

Section 1.PART VI. THE COLLECTION IN 74 TITLES¹

in John Gilchrist, ed. and trans., *The Collection in Seventy-four Titles: A Canon Law Manual of the Gregorian Reform*,
Mediaeval Sources in Translation, 22 (1980),[†] 51–70, 71–83, 97–129, 223–35 [some corrections by CD]

CONTENTS	Page
A. <i>CAPITULATIO</i>	VI-2
B. TITLE 1: ON THE PRIMACY OF THE ROMAN CHURCH.....	VI-11
C. TITLE 5: ON THE PROCEDURE FOR ACCUSATION AND THOSE WHO ACCUSE	VI-15
D. TITLE 6: THAT AN ACCUSATION SHOULD BE SETTLED WITHIN THE PROVINCE, AND WHAT CONSTITUTES A PROVINCE.....	VI-18
E. TITLE 7: THAT THOSE INFERIOR IN RANK CANNOT ACCUSE THEIR SUPERIORS	VI-19
F. TITLE 8: THAT SHEPHERDS OF THE CHURCHES SHOULD BE ADMONISHED BEFORE BEING ACCUSED	VI-20
G. TITLE 9: SHEEP CANNOT ACCUSE THEIR SHEPHERDS.....	VI-21
H. TITLE 10: ON THE JUDGMENT AND TRIAL OF BISHOPS.....	VI-22
I. TITLE 11: ON BISHOPS DEPOSED WITHOUT ROMAN AUTHORITY	VI-24
J. TITLE 12: ON THE NUMBER AND QUALITY OF JUDGES	VI-26
K. TITLE 13: THAT NO ONE ABSENT CAN BE JUDGED AND ON UNJUST JUDGMENTS	VI-27
L. TITLE 14: ON ADJOURNMENTS FOR BISHOPS AND THE SUMMONING OF SYNODS	VI-28
M. TITLE 62: ON LAWFUL MARRIAGES	VI-28
N. TITLE 63: ON MARRIAGES FOR SOME REASON SEPARATED.....	VI-29
O. TITLE 64: THAT MARRIAGES MUST NOT BE DISSOLVED FOR THE SAKE OF RELIGION	VI-29
P. TITLE 65: CHAPTERS SET FORTH BY SAINT GREGORY IN THE GENERAL SYNOD.....	VI-30
Q. TITLE 66: CHAPTERS GIVEN TO ANGILRAM, BISHOP OF METZ.....	VI-32

¹ Although this text is today called 'The Collection in 74 Titles' or '74T,' the title of the work that the author gave to it seems to have been *Diversorum patrum sententie*, which Gilchrist translates as 'Pronouncements of Various Fathers'.

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A. PRONOUNCEMENTS OF VARIOUS FATHERS: *CAPITULATIO*

1. ON THE PRIMACY OF THE ROMAN CHURCH

1. In the book of Deuteronomy, c. xiii	<i>Si difficile et ambiguum²</i>
2. In the decrees of Anacletus, c. iii	<i>Sacrosancia Romana</i>
3. In the decrees of Zephyrinus, c. i	<i>Ad Romanam ecclesiam</i>
4. In the decrees of Callistus, c. i	<i>Non decet a capite</i>
5. In the decrees of Fabian, c. ii	<i>Si in rebus secularibus</i>
6. Likewise in the same, c. iii	<i>Si quis iudicem</i>
7. In the decrees of Sixtus, c. ii	<i>Si quis uestrum pulsatus</i>
8. In the decrees of Silvester, c. vii	<i>Nemo iudicabit</i>
9. In the decrees of Julius, c. iii	<i>Habet sacrosancta</i>
10. In the decrees of Gelasius, c. ii	<i>Cuncta per mundum</i>
11. In the decrees of Symmachus, c. vi	<i>Aliorum hominum</i>
12. In the decrees of Vigilius, c. vii	<i>Nulli uel tentetur</i>
13. In the decrees of Gregory, c. x	<i>Diuinis preceptis</i>
14. Likewise in the same, <i>ibid.</i>	<i>Preceptis apostolis</i>
15. Likewise in the same, <i>ibid.</i>	<i>Nulli fas est</i>
16. Likewise in the same, <i>ibid.</i>	<i>Si quis super his</i>
17. In the decrees of Nicholas, c. i	<i>Nemini est</i>
18. From the letter of Cecilius Cyprian, c. vii	<i>Loquitur Dominus</i>
19. Likewise from the same, <i>ibid.</i>	<i>Episcopatus unus est</i>
20. Likewise from the same, <i>ibid.</i>	<i>Alienus est</i>

2. LIKEWISE ABOUT THE SAME MATTER AND THAT PETER AND PAUL SUFFERED ON THE SAME DAY

21. In the decrees of Anacletus, c. iii	<i>Sacrosancta Romana</i>
22. In the decrees of Gelasius, c. i	<i>Quamvis uniuerse</i>
23. From Bishop Maximus' Sermon, c. x	<i>Beati Petrus et Paulus</i>

3. ON THE AUTHORITY OF PRIVILEGES

24. In the decrees of Anacletus, c. i	<i>Privilegia ecclesiarum</i>
25. In the decrees of Leo, c. vi	<i>Privilegia ecclesiarum</i>
26. Likewise in the same, <i>ibid.</i>	<i>Priuilegium omnino</i>
27. In the decrees of Gregory, c. ...	<i>Graue nimis</i>
28. Likewise in the same, c. ...	<i>Institutionis nostre</i>
29. Likewise in the same, c. ...	<i>De ecclesiasticis priuilegiis</i>
30. Likewise in the same, c. cxxvii	<i>Cum pie desiderium</i>
31. Likewise in the same, c. x	<i>Rationis ordo</i>
32. Likewise in the same, <i>ibid.</i>	<i>Omnimodis ecclesiastice</i>
33. From the letter of Archbishop Hincmar to Emperor Charles, c. i	<i>Constantinus clericis</i>
34. Likewise from the same, <i>ibid.</i>	<i>Constantinus quoque</i>
35. Likewise from the same, <i>ibid.</i>	<i>Valentinianus quoque</i>
36. Likewise from the same, <i>ibid.</i>	<i>Archadius nichilominus</i>
37. Likewise from the same, <i>ibid.</i>	<i>Non tam nouum</i>
38. Likewise from the same, <i>ibid.</i>	<i>Si ecclesie uenerabilis</i>

² The Latin incipits of the original are retained in this index or *capitulatio*. This will enable the reader to identify the texts in other collections. Because of the change of word-order in the English translation, there is no correspondence between the English and Latin incipits.

4. ON THE FREEDOM OF MONKS AND MONASTERIES

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| 39. In the decrees of Gregory, c. x | <i>Quam sit necessarium</i> |
| 40. Likewise in the same, c. ccxv | <i>Abbatem cuilibet</i> |
| 41. Likewise in the same, c. iv | <i>Peruenit ad me</i> |
| 42. Likewise in the same, c. ix | <i>Dudum ad nos</i> |
| 43. Likewise in the same, <i>ibid.</i> | <i>Presbyteros diaconos</i> |

5. ON THE PROCEDURE FOR ACCUSATION AND ON THOSE WHO ACCUSE

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| 44. In the decrees of Anacletus, c. i | <i>Accusandi uel testificandi</i> |
| 45. Likewise in the same, c. ii | <i>Accusatores uel testes</i> |
| 46. In the decrees of Telesphorus, c. i | <i>Sicut layci</i> |
| 47. In the decrees of Eleutherus, c. i | <i>Nichil contra quemlibet</i> |
| 48. In the decrees of Callistus, c. ii | <i>Rimande sunt</i> |
| 49. In the decrees of Fabian, c. ii | <i>Sicut sacerdotes</i> |
| 50. Likewise in the same, <i>ibid.</i> | <i>Nullus umquam</i> |
| 51. In the decrees of Stephen, c. i | <i>Infames esse</i> |
| 52. Likewise in the same, c. ii | <i>Per scripta nullius</i> |
| 53. Likewise in the same, <i>ibid.</i> | <i>Repellantur cohabitantes</i> |
| 54. Likewise in the same, <i>ibid.</i> | <i>Neganda est accusatis</i> |
| 55. In the decrees of Felix, c. ii | <i>Infamis persona</i> |
| 56. In the decrees of Eutychian, c. ii | <i>Non ita in ecclesiasticis</i> |
| 57. Likewise in the same, <i>ibid.</i> | <i>Nulli umquam</i> |
| 58. In the decrees of Gaius, c. i | <i>Pagani uel heretici</i> |
| 59. In the decrees of Marcellinus, c. ii | <i>Clericus cuiuslibet</i> |
| 60. In the decrees of Silvester, c. ii | <i>Nullus laycus</i> |
| 61. Likewise in the same, c. iii | <i>Nemo clericus</i> |

6. THAT AN ACCUSATION SHOULD BE SETTLED WITHIN THE PROVINCE,
AND WHAT CONSTITUTES A PROVINCE

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| 62. In the decrees of Cornelius, c. ii | <i>Nullus sacerdotum</i> |
| 63. In the decrees of Stephen, c. ii | <i>Ultra prouincie</i> |
| 64. In the decrees of Innocent, c. vii | <i>Non liceat cuiquam</i> |
| 65. In the decrees of Pelagius, c. i | <i>Scitote certam prouinciam</i> |

7. THAT THOSE INFERIOR IN RANK CANNOT ACCUSE THEIR SUPERIORS

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| 66. In the decrees of Zephyrinus, c. i | <i>Summorum quispiam</i> |
| 67. In the decrees of Fabian, c. ii | <i>Statuimus ut si aliquis</i> |
| 68. In the decrees of Stephen, c. ii | <i>Clericus qui episcopum suum</i> |
| 69. In the decrees of Silvester, c. i | <i>Presbyter aduersus episcopum</i> |

8. THAT SHEPHERDS OF CHURCHES SHOULD BE ADMONISHED BEFORE BEING ACCUSED

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| 70. In the decrees of Anacletus, c. ii | <i>Si quis aduersus pastores</i> |
| 71. In the decrees of Alexander, c. i | <i>Si quis erga episcopum</i> |
| 72. In the decrees of Sixtus, c. ii | <i>Statutum est</i> |
| 73. In the decrees of Felix, c. ii | <i>Si quis episcopus</i> |

9. SHEEP CANNOT ACCUSE THEIR SHEPHERDS

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| 74. In the decrees of Anacletus, c. iii | <i>Sententia Cham</i> |
| 75. Likewise in the same, <i>ibid.</i> | <i>Pro meritis plebis</i> |
| 76. In the decrees of Alexander, c. i | <i>Statuentes decernimus</i> |
| 77. Likewise in the same, <i>ibid.</i> | <i>Non potest condemnari</i> |
| 78. In the decrees of Fabian, c. ii | <i>Statuentes apostolica</i> |
| 79. In the decrees of Dionysius, c. ii | <i>Crimina que episcopis</i> |
| 80. In the decrees of Eutychian, c. ii | <i>Non passim uageque</i> |

81. In the decrees of Marcellinus, c. ii *Episcopi pontifici a quo*

10. ON THE JUDGMENT AND TRIAL OF BISHOPS

82. In the decrees of Evaristus, c. i *Audivimus quosdam*
 83. In the decrees of Victor, c. i *Placuit ut accusatus*
 84. In the decrees of Zephyrinus, c. i *Patriarche uel primates*
 85. In the decrees of Meltiades, c. i *Episcopos nolite iudicare*
 86. In the decrees of Felix, c. i *Quotiens pastor*
 87. Likewise in the same, *ibid.* *Quamquam comprouincialibus*
 88. Likewise in the same, *ibid.* *Quotiens episcopi*
 89. Likewise in the same, c. ii *Si accusatus episcopus*
 90. In the decrees of Damasus, c. iii *Discutere episcopos*

11. ON BISHOPS DEPOSED WITHOUT ROMAN AUTHORITY

91. In the decrees of Fabian, c. ii *Statuimus ne episcopi*
 92. Likewise in the same, *ibid.* *Nullatenus potest*
 93. In the decrees of Sixtus, c. i *Nemo pontificum*
 94. In the decrees of Eusebius, c. ii *Redintegrandam sunt*
 95. In the decrees of Felix, c. i *Si quis episcopus*
 96. In the decrees of Julius, c. i *Si quis ab hodierna*

12. ON THE NUMBER AND QUALITY OF JUDGES

97. In the decrees of Zephyrinus, c. i *Duodecim indices*
 98. In the decrees of Felix, c. i *Iudices et accusatores*
 99. In the decrees of Julius, c. i *Iudices esse alii non debet*
 100. Likewise in the same, c. iii *Nullus dubitat*
 101. In the decrees of Damasus, c. iii *Accusatores et iudices*
 102. In the decrees of Gregory, c. ixvii *Sicut sine iudicio*

13. THAT NO ONE ABSENT CAN BE JUDGED AND ON UNJUST JUDGMENTS

103. In the decrees of Eleutherus, c. i *Caueant iudices*
 104. Likewise in the same, *ibid.* *Non prius iudex*
 105. In the decrees of Callistus, c. i *Iniustum iudicium*
 106. In the decrees of Cornelius, c. ii *Omnia que aduersus*
 107. In the decrees of Marcellinus, c. ii *Omne quod irreprehensibile*

14. ON ADJOURNMENTS FOR BISHOPS AND THE SUMMONING OF SYNODS

108. In the decrees of Felix, c. i *Indutie non sub angusto*
 109. In the decrees of Julius, c. iii *Non oportet quemquam*
 110. In the decrees of Damasus, c. iii *Vocatio ad synodum*

15. ON PRELATES WHO ARE UNTRAINED, UNWORTHY, SIMONICAL OR NEOPHYTE

111. In the decrees of Innocent, c. xvii *Miserum est*
 112. In the decrees of Celestine, c. i *Nulli sacerdotum*
 113. Likewise in the same, c. v *Nullus inuitis detur*
 114. Likewise in the same, c. ii *Quid proderit per singula*
 115. In the decrees of Leo, c. v *Si uix in laicis*
 116. Likewise in the same, c. ... *Quisquis inconcessa*
 117. Likewise in the same, c. i *Nulla sinit ratio*
 118. Likewise in the same, c. iii *In ciuitatibus quarum*
 119. Likewise in the same, c. v *Cum de summi sacerdotis*
 120. Likewise in the same, c. i *Principatus quem*
 121. Likewise in the same, *ibid.* *Sicut boni operis*
 122. Likewise in the same, *ibid.* *Statuimus ne in aliquo*

123. In the decrees of Symmachus, c. v	<i>Nullus per ambitum</i>
124. In the decrees of Hormisda, c. i	<i>In sacerdotibus eligendis</i>
125. In the decrees of Gregory, c. cxxiii	<i>Sacerdotale officium</i>
126. Likewise in the same, c. cxxvi	<i>Fertur symoniaca</i>
127. Likewise in the same, c. cxxviii	<i>Nuntio apud nos</i>
128. Likewise in the same, ibid.	<i>Omnino metuenda</i>
129. Likewise in the same, ibid.	<i>Hoc ad nos peruenisse</i>
130. Likewise in the same, ibid.	<i>Sicut neophitus</i>
131. Likewise in the same, ibid.	<i>Fraternitatem tuam</i>
132. Likewise in the same, c. ...	<i>Quisquis ad hoc facinus</i>
133. Likewise in the same, c. ...	<i>Sunt nonnulli</i>
134. Likewise in the same, c. ccxx	<i>Nouit fraternitas tua</i>
135. Likewise in the same, c. vi	<i>Antiquam patrum</i>
136. From Ambrose's book on pastoral care, c. x	<i>Dominus contra priorum</i>
137. From Augustine's book, <i>On Ecclesiastical Ranks</i> , c. x	<i>Vbi est illa beati Pauli</i>

16. TO WHOM SACRED ORDERS ARE TO BE GIVEN, AND TO WHOM DENIED

138. In the decrees of Silvester, c. iiii	<i>Si quis desiderat</i>
139. In the decrees of Syricius, c. xi	<i>Quisquis clericus</i>
140. Likewise in the same, c. iiii	<i>Post penitendum</i>
141. Likewise in the same, c. iii	<i>Certe illud non fuit</i>
142. In the decrees of Innocent, c. ii	<i>Si quis post remissionem</i>
143. Likewise in the same, c. iiii	<i>Mulierem uiduam</i>
144. Likewise in the same, c. v	<i>Is qui uiduam</i>
145. Likewise in the same, c. vi	<i>Is qui secundam duxerit</i>
146. Likewise in the same, c. i	<i>Qui partem cuiuslibet</i>
147. Likewise in the same, c. iii	<i>Designata sunt</i>
148. Likewise in the same, c. iiii	<i>Layci qui habentes</i>
149. Likewise in the same, c. iii	<i>Si quis aduersus formas</i>
150. In the decrees of Celestine, c. vi	<i>Abstineatur ab illicitis</i>
151. In the decrees of Leo, c. ii	<i>Quicumque uiduarum</i>
152. In the decrees of Hilary, c. iii	<i>Cauendum est inprimis</i>
153. Likewise in the same, c. iiii	<i>Penitentes</i>
154. In the decrees of Felix, c. v	<i>Qui in qualibet</i>
155. In the decrees of Gelasius, c. v	<i>Non confdat</i>
156. In the decrees of Gregory, c. ccxx	<i>Precipimus</i>

17. HOLY ORDERS SHOULD NOT BE GIVEN TO THOSE WHO ARE UNKNOWN

157. In the decrees of Silvester, c. viiii	<i>Nullus aliqua ratione</i>
158. In the decrees of Anastasius, c. i	<i>Transmarinos homines</i>
159. In the decrees of Gregory, c. ccxx	<i>Afros passim</i>

18. ON THE CONSECRATION OF BISHOPS AND ARCHBISHOPS

160. In the decrees of Anacletus, c.ii	<i>Ordinationes episcoporum</i>
161. In the decrees of Anicetus, c. i	<i>Si archiepiscopus diem</i>
162. In the decrees of Innocent, c. i	<i>Extra conscienciam</i>

19. ON THE ORDINATION OF PRESBYTERS, DEACONS AND OTHERS

163. In the decrees of Anacletus, c. iii	<i>Presbyter ad qualemcumque</i>
164. In the decrees of Zephyrinus, c.ii	<i>Ordinationes presbyterorum</i>
165. In the decrees of Leo, c. i	<i>Quod a patribus nostris</i>
166. In the decrees of Gelasius, c. xiii	<i>Ordinationes presbyterorum</i>

20. THAT BISHOPS SHOULD ALWAYS HAVE WITNESSES WITH THEM

167. In the decrees of Anacletus, c. i *Episcopus Deo sacrificans*
 168. In the decrees of Evaristus, c. i *Diaconi qui quasi oculi*
 169. In the decrees of Lucius, c. i *lubemus apostolica*

21. ON THE CLEANNES OF PRIESTS AND CONTINENCE OF CLERICS

170. In the decrees of Silvester, c. vi *Nemo presbyter*
 171. In the decrees of Innocent, c. x *Maximillianus*
 172. In the decrees of Leo, c. iiiii *Ad exhibendam*
 173. In the decrees of Gregory, c. x *Si qui episcoporum*

22. ON THE ROMAN PONTIFICATE

174. In the decrees of Symmachus, c. i *Si quis papa superstite*
 175. Likewise in the same, c. ii *Propter frequentes*
 176. Likewise in the same, c. iii *Si quod absit transitus*
 177. Likewise in the same, c. iiiii *Propter occultas fraudes*

23. ON OBSERVING THE DECREES OF THE ROMAN PONTIFFS

178. In the decrees of Damasus, c. iii *Obseruetur ab omnibus*
 179. Likewise in the same, c. iiiii *Omnia decretalia*
 180. In the decrees of Leo, c. i *Sicut quedam sunt*
 181. In the decrees of Silvester, c. i *Sic decet fidem sanctorum*
 182. In the decrees of Gelasius, c. xxx *Non confidat quisquam*
 183. In the decrees of Agatho, c. x *Sic omnes apostolice sedis*

24. LET NO ONE BE CALLED UNIVERSAL

184. In the decrees of Pelagius, c. i *Nullus patriarcharum*
 185. In the decrees of Gregory, c. ccxi *Ecce in prefatione epistole*

25. ON THE TRANSLATION OF BISHOPS

186. In the decrees of Evaristus, c. i *Sicut uir non debet*
 187. In the decrees of Callistus, c. ii *Sicut alterius uxor*
 188. In the decrees of Anterus, c. i *Mutationem episcoporum*
 189. In the decrees of Damasus, c. v *Eos sacerdotes*
 190. In the decrees of Leo, c. viii *Si quis episcopus*

26. THAT EVERYONE SHOULD BE CONTENT WITH HIS OWN BOUNDARIES

191. In the decrees of Anicetus, c. i *Si aliquis metropolitanorum*
 192. In the decrees of Callistus, c. ii *Si quis metropolitanus*
 193. Likewise in the same, *ibid.* *Nemo alterius terminum*
 194. Likewise in the same, *ibid.* *Nullus primas*
 195. In the decrees of Sixtus, c. ii *Nullus episcopus*
 196. In the decrees of Leo, c. ... *Que ad perpetuam*

27. ON THE VAIN SUPERSTITION OF THE CHORBISHOPS

197. In the decrees of Callistus, c. ii *De corepiscopis*
 198. In the decrees of Leo, c. i *Quamuis corepiscopis*

28. ON THE RESTORATION OF PRIESTS AFTER A LAPSE

199. In the decrees of Callistus, c. ii *Errant qui putant*
 200. Likewise in the same, *ibid.* *Sententiam fratres*
 201. In the decrees of Gregory, *ibid.* *Sanctitati tue*
 202. From the letter of Isidore to Massona, c. x *Veniente ad nos*

29. THAT THE MASS OUGHT NOT TO BE CELEBRATED EXCEPT IN PLACES CONSECRATED BY A BISHOP

203. In the decrees of Silvester, c. v *Nullus presbyter*
 204. In the decrees of Felix, c. i *Sicut non alii*

30. ON THE OFFERING OF THE SACRAMENTS

205. In the decrees of Alexander, c. i *In sacramentorum*
 206. In the decrees of Silvester, c. viii *Sacrificium altaris*
 207. From the letter of Cecilius Cyprian, c. xvii *Sic in sanctificando*
 208. Likewise in the same, *ibid.* *Si solus Christus*

31. ON THE CONSECRATION OF CHURCHES

209. In the decrees of Gelasius, c. vi *Basilicas nouiter*

32. ON THE SOLEMNIZATION OF CHURCHES AND PRIESTS

210. In the decrees of Felix, c. i *Sollemnitates*

33. ON THE BLESSING OF THE SALT AND WATER

211. In the decrees of Alexander, c. i *Aquam sale conspersam*

34. THAT THE GOSPEIS SHOULD BE HEARD STANDING

212. In the decrees of Anastasius, c. i *Audiuimus quosdam*

35. ON THE CONSECRATION OF THE CHRISM

213. In the decrees of Fabian, c. ii *Sicut paschalis*

36. ON THE SACRAMENT OF THE LAYING ON OF THE HAND AND BAPTISM

214. In the decrees of Urban, c. i *Omnes fideles*
 215. In the decrees of Melitades, c. i *De hoc super quo*
 216. Likewise in the same, *ibid.* *In baptismo abluimur*
 217. In the decrees of Innocent, c. iii *De consignandis*
 218. In the decrees of Leo, c. xl *Hec duo tempora*
 219. In the decrees of Gelasius, c. xii *Baptizandi sibi*
 220. In the decrees of Gregory, c. vi *In trina mersione*

37. BAPTISM IS NOT TO BE REPEATED

221. In the decrees of Leo, c. vii *Hi qui baptismum*

38. ON THOSE WHO ARE ORDAINED BY HERETICS

222. In the decrees of Innocent, c. iii *Ordinati ab hereticis*

39. ON CLERICS LAPSED INTO HERESY AND LATER CONVERTED

223. In the decrees of Leo, c. vi *Omnis cuiuslibet*

40. ON THE SEATS OF BISHOPS AND THEIR POWER

224. In the decrees of Urban, c. i *Quod sedes in episcoporum*
 225. Likewise in the same, *ibid.* *Karissimi monemus*

41. ON THE SACERDOTAL AUTHORITY AND ROYAL POWER

226. In the decrees of Leo, c. xx *Omnes res aliter*
 227. In the decrees of Gelasius, c. iiiii *Duo sunt imperator*
 228. Likewise in the same, *ibid.* *Si cunctis generaliter*

42. THAT NO ONE SHOULD PRESUME TO HOLD AS A CLERK THE SERF OF ANOTHER

229. In the decrees of Leo, c. viiii *Alienum clericum*
 230. Likewise in the same, c. i *Nullus episcoporum*
 231. In the decrees of Gelasius, c. xv *Quisquis episcopus*
 232. In the decrees of Gregory, c. vii *Multos ex ecclesiastica*

43. ON THE CANTORS OF THE ROMAN CHURCH

233. In the decrees of Gregory, c. i *In sancta ecclesia Romana*

44. THAT THE BIER OF THE ROMAN PONTIFF SHOULD NOT BE COVERED

234. In the decrees of Gregory, c. v *Feretrum quo Romani*

45. ON THE AUTHORITY OF THE BISHOP OF ARLES

235. In the decrees of Gregory, c. vii *In Galliarum episcopis*

46. ON SHEPHERDS EXULTING IN THE PRAISES OF WOLVES

236. In the decrees of Anacletus, c. i *Nichil est illo pastore*

47. THAT CLERICS OR PRIESTS SHOULD NOT BE ACQUISITIVE OR USURERS

237. In the decrees of Leo, c. xxx *Virum catholicum*

238. Likewise in the same, c. iiii *Sicut non suo*

48. ON THE CLERGY'S FAST BEFORE EASTER

239. In the decrees of Telesphorus, c. i *Statuimus at septem*

49. THAT PRIESTS OUGHT NOT TO TAKE AN OATH

240. In the decrees of Cornelius, c. ii *Sacramentum*

50. ON THE AUTHORITY OF PREACHING

241. In the decrees of Anastasius, c. vii *Quicquid ad hominum*

242. In the decrees of Leo, c. i *Specialiter statuentes*

51. ON VESTMENTS OF THE CHURCH OR ALTAR

243. In the decrees of Clement, c. ii *Altaris palla*

244. In the decrees of Stephen, c. i *Vestimenta ecclesiastica*

245. In the decrees of Sother, c. i *Sacratas Deo feminas*

52. ON THE BISHOP'S CHAMBERLAINS

246. In the decrees of Gregory, c. ii *Cum pastoris uita*

53. THAT WHAT HAS BEEN COMMITTED ILLICITLY SHOULD BE DESTROYED

247. In the decrees of Hilary, c. iiii *Si quis illicite*

54. ON THE CONSECRATION OF VIRGINS

248. In the decrees of Gelasius, c. xiiii *De uotis uirginibus*

55. ON THE PRELATES' CORRECTION OF THEIR SUBJECTS

249. In the decrees of Leo, c. vi *Inferiorum ordinum*

250. Likewise in the same, c. i *Odio habeantur*

56. WHAT THE MODE OF PENANCE OUGHT TO BE

251. In the decrees of Innocent, c. vii *De penitentibus*

252. Likewise in the same, c. xii *Que spiritualiter*

253. In the decrees of Leo, c. vi *His qui in tempore*

254. In the decrees of Gelasius, c. xxii *Virginibus sacris*

57. ON THE LAYING OF CHARGES

255. In the decrees of Fabian, c. iii *Si quis iratus*

256. In the decrees of Gelasius, c. iiii *Sicut non potest*

58. THAT THE LEARNED CLERK SHOULD BE FREE FROM SECULAR LAWSUITS

257. In the decrees of Gregory, c. lxxviii *Inutile et ualde*

59. THAT INDIVIDUAL OFFICES OF THE CHURCHES SHOULD BE GRANTED TO INDIVIDUAL PERSONS

258. In the decrees of Gregory, c. iv *Singula ecclesiastici*
 259. Likewise in the same, c. ccxxxii *Volumus ut frater noster*

60. THE RESOURCES OF THE CHURCH SHOULD NOT BE ENTRUSTED TO THE LAITY

260. In the decrees of Stephen, c. ii *Laycis quamuis*
 261. In the decrees of Gregory, c. iiiii *Cauendum a fraternitate*
 262. Likewise in the same, c. iii *Si quis ecclesiasticorum*

61. ON THE CONDEMNATION OF THE INVADERS OF ECCLESIASTICAL ESTATES

263. In the decrees of Pius, c. ii *Predia diuinis*
 264. In the decrees of Urban, c. i *Res ecclesie fidelium*
 265. In the decrees of Lucius, c. i *Omnes ecclesie raptores*
 266. In the decrees of Symmachus, c. v *Mansuro cum Dei nostri*
 267. Likewise in the same, *ibid.* *Quicumque episcoporum*
 268. Likewise in the same, *ibid.* *Generaliter statuimus*
 269. In the decrees of Gregory, c. viii *Ratio nulla permittit*
 270. Likewise in the same, c. clxxxii *Sacrilegum et contra*

62. ON LAWFUL MARRIAGES

271. In the decrees of Evaristus, c. i *Aliter legitimum*

63. ON MARRIAGES FOR SOME REASON SEPARATED

272. In the decrees of Leo, c. i *Cum per bellicam cladem*

64. THAT MARRIAGES MUST NOT BE DISSOLVED FOR THE SAKE OF RELIGION

273. In the decrees of Gregory, c. ccxxxvii *Sunt quidam*
 274. Likewise in the same, c. xliiii *Agatosa mulier*
 275. Likewise in the same, c. xliii *Peruenit ad nos*

65. HERE BEGIN CERTAIN CHAPTERS SET FORTH BY SAINT GREGORY IN THE GENERAL SYNOD

276. *Si quis presbiteram*, c. i
 277. *Si quis diaconam*, c. ii
 278. *Si quis monacham*, c. iii
 279. *Si quis commatrem*, c. iiiii
 280. *Si quis fratris*, c. v
 281. *Si quis neptam*, c. vi
 282. *Si quis nouercam* c. vii
 283. *Si quis consobrinam*, c. viii
 284. *Si quis de propria*, c. viiiii
 285. *Si quis uiduam*, c. x
 286. *Si quis uirginem*, c. xi
 287. *Si quis ariolos*, c. xii
 288. *Si quis in qualibet*, c. xiii
 289. *Si quis ex clericis*, c. xiiii

66. THESE CHAPTERS WERE COLLECTED FROM VARIOUS SOURCES AND GIVEN TO ANGILRAM, BISHOP OF METZ, BY THE BLESSED POPE ADRIAN AT ROME WHEN HE WAS IN THAT PLACE DEALING WITH HIS AFFAIRS

290. *In criminalibus*, c. i
 291. *Constitutiones*, c. ii
 292. *Omnis qui falsa*, c. iii
 293. *Clericus sine laycis*, c. iiiii
 294. *Layci contemptores*, c. v
 295. *Delarori aut lingua*, c. vi
 296. *Qui in alterius*, c. vii

297. *Eius qui frequenter*, c. viii
 298. *Iudex crimosum*, c. viiii
 299. *Si quis episcopus*, c. x
 300. *Si qui inuenti*, c. xi
 301. *Nullus episcopus*, c. xii
 302. *Si quis potentum*, c. xiii
 303. *Nullus clericus*, c. xiiii
 304. *Homicidae*, c. xv
 305. *Si quis contra*, c. xvi
 306. *Qui iudicis*, c. xvii
 307. *Generali decreto*, c. xviii

67. ON THE FINDING OF THE HOLY CROSS

308. In the decrees of Eusebius, c. iii *Crucis Domini nostri*

68. LET THERE BE NO COMMUNICATION WITH THE EXCOMMUNICATED

309. In the decrees of Fabian, c. i *Cum excommunicatis*

69. NO PREJUDICE SHOULD BE INFLICTED ON JEWS

310. In the decrees of Gregory, c. xlv *Sicut Iudeis*

70. JEWS SHOULD NOT POSSESS CHRISTIAN SLAVES

311. In the decrees of Gregory, c. xlvi *Hortamur fraternitatem*

71. ON CLERICS WHO SEEK TO BECOME MONKS

312. In the Council of Toledo, c. i *Clerici qui monachorum*

72. NO PRIEST SHOULD READ PAGAN WORKS

313. In the decrees of Gregory, c. xxxiiii *Cum multa nobis*

73. THAT NO ONE SHOULD PRESUME TO EXCOMMUNICATE BECAUSE OF SOME PERSONAL INJURY

314. In the decrees of Gregory, c. xxxii *Inter querelas*

74. ON PASTORS WHO UNJUSTLY EXCOMMUNICATE THEIR SUBJECTS

315. In the Homilies of Gregory, c. x *Sepe pastores*

HERE BEGIN THE PRONOUNCEMENTS OF VARIOUS FATHERS

B. TITLE 1: ON THE PRIMACY OF THE ROMAN CHURCH

1. IN THE BOOK OF DEUTERONOMY, CHAPTER XIII

If you perceive that there is a hard and doubtful judgment among you between blood and blood, cause and cause, and if you see the words of the judges do vary within your gates, arise and go to the place which the Lord your God shall choose, and come to the priests of the tribe of Leviticus and to him who shall be the judge at that time, and ask of them and they shall show you the truth of the judgment. And you shall do whatever they who preside in the place which the Lord has chosen shall say, and what they shall teach you according to his law. You shall follow their pronouncements and shall stray neither to the right nor to the left. But he that shall be proud, refusing to obey the command of the priest who at that time serves the Lord your God, and the decree of the judge, that man shall die. And you shall take away wickedness from Israel, and all the people hearing shall fear, so that henceforth no one shall be filled with pride.

1. Deut. 17:8-13. Ans. 2.1.

2. LIKewise ABOUT THE SAME MATTER, CHAPTER I

Anacletus, servant of the servants of God, to all bishops and to all the rest of Christ's priests greetings.

The holy Roman and apostolic church obtained its primacy not from the apostles but from the Lord our Saviour himself, for as He said to St Peter the Apostle. 'You are Peter,'³ and so forth. Therefore, this apostolic see has been made the hinge and head of all churches by the Lord and not by another, and just as a door is governed by its hinge, so are all the churches, according to our Lord's command, governed by the authority of this holy see. Therefore if some particularly difficult cases arise among you, bring them to the summit of this holy see as if to a head, so that they might be settled by apostolic judgment

2. Ps.-Anacletus, ep. 3.30. 34 (H 83, 84; JK †4). Ans. 1.2; Ivo Pan. 4.2. Cf. Grat. D.22 c.2.

3. LIKewise ABOUT THE SAME MATTER, CHAPTER I

Zephyrinus, archbishop of the Roman city, to all bishops.

To the Roman church by everyone, but especially by the oppressed, ought there to be appeal and recourse as if to a mother, so that at her breasts they might be nourished, by her authority defended, and from their oppressions relieved, because a mother neither can nor ought to forget her child. Indeed, judgments of bishops and other major ecclesiastical suits should be settled by the apostolic see and not by any other because, although this authority may be transferred to other bishops, it was nevertheless said to St. Peter the Apostle, "Whatsoever thou shalt bind on earth shall be bound also in heaven, and whatsoever thou shalt loose on earth shall be loosed also in heaven."⁴

3. Ps.-Zephyrinus, ep. 1.6 (H 132: JK †80). Ans. 2.6; Grat. C.2 q.6 c.8.

4. LIKewise ABOUT THE SAME MATTER, CHAPTER I

Callistus, archbishop of the catholic church of the city of Rome, greetings to all bishops.

It is not right for the limbs to dissent from the head; instead, according to the testimony of sacred scripture, all members should follow the head.⁵ Indeed, no one doubts that the apostolic church is the mother of all churches, from whose rules it is agreed that you in no way depart, and just as the Son came to do the will of the Father,⁶ even so ought you to fulfill the will of your mother, which is the church, whose head, as has been said before, is the Roman church. Therefore, what ever is done without just reason against her discipline can in no way be regarded as valid.

³ Matt. 16:18.

⁴ Matt. 16:19.

⁵ 1 Cor. 12:12.

⁶ Cf. John 6:38.

4. Ps.-Callistus, ep. 1.1.2 (H 136: JK †85). Ans. 1.12; Grat. D.12 c.1.

5. LIKEWISE ABOUT THE SAME MATTER, CHAPTER II

Fabian, bishop of the city of Rome, greetings to all bishops.

If in worldly matters each person's right and personal status has to be upheld, how much more ought no disorder be introduced into ecclesiastical affairs. This will be preserved by observing the rule of granting nothing to force but everything to justice.

5. Ps.-Fabian, ep. 2.15 (H 162 sq.; JK †93). Ans. 2.10.

6. LIKEWISE ABOUT THE SAME MATTER, CHAPTER III

If anyone feels a judge is against him let him appeal. No penalty or restraint should harm the appellant, who should be allowed to correct an invalidated suit by the remedy of appeal. Even in criminal cases appeal should be allowed, and right of appeal should not be denied a person who has been bound over for sentencing. Let the accused put his case before his own judge, and if he is accused before a judge who is not his own, let him, if he wishes, keep silent. The accused, as often as they appeal, should be granted a stay of proceedings, and a sentence which is not given by one's own judge should not be binding.

6. Ps.-Fabian, ep. 3.27. 28. 29 (H 167-168: JK †94). Ans. 2.10; Grat. C.2 q.6 cc.1, 2, 20, 21; C.3 q.6 c.3.

7. LIKEWISE ABOUT THE SAME MATTER, CHAPTER II

Sixtus, bishop of the universal apostolic church, to all rectors of the holy church of God greetings.

If any of you is accused in any adversity, he may freely appeal to this holy and apostolic see, and may turn to her for shelter as to a head, lest an innocent person be condemned and his church suffer harm. If a necessity should arise and if he in no way wishes to appeal to her, and yet he shall have been summoned by this holy see, let him not refuse to come, but rather let him hasten to come as soon as he receives the summons. And let him answer wisely for the matters for which he has been summoned, and if it is necessary to correct anything, let him correct it with those whom he finds first here. Let him not return to his own church before he has been fully provided with, and excused by, apostolic letters or formulations, wherever he is from. And after he returns home, his neighbours should know how he terminated his own suit and the suits of others so that he can announce and preach these things straightforwardly to everybody. If anyone presumes to act otherwise, let him know that the censure of this see with all her members will not fail to come upon him, and as he acts, so shall he receive. If well, well; if badly, badly; if evilly, evilly; for the workman is worthy of his hire.⁷

7. Ps.-Sixtus I, ep. 2.5, 6 abbrev. (H 108 sq.; JK †32). Ans. 2.18; Grat. C.2 q.6 c.4.

8. LIKEWISE ABOUT THE SAME MATTER, CHAPTER VII *Pope Silvester, presiding in a general synod, said:*

No one shall judge the first see seeking that justice be done. Neither by the emperor, nor by any of the clergy, nor by kings, nor by the people shall the judge be judged.

8. Pseudo-*Constitutum Silvestri* c.27 (ed. Coustant, app. 52A; c.20 in Mansi 2.631-2; JK ante †174). From an inferior recension of the text; cf. Deusd. 4.41 which comes from the original recension. Ans. 1.19 (cf. 4.40); Ivo Pan. 4.5; Grat. C.9 q.3 c.13.

9. LIKEWISE ABOUT THE SAME MATTER, CHAPTER III

Julius, bishop of the apostolic see, to all bishops.

The holy Roman church has the power, granted to her by a special privilege, of opening and closing the gates of the kingdom of heaven to whom she will.

9. Ps.-Julius, ep. 3[4].11 (H 464: JK †196). Ivo Pan. 4.12. Cf. Ans. 1.23.

10. LIKEWISE ABOUT THE SAME MATTER, CHAPTER II

Bishop Gelasius to all bishops.

⁷ 1 Tim. 5:18.

The whole church throughout the world knows that the holy Roman church has the right of judging every church, and that no one is allowed to dispute her judgment. Indeed there ought to be right of appeal to her from any part of the world, but no one is allowed to appeal from her. Nor do we overlook the fact that the apostolic see has the right to absolve without any preceding synod those whom an unjust synod has condemned, and of condemning without any existing synod those whom she ought [to condemn]. And she has this power indisputably by virtue of the primacy which St. Peter the Apostle by the Lord's word both held and always will hold.

10. Gelasius I ep. 26.2 (16 + 18 + 10 ed. Gunther, *Coll. Avellana* App. 1. CSEL 35.779–80, 778: JK 664) from Ps.-Isid, ep. 5[4] (M 965 A/B and 964B; H 643 and 642 from the Quesn.). Ans. 2.16 (cf. 1.47, 48, and 49); Grat. C.9 q.3 c.17.

11. LIKEWISE ABOUT THE SAME MATTER, CHAPTER VI

Pope Symmachus to all bishops.

God wanted to settle the cases of other men by men, but he unquestionably reserved to his own judgment the cases of the prelates of the holy Roman see. He wanted the successors of St. Peter to account for their innocence only to heaven and to reveal an unblemished conscience to the scrutiny of the most searching of judges.

11. Ennodius, *Libellus pro synodo* 93 (ed. Hartel, CSEL 6.316.6–11; JK †s.a. 503) from Ps.-Isid. Synod 5 under Symmachus (M 1016D: H 672 from ed. Sirmondi 317). Cf. Ans. 1.24: Grat. C.9 q.3 c.14.

12. LIKEWISE ABOUT THE SAME MATTER, CHAPTER VII

Pope Vigilius to his most beloved brother and fellow bishop, Euterus.

No one whether with little knowledge or fully informed has any doubt that the Roman church is the foundation and form of all churches. As all true believers know, all churches received their origin from this church, for although the election of all the apostles was equal, St. Peter nevertheless was given preeminence over the others and thus he is called Cephas,⁸ because he is the head and leader of all the apostles, and what has preceded in the head must follow in the members. Therefore, by his merit the holy Roman church, which was consecrated by the words of the Lord, has the primacy over all churches, and so, she [is the one] to whom both the most weighty episcopal affairs, decisions, and complaints, and the major questions of churches ought always to be referred as though to the head. The person who knows himself placed over others should not take it badly if another is placed over him. And this church, which is the first, considered that its office must be so imparted to the other churches that they were called to share in the solicitude but not in the fullness of power. Hence it is clear that the judgments of all bishops appealing to the apostolic see as well as cases involving all major suits have been reserved to the same holy see, especially since in all these matters her decision should always be sought. If any priest tries to hinder this procedure, he should know that he will have to render an account to the same holy see not without some risk to his position.

12. Vigilius, ep. [2] c.7 (H 712; JK 907), a spurious letter. Ans. 1.9, 2.18 Cf. Grat. C.2 q.6 c.12.

13. LIKEWISE ABOUT THE SAME MATTER, CHAPTER X

Gregory, servant of the servants of God, to all bishops throughout the different provinces.

We are moved by divine commands and most wholesome apostolic warnings to keep a vigilant watch over everyone's status. And since by divine dispensation we are responsible for all churches, we seek by virtue of apostolic authority to bring help to all those who request our aid, because it is the sanction of divine virtue and of human infirmity that the affairs of all churches seek the benefits of our intervention. Therefore, we send this letter to you in which we, seeking your favour on our decree, command that no judgment shall be made concerning him who takes refuge in the bosom of the holy Roman church and begs her help, before it has been commanded by the authority of the same church, which so imparted her office to the other churches that they have been summoned to share in the solicitude but not in the fullness of power. If anyone dares to act otherwise, which we do not think possible, let him be removed from clerical office and judged guilty by everyone of disobedience to the apostolic authority, lest wolves who sneak in disguised as

⁸ Cf. John 1: 42.

sheep⁹ should dare to devour them with beastly ferocity and presume to indict upon others what they would not wish to happen to themselves.

13. Gregory IV, spurious letter (MGH *Epp.* 5.73.19–23, 74.6–9, 15–18; JE †2579). For its possible genuineness see W. Goffart, *Medieval Studies* 28 (1966) 22–38. Ans. 2.17. Cf. Grat. C.2 q.6 c.11.

14. LIKEWISE ABOUT THE SAME MATTER, THE SAME CHAPTER

Apostolic precepts should not be resisted with obstinate pride, but let those things which have been salutarily commanded by the holy catholic and apostolic authority be fulfilled through obedience, if you desire to have communion with the same holy church, which is your head. We do not order anything new in the present judgment, but simply affirm those things which were once seen as indelible, for no one doubts that not only episcopal cases but [also] every appeal having to do with sacred religion ought to be referred to the apostolic see as to the head of churches, and ought therefore to receive a ruling whence it received its origin, lest it should seem to overlook the head of the institution. Let all priests who do not wish to be separated from the strength of the apostolic rock, upon which Christ founded the universal church,¹⁰ uphold the sanction of her authority. If anyone fails to observe these precepts of the apostolic see, let him not doubt that he is an enemy of the office he has received.

14. Greg. IV, op. cit. (MGH *Epp.* 5.75.19–76.3, 79.13–80.2; JE †2579). Ans. 1.20; Grat. D.12 c.2.

15. LIKEWISE ABOUT THE SAME MATTER, FROM THE SAME CHAPTER

It is not right for anyone either to seek or to be able to transgress the precepts of the apostolic see and the exercise of its office, which must foster the good of all men. Therefore, let anyone who wishes to contradict the apostolic decrees be prostrate with grief for his downfall, and let him have no place henceforth among the priests, but let him be thrust out of the sacred ministry. Nor let anyone henceforth be concerned over his sentence, since it is not doubted by anyone that he has already been condemned by the holy and apostolic church and by its authority, and by his own disobedience and presumption: he must be cast out by the degradation of major excommunication, for not only ought he to have obeyed the commands of the prelate of the holy church, but he ought also to have introduced others [to these commands] lest they overlook [them]. Therefore, let him who refused to obey the apostolic precepts be cut off from the divine and episcopal offices.

15. Greg. IV, ep. cit. (MGH *Epp.* 5.77.7–17; JE †2579). Ans. 2.19; Deusd. 1.219; Grat. D.19 c.5.

16. FROM THE SAME CHAPTER

If anyone wishes to dispute with us over these things or claims to act outside our authority, let him come to the apostolic see, to which all ecclesiastical matters that are under question have been ordered to be sent, so that, there before the confession of St. Peter, he can debate the matter properly with me and thus one of us can respond to his opinion.

16. Greg. IV, ep. cit. (MGH *Epp.* 5.75.1 1–14; JE †2579). Ans. 2.20; Grat. C.2 q.7 c.42.

17. LIKEWISE ABOUT THE SAME MATTER, CHAPTER I

Pope Nicholas to all bishops.

No one has been permitted to judge the judgment of the apostolic see or to retract her pronouncement, and this is clear because of the primacy of the Roman church, divinely conferred, by virtue of Christ's gift, on St. Peter the Apostle.

17. Nicholas I, Letter to Hincmar (ed. Perels MGH *Epp.* 6.606.19–21; JE 2879) with changed order of words. Ans. 1.21; Ivo Pan. 4.10; Grat. C.17 q.4 c.30.

⁹ Cf. Matt. 7: 15.

¹⁰ Cf. Matt. 16:18.

18. FROM THE LETTER OF CECILIUS CYPRIAN AGAINST NOVATIAN ABOUT THE UNITY OF THE CHURCH, CHAPTER VII

The Lord says to Peter, “But I say to you that thou art Peter and upon this rock I shall build my church.”¹¹ On one man he builds his church and although he gives equal power to all the apostles after his resurrection and says, ‘Just as the Father sent me, so I also send you: receive the Holy Spirit,’¹² yet, in order to demonstrate unity, by his authority he made one man the fount and origin of that unity. In this manner were the other apostles undoubtedly endowed like Peter with an equal fellowship, both of honour and of power. But the beginning sprang from a single source in order that the church of Christ might be shown to be a unity. In the Song of Songs the Holy Spirit on behalf of the Lord calls this the one church for he says, “One is my dove, my perfect one, one is the chosen one to her mother, her creator.”¹³ And St. Paul the Apostle teaches this unity of the church, and demonstrates the sacrament of unity, saying, “One body, one spirit, one hope of our vocation, one Lord, one faith, one baptism, one God.”¹⁴ This unity we ought to hold and defend especially we bishops who preside in the church, in order to prove that the episcopacy itself is also one and undivided. Let no one deceive the brethren with lies; let no one by treacherous prevarication corrupt the truth of faith.

18. St. Cyprian, *Liber de catholicae ecclesiae unitate* cc. 4, 5 (ed. Hartel CSEL 3.212.8–214.1). Ans. 1.10; Grat. C.24 q.1 c.18 pr.

19. LIKEWISE ABOUT THE SAME MATTER, FROM THE SAME CHAPTER

The episcopacy is one, in whose totality individuals have a part. The church is one, which is spread the more widely over many by increase of fruitfulness, in the same way as the rays of the sun are many but the light one, and the branches of the tree are many but its strength is one, founded in a strong root; and just as many rivers flow from one source, it nevertheless preserves unity in its source, even though the multitude may seem spread out in flowing abundance. Separate the sun’s ray from the body, the unity of light is not broken; break off a branch from a tree, the broken part will not be able to germinate. Cut off a river from its source, the severed part dries up. Even so does the church, the Lord’s gleaming light, pour forth her rays throughout the whole world. She is one because wherever she spreads, the unity of her body is not broken. In copious abundance she stretches her branches throughout the land; far and wide she unfolds her flowing rivers. Yet there is one head, one source, one mother, rich in the progeny of her bounty. The bride of Christ cannot be corrupted; she is pure and chaste; she knows one home and she guards with chaste purity the sanctity of one bed.

19. St. Cyprian, *op. cit.* cc. 5, 6 (CSEL 3.214.1–19). Ans. 5.1; Grat. C.24 q.1 c.18.

20. LIKEWISE ABOUT THE SAME MATTER, FROM THE SAME CHAPTER

He is alien; he is profane; he is an enemy; he who will not maintain the unity of the universal church cannot have God as Father.

20. St. Cyprian, *op. cit.* c. 6 (CSEL 3.214.22–24). Ans. 5.2; Grat. C.24 q.1 c.19 pr.

* * *

C. TITLE 5: ON THE PROCEDURE FOR ACCUSATION AND ON THOSE WHO ACCUSE

44. CHAPTER I

Anacletus, bishop of the city of Rome, to all bishops.

The licence to accuse or testify is denied those who have neglected the dignity of the Christian religion, name, and law, or the rule of its leader and matters rightfully prohibited. Wilful transgressors of its law and

¹¹ Matt. 16:18.

¹² John 20:21–22.

¹³ Cant. 6:8.

¹⁴ Eph. 4:4–6.

its violators are called apostate. Every apostate is to be rejected and is not to be received as an accuser of right-acting persons.

44. Ps.-Anacletus, ep. 1.3, 4 (H 68: JK †2). Ans. 3.10; Ivo Pan. 4.60. Cf. Grat. C.3 q.4 c.2.

45. LIKEWISE ABOUT THE SAME MATTER, CHAPTER II

They who were enemies the day before yesterday or the day before that cannot be accusers or witnesses, lest in their anger they desire to hurt, or in their injury they wish to be avenged. An unbiased disposition is to be sought in accusers and witnesses, and one not suspect.

45. Ps.-Anacletus, ep. 3.35 (H 84; JK †4) Ans. 3.14; Ivo Pan. 4.84; Grat. C.3 q.5 c.2

46. LIKEWISE ABOUT THE SAME MATTER, CHAPTER I

Telesphorus archbishop of Rome to all bishops.

Just as lay and secular persons do not wish to receive clerics in their accusations and defamations, so clerics must not receive them in their defamations, since in all matters the life and manner of living of clerics and laymen should be distinct and separate.

46. Ps.-Telesphorus, ep. I (H 110; JK †34). Ans. 3.29; Ivo Decr. 6.313.

47. LIKEWISE ABOUT THE SAME MATTER, CHAPTER I

Bishop Eleutherus to all bishops.

Let nothing be done against the accused without a legitimate and suitable accuser. Our Lord Jesus Christ certainly knew Judas to be a villain, but because he had not been accused, he was not cast out. But whatever he did among the apostles remained valid on account of the dignity of his office.

47. Ps.-Eleutherus, ep. 1.3 (H 126; JK †68). Ans. 3.64; Grat. C.2 q.1 c.4.

48. LIKEWISE ABOUT THE SAME MATTER, CHAPTER II

Pope Callistus to the beloved bishops established throughout Gaul.

The character of accusers must be thoroughly examined. Never should they be received in writing and only with difficulty in person, because no one can be accused in writing, but everyone should make his own accusation in his own voice and in the presence of him whom he wants to accuse. Nor should any accuser be believed in the absence of the person whom he wishes to accuse. Similarly, witnesses should not proffer any testimony in writing, but, being present, they should give true testimony of what they have seen and know, nor should they give testimony about other cases or matters, unless about those things that are known to have happened in their presence. Also, accusers related by blood should not give testimony against outsiders, nor should servants or members of the same household, but if they desire and mutually consent, relatives may testify against one another, though not against others. Nor should suspect accusers or witnesses be received, because the influence of relationship, friendship and lordship often impedes the truth. Carnal love, fear, and avarice very often dull the human senses and pervert opinions in such a way that they consider profit a virtue and money a reward for prudence.

48. Ps.-Callistus, ep. 2.17, 18 (H 141: JK †86). Ans. 3.53. Cf. Grat. C.3 q.9 c.3, C.3 q.5 c.1, c.12. [Hinschius cites c. Afr. c.17, suggesting that at least some of this is genuine material from the ancient world.]

49. LIKEWISE ABOUT THE SAME MATTER, CHAPTER II

Fabian, bishop of the city of Rome, to all bishops.

Just as priests and other clerics are excluded from accusing laymen, so laymen should be excluded and separated from their incrimination. And just as the former are not to be received by the latter, neither are the latter by the former, for just as the way of life of the Lord's priests ought to be separate from their way of life, so also their litigation, because the Lord's servant ought not to go to law.

49. Ps.-Fabian, ep. 2.13 (H 162; JK †93). Ivo Pan. 4.61; Grat. C.2 q.7 c.6.

50. FROM THE SAME CHAPTER

No one should ever presume to be at once both the accuser and the judge or witness, for in every case four persons must always be present, that is, elected judges, suitable accusers, fitting defenders, and lawful witnesses. Judges must use equity, witnesses truth, accusers prosecution to make the most of the case, and defenders extenuation to reduce the charge.

50. Ps.-Fabian, ep. 2.22 (H 165; JK †93); lines 4–6 are from Benedictus Levita 3.339. Ans. 3.72; Ivo Pan. 4.81; Grat. C.4 q.4 c.1.

51. LIKEWISE ABOUT THE SAME MATTER, CHAPTER I

Stephen, bishop of the Roman church, to his most beloved brother and close friend Hylary.

We call those persons infamous who for some fault are branded with infamy, that is, all who reject the rule of Christian law and contemn ecclesiastical statutes. Similarly thieves, sacrilegists, and all guilty of capital crimes; also grave robbers and those freely violating the statutes of the apostles, of their successors and of the rest of the sacred fathers, and all those who are armed against the fathers—such persons are branded as infamous throughout the world. And similarly those guilty of incest, murderers, perjurers, rapists, evil-doers, poisoners, adulterers, war deserters, and those who seek to hold places not fit for them, or who unjustly carry off the resources of the church, and who plot against or accuse their brothers and do not prove it, or who provoke and enrage the minds of princes against innocent persons; all those anathematized or expelled from the church for their evil deeds, and all whom ecclesiastical or secular laws brand as infamous. All these without doubt as well as serfs before lawful liberation, penitents, bigamists, those who serve the court, or those who are not sound in body or do not have a sound mind or intellect, or who stand disobedient to the decrees of the saints or who manifest madness: all these, I say, ought not to be promoted to sacred orders nor can they in any way be justly received as accusers or witnesses.

51. Ps.-Stephen, ep. 1.2 (H 182; JK †130). Ans. 3.5; Ivo Pan. 4.66. Cf. Grat. C.6 q.1 c.17.

52. LIKEWISE ABOUT THE SAME MATTER, CHAPTER II

Stephen, bishop of the holy apostolic and universal Roman church, to all bishops.

No accusation of any person is to be received in writing, but in his own voice, provided the character of the accuser is lawful and worthy, and in the presence of him whom he seeks to accuse, because no one absent can be accused or accuse.

52. Ps.-Stephen, ep. 2.8 (H 185; JK †131). Ans. 3.54; Ivo Pan. 4.53; Grat. C.2 q.8 c.5.

53. LIKEWISE, FROM THE SAME CHAPTER

Those dwelling with our enemies and all laymen should be repulsed, because the influence of friendship usually incites persecution and blasphemy. Indeed, they, that is, laymen, ought not to be received in accusation against you, seeing that they are unwilling to receive you in laying charges against them.

53. Ps.-Stephen, ep. 2.7 (H 184–185; JK †131). Ans. 3.27; Ivo Pan. 4.62.

54. LIKEWISE ABOUT THE SAME MATTER, THE SAME CHAPTER

Permission to lay charges must be denied accused persons, before they have exonerated themselves of the charges against them, because no credence should be placed on evidence against others when made by persons who are implicated in crimes, unless they have first proved themselves innocent, since the accusation of an accused person against another is suspect and ought not to be admitted. Friends and self confessed criminals and those tainted with crimes ought not to be admitted, nor those who the day before yesterday or the day before that or previously were enemies.

54. Ps.-Stephen ep. 2.11 (H 186; JK †131). Ans. 3.71; Grat. C.3 q.11 c.1.

55. LIKEWISE ABOUT THE SAME MATTER, CHAPTER II

Bishop Felix to all bishops.

An infamous person can be neither attorney nor judge. In the absence of the adversary the accuser is not to be heard, nor will any sentence given by the judge in the absence of one party have any validity, nor is

one absent able to accuse or be accused by another, nor is a relative to be admitted as a witness. If anyone feels a judge is against him, let him lodge an appeal, which cannot be denied to anyone.

55. Ps.-Felix I ep. 2.13, 14 with omissions (H 202; JK †143). Ans. 3.7. Cf. Grat. C.3 q.7 c.1, C.3 q.9 c.11.

56. LIKEWISE ABOUT THE SAME MATTER, CHAPTER II

Eutychian, bishop of the city of Rome, to all bishops.

Ecclesiastical matters are not to be handled in the same way as secular ones, for in secular matters after someone who has been summoned comes and has begun to contest [his case] in the court, he is not allowed to withdraw before it has been settled. In ecclesiastical matters, however, the plaintiff may withdraw the case after it has been presented, if necessary, or if he sees himself unfairly treated.

56. Ps.-Eutychian, ep. 2.6, 7 (H 211; JK †146). Ans. 3.70; Ivo Decr. 6.336. Pan. 4.100: Grat. C.2 q.6 c.18.

57. LIKEWISE ABOUT THE SAME MATTER, THE SAME CHAPTER

No infamous and sacrilegious person should ever be allowed to testify against a good Christian about any kind of transaction, however humble and servile be his [the Christian's] status, nor may he accuse a Christian about any matter in a lawsuit or by bill of indictment.¹⁵

57. Ps.-Eutychian, ep. 2.8 (H 211–212; JK †146). Ivo Pan. 4.92; Grat. C.3 q.4 c.11. Cf. Ans. 3.25.

58. LIKEWISE ABOUT THE SAME MATTER, CHAPTER II

Pope Gaius to bishop Felix.

Pagans, heretics, and Jews cannot accuse Christians or lay a charge of defamation.

58. Ps.-Gaius, ep. I.2 (H 214; JK †157). Ivo Pan. 4.63; Grat. C.2 q.7 c.25. Cf. Ans. 3.45.

59. LIKEWISE ABOUT THE SAME MATTER, CHAPTER II

The Roman prelate Marcellinus to all bishops.

No cleric of any rank should presume to bring anyone to secular judgment without the permission of his bishop, nor should a layman be allowed to accuse any cleric.

59. Ps.-Marcellinus, ep. 2.3 (H 221; JK †159). Ans. 3.24; Ivo Pan. 4.31; Grat. C.11 q.1 c.3.

60. LIKEWISE ABOUT THE SAME MATTER, CHAPTER II

Pope Silvester, presiding in the general synod, said:

Let no layman dare to bring a charge against a cleric. Nor let anyone receive the testimony of a cleric against a layman, and let no one presume to examine publicly any cleric except in the church.

60. Ps.-Silvesler, *Synodal Decrees* cc. 2, 5 (H 449; JK I p. 29 †sa. 324). Ans. 3.23; Ivo Pan. 4.89. Cf. Grat. C.2 q.7 c.2, C.11 q.1 c.9.

61. LIKEWISE ABOUT THE SAME MATTER, CHAPTER III

In no case should a cleric, deacon, or presbyter enter the secular court, nor should he presume to state a case before a civil judge, since every [secular] court (*curia*) derives its name from the term “blood” (*cruore*). And if any cleric accusing a cleric enters into a [secular] court, let him be anathematized.

61. Ps.-Silv., op. cit. c.5 (H 449–450; JK *ibid.*) Ans. 7.i49; Ivo Pan. 4.30 C]. Grat. C.11 q.1 c.33. 10.

D. TITLE 6: THAT AN ACCUSATION SHOULD BE SETTLED WITHIN THE PROVINCE, AND WHAT CONSTITUTES A PROVINCE

62. CHAPTER II

Bishop Cornelius to his fellow bishop, Rufus.

¹⁵ ‘Actione vel inscriptione christianum impetere.’

Let no priest commit his case to an outside judge, unless it has been appealed to the apostolic see; but let each person have as judges known members of his province, unless he has some reason to fear there some violence from the hostile multitude or he considers the judges hostile and suspect, in which case right of appeal to judges of greater authority, and permission to go to another province, has been granted.

62. Ps.-Cornelius, ep. 2.5 (H 174; JK †115). Ivo Pan. 4.32.

63. LIKewise ABOUT THE SAME MATTER, CHAPTER II

Stephen, bishop of the holy apostolic and universal Roman church to all bishops.

Licence to accuse does not extend outside the province, but every accusation should be heard within the province and be settled by the fellow members of the province, unless an appeal has been made to the apostolic see.

63. Ps.-Stephen, ep. 2.10 (H 185–186; JK †131). Ans. 3.74; Ivo Pan. 4.33; Grat. C.3 q.6 c.4.

64. LIKewise ABOUT THE SAME MATTER, CHAPTER VII

Innocent to Bishop Victricius of Rouen.

Without the previous consent of the Roman church, to whom proper respect ought to be shown in all cases, no one is allowed to desert those priests of his own province, who govern the churches of God by divine command, in order to pass to another province, or to await or seek the judgment of the bishops of other provinces. If anyone perchance presumes to do this let him be both removed from clerical office and by all men judged guilty of his wrong-doings.

64. Innocent I, ep. 2.3 (5 Coustant 749 A/B; PL 20.472A-473A; JK 286) from Ps.-Isid, ep. 2.3 (M 699C; H 530 from Hisp.). Ans. 3.75; Grat. C.3 q.6 c.14.

65. LIKewise ABOUT THE SAME MATTER, CHAPTER I

Pelagius Roman pope to all bishops.

Know that a province is one which has ten or eleven cities, one ruler, and an equal number of lesser powers under him; also one metropolitan and ten or eleven suffragan bishops as judges, to whose judgment all the causes of bishops and of the remaining priests, as well as the causes of the cities should be referred, in order that they may be determined by the whole body in a fair and proper manner, unless an appeal to a higher authority has been made by those awaiting judgment; thus no province ought to be degraded or dishonoured, but let each have its own judges, priests, and bishops, according to their own ranks. And whoever has a cause should be judged by his own judges and not by outsiders, that is, by lawful judges from his own province and not foreigners, unless, as already pointed out, an appeal has been made by those waiting to be judged.

65. Ps.-Pelagius II, ep. I (H 724; JK †1051). Ans. 6.103; Ivo Pan. 4.24; Grat. C.6 q.3 c.2.

E. TITLE 7: THAT THOSE INFERIOR IN RANK CANNOT ACCUSE THEIR SUPERIORS

66. CHAPTER I

Zephyrinus archbishop of the Roman city, to all bishops.

Let no one of superior rank be attacked by or suffer the accusations of his inferiors. Neither in a doubtful matter should a definitive sentence be made, nor should any judgment stand unless it was properly reached. No one should be judged in his absence because both divine and human law forbid this.

66. Ps.-Zephyrinus, ep. I.3, 4 (H 131; JK †80). Ans. 3.58. Cf. Grat. C.3 q.9 c.13, C.2 q.7 c.11.

67. LIKewise ABOUT THE SAME MATTER, CHAPTER I

Fabian bishop of the city of Rome to all bishops.

We decree that if any cleric has accused or betrayed his bishops, and tried or conspired to incriminate them, then he should be removed from clerical office in the presence of the examining judge and handed

over to the [secular] court in whose charge he shall remain for the rest of his days, and let him stay infamous without any hope of restitution.

67. Ps.-Fabian, ep. 1[2].21 (H 165; JK †93). Ans. 7.150; Grat. C.11 q.1 c.31.

68. LIKEWISE ABOUT THE SAME MATTER, CHAPTER II

Bishop Stephen to all bishops.

Any cleric who has accused his bishop or who acts treacherously against him is not to be received, because he has become infamous and he ought to withdraw from his rank and be handed over to the [secular] court.

68. Ps.-Stephen, ep. 2.12 (H 186; JK †131). Grat. C.3 q.4 c.8.

69. LIKEWISE ABOUT THE SAME MATTER, CHAPTER I

Pope Silvester, presiding in the general synod, said:

In no way should a presbyter presume to make any accusation against a bishop, a deacon against a presbyter, a subdeacon against a deacon, an acolyte against a subdeacon, an exorcist against an acolyte, a reader against an exorcist, or a doorkeeper against a reader. A prelate shall not be condemned except with seventy-two witnesses; a cardinal presbyter shall not be condemned except with forty-four witnesses; a cardinal deacon of the city of Rome shall not be condemned except with twenty-six witnesses; a subdeacon, acolyte, exorcist, reader, doorkeeper shall not be condemned except with seven witnesses. Moreover, witnesses and accusers should be without ill repute.

69. Ps.-Silvester, *Synodal Decrees* cc. 2-4 (H 449; JK I p. 29 †s.a. 324). Ans. 3.43. Cf. Grat. C.2 q.4 c.2, C.2 q.7 c.10.

F. TITLE 8: THAT SHEPHERDS OF THE CHURCHES SHOULD BE ADMONISHED BEFORE BEING ACCUSED

70. CHAPTER I

Anacletus, bishop of the city of Rome, to all bishops.

If anyone shall be aroused against pastors of their churches, or has a grievance, let him first go to them with a charitable intent, so that warned in this friendly manner they might heal what must be healed, and charitably amend what they know must rightly be amended. However, if some of them, before doing this, shall presume to slander, accuse, or attach them, they are to be excommunicated and in no way absolved before they have done penance through proper satisfaction, since an affront to them pertains to Christ, whose authority they exercise.

70. Ps.-Anacletus, ep. 2.20, 21 (H 77; JK †3). Ans. 3.36; Ivo Pan. 4.34. Cf. Grat. C.2 q.7 c.15 §4.

71. LIKEWISE ABOUT THE SAME MATTER, CHAPTER I

Alexander, bishop of the apostolic church, to all the orthodox.

If anyone believes he has some just complaint against his bishop or the agents of the church, let him not approach the prelates or other judges before he has appealed in a friendly spirit to those by whom he thinks he has been injured, not once, but many times, so that he might receive from them either his justice or a proper explanation. If he does otherwise, let him be deprived of fellowship by them and by others as a despiser of the apostles and of the other fathers.

71. Ps.-Alexander, ep. 1.8 (H 98; JK †24). Ans. 3.81; Ivo Decr. 5.242; Pan. 4.35. Cf. Grat. C.2 q.7 c.16.

72. LIKEWISE ABOUT THE SAME MATTER, CHAPTER II

Sixtus, bishop of the Roman church, to all bishops.

It has been decreed that if anyone feels that he has a personal complaint against a bishop or the agents of the church, he should not approach the judges before he has gone to them in a spirit of charity, so that, warned in a friendly fashion, they ought to heal those things which were the source of the complaint. If anyone does otherwise, let him be deprived of the fellowship.

72. Ps.-Sixtus II, ep. 2.5 (H 192: JK †134). Cf. Bernold, *De damnatione scismat*, 2.8 (MGH *Ldl.* 2.50.31).

73. LIKEWISE ABOUT THE SAME MATTER, CHAPTER II

Felix, bishop of the Roman church, to all bishops.

If any bishop has been accused by those who are legitimate accusers, after he has been charitably summoned by them that he ought to amend his fault, and yet refuses to correct it, then and not before should his cause be canonically referred to the highest prelates, who ought to meet together regularly in council in an appropriate place and at an appropriate time, that is, in autumn or summer, within the province itself, in such a way that he can be heard there by all the bishops of the same province. If he has been regularly summoned, he ought to attend in person, unless some infirmity or other grave necessity shall prevent him, because there is no licence to accuse outside he provincial borders before a hearing is requested.

73. Ps.-Felix I, ep. 2.9 (H 201: JK †143). Cf. Ivo Decr. 5.292.

G. TITLE 9: SHEEP CANNOT ACCUSE THEIR SHEPHERDS

74. CHAPTER III

Anacletus, established in the apostolic see by the Lord, to all bishops.

By the sentence of Cham, the son of Noah, those persons are condemned who betray the sin of their teachers or leaders, as was Cham, who did not cover his father's shame but exposed his nakedness.¹⁶ If a doctor or pastor of the church deviates from the faith, he should be corrected by the faithful. However, for moral indiscretions he should rather be tolerated, because the doctors of the church must be judged by God, as the prophet said: "God hath stood in the synagogue of the gods, and in their midst he judges the gods."¹⁷ Thus, if one of the faithful sees or knows that the pastor's people are rising against him or besieging the clergy with malicious attacks, he ought to extirpate this sin with all his might; and he should prudently try to correct it. He should avoid being involved in any business with them, if they appear incorrigible, before they are reconciled to their teacher.

74. Ps.-Anacletus, ep. 3.38, 39 (H 85; JK †4). Cf. Ans. 3.31, 6.122. Grat. C.2 q.7 c.12.

75. LIKEWISE ABOUT THE SAME MATTER, THE SAME CHAPTER

Instead of seeking the merits of their flock, pastors of the church are often corrupted in such a way that those who follow rush headlong downhill. For clearly, when the head is weak, the rest of the body's members are more easily poisoned as it has been written: "The whole head is sick, and the whole heart is sad, from the sole of the foot to the top of the head there is no health therein."¹⁸

75. Ps.-Anacletus, ep. 3.37 (H 85; JK †4). Ans. 6.123.

76. LIKEWISE ABOUT THE SAME MATTER, CHAPTER II

Bishop Alexander to all bishops.

We decree and declare that all who persecute, or openly seek to remove and harm the sacred fathers are to be infamous and banished from the limits of the church until they have made satisfaction; such persons are on that account declared infamous because they persecute the fathers.

76. Ps.-Alexander, ep. 1.6 (H 97: JK †24). Ans. 3.8.

77. LIKEWISE ABOUT THE SAME MATTER, THE SAME CHAPTER

He cannot be condemned by human trial whom God has reserved to his own judgment. For if everything were to be judged in this world, there would be no room for divine judgments

¹⁶ Cf. Gen. 9:25.

¹⁷ Ps. 81:1.

¹⁸ Isa. 1:5.6.

77. Ps.-Alexander, ep. 1.7 (H 98; JK †24). Ans. 3.38.

78. LIKEWISE ABOUT THE SAME MATTER, CHAPTER II

Bishop Fabian to all bishops.

By apostolic authority we decree and command that the sheep who have been committed to their shepherd should not dare to accuse him unless he errs in faith. If, however, he deviates from the faith, he must first be corrected in private by his subjects. But if, heaven forbid, he appears incorrigible, then he must be accused before his superiors or at the apostolic see. For his other acts, to be sure, he is rather to be tolerated by his sheep and subjects than accused or publicly denounced, because when in these things he is accused by his subjects, they are resisting the authority of him who set them over the subjects, for as the apostle says: "He who resists authority resists the ordinance of God."¹⁹

78. Ps.-Fabian, ep. 2.22. 23 (H 165-166; JK †93). Cf. Ans. 3.31; Ivo Pan. 4.41.

79. LIKEWISE ABOUT THE SAME MATTER, CHAPTER II

Dionysius, bishop of the city of Rome, to Bishop Severus.

The accusations which you say are laid by some against the bishops you should in no way allow to be made except by those who will prove the charges, provided they seem worthy and irreprehensible and show by their public acts that they are free of all suspicion and enmity, and have a blameless life and faith. No one who has confessed his own guilt can be believed concerning another's crime because the statement of a guilty person is unreliable.

79. Ps.-Dionysius, ep. 2.4 (H 196; JK †139). Cf. Ans. 3.61.

80. LIKEWISE ABOUT THE SAME MATTER, CHAPTER II

The Roman prelate Eutychian to all bishops.

Accusation of priests or of other pastors ought not to be generally and indiscriminately allowed. For if it is easily allowed, then very few pastors would be found,²⁰ because all who want to live in holiness undergo persecution.

80. Ps.-Eutychian, ep. 2.9 (H 212; JK †146). Cf. Ans. 3.40.

81. LIKEWISE ABOUT THE SAME MATTER, CHAPTER II

Bishop Marcellinus to all the orthodox.

Bishops can bring no legal charge against the pontiff by whom they are known to be consecrated. Where such an attempt has been made, there is no doubt that it lacks validity, and it can in no way be listed among ecclesiastical statutes.

81. Ps.-Marcellinus, ep. 2.3 (H 221; JK †159).

H. TITLE 10: ON THE JUDGMENT AND TRIAL OF BISHOPS

82. CHAPTER I

Evaristus, bishop of the city of Rome, to all bishops.

We have heard that certain bishops, having been defamed and ruined, have been expelled from their own sees, and others have been put in their place while they are still alive. Therefore, we write to you in order that you might know that this is not allowed, and that their own bishops ought to be recalled and fully restored. Those, indeed, who hold their spouses, that is, the churches, in an adulterous union, we order to be expelled and treated as adulterous and infamous, and to be deprived of their ecclesiastical honours.

¹⁹ Rom. 13:2

²⁰ Religious life was hard enough without having to suffer undue persecution. *Ed.*

However, if anyone has any complaint against the restored bishops, let it be investigated and terminated by the authority of this see, after the above procedures have been carried out.

82. Ps.-Evaristus, ep. 1[2].7 with changes (H 91; JK †21). Ans. 3.82. Cf. Grat. C.3 q.2 c.4.

83. LIKEWISE ABOUT THE SAME MATTER, CHAPTER I

Pope Victor to Bishop Theophilus.

It has been decided that a bishop accused or judged by his fellow provincials in any case should have the right to appeal to and approach the pontiff of the apostolic see, who either by himself or by his vicars will undertake to have the case reexamined; and while the case is being reheard and the pontiff is handling the matter, no one should be put in his place or ordained bishop, for although bishops within the same province should be allowed to scrutinize the case of an accused bishop, it has not been permitted to pass final sentence without consulting the Roman pontiff.

83. Ps.-Victor, ep. 1.5 (H 128; JK †74). Ans. 2.81; Grat. C.3 q.6 c.5.

84. LIKEWISE ABOUT THE SAME MATTER, CHAPTER I

Zephyrinus, archbishop of the Roman city, to all bishops.

Patriarchs or primates examining an accused bishop may not pass a definitive sentence before they have consulted the apostolic authority, or [before] the accused confesses his guilt, or is convicted by the testimony of reliable and properly examined witnesses. These witnesses should not be fewer in number than those disciples whom the Lord chose to assist the apostles, that is, seventy-two.

84. Ps.-Zephyrinus, ep. 1.2 (H 131; JK †80). Ans. 3.66; Ivo Pan. 4.135.

85. LIKEWISE ABOUT THE SAME MATTER, CHAPTER I

Pope Meltiades to all bishops.

Do not judge bishops nor condemn them without the authority of the Roman see. If you do so, your judgments will be void and you will be condemned. For it has been decreed from the time of the apostles to reserve this privilege to this holy see, which remains unharmed and uncontaminated down to the present time and will persevere for all time to come. Therefore, bishops, whom the Lord elected as his eyes and whom he wanted to be pillars of the church, to whom he also gave the power of binding and loosing,²¹ he reserved to his own judgment. And in his place he entrusted this privilege only to the blessed key-keeper Peter. This prerogative of his rightly passed to this see to be inherited and held for all time, since even among the most blessed apostles there was a certain difference of power, and, although the election of all the apostles was equal, it was, however, specially granted by Christ to Saint Peter that he should be preminent over the others and that he should wisely deal with and settle their law suits that came to dispute as well as requests for legal ruling.

85. Ps.-Meltiades, ep. 1.2, 3 (H 243; JK †171).

86. LIKEWISE ABOUT THE SAME MATTER, CHAPTER I

Felix, archbishop of the bountiful Roman church, to all bishops.

As often as a pastor or rector of a church is accused of certain crimes, if the accusers are such as to be justly and canonically received, he should be heard canonically in a lawful synod, summoned at a convenient time, by all the bishops who are in the province. But if the accusers are not lawful, the accused should not be oppressed, because priests ought to be free to sacrifice and not to litigate, nor ought those who are called God's thrones²² to be beset by the treachery of wicked men, but they should be free to serve the Lord Christ.

86. Ps.-Felix I, ep. 1[2].12 can. 18 (H 488; JK †230). Ans. 3.76.

²¹ Cf. Matt. 16:19.

²² Cf. Luke 22: 30.

87. LIKEWISE, THE SAME CHAPTER

Although bishops of the same province, together with their metropolitan, should be allowed to discuss in a spirit of charity and concord the cases of their fellow bishops, they are not, however, allowed to decide such matters without the authority of the Roman pontiff. If some presume to act otherwise, those who do so should accept the penalty of their presumption, and those who are falsely excommunicated or condemned by them should be released and restored by the authority of this holy see and by the power of our blessed master, Peter the key bearer. For to him the Lord said, “Whatsoever thou shalt loose upon earth shall be loosed on earth and in heaven.”²³

87. Ps.-Felix I, ep. 1[2].12 can. 19 (H 488: JK †230).

88. LIKEWISE ABOUT THE SAME MATTER, THE SAME CHAPTER

As often as bishops consider themselves to be oppressed by their fellow bishops or by their metropolitan or have suspicions against them, let them promptly appeal to the Roman see. To this see they should be allowed to go freely, without any restraint or loss of their property, and while they appeal to the aforesaid Roman church, their mother, or ask to be heard by her, let no one presume either to excommunicate them or to ravage their sees or to take away their property or to bring any violence against them, before the case of both parties is determined by the authority of the Roman pontiff. If anyone shall presume otherwise, his act will be null and void.

88. Ps.-Felix I, ep. 1[2].12 can. 20 (H 488: JK †230). Ans. 2.59; Grat. C.2 q.6 c.16.

89. LIKEWISE ABOUT THE SAME MATTER, CHAPTER II

Bishop Felix to all bishops.

If an accused bishop and his accusers are invited to come and state their case, because one ought not to be heard without the other, it should be asked in court what kind of life, faith, and credibility the accusers have, or for what purpose they do this; because they should not be admitted unless they are men of good living and sound faith, that is, men who lack all suspicion, shine with the reputation of a worthy life, and are not infamous. At the trial of accused bishops, if the accusers should appear blameworthy they should not be allowed to accuse, unless they wish to plead their own cases, but these must be neither criminal nor ecclesiastical.

89. Ps.-Felix I, ep. 2.12, 13 (H 202: JK †143). Ans. 3.56. Cf. Grat. C.3 q.10 c.3, C.4 q.6 c.3.

90. LIKEWISE ABOUT THE SAME MATTER, CHAPTER III

Pope Damasus to Archbishop Stephen.

Metropolitans, together with all their fellow bishops, are allowed to examine bishops and more important cases relating to ecclesiastical affairs, provided none of them is absent and they all agree on every matter; but they are not allowed to settle major disputes and complaints relating to the bishops or to churches nor to condemn bishops without the authority of this holy see, to which all should appeal, if necessary, and rely on its help. As you know, for a synod to take place without its authority is not catholic practice, nor can a bishop be finally condemned unless in a lawful synod convened by apostolic summons at a proper time, nor are any councils ever regarded as valid which have not relied on apostolic authority. Moreover, the accusers of bishops and witnesses ought to be I without any infamy or suspicion or manifest blemish and fully instructed in the true faith, and such as divine authority ordered to elect to the priesthood.

90. Ps.-Damasus, ep. 3.8–10 (H 502–503; JK †243). Ans. 2.60. Cf. Grat. C.3 q.6 c.6 (palea).

I. TITLE 11: ON BISHOPS DEPOSED WITHOUT ROMAN AUTHORITY

91. CHAPTER II

Fabian, bishop of the Roman church, to all bishops.

²³ Matt. 16:19.

We decree that bishops should not be ejected from their own sees or churches without the authority of the Roman pontiff. If this shall be in any way attempted, before both their own see and all their goods are lawfully restored to them, they are by no means to be accused or indicted by anyone, and, unless they freely choose, they should answer to no one for such things: but after they have been reinstated and all their goods lawfully and properly restored to them, a lengthy period of time for treating the case should be granted to them. And afterwards, if necessary, let them be lawfully summoned and come to trial, and if it seems just, let them reply with the support of their brothers to the arguments of the accusers. Reason does not permit that any charge should be made against them, so long as their goods or their churches or their property are held by rivals or by anyone else; nor can anyone of any greater or lesser rank accuse them while they lack their churches, goods, or powers.

91. Ps.-Fabian, ep. 2.19, 20 (H 165; JK †93). Ans. 3.48. Cf. Grat. C.3 q.1 c.2.

92. LIKEWISE, THE SAME CHAPTER

He can by no means be condemned by human trial whom God has reserved to his own judgment, because the will of God by which he decreed to save what had perished stands unalterable. And therefore, because his purpose cannot be changed, no one should presume things which have not been granted to him.

92. Ps.-Fabian, ep. 2.17 (H 163–164; JK †93). Ans. 3.39.

93. LIKEWISE ABOUT THE SAME MATTER, CHAPTER II

The Roman Bishop Sixtus to all bishops.

Let none of the pontiffs henceforth presume to excommunicate or judge any bishop despoiled of his goods or expelled from his see, because there is no privilege by which a person already deprived can be despoiled.

93. Ps.-Sixtus II, ep. 2.6 (H 192; JK †34). Ans. 3.49.

94. LIKEWISE ABOUT THE SAME MATTER, CHAPTER II

Eusebius, bishop of the Roman and apostolic church, to all bishops.

By ordinance of the pontiffs everything must be restored immediately to despoiled or expelled bishops, and they are to be completely returned to the place they left, notwithstanding the circumstances under which they are known to have lost the Property of the church or their own personal goods, namely, by deceit or invasion or conquest or by whatsoever unjust causes—[and this must be done] before they are accused and summoned to a lawful synod. Therefore it is right that, first, all be restored to their rights and that the churches which have been taken away from them be returned with all their privileges, and afterwards not a brief period of time but a period equivalent to that in which they seem to have been despoiled or expelled should be granted them, before they are summoned to the synod, and each person is to be heard by all the bishops of the province. An expelled and despoiled person can neither be brought to trial nor judged, because there is no privilege by which one already stripped [of his goods] can be despoiled.

94. Ps.-Eusebius, ep. 2.12, 11 with changed word order and omissions (H 237–238; JK †164). Ans. 3.50. Cf. Grat. C.3 q. 1 c.4, C.3 q.2 c.6.

95. LIKEWISE ABOUT THE SAME MATTER, CHAPTER I

Felix bishop of the bountiful Roman Church to Athanasius and the other bishops.

If any bishop has been lawfully accused and canonically summoned to a council, he ought to go there without any trepidation, and if he cannot go let him send a legate to the synod on his behalf. The accused is not to be denied fellowship, unless he puts off coming to the judgment of those chosen for three, six or more months after having been canonically summoned to give account of himself. If he is able to prove that he did not refuse to come, but was unable to do so, nothing will harm him. Indeed, he who through violence or fear has been expelled from his see or despoiled of his goods is not to be called to the synod before everything has been rightfully restored to him, and let him reside in his own see exercising his authority in a peaceful fashion for a time equivalent to that in which, expelled or despoiled, he appears to have been without his property. Moreover, when he comes to judgment, if he wishes and necessity warrants, an adjournment as

appointed by the fathers should be granted at his request without any impediment, and judges chosen by him should be appointed.

95. Ps.-Felix II, ep. 1[2].12 can. 7, 9 with omissions (H 486; JK †230). Ans. 3.51. Cf. Grat. C.3 q.2 c.7, C.3 q.3 c.1.

96. LIKEWISE ABOUT THE SAME MATTER, CHAPTER I

The Roman Pope Julius to all bishops.

If, from this day forward, anyone presumes to condemn or banish a bishop from his own see without the sentence of this holy see, let him know that he is irrevocably condemned and shall forever lack his office. Moreover, those who have been ejected or condemned without the sentence of this see, should know by the authority of this holy see that they are to receive their former fellowship and be restored to their own sees. No one should presume those things which evidently have not been granted to him.

96. Ps.-Julius, ep. 1[2].8 (H 460; JK †195). Cf. Ans. 2.43.

J. TITLE 12: ON THE NUMBER AND QUALITY OF JUDGES

97. CHAPTER I

Zephyrinus archbishop of the Roman city to all bishops.

When any bishop has been accused, if necessary, let him choose twelve judges by whom his case can be fairly judged. Nor should he be heard, excommunicated, or judged before they are chosen by him, and first let him be regularly summoned to the council of his bishops, and let his case be fairly heard by them and rationally judged. The conclusion of his case should be left to the apostolic see so that it can be terminated there, nor can it be finished without recourse to its authority.

97. Ps.-Zephyrinus, ep. 1.5, 6 (H 132; JK †80). Ans. 3.41; Grat. C.5 q.4 c.2.

98. LIKEWISE ABOUT THE SAME MATTER, CHAPTER I

Bishop Felix to all bishops.

Judges and accusers ought to be such as to be above all suspicion, and they should seek to base their decision on charity.

98. Ps.-Felix II, ep. 1[2].15 (H 490; JK †230). Ans. 3.83; Ivo Pan. 4.108.

99. LIKEWISE ABOUT THE SAME MATTER, CHAPTER I

Julius bishop of the city of Rome to Eusebius and the other bishops.

Judges ought not to be other than those whom the accused shall choose or those whom with his consent this holy Roman see or its primates with the authority of this see shall delegate.

99. Ps.-Julius, ep. 3[4].18 (H 473; JK †196). Ivo Pan. 4.109. Cf. Grat. C.11 q.1 c.4.

100. LIKEWISE ABOUT THE SAME MATTER, CHAPTER III

No one doubts that a guilty person seeks to avoid judgment to the degree that an innocent person requires it in order to be absolved; nor is he without suspicion who claims that another person has spoken falsely and with calumny, yet who, when summoned, puts off coming to court to prove his allegations.

100. Ps.-Julius, ep. 3[4].11 (H 465; JK †196). Ans. 3.84; Ivo Pan. 4.107.

101. LIKEWISE ABOUT THE SAME MATTER, CHAPTER III

Pope Damasus to Archbishop Stephen.

The same persons should not be both accusers and judges; instead let there be accusers *per se*, judges *per se*, witnesses *per se*, and accused *per se*—everyone properly in his own place. First there should always be the bill of indictment, so that a false accuser may receive retaliatory punishment, because without the indictment no one should be tried or condemned, and even the civil law observes this procedure. In all these matters let true justice always be done, to such an extent that they are able to achieve by worthy procedures the reward of their accusation judgment and testimony.

101. Ps.-Damasus, ep. 3.16 (H 504; JK †243). Cf. Ans. 3.46; Grat. C.4 q.4 c.2.

102. LIKEWISE ABOUT THE SAME MATTER, CHAPTER LXVII

Gregory to the metropolitan Bishop Domitian.

Just as we wish no one to be condemned without judgment, so do we in no way tolerate delay in applying decisions that have been justly determined.

102. Greg. I, *Reg.* 9.4 (MGH *Epp.* 2.43.24–25; JE 1528). Ans. 385; Grat. C.2 q.1 c.3.

**K. TITLE 13: THAT NO ONE ABSENT CAN BE JUDGED
AND ON UNJUST JUDGMENTS**

103. CHAPTER I

Eleutherius, bishop of the city of Rome, to all bishops.

Judges of the church should be careful not to pass sentence in the absence of the person whose case is being heard, because it will be void; and on the contrary they will give the case to the synod for its consideration. Neither the false accusation nor the voice of the traitor should be heard.

103 Ps.-Eleutherus, ep. 1.5 (H 126; JK †68). Grat. C.3 q.9 c.2. Cf. Ans. 3.28.

104. LIKEWISE ABOUT THE SAME MATTER, CHAPTER II

The judge should not seek to obstruct the litigants with his sentence unless, when everything has already been completed, they have nothing to propose in their suit, and the case should be heard for as long as the truth of the action is being decided. There ought to be frequent questions, lest anything which is relevant to the case should perhaps be overlooked. Suitable adjournments should be granted for the purpose of the enquiry, lest anything should be seen by either party to be done in haste, because many things are done through stealth.

104 Ps.-Eleutherus, ep. 1.3 (H 126; JK †68). Ans. 3.52. Cf. Grat. C.3 q.3 c.3.

105. CONCERNING THE SAME MATTER, CHAPTER I

Pope Callistus to Bishop Benedict.

An unjust judgment or unjust sentence passed or enacted through fear of or by command of any king, bishop, or other power has no validity.

105 Ps.-Eleutherus, ep. 1.6 (H 137; JK †115). Ans. 3.86. Cf. Grat. C.II q.3 c.89.

106. LIKEWISE ABOUT THE SAME MATTER, CHAPTER II

Cornelius, bishop of the Roman church, to all bishops.

All things that are done or judged in any matter or place against those absent are absolutely void. since no one can judge nor any law condemn a person who is absent.

106 Ps.-Cornelius, ep. 2.6 (H 174; JK †115). Ans. 3.57; Grat. C.3 q.9 c.4.

107 LIKEWISE ABOUT THE SAME MATTER, CHAPTER II

Bishop Marcellinus to all bishops.

The catholic church protects all that is blameless. Therefore no emperor nor anyone safeguarding religion should presume to do anything contrary to divine commands, nor any thing that is opposed to the precepts of the evangelists, prophets, or apostles. Moreover, an unjust judgment or unjust sentence passed by the judges through fear or at the command of the ruler shall not stand.

107 Ps.-Marcellinus, ep. 2.3, 4 (H 222–223; JK †159). Ans. 3.87. Cf. Grat. C.25 q.1 c.8.

L. TITLE 14: ON ADJOURNMENTS FOR BISHOPS AND THE SUMMONING OF SYNODS

108. CHAPTER I

Felix, bishop of the bountiful Roman church, to Athanasius and the other bishops.

Adjournments should be granted not for a short time, but for a long period, so that the accused might prepare themselves and gather all their adherents throughout the province and prepare witnesses and fully arm themselves against their detractors.

108. Ps.-Felix II, ep. 1121.15 (H 489; JK †230). Cf. Grat. C.3 q.3 c.2 §1.

109. LIKEWISE ABOUT THE SAME MATTER, CHAPTER III

Pope Julius to all bishops.

It is not right to judge or condemn anyone before he has his accusers present and receives a suitable length of time for defending himself against the charges.

109. Ps.-Julius, ep. 3[4].17 (H 472-473; JK †196).

110. CHAPTER III

Pope Damasus to Archbishop Stephen.

The summons to a synod of the one who is charged ought to be done at a suitable and canonical time. Unless he has been canonically summoned at a suitable time and by proper procedure, even though for some reason he comes to the council, he is by no means compelled to reply to his attackers unless he does so willingly.

110. Ps.-Damasus, ep. 3.11 (H 503; JK †243). Cf. Ans. 3.46; Grat. C.5 q.2 c.1.

* * *

M. TITLE 62: ON LAWFUL MARRIAGES

271. CHAPTER I

Evaristus to all bishops.

A marriage cannot otherwise be legitimate unless the wife is sought from those who have lordship over the woman and by whom she is protected; and she is espoused by her nearest kin and lawfully dowered; and she is sacerdotally blessed at the proper time with prayers and offerings by a priest; and, accompanied by bridesmaids and escorted by those closest to her, she is solemnly given and received at a suitable time. Let them spend two or three days in prayer and preserve their chastity, so that good offspring might be produced, and they may please the Lord and beget not bastard sons, but lawful and legitimate heirs. Therefore, most beloved sons, know that marriages performed in this manner are lawful; but have no doubt that unions made otherwise are not marriages, but are adulteries, concubinages, lusts or fornications rather than lawful marriages, unless full consent is given and lawful vows are made.

271. Ps.-Evaristus, ep. 1.2 (H 87-88; JK †20). Ans. 10.2; Bon. 10.51. Cf. Grat. C.30 q.5 c.1.

N. TITLE 63: ON MARRIAGES FOR SOME REASON SEPARATED

272.

Bishop Leo to Bishop Nicetas of Aquileia.

The scourge of war and the terrible onslaughts of hostility have so disrupted some marriages that wives have been left all alone when their husbands were taken prisoners of war, and because they came to believe that their husbands were either dead or that they would never be released from their captivity, they entered another union because of their own need and anxiety. If ever any of those who were considered dead return, we should of necessity believe that the unions of their lawful marriages should be restored and, after the evils which the hostility brought have been removed, each should have what he lawfully had. However, no one should be judged culpable and considered an intruder into another's right if he married the wife of a husband who was thought no longer to exist. If, however, wives are so enraptured with love for their second husbands, that they prefer to live with them rather than return to their lawful union, they are rightly to be censured so that they are deprived of ecclesiastical fellowship until they return to their lawful union.

272. Leo I, ep. 159.1–4 (PL 54.1136A-1137B; JK 536) with omissions; from Ps.-Isid. ep. 59 (M 866D-867C; H 621 from Hisp.). Ans. 10.22. Cf. Grat. 34. q.1 c.1.

O. TITLE 64: THAT MARRIAGES MUST NOT BE DISSOLVED FOR THE SAKE OF RELIGION

273. CHAPTER CCXXXVII

*Gregory to the Patrician Theotista.*²⁴

There are some who say that marriages ought to be dissolved for the sake of religion. Truly, it must be known that even if human law permitted this,²⁵ nevertheless divine law prohibited it. For the Truth himself says, "What God joined let no man separate."²⁶ He also says, "A man is not allowed to put away his wife, except by reason of fornication."²⁷ Who, therefore, would contradict this heavenly legislator? We know that it is written, "They shall be two in one flesh."²⁸ If, therefore, husband and wife are one flesh and for the sake of religion the husband dismisses his wife or the wife her husband, leaving them to remain in this world or even to move to an illicit union, what is this religious conversion when one and the same flesh²⁹ in part moves to continence and in part remains in pollution? If they both agree to lead a life of continence, who would dare fault them? But if the wife does not follow the continence which the husband seeks, or the husband refuses what the wife seeks, the union may not legally be broken, because it is written, "The wife does not have the power of her body but the husband; and similarly the husband does not have the power of his body but the wife."³⁰

273. Greg. I. Reg. 11.27 (MGH *Epp.* 2.294.18–27, 295.11–14; JE 1817) with many omissions; cf. Ps.-Isid. ep. 4 (M 1117C/D, 1118a; H 744–745 from ed. Maur.). Ans. 10.18. Cf. Grat. C.27 q.2 c.19.

274. LIKewise ABOUT THE SAME MATTER, CHAPTER XLIII

Gregory to the Notary Adrian of Palermo.

The woman Agathosa has complained that her husband was converted to the monastery of the Abbot Urbino against her will. Therefore, we order your honour to conduct a diligent inquiry, lest perchance he

²⁴ See the fuller version of the letter given in Gratian's *Decreta* C.27 q.2 c.19, below § 8A.

²⁵ The reference may be to Novel 128.40.

²⁶ Matt. 19:6.

²⁷ Matt. 5:32.

²⁸ Matt. 19:5.

²⁹ Gilchrist adds 'both' here, without warrant in the Latin text.

³⁰ 1 Cor. 7:4.

was converted by her wish or she herself promised to change. And if he learns this was so, let him both arrange for the husband to remain in the monastery and compel the wife to change as she promised. If, indeed, it is none of these, and you find that the aforesaid woman did not commit any crime of fornication on account of which it is lawful to dismiss a wife, in order that his conversion should not be an occasion of damnation to the wife left in the world, we wish you to return her husband to her even if he has already been tonsured, dismissing all excuses, because although the secular law orders that a marriage can be dissolved for the sake of conversion, even if one party is unwilling, nevertheless the divine law does not permit this to happen. Except for fornication it in no way allows a husband to dismiss the wife³¹ because after the consummation of marriage husband and wife are made one body, which cannot be partly converted and partly remain in this world.

274. Greg. I, *Reg.* 11.30 (MGH *Epp.* 2.300.20–301.5; JE 1820) from John the Deacon, *Life of Greg.* 4.41 (PL 75.203C-204A). Ans. 10.19. Cf. Grat. C.27 q.2 c.21.

275. LIKEWISE ABOUT THE SAME MATTER, CHAPTER XLIII

Gregory to Felix, bishop of Siponto.

It has come to our attention that your nephew Felix seduced the daughter of Evangelus your deacon. If this is true, although he ought to be punished with the full force of the law, we want the rigour of the law to be somewhat relaxed, in this way, that is, that either he should take the woman he seduced as his wife or, if he considers that he must refuse this, he should be severely and corporally punished and excommunicated, and put away in a monastery where he should do penance and from which he shall have no right to depart without permission.

275. Greg. I, *Reg.* 3.42 (MGH *Epp.* 1.199.10–16; JE 1246) from John the Deacon, *Life of Greg.* 4.40 (PL.75.203C). Ans. 10.36; Ivo Decr. 8.29.

**P. TITLE 65: HERE BEGIN CERTAIN CHAPTERS
SET FORTH BY SAINT GREGORY IN THE GENERAL SYNOD**

The apostolic Pope Gregory, pronouncing this sentence before the body of the venerable prince of the apostles of Christ, said:

276. CHAPTER I

³¹ Matt. 5:32.

If anyone marries a presbyteress,³² let him be anathema.

276. Cc. 276–289 are from Gregory II, Roman Synod of 721 cc. I-13, 17 (Mansi) 12.263–4; JE ante 2159) from Ps.-Isid. (M 1140C-1141C; H 754 from Dion.-Hadr., PL 67.343D-344A). Ans. 10.34 §1.

277. CHAPTER II

If anyone marries a deaconess, let him be anathema.

277. Conc. cit. c.2. Ans. 10.34 §2.

278. CHAPTER III

If anyone marries a nun, whom they call the handmaid of God, let him be anathema.

278. Conc. cit. c.3. Ans. 10.34 §3.

279. CHAPTER VII

If anyone marries his godmother, let him be anathema.

279. Conc. cit. c.4. Ans. 10.34 §4.

280. CHAPTER V

If anyone marries his brother's wife, let him be anathema.

280. Conc. cit. c.5. Ans. 10.34 §5.

281. CHAPTER VI

If anyone marries his niece, let him be anathema.

281. Conc. cit. c.6. Ans. 10.34 §6.

282. CHAPTER VII

If anyone marries his stepmother or sister-in-law, let him be anathema.

282 Conc. cit. c.7. Ans. 10.34 §7.

283. CHAPTER VIII

If anyone marries his cousin, let him be anathema.

283 Conc. cit. c.8. Cf. Bon. 9.21.

284. CHAPTER VIII

If anyone marries a kinswoman or one he regards as a kinswoman, let him be anathema.

284 Conc. cit. c.9. Ans. 10.34 §8.

285. CHAPTER X

If anyone seizes or forcibly takes a widow for his wife, let him be anathema along with all who supported him.

285 Conc. cit. c.10. Cf. Grat. C.36 q.2 c.5

286. CHAPTER XI

If anyone seizes a virgin, unless he has espoused her, or forcibly takes her for his wife, let him be anathema along with all his supporters.

286 Conc. cit. c.11. Ans. 10.34 §9; Grat. C.36 q.2 c.5.

287. CHAPTER XII

If anyone gives credence to the prophesiers, soothsayers or witches or uses philacteries, let him be anathema.

287 Conc. cit. c.12. Ans. 10.34 §10. Cf. Grat. C.26 q.5 c.1.

³² *Presbytera*, i.e. a widow who has taken the veil, or a priest's wife or former wife.

288. CHAPTER XIII

If anyone in any way violates the already established precepts and directives of the apostolic church about the olive groves and other places, and does not observe the injunctions in every way, let him be anathema.

288 Conc. cit. c.13. Ans. 10.34 §11.

289. CHAPTER XIII

If any cleric lets his hair grow, let him be anathema.³³

289 Conc. cit. c.17. Ans. 10.34 §12. Grat. D.23 c.23.

And all responded three times to each of these chapters: Let him be anathema.

**Q. TITLE 66: THESE CHAPTERS WERE COLLECTED FROM VARIOUS SOURCES
AND GIVEN TO ANGILRAM, BISHOP OF METZ, BY THE BLESSED POPE
ADRIAN AT ROME, WHEN HE WAS IN THAT PLACE
DEALING WITH HIS AFFAIRS**

290. CHAPTER I

In criminal cases, neither can the accuser accuse anyone except in person nor is the accused permitted to defend himself through another person.

290 Cc. 290–305; 307 are from the false *Capitula Angilrami* (H 764–769; JE †2447). Here Angilr. c.35. Ans. 3.89 §9: Ivo Pan. 4.56 Grat. C.5 q.3 c.2.

291. CHAPTER II

Constitutions contrary to the sacrosanct decrees of the Roman bishops are of no weight.

291 Angilr. c.36. Deusd. 1.147; Bon. 4.81. Cf. Ans. 3.89 §9; Grat. D.10 c.4.

292. CHAPTER II

Let anyone who falsely accuses others be punished and made infamous by reason of his falsehood.

292 Angilr. c.38. Ans. 3.89 §12; Grat. C.5 q.6 c.1.

293. CHAPTER III

If a cleric or layman is charged with some crime or other accusation, he should not be summoned to any place or heard other than in his own court.

293 Angilr. c.32. Ans. 3.89 §6; Grat. C.11 q.1 c.48.

294. CHAPTER V

Let laymen who condemn the canons be excommunicated, and clerics who do the same be deprived of office.

294. Angilr. c.44. Ans. 3.89 §18.

295. CHAPTER VI

Let a person convicted of being an informant either have his tongue cut out or head removed. Informants are those who out of hatred betray others.

295. Angilr. c.44. Ans. 3.89 §18; Grat. C.5 q.6 c.5.

³³ I.e., abandons his tonsure, or (less likely) becomes unkempt in his appearance.

296. CHAPTER VII

Let him who publicly fabricates rumours about another, either in writing or in scandalous speech, and fails to prove his allegations, be flogged, and let him who first discovers these things put a stop to them, unless he wants to be as guilty as the author of the deed.

296. Angilr. c.45. Ans. 3.89 §19; Ivo Decr. 4.156, 16.235; Grat. C.5 q.1 c.1.

297. CHAPTER VIII

Let no one without very careful examination receive the accusation of him who frequently goes to law and is quick to accuse others.

297 Angilr. c.50. Ans. 3.89 §24.

298. CHAPTER VIII

A judge handling a criminal case should not proffer a capital sentence before the accused either confesses his guilt or is convicted by impartial witnesses.

298 Angilr. second series c. 1. Ans. 3.89 §26; Ivo Pan. 4.11 1; Grat. C.2 q.1 c.2.

299. CHAPTER X

If anyone attacks a bishop, presbyter or deacon with false accusations and cannot prove them, then communion ought not in the end be given him.

299. Angilr. ser. 2 c.5. Ans. 3.89 §30; Grat. C.2 q.3 c.14.

300. CHAPTER XI

If any persons are found reading or declaiming from suspect books, let them be excommunicated.

300. Angilr. ser. 2 c.6. Ans. 3.89 931; Ivo Decr. 4.156 Cf. Grat. C.5 q.1 c.3.

301. CHAPTER XII

Let no bishop, abbot or subordinate presume to judge secular cases on the Lord's Day.

301. Angilr. ser. 2 c.7. Ans. 3.89 §32; Grat. C.15 q.4 c.3.

302. CHAPTER XIII

If any magnate despoils anyone and does not return the property at the bishop's admonition, let him be excommunicated.

302 Angilr. ser. 2 c.8. Ans. 3.89 §33.

303. CHAPTER XIII

Let no cleric withdraw from his bishop and transfer himself to another.

303. Angilr. ser. 2 c.9. Ans. 3.89 §34.

304. CHAPTER XV

Murderers, evildoers, thieves, sacrilegists, rapists, poisoners, adulterers, and abductors, those who give false testimony or who consult fortune tellers and magicians, should by no means be admitted to give testimony.

304. Angilr. ser. 2 c.10. Ans. 3.89 §35; Ivo Decr. 10.37.

305. CHAPTER XVI

If anyone comes against his declaration or written testimony, he should be deposed if he is a cleric and anathematized if he is a layman.

305. Angilr. ser. 2 c.4. Ans. 3.89 §29.

306. CHAPTER XVII

The person who acts as judge ought not to prosecute anything as an accuser.

306. Actio I of the Council of Chalcedon (451) (ed. Schwartz. *Acta Conc. Oec.* 2.3.1, p. 40) from Ps.-Isid. on which see K. Georg Schon, *Deutsches Archiv* 32 (1976) 548–549.

307. CHAPTER XVIII

By this general decree we order that the anathema should be imposed, and like a violator of the catholic faith should he always stand guilty with the Lord, whoever of kings, bishops or magnates supports or allows to be violated the censure of the decrees of the Roman pontiffs against anyone.

307. Angilr. ser. 2 c.20 (H 769: JE †2447). Ans. 3.89 §45, 12.2; Grat. C.25 q.1 c.1.