

## Innocent III And Simoniacal Entry



The five popes who succeeded Alexander III in the years 1181-98 were interested, in varying degrees, in the reform of the church and its institutions. They initiated or promoted some of the reforms that were subsequently adopted by Innocent. However, their relatively brief reigns, their personalities, and the troubled political situation prevented them from carrying their reforms to fruition. Innocent III had the good fortune of a long reign and a favorable conjuncture of political events that enabled him to espouse a number of older reforms and to initiate new departures. One of the chief characteristics of Innocent's reign was a commitment to reform in almost all areas of church life and practice.<sup>1</sup>

The reform of the regular clergy, in its organization and practices, was an area in which Innocent expended much effort. He sought to eliminate abuses and to revitalize structures, partly in the hope of winning useful allies for his larger reform ideals.<sup>2</sup> Certain aspects of his reform program for the regular clergy have been well studied, for instance, his efforts to organize independent religious houses into provinces for chapter meetings and mutual visitation on the Cistercian model.<sup>3</sup> Other aspects of his program, however, have been left in relative obscurity. Innocent's attack on simoniacal entry into religious life is one such neglected subject. Opposition to such entry and measures against it formed a significant minor theme in Innocent's relations with the various forms of the regular clergy.

In at least two points Innocent's career as a student intersected the rising concern about simoniacal entry into religion. At Paris, in the 1180s, he had been a fellow student of men who later in their careers were interested in the problem, for example, Robert de Courson.<sup>4</sup> Certainly he was in the milieu out of which much of the intellectual concern with this simony arose. Indeed, because of the congruence of Innocent's reformist views with those of the Paris masters who were in the circle of Peter the Chanter, John W. Baldwin has suggested that it is legitimate to consider Innocent a member of that circle.<sup>5</sup> After 1187 Innocent studied canon law at Bologna with the great lawyer Huguccio, whom the pope later made bishop of Ferrara.<sup>6</sup> When Lothario dei Segni was elected pope in 1198, he was well prepared by his theological and canonical training to deal with the problem of simoniacal entry into religion.

Innocent's surviving registers contain a considerable number of letters to religious orders and to individual houses that criticized them for rumored or proven abuses of unspecified character and exhorted them to correct the objectionable situation.<sup>7</sup> In view of Innocent's explicit activities against simoniacal entry, it is quite probable that some of these critical and hortatory letters had illicit entry practices as one of their targets. However, the clear and specific measures taken by him against such simony are sufficient to demonstrate his interest in eliminating what was by 1198 certainly perceived as a crime.

In 1200 the archbishop of Canterbury and apostolic legate, Hubert Walter,<sup>8</sup> held a council at London in which he promulgated canons based on those of the Third Lateran Council of 1179, but modified for English conditions. One portion of the fourteenth canon was an almost unchanged reissue of canon ten, "Monachi non pretio," of the Lateran Council: "Let not monks be received for a price in a monastery. . . . However, if anyone was pressed and gave anything for his reception, may he not ascend to holy orders. May he, however, who took the payment suffer the loss of his office."<sup>9</sup>

This canon was not a dead letter, as events quickly revealed. In

1201 Hubert Walter sent a messenger, perhaps a canonist since his title was "master," to Innocent III, informing him that, in the course of a canonical visitation of religious houses in his diocese, he had discovered conditions contrary to the canons against simoniacal entry. Hubert Walter's letter is lost, but Innocent's response, sent in May or June 1201, advised the archbishop on several points of procedure.

Your messenger, the beloved son Master A., on your behalf, proposed that when you were visiting the Canterbury diocese according to the custom of your predecessors, in order to correct what required correction and to institute that which, according to God, you saw should be instituted, you discovered that the simoniacal wickedness was flourishing in monasteries, among regular canons, and in religious places, so that in those places many were received for a price, who should instead be received freely, nay rather even invited to the observance of religion.<sup>10</sup>

Thus, in common with his contemporary Hugh of Lincoln,<sup>11</sup> Hubert Walter had apparently included in his visitation questionnaire some sort of inquiry about the reception practices prevalent in the houses visited. Innocent's response to the archbishop supplied more details about the discovery: "Therefore, since a large number is involved in the case, you are not certain whether severity should be lessened to some degree, or whether you should exercise against such [persons] the rigor of canonical discipline."<sup>12</sup> Hubert Walter's hesitations about what to do in the face of so large a number of guilty religious are understandable. Judged rigorously against the standard of the canon law, the entry of many otherwise respectable religious<sup>13</sup> must have been tainted. The archbishop was apparently unwilling to punish large numbers of simoniacs without some consultation with the pope. The problem of numbers in cases of simoniacal entry was a persistent one, and Innocent proposed several solutions to it over the course of his pontificate. In this particular case his response was centered not on the numbers involved but on the manner in which their guilt was discovered.

Therefore, we respond thus to your inquiry, that if an accusation had been canonically presented before you against those who were marked by the stain of this kind, then after the crime has been proved in a legal way, you may exercise the revenge of canonical severity against both those giving and those receiving [illicit payments]. But, if you found out about this only in the course of your inquiry during visitation, you may direct those who were received in such places by simoniacal wickedness to be removed from them [and] you may send them to stricter monasteries for penance.<sup>14</sup>

The visitation of a religious house was, in theory, a procedure conducted in secret and whose results were generally not revealed to outsiders for fear of scandal.<sup>15</sup> Thus if Hubert Walter learned of the simony only in the course of visitation, it was presumably hidden from the public. Innocent's demand that the guilty religious be sent to a stricter house for penance was borrowed from the decretal "De regularibus" of Clement III.<sup>16</sup> The matter would thus be kept within bounds, avoiding public scandal, and yet the guilty religious would be punished.

On the other hand, if the archbishop had discovered the simony by way of a public accusation formally laid before him, then the matter was, or soon would be, notorious, and a full judicial process with normal punishments was necessary to discourage other simoniacs and to assure the public of the church's intention to deal seriously with offenders. In the event of public notoriety, Innocent held that no lessening of severity on account of numbers was to be allowed. Thus, from his first public treatment of simoniacal entry, Innocent pursued a policy of calibrating the punishment to fit the circumstances of the crime.

Innocent also specified a punishment for the abbots and other monastic leaders who had participated in simoniacal receptions:

May you impose a fitting penance on the abbots, abbesses, priors, other prelates and their officials, and until they perform it, may you suspend them from the execution of holy orders, and [may] you order your [suffragan] bishops to strive to observe this procedure in their dioceses. Nevertheless, that can be received gratefully which was offered freely, without being prescribed.<sup>17</sup>

The canonists had generally avoided the issue of what to do to a prelate who had received new members simoniacally. Perhaps they could see no reason why such a prelate should not be treated like any other simoniac prelate, i.e., deposed. In any case, Innocent III filled that apparent gap in legal theory by ordering that if the crime was made known by accusation,<sup>18</sup> the offending prelate should be struck with the full severity of the canons, i.e., deposed. But, if the offense was discovered during a secret visitation, the guilty prelate was to be suspended from his sacred and administrative functions until he or she performed a suitable penance.<sup>19</sup>

Innocent terminated his response to Hubert Walter by a restatement of the principle that gifts, provided that they were freely offered, were in no way discouraged by his letter. This decretal, "Dilectus filius," was incorporated into the first official collection of Innocent's decretals, composed at the pope's order by Peter Collevacino in 1210. The collection was directed to the law schools at Bologna for use in the courts and in the classrooms.<sup>20</sup>

In October 1201 Innocent sent a letter to the prior and brethren of the Lateran monastery, ordering them to observe the constitutions of Alexander III, i.e., the canon "Monachi non pretio" of the Third Lateran Council, which forbade simoniacal receptions, as well as the monastic abuses of religious keeping personal money and traveling alone among lay people.<sup>21</sup>

Innocent's registers of letters for the years 1200-1202 do not survive intact, and, as a consequence, for those years few traces can be found of Innocent's activities against simoniacal entry of religious. However, in 1207 Robert de Courson, a canon of Noyon and master in theology, accompanied the archbishop of Sens in visitation of the monastery of Vezelay. Innocent commissioned them to investigate rumors of irregularity in the house. The visitors reported to him that the rumors of incontinence, fiscal irregularities, and simoniacal reception of new members were true. On the basis of this report, Innocent took the extreme step of deposing and ejecting from the house the abbot, the prior, the *decanus*, the

almoner, the cellarer, the third prior, three priors of outlying possessions, and the chaplains of both the abbot and the prior. They were distributed among houses of stricter rule, and could never again hold positions of authority without papal permission. In the case of Vezelay, simony in receptions was merely one of a constellation of abuses, but it is significant that it was singled out for condemnation in the report of the visitors and in Innocent's measures for restoring order.<sup>22</sup>

In an undated letter, which Potthast attributed to the year 1210, the abbot of Bec was advised by Innocent how to deal with monks who had incurred canonical irregularity, either because they had struck other religious or had entered simoniacally. The abbot may have initiated this correspondence with the pope to avoid visitation by the diocesan bishop.<sup>23</sup> Innocent first recounted the details of the abbot's question:

From your report we have learned that some of the monks of your monastery—certain of them fell under the canon of the promulgated sentence because of violent striking with hands [and] others had a simoniacal entry there—have received holy orders without having obtained the benefit of absolution or the grace of a dispensation, and in due course they have not feared to minister in those holy orders.<sup>24</sup>

The monks who had struck other religious were required to go to the pope for absolution because, since canon 15 of the Second Lateran Council of 1139, all dealings with that crime had been reserved to the pope.<sup>25</sup> The monks who had entered Bec simoniacally were ineligible to receive or to exercise holy orders because the Third Lateran Council of 1179, in its tenth canon, had declared that such religious were *irregulares*.<sup>26</sup> The simoniac monks at Bec had taken holy orders and had exercised them, and therefore had incurred automatic excommunication for violation of the canon. Innocent advised the abbot:

Since it is necessary for them to come to the Apostolic See, and you say that it is to be feared lest they may wander in coming to our presence, and may incur damage to that very salvation for which they come, you are concerned about their salvation and have asked that we act mercifully in this matter.<sup>27</sup>

Note that the monks were required to go to Rome, not because they had entered religious life simoniacally, but because they had incurred excommunication as a result of their taking holy orders while *irregulares*. Innocent expressed full confidence in the abbot's discretion and continued his decision:

. . . Also considering that we tolerate for the sake of religious life many things among the regular clergy which we would not allow in others, we order through Apostolic letters that . . . , saving the general constitution of the council [of 1179] which dealt with those who are known to have had simoniacal entry, you may deal with them by our authority as you see is expedient for the salvation of their souls in the matter that they received orders in that way and subsequently ministered in them.<sup>28</sup>

Thus Innocent empowered the abbot to deal with the monks, without the necessity that they go to Rome for absolution from their excommunication. He was careful to add that the Third Lateran Council should be observed; i.e., after the excommunication was lifted, the simoniac monks were not henceforth to exercise the orders that they had taken. The monks were absolved for receiving and exercising orders while ineligible, but they were not free from the irregularity contracted when they entered religious life simoniacally.

Innocent's pronouncements on the problem of simoniacal entry up to 1210 were prompted by consultations from concerned prelates. In 1210 he took a wide personal initiative when he attacked the problem on a large scale, apparently without reference to any particular case. In a letter of 17 April, directed to the bishops and archbishops of France, he declared:

We have heard very often and from many people that in certain monasteries of monks, nuns, and of other religious located in your dioceses, a damnable custom—no, rather a damned and rightfully damned abuse—has persisted up to this point that almost no person is received in them without the stain of simoniacal wickedness. Therefore, lest we may seem by ignoring a cry so often repeated to favor [the practice], . . . we order . . . that once a year each of you, in the course of visiting monasteries of this type in your dioceses, forbid under threat of anathema that henceforth any person be re-

ceived in them by a wickedness of this type, [and] always denouncing this same [crime] in your synods, may you do with Apostolic authority to those whom you find so received what you see is expedient to salvation and to honesty, with the obstacle of appeal removed.<sup>29</sup>

Innocent's order for annual visitation of suspect houses and for denunciation of the crime in episcopal synods was symptomatic of his desire to encourage regular episcopal supervision as a primary tool of reform, in this instance among regular houses subject to diocesan correction.<sup>30</sup> His order for frequent denunciation of the crime, both during visitation and in diocesan synods, was a characteristic attempt to publicize the campaign against simoniacal entry. Just as in 1201 he had ordered the bishops of the province of Canterbury to follow the procedure outlined for Hubert Walter, so in 1210 he commanded the episcopate of France to act in a regular fashion against the practice.

Innocent left to the bishops' discretion the treatment of simoniacal religious, without any reference to the Third Lateran Council. This was in contrast to the order given to the abbot of Bec, perhaps in the same year, to act in such a way as to observe the provisions of the council. This explicit permission to the bishops not to invoke the full rigor of the law was based on considerations implicit in the first sentence of the letter. If, in certain monasteries, almost no one had entered without simony, then a strict enforcement of the canon law would have stripped such places of most of their clergy, dispersing them to stricter houses for punishment and, in effect, annihilating the guilty houses. This was the same problem of numbers that Hubert Walter had put to the pope a decade before, and that Innocent had sidestepped then by his decision that the punishment would be determined by the manner in which the offense had become known. In the decade since Hubert Walter's letter, Innocent must have become aware that large numbers of otherwise respectable religious were involved in the crime of simoniacal entry, and that a more lenient procedure for them was necessary.

In any case, from 1210 to 1215 Innocent gave more attention to the fate of those numerous religious who were simoniacs out of ignorance and simplicity, rather than out of malice. Ultimately,



Innocent developed two procedures, founded on a distinction between those who were only technically simoniacs and those who were personally guilty of simony.

*Preparation for the Fourth Lateran Council*

On 19 April 1213 Innocent issued letters to the prelates and princes of Christendom, summoning them to a general council that was to convene at Rome on 1 November 1215.<sup>31</sup> On that same 19 April Cardinal Robert de Courson was made apostolic legate "in partibus Gallicanis" to preach a crusade and to prepare for the council.<sup>32</sup> Between June 1213 and May 1215, the legate held regional councils at Paris, Rouen, Reims, Bordeaux, Clermont-Dessous, and Montpellier, and attempted unsuccessfully to convoke a council at Bourges. The canons of Paris, Rouen, and Montpellier survive more or less *in toto*, and the canons of Bordeaux survive apparently in part, in a letter to King John of England listing the canons that concerned his crown and realm.<sup>33</sup> By analogy to Paris and Rouen, there were probably canons issued at Reims and Bordeaux, but they do not survive.

At Paris in June 1213 and at Rouen in February-March 1214, Robert de Courson issued elaborate sets of very similar reform canons that reflected the concerns of Innocent III, and that foreshadowed in many particulars the canons of the Fourth Lateran Council.<sup>34</sup> Sections two and three of Courson's canons, containing approximately fifty canons in all, were directed respectively to male religious and to nuns.

In canon one of section two, the council at Paris referred explicitly to Innocent III's letter of 1210 to the French bishops and indicated that the letter was sufficient guidance for the council.<sup>35</sup> In canons 27 of Paris and 30 of Rouen, the councils defined more explicitly their opposition to simoniacal entry: "We order under pain of suspension that neither food nor clothing be demanded from those about to enter a monastery, nor money, nor anything in circumvention of the foresaid [prohibitions]; likewise that they not be rejected on account of this."<sup>36</sup>

This canon reiterated the view expressed by Innocent to Hubert

Walter that a guilty prelate be suspended from office. It also forbade a monastery to reject an entrant because he refused, quite legitimately, to give anything for his reception. This last point was a new element in the discussion of simony, and may represent one of the ways religious houses adapted to the new scruples about gifts, i.e., they rejected those who offered no "voluntary" gift.

A council was held at Montpellier by the legate Peter of Benevento on 8 January 1215, with the apparent cooperation of Robert de Courson. Its twentieth canon decreed: "Likewise we order that no one be made a canon or a monk under any condition or pact through which anything should be given for his reception."<sup>37</sup>

In view of Innocent's interest in simoniacal entry, it is reasonable to assume that he included that topic in the list of subjects to be treated by his legates in councils. The verbal agreement of the canons issued at Paris and at Rouen indicates that Robert de Courson had a sort of program that, with local variants for local needs, he promulgated at each council that he convoked.<sup>38</sup> Thus Innocent used at least two legates, Robert de Courson and Peter of Benevento, to publicize the crime of simoniacal entry and to prepare the prelates of the church for his own measures against it at the Fourth Lateran Council.

However, it is important to see that Innocent was probably not the sole source for these canons. Robert de Courson himself may also have been a contributor to the formulation of the canons against simoniacal entry. At the very least, he was representative of the university-trained masters who provided much of the impetus of the intellectual attack on the problem.<sup>39</sup> Robert had been a student at Paris, roughly contemporary with Innocent, of the theologian and moralist Peter the Chanter. In their fundamental article Marcel and Christiane Dickson date his studies with Peter to the years 1196-97, the very period in which Peter was probably composing his *Summa de sacramentis*, with its attention to the complexities surrounding simoniacal entry into religion.<sup>40</sup> From approximately 1204 to 1210 Robert de Courson was a master in theology at Paris, and between 1204 and 1208 he composed his

own *summa*, a copy of which exists in the Bibliothèque Nationale ms. latin 14524. In 1207, as visitor of Vezelay for Innocent III, he acquired experience investigating actual cases of simoniacal entry.<sup>41</sup>

In at least two sections of his *summa*, Master Robert discussed the problem of simoniacal entry and its consequences. He assumed, with little discussion, that payment to enter a religious house was simoniacal, and he addressed himself to the practical question of what an individual religious should do if his entry into religious life was simoniacal.

Likewise, since scarcely any monastery can be found in the cisalpine church whose entrance is given free, it is asked what should be advised to monks and nuns who, through the intervention of money, were introduced into a congregation of monks or nuns. For it is a fact that, since they do not enter through the door, but climb in by some other way, either through threats, or only by reason of blood relationship or of a gift or of some sort of greed, they incur the stain of simony.<sup>42</sup>

Master Robert responded to the problem of these religious as a moralist and spiritual director, rather than as a canonist. He left it to the conscience of the individual religious to decide on the course to follow. He laid down as a criterion of choice the relative strictness of life in the religious house. If the house was lax, then the member was advised to seek *transitus* to a stricter house; if the monastery was itself a house of strict rule—he used Cistercians and Carthusians as examples—then in accord with the general principles governing *transitus*,<sup>43</sup> the religious had to remain there and to expunge his sin with special penances from the abbot.<sup>44</sup>

In his treatment of penance, Master Robert again broached the question of simoniacal entry: "However, what should be advised to a whole convent where all their goods are derived from simony or from rapine; or some goods from licit sources and some from rapine . . . ?"<sup>45</sup>

As was conventional in a theological *quaestio* of this sort, Master Robert discussed the merits of various alternatives: for example, advising a troubled monk to remain in his monastery; advis-

ing him to leave it for another; or advising him to confide in his abbot. Depending on other circumstances, Robert approved or disapproved of each of the alternatives. His relatively long treatment of the question reveals clearly that he saw that any solution to the troubled religious' problem involved grave inconveniences and moral dangers. Finally, as a last resort in a hopeless case, he opted for the extreme solution of dispersion of the house.

Likewise there is another sad and almost insoluble situation which everywhere creates a huge slaughter of souls. Imagine a certain monastery which has not received for free all the monks whom it has, but rather [took them] through the intervention of money. Now at last the abbot with the whole chapter recognizes himself along with all the rest to have contracted the stain of simony. And now all are about to die, or the feast of Easter is near, and they wish to atone worthily for all their crimes, according to your judgment, you who are their bishop. What will you advise? You know that everyone entered unworthily, and that they have nothing except what they got through simony. You know also that the foresaid demon cannot be driven out unless a full restitution is made, if possible. Therefore, you ought to tell them that they should all go away destitute rather than perish there.<sup>46</sup>

These texts reveal that Robert de Courson had more than a passing acquaintance with the moral problems caused by simoniacal entry into religion. It seems clear that he, and other Paris-trained masters at the curia, advised and cooperated with Innocent III in his formulation of measures against this form of simony. The existence and influence of university-trained theologians and lawyers points to one of the chief sources of Innocent's opposition to the practice and of the diffusion of that opposition to the rest of the church.

On 25 July 1213, that is, during the mission of Robert de Courson to France and the Low Countries, Innocent sent a letter to another of his legates, Albert of Vercelli,<sup>47</sup> the patriarch of Jerusalem, then resident at Saint John of Acre because of the Saracen conquest of his see. The legate was informed of the pope's reaction to a situation that had come to light in the Order of the Templars.<sup>48</sup> In this letter Innocent expressed more formally

than he had done elsewhere two of the central reasons for his opposition to simoniacal entry. The practice was simultaneously a danger to the soul of the individual religious and a scandal to others, presumably to other religious and to outsiders who might learn of it. Innocent saw his predecessors in the papacy as the chief opponents of such simony, and, in his view, their various measures against it had not been effective.<sup>49</sup> He felt obliged to renew the attack with measures of his own. "We have learned that some people have entered simoniacally that house of the Templars, to which the eyes of many look, although, as we accept from the letters of your Fraternity, [they did this] from simplicity rather than from malice, simplicity offering the opportunity for the offense."<sup>50</sup>

Thus, in the pattern established by Hubert Walter and by the abbot of Bec, the legate had laid before the pope instances of simoniacal entry that he had uncovered among the Templars. The reference of the legate to the *simplicitas* of the offenders is significant, for it pointed to the major obstacle to any full attack on monastic simony in the early thirteenth century. The objectionable nature of many entry arrangements was not well known among ordinary religious and aspirants to religious life. Simoniacal entry into religion had first been perceived and elaborated as a crime in the schools of canon law and theology in the last forty years of the twelfth century. Those who had had contact with the schools, and by 1213 that included many leaders of the church, were often sensitized to the issue. But individuals entering the order of the Templars, accompanied by the customary negotiations and payments, probably did so in good faith, even though many church leaders and intellectuals rejected that customary procedure as simoniacal. This hard factual situation was, no doubt, the chief reason why Innocent attempted to publicize the crime by means of episcopal visitations, diocesan synods, and regional councils. His instructions to the legate Albert contained a demand for publicity for the crime within the order of the Templars:

Therefore, in order to exclude the danger of such *simplicitas*, We order your fraternity through apostolic letters that you strictly prohibit on Our behalf the master and brethren of the Templars that

nothing be demanded for the reception of anyone; and that you cause it to be prohibited firmly by them in all the houses of their order. Not even under the pretext of an "aid" should there be an exaction, since the camouflage of a name does not change the guilt of a crime.<sup>51</sup>

As in the cases at Canterbury in 1201 and in the French church in 1210, Innocent used the occasion of a scandal to inform a large segment of the church—in this case, and I believe for the first time, an entire religious order—about the evils of simoniacal receptions. For the future the full rigor of the law was to apply to the Templars:

However, if hereafter anyone shall have admitted someone in that way to the forementioned order, may both the admitter and the admittee be punished in that in which he sinned: let him be expelled forever from the order without hope of restitution, [and] he should be transferred to another order of stricter rule, in which he may lament the guilt of so damnable a fault.<sup>52</sup>

The full rigor of the law for the guilty parties in simoniacal entry was to be penal exile to a stricter order, without hope of returning to the Templars. This was, of course, the solution based on Clement III's decretal letter "De regularibus."<sup>53</sup> But Innocent accepted a more lenient procedure for those who had committed the crime before his letter had removed all doubt on the subject. That is to say, he recommended mercy for those who had acted with *simplicitas*: "However, if urgent necessity or clear utility demand it, you may act more gently with those who up to now have sinned by *simplicitas*, just as the prudence of your discretion sees fit."<sup>54</sup>

Thus, from at least 1201 to 1213, there was a continuing current of concern on the part of Innocent III about the practice of simoniacal entry into religion. His responses to the concrete cases that came before him were complex and varied. Evidently he attempted to take into account such mitigating factors as the numbers of guilty and their degree of personal, conscious guilt. He promoted public attacks on the practice as a way to educate those potentially or actually involved in such simony. This concern found its final expression in the sixty-fourth canon of the Fourth Lateran Council.

*Fourth Lateran Council (1215)*

Innocent's great council, which held its first session on 11 November 1215, was a major effort to promote and to publicize a largely preexisting reform program, and to win cooperation for it from the church's hierarchy and from secular rulers. Groundwork for the council had been laid by legates and by consultations with church leaders, but its canons probably represent the concerns and decisions of Innocent and his immediate advisers. The assembly itself, attended by 412 bishops, 800 abbots and priors, and hundreds of delegates representing secular rulers, cathedral chapters, and Italian cities, was large and unwieldy. The relative brevity of the council's sessions would seem to prove that Innocent and the curia had the major role in the formulation of the seventy canons that were promulgated.<sup>55</sup>

There were four canons that dealt with the crime of simony in various of its forms. Canon 63 forbade payments for installing or consecrating prelates. Canon 65 forbade bishops to extort money for filling positions. Canon 66 ordered that the sacraments be provided for free, provided that the "laudable customs" of giving gifts by the laity were observed.<sup>56</sup> Canon 64 was devoted to simony in the entrance to religious houses: "Since the simoniacal stain has infected so many nuns to such a degree that they receive scarcely any as sisters without a price, and they wish by pretext of poverty to palliate a crime of this sort, we prohibit entirely that this be done henceforth. . . ."<sup>57</sup>

From the study of earlier texts dealing with simoniacal entry into religion, one is totally unprepared for the fact that this canon is directed primarily against women religious. In the treatment accorded to the issue by canonists and theologians in the later twelfth and early thirteenth centuries, nuns were mentioned, but there were few indications that they were in some way particularly guilty of simoniacal receptions. Not one of the instances reported by the letters of Alexander III, Clement III, or Innocent III involved female religious. The only case I have found before 1215 is that of Nun-Coton, visited by Hugh of Lincoln between 1186 and 1200.<sup>58</sup>

In the thirteenth century critics of simoniactal entry shifted their stress from religious in general to female religious in particular. Of course, male religious continued to be mentioned for simoniactal reception practices, but the relative increase in the frequency of complaints against nuns, especially Benedictine nuns, was striking.<sup>59</sup> That shift in emphasis quite probably reflects a shift in reality. In the three decades straddling the year 1200, many of the religious orders of men, including the Cistercians and the Cluniacs, took measures to forbid simoniactal entry.<sup>60</sup> For these houses of men, with their generally larger economic base, it was easier to abandon or, at least, to camouflage some of the more objectionable elements of the customary entry arrangements. On the other hand, the poorer women's houses were more constrained to retain the practice of demanding an income with their new members.<sup>61</sup> Also, monks could help support themselves by managing the properties of their houses, but the relatively strict claustration of female religious prevented them from contributing much to their own expenses. In any case, it seems that the required entry fee, or dowry, which was an institutionalization of the earlier simony, was more characteristic of women's than of men's houses in the thirteenth century and later.<sup>62</sup>

Canon 64 of the Fourth Lateran Council continued by prescribing for those who committed simony after its promulgation the same penalty that had been inflicted on those Templars who were denounced by the legate Albert: "[We] institute that whoever henceforth shall have committed such a wickedness, both receiver and received, whether she be subject or prelate, shall be expelled from her monastery without hope of return, [and] shall be forced into a place of stricter rule to do perpetual penance."<sup>63</sup>

As a concession to the numbers involved and to the *simplicitas* of those who might have acted in good faith in paying for their entry, the canon provided a gentler punishment for those who had entered before 1215. They were to be removed from their present houses, but allowed to reenter other houses of the same order.<sup>64</sup> Then, expressly as a further concession to numbers, the canon authorized a second procedure for those who had entered simoni-



acally before 1215: "But if by chance they cannot be conveniently placed elsewhere on account of large numbers, lest by chance they should wander damnably in the world, they may be received again by way of dispensation in the same monastery, having changed their earlier positions and having received lower ones."<sup>65</sup> Thus, in effect, a guilty religious could be expelled and received again in the same monastery, but with the loss of all the privileges that she had gained by seniority. This provision was a guarantee that the guilty religious would remain in religious life, no matter what other punishment was inflicted. The Lateran canon was directed specifically to nuns, but its provisions were intended for all regular religious: "We want this observed even about monks and other regular clergy."<sup>66</sup>

After the canon had defined the procedures to be followed in dealing with the religious who were simoniacs before and after 1215, it demanded publicity, which had characteristically accompanied almost all of Innocent III's moves against simoniacal entry: "But, lest they may be able to excuse themselves through *simplicitas* or ignorance, we order that diocesan bishops cause this canon to be published throughout their dioceses each year."<sup>67</sup>

Thus the Fourth Lateran Council provided a treatment for simoniac religious, calibrated according to degree of guilt and the numbers involved. It also ordered the implementation of a regular mechanism, the annual condemnation by the diocesan bishop, with which to attack the problem. No element of the canon was entirely new, since Innocent had experimented with the problem for fifteen years. But canon 64 was a complete formulation that reflected the results of those years of trial and error in the face of a serious practical problem.

1. For a characterization of Innocent III as an ecclesiastical reformer, see A. Fliche, "Innocent III et la réforme de l'église," *Revue d'histoire ecclésiastique* 44 (1949): 89-152. See also the valuable comments of H. Tillmann, *Papst Innocenz III* (Bonn, 1954), pp. 152-85. M. Maccarone, "Riforma e sviluppo della vita religiosa con Innocenzo III," *Rivista di storia della chiesa in Italia* 16 (1962): 29-72, treats of Innocent's reform measures for religious life.

## SIMONIAICAL ENTRY INTO RELIGIOUS LIFE

2. Tillmann, *Innocenz III*, pp. 180-85, discusses Innocent's attempts to use Cistercians as legates, visitors, preachers, and reformers of other religious orders. These efforts were only moderately successful, and the pope turned to other groups, such as the Franciscans and the *Humiliati*, which were more amenable to his active purposes of preaching and evangelizing (H. Grundmann, *Religiöse Bewegungen im Mittelalter* [Berlin, 1935], pp. 70-169). But, in the first decade of his pontificate, Innocent tried to harness the Cistercians and other regulars to his purposes. In 1198 he empowered the famous Parisian preacher Fulk of Neuilly to promote a crusade and to join to his work any Black monk, Cistercian, or regular canon whom he felt necessary (Pott 408). In 1206 Innocent committed the evangelization of the pagan Livonians on the Baltic to any religious, especially Cistercian, who wished to volunteer (Pott 2901).

3. U. Berlière, "Innocent III et la réorganisation des monastères bénédictins," *Revue bénédictine* 32 (1920): 156-58. Canon 12 of the Fourth Lateran Council ordered the establishment of triennial chapters and regular mutual visitation by all independent religious houses. W. A. Pantin, ed., *Documents Illustrating the Activities of the General and Provincial Chapters of the English Black Monks, 1215-1540* (London, 1931-37) Camden Third Series, nos. 45, 47, 54, provides a rich selection of texts concerned with the chapter mechanism as it operated among English Benedictines. In the immediate aftermath of the Lateran Council, the chapter system was instituted in many areas; but outside England, it seldom attained the regularity needed for it to take root. U. Berlière, "Les Chapitres généraux de l'ordre de Saint Benoît," *Mélanges d'histoire bénédictine* 4 (Maredsous, 1902): 52-171, lists all the known chapter meetings of independent Benedictine houses. Canon 12 of the Fourth Lateran Council ordered meetings for regular canons as well as for monks. H. E. Salter, ed., *Chapters of the Augustinian Canons* (London, 1922) Canterbury and York Series, no. 29, prints documents about English chapter meetings; and G. G. Meersseman, "Die Reform der Salzburger Augustinerstifte (1218) eine Folge des IV. Laterankonzils," *Zeitschrift für schweizerische Kirchengeschichte* 48 (1954): 81-95, edits the records of three chapter meetings at Salzburg in 1218, 1221, and 1224.

4. On Innocent's student career, see M. Maccarrone, "Innocenzo III primo del suo pontificato," *Archivio della R. Deputazione romana di Storia patria* 66 (1943): 59-134; and Tillmann, *Innocenz III*, pp. 4-9.

5. J. W. Baldwin, *Masters, Princes, and Merchants: The Social Views of Peter the Chanter and His Circle* (Princeton, N.J., 1970), 1: 342-43.

6. Tillmann, *Innocenz III*, p. 8.

7. Pott 4680 to the Cluniac General Chapter complained about the state of La Charité; Pott 1695 concerned Thorney Abbey; Pott 3142 criticized Vezelay; Pott 4262 concerned Saint Victor at Marseilles. Berlière, "Innocent III," pp. 35-39, cites many other examples of Innocent's letters complaining about conditions in Benedictine houses. Many of these letters do not specify clearly the nature of the problems criticized.

8. On Hubert Walter in his dual role as churchman and king's man, see C. R. Cheney, *Hubert Walter* (London, 1967), pp. 49-134. Cheney (pp. 159-71) stresses the importance of the canonists who served in Hubert Walter's entourage. See also C. R. Young, *Hubert Walter, Lord of Canterbury and Lord of England* (Durham, N.C., 1968).

9. Mansi, 22:720-21.

10. "Dilectus filius magister A. nuncius tuus pro parte tua proposuit, quod, quum Cantuariensem dioecesim secundum praedecessorum tuorum consuetudinem visitans, ut quae corrigenda sunt corrigas, et statuas quae secundum Deum videris statuenda, in monasteriis et canonicis regularibus, et religiosis locis pullulasse repereris simoniacam pravitatem, ita, quod in eis multi pretio sunt recepti, qui potius gratis recipi debuissent, immo etiam ad religionis observantiam invitari" (Pott 1403). The full text is printed in Migne, vol. 216, col. 1231.

11. In the course of a canonical visitation between 1186 and 1200, Hugh found simoniacal receptions at the nunnery of Nun-Cotton (Migne, vol. 153, cols. 1113-16).

12. "Dubitas igitur, an, quia multitudo reperitur in causa, severitati sit aliquid detrahendum, an in tales exercere debeas rigorem canonicae disciplinae" (Pott 1403).

13. In his letter to Innocent, Hubert Walter had apparently noted that many of those involved were otherwise respectable, because Innocent commented that many were people who deserved to be invited to religious life, rather than being forced to pay for entry: "in eis [monasteries] multi pretio sunt recepti, qui potius gratis recipi debuissent, immo etiam ad religionis observationem invitari" (Pott 1403).

14. "Nos igitur inquisitioni tuae taliter respondemus, quod, si adversus eos, qui labe fuerint huiusmodi maculati, accusatio coram te fuerit canonicè instituta, postquam crimen ordine fuerit iudiciario comprobatum, tam in dantes quam in recipientes canonicae severitatis exerceas ultionem. Quodsi de hoc tibi per solam inquisitionem constiterit, eos, qui per simoniacam pravitatem in locis talibus sunt recepti, ab illis amotos ad agendam poenitentiam ad monasteria dirigas arctiora" (Pott 1403).

15. C. R. Cheney, *Episcopal Visitation of Monasteries in the Thirteenth Century* (Manchester, 1931), pp. 64-71. Cheney points out that religious communities resented the presence of secular clerics during visitation, and they exerted themselves to keep the visitation an affair between the bishop and themselves. The religious orders that maintained discipline by means of mutual visitation of their own houses also tried to keep secret the irregularities discovered during visitation. The Cistercians attempted to prevent members from divulging information damaging to the order (Canivez, *Statuta*, vol. 1, no. 42, 1195; no. 2, 1208). In their revised statutes of 1236-38, the Premonstratensians formally condemned anyone who divulged the secrets of the order, because such persons were "destroyers of the Order" (Pl. Lefèvre, *Les Statuts de Prémontré reformés sur les ordres de Grégoire IX et d'Innocent IV au XIII<sup>e</sup> siècle* [Louvain, 1946], Bibliothèque de la Revue d'histoire ecclésiastique, fasc. 23, p. 126, no. 24).

16. JL 16562.

17. "Abbatibus autem et abbatissis, prioribus, praelatis quibuslibet et officialibus eorumdem iniungas poenitentiam competentem, et, donec illam peregerint, eos a sacrorum ordinum executione suspendas, iniungens episcopis tuis, ut hanc formam per suas dioeceses studeant observare. Illud tamen gratanter recipi poterit, quod fuerit sine taxatione gratis oblatum" (Pott 1403).

18. The letter specified that if a formal accusation was made, then both the giver and receiver of the simoniacal payment were to receive the "revenge of canonical severity."

19. Among the Cistercians, abbots whose offense did not merit deposition were frequently punished by removal from their functions for a specified period of time or by a specified penance, or both (Canivez, *Statuta*, vol. 1, no. 30, 1191; no. 4, 1201; no. 26, 1205).

20. The decretal collection, the *Compilatio III*, was sent by Innocent to the law schools at Bologna (Pott 4157). The *Compilatio III* is edited by E. Friedberg, *Quinque compilationes antiquae* (Leipzig, 1882), pp. 105-34. On the compiler of the collection and its genesis, see S. Kuttner, *Repertorium der Kanonistik 1140-1234* (Vatican City, 1937), pp. 355-68. Innocent's letter "Dilectus filius" was also included in two canonical collections formed about 1208, that of Bernardus Compostellanus (H. Singer, "Die Dekretalensammlung des Bernardus Compostellanus antiquus," *Sitzungsberichte der kaiserlichen Akademie der Wissenschaften in Wien*, Phil.-hist. Klasse, no. 171 (1914), V. 3. 2); and that of Alanus (R. von Heckel, "Die Dekretalensammlungen des Gilbertus und Alanus nach den Weingartener Handschriften," *Zeitschrift der Savigny-Stiftung für Rechtsgeschichte*, Kanonistische Abteilung, no. 29 (1940), V. 1. 4).

21. "Priori et fratribus Lateranensibus mandata dat super observatione constitutionum

## SIMONICAL ENTRY INTO RELIGIOUS LIFE

Alexandri papae, qui inhibuit monachum pro pretio recipi in monasterio ac habere peculium ac solum inter seculares ambulare" (Pott 1494). The actual letter belonged to a now-lost volume of Innocent's register. The tenor of the letter is known through an index of letters published by A. Theiner, *Vetera Monumenta Slavorum Meridionalium historiam illustrantia* (Rome and Zagreb, 1863), 1: 60, no. 170. The "Constitutions of Pope Alexander" mentioned in the summary are in fact the elements of canon 10, "Monachi non pretio," of the Third Lateran Council, as a comparison of the order of the two texts reveals (J. Alberigo et al., eds., *Conciliorum oecumenicorum decreta* [Freiburg im Breisgau, 1962], p. 193).

22. Pott 3142. The full text is printed in Migne, vol. 215, cols. 1185-87, no. 89. One charge against the abbot was "quod Simoniacum habuisset ingressum, et quosdam in fratres receperit et aliquibus prioratus concesserit per Simoniacam pravitatem" (col. 1185c-d). Certain monks gave testimony against the abbot: "Quidam vero quod in ingressu ejus pro ea et cum eo commiserunt Simoniā, proprio juramento monstrabant, licet singuli fuerint in suo testimonio singulares" (col. 1186a).

23. Pott 4158, 4159, 4160 are undated letters from Innocent III to the abbot of Bec. The first prohibited visitation of Bec by the diocesan bishop, unless the house were gravely defamed by upstanding persons. The second letter empowered the abbot to recall to Bec certain monks whose conduct in the priories was scandalous. The third letter empowered the abbot to deal with cases of violence and of simoniacal entry discovered in the house. The letters derive from ms. 149 of the Bibliothèque d'Avanches, fol. 78<sup>r</sup>, on which see *Catalogue générale des manuscrits des bibliothèques publiques des départements* (Paris, 1872), 4:503. The letters may refer to an interrelated group of events revolving around the diocesan bishop's attempt to visit Bec canonically. In any case, the letters underline the fact that simoniacal entry was only one of Bec's problems.

24. "Ex tua insinuatione didicimus, quod nonnulli monasterii tui monachi quorum quidam per violentam manu injectionem inciderunt in canonem sententiae promulgatae: alii vero Simoniacum ibi habuerunt ingressum, absolutiois beneficio seu dispensationis gratia non obtentis, sacros susceperunt ordines, et in eis non sunt veriti postmodum ministrare" (Pott 4160). The full text is in Migne, vol. 217, cols. 275-76.

25. "Item placuit, ut si quis suadente diabolo hujus sacrilegii reatum incurrit, quod in clericum vel monachum violentas manus injecerit, anthematis [sic] vinculo subiaceat: et nullus episcoporum illum praesumat absolvere, nisi mortis urgente periculo: donec apostolico conspectui praesentetur, et ejus mandatum suscipiat" (canon 15, Mansi, 21:530c). This canon had been enacted previously at Clermont-Ferrand (1130) (canon 10, Mansi, 21:439d); and at Reims (1131) (canon 13, Mansi, 21:461b). Sometime after 1139, Gratian included it in his *Decretum. Causa XVII, questio iv*, canon 29. On the subject of irregularity contracted from striking clerics, see JL 14025, 14119.

26. On *irregularitas* see F. Gillmann, "Zur Geschichte des Gebrauches des Ausdrücke 'irregularis' und 'irregularitas,'" *Archiv für katholisches Kirchenrecht* 91 (1911): 49-86; and C. Oesterlé, "De potestate abbatis dispensandi ab irregularitatibus," *Liturgica* 2 (Montserrat, 1958): 465-81. P. Huizing, "The Earliest Development of Excommunication *Latae Sententiae* by Gratian and the Earliest Decretists," *Studia Gratiana* 3 (1955): 277-320, traces the development of automatic punishments for certain crimes, such as simony and striking a cleric.

27. ". . . De quorum salute sollicitus postulasti, ut cum eos venire ad Sedem Apostolicam oporteret, et verendum asseras ne ad nostram veniendo praesentiam vagarentur, et salutis cuius causa veniret incurrent detrimentum, misericorditer super hoc agere dignaremur" (Pott 4160).

28. ". . . Considerantes quoque quod religionis favore multa in regularibus, quae non pateremur in aliis, sustinemus: per apostolica scripta mandamus, . . . servata generali

constitutione concilli circa eos qui noscuntur ingressum Simoniacum habuisse, super eo quod taliter receperint ordines, et in eis postmodum ministraverint, auctoritate nostra facias cum eisdem prout animarum suarum saluti videris expedire" (Pott 4160). Innocent's letter did not settle the problem of simoniacal entry at Bec, for on 20 December 1220 Honorius III had to respond to another inquiry from Bec. In that case he ordered the simoniacs to be placed in priories of the house, and to be forbidden reentry to Bec itself (Pressutti 2901).

29. "Multoties audivimus et a multis quod in quibusdam monachorum, monialium et aliorum religiosorum monasteriis per vestras dioeceses constitutis consuetudo damnabilis, imo damnatus et dammandus abusus usque adeo inolevit, ut pene penitus nulla persona recipitur in ipsis absque labe Simoniacae pravitatis. Ne igitur clamorem toties iteratum videamur, . . . simulando fovere, universitati vestrae . . . mandamus . . . , quatenus semel in anno hujusmodi monasteria singuli per vestras dioeceses visitantes, sub anathematis interminatione vetetis, ne qua persona de caetero recipiatur in eis per hujusmodi pravitatem, semper in vestris synodis denuntiantes hoc ipsum, et circa eas quas sic receptas invenietis, auctoritate apostolica, sublato appellationis obstaculo, statuatis quod saluti et honestati videretis expedire" (Pott 3976; the full text is printed in Migne, vol. 217, col. 198, no. 144).

30. Berlière, "Innocent III," pp. 145-47. Cheney, *Episcopal Visitation*, pp. 17-53, discusses attempts to maintain the discipline of the regular clergy by means of episcopal visitation.

31. The papal letter convoking the council was "Vineam Domini Sabaoth" (Pott 4706). For an account of the recipients of the letter, see A. Luchaire, "Innocent III et le quatrième concile de Latran," *Revue historique* 97 (1908): 225-35.

32. Pott 4711. For a study of Cardinal Robert de Courson and his legation, see the excellent article by M. and C. Dickson, "Le Cardinal Robert de Courson: sa vie," *Archives d'histoire doctrinale et littéraire du moyen âge* 9 (1934): 53-142. For an account of Robert de Courson's activities in northern France and Flanders during the winter of 1213-14, see S. Hanssens, "De legatierien van Robert van Courson in Vlaanderen en Henegouwen," in *Miscellanea historica in honorem Alberti de Meyer* (Louvain and Brussels, 1946), 1: 528-38.

33. The canons issued at Paris in June 1213 are printed in Mansi, 22:817-54, where they are dated incorrectly to 1212. The canons of Rouen, February-March 1214, are printed in Mansi, 22:897-924. The canons that survive from the council at Bordeaux, 26 June 1214, are printed in a letter from Robert de Courson to King John of England (T. Rymer, *Foedera, conventiones, etc.* [London, 1836], vol. 1, pt. 1, p. 122). The canons of Montpellier, 8 January 1215, are printed in Mansi 22:935-54. No canons are extant from the Council of Reims (winter 1213-14) or of Clermont-Dessous (July 1214).

34. Dickson, "Le Cardinal Robert de Courson," pp. 124-26.

35. "De ingressu itaque monachorum simoniaco licet habeamus speciale mandatum domini papae ad archiepiscopos et episcopos per totum regnum Franciae, quod in hoc articulo bene sufficere potest . . ." (Mansi, 22: 826a-c). This provision was repeated in Rouen, canon 1 (Mansi, 22:905e-906a).

36. "Praecipimus etiam sub poena suspensionis [ne] ab ingressuris claustrum, vel pastus vel vestimentum exigantur, neque denarii, neque aliud in fraude praedictorum, ita quod propter hoc non repellantur" (Canon 27 of Paris, Mansi, 22:833b; canon 30 of Rouen, Mansi, 22:911d).

37. "Ut nullus admittatur cum pacto aliquid dandi pro receptione. Item praecipimus, ut nullus in canonicum vel monachum admittatur, cum aliqua conditione, vel pacto, per quod aliquid debeat pro receptione ejus dari" (Mansi, 22:944c). The wording of this canon differs from those issued by Cardinal Robert at Paris and Rouen on the same subject. This

## SIMONIAL ENTRY INTO RELIGIOUS LIFE

fact indicates that the legate Peter of Benevento had also been instructed to legislate against simony, but was apparently free to express the prohibition in his own way.

38. Dickson, "Le Cardinal Robert de Courson," pp. 124-26, comments on the striking continuity of program between the councils of Paris and Rouen, and that of the Fourth Lateran Council. C. R. Cheney, "Legislation of the Medieval English Church," *English Historical Review* 50 (1935): 197-98, notes that a papal legate issued his own canons, as authorized by his papal mandate, and that those canons were binding decrees, not to be altered by bishops and enduring after the termination of his legateship.

39. Baldwin, *Masters*, vol. 1: 315-43, examines the influence of university masters, particularly those affiliated with Peter the Chanter at Paris, on the decisions of the Fourth Lateran Council. He traces their views on capital punishment, ordeals, clerical celibacy, and marriage. The council adopted the masters' views on ordeals and marriage. It is apparent that the council also adopted the views of canonists on the issue of simoniacal entry into religion.

40. Dickson, "Le Cardinal Robert de Courson," pp. 64-65. The editor of Peter the Chanter's *Summa de sacramentis*, J.-A. Dugauquier, dated that work to 1191-97 (*Summa de sacramentis et animae consiliis* (Louvain and Lille, 1961), 3:1, *prolegomena*, 185). Baldwin, *Masters*, vol. 2, appendix 2, pp. 241-65, questions the firmness of Dugauquier's dating of the *Summa*. Baldwin agrees that it was compiled about 1191-97, but that the material in it was the product of a school career that extended over many years.

41. Pott 3142. The account of his investigations at Vezelay is printed in Migne, 215:1185-87.

42. "Item cum vix inveniat in ecclesia cisalpina aliquod monasterium cuius in/troitus gratis concedatur. Queritur quid consulendum sit monachis et sanctimonialibus qui ad interventum pecunie intronmissi sunt in collegium monachorum et monialium. Constat enim quod cum non intrent per hostium sed ascendunt aliunde vel per violentas preces vel intuitu sanguinis tantum vel muneri aut cuiuscumque cupiditatis labem incurritur simonie" (BN lat. 14524, fol. 38<sup>r</sup>-38<sup>v</sup>).

43. On the legal principles governing *transitus* in the middle and later twelfth century, see M. A. Dimier, "Saint Bernard et le droit en matière de *transitus*," *Revue Mabillon* 43 (1953): 48-82; and K. Fina, "*Ovem suam require*. Eine Studie zur Geschichte des Ordenswechsels in XII. Jahrhundert," *Augustiniana* 7 (1957): 33-56.

44. "Solutio: claustrum quod sic emitur aut locus est voluptatis aut est locus carceris. Si voluptatis consulendum est eis ut exeant velud usualiter contingit in domibus monachorum regalium in quibus adeo splendide epulantur tamquam dives ille qui induebatur purpura et bissa epulabatur cotidie splendide. Istis consulendum est ut exeant et ad arctiorem locum penitentiae se transferant ut dignam pro commissa simonia et aliis peccatis penitentiam agant. Si vero locus est carceris qui emitur velut claustrum cisterciense vel cartusiense non oportet ut arctiorem locum petant quia vix arctiorem invenirent; ibi ergo lugeant commissa et preter traditionem regule aliquam specialem ab abbate recipiant penitentiam intuitu commisse simonie" (BN lat. 14524, fol. 38<sup>v</sup>).

45. "Quid autem sit consulendum toti conventui ubi omnia bona eorum sunt de simonia vel de rapina aut quedam de licite acquisitis, quedam de rapinis . . ." (BN lat. 14524, fol. 38<sup>v</sup>).

46. "Item alius lugubris casus et quasi insolubilis qui late dat infinitam stragem animarum. Ecce monasterium quoddam quos omnes monachos quos habet non gratis sed ad interventum pecunie suscepit. Nunc tandem cognoscit abbas cum toto capitulo se cum omnibus labem simoniae contraxisse, et modo omnes sunt in articulo mortis vel instat solemnitas pascalis et volunt condigne satisfacere de omnibus ad arbitrium tuum qui es prelatas eorum. Quid consules eis? Tu scis quod indigne omnes introierunt et quod

nihil habent nisi per simoniam acquisitum, et scis quod non expellitur predictum demonium nisi plena fiat restitutio si potest fieri. Ergo debes eis dicere ut omnes abscedant nudi pocius quam ibi pereant" (BN lat. 14524, fol. 14<sup>v</sup>). Another version of this text, with slight variations, is edited in J. Petit, *Theodori . . . poenitentiale* (Paris, 1677), pp. 371-72. See also V. L. Kennedy, "Robert Courson on Penance," *Mediaeval Studies* 7 (1945): 316-17, where these and similar texts are edited and discussed for the light they shed on Robert de Courson's views on penance. See Baldwin, *Masters*, vol. 2, p. 82, note 36, for another text of Robert de Courson on simoniacal entry.

47. P. Marie-Joseph, "Albert de Verceil," *DHGE*, 1:1564-67. Albert of Vercelli composed a brief rule for the Carmelites, between 1205 and 1214, but it contained no mention of simony. The rule is printed in a confirmation by Honorius III, Pott 7524. M.-H. Laurent, "La Lettre 'Quae honorem conditoris' (1 octobre 1247): note de diplomatique pontificale," *Ephemerides Carmeliticae* 2 (1948): 10-16, provides a critical edition of the rule, as modified by papal order in 1247.

48. "Vitium pravitatis in Giezi leprae morbo et in Simone Mago perditione damnatum in regularibus transire non debet inultum; quoniam eo damnabilis ab illis committitur quo periculosius tales cadunt sibi meritum et aliis per exemplum" (Pott 4783; printed in Migne, vol. 216, cols. 890-91, no. 90).

49. "Licet autem contra pestem istam mortiferam diversis temporibus a praedecessoribus nostris diversa prodierint instituta, nondum tamen usque adeo mortificari potuit quin etiam in terra quae funiculus est haereditatis Dominicae multos infecit et effecerit sic habitus religiosi participes quod sanctae religionis expertes" (Pott 4783).

50. "Ipsam quoque domum militiae Templi, ad quam oculi respiciunt plurimorum, quosdam intelleximus Simoniacae introisse, simplicitate tamen potius quam malitia, prout ex litteris tuae fraternitatis accepimus, simplicitate occasionem praestante delicto" (Pott 4783).

51. "Ad excludendum igitur talis simplicitatis periculum, fraternitati tuae per apostolica scripta mandamus quatenus magistro et fratribus militiae Templi ex parte nostra districte prohibeas et ab eis facias per omnes domos sui ordinis firmiter inhiberi ne pro alicujus receptione aliquid exigatur, nec etiam sub praetextu subventionis ad exactionem procedatur hujusmodi, cum superficies nominis reatum criminis non immutet" (Pott 4783).

52. "Si quis autem de caetero quemquam taliter admiserit ad ordinem supradictum, utque tam admittens videlicet quam admissus puniatur in quo deliquit, ab eo sine spe restitutionis perpetuo expellatur, ad alium districtioris regulae ordinem transferendus, in quo tam execrabilis culpa reatum poenitentia condigna deploret" (Pott 4783).

53. JL 16562.

54. "Cum his autem qui hactenus simplicitate peccarunt, si urgens necessitas aut evidens utilitas postularit, mitius agere poteris, prout tuae discretionis prudentia viderit expedire" (Pott 4783). The Templars were apparently not willing or able to solve their problems of simoniacal entry, because in the term of the Grand Master Herman of Perigord (1233-44), a veritable crisis over the issue arose. For the details of the crisis, see H. de Curzon, ed., *La Règle du Temple* (Paris, 1886), pp. 285-88.

55. R. Foreville, *Latran I, II, III et Latran IV* (Paris, 1965), *Histoire des conciles oecumeniques*, no. 6, pp. 391-95, on the numbers present at the council; see also pp. 251-52.

56. The canons of the Fourth Lateran Council are printed in Alberigo, *Conciliorum*, pp. 206-47; see also Mansi, 22:953-1086.

57. "Quoniam simoniaca labes adeo plerasque moniales infecit, ut vix aliquas sine pretio recipiant in sorores, paupertatis praetextu volentes huiusmodi vitium palliare, ne id de caetero fiat, penitus prohibemus . . ." (*Conciliorum*, p. 240).

58. Migne, vol. 153, cols. 1113-16.

59. Gerald of Wales declared that almost no nuns were received in Cluniac nunneries without a price (*Gemma Ecclesiastica*, dist. II, chap. 126, pp. 289-90). Jacques de Vitry, writing about 1223, commented that though Cistercian nuns were still rather strict on the issue, most other nunneries were guilty of simoniacal reception (*The Historia Occidentalis of Jacques de Vitry*, ed. John F. Hinnebusch, Spicilegium Friburgense, no. 17 (Fribourg, 1972): 116-17). Raymond of Pennafort was probably the author of a visitation manual for archdeacons, written about 1230, that singled out Benedictine nuns for special criticism about simoniacal receptions, which happened in their houses "quasi communiter et fere semper" (*Summa pastoralis*, in *Catalogue générale des manuscrits des bibliothèques publiques des départements* [Paris, 1849], 1:630-31). For other explicit criticisms of the reception practices of nuns, see Bonaventura, *Opera omnia* (Quaracchi, 1898), 8:369-70; Gilbert of Tournai's *Collectio de scandalis ecclesiae* (1274), edited by A. Stroick in *Archivum Franciscanum historicum* 24 (1931): esp. 57. Thirteenth-century papal registers also provide evidence for simoniacal entry to nunneries, e.g., Pressutti 592, 2522, 3154, 3737, 6100.

60. See above, pp. 159-68.

61. Bonaventura explicitly pointed to poverty in his defense of reception practices among the Poor Clares: "Ubi vero pecunia recipitur propter personam, quam alias libenter reciperent, si haberent unde eam pascere; non videtur esse simonia, dummodo forma cum intentione concordet. Et hoc modo sustinemus, quod Sorores sanctae Clarae recipiunt 'pecuniam cum personis,' si quando oportet, eas plures personas recipere quam de facultatibus monasterii congrue valeant sustentari" (*Opera omnia*, 8:370).

62. Indeed, it was only after the Council of Trent that dowries were generally acknowledged as licit: see T. M. Kealy, *Dowry of Women Religious* (Washington, D.C., 1941), Catholic University of America Canon Law Studies, no. 134, pp. 4-38; A. Leinz, *Die Simonie. Eine kanonistische Studie* (Freiburg im Breisgau, 1902), pp. 15-30; and R. E. Kowalski, *The Sustainance of Religious Houses of Regulars* (Washington, D.C., 1944), Catholic University of America Canon Law Studies, no. 199.

63. ". . . Statuentes ut quaecumque de caetero talem pravitatem commiserit, tam recipiens quam recepta, sive sit subdita sive praelata, sine spe restitutionis de suo monasterio expellatur, in locum arctioris regulae, ad agendum perpetuam poenitentiam retrudenda" (*Conciliorum*, p. 240).

64. "De his autem quae ante hoc synodale statutum taliter sunt receptae, ita duximus providendum ut remotae de monasteriis, quae perperam sunt ingressae, in aliis locis eiusdem ordinis collocentur" (*ibid.*).

65. "Quod si propter nimiam multitudinem alibi forte nequiverint commode collocari, ne forte damnabiliter in saeculo evagentur, recipiantur in eodem monasterio dispensative de novo mutatis prioribus locis et inferioribus assignatis" (*ibid.*, pp. 240-41).

66. "Hoc etiam circa monachos et alios regulares decernimus observandum" (*ibid.*, p. 241).

67. "Verum ne per simplicitatem vel ignorantiam se valeant excusare, praecipimus ut dioecesani episcopi singulis annis hoc faciant per suas dioeceses publicari" (*ibid.*).