to any of the above, it is our will that, in addition to the punishments set down against such persons by law, they incur the penalty of excommunication from which, except at the imminent approach of death, they can be absolved only by the Roman pontiff . In order that others may not be urged on by their example to try similar

acts, we decree that the office of preaching is forbidden to such persons for ever; notwithstanding constitutions, ordinances, privileges, indults and apostolic letters for religious orders and the aforesaid persons, including those mentioned in Mare magnum, even if perchance they have been approved, renewed or even granted anew by us, none of which in this matter do we wish to support at any point in their favour. Let nobody therefore ... If anyone however.. .

[Bull containing agreements between the pope and the most christian king of France, on the Pragmatic]

Leo, bishop, servant of the servants of God, with the approval of the sacred council, for an everlasting record. In accord with the dispensation of the divine mercy by which kings reign and princes rule, established as we are despite our lack of merit in the lofty watch-tower of the apostolate and set over nations and kingdoms, we ponder how permanent force and effect may be given to the things which have been granted, carried out, established, ordained, decreed and done by our praiseworthy and prudent arrangement, in union with our venerable brothers, the cardinals of the holy Roman church, for the wholesome and peaceful government of kingdoms and for the peace and justice of peoples, especially with regard to rulers who are well-deserving of the catholic faith, the christian state and the apostolic see. Nevertheless, we sometimes add the force of our renewed approval to such things, with the approval of the sacred council, so that these things may persist with greater steadiness in an undamaged state the more often they are strengthened by our authority as well as by the protection of a general council. We readily supply effective care for the preservation of such things in order that the kings and peoples of the kingdoms in question, full of gladness in the Lord because of such concessions, privileges, statutes and regulations, may rest together in the sweetness of peace, quiet and delight and may persevere more fervently in their accustomed devotion to the same see .

Recently, in order that the church, our spouse, might be kept in a holy union and use might be made by Christ’s faithful of the sacred canons issued by Roman pontiffs and general councils, we ordained and decreed, with the unanimous advice and consent of our said brothers, the cardinals of the holy Roman church certain constitutions that had been treated with our dearly beloved son in Christ, Francis, the most christian king of France, while we were at Bologna with our curia, and which were to take the place of the Pragmatic Sanction and the things contained in it for the sake of peace and harmony in the kingdom of France and for the general and public advantage of the kingdom. These constitutions were carefully examined by our said brothers, agreed upon with the said king on their advice, and accepted by a legitimate procurator of the king. Their contents are contained rather fully in our letter which follows, Primitiva illa ecclesia . . . {Msi 32, 948-963, Raccolta di concordati su materie ecclesiastiche tra la Santa Sede e le autorita civili, edited by A. Mercati. I Rome. 1954. 233-25} The letter has been published chiefly in order that continuing charity and unbroken peace may abide in the mystical body, the church, and that any dissenting members may be re-grafted into the body in a convenient way. The letter will be better observed according as it is more clearly established that it has been approved and renewed by us, after mature and healthy consideration, with the approval of the said Lateran council. Although there is no need of another approval for the validity and reality of the same letter, however, to provide an ampler surety so that observance may be firmer and abolition more difficult, greater strength will be given to it by the approval of so many fathers. Therefore, with the approval of the sacred Lateran council, by apostolic authority and fullness of power, we approve and renew, and order to

be observed and maintained in their totality and without change, the said letter together with each and every statute, ordinance, decree, explanation, agreement, compact, promise, wish, penalty, restraint and clause contained in it; especially the clause by which it was our will that if the said king of France does not approve and ratify the aforesaid letter, and each and every thing contained in it, within six months from the date of this present letter, and does not arrange for the contents to be read, published, sworn to and registered, like all other royal constitutions in his kingdom and in all other places and lordships of the said kingdom, for all future time without limit, by all the prelates and other ecclesiastical persons and courts of parlements, and if he does not convey to us, within the said six months, letters patent or authentic written documents concerning each and all of the aforesaid matters about the acceptance, reading, publication, oath and registration referred to, or does not deliver them to our nuncio attached to the king, in order to be passed on by him to us, and does not subsequently arrange for the letter to be read each year and effectively observed without alteration exactly as other binding constitutions and ordinances of the king of France have to be observed, then the letter itself and whatever follows from it are null and void and of no force or value .

We decree and declare that the enduring effect only continues in the event of the said ratification and approval, and not otherwise or in any other way, and that all who are included in the said letter, regarding the observance of the actual letter and of each and every thing set down in it, are bound and obliged by the censures and penalties and other things contained in it, in accordance with the meaning and form of the same letter. This is notwithstanding apostolic constitutions and ordinances, all those things which we did not wish to oppose in the and any other things of any kind to the contrary. Let nobody If anyone however.. .

[On the abrogation of the Pragmatic Sanction]

Leo, bishop, servant of the servants of God, with the approval of the sacred council, for an everlasting record. The eternal Father, who will never abandon his flock up to the close of the age, so loved obedience, as the Apostle testifies, that to make expiation for the sin of disobedience of the first parent, he humbled himself and became obedient unto death. Moreover, when he was about to depart from the world to the Father, he established Peter and his successors as his own representatives on the firmness of a rock. It is necessary to obey them as the book of the Kings testifies, so that whoever does not obey, incurs death . As we read in another place, the person who abandons the teaching of the Roman pontiff cannot be within the church; for, on the authority of Augustine and Gregory, obedience alone is the mother and protector of all virtues, it alone possessing the reward of faith. Therefore, on the teaching of the same Peter, we ought to be careful that what has been introduced in due season and for sound reasons by our predecessors the Roman pontiffs, especially in sacred councils, for the defence of obedience of this kind, of ecclesiastical authority and freedom, and of the apostolic see, should be duly discharged by our effort, devotion and diligence and be brought to the desired conclusion. The souls of the simple, of whom we shall have to render an account to God, are to be freed from the deceits and snares of the prince of darkness. Indeed, our predecessor of happy memory, pope Julius II, summoned the sacred Lateran council for lawful reasons which were then made clear, on the advice and with the consent of his venerable brothers, the cardinals of the holy Roman church, among whom we were then numbered. Together with the same sacred Lateran council, he pondered on the fact that the corruption of the kingdom of France at Bourges, which they call the Pragmatic Sanction, had been

strong in the past and was still vigorous, resulting in very great danger and scandal to souls, and a loss and cheapening of respect for the apostolic see. He therefore entrusted discussion of the Pragmatic Sanction to specifically named cardinals and to the prelates of a certain congregation .

Although the aforesaid sanction should clearly be subject to nullity on many counts, and was supporting and preserving open schism, and therefore it could have been declared to be essentially of no effect, null and invalid, without the need for any preceding formal citation, yet, from a great sense of caution, our same predecessor Julius, by a public edict -- which was to be fixed to the church doors of Milan, Asti and Pavia, since there was then no safe access to France -gave warning and summoned the prelates of France, the chapters of churches and monasteries, the parlements and the layfolk supporting them and making use of the said sanction, and each and all of the rest who were thinking that there was some advantage for them in the foregoing individually or collectively, to appear before him and the said council within a fixed period, which was then clearly stated, and to declare the reasons why the aforesaid sanction, and its corruptive and abusive effect in matters touching on the authority of the Roman church and the sacred canons, and on the violation of ecclesiastical liberty should not be declared null and invalid. During the lifetime of the said Julius our predecessor, various obstacles made it impossible to implement the summons or to discuss fully the business of the abrogation, as had been his intention . After his death, however, the summons, in full lawful form, was again brought forward by the promoter of the sacred council, the procurator fiscal. Those summoned and not presenting themselves were accused of obstinacy and the request was made for matters to be taken further. At the time we, who have been brought to the highest peak of the apostolate by the favour of the divine mercy after duly considering the whole situation, gave no response to the request, for definite reasons. Later, when a variety of impediments were being alleged by the said persons who had been warned and summoned, as to why they had been unable to present themselves at the appointed time (as stated above), we postponed, several times at several sessions, with the approval of the sacred council the date fixed by the said summons and warning to later dates, which have now long gone past, so that all occasion for just excuse and complaint might be taken away from them .

Although all obstacles have been removed and all dead-lines have passed nevertheless the aforesaid persons, despite being warned and summoned, have not appeared before us and the said council, nor taken any steps to appear, in order to bring forward a reason why the said sanction should not be declared null. There is therefore no longer room for any excuse. They can justly be regarded as obstinate; as indeed, by the demands of justice, we reckoned them to be. We are therefore thinking seriously about this Pragmatic Sanction, or rather corruption, as has been stated, which was issued at the time of the schism by those who did not have the necessary power, and which is not at all in accord with the rest of the christian state or with God’s holy church. It was revoked, made void and abolished by the most christian king of France, Louis XI, of distinguished memory. It damages and lessens the authority, liberty and dignity of the apostolic see. It completely removes the power of the Roman pontiff to provide both cardinals of the holy Roman church, who work earnestly on behalf of the universal church, and learned men, with churches, monasteries and other benefices, in accordance with the demands of their status, even though such persons are numerous in the curia and it is by their counsel that the authority and power of the apostolic see, the Roman pontiff and the whole church is kept safe and its affairs guided and promoted into a prosperous state. Thus it offers excuses to church prelates of the

aforesaid faction for breaking and violating the sacred nerve of obedience to ecclesiastical discipline and for setting up opposition against us and the apostolic see, their mother, and it opens the way for them to attempt such things. Clearly it is subject to nullity and is to be supported by no prop except of a temporary nature, or rather, of a kind of tolerance. Our predecessors as Roman pontiffs, for all their high hopes expressed in their own days, may have seemed to have tolerated this corruption and abuse, not being able to confront it completely either because of the evil nature of the times or because they were providing for it in some other way. We remember, however, that almost seventy years have passed since the publication of this sanction of Bourges, and that no council has been lawfully held within this time except the present Lateran council. Since we have been placed in this council by the Lord's disposition, we therefore judge and resolve, with Augustine as our witness, that we cannot refrain or desist from the eradication and total annulment of the same vile sanction if we are to avoid disgrace to ourself and to the many fathers assembled in the present council as well as to avoid danger to our own soul and those of the above-mentioned persons using it .

Just as pope Leo I, our predecessor of holy memory, whose footsteps we readily follow insofar as we can, gave orders and brought to pass that the measures which had been rashly carried out at the second synod of Ephesus, contrary to justice and the catholic faith, were later revoked at the council of Chalcedon, for the sake of the constancy of the same faith, so we too judge that we cannot, or ought not to, withdraw from or abandon the revocation of so evil a sanction and its contents if we are to preserve our own honour, and that of the church, with a safe conscience. The fact that the sanction and its contents were published at the council of Basel and, at the instance of the same council, were received and recognised by the meeting at Bourges, ought not to influence us since all those happenings after the transfer of the same council of Basel took place -- the transfer being made by pope Eugenius IV, our predecessor of happy memory -- have remained the deeds of the quasi-council, or rather the conventicle, of Basel. For, especially after that transfer, it did not deserve to be called a council any more and therefore its acts could not have any force. For it is clearly established that only the contemporary Roman pontiff, as holding authority over all councils, has the full right and power to summon, transfer and dissolve councils. This we know not only from the witness of holy scripture, the statements of holy fathers and our predecessors as Roman pontiffs, and the decisions of the sacred canons, but also from the declarations of the same councils. Some of this evidence we have decided to repeat, and some to pass over in silence as being sufficiently well known .

Thus we read that the synod of Alexandria, at which Athanasius was present, wrote to Felix, bishop of Rome, that the council of Nicaea had decided that councils ought not to be celebrated without the authority of the Roman pontiff . Pope Leo I transferred the second council of Ephesus to Chalcedon. Pope Martin V authorised his presidents at the council of Siena to transfer the council with no mention being made of the council's consent. The greatest respect was shown to our predecessors as Roman pontiffs: to Celestine by the first synod of Ephesus; to the said Leo by the synod of Chalcedon; to Agatho by the sixth synod; to Hadrian by the seventh synod; and to Nicholas and Hadrian by the eighth synod, of Constantinople. These councils submitted with reverence and humility to the instructions and commands of the same pontiffs which had been composed and issued by them in the sacred councils. Moreover, pope Damasus and the other bishops assembled at Rome, writing to the bishops at Illyricum about the council at Rimini, pointed

out that the number of bishops assembled at Rimini counted for nothing since it was known that the Roman pontiff, whose decrees were to be preferred before all others, had not given his consent to their meeting. It appears that pope Leo I said the same when writing to all the bishops of Sicily. It was customary for the fathers of the ancient councils humbly to ask for and obtain a warrant and approbation from the Roman pontiff in order to corroborate the matters dealt with in their councils . This is clear from the synods and their acts held at Nicaea, Ephesus, Chalcedon, the sixth synod at Constantinople, the seventh at Nicaea, the Roman synod under Symmachus and the synods in Haimar's book. We would certainly be without these recent troubles if the fathers at Bourges and Basel had followed this laudable custom, which it is known that the fathers at Constance also finally adopted .

We desire this matter to be brought to its proper conclusion. We are proceeding on the strength of the many citations issued by us and our said predecessor Julius, and of the other things mentioned above which are so notorious that they cannot be hidden by any excuses or evasions, as well as in virtue of our pastoral office. We are supplying for each and every defect, both of law and of fact, if perchance any happen to exist in the above. We judge and declare, from our certain knowledge and from the fullness of apostolic power, with the approval of the same sacred council, by the contents of the present document, that the aforesaid Pragmatic Sanction or corruption, and its approbations however issued, and each and every decree, chapter, statute, constitution or ordinance that is included, or even inserted, in any way in the same and has been published by others, as well as the customs, expressions and uses, or rather abuses, in any way resulting from it and observed until the present, have been and are of no force or value. In addition, for a more extensive safeguard, we revoke, make void, abrogate, quash, annul and condemn that same sanction or corruption of Bourges and its approval, whether expressed or tacit, as said above, as well as each and every thing of whatever nature included or even inserted in it, and we judge, declare and will them to be considered as of no effect, revoked, made void, abrogated, quashed, annulled and condemned. Moreover, since subjection to the Roman pontiff is necessary for salvation for all Christ's faithful, as we are taught by the testimony of both sacred scripture and the holy fathers, and as is declared by the constitution of pope Boniface VIII of happy memory, also our predecessor, which begins Unam sanctam, we therefore, with the approval of the present sacred council, for the salvation of the souls of the same faithful, for the supreme authority of the Roman pontiff and of this holy see, and for the unity and power of the church, his spouse, renew and give our approval to that constitution, but without prejudice to the declaration of pope Clement V of holy memory, which begins Meruit . In virtue of holy obedience and under the penalties and censures to be declared below, we forbid each and all of Christ's faithful, both laity and secular clergy, and regulars of whatever order including mendicants, and other persons without restriction, of no matter what status, rank or condition they may be, including cardinals of the holy Roman church, patriarchs, primates, archbishops, bishops, and any others distinguished by ecclesiastical or worldly or any other honour, and each and all other prelates, clerics, chapters, secular convents, regulars of the aforesaid orders, including abbots and priors of monasteries, dukes, counts, princes, barons, parlements, royal officials, judges, advocates, notaries and scribes, both ecclesiastical and secular, and any other regular or secular ecclesiastics in any high office, as said above, who are now or shall be living in the said kingdom of France and the Dauphine and wherever the said Pragmatic has been in force directly or indirectly, silently or openly, to presume to make use of the aforesaid Pragmatic Sanction, or rather corruption, in any way or for any

reason, by keeping silence or by clear speech, directly or indirectly, or by any other excuse or clever evasion, in any judicial or extrajudicial acts, or even to appeal to it or make judgments on its terms, or to quash, by themselves or through another or others, any judicial or extra-judicial acts on the grounds of the general meaning of the said sanction or of parts of it, and they may not permit or order these things to be done by means of others. They are not to keep the aforesaid Pragmatic Sanction, or sections or decrees contained in it, in their own houses or in other public or private places. Indeed, they are to destroy it, or have it destroyed, in archives, including royal and capitular ones, and in the above-mentioned places within six months from the date of this present letter . The penalties to be incurred, automatically and without the need for any further declaration, for each and all of the aforesaid persons, if they act to the contrary (though may they not!), are immediate major excommunication, the incapacity for all and singular legal acts of any kind, being branded as infamous, and the penalties expressed in the law of treason; in addition for the aforesaid ecclesiastical and religious persons, the loss of all patriarchal, metropolitan and other cathedral churches, of all monasteries, priories and convents, and of all secular dignities and ecclesiastical benefices, as well as the inability to hold them in the future; and in addition for secular persons, the loss of any fiefs held for any reason from the Roman or some other church, and the inability to hold them in the future. They cannot be absolved from these penalties by any faculty or by clauses contained in privileges regarding the hearing of confessions, no matter by what persons or verbal formulae they may have been granted. Except when at the point of death, they can only be absolved by the Roman pontiff acting canonically or by someone else having a faculty from him specifically for that purpose .

18 Part 4 Fifth Lateran Council 1512-17 A.D.

By the knowledge, power and statements mentioned above we expressly and specifically repeal anything to the contrary. This is notwithstanding anything mentioned above as well as constitutions, ordinances, decrees and statutes, however they may have been published and granted, and frequently renewed, repeated, confirmed and approved, as enduring in their force, by apostolic or any other authority, even conciliar authority and even by our certain knowledge and fullness of apostolic power, the tenor of all of which we regard as sufficiently expressed and included, for the purposes of the above, as if they had been inserted herein word for word; notwithstanding if the apostolic see has granted to any communities and universities, and any individual persons mentioned above, even if they are the aforesaid cardinals, patriarchs, archbishops, bishops, marquises and dukes, or any others, whether individually or communally, that they cannot be interdicted, suspended, excommunicated, deprived or incapacitated by apostolic letters which do not make full and express mention, word for word, of the indult in question; and notwithstanding any other general or special privileges, indulgences and apostolic letters, of whatever tenor they may be, by means of which, because they are not expressed or included in whole in the present letter, the effect of the above might be impeded or deferred in any way, since special mention of their contents is to be regarded as included, word for word, in this our letter. Let nobody therefore .. . If anyone however .. .

[On religious and their privileges]

Leo, bishop, servant of the servants of God, with the approval of the sacred council, for an everlasting record. We consider and diligently ponder the hardworking and anxious zeal, and the unending labours for the glory of the divine name, for the triumph of the catholic faith and the preservation of the church’s unity, and for the training and salvation of the souls of the faithful, which are carried on by bishops and their superiors, who have been placed by the apostolic see at the head of their churches in different parts of the world, as well as by the friars of the different orders, especially the mendicant orders, who are engaged without respite or rest. So great is the satisfaction that has reached our heart, as a result of their fruitful labours in the Lord’s vineyard and their opportune and praiseworthy actions, that we are devoting every effort to encourage the things which we know to contribute to the preservation of peace and quiet among them. We are conscious that the bishops have become partners in our anxiety . Ambrose bears witness that their distinction and greatness have no possible equal. We also know that religious have done much in the field of the Lord for the defence and advance of the christian religion and that they have produced and are daily producing abundant fruit. Consequently all of the faithful are aware that the good works of these bishops and religious have enabled the true faith to make progress and to spread everywhere throughout the world .

These men have likewise not hesitated on innumerable occasions, with much dedication and competence, to destroy the schisms in God’s church, to bring unity to that church and to undergo innumerable pains so that the same church might gain the quiet of peace. Therefore it is just that

we direct our efforts so to unite them to one another by the bond of peace and by a fraternal unity and charity that, linked in unity of doctrine and actions, they may foster more abundant fruits in God's church. The exercise of spiritual rights, which concern the glory of God and the salvation of the souls of Christ's faithful, has been entrusted to bishops and their superiors in their respective dioceses, since they have been chosen to be sharers of our burden, as we have already said, and since dioceses with defined boundaries have been assigned to each of the bishops. We truly desire, then, that these spiritual rights be exercised by the bishops, and that the right of freely exercising them be truly, as far as possible, kept intact for them. If our predecessors as Roman pontiffs and the apostolic see have granted any such spiritual rights to the said mendicant friars to the harm of the bishops we consider that such concessions made to religious ought in future to be limited, so that the friars themselves will be supported in all charity by the said bishops rather than be troubled and disturbed. For, regulars and seculars, prelates and subjects, exempt and non-exempt, belong to the one universal church, outside of which no one at all is saved, and they all have one Lord and one faith. That is why it is fitting that, belonging to the one same body, they also have the one same will; and just as the brethren are united by the bond of mutual charity, so it is not fitting that they arouse among themselves injustice and hurt, since the Saviour says, My commandment is that you love one another as I have loved you .

We wish to preserve charity and mutual goodwill among bishops, their superiors, prelates and friars, as well as to promote divine worship and the peace and tranquillity of the universal church. We know this can be done only if each preserves as far as possible his own jurisdiction. We have therefore decided and decreed, with the approval of the sacred council, that the said bishops, their superiors and other prelates may visit the parish churches which legitimately belong to the same friars by reason of their residences, with regard to what concerns the care of the parishioners and the preservation and administration of the sacraments, without however the exceptional trouble and expense of official visitors. They may punish those responsible for the churches and failing in this matter: if they are religious, then in accordance with the rules of their order within the precincts of the religious house, if they are secular priests or friars who hold benefices of this kind, then they may freely punish them as being subject to their jurisdiction. Both prelates and secular priests who are not excommunicated may celebrate masses out of devotion in the churches of the said religious houses, if they wish to do so, and the friars themselves ought to welcome them. Friars who are invited by the same prelates to take part in solemn processions ought to agree, provided the suburban friary in question is not more than a mile away from the city . The friars' superiors are bound to specify and present in person to the same prelates the friars whom they have chosen to hear for a time the confessions of the prelate's subjects, if the prelates ask for them to be specified and presented to them; if not, then to their vicars; with the condition that they are not bound to go to prelates who are more than two days' journey away. The friars in question may be examined by the same bishops and prelates, at least regarding the sufficiency of their learning and their other skills relative to this sacrament. If they are accepted, or if the refusal is unjust, then, in accordance with the constitution Omnis utriusque sexus, let them be considered as accepted at least as regards confession, and they can even hear the confessions of strangers. They have no power, however, to absolve layfolk and secular clergy from manimposed penalties. They may not administer the eucharist and extreme unction and the church's other sacraments to those whose confessions they have heard, including the sick and the dying, who say that their own priest has refused to give the sacraments to them, unless the refusal was made without a just reason and

this is proved by the testimony of neighbours or by an investigation carried out before a pubic notary. They have no authority to administer these sacraments to persons requesting their ministrations except during a period of actual service to them. Temporary agreements and contracts between friars and prelates or curates are valid unless they are rejected by the next general or provincial chapter and the rejection is duly communicated by the chapter. Friars may not enter parishes bearing a cross in order to carry out the funerals of those who have chosen to be buried at the churches of their houses or institutions, unless the parish priest, having received due notice and a request, does not refuse, and in that case without prejudice to himself and the ordinary; or unless there is an ancient custom on this point with the friars, which is currently in force and is mutually agreed upon. Those who wish to be buried in the habit of the said friars, but who live in their own houses and not in enclosure, are free to choose a burial place for themselves in their last wills .

Friars due to be promoted to orders are to be examined by the ordinaries on grammar and their competence. Provided they answer adequately, they ought to be readily admitted by the ordinaries. They may not, however, be ordained in their churches or houses or other places by anyone except the diocesan bishop or his deputy (the latter is to be asked with due reverence), unless the bishop refuses on insufficient grounds or is absent from his diocese. They should not ask for the consecration of a church or an altar, or the blessing of a cemetery, from another bishop; and they may not arrange for the first stone of a church being built for them to be laid by a strange bishop, unless the ordinary refuses without any just reason after he has been asked two or three times with due reverence and urgency. Friars may not bless a bride and bridegroom without the consent of those in charge of the parish. In order to render to the mother church the honour due to her, friars and secular clerics may not ring the bells of their churches on Holy Saturday before those of the cathedral or mother church have been rung, even if they are supported on this point by a privilege of the apostolic see. Those acting otherwise incur a penalty of one hundred ducats. They are to publish and observe in the churches of their own houses the censures which are imposed promulgated and solemnly published by the ordinaries in the mother churches of cities as well as in the collegiate and parish churches of castles and towns, when they are asked to do this by the same ordinaries. To provide more fruitfully for the salvation of the souls of Christ’s faithful of both sexes, they are obliged to advise and encourage those whose confessions they have heard for a time, no matter of what standing or status they may be, that they are bound in conscience to pay tithes, or a portion of their goods or produce, in those places where such tithes or dues are customarily paid; and they are obliged to refuse absolution to those who will not pay them. They are bound, moreover, to include this in their public preaching and exhortations to the people when they are asked to do so . The conservators assigned for a time to the same friars by the apostolic see ought to be outstanding in learning and good reputation and of established ecclesiastical rank. They cannot oblige to appear before them anyone living more than two days’ journey away, notwithstanding any privileges granted to the conservators at other times. Excommunicated persons wishing to enter a mendicant order cannot be absolved when the interests of a third party are involved, unless satisfaction has previously been made. Procurators, business agents and workers in the service of the said friars are subject to sentences of excommunication which have been promulgated, if they have given cause for them or have offered help, favour or advice to the guilty. Brothers and sisters of the third order, and those known as the cloaked ones, the girdled ones and the devotees, and others no matter how named, living in

their own homes, can choose whatever place of burial they wish. They are bound, however, to receive the eucharist at Easter as well as extreme unction and the other sacraments of the church, with the exception of the sacrament of penance, from their own priest . They are obliged to undertake the tasks incumbent upon the laity, and they can be brought before lay judges in a secular court. To avoid the cheapening of ecclesiastical censures, and sentences of interdict being regarded as of little importance, members of the said third orders are in no way to be admitted to hear divine services in the churches of their orders during a period of interdict, if they have given grounds for the interdict or encouraged or supported those grounds, or if they have in any way offered help, counsel or favour to the guilty . But those living in an official group, or dwelling with the enclosed, and women who are leading a life of virginity, celibacy or chaste widowhood under an expressed vow and with a habit, ought to enjoy the privileges of the order of which they are tertiaries .

We wish and decree that each and all of the above norms are to be extended to and observed by, all other religious of other orders. In matters not mentioned above, the rights of the said bishops and friars and other religious are to be maintained. We do not wish to prejudice these rights in any way by the above statements, or to introduce anything new. This is notwithstanding apostolic constitutions and ordinances; statutes and customs of the said orders which have been strengthened by oath, apostolic confirmation or any other form of reinforcement; and privileges, indults and apostolic letters which have been granted to the same orders and are contrary to what has been set down above or to any part of it, even what was included in Mare magnum. If there is required a mention or other statement that is special, specific, clear, distinctive, word for word, and not by general clauses, regarding these things and their meaning, or if some other carefully chosen form should be used, in order that they might be abrogated, then we consider their meaning to be sufficiently expressed and included in this present letter, we expressly and specially abrogate anything to the contrary, and we decree as null and void anything that is knowingly or unknowingly attempted to the contrary in these matters by any person acting on any authority .

We warn the friars, in virtue of holy obedience, to revere bishops with fitting honour and due respect, out of the reverence owed to us and the apostolic see, since they act as deputies in place of the holy apostles. As for bishops, we urge and appeal by the tender mercy of our God that, while attending to the friars with well-disposed affection, treating them with kindness and encouraging them, they present themselves to them as in no sense difficult or hard or peevish, but rather as easy, mild, well-disposed and liberal in loving generosity, and that in all the above-mentioned matters they welcome them with ready kindness as co-workers in the Lord’s vineyard and as sharers in their labours, and that they guard and defend their rights with all charity, so that both bishops and friars, whose works as burning lamps set on a hilltop ought to provide light to all Christ’s faithful, may move forward from strength to strength for the glory of God, the triumph of the catholic faith and the salvation of peoples, and in consequence deserve to obtain from the Lord, the most generous recompenser of all good deeds, the reward of eternal life. Let nobody therefore . . . If anyone however . . .

SESSION 12

16 March 1517 [Against those attacking the houses of cardinals]

Leo, bishop, servant of the servants of God, with the approval of the sacred council, for an everlasting record. Certain audacious persons disdain to show the appropriate deference to the cardinals of the holy Roman church, who are the chief pillars of the catholic church. They do not fear to lay violent hands, with impious boldness, on their possessions and properties. Their uncontrolled desire warns and induces us to strengthen, increase and extend -- in accordance with the character of the times and with what we perceive in the Lord to be soundly in keeping with so distinguished an office in God's church -- those measures which, by wise planning, were established by our predecessors for the safe-guarding of the high office of the said cardinals, in order that the boldness of these people may be restrained before it extends even further. Indeed, there has recently grown up in Rome a damnable abuse and lack of restraint in wrongdoing. Thus, while there is a vacancy in the apostolic see, and the election of a future Roman pontiff is actually being discussed by the cardinals in conclave, if some rumour leaks out, even if false, that one of the cardinals has been elected as pontiff, the mob attacks his house with arms and contends by force with his servant-guards, while he is still in the conclave, over the despoiling of his house . If an entry is forced by breaking down the doors or digging under the wall, the mob rushes in to plunder all the goods that are there, unless a defence is made by armed guards. Sometimes there are some who are so audacious and headstrong that they do not fear even on other occasions to attack the houses of cardinals in a hostile fashion and with arms, under the guise of general brawling, and to strike and wound while they are there, as a result of which there is considerable loss to the honour of the cardinalate, by which the most holy church militant is fully adorned as by a purple garment, contempt for the cardinals is aroused, and occasion is given for murders and other scandals .

We wish to suppress audacious tendencies of this kind by fitting punishments . We therefore renew by this letter, with the approval of the sacred council and by our apostolic authority, the published constitutions of our predecessors as Roman pontiffs, Honorius III and Boniface VIII of happy memory, against those pursuing any cardinal of the said church in a hostile manner, those assisting such persons by their presence, counsel or support, or knowingly harbouring or defending them, and those attacking their houses or dwellings, as said above, and their descendants and property. We decree that these constitutions must be observed everywhere without alteration for all future times. We also extend these same constitutions, with each and every censure and penalty contained in them, to each and every living person of whatever status, condition and distinction, who attacks with an armed band the home of any of the said cardinals, both at the time of the said conclave, even if the cardinal in question has been elected pope, and at other times and for any reasons, and who seizes anything in the house with violence like an enemy or wounds anyone of those dwelling there, and also their associates and those who have given orders for it to be done, or have given personal approval to the deed or have provided counsel and support to the attackers in the above matters and have defended them. This is notwithstanding apostolic constitutions and ordinances and other measures of whatever kind to the contrary. Let nobody therefore . . . If anyone however . . .

[Constitution imposing taxes and closing the council]

Leo, bishop, servant of the servants of God, with the approval of the council, for an everlasting record. We have been set over nations and kingdoms, as the prophet declared, although our merits are unequal to this. We are suitably carrying out the duty of our office when we renew again

that reform of the whole church and its affairs which we have accomplished with profit; when we plan to apply suitable remedies for the unchallenged observance of the reform and to make provision for cathedrals and metropolitan churches so that they may no longer be without their pastors; and when we supervise these remedies with ever-present attention and untiring efforts, by means of which we may be able to render the Lord's flock, which has been entrusted to our care, acceptable and submissive in the sight of the divine majesty. Our aim is also to crush the Turks and other infidels standing firm in the eastern and southern regions. They treat the way of true light and salvation with complete contempt and totally unyielding blindness; they attack the life-giving cross on which our Saviour willed to accept death so that by dying he might destroy death, and by the ineffable mystery of his most holy life he might restore life; and they make themselves hateful enemies of God and most bitter persecutors of the christian religion. Strengthened by defences not only spiritual but also temporal, we may be able, under God's guidance and favour, to oppose the bitter and frequent sallies by which, in wild rage, they move savagely amidst christian blood .

Indeed, pope Julius II, our predecessor of happy memory, acting in union with the holy Spirit, in a laudable and legitimate manner, for sound reasons, with the advice and consent of his venerable brothers, the cardinals of the holy Roman church, of whom we were then one, summoned the sacred Lateran council. He held five sessions and summoned a sixth. He then passed from the human scene. We were then raised to the summit of the highest apostolate by the favour of the divine mercy. We had always had a heartfelt desire, even at lesser meetings, to see a general council being celebrated as a very important development in the Lord's field. We realised that an obligation had been added to our honourable and useful desire as a result of the duty of pastoral care now laid upon us. We therefore undertook this matter with a more burning commitment and a total readiness of mind. We gave approval in the said sixth session, with the advice and consent of our said brother cardinals and with the approval of the same sacred Lateran council, to the postponement of the council to a fixed date, which was then clearly stated, for reasons made clear from the situation and for others affecting our own and the minds of our said brother cardinals. The council was to continue towards the completion of the objectives for which it had been summoned; and especially that, once the terrible conflicts between christian princes and rulers were settled and weapons of war set aside, a universal and lasting peace could be established. Leaving nothing untried, we intended to use all our efforts to bring about this peace and to conclude it, as if it were a good of supreme advantage. We also declared that it is and shall be part of our unchangeable thought and intention that, once the matters concerning the praise of God and the exaltation of the aforesaid church have been completed, the holy and most necessary expedition against the enemies of the catholic faith shall take place and a successful triumph over them be accomplished with the aid of the most High. In order that those under an obligation to attend this most useful council might not be held back in any way from coming to it, and so that they might be unable to proffer any excuse, we provided and granted, with the approval of the said Lateran council, to each and all of those summoned to the celebration of the council by our predecessor Julius, and to their attendants, a safe-conduct while they were travelling to and staying in Rome for the purposes of the said Lateran council. We urged kings and princes, out of reverence for the apostolic see, not to molest those coming here but to permit them to travel in safety .

We summoned the seventh session. We wanted nothing more than that those useful and necessary matters on account of which the said Lateran council had been summoned might be brought to their conclusion. We therefore set up three special committees of cardinals and other prelates to listen to and discuss matters of this kind and other conciliar business, and we ordered them to report to the council on what they had heard and discussed. One of the committees had the special task of establishing a universal peace between christian kings and princes, which was one of the chief reasons for the said council coming together, and of rooting out the schism; the second had the special task of general reform, including the reform of the curia; and the third had the special task of examining and abrogating the Pragmatic Sanction and of dealing with matters concerning the true faith. Each committee carefully examined many useful and necessary topics and accurately reported to us about them. The subjects discussed and investigated by them were completed and concluded by us, with God's favour and the approval of the sacred council, in the remaining five sessions of the council which we held. We then knew beyond all doubt that God himself, the giver of gifts, had favoured our devout desires and those tending to the common good, out of his exceeding goodness and mercy, and that he had granted to us what we had planned in our own mind and for which we had greatly laboured namely that once the matters on account of which the council had been summoned had been concluded in conformity with the council's aims, the council itself could be closed and discharged . The emperor-elect Maximilian, our dear son in Christ, in the time of our said predecessor Julius, and king Louis of France, of happy memory, in our own time, as well as other kings and princes adhered to the Lateran council, lawfully assembled in the holy Spirit, to the greatest satisfaction of everyone. The quasi-council at Pisa, which had been summoned by certain persons without the necessary authority and had been condemned by the same Julius who preceded us, was treated by them as condemned in accordance with the decision of the said Julius. The schism which had begun to grow from this was ended (although it is c ear that so long as the situation continued, it brought very many injures to prelates and others of Christ's faithful at various times, as well as to other general councils held until this time). There was peace for the whole church and a resulting union. The moral habits of churchmen as well as of secular and other persons were reformed, insofar as this seemed appropriate, and several matters concerning the true faith were defined. Several other matters, after being carefully examined and debated in the three committees of cardinals and prelates mentioned above, were considered with care and skill in the said council and a final decision was reached. Finally, it was reported to us on several occasions, through the cardinals and prelates of the three committees, that no topics remained for debate and discussion by them, and that over several months nothing at all new had been brought before them by anyone. The bishops who had been invited to share with us the responsibility for the support and care of the Lord's flock, as well as other prelates, had remained in Rome rather a long time beyond the normal usage of sacred councils, with inconvenience and loss to themselves and to their churches .

Therefore there seemed to remain, of all the above things which we and the said committees so much desired to be completed in the council, only peace between kings and princes and a harmony of minds. Our attitude in favour of this, and our striving with every effort for its accomplishment, can be made abundantly clear to all who read our letters. God himself, who is the supreme light and truth of all things, knows how we never ceased to beg and implore of him, by many prayers and constant appeals, that he would deign of his mercy to influence the christian flock -- which he has entrusted to our care, despite our lack of merits -- to enter upon a stable and

enduring peace, now that this same flock has been roused by the warmth of mutual charity. We have earnestly urged this in the Lord, whose cause is principally in question, upon kings and princes, by means of persuasive reasons, through the nuncios whom we keep at the court of the emperor-elect Maximilian and with the aforesaid kings and princes, and through letters; especially if they wish to provide and take measures, as is right, on behalf of the christian religion and the catholic faith, which have been brought into serious danger and risk by the recently extended power of the ruler of the Turks. We have learnt from the letters of the same nuncios, kings and princes that our appeals have been of such great power and efficacy with the said kings and princes, and have influenced their hearts and minds to such an extent, that the peace so long desired by us for the good of the whole christian state has been almost concluded in intention, and the hope is that if anything remains it will soon be resolved (by God's favour). Our heart exults in our Lord Jesus Christ as we ponder over this in our mind and spirit. We give thanks for this to him, the giver of all graces, because he has guided these persons to the harmony we had longed for. We think that all Christ's faithful should offer to God thanks and those signs of joy which are customary on such occasions, and that God be asked that the peace achieved may endure .

It only remains, therefore, for the holy and very necessary campaign to be undertaken against the fury of the infidels thirsting for christian blood, and for all the measures decided upon as powerful safeguards in the eleven sessions, held partly by us and partly by our predecessor Julius, to be approved and renewed and ordered to be observed unchallenged. Accordingly, after mature deliberation on these matters with our brothers and other prelates, we approve and renew by apostolic authority, with the approval of the sacred council, all and each of the acts and decisions of the said eleven sessions, and the letters published above together with all the clauses contained in them -- apart from certain excepted matters which we judge should be conceded to specified persons for the sake of the peace and unity of the universal church -- as well as the business carried out by the committees. We decree and order that they are to be observed without alteration for ever, and that those carrying them out are to see that they and their contents are observed, namely: in the Roman curia, the current governor of our mother city and our vicar as well as the auditor general of the apostolic camera, who have the power to oblige and compel persons subject to them; and outside the Roman curia, we depute for this purpose each and all local ordinaries. We forbid each and all of Christ's faithful, under penalty of immediate excommunication, to presume to interpret or gloss what has been produced and carried out in the present council without our permission and that of the apostolic see .

We decree, with the approval of the sacred council, that the said campaign against the infidels is to be undertaken and carried through. Zeal for the faith prompts us to this. It has been so often proposed and promised by us and our predecessor Julius in the sessions referred to, when the business of the council was being explained. On several occasions it was communicated to, and discussed with, spokesmen at our court representing kings and princes. Pope Nicholas V, our predecessor of pious memory, summoned a general expedition against the infidels after the disastrous fall of Constantinople in order to crush their fury and to avenge the wounds of Christ. Callistus III and Pius II, of happy memory our predecessors as Roman pontiffs, urged on by zeal for the faith, followed in the same path with skill and energy. During a subsequent period of three years, we imitated them by means of an authorisation from ourselves and our said brothers for imposing and exacting a tithe on the revenues of churches, monasteries and other benefices

throughout the world and for doing each and every other thing that is necessary and customary in a campaign of this kind. We continually pour forth holy, humble and earnest prayers to almighty God that the campaign may have a happy outcome. We order the same to be done by all Christ's faithful of either sex. We exhort Maximilian, the emperor-elect, and kings, princes and christian rulers, whose courage God bids us to rouse, beseeching them by the tender mercy of our God, Jesus Christ, and appealing to them by his fearful judgment to remember that they shall have to render an account of their defence and preservation -- even by giving their lives -- of the church itself, which has been redeemed by Christ's blood, and to rise up in strength and power for the defence of the christian faith, as is incumbent on them as a personal and necessary duty, with all mutual hatred being set aside and quarrels and conflicts among themselves being committed to everlasting oblivion. At this time of such great need, let them offer with eagerness their ready assistance in keeping with their resources. We urge with paternal affection and ask them that, at least during the campaign, out of reverence for almighty God and for the apostolic see, they assure the unbroken observance of the peace into which they have entered, so that such an important good, which we hope and desire will be obtained with the help of the Lord's right hand, may not be impeded by some interruption from discord and dissension . In order that prelates and others at the present council, which has lasted for nearly five years, may not be further wearied by their labours and expenses and so that they may be able to visit and bring encouragement to their churches, and for other reasonable and just causes, we bring the present council to a close and we discharge it with the Lord's blessing. With the approval of the same sacred council, we grant permission to each and all who are present at the council to return to their own countries. In order that they may be able to go back with ever increasing joy and strengthened with spiritual gifts, we impart to them and to all their attendants a plenary remission and indulgence for all their sins, once in their lifetime and again at the hour of death. Let nobody therefore ... If anyone however ...

END OF TEXT

19 Part 1 The Council of Trent

The Council of Trent

The canons and decrees of the sacred

and oecumenical Council of Trent,

Ed. and trans. J. Waterworth (London: Dolman, 1848)

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Indiction of the next session

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Indiction of the next session

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Decree touching the symbol of faith

Indiction of the next session

DECLARATIONS OF THE COUNCIL OF TRENT ANATHEMA <file://C:\CCD\churchfathers\CHURCH COUNCILS & Liturgies\TRENT.html>

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Notes The Rev. J. Waterworth's translation of the Canons and Decrees of the Council of Trent was first published in 1848. The most recent translation was done by the Rev. H.J. Schroeder. It was published together with the Latin text in 1941. (Canons and Decrees of the Council of Trent. trans. H. J. Schroeder. St. Louis: Herder, 1941). It is under copyright. A paperback edition of Schroeder's translation (English text only) is currently in print. The page numbers of the 1848 edition of

Waterworth's translation have been placed in brackets within the text. Waterworth's use of italic fonts and his citations (mostly references to Scripture) have not been reproduced, except for in the preface below. His historical essays and appendices have likewise been omitted. Waterworth's preface is reproduced in full below.

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--FL 8-15-01

J. Waterworth's Preface

The canons and decrees of the sacred

and oecumenical Council of Trent,

Ed. and trans. J. Waterworth (London: Dolman, 1848), v-viii.

[Page v] Many years have elapsed since the Editor of this work formed the design of publishing a translation of the General Councils. The advantage, or necessity, of studying the Councils, as one of the chief records of the faith, morals, and discipline of the Church; as the main basis and exponents of canon law; as containing much of the history of the Church and of heresy; and finall, as forming part of that deposit of doctrine and practice, which so many are called upon to receive in the Profession of Faith of Pius IV.; furnished motive enough to regard the undertaking as one of importance and general utility. And it was also thought, that a work of this class would be acceptable and advantageous, not only to the ecclesiastical student, but also to all who may wish to make themselves acquainted with the real docctrines of the Catholic Church, as stated and defined, not by individuals, but by her assembled prelates, secured from error, in matters of faith, by the promised assistance of the Holy Spirit, when thus representing in Council the entire Church of God. The Council of Trent has been first prepared for press, because that Council is of more immediate use for the present times; as the errors of the Innovators of the sixteenth century are there condemned, and the Catholic doctrine is there also [Page vi] stated, on the chief points which still unfortunately separate so many from our communion; and also because the decrees of discipline and reformation, published by that Council, embody the leading principles of Canon Law, by which the government and polity of the Church are, in a great measure, now regulated. This latter consideration weighed much with the Editor, in inducing him to proceed at once with this last of the General Councils. The times were said to be ripe for a restoration, in this country, of the ordinary discipline of the Church, as regards bishops and clergy; or, at all events, it appeared to many, that the day could not be far distant, when such a consummation must be looked for; and when, therefore, it would become, or was becoming, necessary, to enable all, readily and easily, to study the true duties and rights which they would, perhaps soon, be called upon to exercise.

It only remains to notice such details, in the execution of the work, as may be thought likely to interest the reader.

1. The edition of the Council used, is Le Plat's copy [a] of the authentic edition, published at Rome in 1564.

2. Neither time, nor labour, has been spared to render the translation as faithful a transcript as possible of the original; the most minute accuracy being essential to the value of a work of this

character. Hence, the translation will be found to be a literal, and, as far as was attainable, a verbatim representation of the words of the Council; and where those words seemed, either susceptible of a somewhat different rendering, or to convey some slight shade of meaning not capable of being reproduced in our language, they have been uniformly placed in the margin.

3. Many notes, and especially numerous references to previous Councils, had been prepared, to elucidate the meaning of the Council; but after much reflection, they have been, almost entirely, suppressed; for fear of infringing on a wise and extensive prohibition, issued in the Bull of Confirmation, against glosses, and other such attempts at illustrating the decrees of the Council. Such, then, is the general character, or what it has been the Editor's endeavour to render the character, of this first translation [b] of the Council of Trent into the English language; but should any passage, or word, be discovered, or be thought, to be less accurately translated, than might be wished, the translator will feel grateful to have the place pointed out to him, that he may give the suggested emendation a candid consideration, and adopt it if advisable.

4. To the canons and decrees are prefixed two historical essays. The first of those pieces treats of the causes and events which immediately preceded and occasioned the convocation of the Council; whilst the second essay is a connected narrative of the proceedings of the assembled prelates and theologians, preparatory to each Session. The one gives the history of the times; the other of the Council; and the second especially will, it is believed, be found useful in elucidating many phrases and canons, and in fixing the meaning of passages and decrees which might labour under some obscurity, if considered only as they stand in the text. In fact, without an intimate acquaintance with the debates in the congregations, which prepared for and preceded the public Sessions, it would be difficult, or impossible, to form a just and an accurate judgment on the form of words [Page viii] used in several of the most important decrees, especially of discipline and reformation.

5. In compiling both the external and internal history of the Council of Trent, continued use has been made of the noble work of Pallavicino; [c] and as nearly all the leading facts and statements are derived from that authentic record, it has not been thought necessary to load the margin with references; almost every important circumstance, narrated in the essays, being capable of being confirmed by reference to that work.

J. WATERWORTH NEWARK, May 22nd, 1848.

FOOTNOTES

[a] Antwerpie, 1779. This edition is very valuable, on account of its vast mass of various readings; and the catalogues of the Fathers present at the Sessions. Two of those lists will be found in an Appendix at the close of this volume.

[b] An anonymous translation appeared in 1687; but it is so unfaithful and even ludicrously absurd, that it might be regarded rather as a burlesque, than a translation, of the decrees.

[c]Istoria del Concillio di Trento, Roma, 1657.

[Page 1] THE BULL OF INDICTION

OF THE SACRED OECUMENICAL AND GENERAL COUNCIL OF TRENT

UNDER THE SOVEREIGN PONTIFF, PAUL III

PAUL, bishop, servant of the servants of God, for the future memory hereof. At the beginning of this our pontificate,--which, not for any merits of our own, but of its own great goodness, the providence of Almighty God hath committed unto us,--already perceiving unto what troubled times, and unto how many embarrassments in almost all our affairs, our pastoral solicitude and watchfulness were called; we would fain indeed have remedied the evils wherewith the Christian commonweal had been long afflicted, and well-nigh overwhelmed; but we too, as men compassed with infirmity, felt our strength unequal to take upon us so heavy a burthen. For, whereas we saw that peace was needful to free and preserve the commonweal from the many impending dangers, we found all replete with enmities and dissensions; and, above all, the (two) princes, to whom God has entrusted well-nigh the whole direction of events, at enmity with each other. Whereas we deemed it necessary that there should be one fold and one shepherd, for the Lord's flock in order to [Page 2] maintain the Christian religion in its integrity, and to confirm within us the hope of heavenly things; the unity of the Christian name was rent and well-nigh torn asunder by schisms, dissensions, heresies. Whereas we could have wished to see the commonwealth safe and guarded against the arms and insidious designs of the Infidels, yet, through our transgressions and the guilt of us all,--the wrath of God assuredly hanging over our sins,--Rhodes had been lost; Hungary ravaged; war both by land and sea had been contemplated and planned against Italy, Austria, and Illyria; whilst our impious and ruthless enemy the Turk was never at rest, and looked upon our mutual enmities and dissensions as his fitting opportunity for carrying out his designs with success. Wherefore, having been, as we have said, called upon to guide and govern the bark of Peter, in so great a tempest, and in the midst of so violent an agitation of the waves of heresies, dissensions, and wars; and, not relying sufficiently on our own strength, we, first of all, cast our cares upon the Lord, that He might sustain us, and furnish our soul with firmness and strength, our understanding with prudence and wisdom. Then, recalling to mind that our predecessors, men endowed with admirable wisdom and sanctity, had often, in the extremest perils of the Christian commonweal, had recourse to ecumenical councils and general assemblies of bishops, as the best and most opportune remedy, we also fixed our mind on holding a general council; and having consulted the opinions of those princes whose consent seemed to us to be specially useful and opportune for this our project; when we found them, at that time, not averse from so holy a work, we, as our letters and records attest, indicted an ecumenical council, and a general assembly of those bishops and other Fathers whose duty it is to assist thereat, to be opened at the city of Mantua, on the tenth of the calends of June, in the year 1537 of our Lord's Incarnation, and the third of our pontificate; having an almost assured hope that, when assembled there in the name of the Lord, He, as He promised, would be in the midst of us, and, in His goodness and mercy, easily dispel, by the breath of His [Page 3] mouth, all the storms and dangers of the times. But,--as the enemy of mankind ever sets his snares against holy enterprises, --at the very outset, contrary to all our hopes and expectations, the city of Mantua was refused us, unless we would submit to certain conditions,--as described in other letters of ours,--which conditions were utterly alien to the institutes of our predecessors, to the state of the times, to our own dignity and liberty, that of this holy see, and of the ecclesiastical character. We were, therefore, necessitated to find another place, and to make choice of some other city ; andwhereas one fit and suitable did not immediately present itself, we were obliged to prorogue the celebration of the council unto the ensuing calends of November. Meanwhile the Turk, our cruel and perpetual enemy, attacked Italy with a vast fleet;

took, sacked, ravaged several cities of Apulia, and carried off numbers into captivity; whilst we, in the midst of the greatest alarm, and the general danger, were engaged in fortifying our shores, and in furnishing assistance to the neighbouring states. But not therefore did we meanwhile cease to consult with the Christian princes, and to exhort them to inform us, what, in their opinion, would be a suitable place wherein to hold the council: and whereas their opinions were various and wavering, and there seemed to be needless delay, we, with the best intentions, and, as we also think, with the most judicious prudence, fixed on Vicenza, a wealthy city granted to us by the Venetians, and which, by their valour, authority, and power, offered in a special manner both unobstructed access, and a safe and free place of residence for all. But, as too much of the time appointed had already passed away; and it was necessary to signify to all the fresh city that had been chosen; and, whereas the approaching calends of November precluded our having the opportunity of making the announcement of this change public, and winter was now near; we were again constrained to defer, by another prorogation, the time for opening the Council, to the next ensuing Spring, that is, to the next calends of May. This having been firmly resolved upon and decreed; considering,--whilst preparing ourselves, and [Page 4] arranging all other matters for conducting and celebrating that assembly in a proper manner under the divine assistance,--that it was a point of great importance, both as regards the celebration of the Council, and the general weal of Christendom, that the Christian princes should be united together in peace and concord; We ceased not to implore and conjure our most beloved sons in Christ, Charles, ever August, the emperor of the Romans, and Francis, the most Christian king, the two main supports and stays of the Christian name, to meet together for a conference between them and us; and, with both of them, by letters, Nuncios, and our Legates a latere selected from amongst our venerable brethren, did we very often strive to move them to lay aside their jealousies and animosities; to unite in strict alliance and holy friendship; and to succour the tottering cause of Christendom: for as it was to preserve this especially, that God had bestowed on them their power, if they neglected to do this, and directed not all their counsels to the common weal of Christians, a bitter and severe account would they have to render unto Him. They, yielding at last to our prayers, repaired to Nice; whither we also, for the cause of God and to bring about peace, undertook a long journey, though sorely unsuited to our advanced age. Meanwhile, as the time fixed for the Council,--the calends to wit of May,--drew nigh, we did not neglect to send to Vicenza three Legates a latere,--men of the greatest virtue and authority, chosen from the number of our own brethren, the cardinals of the holy Roman Church,--to open the Council; to receive the prelates as they arrived from various parts; and to transact and attend to such matters as they should deem necessary, until we, on our return from our journey and message of peace, should be able ourselves to direct everything with greater precision. We, in the mean time, applied ourselves to that holy and most necessary work, the negotiation of peace; and this with all the zeal, the affection, and the earnestness of our soul. God is our witness, on whose clemency we relied, when we exposed ourselves to the dangers of that journey at the peril of our life: our conscience is our witness, which herein, at least, cannot reproach us with having either neglected, or not sought for, an opportunity of effecting a reconciliation: the [Page 5] princes themselves are our witnesses, whom we so often and so earnestly conjured by our Nuncios, letters, legates, admonitions, exhortations, and by all kinds of entreaties, to lay aside their jealousies, to unite in alliance, and with combined zeal and forces to succour the Christian commonweal, which was now reduced to the greatest and most urgent danger. And witnesses too are those watchings and cares, those labours of our soul both by day

and night, and those grievous solicitudes, which we have already endured to such an extent in this business and cause; and yet our councils and acts have not as yet brought about the wished-for result. For so hath it seemed good to the Lord our God, who, however, we still hope will cast a more favourable eye on our wishes. For ourselves, we, as far as in us lay, have not, indeed, herein omitted anything that was due from our pastoral office. And if there be any who interpret in any other sense our endeavours after peace, we are indeed grieved; but, in our grief, we return thanks to that Almighty God, who, as a pattern and a lesson of patience unto us, willed that His own apostles should be accounted worthy to suffer reproach for the name of Jesus who is our peace. However, in that our meeting and conference at Nice, though, by reason of our sins, a true and lasting peace could not be concluded between the two princes, yet was a truce for ten years agreed upon; under favour of which having our hopes, that both the sacred council might be celebrated more commodiously, and further that peace might be perfectly established by the authority of the council, we were urgent with those princes to come themselves to the council, to bring with them those of their prelates who accompanied them, and to summon the absent. They having excused themselves upon both these points,--for that it was at that time, necessary for them to return to their kingdoms, and that the prelates whom they had with them, being wearied and exhausted by the journey and its expenses, must needs refresh and recruit themselves,--exhorted us to decree yet another prorogation of the time for opening the council. And whereas we had some difficulty to yield herein, in the interim we received letters from our legates [Page 6] at Vicenza, announcing that, although the day for opening the council had arrived, nay had long since passed by, barely one or two prelates had repaired to Vicenza from any of the foreign nations. Upon receiving this information, seeing that the council could not, under any circumstances, be held at that time, we accorded to the said princes, that the time for celebrating the council should be deferred till next holy Easter, the feast of the Resurrection of the Lord. Of which our ordinance and prorogation, the decretal letters were given and published at Genoa, in the year of the Incarnation of our Lord, MDXXXVIII, on the fourth of the calends of July. And this delay we granted the more readily, because each of the princes promised us to send an ambassador to us at Rome; in order that those things which were necessary for the perfect re-establishment of peace,--all of which could not, on account of the shortness of the time, be completed at Nice,--might be treated of and negotiated more conveniently at Rome in our presence. And for this reason also, they both begged of us, that the negotiation of peace might precede the celebration of the council; for that, peace once established, the council itself would then be much more useful and salutary to the Christian commonweal. It was, indeed, this hope of peace, thus held out to us, that ever moved us to assent to the wishes of those princes; a hope which was greatly increased by the kindly and friendly interview between those two princes after our departure from Nice; the news of which was to us a source of very great joy, and so confirmed us in our good hope, that we believed that God, at length, had hearkened to our prayers, and had graciously received our earnest wishes for peace. The conclusion, then, of this peace was both desired and urged; and as it was the opinion not only of the two princes aforenamed, but also of our most dear son in Christ, Ferdinand, King of the Romans, that the business of the council ought not to be entered upon until after peace had been established; whilst all the parties urged upon us, by letters and their ambassadors, again to appoint a further prorogation of the time; and the most serene emperor was especially urgent, representing that he had promised those who dissent from Catholic unity, that he would interpose his mediation with us, to the end that some plan of [Page 7]

concord might be devised, which could not be accomplished satisfactorily before his return to Germany: impelled throughout by the same desire of peace, and by the wishes of so mighty princes, and, above all, seeing that not even on the said feast of the Resurrection had any other prelates assembled at Vicenza, we, now avoiding the word prorogation, so often repeated in vain, chose rather to suspend the celebration of the general council during our own good pleasure, and that of the Apostolic See. We accordingly did so, and despatched our letters touching such suspension to each of the above-named princes, on the tenth day of June, MDXXXIX, as from the tenor thereof may be clearly seen. This necessary suspension, then, having been made by us, whilst we were looking forward to that more suitable time, and to that conclusion of peace which was later to bring both dignity and numbers to the council, and more immediate safety to the Christian commonweal; the affairs of Christendom meanwhile fell day by day into a worse state. The Hungarians, upon the death of their king, had invited the Turk; King Ferdinand had declared war against them; a part of Belgium had been incited to revolt against the most serene emperor, who, to crush that rebellion, traversed France on the most friendly and harmonious terms with the most Christian king, and with great show of mutual good will towards each other; and, having reached Belgium, thence passed into Germany, where he commenced holding diets of the princes and cities of Germany, with the view of treating of that concord of which he had spoken to us. But as there was now no longer scarcely any hope of peace, and the scheme of procuring and treating of a re-union in those diets seemed only adapted to excite greater discord, we were led to revert to our former remedy, a general council; and, by our legates, cardinals of the holy Roman Church, we proposed this to the emperor himself; and this we did especially and finally in the diet of Ratisbon, at which our beloved son, Cardinal Gaspar Contarini, of the title of St. Praxedes, acted as our legate with very great learning and integrity. For, whereas what we had previously feared now come to pass,--that by the advice of that diet we were called upon to declare that certain of the articles, maintained by the dissenters from the Church, were to be tolerated until they should be examined and decided upon [Page 8] by an ecumenical council; and whereas neither Christian and Catholic truth, nor our own dignity and that of the Apostolic See, would suffer us to yield this,---we chose rather to command that a proposal should be openly made, that a council should be held as soon as possible. Nor, indeed, had we ever any other sentiment or wish, but that an ecumenical and general council should be convened on the very first opportunity. For we hoped that both peace might thereby be restored to the Christian people, and to the Christian religion its integrity; yet were we wishful to hold that council with the good wishes and favour of the Christian princes. And whilst looking forward to those good wishes, whilst watching for that hidden time, for the time of thy good pleasure, 0 God, we were at last forced to the conclusion, that every time is well pleasing unto God wherein deliberations are entered upon touching holy things, and such as relate to Christian piety. Wherefore, upon beholding with the bitterest grief of soul, that the affairs of Christendom were daily hurrying on to a worse state; Hungary overwhelmed by the Turk; Germany endangered; all the other states oppressed with terror and affliction; we resolved to wait no longer for the consent of any prince, but to look solely to the will of God, and the good of the Christian commonweal. Accordingly, as we no longer had the city of Vicenza, and were desirous, in our choice of a fresh place for holding the council, to have regard both to the common welfare of Christians, and also to the troubles of the German nation; and seeing, upon several places being proposed, that they (the Germans) wished for the city of Trent, we,---though of opinion that every thing might be transacted more commodiously in Cisalpine Italy,---nevertheless yielded up our will,

with paternal charity, to their demands. Accordingly, we have chosen the city of Trent as that wherein an ecumenical council is to be held on the ensuing calends of November: fixing upon that place as a convenient one whereat the bishops and prelates can assemble very easily indeed from Germany, and from the other nations bordering on Germany, and without difficulty from France, Spain, and the other remoter provinces. And in fixing [Page 9] the day for the council, we have had regard that there should be time both for publishing this our decree throughout the Christian nations, and for allowing all prelates an opportunity of repairing to Trent. Our motive for not prescribing that a whole year should expire before changing the place of the council,--as by certain constitutions has been aforetime regulated,---was this, that we were unwilling that our hope should be any longer delayed of applying some remedy to the Christian commonwealth, suffering as it is under so many disasters and calamities. And yet we observe the times; we acknowledge the difficulties. We know that what may be looked for from our councils is a matter of uncertainty. But, seeing that it is written, commit thy way to the Lord, and trust in him, and he will do it, we have resolved rather to trust in the clemency and mercy of God, than to distrust our own weakness. For, upon engaging in good works, it often happens, that what human councils fail in, the divine power accomplishes. Wherefore, relying and resting on the authority of that Almighty God, Father, and Son, and Holy Ghost, and on the authority of His blessed apostles, Peter and Paul, (an authority) which we also exercise on earth; with the advice also and assent of our venerable brethren, the cardinals of the holy Roman Church; after having removed and annulled, as by these presents we do remove and annul, the suspension aforenamed, we indict, announce, convoke, appoint, and decree a sacred, ecumenical and general council,--to be opened on the ensuing calends of November of the present year, MDXLII, from the Incarnation of the Lord,--in the city of Trent, a place commodious, free, and convenient for all nations; and to be there prosecuted, concluded, and completed, with God’s help, to His glory and praise, and the welfare of the whole Christian people; requiring, exhorting, admonishing all, of every country, as well our venerable brethren the patriarchs, archbishops, bishops, and our beloved sons the abbots, as also all others soever, unto whom, by right or privilege, the power has been granted of sitting in general councils, and of delivering their sentiments therein; enjoining moreover, and strictly command- [Page 10] ing them, by virtue of the oath which they have taken to us and to this holy See, and in virtue of holy obedience, and under the other pains, which, by law or custom, are usually passed and proposed in the celebration of councils, against those who do not attend, that they are, undoubtedly to repair to and to be present themselves in person at this sacred council--unless they shall happen to be hindered by some just impediment, of which, however, they shall be obliged to furnish proof--or at all events by their own lawful deputies and proctors. And we also beseech the aforenamed emperor, and the most Christian king, as also the other kings, dukes, and princes, whose presence, now if ever, would be of especial advantage to the most holy faith of Christ, and of all Christians; conjuring them by the bowels of the mercy of God and of our Lord Jesus Christ,--the truth of whose faith, and whose religion are now so sorely assailed both from within and without,--that, if they would have the Christian commonweal safe, if they feel themselves bound and obliged, by the Lord’s great benefits towards them, they abandon not His own cause and interests; and come themselves to the celebration of the sacred council, where their piety and virtue would be greatly conducive to the common good, to their own welfare, and that of others, both in time and eternity. But if, which we hope may not be the case, they shall be unable to come in person, let them at least send, with an authoritative commission, as their ambassadors, men of

weight, who may each in the council represent the person of his prince with prudence and dignity. But above all, let this--which is a thing very easy on their parts--be their care, that, from their respective kingdoms and provinces, the bishops and prelates set forth without tergiversation and delay; a request which God Himself, and we, have a right to obtain from the prelates and princes of Germany in a special manner; for as it is principally on their account, and at their instance, that the council has been indicted and convoked, and in the very city which they desired, let them not think it burthensome to celebrate and adorn it with the presence of their whole body. That [Page 11] thus,--with God going before us in our deliberations, and holding before our minds the light of His own wisdom and truth,--we may, in the said sacred ecumenical council, in a better and more com-modious manner, treat of, and, with the charity of all conspiring to one end, deliberate and discuss, execute and bring to the desired issue, speedily and happily, whatsoever appertains to the integrity and truth of the Christian religion; the restoration of good and the correction of evil manners; the peace, unity, and concord both of Christian princes and peoples; and whatsoever is needful for repelling those assaults of barbarians and infidels, with which they seek the overthrow of all Christendom. And that this our letter, and the contents thereof, may come to the knowledge of all whom it concerns, and that no one may plead as an excuse ignorance thereof, especially also as there may not perhaps be free access to all, unto whom our letter ought to be individually communicated; we will and ordain, that in the Vatican Basilica of the prince of the apostles, and in the Lateran Church, at the time when the multitude of the people is wont to assemble there to hear the divine service, it be publicly read in a loud voice by officers of our court, or by certain public notaries; and, after having been read, be affixed to the doors of the said churches, also to the gates of the apostolic Chancery, and to the usual place in the Campo di Fiore, where it shall for some time hang exposed to be read and seen by all; and, when removed thence, copies thereof shall still remain affixed in the same places. For we will that, by being thus read, published, and affixed, the letter aforesaid shall oblige and bind, after the interval of two months from the day of being published and affixed, all and each of those whom it includes, even as if it had been communicated and read to them in person. And we ordain and decree, that an unhesitating and undoubting faith be given to copies thereof written, or subscribed, by the hand of a public notary, and guaranteed by the seal of some ecclesiastic constituted in authority. Wherefore, let no one infringe this our letter of indiction, announcement, convocation, statute, decree, mandate, precept, and prayer, or [Page 12] with rash daring go contrary thereunto. But if any one shall presume to attempt this, let him know that he will incur the indignation of Almighty God, and of His blessed apostles Peter and Paul. Given at Rome, at Saint Peter’s, in the year MDXLII of the Lord’s Incarnation, on the eleventh of the calends of June, in the eighth year of our pontificate.

Blosius.

Jer. Dand.

[Page 12] SESSION THE FIRST

OF THE OECUMENICAL AND GENERAL

COUNCIL OF TRENT

Celebrated under the sovereign Pontiff, Paul III, on the thirteenth day of the month of December, in the year of the Lord, 1545.

DECREE TOUCHING THE OPENING OF THE COUNCIL

Doth it please you,--unto the praise and glory of the holy and undivided Trinity, Father, and Son, and Holy Ghost ; for the increase and exaltation of the Christian faith and religion; for the extirpation of heresies; for the peace and union of the Church; for the reformation of the Clergy and Christian people; for the depression and extinction of the enemies of the Christian name,--to decree and declare that the sacred and general council of Trent do begin, and hath begun?

They answered: It pleaseth us.

[Page 13] INDICTION OF THE NEXT SESSION And whereas the solemnity of the Nativity of our Lord Jesus Christ is near, and other festivals of the closing and opening year follow thereupon, doth it please you, that the first ensuing session be held on the Thursday after the Epiphany, which will be the seventh of the month of January, in the year of the Lord MDXLVI?

They answered: It pleaseth us.

[Page 13] SESSION THE SECOND Celebrated on the seventh day of the month of January,1546.

DECREE TOUCHING THE MANNER OF LIVING,

AND OTHER MATTERS TO BE OBSERVED, DURING THE COUNCIL The sacred and holy Synod of Trent--lawfully assembled in the Holy Ghost, the same three legates of the Apostolic See presiding therein--recognising, with the blessed apostle James, that Every best gift and every perfect gift is from above, coming down from the father of lights, who, to those who ask of him wisdom, giveth to all abundantly, and upbraideth them not; and knowing withal that The fear of the Lord is the beginning of wisdom, hath ordained and decreed, that all and each of the faithful of Christ, assembled in the city of Trent, be exhorted, as they are hereby exhorted, to amend themselves of their evils and sins heretofore committed, and to walk henceforth in the fear of the Lord; not to fulfil the lusts of the flesh; to be instant in prayer; to confess more frequently; to receive the sacrament of the Eucharist; to visit churches; to fulfil, in fine, as far as each one shall be able, the commandments of the Lord; and, furthermore, to pray daily in private for peace between Christian princes, and for the unity of the Church: and as regards the bishops, and all others soever constituted in the priestly order, who are celebrating together an ecumenical council in this city, that they give heed to apply themselves assiduously to the praises [Page 14] of God; to offer up victims, praises, and prayers; to celebrate the sacrifice of the mass on each Sunday at least, the day whereon God made the light, rose again from the dead, and poured forth the Holy Ghost upon the disciples; making, as the same Holy Ghost enjoins by the apostle, supplications, prayers, intercessions, thanksgiving, for our most holy lord the Pope, for the emperor, for kings, and others who are placed in high stations, and for all men, that we may lead a quiet and peaceable life, may enjoy peace, and see an increase of faith. Furthermore, it exhorts that they fast at least on every Friday, in memory of the passion of the Lord, and give alms to the poor: further, on every Thursday there shall be celebrated, in the cathedral church, the mass of the Holy Ghost, with the litanies and other prayers appointed for this end; and on the same day there shall be said, in the other churches, at least the litanies and prayers; and during the time that the sacred services are being performed, let there be no talking or conversing together, but with mouth and mind association with the celebrant. And forasmuch as It behoveth bishops to be blameless, sober, chaste, ruling well their own household, (the Council) exhorts also that, above all, each observe sobriety at table,

and moderation in diet; further, that, whereas idle conversations are often wont to arise there, the reading of the divine Scriptures be introduced, even at the tables of bishops; and let each teach and charge his servants not to be quarrelsome, given to wine, immodest, covetous, proud, blasphemous, and lovers of pleasures; in fine, let them shun vice and follow after virtue, and in dress, demeanour, and in all their actions show forth modesty, as becomes the servants of the servants of God.

Moreover, whereas it is the chief care, solicitude, and intention of this sacred and holy council, that, the darkness of heresies, which during so many years has covered the earth, being dispelled, the light, brightness, and purity of Catholic truth may, by the assistance of Jesus Christ, who is the true light, shine forth; and that those things which need reformation may be reformed; the said Synod exhorts all Catholics here assembled, [Page 15] and to be assembled, and especially those skilled in sacred letters, that by sedulous meditation they ponder diligently within themselves, by what ways and means the intention of the Synod may be best carried out and obtain the desired effect; that, in the most prompt and prudent manner, the things to be condemned, may be condemned; and those to be approved of be approved; that so, throughout the whole world, all may, with one mouth, and with the same confession of faith, glorify God, and the Father of our Lord Jesus Christ. And in delivering their sentiments, when the priests of the Lord are sitting together in the place of benediction, no one--agreeably to the statute of the council of Toledo--ought either to be boisterous by immoderate outcries, or to cause disturbance by tumult; none to be contentious with false, vain, or obstinate disputation; but let whatsoever is said be so tempered by the mildest utterance of the words spoken, that neither the hearers may be offended, nor the rectitude of a correct judgment be warped by the mind being troubled.

Furthermore, this sacred Synod has ordained and decreed, that if it should chance to happen that any do not sit in their due places, and (thus) deliver their sentiments, even under the word Placet, (It pleaseth us,) are present at the Congregations, and take part in any other act whatsoever during the council, none shall thereby be prejudiced, none acquire a new right.

INDICTION OF THE NEXT SESSION After this, the next Session was indicted for Thursday, the fourth of the ensuing February.

Page 15] SESSION THE THIRD, Celebrated on the fourth day of the month of February, in the year 1546.

DECREE TOUCHING THE SYMBOL OF FAITH In the Name of the Holy and Undivided Trinity, Father, and Son, and Holy Ghost. This sacred and holy, ecumenical, and general Synod of [Page 16] Trent,--lawfully assembled in the Holy Ghost, the same three legates of the Apostolic See presiding therein,--considering the magnitude of the matters to be treated of, especially of those comprised under the two heads, of the extirpating of heresies, and the reforming of manners, for the sake of which chiefly It is assembled, and recognizing with the apostles, that Its wrestling is not against flesh and blood, but against the spirits of wickedness in the high places, exhorts, with the same apostle, all and each above all things, to be strengthened in the Lord, and in the might of his power, in all things taking the shield of faith, wherewith they may be able to extinguish all the fiery darts of the most wicked one, and to take the helmet of salvation, with the sword of the spirit, which is the word of God. Wherefore, that this its pious solicitude may begin and proceed by the grace of God, It ordains and decrees that, before all other things, a confession of faith is to be set

forth; following herein the examples of the Fathers, who have been wont, in the most sacred coucils, at the beginning of the Actions thereof, to oppose this shield against heresies; and with this alone, at times, have they drawn the unbelieving to the faith, overthrown heretics, and confirmed the faithful. For which cause, this council has thought good, that the Symbol of faith which the holy Roman Church makes use of,--as being that principle wherein all who profess the faith of Christ necessarily agree, and that firm and alone foundation against which the gates of hell shall never prevail,--be expressed in the very same words in which it is read in all the churches. Which Symbol is as follows: I believe in one God, the Father Almighty, maker of heaven and earth, of all things visible and invisible; and in one Lord Jesus Christ, the only-begotten Son of God, and born of the Father before all ages; God of God, light of light, true God of true God; begotten, not made, consubstantial with the Father, by whom all things were made: who for us men, and for our salvation, came down from the heavens, and was incarnate by the Holy Ghost of [Page 17] the Virgin Mary, and was made man: crucified also for us under Pontius Pilate, he suffered and was buried; and he rose again on the third day, according to the Scriptures; and he ascended into heaven, sitteth at the right hand of the Father ; and again he will come with glory to judge the living and the dead; of whose kingdom there shall be no end: and in the Holy Ghost the Lord, and the giver of life, who proceedeth from the Father and the Son; who with the Father and the Son together is adored and glorified; who spoke by the prophets and one holy Catholic and Apostolic Church. I confess one baptism for the remission of sins; and I look for the resurrection of the dead, and the life of the world to come. Amen.

INDICTION OF THE NEXT SESSION The same sacred and holy, ecumenical, and general Synod of Trent,--lawfully assembled in the Holy Ghost, the same three legates of the Apostolic See presiding therein, -- understanding that many prelates in divers places are girt for their journey, and that some also are on their way hither; and considering that all that may be decreed by the said sacred Synod may seem to be in so much the greater estimation and honour with all men, as it shall have been sanctioned and confirmed by a more numerous and fuller council and attendance of Fathers, has resolved and decreed, that the next Session after the present be celebrated on the Thursday after Laetare Sunday next; but that, in the interim, the discussion and examination of those things which it shall seem fit to the said Synod to discuss and examine be not deferred.

[Page 17]

19 Part 2 The Council of Trent

The Council of Trent

The canons and decrees of the sacred

and oecumenical Council of Trent,

Ed. and trans. J. Waterworth (London: Dolman, 1848)

Hanover Historical Texts Project <http://hanover.history.edu/project.html>

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Notes and J. Waterworth's Preface <file://C:\CCD\churchfathers\CHURCH COUNCILS & Liturgies\TRENT.html> The Complete Text <http://history.hanover.edu/texts/trent/trentall.html> The Fourth Session <file://C:\CCD\churchfathers\CHURCH COUNCILS & Liturgies\TRENT.html>

Decree concerning canonical Scriptures

Decree concerning the edition, and the use, of the sacred books

Indiction of the next session

The Fifth Session <file://C:\CCD\churchfathers\CHURCH COUNCILS & Liturgies\TRENT.html>

Decree concerning original sin

Decree on reformation

Indiction of the next session

The Sixth Session <file://C:\CCD\churchfathers\CHURCH COUNCILS & Liturgies\TRENT.html>

Decree on justification

On justification

Decree on reformation

Indiction of the next session

The Seventh Session <http://history.hanover.edu/texts/trent/ct07.html>

Decree on the Sacraments

Decree on Reformation

Indiction of the next session

Bull with faculty to transfer the Council

SESSION THE FOURTH Celebrated on the eighth day of the month of April, in the year MDXLVI.

DECREE CONCERNING THE CANONICAL SCRIPTURES The sacred and holy, ecumenical, and general Synod of Trent,--lawfully assembled in the Holy Ghost, the Same three legates of the Apostolic Sec presiding therein,--keeping this [Page 18] always in view, that, errors being removed, the purity itself of the Gospel be preserved in the Church; which (Gospel), before promised through the prophets in the holy Scriptures, our Lord Jesus Christ, the Son of God, first promulgated with His own mouth, and then commanded to be preached by His Apostles to every creature, as the fountain of all, both saving truth, and moral discipline; and seeing clearly that this truth and discipline are contained in the written books, and the unwritten traditions which, received by the Apostles from the mouth of Christ himself, or from the Apostles themselves, the Holy Ghost dictating, have come down even unto us, transmitted as it were from hand to hand; (the Synod) following the examples of the orthodox Fathers, receives and venerates with an equal affection of piety, and reverence, all the books both of the Old and of the New Testament--seeing that one God is the author of both --as also the said traditions, as well those appertaining to faith as to morals, as having been dictated, either by Christ's own word of mouth, or by the Holy Ghost, and preserved in the Catholic Church by a continuous succession. And it has thought it meet that a list of the sacred books be inserted in this decree, lest a doubt may arise in any one's mind, which are the books that are received by this Synod. They are as set down here below: of the Old Testament: the five books of Moses, to wit, Genesis, Exodus, Leviticus, Numbers, Deuteronomy; Josue, Judges, Ruth, four books of Kings, two of Paralipomenon, the first book of Esdras, and the second which is entitled Nehemias; Tobias, Judith, Esther, Job, the Davidical Psalter, consisting of a hundred and fifty psalms; the Proverbs, Ecclesiastes, the Canticle of Canticles, Wisdom, Ecclesiasticus, Isaias, Jeremias, with Baruch; Ezechiel, Daniel; the twelve minor prophets, to wit, Osee, Joel, Amos, Abdias, Jonas, Micheas, Nahum, Habacuc, Sophonias, Aggaeus, Zacharias, Malachias; two books of the Machabees, the first and the second. Of the New Testament: the four Gospels, according [Page 19] to Matthew, Mark, Luke, and John; the Acts of the Apostles written by Luke the Evangelist; fourteen epistles of Paul the apostle, (one) to the Romans, two to the Corinthians, (one) to the Galatians, to the Ephesians, to the Philippians, to the Colossians, two to the Thessalonians, two to Timothy, (one) to Titus, to Philemon, to the Hebrews; two of Peter the apostle, three of John the apostle, one of the apostle James, one of Jude the apostle, and the Apocalypse of John the apostle. But if any one receive not, as sacred and canonical, the said books entire with all their parts, as they have been used to be read in the Catholic Church, and as they are contained in the old Latin vulgate edition; and knowingly and deliberately contemn the traditions aforesaid; let him be anathema. Let all, therefore, understand, in what order, and in what manner, the said Synod, after having laid the foundation of the Confession of faith, will proceed, and what testimonies and authorities it will mainly use in confirming dogmas, and in restoring morals in the Church.

DECREE CONCERNING THE EDITION, AND THE USE, OF THE SACRED BOOKS

Moreover, the same sacred and holy Synod,--considering that no small utility may accrue to the Church of God, if it be made known which out of all the Latin editions, now in circulation, of the sacred books, is to be held as authentic,--ordains and declares, that the said old and vulgate edition, which, by the lengthened usage of so many years, has been approved of in the Church, be, in public lectures, disputations, sermons and expositions, held as authentic; and that no one is

to dare, or presume to reject it under any pretext whatever.

Furthermore, in order to restrain petulant spirits, It decrees, that no one, relying on his own skill, shall,--in matters of faith, and of morals pertaining to the edification of Christian doctrine, --wresting the sacred Scripture to his own senses, presume to interpret the said sacred Scripture contrary to that sense which holy mother Church,--whose it is to judge of the true sense and interpretation of the holy Scriptures,--hath held and doth hold; [Page 20] or even contrary to the unanimous consent of the Fathers; even though such interpretations were never (intended) to be at any time published. Contraveners shall be made known by their Ordinaries, and be punished with the penalties by law established. And wishing, as is just, to impose a restraint, in this matter, also on printers, who now without restraint,--thinking, that is, that whatsoever they please is allowed them,--print, without the license of ecclesiastical superiors, the said books of sacred Scripture, and the notes and comments upon them of all persons indifferently, with the press ofttimes unnamed, often even fictitious, and what is more grievous still, without the author's name; and also keep for indiscriminate sale books of this kind printed elsewhere; (this Synod) ordains and decrees, that, henceforth, the sacred Scripture, and especially the said old and vulgate edition, be printed in the most correct manner possible; and that it shall not be lawful for any one to print, or cause to be printed, any books whatever, on sacred matters, without the name of the author; nor to sell them in future, or even to keep them, unless they shall have been first examined, and approved of, by the Ordinary; under pain of the anathema and fine imposed in a canon of the last Council of Lateran: and, if they be Regulars, besides this examination and approval, they shall be bound to obtain a license also from their own superiors, who shall have examined the books according to the form of their own statutes. As to those who lend, or circulate them in manuscript, without their having been first examined, and approved of, they shall be subjected to the same penalties as printers: and they who shall have them in their possession or shall read them, shall, unless they discover the authors, be themselves regarded as the authors. And the said approbation of books of this kind shall be given in writing; and for this end it shall appear authentically at the beginning of the book, whether the book be written, or printed; and all this, that is, both the approbation and the examination, shall be done gratis, that so what ought to be approved, may be approved, and what ought to be condemned, may be condemned.

Besides the above, wishing to repress that temerity, by which the words and sentences of sacred Scripture are turned and [Page 21] twisted to all sorts of profane uses, to wit, to things scurrilous, fabulous, vain, to flatteries, detractions, superstitions, impious and diabolical incantations, sorceries, and defamatory libels; (the Synod) commands and enjoins, for the doing away with this kind of irreverence and contempt, and that no one may hence forth dare in any way to apply the words of sacred Scripture to these and such like purposes; that all men of this description, profaners and violators of the word of God, be by the bishops restrained by the penalties of law, and others of their own appointment.

INDICTION OF THE NEXT SESSION

Likewise, this sacred and holy Synod resolves and decrees, that the next ensuing Session be held and celebrated on the Thursday after the next most sacred festival of Pentecost.

DECREE CONCERNING ORIGINAL SIN

[Page 21] Celebrated on the seventeenth day of the month of June, in the year MDXLVI. That our Catholic faith, without which it is impossible to please God, may, errors being purged away, continue in its own perfect and spotless integrity, and that the Christian people may not be carried about with every wind of doctrine; whereas that old serpent, the perpetual enemy of mankind, amongst the very many evils with which the Church of God is in these our times troubled, has also stirred up not only new, but even old, dissensions touching original sin, and the remedy thereof; the sacred and holy, ecumenical and general Synod of Trent,--lawfully assembled in the Holy Ghost, the three same legates of the Apostolic See presiding therein,--wishing now to come to the reclaiming of the erring, and the confirming of the wavering,--following the testimonies of the sacred [Page 22] Scriptures, of the holy Fathers, of the most approved councils, and the judgment and consent of the Church itself, ordains, confesses, and declares these things touching the said original sin:

1. If any one does not confess that the first man, Adam, when he had transgressed the commandment of God in Paradise, immediately lost the holiness and justice wherein he had been constituted; and that he incurred, through the offence of that prevarication, the wrath and indignation of God, and consequently death, with which God had previously threatened him, and, together with death, captivity under his power who thenceforth had the empire of death, that is to say, the devil, and that the entire Adam, through that offence of prevarication, was changed, in body and soul, for the worse; let him be anathema.

2. If any one asserts, that the prevarication of Adam injured himself alone, and not his posterity; and that the holiness and justice, received of God, which he lost, he lost for himself alone, and not for us also; or that he, being defiled by the sin of disobedience, has only transfused death, and pains of the body, into the whole human race, but not sin also, which is the death of the soul; let him be anathema:--whereas he contradicts the apostle who says; By one man sin entered into the world, and by sin death, and so death passed upon all men, in whom all have sinned.

3. If any one asserts, that this sin of Adam,--which in its origin is one, and being transfused into all by propogation, not by imitation, is in each one as his own, --is taken away either by the powers of human nature, or by any other remedy than the merit of the one mediator, our Lord Jesus Christ, who hath reconciled us to God in his own blood, made unto us justice, santification, and redemption; or if he denies that the said merit of Jesus Christ is applied, both to adults and to infants, by the sacrament of baptism rightly administered in the form of the church; let him be anathema: For there is no other name under heaven given to men, whereby we must be [Page 23] saved. Whence that voice; Behold the lamb of God behold him who taketh away the sins of the world; and that other; As many as have been baptized, have put on Christ.

4. If any one denies, that infants, newly born from their mothers' wombs, even though they be sprung from baptized parents, are to be baptized; or says that they are baptized indeed for the remission of sins, but that they derive nothing of original sin from Adam, which has need of being expiated by the laver of regeneration for the obtaining life everlasting,--whence it follows as a consequence, that in them the form of baptism, for the remission of sins, is understood to be not true, but false, --let him be anathema. For that which the apostle has said, By one man sin entered into the world, and by sin death, and so death passed upon all men in whom all have sinned, is not to be understood otherwise than as the Catholic Church spread everywhere hath always

understood it. For, by reason of this rule of faith, from a tradition of the apostles, even infants, who could not as yet commit any sin of themselves, are for this cause truly baptized for the remission of sins, that in them that may be cleansed away by regeneration, which they have contracted by generation. For, unless a man be born again of water and the Holy Ghost, he cannot enter into the kingdom of God.

5. If any one denies, that, by the grace of our Lord Jesus Christ, which is conferred in baptism, the guilt of original sin is remitted; or even asserts that the whole of that which has the true and proper nature of sin is not taken away; but says that it is only rased, or not imputed; let him be anathema. For, in those who are born again, there is nothing that God hates; because, There is no condemnation to those who are truly buried together with Christ by baptism into death; who walk not according to the flesh, but, putting off the old man, and putting on the new who is created according to God, are made inno-[Page 24]cent, immaculate, pure, harmless, and beloved of God, heirs indeed of God, but joint heirs with Christ; so that there is nothing whatever to retard their entrance into heaven. But this holy synod confesses and is sensible, that in the baptized there remains concupiscence, or an incentive (to sin); which, whereas it is left for our exercise, cannot injure those who consent not, but resist manfully by the grace of Jesus Christ; yea, he who shall have striven lawfully shall be crowned. This concupiscence, which the apostle sometimes calls sin, the holy Synod declares that the Catholic Church has never understood it to be called sin, as being truly and properly sin in those born again, but because it is of sin, and inclines to sin. This same holy Synod doth nevertheless declare, that it is not its intention to include in this decree, where original sin is treated of, the blessed and immaculate Virgin Mary, the mother of God; but that the constitutions of Pope Sixtus IV., of happy memory, are to be observed, under the pains contained in the said constitutions, which it renews.

DECREE ON REFORMATION CHAPTER I.

On the Institution of a Lectureship of Sacred Scripture, and of the liberal arts. The same sacred and holy Synod, adhering to the pious constitutions of the Sovereign Pontiffs, and of approved councils, and embracing and adding to them; that the heavenly treasure of the sacred books, which the Holy Ghost has with the greatest liberality delivered unto men, may not lie neglected, hath or-[Page 25]dained and decreed, that,--in those churches where there is found to be a prebend, prestimony, or other stipend under whatsoever name, destined for lecturers in sacred theology,--the bishops, archbishops, primates, and other Ordinaries of those places shall force and compel, even by the substraction of the fruits, those who hold such prebend, prestimony, or stipend, to expound and interpret the said sacred Scripture, either personally, if they be competent, or otherwise by a competent substitute, to be chosen by the said bishops, archbishops, primates, and other Ordinaries of those places. But, for the future, let not such prebend, prestimony, or stipend be bestowed save on competent persons, and those who can themselves discharge that office; and otherwise let the provision made be null and void. But in metropolitan, or cathedral churches, if the city be distinguished and populous,--and also in collegiate churches which are in any large town, even though they may not belong to any diocese, provided the clergy be numerous there,--wherein there is no such prebend, prestimony, or stipend set aside for this purpose, let the first prebend that shall become vacant in any way soever, except by resignation, and to which some other incompatible duty is not attached, be understood to be ipso facto set apart and devoted to that purpose for ever. And in case that in the said churches

there should not be any, or not any sufficient, prebend, let the metropolitan, or the bishop himself, by assigning thereunto the fruits of some simple benefice,--the obligations thereto belonging being nevertheless discharged,--or by the contributions of the beneficiaries of his city and diocese, or otherwise, as may be most convenient, provide in such wise, with the advice of his chapter, as that the said lecture of sacred Scripture be had; yet so that whatsoever other lectures there may be, whether established by custom, or in any other way, be not by any means therefore omitted. As to churches, whose annual revenues are slight, and where the number of the clergy and laity is so small, that a lectureship of Theology cannot be conveniently had therein, let them at least have a master--to be chosen by the bishop, with the advice of the chapter--to teach grammar gratuitously to clerics, and other poor scholars, that so they may afterwards, with God's blessing, [Page 26] pass on to the said study of sacred Scripture. And for this end, either let the fruits of some simple benefice be assigned to that master of grammar,--which fruits he shall receive so long as he continues teaching, provided however, that the said benefice be not deprived of the duty due to it,--or let some suitable remuneration be paid him out of the episcopal or capitular revenue; or in fine let the bishop himself devise some other method suited to his church and diocese; that so this pious, useful, and profitable provision may not be, under any colourable pretext whatever, neglected. In the monasteries also of monks, let there be in like manner a lecture on sacred Scripture, where this can be conveniently done: wherein of the abbots be negligent, let the bishops of the places, as the delegates herein of the Apostolic See, compel them thereto by suitable remedies. And in the convents of other Regulars, in which studies can conveniently flourish, let there be in like manner a lectureship of sacred Scripture; which lectureship shall be assigned, by the general or provincial chapters, to the more able masters. In the public colleges also, wherein a lectureship so honourable, and the most necessary of all, has not hitherto been instituted, let it be established by the piety and charity of the most religious princes and governments, for the defence and increase of the Catholic faith, and the preservation and propagation of sound doctrine; and where such lectureship, after being once instituted, has been neglected, let it be restored. And that impiety may not be disseminated under the semblance of piety, the same holy Synod ordains, that no one be admitted to this office of lecturing, whether in public or in private, without having been previously examined and approved of by the bishop of the place, as to his life, conversation, and knowledge: which however is not to be understood of lecturers in convents of monks. Furthermore, those who are teaching the said sacred Scripture, as long as they teach publicly in the schools, as also the scholars who are studying in those schools, shall fully enjoy [Page 27] and possess, though absent, all the privileges accorded by common law, as regards the reception of the fruits of their prebends and benefices.

CHAPTER II.

On Preachers of the word of God, and on Questors of alms. But seeing that the preaching of the Gospel is no less necessary to the Christian commonwealth than the reading thereof; and whereas this is the principal duty of bishops; the same holy Synod hath resolved and decreed, that all bishops, archbishops, primates, and all other prelates of the churches be bound personally--if they be not lawfully hindered--to preach the holy Gospel of Jesus Christ. But if it should happen that bishops, and the others aforesaid, be hindered by any lawful impediment, they shall be bound, in accordance with the form prescribed by the general Council (of Lateran), to appoint fit persons to discharge wholesomely this office of preaching. But if any one through contempt do not execute

this, let him be subjected to rigorous punishment.

Archpriests, curates, and all those who in any manner soever hold any parochial, or other, churches, which have the cure of souls, shall, at least on the Lord's days, and solemn feasts, either personally, or if they be lawfully hindered, by others who are competent, feed the people committed to them, with wholesome words, according to their own capacity, and that of their people; by teaching them the things which it is necessary for all to knew unto salvation, and by announcing to them with briefness and plainness of discourse, the vices which they must avoid, and the virtues which they must follow after, that they may escape everlasting punishment, and obtain the glory of heaven. And if any one of the above neglect to discharge this duty,--even though he may plead, on whatsoever ground, that he [Page 28] is exempt from the jurisdiction of the bishop, and even though the churches may be, in whatsoever way, said to be exempted, or haply annexed or united to a monastery that is even out of the diocese,--let not the watchful pastoral solicitude of the bishops be wanting, provided those churches be really within their diocese; lest that word be fulfilled; The little ones have asked for bread, and there was none to break it unto them. Wherefore, if, after having been admonished by the bishop, they shall neglect this their duty for the space of three months, let them be compelled by ecclesiastical censures, or otherwise, at the discretion of the said bishop; in such wise that even-if this seem to him expedient-a fair remuneration be paid, out of the fruits of the benefices, to some other person to discharge that office, until the principal himself repenting shall fulfil his own duty. But should there be found to be any parochial churches, subject to monasteries which are not in any diocese, if the abbots and Regular prelates be negligent in the matters aforesaid, let them be compelled thereto by the metropolitans, in whose provinces the said dioceses are situated, as the delegate for that end of the Apostolic See; nor let custom, or exemption, or appeal, or reclamation, or action of recovery be of effect to impede the execution of this decree; until by a competent judge,--who shall proceed summarily, and examine only into the truth of the (matter of) fact,--the case shall have been taken cognizance of, and decided.

Regulars, of whatsoever order they may be, may not preach even in the churches of their own orders, unless they have been examined and approved of as regards their life, manners, and knowledge, by their own superiors, and with his license; with which license they shall be bound to present themselves personally before the bishops, and beg a blessing from them, before they begin to preach. But, (to preach) in churches which are not those of their own orders, besides the license of their own superiors they shall be obliged to have also the license of the bishop, without which they may not on any account preach in the said churches which belong not to their own orders: but bishops shall grant [Page 29] the said license gratuitously. But if, which God forbid, a preacher should spread errors, or scandals, amongst the people, let the bishop interdict his preaching, even though he preach in a monastery of his own, or of another, order: whereas, if he preach heresies, let him proceed against him according to the appointment of the law, or the custom of the place, even though the said preacher should plead that he is exempted by a general, or special, privilege: in which case the bishop shall proceed by apostolic authority, and as the delegate of the Apostolic See. But let bishops be careful, that a preacher be not annoyed, either by false accusations, or in any other way calumniously; or have any just cause of complaint against them.

Furthermore, let bishops be on their guard not to permit any one,--whether of those, who, being Regulars in name, live nevertheless out of their monasteries, and the obedience of their religious institute, or secular priests, unless they be known to them, and are of approved morals and doctrine,--to preach in their own city, and diocese, even under the pretext of any privilege whatsoever; until the holy Apostolic See has been consulted by the said bishops thereon; from which See it is not likely that unworthy persons can extort any such privileges, except by suppressing the truth, or by uttering what is false.

Those who quest for alms--who are also commonly called Questors-of whatsoever condition they may be, shall not in any way presume, either personally, or by another, to preach; and Contraveners shall, any privileges notwithstanding, be wholly restrained by suitable remedies, by the bishop and Ordinaries of the places.

INDICTION OF THE NEXT SESSION The sacred and holy Synod also ordains and decrees, that the first ensuing Session be held and celebrated on the Thursday after the feast of the blessed apostle James. The Session was afterwards prorogued to the thirteenth of January, MDXLVII.

SIXTH SESSION

[Page 30] Celebrated on the thirteenth day of the month of January, 1547.

DECREE ON JUSTIFICATION

Proem.

Whereas there is, at this time, not without the shipwreck of many souls, and grievous detriment to the unity of the Church, a certain erroneous doctrine disseminated touching Justification; the sacred and holy, oecumenical and general Synod of Trent, lawfully assembled in the Holy Ghost,--the most reverend lords, Giammaria del Monte, bishop of Palaestrina, and Marcellus of the title of the Holy Cross in Jerusalem, priest, cardinals of the holy Roman Church, and legates apostolic a latere, presiding therein, in the name of our most holy father and lord in Christ, Paul III., by the providence of God, Pope,-purposes, unto the praise and glory of Almighty God, the tranquillising of the Church, and the salvation of souls, to expound to all the faithful of Christ the true and sound doctrine touching the said Justification; which (doctrine) the sun of justice, Christ Jesus, the author and finisher of our faith, taught, which the apostles transmitted, and which the Catholic Church, the Holy Ghost reminding her thereof, has always retained; most strictly forbidding that any henceforth presume to believe, preach, or teach, otherwise than as by this present decree is defined and declared.

CHAPTER I.

On the Inability of Nature and of the Law to justify man. The holy Synod declares first, that, for the correct and sound understanding of the doctrine of Justification, it is necessary [Page 31] that each one recognise and confess, that, whereas all men had lost their innocence in the prevarication of Adam-having become unclean, and, as the apostle says, by nature children of wrath, as (this Synod) has set forth in the decree on original sin,-they were so far the servants of sin, and under the power of the devil and of death, that not the Gentiles only by the force of nature, but not even the Jews by the very letter itself of the law of Moses, were able to be liberated, or to arise, therefrom; although free will, attenuated as it was in its powers, and bent down, was by no

means extinguished in them.

CHAPTER II.

On the dispensation and mystery of Christ's advent.

Whence it came to pass, that the heavenly Father, the father of mercies and the God of all comfort, when that blessed fulness of the time was come, sent unto men, Jesus Christ, His own Son-who had been, both before the Law, and during the time of the Law, to many of the holy fathers announced and promised-that He might both redeem the Jews who were under the Law, and that the Gentiles, who followed not after justice, might attain to justice, and that all men might receive the adoption of sons. Him God hath proposed as a propitiator, through faith in his blood, for our sins, and not for our sins only, but also for those of the whole world.

CHAPTER III.

Who are justified through Christ.

But, though He died for all, yet do not all receive the benefit of His [Page 32] death, but those only unto whom the merit of His passion is communicated. For as in truth men, if they were not born propagated of the seed of Adam, would not be born unjust,-seeing that, by that propagation, they contract through him, when they are conceived, injustice as their own,-so, if they were not born again in Christ, they never would be justified; seeing that, in that new birth, there is bestowed upon them, through the merit of His passion, the grace whereby they are made just. For this benefit the apostle exhorts us, evermore to give thanks to the Father, who hath made us worthy to be partakers of the lot of the saints in light, and hath delivered us from the power of darkness, and hath translated us into the Kingdom of the Son of his love, in whom we have redemption, and remission of sins.

CHAPTER IV.

A description is introduced of the Justification of the impious, and of the Manner thereof under the law of grace. By which words, a description of the Justification of the impious is indicated,-as being a translation, from that state wherein man is born a child of the first Adam, to the state of grace, and of the adoption of the sons of God, through the second Adam, Jesus Christ, our Saviour. And this translation, since the promulgation of the Gospel, cannot be effected, without the laver of regeneration, or the desire thereof, as it is written; unless a man be born again of water and the Holy Ghost, he cannot enter into the Kingdom of God.

CHAPTER V.

On the necessity, in adults, of preparation for Justification, and whence it proceeds. The Synod furthermore declares, that in adults, the beginning of the said Justification is to be derived from the prevenient [Page 33] grace of God, through Jesus Christ, that is to say, from His vocation, whereby, without any merits existing on their parts, they are called; that so they, who by sins were alienated from God, may be disposed through His quickening and assisting grace, to convert themselves to their own justification, by freely assenting to and co-operating with that said grace: in such sort that, while God touches the heart of man by the illumination of the Holy Ghost, neither is man himself utterly without doing anything while he receives that inspiration, forasmuch as he is

also able to reject it; yet is he not able, by his own free will, without the grace of God, to move himself unto justice in His sight. Whence, when it is said in the sacred writings: Turn ye to me, and I will turn to you, we are admonished of our liberty; and when we answer; Convert us, O Lord, to thee, and we shall be converted, we confess that we are prevented by the grace of God.

CHAPTER VI.

The manner of Preparation.

Now they (adults) are disposed unto the said justice, when, excited and assisted by divine grace, conceiving faith by hearing, they are freely moved towards God, believing those things to be true which God has revealed and promised,-and this especially, that God justifies the impious by His grace, through the redemption that is in Christ Jesus; and when, understanding themselves to be sinners, they, by turning themselves, from the fear of divine justice whereby they are profitably agitated, to consider the mercy of God, are raised unto hope, confiding that God will be propitious to them for Christ's sake; and they begin to love Him as the fountain of all justice; and are therefore moved against sins by a certain hatred and detestation, to wit, by that penitence which must be performed before baptism: lastly, when they purpose to receive baptism, [Page 34] to begin a new life, and to keep the commandments of God. Concerning this disposition it is written; He that cometh to God, must believe that he is, and is a rewarder to them that seek him; and, Be of good faith, son, thy sins are forgiven thee; and, The fear of the Lord driveth out sin; and, Do penance, and be baptized every one of you in the name of Jesus Christ, for the remission of your sins, and you shall receive the gift of the Holy Ghost; and, Going, therefore, teach ye all nations, baptizing them in the name of the Father, and of the Son, and of the Holy Ghost; finally, Prepare your hearts unto the Lord.

CHAPTER VII.

What the justification of the impious is, and what are the causes thereof. This disposition, or preparation, is followed by Justification itself, which is not remission of sins merely, but also the sanctification and renewal of the inward man, through the voluntary reception of the grace, and of the gifts, whereby man of unjust becomes just, and of an enemy a friend, that so he may be an heir according to hope of life everlasting. Of this Justification the causes are these: the final cause indeed is the glory of God and of Jesus Christ, and life everlasting; while the efficient cause is a merciful God who washes and sanctifies gratuitously, signing, and anointing with the holy Spirit of promise, who is the pledge of our inheritance; but the meritorious cause is His most beloved only-begotten, our Lord Jesus Christ, who, when we were enemies, for the exceeding charity wherewith he loved us, merited Justification for us by His most holy Passion on the wood of the cross, and made satisfaction for us unto God the Father; the instru-[Page 35]mental cause is the sacrament of baptism, which is the sacrament of faith, without which (faith) no man was ever justified; lastly, the alone formal cause is the justice of God, not that whereby He Himself is just, but that whereby He maketh us just, that, to wit, with which we being endowed by Him, are renewed in the spirit of our mind, and we are not only reputed, but are truly called, and are, just, receiving justice within us, each one according to his own measure, which the Holy Ghost distributes to every one as He wills, and according to each one's proper disposition and co-operation. For, although no one can be just, but he to whom the merits of the Passion of our Lord Jesus Christ are communicated, yet is this done in the said justification of the impious, when

by the merit of that same most holy Passion, the charity of God is poured forth, by the Holy Spirit, in the hearts of those that are justified, and is inherent therein: whence, man, through Jesus Christ, in whom he is ingrafted, receives, in the said justification, together with the remission of sins, all these (gifts) infused at once, faith, hope, and charity. For faith, unless hope and charity be added thereto, neither unites man perfectly with Christ, nor makes him a living member of His body. For which reason it is most truly said, that Faith without works is dead and profitless; and, In Christ Jesus neither circumcision, availeth anything, nor uncircumcision, but faith which worketh by charity. This faith, Catechumen's beg of the Church-agreeably to a tradition of the apostles-previously to the sacrament of Baptism; when they beg for the faith which bestows life everlasting, which, without hope and charity, faith cannot bestow: whence also do they immediately hear that word of Christ; If thou wilt enter into life, keep the commandments. Wherefore, when receiving true and Christian justice, they are bidden, immediately on being born again, to preserve it pure and spotless, as the first robe given them through Jesus Christ in lieu of that which [Page 36] Adam, by his disobedience, lost for himself and for us, that so they may bear it before the judgment-seat of our Lord Jesus Christ, and may have life everlasting.

CHAPTER VIII.

In what manner it is to be understood, that the impious is justified by faith, and gratuitously. And whereas the Apostle saith, that man is justified by faith and freely, those words are to be understood in that sense which the perpetual consent of the Catholic Church hath held and expressed; to wit, that we are therefore said to be justified by faith, because faith is the beginning of human salvation, the foundation, and the root of all Justification; without which it is impossible to please God, and to come unto the fellowship of His sons: but we are therefore said to be justified freely, because that none of those things which precede justification-whether faith or works-merit the grace itself of justification. For, if it be a grace, it is not now by works, otherwise, as the same Apostle says, grace is no more grace.

CHAPTER IX.

Against the vain confidence of Heretics.

But, although it is necessary to believe that sins neither are remitted, nor ever were remitted save gratuitously by the mercy of God for Christ's sake; yet is it not to be said, that sins are forgiven, or have been forgiven, to any one who boasts of his confidence and certainty of the remission of his sins, and rests on that alone; seeing that it may exist, yea does in our day exist, amongst heretics and schismatics; and with great vehemence is this vain confidence, and one alien from all godliness, preached up in opposition to the Catholic Church. But neither [Page 37] is this to be asserted,-that they who are truly justified must needs, without any doubting whatever, settle within themselves that they are justified, and that no one is absolved from sins and justified, but he that believes for certain that he is absolved and justified; and that absolution and justification are effected by this faith alone: as though whoso has not this belief, doubts of the promises of God, and of the efficacy of the death and resurrection of Christ. For even as no pious person ought to doubt of the mercy of God, of the merit of Christ, and of the virtue and efficacy of the sacraments, even so each one, when he regards himself, and his own weakness and indisposition, may have fear and apprehension touching his own grace; seeing that no one can know with a certainty of faith, which cannot be subject to error, that he has obtained the grace of God.

CHAPTER X.

On the increase of Justification received.

Having, therefore, been thus justified, and made the friends and domestics of God, advancing from virtue to virtue, they are renewed, as the Apostle says, day by day; that is, by mortifying the members of their own flesh, and by presenting them as instruments of justice unto sanctification, they, through the observance of the commandments of God and of the Church, faith co-operating with good works, increase in that justice which they have received through the grace of Christ, and are still further justified, as it is written; He that is just, let him be justified still; and again, Be not afraid to be justified even to death; and also, Do you see that by works a man is justified, and not by faith only. And this increase of justification holy Church begs, when she prays, "Give unto us, O Lord, increase of faith, hope, and charity."

[Page 38] CHAPTER XI.

On keeping the Commandments, and on the necessity and possibility thereof. But no one, how much soever justified, ought to think himself exempt from the observance of the commandments; no one ought to make use of that rash saying, one prohibited by the Fathers under an anathema,-that the observance of the commandments of God is impossible for one that is justified. For God commands not impossibilities, but, by commanding, both admonishes thee to do what thou are able, and to pray for what thou art not able (to do), and aids thee that thou mayest be able; whose commandments are not heavy; whose yoke is sweet and whose burthen light. For, whoso are the sons of God, love Christ; but they who love him, keep his commandments, as Himself testifies; which, assuredly, with the divine help, they can do. For, although, during this mortal life, men, how holy and just soever, at times fall into at least light and daily sins, which are also called venial, not therefore do they cease to be just. For that cry of the just, Forgive us our trespasses, is both humble and true. And for this cause, the just themselves ought to feel themselves the more obligated to walk in the way of justice, in that, being already freed from sins, but made servants of God, they are able, living soberly, justly, and godly, to proceed onwards through Jesus Christ, by whom they have had access unto this grace. For God forsakes not those who have been once justified by His grace, unless he be first forsaken by them. Wherefore, no one ought to flatter himself up with faith alone, fancying that by faith alone he is made an heir, and will obtain the inheritance, even though he suffer not with Christ, that so he may be also glori-[Page 39]fied with him. For even Christ Himself, as the Apostle saith, Whereas he was the son of God, learned obedience by the things which he suffered, and being consummated, he became, to all who obey him, the cause of eternal salvation. For which cause the same Apostle admonishes the justified, saying; Know you not that they that run in the race, all run indeed, but one receiveth the prize? So run that you may obtain. I therefore so run, not as at an uncertainty: I so fight, not as one beating the air, but I chastise my body, and bring it into subjection; lest perhaps, when I have preached to others, I myself should become a cast-away. So also the prince of the apostles, Peter; Labour the more that by good works you may make sure your calling and election. For doing those things, you shall not sin at any time. From which it is plain, that those are opposed to the orthodox doctrine of religion, who assert that the just man sins, venially at least, in every good work; or, which is yet more insupportable, that he merits eternal punishments; as also those who state, that the just sin in all their works, if, in those works, they, together with this aim principally that God may

be gloried, have in view also the eternal reward, in order to excite their sloth, and to encourage themselves to run in the course: whereas it is written, I have inclined my heart to do all thy justifications for the reward: and, concerning Moses, the Apostle saith, that he looked unto the reward.

CHAPTER XII.

That a rash presumptuousness in the matter of Predestination is to be avoided. No one, moreover, so long as he is in this mortal life, ought so far to presume as regards the secret mystery of divine predestination, as to determine for certain that he is assuredly in [Page 40] the number of the predestinate; as if it were true, that he that is justified, either cannot sin any more, or, if he do sin, that he ought to promise himself an assured repentance; for except by special revelation, it cannot be known whom God hath chosen unto Himself.

CHAPTER XIII.

On the gift of Perseverance. So also as regards the gift of perseverance, of which it is written, He that shall persevere to the end, he shall be saved:-which gift cannot be derived from any other but Him, who is able to establish him who standeth that he stand perseveringly, and to restore him who falleth:-let no one herein promise himself any thing as certain with an absolute certainty; though all ought to place and repose a most firm hope in God's help. For God, unless men be themselves wanting to His grace, as he has begun the good work, so will he perfect it, working (in them) to will and to accomplish. Nevertheless, let those who think themselves to stand, take heed lest they fall, and, with fear and trembling work out their salvation, in labours, in watchings, in almsdeeds, in prayers and oblations, in fastings and chastity: for, knowing that they are born again unto a hope of glory, but not as yet unto glory, they ought to fear for the combat which yet remains with the flesh, with the world, with the devil, wherein they cannot be victorious, unless they be with God's grace, obedient to the Apostle, who says; We are debtors, not to the flesh, to live according to the flesh; for if you live according to the flesh, you shall die; but if by the spirit you mortify the deeds of the flesh, you shall live.

[Page 41] CHAPTER XIV.

On the fallen, and their restoration. As regards those who, by sin, have fallen from the received grace of Justification, they may be again justified, when, God exciting them, through the sacrament of Penance they shall have attained to the recovery, by the merit of Christ, of the grace lost: for this manner of Justification is of the fallen the reparation: which the holy Fathers have aptly called a second plank after the shipwreck of grace lost. For, on behalf of those who fall into sins after baptism, Christ Jesus instituted the sacrament of Penance, when He said, Receive ye the Holy Ghost, whose sins you shall forgive, they are forgiven them, and whose sins you shall retain, they are retained. Whence it is to be taught, that the penitence of a Christian, after his fall, is very different from that at (his) baptism; and that therein are included not only a cessation from sins, and a detestation thereof, or, a contrite and humble heart, but also the sacramental confession of the said sins,-at least in desire, and to be made in its season,-and sacerdotal absolution; and likewise satisfaction by fasts, alms, prayers, and the other pious exercises of a spiritual life; not indeed for the eternal punishment,-which is, together with the guilt, remitted, either by the sacrament, or by the desire of the sacrament,-but for the temporal punishment, which, as

the sacred writings teach, is not always wholly remitted, as is done in baptism, to those who, ungrateful to the grace of God which they have received, have grieved the Holy Spirit, and have not feared to violate the temple of God. Concerning which penitence it is written; Be mindful whence thou art fallen; do penance, and do the first works. And again; The sorrow that is according to [Page 42] God worketh penance steadfast unto salvation. And again; Do penance, and bring forth fruits worthy of penance.

CHAPTER XV.

That, by every mortal sin, grace is lost, but not faith. In opposition also to the subtle wits of certain men, who, by pleasing speeches and good words, seduce the hearts of the innocent, it is to be maintained, that the received grace of Justification is lost, not only by infidelity whereby even faith itself is lost, but also by any other mortal sin whatever, though faith be not lost; thus defending the doctrine of the divine law, which excludes from the kingdom of God not only the unbelieving, but the faithful also (who are) fornicators, adulterers, effeminate, liers with mankind, thieves, covetous, drunkards, railers, extortioners, and all others who commit deadly sins; from which, with the help of divine grace, they can refrain, and on account of which they are separated from the grace of Christ.

CHAPTER XVI.

On the fruit of Justification, that is, on the merit of good works, and on the nature of that merit.

Before men, therefore, who have been justified in this manner,-whether they have preserved uninterruptedly the grace received, or whether they have recovered it when lost,-are to be set the words of the Apostle: Abound in every good work, knowing that your labour is not in vain in the Lord; for God is not unjust, that he should forget your work, and the love which you have shown in his name; and, do not lose your confidence, which hath a great reward. And, for this cause, life eternal is to be proposed to those working well unto [Page 43] the end, and hoping in God, both as a grace mercifully promised to the sons of God through Jesus Christ, and as a reward which is according to the promise of God Himself, to be faithfully rendered to their good works and merits. For this is that crown of justice which the Apostle declared was, after his fight and course, laid up for him, to be rendered to him by the just judge, and not only to him, but also to all that love his coming. For, whereas Jesus Christ Himself continually infuses his virtue into the said justified,-as the head into the members, and the vine into the branches,-and this virtue always precedes and accompanies and follows their good works, which without it could not in any wise be pleasing and meritorious before God,-we must believe that nothing further is wanting to the justified, to prevent their being accounted to have, by those very works which have been done in God, fully satisfied the divine law according to the state of this life, and to have truly merited eternal life, to be obtained also in its (due) time, if so be, however, that they depart in grace: seeing that Christ, our Saviour, saith: If any one shall drink of the water that I will give him, he shall not thirst for ever; but it shall become in him a fountain of water springing up unto life everlasting. Thus, neither is our own justice established as our own as from ourselves; nor is the justice of God ignored or repudiated: for that justice which is called ours, because that we are justified from its being inherent in us, that same is (the justice) of God, because that it is infused into us of God, through the merit of Christ. Neither is this to be omitted,-that although, in the sacred writings, so much is attributed to good works, that Christ promises, that even he that shall give a drink of cold water to

one of his least ones, shall not lose his reward; and the Apostle testifies that, That which is at present momentary and light of our tribulation, worketh for us above measure exceedingly an eternal weight of glory; nevertheless God forbid that a Christian should either trust or glory in himself, and not in the Lord, whose bounty towards all [Page 44] men is so great, that He will have the things which are His own gifts be their merits. And forasmuch as in many things we all offend, each one ought to have before his eyes, as well the severity and judgment, as the mercy and goodness (of God); neither ought any one to judge himself, even though he be not conscious to himself of anything; because the whole life of man is to be examined and judged, not by the judgment of man, but of God, who will bring to light the hidden things of darkness, and will make manifest the counsels of the hearts, and then shall every man have praise from God, who, as it is written, will render to every man according to his works. After this Catholic doctrine on Justification, which whoso receiveth not faithfully and firmly cannot be justified, it hath seemed good to the holy Synod to subjoin these canons, that all may know not only what they ought to hold and follow, but also what to avoid and shun. ON JUSTIFICATION

CANON I.-If any one saith, that man may be justified before God by his own works, whether done through the teaching of human nature, or that of the law, without the grace of God through Jesus Christ; let him be anathema.

CANON II.-If any one saith, that the grace of God, through Jesus Christ, is given only for this, that man may be able more easily to live justly, and to merit eternal life, as if, by free will without grace, he were able to do both, though hardly indeed and with difficulty; let him be anathema.

CANON III.-If any one saith, that without the prevenient inspiration of the Holy Ghost, and without his help, man can believe, hope, love, or be penitent as he ought, so as that the grace of Justification may be bestowed upon him; let him be anathema.

[Page 45] CANON IV.-If any one saith, that man's free will moved and excited by God, by assenting to God exciting and calling, nowise co-operates towards disposing and preparing itself for obtaining the grace of Justification; that it cannot refuse its consent, if it would, but that, as something inanimate, it does nothing whatever and is merely passive; let him be anathema.

CANON V.-If any one saith, that, since Adam's sin, the free will of man is lost and extinguished; or, that it is a thing with only a name, yea a name without a reality, a figment, in fine, introduced into the Church by Satan; let him be anathema.

CANON VI.-If any one saith, that it is not in man's power to make his ways evil, but that the works that are evil God worketh as well as those that are good, not permissively only, but properly, and of Himself, in such wise that the treason of Judas is no less His own proper work than the vocation of Paul; let him be anathema.

CANON VII.-If any one saith, that all works done before Justification, in whatsoever way they be done, are truly sins, or merit the hatred of God; or that the more earnestly one strives to dispose himself for grace, the more grievously he sins: let him be anathema.

CANON VIII.-If any one saith, that the fear of hell,-whereby, by grieving for our sins, we flee unto the mercy of God, or refrain from sinning,-is a sin, or makes sinners worse; let him be anathema.

CANON IX.-If any one saith, that by faith alone the impious is justified; in such wise as to mean, that nothing else is required to co-operate in order to the obtaining the grace of Justification, and that it is not in any way necessary, that he be prepared and disposed by the movement of his own will; let him be anathema.

CANON X.-If any one saith, that men are just without the justice of Christ, whereby He merited for us to be justified; or that it is by that justice itself that they are formally just; let him be anathema.

[Page 46] CANON XI.-If any one saith, that men are justified, either by the sole imputation of the justice of Christ, or by the sole remission of sins, to the exclusion of the grace and the charity which is poured forth in their hearts by the Holy Ghost, and is inherent in them; or even that the grace, whereby we are justified, is only the favour of God; let him be anathema.

CANON XII.-If any one saith, that justifying faith is nothing else but confidence in the divine mercy which remits sins for Christ's sake; or, that this confidence alone is that whereby we are justified; let him be anathema.

CANON XIII.-If any one saith, that it is necessary for every one, for the obtaining the remission of sins, that he believe for certain, and without any wavering arising from his own infirmity and disposition, that his sins are forgiven him; let him be anathema.

CANON XIV.-If any one saith, that man is truly absolved from his sins and justified, because that he assuredly believed himself absolved and justified; or, that no one is truly justified but he who believes himself justified; and that, by this faith alone, absolution and justification are effected; let him be anathema.

CANON XV.-If any one saith, that a man, who is born again and justified, is bound of faith to believe that he is assuredly in the number of the predestinate; let him be anathema.

CANON XVI.-If any one saith, that he will for certain, of an absolute and infallible certainty, have that great gift of perseverance unto the end,-unless he have learned this by special revelation; let him be anathema.

CANON XVII.-If any one saith, that the grace of Justification is only attained to by those who are predestined unto life; but that all others who are called, are called indeed, but receive not grace, as being, by the divine power, predestined unto evil; let him be anathema.

CANON XVIII.-If any one saith, that the commandments of God are, even for one that is justified and constituted in grace, impossible to keep; let him be anathema.

[Page 47] CANON XIX.-If any one saith, that nothing besides faith is commanded in the Gospel; that other things are indifferent, neither commanded nor prohibited, but free; or, that the ten commandments nowise appertain to Christians; let him be anathema.

CANON XX.-If any one saith, that the man who is justified and how perfect soever, is not bound to observe the commandments of God and of the Church, but only to believe; as if indeed the Gospel were a bare and absolute promise of eternal life, without the condition of observing the commandments ; let him be anathema.

CANON XXI.-If any one saith, that Christ Jesus was given of God to men, as a redeemer in whom to trust, and not also as a legislator whom to obey; let him be anathema.

CANON XXII.-If any one saith, that the justified, either is able to persevere, without the special help of God, in the justice received; or that, with that help, he is not able; let him be anathema.

CANON XXIII.-lf any one saith, that a man once justified can sin no more, nor lose grace, and that therefore he that falls and sins was never truly justified; or, on the other hand, that he is able, during his whole life, to avoid all sins, even those that are venial,-except by a special privilege from God, as the Church holds in regard of the Blessed Virgin; let him be anathema.

CANON XXIV.-If any one saith, that the justice received is not preserved and also increased before God through good works; but that the said works are merely the fruits and signs of Justification obtained, but not a cause of the increase thereof; let him be anathema.

CANON XXV.-If any one saith, that, in every good work, the just sins venially at least, or-which is more intolerable still-mortally, and consequently deserves eternal punishments; and that for this cause only he is not damned, that God does not impute those works unto damnation; let him be anathema.

CANON XXVI.-If any one saith, that the just ought not, for their good works done in God, to expect and hope for an eternal recompense from God, through His mercy and the merit of Jesus Christ, if so be that they persevere to the end in well [Page 48] doing and in keeping the divine commandments; let him be anathema.

CANON XXVII.-If any one saith, that there is no mortal sin but that of infidelity; or, that grace once received is not lost by any other sin, however grievous and enormous, save by that of infidelity ; let him be anathema.

CANON XXVIII.-If any one saith, that, grace being lost through sin, faith also is always lost with it; or, that the faith which remains, though it be not a lively faith, is not a true faith; or, that he, who has faith without charity, is not a Chris taught; let him be anathema.

CANON XXIX.-If any one saith, that he, who has fallen after baptism, is not able by the grace of God to rise again; or, that he is able indeed to recover the justice which he has lost, but by faith alone without the sacrament of Penance, contrary to what the holy Roman and universal Church-instructed by Christ and his Apostles-has hitherto professed, observed, and taugh; let him be anathema.

CANON XXX.-If any one saith, that, after the grace of Justification has been received, to every penitent sinner the guilt is remitted, and the debt of eternal punishment is blotted out in such wise, that there remains not any debt of temporal punishment to be discharged either in this world, or in the next in Purgatory, before the entrance to the kingdom of heaven can be opened (to him); let him be anathema.

CANON XXXI.-If any one saith, that the justified sins when he performs good works with a view to an eternal recompense; let him be anathema.

CANON XXXII.-If any one saith, that the good works of one that is justified are in such manner the gifts of God, as that they are not also the good merits of him that is justified; or, that the said justified, by the good works which he performs through the grace of God and the merit of Jesus Christ, whose [Page 49] living member he is, does not truly merit increase of grace, eternal life, and the attainment of that eternal life,-if so be, however, that he depart in grace,-and also an increase of glory; let him be anathema.

CANON XXXIII.-If any one saith,that,by the Catholic doctrine touching Justification, by this holy Synod inset forth in this present decree, the glory of God, or the merits of our Lord Jesus Christ are in any way derogated from, and not rather that the truth of our faith, and the glory in fine of God and of Jesus Christ are rendered (more) illustrious; let him be anathema.

DECREE ON REFORMATION

CHAPTER I.

It is meet that prelates reside in their own churches; if they act otherwise, the penalties of the ancient law are renewed against them, and fresh penalties decreed. The same sacred and holy Synod,-the same legates of the Apostolic See presiding,-wishing to apply itself to restore ecclesiastical discipline, which is exceedingly relaxed, and to amend the depraved manners of the clergy and Christian people, has thought it fit to begin with those who preside over the greater churches; for the integrity of those who govern, is the safety of the governed. Trusting, therefore, that by the mercy of our Lord and God, and the provident vigilance of His own vicar on earth, it will surely for the future happen, that those who are most worthy,-and whose previous life, in every stage thereof, from their infancy to their riper years, having been laudably passed in the exercises of ecclesiastical discipline, bears testimony in their favour,-will be assumed unto the government of churches, in accordance with the venerable ordinances of the Fathers, for that it is a burthen whose weight would be formidable even unto angels: (the Synod) admonishes all those who, under whatsoever name and title, are set over any [Page 50] patriarchal, primatial, metropolitan, and cathedral churches, and hereby accounts all such admonished, that, taking heed to themselves, and to the whole flock, wherein the Holy Ghost hath placed them to rule the Church of God which he hath purchased with his own blood, they be vigilant, as the Apostle enjoins, that they labour in all things, and fulfil their ministry: but let them know, that fulfil it they cannot, if like hirelings they abandon the flocks committed to them, and apply not themselves to the keeping of their own sheep, whose blood will be required at their hands, by the Supreme Judge; seeing that it is most certain that, if the wolf have devoured the sheep, the shepherd’s excuse will not be admitted, that he knew not thereof. And yet, for as much as some are to be found at this time, who-as is grievously to be lamented-forgetful even of their own salvation, and preferring earthly things to heavenly, and things human before divine, wander about in various courts, or, their fold forsaken, and the care of the sheep committed to them neglected, keep themselves occupied with the solicitudes of temporal affairs; it hath seemed good to the sacred and holy Synod to renew, as by virtue of the present decree It doth renew, the ancient canons promulgated against non-residents, which (canons) have, through the disorders of the times and of men, well nigh fallen into desuetude; and furthermore, in order to the more fixed residence of the same, and for the reforming of manners in the church, it hath seemed good to appoint and ordain in the manner following:-If any one, by whatsoever dignity, degree, and pre-eminence distinguished, shall, by

remaining six months together out of his own diocese, all lawful impediment, or just and reasonable causes ceasing, be absent from a patriarchal, primatial, metropolitan, or cathedral church, under what title soever, cause, name, or right committed to him, he shall ipso jure incur the penalty of the forfeiture of a fourth part of one year's fruits, to be applied, by an ecclesiastical [Page 51] superior, to the fabric of the church and to the poor of the place. And if he continue absent in this way during six other months, he shall thereupon forfeit another fourth part of the fruits to be applied in like manner. But if the contumacy proceed yet further, the metropolitan shall, for the subjecting him to a severer censure of the sacred canons, be obliged to denounce his absent suffragan bishops, and the oldest resident suffragan bishop to denounce his absent metropolitan, to the Roman pontiff, either by letter or by messenger, within the space of three months, under the penalty, to be ipso facto incurred, of being interdicted from entering into the church; that he, by the authority of his own supreme See, may proceed against the said non-resident prelates, according as the greater or less contumacy of each may require, and provide the said churches with more useful pastors, as he shall know in the Lord to be salutary and expedient.

CHAPTER II.

It is not lawful for any one who holds a benefice requiring personal residence to absent himself, save for a just cause to be approved of by the bishop, who even then shall, for the cure of souls, substitute a vicar in his stead, withdrawing a portion of the fruits.

Those inferior to bishops, who hold by title, or in commendam, any ecclesiastical benefices requiring personal residence whether by law or custom, shall be compelled, by their Ordinaries, to reside, by suitable legal remedies; as to them shall seem expedient for the good government of the churches and the advancement of the service of God, taking into account the character of the places and persons; and to no one shall any perpetual privileges, or indults, in favour of non-residence, or of receiving the fruits during absence, be of avail: temporary indulgences and dispensations, however, granted solely for true and reasonable causes, and which are to be legitimately proved before the Ordinary, shall remain in force; in which cases [Page 52] nevertheless, it shall be the office of bishops, as delegated in this matter by the Apostolic See, to provide that, by deputing competent vicars, and by assigning them a suitable portion of the fruits, the cure of souls be nowise neglected; no privilege or exemption whatever being of avail to any in this regard.

CHAPTER III.

The excesses of Secular clerics and of Regulars who live out of their monasteries, shall be corrected by the Ordinary of the place. The prelates of the churches shall apply themselves prudently and diligently to correct the excesses of their subjects; and no Secular cleric, under pretext of a personal privilege, or any Regular, living out of his monastery, shall, under pretext of a privilege of his order, be accounted, if he transgress, exempt from being visited, punished, and corrected, in accordance with the ordinances of the canons, by the Ordinary of the place, as being delegated hereunto by the Apostolic See.

CHAPTER IV.

Bishops and other greater prelates shall visit any churches whatsoever, as often as there shall be need; everything which might hinder this decree being abrogated. The Chapters of cathedral, and of other greater, churches, and the members thereof, shall not be able,-by any exemptions, customs, judgments, oaths, concordates, which only bind the authors thereof and not also their successors,-to screen themselves from being capable of being, in accordance with the ordinances of the canons, visited, corrected, and amended, as often as shall be needful, even with apostolical authority, by their own bishops, and other greater prelates, by themselves alone, or with those whom they shall see fit to have accompany them.

[Page 53] CHAPTER V.

Bishops shall neither exercise any pontifical function, nor ordain, in another diocese.

It shall not be lawful for any bishop, under the plea of any privilege soever, to exercise pontifical functions in the diocese of another, save by the express permission of the Ordinary of the place, and in regard to those persons only who are subject to that same Ordinary: if the contrary shall have been done, the bishop shall be ipso facto suspended from the exercise of episcopal functions, and those so ordained (be similarly suspended) from the exercise of their orders.

INDICTION OF THE NEXT SESSION

Doth it please you, that the next ensuing Session be celebrated on Thursday, the fifth day after the first Sunday of the approaching Lent, which (Thursday) will be the third day of the month of March? They answered: It pleaseth us.

SEVENTH SESSION [Page 53] Celebrated on the third day of the month of March, MDXLVII.

DECREE ON THE SACRAMENTS

Proem. For the completion of the salutary doctrine on Justification, which was promulgated with the unanimous consent of the Fathers in the last preceding Session, it hath seemed suitable to treat of the most holy Sacraments of the Church, through which all true justice either begins, or being begun is increased, or being lost is repaired. With this view, in order to destroy the errors and to extirpate the heresies, which have appeared [Page 54] in these our days on the subject of the said most holy sacraments,-as well those which have been revived from the heresies condemned of old by our Fathers, as also those newly invented, and which are exceedingly prejudicial to the purity of the Catholic Church, and to the salvation of souls,-the sacred and holy, oecumenical and general Synod of Trent, lawfully assembled in the Holy Ghost, the same legates of the Apostolic See presiding therein, adhering to the doctrine of the holy Scriptures, to the apostolic traditions, and to the consent of other councils and of the Fathers, has thought fit that these present canons be established and decreed; intending, the divine Spirit aiding, to publish later the remaining canons which are wanting for the completion of the work which It has begun.
ON THE SACRAMENTS IN GENERAL

CANON I.-If any one saith, that the sacraments of the New Law were not all instituted by Jesus Christ, our Lord; or, that they are more, or less, than seven, to wit, Baptism, Confirmation, the Eucharist, Penance, Extreme Unction, Order, and Matrimony; or even that any one of these seven is not truly and properly a sacrament; let him be anathema.

CANON II.-If any one saith, that these said sacraments of the New Law do not differ from the sacramnets of the Old Law, save that the ceremonies are different, and different the outward rites; let him be anathema.

CANON III.-If any one saith, that these seven sacraments are in such wise equal to each other, as that one is not in any way more worthy than another; let him be anathema.

CANON IV.-If any one saith, that the sacraments of the New Law are not necessary unto salvation, but superfluous; and that, without them, or without the desire thereof, men obtain of God, through faith alone, the grace of justification;-though all (the sacraments) are not ineed necessary for every individual; let him be anathema.

CANON V.-If any one saith, that these sacraments were instituted for the sake of nourishing faith alone; let him be anathema.

[Page 55] CANON VI.-If any one saith, that the sacraments of the New Law do not contain the grace which they signify; or, that they do not confer that grace on those who do not place an obstacle thereunto; as though they were merely outward signs of grace or justice received through faith, and certain marks of the Christian profession, whereby believers are distinguished amongst men from unbelievers; let him be anathema.

CANON VII.-If any one saith, that grace, as far as God’s part is concerned, is not given through the said sacraments, always, and to all men, even though they receive them rightly, but (only) sometimes, and to some persons; let him be anathema.

CANON VIII.-If any one saith, that by the said sacraments of the New Law grace is not conferred through the act performed, but that faith alone in the divine promise suffices for the obtaining of grace; let him be anathema.

CANON IX.-If any one saith, that, in the three sacrments, Baptism, to wit, Confirmation, and Order, there is not imprinted in the soul a character, that is, a certain spiritual and indelible Sign, on account of which they cannot be repeated; let him be anathema.

CANON X.-If any one saith, that all Christians have power to administer the word, and all the sacraments; let him be anathema.

CANON XI.-If any one saith, that, in ministers, when they effect, and confer the sacraments, there is not required the intention at least of doing what the Church does; let him be anathema.

CANON XII.-If any one saith, that a minister, being in mortal sin,-if so be that he observe all the essentials which belong to the effecting, or conferring of, the sacrament,-neither effects, nor confers the sacrament; let him be anathema.

CANON XIII.-If any one saith, that the received and approved rites of the Catholic Church, wont to be used in the solemn [Page 56] administration of the sacraments, may be contemned, or without sin be omitted at pleasure by the ministers, or be changed, by every pastor of the churches, into other new ones; let him be anathema. ON BAPTISM CANON I.-If any one saith, that the baptism of John had the same force as the baptism of Christ; let him be anathema.

CANON II.-If any one saith, that true and natural water is not of necessity for baptism, and, on that account, wrests, to some sort of metaphor, those words of our Lord Jesus Christ; Unless a man be born again of water and the Holy Ghost; let him be anathema.

CANON III.-If any one saith, that in the Roman church, which is the mother and mistress of all churches, there is not the true doctrine concerning the sacrament of baptism; let him be anathema.

CANON IV.-If any one saith, that the baptism which is even given by heretics in the name of the Father, and of the Son, and of the Holy Ghost, with the intention of doing what the Church doth, is not true baptism; let him be anathema.

CANON V.-If any one saith, that baptism is free, that is, not necessary unto salvation; let him be anathema.

CANON VI.-If any one saith, that one who has been baptized cannot, even if he would, lose grace, let him sin ever so much, unless he will not believe; let him be anathema.

CANON VII.-If any one saith, that the baptized are, by baptism itself, made debtors but to faith alone, and not to the observance of the whole law of Christ; let him be anathema.

CANON VIII.-If any one saith, that the baptized are freed from all the precepts, whether written or transmitted, of holy Church, in such wise that they are not bound to observe them, unless they have chosen of their own accord to submit themselves thereunto; let him be anathema.

[Page 57] CANON IX.-If any one saith, that the resemblance of the baptism which they have received is so to be recalled unto men, as that they are to understand, that all vows made after baptism are void, in virtue of the promise already made in that baptism; as if, by those vows, they both derogated from that faith which they have professed, and from that baptism itself; let him be anathema.

CANON X.-If any one saith, that by the sole remembrance and the faith of the baptism which has been received, all sins committed after baptism are either remitted, or made venial; let him be anathema.

CANON XI.-If any one saith, that baptism, which was true and rightly conferred, is to be repeated, for him who has denied the faith of Christ amongst Infidels, when he is converted unto penitence; let him be anathema.

CANON XII.-If any one saith, that no one is to be baptized save at that age at which Christ was baptized, or in the very article of death; let him be anathema.

CANON XIII.-If any one saith, that little children, for that they have not actual faith, are not, after having received baptism, to be reckoned amongst the faithful; and that, for this cause, they are to be rebaptized when they have attained to years of discretion; or, that it is better that the baptism of such be omitted, than that, while not believing by their own act, they should be bapized in the faith alone of the Church; let him be anathema.

CANON XIV.-If any one saith, that those who have been thus baptized when children, are, when they have grown up, to be asked whether they will ratify what their sponsors promised in their names when they were baptized; and that, in case they answer that they will not, they are to be left

to their own will; and are not to be compelled meanwhile to a Christian life by any other penalty, save that they be excluded from the participation of the Eucharist, and of the other sacraments, until they repent; let him be anathema.

[Page 58] ON CONFIRMATION

CANON I.-If any one saith, that the confirmation of those who have been baptized is an idle ceremony, and not rather a true and proper sacrament; or that of old it was nothing more than a kind of catechism, whereby they who were near adolescence gave an account of their faith in the face of the Church; let him be anathema.

CANON II.-If any one saith, that they who ascribe any virtue to the sacred chrism of confirmation, offer an outrage to the Holy Ghost; let him be anathema.

CANON III.-If any one saith, that the ordinary minister of holy confirmation is not the bishop alone, but any simple priest soever; let him be anathema.

DECREE ON REFORMATION The same sacred and holy Synod, the same legates also presiding, purposing to prosecute, unto the praise of God, and the increase of the Christian religion, the work which It hath begun touching residence and reformation, has thought good to ordain as follows,-saving always, in all things, the authority of the Apostolic See.

CHAPTER I.

Who is capable of governing Cathedral churches. No one shall be assumed unto the government of Cathedral churches, but one that is born of lawful wedlock, is of mature age, and endowed with gravity of manners, and skill in letters, agreeably to the constitution of Alexander III., which begins, Cum in cunctis, promulgated in the Council of Lateran.

[Page 59] CHAPTER II.

The holders of several Cathedral churches are commanded to resign all but one, in a given manner and time. No one, by whatsoever dignity, grade, or pre-eminence distinguished, shall presume, in contravention of the institutes of the sacred canons, to accept and to hold at the same time several Metropolitan, or Cathedral, churches, whether by title, or in commendam, or under any other name whatsoever; seeing that he is to be accounted exceedingly fortunate whose lot it is to rule one church well and fruitfully, and unto the salvation of the souls committed to him. But as to those who now hold several churches contrary to the tenor of the present decree, they shall be bound, retaining the one which they may prefer, to resign the rest, within six months if they are at the free disposal of the Apostolic See, in other cases within the year; otherwise those churches, the one last obtained only excepted, shall be from that moment deemed vacant.

CHAPTER III.

Benefices shall be conferred solely on capable individuals.

Inferior Ecclesiastical Benefices, especially such as have the cure of souls, shall be conferred on persons worthy and capable, and who can reside on the spot and exercise personally the said cure; in accordance with the Constitution of Alexander III., in the Council of Lateran, which begins, Quia nonnulli; and that other of Gregory X., published in the General Council of Lyons, which

begins, Licet Canon. A collation, or provision, made otherwise, shall be wholly annulled: and let the ordinary collator know, that he will himself incur the penalties set down in the Constitution of the General Council (of Lateran), which begins, Grave nimis.

[Page 60] CHAPTER IV.

The retainer of several Benefices contrary to the Canons, shall be deprived thereof.

Whosoever shall for the future presume to accept, or to retain at the same time several cures, or otherwise incompatible Ecclesiastical Benefices, whether by way of union for life, or in perpetual commendam, or under any other name or title whatsoever, in contravention of the appointment of the sacred Canons, and especially of the Constitution of Innocent III., beginning, De multa, shall be ipso jure deprived of the said benefices, according to the disposition of the said constitution, and also by virtue of the present Canon.

CHAPTER V. The holders of several Benefices with cure of souls shall exhibit their dispensations to the Ordinary, who shall provide the churches with a Vicar, assigning a suitable portion of the fruits. The Ordinaries of the places shall strictly compel all those who hold several cures, or otherwise incompatible, Ecclesiastical Benefices to exhibit their dispensations; and they shall otherwise proceed according to the Constitution of Gregory X., published in the General Council of Lyons, beginning Ordinarii, which (Constitution) this holy Synod thinks ought to be renewed, and doth renew; adding further, that the said Ordinaries are by all means to provide, even by deputing fit vicars and by assigning a suitable portion of the fruits, that the cure of souls be not in any way neglected, and that the said benfices be nowise defrauded of the services due to them: no appeals, privileges, or exemptions whatsoever, even with a commission of special judges, and inhibitions from the same, being of avail to any one in the matters aforenamed.

[Page 61] CHAPTER VI.

What unions of Benefices shall be accounted valid.

Unions in perpetuity, made within forty years, may be examined into by the Ordinaries, as delegated by the Apostolic See, and such as shall have been obtained by surreption or obreption shall be declared null. Now those are to be presumed to have been surreptitiously obtained, which having been granted within the aforenamed period, have not as yet been carried into effect wholly, or in part, as also those which shall henceforth be made at the instance of any person soever, unless it shall be certain that they have been made for lawful, or otherwise reasonable causes, which are to be verified before the Ordinary of the place, those persons being summoned whose interests are concerned: and therefore (such unions) shall be altogether of no force, unless the Apostolic See shall have declared otherwise.

CHAPTER VII.

United Ecclesiastical Benefices shall be visited: the cure thereof shall be exercised even by perpetual vicars; who shall be deputed thereunto with a portion, to be assigned even upon a specific property.

Ecclesiastical Benefices with cures, which are found to have been always united and annexed to Cathedral, Collegiate, or other churches, or to monasteries, benefices, colleges, or other pious

places of what sort soever, shall be visited every year by the Ordinaries of those places; who shall apply themselves sedulously to provide that the cure of souls be laudably exercised by competent vicars, and those even perpetual, unless the said Ordinaries shall deem it expedient for the good of the churches that it be otherwise,-which (vicars) shall be deputed thereunto by those Ordinaries, with a provision consisting of a third part of the fruits, or of a greater or less proportion, at the discretion [Page 62] of the said Ordinaries, which (portion) is to be assigned even upon a specific property; no appeals, privileges, exemptions, even with a commission of judges, and inhibitions from the same, being of any avail in the matters abovenamed.

CHAPTER VIII.

Churches shall be repaired: the cure of souls sedulously discharged. The Ordinaries of the places shall be bound to visit every year, with apostolic authority, all churches whatsoever, in whatsoever manner exempted; and to provide by suitable legal remedies that whatever needs repairs, be repaired; and that those churches be not in any way defrauded of the Cure of souls, if such be annexed thereunto, or of other services due to them;-all appeals, privileges, customs, even those that have a prescription from time immemorial, commission of judges, and inhibitions from the same, being utterly set aside.

CHAPTER IX.

The duty of consecration not to be delayed.

Those who have been promoted to the greater churches shall receive the rite of consecration within the time prescribed by law, and any delays granted, extending beyond the period of six months, shall be of no avail to any one.

CHAPTER X.

When a See is vacant, Chapters shall not grant ’reverends’ to any unless straitened because of a Benefice obtained, or about to be obtained: various penalties on contraveners.

It shall not be lawful for Chapters of churches, when a see is vacant, to grant,-whether by ordinance of common law, or by virtue of any privilege or custom whatsoever,-a license for [Page 63] ordination, or letters dimissory, or "reverend," as some call them, within a year from the day of that vacancy, to any one who is not straitened (for time), by occasion of some ecclesistical benefice received, or about to be received. Otherwise, the contravening Chapter shall be subjected to an ecclesiastical interdict; and the persons so ordained, if they have been constituted in minor orders, shall not enjoy any clerical privilege, especially in criminal causes; whilst those constituted in the greater orders shall be, ipso jure, suspended from the exercise thereof, during the pleasure of the next appointed prelate.

CHAPTER XI.

Faculties for promotion shall not avail any one without a just cause.

Faculties, for being promoted (to orders) by any prelate whatsoever, shall be of no avail but to those who have a lawful cause-which is to be expressed in their letters-why they cannot be ordained by their own bishops; and even then they shall not be ordained but by a bishop who is

resident in his own diocese, or by him who exercises the pontifical functions for him, and after having undergone a previous careful examination.

CHAPTER XII.

Faculties for not being promoted shall not exceed a year.

Faculties granted for not being promoted (to orders) shall avail for a year only, except in the cases by law provided.

[Page 64]

CHAPTER XIII.

Individuals by whomsoever presented shall not be instituted without being previously examined and approved of by the Ordinary; with certain exceptions.

Persons presented, or elected, or nominated by any ecclesiastics soever, even by Nuncios of the Apostolic See, shall not be instituted, or confirmed in, or admitted to any ecclesiastical benefices whatsoever, even under the plea of any privilege soever, or custom, which may even have a prescription from time immemorial, unless they shall have been first examined, and found fit, by the Ordinaries of the places. And no one shall be able to screen himself, by means of an appeal, from being bound to undergo that examination. Those, however, are to be excepted, who are presented, elected, or nominated by universities, or by colleges for general studies.

CHAPTER XIV.

The civil causes of exempted persons which may be taken cognizance of by bishops. In the causes of exempted persons, the Constitution of Innocent IV., beginning Volentes, set forth in the general Council of Lyons, shall be observed,-which Constitution this sacred and holy Synod hath thought ought to be renewed, and doth hereby renew it; adding further, that, in civil causes relative to wages, and to persons in distress, clerics, whether Seculars, or Regulars who live out of their monasteries,-howsoever exempted, and even though they may have upon the spot a special judge deputed by the Apostolic See; and in other causes, if they have no such judge,-may be brought before the Ordinaries of the places, and be constrained and compelled by course of law to [Page 65] pay what they owe; no privileges, exemptions, commissions of conservators, and inhibitions therefrom, being of any force whatever in opposition to the (regulations) aforesaid.

CHAPTER XV.

Ordinaries shall take care that all manner of hospitals, even those exempted, be faithfully governed by their adminstrators. The Ordinaries shall take care that all hospitals whatsoever be faithfully and diligently governed by their own administrators, by what names soever called, and in what way soever exempted: observing herein the form of the Constitution of the Council of Vienne, which begins, Quia contingit, which this holy Synod hath thought fit to renew, and doth hereby renew, together with the derogations therein contained.

INDICTION OF THE NEXT SESSION This sacred and holy Synod hath also resolved and decreed that the next ensuing Session be held and celebrated on Thursday, the fifth day after the coming Sunday in Albis (Low Sunday), which will be the twenty-first of the month of April of the present

year, MDXLVII.

BULL WITH FACULTY TO TRANFER THE COUNCIL

Paul, bishop, servant of the servants of God, to our venerable brother Giammaria, bishop of Palaestrina, and to our beloved sons, Marcellus of the title of the Holy Cross in Jerusalem, priest, and Reginald of Saint Mary in Cosmedin, deacon, cardinals, our Legates, a latere, and those of the Apostolic See, health and apostolical benediction.

We, by the providence of God, presiding over the government of the universal Church, though with merits unequal thereunto, account it a part of our office that, if anything of more than common moment have to be settled touching the Christian [Page 66] commonweal, it be done not only at a suitable season, but also in a convenient and fit place. Wherefore, whereas We lately, with the advice and consent of our venerable brethren the cardinals of the holy Roman Church,-upon hearing that peace had been made between our most dear sons in Christ, Charles the Emperor of the Romans, ever august, and Francis the most Christian King of the French,-took off and removed the suspension of the celebration of the sacred oecumenical and universal Council, which we had on another occasion, for reasons then stated, indicted with the advice and consent aforesaid, for the city of Trent, and which was, for certain other reasons at that time also named, suspended, upon the like advice and consent, unto another more opportune and suitable time to be declared by us: being ourselves unable, from being at that time lawfully hindered, to repair to the above-named city in person, and to be present at that Council, We, by the same advice, appointed and deputed you as Legates a latere on our behalf and that of the Apostolic See, in that Council; and we sent you unto that same city as angels of peace, as in divers our letters thereupon is more fully set forth: wishing to provide seasonably that so holy a work as the celebration of such a Council may not be hindered through the incommodiousness of the place, or otherwise in any other manner, We, of our proper motion, and certain knowledge, and the plenitude of apostolic authority, and with the advice and consent aforesaid, by the tenor of these presents do, with apostolic authority, concede to you all together, or to two of you, upon the other being detained by a lawful impediment, or maybe absent therefrom, full and unrestrained power and faculty, to transfer and change, when soever you shall see cause, the aforesaid Council from the city of Trent to any other more Convenient, suitable, or safe City, as to you shall seem fit, and to suppress and dissolve that which is held in the said city of Trent; as also to prohibit, even under ecclesiastical pains and censures, the prelates and other members of the said Council, from proceeding to any further measures therein in the said sity of Trent; and also to continue, hold, and celebrate the same Council in the other city as aforesaid unto which it shall have been transferred and changed, and [Page 67] to summon thereunto the prelates and other members of the said Council of Trent, even under the pain of perjury and of the other penalties named in the letters of Indiction of that Council; to preside and proceed, in the Council thus translated and changed, in the name and by the authority aforesaid, and to perform, regulate, ordain, and execute the other things mentioned above, and the things thereunto necessary and suitable in accordance with the contents and tenor of the previous letters which have been on other occasion addressed unto you: declaring that We will hold as ratified and pleasing whatsoever by you shall have been done, regulated, ordained, in the matters aforesaid, and will, with God’s help, cause it to be inviolably observed; any apostolical Constitutions and ordinances, and other things whatsoever to the contrary notwithstanding. Wherefore, let no one soever infringe this letter of our grant, or with rash daring go contrary

thereto. But if any one shall presume to attempt this, let him know that he will incur the indignation of Almighty God, and of the blessed Peter and Paul, His apostles.

Given at Rome, at St. Peter's, in the year of the Lord's Incarnation MDXLVII, on the eighth of the calends of March, in the eleventh year of our Pontificate.

FAB. BISH. OF SPOL. B. MOTTA.

19 Part 3 The Council of Trent

The Council of Trent

The canons and decrees of the sacred

and oecumenical Council of Trent,

Ed. and trans. J. Waterworth (London: Dolman, 1848)

Hanover Historical Texts Project <http://hanover.history.edu/project.html>

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Notes and J. Waterworth's Preface <file://C:\CCD\churchfathers\CHURCH COUNCILS & Liturgies\TRENT.html> The Complete Text <http://history.hanover.edu/texts/trent/trentall.html> The Eighth Session <file://C:\CCD\churchfathers\CHURCH COUNCILS & Liturgies\TRENT.html>

Decree concerning the translation of the Council

The Ninth Session <file://C:\CCD\churchfathers\CHURCH COUNCILS & Liturgies\TRENT.html>

Decree for the prorogation of the session

The Tenth Session <file://C:\CCD\churchfathers\CHURCH COUNCILS & Liturgies\TRENT.html>

Decree for the prorogation of the session

Bull for the resumption of the Council of Trent, under the Sovereign Pontiff, Julius III

The Eleventh Session <file://C:\CCD\churchfathers\CHURCH COUNCILS & Liturgies\TRENT.html>

Decree for resuming the Council

Indiction of the next session

The Twelfth Session <file://C:\CCD\churchfathers\CHURCH COUNCILS & Liturgies\TRENT.html> The Thirteenth Session <file://C:\CCD\churchfathers\CHURCH COUNCILS & Liturgies\TRENT.html>

Decree concerning the most holy sacrament of the eucharist

On the most holy sacrament of the eucharist

Decree on reformation

Decree for postponing the definition of four articles touching the sacrament of the eucharist, and for giving a safe-conduct to Protestants

Safe-conduct granted to Protestants

The Fourteenth Session <file://C:\CCD\churchfathers\CHURCH COUNCILS & Liturgies\TRENT.html>

On the most holy sacraments of penance and extreme unction

On the most holy sacrament of penance

On the sacrament of extreme unction

Decree on reformation

[Page 67] SESSION THE EIGHTH, Celebrated on the eleventh day of the month of March, in the year MDXLVII.

DECREE CONCERNING THE TRANSLATION OF THE COUNCIL

Doth it please you to decree and declare, that, from the foregoing statements and other allegations, a disease of the kind stated is so plainly and notoriously certain, that the prelates cannot without danger of their lives remain in this city, and that [Page 68] therefore they cannot and ought not to be detained therein against their wills? And considering moreover the withdrawal of many prelates since the Session last held, and the protests made in the general congregations by very many other prelates, who wish by all means to depart hence through fear of the said disease, who cannot justly be detained; and by whose departure the Council would either be dissolved, or, from the small number of the prelates, its beneficial progress be hindered; and considering also the imminent danger to life, and the other notoriously true and legitimate reasons alleged in the said congregations by certain of the Fathers; doth it please you, in like manner, to decree and declare, that, for the preservation and prosecution of the said Council, and for the safety of the lives of the said prelates, this Council be transferred for a time to the city of Bologna, as being a place better provided, more healthy, and fit, and that the translation have effect from this day forth, and that the Session, already indicted for the twentyfirst of April ought to be celebrated, and be celebrated, there on that appointed day; and that the further matters be proceeded with in order, until it shall seem expedient, to our most holy Lord and to the sacred Council, that the said Council may, and ought to, be brought back to this, or to some other place, taking council also thereupon with the most invincible Emperor, the most Christian king, and with the other Christian kings and princes? They answered: It pleaseth us.

[Page 68] SESSION THE NINTH, Celebrated at Bologna, on the twenty-first day of the month of April, MDXLVII.

DECREE FOR THE PROROGATION OF THE SESSION This sacred and holy, ecumenical and general Synod, which lately was assembled in the city of Trent, and is now lawfully assembled in the Holy Ghost at Bologna, the same most reverend Lords Giammaria del Monte, bishop of Palaestrina, and Marcellus, of the title of the Holy Cross in Jerusalem, priest, [Page 69] cardinals of the holy Roman Church, and Legates apostolic a latere, presiding therein in the name of our most holy Father in Christ, and Lord, Paul III., by the providence of God, Pope; considering that, on the eleventh day of the month of March of the present year, in a general and public Session celebrated in the said city of Trent, in the usual place, all the formalities being observed in the usual manner; (the Synod) ,-for causes then pressing, urgent, and legitimate, and with the interposition also of the authority of the holy Apostolic See, specially also granted to the said most

reverend Presidents,-decreed and ordained, that the Council was to be transferred, as it did transfer it, from that place to this city, and likewise that the Session,-indicted there for this twenty-first day of April, that Canons touching the matters of the Sacraments and of Reformation, whereon It had purposed to treat, might be established and promulgated,-ought to be celebrated in this city of Bologna; and considering that some of the Fathers who have been accustomed to be present at this Council,-being some engaged in their own Churches during these last days of the great week (of Lent), and of the Paschal solemnity, and some also detained by other hindrances, -have not as yet come hither, but who nevertheless, it is to be hoped, will shortly be present; and that, from this cause, it has happened that the said matters of the Sacraments and of Reformation could not be examined and discussed in an assembly of prelates as numerous as the holy Synod desired: wherefore, to the end that all things may be done with mature deliberation, with due dignity and gravity, (the Synod) hath resolved, and doth resolve, that it is good, opportunie, and expedient, that the aforenamed Session, which, as has been said, was to have been celebrated on this day, be deferred and prorogued, as it is now deferred and prorogued, to the Thursday within the approaching octave of Pentecost, for the expediting of the matters aforesaid; which day It has deemed, and deems, to be most opportune for the business to be transacted, and most convenient especially for the Fathers who are absent; adding however, that this holy Synod may and can, even in a private congregation, limit and abridge the said term, at Its will and pleasure, as It shall think expedient for the business of the Council.

[Page 70] SESSION THE TENTH, Celebrated at Bologna on the second day of the month of June, MDXLVII.

DECREE FOR THE PROROGATION OF THE SESSION

Although this sacred and holy, oecumenical and general Synod hath decreed, that the Session which was to have been celebrated, in this illustrious city of Bologna, on the twenty-first day of the month of April last, on the subject of the Sacraments and of Reformation, in accordance with the decree promulgated in public Session in the city of Trent, should be deferred and prorogued to this present day, for certain reasons, and especially on account of the absence of some of the Fathers, who it was hoped would in a short time be present; wishing, however, even yet to deal kindly with those who have not come, the same sacred and holy Synod, lawfully assembled in the Holy Ghost, the same cardinals of the holy Roman Church, and Legates of the Apostolic See, presiding therein, resolves and decrees, that the said Session, which It had decreed to celebrate on this the second day of the month of June of this present year 1547, be deferred and prorogued, and It doth hereby defer and prorogue it, to the Thursday after the feast of the Nativity of the Blessed Virgin Mary, which will be the fifteenth of September next; for the expediting of the aforesaid and other matters; yet so, however, that the prosecution of the discussion and examination, as well of those things which relate to dogmas, as of those which regard reformation, shall not meanwhile be suspended; and that the said holy Synod freely may and can, at Its will and pleasure, even in a private congregation, abridge or prorogue the said term. On the fourteenth day of September, MDXLVII, in a general Congregation held at Bologna, the Session, which was to have been held on the following day, was prorogued during the good pleasure of the sacred Council.

[Page 71] BULL FOR THE RESUMPTION OF THE COUNCIL OF TRENT, UNDER THE SOVEREIGN PONTIFF, JULIUS III Julius, bishop, servant of the servants of God, for the future

memory hereof.

Whereas, in order to remove the dissensions touching our religion, which for a long time have prevailed in Germany to the disturbance and scandal of the whole Christian world, it seems good, opportune, and expedient,-as also our most dearly beloved son in Christ, Charles the Emperor of the Romans, ever august, has caused to be signified to us by his letters and ambassadors,-to bring back to the city of Trent, the sacred, oecumenical, (and) general Council indicted by our predecessor, Pope Paul III., of happy memory, and begun, regulated, and continued, by Us, who then enjoyed the honour of the Cardinalate, and conjointly with two other Cardinals of the holy Roman Church, presided in the name of our said predecessor, in the said Council, wherein several public and solemn Sessions were held, and several decrees promulgated as well on the subject of faith as of Reformation, and also many things relating to both subjects examined and discussed;-We,-unto whom, as Sovereign Pontiff for the time, it appertains to indict and direct general Councils,-that we may, unto the praise and glory of Almighty God, procure the peace of the Church and the increase of the Christian faith and of the orthodox religion, and may, as far as in us lies, consult with fatherly care for the tranquillity of Germany,-a province indeed which, in times past, was never second to any in Christendom, in cultivating true religion, and the doctrine of the sacred Councils and holy Fathers, and in exhibiting due obedience and reverence to the chief Pontiffs, the vicars on earth of Christ our Redeemer; hoping that, by the grace and bounty of God, all Christian kings and princes will approve of, favour and aid our just and pious wishes herein: We, by the bowels of the mercy of our Lord Jesus Christ, exhort, require, and admonish our venerable brethren the patri-[Page 72]archs, archbishops, bishops, and our beloved sons the abbots, and all and each of the others, who of right, or custom, or privilege, ought to be present at General Councils, and whom our said predecessor, in his letters of indiction and any others soever made and published on this subject, willed to be present at the Council, to convene and assemble, where there is no lawful impediment, in the same city of Trent, and to apply themselves without any delay whatever to the continuation and prosecution of the said Council, on the next ensuing calends of May, which day we appoint, determine on, and assign, after mature deliberation, and of our own certain knowledge, and the plenitude of apostolic authority, and with the advice and consent of our venerable brethren the Cardinals of the said holy Roman Church, for resuming and prosecuting the said Council in the state wherein it now is. For We shall make it our special care, that, at the same time, in the said city, there be always present our Legates, through whom,-if we shall be unable, on account of our age, state of health, and the necessities of the Apostolic See, to be personally present,-we shall, under the guidance of the Holy Ghost, preside over the said Council; any translation and suspension of the said Council, and any other things whatsoever to the contrary notwithstanding, and especially those things which it was the will of our predecessor should not create any obstacle, as expressed in his letters aforesaid, which, with all and each of the clauses and decrees therein contained, we will and decree to continue in force, and we do, as far as there is need thereof, hereby renew them; declaring moreover null and void whatsoever may be attempted, wittingly or ignorantly, by whatsoever person, or by whatsoever authority, against these presents. Let no one, therefore, infringe this our letter of exhortation, requisition, monition, statute, declaration, renewal, will, and decree, or with rash daring go contrary thereunto. But if any one shall presume to attempt this, let him know that he will incur the indignation of Almighty God, and of His blessed apostles, Peter and Paul.

[Page 73] Given at Rome, at St. Peter's, in the year MDXLVIII of our Lord's Incarnation, on the eighteenth of the calends of December, in the first year of our Pontificate.

M. CARDINAL CRESCEN.

ROM. AMASEUS.

[Page 73] SESSION THE ELEVENTH, Of the sacred and holy, oecumenical and general Council of Trent, celebrated on the calends of May, MDLI, being the first held under the Sovereign Pontiff, Julius III.

DECREE FOR RESUMING THE COUNCIL

Doth it please you, unto the praise and glory of the holy and undivided Trinity, Father, and Son, and Holy Ghost, for the increase and exaltation of the Christian faith and religion, that the sacred, oecumenical, and general Council of Trent be, agreeably to the form and tenor of the letters of our most holy lord, resumed, and that further matters be proceeded with? They answered: It pleaseth us.

INDICTION OF THE NEXT SESSION

Doth it please you that the next ensuing Session be held and celebrated on the ensuing calends of September? They answered: It pleaseth us.

[Page 73] SESSION THE TWELFTH, Being the second under the Sovereign Pontiff, Julius III., celebrated on the first day of September, MDLI. The sacred and holy, oecumenical and general Synod of Trent,-lawfully assembled in the Holy Ghost, the same Legate and nuncios of the Apostolic See presiding therein,-having, in [Page 74] the Session last held, decreed, that this next Session was to be on this day celebrated, and that further matters were to be proceeded with; whereas It has hitherto delayed to proceed, on account of the absence of the illustrious German nation,-whose interests are principally concerned,-and on account of the assemblage of the Fathers not being numerous; now rejoicing in the Lord, and giving deserved thanks to that same Almighty God, for the arrival, a little before this day, of our venerable brethren and sons in Christ, the Archbishops of Mayence and Treves,-electoral princes of the holy Roman Empire,-and also of several other bishops of that country and of other provinces; and conceiving a firm hope that very many other prelates, both of Germany and of other nations, will, impelled by the requirements of their office and by this example, in a few days arrive; (the Synod) indicts the next session for the fortieth day from this present, which will be the eleventh of October next:-and prosecuting the said Council in the state wherein it now is, whereas in the preceding Sessions decrees were passed touching the seven sacraments of the New Law in general, and on baptism and confirmation in particular, It resolves and decrees, that It will discuss and treat of the sacrament of the most holy Eucharist, and also, as regards Reformation, of the other matters which relate to the more easy and commodious residence of prelates. And It admonishes and exhorts all the Fathers, that, after the example of our Lord Jesus Christ, they meanwhile give themselves to fasting and prayer, so far at least as human weakness will permit, that so God, who is blessed for evermore, being at length appeased, may vouchsafe to bring back the hearts of men to the acknowledgment of His own true faith, to the unity of holy mother Church, and to the rule of righteous living.

[Page 75] SESSION THE THIRTEENTH, Being the third under the Sovereign Pontiff, Julius III., celebrated on the eleventh day of October, MDLI.

DECREE CONCERNING THE MOST HOLY SACRAMENT OF THE EUCHARIST The sacred and holy, oecumenical and general Synod of Trent,-lawfully assembled in the Holy Ghost, the same Legate, and nuncios of the Apostolic See presiding therein, although the end for which It assembled, not without the special guidance and governance of the Holy Ghost, was, that It might set forth the true and ancient doctrine touching faith and the sacraments, and might apply a remedy to all the heresies, and the other most grievous troubles with which the Church of God is now miserably agitated, and rent into many and various parts; yet, even from the outset, this especially has been the object of Its desires, that It might pluck up by the roots those tares of execrable errors and schisms, with which the enemy hath, in these our calamitous times, oversown the doctrine of the faith, in the use and worship of the sacred and holy Eucharist, which our Saviour, notwithstanding, left in His Church as a symbol of that unity and charity, with which He would fain have all Christians be mentally joined and united together. Wherefore, this sacred and holy Synod delivering here, on this venerable and divine sacrament of the Eucharist, that sound and genuine doctrine, which the Catholic Church,-instructed by our Lord Jesus Christ Himself, and by His apostles, and taught by the Holy Ghost, who day by day brings to her mind all truth, has always retained, and will preserve even to the end of the world, forbids all the faithful of Christ, to presume to believe, teach, or preach henceforth concerning the holy Eucharist, otherwise than as is explained and defined in this present decree.

[Page 76] CHAPTER I.

On the real presence of our Lord Jesus Christ in the most holy sacrament of the Eucharist. In the first place, the holy Synod teaches, and openly and simply professes, that, in the august sacrament of the holy Eucharist, after the consecration of the bread and wine, our Lord Jesus Christ, true God and man, is truly, really, and substantially contained under the species of those sensible things. For neither are these things mutually repugnant,-that our Saviour Himself always sitteth at the right hand of the Father in heaven, according to the natural mode of existing, and that, nevertheless, He be, in many other places, sacramentally present to us in his own substance, by a manner of existing, which, though we can scarcely express it in words, yet can we, by the understanding illuminated by faith, conceive, and we ought most firmly to believe, to be possible unto God: for thus all our forefathers, as many as were in the true Church of Christ, who have treated of this most holy Sacrament, have most openly professed, that our Redeemer instituted this so admirable a sacrament at the last supper, when, after the blessing of the bread and wine, He testified, in express and clear words, that He gave them His own very Body, and His own Blood; words which,-recorded by the holy Evangelists, and afterwards repeated by Saint Paul, whereas they carry with them that proper and most manifest meaning in which they were understood by the Fathers,-it is indeed a crime the most unworthy that they should be wrested, by certain contentions and wicked men, to fictitious and imaginary tropes, whereby the verity of the flesh and blood of Christ is denied, contrary to the universal sense of the Church, which, as the pillar and ground of truth, has detested, as satanical, these inventions devised by impious men; she recognising, with a mind ever grateful and unforgetting, this most excellent benefit of Christ.

[Page 77] CHAPTER II.

On the reason of the Institution of this most holy Sacrament.

Wherefore, our Saviour, when about to depart out of this world to the Father, instituted this Sacrament, in which He poured forth as it were the riches of His divine love towards man, making a remembrance of his wonderful works; and He commanded us, in the participation thereof, to venerate His memory, and to show forth his death until He come to judge the world. And He would also that this sacrement should be received as the spiritual food of souls, whereby may be fed and strengthened those who live with His life who said, He that eateth me, the same also shall live by me; and as an antidote, whereby we may be freed from daily faults, and be preserved from mortal sins. He would, furthermore, have it be a pledge of our glory to come, and everlasting happiness, and thus be a symbol of that one body whereof He is the head, and to which He would fain have us as members be united by the closest bond of faith, hope, and charity, that we might all speak the same things, and there might be no schisms amongst us.

CHAPTER III.

On the excellency of the most holy Eucharist over the rest of the Sacraments. The most holy Eucharist has indeed this in common with the rest of the sacraments, that it is a symbol of a sacred thing, and is a visible form of an invisible grace; but there is found in the Eucharist this excellent and peculiar thing, that the other sacraments have then first the power of sanctifying when one uses them, whereas in the Eucharist, before being used, there is the [Page 78] Author Himself of sanctity. For the apostles had not as yet received the Eucharist from the hand of the Lord, when nevertheless Himself affirmed with truth that to be His own body which He presented (to them). And this faith has ever been in the Church of God, that, immediately after the consecration, the veritable Body of our Lord, and His veritable Blood, together with His soul and divinity, are under the species of bread and wine; but the Body indeed under the species of bread, and the Blood under the species of wine, by the force of the words; but the body itself under the species of wine, and the blood under the species of bread, and the soul under both, by the force of that natural connexion and concomitancy whereby the parts of Christ our Lord, who hath now risen from the dead, to die no more, are united together; and the divinity, furthermore, on account of the admirable hypostatical union thereof with His body and soul. Wherefore it is most true, that as much is contained under either species as under both; for Christ whole and entire is under the species of bread, and under any part whatsoever of that species; likewise the whole (Christ) is under the species of wine, and under the parts thereof.

CHAPTER IV.

On Transubstantiation. And because that Christ, our Redeemer, declared that which He offered under the species of bread to be truly His own body, therefore has it ever been a firm belief in the Church of God, and this holy Synod doth now declare it anew, that, by the consecration of the bread and of the wine, a conversion is made of the whole substance of the bread into the substance of the body of Christ our Lord, and of the whole substance of the wine into the substance of His blood; which conversion is, by the holy Catholic Church, suitably and properly called Transubstantiation.

[Page 79] CHAPTER V.

On the cult and veneration to be shown to this most holy Sacrament.

Wherefore, there is no room left for doubt, that all the faithful of Christ may, according to the custom ever received in the Catholic Church, render in veneration the worship of latria, which is due to the true God, to this most holy sacrament. For not therefore is it the less to be adored on this account, that it was instituted by Christ, the Lord, in order to be received: for we believe that same God to be present therein, of whom the eternal Father, when introducing him into the world, says; And let all the angels of God adore him; whom the Magi falling down, adored; who, in fine, as the Scripture testifies, was adored by the apostles in Galilee. The holy Synod declares, moreover, that very piously and religiously was this custom introduced into the Church, that this sublime and venerable sacrament be, with special veneration and solemnity, celebrated, every year, on a certain day, and that a festival; and that it be borne reverently and with honour in processions through the streets, and public places. For it is most just that there be certain appointed holy days, whereon all Christians may, with a special and unusual demonstration, testify that their minds are grateful and thankful to their common Lord and Redeemer for so ineffable and truly divine a benefit, whereby the victory and triumph of His death are represented. And so indeed did it behove victorious truth to celebrate a triumph over falsehood and heresy, that thus her adversaries, at the sight of so much splendour, and in the midst of so great joy of the universal Church, may either pine away weakened and broken; or, touched with shame and confounded, at length repent.

[Page 80] CHAPTER VI.

On reserving the Sacrament of the sacred Eucharist, and bearing it to the Sick. The custom of reserving the holy Eucharist in the sacrarium is so ancient, that even the age of the Council of Nicaea recognised that usage. Moreover, as to carrying the sacred Eucharist itself to the sick, and carefully reserving it for this purpose in churches, besides that it is exceedingly conformable to equity and reason, it is also found enjoined in numerous councils, and is a very ancient observance of the Catholic Church. Wherefore, this holy Synod ordains, that this salutary and necessary custom is to be by all means retained.

CHAPTER VII.

On the preparation to be given that one may worthily receive the sacred Eucharist.

If it is unbeseeming for any one to approach to any of the sacred functions, unless he approach holily; assuredly, the more the holiness and divinity of this heavenly sacrament are understood by a Christian, the more diligently ought he to give heed that he approach not to receive it but with great reverence and holiness, especially as we read in the Apostle those words full of terror; He that eateth and drinketh unworthily, eateth and drinketh judgment to himself. Wherefore, he who would communicate, ought to recall to mind the precept of the Apostle; Let a man prove himself. Now ecclesiastical usage declares that necessary proof to be, that no one, conscious to himself [Page 81] of mortal sin, how contrite soever he may seem to himself, ought to approach to the sacred Eucharist without previous sacramental confession. This the holy Synod hath decreed is to be invariably observed by all Christians, even by those priests on whom it may be incumbent by their office to celebrate, provided the opportunity of a confessor do not fail them; but if, in an urgent necessity, a priest should celebrate without previous confession, let him confess as soon as possible.

CHAPTER VIII.

On the use of this admirable Sacrament.

Now as to the use of this holy sacrament, our Fathers have rightly and wisely distinguished three ways of receiving it. For they have taught that some receive it sacramentally only, to wit sinners: others spiritually only, those to wit who eating in desire that heavenly bread which is set before them, are, by a lively faith which worketh by charity, made sensible of the fruit and usefulness thereof: whereas the third (class) receive it both sacramentally and spiritually, and these are they who so prove and prepare themselves beforehand, as to approach to this divine table clothed with the wedding garment. Now as to the reception of the sacrament, it was always the custom in the Church of God, that laymen should receive the communion from priests; but that priests when celebrating should communicate themselves; which custom, as coming down from an apostolical tradition, ought with justice and reason to be retained. And finally this holy Synod with true fatherly affection admonishes, exhorts, begs, and beseeches, through the bowels of the mercy of our God, that all and each of those who bear the Christian name would now at length agree and be of one mind in this sign of unity, in this bond of charity, in this symbol of concord; and that mindful of the so great majesty, and the so [Page 82] exceeding love of our Lord Jesus Christ, who gave His own beloved soul as the price of our salvation, and gave us His own flesh to eat, they would believe and venerate these sacred mysteries of His body and blood with such constancy and firmness of faith, with such devotion of soul, with such piety and worship as to be able frequently to receive that supersubstantial bread, and that it may be to them truly the life of the soul, and the perpetual health of their mind; that being invigorated by the strength thereof, they may, after the journeying of this miserable pilgrimage, be able to arrive at their heavenly country, there to eat, without any veil, that same bread of angels which they now eat under the sacred veils. But forasmuch as it is not enough to declare the truth, if errors be not laid bare and repudiated, it hath seemed good to the holy Synod to subjoin these canons, that all, -the Catholic doctrine being already recognised,-may now also understand what are the heresies which they ought to guard against and avoid. ON THE MOST HOLY SACRAMENT OF THE EUCHARIST

CANON I.-If any one denieth, that, in the sacrament of the most holy Eucharist, are contained truly, really, and substantially, the body and blood together with the soul and divinity of our Lord Jesus Christ, and consequently the whole Christ; but saith that He is only therein as in a sign, or in figure, or virtue; let him be anathema.

CANON II.-If any one saith, that, in the sacred and holy sacrament of the Eucharist, the substance of the bread and wine remains conjointly with the body and blood of our Lord Jesus Christ, and denieth that wonderful and singular conversion of the whole substance of the bread into the Body, and of the whole substance of the wine into the Blood-the species Only of the bread and wine remaining-which conversion indeed the Catholic Church most aptly calls Transubstantiation; let him be anathema.

CANON III.-If any one denieth, that, in the venerable sacrament of the Eucharist, the whole Christ is contained under each [Page 83] species, and under every part of each species, when separated; let him be anathema.

CANON IV.-If any one saith, that, after the consecration is completed, the body and blood of our Lord Jesus Christ are not in the admirable sacrament of the Eucharist, but (are there) only during the use, whilst it is being taken, and not either before or after; and that, in the hosts, or

consecrated particles, which are reserved or which remain after communion, the true Body of the Lord remaineth not; let him be anathema.

CANON V.-If any one saith, either that the principal fruit of the most holy Eucharist is the remission of sins, or, that other effects do not result therefrom; let him be anathema.

CANON VI.-If any one saith, that, in the holy sacrament of the Eucharist, Christ, the only-begotten Son of God, is not to be adored with the worship, even external of latria; and is, consequently, neither to be venerated with a special festive solemnity, nor to be solemnly borne about in processions, according to the laudable and universal rite and custom of holy church; or, is not to be proposed publicly to the people to be adored, and that the adorers thereof are idolators; let him be anathema.

CANON VII.-If any one saith, that it is not lawful for the sacred Eucharist to be reserved in the sacrarium, but that, immediately after consecration, it must necessarily be distributed amongst those present; or, that it is not lawful that it be carried with honour to the sick; let him be anathema.

CANON VIII.-If any one saith, that Christ, given in the Eucharist, is eaten spiritually only, and not also sacramentally and really; let him be anathema.

CANON IX.-If any one denieth, that all and each of Christ's faithful of both sexes are bound, when they have attained to years of discretion, to communicate every year, at least at Easter, in accordance with the precept of holy Mother Church; let him be anathema.

[Page 84] CANON X.-If any one saith, that it is not lawful for the celebrating priest to communicate himself; let him be anathema.

CANON XI.-If any one saith, that faith alone is a sufficient preparation for receiving the sacrament of the most holy Eucharist; let him be anathema. And for fear lest so great a sacrament may be received unworthily, and so unto death and condemnation, this holy Synod ordains and declares, that sacramental confession, when a confessor may be had, is of necessity to be made beforehand, by those whose conscience is burthened with mortal sin, how contrite even soever they may think themselves. But if any one shall presume to teach, preach, or obstinately to assert, or even in public disputation to defend the contrary, he shall be thereupon excommunicated.

DECREE ON REFORMATION

CHAPTER I.

Bishops shall apply themselves with prudence to reform the manners of their subjects: from the correction of those bishops there shall be appeal. The same sacred and holy Synod,-lawfully assembled in the Holy Ghost, the same legate and nuncios of the Apostolic See presiding therein,-purposing to ordain certain things which relate to the jurisdiction of bishops, in order that they may, in accordance with the decree of the last Session, so much the more willingly reside in the churches committed to them, by how much they shall be able, with greater ease and convenience, to rule and to keep in propriety of life and conversation those subject to them, thinks it meet that the bishops be first of all admonished to bear in mind, that they are pastors and not strikers, and that they ought so to preside over those subject to them, as not to lord it over them, but to love them as sons and brethren; and to strive, by exhortation and admonition, [Page 85] to

deter them from what is unlawful, that they may not be obliged, should they transgress, to coerce them by due punishments. Towards whom, however, should they happen to sin in any manner through human frailty, that injunction of the apostle is by bishops to be observed, that they reprove, entreat, rebuke them in all kindness and doctrine; seeing that benevolence towards those to be corrected often effects more than austerity; exhortation more than menace; charity more than power. But if, on account of the grievousness of the transgression, there be need of the rod, then is rigour to be tempered with gentleness, judgment with mercy, severity with lenit; that so discipline, so salutary and necessary for the people, may be preserved without harshness; and they who are chastened may be amended, or, if they will not repent, that others, by the wholesome example of their punishment, may be deterred from vices; since it is the office of a pastor, at once vigilant and kind, to apply first of all gentle fomentations to the disorders of his sheep, and afterwards to proceed to sharper and more violent remedies, when the grievousness of the distempers may require them; but if not even these are effectual in removing those disorders, then is he to free the other sheep at least from the danger of contagion. Whereas, therefore, those guilty of crimes, ordinarily, in order to avoid punishment, and to evade the judgments of their bishops, affect to have subjects of complaint and grievances, and, under the subterfuge of an appeal, impede the process of the judge, (this Synod) in order to prevent a remedy which was instituted for the protection of innocence, from being abused to the defence of wickedness, and that this their craft and tergiversation may be met, hath ordained and decreed that: In causes relative to visitation and correction, or to competency or incompetency, as also in criminal causes, there shall be no appeal, before the definitive sentence, from the bishop or his vicar general in spirituals, against any interlocutory sentence, or other (alleged) grievance, whatsoever; neither shall the bishop, nor his vicar, be bound to defer to any [Page 86] such appeal, as being frivolous; but they may proceed to ulterior measures, that appeal, or any inhibition whatsoever emanating from a judge of appeal, as also every usage and custom even immemorial, to the contrary notwithstanding; except it be that the said grievance cannot be repaired by the definitive sentence, or that there is no appeal from the said definitive sentence; in which cases the statutes of the ancient canons shall remain untouched.

CHAPTER II.

An appeal from the bishop in criminal causes, when to be committed to the Metropolitan, or to one of the nearest bishops. A case of appeal-where there is room for such appeal-from the sentence of the bishop, or that of his vicar general, shall, if it happen to be a case committed by apostolic authority to judges on the spot, be referred to the metropolitan, or even to his vicar general in spirituals; or if that metropolitan be for some cause suspected, or be distant more than two days' journey as settled by law, or if it be from him that the appeal is made, the case shall be committed to one of the nearest bishops, or to the vicars thereof, but not to inferior judges.

CHAPTER III.

The acts of the first instance shall, within thirty days, be given gratuitously to the accused appellant. The accused who is in a criminal cause an appellant from the bishop, or from his vicar general in spirituals, shall absolutely produce, before the judge to whom he has appealed, the acts of the first instance; and the judge shall by no means proceed, without having seen them, to the absolution of the accused. And he, from whom the appeal is made, shall furnish on the demand (of

the appellant), the said acts gratuitously within thirty days; otherwise the said case of appeal shall be terminated without them, in the way that justice may require.

[Page 87] CHAPTER IV.

In what manner clerics are, on account of grievous crimes, to be degraded from sacred Orders. And whereas crimes so grievous are sometimes committed by ecclesiastics, that, on account of the atrocity thereof, they have to be deposed from sacred orders, and delivered over to a secular court; in which case a certain number of bishops is, according to the Canons, required; and whereas, should there be a difficulty in assembling them all, the due execution of the law would be retarded; whilst, should they on any occasion be able to be present, their residence would be interrupted; therefore hath the Synod resolved and decreed, that it shall be lawful for a bishop, by himself or by his vicar general in spirituals, without the presence even of other bishops, to proceed against a cleric, even against one who is raised to the sacred order of the priesthood, even to his condemnation, as also to his verbal deposition; and he shall be able by himself to proceed even to actual and solemn degradation from the said ecclesiastical orders and degrees, in the cases wherein the presence of other bishops, in a specific number, is required by the Canons; taking, however, to himself, and being assisted therein by, a like number of abbots, who have the right of using the mitre and crosier by apostolic privilege, if so be that they can be found in the city, or diocese, and can conveniently be present; or in their default, (being assisted) by (a like number of) others persons constituted in ecclesiastical dignity, who are of weight by their age and recommended by their knowledge of law.

CHAPTER V.

The bishop shall take summary cognizance of graces whereby a sin, or a punishment, is remitted. And because it sometimes happens that, under false pleas, which notwithstanding seem probable enough, certain persons [Page 88] fraudulently obtain graces, whereby the punishments inflicted on them by the just severity of their bishops are either wholly remitted, or are mitigated; and whereas it is a thing not to be borne, that a lie, which is so exceedingly displeasing to God, should not only itself go unpunished, but even obtain for him that tells it, the pardon of another crime; the Synod hath for this cause ordained and decreed as follows: That a bishop, resident in his own church, shall of himself, as the delegate of the Apostolic See, take cognizance even summarily of the surreption or obreption of any grace, obtained under false pretences, for the absolution of any public crime or delinquency, into which he himself had instituted an inquiry; or for the remission of a punishment to which he has himself condemned the criminal; and he shall not admit the said grace, after that it shall have been lawfully ascertained, that it was obtained by the statement of what is false, or by the suppression of the truth.

CHAPTER VI.

A bishop shall not be personally cited, save in a case involving deposition, or deprivation. And whereas the subjects of a bishop, even though they have been justly chastened, do often nevertheless bear him a violent hatred, and, as if they had suffered some wrong at his hands, object false accusations against him, in order that they may annoy him by whatsoever means lie in their power,-the fear which annoyance doth for the most part render the bishop more backward in inquiring into and punishing delinquencies; therefore, that a bishop may not be compelled-both to

his own great inconvenience and that of his Church-to abandon the flock entrusted to him, and that he may not be forced-not without the diminution of the episcopal dignity-to wander from place to place, (the Synod) hath thus ordained and decreed: That a [Page 89] bishop, even though he be proceeded against ex officio, or by way of inquiry, or denunciation, or accusation, or in any other way whatsoever, shall not be cited or warned to appear in person, except for a cause for which he might have to be deposed from, or deprived of, his office.

CHAPTER VII.

The qualifications of witnesses against a bishop are described. In a criminal cause, witnesses shall not be received against a bishop, whether as to the information, or proofs, or other process affecting the principal point of the case, unless their testimony agree, and they be of a good life, in good esteem and reputation; and if they shall have made any deposition through hatred, rashness, or interest, they shall be subjected to grievous punishments.

CHAPTER VIII.

Important episcopal causes shall be taken cognizance of by the Supreme Pontiff. The causes of bishops, when, on account of the quality of the crime objected, they have to appear (in person), shall be carried before the Sovereign Pontiff, and be by him decided.

DECREE FOR POSTPONING THE DEFINITION OF FOUR ARTICLES TOUCHING THE SACRAMENT OF THE EUCHARIST, AND FOR GIVING A SAFE-CONDUCT TO PROTESTANTS The same holy Synod,-desiring to pluck out of the field of the Lord all the errors which like thorns have sprung up again on the subject of this most holy sacrament, and wishing to provide for the salvation of all the faithful, her daily prayers being devoutly offered up to Almighty God for this end,-amongst the other articles, relative to this sacrament, which have been treated of with the most diligent inquiry into Catholic truth; very many and most accurate conferences, according to [Page 89] the importance of the matters, having been held, and the sentiments also of the most eminent theologians having been ascertained; has likewise treated of these following: whether it be necessary to salvation, and be prescribed of divine right, that all the faithful of Christ receive the said venerable sacrament under both species. And; whether he who communicates under either species receive less than he who communicates under both. And; whether holy Mother Church hath erred, by communicating, under the species of bread only, the laity, and priests when not celebrating. And; whether little children also are to be communicated. But whereas those, of the most noble province of Germany, who call themselves Protestants, desire to be heard by the holy Synod upon these said articles before they are defined, and for this end have asked for the public faith from the Synod, that they may be allowed to come hither in safety, dwell in this city, speak freely and set forth their sentiments before the Synod, and afterwards depart when they please; this holy Synod,-although It has looked forward with great earnestness for many months past for their coming, nevertheless, as an affectionate mother that groaneth and travaileth, most ardently desiring and labouring after this, that, amongst those who bear the Christian name, there may be no schisms, but that, even as all acknowledge the same God and Redeemer, so may all say the same thing, believe the same, think the same,-trusting in the mercy of God, and hoping that the result will be that they may be brought back to the most holy and salutary concord of one faith, hope, and charity, (and) yielding to them herein, hath, as far as the said Synod is concerned, given and granted, according to their request; a public assurance and

faith, which they call a safe-conduct, of the tenor which will be set down below; and for their sakes It hath postponed the definition of those articles to the second next Session, which, that they may conveniently be present thereat, It hath indicted for the festival of the conversion of Saint Paul, which will be on the twenty-fifth day of the month of January of the ensuing year. And It furthermore ordains, that the [Page 91] sacrifice of the mass, on account of the close connexion between the two subjects, shall be treated of in the same Session; and that meanwhile It will treat of the sacraments of Penance and Extreme Unction in the next Session, which It hath decreed is to be held on the festival of Saint Catharine, virgin and martyr, which will be the twenty-fifth of November; and that at the same time, in both Sessions, the matter of reformation shall be proceeded with.

SAFE-CONDUCT GRANTED TO PROTESTANTS The sacred and holy, general Synod of Trent,-lawfully assembled in the Holy Ghost, the same Legate and Nuncios of the holy Apostolic See presiding therein,-grants, as far as regards the holy Synod itself, to all and each one throughout the whole of Germany, whether ecclesiastics or Seculars, of whatsoever degree, estate, condition, quality they be, who may wish to repair to this oecumenical and general Council, the public faith and full security, which they call a safe-conduct, with all and each of the necessary and suitable clauses and decrees, even though they ought to be expressed specifically and not in general terms, and which it is Its wish shall be considered as expressed, so as that they may and shall have it in their power in all liberty to confer, make proposals, and treat on those things which are to be treated of in the said Synod; to come freely and safely to the said oecumenical Council, and there remain and abide, and propose therein, as well in writing as by word of mouth, as many articles as to them shall seem good, and to confer and dispute, without any abuse or contumely, with the Fathers, or with those who may have been selected by the said holy Synod; as also to withdraw whensoever they shall think fit. It hath furthermore seemed good to the holy Synod, that if, for their greater liberty and security, they desire that certain judges be deputed on their behalf, in regard of crimes whether committed, or that may be committed, by them, they shall themselves nominate those who are favourable towards them, even though the said crimes should be ever so enormous and should savour of heresy.

[Page 92] SESSION THE FOURTEENTH, Being the fourth under the Sovereign Pontiff, Julius III., celebrated on the twenty-fifth of November, MDLI. ON THE MOST HOLY SACRAMENTS OF PENANCE AND EXTREME UNCTION Doctrine on the Sacrament of Penance. The sacred and holy, oecumenical and general Synod of Trent, -lawfully assembled in the Holy Ghost, the same Legate and Nuncios of the holy Apostolic See presiding therein, --although, in the decree concerning Justification, there has been, through a certain kind of necessity, on account of the affinity of the subjects, much discourse introduced touching the sacrament of Penance; nevertheless, so great, in these our days, is the multitude of various errors relative to this sacrament, that it will be of no small public utility to have given thereof a more exact and full definition, wherein, all errors having been, under the protection of the Holy Ghost, pointed out and extirpated, Catholic truth may be made clear and resplendent; which (Catholic truth) this holy Synod now sets before all Christians to be perpetually retained.

CHAPTER I.

On the necessity, and on the institution of the Sacrament of Penance.

If such, in all the regenerate, were their gratitude towards God, as that they constantly preserved the justice received in baptism by His bounty and grace; there would not have been need for another sacrament, besides that of baptism itself, to be instituted for the remission of sins But because God, rich in mercy, knows our frame, He hath bestowed a remedy of life even on [Page 93] those who may, after baptism, have delivered themselves up to the servitude of sin and the power of the devil, --the sacrament to wit of Penance, by which the benefit of the death of Christ is applied to those who have fallen after baptism. Penitence was in deed at all times neccessary, in order to attain to grace and justice, for all men who had defiled themselves by any mortal sin, even for those who begged to be washed by the sacrament of Baptism ; that so, their perverseness renounced and amended, they might, with a hatred of sin and a godly sorrow of mind, detest so great an offence of God. Wherefore the prophet says; Be converted and do penance for all your iniquities, and iniquity shall not be your ruin. The Lord also said; Except you do penance, you shall also likewise perish; and Peter, the prince of the apostoles, reconmending penitence to sinners who were about to be initiated by baptism, said; Do penance, and be baptized every one you. Nevertheless, neither before the coming of Christ was penitance a sacrament, nor is it such, since His coming, to any previously to baptism. But the Lord then principally instituted the sacrament of penance, when, being raised from the dead, He breathed upon His disciples, saying Receive ye the Holy Ghost, whose sins you shall forgive, they are forgiven them, and whose sins you shall retain, they are retained. By which action so signal, and words so clear, the consent of all the Fathers has ever understood, that the power of forgiving and retaining sins was communicated to the apostles and their lawful successors, for the reconciling of the faithful who have fallen after baptism. And the Catholic Church with great reason repudiated and condemned as heretics, the Novatians, who of old obstinately denied that power of forgiving. Wherefore, this holy Synod, approving of and re ceiving as most true this meaning of those words of our Lord, condemns the fanciful interpretations of those who, in opposition to the institution of this sacrament, falsely wrest those words to the power of preaching the word of God, and of an nouncing the Gospel of Christ.

[Page 93] CHAPTER II.

On the difference between the Sacrament of Penance and that of Baptism For the rest, this sacrament is clearly seen to be different from baptism in many respects: for besides that it is very widely different indeed in matter and form, which constitute the essence of a sacrament, it is beyond doubt certain that the minister of baptism need not be a judge, seeing that the Church exercises judgment on no one who has not entered therein through the gate of baptism. For, what have I, saith the apostle, to do to judge them that are without? It is otherwise with those who are of the household of the faith, whom Christ our Lord has once, by the laver of baptism, made the members of His own body; for such, if they should afterwards have defiled themselves by any crime, He would no longer have them cleansed by a repetition of baptism--that being nowise lawful in the Catholic Church-but be placed as criminals before this tribunal; that, by the sentence of the priests, they might be freed, not once, but as often as, being penitent, they should, from their sins committed, flee thereunto. Furthermore, one is the fruit of baptism, and another that of penance. For, by baptism putting on Christ, we are made therein entirely a new creature, obtaining a full and entire remission of all sins: unto which newness and entireness, however, we are no ways able to arrive by the sacrament of Penance, without many tears and great labours on our parts, the divine justice demanding this; so that penance has justly been called by holy Fathers a laborious kind of

baptism. And this sacrament of Penance is, for those who have fallen after baptism, necessary unto salvation; as baptism itself is for those who have not as yet been regenerated.

[Page 92] CHAPTER III.

On the parts, and on the fruit of this Sacrament. The holy synod doth furthermore teach, that the form of the sacrament of penance, wherein its force principally consists, is placed in those words of the minister, I absolve thee, &c: to which words indeed certain prayers are, according to the custom of holy Church, laudably joined, which nevertheless by no means regard the essence of that form, neither are they neces sary for the administration of the sacrament itself. But the acts of the penitent himself, to wit, contrition, confession and satisfaction, are as it were the matter of this sacrament. Which acts, inasmuch as they are, by God's institution, required in the penitent for the integrity of the sacrament, and for the full and perfect remission of sins, are for this reason called the parts of penance. But the thing signified indeed and the effect of this sacrament, as far as regards its force and efficacy, is reconciliation with God, which sometimes, in persons who are pious and who receive this sacrament with devotion, is wont to be followed by peace and serenity of conscience, with exceed ing consolation of spirit. The holy Synod, whilst delivering these things touching the parts and the effect of this sacrament, condemns at the same time the opinions of those who contend, that, the terrors which agitate the conscience, and faith, are the parts of penance.

CHAPTER IV.

On Contrition.

Contrition, which holds the first place amongst the aforesaid acts of the penitent, is a sorrow of mind, and a detestation for sin committed, with the purpose of not sinning for the future. [Page 96] This movement of contrition was at all times necessary for obtaining the pardon of sins; and, in one who has fallen after baptism, it then at length prepares for the remissions of sins, when it is united with confidence in the divine mercy, and with the desire of performing the other things which are required for rightly receiving this sacrament. Wherefore the holy Synod declares, that this contrition contains not only a cessation from sin, and the purpose and the beginning of a new life, but also a hatred of the old, agreeably to that saying; Cast away from you all your iniquities, wherein you have transgressed, and make to yourselves a new heart and a new spirit. And assuredly he who has considered those cries of the saints; To thee only have I sinned, and have done evil before thee, I have laboured in my groaning, every night I will wash my bed, I will recount to thee all my years, in the bitterness of my soul, and others of this kind, will easily understand that they flowed from a certain vehement hatred of their past life, and from an exceeding detestation of sins. The Synod teaches moreover, that, although it sometimes happen that this contrition is perfect through charity, and reconciles man with God before this sacrament be actually received, the said reconciliation, nevertheless, is not to be ascribed to that contrition, independently of the desire of the sacrament which is included therein. And as to that imperfect contrition, which is called attrition, because that it is commonly conceived either from the consideration of the turpitude of sin, or from the fear of hell and of punishment, It declares that if, with the hope of pardon, it exclude the wish to sin, it not only does not make a man a hypocrite, and a greater sinner, but that it is even a gift of God, and an impulse of the Holy Ghost, --who does not indeed as yet dwell in the penitent, but only moves him, --whereby the penitent being assisted prepares a

way for himself unto justice. And although this (attrition) cannot of itself, without the sacrament of penance, conduct the sinner to justification, yet does it dispose him to obtain the grace of God in the sacrament of [Page 97] Penance. For, smitten profitably with this fear, the Ninivites, at the preaching of Jonas, did fearful penance and obtained mercy from the Lord. Wherefore falsely do some calumniate Catholic writers, as if they had maintained that the sacrament of Penance confers grace without any good motion on the part of those who receive it: a thing which the Church of God never taught, or thought: and falsely also do they assert that contrition is extorted and forced, not free and voluntary.

CHAPTER V.

On Confession. From the institution of the sacrament of Penance as already explained, the universal Church has always understood, that the entire confession of sins was also instituted by the Lord, and is of divine right necessary for all who have fallen after baptism; because that our Lord Jesus Christ, when about to ascend from earth to heaven, left priests His own vicars, as presidents and judges, unto whom all the mortal crimes, into which the faithful of Christ may have fallen, should be carried, in order that, in accordance with the power of the keys, they may pronounce the sentence of forgiveness or retention of sins. For it is manifest, that priests could not have exercised this judgment without knowledge of the cause; neither indeed could they have observed equity in enjoining punishments, if the said faithful should have declared their sins in general only, and not rather specifically, and one by one. Whence it is gathered that all the mortal sins, of which, after a diligent examination of themselves, they are conscious, must needs be by penitents enumerated in confession, even though those sins be most [Page 98] hidden, and committed only against the two last precepts of the decalogue,--sins which sometimes wound the soul more grievously, and are more dangerous, than those which are committed outwardly. For venial sins, whereby we are not excluded from the grace of God, and into which we fall more frequently, although they be rightly and profitably, and without any presumption declared in confession, as the custom of pious persons demonstrates, yet may they be omitted without guilt, and be expiated by many other remedies. But, whereas all mortal sins, even those of thought, render men children of wrath, and enemies of God, it is necessary to seek also for the pardon of them all from God, with an open and modest confession. Wherefore, while the faithful of Christ are careful to confess all the sins which occur to their memory, they without doubt lay them all bare before the mercy of God to be pardoned: whereas they who act otherwise, and knowingly keep back certain sins, such set nothing before the divine bounty to be forgiven through the priest: for if the sick be ashamed to show his wound to the physician, his medical art cures not that which it knows not of. We gather furthermore, that those circumstances which change the species of the sin are also to be explained in confession, because that, without them, the sins themselves are neither entirely set forth by the penitents, nor are they known clearly to the judges; and it cannot be that they can estimate rightly the grievousness of the crimes, and impose on the penitents, the punishment which ought to be inflicted, on account of them. Whence it is unreasonable to teach, that these circumstances have been invented by idle men; or, that one circumstance only is to be confessed, to wit, that one has sinned against a brother. But it is also impious to assert, that confession, enjoined to be made in this manner, is impossible, or to call it a slaughter-house of consciences: for it is certain, that in the Church nothing else is required of penitents, but that, after each has examined himself diligently, and searched all the folds and recesses of his conscience,

he confess those sins by which he shall remember that he has mortally offended [Page 99] his Lord and God: whilst the other sins, which do not occur to him after diligent thought, are understood to be included as a whole in that same confession; for which sins we confidently say with the prophet; From my secret sins cleanse me, O Lord. Now, the very difficulty of a confession like this, and the shame of making known one's sins, might indeed seem a grievous thing, were it not alleviated by the so many and so great advantages and consolations, which are most assuredly bestowed by absolution upon all who worthily approach to this sacrament. For the rest, as to the manner of confessing secretly to a priest alone, although Christ has not forbidden that a person may,--in punishment of his sins, and for his own humi liation, as well for an example to others as for the edification of the Church that has been scandalized,--confess his sins publicly, nevertheless this is not commanded by a divine precept; neither would it very prudent to enjoin by any human law, that sins, especially such as are secret, should be made known by a public confession. Wherefore, whereas the secret sacramental confession, which was in use from the beginning in holy Church, and is still also in use, has always been commended by the most holy and the most ancient Fathers with a great and unanimous consent, the vain calumny of those is manifestly refuted, who are not ashamed to teach, that confession is alien from the divine command, and is a human invention, and that it took its rise from the Fathers assembled in the Council of Lateran: for the Church did not, through the Council of Lateran, ordain that the faithful of Christ should confess,--a thing which it knew to be necessary, and to be instituted of divine right,--but that the precept of confession should be complied with, at least once a year, by all and each, when they have attained to years of discretion. Whence, throughout the whole Church, the salutary custom is, to the great benefit of the souls of the faithful, now observed, of confessing at that most sacred and most acceptable time of Lent,--a custom which this holy Synod most highly approves of and embraces, as pious and worthy of being retained.

[Page 100] CHAPTER VI.

On the ministry of this Sacrament, and on Absolution.

But, as regards the minister of this sacrament, the holy Synod declares all these doctrines to be false, and utterly alien from the truth of the Gospel, which perniciously extend the ministry of the keys to any others soever besides bishops and priests; imagining, contrary to the institution of this sacrament, that those words of our Lord, Whatsoever you shall bind upon earth, shall be bound also in heaven, and whatsoever you shall loose upon earth shall be loosed also in heaven, and, Whose sins you shall forgive, they are forgiven them, and whose sins you shall retain, they are retained,were in such wise addressed to all the faithful of Christ indifferently and indiscriminately, as that every one has the power of forgiving sins,-public sins to wit by rebuke, provided he that is rebuked shall acquiesce, and secret sins by a voluntary confession made to any individual whatsoever. It also teaches, that even priests, who are in mortal sin, exercise, through the virtue of the Holy Ghost which was bestowed in ordination, the office of forgiving sins, as the ministers of Christ; and that their sentiment is erroneous who contend that this power exists not in bad priests. But although the absolution of the priest is the dispensation of another's bounty, yet is it not a bare ministry only, whether of announcing the Gospel, or of declaring that sins are forgiven, but is after the manner of a judicial act, whereby sentence is pronounced by the priest as by a judge: and therefore the penitent ought not so to confide in his own personal faith, as to think that,--even though there be no contrition on his part, or no intention on the part of the priest of acting seriously

and absolving truly,--he is nevertheless truly and in God's sight absolved, on account of his faith alone. For neither would [Page 101] faith without penance bestow any remission of sins; nor would he be otherwise than most careless of his own salvation, who, knowing that a priest but absolved him in jest, should not care fully seek for another who would act in earnest.

CHAPTER VII.

On the Reservation of Cases.

Wherefore, since the nature and order of a judgment require this, that sentence be passed only on those subject (to that judicature), it has ever been firmly held in the Church of God, and this Synod ratifies it as a thing most true, that the absolution, which a priest pronounces upon one over whom he has not either an ordinary or a deligated jurisdiction, ought to be of no weight whatever. And it hath seemed to our most holy Fathers to be of great importance to the discipline of the Christian people, that certain more atrocious and more heinous crimes should be absolved, not by all priests, but only by the highest priests: whence the Sovereign Pontiffs, in virtue of the supreme power delivered to them in the universal Church, were deservedly able to reserve, for their special judgment, certain more grievous cases of crimes. Neither is it to be doubted,--seeing that all things, that are from God, are well ordered-but that this same may be lawfully done by all bishops, each in his own diocese, unto edification, however, not unto destruction, in virtue of the authority, above (that of) other inferior priests, delivered to them over their subjects, especially as regards those crimes to which the censure of excommunication is annexed. But it is consonant to the divine authority, that this reservation of cases have effect, not merely in external polity, but also in God's sight. Nevertheless, for fear lest any may perish on this account, it has always been very piously observed in the said Church of God, that there be no reservation at the point [Page 102] of death, and that therefore all priests may absolve all penitents whatsoever from every kind of sins and censures whatever: and as, save at that point of death, priests have no power in reserved cases, let this alone be their endeavour, to persuade penitents to repair to superior and lawful judges for the benefit of absolution.

CHAPTER VIII.

On the necessity and on the fruit of Satisfaction.

Finally, as regards satisfaction,--which as it is, of all the parts of penance, that which has been at all times recommended to the Christian people by our Fathers, so is it the one especially which in our age is, under the loftiest pretext of piety, impugned by those who have an appearance of godliness, but have denied the power thereof,--the holy Synod declares, that it is wholly false, and alien from the word of God, that the guilt is never forgiven by the Lord, without the whole punishment also being therewith pardoned. For clear and illustrious examples are found in the sacred writings, whereby, besides by divine tradition, this error is refuted in the plainest manner possible. And truly the nature of divine justice seems to demand, that they, who through ignorance have sinned before baptism, be received into grace in one manner; and in another those who, after having been freed from the servitude of sin and of the devil, and after having received the gift of the Holy Ghost, have not feared, knowingly to violate the temple of God, and to grieve the Holy Spirit. And it beseems the divine clemency, that sins be not in such wise pardoned us without any sat is fac tion, as that, taking occasion therefrom, thinking sins less grievous, we, offering as it

were an insult and an outrage to the Holy Ghost, should fall into more grievous sins, treasuring up wrath against the Jay of wrath. For, doubtless, these satisfactory punishments greatly recall from sin, and check as it were with a bridle, and make penitents more cautious and watchful for the future; they are also remedies for the remains [Page 103] of sin, and, by acts of the opposite virtues, they remove the habits acquired by evil living. Neither indeed was there ever in the Church of God any way accounted surer to turn aside the impending chastisement of the Lord, than that men should, with true sorrow of mind, practise these works of penitence. Add to these things, that, whilst we thus, by making satisfaction, suffer for our sins, we are made conformable to Jesus Christ, who satisfied for our sins, from whom all our sufficiency is; having also thereby a most sure pledge, that if we suffer with him, we shall also be glorified with him. But neither is this satisfaction, which we discharge for our sins, so our own, as not to be through Jesus Christ. For we who can do nothing of ourselves, as of ourselves, can do all things, He cooperating, who strengthens us. Thus, man has not wherein to glory, but all our glorying is in Christ: in whom we live; in whom we merit; in whom we satisfy; bringing forth fruits worthy of penance, which from him have their efficacy; by him are offered to the Father; and through him are accepted by the Father. Therefore the priests of the Lord ought, as far as the Spirit and prudence shall suggest, to enjoin salutary and suitable satisfactions, according to the quality of the crimes and the ability of the penitent; lest, if haply they connive at sins, and deal too indulgently with penitents, by enjoining certain very light works for very grievous crimes, they be made partakers of other men ’s sins. But let them have in view, that the satisfaction, which they impose, be not only for the preservation of a new life and a medicine of infirmity, but also for the avenging and punishing of past sins. For the ancient Fathers likewise both believe and teach, that the keys of the priests were given, not to loose only, but also to bind. But not therefore did they imagine that the sacrament of Penance is a tribunal of wrath or of punishments; even as no Catholic ever thought, by this kind of satisfactions on our parts, the efficacy of the merit and of the satisfaction of our Lord Jesus Christ is either obscured, [Page 104] or in any way lessened: which when the innovators seek to understand, they in such wise maintain a new o be the est penance, as to Fake away the entire efficacy and use of satisfaction.

CHAPTER IX.

On Works of Satisfaction. The Synod teaches furthermore, that so great is the liberality of the divine munificence, that we are able through Jesus Christ to make satisfaction to God the Father, not only by punishments voluntarily undertaken of ourselves for the punishment of sin, or by those imposed at the discretion of the priest according to the measure of our delinquency, but also, which is a very great proof of love, by the temporal scourges inflicted of God, and borne patiently by us. ON THE SACRAMENT OF EXTREME UNCTION

It hath also seemed good to the holy Synod, to subjoin, to the preceding doctrine on penance, the following on the sacrament of Extreme Unction, which by the Fathers was regarded as being the completion, not only of penance, but also of the whole Christian life, which ought to be a perpetual penance. First, therefore, as regards its institution, It declares and teaches, that our most gracious Redeemer,--who would have his servants at all times provided with salutary remedies against all the weapons of all their enemies,--as, in the other sacraments, He prepared the greatest aids, whereby, during life, Christians may preserve themselves whole from every more grievous spiritual evil, so did He guard the close of life, by the sacrament of Extreme Unction, as with a most firm defence. For though our adversary seeks and seizes opportunities, all our life long, to be able in

any way to devour our souls; yet is there no time wherein he strains more vehemently all the powers of his craft to ruin us utterly, and, if he can possibly, to make us fall even from trust in the mercy of God, than when he perceives the end of our life to be at hand.

[Page 105] CHAPTER I.

On the Institution of the Sacrament of Extreme Unction.

Now, this sacred unction of the sick was instituted by Christ our Lord, as truly and properly a sacrament of the new law, insinuated indeed in Mark, but recommended and promulgated to the faithful by James the Apostle, and brother of the Lord. Is any man, he saith, sick among you ? Let him bring in the priests of the Church, and let them pray over him, anointing him with oil in the name of the Lord: and the prayer of faith shall save the sick man; and the Lord shall raise him up; and if he be in sins, they shall be forgiven him. In which words, as the Church has learned from apostolic tradition, received from hand to hand, he teaches the matter, the form, the proper minister, and the effect of this salutary sacrament. For the Church has understood the matter thereof to be oil blessed by a bishop. For the unction very aptly represents the grace of the Holy Ghost with which the soul of the sick person is invisibly anointed; and furthermore that whose words, "By this unction," &c. are the form.

CHAPTER II.

On the Effect of this Sacrament.

Moreover the thing signified and the effect of this sacrament are explained in those words; And the prayer of faith shall save the sick man, and the Lord shall raise him up, and if he be in sins they shall be forgiven him. For the thing here signified is the grace of the Holy Ghost; whose anointing cleanses away sins, if there be any still to be expiated, as also the remains of sins; and raises up and strengthens the soul of the sick person, by exciting in him a great confidence in the [Page 106] divine mercy; whereby the sick being supported, bears more easily the inconveniences and pains of his sickness; and more readily resists the temptations of the devil who lies in wait for his heel; and at times obtains bodily health, when expedient for the welfare of the soul.

CHAPTER III.

On the Minister of this Sacrament, and on the time when it ought to be administered. And now as to prescribing who ought to receive, and who to administer this sacrament, this also was not obscurely delivered in the words above cited. For it is there also shown, that the proper ministers of this sacrament are the Presbyters of the Church; by which name are to be understood, in that place, not the elders by age, or the foremost in dignity amongst the people, but, either bishops, or priests by bishops rightly ordained by the imposition of the hands of the priesthood. It is also declared, that this unction is to be applied to the sick, but to those especially who lie in such danger as to seem to be about to depart this life: whence also it is called the sacrament of the departing. And if the sick should, after having received this unction, recover, they may again be aided by the succour of this sacrament, when they fall into another like danger of death. Wherefore, they are on no account to be hearkened to, who, against so manifest and clear a sentence of the apostle James, teach, either that this unction is a human figment or is a rite received from the Fathers which neither has a command from Cod, nor a promise of grace: nor

those who assert that it has already ceased, as though it were only to be referred to the grace of healing in the primitive church; nor those who say that the rite and usage which the holy Roman Church observes in the administration of this sacrament is repugnant to the sentiment of the apostle James, and that it is therefore to be changed [Page 107] into some other: nor finally those who affirm that this Extreme Unction may without sin be contemned by the faithful : for all these things are most manifestly at variance with the perspicuous words of so great an apostle. Neither assuredly does the Roman Church, the mother and mistress of all other churches, observe aught in administering this unction,--as regards those things which constitute the substance of this sacrament,--but what blessed James has prescribed. Nor indeed can there be contempt of so great a sacrament without a heinous sin, and an injury to the Holy Ghost himself. These are the things which this holy oecumenical Synod professes and teaches and proposes to all the faithful of Christ, to be believed and held, touching the sacraments of Penance and Extreme Unction. And it delivers the following canons to be inviolably preserved; and condemns and anathematizes those who assert what is contrary thereto. ON THE MOST HOLY SACRAMENT OF PENANCE

CANON I.--If any one saith, that in the Catholic Church Penance is not truly and properly a sacrament, instituted by Christ our Lord for reconciling the faithful unto God, as often as they fall into sin after baptism; let him be anathema.

CANON II.--If any one, confounding the sacraments, saith that baptism is itself the sacrament of Penance, as though these two Sacraments were not distinct, and that therefore Penance is not rightly called a second plank after shipwreck; let him be anathema.

CANON III.--If any one saith, that those words of the Lord the Saviour, Receive ye the Holy Ghost, whose sins you shall forgive, they are forgiven them, and whose sins you shall retain, they are retained, are not to be understood of the power of forgiving and of retaining sins in the Sacrament of penance, as the Catholic Church has always from the beginning understood them; but wrests them, contrary to the institution of this sacra ment, to the power of preaching the gospel; let him be anathema.

[Page 108] CANON IV.--If any one denieth, that, for the entire and perfect remission of sins, there are required three acts in the penitent, which are as it were the matter of the sacrament of Penance, to wit, contrition, confession, and satisfaction, which are called the three parts of penance; or saith that there are two parts only of penance, to wit, the terrors with which the conscience is smitten upon being convinced of sin, and the faith, generated by the gospel, or by the absolution, whereby one believes that his sins are forgiven him through Christ; let him be anathema.

CANON V.--If any one saith, that the contrition which is acquired by means of the examination, collection, and detestation of sins,--whereby one thinks over his years in the bitterness of his soul, by pondering on the grievousness, the multitude, the filthiness of his sins, the loss of eternal blessedness, and the eternal damnation which he has incurred, having therewith the purpose of a better life,--is not a true and profitable sorrow, does not prepare for grace, but makes a man a hypocrite and a greater sinner; in fine, that this (contrition) is a forced and not free and voluntary sorrow; let him be anathema.

CANON VI.--If any one denieth, either that sacramental confession was instituted, or is necessary to salvation, of divine right; or saith, that the manner of confessing secretly to a priest alone, which the Church hath ever observed from the beginning, and doth observe, is alien from the institution and command of Christ, and is a human invention; let him be anathema.

CANON VII.--If any one saith, that, in the sacrament of Penance, it is not necessary, of divine right, for the remission of sins, to confess all and singular the mortal sins which after due and diligent previous meditation are remembered, even those (mortal sins) which are secret, and those which are opposed to the two last commandments of the Decalogtie, as also the circumstances which change the species of a sin; but (saith) that such confession is only useful to instruct and console the penitent, and that it was of old only observed in order to impose a [Page 109] canonical satisfaction; or saith that they, who strive to confess all their sins, wish to leave nothing to the divine mercy to pardon ; or, finally, that it is not lawful to confess venial sins ; let him be anathema.

CANON VIII.--If any one saith, that the confession of all sins, such as it is observed in the Church, is impossible, and is a human tradition to be abolished by the godly; or that all and each of the faithful of Christ, of either sex, are not obliged thereunto once a year, conformably to the constitution of the great Council of Lateran, and that, for this cause, the faithful of Christ are to be persuaded not to con fess during Lent; let him be anathema.

CANON IX.--If any one saith, that the sacramental absolution of the priest is not a judicial act, but a bare ministry of pronouncing and declaring sins to be forgiven to him who confesses; provided only he believe himself to be absolved, or (even though) the priest absolve not in earnest, but in joke; or saith, that the confession of the penitent is not required, in order that the priest may be able to absolve him; let him be anathema.

CANON X.--If any one saith, that priests, who are in mortal sin, have not the power of binding and of loosing; or, that not priests alone are the ministers of absolution, but that, to all and each of the faithful of Christ is it said: Whatsoever you shall bind upon earth shall be bound also in heaven; and whatsoever you shall loose upon earth, shall be loosed also in heaven; and, whose sins you shall forgive, they are forgiven them; and whose sins you shall retain, they are retained; by virtue of which words every one is able to absolve from sins, to wit, from public sins by reproof only, provided he who is reproved yield thereto, and from secret sins by a voluntary confession; let him be anathema.

CANON XI.--If any one saith, that bishops have not the right of reserving cases to themselves, except as regards external polity, and that therefore the reservation of cases hinders not but that a priest may truly absolve from reserved cases; let him be anathema.

[Page 110] CANON XII.--If any one saith, that God always remits the whole punishment together with the guilt, and that the satisfaction of penitents is no other than the faith whereby they apprehend that Christ has satisfied for them; let him be anathema.

CANON XIII.--If any one saith, that satisfaction for sins, as to their temporal punishment, is nowise made to God, through the merits of Jesus Christ, by the punishments inflicted by Him, and patiently borne, or by those enjoined by the priest, nor even by those voluntarily undertaken, as by fastings, prayers, almsdeeds, or by other works also of piety; and that, therefore, the best penance

is merely a new life; let him be anathema.

CANON XIV.--If any one saith, that the satisfaction, by which enitents redeem their sins through Jesus Christ, are not a worship of God, but traditions of men, which obscure the doctrine of grace, and the true worship of God, and the benefit itself of the death of Christ; let him be anathema.

CANON XV.--If any one saith, that the keys are given to the Church, only to loose, not also to bind; and that, therefore, priests act contrary to the purpose of the keys, and contrary to the institution of Christ, when they impose punishments on those who confess; and that it is a fiction, that, after the eternal punishment, has, by virtue of the keys, been removed, there remains for the most part a temporal punishment to be discharged; let him be anathema. ON THE SACRAMENT OF EXTREME UNCTION

CANON I.--If any one saith, that Extreme Unction is not truly and properly a sacrament, instituted by Christ our Lord, and promulgated by the blessed apostle James; but is only a rite received from the Fathers, or a human figment; let him be anathema.

[Page 111] CANON II.--If any one saith, that the sacred unction of the sick does not confer grace, nor remit sin, nor comfort(h) the sick; but that it has already ceased, as though it were of old only the grace of working Cures; let him be anathema.

CANON III.--If any one saith, that the rite and usage of Extreme Unction, which the holy Roman Church observes, is repugnant to the sentiment of the blessed apostle James, and that is therefore to be changed, and may, without sin, be contemned by Christians; let him be anathema.

CANON IV.--If any one saith, that the Presbyters of the Church, whom blessed James exhorts to be brought to anoint the sick, are not the priests who have been ordained by a bishop, but the elders in each community, and that for this Cause a priest alone is not the proper minister of Extreme Unction; let him be anathema.

DECREE ON REFORMATION.

Proem.

It is the office of bishops to admonish their subjects, especially those appointed to the cure of souls, of their duty.

Whereas it is properly the office of bishops to reprove the vices of all who are subject to them, this will have to be principally their care,--that clerics, especially those appointed to the cure of souls, be blameless; and that they do not, with their connivance, lead a disorderly life: for if they suffer them to be of evil and corrupt conversation, how shall they reprove the laity for their vices, when they themselves can be by one word silenced by them, for that they suffer clerics to be worse than they? And with what freedom shall priests be able to correct laymen, when they have to answer silently to themselves, that they have committed the very things which they reprove? Wherefore, bishops shall charge their clergy, of whatsoever rank they be, that they be a guide to the people of God committed to them, in conduct, conservation, and doctrine; being mindful of that which is written, Be holy for I also am holy. And, agreeably to the admonition of the apostle; Let them not give [Page 112] offence to any man, that their ministry be not blamed; but in all things let them exhibit themselves as the ministers of God, lest that saying of the prophet be fulfilled in them, The

priests of God defile the sanctuaries, and despise the law. But, in order that the said bishops may be able to execute this with greater freedom, and may not be hindered therein under any pretext whatever, the same sacred and holy, ocecumenical and general Synod of Trent, the same legate and nuncios of the Apostolic See presiding therein, has thought fit that these canons following be established and decreed.

CHAPTER I.

If any, being prohibited, or interdicted, or suspended, advance to orders, they shall be punished.

Whereas it is more beseeming and safe for one that is subject, by rendering due obedience to those set over him, to serve in an inferior ministry, than, to the scandal of those set over him, to aspire to the dignity of a more exalted degree; to him, unto whom the ascent to sacred orders shall have been interdicted by his own prelate, from whatsoever cause, be it even on account of some secret crime, or in what manner soever, even extra-judicially; and to him who shall have been suspended from his own orders, or ecclesiastical degrees and dignities; no license, conceded against the will of that said prelate, for causing himself to be promoted, nor any restoration to former orders, degrees, dignities and honours, shall be of any avail.

CHAPTER II.

If a bishop shall confer any orders whatsoever on one not subject to him, be he even his own domestic, without the express consent of that individual's proper prelate, both shall be subjected to an appointed punishment. And forasmuch as certain bishops of churches which are in partibus infidelium, (in the districts of unbelievers), having [Page 113] neither clergy nor Christian people, and being in a manner wanderers, having no fixed see, and seeking not the things of Christ, but other's sheep without the knowledge of their own pastor, finding themselves prohibited by this holy Synod from exercising episcopal functions in the diocese of another, without the express permission of the ordinary of the place, and then only in regard of those who are subject to the said ordinary, do, by an evasion and in contempt of the law, of their own rashness choose as it were an episcopal chair in a place which is not of any diocese, and presume to mark with the clerical character, and to promote even to the sacred orders of the priesthood, any that come unto them, even though they have no commendatory letters from their own bishops, or prelates; whence it for the most part comes to pass, that, persons being ordained who are but little fit, and are uninstructed and ignorant, and who have been rejected by their own bishops as incapable and unworthy, they are neither able rightly to perform the divine offices, nor to administer the sacraments of the Church: none of the bishops, who are called titular, even though they may reside, or tarry in a place within no diocese, even though it be exempted, or in a monastery of whatsoever order, shall, by virtue of any privilege granted them to promote during a certain time such as come unto them, be able to ordain, or to promote to any sacred or minor orders, or even to the first tonsure, the subject of another bishop, even under the pretext of his being his domestic fed constantly at his own table, without the express consent of, or without letters demissory from that individual's own bishop. The contravener shall be ipso jure suspended during a year from the exercise of pontifical functions; and the person so promoted shall in like manner be suspended from the exercise of the orders so received, for as long as to his own prelate shall seem fit.

[Page 114]

CHAPTER III.

The bishop may suspend his clerics, who have been improperly promoted by another, if he find them incompetent. The bishop may suspend, for the time that shall seem to him fit, from the exercise of the orders received, and may interdict from ministering at the altar, or from exercising the functions of any order, any of his clerics, especially those who are in sacred orders, who have been, without his previous examination and commendatory letters, promoted by any authority whatsoever; even though they shall have been approved of as competent by him who has ordained them, but whom he himself shall find but little fit and able to celebrate the divine offices, or to administer the sacraments of the Church.

CHAPTER IV.

No cleric shall be exempt from the correction of the bishop, even out of the time of visitation.

All prelates of the churches, who ought diligently to apply themselves to correct the excesses of their subjects,-and from whose jurisdiction, by the statutes of this holy Synod, no cleric is, under the pretext of any privilege soever, considered screened, so as not to be able to be visited, punished and corrected, in accordance with the appointments of the canons,--provided those prelates be resident in their own churches,--shall have power, as delegates for this end of the Apostolic See, to correct and punish, even out of the times of visitation, all Secular clerics,--howsoever exempted, who would otherwise be subject to their jurisdiction,--for their excesses, crimes, and delinquencies, as often as, and whensoever there shall be need; no exemptions, declarations, customs, sentences, oaths, concordates, which only bind the authors thereof, being of any avail to the said clerics, [Page 115] or to their relatives, chaplains, domestics, agents, or to any others whatsoever, in view and in consideration of the said exempted clerics.

CHAPTER V.

The jurisdiction of Conservators is confined within certain limits.

Moreover, whereas sundry persons, under the plea that divers wrongs and annoyances are inflicted on them in their goods, possessions, and rights, obtain certain judges to be deputed by means of letters conservatory, to protect and defend them from the said annoyances and wrongs, and to maintain and keep them in possession, or quasi-possession, of their goods, property, and rights, without suffering them to be molested therein; and whereas they pervert these letters, in many ways, to an evil meaning quite opposed to the intention of the donor;--therefore, these letters conservatory, whatsoever be their clauses or decrees, whatsoever be the judges deputed, or under whatsoever other kind of pretext or colour, these letters may have been granted, shall not avail any, of what dignity and condition soever, even though a Chapter, so as to screen the party from being capable of being, in criminal and mixed causes, accused and summoned, and from being examined and proceeded against before his own bishop, or other ordinary superior; or prevent him from being liable to be freely summoned before the ordinary judge, in the matter of any rights which may be pleaded as his from having been ceded to him. In civil causes also, if he be the plaintiff, it shall nowise be lawful for him to bring up any one for judgment before his own judges conservatory. And if, in those causes wherein he shall be the defendant, it shall happen that the conservator chosen by him shall be declared by the plaintiff to be one suspected by him, or if any dispute shall have arisen between the judges themselves, the conservator [Page 116] to

wit and the ordinary, concerning competency of jurisdiction, the cause shall not be proceeded with, until by arbitrators, chosen in legal form, a decision shall have been come to relative to the said suspicion, or competency of jurisdiction. Neither shall these letters conservatory be of any avail to the said party's domestics--who are in the habit of screening themselves thereby--save to two only, and this provided they live at his proper cost. Neither shall any one enjoy the benefit of such letters longer than for five years. It shall also not be lawful for conservatory judges to have any fixed tribunal. As to causes which relate to wages and to destitute persons, the decree of this holy Synod thereupon shall remain in its full force. But general universities, colleges of doctors or scholars, places belonging to Regulars, as also hospitals wherein hospitality is actually exercised, and persons belonging to the said universities, colleges, places, and hospitals are not to be deemed included in this present canon, but are to be considered, and are, wholly exempted.

CHAPTER VI.

A penalty is decreed against clerics, who, being in sacred Orders, or holding benefices, do not wear a dress beseeming their Order. And forasmuch as, though the habit does not make the monk, it is nevertheless need ful that clerics always wear a dress suitable to their proper order, that by the decency of their outward apparel they may show forth the inward correctness of their morals; but to such a pitch, in these days, have the contempt of religion and the rashness of some grown, as that, making but little account of their own dignity, and of the clerical honour, they even wear in public the dress of laymen--setting their feet in different paths, one of God, the other of the flesh;-for this cause, all ecclesiastical persons, howsoever exempted, who are either in sacred orders or in possession of any manner of dignities, personates, or other offices, or benefices ecclesiastical; [Page 117] if, after having been admonished by their own bishop, even by a public edict, they shall not wear a becoming clerical dress, suitable to their order and dignity, and in conformity with the ordinance and mandate of the said bishop, they may, and ought to be, compelled thereunto, by suspension from their orders, office, benefice, and from the fruits, revenues, and proceeds of the said benefices; and also, if, after having been once rebuked, they offend again herein, (they are to be coerced) even by deprivation of the said offices and benefices; pursuant to the constitution of Clement V. published in the Council of Vienne, and beginning Quoniam, which is hereby renewed and enlarged.

CHAPTER VII.

Voluntary homicides are n ever to be ordained: in what manner involuntary homicides are to be ordained.

Whereas too, he who has killed his neighbour on set purpose and by lying in wait for him, is to be taken away from the altar, (q) because he has voluntarily committed a homicide ; even though that crime have neither been proved by ordinary process of law, nor be otherwise public, but is secret, such an one can never be promoted to sacred orders; nor shall it be lawful to confer upon him any ecclesiastical benefices, even though they have no cure of souls; but he shall be for ever excluded from every ecclesiastical order, benefice, and office. But if it be alleged that the homicide was not committed purposely but accidentally, or when repelling force by force that he might defend himself from death, in such wise that, by a kind of right, a dispensation ought to be granted, even for the ministry of sacred orders, and of the altar, and for any kind of benefice whatever and dignity,-the case shall be committed to the Ordinary of the place, or, if there be a cause for it, to

the metropolitan, or to the nearest bishop; who shall not be able [Page 118] to dispense, without having taking cognizance of the case, and after the prayers and allegations have been proved, and not otherwise.

CHAPTER VIII.

No one shall, by virtue of any privilege, punish the clerics of another.

Furthermore, forasmuch as there are sundry persons,--some of whom even are true pastors, and have their own sheep,--who seek also to rule over the sheep of others, and at times give their attention in such wise to the subjects of others, as to neglect the care of their own; no one, even though he be of episcopal dignity, who may have by privilege the power of punishing the subjects of another, shall by any means proceed against clerics not subject to him,--especially against such as are in sacred orders,--be they guilty of crime ever so atrocious; except with the intervention of the proper bishop of the said clerics, if that bishop be resident in his own church, or of the person that may be deputed by the said bishop: otherwise, the proceedings, and all the consequences thereof, shall be wholly without effect.

CHAPTER IX.

The Benefices of one Diocese shall not, under any pretext, be united to the Benefices of another Diocese. And forasmuch as it is with very good reason that dioceses and parishes have been made distinct, and to each flock their proper pastors have been assigned, and to inferior churches their rectors, each to take care of his own sheep, that so ecclesiastical order may not be confounded, or one and the same church belong in some sort to two dioceses, not without grievous inconvenience to such as are subject thereunto; the benefices of one diocese, be they even parochial churches, perpetual vicarages, simple benefices, prestimonies, or prestimonial portions, shall [Page 119] not be united in perpetuity to a benefice, monastery, college, or even to a pious place, of another diocese, not even for the sake of augmenting divine worship, or the number of beneficiaries, or for any other cause whatsoever; thus herein explaining the decree of this holy Synod on the subject of these unions.

CHAPTER X.

Regular Benefices shall be conferred on Regulars.

Benefices of Regulars that have been accustomed to be granted in title to professed Regulars, when they happen to become vacant by the death of the titulary incumbent, or by his resignation, or otherwise, shall be conferred on religious of that order only, or on persons who shall be absolutely bound to take the habit, and make that profession, and upon none others, that they may not wear a garment that is woven of woollen and linen together.

CHAPTER XI.

Those transferred to another order shall remain under obedience in enclosure, and shall be incapable of Secular Benefices. But forasmuch as Regulars, after being transferred from one order to another, ordinarily obtain permission easily from their superior to remain out of their monastery, whereby occasion is given of their wandering about and apostatizing; no prelate or superior of any order shall be allowed, by virtue of any faculty whatsoever, to admit any individual to the habit and

to profession, except with the view that he shall remain perpetually in enclosure under obedience to his own superior, in the order itself to which he is transferred; and one so transferred, even though he be a canon Regular, shall be wholly incapable of Secular Benefices, even of cures.

[Page 120] CHAPTER XII.

No one shall obtain a right of patronage, except by means of a foundation, or an endowment. No one, moreover, of whatsoever ecclesiastical or Secular dignity, can, or ought to, obtain, or acquire a right of patronage, for any other reason whatever, but that he has founded, and built anew, a church, benefice, or chapel; or that he has competently endowed, out of his own proper and patrimonial resources, one already erected, which, however, is without a sufficient endowment. But, in case of such foundation or endowment, the institution thereof shall be reserved to the bishop, and not to some other inferior person.

CHAPTER XIII.

The Presentation shall be made to the Ordinary; otherwise the Presentation and Institution shall be null.

Furthermore, it shall not be lawful for a patron, under pretext of any privilege whatsoever, to present any one, in any way, to the benefices which are under his right of patronage, except to the ordinary bishop of the place, to whom the providing for, or the institution to, the said benefice would, that privilege ceasing, of right belong; otherwise the presentation and institution, which may have followed, shall be null, and as such reputed.

CHAPTER XIV.

That the Mass, Order, and Reformation, shall be next treated of. The holy Synod declares, moreover, that, in the next Session, which It has already decreed is to beholden on the twenty-fifth [Page 121] day of January, of the ensuing year, MDLII,--It will, together with the sacrifice of the mass, also apply itself to, and treat of the sacrament of order, and that the subject of reformation will be prosecuted.

19 Part 4 The Council of Trent

The Council of Trent

The canons and decrees of the sacred

and oecumenical Council of Trent,

Ed. and trans. J. Waterworth (London: Dolman, 1848)

Hanover Historical Texts Project <http://hanover.history.edu/project.html>

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Decree for proroguing the session

Safe-conduct given to the Protestants

The Sixteenth Session <file://C:\CCD\churchfathers\CHURCH COUNCILS & Liturgies\TRENT.html>

Decree for the suspension of the Council

Bull for the celebration of the Council of Trent, under the Sovereign Pontiff, Pius IV

The Seventeenth Session <file://C:\CCD\churchfathers\CHURCH COUNCILS & Liturgies\TRENT.html>

Decree for celebrating the Council

Indiction of the next session

The Eighteenth Session <file://C:\CCD\churchfathers\CHURCH COUNCILS & Liturgies\TRENT.html>

Decree on the choice of books, and for inviting all men on the public faith to the Council

Indiction of the next session

Safe-conduct granted to the German nation

Extension thereof to other nations

The Nineteenth Session <file://C:\CCD\churchfathers\CHURCH COUNCILS & Liturgies\TRENT.html>

Decree for the prorogation of the session

The Twentieth Session <file://C:\CCD\churchfathers\CHURCH COUNCILS & Liturgies\TRENT.html>

Decree for the prorogation of the session

The Twenty-First Session <file://C:\CCD\churchfathers\CHURCH COUNCILS & Liturgies\TRENT.html>

[Decree on communion under both species, and the communion of infants]

On communion under both species, and on the communion of infants

Decree on reformation

Indiction of the next session

The Twenty-Second Session <file://C:\CCD\churchfathers\CHURCH COUNCILS & Liturgies\TRENT.html>

Doctrine on the sacrifice of the mass

On the sacrifice of the mass

Decree concerning the things to be observed, and to be avoided, in the celebration of the mass

Decree on reformation

Decree touching the petition for the concession of the chalice

Indiction of the next session

SESSION THE FIFTEENTH, Being the fifth under thc Sovereign Pontiff, Julius III., celebrated on the twenty-fifth day of January, MDLII.

DECREE FOR PROROGUING THE SESSION

Whereas, in pursuance of the decrees made in the last Sessions, this holy and universal Synod has, during these days, most accurately and diligently treated of the things which relate to the most holy sacrifice of the mass, and to the sacrament of order, with the view that, in the Session held on this day, It might publish, as the Holy Ghost should have suggested, decrees on these subjects, and on the four articles concerning the most holy sacrament of the Eucharist, which had been finally deferred to this Session ; and whereas it was thought that, in the interim, there would have presented themselves at this sacred and holy Council those who call themselves Protestants, for whose sake It had deferred the publication of the said articles, and to whom It had given the public faith, or a safe-conduct, that they might come freely and without any hesitation; nevertheless, seeing that they have not as yet come, and the holy Synod has been petitioned in their name, that the publication which was to have been made on this day, be deferred to the following Session, an assured hope being held out that they will certainly be present long before that Session, upon receiving in the meanwhile a safe-conduct in a more ample form :-The same holy Synod, lawfully assembled in the Holy Ghost, the same Legate and Nuncios presiding,

desiring nothing more ardently than to remove, from amongst the noble nation of Germany, all dissensions and schisms touchingreligion,and to provide for its tranquillity, peace and repose; being ready, should they come, both to receive [Page 122] them kindly, and to listen to them favourably, and trusting that they will come, not with the design of obstinately opposing the Catholic Faith, but of learning the truth, and that they will at last, as becomes those zealous for evangelical truth, acquiesce in the decrees and discipline of holy Mother Church; (this Synod) has deferred the next Session,--therein to publish and promulgate the matters aforesaid,--till the festival of St. Joseph, which will be on the nineteenth day of the month of March; in order that they may have sufficient time and leisure, not only to come, but also to propose, before that day arrives, whatsoever they may wish. And,- that It may take from them all cause for further delay, It freely gives and grants them the public faith,-or a safe-conduct, of the tenour and form hereafter set down. But it ordains and decrees, that, in the meantime, It will treat of the sacrament of matrimony,- and will give its decisions thereon, in addition to the publication of the above-named decrees, in the same Session, and will prosecute the subject of Reformation.

SAFE-CONDUCT GIVEN TO THE PROTESTANTS The sacred and holy, ocecumenical and general Synod of Trent,-lawfully assembled in the Holy Ghost, the same Legate and Nuncios of the Apostolic See presiding therein,--adhering to the safe-conduct given in the last Session but one, and enlarging it in the manner following,- certifies to all men,- that by the ten our of these presents, It grants and wholly concedes the public faith, and the fullest and most true security, which they entitle a safe-conduct, to all and singular the priests, electors,-princes, dukes, marquises, counts, barons, nobles, soldiers, commonalty, and to all other persons whatsoever, of what state, condition, or quality soever they may be, of the province and nation of Germany,- and to the cities and other places thereof, and to all other ecclesiastical and Secular persons,- especially those of the Confession of Augsburg,- who shall come, or shall be sent with them, to this General Council of Trent, and to those that shall set forth, or have already repaired hither,- by whatsoever name they are entitled, or may be designated,--to come freely to this city [Page 123] of Trent, and there to remain, abide, sojourn, and to propose, speak and treat of, examine and discuss, any matters whatsoever together with the said Synod, and freely to present and set forth all whatsoever they may think fit, and any articles what-ever, either in writing, or by word of mouth, and to explain, establish, and prove them by the sacred Scriptures, aiid by the words, passages, and reasons of the blessed Fathers, and to answer even, if it be needful, to the objections of the General Council; and to dispute, or to confer in charity, without any hindrance, with those who may have been selected by the Council, all opprobrious, railing, and contumelious laiiguage being utterly discarded; and in particular, that the controverted matters shall be treated of in the aforesaid Council of Trent, according to sacred Scripture, and the traditions of the apostles, approved Councils, the consent of the Catholic Church, and the authorities of the holy Fathers; with this further addition, that they shall not be punished under pretence of religion,- or of offences already committed, or that may be committed, in regard thereof; as also, that the divine offices shall not, on account of their presence, be in any way interrupted, either upon the road, or in any place during their progress, their stay, or their return, or in the city of Trent itself; and that, upon these matters being concluded, or before they are concluded,- if they, or any of them, shall wish, and whensoever such is their or his pleasure, or the command and leave of their superiors, to return to their own homes, they shall forthwith be able at their good pleasure,- to return freely and securely, without any let, obstacle, or delay, without injury done to their property, or to the honour

also and persons of their attendants respectively,--notifying, however, this their purpose of withdrawing to those who shall be deputed hereunto by the said Synod, that so, without deceit or fraud, proper measures may be taken for their safety. The holy Synod also wills that all clauses whatsoever,- which may be necessary and useful for a full,- effectual, and sufficient security in coming, sojourning, and returning, be included and comprised, and be accounted as comprised, in this public faith and safe-conduct. It also expressly declares, with a view to their greater security, and the blessing of peace and reconciliation, that if, [Page 124] which God forbid, any one, or divers amongst them, should, either on the road when coming to Trent, or whilst sojourning at, or returning from, that same city, perpetrate or commit any heinous act, whereby the benefit of this public faith and assurance might be annulled and cease, that It wills and grants,- that the persons discovered in any such crime shall be forthwith punished by their own countrymen, and not by others, with a proportionate chastisement and a sufficient reparation, which the Synod on its part mayjustlyapprove of and commend-the form, conditions, and terms of the safe-conduct remaining wholly untouched thereby. It also reciprocally wills, that if, which God forbid, any one, or divers, of this Synod, should, either on the road, or whilst sojourning at, or returning therefrom, perpetrate or commit any heinous act, whereby the benefit of this public faith and assurance may be violated, or in any way set aside, the persons discovered in any such crime shall be forthwith punished by the Synod itself, and not by others,- with a proportionate chastisement and a sufficient reparation, which the Germans of the Confession of Augsburg, who may be present here at the time, may on their part justly approve of and commend,-the present form, conditions and terms of the safe-conduct remaining wholly untouched thereby. The said Synod also wills, that all and each of the ambassadors shall be allowed to go out of the city of Trent to take the air, as of ten as it shall be convenient or necessary, and to return thither; as also freely to send or despatch their messenger or messengers to any places whatsoever, according as their affairs may require, and to receive the said messengers or messenger, despatches or despatch, as often as they shall think fit; so as however one or more be associated therewith by the deputies of the Council,- to provide for the safety of the said couriers. And this safe-conduct and security shall stand good and endure, both from and during the time that they shall have been received under the care of the said Synod, and the protection of its agents; and further, after they have had a sufficient audience, and twenty days having expired after they have themselves asked, or after the Council, upon that audience had,- shall have given them notice, to return, It will, all deceit and fraud being entirely excluded, reconduct [Page 125] them, with God’s help, from Trent to that place of safety which each may select for himself. All which things,- It promises and in good faith pledges Itself, shall be inviolably observed towards all and each of the faithful of Christ, towards all ecclesiastical and Secular princes, and towards all ecclesiastical and Secular persons, of whatsoever state and condition they may be, or by whatsoever name designated.

Furthermore, It promises in sincere and good faith, without fraud or deceit, that the said Synod will neither openly nor covertly seek for any opportunity ; nor make use of, nor stiffer any one else to make use of, any authority, power, right, or statute, privilege of laws or canons, or of any Councils whatsoever, especially those of Constance and Sienna, under what form soever expressed,--to the prejudice in any way of this public faith, and niost full security, and of the public and free hearing, by this said Synod granted to the above-named;--derogating from the aforesaid in this regard and for this occasion. And if the holy Synod, or any member thereof,--or of their followers, of whatsoever condition, state or pre-eminence, shall violate --which may the Almighty forbid--the

forms and terms of the security and safe- conduct as above set down, in any point or clause whatever, and a sufficient reparation shall not have forthwith followed,- and one that may with reason be approved of and praised by the (interested) parties themselves they may and shall hold the said Synod to have incurred all those penalties, which, by law human and divine, or by custom, the violators of such safe-conducts can possibly incur;--without there being any excuse or contrary allegation in this regard.

[Page 126] SESSION THE SIXTEENTH, Being the sixth, and last under the Sovereign Pontiff, Julius III., celebrated on the twenty-eighth day of April, MDLII.

DECREE FOR THE SUSPENSION OF THE COUNCIL The sacred and holy, oecumenical and general Synod of Trent, lawfully assembled in the Holy Ghost, the most reverend lords, Sebastian, Archbishop of Siponto, and Aloysius, Bishop of Verona, Apostolic Nuncios, presiding therein, as well in their own names as in that of the most reverend and illustrious lord, the Legate Marcellsu Crescenzio, Cardinal of the holy Roman Church, of the title of Saint Marcellus, who is absent by reason of a most grievous illness,--doubts not that it is well known to all Christians, that this ocecumenical Council of Trent was first convoked and assembled by Paul, of happy memory, and was afterwards, at the instance of the most august Emperor, Charles V., restored by our most holy lord, Julius III., for this cause especially, that It might bring back to its pristine state, religion which was miserably divided into diverse opinions in many parts of the world, and especially in Germany; and might amend the abuses and the most corrupt manners of Christians ; and whereas very many Fathers, without any regard to their personal labours and dangers, had for this end cheerfully assembled together from different countries, and the business was proceeded with earnestly and happily, in the midst of a great concurse of the faithful, and there was no slight hope that those Germans who had excited these novelties would come to the Council, and that so disposed as to acquiesce unanimously in the truthful reasons of the Church; when a kind of light, in fine, seemed to have dawned upon things; and the Christian commonwealth, before so cast-down and afflicted, began to lift up its head; of a sudden such tumults and wars were enkindled [Page 127] by the craft of the enemy of mankind, that the Synod was at much inconvenience compelled as it were to pause, and to interrupt its course, and all hope was taken away of further progress at that time; and so far was the holy Synod from remedying the evils and troubles existing amongst Christians, that, contrary to its intention, It irritated rather than calmed the minds of many. Whereas, therefore, the said holy Synod perceived that all places, and especially Germany, were in a flame with arms and discord; that almost all the German bishops, and in particular the Electoral Princes, had withdrawn from the Council, in order to provide for their own churches ; It resolved, not to struggle against so pressing a necessity, but to be silent till better times ; that so the Fathers, who could not now act, might return to their own churches to take care of their own sheep, and no longer wear away their time in unemployment, useless in both regards. And accordingly, for that the state of the times has so required, It decrees that the progress of this ocecumenial Synod of Trent shall be suspended during two years, as It doth suspend it by this present decree; with this condition however, that if things be settled sooner, and the former tranquillity restored, which It hopes will happen be fore long through the blessing of the all good and all powerful God, the progress of the Council shall be considered (as resumed, and) to have its full force, power and authority. But if, which may God forefend, the lawful impediments aforesaid shall not have been removed at the expiration of the two years, the said suspension

shall, as soon as those impediments shall have ceased, be thereupon accounted removed, and the Council shall be, and be understood to be, restored to its full force and authority, without another fresh convocation thereof, the consent and authority of his Iloliness, and of the holy Aposotlic See, having been given to this decree. Meanwhile, however, this holy Synod exhorts all Christian princes, and all prelates, to observe, and respectively to cause to be observed, as far as they are concerned, in their own kingdoms, dominions, and churches, all and singular the things which have been hitherto ordained and decreed by this sacred oecumenical Council.

[Page 128] BULL FOR THE CELEBRATION OF THE COUNCIL OF TRENT, UNDER THE SOVEREIGN PONTIFF, PIUS IV Paul, Bishop, servant of the servants of God, for the perpeual memory hereof.

Immediately on being called, by the alone mercy of God, to the Government of the Church, though unequal to so great a burthen, casting the eyes of our mind over every part of the Christian commonweal, and beholding, not without great horror, how far and wide the pestilence of heresy and schism had penetrated, and how much the morals of the Christian people stood in need of correction; we began, as the duty of our office required, to apply our care and thoughts to the means of extirpating the said heresies, of doing away with so great and so pernicious a schism, and of amending morals so much corrupted and depraved. And whereas we were sensible that, for the healing of these evils, that remedy was the most suitable which this Holy See had been accustomed to apply, we formed the resolution of convoking, and, with God's help, of celebrating an ocecumenical and general Council. That Council had indeed been already indicted by our predecessors, Paul III., of happy memory, and by Julius, his successor; but, having been often hindered and interrupted from various causes, It could not be brought to a conclusion. For Paul, after having indicted it first for the city of Mantua, then for Vicenza, he, for certain reasons expressed in his letters, first of all suspended, and afterwards transferred it to Trent. Then, after that the time of Its celebration had been, for certain reasons, then also postponed, at length, the suspension having been removed, It was begun, in the said city of Trent But, after a few Sessions had been held, and certain decrees made, the said Council afterwards, for certain reasons, with the concurrence also of the Apostolic See, transferred Itself to Bologna. But Julius, who succeeded him, recalled it to the same city of Trent, at which time certain other decrees were made. But as fresh tumults were raised in the neighbouring parts of Germany, and a most fierce war was enkindled in Italy and France, the Council was again suspended [Page 129] and postponed; the enemy of mankind, to wit, striving, and throwing difficulties upon difficulties and hindrances in the way, to retard at least as long as possible, though unable entirely to prevent, a thing so advantageous to the Church. But how greatly, meanwhile, the heresies were increased and multiplied, and propagated, how widely schism spread, we can neither think of, nor tell without the greatest sorrow of mind. But at length the Lord, good and merciful, who is never so angry as not to remember mercy, vouchsafed to grant peace and unanimity to Christian kings and princes. Which opportunity being offered us, we have, relying on His mercy conceived the strongest hope that, by the said means of a Council, an end may be put to these so grievous evils of the Church. We, therefore, have judged that the celebration thereof is no longer to be deferred; to the end that schisms and heresies may be taken away; that morals may be corrected and reformed; that peace may be pre-served amongst Christian princes. Wherefore, upon mature deliberation had with our venerable brethren the Cardinals of the holy Roman Church, and having also acquainted with this

our purpose our most dearly beloved sons in Christ, Ferdinand, Emperor elect of the Romans, and other kings and princes whom,--even as we had promised ourselves from their exceeding piety and wisdom,--we found very ready to aid in the celebration of the said Council: We,--to the praise, honour, and glory of Almighty God, and for the good of the Universal Church, and relying on and supported by the authority of God Himself, and of the Blessed Apostles Peter and Paul, which (authority) we also exercise on earth,-indict a sacred oecumenical and general Council in the city of Trent for the next ensuing most sacred day of the Lord's Resurrection; and We ordain and appoint, that, all suspension soever removed, It be there celebrated. Wherefore, We do earnestly exhort and admonish in the Lord, and we do also strictly charge and command,--by virtue of holy obedience, and by the obligation of the oath which they have taken, and under the penalties which [Page 130] they know are appointed by the sacred canons against those who neglect to assemble at general Councils,--our venerable brethren of all nations, patriarchs, archbishops, bishops, and our beloved sons the abbots, and others who, by common law, or by privilege, or ancient custom, are allowed to sit, and give their opinion in a general Council, to meet, by the aforesaid day, there to celebrate a Council; unless they happen to be hindered by a lawful impediment, which impediment nevertheless they shall be bound to prove to the Synod by lawful proctors. We furthermore admonish all and each, whom it doth and may concern, that they fail not to be present at the Council. And we exhort and beseech our most dearly beloved sons in Christ, the Emperor elect of the Romans, and the other Christian kings and princes,--who it were sincerely to be wished could be present at the Council,--that, should they not be able to be themselves present thereat, they would send at least prudent, grave, and pious men as their ambassadors, to be present thereat in their name; and that they take diligent care, worthy of their piety, that the prelates of their kingdoms and dominions perform, without denial or delay, their duty to God and the Church at this so urgent a conjuncture: doubting not they will also provide that there be kept a safe and free passage through their kingdoms and dominions for the prelates and their domestics, attendants, and all others who are proceeding to or returning from the Council, and that they be treated and received in all places kindly and courteously; as we also will similarly provide as far as we are concerned, who have resolved not to omit anything that can by us, who have been placed in this position, be done towards the completion of so pious and salutary a work; seeking, as God knows, nothing else, proposing nothing else, in celebrating this Council, but the honour of God, the recovery and the salvation of the sheep that are scattered, and the perpetual tranquillity and repose of the Christian commonweal. And to the end that this letter, and the contents thereof may come to the knowledge of all whom it concerns, and that none may plead as an excuse that he knew not thereof, especially as there may not, perhaps, be free access to all, who ought to be made acquainted with this our letter: We will [Page 131] and ordain that, in the Vatican Basilica of the prince of the apostles, and in the Lateran Church, at the time when the people is wont to assemble there to be present at the solemnities of the mass, it be publicly read in a loud voice by officers of our court, or by certain public notaries; and that it be, after being read, affixed to the doors of the said churches, also to the gates of the apostolic Chancery, and to the usual place in the Campo di Fiore, where it shall for some time be left to be read by and made known to all men: and when removed thence, copies thereof shall remain affixed in those same places. For we will that, by being so read, published, and affixed, this letter shall oblige and bind, after an interval of two months from the day of being published and affixed, all and each of those whom it includes, even as if it had been communicated and read to them in person. And we ordain and decree, that,

without any doubt, faith be given to copies thereof written, or subscribed, by the hand of a public notary, and guaranteed by the seal of some person constituted in ecclesiastical dignity. Wherefore, let no one infringe this our letter of indiction, statute, decree, precept, admonition and exhortation, or with rash daring go contrary thereunto. But if any one shall presume to attempt this, let him know that he will incur the indignation of Almighty God, and of His Blessed Apostles, Peter and Paul. Given at Rome, at Saint Peter's, in the year MDLX of the Lord's Incarnation, on the third of the calends of December, in the first year of our Pontificate.

ANTONIUS FLORIBELLUS LAVELLINUS.

BARENGUS.

[Page 132] SESSION THE SEVENTEENTH, Of the Holy, Oecumenical, and General Council of Trent, being the first under the Sovereign Pontiff, Pius IV., celebrated on the eighteenth day of January, MDLXII.

DECREE FOR CELEBRATING THE COUNCIL

Doth it please you, unto the praise and glory of the Holy and Undivided Trinity, Father, and Son, and Holy Ghost, for the increase and exaltation of the faith, and of the Christian religion, that the sacred, ocecumenical, and general Council of Trent, lawfully assembled in the Holy Ghost, be, all manner of suspension removed, celebrated from this day-being the eighteenth of the month of January, in the year MDLXII from our Lord's Nativity, consecrated to the chair of Blessed Peter-according to the form and tenour of the letter of our most holy Lord, the Sovereign Pontiff, Pius IV.; and that, due order being observed, those things be treated of therein, which, the Legates and Presidents proposing, shall to the said holy Synod appear suitable and proper, for assuaging the calamities of these times, appeasing controversies concerning religion, restraining deceitful tongues, correcting the abuses of depraved manners, and for procuring for the Church a true and Christian peace? They answered: It pleaseth us.

INDICTION OF THE NEXT SESSION

Doth it please you that the next ensuing Session be held and celebrated on the Thursday after the second Sunday of Lent, which will be on the twenty-sixth day of the month of February? They answered: It pleaseth us.

[Page 133] SESSION THE EIGHTEENTH, Being the second under the Sovereign Pontiff, Pius IV., celebrated on the twenty-sixth day of February, MDLXII.

DECREE ON THE CHOICE OF BOOKS; AND FOR INVITING ALL MEN ON THE PUBLIC FAITH TO THE COUNCIL The sacred and holy, oecumenical and general Synod of Trent,--lawfully assembled in the Holy Ghost, the same Legates of the Apostolic See presiding therein,--not confiding in human strength, but relying on the succour and assistance of our Lord Jesus Christ, who has promised that he would give to His Church a mouth and wisdom, hath especially in view to restore at length to its native purity and splendour, the doctrine of the Catholic faith, which is in many places defiled and obscured by the conflicting opinions of many who differ from each other; to bring back, to a better method of life, manners, which have divaricated from ancient usage; and to turn the heart of the fathers unto tke children, and the heart of the children unto the fathers. Whereas, then, first of all, it has noticed that the number of suspected and pernicious books,

wherein an impure doctrine is Contained, and is disseminated far and wide, has in these days increased beyond measure, which indeed has been the cause that many censures have been, out of a godly zeal, published in divers provinces, and especially in the fair city of Rome,--and yet that no salutary remedy has availed against so great and pernicious a disorder; It hath thought good, that Fathers specially chosen for this inquiry, should carefully consider what ought to be done in the matter of censures and of books, and also in due time report thereon to this holy Synod; to the end that It may more easily separate the various and strange doctrines, as cockle from the wheat of Christian truth, and may more conveniently deliberate and determine, in regard thereof, that which shall seem best adapted to remove scruples from the minds of very many, and to do away with various causes of complaint. [Page 134] And the Synod wishes all this to come to the knowledge of all persons whatsoever, as by this present decree It doth make them cognizant thereof; in order that if any person may think himself in any way concerned, either in this matter of books and censures, or in the other things which It has declared beforehand are to be treated of in this General Council, he may not doubt but that he will be kindly listened to by the Holy Synod. And forasmuch as this said holy Synod heartily desires, and earnestly beseeches God for the things that are for the peace of the Church, that we all, acknowledging our common mother on earth, who cannot forget the sons of her womb, with one mouth may glorify Cod, and the Father of our Lord Jesus Christ; It invites and exhorts, by the bowels of the mercy of our same God and Lord, all who hold not communion with us, unto concord and reconciliation, and to come unto this holy Synod; to embrace charity, which is the bond of perfection, and to show forth the peace of Christ rejoicing in thoir hearts, whereunto they are called, lit one body. Wherefore, in hearing this voice, not of man, but of the Holy Ghost, let them not harden their hearts, but, walking not after their own sense, nor pleasing themselves, let them be moved and converted by this so charitable and salutary an admonition of their own mother; for, as the holy Synod invites, so will It embrace them with all proofs of love. Moreover, this same holy Synod has decreed, that the public faith may be granted in a general congregation, and that It shall have the same force, and shall be of the same authority and weight as if it had been given and decreed in public Session.

INDICTION OF THE NEXT SESSION The same sacred and holy Synod of Trent, lawfully assembled in the Holy Ghost, the same Legates of the Apostolic See pre-[Page 135]siding therein, resolves and decrees, that the next ensuing Session be held and celebrated on the Thursday after the most sacred festival of the Ascension of our Lord, which will be on the fourteenth day of the month of May.

SAFE-CONDUCT GRANTED TO THE GERMAN NATION In a General Congregation, on the fourth day of March, MDLXII. The sacred and holy, ocecumenical and general Synod of Trent,--lawfully assembled in the Holy Ghost, the same Legates of the Apostolic See presiding therein,--certifies to all men, that, by the tenour of these presents, It grants and wholly concedes the public faith, and the fullest and most true security, which they entitle a safe-conduct, to all and singular the priests, electors, princes, dukes, marquisses, counts, barons, nobles, soldiers, commonalty, and to all other persons whatsoever, of what state, condition, or quality soever they may be, of the province and nation of Germany, and to the cities and other places thereof, and to all the ecclesiastical and secular persons, especially those of the Confession of Augsburg, who shall come, or shall be sent with them to this General Council of Trent, and to those that shall set forth, or have already repaired hither, by whatsoever name they are entitled, or may be

designated,--to Come freely to this city of Trent, and there to remain, abide, sojourn, and to propose, speak, and treat of, examine and discuss any matters whatsoever together with the said Synod, and freely to present and set forth all whatsoever they may think fit, and any articles whatever, either in writing or by word of mouth, and to explain, establish, and prove them by the sacred Scriptures, and by the words, passages, and reasons of the blessed Fathers, and to answer even, if it be needful, to the objections of the General Council, and to dispute, or to confer in charity, without any hindrance with those who have been selected by the Council, all opprobrious, railing, and contumelious language being utterly discarded; and, in particular, that the controverted matters shall be treated of, in the aforesaid Council of Trent, according to sacred Scripture, and the traditions of the apostles, [Page 136] approved Councils, the consent of the Catholic Church, and the authorities of the holy Fathers; with this further addition, that they shall not be punished under pretence of religion, or of offences already committed, or that may be committed, in regard thereof; as also, that the divine offices shall not, on account of their presence, be in any way interrupted, either upon the road, or in any place during their progress, their stay, or their return, or in the city of Trent itself ; and that, upon these matters being concluded, or before they are concluded, if they, or any of them, shall wish, and whensover such is their or his pleasure, or the command and leave of their superiors, to return to their own homes, they shall forthwith be able at their good pleasure, to return freely and securely, without any let, obstacle, or delay, without injury done to their property, or to the honour also and persons of their attendants respectively,--notifying, however, this their purpose of withdrawing, to those who shall be deputed hereunto by the said Synod, that so, without deceit or fraud, proper measures may be taken for their safety. The holy Synod also wills that all clauses whatsoever, which may be necessary and useful for a full, effectual, and sufficient security in coming, sojourning, and returning, be included and comprised, and be accounted as comprised, in this public faith and safe-conduct. It also expressly declares, with a view to their greater security, and the blessing of peace and reconciliation, that if, which God forbid, any one, or divers amongst them, should, either on the road when coming to Trent, or whilst sojourning at, or returning from that same city, perpetrate or commit any heinous act, whereby the benefit of this public faith and assurance might be annulled and quashed, that It wills and grants, that the persons discovered in any such crime shall be forthwith punished by their own countrymen, and not by others, with a proportionate chastisement and a sufficient reparation, which the Synod on its part may justly approve of and commend,--the form, conditions, and terms of their safe-conduct remaining wholly untouched thereby. It also reciprocally wills, that if, which God forbid, any one, or divers, of this Synod, should, either on the road, or whilst sojourning at, or returning therefrom, perpetrate or commit any heinous act, [Page 137] whereby the benefit of this public faith and assurance may be violated, or in any way set aside, the persons discovered in any such Crime shall be forthwith punished by the Synod itself, and not by others, with a proportionate chastisement and a sufficient reparation, which the Germans of the Confession of Augsburg, who may be present here at the time, may on their part justly approve of and commend,--the present form, Conditions, and terms of the safe-conduct remaining wholly untouched thereby. The said Synod also wills, that all and each of the ambassadors shall be allowed to go out of the City of Trent to take the air, as often as it shall be convenient or necessary, and to return thither; as also freely to send or despatch their messenger or messengers to any plaCes whatsoever, according as their affairs may require, and to receive the said messengers or messenger, despatches or despatch, as often as they shall think fit; so as

however one or more be associated therewith by the deputies of the Council, to provide for the safety of the said couriers: and this safe-conduct and these securities shall stand good and endure, both from and during the time that they shall have been received under the Care of the said Synod, and the pro tection of its agents ; and further, after they have had a sufficient audience, and twenty days having expired after they have themselves asked, or after the Council, upon that audience had, shall have given them notice, to return, It will, all deceit and fraud being entirely excluded, reconduct them, with God's help, from Trent to that place of safety which each may select for himself. All which things It promises, and in good faith pledges Itself, shall be inviolably observed towards all and each of the faithful of Christ, towards all ecclesiastical and secular princes, and towards all other ecclesiastical and secular persons, of whatsoever state and condition they may be, or by whatsoever name designated.

Furthermore, It promises in sincere and good faith, without fraud or deceit, that the said Synod will, neither openly nor covertly, seek for any opportunity, nor make use of, nor suffer any one else to make use of, any authority, power, right, or statute, privilege of laws or canons, or of any Councils whatsoever, especially those of Constance and Sienna, under [Page 138] what form soever expressed; to the prejudice in any way of this public faith, and most full security, and of the public and free hearing, by this said Synod granted to the above-named;--derogating from the aforesaid in this regard and for this occasion. And if the holy Synod, or any member thereof, or of their followers, of whatsoever condition, state, or pre-eminence, shall violate--which may the Almighty for fend-the form and terms of the security and safe-conduct as above set down, in any point or clause whatever, and a sufficient reparation shall not have forthwith followed, and one that may with reason be approved of and praised by the (interested) parties themselves; they may and shall hold the said Synod to have incurred all those penalties, which, by law human and divine, or by custom, the violators of such safe-conducts can possibly incur,--without there being any excuse, or Contrary allegation in this regard.

EXTENSION THEREOF TO OTHER NATIONS The same sacred and holy Synod, lawfully assembled in the Holy Ghost, the same Legates a latere of the Apostolic See presiding therein, grants the public faith, or a safe-conduct, under the same form, and in the same terms, wherein it is granted to the Germans, to all and each of those others, who hold not communion with us in matters of faith, of whatsoever kingdoms, nations, provinces, Cities, and places they may be, wherein the contrary, to that which the holy Roman Church holds, is publicly and with impunity preached, taught, or believed.

[Page 138] SESSION THE NINETEENTH, Being the third under the Sovereign Pontiff, Pius IV., celebrated on the fourteenth day of May, MDLXII.

DECREE FOR THE PROROGATION OF THE SESSION The sacred and holy, ocecumenical and general Synod of Trent,--lawfully assembled in the Holy Ghost, the Same Legatesof the Apostolic See presiding therein,--has, for cerain just and good reasons, thought fit to prorogue, and doth hereby prorogue, to the Thursday after the approaching solemnity of Corpus Christi, which will be the day before the nones of June, those decrees which were to have been on this day ordained and sanctioned in the present Session; and It notifies to all men, that, on the said day, a Session will be held and celebrated. Meanwhile, supplication is to be made to the God and Father of our Lord Jesus Christ, the author of peace, that He would sanctify the hearts of all; that, by His help,

the holy Synod may be enabled, both now and ever, to study and to perform those things which shall be unto His praise and glory.

[Page 139] SESSION THE TWENTIETH, Being the fourth under the Sovereign Pontiff, Pius IV., celebrated on the fourth day of June, MDLXII.

DECREE FOR THE PROROGATION OF THE SESSION The sacred and holy, ocecumenical and general Synod of Trent,--lawfully assembled in the Holy Ghost, the same Legates of the Apostolic See presiding therein,--by reason of various difficulties arising from divers causes, and also to the end that all things may proceed in a more befitting manner, and with greater deliberation; to wit, that dogmas may be treated of and ratified conjointly with what relates to Reformation; has decreed that whatsoever it shall seem fit to ordain, as well concerning Reformation, as concerning dogmas, shall be defined in the next Session, which It notifies to all men for the sixteenth day of the month of July next; adding, however, that this holy Synod freely may and can, at Its will and pleasure, as it shall judge expedient for the business of the Council, shorten, or lengthen, the said term, even in a general congregation.

[Page 140] SESSION THE TWENTY-FIRST, Being the fifth under the Sovereign Pontiff, Pius IV., celebrated on the sixteenth day of July, MDLXII.

[DECREE ON COMMUNION UNDER BOTH SPECIES, AND THE COMMUNION OF INFANTS]

Note: This title is missing in the Waterworth translation, 1848 edition. The sacred and holy, ocecumenical and general Synod of Trent,--lawfully assembled in the Holy Ghost, the same Legates of the Apostolic See presiding therein,-whereas, touching the tremendous and most holy sacrament of the Eucharist, there are in divers places, by the most wicked artifices of the devil, spread abroad certain monstrous errors, by reason of which, in some provinces, many are seen to have departed from the faith and obedience of the Catholic Church, It has thought fit, that what relates to communion under both species, and the com-munion of infants, be in this place set forth. Wherefore It forbids all the faithful in Christ to presume henceforth to believe, teach, or preach otherwise on these matters, than is in these decrees explained and defined.

CHAPTER I.

That laymen and clerics, when not sacrifising, are not bound, of divine right, to communion under both species.

Wherefore, this holy Synod,--instructed by the Holy Spirit, who is the spirit of wisdom and of understanding, the spirit of counsel and of godliness, and following the judgment and usage of the Church itself,--declares and teaches, that laymen, and clerics when not consecrating, are not obliged, by any divine precept, to receive the sacrament of the Eucharist under both species ; and that neither can it by any means be doubted, without injury to faith, that communion under either species [Page 141] is sufficient for them unto salvation. For, although Christ, the Lord, in the last supper, instituted and delivered to the apostles, this venerable sacrament in the species of bread and wine; not therefore do that institution and delivery tend thereunto, that all the faithful of Church be bound, by the institution of the Lord, to receive both species. But neither is it rightly gathered, from that discourse which is in the sixth of John,-however according to the various interpretations of holy Fathers and Doctors it be understood,--that the communion of both species was enjoined

by the Lord : for He who said; Except you eat the flesh of the Son of Man and drink his blood, you shall not have life in you (v. 54), also said; He that eateth this bread shall live for ever (v. 59); and He who said, He that eateth my flesh and drinketh my blood hath everlasting life (v. 55), also said; The bread that I will give is my flesh for the life of (lie world (v. 52); and, in fine,- He who said; He that eateth my flesh and drinketh my blood, abideth in me and I in him (v. 57), said, nevertheless; He that eateth this bread shall live for ever (v. 59.) CHAPTER II.

The power of the Church as regards the dispensation of the Sacrament of the Eucharist.

It furthermore declares, that this power has ever been in the Church, that, in the dispensation of the sacraments, their substance being untouched, it may ordain,--or change, what things soever it may judge most expedient, for the profit of those who receive, or for the veneration of the said sacraments, according to the difference of circumstances, times, and places. And this the Apostle seems not obscurely to have intimated, when he says; Let a man so account of us, as of the ministers of Christ, and the dispensers of the mysteries of God. And indeed it [Page 142] is sufficiently manifest that he himself exercised this power,- as in many other things, so in regard of this very sacrament; when, after having ordained certain things touching the use thereof, he says; The rest I will set in order when I come. Wherefore, holy Mother Church, knowing this her authority in the administration of the sacraments, although the use of both species has,--from the beginning of the Christian religion, not been unfrequent, yet, in progress of time, that custom having been already very widely changed,--she, induced by weighty and just reasons,- has approved of this custom of communicating under one species, and decreed that it was to be held as a law; which it is not lawful to reprobate, or to change at plea sure, without the authority of the Church itself.

CHAPTER III.

That Christ whole and entire, and a true Sacrament are received under either species.

It moreover declares, that although, as hath been already said, our Redeemer, in that last supper, instituted, and delivered to the apostles, this sacrament in two species, yet is to be acknowledged, that Christ whole and entire and a true sacrament are received under either species alone; and that therefore, as regards the fruit thereof, they, who receive one species alone, are not defrauded of any grace necessary to salvation.

CHAPTER IV.

That little Children are not bound to sacramental Communion.

Finally, this same holy Synod teaches, that little children, who have not attained to the use of reason, are not by any necessity obliged to the sacramental communion of the Eucharist: [Page 143] forasmuch as, having been regenerated by th by the laver of baptism, and being incorporated with Christ, they cannot, at that age, lose the grace which they have already acquired of being the sons of God. Not therefore, however, is antiquity to be condemned, if, in some places, it, at one time, observed that custom; for as those most holy Fathers had a probable cause for what they did in respect of their times, so, assuredly, is it to be believed without controversy, that they did this without any necessity thereof unto salvation. ON COMMUNION UNDER BOTH SPECIES, AND ON THE COMMUNION OF INFANTS

CANON I.--If any one saith, that, by the precept of God, or, by necessity of salvation, all and each of the faithful of Christ ought to receive both species of the most holy sacrament not consecrating; let him be anathema.

CANON 11.--if any one saith, that the holy Catholic Church was not induced, by just causes and reasons, to communicate, under the species of bread only, laymen, and also clerics when not consecrating; let him be be anathema.

CANON III.--If any one denieth, that Christ whole and entire -the fountain and author of all graces--is received under the one species of bread; because that-as some falsely assert--He is not received, according to the institution of Christ himself, under both species; let him be anathema.

CANON IV.--If any one saith, that the communion of the Eucharist is necessary for little children, before they have arrived at years of discretion; let him be anathema. As regards, however, those two articles, proposed on another occasion, but which have not as yet been discussed; to wit, whether the reasons by which the holy Catholic Church was led to communicate, under the one species of bread only, laymen, [Page 144] and also priests when not celebrating, are in such wise to be adhered to, as that on no account is the use of the chalice to be allowed to any one soever; and, whether, in case that, for reasons beseeming and consonant with Christian charity, it appears that the use of the chalice is to be granted to any nation or kingdom, it is to be conceded under certain conditions ; and what are those conditions: this same holy Synod reserves the same to another time,--for the earliest opportunity that shall present itself,--to be examined and defined.

DECREE ON REFORMATION

Proem. The same sacred and holy, oecumenical and general Synod of Trent,--lawfully assembled in the Holy Ghost, the same Legates of the Apostolic See presiding therein,-has thought fit that, to the praise of Almighty God, and the adornment of holy Church, the things which follow be ordained at present, touching the business of Reformation.

CHAPTER I.

Bishops shall both confer orders, and give dimissory letters and testimonials gratis: their servants shall receive nothing therefrom, and notaries that which is fixed in this decree.

Forasmuch as the ecclesiastical order ought to be free from every suspicion of covetousness, neither bishops, nor others, who confer orders, nor their ministers, shall, under any pretext, receive anything for the collation of any manner of orders, not even for the clerical tonsure, nor for letters dimissory, or testimonials, nor for the seal, nor for any other cause whatsoever, [Page 145] not even though it should be voluntarily offered. And notaries, --in those places only where the laudable custom of not receiving any thing does not prevail,--shall only be able to receive thc tenth part of a golden crown (aureus) for each dimissory letter, or testimonial ; provided still that there be no salary assigned them for the discharge of this office; and provided that no emolument, out of the payments to the notary, Can accrue, either directly or indirectly, to the bishop from the collation of the said orders. For in this case the Synod ordains that they are bound to give their labour altogether gratuitously; utterly quashing and prohibiting all taxes to the contrary, and all statutes, and customs, even though immemorial, of all places whatsoever, [Page 145] which may rather be

called abuses and corruptions tending to simoniacal pravity; and they who shall act otherwise, shall, as well the givers as the receivers, ipso facto, incur, besides the divine punishment, the penalties by law inflicted.

CHAPTER II.

Those who have not wherewith to live, are excluded from sacred Orders.

Whereas it beseems not those who are enrolled in the divine ministry, to beg, or to exercise any sordid trade, to the disgrace of their order; and whereas it is well known that very many, and that in very many places, are admitted to sacred orders almost without any selection whatever; who, by various artifices and deceits, pretend to have an ecclesiastical benefice, or even means sufficient; the holy Synod ordains, that henceforth no secular cleric, though otherwise fit as regards morals, knowledge, and age, shall be promoted to sacred orders, unless it be first legitimately certain, that he is in the peaceful possession of an ecclesiastical benefice sufficient for his honest livelihood: and he shall not be able to resign that benefice, without mentioning that he was promoted under the title thereof; nor shall that resignation be received, unless it be certain that he can live [Page 146] conveniently from other sources; and any resignation made otherwise shall be null. As to those who have a patrimony, or a pension, they shall not henceforth be ordained, except such as the bishop shall consider ought to be received, in consideration of the necessity or the convenience of his churches; after having also first seen carefully to this, that they really enjoy that patrimony, or pension, and that they are such as to suffice for their sustenance: And the same may not in any case be alienated, extinguished, or remitted, without the permission of the bishop, until they shall have obtained a sufficient ecclesiastical benefice, or they shall have from some other source wherewith to live; renewing hereupon the penalties of the ancient canons.

CHAPTER III.

A method of increasing the daily distributions is prescribed; the persons to whom they shall be due: the contumacy of those who do not serve is punished.

Whereas benefices were established in order to the performance of divine worship, and the offices of the Church; to the end that the divine worship may not in any respect be diminished, but due attention be paid thereunto in all things; the holy Synod ordains, that in churches, as well cathedral as collegiate, wherein there are no daily distributions, or so slight, that they are probably disregarded, a third part of the fruits and of all proceeds whatever, and revenues, as well of dignities, as of canonries, personates, portions, and offices, shall be set apart and converted to the purpose of daily distributions, to be divided amongst those who possess dignities and the others who are present at the divine service, according to that proportion which shall be settled by the bishop--even as the delegate of the Apostolic See--at the time of the very first deduction made from the fruits; saving, however, the customs of those churches wherein those who do not reside, or who do not serve, receive nothing, or less than a third: all exemptions, and any [Page 147] other customs, even though immemorial, and all appeals whatsoever notwithstanding. And upon the contumacy of those who do not serve increasing, they may be proceeded against according to the provision of the law, and of the sacred canons.

CHAPTER IV.

In what case Coadjutors are to be employed for the cure of souls.--The manner of erecting new parishes is set forth. In all parish churches, or those wherein baptism is administered, in which (churches) the people is so numerous, that one rector is not enough for the administration of the sacraments of the Church, and for the performance of divine worship, the bishops, even as delegates of the Apostolic See, shall compel the rectors, or others whom it may concern, to associate to themselves for this office, as many priests as shall be sufficient to administer the sacraments, and to celebrate the divine worship. As regards those churches, to which, on account of the distance, or the difficulties of the locality, the parishioners cannot, without great inconvenience, repair to receive the sacraments, and to hear the divine offices; the bishops may, even against the will of the rectors, establish new parishes, pursuant to the form of the constitution of Alexander III., which begins, Ad audientiam. And to those priests who shall have to be appointed afresh over the churches newly erected, a competent portion shall be assigned, according to the bishop's judgment, out of the fruits in any wise belonging to the Mother Church: and, if it be necessary, he may compel the people to contribute what may be sufficient for the sustenance of the said priests; every general or special reservation, or assignment, that may lie upon the said churches, notwithstanding. Neither shall ordinances and erections of this kind be prevented, or hindered, by means of any provisions, or even by virtue of any resignation, or by any other derogations, or suspensions whatsoever.

[Page 148] CHAPTER V.

Bishops shall be able to form perpetual unions, in the cases by law permitted. In order, also, that the state of those churches, wherein the sacred offices are administered unto God, may be maintained according to their dignity, the bishops, even as the delegates of the Apostolic See, may, according to form of law, make unions in perpetuity--without prejudice, however, to the incumbents--of any parochial churches whatsoever, and of those wherein baptism is administered, and of other benefices with or without cure, with (other) cures, on account of the poverty of those churches, and in the other cases by law permitted; even though the said churches, or benefices, be generally or specially reserved, or in what way soever applied: the which unions shall not be capable of being revoked, by virtue of any provision whatever, not even on account of any resignation, or derogation, or suspension.

CHAPTER VI.

To ignorant Rectors, Vicars shall be, for the time being, deputed with a portion of the fruits; those continuing to give scandal may be deprived of their benefices.

Forasmuch as illiterate and unskilful rectors of parish churches are but little fit for the sacred offices; and others, by reason of the turpitude of their lives, rather destroy than edify; the bishops, even as the delegates of the Apostolic See, may depute to the said illiterate and unskilful rectors, if they be otherwise of a blameless life, coadjutors, or vicars for the time being, and assign the same a part of the fruits for their sufficient maintenance, or provide for them in some other manner, setting aside any appeal or exemption whatsoever. But, those who live shamefully and scandalously, they shall, after having first admo-[Page 149]nished them, restrain and punish; and, if they shall still continue incorrigible in their wickedness, they shall have power to deprive them of their benefices, according to the constitutions of the sacred canons, setting aside every exemption or appeal whatsoever.

CHAPTER VII.

Bishops shall transfer, together with their obligations, churches which cannot be restored; others they shall cause to be repaired.

Whereas, also, very great care ought to be taken, lest those things which have been dedicated to sacred services, may, through the injury of time, cease to be so employed, and pass from the memory of men; the bishops, even as the delegates of the Apostolic See, may transfer simple benefices--even those that are under a right of patronage-from churches which have fallen into ruin by age, or otherwise, and which cannot, by reason of the poverty thereof, be restored, to the Mother Churches, or others of the same or neighbouring places, as they shall judge fit, after having summoned those who are interested therein; and they shall raise, in the said churches, altars, or chapels, under the same invocations; or transfer them, with all their emoluments and with all the obligations that were imposed on the former churches, to altars or chapels already erected. But, as regards parish churches which have thus fallen into decay, they shall, even though they be under a right of patronage, make it their care that they be repaired and restored, out of any fruits and proceeds whatever, in any way belonging to the said churches; and if those resources should not be sufficient, they shall compel, by all suitable means, the patrons and others who receive any fruits derived from those churches, or, in their default, the parishioners, to provide for the aforesaid repairs; setting aside every appeal, exemption, or reservation whatsoever. But if they should be all too poor, those churches shall [Page 150] be transferred to the Mother Churches, or to the neighbouring churches, with power to convert both the said parish churches and others that are in ruins, to profane, though not to sordid uses; a cross, however, being erected there.

CHAPTER VIII.

Commendatory monasteries, wherein regular observance is not in vigour, and all benefices so ever, shall be by bishops annually visited.

It is right that whatsoever things in a diocese regard the worship of God, be diligently cared for by the Ordinary, and, where there is need, be by him set in order. Wherefore, monasteries held in commendam, even abbeys, priories, and those called provostries, wherein regular observance is not in vigour, as also benefices--with, or without the cure of souls, as well Regular as Secular-in whatever way held in commendam, even though exempt, shall be annually visited by the bishop, even as the delegates of the Apostolic See; and the said bishops shall provide, by suitable measures, even by the sequestration of the fruits, that what requires renewing or repairing, be done accordingly; and that the cure of souls, if those places, or those annexed to them, be charged therewith, as also that all other duties required of them, be rightly exercised; notwithstanding any appeals whatsoever, privileges, customs, even with a prescription from time immemorial, letters conservatory, commissions of judges, and their inhibitions to the contrary. And, if Regular observance be therein maintained, the bishops shall make it their care, by fatherly admonitions, that the superiors of the said Regulars observe, and cause to be observed, the manner of life required by the institutes of their order, and that they keep, and govern those subject to them, in their duty. And if, after having been admonished, they shall not, within six months, have visited or corrected them, then may the said bishops, even as delegates of the Apostolic See, visit and correct [Page 151] them, in the same way as the superiors themselves might do, in accordance with their institutes; notwithstanding, and completely setting aside, all

appeals, privileges, and exemptions whatsoever.

CHAPTER IX.

The name and use of Questors of Alms is abolished.- The Ordinaries shall publish indulgences and spiritual graces.-- Two of the Chapters shall, without fee, receive the Alms.

Whereas many remedies, heretofore applied by divers councils in their day, as well by that of Lateran, and of Lyons, as by that of Vienne, against the wicked abuses of questors of alms, have become in later times useless; yea, rather the depravity of such is, to the great scandal and complaint of all the faithful, found daily so to increase the more, as that there seems to be no longer any hope left of their amendment; (the Synod) ordains that, in all parts of Christendom soever, their name and use be henceforth utterly abolished; nor shall they be allowed in any wise to exercise any such office; notwithstanding any privileges granted to any churches, monasteries, hospitals, pious places, or to any persons of whatsoever degree, estate, and dignity, or any customs, even though immemorial. As regards the indulgences, or other spiritual graces, of which the faithful of Christ ought not on this account to be deprived, It decrees, that they are henceforth to be published to the people at the due times, by the Ordinaries of the places, aided by two members of the Chapter; to whom also power is given to gather faithfully the alms, and the succours of charity which are offered them, without their receiving any remuneration whatsoever; that so all men may at length truly understand, that these heavenly treasures of the Church are administered, not for gain, but for godliness.

INDICTION OF THE NEXT SESSION The sacred and holy, oecumenical and general Synod of Trent, lawfully assembled in the Holy Ghost, the same Legates of the Apostolic See presiding therein, hath ordained and decreed, that the next ensuing Session be held and celebrated on the Thursday after the octave of the feast of the Nativity of the Blessed Virgin Mary, which will be on the seventeenth of the month of September next; with the addition, however, that the said holy Synod freely may and can, according to Its will and pleasure, as It shall judge expedient for the affairs of the Council, limit or extend, even in a general congregation, the said term, as also that which may be assigned hereafter for each Session.

[Page 152] SESSION THE TWENTY-SECOND, Being the sixth under the Sovereign Pontiff, Pius IV., celebrated on the seventeenth day of September, MDLXII.

DOCTRINE ON THE SACRIFICE OF THE MASS. The sacred and holy, ecumenical and general Synod of Trent--lawfully assembled in the Holy Ghost, the same Legates of the Apostolic Sec presiding therein--to the end that the ancient, complete, and in every part perfect faith and doctrine touching the great mystery of the Eucharist may be retained in the holy Catholic Church; and may, all errors and heresies being repelled, be preserved in its own purity; (the Synod) instructed by the illumination of the Holy Ghost, teaches, declares; and decrees what follows, to be preached to the faithful, on the subject of the Eucharist, considered as being a true and singular sacrifice.

[Page 153] CHAPTER I.

On the institution of the most holy Sacrifice of the Mass.

Forasmuch as, under the former Testament, according to the testimony of the Apostle Paul, there was no perfection, because of the weakness of the Levitical priesthood; there was need, God, the

Father of mercies, so ordaining, that another priest should rise, according to the order of Melchisedech, our Lord Jesus Christ, who might consummate, and lead to what is perfect, as many as were to be sanctified. He, therefore, our God and Lord, though He was about to offer Himself once on the altar of the cross unto God the Father, by means of his death, there to operate an eternal redemption; nevertheless, because that His priesthood was not to be extinguished by His death, in the last supper, on the night in which He was betrayed,--that He might leave, to His own beloved Spouse the Church, a visible sacrifice, such as the nature of man requires, whereby that bloody sacrifice, once to be accomplished on the cross, might be represented, and the memory thereof remain even unto the end of the world, and its salutary virtue be applied to the remission of those sins which we daily commit,--declaring Himself constituted a priest for ever, according to the order of Melchisedech, He offered up to God the Father His own body and blood under the species of bread and wine; and, under the symbols of those same things, He delivered (His own body and blood) to be received by His apostles, whom He then constituted priests of the New Testament; and by those words, Do this in commemoration of me, He commanded them and their successors in the priesthood, to offer (them); even as the Catholic Church has always understood and taught. For, having celebrated the ancient Passover, which the multitude of the children of Israel immolated in memory of their going out of [Page 154] Egypt, He instituted the new Passover, (to wit) Himself to be immolated, under visible signs, by the Church through (the ministry of) priests, in memory of His own passage from this world unto the Father, when by the effusion of His own blood He redeemed us, and delivered us from the power of darkness, and translated us into his kingdom. And this is indeed that clean oblation, which cannot be defiled by any unworthiness, or malice of those that offer (it); which the Lord foretold by Malachias was to be offered in every place, clean to his name, which was to be great amongst the Gentiles; and which the apostle Paul, writing to the Corinthians, has not obscurely indicated, when he says, that they who are defiled by the participation of the table of devils, cannot be partakers of the table of the Lord; by the table, meaning in both places the altar. This, in fine, is that oblation which was prefigured by various types of sacrifices, during the period of nature, and of the law; in as much as it comprises all the good things signified by those sacrifices, as being the consummation and perfection of them all.

CHAPTER II.

That the Sacrifice of the Mass is propitiatory both for the living and the dead. And forasmuch as, in this divine sacrifice which is celebrated in the mass, that same Christ is contained and immolated in an unbloody manner, who once offered Himself in a bloody manner on the altar of the cross; the holy Synod teaches, that this sacrifice is truly propritiatory and that by means thereof this is effected, that we obtain mercy, and find grace in seasonable aid, if we draw nigh unto God, contrite and penitent, with a sincere heart and upright faith, with fear and reverence. For the Lord, appeased by the oblation thereof, and granting the [Page 155] grace and gift of penitence, forgives even heinous crimes and sins. For the victim is one and the same, the same now offering by the ministry of priests, who then offered Himself on the cross, the manner alone of offering being different. The fruits indeed of which oblation, of that bloody one to wit, are received most plentifully through this unbloody one; so far is this (latter) from derogating in any way from that (former oblation). Wherefore, not only for the sins, punishments, satisfactions, and other necessities of the faithful who are living, but also for those who are departed in Christ, and who are not as yet fully

purified, is it rightly offered, agreebly to a tradition of the apostles.

CHAPTER III.

On Masses in honour of the Saints. And although the Church has been accustomed at times to celebrate, certain masses in honour and memory of the saints; not therefore, however, doth she teach that sacrifice is offered unto them, but unto God alone, who crowned them; whence neither is the priest wont to say, "I offer sacrifice to thee, Peter, or Paul;" but, giving thanks to God for their victories, he implores their patronage, that they may vouchsafe to intercede for us in heaven, whose memory we celebrate upon earth.

CHAPTER IV

On the Canon of the Mass. And whereas it beseemeth, that holy things be administered in a holy manner, and of all holy things this sacrifice is the most holy; to the end that it might be worthily and reverently [Page 156] offered and received, the Catholic Church instituted, many years ago, the sacred Canon, so pure from every error, that nothing is contained therein which does not in the highest degree savour of a certain holiness and piety, and raise up unto God the minds of those that offer. For it is composed, out of the very words of the Lord, the traditions of the apostles, and the pious institutions also of holy pontiffs.

CHAPTER V.

On the solemn ceremonies of the Sacrifice of the Mass. And whereas such is the nature of man, that, without external helps, he cannot easily be raised to the meditation of divine things; therefore has holy Mother Church instituted certain rites, to wit that certain things be pronounced in the mass in a low, and others in a louder, tone. She has likewise employed ceremonies, such as mystic benedictions, lights, incense, vestments, and many other things of this kind, derived from an apostolical discipline and tradition, whereby both the majesty of so great a sacrifice might be recommended, and the minds of the faithful be excited, by those visible signs of religion and piety, to the contemplation of those most sublime things which are hidden in this sacrifice.

CHAPTER VI.

On Mass wherein the priest alone communicates. The sacred and holy Synod would fain indeed that, at each mass, the faithful who are present should communicate, not only in spiritual desire, but also by the sacramental participation of the Eucharist, that thereby a more abundant fruit might be derived to them from this most holy sacrifice: but not therefore, if this be not always done, does It condemn, as private and unlawful, but approves of and therefore commends, [Page 157] those masses in which the priest alone communicates sacramentally; since those masses also ought to be considered as truly common; partly because the people communicate spiritually thereat; partly also because they are celebrated by a public minister of the Church, not for himself only, but for all the faithful, who belong to the body of Christ.

CHAPTER VII.

On the water that is to be mixed with the wine to be offered in the chalice. The holy Synod notices, in the next place, that it has been enjoined by the Church on priests, to mix water with the wine that is to be offered in the chalice; as well because it is believed that Christ the Lord did this, as

also because from His side there came out blood and water; the memory of which mystery is renewed by this commixture; and, whereas in the apocalypse of blessed John, the peoples are called waters, the union of that faithful people with Christ their head is hereby represented.

CHAPTER VIII.

On not celebrating the Mass every where in the vulgar tongue; the mysteries of the Mass to be explained to the people.

Although the mass contains great instruction for the faithful people, nevertheless, it has not seemed expedient to the Fathers, that it should be every where celebrated in the vulgar tongue. Wherefore, the ancient usage of each church, and the rite approved of by the holy Roman Church, the mother and mistress of all churches, being in each place retained; [Page 158] and, that the sheep of Christ may not suffer hunger, nor the little ones ask for bread, and there be none to break it unto them, the holy Synod charges pastors, and all who have the cure of souls, that they frequently, during the celebration of mass, expound either by themselves, or others, some portion of those things which are read at mass, and that, amongst the rest, they explain some mystery of this most holy sacrifice, especially on the Lord's days and festivals.

CHAPTER IX.

Preliminary Remark on the following Canons. And because that many errors are at this time disseminated and many things are taught and maintained by divers persons, in opposition to this ancient faith, which is based on the sacred Gospel, the traditions of the Apostles, and the doctrine of the holy Fathers; the sacred and holy Synod, after many and grave deliberations maturely had touching these matters, has resolved, with the unanimous consent of all the Fathers, to condemn, and to eliminate from holy Church, by means of the canons subjoined, whatsoever is opposed to this most pure faith and sacred doctrine. ON THE SACRIFICE OF THE MASS.

CANON I.--If any one saith, that in the mass a true and proper sacriflce is not offered to God; or, that to be offered is nothing else but that Christ is given us to eat; let him be anathema.

CANON II.--If any one saith, that by those words, Do this for the commemoration of me (Luke xxii. 19), Christ did not institute the apostles priests; or, did not ordain that they, and other priests should offer His own body and blood; let him be anathema.

CANON III.--If any one saith, that the sacrifice of the mass is only a sacrifice of praise and of thanksgiving; or, that it is a [Page 159] bare commemoration of the sacrifice consummated on the cross, but not a propitiatory sacrifice; or, that it profits him only who receives; and that it ought not to be offered for the living and the dead for sins, pains, satisfactions, and other necessities; let him be anathema.

CANON IV.--If any one saith, that, by the sacrifice of the mass, a blasphemy is cast upon the most holy sacrifice of Christ consummated on the cross; or, that it is thereby derogated from; let him be anathema.

CANON V.--If any one saith, that it is an imposture to celebrate masses in honour of the saints, and for obtaining their intercession with God, as the Church intends; let him be anathema.

CANON VI.--If any one saith, that the canon of the mass contains errors, and is therefore to be abrogated; let him be anathema.

CANON VII.--If any one saith, that the ceremonies, vestments, and outward signs, which the Catholic Church makes use of in the celebration of masses, are incentives to impiety, rather than offices of piety; let him be anathema.

CANON VIII.--If any one saith, that masses, wherein the priest alone communicates sacramentally, are unlawful, and are, therefore, to be abrogated; let him be anathema.

CANON IX.--If any one saith, that the rite of the Roman Church, according to which a part of the canon and the words of consecration are pronounced in a low tone, is to be condemned; or, that the mass ought to be celebrated in the vulgar tongue only; or, that water ought not to be mixed with the wine that is to be offered in the chalice, for that it is contrary to the institution of Christ; let him be anathema.

DECREE CONCERNING THE THINGS TO BE OBSERVED, AND TO BE AVOIDED, IN THE CELEBRATION OF MASS.

What great care is to be taken, that the sacred and holy sacrifice of the mass be celebrated with all religious service and [Page 160] veneration, each one may easily imagine, who considers, that, in holy writ, he is called accursed, who doth the work of God negligently; and if we must needs confess, that no other work can be performed by the faithful so holy and divine as this tremendous mystery itself, wherein that life-giving victim, by which we were reconciled to the Father, is daily immolated on the altar by priests, it is also sufficiently clear, that all industry and diligence is to be applied to this end, that it be performed with the greatest possible inward cleanness and purity of heart, and outward show of devotion and piety. Whereas, therefore, either through the wickedness of the times, or through the carelessness and Corruption of men, many things seem already to have crept in, which are alien from the dignity of so great a sacrifice; to the end that the honour and cult due thereunto may, for the glory of God and the edification of the faithful people, be restored; the holy Synod decrees, that the ordinary bishops of places shall take diligent care, and be bound to prohibit and abolish all those things which either covetousness, which is a serving of idols, or irreverence, which can hardly be separated from impiety; or superstition, which is a false imitation of true piety, may have introduced. And that many things may be comprised in a few words: first, as relates to covetousness:--they shall wholly prohibit all manner of conditions and bargains for recompenses, and whatsoever is given for the celebration of new masses; as also those importunate and illiberal demands, rather than requests, for alms, and other things of the like sort, which are but little removed from a simonical taint, or at all events, from filthy lucre. In the next place, that irreverence may be avoided, each, in his own diocese, shall forbid that any wandering or unknown priest be allowed to celebrate mass. Furthermore, they shall not allow any one who is publicly and notoriously stained with crime, either to minister at the holy altar, or to assist at the sacred services; nor shall they suffer the holy sacrifice to be celebrated, either by any Seculars or Regulars whatsoever, in [Page 161] private houses; or, at all, out of the church, and those oratories which are dedicated solely to divine worship, and which are to be designated and visited by the said Ordinaries; and not then, unless those who are present shall have first shown, by their decently composed outward appearance, that they are there not in body only, but also in mind and devout affection of heart. They shall also banish from churches all those kinds of music,

in which, whether by the organ, or in the singing, there is mixed up any thing lascivious or impure; as also all secular actions; vain and therefore profane conversations, all walking about, noise, and clamour, that so the house of God may be seen to be, and may be called, truly a house of prayer.

Lastly, that no room may be left for superstition; they shall by ordinance, and under given penalties, provide, that priests do not celebrate at other than due hours; nor employ other rites, or other ceremonies and prayers, in the celebration of masses, besides those which have been approved of by the Church, and have been received by a frequent and praiseworthy usage. They shall wholly banish from the Church the observance of a fixed number of certain masses and of candles, as being the invention of superstitious worship, rather than of true religion; and they shall instruct the people, what is, and whence especially is derived, the fruit so precious and heavenly of this most holy sacrifice. They shall also admonish their people to repair frequently to their own parish churches, at least on the Lord's days and the greater festivals. All, therefore, that has been briefly enumerated, is in such wise propounded to all Ordinaries of places, as that, by the power given them by this sacred and holy Synod, and even as delegates of the Apostolic See, they may prohibit, ordain, reform, and establish, not only the things aforesaid, but also whatsoever else shall seem to them to have relation hereunto; and may compel the faithful people inviolably to observe them, by ecclesiastical censures and other penalties, which at their pleasure they may appoint; any privileges, exemptions, appeals, and customs whatsoever, to the contrary notwithstanding.

[Page 162] DECREE ON REFORMATION. The same sacred and holy, ecumenical and general Synod of Trent,--lawfully assembled in the Holy Ghost, the same Legates of the Apostolic See presiding therein,--to the end that the business of reformation may be proceeded with, has thought good that the following things be ordained in the present Session.

CHAPTER I.

The Canons relative to the life, and propriety of conduct of Clerics are renewed.

There is nothing that continually instructs others unto piety, and the service of God, more than the life and example of those who have dedicated themselves to the divine ministry. For as they are seen to be raised to a higher position, above the things of this world, others fix their eyes upon them as upon a mirror, and derive from them what they are to imitate. Wherefore clerics called to have the Lord for their portion, ought by all means so to regulate their whole life and conversation, as that in their dress, comportment, gait, discourse, and all things else, nothing appear but what is grave, regulated, and replete with religiousness; avoiding even slight faults, which in them would be most grievous; that so their actions may impress all with veneration. Whereas, therefore, the more useful and decorous these things are for the Church of God, the more carefully also are they to be attended to; the holy Synod ordains, that those things which have been heretofore copiously and wholesomely enacted by sovereign pontiffs and sacred councils,--relative to the life, propriety of conduct, dress, and learning of clerics, and also touching the luxuriousness, feastings, dances, gambling, sports, and all sorts of crime whatever, as also the secular employments, to be by them shunned,--the same shall be henceforth observed, under the same penalties, or greater, to be imposed at the discretion of the Ordinary; nor shall any appeal [Page 163] suspend the execution hereof, as relating to the correction of manners. But if anything of the above shall be found to have fallen into desuetude, they shall make it their care that it be brought again into use as soon as possible, and be accurately observed by all; any customs to the contrary notwithstanding; lest they

themselves may have, God being the avenger, to pay the penalty deserved by their neglect of the correction of those subject to them.

CHAPTER II.

Who are to be promoted to Cathedral Churches.

Whosoever is, hereafter, to be promoted to a cathedral church shall not only be fully qualified by birth, age, morals, and life, and, in other respects, as required by the sacred canons, but shall also have been previously constituted in sacred Order, for the space of at least six months. And information on these points, if the individual be only recently, or not at all, known at the court (of Rome), shall be derived from the Legates of the Apostolic See, or from the Nuncios of the provinces, or from his Ordinary, and in his default, from the nearest Ordinaries. And, besides the things above-named, he shall possess such learning as to be able to discharge the obligations of the office that is about to be conferred upon him; and he shall, therefore, have been previously promoted by merit, in some university for studies, to be a master, or doctor, or licentiate, in sacred theology, or in canon law; or shall be declared, by the public testimony of some academy, fit to teach others. And, if he be a Regular, he shall have a similar attestation from the superiors of his own order. And all the above-named persons, from whom the information, or testimony, aforesaid is to be derived shall be bound to report on these matters faithfully and gratuitously; otherwise let them know, that their conciences will be grievously burthened, and that God, and their own superiors, will punish them.

[Page 164]

CHAPTER III.

Daily distributions, out of the third part of all fruits soever, are to be established; on whom the portion of absentees devolves; certa in cases excepted.

Bishops, even as the delegates of the Apostolic See, shall have power to divide the third part of any manner of fruits and proceeds of all dignities, personates, and offices existing in cathedral or collegiate churches, into distributions, to be assigned as they shall judge fit; in such wise to wit, that, if those who ought to receive them should fail, on any appointed day, personally to discharge the duty that devolves upon them, according to the form that shall be prescribed by the said bishops, they shall forfeit that day’s distribution, and shall acquire no manner of property therein, but it shall be applied to the fabric of the church, as far as it may need it, or to some other pious place, at the discretion of the Ordinary. But if their contumacy increase, they shall proceed against them according to the constitution of the sacred canons. But if any of the aforesaid dignitaries has, neither by right, nor custom, any jurisdiction, administration, or office, devolving upon him in the cathedral or collegiate churches; but, out of the city, in the same diocese, there is a cure of souls to be attended to, which he who holds that dignity is willing to take upon himself; in this case, during the time that he shall reside and minister in the church with that cure, he shall be considered as though he were present and assisted at the divine offices in those cathedral or collegiate churches. These things are to be understood as appointed for those churches only, wherein there is no custom, or statute, whereby the said dignitaries, who do not serve, lose something, which amounts to the third part of the said fruits and proceeds: any customs, even though immemorial, exemptions, and constitutions, even though confirmed by oath or by any

authority whatsoever, to the contrary notwithstanding.

[Page 165]

CHAPTER IV.

Those not initiated into a sacred Order, shall not have a voice in the chapter of any Cathedral or Collegiate Church. The qualifications and duties of those who hold Benefices therein.

Whosoever being employed in the divine offices in a cathedral, or collegiate, Secular or Regular, church, is not constituted in the order of subdeaconship at least, shall not have a voice in the chapter of those churches, even though this may have been voluntarily conceded to him by the others. As to those who possess, or shall hereafter possess, in the said churches, any dignities, personates, offices, prebends, portions, and any other manner of benefices whatever, to which various obligations are annexed, such as, that some shall say, or sing, mass, others the Gospel, others the Epistle, they shall be bound, all just impediment ceasing, to receive the requisite orders within a year, whatsoever may be their privilege, exemption, prerogative, or nobility of birth; otherwise they shall incur the penalties enacted by the constitution of the Council of Vienne, which begins, Ut ii qui, which by this present decree is renewed: and the bishops shall compel them to exercise in person the aforesaid orders on the appointed days, and to discharge all the other duties required of them in the divine service, under the said penalties, and others even more grievous, which may be imposed at their discretion. Nor, for the future, shall any such office be assigned to any but those who shall be well known fully to have already the age and the other qualifications; otherwise such provision shall be null.

CHAPTER V.

Dispensations expedited out of the (Roman) court shall be committed to the Bishop, and be by him examined.

Dispensations, by whatsoever authority they are to be granted, if they are to be consigned out of the Roman court, shall be [Page 166] consigned to the Ordinaries of those who shall have obtained them. And as to those dispensations which shall be granted as graces, they shall not have effect, until the said Ordinaries, as delegates of the Apostolic See, shall have first ascertained summarily only and extra-judicially, that the terms of the petition do not labour under the vice of surreption or obreption.

CHAPTER VI

Last intentions to be altered with caution. In alterations of last wills,--which alterations ought not to be made except for a just and necessary cause,--the bishops, as delegates of the Apostolic See, shall, before the alterations aforesaid are carried into execution, ascertain, that nothing has been stated in the prayer of the petition, which suppresses what is true, or suggests what is false.

CHAPTER VII.

The chapter "Romana," in the sixth (of the Decretals), is renewed.

Apostolic legates and nuncios, patriarchs, primates, and metropolitans, in appeals interposed before them, shall, in all causes whatsoever, as well in admitting the appeals, as in granting

inhibitions after an appeal, be bound to observe the form and tenour of the sacred constitutions, and especially of the constitution of Innocent IV., beginning Romana; any custom, even though immemorial, or usage, or privilege, to the contrary notwithstanding; otherwise the inhibitions and proceedings, and all the consequences thereof, shall be ipso jure null.

[Page 167]

CHAPTER VIII.

Bishops shall execute the pious dispositions of all persons; shall visit all manner of pious places, if not under the immediate protection of Kings. The bishops, even as the delegates of the Apostolic See, shall, in the cases by law permitted, be the executors of all pious dispositions, whether made by last will, or between the living: they shall have a right to visit all manner of hospitals, colleges, and confraternities of laymen, even those which are called schools, or which go by any other name; but not, however, those places which are under the immediate protection of kings, except with their permission; also the eleemosynary institutions, called monts-de-piete, or of charity, and all pious places by whatsoever name designated, even though the aforesaid institutions be under the care of laymen, and though the said pious places be protected by a privilege of exemption; and, by virtue of their office, they shall take cognizance of, and see to the performance,--in accordance with the ordinances of the sacred canons,--of all things that have been instituted for God’s worship, for the salvation of souls, or for the support of the poor; any custom, even though immemorial, or privilege, or statute whatsoever, to the contrary, notwithstanding.

CHAPTER IX.

Administrators of any pious places whatsoever shall give in their accounts to the Ordinary, unless it be otherwise provided by the foundation. The administrators, whether ecclesiastical, or lay, of the fabric of any church whatsoever, even though it be a cathedral, as also of any hospital, confraternity, charitable institution called [Page 168] mont-de-piete, and of any pious places whatsoever, shall be bound to give in, once a year, an account of their administration to the Ordinary: all customs and privileges to the contrary being set aside; unless it should happen that, in the institution and regulations of any church or fabric, it has been otherwise expressly provided. But if from custom, or privilege, or some regulation of the place, their account has to be rendered to others deputed thereunto, in that case the Ordinary shall also be employed jointly with them; and all acquittances given otherwise shall be of no avail to the said administrators.

CHAPTER X.

Notaries shall be subject to the examination and judgment of the Bishops.

Whereas the unskilfulness of notaries causes very many injuries, and gives occasion to many lawsuits, the bishop, even as the delegate of the Apostolic See, may, by actual examination search into the competency of all notaries, even though created by apostolic, imperial, or royal authority; and, if such notaries be found incompetent, or on any occasion guilty of a delinquency in the discharge of their office, he may forbid them, altogether or for a time, to exercise that office, in ecclesiastical and spiritual affairs, lawsuits, and causes; nor shall any appeal on their parts suspend the prohibition of the Ordinary.

CHAPTER XI.

Usurpers of the property of any Church, or pious places, are punished.

If any cleric, or layman, by whatsoever dignity pre-eminent, be he even emperor or king, should be so possessed by covetousness, that root of all evils, as to presume to convert to his own use, and to usurp,--by himself or by others, by force, or [Page 169] fear, or even by means of any supposititious persons, whether lay, or clerical, or by any artifice, or under any colourable pretext whatsoever,--the jurisdictions, property, rents, and rights, even those held in fee or under lease, the fruits, emoluments, or any sources of revenue whatsoever, belonging to any church, or to any benefice, whether Secular or Regular, monts-de-piete, or to any other pious places, which ought to be employed for the necessities of the ministers (thereof), and of the poor; or (shall presume) to hinder them (in any of the ways aforesaid) from being received by those unto whom they of right belong; he shall lie under an anathema until he shall have wholly restored to the Church, and to the administrator or beneficiary thereof, the jurisdictions, property, effects, rights, fruits, and revenues which he has seized upon, or in whatsoever way they have come to him, even by way of gift from a supposititious person and until he shall, furthermore, have obtained absolution from the Roman Pontiff. And if he be the patron of the said church, he shall, besides the penalties aforesaid, be thereupon deprived of the right of patronage. And the cleric who shall be the author of, or consenting to, any execrable fraud and usurpation of this kind, shall be subjected to the same penalties; as also he shall be deprived of all benefices whatsoever, and be rendered incapable of any others whatsoever; and ever after entire satisfaction and absolution, he shall be suspended from the exercise of his orders, at the discretion of his Ordinary.

DECREE TOUCHING THE PETITION FOR THE CONCESSION OF THE CHALICE.

Moreover, whereas the same sacred and holy Synod, in the preceding Session, reserved unto another time, for an opportunity that might present itself, two articles to be examined and defined, which (articles) had been proposed on another occasion, but had not then been as yet discussed, to wit, whether the reasons by which the holy Catholic Church was led to communicate, under the one species of bread, laymen and also priests [Page 170] when not celebrating, are in such wise to be adhered to, as that on no account is the use of the chalice to be allowed to any one soever; and, whether, in that case, for reasons beseeming and consonant with Christian charity, it appears that the use of the chalice is to be granted to any nation, or kingdom, it is to be conceded under certain conditions; and what are those conditions; It has now,--in Its desire that the salvation of those, on whose behalf the request is made, may be provided for in the best manner,--decreed, that the whole business be referred to our most holy lord, as by this present decree It doth refer it; who, of his singular prudence, will do that which he shall judge useful for the Christian commonweal, and salutary for those who ask for the use of the chalice.

INDICTION OF THE NEXT SESSION.

Moreover, this sacred and holy Synod of Trent appoints, for the day of the next Session, the Thursday after the octave of All Saints, which will be the twelfth day of the month of November; and thereon It will decree concerning the sacrament of Order, and the sacrament of Matrimony, &c. The Session was prorogued until the fifteenth day of July, MDLXIII.

19 Part 5 The Council of Trent

The Council of Trent

The canons and decrees of the sacred

and oecumenical Council of Trent,

Ed. and trans. J. Waterworth (London: Dolman, 1848)

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The true and catholic doctrine, touching the sacrament of order, decreed and published by the Holy Synod of Trent, in the seventh session, in condemnation of the errors of our time

On the sacrament of order

Decree on reformation

Indiction of the next session

The Twenty-Fourth Session <file://C:\CCD\churchfathers\CHURCH COUNCILS & Liturgies\TRENT.html>

Doctrine on the sacrament of matrimony

On the sacrament of matrimony

Decree on the reformation of marriage

Decree on reformation

Indiction of the next session

SESSION THE TWENTY-THIRD, Being the seventh under the Sovereign Pontiff, Pius IV., celebrated on the fifteenth day of July, MDLXIII. THE TRUE AND CATHOLIC DOCTRINE, TOUCHING THE SACRAMENT OF ORDER, DECREED AND PUBLISHED BY THE HOLY SYNOD OF TRENT, IN THE SEVENTH SESSION, IN CONDEMNATION OF THE ERRORS OF OUR TIME.

CHAPTER I.

On the institution of the Priesthood of the New Law.

Sacrifice and priesthood are, by the ordinance of God, in such wise conjoined, as that both have existed in every law. [Page 171] Whereas, therefore, in the New Testament, the Catholic Church has received, from the institution of Christ, the holy visible sacrifice of the Eucharist; it must needs also be confessed, that there is, in that Church, a new, visible, and external priesthood, into which the old has been translated. And the sacred Scriptures show, and the tradition of the Catholic Church has always taught, that this priesthood was instituted by the same Lord our Saviour, and that to the apostles, and their successors in the priesthood, was the power delivered of consecrating, offering, and administering His Body and Blood, as also of forgiving and of retaining sins.

CHAPTER II.

On the Seven Orders. And whereas the ministry of so holy a priesthood is a divine thing; to the end that it might be exercised in a more worthy manner, and with greater veneration, it was suitable that, in the most well-ordered settlement of the church, there should be several and diverse orders of ministers, to minister to the priesthood, by virtue of their office; orders so distributed as that those already marked with the clerical tonsure should ascend through the lesser to the greater orders. For the sacred Scriptures make open mention not only of priests, but also of deacons; and teach, in words the most weighty, what things are especially to be attended to in the Ordination thereof; and, from the very beginning of the church, the names of the following orders, and the ministrations proper to each one of them, are known to have been in use; to wit those of subdeacon, acolyth, exorcist, lector, and door-keeper; though these were not of equal rank: for the subdeavonship is classed amongst the greater orders by the Fathers and sacred Councils, wherein also we very often read of the other inferior orders.

[Page 172] CHAPTER III.

That Order is truly and properly a Sacrament.

Whereas, by the testimony of Scripture, by Apostolic tradition, and the unanimous consent of the Fathers, it is clear that grace is conferred by sacred ordination, which is performed by words and outward signs, no one ought to doubt that Order is truly and properly one of the seven sacraments of holy Church. For the apostle says; I admonish thee that thou stir up the grace of God, which is in thee by the imposition of my hands. For God has not given us the spirit of fear, but of power and of love of sobriety.

CHAPTER IV

On the Ecclesiastical hierarchy, and on Ordination.

But, forasmuch as in the sacrament of Order, as also in Baptism and Confirmation, a character is imprinted, which can neither be effaced nor taken away; the holy Synod with reason condemns the opinion of those, who assert that the priests of the New Testament have only a temporary power; and that those who have once been rightly ordained, can again become laymen, if they do not exercise the ministry of the word of God. And if any one affirm, that all Christians indiscrimately are priests of the New Testament, or that they are all mutually endowed with an equal spiritual power, he clearly does nothing but confound the ecclesiastical hierarchy, which is as an army set in array; as if, contrary to the doctrine of blessed Paul, all were apostles, all prophets, all evangelists, all

pastors, all doctors. Wherefore, the holy Synod declares that, besides [Page 173] the other ecclesiastical degrees, bishops, who have succeeded to the place of the apostles, principally belong to this hierarchial order; that they are placed, as the same apostle says, by the Holy Ghost, to rule the Church of God; that they are superior to priests; administer the sacrament of Confirmation; ordain the ministers of the Church; and that they can perform very many other things; over which functions others of an inferior order have no power. Furthermore, the sacred and holy Synod teaches, that, in the ordination of bishops, priests, and of the other orders, neither the consent, nor vocation, nor authority, whether of the people, or of any civil power or magistrate whatsoever, is required in such wise as that, without this, the ordination is invalid: yea rather doth It decree, that all those who, being only called and instituted by the people, or by the civil power and magistrate, ascend to the exercise of these ministrations, and those who of their own rashness assume them to themselves, are not ministers of the church, but are to be looked upon as thieves and robbers, who have not entered by the door. These are the things which it hath seemed good to the sacred Synod to teach the faithful in Christ, in general terms, touching the sacrament of Order. But It hath resolved to condemn whatsoever things are contrary thereunto, in express and specific canons, in the manner following; in order that all men, with the help of Christ, using the rule of faith, may, in the midst of the darkness of so many errors, more easily be able to recognise and to hold Catholic truth. ON THE SACRAMENT OF ORDER.

CANON I.--If any one saith, that there is not in the New Testament a visible and external priesthood; or that there is not any power of consecrating and offering the true body and blood of the Lord, and of forgiving and retaining sins; but only an office and bare ministry of preaching the Gospel, or, that those who do not preach are not priests at all; let him be anathema.

[Page 174] CANON II.--If any one saith, that, besides the priesthood, there are not in the Catholic Church other orders, both greater and minor, by which, as by certain steps, advance is made unto the priesthood; let him be anathema.

CANON III.--If any one saith, that order, or sacred ordination, is not truly and properly a sacrament instituted by Christ the Lord; or, that it is a kind of human figment devised by men unskilled in ecclesiastical matters; or, that it is only a kind of rite for choosing ministers of the word of God and of the sacraments; let him be anathema.

CANON IV.--If any one saith, that, by sacred ordination, the Holy Ghost is not given; and that vainly therefore do the bishops say, Receive ye the Holy Ghost; or, that a character is not imprinted by that ordination; or, that he who has once been a priest, can again become a layman; let him be anathema.

CANON V.--If any one saith, that the sacred unction which the Church uses in holy ordination, is not only not required, but is to be despised and is pernicious, as likewise are the other ceremonies of Order; let him be anathema.

CANON VI.--If any one saith, that, in the Catholic Church there is not a hierarchy by divine ordination instituted, consisting of bishops, priests, and ministers; let him be anathema.

CANON VII.--If any one saith, that bishops are not superior to priests; or, that they have not the power of confirming and ordaining; or, that the power which they possess is common to them and to priests; or, that orders, conferred by them, without the consent, or vocation of the people, or of

the secular power, are invalid; or, that those who have neither been rightly ordained, nor sent, by ecclesiastical and canonical power, but come from elsewhere, are lawful ministers of the word and of the sacraments; let him be anathema.

CANON VIII.--If any one saith, that the bishops, who are assumed by authority of the Roman Pontiff, are not legitimate and true bishops, but are a human figment; let him be anathema.

DECREE ON REFORMATION The same sacred and holy Synod of Trent, prosecuting the matter of reformation, resolves and decrees that the things following be at present ordained.

CHAPTER I.

The negligence of Pastors of Churches in residing is variously punished: provision is made for the cure of souls.

Whereas it is by divine precept enjoined on all, to whom the cure of souls is committed, to know their own sheep; to offer sacrifice for them; and, by the preaching of the divine word, by the administration of the sacraments, and by the example of all good works, to feed them; to have a fatherly care of the poor and of other distressed persons, and to apply themselves to all other pastoral duties; all which (offices) cannot be rendered and fulfilled by those who neither watch over nor are with their own flock, but abandon it after the manner of hirelings; the sacred and holy Synod admonishes and exhorts such, that mindful of the divine precepts, and made a pattern of the flock, they feed and rule in judgment and in truth. And for fear lest those things which have been already elsewhere holily and usefully ordained, concerning residence, under Paul III., of happy memory, may be wrested to a meaning alien from the mind of the sacred and holy Synod, as if by virtue of that decree it were lawful to be absent during five continuous months; the sacred and holy Synod, adhering to those decrees, declares, that all persons who are--under whatsoever name and title, even though they be cardinals of the holy Roman Church--set over any patriarchal, primatial, metropolitan, and cathe-[Page 176]dral churches whatsoever, are obliged to personal residence in their own church, or diocese, where they shall be bound to discharge the office enjoined them; and may not be absent thence, save for the causes and in the manner subjoined. For whereas Christian charity, urgent necessity, due obedience, and the evident utility of the Church, or of the commonwealth, require and demand that some at times be absent, this same sacred and holy Synod ordains, that these causes of lawful absence are to be approved of in writing by the most blessed Roman Pontiff, or by the metropolitan, or, in his absence, by the oldest resident suffragan bishop, whose duty it shall also be to approve of the absence of the metropolitan; except when such absence happens in consequence of some employment and office in the state attached to the bishoprics; the causes of which absence being notorious, and at times sudden, it will not be necessary even to notify them to the metropolitan; to whom it shall however belong, conjointly with the provincial Council, to judge of the permissions granted by himself, or by his suffragan, and to see that no one abuse that right, and that transgressors are punished with the penalties adjudged by the canons. Meanwhile let those about to depart remember to provide in such sort for their sheep, as that, as far as possible, they may not suffer any injury through their absence. But, forasmuch as those who are only absent for a short period, are, in the sense of the ancient canons, not supposed to be absent, for that they are about to return immediately; the sacred and holy Synod wills, that that term of absence, whether continuous or interrupted, ought not by any means to exceed two, or at most three, months; except

for the causes above named; and that regard be had that it be done from a just cause, and without any detriment to the flock: which, whether it be the case, the Synod leaves to the conscience of those who withdraw themselves which It hopes will be religious and timorous; seeing that their hearts are open before God, whose work they are bound, at their periol, not to do deceitfully. In the meantime It [Page 177] admonishes and exhorts them in the Lord, that unless their episcopal duties call them to some other part of their own diocese, they on no account be absent from their own cathedral church during the period of the Advent of the Lord, and of Lent, on the days of the Nativity, of the Lord's Resurrection, of Pentecost, and of Corpus Christi, on which days especially the sheep ought to be refreshed, and to rejoice in the Lord at the presence of the Shepherd. But if any one, which it is hoped will never happen, shall be absent, contrary to the regulation of this decree, the sacred and holy Synod ordains, that, in addition to the other penalties imposed upon and renewed against non-residents, under Paul III., and the guilt of mortal sin which such an one incurs, he acquires no property in any fruits, in proportion to the time of his absence, and that he cannot, even though no other declaration but this follow, retain them as his with a safe conscience; but is bound, or, in his default, his ecclesiastical superior for him, to apply them to the fabric of the churches, or to the poor of the place; every kind of agreement, or composition as it is called, in regard of ill-gotten fruits, being prohibited, whereby the aforesaid fruits even might be wholly, or in part, restored to him; any privileges whatsoever, granted to any college or fabric, to the contrary notwithstanding. The same also, both as regards the guilt, the loss of fruits, and the penalties, does the sacred and holy Synod wholly declare and decree, in regard of inferior pastors, and all others whomsoever who hold any ecclesiastical benefice having cure of souls; in such wise, however, as that, whensoever it shall happen that they are absent, for a cause that has been first made known to, and been approved of by, the bishop, they shall leave, with a due allowance of stipend, a suitable vicar, to be approved of by the Ordinary. And they shall not obtain permission to be absent,--which is to be granted in writing and gratuitously,--for a larger period than two months, except for some weighty cause; and if, after having been cited, even though not per-[Page 178]sonally, by an edict, they shall be contumacious, the Synod wills, that it be in the power of the Ordinaries to constrain them by ecclesiastical censures, and by the sequestration and substraction of fruits, and by other legal remedies, even as far as deprivation; and that the execution hereof shall not be able to be suspended by any manner of privilege soever, license, claim as a domestic, exemption,--though even upon the ground of any manner of benefice,--by any compact, or statute,--even though confirmed by oath or by what authority soever,--by any custom, even though immemorial, which herein is to be looked upon rather as a corruption, or by any appeal, or inhibition, even in the Roman Court, or by virtue of the constitution of Eugenius. Finally, the holy Synod commands, that both the decree under Paul III., and this present, shall be published in the provincial and episcopal councils; for It desires that things so nearly concerning the office of pastors, and the salvation of souls, be frequently impressed on the minds and ears of all men, that so, with God's help, they may never hereafter be abolished through the injury of time, the forgetfulness of men, or by desuetude.

CHAPTER II.

Those set over Churches shall receive the rite of consecration within three months; where the consecration is to take place.

Those who,--under whatsoever name or title, even though they be cardinals of the holy Roman Church,--have been set over cathedral, or superior, churches, if they shall not, within three months, have received the rite of consecration, shall be bound to restore the fruits which they have received; if they shall have neglected to do this within three other months afterwards, they shall be ipso jure deprived of their churches. And their consecration, if performed out of the Court of Rome, shall be celebrated in the church to which they have been promoted, or in the province, if it can be conveniently done.

[Page 179] CHAPTER III.

Bishops, except in case of illness, shall confer Order in person.

Bishops shall themselves confer orders; but, should they be prevented by illness, they shall not send their subjects to another bishop for ordination, unless they have been already approved of and examined.

CHAPTER IV

Who are to be initiated by the first tonsure.

None shall be initiated by the first tonsure, who have not received the sacrament of Confirmation; and who have not been taught the rudiments of the faith; and who do not know how to read and write; and in whose regard there is not a probable conjecture, that they have chosen this manner of life, that they may render unto God a faithful service, and not that they may fraudulently withdraw themselves from Secular jurisdiction.

CHAPTER V

Wherewith those who are to be ordained are to be furnished.

Those who are to be promoted to minor orders shall have a good testimonial from their parish priest; and from the master of the school in which they are educated. As to those who are to be raised to any one of the greater orders, they shall, a month before ordination, repair to the bishop, who shall commission the parish priest, or such other person as may be deemed more expedient, to state publicly in the church the names and the desire of those who wish to be promoted; and to diligently inform himself, from persons worthy of credit, of the birth, age, morals, and life [Page 180] of those who are to be ordained, and shall transmit to the bishop himself, as soon as possible, letters testimonial containing the actual inquiry that has been made.

CHAPTER VI

The age of fourteen years is required for an ecclesiastical benfice; who is to enjoy the privilege of the (ecclesiastical) court. No one, after being initiated by the first tonsure, or even after being constituted in minor orders, shall be able to hold a benefice before his fourteenth year. Further, he shall not enjoy the privilege of the (ecclesiastical) court, unless he have an ecclesiastical benefice; or, wearing the ecclesiastical dress and tonsure, he serves in some church by the bishop’s order, or lives with the bishop’s permission in an ecclesiastical seminary, or in some school, or university, on the way as it were to receive the greater orders. As regards married clerks, the constitution of Boniface VIII., which begins, clerici qui cum unicis, shall be observed; provided the said clerks,

being deputed by the bishop to the service or ministry of some church, serve and minister therein, and wear the clerical dress and tonsure: no privilege, or custom, even immemorial, availing any one herein.

CHAPTER VII.

Those to be ordained are to be examined by persons versed in divine and human laws. The holy Synod, adhering to the traces of the ancient canons, ordains, that when a bishop has arranged to hold an ordination, all who may wish to be received into the sacred ministry shall be summoned to the city, for the Thursday before the said ordination, or for such other day as the bishop shall think fit. [Page 181] And the bishop, calling to his assistance priests and other prudent persons, well skilled in the divine law, and of experience in the constitutions of the church, shall diligently investigate and examine the parentage, person, age, education, morals, learning, and faith of those who are to be ordained.

CHAPTER VIII.

How, and by whom, each ought to be ordained.

Ordinations of sacred orders shall be celebrated publicly, at the time appointed by law, and in the cathedral churches, in the presence of the canons of that church, who are to be invited for that purpose; but, if they are celebrated in some other place of the diocese, in the presence of the clergy of the place; the principal church being always, as far as possible, made use of. But each one shall be ordained by his own bishop. And if any one ask to be promoted by another bishop, this shall by no means be allowed him, even under the pretext of any general or special rescript or privilege whatsoever, even at the appointed times; unless his probity and morals be recommended by the testimony of his own Ordinary; otherwise, he who ordains him shall be suspended from conferring orders during a year, and he who has been ordained shall be suspended from exercising the orders which he has received, for as long a period as shall seem expedient to his own Ordinary.

CHAPTER IX.

A bishop ordaining one of his own household, shall at once and really confer upon him a benefice. A bishop may not ordain one of his household, who is not his subject, unless he has lived with him for the space of [Page 182] three years; and he shall really, and without fraud of any kind, at once confer on him a benefice; any custom, even though immemorial, to the contrary notwithstanding.

CHAPTER X.

Prelates inferior to bishops shall not give the tonsure, or minor orders, save to Regulars their own subjects; neither shall they, nor any Chapters whatsoever, grant dimissory letters; a more grievous penalty is enacted against those who offend against this decree.

It shall not henceforth be lawful for abbots, or for any other persons whatsoever, howsoever exempted, being within the limits of any diocese, even though they be said to be of no diocese, or to be exempted, to confer the tonsure, or minor orders on any one who is not a Regular subject to them; nor shall the said abbots, and other exempted persons, or any colleges, or Chapters whatsoever, even those of cathedral churches, grant letters dimissory to any Secular clerics to be

ordained by others. But the ordination of all these persons shall appertain to the bishops within the limits of whose diocese they are, all things considered in the decrees of this holy Synod being observed; any privilege, prescriptions, or customs, even though immemorial, notwithstanding. And the Synod ordains, that the penalty imposed on those, who, contrary to the decree of this holy Synod under Paul III., obtain, during the vacancy of the episcopal See, letters dimissory from the Chapter, be also extended to those who shall obtain the said letters, not from the Chapter, but from any other persons whatsoever, who, during the vacancy of the See, succeed to the jurisdiction of the bishop, in lieu of the Chapter. And they who give dimissory letters, contrary to the form of this decree, shall be ipso jure suspended during a year from their office and benefice.

[Page 183] CHAPTER XI.

The interstices, and certain other regulations, to be observed in receiving minor orders. The minor orders shall not be given but to such as understand the Latin language at least, observing the appointed interstices of time, unless the bishop shall think it more expedient to act otherwise; that so they may be the more accurately taught how great is the obligation of this their state of life; and may exercise themselves in each office, agreeably to the appointment of the bishop; and this in the church to which they shall be assigned, unless they happen to be absent on account of their studies; and may thus ascend step by step: that so with their increasing age they may grow in worthiness of life and in learning; of which they will give proof especially by the example of their good conduct, by their assiduous service in the church, their greater reverence towards priests and the superior orders, and by a more frequent communion than heretofore of the Body of Christ. And whereas from these orders is the entrance unto higher orders and to the most sacred mysteries, no one shall be admitted thereunto, whom the promise of knowledge does not point out as worthy of the greater orders. And such shall not be promoted to sacred orders till a year after the reception of the last degree of minor orders; unless necessity, or the utility of the church, in the bishop’s judgment, shall require otherwise.

CHAPTER XII.

Age required for the major orders; the deserving only to be admitted. No one shall for the future be promoted to the order of subdeaconship before the twenty-second year of age; to that [Page 184] of deaconship before his twenty-third year; to that of priesthood before his twenty-fifth year. Nevertheless, bishops are to know, that not all who have attained to that age must needs be admitted to the aforesaid orders, but those only who are worthy, and whose commendable life is an old age. Regulars likewise shall not be ordained under the above age, nor without a diligent examination by the bishop; all privileges whatsoever in this regard being completely set aside.

CHAPTER XIII.

On the conditions required in the Ordination of a Subdeacon and Deacon: on no one shall two sacred Orders be conferred on the same day.

Such as have a good testimonial, and have been already tried in minor orders, and are instructed in letters, and in those things which belong to the exercise of their orders, shall be ordained subdeacons and deacons. They shall have a hope, with God’s help, to be able to live continently; they shall serve in the churches to which they may be assigned; and are to know that it is very highly becoming that, after ministering at the altar, they should receive the sacred communion, at

least on the Lord's days and solemnities. Those who have been promoted to the sacred order of the subdeaconship shall not, until they have remained therein during at least a year, be permitted to ascend to a higher degree, unless the bishop shall judge otherwise. Two sacred orders shall not be conferred on the same day, even upon Regulars; any privileges and indults whatsoever, to whomsoever granted, to the contrary notwithstanding.

CHAPTER XIV.

Who are to be raised to the Priesthood: their office.

Those who have conducted themselves piously and faithfully in their precedent functions, and are promoted to the order of [Page 185] priesthood, shall have a good testimonial, and be persons who not only have served in their office of deacon during at least an entire year,--unless for the utility and the necessity of the Church, the bishop should judge otherwise,--but who have also been approved to be, by a careful previous examination, capable of teaching the people those things which it is necessary for all to know unto salvation, as also fit to administer the sacraments; and so conspicuous for piety and chasteness of morals, as that a shining example of good works and a lesson how to live may be expected from them. The bishop shall take care that they celebrate mass at least on the Lord's Days, and on solemn festivals; but, if they have the cure of souls, so often as to satisfy their obligation. The bishop may, for a lawful cause, grant a dispensation to those who have been promoted per saltum, provided they have not exercised the ministry (of that order).

CHAPTER XV.

No one shall hear confessions, unless he be approved of by the Ordinary.

Although priests receive in their ordination the power of absolving from sins; nevertheless, the holy Synod ordains, that no one, even though he be a Regular, is able to hear the confessions of Seculars, not even of priests, and that he is not to be reputed fit thereunto, unless he either holds a parochial benefice, or is, by the bishops, after an examination if they shall think it necessary, or in some other manner, judged capable; and has obtained their approval, which shall be granted gratuitously; any privileges, and custom whatsoever, though immemorial, to the contrary notwithstanding.

[Page 186] CHAPTER XVI.

Those who are ordained shall be assigned to a particular church.

Whereas no one ought to be ordained, who, in the judgment of his own bishop, is not useful or necessary for his churches, the holy Synod, adhering to the traces of the sixth canon of the council of Chalcedon, ordains, that no one shall for the future be ordained without being attached to that church, or pious place, for the need, or utility of which he is promoted; there to discharge his duties, and not wander about without any certain abode. And if he shall quit that place without consulting the bishop, he shall be interdicted from the exercise of his sacred (orders). Furthermore, no cleric, who is a stranger, shall, without letters commendatory from his own Ordinary, be admitted by any bishop to celebrate the divine mysteries, and to administer the sacraments.

CHAPTER XVII.

In what manner the exercise of the minor orders is to be restored. That the functions of holy orders, from the deacon to the janitor,-which functions have been laudably received in the Church from the times of the apostles, and which have been for some time interrupted in very many places,-may be again brought into use in accordance with the sacred canons; and that they may not be traduced by heretics as useless; the holy Synod, burning with the desire of restoring the pristine usage, ordains that, for the future, such functions shall not be exercised but by those who are actually in the said orders; and It exhorts in the Lord all and each of the prelates of the churches, and commands them, that it be their care to restore the said [Page 187] functions, as far as it can be conveniently done, in the cathedral, collegiate, and parochial churches of their dioceses, where the number of the people and the revenues of the church can support it; and, to those who exercise those functions, they shall assign salaries out of some part of the revenues of any simple benefices, or those of the fabric of the church,-if the funds allow of it,-or out of the revenues of both together, of which stipends they may, if negligent, be mulcted in a part, or be wholly deprived thereof, according to the judgment of the Ordinary. And if there should not be unmarried clerics at hand to exercise the functions of the four minor orders, their place may be supplied by married clerics of approved life; provided they have not been twice married, be competent to discharge the said duties, and wear the tonsure and the clerical dress in church.

CHAPTER XVIII.

Method of establishing Seminaries for Clerics, and of educating the same therein.

Wereas the age of youth, unless it be rightly trained, is prone to follow after the pleasures of the world; and unless it be formed, from its tender years, unto piety and religion, before habits of vice have taken possession of the whole man, it never will perfectly, and without the greatest, and well-nigh special, help of Almighty God, persevere in ecclesiastical discipline; the holy Synod ordains, that all cathedral, metropolitan, and other churches greater than these, shall be bound, each according to its means and the extent of the diocese, to maintain, to educate religiously, and to train in ecclesiastical discipline, a certain number of youths of their city and diocese, or, if that number cannot be met with there, of that province, in a college to be chosen by the bishop for this purpose near the said churches, or in some other suitable place. Into this college shall be received such as are at least twelve years old, born in [Page 188] lawful wedlock, and who know how to read and write competently, and whose character and inclination afford a hope that they will always serve in the ecclesiastical ministry. And It wishes that the children of the poor be principally selected; though It does not however exclude those of the more wealthy, provided they be maintained at their own expense, and manifest a desire of serving God and the Church. The bishop, having divided these youths into as many classes as he shall think fit, according to their number, age, and progress in ecclesiastical discipline, shall, when it seems to him expedient, assign some of them to the ministry of the churches, the others he shall keep in the college to be instructed; and shall supply the place of those who have been withdrawn, by others; that so this college may be a perpetual seminary of ministers of God. And that the youths may be the more advantageously trained in the aforesaid ecclesiastical discipline, they shall always at once wear the tonsure and the clerical dress; they shall learn grammar, singing, ecclesiastical computation, and the other liberal arts; they shall be instructed in sacred Scripture; ecclesiastical works; the

homilies of the saints; the manner of administering the sacraments, especially those things which shall seem adapted to enable them to hear confessions; and the forms of the rites and ceremonies. The bishop shall take care that they be present every day at the sacrifice of the mass, and that they confess their sins at least once a month; and receive the body of our Lord Jesus Christ as the judgment of their confessor shall direct; and on festivals serve in the cathedral and other churches of the place.

All which, and other things advantageous and needful for this object, all bishops shall ordain-with the advice of two of the senior and most experienced canons chosen by himself-as the Holy Spirit shall suggest; and shall make it their care, by frequent visitations, that the same be always observed. The froward, and incorrigible, and the disseminators of evil morals, they shall punish sharply, even by expulsion if necessary; and, removing all hindrances, they shall carefully foster whatsoever appears to tend to preserve and advance so pious and holy an institution. And forasmuch as some certain revenues will be [Page 189] necessary, for raising the building of the college, for paying their salaries to the teachers and servants, for the maintenance of the youths, and for other expenses; besides those funds which are, in some churches and places, set apart for training or maintaining youths, and which are to be hereby looked upon as applied to this seminary under the said charge of the bishop; the bishops as aforesaid, with the advice of two of the Chapter,--of whom one shall be chosen by the bishop, and the other by the Chapter itself, and also of two of the clergy of the city, the election of one of whom shall in like manner be with the bishop, and of the other with the clergy,--shall take a certain part or portion, out of the entire fruits of the episcopal revenue, and of the chapter, and of all dignities whatsoever, personates, offices, prebends, portions, abbies, and priories, of whatsoever order, even though Regular, or of whatsoever quality, or condition they may be, and of hospitals which are conferred under title or administration, pursuant to the constitution of the Council of Vienne, which begins Quia contingit; and of all benefices whatsoever, even those belonging to Regulars, even those which are under any right of patronage, even those that are exempted, that are of no diocese, or are annexed to other churches, monasteries, hospitals, or to any other pious places, even such as are exempted; as also of the revenues devoted to the fabrics of churches, and of other places, and likewise of all other ecclesiastical revenues and proceeds whatsoever, even those of other colleges;-in which, however, there are not actually seminaries of scholars, or of teachers, for promoting the common good of the Church; for the Synod wills that those places be exempted, except in regard of such revenues as may remain over and above the suitable support of the said seminaries;--or of bodies, or confraternities, which in some places are called schools, likewise of all monasteries, with the exception of the Mendicants; also of the tithes in any way belonging to laymen, out of which ecclesiastical subsidies are wont to be paid; and those belonging to the soldiers of any [Page 190] military body, or order, the brethren of Saint John of Jerusalem alone excepted; and they shall apply to, and incorporate with, the said college this portion so deducted, as also a certain number of simple benefices, of whatsoever quality and dignity they may be, or even prestimonies, or prestimonial portions as they are called, even before they fall vacant, without prejudice however to the divine service, or to those who hold them. And this shall have effect, even though the benefices be reserved or appropriated to other uses; nor shall this union and application of the said benefices be suspended, or in any way hindered, by any resignation thereof, but shall still in any case have effect, notwithstanding any way whatever in which they may be vacated, even be it in the Roman court, and notwithstanding any constitution whatsoever to the contrary. The bishop

of the place shall, by ecclesiastical censures, and other legal means, even by calling in for this purpose, if he think fit, the help of the Secular arm, compel the possessors of benefices, dignities, personates, and of all and singular the above-named (revenues), to pay this portion not merely on their own account, but also on account of whatsoever pensions they may happen to have to pay to others, out of the said revenues,-keeping back however a sum equivalent to that which they have to pay on account of those pensions: notwithstanding as regards all and singular the above-mentioned premises, any privileges, exemptions-even such as might require a special derogation-any custom, even immemorial, or any appeal, and allegation, which might hinder the execution hereof. But in case it should happen that, by means of the said unions being carried into effect, or from some other cause, the said seminary should be found to be wholly or in part endowed, then shall the portion, deducted as above from all benefices and incorporated by the bishop, be remitted, either wholly or in part, as the actual circumstances shall require. But if the prelates of cathedrals, and of the other greater churches, should be negligent in erecting the said seminary, and in preserving the same, and refuse to pay their share; it will be the duty of the archbishop sharply to reprove the bishop, and to compel him to comply with all the matters aforesaid, and of the provincial Synod to reprove and [Page 191] to compel in like manner the archbishop, and sedulously to provide that this holy and pious work be as soon as possible proceeded with, wherever it is possible. The bishop shall annually receive the accounts of the revenues of the said seminary, in the presence of two deputies from the Chapter, and of the same number deputed from the clergy of the city.

Furthermore, in order that the teaching in schools of this nature may be provided for at less expense, the holy Synod ordains, that bishops, archbishops, primates, and other Ordinaries of places, shall constrain and compel, even by the substraction of their fruits, those who possess any dignities as professors of theology, and all others to whom is attached the office of lecturing, or of teaching, to teach those who are to be educated in the said schools, personally, if they be competent, otherwise by competent substitutes to be chosen by themselves, and to be approved of by the Ordinary. And if, in the judgment of the bishop, those chosen are not fit, they shall noniminate another who is fit, without any appeal being allowed; but should they neglect to do this, the bishop himself shall depute one. And the aforesaid masters shall teach those things which the bishop shall judge expedient. And, henceforth, those offices, or dignities, which are called professorships of theology, shall not be conferred on any but doctors, or masters, or licentiates in divinity, or canon law, or on other competent persons, and such as can personally discharge that office; and any provision made otherwise shall be null and void: all privileges and customs whatsoever, even though immemorial, notwithstanding. But if the churches in any province labour under so great poverty, as that a college cannot be established in certain (churches) thereof; the provincial Synod, or the metropolitan, aided by the two oldest suffragans, shall take care to establish one or more colleges, as shall be judged expedient, in the metro-[Page 192]politan, or in some other more convenient church of the province, out of the revenues of two or more churches, in which singly a college cannot conveniently be established, and there shall the youths of those churches be educated. But in churches which have extensive dioceses, the bishop may have one or more seminaries in the diocese, as to him shall seem expedient; which seminaries shall however be entirely dependent in all things on the one erected and established in the (episcopal) city.

Finally, if, either upon occasion of the said unions, or the taxation, or assignment, and incorporation of the above-named portions, or from some other cause, there should happen to arise any difficulty, by reason of which the institution, or maintenance of the said seminary may be hindered or disturbed, the bishop with the deputies as above, or the provincial Synod according to the custom of the country, shall have power, regard being had to the character of the churches and benefices, to regulate and order all and singular the matters which shall seem necessary and expedient for the happy advancement of the said seminary, even so as to modify or enlarge, if need be, the contents hereof.

INDICTION OF THE NEXT SESSION.

Moreover, the same sacred and holy Synod of Trent indicts the next ensuing Session for the sixteenth day of the month of September; in which it will treat of the sacrament of Matrimony, and of such other matters, if there be any, relative to the doctrine of faith as can be expedited, as also on provisions for bishoprics, dignities, and other ecclesiastical benefices, and divers articles of Reformation. The Session was prorogued to the eleventh day of November, MDLXIII.

[Page 193] SESSION THE TWENTY-FOURTH, Being the eighth under the Sovereign Pontiff, Pius IV., celebrated on the eleventh day of November, MDLXIII.

DOCTRINE ON THE SACRAMENT OF MATRIMONY The first parent of the human race, under the influence of the divine Spirit, pronounced the bond of matrimony perpetual and indissoluble, when he said; This now is bone of my bones, and flesh of my flesh. Wherefore a man shall leave father and mother, and shall cleave to his wife, and they shall be two in one flesh. But, that by this bond two only are united and joined together, our Lord taught more plainly, when rehearsing those last words as having been uttered by God, He said, therefore now they are not two, but one flesh; and straightway confirmed the firmness of that tie, proclaimed so long before by Adam, by these words; What therefore God hath joined together, let no man put asunder. But, the grace which might perfect that natural love, and confirm that indissoluble union, and sanctify the married, Christ Himself, the institutor and perfecter of the venerable sacraments, merited for us by His passion; as the Apostle Paul intimates, saying: Husbands love your wives, as Christ also loved the Church, and delivered himself up for it; adding shortly after, This is a great sacrament, but I speak in Christ and in the Church. Whereas therefore matrimony, in the evangelical law, excels in grace, through Christ, the ancient marriages; with reason have our holy Fathers, the Councils, and the tradition of the universal Church, always taught, that it is to be numbered amongst the sacraments of the new law; against which, impious men of this age raging, have not only had false notions touching this venerable sacrament, but, introducing according to their wont, [Page 194] under the pretext of the Gospel, a carnal liberty, they have by word and writing asserted, not without great injury to the faithful of Christ, many things alien from the sentiment of the Catholic Church, and from the usage approved of since the times of the apostles; the holy and universal Synod wishing to meet the rashness of these men, has thought it proper, lest their pernicious contagion may draw more after it, that the more remarkable heresies and errors of the above-named schismatics be exterminated, by decreeing against the said heretics and their errors the following anathemas. ON THE SACRAMENT OF MATRIMONY.

CANON I.-If any one saith, that matrimony is not truly and properly one of the seven sacraments of the evangelic law, (a sacrament) instituted by Christ the Lord; but that it has been invented by men

in the Church; and that it does not confer grace; let him be anathema.

CANON II.-If any one saith, that it is lawful for Christians to have several wives at the same time, and that this is not prohibited by any divine law; let him be anathema.

CANON III.-If any one saith, that those degrees only of consanguinity and affinity, which are set down in Leviticus, can hinder matrimony from being contracted, and dissolve it when contracted; and that the Church cannot dispense in some of those degrees, or establish that others may hinder and dissolve it ; let him be anathema.

CANON IV.-If any one saith, that the Church could not establish impediments dissolving marriage; or that she has erred in establishing them; let him be anathema.

CANON V.-If any one saith, that on account of heresy, or irksome cohabitation, or the affected absence of one of the parties, the bond of matrimony may be dissolved; let him be anathema.

[Page 195] CANON VI.-If any one saith, that matrimony contracted, but not consummated, is not dissolved by the solemn profession of religion by one of the married parties; let him be anathema.

CANON VII.-If any one saith, that the Church has erred, in that she hath taught, and doth teach, in accordance with the evangelical and apostolical doctrine, that the bond of matrimony cannot be dissolved on account of the adultery of one of the married parties; and that both, or even the innocent one who gave not occasion to the adultery, cannot contract another marriage, during the life-time of the other; and, that he is guilty of adultery, who, having put away the adulteress, shall take another wife, as also she, who, having put away the adulterer, shall take another husband; let him be anathema.

CANON VIII.-If any one saith, that the Church errs, in that she declares that, for many causes, a separation may take place between husband and wife, in regard of bed, or in regard of cohabitation, for a determinate or for an indeterminate period; let him be anathema.

CANON IX.-If any one saith, that clerics constituted in sacred orders, or Regulars, who have solemnly professed chastity, are able to contract marriage, and that being contracted it is valid, notwithstanding the ecclesiastical law, or vow; and that the contrary is no thing else than to condemn marriage; and, that all who do not feel that they have the gift of chastity, even though they have made a vow thereof, may contract marriage; let him be anathema: seeing that God refuses not that gift to those who ask for it rightly, neither does He suffer us to be tempted above that which we are able.

CANON X.-If any one saith, that the marriage state is to be placed above the state of virginity, or of celibacy, and that it is not better and more blessed to remain in virginity, or in celibacy, than to be united in matrimony; let him be anathema.

CANON XI.-If any one saith, that the prohibition of the solemnization of marriages at certain times of the year, is a tyrannical superstition, derived from the superstition of the [Page 196] heathen; or, condemn the benedictions and other ceremonies which the Church makes use of therein; let him be anathema.

CANON XII.-If any one saith, that matrimonial causes do not belong to ecclesiastical judges; let him be anathema.

DECREE ON THE REFORMATION OF MARRIAGE

CHAPTER I.

The form prescribed in the Council of Lateran for solemnly contracting marriage is renewed.--Bishops may dispense with the bans.--Whosoever contracts marriage, otherwise than in the presence of the Parish Priest and of two or three witnesses, contracts it invalidly.

Although it is not to be doubted, that clandestine marriages, made with the free consent of the contracting parties, are valid and true marriages, so long as the Church has not rendered them invalid; and consequently, that those persons are justly to be condemned, as the holy Synod doth condemn them with anathema, who deny that such marriages are true and valid; as also those who falsely affirm that marriages contracted by the children of a family, without the consent of their parents, are invalid, and that parents can make such marriages either valid or invalid; nevertheless, the holy Church of God has, for reasons most just, at all times detested and prohibited such marriages. But whereas the holy Synod perceives that those prohibitions, by reason of man’s disobedience, are no longer of avail; and whereas it takes into account the grievous sins which arise from the said clandestine marriages, and especially the sins of those parties who live on in a state of damnation, when, having left their former wife, with whom they had contracted marriage secretly, they publicly marry another, and with her live in per-[Page 197]petual adultery; an evil which the Church, which judges not of what is hidden, cannot rectify, unless some more efficacious remedy be applied; wherefore, treading in the steps of the sacred Council of Lateran celebrated under Innocent III., it ordains that, for the future, before a marriage is contracted, the proper parish priest of the contracting parties shall three times announce publicly in the Church, during the solemnization of mass, on three continuous festival days, between whom marriage is to be celebrated; after which publication of banns, if there be no lawful impediment opposed, the marriage shall be proceeded with in the face of the church; where the parish priest, after having interrogated the man and the woman, and heard their mutual consent, shall either say, "I join you together in matrimony, in the name of the Father, and of the Son, and of the Holy Ghost;" or, he shall use other words, according to the received rite of each province. But if upon occasion, there should be a probable suspicion that the marriage may be maliciously hindered, if so many publications of banns precede it; in this case either one publication only shall be made; or at least the marriage shall be celebrated in the presence of the parish priest, and of two or three witnesses: Then, before the consummation thereof, the banns shall be published in the church; that so, if there be any secret impediments, they may be the more easily discovered: unless the Ordinary shall himself judge it expedient, that the publications aforesaid be dispensed with, which the holy Synod leaves to his prudence and judgment. Those who shall attempt to contract marriage otherwise than in the presence of the parish priest, or of some other priest by permission of the said parish priest, or of the Ordinary, and in the presence of two or three witnesses; the holy Synod renders such wholly incapable of thus contracting and declares such contracts invalid and null, as by the present decree It invalidates and annuls them. Moreover It enjoins, that the parish priest, or any other priest, who shall have been [Page 198] present at any such contract with a less number of witnesses (than as aforesaid); as also the witnesses who have been present thereat

without the parish priest, or some other priest; and also the contracting parties themselves; shall be severely punished, at the discretion of the Ordinary. Furthermore, the same holy Synod exhorts the bridegroom and bride not to live together in the same house until they have received the sacerdotal benediction, which is to be given in the church; and It ordains that the benediction shall be given by their own parish priest, and that permission to give the aforesaid benediction cannot be granted by any other than the parish priest himself, or the Ordinary; any custom, even though immemorial, which ought rather to be called a corruption, or any privilege to the contrary, notwithstanding. And if any parish priest, or any other priest, whether Regular or Secular, shall presume to unite in marriage the betrothed of another parish, or to bless them when married, without the permission of their parish priest, he shall-even though he may plead that he is allowed to do this by a privilege, or an immemorial custom,-remain ipso jure suspended, until absolved by the Ordinary of that parish priest who ought to have been present at the marriage, or from whom the benediction ought to have been received. The parish priest shall have a book, which he shall keep carefully by him, in which he shall register the names of the persons married, and of the witnesses, and the day on which, and the place where, the marriage was contracted.

Finally, the holy Synod exhorts those who marry, that before they contract marriage, or, at all events, three days before the consummation thereof, they carefully confess their sins, and approach devoutly to the most holy sacrament of the Eucharist.

If any provinces have herein in use any praise-worthy customs and ceremonies, besides the aforesaid, the holy Synod earnestly desires that they be by all means retained. And that these so wholesome injunctions may not be unknown [Page 199] to any, It enjoins on all Ordinaries, that they, as soon as possible, make it their care that this decree be published and explained to the people in every parish church of their respective dioceses; and that this be done as often as may be during the first year; and afterwards as often as they shall judge it expedient. It ordains, moreover, that this decree shall begin to be in force in each parish, at the expiration of thirty days, to be counted from the day of its first publication made in the said parish.

CHAPTER II.

Between whom Spiritual Relationship is contracted.

Experience teaches, that, by reason of the multitude of prohibitions, marriages are ofttimes unwittingly contracted in prohibited cases, in which marriages either the parties continue to live on, not without great sin, or they are dissolved, not without great scandal. Wherefore, the holy Synod, wishing to provide against this inconvenience, and beginning with the impediment arising from spiritual relationship, ordains, that, in accordance with the appointments of the sacred canons, one person only, whether male or female, or at most one male and one female, shall receive in baptism the individual baptized; between whom and the baptized, and the father and mother thereof; as also between the person baptizing and the baptized, and the father and mother of the baptized; and these only; shall spiritual relationship be contracted. The parish priest, before he proceeds to confer baptism, shall carefully inquire of those whom it may concern, what person or persons they have chosen to receive from the sacred font the individual baptized, and he shall allow him or them only to receive the baptized; shall register their names in the book, and teach them what relationship they have contracted, that they may not have any excuse on the score of ignorance. [Page 200] And if any others, besides those designated, should touch the baptized,

they shall not in any way contract a spiritual relationship; any constitutions that tend to the contrary notwithstanding. If through the fault or negligence of the parish priest any thing be done contrary hereto, he shall be punished, at the discretion of the Ordinary. That relationship, in like manner, which is contracted by confirmation shall not pass beyond him who confirms the person confirmed, his father and mother, and him who places his hand on him; all impediments arising from this kind of spiritual relationship between other persons being utterly set aside.

CHAPTER III.

The impediment of public honesty is confined within certain limits. The holy Synod entirely removes the impediment of justice arising from public honesty, whensoever espousals shall be, for whatsoever cause, not valid; but, when they are valid, the impediment shall not extend beyond the first degree; forasmuch as any such prohibition can no longer be observed, without injury, in more remote degrees.

CHAPTER IV.

Affinity arising from fornication is confined to the second degree.

Moreover, the holy Synod, moved by the same and other most weighty reasons, limits, to those only who are connected in the first and second degree, the impediment contracted by affinity arising from fornication, and which dissolves the marriage that may have been afterwards contracted. It ordains [Page 201] that, as regards degrees more remote, this kind of affinity does not dissolve the marriage that may have been afterwards contracted.

CHAPTER V.

No one is to marry within the prohibited degrees: in what manner dispensation is to be granted therein.

If any one shall presume knowingly to contract marriage within the prohibited degrees, he shall be separated, and be without hope of obtaining a dispensation; and this shall much the rather have effect in regard of him who shall have dared not only to contract such a marriage, but also to consummate it. But if he have done this in ignorance, but yet has neglected the solemnities required in contracting matrimony, he shall be subjected to the same penalties. For he who has rashly despised the wholesome precepts of the Church, is not worthy to experience without difficulty her bounty. But if, having observed those solemnities, some secret impediment be afterwards discovered, of which it was not unlikely that he should be ignorant, he may in this case more easily obtain a dispensation, and that gratuitously. As regards marriages to be contracted, either no dispensation at all shall be granted, or rarely, and then for a cause, and gratuitously. A dispensation shall never be granted in the second degree, except between great princes, and for a public cause.

CHAPTER VI.

Punishments inflicted on Abductors. The holy Synod ordains, that no marriage can subsist between the abducer and her who is abducted, so long as she shall remain in the power of the abducer. But if she that has been [Page 202] abducted, being separated from the abducer, and being in a safe and free place, shall consent to have him for her husband, the abducer may have

her for his wife; but nevertheless the abduced himself and all who lent him advice, aid, and countenance, shall be ipso jure excommunicated, for ever infamous, and incapable of all dignities; and if they be clerics they shall forfeit their rank. The abducer shall furthermore be bound, whether he marry the person abducted, or marry her not, to settle on her a handsome dowry at the discretion of the judge.

CHAPTER VII.

Vagrants are to be married with caution.

There are many persons who are vagrants, having no settled homes; and, being of a profligate character, they, after abandoning their first wife, marry another, and very often several in different places, during the life-time of the first. The holy Synod, being desirous to obviate this disorder, gives this fatherly admonition to all whom it may concern, not easily to admit this class of vagrants to marriage; and It also exhorts the civil magistrates to punish such persons severely. But It commands parish priests not to be present at the marriages of such persons, unless they have first made a careful inquiry, and, having reported the circumstance to the Ordinary, they shall have obtained permission from him for so doing.

CHAPTER VIII.

Concubinage is severely punished.

It is a grievous sin for unmarried men to have concubines; but it is a most grievous sin, and one committed in special contempt of this great sacrament, for married men also to live in this state of damnation, and to have the audacity at times to [Page 203] maintain and keep them at their own homes even with their own wives. Wherefore, the holy Synod, that it may by suitable remedies provide against this exceeding evil, ordains that these concubinaries, whether unmarried or married, of whatsoever state, dignity, and condition they may be, if, after having been three times admonished on this subject by the Ordinary, even ex officio, they shall not have put away their concubines, and have separated themselves from all connexion with them, they shall be smitten with excommunication; from which they shall not be absolved until they have really obeyed the admonition given them. But if, regardless of this censure, they shall continue in concubinage during a year, they shall be proceeded against with severity by the Ordinary, according to the character of the crime. Women, whether married or single, who publicly live with adulterers or with concubinaries, if, after having been three times admonished, they shall not obey, shall be rigorously punished, according to the measure of their guilt, by the Ordinaries of the places, ex officio, even though not called upon to do so by any one; and they shall be cast forth from the city or diocese, if the Ordinaries shall think fit, calling in the aid of the Secular arm, if need be; the other penalties inflicted on adulterers and concubinaries remaining in their full force.

CHAPTER IX.

Temporal lords, or magistrates, shall not attempt anything contrary to the liberty of marriage.

Earthly affections and desires do for the most part so blind the eyes of the understanding of temporal lords and magistrates, as that, by threats and ill-usage, they compel both men and women, who live under their jurisdiction,-especially such as are rich, or who have expectations of a great inheritance,-to contract marriage against their inclination with those whom the said lords or

magistrates may prescribe unto them. Wherefore, seeing that it is a thing especially execrable to violate the liberty of matrimony, and that wrong comes from those from whom right is looked for, the holy Synod enjoins on all, of [Page 204] whatsoever grade, dignity, and condition they may be, under pain of anathema to be ipso facto incurred, that they put no constraint, in any way whatever, either directly or indirectly, on those subject to them, or any others whomsoever, so as to hinder them from freely contracting marriage.

CHAPTER X.

The solemnities of marriage are prohibited at certain times. The holy Synod enjoins, that the ancient prohibitions of solemn nuptials be carefully observed by all, from the Advent of our Lord Jesus Christ until the day of the Epiphany, and from Ash-Wednesday until the octave of Easter inclusively; but at other times It allows marriage to be solemnly celebrated; and the bishops shall take care that they be conducted with becoming modesty and propriety: for marriage is a holy thing, and is to be treated in a holy manner.

DECREE ON REFORMATION The same sacred and holy Synod, prosecuting the subject of Reformation, ordains that the things following be established in the present Session.

CHAPTER I.

The manner of proceeding to the creation of Bishops and Cardinals.

If, as regards all manner of degrees in the Church, a provident and enlightened care is to be taken, that in the house of the Lord there be nothing disorderly, nothing unseemly; much more ought we to strive that no error be committed in the election of him who is constituted above all those degrees. [Page 205] For the state and order of the whole household of the Lord will totter, if what is required in the body be not found in the head. For which cause, although the holy Synod has elsewhere usefully ordained certain things touching those who are to be promoted to cathedral and superior churches, yet doth it account this office to be of such a nature, as that were it to be pondered upon in proportion to its greatness, there would never seem to have been caution enough taken. Wherefore It ordains, that, as soon as a church shall become vacant, processions, and prayers shall be made in public and private; and such shall be enjoined, by the Chapter, throughout the city and diocese; that thereby both clergy and people may be enabled to obtain from God a good pastor. And as regards all and each of those who have, in any way, any right from the Apostolic See, or who otherwise have a part, in the promotion of those to be set over the churches; the holy Synod,-without making any change herein, from a consideration of the circumstances of the present time,-exhorts and admonishes them, that they above all things bear in mind that they cannot do anything more conducive to the glory of God, and the salvation of the people, than to study to promote good pastors, and such as are capable of governing a church; and that they sin mortally, becoming partakers in others' sins, unless they carefully endeavour that those be promoted whom they themselves judge the most worthy of, and useful to, the church, not guided by entreaties, or human affection, or the solicitations of pretenders, but by what the merits of the individuals require at their hands; and seeing that they be persons whom they know to have been born in lawful wedlock, and who, by their life, learning, and in all other qualifications, are such as are required by the sacred canons, and by the decrees of this Synod of Trent. And forasmuch as, by reason of the diversity of nations, peoples, and customs, a uniform system

cannot be followed everywhere, in receiving the grave and competent testimony of [Page 206] good and learned men on the subject of the aforesaid qualifications, the holy Synod ordains, that, in a provincial Synod, to be held by the metropolitan, there shall be prescribed for each place and province a proper form of examination, scrutiny, or information, such as shall seem to be most useful and suitable for the said places, which form is to be submitted to the approval of the most holy Roman Pontiff; yet so, however, that, after that this examination, or scrutiny, as regards the persons to be promoted, shall have been completed, it shall, after being reduced into the form of a public document, be necessarily transmitted, as soon as possible, with all the attestations and with the profession of faith made by the individual to be promoted, to the most holy Roman Pontiff, in order that the said Sovereign Pontiff, having a full knowledge of the whole matter and of the persons, may, for the advantage of the Lord's flock, in a most useful manner provide those churches therewith, if they shall have been found, by the examination or scrutiny, suitable persons. And all the scrutinies, informations, attestations, and proofs of whatsoever kind, and by whomsoever made, even though in the Roman court, touching the qualifications of the person to be promoted, shall be carefully examined by a cardinal-who shall report thereon to the consistory-aided therein by three other cardinals; and the said report shall be authenticated by the signature of the cardinal who drew up the report, and of the three other cardinals; and therein each of the four cardinals shall make affirmation that, after giving exact attention thereto, he has found the persons to be promoted, endowed with the qualifications required by law, and by this holy Synod, and that, at the peril of his eternal salvation, he doth certainly think them fit to be placed over the churches: in such wise that, after the report has been made in one consistory, the sentence shall be deferred until another consistory, in order that the said inquiry may be more maturely looked into in the mean time,-unless the most blessed Pontiff shall judge it expedient to act otherwise.

[Page 207] And the Synod ordains, that all and singular the particulars which have been elsewhere ordained, in the same Synod, touching the life, age, learning, and the other qualifications of those who are to be appointed bishops, the same are also to be required in the creation of cardinals-even though they be deacons -of the holy Roman Church; whom the most holy Roman Pontiff shall, as far as it can be conveniently done, select out of all the nations of Christendom, as he shall find persons suitable.

Finally, the same holy Synod, moved by the so many most grievous afflictions of the Church, cannot avoid recording, that nothing is more necessary for the Church of God than that the most blessed Roman Pontiff apply especially here that solicitude, which, by the duty of his office, he owes to the Universal Church,-that he take unto himself, to wit as cardinals, persons the most select only, and that he appoint over each church, above all things, good and fit pastors; and this the more, for that our Lord Jesus Christ will require at his hands the blood of those sheep of Christ which shall perish through the evil government of pastors who are negligent, and forgetful of their office.

CHAPTER II.

A Provincial Synod to be celebrated every third year, a Diocesan Synod every year: who are to convoke, and who to be present thereat.

Provincial councils, wheresoever they have been omitted, shall be renewed, for the regulating of morals, the correcting of excesses, the composing of controversies, and for the other purposes allowed of by the sacred canons. Therefore, the metropolitans in person, or if they be lawfully hindered, the oldest suffragan bishop shall not fail to assemble a Synod, each in his own province, within a year at latest from the termination of the present council, and afterwards, at least every third year, [Page 208] either after the octave of the Resurrection of our Lord Jesus Christ, or at some other more convenient time, according to the custom of the province; at which council all the bishops and others, who, by right or custom, ought to be present thereat, shall be absolutely bound to assemble, those excepted who would have to cross the sea at their imminent peril. The bishops of the province shall not, for the future, be compelled, under the pretext of any custom whatsoever, to repair against their will to the metropolitan church. Those bishops likewise who are not subject to any archbishop, shall once for all make choice of some neighbouring metropolitan, at whose provincial Synod they shall be bound to be present with the other bishops, and shall observe, and cause to be observed, whatsoever shall be therein ordained. In all other respects, their exemption and privileges shall remain whole and entire.

Diocesan Synods also shall be celebrated every year; to which all those even who are exempted, but who would otherwise, that exemption ceasing, have to attend, and who are not subject to general Chapters, shall be bound to come; understanding however that, on account of parochial, or other Secular churches, even though annexed, those who have charge thereof must needs, whosoever they may be, be present at the said Synod. But if any, whether metropolitans, or bishops, or the others above-named, shall be negligent in these matters, they shall incur the penalties enacted by the sacred canons.

CHAPTER III.

In what manner Prelates are to make their visitation.

Patriarchs, primates, metropolitans, and bishops shall not fail to visit their respective dioceses, either personally, or, if they be lawfully hindered, by their Vicar-general, or visitor; if they shall not be able on account of its extent, to make the visitation of the whole annually, they shall visit at least the greater part thereof, so that the whole shall be completed in two years, [Page 209] either by themselves, or by their visitors. Metropolitans, however, even after having made a complete visitation of their own proper diocese, shall not visit the cathedral churches, or the dioceses of the bishops of their province, except for a cause taken cognizance and approved of in the provincial Council. But archdeacons, deans, and other inferiors, who have been hitherto accustomed lawfully to exercise (the power of) visitation in certain churches, shall henceforth visit those same places, but by themselves only, with the consent of the bishop, and assisted by a notary. The visitors also who may be deputed by a Chapter, where the Chapter has the right of visitation, shall be first approved of by the bishop; but the bishop, or, if he be hindered, his visitor, shall not thereby be prevented from visiting those same churches apart from those deputies; and the said archdeacons, and other inferiors, shall be bound to give the bishop an account, within a month, of the visitation that has been made, and to show him the depositions of witnesses, and the proceedings in their entire form; any custom, even though immemorial, and any exemptions and privileges whatsoever notwithstanding. But the principle object of all these visitations shall be to lead to sound and orthodox doctrine, by banishing heresies; to maintain good morals, and to

correct such as are evil; to animate the people, by exhortations and admonitions, to religion, peacefulness, and innocence; and to establish such other things as to the prudence of the visitors shall seem for the profit of the faithful, according as time, place and opportunity shall allow. And to the end that all this may have a more easy and prosperous issue, all and each of the aforesaid, to whom the right of visitation belongs, are admonished to treat all persons with fatherly love and Christian zeal; and with this view being content with a modest train of servants and horses, they shall endeavour to complete the said visitation as speedily as possible, though with due carefulness. And during it they shall be careful not to be troublesome or burthensome to any one by any useless expenses; and neither they, nor any of theirs, shall, by way of agency fee for the visitation, or, on account of wills made for pious uses--except that which is of right due to them out of [Page 210] pious bequests--or under any other name whatsoever, receive anything, be it money, or present, of whatsoever kind, or in whatsoever way offered; any custom, even though immemorial, to the contrary notwithstanding; with the exception, however, of food, which shall be furnished frugally and in moderation to them and theirs, only during the time necessary for the visitation, and no longer. It shall, however, be at the option of those who are visited, to pay, if they prefer it, in money, according to a fixed assessment, what they have been accustomed heretofore to disburse, or to furnish the food as aforesaid; saving also the right of ancient conventions entered into with monasteries, or other pious places, or churches not parochial, which right shall remain inviolate. But, in those places or provinces, where it is the custom that neither food, money, nor anything else be received by the visitors, but that all be done gratuitously, the same shall be retained there. But if any one, which God forbid, shall presume to receive anything more than is prescribed in any of the cases above-named; besides the restitution of double the amount which is to be made within a month, he shall also be subjected, without any hope of pardon, to the other penalties contained in the constitution of the general Councils of Lyons, which begins, Exigit; as also to the other penalties (which shall be enacted) in the provincial Synod, at the discretion of that Synod. As regards patrons, they shall not presume in any way to interfere in those things which regard the administration of the sacraments; neither shall they meddle with the visitation of the ornaments of the church, or its revenues arising from landed property, or from buildings, excepting so far as they are competent to do this by the institution, or foundation; but the bishops themselves shall attend to these things, and shall take care that the revenues of those buildings be expended upon purposes necessary and useful for the church, as to them shall seem most expedient.

[Page 211]

CHAPTER IV.

By whom, and when, the office of preaching is to be discharged: the Parish Church to be frequented in order to hear the word of God. No one shall preach in opposition to the will of the Bishop. The holy Synod, desirous that the office of preaching, which peculiarly belongs to bishops, may be exercised as frequently as possible, for the welfare of the faithful, and accommodating more aptly to the use of the present times, the canons elsewhere set forth on this subject, under Paul III., of happy memory, ordains, that the bishops shall themselves in person, each in his own church, announce the sacred Scriptures and the devine law, or if lawfully hindered, it shall be done by those whom they shall appoint to the office of preaching; and in the other churches by the parish priests, or, if they be hindered, by others to be deputed by the bishop, whether it be in the city, or in any other part whatsoever of the diocese wherein they shall judge such preaching

expedient, at the charge of those who are bound, or who are accustomed, to defray it, and this at least on all Lord's Days and solemn festivals; but, during the season of the fasts, of Lent and of the Advent of the Lord, daily, or at least on three days in the week, if the said bishop shall deem it needful; and, at other times, as often as they shall judge that it can be opportunely done. And the bishop shall diligently admonish the people, that each one is bound to be present at his own parish church, where it can be conveniently done, to hear the word of God. But no one, whether Secular or Regular, shall presume to preach, even in churches of his own order, in opposition to the will of the bishop. The said bishops shall also take care, that, at least on the Lord's Days and other festivals, the children in every parish be carefully taught the rudiments of the faith, and obedience towards [Page 212] God and their parents, by those whose duty it is, and who shall be constrained thereunto by their bishops, if need be, even by ecclesiastical censures; any privileges and customs notwithstanding. In other respects, those things decreed, under the said Paul III., concerning the office of preaching, shall have their full force.

CHAPTER V.

In criminal causes against Bishops, the greater causes shall be taken cognizance of by the Sovereign Pontiff only, the less by the Provincial Council. The more grave criminal causes against bishops, even of heresy-which may God forfend-which merit deposition or deprivation, shall be taken cognizance of and decided by the Sovereign Roman Pontiff himself only. But if the cause shall be of such a nature that it must necessarily be committed out of the Roman Court, it shall not be committed to any others soever, but metropolitans, or bishops, to be chosen by the most blessed Pope. And this commission shall both be special, and shall be signed by the most holy Pontiff's own hand; nor shall he ever grant more to those commissioners than this,-that they take information only of the fact, and draw up the process, which they shall immediately transmit to the Roman Pontiff; the definitive sentence being reserved to the said most holy Pontiff. The other things hereupon elsewhere decreed, under Julius III., of happy memory, as also the constitution published in a general Council under Innocent III., which begins, Qualiter et quando, which constitution the holy Synod renews in this present decree, shall be observed by all. But the less criminal causes of bishops shall be taken cognizance of and decided in the provincial Council only, or by persons deputed thereunto by the provincial Council.

[Page 213] CHAPTER VI.

When and how the Bishop may absolve from crime, and dispense in cases of irregularity and suspension.

It shall be lawful for the bishop to dispense in all manner of irregularities and suspensions, arising from a crime that is secret,-except that proceeding from wilful homicide, and those crimes which have been already carried before a legal tribunal; -and (it shall be lawful for them), in their own diocese, either by themselves, or by a vicar to be deputed especially for that purpose, to absolve gratuitously, as far as the tribunal of the conscience is concerned, after imposing a salutary penance, all delinquents whatsoever their subjects, in all cases whatsoever that are secret, even though reserved to the Apostolic See. The same also, as regards the crime of heresy, shall be permitted them in the said court of conscience, but to them only, and not to their vicars.

CHAPTER VII.

The virtue of the Sacraments shall, before being administered to the people, be explained by Bishops and Parish Priests; during the solemnization of mass, the sacred oracles shall be explained. In order that the faithful people may approach to the reception of the sacraments with greater reverence and devotion of mind, the holy Synod enjoins on all bishops, that, not only when they are themselves about to administer them to the people, they shall first explain, in a manner suited to the capacity of those who receive them, the efficacy and use of those sacraments, but shall endeavour that the same be done piously and prudently [Page 214] by every parish priest; and this even in the vernacular tongue, if need be, and it can be conveniently done; and in accordance with the form which will be prescribed for each of the sacraments, by the holy Synod, in a catechism which the bishops shall take care to have faithfully translated into the vulgar tongue, and to have expounded to the people by all parish priests; as also that, during the solemnization of mass, or the celebration of the divine offices, they explain, in the said vulgar tongue, on all festivals, or solemnities, the sacred oracles, and the maxims of salvation; and that, setting aside all unprofitable questions, they endeavour to impress them on the hearts of all, and to instruct them in the law of the Lord.

CHAPTER VIII.

On public sinners, a public penance shall be imposed, unless the Bishop shall determine otherwise: a Penitentiary to be instituted in Cathedral Churches. The apostle admonishes that those who sin publicly are to be reproved openly. When, therefore, any one has, publicly and in the sight of many, committed a crime, whereby there is no doubt that others have been offended and scandalized; there must needs be publicly imposed upon him a penance suitable to the measure of his guilt; that so those whom he has allured to evil manners by his example, he may bring back to an upright life by the testimony of his amendment. The bishop, however, may, when he judges it more expedient, commute this kind of public penance into one that is secret. Likewise, in all cathedral churches, where it can be conveniently done, the bishop shall appoint a penitentiary, annexing thereto the prebend that shall next become vacant, which penitentiary shall be a master, or doctor, or licentiate in theology, or in canon law, and forty years of age, or otherwise one who shall be found more suitable [Page 215] considering the character of the place; and, whilst hearing confessions in the church, he shall be meanwhile reputed as present in choir.

CHAPTER IX.

By whom Secular Churches, not of any diocese, are to be visited.

Those things which have elsewhere been established by this same Council, under Paul III., of happy memory, and lately under our most blessed lord Pius IV., touching the diligence to be used by the Ordinaries in visiting benefices, even though exempted, the same shall also be observed in regard of those Secular churches which are said to be in no one’s diocese; to wit they shall be visited by the bishop-as the delegate of the Apostolic See-whose cathedral church is the nearest, if he be able to do so; otherwise, by him whom the prelate of the said place has once for all selected in the provincial Council;-any privileges and customs whatsoever, even though immemorial, to the contrary notwithstanding.

CHAPTER X.

Where visitation and correction of morals are concerned, no suspension of decrees is allowed.

Bishops, that they may be the better able to keep the people whom they rule in duty and obedience, shall, in all those things which regard visitation and correction of manners, have the right and power, even as delegates of the Apostolic See, of ordaining, regulating, correcting, and executing, in accordance with the enactments of the canons, those things which, in their prudence, shall seem to them necessary for the amendment of their subjects, and for the good of their respective dioceses. Nor herein, when visitation and correction of manners are concerned, shall any exemption, or any inhibition, or appeal, or complaint, even though interposed to the Apostolic See, in any way hinder, or suspend the execution of those things which shall have been by them enjoined, decreed, or adjudged.

[Page 216] CHAPTER XI.

Honorary titles, or particular privileges, shall not derogate in any way from the right of bishops.

Forasmuch as the privileges and exemptions which, under various titles, are granted to very many persons, are clearly seen to raise, in these days, confusion in the jurisdiction of bishops, and to give occasion to those exempted to lead a more relaxed life; the holy Synod ordains, that if at any time it be thought proper, for just, weighty, and well nigh compulsory causes, that certain persons be distinguished by the honorary titles of Protonotary, Acolyte, Count Palatine, Royal Chaplain, or other such titles of distinction, whether in the Roman court or elsewhere; as also that others be admitted into monasteries as Oblates, or as attached thereunto in some other way, or under the name of servants to military orders, monasteries, hospitals, colleges, or under any other title whatsoever; nothing is to be understood as being, by these privileges, taken away from the Ordinaries, so as to prevent those persons, unto whom those privileges have already been granted, or to whom they may be hereafter conceded, from being fully subject in all things to the said Ordinaries, as delegates of the Apostolic See, and this as regards Royal Chaplains, in accordance with the constitution of Innocent III., which begins Cum capella: those persons, however, being excepted, who are engaged in actual service in the aforesaid places, or in military orders, and who reside within their enclosures and houses, and live under obedience to them; as also those who have made their profession lawfully and according to the rules of the said military orders, whereof the Ordinary must be certified: notwithstanding any privileges what soever, even those of the order of Saint John of Jerusalem, and of other military orders. But, as regards those privileges which by virtue of the constitution of Eugenius, those are accustomed to enjoy who reside in the Roman Court, or who are in the household of cardinals, such privileges shall in no wise be understood to apply to those who hold ecclesiastical benefices, in so [Page 217] far as those benefices are concerned; but such shall continue subject to the jurisdiction of the Ordinary; any inhibitions to the contrary notwithstanding.

CHAPTER XII.

What manner of persons those ought to be who are to be promoted to the dignities and canonries of Cathedral Churches: and what those so promoted are bound to perform.

Whereas dignities, especially in cathedral churches, were established to preserve and increase ecclesiastical discipline, with the view that those who should obtain them, might be pre-eminent in piety, be an example to others, and aid the bishop by their exertions and services; it is but right, that those who are called unto those dignities, should be such as to be able to answer the

purposes of their office. Wherefore, no one shall henceforth be promoted to any dignities whatsoever, to which the cure of souls is attached, who has not attained at least to the twenty-fifth year of his age, and, having been exercised for some time in the clerical order, is recommended by the learning necessary for the discharge of his office, and by integrity of morals, conformably to the constitution of Alexander III., promulgated in the Council of Lateran, which begins, Cum in cunctis. In like manner archdeacons, who are called the eyes of the bishop, shall, in all churches, where it is possible, be masters in theology, or doctors or licentiates in canon law. But, to the other dignities or personates, to which no cure of souls is attached, clerics shall be promoted, who are in other respects qualified, and who are not less than twenty-two years of age. Those also who are promoted to any benefices whatsoever having cure of souls, shall, within two months at the latest from the day of obtaining possession, be bound to make a public profession of their orthodox faith in the presence of the bishop [Page 218] himself, or, if he be hindered, before his Vicar-general, or official; and shall promise and swear, that they will continue in obedience to the Roman Church. But those who are promoted to canonries and dignities in cathedral churches, shall be bound to do this not only before the bishop, or his official, but also in the Chapter; otherwise all those promoted as aforesaid shall not render the fruits theirs; nor shall possession avail them anything. No one shall henceforth be received to a dignity, canonry, or portion, but one who has either already been admitted to that sacred order which that dignity, prebend, or portion requires, or is of such an age as to be capable of being admitted to that order, within the time prescribed by law and by this holy Synod. As regards all cathedral churches, all canonries and portions shall be attached to the order of the priesthood, deaconship, or subdeaconship; and the bishop, with the advice of the Chapter, shall designate and apportion, as he shall judge expedient, to which thereof each of those respective sacred orders is for the future to be annexed; in such wise, however, that one half at least shall be priests, and the rest deacons, or subdeacons: but where the more praiseworthy custom requires, that the greater part, or that all be priests, it shall be by all means retained. Moreover, the holy Synod exhorts that, in provinces where it can conveniently be done, all the dignities, and one half at least of the canonries, in cathedral and eminent collegiate churches, be conferred only on masters, or doctors, or even on licentiates in theology, or canon law. Furthermore, it shall not be lawful, by virtue of any manner of statute or custom whatsoever, for those who possess, in the said cathedral or collegiate churches, any dignities, canonries, prebends, or portions, to be absent from those churches, above three months in each year-saving, however, the constitutions of those churches which require a longer term of service-otherwise every offender shall, for the first year, be deprived of onehalf of the fruits which he has made his own by reason even of his prebend and residence. But, if he be again guilty of the same negligence, he shall be deprived of all the fruits which he may have acquired during that same year: and, the contumacy increasing, they shall be proceeded against according to the con-[Page 219] stitutions of the sacred canons. As regards the distributions; those who have been present at the stated hours shall receive them; all others shall, all collusion and remission set aside, forfeit them, pursuant to the decree of Boniface VIII., which begins, Consuetudinem, which the holy Synod brings again into use; any statutes, or customs, whatsoever, to the contrary notwithstanding. And all shall be obliged to perform the divine offices in person, and not by substitutes; as also to attend on and serve the bishop when celebrating (mass), or performing any other pontifical functions; and reverently, distinctly, and devoutly to praise the name of God, in hymns and canticles, in the choir appointed for psalmody.

They shall, moreover, at all times wear a becoming dress, both in and out of church; shall abstain from unlawful hunting, hawking, dancing, taverns, and gaines; and be distinguished for such integrity of manners, as that they may with justice be called the senate of the Church. As to other matters, regarding the suitable manner of conducting the divine offices, the proper way of singing or chanting therein, the specific regulations for assembling in choir and for remaining there, as also such things as may be necessary in regard of all those who minister in the church, and any other things of the like kind; the provincial Synod shall prescribe a fixed form on each Head, having regard to the utility and habits of each province. But, in the mean time, the bishop, assisted by not less than two canons, one of whom shall be chosen by the bishop, and the other by the Chapter, shall have power to provide herein as may be judged expedient.

CHAPTER XIII.

In what manner provision is to be made for the more slightly endowed Cathedral and Parish Churches: Parishes are to be distinguished by certain boundaries.

Forasmuch as very many cathedral churches have so slight a revenue, and are so small, that they by no means correspond with the episcopal dignity, nor suffice for the necessities of the churches; the provincial Council, having summoned those whose [Page 220] interests are concerned, shall examine and weigh with care, what churches it may be expedient, on account of their small extent, and their poverty, to unite to others in the neighbourhood, or to augment with fresh revenues; and shall send the documents prepared in regard thereof to the Sovereign Roman Pontiff; who, being thereby made acquainted with the matter, shall, of his own prudence, as he may judge expedient, either unite together the slightly provided churches, or improve them by some augmentation derived from the fruits. But in the meantime, until the things aforesaid are carried into effect, the Sovereign Pontiff may provide, out of certain benefices, for those bishops who, on account of the poverty of their dioceses, stand in need of being aided by certain fruits; provided however those benefices be not cures, nor dignities, canonries, prebends, nor monasteries wherein regular observance is in force, or which are subject to general Chapters, or to certain visitors. In parish churches also, the fruits of which are in like manner so slight that they are not sufficient to meet the necessary charges, the bishop,-if unable to provide for the exigency by a union of benefices, not however those belonging to Regulars,-shall make it his care, that, by the assignment of first fruits, or tithes, or by the contributions and collections of the parishioners, or in some other way that shall seem to him more suitable, as much be amassed as may decently suffice for the necessities of the rector and of the parish. But in whatsoever unions may have to be made, whether for the causes aforesaid, or for others, parish churches shall not be united to any monasteries whatever, or abbeys, or dignities, or prebends of a cathedral or collegiate church, or to any other simple benefices, hospitals, or military orders; and those so united shall be again taken cognizance of by the Ordinaries, pursuant to the decree already made in this same Synod, under Paul III., of happy memory, which shall also be equally observed in regard of those unions that have been made from that time forth to the present; notwithstanding whatsoever form of words may have been used therein, which shall be accounted as being sufficiently expressed here.

Furthermore, all those cathedral churches, the revenue of which, [Page 221] in real annual value, does not exceed the sum of one thousand ducats, and those parish churches where it does not exceed the sum of one hundred ducats, shall not for the future be burthened with any manner of

pensions, or reservations of fruits. Also, in those cities and places where the parish churches have not any certain boundaries, neither have the rectors thereof their own proper people to govern, but administer the sacraments to all indiscriminately who desire them, the holy Synod enjoins on bishops, that for the greater security of the salvation of the souls committed to their charge, having divided the people into fixed and proper parishes, they shall assign to each parish its own perpetual and peculiar parish priest who may know his own parishioners, and from whom alone they may licitly receive the sacraments; or the bishops shall make such other provision as may be more beneficial, according as the character of the place may require. They shall also take care, that the same be done, as soon as possible, in those cities and places where there are no parish churches: any privileges aind customs, even though immemorial, to the contrary notwithstanding.

CHAPTER XIV.

In promotions to benefices, or in admissions into possession of the same, any deductions from the fruits, not applied to pious uses, are prohibited. In many churches, as well cathedral as collegiate and parochial, it is understood to be the practice, derived either from the constitutions thereof, or from an evil custom, that upon any election, presentation, institution, confirmation, collation, or other provision, or upon admission to the possession of any cathedral church, benefice, canonries, or prebends, or to a participation in the revenues, or the daily distributions, there are introduced certain conditions, or deductions from the fruits, certain payments, promises, unlawful compensations, as also the profits which are in some churches called Turnorum lucra; and [Page 222] whereas the holy Synod detests these practices, It enjoins on bishops, that they suffer not anything of the kind to be done, unless the proceeds be converted to pious uses, nor permit any of those modes of entering (on benefices) which carry with them a suspicion of a simoniacal taint, or of sordid avarice; and they shall themselves carefully take cognizance of their constitutions, or customs in the above regards; and, those only being retained which they shall approve of as laudable, the rest they shall reject and abolish as corrupt and scandalous. And It decrees that those, who act in any way contrary to the things comprised in this present decree, incur the penalties set forth against simoniacs by the sacred canons, and divers constitutions of the Sovereign Pontiffs, all of which this Synod renews; any statutes, constitutions, customs, even though immemorial, even though confirmed by apostolic authority, to the contrary notwithstanding; the bishop, as the delegate of the Apostolic See, having power to take cognizance of any surreption, obreption, or defect of intention, in regard thereof.

CHAPTER XV.

Method of increasing the slight prebends of Cathedral, and of eminent Collegiate Churches. In cathedral, and eminent collegiate, churches, where the prebends are numerous, and so small, that, even with the daily distributions, they are not sufficient for the decent maintenance of the rank of the canons, according to the character of the place, and of the persons, it shall be lawful for the bishop, with the consent of the Chapter, either to unite thereunto certain simple benefices, not however such as belong to Regulars, or, if a provision cannot be made in this way, they may reduce those prebends to a less number, by suppressing some of them,-with the consent of the patron, if the right of patronage belong to laymen,-the fruits and proceeds of which shall be applied towards the daily distributions of the remaining prebends; yet so, however, that such a number shall be left as may conveniently serve for the celebration of divine worship, [Page 223] and be

suitable to the dignity of the church; any constitutions and privileges whatsoever, or any reservation whether general or special, or any application whatever, to the contrary notwithstanding: nor shall the aforesaid unions or suppressions be set aside or hindered by any manner of provision whatsoever, not even by virtue of any resignation, or by any other derogations, or suspensions whatever.

CHAPTER XVI.

What duty devolves on the Chapter during the vacancy of a See. When a See is vacant, the Chapter, in those places where the duty of receiving the fruits devolves upon it, shall appoint one or more faithful and diligent stewards to take care of the property and revenues of the church, of which they shall afterwards give an account to him whom it may regard. It shall also be absolutely bound, within eight days after the decease of the bishop, to appoint an official, or vicar, or to confirm the one who fills that office; who shall at least be a doctor, or a licentiate, of canon law, or otherwise as competent a person as can be procured: if anything be done contrary hereto, the appointment aforesaid shall devolve on the metropolitan. And if the church be itself the metropolitan, or exempted, and the Chapter shall be, as has been said above, negligent, then shall the oldest of the suffragan bishops in that metropolitan church, and the nearest bishop in regard of that church that is exempted, have power to appoint a competent steward and vicar. And the bishop, who is promoted to the said vacant church, shall demand, from the said steward, vicar, and all other officers and administrators, who, during the vacancy of the See, were, by the Chapter, or others, appointed in his room,-even though they should belong to the Chapter itself,-an account of those things which concern him, of their functions, jurisdiction, administration, or of any other their charge whatsoever; and shall have [Page 224] power to punish those who have been guilty of any delinquency in their office or administration, even though the officers aforesaid, having given in their accounts, may have obtained a quittance or discharge from the Chapter, or those deputed thereby. The Chapter shall also be bound to render an account to the said bishop of any papers belonging to the church, if any such have come into the possession thereof.

CHAPTER XVII.

In what case it is lawful to confer more than one benefice upon one individual; and for him to retain the same.

Whereas ecclesiastical order is perverted when one cleric fills the offices of several, the sacred canons have holily provided that no one ought to be enrolled in two churches. But, seeing that many, through the passion of ungodly covetousness deceiving themselves, not God, are not ashamed to elude, by various artifices, what has been so excellently ordained, and to hold several benefices at the same time; the holy Synod, desiring to restore the discipline required for the government of the church, doth by this present decree,-which It orders to be observed in regard of all persons whatsoever, by whatsoever title distinguished, even though it be by the dignity of the Cardinalate,-ordain, that, for the future, one ecclesiastical benefice only shall be conferred on one and the same person. If indeed that benefice be not sufficient to afford a decent livelihood to the person on whom it is conferred, it shall then be lawful to bestow on him some other simple benefice that may be sufficient; provided that both do not require personal residence. And the above shall apply not only to cathedral churches, but also to all other benefices whatsoever,

whether Secular or Regular, even to those held in commendam, of whatsoever title and quality they may be. But they who at present hold several parochial churches, or one cathedral and one parochial church, shall be absolutely obliged,-all dispensations and unions for life whatsoever to the contrary notwithstanding,-retaining one parochial church only, or the cathedral church alone, to resign the other parochial [Page 225] churches within the space of six months; otherwise as well the parish churches, as also all the benefices which they hold, shall be accounted ipso jure void, and as void shall be freely conferred on other competent persons; nor shall they who previously held them be able to retain the fruits thereof, with a safe conscience, after the said time. But the holy Synod desires that a provision be made in some suitable manner, as may seem fit to the Sovereign Pontiff, for the necessities of those who resign.

CHAPTER XVIII.

Upon a Parish Church becoming vacant, a Vicar is to be deputed thereunto by the Bishop, until it be provided with a Parish Priest: in what manner and by whom those nominated to Parochial Churches ought to be examined.

It is most highly expedient for the salvation of souls, that they be governed by worthy and competent parish priests. To the end that this may with greater care and effect be accomplished, the holy Synod ordains, that when a vacancy occurs in a parish church, whether by death, or by resignation, even in the Roman Court, or in any other manner whatsoever, though it may be alleged that the charge thereof devolves on the church (itself), or on the bishop, and though it may be served by one or more priests,-and this not excepting even those churches called patrimonial, or receptive, wherein the bishop has been accustomed to assign the cure of souls to one or more (priests), all of whom, as this Synod ordains, must be subjected to the examination herein prescribed later,-even though, moreover, the said parish church may be reserved, or appropriated, whether generally or specially, by virtue even of an indult, or privilege granted in favour of cardinals of the holy Roman Church, or of certain abbots, or chapters; it shall be the duty of the bishop, at once, upon obtaining information of the vacancy of the church, [Page 226] to appoint, if need be, a competent vicar to the same--with a suitable assignment, at his own discretion, of a portion of the fruits thereof--to support the duties of the said church, until it shall be provided with a rector. Moreover, the bishop, and he who has the right of patronage, shall, within ten days, or such other term as the bishop shall prescribe, nominate, in the presence of those who shall be deputed as examiners, certain clerics as capable of governing the said church. It shall nevertheless be free for others also, who may know any that are fit for the office, to give in their names, that a diligent scrutiny may be afterwards made as to the age, morals, and sufficiency of each. And even,--if the bishop, or the provincial Synod shall, considering the custom of the country, judge this more expedient,--those who may wish to be examined may be summoned by a public notice. When the time appointed has transpired, all those whose names have been entered shall be examined by the bishop, or, if he be hindered, by his Vicar-general, and by the other examiners, who shall not be fewer than three; to whose votes, if they should be equal, or given to distinct individuals, the bishop, or his vicar, may add theirs, in favour of whomsoever they shall think most fit. And as regards the examiners, six at least shall be annually proposed by the bishop, or by his vicar, in the diocesan Synod; who shall be such as shall satisfy, and shall be approved of by, the said Synod. And upon any vacancy occurring in any church, the bishop shall select three out of that number to make the examination with him; and afterwards, upon another vacancy following, he shall select,

out of the six aforesaid, the same, or three others, whom he may prefer. But the said examiners shall be masters, or doctors, or licentiates in theology, or in canon law, or such other clerics, whether Regulars,-even of the order of mendicants,-or Seculars, as shall seem best adapted thereunto; and they shall all swear on the holy Gospels of God, that they will, setting aside every human affection, faithfully perform their duty. And they shall beware of receiving anything whatever, either before or after, on account of this examination; otherwise, both the receivers and the givers will incur the guilt of simony, from which they shall not be capable of [Page 227] being absolved, until after they have resigned the benefices which they were possessed of in any manner whatsoever, even before this act; and they shall be rendered incapable of any others for the time to come. And in regard of all these matters, they shall be bound to render an account, not only to God, but also, if need be, to the provincial Synod, which shall have power to punish them severely, at Its discretion, if it be ascertained that they have done anything contrary to their duty.

Then, after the examination is completed, a report shall be made of all those who shall have been judged, by the said examiners, fit by age, morals, learning, prudence, and other suitable qualifications, to govern the vacant church; and out of these the bishop shall select him whom he shall judge the most fit of all; and to him, and to none other, shall the church be collated by him unto whom it belongs to collate thereunto. But, if the church be under ecclesiastical patronage, and the institution thereunto belongs to the bishop, and to none else, whomsoever the patron shall judge the most worthy from amongst those who have been approved of by the examiners, him he shall be bound to present to the bishop, that he may receive institution from him: but when the institution is to proceed from any other than the bishop, then the bishop alone shall select the worthiest from amongst the worthy, and him the patron shall present to him unto whom the institution belongs. But if it be under lay patronage, the individual who shall be presented by the patron, must be examined, as above, by those deputed thereunto, and not be admitted, unless he be found fit. And, in all the above-mentioned cases, to none other but to one of those who have been examined as aforesaid, and have been approved of by the examiners, according to the rule prescribed above, shall the church be committed, nor shall any devolution, or appeal, interposed even before the Apostolic See, or the legates, vice-legates, or nuncios of that see, or before any bishops, or metropolitans, primates, or patriarchs, hinder or suspend the report of the aforesaid examiners from being carried into execution: for the rest, the vicar whom the bishop has, at his own discretion, already deputed for the time being to the vacant church, or whom he may afterwards happen to depute [Page 228] thereunto, shall not be removed from the charge and administration of the said church, until it be provided for, either by the appointment of the vicar himself, or of some other person, who has been approved of and elected as above: and all provisions and institutions made otherwise than according to the above-named form, shall be accounted surreptitious: any exemptions, indults, privileges, preventions, appropriations, new provisions, indults granted to any university whatsoever, even for a certain sum, and any other impediments whatsoever, in opposition to this decree, notwithstanding.

If, however, the said parish churches should possess so slight a revenue, as not to allow of the trouble of all this examination; or should no one seek to undergo this examination; or if, by reason of the open factions, or dissensions, which are met with in some places, more grievous quarrels and tumults may easily be excited thereby; the Ordinary may, omitting this formality, have recourse to a private examination, if, in his conscience, with the advice of the (examiners)

deputed, he shall judge this expedient; observing however the other things as prescribed above. It shall also be lawful for the provincial Synod, if It shall judge that there are any particulars which ought to be added to, or retrenched from, the above regulations concerning the form of examination, to provide accordingly.

CHAPTER XIX.

Mandates ’de providendo,’ Expectatives, and other things of the like kind are abrogated. The holy Synod ordains, that mandates for contingent promotions, and those graces which are called expectant, shall not any more be granted to any one, not even to colleges, universities, senates, or to any individuals whatsoever, even [Page 220] though under the name of an indult, or up to a certain sum, or under any other colourable title; nor shall it be lawful for any one to make use of such as have been heretofore granted. So, neither shall any mental reservations, nor any other graces whatsoever in regard of future vacancies in benefices, nor indults which apply to churches belonging to others, or to monasteries, be granted to any, not even cardinals of the holy Roman Church; and those hitherto granted shall be looked upon as abrogated.

19 Part 6 The Council of Trent

The Council of Trent

The canons and decrees of the sacred

and oecumenical Council of Trent,

Ed. and trans. J. Waterworth (London: Dolman, 1848)

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Doctrine on the sacrament of matrimony

On the sacrament of matrimony

Decree on the reformation of marriage

Decree on reformation

Indiction of the next session

The Twenty-Fifth Session * Decree concerning purgatory * On the invocation, veneration, and relics, or saints, and other sacred images * On regulars and nuns * Decree on reformation * Decree for continuing the session on the following day * Decree concerning indulgences * On choice of meats; on fasts, and festival days * On the index of books; on the catechism, breviary, and missal * On the place of ambassadors * On receiving and observing the decrees of the Council * On reciting, in session, the decrees of the Council under Paul III and Julius III * On the close of the Council, and on suing for confirmation from Our Most Holy Lord * Acclamations of the Fathers at the close of the Council * Confirmation of the Council

* Bull of Our Most Holy Lord Pius IV, by the providence of God, Pope, touching the confirmation of the oecumenical (and) general Council of Trent CHAPTER XX.

The manner of conducting causes, appertaining to the Ecclesiastical court, is prescribed.

All causes belonging in any way whatever to the ecclesiastical court, even though they may relate to benefices, shall be taken cognizance of, in the first instance, before the Ordinaries of the places only; and shall be completely terminated within two years at the latest from the time that the suit was instituted: otherwise, at the expiration of that period, it shall be free for the parties, or for either of them, to have recourse to superior, but otherwise competent, judges, who shall take up the

cause as it shall then stand, and shall take care that it be terminated with all possible despatch; nor, before that period, shall the causes be committed to any others (than the Ordinaries), nor be transferred therefrom; nor shall any appeals interposed by those parties be received by any superior judges whatsoever; nor shall any commission, or inhibition be issued by them, except upon a definitive sentence, or one that has the force thereof, and the grievance arising from which cannot be redressed by an appeal from that definitive sentence. From the above are to be excepted those causes, which, pursuant to the appointments of the canons, are to be tried before the Apostolic See, or those which the Sovereign Roman Pontiff shall, for an urgent and [Page 221] reasonable cause, judge fit to appoint, or to avocate, for his own hearing, by a special rescript under the signature of his Holiness signed with his own hand.

Furthermore, matrimonial and criminal causes shall not be left to the judgment of deans, archdeacons, and other inferiors, even when on their course of visitation, but shall be reserved for the examination and jurisdiction of the bishop only; even though there should be, at this present moment, a suit pending, in whatsoever stage of the proceedings it may be, between any bishop, and the dean, or archdeacon, touching the cognizance of this class of causes: and if, in any said matrimonial cause, one of the parties shall truly prove his property in the presence of the bishop, he shall not be compelled to plead out of the province, either in the second or third stage of the suit, unless the other party will provide for his maintenance, and also bear the expenses of the suit.

Legates also, even though de latere, nuncios, ecclesiastical governors, or others, shall not only not presume, by virtue of any powers whatsoever, to impede bishops in the causes aforesaid, or in any wise to take from them, or to disturb their jurisdiction, but they shall not even proceed against clerics, or other ecclesiastical persons, until the bishop has been first applied to, and has shown himself negligent; otherwise their proceedings and ordinances shall be of no force, and they shall be bound to make satisfaction to the parties for the damages which they have sustained.

Furthermore, should any individual appeal in those cases allowed of by law, or lodge a complaint touching any grievance, or have recourse, as aforesaid, to a judge, on account of two years having elapsed, he shall be bound to transfer, at his own expense, to the judge of appeal, all the acts of the proceedings that have taken place before the bishop, having given, however, notice thereof previously to the said bishop; that so, if it seem fit to him to communicate any information on the suit, he may acquaint the judge of appeal therewith. But if the appellee [Page 231] shall appear, then shall he also be bound to bear his proportion of the costs of transferring those acts, provided that he wishes to make use thereof; unless it be the custom of the place to act otherwise, to wit, that the entire costs have to be borne by the appellant.

Moreover, the notary shall be bound to furnish the appellant, upon payment of the suitable fee, with a copy of the proceedings as soon as may be, and within a month at the furthest. And should that notary be guilty of any fraud in delaying the giving such copy, he shall be suspended from the exercise of his office, at the discretion of the Ordinary, and be condemned to pay double the costs of the suit, which shall be divided between the appellant and the poor of the place. But if the judge also should himself be cognizant of, and an accomplice in, this delay, or if he shall in any other way raise obstacles against the entire proceedings being delivered over to the appellant within the term aforesaid, he shall be subjected to the same penalty of paying double the costs, as above;

notwithstanding, as regards all the aforesaid matters, any privileges, indults, covenants, which only bind the authors thereof, and any other customs whatsoever to the contrary.

CHAPTER XXI.

It is declared, that, by certain words used previously, the usual manner of treating business in General Councils is not changed. The holy Synod,-being desirous that no occasion of doubting may, at any future period, arise out of the decrees which It has published,-in explanation of the words contained in a decree published in the first Session under our most blessed lord, Pius IV., to wit, "which, the legates and presidents proposing, shall to the said holy Synod appear suitable and proper for assuaging the calamities of these times, terminating the controversies concerning religion, restraining deceitful tongues, correcting the abuses of depraved manners, and procuring for the church a true and Christian peace," declares that it was not Its [Page 232] intention, that, by the foregoing words, the usual manner of treating matters in general Councils should be in any respect changed; or that anything new, besides that which has been heretofore established by the sacred canons, or by the form of general Councils, should be added to, or taken from, any one.

INDICTION OF THE NEXT SESSION.

Moreover, the same sacred and holy Synod ordains and decrees, that the next ensuing Session be held on the Thursday after the Conception of the Blessed Virgin Mary, which will be the ninth day of December next, with the power also of abridging that term. In which Session there will be treated of the sixth chapter which is now deferred till then, and the remaining chapters on Reformation which have been already set forth, and other matters which relate thereunto. And if it shall seem advisable, and the time will allow thereof, certain dogmas may also be treated of, as in their proper season they shall be proposed in the congregations. The term fixed for the Session was abridged.

SESSION THE TWENTY-FIFTH,

Begun on the third, and terminated on the fourth, day of December, MDLXIII., being the ninth and last under the Sovereign Pontiff, Pius IV.

DECREE CONCERNING PURGATORY.

Whereas the Catholic Church, instructed by the Holy Ghost, has, from the sacred writings and the ancient tradition of the Fathers, taught, in sacred councils, and very recently in this oecumenical Synod, that there is a Purgatory, and that the souls there detained are helped by the suffrages of the faithful, [Page 233] but principally by the acceptable sacrifice of the altar; the holy Synod enjoins on bishops that they diligently endeavour that the sound doctrine concerning Purgatory, transmitted by the holy Fathers and sacred councils, be believed, maintained, taught, and every where proclaimed by the faithful of Christ. But let the more difficult and subtle questions, and which tend not to edification, and from which for the most part there is no increase of piety, be excluded from popular discourses before the uneducated multitude. In like manner, such things as are uncertain, or which labour under an appearance of error, let them not allow to be made public and treated of. While those things which tend to a certain kind of curiosity or superstition, or which savour of filthy lucre, let them prohibit as scandals and stumbling-blocks of the faithful. But let the bishops take care, that the suffrages of the faithful who are living, to wit the sacrifices of masses,

prayers, alms, and other works of piety, which have been wont to be performed by the faithful for the other faithful departed, be piously and devoutly performed, in accordance with the institutes of the church; and that whatsoever is due on their behalf, from the endowments of testators, or in other way, be discharged, not in a perfunctory manner, but diligently and accurately, by the priests and ministers of the church, and others who are bound to render this (service). ON THE INVOCATION, VENERATION, AND RELICS, OF SAINTS, AND ON SACRED IMAGES. The holy Synod enjoins on all bishops, and others who sustain the office and charge of teaching, that, agreeably to the usage of the Catholic and Apostolic Church, received from the primitive times of the Christian religion, and agreeably to the consent of the holy Fathers, and to the decrees of sacred Councils, they especially instruct the faithful diligently concerning the intercession and invocation of saints; the honour (paid) to [Page 234] relics; and the legitimate use of images: teaching them, that the saints, who reign together with Christ, offer up their own prayers to God for men; that it is good and useful suppliantly to invoke them, and to have recourse to their prayers, aid, (and) help for obtaining benefits from God, through His Son, Jesus Christ our Lord, who is our alone Redeemer and Saviour; but that they think impiously, who deny that the saints, who enjoy eternal happiness in heaven, are to be invocated; or who assert either that they do not pray for men; or, that the invocation of them to pray for each of us even in particular, is idolatry; or, that it is repugnant to the word of God; and is opposed to the honour of the one mediator of God and men, Christ Jesus; or, that it is foolish to supplicate, vocally, or mentally, those who reign in heaven. Also, that the holy bodies of holy martyrs, and of others now living with Christ,-which bodies were the living members of Christ, and the temple of the Holy Ghost, and which are by Him to be raised unto eternal life, and to be glorified,--are to be venerated by the faithful; through which (bodies) many benefits are bestowed by God on men; so that they who affirm that veneration and honour are not due to the relics of saints; or, that these, and other sacred monuments, are uselessly honoured by the faithful; and that the places dedicated to the memories of the saints are in vain visited with the view of obtaining their aid; are wholly to be condemned, as the Church has already long since condemned, and now also condemns them.

Moreover, that the images of Christ, of the Virgin Mother of God, and of the other saints, are to be had and retained particularly in temples, and that due honour and veneration are to be given them; not that any divinity, or virtue, is believed to be in them, on account of which they are to be worshipped; or that anything is to be asked of them; or, that trust is to be reposed in images, as was of old done by the Gentiles who placed [Page 235] their hope in idols; but because the honour which is shown them is referred to the prototypes which those images represent; in such wise that by the images which we kiss, and before which we uncover the head, and prostrate ourselves, we adore Christ; and we venerate the saints, whose similitude they bear: as, by the decrees of Councils, and especially of the second Synod of Nicaea, has been defined against the opponents of images. And the bishops shall carefully teach this,-that, by means of the histories of the mysteries of our Redemption, portrayed by paintings or other representations, the people is instructed, and confirmed in (the habit of) remembering, and continually revolving in mind the articles of faith; as also that great profit is derived from all sacred images, not only because the people are thereby admonished of the benefits and gifts bestowed upon them by Christ, but also because the miracles which God has performed by means of the saints, and their salutary examples, are set before the eyes of the faithful; that so they may give God thanks for those things; may order their own lives and manners in imitation of the saints; and may be excited to

adore and love God, and to cultivate piety. But if any one shall teach, or entertain sentiments, contrary to these decrees; let him be anathema. And if any abuses have crept in amongst these holy and salutary observances, the holy Synod ardently desires that they be utterly abolished; in such wise that no images, (suggestive) of false doctrine, and furnishing occasion of dangerous error to the uneducated, be set up. And if at times, when expedient for the unlettered people; it happen that the facts and narratives of sacred Scripture are portrayed and represented; the people shall be taught, that not thereby is the Divinity represented, as though it could be seen by the eyes of the body, or be portrayed by colours or figures.

Moreover, in the invocation of saints, the veneration of relics, and the sacred use of images, every superstition shall be removed, all filthy lucre be abolished; finally, all lasciviousness be [Page 236] avoided; in such wise that figures shall not be painted or adorned with a beauty exciting to lust; nor the celebration of the saints, and the visitation of relics be by any perverted into revellings and drunkenness; as if festivals are celebrated to the honour of the saints by luxury and wantonness. In fine, let so great care and diligence be used herein by bishops, as that there be nothing seen that is disorderly, or that is unbecomingly or confusedly arranged, nothing that is profane, nothing indecorous, seeing that holiness becometh the house of God. And that these things may be the more faithfully observed, the holy Synod ordains, that no one be allowed to place, or cause to be placed, any unusual image, in any place, or church, howsoever exempted, except that image have been approved of by the bishop: also, that no new miracles are to be acknowledged, or new relics recognised, unless the said bishop has taken cognizance and approved thereof; who, as soon as he has obtained some certain information in regard to these matters, shall, after having taken the advice of theologians, and of other pious men, act therein as he shall judge to be consonant with truth and piety. But if any doubtful, or difficult abuse has to be extirpated; or, in fine, if any more grave question shall arise touching these matters, the bishop, before deciding the controversy, shall await the sentence of the metropolitan and of the bishops of the province, in a provincial Council; yet so, that nothing new, or that previously has not been usual in the Church, shall be resolved on, without having first consulted the most holy Roman Pontiff. ON REGULARS AND NUNS The same sacred and holy Synod, prosecuting the subject of reformation, has thought fit that the things following be ordained.

[Page 237]

CHAPTER I.

All Regulars shall order their lives in accordance with what is prescribed by the rule which they have professed; Superiors shall sedulously provide that this be done.

Forasmuch as the holy Synod is not ignorant how much splendour and utility accrue to the Church of God, from monasteries piously instituted and rightly administered; It has,--to the end that the ancient and regular discipline may be the more easily and promptly restored, where it has fallen away, and may be the more firmly maintained, where it has been preserved,--thought it necessary to enjoin, as by this decree It doth enjoin, that all Regulars, as well men, as women, shall order and regulate their lives in accordance with the requirements of the rule which they have professed; and above all that they shall faithfully observe whatsoever belongs to the perfection of their profession, such as the vows of obedience, poverty, and chastity, as also all other vows and precepts that may be peculiar to any rule or order, respectively appertaining to the essential

character of each, and which regard the observance of a common mode of living, food, and dress. And all care and diligence shall be used by the Superiors, both in the general and in the provincial Chapters, and in their visitations, which they shall not omit to make in their proper seasons, that these things be not departed from; it being certain, that those things which belong to the substance of a regular life cannot be by them relaxed. For if those things which are the basis and the foundation of all regular discipline be not strictly preserved, the whole edifice must needs fall.

CHAPTER II.

Property is wholly prohibited to Regulars. For no Regular, therefore, whether man, or woman, shall it be lawful to possess, or hold as his own, or even in the name of [Page 238] the convent, any property moveable or immoveable, of what nature soever it may be, or in what way soever acquired; but the same shall be immediately delivered up to the Superior, and be incorporated with the convent. Nor shall it henceforth be lawful for Superiors to allow any real property to any Regular, not even by way of having the interest, or the use, the administration thereof, or in commendam. But the administration of the property of monasteries, or of convents, shall belong to the officers thereof only, removable at the will of their Superiors. The Superiors shall allow the use of moveables, in such manner as that the furniture of their body shall be suitable to the state of poverty which they have professed; and there shall be nothing therein superfluous, but at the same time nothing shall be refused which is necessary for them. But should any one be discovered, or be proved, to possess anything in any other manner, he shall be deprived during two years of his active and passive voice, and also be punished in accordance with the constitutions of his own rule and order.

CHAPTER III.

All Monasteries save those herein excepted, shall be able to possess real property: the number of persons therein to be determined by the amount of Income, or of Alms. No Monasteries, to be erected without the Bishop’s leave. The holy Synod permits that henceforth real property may be possessed by all monasteries and houses, both of men and women, and of mendicants, even by those who were forbidden by their constitutions to possess it, or who had not received permission to that effect by apostolic privilege,-with the exception, however, of the houses of the brethren of St. Francis (called) Capuchins, and those called Minor Observants: and if any of the aforesaid places, to which it has been granted by apostolic [Page 239] authority to possess such property, have been stripped thereof, It ordains that the same shall be wholly restored unto them. But, in the aforesaid monasteries amid houses, as well of men as of women, whether they possess, or do not possess, real property, such a number of inmates only shall be fixed upon and be for the future retained, as can be conveniently supported, either out of the proper revenues of those monasteries, or out of the customary alms; nor shall any such places be henceforth erected, without the permission of the bishop, in whose diocese they are to be erected, being first obtained.

CHAPTER IV.

A Regular shall not, without the permission of his Superior, either place himself at the service of another, or retire from his Monastery: when sent to a University for study he shall reside in a Monastery. The holy Synod forbids, that any Regular, under the pretext of preaching, or lecturing, or of any other pious work, place himself at the service of any prelate, prince, university,

community, or of any other person, or place, whatsoever, without permission from his own Superior; nor shall any privilege or faculty, obtained from others in regard hereof avail him anything. But should any one act contrary hereto, he shall be punished as disobedient, at the discretion of his Superior. Nor shall it be lawful for Regulars to withdraw from their own convents, even under the pretext of repairing to their own Superiors; unless they have been sent, or summoned, by them. And whoever shall be found to be without the order aforesaid in writing, shall be punished as a deserter from his Institute by the Ordinaries of the places. As to those who are sent to the universities for the sake of their studies, they shall dwell in convents only; otherwise they shall be proceeded against by the Ordinaries.

[Page 240] CHAPTER V.

Provision is made for the enclosure and safety of Nuns. The holy Synod, renewing the constitution of Boniface VIII., which begins Periculoso, enjoins on all bishops, by the judgment of God to which It appeals, and under pain of eternal malediction, that, by their ordinary authority, in all monasteries subject to them, and in others, by the authority of the Apostolic See, they make it their especial care, that the enclosure of nuns be carefully restored, wheresoever it has been violated, and that it be preserved, wheresoever it has not been violated; repressing, by ecclesiastical censures and other penalties, without regarding any appeal whatsoever, the disobedient and gainsayers, and calling in for this end, if need be, the aid of the Secular arm. The holy Synod exhorts Christian princes to furnish this aid, and enjoins, under pain of excommunication, to be ipso facto incurred, that it be rendered by all civil magistrates. But for no nun, after her profession, shall it be lawful to go out of her convent, even for a brief period, under any pretext whatever, except for some lawful cause, which is to be approved of by the bishop; any indults and privileges whatsoever notwithstanding. And it shall not be lawful for any one, of whatsoever birth, or condition, sex, or age, to enter within the enclosure of a nunnery, without the permission of the bishop, or of the Superior, obtained in writing, under the pain of excommunication to be ipso facto incurred. But the bishop, or the Superior ought to grant this permission in necessary cases only; nor shall any other person be able by any means to grant it, even by virtue of any faculty, or indult, already granted, or that may hereafter be granted. And forasmuch as those convents of nuns which are established outside the walls of a city or town, are exposed, often without any protection, to the robberies and other crimes of wicked men, the bishops and other Superiors shall, if they think it expedient, make it their care that the nuns be removed from those places to new or old convents within cities or popu-[Page 241]lous towns, calling in even, if need be, the aid of the Secular arm. As to those who hinder them or disobey, they shall by ecclesiastical censures compel them to submit.

CHAPTER VI.

Manner of choosing Regular Superiors. In order that everything may be conducted uprightly and without fraud, in the election of all manner of superiors, temporary abbots, and other officers, and generals, and abbesses, and other superioresses, the holy Synod above all things strictly enjoins, that all the aforesaid ought to be chosen by secret voting, in such wise as that the names of the respective voters shall never be made known. Neither shall it, for the future, be lawful to appoint provincials, abbots, priors, or any other titularies whatsoever, for the purposes of an election that is to take place; nor to supply the place of the voices and suffrages of those who are absent. But

should any one be elected contrary to the appointment of this decree, such election shall be invalid; and he who shall have allowed himself, for this object, to be created provincial, abbot, or prior, shall be from that time forth incapable of holding any offices whatsoever in that order; and any faculties that have been granted in this matter shall be looked upon as hereby abrogated; and should any others be granted for the time to come, they shall be regarded as surreptitious.

CHAPTER VII.

In what way, and what manner of, persons are to be chosen as Abbesses, or Superioresses by whatsoever other name; no one shall be appointed over two Nunneries. No one shall be elected as abbess, or prioress,--or by whatsoever other name she who is appointed and placed over the [Page 242] rest, may be called,--who is less than forty years of age, and who has not passed eight of those years in a praiseworthy manner, after having made her profession. But should no one be found in the same convent with these qualifications, one may be elected out of another convent of the same order. But if the superior who presides over the election shall deem even this an inconvenience; with the consent of the bishop, or other superior, there may be one chosen from amongst those, in the same convent, who are beyond their thirtieth year, and who have, since their profession, passed at least five of those years in an upright manner. But no individual shall be set over two convents; and if any one is, in any way, in possession of two or more, she shall, retaining one, be compelled to resign the rest, within six months: but after that period, if she have not resigned, they shall be all ipso jure vacant. And he who presides at the election, whether it be the bishop, or other superior, shall not enter the enclosure of the monastery, but shall listen to, or receive the votes of each, at the little window in the gates. In other particulars, the constitution of each order, or convent, shall be observed.

CHAPTER VIII.

In what manner the regulation of Monasteries, which have not ordinary Regular visitors, is to be proceeded with.

All monasteries which are not subject to general Chapters, or to bishops, and which have not their own ordinary Regular visitors, but have been accustomed to be governed under the immediate protection and direction of the Apostolic See, shall be bound, within a year from the end of the present Council, and thenceforth every third year, to form themselves into congregations, according to the form of the constitution of Innocent III., beginning In singulis, published in a general Council; [Page 243] and shall there depute certain Regulars to deliberate and ordain as to the mode and order of establishing the congregations aforesaid, and touching the statutes to be therein observed. But should they be negligent in these matters, it shall be lawful for the metropolitan, in whose province the aforesaid monasteries are situated, to convoke them for the above named purposes, as the delegate of the Apostolic See. But if there be not a sufficient number of monasteries, within the limits of one province, for the establishing of such congregation, the monasteries of two or three provinces may form one congregation. And when the said congregations have been established, the general Chapters thereof, and the presidents and visitors elected thereby, shall have the same authority over the monasteries of their own congregation, and over the Regulars dwelling therein, as other presidents and visitors have in other orders; and they shall be bound to visit frequently the monasteries of their own congregation, and to apply themselves to the reformation thereof; and to observe whatsoever things have been

decreed in the sacred canons, and in this sacred Council. Also, if, at the instance of the metropolitan, they shall not take measures to execute the above, they shall be subjected to the bishops, in whose dioceses the places aforesaid are situated, as the delegates of the Apostolic See.

CHAPTER IX.

Convents of Nuns immediately subject to the Apostolic See shall be governed by the Bishops; but others, by those deputed in the General Chapters, or by other Regulars.

Those convents of nuns which are immediately subject to the Apostolic See, even those which are called by the name of Chapters of St. Peter, or of St. John, or by whatsoever other name they may be designated, shall be governed by the bishops, as the delegates of the Apostolic See; anything to the contrary notwithstanding. But those which are governed, by persons deputed in general Chapters, or by other Regulars, shall be left under their care and conduct.

[Page 244]

CHAPTER X.

Nuns shall confess and communicate once a month; an extraordinary Confessor shall be assigned them by the Bishop. The Eucharist shall not be reserved within the enclosure of the Convent.

Bishops and other Superiors of convents of nuns, shall take particular care that the nuns be admonished, in their constitutions, to confess their sins, and to receive the most holy Eucharist, at least once a month, that so they may fortify themselves, by that salutary safeguard, resolutely to overcome all the assaults of the devil. But besides the ordinary confessor, the bishop and other superiors shall, twice or thrice a year, offer them an extraordinary one, whose duty it shall be to hear the confessions of all the nuns. But that the most holy body of Christ be kept within the choir, or the enclosure of the convent, and not in the public church, the holy Synod forbids it; any privilege or indult whatsoever notwithstanding.

CHAPTER XI.

In Monasteries, which are charged with the cure of the souls of laymen, they who exercise that cure shall be subject to the Bishop, and be by him previously examined, with certain exceptions. In monasteries, or houses whether of men, or of women, which are charged with the cure of souls of other Secular persons besides those who belong to the household of those monasteries, or places; the individuals, whether Regulars or Seculars, who exercise that cure, shall be immediately subject, in what-[Page 245]soever pertains to the said cure and the administration of the sacraments, to the jurisdiction, visitation, and correction of the bishop in whose diocese those places are situated; nor shall any, not even such as are removable at pleasure, be deputed thereunto, save with the consent of the said bishop, and after having been previously examined by him, or by his vicar; the monastery of Cluny with its limits being excepted; and excepting also monasteries, or places, in which abbots, generals, or the heads of orders, have their usual principal residence; as also the other monasteries, or houses, in which the abbots, or other Superiors or Regulars, exercise episcopal and temporary jurisdiction over the parish priests and their parishioners; saving, however, the right of those bishops who exercise a greater jurisdiction over the places, or persons above-named.

CHAPTER XII.

Episcopal censures, and festivals appointed in the diocese, shall be observed even by Regulars.

Censures and interdicts,-not only those emanating from the Apostolic See, but also those promulgated by the Ordinaries,-shall, upon the bishop's mandate, be published and observed by Regulars in their churches. The festival days also which the said bishop shall order to be observed in his own diocese, shall be kept by all exempted persons, even though Regulars.

CHAPTER XIII.

The Bishop shall settle disputes about precedency. Exempted persons, not living in the more strict enclosures, are obliged to attend at public Processions.

All disputes about precedence, which very often, with very great scandal, arise between ecclesiastics, both Secular and Regular, as well at public processions, as at those which take [Page 246] place in burying the dead, or carrying the canopy, and on other such occasions, the bishop shall settle, without regarding any appeal; anything to the contrary notwithstanding. And all exempted persons whatsoever, as well Secular as Regular clerics, and even monks, on being summoned to public processions, shall be obliged to attend; those only being excepted who always live in more strict enclosure.

CHAPTER XIV.

By whom punishment is to be inflicted on a Regular who sins publicly. A Regular who, not being subject to the bishop, and residing within the enclosure of a monastery, has out of that enclosure, transgressed so notoriously as to be a scandal to the people, shall, at the instance of the bishop, be severely punished by his own Superior, within such time as the bishop shall appoint; and the Superior shall certify to the bishop that the punishment has been inflicted: otherwise he shall be himself deprived of his office by his own Superior, and the delinquent may be punished by the bishop.

CHAPTER XV.

Profession shall not be made except after a year 's probation, and at the age of sixteen years completed. In no religious order whatever, shall the profession, whether of men or women, be made before the age of sixteen years is completed; nor shall any one be admitted to profession, who has been less than a year under probation from the time of taking the habit. And any profession made sooner than this shall be null; and shall not superinduce any obligation to the observance of any rule, or of any religious body, or order; or entail any other effects whatsoever.

[Page 247]

CHAPTER XVI.

Any renunciation made, or obligation entered into, previous to the two months' nearest Profession, shall be null. The probation ended, the Novices shall either be professed, or dismissed. In the Religious order of Clerks of the Society of Jesus nothing is innovated. No part of the property of a Novice shall be given to a Monastery before Profession.

Further, no renunciation made, or obligation entered into, sooner than this, even though upon oath, or in favour of any pious object whatsoever, shall be valid, unless it be made with permission of the bishop, or of his vicar, within the two months immediately preceding profession; and it shall not otherwise be understood as obtaining effect, unless the profession have followed thereupon: but if made in any other manner, even though with the express renunciation, even upon oath, of this privilege, it shall be invalid and of no effect. When the period of the noviciate is ended, the Superiors shall admit those novices, whom they have found qualified, to profession; or they shall dismiss them from the monastery. By these things, however, the Synod does not intend to make any innovation, or prohibition, so as to hinder the Religious Order of Clerks of the Society of Jesus from being able to serve God and His church, in accordance with their pious institute, approved of by the holy Apostolic See.

Also, before the profession of a novice, whether male, or female, nothing shall be given to the monastery out of the property of the same, either by parents, relatives, or guardians under any pretext whatever, except for food and clothing, for [Page 248] the time that they are under probation; lest the said novice may be unable to leave on this account,--that the monastery is in possession of the whole, or of the greater part of his substance; and he may not easily be able to recover it, if he should leave. Yea rather the holy Synod enjoins, under the pain of anathema on the givers and receivers, that this be nowise done; and that, to those who leave before their profession, every thing that was theirs be restored to them. And the bishop shall, if need be, enforce by ecclesiastical censures that this be performed in a proper manner.

CHAPTER XVII.

If a girl, who is more than twelve years of age, wish to take the Regular Habit, she shall be questioned by the Ordinary, and again before Profession. The holy Synod, having in view the freedom of the profession on the part of virgins who are to be dedicated to God, ordains and decrees, that if a girl, being more than twelve years of age, desire to take the religious habit, she shall not take that habit, neither shall she, nor any other, at a later period, make her profession, until the bishop,--or, if he be absent, or hindered, his vicar, or some one deputed thereunto by them, and at their expense,--has carefully examined into the inclination of the virgin, whether she has been compelled or enticed thereunto, or knows what she is doing; and if her will be found to be pious and free, and she have the qualifications required by the rule of that convent and order; and if also the convent be a suitable one; it shall be free for her to make her profession. And that the bishop may not be in ignorance as to the time of profession, the Superioress of the convent shall be bound to give him notice thereof a month beforehand ; but if she do not acquaint him therewith, she shall be suspended from her office, for as long a period as the bishop shall think fit.

[Page 249]

CHAPTER XVIII.

No one shall, except in the cases by law expressed, compel a woman to enter a Monastery; or prevent her, if she desire to enter. The constitutions of the Penitents, or Convertites, shall all be preserved. The holy Synod places under anathema all and singular those persons, of what quality or condition soever they may be, whether clerics or laymen, Seculars or Regulars, or with whatsoever dignity invested, who shall, in any way whatever, force any virgin, or widow, or any

other woman whatsoever,--except in the cases provided for by law,--to enter a convent against her will, or to take the habit of any religious order, or to make her profession; as also all those who lend their counsel, aid, or countenance thereunto ; and those also who, knowing that she does not enter into the convent voluntarily, or voluntarily take the habit, or make her profession, shall, in any way, interfere in that act, by their presence, or consent, or authority.

It also subjects to a like anathema those who shall, in any way, without a just cause, hinder the holy wish of virgins, or other women, to take the veil, or make their vows. And all and singular those things which ought to be done before profession, or at the profession itself, shall be observed not only in convents subject to the bishop, but also in all others whatsoever. From the above, however, are excepted those women who are called penitents, or convertites; in whose regard their constitutions shall be observed.

CHAPTER XIX.

How to proceed in cases of pretended invalidity of profession. No Regular soever, who shall pretend that he entered into a religious order through compulsion and fear ; or shall even allege [Page 250] that he made his profession before the proper age; or the like; and would fain lay aside his habit, be the cause what it may; or would even withdraw with his habit without the permission of his superior; shall be listened to, unless it be within five years only from the day of his profession, and not then either, unless he has produced before his own superior, and the Ordinary, the reasons which he alleges. But if, before doing this, he has of his own accord laid aside his habit; he shall in no wise be admitted to allege any cause whatever; but shall be compelled to return to his monastery, and be punished as an apostate; and meanwhile he shall not have the benefit of any privilege of his order.

Also, no Regular shall, by virtue of any manner of faculty, be transferred to an order less rigid; nor shall permission be granted to any Regular to wear in secret the habit of his order.

CHAPTER XX.

Superiors of orders not subject to bishops shall visit and correct inferior Monasteries, even though held in commendam.

Abbots, who are heads of orders, and the other Superiors of the aforesaid orders, who are not subject to bishops, but have a lawful jurisdiction over other inferior monasteries, or priories, shall, each in his own place and order, visit officially the said monasteries and priories that are subject to them, even though held in commendam: which, for as much as they are subject to the heads of their own orders, the holy Synod declares that they are not to be included in what has been elsewhere decreed relative to the visitation of monasteries held in commendam ; and those who preside over monasteries of the orders aforesaid shall be bound to receive the above-named visitors, and to execute their orders.

Also, those monasteries themselves which are the heads of orders, shall be visited conformably to the constitutions of the holy Apostolic See, and of each several order. And so long as the said commendatary monasteries shall continue, there shall be appointed, by the general Chapters, or by the visitors of the [Page 251] said orders, priors claustral, or sub-prior in those priories that are conventual, who shall exercise spiritual authority, and correction. In all other things the privileges

and faculties of the above-named orders, as regards the persons, places, and rights thereof, shall remain firm and inviolate.

CHAPTER XXI.

Over Monasteries, Religious of that same order shall be appointed.

Whereas very many monasteries, even abbeys, priories, and provostries, have suffered no slight injury, both in spirituals and temporals, through the mal-administration of those to whom they have been entrusted, the holy Synod would fain by every means restore them to a discipline suitable to a monastic life. But the present state of the times is so fraught with hindrances and difficulties that a remedy can neither be applied at once to all, nor common to all places, as It could desire; nevertheless, that It may not omit anything which may in time be used in wholesomely providing against the evils aforesaid, It trusts in the first place, that the most holy Roman Pontiff will, of his piety and prudence, make it his care,-as far as he sees that the times will permit,--that over those monasteries which are at present held in commendam, and which are conventual, there be appointed Regulars, expressly professed of the same order, and capable of guiding and of governing the flock. And as to such as shall become vacant hereafter, they shall be conferred solely on Regulars of distinguished virtue and holiness. But as regards those monasteries which are the heads and chiefs of orders, be the filiations thereof called abbeys or priories, those who hold them at present in commendam shall be bound,-unless provision be made for a Regular successor thereunto,--[Page 252] either to make, within six months, a solemn profession of the religious life which is peculiar to the said orders, or to resign; otherwise the places aforesaid held in commendam shall be accounted ipso jure vacant. But, lest any fraud may be used as regards all and singular the aforesaid matters, the holy Synod ordains, that in the appointments to the said monasteries, the quality of each individual be specifically expressed; and any appointment made otherwise shall be accounted surreptitious, and shall not be rendered valid by any subsequent possession, even though extending over three years.

CHAPTER XXII.

The Decrees touching the Reformation of Regulars shall be carried into execution at once by all. The holy Synod enjoins, that all and singular the matters contained in the foregoing decrees be observed in all convents and monasteries, colleges, and houses of all monks and religious whatsoever, as also of all religious virgins and widows soever, even though living under the conduct of the military orders, of the order even (of St. John) of Jerusalem, and by what name soever they may be designated, under whatsoever rule or constitutions they may be, or under the care or government of, or in subjection to, union with, or dependence on, any order whatsoever, whether of mendicants, or not mendicants, or of other Regular monks, or canons of whatsoever kind : any privileges whatsoever of all and each of the above-named, under whatsoever form of words expressed, even those called mare magnum, even those obtained at their foundation, as also any constitutions and rules whatsoever, even though sworn to, and any customs, or prescriptions whatsoever, even though immemorial, to the contrary notwithstanding. But, if there be any Regulars, whether men or women, who are living under stricter rule or statutes, the holy Synod does not intend to withdraw them from their institute and observance, except as to the power of possessing real property in common. And forasmuch as the holy [Page 253] Synod desires that all and singular the things aforesaid be put in execution as soon as possible, It enjoins

on all bishops that, in the monasteries which are subject to them, as also in all the rest specially committed to them in the preceding decrees; and on all abbots, and generals, and other Superiors of the above-named orders ; that they forthwith put in execution the matters aforesaid, and if there be anything which is not carried into execution, the provincial Councils shall remedy, and punish the negligence of the bishops ; and that of Regulars, their provincial and general Chapters ; and, in default of general Chapters, the provincial Councils shall, by deputing certain persons belonging to the same order, provide herein. The holy Synod also exhorts all kings, princes, republics, and magistrates, and by virtue of holy obedience commands them, to vouchsafe to interpose, as often as requested, their help and authority in support of the aforesaid bishops, abbots, generals, and other superiors in the execution of the things comprised above, that so they may, without any hindrance, rightly execute the preceding matters to the praise of Almighty God.

DECREE ON REFORMATION.

CHAPTER I.

Cardinals and all Prelates of the churches shall be content with modest furniture and a frugal table: they shall not enrich their relatives or domestics out of the property of the Church.

It is to be wished, that those who undertake the office of a bishop should understand what their portion is; and comprehend that they are called, not to their own convenience, not to riches or luxury, but to labours and cares for the glory of God. For it is not to be doubted, that the rest of the faithful [Page 254] also will be more easily excited to religion and innocence, if they shall see those who are set over them, not fixing their thoughts on the things of this world, but on the salvation of souls, and on their heavenly country. Wherefore the holy Synod, being minded that these things are of the greatest importance towards restoring ecclesiastical discipline, admonishes all bishops, that, often meditating thereon, they show themselves conformable to their office, by their actual deeds, and the actions of their lives; which is a kind of perpetual sermon; but above all that they so order their whole conversation, as that others may thence be able to derive examples of frugality, modesty, continency, and of that holy humility which so much recom mends us to God.

Wherefore, after the example of our fathers in the Council of Carthage, It not only orders that bishops be content with modest furniture, and a frugal table and diet, but that they also give heed that in the rest of their manner of living, and in their whole house, there be nothing seen that is alien from this holy institution, and which does not manifest simplicity, zeal towards God, and a contempt of vanities. Also, It wholly forbids them to strive to enrich their own kindred or domestics out of the revenues of the church: seeing that even the canons of the Apostles forbid them to give to their kindred the property of the church, which belongs to God; but if their kindred be poor, let them distribute to them thereof as poor, but not misapply, or waste, it for their sakes : yea, the holy Synod, with the utmost earnestness, admonishes them completely to lay aside all this human and carnal affection towards brothers, nephews and kindred, which is the seed-plot of many evils in the church. And what has been said of bishops, the same is not only to be observed by all who hold ecclesiastical benefices, whether Secular or Regular, each according to the nature of his rank, but the Synod decrees that it also regards the cardinals of the holy Roman Church ; for whereas, upon their advice to the most holy Roman Pontiff, the administration of the universal Church depends, it would seem to be a shame, if they did not at the same time shine so pre-eminent in virtue and in the discipline of their lives, as deservedly to draw upon themselves the eyes of all men.

[Page 255]

CHAPTER II.

By whom individually the Decrees of the Council are to be solemnly received; and by whom a profession of faith is to be made. The calamitousness of the times, and the malignity of the increasing heresies demand, that nothing be left undone which may seem in any wise capable of tending to the edification of the people, and to the defence of the Catholic faith. Wherefore the holy Synod enjoins on patriarchs, primates, archbishops, bishops, and all others, who, of right or custom, ought to be present at the provincial Council, that, in the very first provincial Synod that shall be held after the close of this Council, they publicly receive all and singular the things that have been defined and ordained by this holy Synod; as also that they promise and profess true obedience to the Sovereign Roman Pontiff; and at the same time publicly express their detestation of and anathematize all the heresies that have been condemned by the sacred canons and general councils, and especially by this same Synod. And henceforth, all those who shall be promoted to be patriarchs, primates, archbishops, and bishops, shall strictly observe the same in the first provincial Synod at which they shall be present. And should any one of all the aforesaid refuse, which God forbid, the bishops of the same province shall be bound, under pain of the divine indignation, at once to give notice thereof to the Sovereign Roman Pontiff, and shall meanwhile abstain from communion with that person. And all others, who now hold, or shall hereafter hold, ecclesiastical benefices, and whose duty it is to be present at the diocesan Synod, shall do and observe the same, as above set down, on the very first occasion that the synod shall be held, otherwise they shall be punished according to the form of the sacred canons. Moreover, all those to whom belong the charge, visitation, and reformation of universities and of (places of) general studies, shall diligently take care that the canons and decrees of this holy Synod be, by the said universities, wholly [Page 256] received; and that the masters, doctors, and others, in the said universities, interpret and teach those things which are of Catholic faith, in conformity therewith; and that at the beginning of each year they bind themselves by solemn oath to this procedure. And also if there be any other things that need correction and reformation in the universities aforesaid, they shall be reformed and regulated by those whom it regards, for the advancement of religion and of ecclesiastical discipline. But as regards those universities which are immediately under the protection of the Sovereign Pontiff, and are subject to his visitation, his Blessedness will take care that they be, by his delegates, wholesomely visited and reformed in the manner aforesaid, and as shall seem to him most advantageous.

CHAPTER III.

The sword of excommunication is not to be rashly used: when an execution can be made on property or person, censures are to be abstained from: the civil magistrates shall not interfere herein.

Although the sword of excommunication is the very sinews of ecclesiastical discipline, and very salutary for keeping the people in their duty, yet it is to be used with sobriety and great circumspection; seeing that experience teaches, that if it be rashly or for slight causes wielded, it is more despised than feared, and produces ruin rather than safety. Wherefore, those excommunications, which, after certain admonitions, are wont to be issued with the view as it is termed, of causing a revelation, or on account of things that have been lost or stolen, shall be

issued by no one whomsoever, but the bishop; and not then, otherwise than on account of some circumstance of no common kind which moves the mind of the bishop thereunto, after the cause has been by him diligently and very maturely weighed ; nor shall he be induced to grant the said excommunications by the authority of any Secular person whatever, even though a magistrate; but the whole shall be left to his own judgment and [Page 257] conscience, when, considering the circumstances, the place, the person, or the time, he shall himself judge that such are to be resolved on. As regards judicial causes, it is enjoined on all ecclesiastical judges, of whatsoever dignity they may be, that, both during the proceedings, and in giving judgment, they abstain from ecclesiastical censures, or interdict, as often as an execution on the person or property can, in each stage of the process, be effected by them of their own proper authority ; but in civil causes, which in any way belong to the ecclesiastical court, it shall be lawful for them, if they judge it expedient, to proceed against all persons whatsoever, even laymen, and to terminate suits, by means of pecuniary fines, which, by the very fact of being levied, shall be assigned to the pious places there existing; or by distress upon the goods, or arrest of the person, to be made either by their own, or other officers; or even by deprivation of benefices, and other remedies at law. But if the execution cannot be made in this way, either upon the person, or goods, of the guilty, and there be contumacy towards the judge, he may then, in addition to the other penalties, smite them also with the sword of anathema, if he think fit. In like manner in criminal causes, wherein an execution can as above be effected upon the person or goods, the judge shall abstain from censures ; but, if that execution cannot easily be made, it shall be lawful for the judge to employ the said spiritual sword against delinquents ; provided however the character of the offence so require, and after two monitions at least, and this by public notice. And it shall not be lawful for any civil magistrate, to prohibit an ecclesiastical judge from excommunicating any individual; or to command that he revoke an excomnunication that has been issued; under pretext that the things contained in the present decree have not been observed; whereas the cognizance hereof does not appertain to Seculars, but to ecclesiastics. And every excommunicated person, who, after the lawful monitions, does not repent, shall not only not be received to the sacraments, and to communion, and [Page 258] intercourse with the faithful, but, if, being bound with censures, he shall, with obdurate heart, remain for a year in the defilement thereof, he may even be proceeded against as suspected of heresy.

CHAPTER IV.

Where the number of Masses to be celebrated is excessive, Bishops, Abbots, and Generals, shall make such regulation as shall seem to them expedient.

It frequently happens, in divers churches, either that so great a number of masses is required to be celebrated on account of various legacies from persons deceased, that it is not possible to comply therewith on the particular days prescribed by the testators; or, that the alms left for the celebration thereof is so slight that it is not easy to find any one willing to undertake the duty; whereby the pious intentions of the testators are frustrated, and occasion is given for burthening the consciences of those who are concerned in the aforesaid obligations. The holy Synod, being desirous that these legacies for pious uses be satisfied in the most complete and useful manner possible, empowers bishops in diocesan Synod, and likewise abbots and generals of orders in their general Chapters, to ordain, in regard hereof, whatsoever in their consciences they shall, upon a diligent examination of the circumstances, judge to be most expedient for God’s honour

and worship, and the good of the churches, in those churches aforesaid which they shall find stand in need of some regulation in this matter, in such wise however that a commemoration be always made of the departed who, for the welfare of their souls, have left the said legacies for pious uses.

[Page 259] CHAPTER V.

The conditions and obligations imposed on Benefices shall be observed.

Reason requires, that, in regulations which have been well established, no alteration be made by any ordinances to the contrary. Whenever, therefore, by virtue of the erection or foundation of any benefices, or in consequence of other regulations, certain qualifications are required, or certain obligations are attached thereunto, they shall not be derogated from in the collation, or in any other arrangement whatsoever in regard of the said benefices. The same also shall be observed as to prebends assigned to teachers of theology, masters, doctors, priests, deacons, or subdeacons, whenever such prebends have been established in this manner, in such sort that, in no provision whatever shall anything be altered in regard of the said qualifications and orders ; and any provision made otherwise shall be accounted surreptitious.

CHAPTER VI.

In what manner the Bishop ought to act in regard of the visitation of exempted Chapters. The holy Synod ordains that the decree, made under Paul III., of happy memory, beginning Capitula Cathedralium, shall be observed in all cathedral and collegiate churches, not only when the bishop makes his visitation, but also as often as he proceeds ex officio, or at the petition of another, against any one of those who are comprised in the said decree; yet so, however, that whenever he institutes proceedings out of visitation, all the particulars subjoined shall have place: to wit, that the Chapter shall, at the beginning of each year, select two individuals belong-[Page 260]ing to the Chapter, with whose counsel and consent the bishop, or his vicar, shall be bound to proceed, both in instituting the process, and in all the other acts thereof until the end of the cause inclusively,-in the presence, nevertheless, of the notary of the said bishop, and in the bishop's house, or his ordinary court of justice. The two deputies shall, however, have but one vote ; but either of them may give his vote in unison with that of the bishop. But if, as regards any proceeding, or as regards any interlocutory or definitive sentence, they shall both differ from the bishop, they shall in this case choose, in conjunction with the bishop, a third person, within the term of six days: and should they also not agree in the election of that third person, the choice shall devolve on the nearest bishop ; and the point whereon they differed shall be decided, in accordance with the opinion which that third person sides with; otherwise, the proceedings, and what follows thereupon, shall be null, and of no effect in law. Nevertheless, in crimes arising from incontinency, whereof mention has been made in the decree concerning concubinaries, as also in the more heinous crimes which require deposition or degradation; where flight is apprehended, and where, that judgment may not be eluded, it is necessary to secure the person, the bishop may at first proceed singly to a summary information, and to the necessary detention of the person; observing, however, in the rest of the proceedings, the order named above. But in all cases regard is to be paid to this, that the delinquents be kept in custody in a suitable place, according to the quality of the crime and of the persons. Moreover, there shall everywhere be rendered to bishops that honour which comports with their dignity; and in choir, in the chapter, in processions, and other public functions, they shall have the first seat, and the place which they shall themselves make choice of, and theirs

shall be the chief authority in everything that is to be done.

If the bishops shall propose anything to the canons to be deliberated on, and the matter treated of be not one which [Page 261] regards any benefit to them or theirs, they shall themselves convoke the Chapter, take the votes, and decide according to them. But, in the absence of the bishop, this shall be wholly done by those of the Chapter, to whom of right or custom it appertains, nor shall the bishop's vicar be allowed to do it. But in all other things, the jurisdiction and power of the Chapter, if any there be belonging thereunto, as also the administration of their property, shall be left wholly unimpaired and untouched. As regards those who do not possess any dignities, and are not of the Chapter, they shall all be subject to the bishop in causes ecclesiastical; notwithstanding, as regards the things aforesaid, any privileges accruing even from any foundation; as also any customs, even though immemorial; any sentences, oaths, concordates, which bind the authors thereof only; saving, however, in all things those privileges which have been granted to universities for general studies, or to the persons who belong thereunto. But all and singular these things shall not have effect in those churches wherein the bishops, or their vicars, by virtue of constitutions, privileges, customs, concordates, or by any other right whatsoever, have a power, authority, and jurisdiction greater than that which is included in the present decree; from which (powers) the holy Synod does not intend to derogate.

CHAPTER VII.

The Access and Regress in regard of Benefices are done away with ; in what manner, to whom, and for what cause, a Coadjutor is to be granted.

Whereas, as regards ecclesiastical benefices, whatsoever carries with it the appearance of hereditary succession is a thing odious to the sacred constitutions, and contrary to the decrees of the Fathers; no Access or Regress, in regard of any ecclesiastical benefice of whatsoever quality, shall, even though by con-[Page 262]sent, be henceforth granted to any individual; nor shall those already granted be suspended, extended, or transferred. And this decree shall have effect in regard of all ecclesiastical benefices whatsoever, and even in cathedral churches, and as regards all manner of persons soever, even though distinguished with the honour of the cardinalate. In like manner, as regards coadjutorships with future succession, the same shall henceforth be observed; (to wit) that they shall not be permitted to any one in regard of any ecclesiastical benefices whatsoever. But if at any time the urgent necessity, or the evident advantage of a cathedral church, or of a monastery, demands that a coajutor be granted to a prelate, such coadjutor with (the right of) future succession shall not otherwise be granted but after the said cause has been first diligently taken cognizance of by the most holy Roman Pontiff; and it is certain, that all those qualifications which, by law, and by the decrees of this holy Synod, are required in bishops and prelates, are reunited in his person; otherwise, the concessions made herein, shall be accounted surreptitious.

CHAPTER VIII.

What is to be observed in regard to Hospitals. By whom, and in what manner, the negligence of administrators is to be punished. The holy Synod admonishes all who hold any ecclesiastical benefices, whether Secular or Regular, to accustom themselves, as far as their revenues will allow, to exercise with alacrity and kindliness the office of hospitality, so frequently commended by

the holy Fathers; being mindful that those who cherish hospitality receive Christ in (the person of) their guests. But as regards those who hold in commendam, or by way of administration, or under any other title whatsoever, or have even united to their own churches, the places commonly called hospitals, or other pious places instituted especially for the use of pilgrims, of the infirm, the aged or the poor; or, if the parish churches should happen to be united to hospitals, or have been turned [Page 263] into hospitals, and have been granted to the patrons thereof to be by them administered, the Synod strictly commands, that they execute the charge and duty imposed upon them, and that they actually exercise that hospitality, which is due at their hands, out of the fruits devoted to that purpose, pursuant to the constitution of the Council of Vienne, renewed elsewhere by this same holy Synod under Paul III., of happy memory, and which begins, Quia contingit. But if these hospitals were instituted to receive a certain class of pilgrims, or of infirm persons, or of others; and in the place where the said hospitals are situated, there are no such persons, or very few, to be found, It doth further command, that the fruits thereof be converted to some other pious use, the nearest that may be to their original destination, and the most useful for that time and place, as shall seem to be the most expedient to the Ordinary, aided by two of the Chapter, experienced in matters of business, to be chosen by him; unless it be that the contrary happen to be expressed, to meet even this case, in the foundation, or institution thereof; in which event, the bishop shall take care that what is ordained be observed, or, if that be not possible, he shall, as above, regulate the matter in a useful manner.

Wherefore, if all and singular the persons aforesaid, of whatsoever order, and religious body, and dignity they may be, be they even laymen, who have the administration of hospitals,--provided, however, they be not subject to Regulars where regular observance is in force,--shall, after having been admonished be the Ordinary, have ceased really to discharge the duty of hospitality, complying with all the necessary conditions to which they are bound, they may be compelled thereunto not only by ecclesiastical censures, and other remedies at law, but may also even be deprived for ever of the administration and care of the hospital itself; and others shall be substituted in their place, by those to whom this may belong. And the persons aforesaid shall, this notwithstanding, be bound in conscience to make restitution of the fruits which they have received contrary to the institution of the said hospitals; which restitution shall not be pardoned them by any remission or composition: nor shall the administration or government of such places be henceforth en-[Page 264]trusted to one and the same person longer than for three years, unless it be otherwise provided in the foundation thereof; notwithstanding, as regards all the above-named particulars, any union, exemption, and custom, even from time immemorial, to the contrary, or any privileges, or indults of whatever kind.

CHAPTER IX.

In what manner a right of patronage is to be proved, and to whom granted: what is not lawful for patrons. Unions of free benefices, to churches under right of patronage, prohibited. Rights of patronage, not legitimately obtained, are to be revoked.

Even as it is not just to take away the legitimate rights of patronage, and to violate the pious intentions of the faithful in the institution thereof, so also neither is it to be suffered, that, under this pretext, ecclesiastical benefices be reduced to a state of servitude, as by many is impudently done. In order, therefore, that what reason requires may be observed in all things, the holy Synod

ordains, that the title to the right of patronage shall be (derived) from a foundation, or an endowment ; which (title) shall be shown from an authentic document, and the other (proofs) required by law; or, also, by repeated presentations during a period of time so remote that it exceeds the memory of man; or, otherwise, according as the law directs. But as regards those persons, or communities, or universities, which that right is for the most part presumed to have been obtained by usurpation rather than otherwise, a more full and exact proof shall be required to establish a true title; nor shall the proof derived from time immemorial be otherwise of avail in their regard, unless-besides other things necessary for that proof--presentations, even continuous, during the space of not less than fifty years, at the least, all of which presentations have been carried into effect, shall be proved from authentic writings. All other rights of patronage, in regard to benefices, as well Secular as Regular, or parochial, or in regard of dignities, or any other benefices whatsoever, in a cathedral or col-[Page 265]legiate church; as also all faculties and privileges, whether granted so as to have the force of patronage, or, by virtue of any other right whatsoever, to nominate, elect, present to the said benefices when they become vacant, excepting the rights of patronage belong to cathedral churches, and excepting such other (rights of patronage) as belong to the emperor, to kings. or to those who possess kingdoms, and to other high and supreme princes who have the rights of sovereignty within their own dominions, as also those (rights of patronage) which have been bestowed in favour of (places of) general studies, shall be understood to wholly abrogated and made void, together with the quasi-possession which has followed thereupon. And benefices of this kind shall be conferred, as being free, by those who collate thereunto; and such appointment shall have full effect.

Furthermore, it shall be lawful for the bishop to reject the persons whom the patrons have presented, if they be not fit. But if the institution belong to inferior (ecclesiastics), they (the presentees) shall nevertheless be examined by the bishop, pursuant to what has been elsewhere ordained by this holy Synod; otherwise the institution made by those inferiors shall be null and void. But the patrons of benefices, of whatsoever order and dignity they may be, be they (the patrons) even communities, universities, or any colleges whatsoever whether of clerics or laymen, shall not in any way, nor for any manner of cause or occasion, meddle with the receiving of the fruits, rents, or revenues of any benefices whatsoever, even though those benefices be truly, by foundation or endowment, under their right of patronage; but shall leave them to the free disposal of the rector, or of the beneficiary, any custom whatever to the contrary notwithstanding. Nor shall they presume to transfer to others, contrary to the decrees of the canons, the said right of patronage, by sale, or under any other title whatsoever: if they act otherwise, they shall be subjected to the penalties of excommunication and interdict, and shall be ipso jure deprived of the aforesaid right itself of patronage. Moreover, those accessions made [Page 266] by way of union of free benefices with churches that are subject to the right of patronage, even of laymen, whether those churches be parochial, or benefices of any other kind whatsoever, even such as are simple, or are dignities, or hospitals, in such wise that the free benefices aforesaid are made to be of the same nature as those unto which they are united, and are placed under the (same) right of patronage; such (accessions), if they have not as yet been carried into full effect, as also such as shall henceforth be made, at the instance of any person whatsoever, by whatsoever authority, be it even apostolic, shall, together with the said unions themselves, be regarded as having been obtained surreptitiously; notwithstanding any form of words therein employed, or any derogation which may be held as equivalent to being expressed; nor shall such unions be any more carried

into execution, but the benefices themselves so united shall, when vacant, be freely conferred as previously. As regards those augmentations, which, having been made within the last forty years, have obtained their effect and a complete incorporation; such shall nevertheless be reviewed and examined by the Ordinaries, as the delegates of the Apostolic See; and those which shall be found to have been obtained by surreption, or obreption, shall, together with the unions, be declared invalid, and the benefices themselves shall be separated, and be conferred upon other persons. In like manner also whatsoever rights of patronage,-over churches, and any other benefices of whatsoever kind, even dignities which were previously free,-which have been acquired within the last forty years, or that may henceforth be acquired, whether through an increase of the endowment, or in consequence of erecting the building afresh, or from some other like cause, even though with the authority of the Apostolic See, shall be carefully taken cognizance of by the said Ordinaries, as delegates as aforesaid; and they shall not be hindered by the faculties, or privileges of any individual in regard thereof; but they shall wholly revoke such rights of patronage as they [Page 267] shall find not to have been legitimately established on account of some most evident necessity of the church, or benefice, or dignity; and they shall restore benefices of this kind to their former state of liberty; without injury however to the incumbents thereof, and after having restored to the patrons whatsoever they may have given on this score; any privileges, constitutions, and customs, even though immemorial, notwithstanding.

CHAPTER X.

Judges, unto whom causes may be committed by the Apostolie See, are to be nominated by the Synod: all judges shall terminate causes speedily.

Forasmuch as on account of the malicious suggestions of suitors, and at times also by reason of the distance of places, a knowledge of the persons to whom causes are committed cannot be perfectly obtained; and hence causes are sometimes referred to judges on the spot who are not altogether fit; the holy Synod ordains, that, in each provincial, or diocesan, Synod, there shall be designated certain persons who have the qualifications required by the constitution of Boniface VIII., which begins, Statutum, and who are otherwise suited thereunto; that, to them also, besides the Ordinaries of the places, may henceforth be committed those ecclesiastical and spiritual causes, belonging to the ecclesiastical court, which may have to be delegated to their districts. And if one of these so designated shall happen to die in the interim, the Ordinary of the place, with the advice of the Chapter, shall substitute another in his stead, until the next provincial or diocesan Synod; in such sort that each diocese shall have at least four, or even more, persons approved of and qualified as above, to whom causes of this nature may be committed by any legate, or nuncio, and even by the Apostolic See: otherwise, after the said designation has been made, which the bishops shall forthwith transmit to the Sovereign Roman Pontiff, any delegations whatsoever of other [Page 268] judges, made to any others but the above, shall be regarded as surreptitious. The holy Synod furthermore admonishes both the Ordinaries and all other judges whatsoever to endeavour to terminate causes in as brief a period as possible; and to meet in every way, either by prescribing a given term, or by some other available method, the artifices of lawyers, whether in delaying the trial of the suit, or any other part of the judicial process.

CHAPTER XI.

Certain leases of Ecclesiastical Property or rights are prohibited; certain other such leases are annulled.

It ordinarily brings great ruin upon churches, when the property thereof is, to the prejudice of those who succeed, leased out to others upon the present payment of a sum of money. Wherefore, all leases of this kind, if made for payments in advance, shall be in no wise considered valid to the prejudice of those who succeed; any indult or privelege whatsoever notwithstanding; nor shall such leases be confirmed in the Roman court, or elsewhere. Neither shall it be lawful, to farm out ecclesiastical jurisdictions, or the faculties of nominating, or of deputing vicars in spirituals ; nor for the lessees to exercise the above in person or by others; and any grants to the contrary, even though made by the Apostolic See, shall be esteemed surreptitious. As to leases of ecclesiastiscal things, even though confirmed by apostolical authority, the holy Synod declares those to be invalid, which, having been made within the last thirty years, for a long term, or as they are designated in some districts, for twenty-nine, or for twice twenty-nine years, shall be judged by the provincial Synod, or by the deputies thereof, to have been contracted to the injury of the church, and contrary to the ordinances of the canons.

[Page 269]

CHAPTER XII.

Tithes to be paid in full: those withholding, or hindering, the payment thereof are to be excommunicated: the Rectors of Poor Churches are to be piously relieved.

Those are not to be borne who, by various artifices, endeavour to withhold the tithes accruing to the churches ; nor those who rashly take possession of, and apply to their own use, the tithes which have to be paid by others; whereas the payment of tithes is due to God; and they who refuse to pay them, or hinder those who give them, usurp the property of another. Wherefore, the holy Synod enjoins on all, of whatsoever rank and condition they be, to whom it belongs to pay tithes, that they henceforth pay in full the tithes, to which they are bound in law, to the cathedral church, or to whatsoever other churches, or persons, they are lawfully due. And they who either withhold them, or hinder them (from being paid), shall be excommunicated; nor be absolved from this crime, until after full restitution has been made. It further exhorts all and each, that, of their Christian charity, and the duty which they owe to their own pastors, they grudge not, out of the good things that are given them by God, to assist bountifully those bishops and parish priests who preside over the poorer churches; to the praise of God, and to maintain the dignity of their own pastors who watch for them.

CHAPTER XIII.

The fourth of Funeral (dues) shall be paid to the Cathedral or Parish Churches. The holy Synod ordains, that in whatsoever places, forty years ago, a fourth, as it is called, of funerals, was accustomed [Page 270] to be paid to the cathedral, or parish, church, but has subsequently, by virtue of whatsoever privilege, been granted to other monasteries, hospitals, or to any other kind of pious places; the same shall henceforth, with all its rights, and in the same proportion as was formerly usual, be paid to the cathedral or parish church; all grants, graces, privileges, even those called mare magnum, or any others whatsoever, to the contrary notwithstanding.

CHAPTER XIV.

The manner of proceeding against Clerics who keep concubines is prescribed.

How shameful a thing, and how unworthy it is of the name of clerics who have devoted themselves to the service of God, to live in the filth of impurity, and unclean bondage, the thing itself doth testify, in the common scandal of all the faithful, and the extreme disgrace entailed on the clerical order. To the end, therefore, that the ministers of the Church may be recalled to that continency and integrity of life which becomes them; and that the people may hence learn to reverence them the more, that they know them to be more pure of life: the holy Synod forbids all clerics whatsoever to dare to keep concubines, or any other woman of whom any suspicion can exist, either in their own houses, or elsewhere, or to presume to have any intercourse with them : otherwise they shall be punished with the penalties imposed by the sacred canons, or by the statutes of the (several) churches, But if, after being admonished by their superiors, they shall not abstain from these women, they shall be ipso facto deprived of the third part of the fruits, rents, and proceeds of all their benefices whatsoever, and pensions; which third part shall be applied to the fabric of the church, or to some other pious place, at the discretion of the bishop. If, however, persisting in the same crime, with the same or some [Page 271] other woman, they shall not even yet have obeyed upon a second admonition, not only shall they thereupon forfeit all the fruits and proceeds of their benefices and pensions, which shall be applied to the places aforesaid, but they shall also be suspended from the administration of the benefices themselves, for as long a period as shall seem fit to the Ordinary, even as the delegate of the Apostolic See. And if, having been thus suspended, they nevertheless shall not put away those women, or, even if they shall have intercourse with them, then shall they be for ever deprived of their ecclesiastical benefices, portions, offices, and pensions of whatsoever kind, and be rendered thenceforth incapable and unworthy of any manner of honours, dignities, benefices and offices, until, after a manifest amendment of life, it shall seem good to their superiors, for a cause, to grant them a dispensation. But if, after having once put them away, they shall have dared to renew the interrupted connexion, or to take to themselves other scandalous women of this sort, they shall, in addition to the penalties aforesaid, be smitten with the sword of excommunication. Nor shall any appeal, or exemption, hinder or suspend the execution of the aforesaid; and the cognizance of all the matters above-named shall not belong to archdeacons, or deans, or other inferiors, but to the bishops themselves, who may proceed without the noise and the formalities of justice, and by the sole investigation of the truth of the fact. As regards clerics who have not ecclesiastical benefices or pensions, they shall, according to the quality of their crime and contumacy, and their persistance therein, be punished, by the bishop himself, with imprisonment, suspension from their order, inability to obtain benefices, or in other ways, conformably with the sacred canons.

Bishops also, if, which God forbid, they abstain not from crime of this nature, and, upon being admonished by the provincial Synod, they do not amend, shall be ipso facto suspended; and, if they persist therein, they shall be reported by the said Synod to the most holy Roman Pontiff, who shall punish them according to the nature of their guilt, even with deprivation if need be.

[Page 272] CHAPTER XV.

The illegitimate Sons of Clerics are excluded from certain Benefices and Pensions. That the memory of paternal incontinency may be banished as far as possible from places consecrated to

God, where purity and holiness are most especially beseeming; it shall not be lawful for the sons of clerics, not born in lawful wedlock, to hold, in those churches wherein their fathers have, or had, an ecclesiastical benefice, any benefice whatsoever, even though a different one; nor to minister in any way in the said churches; nor to have pensions out of the revenues of benefices which their fathers hold, or have aforetime held. And if a father and son shall be found, at this present time, to hold benefices in the same church; the son shall be compelled to resign his benefice, or to exchange it for another out of that church, within the space of three months, otherwise he shall be ipso jure deprived thereof; and any dispensation in regard of the aforesaid shall be accounted surreptitious. Moreover, any reciprocal resignations which shall from this time forth be made by fathers who are clerics in favour of their sons, that one may obtain the benefice of the other, shall be wholly regarded as made in fraudulent evasion of this decree, and of the ordinances of the canons; nor shall the collations that may have followed, by virtue of resignations of this kind, or of any other whatsoever made fraudulently, be of avail to the said sons of clerics.

CHAPTER XVI.

Benefices with cure shall not be converted into simple Benefices: a suitable portion of the fruits shall be assigned to the Vicar who exercises the cure of souls. The holy Synod ordains, that those Secular ecclesiastical benefices, by whatsoever name they may be called, which, by [Page 273] their original institution, or in any other way whatever, have the cure of souls, shall not henceforth be converted into a simple benefice, even though a suitable portion be assigned to a perpetual vicar; notwithstanding any graces whatsoever which have not obtained their full effect. But, as regards those benefices wherein, contrary to the institution or foundation thereof, the cure of souls has been transferred to a perpetual vicar, even though they be found to have been in this state from time immemorial, if a suitable portion of the fruits have not been assigned to the vicar of the church, by what name soever he may be designated, the same shall be assigned as soon as possible, and within a year at the furthest from the end of the present Council, at the discretion of the Ordinary; pursuant to the form of the decree made under Paul III., of happy memory. But if this cannot conveniently be done, or if it be not done, within the said term, as soon as the benefice shall be vacant, either by the resignation or death of the vicar, or rector, or in whatsoever way either of the above shall vacate it, it shall receive again the cure of souls; the name of vicarage cease; and it shall be restored to its ancient state.

CHAPTER XVII.

Bishops shall maintain their dignity; nor conduct themselves with unworthy servility towards the Ministers of Kings, towards Lords, or Barons. The holy Synod cannot but sorely grieve at hearing that certain bishops, forgetful of their own estate, do in no slight manner disgrace the pontifical dignity; comporting themselves with an unseemly kind of servility, both in church and out of it, before the ministers of kings, nobles, and barons; and, as if they were inferior ministers of the altar, not only most unworthily give them place; but even serve them in person. Wherefore, the holy Synod, detesting this and the like behaviour, doth, by renewing all the sacred canons, the General Councils, and [Page 274] other apostolical ordinances, which relate to the decorum and authority of the episcopal dignity, enjoin, that henceforth bishops abstain from the like; charging them that, both in church and out of it, having before their eyes their own rank and order, they every where bear in mind that they are fathers and pastors; charging also others, as well princes,

as all persons whatsoever, to pay them paternal honour and due reverence.

CHAPTER XVIII.

The Canons shall be exactly observed: if, at any time, a dispensation is to be granted in regard thereof, it shall be done with the most mature deliberation. As it is expedient for the public good, to relax at times the restraint of law, thereby more completely to meet, for the common advantage, the cases and necessities which arise; even so, to dispense too often with the law, and to yield to petitioners on account of precedent, rather than upon any certain discrimination in regard of persons and circumstances, is nothing else but to open a way for each one to transgress the laws. Wherefore, be it known to all men, that the most sacred canons are to be exactly observed by all, and, as far as this is possible, without distinction. But if any urgent and just reason, and at times a greater good, shall require that some be dispensed with; this shall be granted, after the cause has been taken cognizance of, and after the most mature deliberation, and gratuitously, by all those soever to whom that dispensation appertains; and any dispensation granted otherwise shall be esteemed surreptitious.

CHAPTER XIX.

Duelling is prohibited under the most severe penalties. The detestable custom of duelling, introduced by the contrivance of the devil, that by the bloody death of the body, he [Page 275] may accomplish the ruin of the soul, shall be utterly exterminated from the Christian world. Any emperor, kings, dukes, princes, marquises, counts, and temporal lords by whatsoever other name entitled, who shall grant a place within their territories for single combat between Christians, shall be thereupon excommunicated, and shall be understood to be deprived of jurisdiction and dominion over any city, castle, or place, in or at which they have permitted the duel to take place, which they hold of the church ; and if those places be held as a fief they shall forthwith escheat to their direct lords. As to the persons who have fought, and those who are called their seconds (sponsors), they shall incur the penalty of excommunication, and the confiscation of all their property, and of perpetual infamy, and are to be punished as homicides, according to the sacred canons; and if they have perished in the conflict itself, they shall be for ever deprived of ecclesiastical sepulture. Those also who have given counsel in the ease of a duel, whether for the question of right, or fact, or have in any other way whatever persuaded any one thereunto, as also the spectators thereof, shall be subjected to the bond of excommunication, and of a perpetual malediction ; any privilege soever, or evil custom, though immemorial, notwithstanding.

CHAPTER XX.

The Immunities, Liberty, and other Rights of the Church are recommended to Secular Princes. The holy Synod being desirous that ecclesiastical discipline may not only be restored amongst the Christian people, but that it also may be for ever preserved sound and safe from all manner of adverse attempts; besides those things which It has ordained touching ecclesiastical persons, has thought fit, that Secular princes also be admonished of their duty; trusting that they,--as Catholics, whom God hath willed to be the protectors [Page 276] of holy faith and church,--will not only grant that to the church her own right be restored, but will also recall all their own subjects to due reverence towards the clergy, parish priests, and the superior orders; nor permit that their officers, or inferior magistrates, through any spirit of covetousness, or any heedlessness, violate that

immunity of the church and of ecclesiastical persons, which, by the ordinance of God, and by the appointments of the canons has been established; but (see) that they render, conjointly with the princes themselves, due observance to the sacred constitutions of Sovereign Pontiffs and of Councils.

It ordains, therefore, and enjoins, that the sacred canons, and all the General Councils, as also all other apostolic ordinances, published in favour of ecclesiastical persons, of the liberty of the Church, and against the violators thereof,--all which It also renews by this present decree,--be exactly observed by all men. And for this cause It admonishes the emperor, kings, republics, princes, and all and each of whatsoever state and dignity they be, that, the more bountifully they are adorned with temporal goods, and with power over others, the more religiously should they respect whatsoever is of ecclesiastical right, as belonging especially to God, and as being under the cover of His protection; and that they suffer not such to be injured by any barons, nobles, governors, or other temporal lords, and above all by their own immediate officers; but punish those severely, who obstruct her liberty, immunity, and jurisdiction; being themselves an example to them in regard of piety, religion, and the protection of the churches, in imitation of those most excellent and religious princes their predecessors, who not only defended from all injury from others, but, by their authority and munificence, in a special manner advanced the interests of their own church. Wherefore let each one herein discharge his duty carefully ; that so the divine worship may be devoutly celebrated, and prelates and other clerics remain, quietly and without hindrances, in their own residences and in the discharge of their duties, to the profit and edification of the people.

[Page 277]

Chapter 43

19 Part 7 The Council of Trent

The Council of Trent

The canons and decrees of the sacred

and oecumenical Council of Trent,

Ed. and trans. J. Waterworth (London: Dolman, 1848)

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Notes and J. Waterworth's Preface <file://C:\CCD\churchfathers\CHURCH COUNCILS & Liturgies\TRENT.html> The Complete Text <http://history.hanover.edu/texts/trent/trentall.html>

Continue The Twenty-Fifth Session <file://C:\CCD\churchfathers\CHURCH COUNCILS & Liturgies\TRENT.html>

Decree concerning purgatory

On the invocation, veneration, and relics, or saints, and other sacred images

On regulars and nuns

Decree on reformation

Decree for continuing the session on the following day

Decree concerning indulgences

On choice of meats; on fasts, and festival days

On the index of books; on the catechism, breviary, and missal

On the place of ambassadors

On receiving and observing the decrees of the Council

On reciting, in session, the decrees of the Council under Paul III and Julius III

On the close of the Council, and on suing for confirmation from Our Most Holy Lord

Acclamations of the Fathers at the close of the Council

Confirmation of the Council

Bull of Our Most Holy Lord Pius IV, by the providence of God, Pope, touching the confirmation of the oecumenical (and) general Council of Trent

DECLARATIONS OF THE COUNCIL OF TRENT ANATHEMA CHAPTER XXI.

In all things the authority of the Aposto1ic See shall remain untouched.

Lastly, the holy Synod declares, that all and singular the things which, under whatsoever clauses and words, have been ordained in this sacred Council, in the matter of reformation of morals, and ecclesiastical discipline, as well under the Sovereign Pontiffs, Paul III., and Julius III., of happy memory, as under the most blessed Pius IV., have been so decreed, as that the authority of the Apostolic See both is, and is understood to be, untouched thereby DECREE FOR CONTINUING THE SESSION ON THE FOLLOWING DAY.

Whereas all those things which had to be treated of in the present Session cannot, because of the lateness of the hour, be conveniently despatched; therefore, according as was resolved on by the Fathers in general congregation, the things which remain are deferred till tomorrow, in continuation of this same Session.

CONTINUATION OF THE SESSION. On the fourth day of December.

DECREE CONCERNING INDULGENCES.

Whereas the power of conferring Indulgences was granted by Christ to the Church; and she has, even in the most ancient times, used the said power, delivered unto her of God; the sacred holy Synod teaches, and enjoins, that the use of Indulgences, for the Christian people most salutary, and approved of [Page 278] by the authority of sacred Councils, is to be retained in the Church; and It condemns with anathema those who either assert, that they are useless; or who deny that there is in the Church the power of granting them. In granting them, however, It desires that, in accordance with the ancient and approved custom in the Church, moderation be observed; lest, by excessive facility, ecclesastical discipline be enervated. And being desirous that the abuses which have crept therein, and by occasion of which this honourable name of Indulgences is blasphemed by heretics, be amended and corrected, It ordains generally by this decree, that all evil gains for the obtaining thereof,--whence a most prolific cause of abuses amongst the Christian people has been derived,--be wholly abolished. But as regards the other abuses which have proceeded from superstition, ignorance, irreverence, or from what soever other source, since, by reason of the manifold corruptions in the places and provinces where the said abuses are committed, they cannot conveniently be specially prohibited; It commands all bishops, diligently to collect, each in his own church, all abuses of this nature, and to report them in the first provincial Synod; that, after having been reviewed by the opinions of the other bishops also, they may forthwith be referred to the Sovereign Roman Pontiff, by whose authority and prudence that which may be expedient for the universal Church will be ordained; that this the gift of holy Indulgences may be dispensed to all the faithful, piously, holily, and incorruptly. ON CHOICE OF MEATS; ON FASTS, AND FESTIVAL DAYS. The holy Synod furthermore exhorts, and, by the most holy advent of our Lord and Saviour, conjures all pastors, that, like good soldiers, they sedulously recommend to all the faithful all those things which the holy Roman Church, the mother and [Page 279] mistress of all churches, has ordained, as also those things which, as well in this Council, as in the other oecumenical Councils, have been ordained, and to use all diligence that they be observant of all thereof, and especially of those which tend to mortify the flesh, such as the choice of meats, and fasts ; as also those which serve to promote piety, such as the devout and religious celebration of festival days; often admonishing the people to obey those set over them (Heb. xiii. 17), whom they who hear, shall hear God as a rewarder, whereas they who contemn them, shall feel God himself as an avenger.

ON THE INDEX OF BOOKS; ON THE CATECHISM, BREVIARY, AND MISSAL. The sacred and holy Synod, in the second Session celebrated under our most holy lord, Pius IV., commissioned certain chosen Fathers to consider what ought to be done touching various censures, and books either suspected or pernicious, and to report thereon to the said holy Synod; hearing now that the finishing hand has been put to that labour by those Fathers, which, however, by reason of the variety and multitude of books cannot be distinctly and conveniently judged of by the holy Synod; It enjoins that whatsoever has been by them done shall be laid before the most holy Roman Pontiff, that it may be by his judgment and authority terminated and made public. And it commands that the same be done in regard of the Catechism, by the Fathers to whom that work was consigned, and as regards the missal and breviary. ON THE PLACE OF AMBASSADORS. The holy Synod declares, that, by the place assigned to ambassadors, as well Ecclesiastics as Seculars, whether in Session, procession, or in any other acts whatsoever, no prejudice has been created in regard of any amongst them; but that all their [Page 280] own rights and prerogatives, and those of their own emperor, kings, republics, and princes are uninjured and untouched, and continue in the same state as they were before the present Council. ON RECEIVING AND OBSERVING THE DECREES OF THE COUNCIL. So great has been the calamitousness of these times, and such the inveterate malice of the heretics, that there has been nothing ever so clear in our statement of faith, nothing so surely settled, which they, at the instigation of the enemy of the human race, have not defiled by some sort of error. For which cause the holy Synod hath made it Its especial care to condemn and anathematize the principal errors of the heretics of our time, and to deliver and teach the true and Catholic doctrine; even as It has condemned, and anathematized, and decreed. And whereas so many bishops, summoned from the various provinces of the Christian world, cannot be absent for so long a time without great loss to the flock entrusted to them, and without universal danger ; and whereas no hope remains that the heretics, after being so often invited, even with the public faith which they desired, and after being so long expected, will come hither later; and it is therefore necessary to put an end at length to the sacred Council: it now remains for It to admonish in the Lord all princes, as It hereby does, so to afford their assistance as not to permit the things which it has decreed to be corrupted or violated by heretics; but that they be by them and all others devoutly received, and faithfully observed. And should any difficulty arise in regard of receiving those decrees, or should anything be met with, which it does not believe, requiring explanation or definition, the holy Synod trusts that, besides the other remedies appointed in this Council, the most blessed Roman Pontiff will make it his care that, for the glory of God and the tranquillity of the Church, the necessities of the provinces be provided for, either by summoning particularly out of the provinces where the difficulties shall have arisen, those [Page 281] persons whom he shall deem it expedient (to employ) in treating of the said matters; or even by the celebration of a general Council, if he judge it necessary; or in such other way as shall seem to him most suitable. ON RECITING, IN SESSION, THE DECREES OF THE COUNCIL UNDER PAUL III. AND JULIUS III.

Forasmuch as, at divers times, as well under Paul III., as under Julius III., of happy memory, many things have, in this sacred Council, been ordained and defined touching dogmas and reformation of manners; the holy Synod wills that they be now recited and read.

They were recited. ON THE CLOSE OF THE COUNCIL, AND ON SUING FOR CONFIRMATION FROM OUR MOST HOLY LORD.

Most illustrious lords and most reverend Fathers, doth it please you, that, to the praise of Almighty God, an end be put to this sacred oecumenical Synod? and that the confirmation of all and singular the things which have therein been decreed and defined, as well under the Roman Pontiffs, Paul III., and Julius III., of happy memory, as under our most holy lord Pius IV., be requested, in the name of this holy Synod, by the presidents, and the Legates of the Apostolic See, from the most blessed Roman Pontiff?

They answered: It pleaseth us.

Afterwards, the most illustrious and most reverend Cardinal Morone, the first Legate and President, blessing the holy Synod said: After having given thanks to God, most reverend Fathers, go in peace.

They answered: Amen.

ACCLAMATIONS OF THE FATHERS AT THE CLOSE OF THE COUNCIL. The Cardinal of Lorraine. To the most blessed Pius, Pope, and our lord, pontiff of the holy and universal Church, many years and eternal memory.

Answer of the Fathers. O Lord God, do Thou very long preserve the most holy Father to thy church: for many years. The Cardinal. To the souls of the most blessed Soveriegn Pontiffs, Paul III., and Julius III., by whose authority this sacred general Council was begun, peace from the Lord, and eternal glory, and happiness in the light of the saints.

Answer. Be their memory in benediction. The Cardinal. Of the Emperor Charles the Fifth, and of the most serene kings, who have promoted and protected this universal Council, be the memory in benediction.

Answer. Amen, Amen. The Cardinal. To the most serene Emperor Ferdinand, ever august, orthodox, and pacific, and to all our kings, republics, and princes, many years.

Answer. Preserve, O Lord, the pious and Christian emperor: Oh, Heavenly Emperor, protect earthly kings, the preservers of the right faith. The Cardinal. To the Legates of the Apostolic Roman See, and presidents of this Synod, many thanks and many years.

Answer. Many thanks: the Lord reward them. The Cardinal. To the most reverend cardinals, and most illustrious ambassadors.

Answer. Many thanks; many years. The Cardinal. To the most holy bishops, life, and a happy return to their own churches.

Answer. To the heralds of truth perpetual memory; to the orthodox senate many years. The Cardinal. The sacred and holy oecumenical Synod of Trent: let us confess the faith thereof; let us ever keep the decrees thereof.

Answer. Ever let us confess, ever keep.

[Page 283] The Cardinal. We all thus believe; we all think the very same ; we all, consenting and embracing (them), subscribe. This is the faith of blessed Peter, and of the apostles: this is the faith of the Fathers: This is the faith of the Orthodox.

Answer. Thus we believe; thus we think; thus we subscribe. The Cardinal. To these decrees adhering may we be made worthy of the mercies and grace of the first and great supreme priest, Jesus Christ God; our inviolate Lady, the holy mother of God, also interceding, and all the saints.

Answer. So be it: so be it. Amen, Amen.

Cardinal. Anathema to all heretics.

Answer Anathema, anathema.

After this, it was enjoined on all the Fathers, by the Legates and presidents, under pain of excommunication, that, before departing from the city of Trent, they should subscribe with their own hand the decrees of the Council, or approve thereof by some public instrument; all of whom subsequently subscribed, and they were in number CCLV; to wit, four legates, two cardinals, three patriarchs, twenty-five archbishops, one hundred and sixty-eight bishops, seven abbots, thirty-nine proctors of absent (prelates) with lawful commission, seven generals.

Praise be to God.

It agrees with the original: in faith whereof we have subscribed:

I, Angelus MASSARELLI, bishop of Telesia, secretary of the sacred Council of Trent.

I, Marcus Antonius PEREGRINUS, of Como, notary of the said Council.

I, Cynthius PAMPHILUS, clerk of the diocese of Camerino, notary of the said Council.

CONFIRMATION OF THE COUNCIL.

We, Alexander di Farnese, cardinal-deacon of Saint Lawrence in Damaso, vice-chancellor of the holy Roman Church, [Page 284] do certify and attest, that, on this day, being Wednesday, the twenty-sixth of January, MDLXIV, in the fifth year of the pontificate of our most holy lord Pius IV., by the providence of God, Pope, the most reverend my lords, the cardinals Morone and Simonetta, lately returned from the sacred Council of Trent, whereat they had presided as Legates of the Apostolic See, did, in a secret consistory, held at St. Peter’s, petition our said most holy lord as follows:

Most blessed Father; in a decree, concerning the closing of the oecumenical Council of Trent, published the day before the nones of December last, it was ordained, that, through the presidents and Legates of your Holiness, and of the holy Apostolic See, confirmation should be requested from your Holiness, in the name of the said Council, of all and singular the things which were therein decreed and defined, as well under Paul III., and Julius III., of happy memory, as under your Holiness. Wherefore, we, John, Cardinal Morone, and Louis, Cardinal Simonetta, who were then Legates and presidents, wishing to execute what was appointed in that decree, do humbly petition in the name of the said oecumenical Council of Trent, that your Holiness would vouchsafe to confirm all and singular the things which have therein been decreed and defined, as well under Paul III., and Julius III., of happy memory, as under your Holiness.

Upon hearing which, his Holiness, having looked at and read the tenour of the said decree, and having takein the advice of the most reverend lords, the cardinals, replied in these words :

Acceding to the petition made to us, by the Legates aforesaid, in the name of the oecumenical Council of Trent, touching the confirmation thereof, We, with apostolic authority, and with the advice and assent of our venerable brethren the cardinals, having previously had a mature deliberation with them, do confirm all and singular the things which have been decreed and defined in the said Council, as well under Paul III., and Julius III., of happy memory, as during the time of our pontificate; and we [Page 285] command that the same be received and inviolably observed by all the faithful of Christ; In the name of the Father, and of the Son, and of the Holy Ghost. Amen.

So it is.

A. Cardinal FARNESE,

Vice-Chancellor

BULL OF OUR MOST HOLY LORD PIUS IV., BY PROVIDENCE OF GOD, POPE, TOUCHING THE CONFIRMATION OF THE OECUMENICAL (AND) GENERAL COUNCIL OF TRENT.

Pius, bishop, servant of the servants of God, for the perpetual memory hereof.

Blessed be the God, and Father of our Lord Jesus Christ, the Father of mercies, and the God of all comfort, who hath vouchsafed to look down upon His holy Church, agitated and tossed by so many storms and tempests, and, whilst it was day by day more sorely distressed, hath at length brought relief thereunto by a suitable and wished-for remedy. To extirpate very many and most pernicious heresies, to correct manners, and to restore ecclesiastical discipline, to procure time peace and concord of the Christiain people, an oecumenical and general Council had been, a long time previously, indicted by our predecessor, Paul III., of pious memory, and had been begun by holding several Sessions. Having been, by his successor, recalled to the same city, the Council, after several Sessions had been celebrated, could not, on account of various impediments and difficulties which supervened, be even then brought to a conclusion: it was, therefore, for a long time interrupted, not without the greatest grief on the part of all persons of piety, whilst the Church daily more and more implored that remedy. But we, upon having entered upon the government of the Apostolic See, undertook to accomplish so necessary and salutary a work, even as our pastoral solicitude admonished us; [Page 286] trusting in the Divine Mercy, and aided by the pious zeal of our most beloved son in Christ, Ferdinand, Emperor elect of the Romans, and by that of other Christian kings, republics, and princes, we have at length attained to that which we have not ceased to labour after by daily and nightly watchfulness, and which we have assiduously besought of the Father of lights. For whereas a most numerous assembly of bishops and of other distinguished prelates, and one worthy of an oecumenical Council, had, upon being convoked by our letters, and impelled also by their own piety, been gathered together from all sides out of the nations of Christendom, at the said city; together with whom were very many other persons of piety, pre-eminent for skill in sacred letters, and knowledge of divine and human law; the Legates of the Apostolic See presiding in the said Synod; ourselves so favourable to the liberty of the Council, as even to have, by letters written to our Legates, voluntarily left the said Council free to determine concerning matters properly reserved to the Apostolic See; such things as remained to be treated of, defined, and ordained, touching the sacraments and other matters, which seemed to be necessary for confuting heresies, removing abuses, and amending morals, were by the sacred

and holy Synod with the most perfect liberty and diligence, treated of, and accurately and most deliberately defined, explained, and ordained, which being completed, the Council was brought to a close with so great unanimity on the part of all who assisted thereat, that it was plain that such agreement was the Lord's doing, and it was very wonderful in our eyes, and those of all. For which so singular a bounty, We at once appointed solemn processions in this good city, which were assisted at with great piety by the clergy and people; and We made it our care that the thanksgivings so justly due should be paid to the divine majesty; forasmuch as the issue of that Council has brought with it a great and well nigh assured hope that greater fruits will day by day be derived unto the Church from the decrees and constitutions thereof.

[Page 287] And whereas the said holy Synod, in its reverence towards the Apostolic See, and following also in the traces of the ancient Councils, has, in a decree made thereon in public Session, requested of us the confirmation of all Its decrees, passed in our time and that of our predecessors; We, being made acquainted with the request of the said Synod, first by the letters of our Legates, then, upon their return, by what they diligently reported in the name of the Synod; after mature deliberation had thereon with our venerable brethren the cardinals of the holy Roman Church, and, above all, having invoked the assistance of the Holy Spirit; after that we had ascertained that all those decrees were Catholic, and useful and salutary to the Christian people, We, to the praise of Almighty God, with the advice and assent of our brethren aforesaid, have this day, in our secret consistory, confirmed by Apostolic authority all and singular those decrees, and have ordained that the same be received and observed by all the faithful of Christ; as also, for the clearer information of all men, We do, by the tenour of this letter, confirm them, and ordain that they be received and observed.

And, in virtue of holy obedience, and under the penalties by the sacred canons appointed, and others more grievous, even those of deprivaiton, to be inflicted at our discretion, We do also command all and each of our venerable brethren, the patriarchs, archbishops, bishops, and all other prelates whatsoever of the churches, of what estate, grade, order and dignity soever, they may be, even though distinguished with the honour of the cardinalate, diligently to observe the said decrees and statutes in their own churches, cities, and dioceses, both in their courts of justice and elsewhere, and to cause the same to be inviolably observed, each by his own subjects, in so far as they are in any way concerned therein; silencing gainsayers, and the refractory, by means of judicial sentences, and by the censures also and ecclesiastical penalties contained in the said decrees; calling in also, if need be, the help of the secular arm. And, by the bowels of the mercy of our Lord Jesus Christ, We admonish and conjure our said most beloved son the emperor elect, and the Christian kings, republics, and princes, with that piety with which they assisted, by their ambassadors, at the Council, with [Page 288] the same piety and equal zeal, for the sake of God's honour, and the salvation of their people, in reverence also towards the Apostolic See, and the sacred Synod, to support, when needful, with their assistance and countenance, the prelates in executing and observing the decrees of the said Council ; and not to permit opinions adverse to the sound and salutary doctrine of the Council to be received by the people who are under their sway, but utterly to interdict such.

Furthermore, in order to avoid the perversion and confusion which might arise, if each one were allowed, as he might think fit, to publish his own commentaries and interpretations on the decrees of the Council ; We, by apostolic authority, forbid all men, as well ecclesiastics, of whatsoever

order, condition, and rank they may be, as also laymen, with whatsoever honor and power invested ; prelates, to wit, under pain of being interdicted from entering the church, and all others whomsoever they be, under pain of excommunication incurred by the fact, to presume, without our authority to publish, in any form, any commentaries, glosses, annotations, scholia, or any kind of interpretation whatsoever of the decrees of the said Council ; or to settle anything in regard thereof, under any plea whatsoever, even under pretext of greater corroboration of the decrees, or the more perfect execution thereof, or under any other colour whatsoever. But if anything therein shall seem to any one to have been expressed and ordained in an obscure manner, and it shall appear to stand in need on that account of an interpretation or decision, let him Go up to the place which the Lord hath chosen; to wit, to the Apostolic See, the mistress of all the faithful, whose authority the holy Synod also has so reverently acknowledged. For, if any difficulties and controversies shall arise in regard of the said decrees, We reserve them to be by Us cleared up and decided, even as the holy Synod has Itself in like manner decreed ; being prepared, as that Synod has justly expressed Its confidence in regard to Us, to provide for the necessities of all the provinces, in such manner as shall [Page 289] seem to Us most suitable; declaring that whatsoever may be attempted to the contrary in this matter, whether wittingly or unwittingly, by any one, by what authority soever, is, notwithstanding, null and void. And that these things may come to the knowledge of all men, and that no one may use the excuse of ignorance; We will and ordain, that, in the Vatican Basilica of the prince of the apostles, and in the Lateran church, at the time when the people is wont to assemble there to be present at the solemnization of masses, this letter be publicly read in a loud voice by certain officers of our court; and that, after having been read, it be affixed to the doors of those churches, and also to the gates of the Apostolic Chancery, and to the usual place in the Campo di Fiore; and be there left for some time, to be read by and to come to the knowledge of all men. And when removed thence, copies being, according to custom, left in those same places, it shall be committed to the press in our good city, that so it may be more conveniently made known throughout the provinces and kingdoms of the Christian name. And we ordain and decree, that, without any doubt, faith be given to copies thereof written or subscribed by the hand of a public notary, and guaranteed by the seal and signature of some person constituted in ecclesiastical dignity. Let no one, therefore, infringe this our letter of confirmation, monition, inhibition, reservation, will, mandate, and decree, or with rash daring go contrary thereunto. But if any one shall presume to attempt this, let him know that he will incur the indignation of Almighty God, and of His blessed Apostles, Peter and Paul. Given at Rome, at Saint Peter’s, in the year of the Lord’s Incarnation One thousand five hundred and sixty-four, on the seventh of the calends of February, in the fifth year of our pontificate. The Council of Trent <http://history.hanover.edu/texts/trent.htm>

Hanover Historical Texts Project <http://history.hanover.edu/project.html>

Hanover College Department of History <http://history.hanover.edu/>

DECLARATIONS OF THE COUNCIL OF TRENT ANATHEMA

FOURTH SESSION: DECREE CONCERNING THE CANONICAL SCRIPTURES: "If anyone does not accept as sacred and canonical the aforesaid books in their entirety and with all their parts [the 66 books of the Bible plus 12 apocryphal books, being two of Paralipomenon, two of Esdras, Tobias, Judith, Wisdom, Ecclesiasticus, Baruch, Sophonias, two of Macabees], as they have been

accustomed to be read in the Catholic Church and as they are contained in the old Latin Vulgate Edition, and knowingly and deliberately rejects the aforesaid traditions, LET HIM BE ANATHEMA."

SIXTH SESSION, CANONS CONCERNING JUSTIFICATION: "If anyone says that justifying faith is nothing else than confidence in divine mercy, which remits sins for Christ's sake, or that it is this confidence alone that justifies us, LET HIM BE ANATHEMA" (Canons Concerning Justification, Canon 12).

SIXTH SESSION, CANONS CONCERNING JUSTIFICATION: "If anyone says that the justice received is not preserved and also not increased before God through good works, but that those works are merely the fruits and signs of justification obtained, but not the cause of its increase, LET HIM BE ANATHEMA" (Canons Concerning Justification, Canon 24).

SIXTH SESSION, CANONS CONCERNING JUSTIFICATION: "If anyone says that the Catholic doctrine of justification as set forth by the holy council in the present decree, derogates in some respect from the glory of God or the merits of our Lord Jesus Christ, and does not rather illustrate the truth of our faith and no less the glory of God and of Christ Jesus, LET HIM BE ANATHEMA" (Canons Concerning Justification, Canon 33).

SEVENTH SESSION, CANONS ON BAPTISM: "If anyone says that in the Roman Church, which is the mother and mistress of all churches, there is not the true doctrine concerning the sacrament of baptism, LET HIM BE ANATHEMA" (Canons on Baptism, Canon 3).

SEVENTH SESSION, CANONS ON BAPTISM: "If anyone says that baptism is optional, that is, not necessary for salvation, LET HIM BE ANATHEMA" (Canons on Baptism, Canon 5).

SEVENTH SESSION, CANONS ON BAPTISM: "If anyone says that children, because they have not the act of believing, are not after having received baptism to be numbered among the faithful, and that for this reason are to be rebaptized when they have reached the years of discretion; or that it is better that the baptism of such be omitted than that, while not believing by their own act, they should be baptized in the faith of the Church alone, LET HIM BE ANATHEMA" (Canons on Baptism, Canon 13).

SEVENTH SESSION, CANONS ON CONFIRMATON: "If anyone says that the confirmation of those baptized is an empty ceremony and not a true and proper sacrament; or that of old it was nothing more than a sort of instruction, whereby those approaching adolescence gave an account of their faith to the Church, LET HIM BE ANATHEMA" (Canons on Confirmation, Canon 1).

THIRTEENTH SESSION, CANONS ON THE MOST HOLY SACRAMENT OF THE EUCHARIST: "If anyone denies that in the sacrament of the most Holy Eucharist are contained truly, really and substantially the body and blood together with the soul and divinity of our Lord Jesus Christ, and consequently the whole Christ, but says that He is in it only as in a sign, or figure or force, LET HIM BE ANATHEMA" (Canons on the Most Holy Sacrament of the Eucharist, Canon 1).

THIRTEENTH SESSION, CANONS ON THE MOST HOLY SACRAMENT OF THE EUCHARIST: "If anyone says that Christ received in the Eucharist is received spiritually only and not also sacramentally and really, LET HIM BE ANATHEMA" (Canons on the Most Holy Sacrament of the Eucharist, Canon 8).

FOURTEENTH SESSION, CANONS CONCERNING THE MOST HOLY SACRAMENT OF PENANCE: "If anyone says that in the Catholic Church penance is not truly and properly a sacrament instituted by Christ the Lord for reconciling the faithful of God as often as they fall into sin after baptism, LET HIM BE ANATHEMA" (Canons Concerning the Most Holy Sacrament of Penance, Canon 1).

FOURTEENTH SESSION, CANONS CONCERNING THE MOST HOLY SACRAMENT OF PENANCE: "If anyone denies that sacramental confession was instituted by divine law or is necessary to salvation; or says that the manner of confessing secretly to a priest alone, which the Catholic Church has always observed from the beginning and still observes, is at variance with the institution and command of Christ and is a human contrivance, LET HIM BE ANATHEMA" (Canons Concerning the Most Holy Sacrament of Penance, Canon 7).

FOURTEENTH SESSION, CANONS CONCERNING THE MOST HOLY SACRAMENT OF PENANCE: "If anyone says that the confession of all sins as it is observed in the Church is impossible and is a human tradition to be abolished by pious people; or that each and all of the faithful of Christ or either sex are not bound thereto once a year in accordance with the constitution of the great Lateran Council, and that for this reason the faithful of Christ are to be persuaded not to confess during Lent, LET HIM BE ANATHEMA" (Canons Concerning the Most Holy Sacrament of Penance, Canon 8).

FOURTEENTH SESSION, CANONS CONCERNING THE MOST HOLY SACRAMENT OF PENANCE: "If anyone says that God always pardons the whole penalty together with the guilt and that the satisfaction of penitents is nothing else than the faith by which they perceive that Christ has satisfied for them, LET HIM BE ANATHEMA" (Canons Concerning the Most Holy Sacrament of Penance, Canon 8).

TWENTY-SECOND SESSION, CANONS ON THE SACRIFICE OF THE MASS: "If anyone says that in the mass a true and real sacrifice is not offered to God; or that to be offered is nothing else than that Christ is given to us to eat, LET HIM BE ANATHEMA" (Canons on the Sacrifice of the Mass, Canon 1).

TWENTY-SECOND SESSION, CANONS ON THE SACRIFICE OF THE MASS: "If anyone says that by those words, Do this for a commemoration of me, Christ did not institute the Apostles priests; or did not ordain that they and other priests should offer His own body and blood, LET HIM BE ANATHEMA" (Canons on the Sacrifice of the Mass, Canon 2).

TWENTY-SECOND SESSION, CANONS ON THE SACRIFICE OF THE MASS: "If anyone says that the sacrifice of the mass is one only of praise and thanksgiving; or that it is a mere commemoration of the sacrifice consummated on the cross but not a propitiatory one; or that it profits him only who receives, and ought not to be offered for the living and the dead, for sins, punishments, satisfactions, and other necessities, LET HIM BE ANATHEMA" (Canons on the Sacrifice of the Mass, Canon 3).

TWENTY-SECOND SESSION, CANONS ON THE SACRIFICE OF THE MASS: "If anyone says that it is a deception to celebrate masses in honor of the saints and in order to obtain their intercession with God, as the Church intends, LET HIM BE ANATHEMA" (Canons on the Sacrifice of the Mass, Canon 5).

TWENTY-THIRD SESSION, CANONS ON THE SACRAMENT OF ORDER: "If anyone says that there is not in the New Testament a visible and external priesthood, or that there is no power of consecrating and offering the true body and blood of the Lord and of forgiving and retaining sins, but only the office and bare ministry of preaching the Gospel; or that those who do not preach are not priests at all, LET HIM BE ANATHEMA" (Canons on the Sacrifice of the Mass, Canon 1).

TWENTY-THIRD SESSION, CANONS ON THE SACRAMENT OF ORDER: "If anyone says that the bishops who are chosen by the authority of the Roman pontiff are not true and legitimate bishops, but merely human deception, LET HIM BE ANATHEMA" (Canons on the Sacrifice of the Mass, Canon 8).

TWENTY-FIFTH SESSION, DECREE ON PURGATORY: "Since the Catholic Church, instructed by the Holy Ghost, has, following the sacred writings and the ancient tradition of the Fathers, taught in sacred councils and very recently in this ecumenical council that there is a purgatory, and that the souls there detained are aided by the suffrages of the faithful and chiefly by the acceptable sacrifice of the altar, the holy council commands the bishops that they strive diligently to the end that the sound doctrine of purgatory, transmitted by the Fathers and sacred councils, be believed and maintained by the faithful of Christ, and be everywhere taught and preached."

TWENTY-FIFTH SESSION, ON THE INVOCATION, VENERATION, AND RELICS OF SAINTS, AND ON SACRED IMAGES: "The holy council commands all bishops and others who hold the office of teaching and have charge of the cura animarum, that in accordance with the usage of the Catholic and Apostolic Church, received from the primitive times of the Christian religion, and with the unanimous teaching of the holy Fathers and the decrees of sacred councils, they above all instruct the faithful diligently in matters relating to intercession and invocation of the saints, the veneration of relics, and the legitimate use of images, teaching them that the saints who reign together with Christ offer up their prayers to God for men, that it is good and beneficial suppliantly to invoke them and to have recourse to their prayers, assistance and support in order to obtain favors from God through His Son, Jesus Christ our Lord, who alone is our redeemer and savior; and that they think impiously who deny that the saints who enjoy eternal happiness in heaven are to be invoked, or who assert that they do not pray for men, or that our invocation of them to pray for each of us individually is idolatry, or that it is opposed to the word of God and inconsistent with the honor of the one mediator of God and men, Jesus Christ, or that it is foolish to pray vocally or mentally to those who reign in heaven."

20 Part 1 First Vatican Council

Decrees of the First Vatican Council

Foreward The translation found here is that which appears in Decrees of the Ecumencal Councils ed. Norman Tanner. S.J. Apart from the footnotes any text in square brackets "[ ]" is my addition. The choice of terms to put in bold or italic print, the arangement of the text into paragraphs in "structured english" format, as well as the numbering of the paragraphs is also my own and constitutes my "invisible" interpretation/commentary. The numbering of the canons is however found in Tanner's text.

Contents

INTRODUCTION <file://C:\CCD\churchfathers\CHURCH COUNCILS & Liturgies\ECUM20-1STVATICAN.HTM>

SESSION 1 : 8 December 1869 <file://C:\CCD\churchfathers\CHURCH COUNCILS & Liturgies\ECUM20-1STVATICAN.HTM> - Opening of the Council

SESSION 2 : 6 January 1870 <file://C:\CCD\churchfathers\CHURCH COUNCILS & Liturgies\ECUM20-1STVATICAN.HTM> - Profession of Faith

SESSION 3 : 24 April 1870 <file://C:\CCD\churchfathers\CHURCH COUNCILS & Liturgies\ECUM20-1STVATICAN.HTM> - Dogmatic Constitution on the Catholic Faith

Chapter 1 On God the creator of all things <file://C:\CCD\churchfathers\CHURCH COUNCILS & Liturgies\ECUM20-1STVATICAN.HTM>

Chapter 2 On revelation <file://C:\CCD\churchfathers\CHURCH COUNCILS & Liturgies\ECUM20-1STVATICAN.HTM>

Chapter 3 On faith <file://C:\CCD\churchfathers\CHURCH COUNCILS & Liturgies\ECUM20-1STVATICAN.HTM>

Chapter 4. On faith and reason <file://C:\CCD\churchfathers\CHURCH COUNCILS & Liturgies\ECUM20-1STVATICAN.HTM>

CANONS <file://C:\CCD\churchfathers\CHURCH COUNCILS & Liturgies\ECUM20-1STVATICAN.HTM>

1. On God the creator of all things <file://C:\CCD\churchfathers\CHURCH COUNCILS & Liturgies\ECUM20-1STVATICAN.HTM>

2. On revelation <file://C:\CCD\churchfathers\CHURCH COUNCILS & Liturgies\ECUM20-1STVATICAN.HTM>

3. On faith <file://C:\CCD\churchfathers\CHURCH COUNCILS & Liturgies\ECUM20-1STVATICAN.HTM>

4. On faith and reason <file://C:\CCD\churchfathers\CHURCH COUNCILS & Liturgies\ECUM20-1STVATICAN.HTM>

SESSION 4 : 18 July 1870 <file://C:\CCD\churchfathers\CHURCH COUNCILS & Liturgies\ECUM20-1STVATICAN.HTM> - First Dogmatic Constitution on the Church of Christ

Chapter 1 On the institution of the apostolic primacy in blessed Peter <file://C:\CCD\churchfathers\CHURCH COUNCILS & Liturgies\ECUM20-1STVATICAN.HTM>

Chapter 2. On the permanence of the primacy of blessed Peter in the Roman pontiffs <file://C:\CCD\churchfathers\CHURCH COUNCILS & Liturgies\ECUM20-1STVATICAN.HTM>

Chapter 3. On the power and character of the primacy of the Roman pontffi <file://C:\CCD\churchfathers\CHURCH COUNCILS & Liturgies\ECUM20-1STVATICAN.HTM>

Chapter 4. On the infallible teaching authority of the Roman pontiff <file://C:\CCD\churchfathers\CHURCH COUNCILS & Liturgies\ECUM20-1STVATICAN.HTM>

The definition of Papal Infallibility <file://C:\CCD\churchfathers\CHURCH COUNCILS & Liturgies\ECUM20-1STVATICAN.HTM>

INTRODUCTION

This council was summoned by Pope Pius IX by the bull Aeterni Patris of 29 June 1868. The first session was held in St Peter’s basilica on 8 December 1869 in the presence and under the presidency of the pope. The purpose of the council was, besides the condemnation of contemporary errors, to define the catholic doctrine concerning the church of Christ. In fact, in the three following sessions, there was discussion and approval of only two constitutions: Dogmatic Constitution On The Catholic Faith and First Dogmatic Constitution on the church of Christ, the latter dealing with the primacy and infallibility of the bishop of Rome. The discussion and approval of the latter constitution gave rise, particularly in Germany, to bitter and most serious controversies which led to the withdrawal from the church of those known as "Old Catholics". The outbreak of the Franco-Prussian war led to the interruption of the council. It was in fact never resumed, nor was it ever officially closed. As in other councils at which the pope was present and presided, the decrees were in the form of bulls, at the end of which was the clear declaration: "with the approval of the sacred council". Very large numbers attended this council, including, for the first time, bishops from outside Europe and its neighbouring lands. Bishops from the eastern Orthodox churches were also invited, but did not come. The decrees of the council were published in various simultaneous editions. Later they were included in volume 7 of Collectio Lacensis (1892) and in volumes 49-53 of Mansi’s collection (1923-1927). The collection which we use is that entitled Acta et decreta sacrosancti oecumenici concilii Vaticani in quatuor prionbus sessionibus, Rome 1872. Comparison with other editions reveals no discrepancies, indeed absolute agreement.

Return to Table of Contents <file://C:\CCD\churchfathers\CHURCH COUNCILS & Liturgies\ECUM20-1STVATICAN.HTM>

SESSION 1 : 8 December 1869 Decree of opening of the council

Pius, bishop, servant of the servants of God, with the approval of the sacred council, for an everlasting record. Most reverend fathers, is it your pleasure that,

to the praise and glory of the holy and undivided Trinity, Father, Son and holy Spirit,

for the increase and exaltation of the catholic faith and religion,

for the uprooting of current errors,

for the reformation of the clergy and the christian people, and

for the common peace and concord of all,

the holy ecumenical Vatican council should be opened, and be declared to have been opened?

[They replied: Yes]

Pius, bishop, servant of the servants of God, with the approval of the sacred council, for an everlasting record. Most reverend fathers, is it your pleasure that

the next session of the holy ecumenical Vatican council should be held on the feast of the Epiphany of the Lord, that Isaiah 6:1-13 January 1870?

[They replied: Yes] Return to Table of Contents <file://C:\CCD\churchfathers\CHURCH COUNCILS & Liturgies\ECUM20-1STVATICAN.HTM>

SESSION 2 : 6 January 1870 Profession of faith

I, Pius, bishop of the catholic church, with firm faith believe and profess each and every article contained in the profession of faith which the holy Roman church uses, namely:

I believe in one God

the Father almighty,

maker of

heaven and

earth, of

all things

seen and

unseen. And in

one Lord Jesus Christ

the only-begotten Son of God.

Born of the Father before all ages.

God from God,

light from light,

true God from true God.

Begotten not made,

of one substance with the Father:

through whom all things were made.

Who for us humans and for our salvation

came down from heaven.

He was incarnate by the holy Spirit of the virgin Mary: and became man. He

was crucified also for us, he suffered under Pontius Pilate and was buried. The third day he

rose again according to the scriptures. He

ascended into heaven and sits at the right hand of the Father.

He shall come again with glory to judge the living and the dead, and of his kingdom there shall be no end. And in

the holy Spirit,

the lord and the giver of life, who

proceeds from the Father and the Son.

Who together with the Father and the Son is adored and glorified: who

spoke through the prophets. And

one holy, catholic and apostolic church.

I confess one baptism for the remission of Sins.

And I look for

the resurrection of the dead. And

the life of the world to come Amen.

Apostolic and ecclesiastical traditions and all other observances and constitutions of that same church I most firmly accept and embrace.

Likewise I accept sacred scripture

according to that sense which holy mother church held and holds,

since it is her right to judge of the true sense and interpretation of the holy scriptures;

nor will I ever receive and interpret them except according to the unanimous consent of the fathers.

I profess also that

there are seven sacraments of the new law,

truly and properly so called,

instituted by our lord Jesus Christ and

necessary for salvation,

though each person need not receive them all.

They are:

baptism, confirmation, the Eucharist, penance, last anointing, order and matrimony; and

they confer grace.

Of these

baptism,

confirmation and

order

may not be repeated without sacrilege.

I likewise receive and accept the rites of the catholic church which have been received and approved in the solemn administration of all the aforesaid sacraments.

I embrace and accept the whole and every part of what was defined and declared by the holy council of Trent concerning original sin and justification. Likewise

I profess that

in the mass there is offered to God a true, proper and propitiatory sacrifice for the living and the dead; and that

in the most holy sacrament of the Eucharist there is truly, really and substantially the body and blood, together with the soul and divinity, of our lord Jesus Christ; and that there takes place the conversion of the whole substance of the bread into his body, and of the whole substance of the wine into his blood, and this conversion the catholic church calls transubstantiation.

I confess that under either species alone the whole and complete Christ and the true sacrament are received.

I firmly hold that

purgatory exists, and that

the souls detained there are helped by the suffrages of the faithful. Likewise, that

the saints reigning with Christ are to be honoured and prayed to, and that

they offer prayers to God on our behalf, and that

their relics should be venerated.

I resolutely assert that images of

Christ and the ever virgin mother of God, and likewise those of the other saints, are to be kept and retained, and that due honour and reverence is to be shown them.

I affirm that the power of indulgences was left by Christ in the church, and that their use is eminently beneficial to the christian people.

I acknowledge the

holy,

catholic,

apostolic and

Roman

church, the mother and mistress of all the churches [1] .

Likewise

all other things which have been transmitted, defined and declared by the sacred canons and the ecumenical councils, especially the sacred Trent, I accept unhesitatingly and profess; in the same way

whatever is to the contrary, and whatever heresies have been condemned, rejected and anathematised by the church, I too condemn, reject and anathematise.

This true catholic faith, , which I now freely profess and truly hold, is what I shall steadfastly maintain and confess, by the help of God, in all its completeness and purity until my dying breath, and I shall do my best to ensure [2] that all others do the same. This is what I, the same Pius, promise, vow and swear. So help me God and these holy gospels of God.

SESSION 3 : 24 April 1870 Dogmatic constitution on the catholic faith Pius, bishop, servant of the servants of God, with the approval of the sacred council, for an everlasting record. The Son of God, redeemer of the human race, our lord Jesus Christ, promised, when about to return to his heavenly Father, that he would be with this church militant upon earth all days even to the end of the world [3] . Hence never at any time has he ceased to stand by his beloved bride,

assisting her when she teaches,

blessing her in her labours and

bringing her help when she is in danger.

Now this redemptive providence appears very clearly in unnumbered benefits, but most especially is it manifested in the advantages which have been secured for the christian world by ecumenical councils, among which the council of Trent requires special mention, celebrated though it was in evil days.

Thence came a closer definition and more fruitful exposition of the holy dogmas of religion and the condemnation and repression of errors; thence too, the restoration and vigorous strengthening of ecclesiastical discipline, the advancement of the clergy in zeal for

learning and

piety,

the founding of colleges for the training of the young for the service of religion; and finally the renewal of the moral life of the christian people by

a more accurate instruction of the faithful, and

a more frequent reception of the sacraments. What is more, thence also came

a closer union of the members with the visible head, and an increased vigour in the whole mystical body of Christ. Thence came the multiplication of religious orders and other organisations of christian piety; thence too that determined and constant ardour for the spreading of Christ's kingdom abroad in the world, even at the cost of shedding one's blood.

While we recall with grateful hearts, as is only fitting, these and other outstanding gains, which the divine mercy has bestowed on the church especially by means of the last ecumenical synod, we cannot subdue the bitter grief that we feel at most serious evils, which have largely arisen either because

the authority of the sacred synod was held in contempt by all too many, or because

its wise decrees were neglected.

Everybody knows that those heresies, condemned by the fathers of Trent, which rejected the divine magisterium of the church and allowed religious questions to be a matter for the judgment of each individual, have gradually collapsed into a multiplicity of sects, either at variance or in agreement with one another; and by this means a good many people have had all faith in Christ destroyed.

Indeed even the holy Bible itself, which they at one time claimed to be the sole source and judge of the christian faith, is no longer held to be divine, but they begin to assimilate it to the inventions of myth.

Thereupon there came into being and spread far and wide throughout the world that doctrine of rationalism or naturalism, - utterly opposed to the christian religion, since this is of supernatural origin, - which spares no effort to bring it about that Christ, who alone is our lord and saviour, is shut out from the minds of people and the moral life of nations. Thus they would establish what they call the rule of simple reason or nature. The abandonment and rejection of the christian religion, and the denial of God and his Christ, has plunged the minds of many into the abyss of pantheism, materialism and atheism, and the consequence is that they strive to destroy rational nature itself, to deny any criterion of what is right and just, and to overthrow the very foundations of human society. With this impiety spreading in every direction, it has come about, alas, that many even among the children of the catholic church have strayed from the path of genuine piety, and as the truth was gradually diluted in them, their catholic sensibility was weakened. Led away by

diverse and strange teachings [4] and confusing

nature and grace,

human knowledge and divine faith,

they are found to distort the genuine sense of the dogmas which holy mother church holds and teaches, and to endanger the integrity and genuineness of the faith. At the sight of all this, how can the inmost being of the church not suffer anguish? For

just as God wills all people to be saved and come to the knowledge of the truth [5] , just as Christ came to save what was lost [6] and to gather into one the children of God who were scattered abroad [7] ,

so the church, appointed by God to be mother and mistress of nations, recognises her obligations to all and is always ready and anxious

to raise the fallen,

to steady those who stumble,

to embrace those who return, and

to strengthen the good and urge them on to what is better.

Thus she can never cease from witnessing to the truth of God which heals all [8] and from declaring it, for she knows that these words were directed to her: My spirit which is upon you, and my words which I have put in your mouth, shall not depart out of your mouth from this time forth and for evermore [9] . And so we, following in the footsteps of our predecessors, in accordance with our supreme apostolic office, have never left off

teaching and defending catholic truth and

condemning erroneous doctrines.

But now it is our purpose to

profess and declarefrom this chair of Peter before all eyes the saving teaching of Christ, and, by the power given us by God, to

reject and condemn the contrary errors.

This we shall do

with the bishops of the whole world as our co-assessors and fellow-judges, gathered here as they are in the holy Spirit by our authority in this ecumenical council, and

relying on the word of God

in scripture

and tradition as we have received it,

religiously preserved and authentically expounded by the catholic church

Chapter 1 On God the creator of all things The holy, catholic, apostolic and Roman church believes and acknowledges that there is one true and living God,

creator and lord of heaven and earth,

almighty,

eternal,

immeasurable,

incomprehensible,

infinite in

will,

understanding and

every perfection.

Since he is

one,

singular,

completely simple and

unchangeable

spiritual

substance,

he must be declared to be in reality and in essence,

distinct from the world,

supremely happy in himself and from himself, and

inexpressibly loftier than anything besides himself which either exists or can be imagined.

This one true God,

by his goodness and almighty power,

not with the intention of increasing his happiness,

nor indeed of obtaining happiness,

but in order to manifest his perfection by the good things which he bestows on what he creates,

by an absolutely free plan,

together from the beginning of time

brought into being from nothing

the twofold created order, that is

the spiritual and the bodily,

the angelic and the earthly,

and thereafter the human which is, in a way, common to both since it is composed of spirit and body [10].

Everything that God has brought into being he protects and governs by his providence, which reaches from one end of the earth to the other and orders all things well [11] . All things are open and laid bare to his eyes [12] , even those which will be brought about by the free activity of creatures.

Return to Table of Contents <file://C:\CCD\churchfathers\CHURCH COUNCILS & Liturgies\ECUM20-1STVATICAN.HTM>

Chapter 2 On revelation The same holy mother church holds and teaches that God, the source and end of all things,

can be known

with certainty from the consideration of created things,

by the natural power of human reason : ever since the creation of the world, his invisible nature has been clearly perceived in the things that have been made. [13]

It was, however, pleasing to his wisdom and goodness to reveal

himself and

the eternal laws of his will

to the human race by another, and that a supernatural, way.

This is how the Apostle puts it : In many and various ways God spoke of old to our fathers by the prophets; but in these last days he has spoken to us by a Son [14] .

It is indeed thanks to this divine revelation, that those matters concerning God

which are not of themselves beyond the scope of human reason,

can, even in the present state of the human race, be known

by everyone

without difficulty,

with firm certitude and

with no intermingling of error.

It is not because of this that one must hold revelation to be absolutely necessary; the reason is that God directed human beings to a supernatural end,

that is a sharing in the good things of God that utterly surpasses the understanding of the human mind; indeed eye has not seen, neither has ear heard, nor has it come into our hearts to conceive what things God has prepared for those who love him [15] .

Now this supernatural revelation, according to the belief of the universal church, as declared by the sacred council of Trent, is contained in

written books and

unwritten traditions,

which were

received by the apostles from the lips of Christ himself,

or came to the apostles by the dictation of the holy Spirit,

and were passed on as it were from hand to hand until they reached us [16].

The complete books of the old and the new Testament with all their parts, as they are listed in the decree of the said council and as they are found in the old Latin Vulgate edition, are to be received as sacred and canonical.

These books the church holds to be sacred and canonical

not because she subsequently approved them by her authority after they had been composed by unaided human skill,

nor simply because they contain revelation without error,

but because,

being written under the inspiration of the holy Spirit,

they have God as their author,

and were as such committed to the church.

Now since the decree on the interpretation of holy scripture, profitably made by the council of Trent, with the intention of constraining rash speculation, has been wrongly interpreted by some, we renew that decree and declare its meaning to be as follows: that

in matters of faith and morals,

belonging as they do to the establishing of christian doctrine,

that meaning of holy scripture must be held to be the true one,

which holy mother church held and holds,

since it is her right to judge of the true meaning and interpretation of holy scripture.

In consequence, it is not permissible for anyone to interpret holy scripture in a sense contrary to this, or indeed against the unanimous consent of the fathers.

Return to Table of Contents <file://C:\CCD\churchfathers\CHURCH COUNCILS & Liturgies\ECUM20-1STVATICAN.HTM>

Chapter 3 On faith

Since human beings are totally dependent on God as their creator and lord, and created reason is completely subject to uncreated truth, we are obliged to yield to God the revealer full submission of intellect and will by faith. This faith, which is the beginning of human salvation, the catholic church professes to be

a supernatural virtue,

by means of which,

with the grace of God inspiring and assisting us,

we believe to be true what He has revealed,

not because we perceive its intrinsic truth by the natural light of reason,

but because of the authority of God himself, who makes the revelation and can neither deceive nor be deceived.

Faith, declares the Apostle, is the assurance of things hoped for, the conviction of things not seen [17].

Nevertheless, in order that the submission of our faith should be in accordance with reason, it was God’s will that there should be linked to the internal assistance of the holy Spirit external indications of his revelation, that is to say divine acts, and

first and foremost miracles and prophecies,

which clearly demonstrating as they do the omnipotence and infinite knowledge of God, are

the most certain signs of revelation and are

suited to the understanding of all.

Hence

Moses

and the prophets,

and especially Christ our lord himself,

worked many absolutely clear miracles and delivered prophecies;

while of the apostles we read:

And they went forth and preached every, while the Lord worked with them and confirmed the message by the signs that attended it [18] . Again it is written:

We have the prophetic word made more sure; you will do well to pay attention to this as to a lamp shining in a dark place [19] .

Now,

although the assent of faith is by no means a blind movement of the mind,

yet no one can accept the gospel preaching

in the way that is necessary for achieving salvation

without the inspiration and illumination of the holy Spirit,

who gives to all facility in accepting and believing the truth [20] .

And so faith in itself,

even though it may not work through charity,

is a gift of God,

and its operation is a work belonging to the order of salvation,

in that a person yields true obedience to God himself when he accepts and collaborates with his grace which he could have rejected.

Wherefore, by divine and catholic faith all those things are to be believed

which are contained in the word of God as found in scripture and tradition,

and which are proposed by the church as matters to be believed as divinely revealed,

whether by her solemn judgment

or in her ordinary and universal magisterium.

Since, then, without faith it is impossible to please God [21] and reach the fellowship of his sons and daughters, it follows that

no one can ever achieve justification without it,

neither can anyone attain eternal life unless he or she perseveres in it to the end.

So that we could fulfil our duty of embracing the true faith and of persevering unwaveringly in it, God, through his only begotten Son,

founded the church,

and he endowed his institution with clear notes to the end that she might be recognised by all as the guardian and teacher of the revealed word.

To the catholic church alone belong all those things, so many and so marvellous, which have been divinely ordained to make for the manifest credibility of the christian faith.

What is more,

the church herself

by reason of

her astonishing propagation,

her outstanding holiness and

her inexhaustible fertility in every kind of goodness, by

her catholic unity and

her unconquerable stability,

is a kind of great and perpetual motive of credibility and an incontrovertible evidence of her own divine mission.

So it comes about that,

like a standard lifted up for the nations [22] ,

she both invites to herself those who have not yet believed,

and likewise assures her sons and daughters that the faith they profess rests on the firmest of foundations.

To this witness is added the effective help of power from on high. For,

the kind Lord stirs up those who go astray and helps them by his grace

so that they may come to the knowledge of the truth [23] ;

and also confirms by his grace those whom he has translated into his admirable light [24],

so that they may persevere in this light,

not abandoning them unless he is first abandoned.

Consequently,

the situation of those, who

by the heavenly gift of faith

have embraced the catholic truth,

is by no means the same as that of those who,

led by human opinions,

follow a false religion;

for those who have accepted the faith under the guidance of the church can never have any just cause for changing this faith or for calling it into question.

This being so, giving thanks to God the Father who has made us worthy to share with the saints in light [25] let us not neglect so great a salvation [26] , but looking unto Jesus the author and finisher of our faith [27] , let us hold the unshakeable confession of our hope [28].

Chapter 4. On faith and reason The perpetual agreement of the catholic church has maintained and maintains this too: that

there is a twofold order of knowledge, distinct

not only as regards its source,

but also as regards its object.

With regard to the source,

we know at the one level by natural reason,

at the other level by divine faith.

With regard to the object,

besides those things to which natural reason can attain,

there are proposed for our belief mysteries hidden in God

which, unless they are divinely revealed, are incapable of being known.

Wherefore, when the Apostle, who witnesses that God was known to the gentiles from created things [29] , comes to treat of the grace and truth which came by Jesus Christ [30] , he declares: We impart a secret and hidden wisdom of God, which God decreed before the ages for our glorification. None of the rulers of this age understood this. God has revealed it to us through the Spirit. For the Spirit searches everything, even the depths of God [31] . And the Only-begotten himself, in his confession to the Father, acknowledges that the Father has hidden these things from the wise and prudent and revealed them to the little ones [32] .

Now reason,

does indeed

when it seeks persistently, piously and soberly,

achieve

by God’s gift

some understanding,

and that most profitable,

of the mysteries,

whether by analogy from what it knows naturally,

or from the connexion of these mysteries

with one another and

with the final end of humanity;

but reason

is never rendered capable of penetrating these mysteries

in the way in which it penetrates those truths which form its proper object.

For

the divine mysteries,

by their very nature,

so far surpass the created understanding

that, even when a revelation has been given and accepted by faith,

they remain covered by the veil of that same faith and wrapped, as it were, in a certain obscurity,

as long as in this mortal life we are away from the Lord,

for we walk by faith, and not by sight [33] .

Even though faith is above reason, there can never be any real disagreement between faith and reason, since

it is the same God

who reveals the mysteries and infuses faith, and

who has endowed the human mind with the light of reason.

God cannot deny himself, nor can truth ever be in opposition to truth.

The appearance of this kind of specious contradiction is chiefly due to the fact that either

the dogmas of faith are not understood and explained in accordance with the mind of the church, or

unsound views are mistaken for the conclusions of reason.

Therefore we define that every assertion contrary to the truth of enlightened faith is totally false [34] .

Furthermore the church which,

together with its apostolic office of teaching,

has received the charge of preserving the deposit of faith,

has

by divine appointment

the right

and duty

of condemning

what wrongly passes for knowledge,

lest anyone be led astray by philosophy and empty deceit [35] .

Hence all faithful Christians

are forbidden to defend as the legitimate conclusions of science those opinions which are known to be contrary to the doctrine of faith,

particularly if they have been condemned by the church; and furthermore they

are absolutely bound to hold them to be errors which wear the deceptive appearance of truth.

Not only can faith and reason never be at odds with one another but they mutually support each other, for

on the one hand right reason

established the foundations of the faith

and, illuminated by its light, develops the science of divine things;

on the other hand, faith

delivers reason from errors and

protects it and furnishes it with knowledge of many kinds.

Hence, so far is the church from hindering the development of human arts and studies, that in fact she assists and promotes them in many ways. For

she is neither ignorant nor contemptuous of the advantages which derive from this source for human life, rather

she acknowledges that those things flow from God, the lord of sciences, and, if they are properly used, lead to God by the help of his grace.

Nor does the church forbid these studies to employ, each within its own area, its own proper principles and method:

but while she admits this just freedom,

she takes particular care that they do not

become infected with errors by conflicting with divine teaching, or,

by going beyond their proper limits, intrude upon what belongs to faith and

engender confusion.

For the doctrine of the faith which God has revealed is put forward

not as some philosophical discovery capable of being perfected by human intelligence,

but as a divine deposit committed to the spouse of Christ to be faithfully protected and infallibly promulgated.

Hence, too,that meaning of the sacred dogmas is ever to be maintained which has once been declared by holy mother church, and there must never be any abandonment of this sense under the pretext or in the name of a more profound understanding. May understanding, knowledge and wisdom increase as ages and centuries roll along, and greatly and vigorously flourish, in each and all, in the individual and the whole church: but this only in its own proper kind, that is to say, in the same doctrine, the same sense, and the same understanding [36] .

20 Part 2 First Vatican Council

Decrees of the First Vatican Council

CANONS <file://C:\CCD\churchfathers\CHURCH COUNCILS & Liturgies\ECUM20-1STVATICAN.HTM>

1. On God the creator of all things <file://C:\CCD\churchfathers\CHURCH COUNCILS & Liturgies\ECUM20-1STVATICAN.HTM>

2. On revelation <file://C:\CCD\churchfathers\CHURCH COUNCILS & Liturgies\ECUM20-1STVATICAN.HTM>

3. On faith <file://C:\CCD\churchfathers\CHURCH COUNCILS & Liturgies\ECUM20-1STVATICAN.HTM>

4. On faith and reason <file://C:\CCD\churchfathers\CHURCH COUNCILS & Liturgies\ECUM20-1STVATICAN.HTM>

SESSION 4 : 18 July 1870 <file://C:\CCD\churchfathers\CHURCH COUNCILS & Liturgies\ECUM20-1STVATICAN.HTM> - First Dogmatic Constitution on the Church of Christ

Chapter 1 On the institution of the apostolic primacy in blessed Peter <file://C:\CCD\churchfathers\CHURCH COUNCILS & Liturgies\ECUM20-1STVATICAN.HTM>

Chapter 2. On the permanence of the primacy of blessed Peter in the Roman pontiffs <file://C:\CCD\churchfathers\CHURCH COUNCILS & Liturgies\ECUM20-1STVATICAN.HTM>

Chapter 3. On the power and character of the primacy of the Roman pontffi <file://C:\CCD\churchfathers\CHURCH COUNCILS & Liturgies\ECUM20-1STVATICAN.HTM>

Chapter 4. On the infallible teaching authority of the Roman pontiff <file://C:\CCD\churchfathers\CHURCH COUNCILS & Liturgies\ECUM20-1STVATICAN.HTM>

The definition of Papal Infallibility <file://C:\CCD\churchfathers\CHURCH COUNCILS & Liturgies\ECUM20-1STVATICAN.HTM>

CANONS 1. On God the creator of all things

1. If anyone denies the one true God, creator and lord of things visible and invisible: let him be anathema.

2. If anyone is so bold as to assert that

there exists nothing besides matter:

let him be anathema.

3. If anyone says that

the substance or essence of God and that of all things are one and the same:

let him be anathema.

4. If anyone says

that finite things, both corporal and spiritual, or at any rate, spiritual, emanated from the divine substance; or

that the divine essence, by the manifestation and evolution of itself becomes all things or, finally,

that God is a universal or indefinite being which by self determination establishes the totality of things distinct in genera, species and individuals:

let him be anathema.

5. If anyone

does not confess that the world and all things which are contained in it, both spiritual and material, were produced, according to their whole substance, out of nothing by God; or

holds that God did not create by his will free from all necessity, but as necessarily as he necessarily loves himself; or

denies that the world was created for the glory of God:

let him be anathema.

Return to Table of Contents <file://C:\CCD\churchfathers\CHURCH COUNCILS & Liturgies\ECUM20-1STVATICAN.HTM>

2. OnRevelation 1:1-20. If anyone says that

the one, true God, our creator and lord, cannot be known with certainty

from the things that have been made,

by the natural light of human reason:

let him be anathema.

2. If anyone says that it is

impossible, or

not expedient,

that human beings should be taught by means of divine revelation about

God and

the worship that should be shown him :

let him be anathema.

3. If anyone says that a human being

cannot be divinely elevated to a

knowledge and

perfection

which exceeds the natural, but

of himself can and must reach finally the possession of all

truth and

goodness

by continual development: let him be anathema.

4. If anyone

does not receive as sacred and canonical the complete books of sacred scripture with all their parts, as the holy council of Trent listed them, or

denies that they were divinely inspired :

let him be anathema.

Return to Table of Contents <file://C:\CCD\churchfathers\CHURCH COUNCILS & Liturgies\ECUM20-1STVATICAN.HTM>

3. On faith

1. If anyone says that

human reason is so independent that faith cannot be commanded by God:

let him be anathema.

2. If anyone says that

divine faith is not to be distinguished from natural knowledge about God and moral matters, and consequently that

for divine faith it is not required that revealed truth should be believed because of the authority of God who reveals it:

let him be anathema.

3. If anyone says that

divine revelation cannot be made credible by external signs, and that therefore

men and women ought to be moved to faith only by each one’s internal experience or private inspiration:

let him be anathema.

4. If anyone says that

all miracles are impossible, and that therefore

all reports of them, even those contained in sacred scripture, are to be set aside as fables or myths; or that

miracles can never be known with certainty,

nor can the divine origin of the christian religion be proved from them:

let him be anathema.

5. If anyone says that

the assent to christian faith is

not free, but is

necessarily produced by arguments of human reason; or that

the grace of God is necessary only for living faith which works by charity:

let him be anathema.

6. If anyone says that

the condition of the faithful and those who have not yet attained to the only true faith is alike, so that

Catholics may have a just cause for calling in doubt, by suspending their assent, the faith which they have already received from the teaching of the church, until they have completed a scientific demonstration of the credibility and truth of their faith:

let him be anathema.

Return to Table of Contents <file://C:\CCD\churchfathers\CHURCH COUNCILS & Liturgies\ECUM20-1STVATICAN.HTM>

4. On faith and reason

1. If anyone says that

in divine revelation there are contained no true mysteries properly so-called, but that

all the dogmas of the faith can be understood and demonstrated by properly trained reason from natural principles:

let him be anathema.

2. If anyone says that

human studies are to be treated with such a degree of liberty that their assertions may be maintained as true even when they are opposed to divine revelation, and that

they may not be forbidden by the church:

let him be anathema.

3. If anyone says that

it is possible that at some time, given the advancement of knowledge, a sense may be assigned to the dogmas propounded by the church which is different from that which the church has understood and understands:

let him be anathema.

And so in the performance of our supreme pastoral office, we beseech for the love of Jesus Christ and we command, by the authority of him who is also our God and saviour, all faithful Christians, especially those in authority or who have the duty of teaching, that they contribute their zeal and labour to the warding off and elimination of these errors from the church and to the spreading of the light of the pure faith. But since it is not enough to avoid the contamination of heresy unless those errors are carefully shunned which approach it in greater or less degree, we warn all of their duty to observe the constitutions and decrees in which such wrong opinions, though not expressly mentioned in this document, have been banned and forbidden by this holy see.

Return to Table of Contents <file://C:\CCD\churchfathers\CHURCH COUNCILS & Liturgies\ECUM20-1STVATICAN.HTM>

SESSION 4 : 18 July 1870 First dogmatic constitution on the church of Christ Pius, bishop, servant of the servants of God, with the approval of the sacred council, for an everlasting record. The eternal shepherd and guardian of our souls [37] ,

in order to render permanent the saving work of redemption,

determined to build a church

in which,

as in the house of the living God,

all the faithful should be linked by the bond of one

faith and

charity.

Therefore, before he was glorified,

he besought his Father,

not for the apostles only,

but also for those who were to believe in him through their word,

that they all might be one as the Son himself and the Father are one [38] . So then,

just as he sent apostles, whom he chose out of the world [39] ,

even as he had been sent by the Father [40],

in like manner it was his will that in his church there should be shepherds and teachers until the end of time.

In order, then, that

the episcopal office should be one and undivided and that,

by the union of the clergy,

the whole multitude of believers should be held together in the unity of

faith and

communion,

he set blessed Peter over the rest of the apostles and

instituted in him the permanent principle of both unities and

their visible foundation.

Upon the strength of this foundation was to be built the eternal temple, and the church whose topmost part reaches heaven was to rise upon the firmness of this foundation [41] . And since the gates of hell trying, if they can, to overthrow the church, make their assault with a hatred that increases day by day against its divinely laid foundation,

we judge it necessary,

with the approbation of the sacred council, and

for the protection, defence and growth of the catholic flock,

to propound the doctrine concerning the

institution, permanence and nature

of the sacred and apostolic primacy,

upon which the strength and coherence of the whole church depends.

This doctrine is to be believed and held by all the faithful in accordance with the ancient and unchanging faith of the whole church.

Furthermore, we shall proscribe and condemn the contrary errors which are so harmful to the Lord’s flock.

Return to Table of Contents <file://C:\CCD\churchfathers\CHURCH COUNCILS & Liturgies\ECUM20-1STVATICAN.HTM>

Chapter 1 On the institution of the apostolic primacy in blessed Peter We teach and declare that,

according to the gospel evidence,

a primacy of jurisdiction over the whole church of God

was immediately and directly

promised to the blessed apostle Peter and

conferred on him by Christ the lord.

[PROMISED] It was to Simon alone,

to whom he had already said

You shall be called Cephas [42] ,

that the Lord,

after his confession, You are the Christ, the son of the living God,

spoke these words:

Blessed are you, Simon Bar-Jona. For flesh and blood has not revealed this to you, but my Father who is in heaven.

And I tell you, you are Peter, and on this rock I will build my church, and the gates of the underworld shall not prevail against it. I will give you the keys of the kingdom of heaven, and whatever you bind on earth shall be bound in heaven, and whatever you loose on earth shall be loosed in heaven [43] .

[CONFERRED] And it was to Peter alone that Jesus,

after his resurrection,

confided the jurisdiction of supreme pastor and ruler of his whole fold, saying:

Feed my lambs, feed my sheep [44] .

To this absolutely manifest teaching of the sacred scriptures, as it has always been understood by the catholic church, are clearly opposed the distorted opinions of those who misrepresent the form of government which Christ the lord established in his church and deny that Peter, in preference to the rest of the apostles, taken singly or collectively, was endowed by Christ with a true and proper primacy of jurisdiction. The same may be said of those who assert that this primacy was not conferred immediately and directly on blessed Peter himself, but rather on the church, and that it was through the church that it was transmitted to him in his capacity as her minister.

Therefore,

if anyone says that

blessed Peter the apostle was not appointed by Christ the lord as prince of all the apostles and visible head of the whole church militant; or that

it was a primacy of honour only and not one of true and proper jurisdiction that he directly and immediately received from our lord Jesus Christ himself:

let him be anathema.

Return to Table of Contents <file://C:\CCD\churchfathers\CHURCH COUNCILS & Liturgies\ECUM20-1STVATICAN.HTM>

Chapter 2. On the permanence of the primacy of blessed Peter in the Roman pontiffs That which our lord Jesus Christ, the prince of shepherds and great shepherd of the sheep, established in the blessed apostle Peter, for the continual salvation and permanent benefit of the church, must of necessity remain for ever, by Christ's authority, in the church which, founded as it is upon a rock, will stand firm until the end of time [45] . For no one can be in doubt, indeed it was known in every age that the holy and most blessed Peter, prince and head of the apostles, the pillar of faith and the foundation of the catholic church, received the keys of the kingdom from our lord Jesus Christ, the saviour and redeemer of the human race, and that to this day and for ever he lives and presides and exercises judgment in his successors the bishops of the holy Roman see, which he founded and consecrated with his blood [46] .

Therefore whoever succeeds to the chair of Peter obtains by the institution of Christ himself, the primacy of Peter over the whole church. So what the truth has ordained stands firm, and blessed Peter perseveres in the rock-like strength he was granted, and does not abandon that guidance of the church which he once received [47] . For this reason it has always been necessary for every church--that is to say the faithful throughout the world--to be in agreement with the Roman church because of its more effective leadership. In consequence of being joined, as members to head, with that see, from which the rights of sacred communion flow to all, they will grow together into the structure of a single body [48] .

Therefore,

if anyone says that

it is not by the institution of Christ the lord himself (that is to say, by divine law) that blessed Peter should have perpetual successors in the primacy over the whole church; or that

the Roman pontiff is not the successor of blessed Peter in this primacy:

let him be anathema.

Return to Table of Contents <file://C:\CCD\churchfathers\CHURCH COUNCILS & Liturgies\ECUM20-1STVATICAN.HTM>

Chapter 3. On the power and character of the primacy of the Roman pontiff And so,

supported by the clear witness of holy scripture, and

adhering to the manifest and explicit decrees both of our predecessors

the Roman pontiffs and of

general councils,

we promulgate anew the definition of the ecumenical council of Florence [49] ,

which must be believed by all faithful Christians, namely that

the apostolic see and the Roman pontiff hold a world-wide primacy, and that

the Roman pontiff is the successor of blessed Peter,

the prince of the apostles,

true vicar of Christ,

head of the whole church and

father and teacher of all christian people.

To him, in blessed Peter, full power has been given by our lord Jesus Christ to

tend,

rule and govern

the universal church.

All this is to be found in the acts of the ecumenical councils and the sacred canons.

Wherefore we teach and declare that,

by divine ordinance,

the Roman church possesses a pre-eminence of ordinary power over every other church, and that

this jurisdictional power of the Roman pontiff is both

episcopal and

immediate.

Both clergy and faithful,

of whatever rite and dignity,

both singly and collectively,

are bound to submit to this power by the duty of hierarchical subordination and true obedience, and this

not only in matters concerning faith and morals,

but also in those which regard the discipline and government of the church throughout the world.

In this way, by unity with the Roman pontiff in communion and in profession of the same faith , the church of Christ becomes one flock under one supreme shepherd [50] . This is the teaching of the catholic truth, and no one can depart from it without endangering his faith and salvation. This power of the supreme pontiff by no means detracts from that ordinary and immediate power of episcopal jurisdiction, by which bishops, who have succeeded to the place of the apostles by appointment of the holy Spirit, tend and govern individually the particular flocks which have been assigned to them. On the contrary, this power of theirs is asserted, supported and defended by the supreme and universal pastor; for St Gregory the Great says: "My honour is the honour of the whole church. My honour is the steadfast strength of my brethren. Then do I receive true honour, when it is denied to none of those to whom honour is due." [51]

Furthermore, it follows from that supreme power which the Roman pontiff has in governing the whole church, that he has the right, in the performance of this office of his, to communicate freely with the pastors and flocks of the entire church, so that they may be taught and guided by him in the way of salvation. And therefore we condemn and reject the opinions of those who hold that

this communication of the supreme head with pastors and flocks may be lawfully obstructed; or that

it should be dependent on the civil power, which leads them to maintain that what is determined by the apostolic see or by its authority concerning the government of the church, has no force or effect unless it is confirmed by the agreement of the civil authority.

Since the Roman pontiff, by the divine right of the apostolic primacy, governs the whole church, we likewise teach and declare that

he is the supreme judge of the faithful [52] , and that

in all cases which fall under ecclesiastical jurisdiction recourse may be had to his judgment [53] .

The sentence of the apostolic see (than which there is no higher authority) is not subject to revision by anyone,

nor may anyone lawfully pass judgment thereupon [54] . And so

they stray from the genuine path of truth who maintain that it is lawful to appeal from the judgments of the Roman pontiffs to an ecumenical council as if this were an authority superior to the Roman pontiff.

So, then,

if anyone says that

the Roman pontiff has merely an office of supervision and guidance, and

not the full and supreme power of jurisdiction over the whole church, and this

not only in matters of

faith and morals, but also in those which concern the

discipline and government of the church dispersed throughout the whole world; or that

he has only the principal part, but not the absolute fullness, of this supreme power; or that

this power of his is not ordinary and immediate both over all and each of the churches and over all and each of the pastors and faithful:

let him be anathema.

Return to Table of Contents <file://C:\CCD\churchfathers\CHURCH COUNCILS & Liturgies\ECUM20-1STVATICAN.HTM>

Chapter 4. On the infallible teaching authority of the Roman pontiff That apostolic primacy which the Roman pontiff possesses as successor of Peter, the prince of the apostles, includes also the

supreme power of teaching.

This holy see has always maintained this,

the constant custom of the church demonstrates it, and

the ecumenical councils, particularly those in which East and West met in the union of faith and charity, have declared it.

[councils] So the fathers of the fourth council of Constantinople, following the footsteps of their predecessors, published this solemn profession of faith:

The first condition of salvation is to maintain the rule of the true faith. And since that saying of our lord Jesus Christ, You are Peter, and upon this rock I will build my church [55] , cannot fail of its effect, the words spoken are confirmed by their consequences. For in the apostolic see the catholic religion has always been preserved unblemished, and sacred doctrine been held in honour. Since it is our earnest desire to be in no way separated from this faith and doctrine, we hope that we may deserve to remain in that one communion which the apostolic see preaches, for in it is the whole and true strength of the christian religion [56] .

What is more, with the approval of the second council of Lyons, the Greeks made the following profession:

"The holy Roman church possesses the supreme and full primacy and principality over the whole catholic church. She truly and humbly acknowledges that she received this from the Lord himself in blessed Peter, the prince and chief of the apostles, whose successor the Roman pontiff is, together with the fullness of power. And since before all others she has the duty of defending the truth of the faith, so if any questions arise concerning the faith, it is by her judgment that they must be settled." [57]

Then there is the definition of the council of Florence:

"The Roman pontiff is the true vicar of Christ, the head of the whole church and the father and teacher of all Christians; and to him was committed in blessed Peter, by our lord Jesus Christ, the full power of tending, ruling and governing the whole church." [58]

[Holy See] To satisfy this pastoral office, our predecessors strove unwearyingly that the saving teaching of Christ should be spread among all the peoples of the world; and with equal care they made sure that it should be kept pure and uncontaminated wherever it was received.

[Custom]

It was for this reason that the bishops of the whole world, sometimes individually, sometimes gathered in synods, according to the long established custom of the churches and the pattern of ancient usage referred to this apostolic see those dangers especially which arose in matters concerning the faith. This was to ensure that any damage suffered by the faith should be repaired in that place above all where the faith can know no failing [59] .

[Holy See] The Roman pontiffs, too, as the circumstances of the time or the state of affairs suggested,

sometimes by

summoning ecumenical councils or

consulting the opinion of the churches scattered throughout the world, sometimes by

special synods, sometimes by

taking advantage of other useful means afforded by divine providence,

defined as doctrines to be held those things which, by God’s help, they knew to be in keeping with

sacred scripture and

the apostolic traditions.

For the holy Spirit was promised to the successors of Peter

not so that they might, by his revelation, make known some new doctrine,

but that, by his assistance, they might religiously guard and faithfully expound the revelation or deposit of faith transmitted by the apostles.

Indeed, their apostolic teaching was

embraced by all the venerable fathers and

reverenced and followed by all the holy orthodox doctors,

for they knew very well that this see of St. Peter always remains unblemished by any error, in accordance with the divine promise of our Lord and Saviour to the prince of his disciples: I have prayed for you that your faith may not fail; and when you have turned again, strengthen your brethren [60] . This gift of truth and never-failing faith was therefore divinely conferred on Peter and his successors in this see so that they might discharge their exalted office for the salvation of all, and so that the whole flock of Christ might be kept away by them from the poisonous food of error and be nourished with the sustenance of heavenly doctrine. Thus the tendency to schism is removed and the whole church is preserved in unity, and, resting on its foundation, can stand firm against the gates of hell. But since in this very age when the salutary effectiveness of the apostolic office is most especially needed, not a few are to be found who disparage its authority, we judge it absolutely necessary to affirm solemnly the prerogative which the only-begotten Son of God was pleased to attach to the supreme pastoral office.

Therefore,

faithfully adhering to the tradition received from the beginning of the christian faith,

to the glory of God our saviour,

for the exaltation of the catholic religion and

for the salvation of the christian people,

with the approval of the sacred council,

we teach anddefine as a divinely revealed dogma that

when the Roman pontiff speaks EX CATHEDRA,

that is, when,

in the exercise of his office as shepherd and teacher of all Christians, in virtue of his supreme apostolic authority, he defines a doctrine concerning faith or morals to be held by the whole church,

he possesses,

by the divine assistance promised to him in blessed Peter,

that infallibility which the divine Redeemer willed his church to enjoy in defining doctrine concerning faith or morals.

Therefore, such definitions of the Roman pontiff are of themselves, and not by the consent of the church, irreformable.

So then, should anyone, which God forbid, have the temerity to reject this definition of ours: let him be anathema.

Return to Table of Contents <file://C:\CCD\churchfathers\CHURCH COUNCILS & Liturgies\ECUM20-1STVATICAN.HTM>

FOOTNOTES

1 The Profession of faith of the other fathers added: and I pledge and swear true obedience to the Roman pontiff, successor of blessed Peter the prince of the apostles, and vicar of Jesus Christ 2 The profession of faith of the other fathers continues: my subjects, or those for whom I have responsibility in virtue of my office, hold, teach and preach the same 3 See Matthew 28, 20. 4 See Hebrews 13, 9 5 1 Timothy 2, 4. 6 Luke 19, 10. 7 John 11, 52. 8 See Wis 16, 12 9 Isaiah 59, 21 10 See Lateran council IV, const. 1 (see above, p. 230). 11 Wis 8, 1. 12 Hebrews 4, 13. 13 Romans 1, 20. 14 Hebrews 1, 1-2 15 1 Corinthians 2, 9. 16 Council of Trent, session 4, first decree (see above p. 663). 17 Hebrews 11, 1 18 Mark 16, 20. 19 2 Peter 1, 19. 20 Council of Orange II(529), canon 7 (Bruns 2, 178; Msi 8, 713) 21 Hebrews 11, 6. 22 Isaiah 11, 12 23 1 Timothy 2, 4 24 1 Peter 2, 9; Colossians 1, 13 25 Colossians 1, 12 26 Hebrews 2, 3 27 Hebrews 12, 2 28 Hebrews 10, 12 29 Romans 1, 20 30 John 1, 17 31 1 Corinthians 2, 7-8, 10 32 Matthew 11, 25 33 2 Corinthians 5, 6-7 34 See Lateran council V, session 8 (see above p. 605). 35 See Colossians 2, 8 36 Vincent of Lerins, Commonitorium (Notebook), 28 (PL 50, 668). 37 1 Peter 2,25 38 John 17, 20-21 39 John 20, 21 41 Leo 1, Serm. (Sermons), 4 (elsewhere 3), ch. 2 for the day of his birth (PL 54, 150). 42 John 1, 42. 43 Matthew 16, 16 19 44 John 21, 15-17 45 See Matthew 7:1-29; Matthew 25:1-46; Luke 6, 48 46 From the speech of Philip, the Roman legate, at the 3rd session of the council of Ephesus (D no. 112). 47 Leo 1, Serm. (Sermons), 3 (elsewhere 2), ch. 3 (PL 54, 146). 48 Irenaeus, Adv. haeres. (Against Heresies) 1113 (PG 7, 849), Council of Aquilea (381), to be found among: Ambrose, Epistolae (Letters), 11 (PL 16, 946). 49 Council of Florence, session 6 (see above p. 528). 50 See John 10, 16. 51 Ep. ad Eulog. Alexandrin. (Letter to Eulogius of Alexandria), Vlll 29 (30) (MGH, Ephesians 2, 31 28-30, PL 77, 933). 52 Pius VI, Letter Super

soliditate dated 28 Nov. 1786. 53 From Michael Palaeologus's profession of faith which was read out at the second council of Lyons (D no. 466). 54 Nicholas 1, Ep. ad Michaelem imp. (Letter to the emperor Michael) (PL 119, 954). 55 Matthew 16, 18. 56 From Pope Hormisdas's formula of the year 517 (D no. 171), see above p. 157 n. 1. 57 From Michael Palaeologus's profession of faith which was read out at the second council of Lyons (D no. 466). 58 Council of Florence, session 6 (see above p. 528). S Bernard, Ep. (Letters) 190 (PL 182, 1053). 59 Bernard, Ep. (Letters) 190 (PL 182, 1053). 60 Luke 22, 32.

30 Lateran Council of 649 AD

The Following is from Lateran Council of 649 AD VI. Perpetual virginity: Also Mary Immaculate This means virginity before, during, and after the birth of Jesus. The oldest formula for that is aeiparthenos, ever virgin. The expression "brothers and sisters of Jesus" found even in the Gospels rests on the breadth of meaning of the Hebrew words for brother and sister. For that matter, our English words are often used very broadly in fraternities and sororities. Given the linguistic unclarity, we must depend on the Magisterium of the Church. As to the first element, virginity in conceiving Jesus, even R. Brown, in The Virginal Conception & Bodily Resurrection of Jesus (Paulist, 1973) admits on p. 31. n. 37: "It is lucidly clear that Matthew believed in Mary's bodily virginity before the birth of Jesus (1:25). It is hard to prove the case for Luke; but 3:23 indicates that Luke did not think Joseph begot Jesus after the angel's annunciation to Mary." Now if something is lucidly clear in the Gospel, there should be no doubt if one accepts inspiration and therefore inerrancy. Yet Brown, inconsistently, concludes on p. 66: "My judgment, in conclusion, is that the totality of the scientifically controllable evidence leaves an unresolved problem." [italics his in both quotes]. Part of his problem would seem to be his absolute belief in ignorance in Jesus: (p. 46, italics his) "However, if Joseph and Mary knew that their son had no human father but was begotten of God's holy spirit, if it had been revealed to them from the start that the child was to be the Messiah, and if they had not kept this secret from Jesus, how can he not have affirmed that he was the Messiah or that he was the unique Son of God?" a)Creed of St. Epiphanius (DS 44): "We believe in one Lord Jesus Christ, who for us men and for our salvation came down and was made flesh, that is, was born perfectly from holy Mary, the ever virgin [aeiparthenos]." Same wording is found in the Athanasian Creed: DS 46. b)Ecumenical Council of Constantinople II. Canon 2: "If anyone does not confess that there were two nativities of the Word of God, one before the ages... the other in the last days... who came down from heaven, and was incarnate of the holy, glorious ever virgin Mother of God Mary, and was born of her, let him be anathema." c)Lateran Council of 649 AD (DS 503): It as not ecumenical, but the Pope was present and approving, and the teaching was given under anathema, so it is equivalent to that of a general council. Vatican II in LG 57 referred to it in a note. Lateran Council said: "If anyone does not in accord with the Holy Fathers acknowledge the holy and ever virgin and immaculate Mary as really and truly the Mother of God, inasmuch as she, in the fullness of time, and without seed, conceived by the Holy Spirit, God the Word Himself, who before all time was born of God the Father, and without loss of integrity brought Him forth, and after His birth preserved her virginity inviolate, let him be condemned." d)Vatican II. LG 57: "... when the Mother of God showed her first born who did not diminish but consecrated her virginal integrity , to the shepherds and the Magi." e)John Paul II, General Audience of Jan. 28, 1988: "Mary was therefore a virgin before the birth of Jesus and she remained a virgin in giving birth and after the birth. That is the truth presented by the New Testament texts and which was expressed both by the Fifth Ecumenical Council at Constantinople in 553 [DS 422] which speaks of Mary as 'ever virgin' and by the Lateran Council in 649 [DS 503] which teaches that 'the Mother of God... Mary... conceived (her Son) through the power of the Holy Spirit without human intervention, and in giving birth to him her virginity remained incorrupted and

even after the birth her virginity remained intact."

COMMENTS; 1)There are many other magisterium texts, chiefly: DS 299, 368, 491, 547, 571, 619, 681, 801, 852, 1400, 1425, 1880.

2)There was some hesitation among the early Fathers on virginity in and after birth. This is not strange, given the gradual clarification of doctrine over the centuries. For an account , see Marian Studies, VII, 1956.

3) Some would wish to say her virginity is only a theologoumenon, that is, it was spiritual and symbolic but not physical. However, the magisterium excludes this. The Lateran Council, cited above, speaks of her conceiving without seed, and bringing Him forth without loss of integrity. Vatican II also speaks of integrity. Pope Leo the Great, in his Tome to Flavian (DS 291) said: "She brought Him forth without the loss of virginity even as she conceived Him without its loss." The General Council of Chalcedon in 451 AD (cited from Mansi, 7, 452) taught: "... as was fitting for God, He sealed her womb," Cf. also St. Ambrose, De institutione virginis 8. 52. (In PL 16. 320 and RJ or Jurgens 1327).

Brothers and Sisters of Jesus

Matthew 13:55 and Mark 6:3 name the following as brothers of Jesus: James, Joseph (Joses - the manuscripts vary on the spelling), Simon and Judas. But Matthew 27:56 says at the cross were Mary the mother of James and Joseph. Mark 15, 40 says Mary the mother of James the younger and Joses was there.

So, although the argument is by no means conclusive, it seems likely that the first two, James and Joseph (Joses) had a mother other than the Mother of Jesus.

Thus we have an indication that the term brother was used for those who were not sons of Mary the Mother of Jesus. So the same easily could be the case with the other two, Simon and Judas.

More important, if Mary had other natural sons and daughters too at the time of the cross, it would be strange for Jesus to ask John to take care of her. Especially, James the "brother of the Lord" was alive in 49 AD (Galatians 1:19). He should have taken care of her.

Lot, who was the nephew of Abraham (cf. Genesis 11:27-31) is called his brother in Genesis 13:8; Genesis 14:14-16. The Hebrew and Aramaic ah was used for various types of relations: Cf. Michael Sokoloff, A Dictionary of Jewish Palestinian Aramaic (Bar Ilan University Press, Ramat-Gan, Israel, 1990, p. 45. Hebrew had no word for cousin. They could say ben-dod which means son of a paternal uncle, but for other kinds of cousins they would need a complex phrase, such as "the son of the brother of his mother" or,"the son of the sister of his mother". For complex Aramaic expressions see Sokoloff, p. 111. and 139.

Objection 1: We should not consider the Hebrew - Greek did have a word for cousin and other kinds of relatives also, and the Gospels do not use the other specific words for the relatives of Jesus. They use only Greek adelphos, which means a real brother.

Reply 1: The Septuagint (the old Greek translation of the Hebrew OT -- abbreviated LXX) uses Greek adelphos , brother, for Lot - who as mentioned above, was really a nephew.

Furthermore, the writers of the Gospels and Epistles often had Hebrew words in mind when they wrote Greek words. This is specially true with St. Paul. And, as we shall see presently, there is strong evidence that St. Luke at some points was translating Hebrew documents -two kinds of Hebrew - with meticulous care. The LXX for Malachi 1:2-3 has this: "I have loved Jacob and hated Esau." St. Paul in Romans 9:13 quotes it the same way in Greek. Yet the LXX translators knew both Hebrew and Greek and so did Paul, yet they used a very odd, even potentially misleading Hebrew expression. How did it happen? Hebrew and Aramaic lacked the degrees of comparison (such as: good, better, best; clear, clearer, clearest) and so they had to find other way to express such ideas. Where we would say: "I love one more, the other less", the Hebrew said "I love the one and hate the other." In Luke 14:26 Our Lord tells us that we must hate our parents." Again, it means to love them less than one loves Christ. Similarly, in 1 Corinthians 1:17 Paul says: "Christ did not send me to baptize but to preach" -- yet Paul had just said he did baptize some. He really means, in the Hebrew way of speaking: My more important mission was to preach, less important was to baptize.

St. Paul in 1 Thessalonians 4:5 speaks of the gentiles "who do not know God". He uses "know" in the sense of Hebrew yada , a broader word, to know and to love. In fact quite a few times we must think of what Hebrew word was in Paul's mind to fully understand his Greek words.

All scholars admit that St. Luke's Gospel has more Semitisms than the books written by Semites (even though Luke was not a Semite himself, but a Greek Physician). Why? It had been thought that Luke did this to imitate the style of the LXX but a study I made (In my article, "Did St. Luke Imitate the Septuagint?" published in the international Journal for Study of the New Testament (July 1982, pp. 30-41 from the University of Sheffield, England) showed statistically that Luke did not try to imitate the Septuagint. I made a study of a very strange Semitism in Luke, the apodotic kai , which reflects Hebrew apodotic wau. Here is an example from Luke 5:1 : "And it happened -- when the crowds pressed on Him to hear the word of God -- and He stood by the Lake. The underlined and would be in place in Hebrew- but not in Greek, not even in Aramaic. By actual count, St. Luke uses it only about 20 to 25% of the times he would use it if he were imitating the Septuagint. Clearly that was not his reason for using it. So why did he do it at all? In his opening lines, St. Luke says he took great care, spoke to eye-witnesses, and read written accounts about Jesus. Now written accounts could have been in Greek (a few Jews grew up speaking Greek), Hebrew, or Aramaic. So it is possible that St. Luke had used written accounts in those languages. Greek on Greek would not show, of course , but if he used Hebrew documents part of the time, and if he translated them with meticulous care - so extreme that he would bring a Hebrew structure into Greek, where it did not belong - then we could explain what he did. The odd stricture was not normal in Aramaic either, so we gather that St. Luke seems to have used, at some points, not at all points, Hebrew documents, and that he translated them with extreme care. Luke knew how to write fine Greek - yet he did this, Why? It was his extreme care to be faithful to the original texts he used. -- So again, we need to know the underlying Hebrew to understand (of course in this item, English translations just skip the and -- it appears only if we read St. Luke in Greek).

There is an important word in Romans 5:19 which speaks of the many as becoming sinful-- original sin. Of course, St. Paul really means all. Yet the Greek he uses is polloi. In normal Greek it always means just many, not all. But if we know the Hebrew in Paul's mind it clears up. There was a strange word rabbim which is first known in Isaiah 53:1-12, the prophecy of the passion. By

context there we see it is clear that it means all, yet it also means many - to be more exact, it means the all who are many. If I were in a room with 3 others, I could say all, but could not say many. Now if we use a Greek concordance to find every place in St. Paul where polloi is used as a noun, it always, without exception, means all, as we gather from context, such as that of Romans 5:19. Hence we really need to go back to the Hebrew to understand Paul's Greek here.

Again, St. Paul often uses the Greek dikaiosyne not in the narrow usual Greek sense, but in the broad sense of Hebrew sedaqah.

There are many other times in the NT where we must consider the underlying Hebrew in order to get the right sense of the Greek. We have given only samples, but they should be enough to show how the NT writers worked, and the need to avoid stopping with the Greek and insisting that we should ignore the underlying Hebrew, as those do who point out that Greek had words for cousins and other relatives, even though Hebrew did not.

Objection 2: J. P. Meier, in A Marginal Jew (Doubleday, 1991, pp. 325-26) says that "The New Testament is not translation Greek", and says it would be a "wooden" translation to follow the Hebrew usage on brother.

Reply 2: Many scholars do think part or all of the Gospels were translation Greek. The evidence cited above in Journal for Study of the New Testament seems to show that.

Further we have just given extensive evidence to show that regardless of whether or not the writers were translating, they often used Greek words in such a way that to understand them we must look to the underlying Hebrew. This is specially true of Paul in spite of Meier's claim that Paul was not translating and that he knew "James the brother of the Lord" in person.

Meier also (326-27) asserts that Josephus, a Jew writing in Greek does at times use the special word for cousin, yet he does use brother for the "brothers of Jesus." -- We reply that we grant Josephus does this. But, did Josephus have direct information on the real nature of the "brothers' of Jesus. Not very likely. Meier does not even mention this point. In Colossians 4:10 the Greek for cousin, anepsios, is used. But this is the only time in all the NT. Otherwise, we have the constant following of Hebrew patterns explained above. Further, Pauline authorship of Col is debated. The external witnesses in favor of his authorship easily outweigh the alleged internal evidence. However it is possible that Paul, like modern Popes, had someone else write the letter for him, then went over it and signed it. In that case, his secretary may be responsible for the anepsios. The usual Greek for brother adelphos, is used 5 times in Col, and not once in the sense of blood brother. It is always in the broad sense.

Objection 3: Meier argues, p. 323, that if we want to say ah could mean cousin, then we should read Matthew 12:50 thus: "Whoever does the will of my Father in heaven is my male cousin, my female cousin, and my mother." Similarly, on p. 357 he says that Mark 3:35 should read "not even his cousins believed in him."

Reply 3: Meier seems to be deliberately obtuse here. If ah had the broad meaning, we should keep it in translation, not narrowing it to cousin - it would include cousin, but not be limited to it.

Objection 4, on Matthew 1:25 : Protestants like to point to two words here, "until" and "firstborn".

Until: Most ancient words have a broad span of possible meanings. Sometimes the word for until leaves room for a change after the time point indicated. However not nearly always. In Deuteronomy 34:6 Moses was buried, "and to this day no one knows where the grave is." That was true in the day of the writer of Dt - it is still true even today. In Psalms 110:1, as interpreted by Jesus Himself (Matthew 22-42-46),"The Lord said to my [David's] Lord: 'Sit at my right hand, until I make your enemies your footstool. '" Of course, Jesus was not to stop being at the right hand of the Father at any point. So the word until here does not mean a change of status. Psalms 72:7, a messianic Psalm, says that in his days "peace will abound until the moon is no more." Again, the power of the Messiah is not to stop when the moon no longer gives its light (Matthew 24:29). In 2 Samuel 6:23 that David's wife Michal had no son "until the day of her death." Of course, she did not have one after that! In Matthew 11:23 Our Lord says that if the miracles done in Capernaum had been done in Sodom, "it would have lasted until the present day." Had it lasted, Jesus did not intend to destroy it in His time. In Matthew 28:20 Jesus promised to be with His Church, His followers until the end of the world - nor would He desert them in eternity. In Romans 8:22 St. Paul says that all creation groans, waiting for there revelation of the sons of God until Paul's day. Nor did it stop then, that will continue until the restoration at the end. In 1 Timothy 4:13 the Apostle tells Timothy to devote himself to reading, exhortation and teaching "until I come." He did not mean Timothy should stop such things when Paul did come. -- and there are more, but these should be more than enough to show that not always does until in OT and NT, mean a change of things is to come at the point referred to.

Even J. P. Meier, who works so strenuously to try to show that most probably Jesus had real siblings, admits that the arguments from "until" proves nothing (In CBQ Jan. 1992, pp. 9-11). firstborn: Jesus is called that in Luke 2:7 (and also in Matthew 1:25 if we take the Vulgate addition to the Greek). This reflects Hebrew bekor which chiefly expressed the privileged position of the firstborn among other children. It need not imply there were actually others. We can see this from a Greek tomb inscription at Tel el Yaoudieh (cf. Biblica 11, 1930 369- 90) for a mother who died in childbirth: "In the pain of delivering my firstborn child, destiny brought me to the end of life." For another epitaph of the same sort, from Leontopolis, see Biblical Archaeology Review, Sept/Oct, 1992, p. 56.

Objection 5: Some early Christian writers think the brothers were true siblings.

Reply: Meier, who so diligently collects all data against virginity after the birth of Jesus, mentions only four: (1)Hegesippus, in the second century. Yet Meier admits on p. 329: "... the testimony is not without its problems and possible self-contradictions"; (2)Tertullian --yet Meier admits that it was his "fierce opposition to [the] docetic view of Christ's humanity' that caused him to say this. In fact, Tertullian even, in the same vein, argued that the body of Jesus was ugly (On the Flesh of Christ 9)! He was a real extremist, as shown by the fact that even the Montanists were not severe enough in morality - he formed his own subsect; (3) Meier also suggests that two passages of St. Irenaeus might imply a denial of virginity - in one Irenaeus works out in detail the parallel between Adam and Christ, for the sake of his favorite "recapitulation" theology; in the other, Irenaeus develops the New Eve theme. - It is hard to see any hint of a denial of virginity in these passages. Even Meier admits the texts are not probative; (4) Helvidius in the 4th century. - But these few texts are little compared to the extensive Patristic support of perpetual virginity. Cf. Marian Studies , VIII, 1956, pp. 47-93. In his summary of conclusions, pp. 331-32, Meier does not even mention

these early writers.

Objection 6: Meier, p. 331, says we have the criterion of multiple attestation", namely, Paul, Mark, John, Josephus and perhaps Luke speak of the brothers of Jesus.

Reply 6: He is begging the question. He has not proved that any of them mean true sibling by brother. Meier adds that the natural sense of brother is sibling-- but we have shown in reply 2 above that it need not be so. He also says that there is no clear case in the NT where brother means anything but true brother or half-brother. Again he is begging the question: he has not shown that even one of the texts has to mean sibling.

Conclusion: Meier himself admits, on p. 331, that "all of these arguments even when taken together cannot produce absolute certitude." We add: In Mark 3:20-21 his relatives go out to get Him -younger brothers would not have done it in that culture - and He was the firstborn. - And at age 12 in Temple, if there were younger brothers, they would have been along - women did not have to go. So she would have stayed home with the younger ones. So we can see that there are no solid evidences in Scripture that Our Lady had other children. We have just answered all claims. But the decisive reason is the teaching of the Church. The most ancient creeds all call her aei-parthenos = "Ever-virgin".

Meier seems to have an axe to grind. In his long CBQ article, 1992, pp. 1- 28, he says on the last page that we must ask whether the hierarchy of truths should not let us accept Protestants into the Catholic Church without asking them to believe in Our Lady's perpetual virginity. There is a hierarchy of truths, in that some are more basic than others. But this does not at all mean we can countenance denial of even one doctrine taught repeatedly by the Ordinary Magisterium and the most ancient Creeds - and therefore infallible. Really, if some Protestants seemed to enter the Church, but did not accept the teaching authority, they would not be really Catholics, even if they accepted all but one of our teachings. That authority if really accepted leads them to accept all, not all minus one.

Even Meier, so inclined to deny perpetual virginity, admits (pp. 340-41) that there is a strong rabbinic tradition that Moses, after his first contact with God, refrained from knowing his wife. This first appears in Philo, is taken up the by rabbis. Therefore, if Moses with only an external contact with God did that way, what of Our Lady who was filled with the divine presence at the conception of Jesus, and carried divinity itself within her for nine months?

Actually, Luther himself and Calvin, as Meier admits on p. 319 of his book, accepted Our Lady's perpetual virginity. Why then does Meier argue so strongly against it?

Really, Protestants should not, if they were logical, appeal to Scripture at all for anything - for they have no means whatsoever of determining which books are inspired. Luther thought that if a book preached justification by faith strongly, it was inspired, otherwise not. But sadly, he never proved that was the standard -- he, or I could write such a book, and it would not be inspired. And many books of Scripture do not even mention justification by faith. Also sadly: Luther did not know what St. Paul meant by the word faith - on that Cf. the standard Protestant reference work, Interpreter's Dictionary of the Bible, Supplement, p. 333.

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