

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

CHAPTER 9. The First General Council of the Lateran, 1123

In the five hundred and fifty or so years between the first of the General Councils and that whose history has just been told, there has never been more than 130 years without a General Council being summoned.[1] But between this eighth of 869-70 and that we are now to consider, there stretches an interval almost twice as long--time enough for some revolution to have called a new world into being, and for this new world to have forgotten that the old had ever been; an interval slightly greater than that which separates Luther from Napoleon, or Elizabeth II from Queen Anne.

In that long space, 870--1123, revolution there had been, and the Catholic Church greatly affected thereby. The General Council of 1123 is, in fact, a kind of victory celebration, proclaiming unmistakably that the Church has survived the revolution, has pulled itself clear of the all but fatal dangers inseparable from the long generations of social crisis. It is as part of the history of this age when "the Church was at the mercy of the lay lords,"[2] that the First General Council of the Lateran must be described, or we shall be left wondering what there was, in its achievement of a score of routine legal enactments, to cause its memory to survive where so much else has perished.

First, the political system that historians call the empire of Charlemagne had crashed--it was all but over by 870--leaving Italy, France, and Germany a welter of petty states with the strongest man's will everywhere law. From the north there had then descended upon this Christendom in ruins the fierce pirate pagans of Scandinavia; from the east came the no less aggressive pagan Slavs and Magyars; to the south the Mohammedans were all-powerful and the Mediterranean sea a Saracen lake. The siege lasted through a good hundred years and more, that "century of iron" (888-987) when it really seemed as though the last remnants of civilised ways must be engulfed in these brutal and barbaric tides. A great warrior

king emerges in Germany, Otto I (936-72), around whom the resistance begins to make a permanent gain, and the anarchy subsides; and a generation later the same good fortune comes in the West with the appearance of Hugh Capet, king of the French from 987.

In these afflicted generations, nothing suffers so horribly as religion--the delicate, barely adolescent Christianity of the still semi-barbarous Carolingian times. Here, too, the will of the local strong man--the chieftain of the local resistance in the long fight with invaders, and the most powerful of the local petty kinglets -- is law. The church system, above all the appointments to abbeys and sees, these potentates, half-hero, half- scoundrel, take to themselves. Pillage, murder, general brutality of living -- the prelates appointed by such princes are too often indistinguishable from the baronage whence they are taken.

And, of all the sees of Christendom, it is Rome that provides the most spectacular of the horrors, where for a hundred years and more the savage barons of the surrounding countryside intermittently make themselves master, and elect, depose, restore, depose again, and murder the popes according to their own political plans. And some of these popes are as wicked as their masters. These are the classic "bad popes" indeed, and even stripped of the customary rhetorical decoration the story of what they did is truly terrible.

But the tide of goodness that had gone so far out that it seemed to have gone forever turned at last. The northmen were gradually converted, and the Magyars and the Slavs. The chaos of petty rulers began to give way to the better ordered rule of a dozen or so greater lords, dukes, and what not, vassals of the new kings of France and Germany--and the German king being, since Otto I, the emperor, the Roman Emperor, either in lawful claim or by the accomplished fact of papal acceptance and coronation, the better day had arrived for Italy too.

It was through German kings who were the Roman Emperor that the Roman See was delivered from its tyrants; on two occasions very notably, in 963 and again in 1046. But the good German who appointed good bishops and abbots wherever he really was master, and who now, 1046-56,[3] himself appointed a succession of good German popes--this good emperor was for the good popes the beginning of a new problem, and good men, at Rome too, were divided by it: the problem how the Church could profit by the unlooked-for phenomenon of emperors and kings who were good men and yet manage to be independent of them in the control of church life, especially in the vital business of the choice of its rulers, the bishops, and of its supreme ruler the pope.

The solution of that problem took years to work out. It took still longer to win acceptance for it from the Catholic kings. The ninth General Council, with which this chapter is concerned, has been described very truly as “the conclusion and the synthesis of what a whole half century of hard struggle had brought about.”[4]

The two most flagrant, universally visible evils that afflicted religious life as these new-style popes began their great task were simony and clerical immorality. The kings and princes were taking money (or lands or property) as the price of appointing a man to be bishop or abbot; the bishop or abbot was taking money, etc., from men who wished to be ordained, and from priests who wanted parishes, canonries, and so forth; the priests, in their turn, were only ministering for a price; such is simony, and church life, by the testimony of every writer, every reformer, every saint of these times, was saturated with the poison, and had been so for generations.

Clerical immorality: it had been, from very early times indeed, the rule in the Latin church (though not in the East) that no married man could receive Holy Orders, and that no man in Holy Orders could marry, i.e., no subdeacon, deacon, priest. This ancient rule had suffered heavily in the transformation of social life from a system where cities dominated, with

systematic education, easy supervision, and a good tradition of manners, to a rural economy -- the life of the backwoods -- where "civilisation" went little further than the individual man's ability to fend for himself. With bishops more baron than Father-in-God, and priests as rude as the illiterate serfs to whom they ministered, such a refinement of ecclesiastical discipline as the mystic celibacy was exposed to altogether unheard-of losses.

From the time when the first "Barbarian" kings became Catholics, the sixth century Franks, semi-Catholics in all but their good intentions, church life suffered an increasing brutalisation. St. Gregory of Tours, who saw it all, has described it in pages that are a classic collection of horror stories. Gradually, through the seventh and eighth centuries, matters improved. The genius of Charlemagne offered, for a brief space, the illusion that the bad times had gone forever. With the breakup of his system, and the new most terrible invasion of all, the devils returned--but sevenfold. One of the devils was the bad-living priest. And here we need to distinguish, as we look at the problem before the reforming pope or bishop.

It was the law that the man in Holy Orders must not marry. But if he did so -- and if there was no impediment, say of kinship--the marriage was a real marriage. He did wrong in marrying, for marriage was most strictly forbidden him. But he and the woman he married were man and wife. There was also the matter of the priest living with someone to whom he was not married. And who was to say whether the pair living in the church house were of one kind or the other--clerical marriages being, inevitably, clandestine affairs, as often as not without a witness? The scandal to the faithful people was as bad in the one case as in the other--where scandal was given.

That the scandal was less, in these backwoods, than we might at first suppose seems to be suggested from the incredibly violent language which the reformers used with regard to these unfortunates, lurid and

horrific to a degree; from the universality of the evil in every country of Christendom; and from the long campaign of a century and more, when so many good men needed to give so much of their lives to the restoration of the Church's normal ideal of clerical continency. That it was precisely this restoration of an ideal that moved them, their very exhortations show; but there was, too, a relation between clerical marriage and the appointments system--another main object of the reformers' zeal--which must be mentioned, that is to say, the tendency for the priest's son to become a priest, forming a clerical caste within the Church; and for the ordained son to take over his father's benefice, church property becoming a family endowment--never, of course, promising such a crop of evil as when the benefice was a see. And there were efforts in these tenth and eleventh centuries to make some of the greatest sees hereditary.

The third of the chronic evils which the reformers fought -- lay investiture, as it was called -- was not, at first, seen by all of them as a thing evil in itself, or even as the main reason why the other evils had been impossible to reform. "Investiture," the word, signifies pretty much what we who have been to college or who belong to a fraternal order of one kind or another mean by "initiation" -- the becoming something one was not before; the acquirement of a new status, with its rights and duties, together with the ritual by which this is acquired, and which symbolises what is acquired. The feudal lord proposes to make over his manor of Beauseigneur -- land, buildings, village, mill, serfs, woods, streams, fish, game, hunting -- to one Smith, or Le Marechal. Smith agrees and, kneeling before his benefactor, becomes his "man," i.e., swears to be faithful to him, to be at his side in all disputes, and to render the customary services of a vassal. The lord, in visible sign of the grant, then hands Smith maybe a piece of turf, or a stick. Smith is now possessed of his fief -- the manor aforesaid -- and has become a lord in his turn, by virtue of the ceremony of investiture. Such pacts, their oaths and their investitures, were going on daily in hundreds of places throughout western Europe, for centuries before the grace of God raised up our ecclesiastical reformers and for

centuries after they had passed away. Here was the basis of all social organization -- the sworn relation of lord and vassal.

By the time our reformers were born, this was also, pretty universally, the relation of the ecclesiastical ruler to the temporal prince -- to the state, we should like to say, except for the risk of a score of misunderstandings generated by the anachronistic term. New bishops and abbots, before any ceremony took place regarding them in church, knelt before their prince, made their oath, and were then invested -- the prince putting on a finger of their right hand the episcopal ring, and into their left hand the episcopal crozier. Smith was now bishop, of Chartres, or of Mainz, or of Winchester. And then he went into his cathedral where his metropolitan, or some other bishop, performed the sacred rite of consecration, the final step in the sacrament called Order. And the original, and permanently influential, reason for this royal investiture was the same reason as of all such -- these prelates held, "of the king," vast lordships, and it was vital to the stability of the country that the king be assured of the competence and the loyalty of the prelates to whom they were granted. And it had come to be, by long practice, a matter of course that it was the king who actually chose, with finality, who should be bishop or abbot -- and, by long abuse, how much the cleric should pay for the favour. Not all kings were bad men-- Henry III, the father of the emperor whom Gregory VII fought so hard, was an excellent man, an appointer of good bishops (and popes); so too was William the Conqueror, held almost in veneration apud Curiam Romanam if only for this, that he never in Normandy or in England sold an ecclesiastical appointment, in all his forty years of rule. In lay investiture, however, the stricter school of the reformers discerned the root of all the evils. They decreed its abolition, a root and branch extirpation. The ninth General Council was the confirmation of their victory.

The great reform began at Rome itself, and the primary agent was the emperor Henry III (1039-56). At the Council of Sutri (1046) he despatched all three rival "popes," and appointed one of his own good German bishops, Clement II. This pope soon died, and his successor also, and then in 1049 came the emperor's third nomination, Bruno, bishop of Toul, who took the name Leo IX, and became in his life, his outlook and methods, the pattern for all the good men that were to follow.

The method was simplicity itself, the summoning in place after place of councils of the local bishops, presided over by a trusted ecclesiastic sent from Rome, clad with all the fullness of the pope's powers. At these councils all that was wrong locally was investigated, the bishops were reminded of the kind of men they were supposed to be, indeed obliged to be by God's law, the old regulations about simony and clerical continency were renewed, incorrigible prelates were deposed, and a general revival of religious life inaugurated. And, most prominently, the appeal of the legate was constant to the reality that he spoke with the authority of him who was the successor of Blessed Peter, and must therefore be obeyed unquestioningly. Unpalatable as the reminder must have been to the recalcitrant, unwelcome as the resurrection of this too long ignored fundamental fact of life may have been -- and miserable the mere lip service rendered it--nowhere was it challenged. With Leo IX it was the pope himself who thus "went on circuit," through Italy and in France and in Germany. And other popes were no less constantly "on the road" through the seventy years that followed, very notably Alexander II, Urban II, Pascal II, Honorius II, all of whom had been previously active for years in this conciliar movement as papal legates in one country or another.

This is indeed the true age of the councils -- the church council in its traditional sense, viz., a gathering of the local bishops to plan a common action in furtherance of religious life; the tradition that went back, through the Eastern churches, so much older in organisation than the West, to the days of Constantine and even before then. That three generations of such

constant, and successful, conciliar action should give rise sooner or later to a revival of the idea of a General Council, and then to the practice of summoning these fairly regularly, was very natural. The break of 250 years between the eighth and the ninth of the General Councils is followed by a similar period in which there are no fewer than six General Councils.

To restore the past in black and white--which is what all historical summaries must do -- is to risk, at every step, not only serious misrepresentation, but also an unintelligible puzzle for the reader where, continually, the second chapter seems either to be about a different subject from the first, or to be based on the assumption that there never was a first. The story of the investiture controversy is extremely complicated, and the increasing attention given in the last fifty years to the vast polemical literature of the time, to the developing Canon Law treatises, and then to restudy the official documents and the correspondence in the light of the new knowledge, all this has led to a new representation of the story--to say nothing of the effect of the new type of scholar who is only interested in the event for its own sake.

It has always been known that the Concordat of Worms of 1122, in which pope and emperor finally came to an agreement, was a compromise. And those of us whose initiation into these mysteries antedates the arrival on the scene of the re-creating genius of Augustin Fliche, can recall the miserable figure poor Calixtus II was made to cut (for his "signing" the concordat), by the side of such stalwarts as Gregory VII and the Cardinal Humbert. *Nous avons change tout cela*. The reformers started out united in zeal, devoted, to the very last, to ends that were purely spiritual, men of prayer all the time. But not all were equally clearheaded as to the theology they made use of, or the implication of the sacred party cries. Not all had, in the requisite degree, what is called a political sense, the gift to do the right thing in the right way, to distinguish the essential from the rest, and to avoid stressing equally the essential and nonessential in their thesis. The first pioneers of the ideas that finally triumphed at Worms

were not always welcome to the chiefs of staff. The war was on, and against bad men, and it was the cause of Christ against these, and after twenty years of suffering and loss it was no doubt hard to be asked to reconsider any part of one's case!

The war against the princes' control of ecclesiastical appointments began in the principal see of all, at Rome itself. It was the emperor who had put an end to the bad popes, and now the Roman clergy themselves put an end to the emperor's hold on papal elections. When Pope Victor II died, in 1057, their leaders did not wait for any news of what the German overlord proposed, but straightway, within four days, elected a pope, the cardinal who was abbot of Monte Cassino, Frederick of Lorraine, Stephen IX. And when Stephen died, very suddenly, seven months later, the new pope, Nicholas II, again was not the mere nominee of the court. This new pope was hardly installed before he settled, once and for all, the legitimate manner of choosing popes. This was the law enacted in a council at the Lateran in 1059, which restricted the election to the cardinals.[4a] To them alone it belongs, henceforth, to elect the pope, and a majority of their votes is essential and sufficient. The law makes no reference whatever to the emperor's approval or confirmation.

The first pope elected under the new system was Alexander II (1061), the second was Hildebrand, Gregory VII, in 1073. It was he who, two years later, issued the challenge to the whole system of lay investiture, the act that started the long war whose end the General Council of 1123 celebrates. This challenge was the prohibition, in the Lateran Synod of 1075, to clergy of all ranks to accept an ecclesiastical appointment from the hands of a layman. If a bishop, for the future, has accepted a bishopric from the prince, the archbishop is not to give him consecration. Gregory VII makes no distinction between the bishopric considered as a cure of souls and as a feudal status. He has nothing to say of any claims the prince may make to share in the appointment because of the temporal possessions of the see. These are church property, given to the bishopric

for the sake of God's poor, something sacred therefore. The bishopric is considered as a unity, and since it is a sacred unity the state must not touch it in any way. Free election of a good man by the lawful electors, confirmation of the election and sacramental consecration by the archbishop -- this is required, and is all that is required.

The law does not provide penalties for offending princes. It is really no more than a restatement of the primitive ideal, the ideal for all future development. Nor did the pope send official notification of the law, as a kind of warning or threat, to the various kings. And in practice, his application of the law varied considerably, according as the abuses it was designed to check were more frequent or less, or non-existent. What the pope was fighting was simony, and the only way (in some places) to put an end to this was to end all connection of the prince and ecclesiastical appointments. William of Normandy, a wholehearted supporter of the reform, with Lanfranc, the model archbishop of the century, at Canterbury, Gregory VII left wholly untroubled. Even for the German sees of the emperor, Henry IV,[5] a bad ruler, the pope did not take the aggressive line to which the root and branch declaration might have seemed the prelude. It was with the great sees of northern Italy, that looked to Henry as patron, and especially Milan, that the trouble began.

At Milan the bad men organised and fought back, supported by the emperor, and the good were extremely militant also. Whence a long history of rioting and, in 1075, half the city burned down, and the cathedral with it. The great events now follow rapidly: the emperor procuring the consecration of his nominee as archbishop (against the pope's express prohibition); the pope's severe reproof; the emperor's bishops, in synod, depose the pope[5a]; and the pope replies with a sentence deposing the emperor, an act without any precedent in history. The extremes had at last collided. The emperor's bishops elected a new, carefully chosen, imperially minded "pope" -- the lately deposed archbishop of Ravenna; the emperor came with an army to install him in

St. Peter's; and for years Gregory VII was besieged in Sant'Angelo. The Normans rescued him, in the end, and twelve months later he died, an exile (May 25, 1085), his soul and purpose unshaken. For three years, the Holy See remained effectively vacant.

War, imprisonment, exile--we are seeing in operation, yet once again, the old tactics of the Catholic tyrant: Constantius against St. Athanasius, Constantine IV against St. Martin I, Justinian against Pope Vigilius, Leo III (had he been able) against Gregory II; no repudiation of the spiritual, but violence until the spiritual consent to be an instrument of the tyrant's government. And what the present tyrant, Henry IV, desires is a continuance of the bad system where he is absolute master of the Church, free to choose whom he will for bishops, and to fix their price, what time the revival of religion may take its chance.

At the election of Gregory VII's first effective successor, Urban II, in 1088, the end of the war is thirty years away and more -- years in which popes could make serious mistakes in what they said and what they did: the costly, mischievous vacillation of the far from clearheaded Pascal II (1099-1118), for example, who moved from one extreme position to its very opposite. Meanwhile the trouble in France and in England had been ended by a logical, agreed solution where the true interests of both Church and State were protected, though the condemned investiture ceremony was given up. It was from the French intelligence that the ultimate solution came for the conflict with Germany, from the theologico-legal genius of Ivo, bishop of Chartres, and the realist sense of the newly elected French pope, Guy, archbishop of Vienne, Calixtus II (1119-24), a one-time extremist, and the bitterest of all the critics of his predecessor Pascal II, when that pope (under pressure) made his fatal wholesale surrender.

Ivo of Chartres (1035-1115) and his pupils drew attention to the fact that simony is not heresy, and that no one had ever regarded the royal investiture as a sacrament. He stressed the reality of the distinction between the bishop's religious authority and powers and his temporal

rights, duties, and properties; in all that belonged to the feudal side of the bishopric the king had rights, in what belonged to the spiritual side the king could have no right at all. It was this way of looking at the embittered problem which had produced the pact of 1106 that had ended the conflict in England between Henry I and his archbishop St. Anselm.

This new pope was a noble, from Burgundy, and kin to the emperor.[6] He had been archbishop of Vienne for thirty years and in all that time a leading reformer. He took up the great task where his short-lived predecessor, the strong-minded but conciliatory Gelasius II,[7] had left it, who had died at Cluny, on his way to a meeting with the French king. The first appearance of Calixtus II as pope was at a great council of the bishops of the south of France at Toulouse. A second council was summoned to meet at Reims in October, 1119. Meanwhile, the pope and the king of France met, and the emperor called a meeting of the German princes at Mainz, at their request, to consider how best to end the long civil war, and make a lasting peace with the Church. To this meeting came the messengers with the official news of the new pope's election, and the invitation to the German bishops to take part in the council at Reims. The emperor and the princes decided to await the council before making any decisions.

The pope, encouraged by these unusual signs of grace, sent two French prelates to the emperor, who could explain to him how, in France, the king enjoyed full feudal rights over the bishops and abbots as vassals without any need of an investiture ceremony. The emperor replied that he asked no more than this. Whereupon the pope sent a delegation with greater powers, two of his cardinals. An agreement was reached, formulae found, and a meeting arranged between pope and emperor at which both would sign. The emperor was now willing to say, explicitly, "For the love of God and St. Peter and of the lord pope Calixtus, I give up the whole system of investiture, so far as concerns the Church." And now came a hitch, owing to the pope's adding new conditions on the eve of the meeting, refusing

to allow the emperor additional time to study these and, although the two men were actually on the ground, so to speak, refusing to meet him. More, the pope was so irritated that the emperor had failed to submit, that he renewed the excommunication.

What there was, in all this, besides personal temperament is not known. But the incident occurred while the great council was in session at Reims, with Calixtus presiding, seventy-six bishops from France, Germany, England, and Spain. It was between sessions of the council that he blundered into the new rupture, and it is recorded that when he returned from the adventure he was too worn out to proceed with the council business and took to his bed. Maybe the thought possessed the pope that the grim and treacherous emperor was about to repeat the treatment meted out to Pascal II, eight years before, whom this emperor had carried off a prisoner, and forced to sign away his cause.

It was only after another two years of war that the two parties came together again, when at a peace conference in Germany the princes asked the pope to free the emperor from the excommunication, and to summon a General Council, "where the Holy Spirit could solve those problems that were beyond the skill of men" (September 1121). The pope now sent to his imperial kinsman a kindly letter, the gist of which is the phrase, "Let each of us be content with his own office, and those who should show justice towards all mankind no longer strive ambitiously to pillage each other."

It was at Worms that the envoys of these high contracting parties met, and on September 23, 1122, they produced the two statements, papal and imperial, which, together, constitute the Concordat of Worms. The war about investitures was over, after forty-seven years.

At Worms the emperor, "out of the love of God and of the holy Roman church," said explicitly, "I give up ... all investiture with ring and crozier and I promise that in all the sees of the realm and of the empire elections and consecrations shall be free. I restore to the holy Roman church the

properties and temporal rights [regalia] of blessed Peter which have been taken away since the beginning of this quarrel, whether in my father's time or in my own.... I guarantee true peace to the pope Calixtus, to the holy Roman church and to all those who took that side....”

The pope, for his part, “I Calixtus, the bishop, servant of the servants of God grant to you Henry, my dear son, by the grace of God emperor of the Romans, Augustus, that the election of bishops and abbots of the German kingdoms shall take place in your presence, without simony and without force ... that the personage elected shall receive from you his regalia by the [touch of the] sceptre, and shall fulfil all those duties to which he is bound in your regard by the law. As to other parts of the empire, the bishop being consecrated, shall receive his regalia... by the sceptre, within six months and that he shall fulfil all those duties [etc., as above].... I guarantee true peace to you and to those who belonged to your party in this quarrel.”

The documents were duly signed, the cardinal bishop of Ostia -- the pope's chief agent in all this -- sang the mass, the emperor was given the kiss of peace and received Holy Communion. The usual ceremonies of humiliating public submission were, for once, dispensed with.

The great act had its imperfections--a certain vagueness in important matters, the king's share in the election for example. There was room for new troubles to grow out of it. But the great principle was safe that the king had not what he had claimed was his lawful right, the choice and appointment of his people's spiritual rulers and teachers. As to the settlement itself, as a whole, we may agree with the leading authority, “It was the common sense solution.”[8]

This General Council of 1123 was, beyond a doubt, the grandest spectacle Rome, and the whole West, had seen for hundreds of years. Bishops and abbots together were reckoned at something like a thousand, there was a host of lesser ecclesiastics, and the vast train of knights, soldiers, and other attendants of these ecclesiastical lords, as well as of the lay notabilities

who attended. So much we learn from the contemporary chroniclers. As to the proceedings of the council, what method was adopted for proposing new laws, for discussing them, for voting -- of all this we know nothing at all, for the official proceedings disappeared long before the time when there was such a thing as posterity interested in the past. It is not even certain whether there were two or three public sessions. But the council opened on the third Sunday of Lent, March 18, 1123, in the Lateran Basilica, and the final session took place either on March 27 or April 6. The emperor had been invited to send representatives, and one of the acts of the council was the ratification of the concordat. The canons promulgated at the council, which cover all the social and religious problems of the day, are hardly of a nature to provoke discussion -- remedies, sternly stated in the shape of prohibitions, for the various moral ills of public and private life. If Calixtus II adopted the simple method of announcing these canons, and asking the assembly to assent, it would be no more than what a series of popes and their legates had been doing, in one country after another, at all the councils of the last seventy-five years. There was nothing to surprise or provoke the bishops of that generation in thus following the practice that had been the means of so much improvement, in morals and in religious life. Calixtus II was no despot ordering submission to novelties now decreed, but the victorious leader of the episcopate, and the representative of other leaders now departed, thanks to whose intelligence and fortitude the episcopate everywhere had been liberated from the thrall of tyrants indeed, its dignity restored and its spiritual prestige renewed.

The twenty-two canons listed as the legislation of the council of 1123 are a curiously mixed collection. They indiscriminately treat of general matters and local matters; there are permanent regulations mixed up with temporary, set out in no kind of order; and almost all of them are repetitions of canons enacted in the various papally directed councils of the previous thirty years. With regard to the long fight against the lay lords' control, simony is again condemned, bishops not lawfully elected

are not to be consecrated, laymen are not to hold or control church property, parish priests the bishop alone can appoint, they are not to take parishes as a layman's gift, the ordinations performed by the antipopes (and their transfers of church property) are declared null. A special canon renews the indulgence given to all who assist the crusade, and renews the Church's protection, with the sanction of excommunication, of the absent crusader's property. There is a law to excommunicate coiners of false money, and also (a reflection of the chronic social disorder) the brigands who molest pilgrims. A general rule is made about the new practice called "The Truce of God" -- a practice designed to lessen, for the ordinary man, the horrors of the never ceasing wars between the local lords. By Urban II's law made at the council of Clermont in 1095, Monday, Tuesday, and Wednesday were the only days on which fighting was lawful, and this only between Trinity Sunday and Advent. The rule of 1123 only deals with the bishop's duty to excommunicate those who violate the truce. There are two canons about clerical marriage. The first (canon 3) renews the ancient law that those in Holy Orders must not marry. The second (canon 21) repeats this in so many words and adds that "marriages already contracted by such persons are to be broken, and the parties bound to penance." [9]

This law -- which may not be a law of the ninth General Council at all, but a regulation of one of Urban II's provincial councils that appears in the list of 1123 by some confusion -- is often regarded as the first beginning of the new rule in these matters that makes the contracting of marriage impossible for clerics in holy orders. At the next General Council this will be more explicitly stated.

NOTES

1. Second Council of Constantinople, 553--Third Council of Constantinople, 680.
2. Cf. the title of Monseigneur Amann's classic work, *L'Eglise au pouvoir des Laiques*, 888-1057 (1945), pp. 544. This is volume 7 of F. and M.

3. The emperor, Henry III.
4. Fliche, in *La Reforme Gregorienne et la Reconquete Chretien*, 1057, 1950, i.e., F. and M., vol. 8, 394.
 - 4a. Barry, no. 45, prints a translation of this decree.
5. Son of Henry III, emperor 1056-1106.
 - 5a. Barry, no. 47, prints a translation of the letters of the emperor and his bishops to the pope.
6. Henry V, since 1106; the son of Gregory VII's adversary.
7. Pope from January 24, 1118, to January 28, 1119.
8. Fliche, as before, 389. Barry, no. 48, prints a translation of the concordat.
9. *Contracta quoque matrimonia ab huiusmodi personis disjungi ... iudicamus.*