CHAPTER FOUR

Entry Payments as Simony

This chapter will treat early twelfth-century attempts to apply the intellectual category of simony to the payments and transactions that customarily accompanied entrance to religious life. The major texts reflecting this attempt were those of Rudolph, abbot of Saint Trond; Gerhoh of Reichersberg; and Gratian, the Bolognese compiler of the Decretum.

Rudolph of Saint Trond

Sometime between 1123 and 1138, a controversy arose at Cologne concerning the gift demanded from a man who wished to place his son as an oblate in the monastery of Saint Panteleon. The dispute became heated and began to draw the interest of the city populace. The prior of Saint Panteleon, Sibertus, wrote for advice to Rudolph (ca. 1070-1138), a former abbot of Saint Panteleon and, at the time of the controversy, abbot of Saint Trond. Rudolph was experienced in the areas of canon law and the study of simony. He had compiled a canonical collection about 1100. In addition, a notice of Mabillon indicated that Rudolph had written two works on simony, including one that was specifically concerned with the simony of monks. Unfortunately, these three works seem to have perished. However, Rudolph's reply to the prior Sibertus does survive, in which he laid out his position on simony in entrance to religion. Sibertus' letter described the origins and issues of the controversy thus:

A certain young boy was offered to us by his parents as an oblate, and because of their devotion they offered as much as they wished of their
wealth along with the boy. A certain man, richer in goods but poorer and greedier in will, saw this and was envious, and immediately he asked that his son be received. Much time was consumed in asking and denying, since his parents wished to introduce that boy by force, without a gift.³

It is important to remember that the monks had custom and precedent on their side in this quarrel.

At length, when his father was summoned in a friendly way, so that he might give to the church something from the goods which God had given him, he began to rage, saying that he was unwilling to commit simony. Seized by this fury, he struck us with much injury, he filled the markets and streets, he moved citizens and ecclesiastical persons, by declaring that we offer for a price that which we are ordered to give for free. He said "If indeed a rich commoner is easily admitted, [and] a nobler person coming simply [i.e., without a gift] is driven away by many excuses, then it appears obvious that not the person, but the money is sought. And when he, who at first was repudiated, has brought a sack of money and has merited the formerly denied entrance, who does not see how much simony is committed here?"

Since he was a well-known person of the city, this accusation disturbed us very much. At length, summoned again by clergy and laity, we answered as before that it was fitting and just, and not contrary to canonical rigor, that whoever wishes to join himself or one of his own to the church, while he has possessions whence he can offer, ought to offer [something] for the use of the same church. They said, however, "Monasteries are set up for this [purpose], so that whoever wishes to abandon the world ought rightfully to enter, and neither the occasion of poverty nor of any other thing should be an obstacle to him since those whom God unites and brings together, He fills with all good things."⁴

The father of the boy, and his lay and clerical supporters, made three charges against the monks of Saint Panteleon. First, they accused the monks of taking new recruits for money. Second, they asserted that monasteries should be open to all and that Saint Panteleon was not. Third, they declared that the monks should rely on God rather than on recruits for their needs. Rudolph of Saint Trond wrote a long reply to the letter of Sibertus, in which he attempted to meet these three criticisms. It is his reply to the first
ENTRY PAYMENTS AS SIMONY

criticism that is significant for the problem of simony in entrance to religious houses.

Rudolph wrote to Sibertus that the charge was not serious, could not really be pursued in a court of law by the man, and therefore the monks should ignore their critics with "silent derision." However, he agreed to write a reply because the charge was upsetting and scandalous for the monks. Rudolph took the offensive against the "rich but tight and greedy man," and he defended the premise that those who offer a child to a monastery are obliged to give with him that portion of their goods which the child would have received if he had remained in secular life.

He wishes to cover himself and to purify himself with the name of piety, so that as if on account of simony . . . he may seem to retain what he retains on account of greed. If he wishes [both] to avoid simony and to shed avarice, let him do justice, for simony and avarice can not be done with justice. But what is the justice we ask him to do, so as to flee simony and avarice? Let him divide equally among his sons that which he is saving or retaining on account of his sons, or, as he lies, in order to avoid simony. But, he wishes to send one [son] from himself to give to God and to the holy church. This is very good; but nevertheless it is good and just that he send after him or with him his share. But I believe that he wishes to send [him] from the world for this purpose, that he may keep the boy's portion in his money-bag.

The lines were clearly drawn, with Rudolph asserting that the money was owed to the boy and the father asserting that it was simony to demand the money. Rudolph accused the rich man of avarice, idolatry, and sacrilege because he was cheating his son, the monastery, and God out of their rightful due. Rudolph questioned the sincerity of a man whose accusation of simony fitted in so well with his own self-interest.

However, the boy's father had certain religious and social attitudes on his side of the argument. Monastic theology held that the monk was dead to the world, and many of the relatives of monks, beginning especially in the twelfth century, interpreted that theological image literally and drew the conclusion that normal inheritance laws should prevail when a person "died" by entering re-
Rudolph tried to counter that view by insisting that the image of the monk's death had another, contrary interpretation.

May he give to him [the boy] what is his, may he hand over what he was keeping for him. But he says, "He is dead." Indeed, he is dead to the world, but he lives to God. His portion is owed to the poor of Christ and to the church. It is owed to them to whom he went; it is owed to Christ, for he has gone to him.  

Rudolph's opponent next declared that he would give the boy's goods to the poor, rather than to the wealthy monks. Rudolph insisted that the monks, because of their voluntary abnegation, were truer and worthier "pauperes Christi" than the worldly poor, who were still marked by greed and desire for goods. He concluded that it was to the monks that Christ was referring in the gospel when he told the rich young man to sell all he had and give to the poor.

Furthermore, Rudolph returned to his major contention that the rich man could not legitimately choose whether or not to give the boy's portion to the monastery: "You say well, "The goods which I have I am going to give to the poor." The goods that you have, give to whatever poor you wish but allow the goods which are your son's to follow him to the monastery, where you offer him among the poor of Christ to follow the Lord."

Rudolph's opponent apparently claimed that the Rule of Benedict was on his side as well, because Rudolph felt obliged to offer a rather forced exegesis of the text. Chapter 59 of the Rule said clearly that the parents ought to disinherit their child, and that only if they were unwilling to do so were they to give a gift with him to the house. Rudolph omitted entirely the part of the text on disinheritance and concentrated his argument on the right of the parent to choose what to give, or, indeed, whether to give.

Likewise in the text about the sons of nobles and of the poor. "If they should wish to offer anything for their reward as a gift to the monastery, let them make a donation to the monastery out of the possessions which they wish to give." He hears perhaps and is happy, because the blessed Benedict places this decision in his choice. But certainly the holy man would place this in the choice of no one, unless he knew
ENTRY PAYMENTS AS SIMONY

that the decision which ought to be made was going to be holy and just and pious. However, since what is holy and just and pious could not enter the will of this man, may he have his possessions in perdition. He wishes that his son be taken empty-handed, [then] let him bring it about that he is one of the number of those about whom the blessed Benedict writes. "But, who," he says, "have nothing at all, let them simply make the petition and may they offer their son with the oblation before witnesses." 14

Thus Rudolph argued that this man could not choose, as the Rule allowed, because he was insincere and would choose incorrectly. Whereas it seems that Benedict's Rule foresaw the possibility of receiving the sons of rich men gratis, Rudolph restricted such receptions to the sons of the poor. The rich, in his view, must give a gift, or the child should be rejected.

Thus the burden of Rudolph of Saint Trond's positive argument was that the father was under a binding obligation to send the boy's portion to the monastery along with the boy. To support his claims, he referred to the ius Dei et hominum, and to the lex optima ecclesiae and the leges imperiales. 15 However, he did not cite these texts or specify them more exactly. Presumably, the terms ius hominum and the leges imperiales referred to the Code of Justinian, which provided that the undisposed goods and rights of a man entering monastic life should follow him. 16 The lex optima ecclesiae and the ius Dei are equally mysterious terms. It is recorded that Rudolph compiled a collection of canons and of scriptural excerpts, and was presumably familiar with earlier collections. 17 These terms may refer to adaptations of Justinian's law that had found their way into canonical collections, 18 or to certain biblical and patristic texts that he felt supported his view. 19 Indeed, there is a possibility that the terms were mere rhetorical embellishments to strengthen a weak case, a case without the support of prestigious auctoritates.

In addition to this positive task of proving that it was the father's duty to give his son's share to the monastery, Rudolph also set himself the negative task of rebutting the charges of simony made against the monks of Saint Panteleon. The main question at issue, raised by the rich man and his supporters, was the propriety of the monastery's refusal to receive an oblate without a gift. They
had charged that the requirement of a gift with an entrant was simony. Rudolph attacked the sincerity of this charge, attributing it to the simple greed of the father. However, he did make two attempts in his letter to deny that the reception of new monks with required gifts was, in fact, simony. He assumed that one of the characteristics of a simoniacal act was its clandestine nature. Using this assumption, he denied that an open, public gift made at an oblation could be simoniacal. "The holy Benedict orders that not a hidden, but a solemn gift be made to the monastery, which that wretch, seized by the furies, calls simony." This argument was not developed at all, probably because a forced gift, even if public, was of questionable propriety and of dubious freedom from simony.

The second, more-sustained argument put forward to deny that a forced gift was simoniacal was that based on the father's obligation to give the boy's portion along with him. For if the father was obliged to give, then a forced gift was nothing more than the monastery seeking its due.

For that portion, which ought to come to the son in the world, should by the law of God and of men follow him to the church to which he wishes to hand him over to God. However, to demand and to wish to have what is just is no simony, but much more is it rapine and avarice to keep what he ought justly to give.

Rudolph pursued this argument and developed it, but finally he apparently could not find in it a convincing defense of forced gifts. For he admitted that the monks were wrong to demand a gift, and he advised them to proceed with caution in the matter.

Therefore, brethren, pull back from a man of this type and don't touch his uncleanness, lest you seem both to join in idolatry through his greed and to incur the mark of simony because of it. Just as it is your duty to demand nothing from him or from anyone else for an affair of this type, so it was his duty, if he were a man of God and not of Mammon, to make a gift from the portion of his estate that would come to the son, along with him to the church that must hereafter feed and clothe him. But since he does not wish to do this, and you cannot and ought not to force him, but only to exhort piously, then he cannot and ought not to force you if you do not wish to receive his son.
Therefore, beloved brethren, flee every kind of simony, removing your hand from every gift. Very subtle simony is the art of the devil. It is threefold, . . . : for it is connected by three strands: undue service, gift, and flattery. Often, by these three at once, sometimes by one of them, he [the devil] trips up feet that seem to walk well, he binds up the eyes of some who think they have lynx-eyes. . . . If anyone offers to you himself or his son for reception in the monastery, with a sound eye of the mind and with full purity of heart, without any evil greed, may he hear through you the advice of Saint Augustine and the precept of Saint Benedict's Rule. . . . If he hears and obeys, it is well, you have saved his soul from death; if he does not obey, it is no iniquity or sin for you if you do not receive him. . . . Dear brothers, it is a major task in such affairs to retain great purity of mind, and no greed of avarice, since, just as every man who sees a woman and lusts after her has committed fornication in his heart, so every man who, through wicked greed, demands or desires anything, or even acts in hope of retribution, from ecclesiastical goods, is made a simoniac, and if not before the people, then certainly before the eye of God.23

In his treatment of this new problem, Rudolph of Saint Trond admitted that the charge made by the boy's father was, indeed, possible. He sought for the monks of Saint Panteleon to avoid both the appearance and the reality of such simony. At the same time he wished to preserve the custom of accompanying a new monk with an entrance gift. Indeed, his major line of defense for the monks was to argue that the gift was, according to the law of God and of men, obligatory on the part of the boy's father, because he owed to the boy and to the monastery what he would have given to the oblate if the child had remained in secular life.

Rudolph recommended specifically that the monks meet with the father and remind him in a pious, friendly way of his duty in the matter.24 But they ought not to demand from him a gift. If he persisted in his refusal to give anything, then their course of action was to refuse entrance to the boy. Rudolph therefore left entrance contingent on money, and he never came successfully to grips with the father's accusation that had touched off the controversy:

If indeed a rich commoner is easily admitted, [and] a nobler person coming simply [i.e., without a gift] is driven away by many excuses, then it appears obvious that not the person, but the money is sought.
And when he, who at first was repudiated, has brought a sack of money and has merited the formerly denied entrance, who does not see how much simony is committed here? 

Rudolph accepted as normal and just the custom according to which entrants, especially from the wealthy classes, were accompanied by a gift.

Monasteries of monks have not been set up so that they may indiscriminately receive, clothe, and nourish at the expense of the church the sons of greedy rich men and [that] their fathers, eager for greed and avarice, may satisfy their money-bags from the due portion of their sons.

In the case of such men, Rudolph felt that it was acceptable for the monks to bargain with the father and to refuse to receive his son if they didn’t receive the gift that they thought appropriate. Thus, in spite of his opposition to simony, Rudolph went far to confirm the accusation that it was not the person but the money that was sought. To Rudolph’s scale of values, simony was bad; but greed on the part of the new monk or his family was, in its way, worse.

Rudolph may indeed have been criticized by contemporaries for this reluctance to fault the monks vigorously enough for their admissions practices. The seventeenth-century scholar Mabillon recorded the following précis of the final books of Rudolph’s lost Seven Books against Simoniacs: "In the fifth [book], he accuses himself that, in speaking of monks, he covers up their simonies. In the next two books, he cleanses himself of charges of this type." The work in question seems to be, in chronology, the second of his two lost works on simony, and may indeed have been written in response to criticisms of the letter to Sibertus. In any case, Mabillon’s notice indicated that the problem of monastic simony was under discussion in the 1120s and 1130s in Rudolph of Saint Trond’s cultural sphere.

Gerhoh of Reichersberg

Gerhoh of Reichersberg (1093-1169), the prolific polemicist for reform in the empire, left an interesting testimony to the new issue
of simoniacal entry in his *Libellus de eo, Quod princeps mundi huius iam iudicatus sit, or Liber de simoniacis*. The occasion for the composition of the work was a dispute about one of Gerhoh’s theological views. He upheld the position that the sacraments performed by heretics were *irrita*, without effect. When he explained his position to Bernard of Clairvaux at Rome in 1133 and again at Bamberg in 1135, he was not able to convince the latter that his views were correct. Gerhoh therefore wrote this tract to Bernard, citing arguments and authorities to justify his position in the matter. Ernst Sackur, who edited the tract in the *Monumenta Germaniae historica*, dated its composition to a period not long after the meeting of Gerhoh and Bernard at Bamberg in March 1135. Damian Van Den Eynde, who recently studied the entire corpus of Gerhoh’s works, has shown that the work was revised three times by its author. The first revision, dated to the year from March 1135 to 1136 by Van Den Eynde, added a new conclusion, in which Gerhoh wrote a brief disquisition on a new form of simony that had appeared in his own day.

However, it is convenient now to say something about that most wicked plague, simony. Indeed, among all the little foxes which demolish vineyards, no little fox is worse or more clever than simony. For as a certain one says, “By what knot do I hold a face changing as Proteus?” Thus, we could say, by what knot may we hold simony, that very clever little fox, multifarious in aspect, a thousand-formed in dress, and almost always dissimilar not only to the other little foxes, but even to itself; so much so that when he destroys the vineyards of Christ, he sometimes appears in the costume of the vintner himself. For when he has begun to be recognized in any particular one of his pelts, he immediately puts on another, and sometimes he makes believe he is planting the vines which he is devastating. Sometimes and often this little fox is captured by the wise hunters of Christ and his pelt is taken. But now he finds such a pelt in which he can scarcely be recognized, when he uses craftiness in it, not in the way of a fox nor does he appear as a wild beast, but as if a tame sheep. For when the officials of monasteries demand gifts from those whom they receive in their congregation, they cover over that simoniacal avarice by the name of “offering”; quite improperly, for an offering is one thing, an exaction another. What is offered freely is one thing, another thing what is taken and forced even from unwilling persons. The blessed
Benedict in his Rule did not order [it] to be done thus: no rather, he forbade that to be done, teaching that poor people, who offer their sons, simply make a petition; however, he did not permit anything to be demanded from rich parents, but if they offered anything voluntarily, he agreed that it could be received, because a thing thus received could be called an offering, not an exaction. Indeed, when Christ was recommending to a certain rich young man a perfect conversion, he did not say, "Go, sell what you have, and bring it to me," but rather he said, "Give to the poor, and come follow me (Luc. 18, 22)." Also, when the apostle Peter was ruling the common life at Jerusalem, he demanded no one's goods, although he received as a voluntary offering those things placed at his feet. He did not demand that Ananias and Saphira hand over their possessions to Christ; but when the possessions were already offered, he demanded them for Christ and he exercised due punishment against the fraudulent holders of them.

In this text Gerhoh treated briefly chapter 59 of the Rule, as Rudolph of Saint Trond had done, but he came to a diametrically opposed conclusion. Gerhoh used as his touchstone of judgment the voluntary nature of the entrance gift. He insisted that even the rich parent must be free to choose whether or not to make a gift with his child. Offerings were acceptable; exactions, under whatever name, were not. In addition to oblates, those adults who sought a perfecta conversio or who wished to join the vita communis could give of their goods if they wished, but they should not be forced to give.

It seems clear that Gerhoh regarded this practice of monastic leaders as a new form of that fox, simony, which can hide under all sorts of externally pious appearances. The earlier chapters of this study have made clear that economic transactions accompanying entry were far older than 1135-36. Therefore, what this text testifies to is the relatively recent recognition, in Gerhoh's experience, of such transactions as simony.

There is an interesting methodological point to be made here in support of the recent date for the emergence of the issue of simoniacal entry. The Liber de simoniaciis, in which this text appeared, was marked by a heavy use of authorities to prove its points. The pages of the text are studded with quotations from papal letters,
ENTRY PAYMENTS AS SIMONY

councils, and the fathers. Gerhoh of Reichersberg obviously commanded a wide arsenal of proof texts and liked to use them to buttress his views. Yet when criticizing this simony connected with entry into religion, he did a methodological volte-face. He could apparently find as authorities only Christ’s advice to the rich young man; the exemplum of Ananias and Saphira from the Acts of the Apostles; and chapter 59 of Benedict’s Rule, whose stress he had to change slightly in order to make it say what he wanted. One may conclude that Gerhoh’s sensitivity to simony was offended by forced “gifts” at entry into religion, but, as far as his citations show, he had almost no acceptable proof texts directly relevant to the issue. To use twelfth-century terms, he had ratio on his side, but only weak and sparse auctoritates and those mostly biblical.

Gratian

It remained for the canonist Gratian, who may have been a monk himself, to define this problem of simony and to point to a consistent approach to it. The critical factor in making payment for entry into religion a recognized form of simony was Gratian’s decision to include a section to that effect in his systematic treatment of canon law, the Decretum. Causa I, questio II, was devoted to the problem “Whether money may be demanded for entrance to a monastery, and if demanded should it be paid?” This was an important addition to the stock themes normally treated by canonists.

Gratian composed his Decretum sometime between 1139 and 1150, and his difficulties in treating the problem reveal the state of the question before his own work. Gratian’s normal mode of procedure in the causae, or divisions, of his work was to state a case and then to answer certain questions about it. His answers were framed around auctoritates, or authoritative texts, drawn from councils, papal decretals, the fathers of the church, and other sources. By means of reasonings and comments, traditionally called dicta Gratiani, he sought to harmonize these often disparate and contradictory texts, and thereby to answer the questions that he had posed for himself. The original title of his compilation, The
Concordance of Discordant Canons, revealed the aim of the work and the procedure of harmonization that it followed. The problem of simony in entrance to religious houses was a difficult one for Gratian to treat according to his normal method, because he lacked one of the components for a solution. To state the matter clearly, Gratian, like Rudolph and Gerhoh, apparently did not have acceptable auctoritates to prove that payment to enter religious life was simony. The earlier canonical collections that he used as sources, such as those of Burchard of Worms and Ivo of Chartres, contained no texts directly relevant to the problem. The reason for this lack of help from earlier collections is not difficult to determine. The issue was a new one, almost unknown before Gratian's time. It was not one of the traditional questions of canon law, but it was in fact formulated by Gratian and his generation.

The case that Gratian set for himself to solve was stated in the prologue to causa I: "A certain man having a son offered him to a very rich monastery; he paid ten pounds demanded by the abbot and the brethren, so that his son might be received, but the latter was unaware of this by benefit of his age." Gratian then proceeded in the prologue to state one side and then the other of the argument about whether such a payment was licit. Here are his arguments in favor of gifts.

Whether this is done licitly is proved by the course of both Testaments. For it is read in the first book of Kings that Anna took Samuel with her, after he was weaned, with three calves, three measures of wheat, and an amphora of wine to the house of the Lord in Silo. In the Acts of the Apostles it is read that "there was one heart and one spirit in the multitude of believers" nor did anyone call anything which they possessed to be his own; but all things were common to them. Each of them sold his fields, and placed their prices before the feet of the apostles. One of them, Ananias by name, fell dead before the feet of the apostle, having accepted a sentence of curse because he kept a part to himself, and so did his wife.

Hence, it appears clearly, that those about to enter a monastery ought to offer their goods to the officials, and they ought not otherwise to be received unless they offer their possessions.

This was a conclusion similar to that which Rudolph of Saint Trond defended, and which led the latter to justify the denial of
entry to those who did not offer a gift. Gratian went on in the prologue to reject this view in part and to modify it in part.

But, it is one thing to offer one's goods voluntarily, it is another to pay demands. Anna, the mother of Samuel, offered to the priests not things exacted or sought, but gifts [given] freely. The believers offered their goods freely to the apostles, so that they might serve the needs of those in want. It was not permitted to them to possess the goods while the persecution of the unbelievers continued. Also, Ananias was not damned because he was unwilling to offer his goods, but because he lied to the Holy Spirit [and] he defrauded partially the prices which he handed over to the apostles.

Therefore, by these authorities, it is not permitted to demand anything from those about to enter, but [it is permitted] to receive things offered freely, since the former is damnable, but the latter is not.45

Thus Gratian criticized the Old and New Testament texts cited, among others, by Rudolph of Saint Trond to defend the insistence on gifts from entrants. Gratian argued, as Gerhoh of Reichersberg did, that the gift must be given freely, and could not be demanded, or even asked for, petita.

This prologue to causa I, questio II, was followed in Gratian's normal method of argumentation by ten chapters of auctoritates and four comments, or dicta Gratiani. The prologue and the four comments, that is, Gratian's own contribution, were the decisive places in which it was asserted that to demand payment, and to pay, for entry into religion were simoniacaI. It is striking that the ten authoritative texts cited in the question are, with one exception, related to the problem obliquely, if at all.

The exception was chapter two, which was an apocryphal letter of Pope Boniface I, supposedly written in the early fifth century to the monks of Cagliari in Sardinia. In fact, the letter is a forgery that appears, as far as I can determine, nowhere else but in Gratian's Decretum.46 It was entitled by Gratian, or his editors, "From those who come to conversion nothing should be demanded, nor should anyone be invited to conversion for a price." However, it dealt in fact solely with the second part of that title, that is, the invitation to conversion for a price.

The brethren of an abbey apparently sought a monk from another house to join theirs, perhaps as their abbot. The monks of the
second abbey asked for a payment, because they were poor and were giving up a valuable asset. The monks of the first house consulted Pope Boniface, and he wrote the following reply.

We have never read that the disciples of the Lord or those converted to their service brought anyone to the worship of God by means of a gift. . . . We also know that "every best offering and every perfect gift is from above," from whence he accepts the gift of good will who decides by a holy decision of deliberation to serve God freely. It stands, therefore, that he who accepts a price for any reception in a church sells a gift of God . . . ; the importunate man offering the price buys [a gift of God]. It is not necessary to draw the conclusion which follows about sellers and buyers of a divine gift. . . . Nevertheless, if he whom you seek is very useful to your need, let him come, let him begin to serve God freely, and let him bear piously the burden of his rule. Afterward, the Roman church permits you, as if by a kind of grant, to offer some gifts to his church as a comfort to the brethren, so long as every pact is absent, every agreement ceases, and there is no loss to your church.

This letter forbade anyone to be paid to come to a religious house, because the desire to convert was a gift of God and ought not to be subject to venal treatment. However, the letter said nothing explicit about the man who paid for reception or the abbot who demanded payment to receive a new monk.

This text of the Pseudo-Boniface was, as noted above, an exception to the statement that the authorities cited in causa I, questio II, did not refer to simony in entrance to religious houses. The other chapters contained diverse material. Chapter one was a canon from the Council of Braga (572) that forbade bishops to demand anything for dedicating a church. Chapter two was the letter of the Pseudo-Boniface. Chapter three was a canon of a Roman council that forbade exactions by lesser officials on the occasion of the ordination of a priest. Chapter four was a quotation from Pope Gregory I that reinforced the prohibition to bishops and their officials about demanding gifts from those to be ordained. After these four auctortitates, Gratian inserted his own comment.

By the authority of Boniface, it is shown openly that, just as no one is to be invited for a price to conversion, so likewise to no one should
entry to a church be offered by the intervention of money. By the authority of Gregory, it is given to be understood that for entrance of a church it is not permissible to demand money, but that which is given freely may be accepted.\textsuperscript{48}

Chapters five through ten of the \textit{questio} dealt with the issue of whether a cleric of independent means ought to be supported at the expense of the church. The decision reached was:

But, by these authorities, they are not prohibited from being received by a church, who were formerly rich and abandoned it all, as Peter, Matthew, and Paul; or those who distributed it to the poor, as Zacheus; or those who added it to the possessions of the church. . . . But, they [are prohibited] who, residing in the homes of their parents or being unwilling to leave their goods, wish to be supported by ecclesiastical wealth.\textsuperscript{49}

These texts were relevant to one who entered the secular clergy and who had a choice as to the disposition of his property. However, they do not seem to be germane to the individual who became a monk or a regular canon, since his vows of poverty and of communal living effectively denied him any way to live at home or to retain his wealth personally. Therefore, such an individual would never be in the situation of being independently wealthy and also living from the monastic endowment as a monk.

Gratian concluded \textit{causa} I, \textit{questio} II, with an observation about the net result of his argument and his authorities: "It stands clearer than light by the authority of many that it is not permitted to demand money from those about to enter a monastery, lest he who demands and he who pays incur the crime of simony."\textsuperscript{50}

However, the texts cited by Gratian had proved or demonstrated no such thing. Except for the letter of the Pseudo-Boniface, which referred to a man's being paid to come to a monastery, Gratian's \textit{auctoritates} did not refer directly to simony in entrance to monasteries, as his initial case had been proposed. It is significant to note that one of Gratian's successors or copyists recognized this weakness and took steps to buttress the argument. Possibly sometime between 1140 and 1170, the third chapter of \textit{causa} I, \textit{questio} II, was added as a \textit{palea}.\textsuperscript{51} The new chapter began with a citation of
the Council of Melfi, held under Urban II in 1089: "Let no abbot presume to take or demand a price from those coming to conversion, on the occasion of any pact."\textsuperscript{52} The chapter was completed, perhaps at some later time, by a canon from a sixth-century Roman council forbidding anyone to seek profit out of priestly ordinations.\textsuperscript{53}

In spite of any weakness that Gratian's argument may have had, his decision to include monastic simony in his Decretum was crucial for the issue. His opinions, expressed in the prologue and dicta, and his texts made simony in the entrance to religious houses a problem for canonists and, through them, for the whole church.

Thus one can date the concern about simoniacal entry to the period between 1123, the earliest date for Rudolph of Saint Trond's letter, and 1150, the latest date proposed for the composition of the Decretum. Other sources confirm that thirty-year period as formative for the issue of simoniacal entry. A council at London in 1127 issued a canon condemning "fixed exactions of money for receiving monks, canons and nuns."\textsuperscript{54} In the late 1120s Urban II's canon of Melfi, directed against payments for entry, was incorporated into at least two canonical collections.\textsuperscript{55}

There was nothing inevitable in the development that led to payments at entry being classified as simoniacal. The issue could have been ignored, as it had been for centuries, or could have continued to be classified as "filthy gain" or as a spiritual danger to the new monk. However, the twelfth century was acutely aware of the problem of simony, and it was natural for entry payments to be seen from the perspective of payments for a holy thing. When Gratian decided that such payments were indeed simoniacal, that view drove out all competing opinions, and a new intellectual and practical problem was posed for solution.

\textsuperscript{1} When Rudolph entered Saint Trond, Abbot Thierry commissioned him to make "quasdamque utilissimas compilationes, plenas plurimarum divinarum sententiarum scribendas et multorum decreta conciliorum" (Chronique de l'abbaye de Saint-Trond, bk 8, chap. 3, ed. C. de Borman (Liège, 1877), 1: 122).
ENTRY PAYMENTS AS SIMONY

2. "Praeter istud Chronicon Rodolfus alia quaedam opuscula scriptit, quorum ipse in eo Chronico meminit, in primit. . . . volumen septem librorum quos contra simoniacos scriptit." Mabillon found a copy of the *Septem libri contra simoniacos* in the library of Cambloix, and he summarized it thus: "In primo libro, primam et maximam haeresim esse simoniam ostendit. In secundo deplorat, quod nihil maximum aut minimum tune esset in domo Dei, quod quicquidcumque modo non esset venale. In tertio, ab agria inscripienti, id est a presbyteris villarum, progradit usque ad rectores et magistratus ecclesiariam, ostendens quomodo solent elici fieri, et ecclesie suscipere. In quarto ab agris transit ad [sic] urbes, agents de venditionibus praebendarum et omnium officiorum, quae sunt in Ecclesia. In quinto sibi object, quod de monachis loquens, simoniae corum dissimulat. In duobus postierioribus libris purgat se de ejusmodi objectis" (J. Mabillon, ed., *Vetera analecta*, 2d ed. [Paris, 1723], p. 471). W. Levison, "A Rhythmical Poem of about 1100 (by Rodulf of Saint-Trond?) against Abuses, in Particular Simony and Dancing in Churchyard," *Medievalia et humanistica* 4 (1946) 12, n. 31, lists the four known, and presumably lost, manuscripts of the *Septem libri contra simoniacos*. The poem edited by Levison, if genuine, is further evidence of Rudolph’s interest in the issue of simony.


4. "Tandem pater eius familiariter conventus, ut de rebus quas sibi concederat Deus aliquid conferret aedaeis, cepit furere, dicere se nolle symoniam incurrere. Hac arreptus furia, multa nos pulsavit iniuria, replevit fora et plateas, cives et aedaeis movit personas, contestans apud nos precio constare quae labeor gratis dare. Si enim, inquit, plebeius nummatus facile admittitur, generosi simpliciter veniens multum exactionum repugnis repellitur; patet numquam est qui non persona sed pecunia requiritur. Dumque is qui primum repudiatus fuerat, sacculum pecuniae attulerit et denegatum introitum meruerit, quis non videat quantum hic symonia operetur et valeat? Et quia nota et urbana fuit persona, salis nos inquietavit hoc infamia. Tandem iterum conventi a clericis et laicos, respondimus id quod prius, quia esset competens et iustum, nec canonico rigor utrumque, ut qui se vel quempiam suorum ecclesiae vellet sociare, dum haberet unde posset, in usus eundem aedaeiae deberet conferre. Illi autem: 'Ad hoc, inquit, sunt instituta coenobia, ut qui se vel quempiam sociarem vellet, licenter debeat intrare, nee paupertatis aut alicuius rei occasio huic erit obstaculo, qua quos Deus coadunat et societ, bonis omnibus replet et saciat'" (de Borman, *Chronique*, 1:244).

5. "De re ergo, pro qua humilitas vestra parvitatem nostram dignata est consuler, prope a scribendo manum subtraxeramus, cum nemo sit qui inde vos provocet ad audien- tiam vel qui transhat ad iudicum, et velis non minus quam nobis sint nota inde sacrae scripturae et apostolicae precepta. . . . Tales silenti irrisione magis sunt pertreundei, quam amabili illius contentiones fune diutius trahendi" (ibid., p. 246).

6. "... Pecuniosus homo sed parcus et avarus . . . " (ibid.).

Sed credo ad hoc vult emittere e seculo, ut partem illius retineat in sacculo" (ibid., pp. 247-48).

8. "... Si post oblationem filii retinuerit quae illi debentur, idolatra erit et sacrilegus, idolatra propter avariciam, sacrilegus propter Dei et sanctae ecclesiae rapinam" (ibid., p. 248).

9. "Ourscamp, no. 83, ca. 1140. C. Landry, La Mort civile des religieux dans l'ancien droit français, étude historique et critique (Paris, 1900); E. Durtelle de Saint-Sauveur, Recherches sur l'histoire de la théorie de la mort civile des religieux (Rennes, 1910).


11. Ibid., p. 257. Abaelard, in a sermon on almsgiving, expressed a similar view about the greater merit of the voluntary poor over those who are poor by necessity: "Hi quidem, qui saeculo penitus abrenuntiantes apostolicam imitantur vitam, veriores sunt pauperes, et Deo propinquiores" (Migne, 178:568). The view that monks and others living under a rule were veriores pauperes was incorporated into canonical collections in two texts attributed to Gregory (Quinque compilationes antiquae, ed. E. Friedberg [Leipzig, 1882], pp. 36-37, Comp. 1, bk. III, tit. 14; tit. 21).


13. "De rebus autem suis aut in praesenti petitione promittant sub iureiurando, quia numquam per se, numquam per suffectam personam nec quilibet modo ei aliquando aliquid dant aut tribuunt occasionem habendi; vel certe si hoc facere noluerint et aliquid offerre volunt in eleemosynam monasterio pro mercede sua, faciant ex rebus quas dare volunt monasterio donationem. . . ." (Benedict's Rule, chap. 59).

14. "Item in sententiam de filiis nobilium vel pauperum: 'Si aliquid offerre voluerint in eleemosina monasterio pro mercede sua, faciant ex rebus quas dare volunt monasterio donationem.' Audet forsitan et laetatur, quod in voluntate eius hoc ponat beatus Benedictus. Et certe vir sanctus in nullius voluntate hoc ponere, nisi sciret, quod debere hoc feri sanctum et iustum et pium esset. Nunc, quia quod sanctum et iustum et pium est, non potest intrare istius voluntatem, habeat sibi res suas in possessionem. Vult ut vacuus suscipiat eius filius, faciat ut de eorum sit numero, de quibus scribit beatus Benedictus. 'Qui vero, inquit, ex toto nil habent, simpliciter petitionem faciant, et cum oblatione offerant filium suum coram testibus' " (de Borman, Chronique, 1:249).

15. "Nam portio illa, quae debeat filio contingere in sacculo, iure Dei et hominum debetur eum sequi ad ecclesiam, ad quam eum vult tradere Deo" (ibid., p. 246).


19. Rudolph relied heavily on a sermon of Augustine, whose theme was the criticism of men who say that they cannot give alms because they must provide for their sons.
ENTRY PAYMENTS AS SIMONY

Augustine argued that if a son died, his share should follow him as alms (Sermon 86, Migne, Vol. 38, cols. 526-29). In addition, Rudolph cited Benedict's Rule, chap. 59; Exodus 23: "Non apparebis in conspectu meo vacuus"; the exempla of Jesus being offered with gifts in the temple and of Anna offering Samuel with gifts to God; the exemplum of Ananias and Saphira, who were struck dead for holding back part of their gift; and the vitae of Saint Lucia and of Saint Lawrence, both of whom gave property and life to God.

20. The father was described as "miser et avaricia excaecatus" (de Borman, Chronique, 1:246); he was called a liar (p. 247): "what was holy and just and pious could not be part of his motivation" (p. 249); he was being led by "an evil spirit" (p. 250); he and his supporters were men who "spiritu avaritiae suae et parcitatis gravati. deorsum feruntur per vacua obloquii sui campestria" (p. 261).

21. "Nam portio illa, quae debeat filio contingere in saeculo, iure Dei et hominum debet ipsum sequi ad aeclesiam, ad quam eum vult tradere Deo. Exigere autem et velle habere quod iustum est, symonia nulla est, magis vero rapina est et avaricia retinere quod iuste debeat dare" (ibid., p. 246).

22. "Recedite ergo, fratres, recedite ab huiusmodi homine et immundum eius nolite tangere, ne videamini et per eum avariciarum idolatriae communicare, et per eandem notam symoniae incurrire. Sicut vestrum est nichil ab eo vel ab aliquo pro huiusmodi re exigere, ita et eum esse et non mammomae, de portione hereditatis, quae filio debetur contingere, oblationem cum eo ad aeclesiam facere, quae eum amplius debere et nutrire et vestire. Sed sicut ipsa non vult hoc facere, et vos non potestis nec debetis eum compellere, sed pie tanta commone, ita et si filium eiusmod non vult suscipere, non potest nec debet ad hoc vos cogere" (ibid., p. 250).

23. "Ergo, dilectissimi fratres, fugite omne genus symoniae, excutientes manus vestras ab omni munere. Ars est diaboli subtilissima symonia. Triplex est . . . ; nam quibus connectitur tria sunt fila, obsequium, manus, lingua. Hic plerumque tribus simul, aliquando horum quovis uno quorundam innodat pedes, qui videbantur gradum simpliciter, quorundam presstringit oculos, qui se putabant lincoeo. . . . Si quis vel se vel filium suum obtulerit vobis in coenobio suscipiendum, simplici mentis oculo et tota cordis puritate, sine omni mala cupiditate, audiat per vos sancti Augustini consilium et regulae sancti Benedicti preceptum. . . . Si audierit et obaudierit, bene, salvastis animam eius ad aeternam; si non obaudierit, neque inquitias vestra neque peccatum si eum non receperitis. . . . Fratres karissimi, magnus opus est in tali re magnam habere mentis puritatem et nullam avariciae cupiditatem, quia, sicut omnis qui de aeclesiatricis donis mala cupiditate aliquem exigit vel concepiscit, plus dicam, vel in spe agit retributionis, symoniaeque fit, et si non hic coram populo, certe coram divino oculo" (ibid., pp. 261-62).

24. "Audiat per vos sancti Augustini consilium et regulae sancti Benedicti preceptum. . . ." (ibid., p. 262). In his initial letter Sibertus said that the monks had in fact summoned the father for a friendly discussion (p. 244). The father saw this as simoniaeal pressure: "Quid calumniati servos Dei de symonia, pro eo quod familiariter te convenientes exuere voluerunt avaricia et post avariam idolatriam, nichil a te requirentes nisi quae dictat justicia, exigit misericordia. . . ." (p. 251).

25. Ibid., p. 244.

27. "In quinto sibi objicit, quod de monachis loquens, simonias eorum dissimulet. In duobus posterioribus libris purgat se de ejusmodi objectis" (Vetera analecta, p. 471).

28. In the prologue to the *Septem libri contra simoniacos*, as cited by Mabillon, Rudolph referred to a work of his called *Laborantium primae simonis*, which must have predated the *Septem libri*. There is no way to prove that the *Septem libri* followed the letter to Sibertus, but it is suggestive that the *Septem libri*, from Mabillon's description, was directed partly against critics who said Rudolph was lenient to monastic simony.


33. "Libet autem adhuc dicere aliqua de iniquissima peste, simonia. Inter omnes quippe vulpeculas, que demoliuntur vineas, nulla vulpecula nequior vel astutior simonia. Nam. ut quidam ait.

Quo teneo nodo mutantem Prothea vulnus?

sic nos dicere possimus, quo teneamus nodo simoniaca vulpecula astutissimam, vultu multifariam, habitu milleformam, et pene semper non solum aliis vulpeculis, verum et subimtessi dissimilem, usque adeo, ut cum vineas Christi demoliatur, interdum in ipsius vinitoris habitu cernatur. Cum enim in una qualibet sua pelle dignosci cepit, continuo altiam induit, et vineas, quas devastat, interdum se plantare simulat. Aliquando et multitiotes haec vulpecula a sagaciibus Christi venatoribus deprehensa est, et pelle sua spolita, at nunc pellem talem invent in qua vix dignosci possit, quando in ea non more vulpis utitur astutia, nec omnino appareat quasi bestia, sed quasi ovis domestica. Cum enim consenbiorum prelati suarum prius munda exspectat, ipsum simoniacam avaritiam nomine oblationis tegunt: nimirum satis improprie, cum aliud sit oblatio, aliud exactio; aliud quod sponte offeritur, aliud quod ei etiam ab invitatis acceptur et extorquetur. Non sic beatus Benedictus in regula sua precepit fieri: immo istud vetuit fieri, docens ut pauperes, qui pauros suos offerunt, simpliciter petitionem faciant, a divitibus autem parentibus non sinit quidem aliquid exigi: sed si quid sponte offerunt, aequissimae esse recipi, quod ita receptum postest appellari oblatio, non exactio. Si autem velle divitiis afferat, perfectam conversionem suadens, non ait: Vade, vendete que habes, et affer mihi, sed 'da,' inquit, 'pauperam, et veni, sequere me.' Petrus quoque apostolus communem vitam lherosolimitam regens a nemine sua exigit: quamquam ea sus pedibus apparita, quasi voluntarium oblationem recepit. Ananiam et Saphiram suo Christo destinare non exequi, sed ea tam destinata Christo vendicavit, et in eorum fraudatores debitam vindictam exercuit" (MGH, *Libelli de Lite*, 3:268-69).

34. Gerhoh's insistence that simony has "a new skin," that of monastic entry payments, corroborates the view that such practices were only just beginning to be perceived as simonianal about 1135-36.
ENTRY PAYMENTS AS SIMONY

35. One need only examine the text in the MGH, in which the editor used different type faces for the portions of the work citing authoritative texts. At its most extreme, Gerhoh's method of composition consisted in stringing together older texts, for example, pp. 249, 259. Van den Eynde, L'Oeuvre, p. 36, also notes Gerhoh's penchant for arguments well-buttressed by auctoritates.


38. The Rule, chap. 59, said simply, "But if they are unwilling to do this [i.e., disinherit the child] and they wish to offer something as a gift to the monastery for their own reward, may they make a donation to the monastery from gifts which they wish to give." In writing of forced gifts, Gerhoh strengthened Benedict's attitude by saying that "he forbade that to be done" and that "he did not permit anything to be demanded from rich parents." Gerhoh obviously read into the rule his own scruples about forced gifts and simony.


40. The important pre-Gratian canonical collections, such as Burchard of Worms' Decretorum libri viginti, Migne, vol. 140, cols. 537-1058; and Ivo of Chartres' Decretum, ibid., vol. 161, cols. 59-1036, and his Panormia, ibid., vol. 161, cols. 1045-1344, had not given specific attention to simoniacal entry into religion.

41. The date of composition of the Decretum has been a much-discussed topic. P. Fournier, "Deux controverses sur les origines du Décret de Gratien," Revue d'histoire et de littérature religieuse 3 (1898): 235-80, reviews proposed dates of composition, offered from the twelfth to the fifteenth centuries, and discusses the critical reasons for and against each date. His conclusion is that the Decretum was composed about 1140 or shortly thereafter. This view is accepted by J. Rambaud-Bubot, L'Age classique, 1140-1378 (Paris, 1965), p. 58. S. Kuttner, "Gratian," Encyclopedia Britannica (Chicago, 1968), 10: 707, suggests the period from 1139 to 1150 as that of composition. The most important recent dissent from this view has come from A. Vetulani, "Nouvelles vues sur le Décret de Gratien," in La Pologne au Xe congrès international des sciences historiques à Rome (Warsaw, 1955), pp. 83-105, who contends that the Decretum was composed circa 1105-20. This view has not been generally accepted. For a sympathetic criticism of Vetulani's position, see G. Fransen, "La Date du Décret de Gratien," Revue d'histoire ecclésiastique 51 (1956): 521-31, which defends the traditional date of about 1140 for the Decretum's appearance.

42. S. Kuttner, Harmony from Dissonance: An Interpretation of Medieval Canon Law (Latrobe, Pa., 1960), offers a thoughtful essay on the procedures used by Gratian and other canonists to bring order out of their tangled sources and authorities. P. Torquebiau, "Corpus juris canonici," DDC, 4:616-20, has a useful illustration of Gratian's method of argument in the form of an analysis of his distinctio L.

43. "Quidam habens filium obtulit eum ditissimo cenobio; exactus ab abbate et ab fratribus decern libræ solvit, ut filius susciperetur, ipso tamen beneficio etatis hoc ignorante" (causa 1, prologue).

44. "Hoc utrumque licite fieri, utriusque testamenti serie conprobatur. Legitur enim in primo libro Regum, quod Anna detulit securum Samuelum, postquam ablaturus fuerat, in tribus vitulis, et tribus modiis farinae, et amphora vini ad domum Dei in Sylo. I. In Actibus vero apostolorum legitur, quod 'multitudinis credentium erat cor unum et anima una,' nec aliquid eorum, que possidebant, quiquam proprium esse dixerat; sed erant illis omnia communia. Singuli vendebant predia sua, et ponebant predia eorum ante pedes apostolorum.
quorum unus, nomine Ananias, dum partem sibi reservaret, cum uxore sua Sapphira, sententia maledictionis accepta, ante pedes apostoli cecidit mortuus. 2. Hinc liquido aparet quod ingressuri monasterium sua debent offerre rectoribus, nec aliter sunt recipiendi, nisi sua obtulerint” (causa I, q. II, pars. 1).

45. “Sed alius est sua sponte offerre, alius exacta persolvere. Anna mater Samuelis non exacta neque petita, sed sponte munera sacerdotibus obtulit. Credentes sua sponte offerebant apostolis, ut indigentium necessitatis deservirent, que instante persecutione infidelium non possiderent non licebat. Ananias quoque non ideo damnatus est, quia sua nollet offerre, sed quia, Spiritui sancto mentitus, precia eorum, que apostolis obulerat, ex parte fraudabat. Non ergo his auctoritatibus permittitur rectoribus ab ingressuris aliquid exigere, sed sponte oblata suscipere, quia illud damnable est, hoc vero minime” (ibid.).

46. C. S. Berardi, Gratiani canones genuini ab apocryphis discreti. . . . (Venice, 1777), part 2, pp. 241~43, notes that by reasons of style and of its complete absence outside the Decretum, the letter Quam pio of the Pseudo-Boniface must be apocryphal. A similar opinion was held by the correctores romani in their edition of 1584, and this was adopted by Friedberg, Decretum, col. 408. I have been able to find no evidence as to the age or purpose of the forgery; it is cited directly only in Gratian’s work. There was in Rudolph of Saint Trond’s letter to Sibertus an allusion that may be relevant to the problem: “Susceptiones igitur de aedaeis et in aedaeis maturarum et immaturarum utique omnes debent gratis fieri. . . .” (de Borman, Chronique, 1: 249). Rudolph’s letter in fact discussed only “susceptiones in aedaeis,” and the phrase “susceptiones de aedaeis” received no comment. However, on the face of it, the phrase could refer to a practice similar to that criticized in Quam pio. If this interpretation is correct, then Rudolph’s demand that “susceptiones de aedaeis” be made without simony may indicate that the letter of the Pseudo-Boniface, or its views, were known outside Gratian’s milieu.

47. “Numquam enim legimus Domini discipulos vel eorum ministerio conversos quemam ad Dei cultum aliquo munere interventu provocasse. . . . Scimus equidem, quod ‘omne datum optimum, et omne donum perfectum desursum est,’ a quo bonae voluntatis donum acceptum qui sancto deliberationis arbitrio gratis Deo servire disponit. Restat ergo, ut qui pro aliqua ecclesiae susceptione munus accipit. Dei donum . . . vendat; munus autem largiens inportunus emat. Quid autem de divini doni venditoribus vel emotoribus consequatur, concludi nesse non est. . . . Verumtamen, si vestrae necessitati adeo est opportunus quern reperistis, dum tamen omnis absit pactio, omnis cesset conventio, nullque vestrae ecclesiae fiat distraetio, accedat, gratis Deo servire incepit, aliquo suae ecclesiae munera largiri fratrum solatio Romana permittit ecclesia” (causa 1, q. II, canon 2 Quam pio).

48. “Auctoritate Bonifacii patenter ostenditur, quod, sicut nullus precio est invitandus ad conversionem, ita nulli pecuniae interventu ecclesiae largiri aportet ingressum. Auctoritate vero Gregorii datur intelligi, quod pro ingressu ecclesiae non licet pecuniam exigere, sed spontanea oblatam suscipere licet” (ibid., dictum after canon 4).

49. “Verum his auctoritatibus prohibentur ab ecclesia suscepi non illi, qui quandam fuerunt divites, et omnia relinquuerunt, ut Petrus et Mattheus et Paulus, aut pauperibus distribuerunt, ut Zacheus, aut ecclesiae rebus adiunxerunt, . . . : sed illi, qui in domibus parentum residentes vel sua relinquere nonoles ecclesiasticis facultatibus pasci desiderant” (ibid., dictum after canon 7).

50. “Multorum auctoritatibus luce clarius constat, quod ab ingressuris monasterium non licet pecuniam exigere, ne et ille, qui exigit, et ille, qui solvit, simoniae crimen incurrit” (ibid., dictum after canon 10).
ENTRY PAYMENTS AS SIMONY

51. The problem of the *paleae*, i.e., additions to the *Decretum*, is disputed and complex. J. Rambaud-Buhot, "Les *Paleae* dans le décret de Gratien," pp. 30-31, says that between 1140 and 1170 the *Decretum* received additions and corrections to fill gaps and to strengthen arguments. F. J. Gossmann, *Pope Urban II and Canon Law* (Washington, D.C., 1960), Catholic University of America Canon Law Studies, no. 403, studied the texts of Urban II as they appear in canonical collections. Out of twenty-four collections studied, the seventh canon of Melfi, Gratian's *palea*, appeared in only two, the Collection in Ten Parts, and the Collection of Saint Germain-des-Prés, both of which added the text as a supplement in the 1120s. On these collections see P. Fournier and C. Le Bras, *Histoire des collections canoniques en occident* (Paris, 1932), 2:285-306. The *palea* of Melfi was uncommon in canonical collections before the *Decretum*, and, indeed, the research of Madame Rambaud-Buhot, pp. 40-44, and of J. von Schulte, "Die *Paleae* im Dekret Gratians," *Sitzungsberichte der kaiserlichen Akademie der Wissenschaften*, Phil.-hist. Klasse no. 78 (1874): 287-312, indicate that in twelfth- and thirteenth-century manuscripts of the *Decretum*, this particular *palea* was not common.

52. "Nullus abbas precium sumere vel exigere ab eis, qui ad conversionem veniunt, aliqua pacti occasione presumat" (*causa* I, q. II, canon 3).

53. The text added to canon seven of Melfi was canon five of a council convoked at Rome by Gregory I about 595 (Mansi, 10: 435).

