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## Second Lateran Council - 1139 A.D.

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### Introduction

In Lent of 1139 a general council was summoned by **Pope Innocent II** and held in the Lateran basilica {1} . As we know, the synod had been convoked the previous year; for the papal legates in England and Spain pressed the bishops and abbots to go to the council. Thus, a good number of fathers, at least five hundred, met in Rome. One of these came from the East, the patriarch of Antioch, but he was a Latin. With the pope presiding the council began on *2 April* and it seems to have ended *before 17 April*, as far as we can judge from the sources.

This council is called "general" in the records and more frequently "plenary" by Innocent himself. However, there is a doubt as to its ecumenicity for the same reasons that affect Lateran I.

The Roman church, which for a long time had been divided in its obedience between Innocent II (1130-1143) and Anacletus II (1130-1138), seems to have overcome schism and factionalism, and indeed to have recovered its peace. This was due to the death of Anacletus in 1138 and the efforts of Bernard of Clairvaux, who had fought with the utmost zeal on behalf of Innocent for the restoration of unity. But Innocent, perhaps upset by the agreements which Anacletus had arrived at, vigorously cited and condemned Anacletus's part in the evil affair {2} , an action which seems to have provoked a complaint from Bernard.

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

Baronius was the first to print the thirty canons (*Annales ecclesiastici* 12,1607, 277-280), having taken them from two manuscript codices ("a register of the Vatican library and a Vatican codex of decrees"). The Roman editors shortly after produced a more accurate version (Rm {3} 4, 1612, 21 -23), from "manuscript codices of the Vatican library and of Anthony Augustine of Tarragona"; this was copied by all later editions, as we have verified, though with some errors. These later editions are as follows: Bn2 {4} 3/2 (1618) 487-489; ER {5} 17 (1644) 123-133; LC {6} 10 (1671) 1002-1009; Hrd {7} 6/2 (1714) 1207-1214; Cl {8} 12 (1730) 1497-1507; Msi {9} 21 (1776) 526-533. The canon which E.Martene and U.Durand published (*Thesaurus novus anecdotorum*, IV, Paris 1717, 139-140) as being "omitted in the editions, from a manuscript of St Vincent of Bisignano", is in fact the same as canons 15 and 30. Having collated together all these editions, we have followed the text of the Roman edition.

### CANONS

1. We decree that if anyone has been **ordained simoniacally**, he is to forfeit entirely the office which he illicitly usurped.
2. If anyone has acquired, through payment, a prebend, priory, deanery or any ecclesiastical honour or preferment, or a holy thing of the church of any kind, such as chrism or holy oil, or the consecrations of altars or churches, where the execrable passion of avarice has been the motive, let him be deprived of the honour which he wrongly acquired, and let the buyer and seller and intermediary be stigmatised with the mark of infamy. And let nothing be demanded for sustenance or under the pretext of any custom from anyone before or afterwards, nor should the person himself presume to give anything, since this is **simony**; but let him enjoy freely and without any diminution the dignity and benefice which has been conferred on him
3. We utterly prohibit those who have been excommunicated by their bishops to be received by others. Indeed, whoever knowingly presumes to communicate someone who has been excommunicated, before he is absolved by the one who excommunicated him, is to be held liable to the same sentence.
4. We also enjoin that bishops as well as clergy take pains to be pleasing to God and to humans in both their interior and exterior **compartment**. Let them give no offence in the sight of those for whom they ought to be a model and example, by the excess, cut or colour of their clothes, nor with

regard to the tonsure, but rather, as is fitting for them, let them exhibit holiness. If after a warning from the bishops they are unwilling to change their ways, let them be deprived of their ecclesiastical benefices.

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

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

7. Adhering to the path trod by our predecessors, the Roman pontiffs Gregory VII, Urban and Paschal, we prescribe that nobody is to hear the masses of those whom he knows to have wives or concubines. Indeed, that the law of continence and the purity pleasing to God might be propagated among ecclesiastical persons and those in holy orders, we decree that where bishops, priests, deacons, subdeacons, canons regular, monks and professed lay brothers have presumed to take wives and so transgress this holy precept, they are to be separated from their partners. For **we do not deem there to be a marriage which, it is agreed, has been contracted against ecclesiastical law**. Furthermore, when they have separated from each other, let them do a penance commensurate with such outrageous behaviour.

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

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

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

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

12. We decree that the **truce** {11} is to be inviolably observed by all from sunset on Wednesday until sunrise on Monday, and from Advent until the octave of the Epiphany, and from Quinquagesima until the octave of Easter. If anyone tries to break the truce, and he does not comply after the third warning, let his bishop pronounce sentence of excommunication on him, and communicate his decision in writing to the neighbouring bishops. Moreover let none of the bishops receive into communion the excommunicated person, but rather let each confirm the sentence received in writing. If anyone presumes to infringe this, he will do so at the risk of his position. Since a threefold cord is not quickly broken, we enjoin bishops, having regard for God alone and the salvation of the people, and laying aside all timidity, to furnish each other with mutual counsel and help towards firmly maintaining peace, and not to omit this duty by reason of any affection or aversion. For if anyone is found to be lukewarm in this work of God, let him incur the loss of his dignity

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

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

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

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

be duly punished and deprived of the object of his suit.

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

18. We completely detest and forbid, by the authority of God and the blessed apostles Peter and Paul, that most dreadful, devastating and malicious crime of **incendiarism** For this pernicious and inimical calamity surpasses all other kinds of destruction. Nobody is unaware of the extent to which it is injurious to the people of God and the damage it brings to souls and bodies. It is necessary, therefore, to oppose it and to labour with all one's might, that so great a harm and danger be eradicated and suppressed for the sake of the people. If anyone, then, after the publication of this prohibition of ours, from some wicked design born of hate or vengeance, starts a fire or causes it to be started, or knowingly provides counsel or help to those starting one, let him be excommunicated. And when an arsonist dies, he is to be deprived of a christian burial. Nor is he to be absolved unless, having first made reparation for the loss according to his means, he swears that he will never raise a fire again. Moreover, let him be given the penance of remaining a whole year in Jerusalem or Spain in the service of God.

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

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

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

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

23. Those who, simulating a kind of religiosity, condemn

1. the sacrament of the Lord's body and blood,
2. the baptism of children,
3. the priesthood and other ecclesiastical orders, and
4. legitimate marriages,

we expel from the church of God and condemn as heretics, and prescribe that they be constrained by the secular powers. We also bind up their defenders in the fetter of the same condemnation. {13}

24. We also prescribe that **no sale-price is to be demanded for chrism, holy oil and burials**.

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

26. We decree that the pernicious and detestable custom which has spread among some women who although they live neither according to the rule of blessed Benedict, nor Basil nor Augustine, yet wish to be thought of by everyone as nuns, is to be abolished. For when, living according to the rule in monasteries, they ought to be in church or in the refectory or dormitory in common, they build for themselves their own retreats and private dwelling-places where, under the guise of hospitality, indiscriminately and without any shame they receive guests and secular persons contrary to the sacred canons and good morals. Because everyone who does evil hates the light, these women think that, hidden in the tabernacle of the just {14} , they can conceal themselves from the eyes of the Judge who sees everything; so we prohibit in every way this unrighteous, hateful and disgraceful conduct and forbid it to continue under pain of anathema.

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

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

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

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

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#### FOOTNOTES

- 1 There are no surviving acts of the council and very little can be surmised from the records and chronicles. The sources are collected in Hefele, Histoire des conciles d'après les documents originaux, trans. and continued by H. Leclercq 1907-52., 5/1, 721-722; but see also, Bernhardt Jahrbuecher

der deutschen Geschichte, I Leipzig 1883, 154-160.

- 2 his earlier name was Peter Pierleoni. See canon 30
- 3 Ton hagian iokoumenikon synodon tes katholikes ekklesias apanta. Concilia generalia Ecclesiae catholicae [Editio Romana], 4 vols. Rome 1608-1612.
- 4 Binius, Concilia generalia et provincialia ..., 5 vols. Cologne 1609; 9 vols. ibid [ed. 2] . 1618; 11 vols. Paris[ed. 3] 1636
- 5 Conciliorum omnium generalium et provincialium collectio [Editio Regia], 37 vols. Paris 1644
- 6 P. Labbe and G. Cossart, Sacrosancta concilia ad regiam editionem exacta quae nunc quarta parte prodit auctior studio Philippi Labbei et Gabrielis Cossartii ..., 17 vols. Paris 1671-1672
- 7 . Hardouin, Conciliorum collectio regia maxima ad p. Philippi Labbei et p. Gabrielis Cossartii e Societate Jesu labores haud modica accessione facta et emendationibus pluribus additis ..., 12 vols. Paris 1714-1715
- 8 N. Coleti, Sacrosancta concilia ad regiam editionem exacta quae olim quarta parte prodiit ... longe locupletior et emendatior exhibeture ..., 23 vols. Venice 1728-1733
- 9 J. D. Mansi (continued by J.B. Martin and L. Petit), Sacrorum conciliorum nova et amplissima collectio ..., 53 vols. Florence, Venice, Paris and Leipzig 1759-1927
- 10 and the animals ... sheep omitted in Baronius
- 11 of God added in Baronius
- 12 Therefore ... sin omitted in Baronius
- 13 Cathars
- 14 of the just variant reading in Rm Bn, of the unjust others

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

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