

## **The Church in Crisis: A History of the General Councils: 325-1870**

### **CHAPTER 12. The Fourth General Council of the Lateran, 1215**

The long reign of Alexander III was followed by a period of seventeen years in which the Church saw a succession of no fewer than five popes--the faithful if aged coadjutors of the great legist. When the last of these died, January 8, 1198, the cardinals, that same day, elected the junior member of the college, Lothar, son of the Count of Segni, thirty-seven years of age. He took the name Innocent III. His reign of eighteen years is conventionally regarded -- even by historians -- as the summit of the papacy's achievement as a universal power, religious, social, political. The reality is a little more complex -- or the true meaning of that remarkable hegemony. For our purposes, in this little book, Innocent III is the pope of the Fourth General Council of the Lateran, the greatest of all the councils (in its general effect) before Trent; in the pope's mind, no doubt, the most important event of his reign.

That reign had never for an instant been anything but eventful. There had been kings of France and Castile who had repudiated their wives and "remarried"--with public consequences of the first order; there had been the English king's rejection of the pope's appointment to Canterbury of the great cardinal, Stephen Langton--and the years of a papal interdict which followed; there had been in Germany the calamity of a double election to the empire, civil war--and the famous reasoned decision of the pope; there had been the crusade of 1204, which--partly because of the Venetians, partly because of the German prince against whose claims Innocent had declared--had never reached the Holy Land, but turned to the conquest of the empire of the Christian Greeks; there had been the foundation, upon the ruins of this, of the Latin empire of Constantinople, and a "reunion" of the churches in these lands under Latin bishops; there had been, in the south of France, the great drive to root out the deadly antireligious, antisocial revival of the organised, "mystical," pessimism of the Manichees, and growing out of this the long bloody war called the

Albigensian Crusade; there had been the appearance of two great saints, Dominic and Francis of Assisi; there had been the “foundation” of the University of Paris In every one of these great affairs Innocent III had played a leading role. Six thousand of his bulls survive to attest the universality of his interest, the effectiveness of his highly trained lawyer’s mind, and the reality of his own spiritual life whose guiding star was his obligation as pope to forward everywhere the reign of Christ.

Innocent III had not been everywhere equally successful. Some of his plans had gone disastrously astray. Not always had his information been adequate. His coadjutors had more than once failed him badly. No historian has, so far, so completely studied the vast achievement in all its parts as to be able to strike the balance of success and failure with anything like finality.

In the opening months of his reign, and again at the great council held at its close, Innocent III declared that the two chief tasks before him were the recovery of the Holy Land and the reform of Catholic life. One clear evidence, in 1198, of the need for reform was the fact that great territories in the south of France seemed about to slip away from the Catholic faith. This menace of the growth of Manicheism, of the coming triumph of the Albigenses, was the occasion of the pope’s main personal effort, and of a tragic failure also. For although, after several years of bloody warfare, all danger of a Manichee supremacy in the heart of Christendom was ended, the Catholic princes had behaved as all princes behave in wars of conquest, and so too had their armies. Nothing of Innocent’s personal clemency was reflected in the crusade. And the remnants of the heresy went underground, to fester for centuries yet to come.

This grave peril conditioned two of the council’s chief acts, its statement of Catholic belief and the law about the repression of heresy. What these heretics taught, whose organisation in France and Italy went back to the early twelfth century, was roughly as follows. Two supreme beings are at the origin of all things--and one of these is Evil. It is the evil principle that

is the creator of the material world, of man's body for example. The Old Testament is a legacy from the evil principle, the New alone is from the good. Christ, the greatest creation of the good principle, was man in appearance only. He did not really suffer or die. The main duty of the believer is to avoid all possible contact with matter-- food, for example, the possession of property, the exercise of sex. These heretics were organised in churches, where they formed two sharply divided classes. There were those called the Perfect, who lived with great asceticism, and acted as guides to the rest, and the ordinary believers who lived as they chose, but in what Christians called sin, as preferable to marriage-- marriage, being a stable affair, was a greater enslavement to matter than promiscuous sex relations. The procreation of children was an evil and so, also, was life itself. For life is the imprisonment of the spiritual soul in the material body. To assist, or bring on, death is to perform the good work of liberating spirit from matter. And the sect had a kind of ritual suicide by starvation, called Endura, where during the long process the patient was surrounded by the Perfect, to prevent any fatal relapse once the decision was made. In order to be sure of a happy future life it was necessary to undergo the rite they called the Consolation. But this entailed the obligation to live as the Perfect--absolute continency, and an asceticism so strict in the matter of food that it amounted to semistarvation. And any falling away, after this rite, was irreparable: the rite then lost all its value, and it could not be repeated. With the vast majority the rite was put off until they were obviously dying, or else they were urged to the process of the Endura. As with almost all these medieval heresies the manual trades furnished disciples everywhere, the weavers, tailors, shoemakers. And they also recruited among the wealthy merchants.

By the time it fell to Innocent III to deal with them, these neo-Manichees had for many years conducted a successful propaganda, in which (apart from their attractively simple solution of the great question of evil) the ascetic lives of the Perfect and the organised charity of the brethren played

a great part. The various counts and viscounts who governed these regions, themselves semi-Orientals in their way of life, given over often enough to the systematic dissolution of the harem system, made no effort to check the heretics. Along with the innumerable Jews and Saracens they were becoming a permanent feature of the exotic life of the country. The Catholic clergy were ignorant, and their prelates often corrupt. This, and the great wealth of the prelates--rarely loved by their subjects--offered the Manichee apostle one of his best openings. Innocent III himself testifies to all this.

The bull convoking the fourth General Council of the Lateran is dated April 19, 1213. It was to open on November 1, 1215. All bishops were to attend, save two in each province, exempted in order to attend there to the general affairs of the Church. As many as 412 bishops went to the council, with some 800 abbots and priors of the monastic orders. There were also present ambassadors from the Latin emperor at Constantinople, from the kings of Germany, France, England, Aragon, Portugal, Hungary, and Jerusalem, and from the various Italian states.

Once again, it has to be said, we know all but nothing of the way the council was organised, for the official proceedings have long since disappeared. We have the pope's inaugural address, accounts of one furious discussion at a public session, the text of the seventy canons voted, and of the decree organising a new crusade. And this is all. Of what discussions went on between the bishops in the intervals between the three public sessions, held on November 11, 20, and 30, we know nothing, nor have we any knowledge how the canons were drawn up or proposed to the council.

We do know that three matters of public policy were laid before the council: Innocent III's choice of Frederick of Sicily as emperor; his suspension of Cardinal Stephen Langton, archbishop of Canterbury, for refusing to publish Innocent's bull rebuking the barons of England for forcing their king to assent to Magna Carta, and quashing the charter; the

claims of the victorious leader of the crusade against the Albigenses, Simon de Montfort, to the territories of the Count of Toulouse, their great protector. In the first two of these matters the council readily ratified what the pope had done.

The commander in chief of the crusade, de Montfort, had been as much interested in the spoil it brought as in the destruction of a heresy. His powerful personality had dominated the legates whom Innocent had sent to control the great affair. They were soon little better than his accomplices. It was soon very evident that the pope had let loose forces he was unable to control. Historians friendly to Innocent describe what now happened as the pope's having no choice but to submit to the fait accompli--the fait being de Montfort's triumph over the Count of Toulouse, blessed as a religious act by the legates who had entirely disregarded the pope's mind.[1] All that Innocent was able to do, in the end, was to endeavour to save a part of Count Raymond's domains for his undoubtedly guiltless heir. At the council, when the pope's decision came up for confirmation, there were violent scenes between the partisans of de Montfort among the French bishops and those of the Count of Toulouse. But a part of the great inheritance was saved for the heir from de Montfort's fangs, as Innocent had hoped.[2]

Innocent III is usually held to be, with Alexander III, a "cofounder" of the Canon Law system as this has existed in the medieval and modern ages of the Church. The famous Lateran Council, regarded as a declaration of church law in all its universality--and of reforming laws--is in importance second only to Trent, among the twenty General Councils. For many generations to come it is "the General Council," referred to as the last decisive word on disputed points. What of its seventy canons?[3]

The first canon is a statement of belief, drawn up as a counter to the heresies of the time, of the Albigenses, Pantheists, and so forth. It stresses that there is only one true God, the one creator of all things, and that Christ our Lord is truly God and truly man. Also that in eternity there is a reward

for the good, and for the unrepentant evildoer punishment. In this creed's exposition of the Holy Eucharist there occurs the first official use of the word henceforth famous, when the creed states that the bread and wine are transubstantiated into the Body and Blood of Christ.[4] Only priests duly ordained can bring this about. Baptism, by whomsoever administered, if it is rightly administered in the Church's form, is profitable to salvation, to little children as to adults. Sins committed after baptism can be made good by sincere repentance. Not only virgins and those who lead a life of continency can attain eternal happiness, by true faith and a good life, but married people also. The council then turns to review the life of the Church, to denounce the weaknesses and the wickedness of its members, and to provide punishment for the obstinate. It begins with the clergy.

Clerics living in sin are to be suspended and, if they ignore the suspension, are to be deposed. Bishops who allow such scandals to continue--and especially if they allow this for the sake of money or some other advantage--are also to lose their office forever. The council makes laws against drunken clergy and those who never say mass--bishops amongst them. Hunting and fowling are forbidden, and to keep hunting dogs and hawks. There is a long catalogue of things which clerics must not do: civil employments, trade (especially if it is dishonest), miming, acting, frequenting taverns (absolutely forbidden save for the necessities of travelling), dicing and even looking on at games of chance. Clerics are to be soberly dressed, their garments neither too long nor too short, and fastened up to the neck, not of red or green cloth, no embroidery on gloves or shoes, no gilt spurs, bridles, saddles, or harness. Bishops are to wear linen unless they are monks, in which case they are to keep the habit of their order. Clerics are not to have any part in trials that involve the punishment of death. They are forbidden all military employment. They are not to act as surgeons. They are not to bless ordeals. This last prohibition, since it removed the one thing that gave the ordeal its value, was the beginning of the end of that superstition.

As to clerical appointments: Sees are not to be left vacant. If the chapter concerned does not elect within three months, the right (and duty) of providing the new bishop passes to the metropolitan. Whoever accepts election by favour of the lay power is not elected, and loses all right to be elected, to any post at all, in the future. Those who elect him are also to lose both office and income for three years, and to lose all electoral rights. If the metropolitan (whose duty it is to confirm the election) confirms an unsuitable choice, the confirmation is invalid, and the metropolitan is himself suspended until the pope absolves him.

The bishop's action in all such matters is supervised by the annual provincial council. There, bishops who have made unsuitable appointments are to be admonished, and if they do not act they are to lose all rights of patronage. If the negligent bishop is the metropolitan himself, he is to be denounced to the Holy See. The disability laid on such bishops, no one but the pope can remove.

The new papal centralisation gives the clergy protection against rapacious prelates. Bishops are warned that they must not rob the clergy who serve those churches which are in the gift of the bishop. The pope has heard of unfortunate priests who received only one sixteenth of the revenue due to them, the episcopal patron retaining the rest. Bishops are told that it is their duty to preach. If the diocese is too extensive, they are to choose suitable priests to assist in this work. It is the bishop who is responsible for the education of the future clergy, and the decree of 1179, about a school in each cathedral having, the present council states, been entirely ignored, is now re-enacted, and a lectureship in theology ordered to be founded in every cathedral. The bishop is specially warned to see that the clergy are trained in the administration of the sacraments.

Laws against clerical avarice follow. Bishops are forbidden to receive offerings of money from those they absolve from excommunications, or on the occasion of consecrations, blessings of abbots and ordinations. Convents of women are ordered for the future not to demand a premium,

under the plea of the convent's poverty, from girls who wish to become nuns. The same is to apply to communities of men. Bishops are not to take advantage of a parish priest's death to tax the church beyond what the law allows, nor to enforce the payment of such taxes by laying an interdict on the church. For moneys thus obtained double restitution is to be made. With regard to the fees customary at funerals and marriages, while the clergy often ask too much, the laity as often offer nothing; but the sacraments are to be given absolutely without charge. On the other hand, the custom of the laity making a free offering is to be encouraged.

Complaints about clerical greed will be heard for centuries yet. And with them complaints about superstition. Here are three matters which will play a great part in the propaganda of the Protestant reformers--they are already a source of anxiety. A canon regulates the use of relics, and to check the trade in spurious relics orders that no new relics are to be exposed for veneration without the Holy See's authentication of them. Collectors of alms, again, are not always genuine or truthful. The canon gives a specimen of the letters of credence that for the future must guarantee them not to be frauds. The dress of such collectors is regulated, and they are to live religious lives. Bishops are warned not to grant extravagant indulgences.

A vast amount of Innocent III's time had been spent judging complaints of bishops against the religious orders. Several canons deal with this matter. It is now forbidden to establish any new orders. Those who wish to found a new house are to choose an existing approved rule. No abbot is to rule more than one monastery. Abbots are forbidden to judge marriage cases, to grant indulgences, or to allot public penances. Monks must respect the rights of parishes in the matter of funerals, and those privileged to give burial within the monastery to laymen who are oblates are told that an oblate is one who lives in the monastic habit, or has made over his property to the monastery; a mere annual subscription is not qualification enough. Monks to whom land charged with tithe has been



given are not exempt from the payment of tithes. Still more important for the future of monasticism was the command to all monks to hold a triennial chapter, after the fashion of the Cistercians. All abbots and priors will attend this and thoroughly review the state of the province, and decide where reforms are needed.

The laity's sins are not overlooked. They are not to farm out benefices at a starvation rate, and are reminded that lay alienation of church property is null and void. They are warned against abusing their office of patron of a benefice to their own personal profit. Clergy are not to be taxed without a licence from the pope. Those rulers who levy such taxes without his permission are excommunicated, and all their acts are legally null. Should their successors not repeal such taxes within a month of assuming office, and give satisfaction for the wrong done, they fall under the same penalties. Another canon deals with evasion of tithe, and recalls that tithes have precedence over all other taxes and must be paid first.

The once famous law *Omnis utriusque sexus* now lays down that every Catholic, under pain of being debarred from church while alive and being denied Christian burial when dead, shall at least once a year confess his sins to his parish priest, and, if only at Easter, receive the Holy Eucharist. This canon concludes with a warning to confessors about the spirit in which they should receive confessions, and of the obligation not to reveal what is confessed to them. Offenders against this last prescription are to be thrust into a severe monastery, there to do penance for the rest of their life.

Three canons concern the sacrament of matrimony. Clandestine, i.e., secret, marriages are severely condemned and the clergy forbidden to assist at them, under pain of a three years' suspension. The impediments of consanguinity and affinity are notably restricted: henceforward they invalidate marriage only as far as the fourth degree, i.e., between those related through common great-great-grandparents. The tense business of the relations between Jews and Christians is also dealt with. Christians are

to be protected by the State against the rapacity of Jewish moneylenders. Jews--and Saracens too--are to wear a special dress so that no Christian shall come to marry them in ignorance of what they are. During Passiontide Jews are to keep indoors; there have been riots caused by their mockery of the Christians' lamentations on Good Friday. No Jews or pagans are to be elected or appointed to a public office; it is contrary to the sense of things that those who blaspheme Christ shall hold authority over Christ's followers.

Seven canons deal with procedure in trials of one kind or another. Other canons regulate excommunication, rights of appeal, and the rules for the trial of clerics, the rights of chapters to correct their own members, and the rules for resignation of benefices. The clergy are forbidden to extend their jurisdiction by encroaching on that of the civil courts.

The most elaborate item of this part of the council's work is the third canon, on the pursuit of heretics. All who profess heresies contrary to the faith as this is set out in the first canon of the council, are condemned, and are to be left to the state to be suitably punished,[5] the officers of the state being present at the trial. If clerics they are to be first of all degraded from their orders; all their goods are to be given to the particular church they served. If laity, their goods go to the State. Those suspected of heresy are to prove themselves innocent. Should they neglect to do so they are excommunicated; if they continue in the excommunication for twelve months they are to be condemned as heretics. Princes are to be admonished, and if necessary compelled by threat of excommunication or interdict, to swear that they will banish all whom the Church points out as heretics. This oath, henceforward, all rulers must swear on first assuming power. If within a year they have not sworn, they are to be reported to the pope, that he may free their vassals from their allegiance, and offer their territories to Catholics who will drive out the heretics. Catholics who take up arms against the heretics are given the privileges of the crusaders in the Holy Land.

All who, in any way, support heretics are excommunicated. If within twelve months they have not made their submission, they lose all power of testifying in lawsuits, and of holding public offices; they cannot make a valid will nor inherit; if they are judges their sentences are null and void; if notaries, the instruments they draw up are invalid; if clerics they lose both office and benefice.

As to the detection of heretics, bishops are now bound to visit, at least once a year, places where heresy is rumoured to exist. They are to take the sworn testimony of witnesses of good standing--if necessary the whole population is to be put upon oath. Those who know anything of heretics, or of any who differ in life or manners from the generality of the faithful, are to report at these visitations. The persons accused are to prove their innocence. If they refuse to take the oath they are to be presumed to be heretics.

There is nothing revolutionary in this law. It is, substantially, no more than what was decreed by Lucius III, in conjunction with the emperor Frederick Barbarossa, at the council of Verona in 1184, and what Innocent himself had been enforcing. As to the phrase about the "suitable" punishment (*animadversio debita puniendi*), this from 1184 is common form in all these laws, never defined but universally understood in the same sense. The first western legal text to prescribe burning at the stake is a law of Peter II of Aragon in 1197. It does no more, in effect, than revive a law about the Manichees that is as old as Diocletian, hardly a model for the Christian lay sovereign, but the beginning of the idea that fire is the fitting punishment for Manichees. Alexander III would never, it seems certain, have departed from the traditional papal policy not to proceed so far as the sentence of death for heresy, and Innocent III himself did nothing to encourage this particular development.[6]

The laws were made. How could the council secure that they would be observed, that the bishops, once retired into their distant sees, would put into practice all that they had voted? The sixth canon is an attempt to

provide the means. It lays down that the bishops of each ecclesiastical province are to meet annually, for the correction of abuses--clerical abuses particularly--and for the express purpose of maintaining the discipline which this council establishes. Official investigators are to be appointed for each diocese, who shall report to the provincial council whatever they have found needing correction and uncorrected. Negligent bishops are to be suspended from office and from income, and the decisions of the provincial council are to be published in every see through the annual diocesan synod.

## NOTES

1. Fliche speaks of the “political piece of double crossing” (*cette louche combinaison politique*) to which the legates lent themselves.
2. The vast question that obviously palpitates behind these halting phrases is best summarised in the (somewhat apologetic) pages of A. Fliche, *La Chretiente Romaine 1198-1274* (i.e., F. and M., vol. 10), pp. 112-37, 201-2.
3. Schroeder prints the whole of these and (pp. 237-96) translation. Barry, no, 76, translates a selection of them.
4. *Transsubstantiatis pane in corpus et vino in sanguinem.*
5. *Animadversione debita puniendi.*
6. So Fliche, in F. and M., vol. 10, p. 201, “Innocent III who never envisaged the penalty of death for heretics would, no doubt, have disapproved of the [later] Inquisition.” Readers interested in the story of the way in which public opinion gradually influenced ecclesiastical authority in the business of the repression of heresy, will find a documented summary in F. and M., vol. 7, p. 462; vol. 9 (part 1) pp. 95-96; vol. 9 (part 2) pp. 343-51; the work of A. Dumas and Raymonde Foreville.