Measures against
Simoniacaal Entry, 1163–1198

The work of the canonists was primarily an intellectual achievement—the definition of a problem and the elaboration of measures to deal with it. Theirs was an activity of the lecture hall and the study, but not necessarily of the real world. It remains now to trace the consequences of the canonists' concern with simoniacaal entry, as those consequences appeared in the church at large. The accession of Innocent III to the papal throne in 1198 heralded a major shift in the intensity of the campaign against simoniacaal entry, and therefore this chapter will concentrate on measures taken against monastic simony before Innocent, and the next chapter on Innocent's role, which culminated in the sixty-fourth canon of the Fourth Lateran Council.

Papacy and Episcopate, 1163–1198

Alexander III, the first of the popes trained as a canonist, was also the first to attempt to translate into practice the views of the canonists on simoniacaal entry. Roland Bandinelli had been one of the earliest students of the Decretum, and he completed a succinct commentary on it between 1143 and 1145.\(^1\) In that work he broached the question of simoniacaal entry and treated it briefly:

In the second question, "Whether money may be demanded for entry of a church, etc." At this point it should be noted that of those things which are offered, some are put forward willingly, others as a result of force; likewise, some by pact, others by simple generosity. But nothing
ought to be demanded by force or pact for entrance to a church. Therefore, we say nothing at all should be demanded or [if] demanded paid, nor should anything be asked by pact for the entrance to a church.  

Bandinelli’s commentary was one of the earliest of the genre, and consequently it did not have as its background the complicated academic discussions of several generations of decretists. However, in brief compass it stated adequately the central canonist theme of entry into religious life free from force or pact. From the modest scope of his comments, it would be unwarranted to conclude that Bandinelli the canonist was exceptionally interested in the question of simoniacal entry. He gave the issue the same brief treatment that he accorded to most topics in his commentary. But the passage stands as proof that Bandinelli was aware of the problem of simoniacal entry from at least the mid-1140s.

Bandinelli’s subsequent career was deeply marked by his studies of canon law. When, in 1159, he was elected pope under the name Alexander III, he began a twenty-two year pontificate of major significance for the future development of the papacy and the church.  

He approached the problem of ruling the church with an armory of intellectual models, value judgements, and ideas that derived in great part from his study of canon law.

In view of his canonist training, it is probably no accident that Alexander III was the first twelfth-century pope to take an active interest in the crime of simoniacal entry into religious houses. At Tours in 1163 he gathered a council to pursue the goals of reform and church unity. At that council, apparently for the first time since 1099, a papally presided assembly legislated against simoniacal reception of monks:

Avarice is not satisfactorily refuted among the people if it is not avoided in every way by those who are seen to be members of the clergy, and particularly those who, having spurned the world, profess the name and rule of religious. Therefore, we prohibit that any money be required from those who wish to go to religion. . . .

As its preamble indicates, this canon was directed against forms of simony practiced by religious, and it forbade several other varieties of monastic malpractice. Apparently, the framers of the
canon thought that the demand for a payment from those wishing to enter religious life was an actual or potential source of scandal to the people. The canon contained no specific punishment for the various monastic simoniae who were criticized. It was content to threaten them with the fate of Simon Magus, i.e., damnation.\textsuperscript{6}

This lack of a particular sanction was not uncommon in twelfth-century conciliar canons, which were frequently intended simply to alert public opinion to an abuse, create guilt feelings among offenders, and arouse the concern of the important ecclesiastics and laymen attending the council.\textsuperscript{7}

However, the failure of the Council of Tours to specify a sanction for simoniacal entry may indicate that the pope and bishops present intended that the well-known general sanction against simony be applied, i.e., the loss of the position simoniacally gained and the deposition of the simoniacal seller. The course of decretist discussion in the 1160s and 1170s, that is, after the Council of Tours, called into question the application of the normal sanctions against simoniacal religious, primarily because of a reluctance to encourage apostasy from the religious habit.\textsuperscript{8} The Council of Tours and its canon "Non satis" reflected the rather rudimentary state of the issue in the early 1160s, when the focus of attention was on the simoniacal prelate but not on the simoniacally received monk.

When Alexander III again took up the issue of simoniacal entry at the Third Lateran Council in 1179, the new conciliar canon "Monachi non pretio" reflected the decretist arguments of the preceding sixteen years, and it incorporated sanctions designed to meet the reluctance of canonists to expel monks from the religious habit, even if that habit were obtained simoniacally:

Let monks not be received for a price in a monastery. . . . However, if anyone were 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. . . . May an abbot who does not take care diligently in these matters know that he will suffer the loss of his office.\textsuperscript{9}

The guilty entrant was to be punished by declaring him ineligible, or \textit{irregularis} as the canonists designated the condition, to
receive further holy orders. Such an ineligibility served the dual role of punishing the simoniac monk while not allowing him any opportunity to escape from his commitment to the religious life. In these two functions it responded to the similar concerns of the decretists, although I have found no recommendation of this particular punishment among the decretists whom I have studied. The decretists who addressed themselves to the appropriate punishment for a simoniac entrant generally recommended penal exile to another religious house. The punishment of simoniac religious by declaring them ineligible to receive holy orders may be an innovation of the Third Lateran Council, or of Alexander himself. On the other hand, the council's decision to depose an abbot who had received a monk simoniacally was the normal punishment for all forms of simony, and could be applied readily because the deposed abbot would remain a monk.

In addition to these two important conciliar texts, Alexander issued a decretal letter, "Veniens," that had several points in common with the academic discussion of the issue of simoniacal entry. Unfortunately, the recipient of the letter and its exact date are not known:

F., a priest, who came before us, told us on his own authority that the abbot and brethren of Saint R. were unwilling to receive him as a monk until he agreed to give them for reception as a monk thirty shillings; when the agreement had been concluded, on the following day they put on him the monastic habit, and those same monks demanded thirty shillings, the abbot ten, and the familia twelve for a meal, asserting that this was on account of the custom of the monastery.

The priest F. had complained before Alexander III that he had been compelled to pay fifty-two shillings for entry into the monastery of Saint R. Since F. had initially agreed to pay thirty shillings, it is clear that he objected to the new sum required rather than to the payment as such. For Alexander, it was the procedure itself that was objectionable. The entry of F. for a fee in cash would probably have proceeded smoothly, if the payment to the abbot and that to the familia had been settled as amicably as that due to
the monastic community. From the letter it is probable that F. saw the dispute as breach of contract, rather than simony.

Alexander remarked in his letter that the sole proof for the priest’s accusations was his personal assertion. Therefore, the pope instructed the local bishop to investigate the situation:

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\ldots \text{If you find the situation as described, may you immediately urge and with all pressure compel the abbot and monks to return to the forementioned F. the money so unworthily received; and suspending the abbot and the senior persons of the monastery from the execution of office because of an excess of such a great wickedness, may you order the said F. that he strive to serve the Lord in another monastery in the monastic habit.}
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Because they had participated in this simoniacal reception, the abbot and the important members of the community were to be suspended from office, that is, they lost the right to exercise any of the functions given to them by their positions within the house. This punishment was similar to the *privatio officii* prescribed by the Third Lateran Council, but was less severe in that the guilty parties did not actually lose the positions that they had abused. Presumably, some ecclesiastical judge, perhaps Alexander himself, would have to decide the duration of the suspension and its final outcome, either reintegration into office or deposition.

The illicitly received money was to be returned to F., and he was to be ordered to enter another house. Alexander’s letter said pointedly that F. had been received as a monk, and the bishop investigating the case was to ensure that F. remained a monk in some other monastery.

The return of the illicitly used money and the exile of the simoniac monk were measures frequently proposed in the decretists’ discussion and, indeed, sometimes in conjunction with one another. It is difficult to know for certain whether the pope’s letter suggested the solution to the decretists or the decretists themselves were the source used by Alexander. As a matter of policy, Alexander III did not cite the sources for his decisions. In this case Alexander was probably depending on the decretists, perhaps on the decretist Rufinus. The latter composed his *summa* on the
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Decretum between 1157 and 1159, i.e., before Alexander became pope. In that work Rufinus proposed both that the payment be returned to the illicit giver and that the simoniacal monk be sent to another house. Alexander's adoption of this view reinforced its use by later decretists, who could cite his authority for it.

The canons "Non satis" of Tours (1163) and "Monachi non pretio" of the Third Lateran Council (1179) and the decretal letter "Veniens" represented different stages in the development of Alexander's views on the subject of simoniacal entry and of the measures required to cope with it. The apparent chronological sequence of the texts was the canon of Tours, the decretal letter, and then the canon of the Third Lateran council. The three texts reflected Alexander's growing awareness of the complexity of the problem and of the academic discussion about it. Over a period of about fifteen years, Alexander's views became more complex. From a position of silence on the fate of the guilty monk, he moved in his decretal to the provision that the monk F. receive his money and enter another monastery. By 1179 he apparently had adopted the general proposition that simoniac entrants should be ineligible for holy orders. His treatment of the simoniac abbot developed from silence to suspension, and finally to deposition from office. The three texts also testify to a certain independence from the academic canonists, since, at the Third Lateran Council, Alexander chose a solution that was, so far as I know, not commonly proposed by the decretists for simoniac monks, that of making the simoniaecs irregulares.

The texts of Alexander III were significant in at least three ways for the development of the issue of simoniacal entry into religious life. First, they took an abuse that was, so to speak, invented by Gratian and his commentators and gave it full legal standing as a crime with punishments tailored to it. Second, Alexander's decisions to condemn simoniacal entry at Tours and at the Lateran gave the issue a major dose of publicity in two of the largest ecclesiastical gatherings of the second half of the twelfth century. Finally, and most significantly, these three texts of Alexander became, in their turn, a stimulus to further canonical discussion and elabora-
tion. The texts were incorporated into the new canonical collections of the later twelfth century, which were intended to supplement Gratian and to embody the new papally created canon law.

In the twelfth century the significance of a conciliar canon or of a papal decretal for future development was, to a large degree, determined by its inclusion or lack of inclusion in the larger canonical tradition. No matter what its intrinsic interest, if a text remained hidden in a papal register or in a monastic cartulary, its role in future legal development was likely to be nil. The importance of Alexander's three texts lies in the fact that they were incorporated into new canonical collections, were explicated and commented by canonists, and their solutions were woven back into the fabric of the canonistic discussion of the problem of simoniacal entry.  

In addition to the two conciliar canons and the decretal letter in which the activity of Alexander III is clearly visible, there was one council (or perhaps two) held in England during his pontificate that may reflect his influence. After a vacancy of more than two years following the murder of Thomas Becket, the see of Canterbury was filled in 1173 by the election of Richard, the Benedictine prior of Saint Martin’s at Dover. The election was disputed, and Richard was forced to go to the papal curia to vindicate his claim to be the rightful archbishop of Canterbury. Alexander III ruled in his favor, and the pope consecrated Richard at Anagni on 7 April 1174.  

Archbishop Richard’s relations with the pope during the remaining seven years of Alexander’s reign were, from an official point of view, close. Richard served often as judge-delegate of the pope, and was a frequent recipient of papal letters. Charles Duggan, in his study of English decretal collections, stressed Richard’s role as the recipient of many of the letters that were ultimately incorporated into the English decretal collections. Indeed, Richard was perhaps responsible for the creation of decretal collections composed in part of the letters that he had received from Alexander III.  

Archbishop Richard has been credited with two church councils in which simoniacal entry was condemned. The first is the
Council of Westminster (1173), in the course of which Richard was elected archbishop. Thirty-seven canons were attributed to this council by the eighteenth-century editor of councils, David Wilkins. The twenty-fourth canon said, "Let nothing be demanded for receiving monks, canons, [or] nuns in a monastery." In fact, the unique manuscript in which these canons survive does not attribute them to the Council of Westminster (1173), but notes simply that they were canons of a council of Archbishop Richard, without specifying a place or date. The canons attributed to Westminster (1173) may represent a schema drawn up for the Council of Westminster in 1175. However, the differences between the canons of Westminster (1173) and those of Westminster (1175) are such as to give support to the view that the canons of Westminster (1173) are in fact a record of some undated council held during Richard's pontificate, i.e., 1173–84.

In any case, from 11 May to 18 May 1175, Archbishop Richard presided at a council at Westminster in which he personally promulgated a set of canons that were, in general, a reworking of certain elements of Gratian's *Decretum* for local needs. This council was one of the earliest examples of the explicit use of the *Decretum* as a model for the canons of a local synod. The eighth canon of Westminster (1175) was an amalgamation of the seventh canon of Melfi (1089), as it appeared in the *Decretum*, and the third canon of the Council of London (1127): "From the decree of Pope Urban. May no prelate presume, in receiving a monk or a canon or a nun, to take or to demand a price from those who come to conversion, by reason of any pact. However, if anyone shall have done this, may he be anathema."

There is to my knowledge no conclusive evidence that Richard of Dover derived his concern with the problem of simoniacal entry from Alexander III. It is quite possible that Archbishop Richard, with his experience as a monastic prior, papal judge-delegate, and patron of canonical collections, was aware of the problem from other sources. His interest may simply reflect the growing concern on the part of the hierarchy of the church about simoniacal entry. However, leaving aside the probably authentic but undated
first "Council of Westminster," it is striking that at Westminster in 1175, less than a year after he left the court of a pope clearly interested in the issue, Richard chose to legislate against the practice. His was the only non-papal council of Alexander's pontificate that I have found to have done so. Whether Richard acted as a disciple of Alexander or as a prelate independently interested in the abuse of simonianal entry, his council or councils are a further example of the manner in which the concerns of the canonicastic schools were transformed into ecclesiastical practice.

There was at least one other prominent figure at the court of Alexander III who expressed an interest in preventing simoniacal entry to religious houses. Albert de Mora had taught at Bologna and may have written a commentary on Gratian's *Decretum*. He was a cardinal-deacon at the papal curia by 1155-56, and for thirty years thereafter he served the papacy in various capacities. In 1178 he was chosen by Alexander III to be papal chancellor, and in 1187 Albert was elected pope as Gregory VIII. He died after a reign of only 57 days.\(^3\)

In 1167-70 Albert de Mora founded a regular canonry dedicated to Saint Andrew at Benevento, his natal city. To govern his foundation, he issued a series of *observantiae* or *institutiones* to serve as a supplement to the Rule of Saint Augustine, under which the canons lived. In 1187 Pope Urban III issued a papal bull recounting and confirming those *institutiones*.\(^3\) The second provision of the regulations dealt with the new entrant and his property. In essence it declared that the entrant was permitted, but not required, to make a modest free-will offering for his clothing during the period of probation. If he gave or promised more than was proper, both the entrant and the official who received it were to be suspended from their religious duties until the papacy had judged them. After the entrant had taken his final vows, he or his friends could give a gift, if they wished.\(^3\) Albert's provisions for his foundation provide another insight into the critical role that canonicasts played at the papal court in spreading the new concern about illicit entry.

The only other papal text on monastic simony that I have been
able to find before the pontificate of Innocent III is a response of Clement III (1187–91) to the bishop of Saragossa in Spain:

You wished to consult us about regular canons or monks who had entrance by simony, which they knew about and arranged. Since many authorities are found to have given an opinion on this subject, for that reason we respond nothing but what has been laid down, that they completely give up the place which they attained in that way, and that they go to solitudes or to other stricter monasteries, in which they may lament ceaselessly so wicked an offense. 34

This decretal letter dealt with the classic case of an adult who entered a monastery by simoni cal means, of which he was aware and with which he cooperated. Writing about forty years after the compilation of the Decretum, the pope noted that there was a tradition on the subject; “many authorities” had treated it. In a commonplace of ecclesiastical legislation, Clement insisted that he was not innovating, but was repeating “what has been laid down.” The authorities who had spoken presumably included his predecessor Alexander III, but Clement may also have been drawing on the work of the decretists. The command that the guilty religious give up his position in the monastery, and go to “solitudes,” i.e., perhaps a hermitage or to another monastery for perpetual penance, derives from the canonists’ solutions. Clement himself may be responsible for the detail, not found in Alexander’s texts, that the monastery of exile be stricter than the one that had been entered simoniacally. 35 The latter provision became normal in the canonical commentaries of the later twelfth century, and was adopted by Innocent III on a number of occasions. 36 Clement’s letter to the bishop of Saragossa suggested the possibility that some of the simoniaes were not personally guilty because the money involved had been given without their knowledge. Clement ordered that religious who were simoniaes in a technical sense but who were not personally guilty should be put through a legal charade, in which they were expelled from their illicitly gained positions and then reintegrated into them. If their continued presence in the community was scandalous to the other religious or to the populace, the simoniaes could be placed in another house of the same order,
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i.e., of the same strictness of rule. Clement’s indulgence toward those religious who were guilty of simony in a merely technical sense was clearly derived from the similar stance taken by Gratian and his commentators toward any simoniaec in similar circumstances. This distinction between actually and technically guilty monks and canons points to the fact that the problem had moved from the classroom to the world. Nuances and modifications of this sort were required when the officials of the church actually enforced a regulation and had to adapt it to circumstances.

Clement’s letter foreshadowed in a number of ways the solutions to the problem of simoniaecal entry that were adopted later by Innocent III. This was no accident, because Clement’s letter entered the larger canonical tradition by being included in the Compilatio III, a collection of letters of Clement III and Celestine III put together by John of Wales in 1210-15.

Aside from its clarification and reenforcement of the law, Clement’s decretal letter “De regularibus” has significance for the comprehension of the process whereby the issue of simoniaecal entry became a matter of concern to the church at large. Prior to the accession of Alexander III, there is almost no evidence that anyone besides the canonists in their lecture halls and studies took an interest in the crime of simoniaecal entry into religion. Alexander’s legislation at Tours and at the Third Lateran Council attested to his personal interest in the problem. However, it is significant that his decretal “Veniens” had been written because a man who was willing to pay thirty shillings for entry felt himself wronged when compelled to pay fifty-two shillings instead. To judge from the decretal, the priest F. acted more from anger at the price increase than he did from the realization that he and the monks of St. R. had committed simony by their initial agreement. In contrast, Clement III’s decretal “De regularibus” arose in the initiative taken by a local bishop who had to deal with a scandalous situation in his own diocese. The bishop of Saragossa was concerned about a problem of simony that had come to his attention, but was apparently not secure enough to move on his own authority to correct it. Although conciliar texts represent the collective,
if perhaps passive, action of bishops against the practice, this text of Clement III is one of the earliest examples of an individual bishop taking initiatives against simoniacal entry. There is, of course, no assurance that this was in fact the first instance of such action. It does indicate that by 1187-91, the approximate date of Clement's decretal, the crime of simoniacal entry had begun to attract the interest of bishops, who then sought to take measures against it. It had moved from the lecture hall to the world.

The action of the bishop of Saragossa was not an isolated event, but had at least one counterpart in England. When the Carthusian Bishop Hugh of Lincoln (1186-1200) visited the convent of Nun-Coton at some time during his pontificate, he found that the nunnery was burdened by an excessive number of members relative to its resources. Hugh attempted to set the house's financial affairs in order. With the agreement of all parties, he fixed the maximum numbers in the house for the future at thirty nuns, ten lay sisters, and twelve male conversi. No one was to be admitted until the congregation had been reduced to those numbers.40

Apparently, the strained financial situation caused by the excess numbers had led the nuns to admit members for money, i.e., simoniacally, because Hugh also decreed: "Since the simoniacal wickedness has led many into error and ruin, we, who wish to provide for the salvation of souls, strictly prohibit that a man or woman ever be received there by pact for money or for any temporal thing."41 The text recording the results of the visitation made no reference to any sanctions imposed by Hugh of Lincoln against the religious who had been received simoniacally or against their receptors. Hugh simply forbade for the future any form of simony in receptions. His brief provisions about simony do not seem to derive in any specific way from the jurisprudence of the era, either papal or decretist. Hugh had been a Carthusian before his election to the see of Lincoln, and perhaps he was not well versed in the most recent developments in canon law. What is noteworthy is that Hugh was aware of the evils of simoniacal entry and took measures to prevent it in the future by a formal prohibition and
by a reduction in the number of religious. His procedure during the visitation was pastorally oriented, i.e., he sought improvement of the situation without punishments. However, his prohibition of simoniacal reception of new members is a further indication that in the last fifteen years of the twelfth century some local bishops were aware of the problem and were moving to solve it.

Religious Orders, 1160-1198

By 1198 the papacy and at least some members of the episcopate had begun to translate into practice the strictures and theorizings of the canonists about simoniacal entry. They were not alone in this, for many of the religious orders that were founded between 1160 and 1198, or that drew up a code of legislation during that period, included provisions against simoniacal reception.

Such legislation by religious orders against simony was an innovation, motivated by the contemporary concern with the issue. None of the monastic rules from antiquity had given attention to the problem. Between 789 and 819 the Carolingian rulers forbade forced payment for entry into monasteries, but their interest in the issue lapsed in the mid-ninth century and had no perceptible effect on subsequent developments. In the twelfth century there was a discernible division between orders drawing up codes of legislation before and after the 1150s. The legislation of religious orders promulgated before the 1150s contained no provisions against simoniacal entry. The issue of simony apparently did not exist among the religious orders in the first half of the twelfth century. The fact that the rule or legislation of an order did not include a provision against simoniacal entry is, of course, merely negative evidence, which supports an argument ex silentio about the nonexistence of concern with simoniacal entry within that group. This is admittedly not a strong form of argument when used by itself. However, the failure of legislation issued before the 1150s to mention such simony becomes more significant when linked to the fact that much of the legislation composed or revised after the 1150s did contain anti-simoniacal provisions.
Such a contrast supports the view that a change of attitude toward entrance practices occurred in the middle of the twelfth century.

No extant Premonstratensian rulings forbid simony in entry. The order codified its legislation in about 1131-34, in about 1174, and in 1236-38, and none of those law codes mentions simoniacal entry. The sparse records of the order's general chapters, collected by Valvekens, are also silent on the issue. Either the Premonstratensian measures against such simony have been lost, a real possibility in view of the meager survivals of chapter rulings, or the order never legislated against simoniacal entry. In any case, this order, which took its form in the early twelfth century, did not emend its successive legislative codes to provide a place for the subsequent concern with simoniacal entry.

The Carthusian legislation of the twelfth century exhibited a pattern of development from silence to explicit condemnation of simony in entry. Guigo, the fifth prior of the Grande Chartreuse, recorded the customs of the house between 1121 and 1127. His work contained no direct reference to simoniacal entry, although it advised the prior to proceed with circumspection in dealing with the property of novices. About 1139 the Carthusian priors began to meet in general chapters to legislate for the order. Some chapter decisions and liturgical regulations survive from the period 1139 to 1170, but they contain no reference to simoniacal reception of new members. About 1170 Prior Basil organized earlier chapter decisions into a code, his Consuetudines. Chapter 43, paragraph 5, of Basil's code forbade the Carthusians to demand anything from the property of a novice or to encourage a novice to make an offering of any kind. Between 1174 and 1222, during the priorates of Guigo II and Jancelinus, the Carthusian general chapters continued to meet, and their decisions survive as undated additions to Basil's Consuetudines. Chapter 8 of the additional decisions stated simply that nothing whatsoever should be demanded from novices. Chapter 60 ordered the punishment of those priors who demanded clothing or anything else from a novice, and it prescribed deposition for a
prior whose illicit demand was actually met. Thus the first evidence of Carthusian concern about simoniacal reception of novices appeared about 1170. In the next generation the general chapter reiterated the prohibition more explicitly and provided serious punishments for breaches of the law.

The Cistercians took their first timid steps against simoniacal entry in 1198 and 1212. Perhaps the considerable prestige of the order, rooted in its austere and zealous past, protected it from criticism on the score of entry practices. Indeed, it may be that the reception practices of the Cistercians were free, in contemporary eyes, of simoniacal associations. However, examination of the Cistercian cartularies of Gimont, Berdoues, Citeaux, and Ourscamp has revealed that, by the second half of the twelfth century, entry to those houses was frequently hedged with conditions and financial arrangements similar to those practiced at other Benedictine houses.

According to Peter the Chanter, Bernard of Clairvaux believed that it was very difficult to commit simony in entering a poor house. This opinion may indicate a certain reluctance on the part of Cistercians to admit the simoniacal nature of many entry agreements, a reluctance mirrored in the paucity of Cistercian chapter rulings on the problem. In an interesting article Ulrich Stutz demonstrated that the Cistercians were hostile to certain views that they regarded as innovations introduced into the canon law by Gratian. In 1188 the Cistercian general chapter had ordered: "May those who possess the book called the Collection of Canons and the Decreta of Gratian keep them more hidden away, so that they may be brought out when necessary; may they not be kept in the common book chest, because of the various errors which can arise from them." Stutz held that this ruling of the Cistercian general chapter was not an expression of opposition to canon law as such, but was a measure of prudence designed to shield Cistercian monks from knowledge of certain contradictions between Cistercian practices and the work of Gratian, which was, by 1188, the major canon law text. The outstanding areas of opposition identified by Stutz were the issues of the propriety of pastoral work
by monks, and of the reception of tithes by monks. Although Stutz said nothing about simoniacal entry in his article, his basic point can be extended by recognizing that the Cistercian abbots may have objected to Gratian's undoubted innovation in the matter of simoniacal entry.

In any case, for an order that legislated annually on all sorts of topics, it is remarkable how little was said about the property of new monks at entry. In a laconic text of 1198, the general chapter ordered, "Concerning the goods of novices, may it be observed as it is contained in the Rule."\(^{59}\) The annual legislation of the general chapter was normally prompted by circumstances, and this text was presumably an admission that the goods of novices were, in some cases and in some way, not being treated as the Rule of Benedict required. The essential feature of the Rule on this point was that the novice had free disposition of his goods, provided that whatever course he chose had the effect of stripping him completely of all temporal goods.\(^{60}\) Thus the ruling of 1198, ordering a return to the Rule, may constitute an oblique admission that the freedom of novices to dispose of their goods was in some manner being narrowed. However, it is best not to press this brief text too much, since it is frankly not clear exactly what it was intended to accomplish.

In 1212 the general chapter approached the problem again: "It is forbidden by the general chapter that membership in our order be promised to anyone if any sort of price intervenes."\(^{61}\) This text, forbidding the promise of membership in return for a payment, was directed against agreements that, in effect, purchased the right to enter a monastery at some future date.\(^{62}\) The phrase "interveniende quocumque pretio" was common in anti-simoniacal texts, and is a clear indication that the abuse forbidden was perceived as simony.

Except for these two rather narrow texts, there is in the records of the Cistercian general chapters and in the codifications of the twelfth and early thirteenth centuries no general prohibition of simoniacal entry. The Cistercian general chapter, with its Europe-wide membership and contacts, could not have been unaware of the
opposition to such entry, especially during the reign of Innocent III, who took wide, well-publicized initiatives against it. I believe that the Cistercians did, in fact, become more aware of the problem, but chose not to issue a general decree about it. The decisions of 1198 and 1212 indicate that they moved in a tentative, piecemeal way, punishing individual crimes without issuing an over-all decree. The vigorous anti-simoniacal campaign of Innocent III made it clear where church law stood on the issue, and the Cistercians adopted that law without incorporating it into their own statutes.

This observation is confirmed by the fact that in the period after the Fourth Lateran Council, which had condemned simoniacal entry in canon 64, the Cistercian general chapter acted as if simony of that sort were forbidden, even though no specifically Cistercian text was cited. In 1220 the abbots of the order were forbidden to dispense in the case of simony, but were commanded instead to bring such cases to the general chapter for settlement. In 1222 "the abbot of Bloomkamp, who confessed publicly in the general chapter that he received many monks and conversi to conversion under a condition, which is a form of simony, is deposed on the spot." In 1225 John Godard, the abbot of Fontmorigny, was illegally deposed as a result of a conspiracy in which one monk claimed to have had a simoniacal entry in order to defame the abbot of the same crime. Godard was ultimately reinstated.

Rulings of the general chapter for the remainder of the thirteenth century presupposed an opposition to simony that must have been grounded in the general canon law of the church, rather than in the specific rulings of the Cistercian chapter. Thus it was during the pontificate of Innocent III that the Cistercians began to acknowledge the seriousness of simoniacal entry and to move against it. Such views had not been part of their ethos during the early or middle twelfth century, as that ethos is reflected in surviving legislative texts.

The Cluniacs also took their first recorded steps against simoniacal entry during the pontificate of Innocent III, and those steps were both clearer and more specific than the Cistercian measures had been. In 1196 Celestine III had empowered Hugh IV, abbot of
Cluny, to enforce older statutes and to make new statutes for the order. Hugh IV died in 1198 and was succeeded by his nephew, Hugh V, who had been abbot of Reading in England. Hugh V undertook a complete revision of the statutes of the order, and the newly created general chapter of the order also issued a revised set of statutes during his term of office. Hugh’s own statutes were issued on 29 October 1200, and they included a provision clearly inspired by the canonists’ opposition to simoniacal entry.

May no one be received by a pact in a monastery. Since often and in many places it happens that entrance of a monastery is offered with money or a pact intervening (although this is forbidden by the sacred canons and causes a danger to the souls of both, that is, of the receivers and of the received), we decree that no one henceforth may be received in a monastery by pact or price, and that nothing be demanded from an entrant. But if anyone has brought something voluntarily, may his devotion not be rejected.

The very next provision of Hugh’s statutes provided a significant commentary on the prohibition of such receptions.

And since that plague [simony] has crept in especially from the reception of feeble and useless persons, we order that only those are to be received as monks who are fit for the service of God, and not a burden to the brethren, and are useful to the monastery.

Thus Hugh V linked simony specifically to the reception of unfit persons in Cluniac houses, persons who paid in order to obtain an entry that they probably could not have otherwise received. Hugh had before him when he worked the statutes issued by Peter the Venerable in 1132–46. Peter too had complained of the reception of useless, unfit persons, but he had not linked such receptions to simony. In the sixty years since Peter’s statutes, the problem of “useless” recruits had come to be seen in the perspective of simony, a sign of the intellectual change that had occurred in that period. Hugh’s rewriting and updating of Peter’s statute on useless recruits forced him to take account of an issue that had scarcely existed in Peter’s day.

In 1205–6 the Cluniac general chapter issued a set of statutes, and its second provision was a rewriting of Hugh V’s legislation of
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1200. Both texts began and ended on the same note, but the general chapter's text broadened the focus to include all forms of simony, whereas Hugh's text had singled out monastic receptions.

Thus in the early thirteenth century, perhaps under papal pressure or else simply in response to the new sensitivity to simoniacal entry, the Cluniac Order placed itself firmly in opposition to the pacts and payments at entry that violated the canon law.

The Cluniacs, the Carthusians, and the Cistercians, groupings that had taken form long before the 1150s, reacted to the problem of simoniacal entry rather reluctantly late in the twelfth or early thirteenth centuries, when the pressure against the illicit practices exerted by the canonists and by Innocent III was at its greatest. By way of contrast, a number of the religious orders that were founded or that legislated for the first time in the second half of the twelfth century made opposition to simoniacal entry an integral part of their statutes.

The Grandmontines arose in the diocese of Limoges early in the twelfth century under the leadership of Stephen of Muret (d. 1124). They were marked by a desire for extreme simplicity and for utter separation from the world. The tiny group of ascetics apparently needed no written regulations in its early years, and it was only under the fourth prior of Grandmont, Stephen of Liciac (1139-63) that the Grandmontines received a formal rule. Although the dating of the rule is not certain, Dom Jean Becquet, a researcher and editor of Grandmontine texts, has suggested the decade 1150-60 as that of its composition. If the dating is correct, then chapter 45 of the rule is one of the earliest prohibitions of simoniacal entry by a functioning religious order.

But indeed, may the pastor of this congregation, in receiving brethren, consider with greatest care only the will of God and the salvation of souls, [thus] guarding himself and all his disciples entirely from every kind of simony, and faithfully fulfilling that precept of the Lord: "Freely you have received, freely give" (Matt. X). To judge from the documents of early Grandmontine history, the founders of the group mistrusted the role of temporal goods as
motives for any spiritual actions. In several places in his rule, Stephen of Liciac warned his brethren against acting in spiritual affairs for temporal ends. In several places in his rule, Stephen of Liciac warned his brethren against acting in spiritual affairs for temporal ends. On occasion he used the term simony to describe such actions. In the Life of Saint Stephen of Grandmont, a work composed in 1188-89 but based on a text of the 1150s, anti-simoniacal opinions were attributed to the group's founder. Thus the prohibition of simoniaca l reception of new members was a manifestation of a more general Grandmontine reluctance to trade spiritual things for temporal ones.

The customary of Grandmont, composed about 1170-71, reinforced this concern with simoniaca l entry. Chapter 64 of the customary was a detailed attempt to define what was and was not licit at entry.

Since we propose to follow the steps of our Saviour for the grace which He gives us, by His example the simoniaca l heresy is to be rooted out entirely from our religious group. Therefore, all of us in everything, and especially in receiving brethren, avoiding every form of simony, damn entirely what the Redeemer Himself damned when He ejected all buyers and sellers from the Temple. Also, faithfully observing that precept of the Lord, "Freely you have received, freely give," we make no mention through ourselves or through another person to any man wishing to enter our congregation about buying clothes, about bringing the equipment for a horse, about bringing money, or about any other thing in which simony could be noted.

Thus the customary went so far as to forbid even the mention of the normal entrance gifts of the period, so as to avoid any hint of simony. If the novice took the initiative in bringing up the subject, it could be discussed with due caution. Three situations were envisioned in the text. First, an entrant might wish to know what a new monk needs; in that case, he should be informed, though without any inducement to bring the things himself. Second, an entrant might seek the advice of the Grandmontines about the disposition of his property; in that event it was permitted to advise him. Finally, if the entrant decided to give some of his goods to the Grandmontines, they could be accepted, provided that no solicitation had been employed. The gift had to be utterly free and spontaneous. If any Grandmontine violated these conditions in
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receiving a new member or in seeking entrance gifts, he was to be punished "with such strictness that the discipline of one might be the correction of many." 86

These Grandmontine texts reflected a heightened sense of concern about simony, but they did not use the vocabulary or turns of expression common to the canonists. The imagery and references in the Grandmontine texts were biblical rather than legal. The Grandmontine texts seem to be relatively independent formulations of the concern about simoniacl entry; they were rooted as much in the peculiarly Grandmontine concerns as they were in the discussions of the canonists.

The situation was different with the rule of the Order of Sempringham, in which the verbal influence of the canonists seems indisputably present. Gilbert of Sempringham gradually elaborated the constitution of his order of nuns and canons during the second and third quarters of the twelfth century. 87 The rule of his order, as it survives, apparently dates from about 1180, 88 when Gilbert was still alive, though almost ninety years old. Chapter nine of the rule declared:

Obeying the provisions of the holy canons, we damn the hateful heresy of simony, prohibiting under anathema that anything be demanded for entrance of the monastery from any man or woman to be received among us; but if anything were offered freely, it will be permitted to receive it, provided that every illicit pact or exaction is excluded. Also in other spiritual things and affairs, we prohibit the same vice of simony, and we denounce him, whosoever shall have offended, as one destined to the lot of the first Simon, the author of this wickedness, [to go] with his money to damnation. 89

As this chapter of the rule of Sempringham announced in its first phrase, it was inspired by the "holy canons," and probably by those canons as embodied in Gratian or in his commentators, since the crime of simoniacl entry was not condemned specifically in earlier canonical collections. Unlike the Grandmontine texts, the vocabulary of the Gilbertine text is rather close to that found in the Decretum and in the works of the decretists. Since the decretists' vocabulary was highly stereotyped, it is not possible to link this
text to a specific decretist or school of decretists. But the language and ideas were derived from contemporary canonistic science. This example is the earliest that I have located of clear links between the activities of the canonists and the governance of an actual religious order, with relation to simoniacal entry.

The Order of the Holy Trinity, devoted to the redemption of captives, was founded in the 1190s, and received approval for its rule from Innocent III in December 1198. The order was marked by its Parisian origins. The founder, John of Matha (ca. 1150-1213), was a Paris master in theology, and the rule itself had been reviewed by Odo of Sully, bishop of Paris, and Robert, abbot of Saint Victor, before Innocent III approved it. Chapter seven of the rule dealt with those who wished to enter the order. The economic arrangements were spelled out, and it was specifically forbidden to demand anything for reception. The rule provided that if the decision was taken after the year of probation not to admit the novice, he should be allowed to leave with everything that he brought.

Some late twelfth- and thirteenth-century rules for hospitals, which were generally organized as religious congregations, also included provisions against simoniacal entry:

May no brother or sister be received by condition of purchase or of other promise. . . .

May no one be received in our society unless he is of good reputation, nor should we have regard to money rather than to uprightness; and if any upright person ought to be received, may he request membership for love of God and may he receive it for love of God. May nothing be sought from him, but if he should bring something, that may be received for the service of the poor.

In the thirteenth century entrants to hospitals were sometimes required to swear that they had not, directly or indirectly, committed simony in order to obtain a place.

In conclusion, the period between 1163 and 1198 was marked by attempts in councils, papal decretals, episcopal visitations, and the legislation of religious congregations and orders to translate into practice the canonistic concern about simoniacal reception of religious. Before mid-century this had not been true, and religious
orders that took form earlier were reluctant to condemn practices that were customary among them. These admittedly fragmentary records indicate that in the later twelfth century wide circles of those involved, i.e., religious, abbots, and members of the hierarchy, became aware of the issue. The work of the canonists began to erode the customary practices surrounding entry into religion and led to the growing rejection of hitherto accepted pacts and payments. The pontificate of Innocent III heightened the legal and also the propagandistic campaign against monastic simony and saw its condemnation at the Fourth Lateran Council in 1215.

1. M. Pacaut, "Roland Bandinelli," *DDC*, 7:704. Bandinelli taught canon law at Bologna from about 1139 to 1142, and he was therefore a contemporary, and perhaps a collaborator, of Gratian (ibid., cols. 703-4).

2. "Secundo, an pro ingressu ecclesiae pecunia sit exigenda, etc. Ad hoc notandum est, quod eorum, quae offeruntur, alia sponte, alia coacte praestantur; item, alia pactione, alia mera liberalitate. Nichil vero pro adeptione sacrae rei ex coactione vel pactione est exigendum, nec ergo pro introitu ecclesiae. Dieimus ergo nichil omnino exigendum nec exactum solvendum nec pactione aliquid pro ingressu ecclesiae erogandum" (*Die Summa Magistri Rolandi nachmals Papiest Alexander III, nebst einem Anhang Incerti Auctoris Quaestiones* ed. F. Thaner [Innsbruck, 1874], p. 13).


8. See above, pp. 124-27. Alexander subscribed to the view that no occasion should be
given to a religious to abandon his vow (JL 11316).

9. "Monachi non pretio recipiantur in monasterio. . . . Si quis autem exactus pro sua
receptione aliquid dederit, ad sacros ordinis non ascendat; is autem qui acceperit, officii
sui privatone multetur. . . . Abbas etiam qui ista diligenter non curaverit, officii sui
iacturam se noverit incursurum" (Conciliorum Oecumenicorum Decreta, ed. J. Alberigo
et al. [Freiburg im Breisgau, 1962], p. 193).

10. According to Gillmann, the fact of irregularitas was very old, but the expression was used
for the first time as a technical term by the decretist Rufinus about 1157-59 to describe
the absence of qualifications required for admission to holy orders.

11. See above, pp. 126-27.

12. "Veniens ad nos F. presbyter simplici nobis relatione proposuit, quod abbas et
fratres sancti R. noluerunt eum in monachum recipere, quousque illis pro monachatu
triginta solidos dare convenit; conventione autem facta statim sequenti dies eum monas-
ticum habitum induerunt, et idem monachi triginta solidos, abbas vero decem, et familia
duodecim pro pastu, asserentes, hoc esset de consuetudine monasterii, postularunt"
(JL 14149). Loewenfeld dates the letter to 1159-81, and designates the recipient as
"Gregorio(?) Episc. Tridentino." However, there was no Gregory on the episcopal throne
of Trent during Alexander III's pontificate. A Brackmann, Germania Pontificia, ed.
P. Kehr (Berlin, 1910), 1/1, p. 403, no. 10, suggests that the see intended was Tudertinum-Todi,
which was governed by Bishop Gratian from ca. 1144 to 1179.

13. In agreement with canonist opinion, Alexander objected to force or pact, but not
to entrance gifts as such (JL 11036, 11316).

14. "... Si ita esse invenieris, abbatem et monachos ad restituendam pecuniam
praefato F. tam indigne acceptam, instanter admoveas, et cum omni distictione compellias,
et, abbatem et maiorem personas monasterii pro tantae pravitatis excessu ab offici
executione suspendens, praecipias dicto F., ut in alio monasterio in habitu monas-
tico Domino deservire" (JL 14149).

15. The decretalist Albert noted that the suspension of the abbot and officials was
the consequence of an investigation, and deposition likewise would come only after in-
vestigation: "Nota inquisitione inducere/suspentionem, non aliter autem depositionem ab
ordine" (BN lat. 3932, fol. 97r, ad verbum "suspendas").

16. Holtzmann, "Die Benutzung," pp. 329-39. Urban III (1185-87) was one of the
first popes to cite an authority, in JL 15820, ibid., pp. 333-34.

17. Summa decretorum, pp. 229-30, recommended penal exile for simoniac monks;
pp. 226-27 recommended that the illicit payment be returned to any simoniac. However,
Rufinus did not link explicitly the return of the money with entry to another house.
Perhaps it was Alexander's decretal "Veniens" that linked the two. See also JL 11316,
in which Alexander ordered the return of an entrance gift in order that a monk could
enter another house.

18. The early thirteenth-century "Ius naturale," an appratus on the Decretum, cited
"Veniens" to support the prohibition against forced gifts (BN lat. 15393, level a, fol. 84r,
ad verbum "pro ingressu"). Tancred's commentary on Compilatio I, book 5, canon 7, also
cited "Veniens" against pacts at entry (BN lat. 15399, fol. 51r). Alan, in his commentary
on Compilatio I, book 5, canon 2, ad verbum "resittant," cited "Veniens" in support of
the view that a simoniacal payment should be returned to the giver: "Et tamen, qui
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19. If the bishop to whom "Veniens" was addressed was Gratian of Todi (ca.1144-79), then the letter was probably composed before the Third Lateran Council.

20. R. Foreville, Latran I, II, III et Latran IV (Paris, 1962), pp. 118-19, notes that Tours was attended by 17 cardinals, 124 bishops and archbishops, and 400 abbots and lesser prelates; and, pp. 387-90, that the Third Lateran Council was attended by at least 287 bishops and archbishops and 21 cardinals.

21. The decretal "Veniens" was included in the Compilatio II, composed between 1210 and 1215 by John of Wales, and edited in E. Friedberg, Quinque compilationes antiquae nec non collectio canonum Lipsiensis (Leipzig, 1882), V. 2. 1. The decretal was also included in the collection of Gilbert, made about 1208: R. von Heckel, "Die Dekretalsammlungen des Gilbertus und Alanus nach den Weingartener Handschriften," Zeitschrift der Savigny-Stiftung für Rechtsgeschichte, Kanonistische Abteilung 29(1940): V. 2. 1. The sixth canon of Tours(1163), "Non satis," was included in the Compilatio I, 5. 2. 7. In addition, Duggan, Twelfth-Century Decretal Collections, p. 72, found the canon of Tours in the collectio beterensis, composed soon after 1175. E. Friedberg, Die Canonessammlungen zwischen Gratian und Bernhard von Pavia (Leipzig, 1897), p. 185, recorded the canon "Non satis" in seven canonical collections composed between 1163 and 1191. The tenth canon of the Third Lateran Council (1179), "Monachi non pretio," was included in the collectio cantuariensis (ca. 1182) and the collectio roffensis (ca. 1181-85) (Duggan, Twelfth-century Decretal Collections, pp. 73, 77); Friedberg, Die Canonessammlungen, p. 52, no. 16, notes six collections composed between 1179 and 1191 that included "Monachi non pretio." A systematic survey of canonical collections of the last quarter of the twelfth century would uncover more instances of use of these texts of Alexander III.


23. JL 12365.

24. Duggan, Twelfth-Century Decretal Collections, p. 75: ". . . The most remarkable feature in the whole range of English primitive collections: namely the high proportion of their total contents of Canterbury, Exeter and Worcester provenance; or, to stress the personal aspect, the large proportion of decreta received by Richard, Bartholomew and Roger, their respective bishops." See also ibid., pp. 122-23, 149, for Richard's frequent service as a judge-delegate and his probable promotion of the compilation of decreta that he and others had received.


26. "Pro monachis, canoniciis, monialibus in monasterio recipiendis nihil exigatur" (ibid.; also in Mansi, 22:143).

27. Duggan, Twelfth-Century Decretal Collections, p. 92, n. 7, reports that the canons attributed to Westminster(1173) survive in Cotton ms. Claudius A IV, fol. 191-192v, under the heading "Concilium Ricardi Cantuariensis."

28. Cheney, "Legislation," p. 208, suggests that the canons attributed to Westminster (1173) may represent a preliminary draft of the council of 1175, or they may record another council held by Richard. Duggan, Twelfth-Century Decretal Collections, pp. 92-93, stresses that the decrees of Westminster(1173) are quite different from those of Westminster(1175).

29. E. Seckel, "Canonistische Quellenstudien I. Die Westminster Synode 1175, eine Quelle falscher oder verfälschter Canonen in den nachgratianischen Sammlungen."
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Deutsche Zeitschrift für Kirchenrecht, 3d ser., 9 (1899): 176-77, notes that, with two exceptions, the canons of Richard’s council were an adaptation of the Decretum to local needs. See also Holtzmann, “Die Benutzung,” pp. 345-46. The prologue to the canons, as reported in Gesta Regis Henrici Secundi Benedicti Abbatis, ed. W. Stubbs (London, 1867). Rolls Series 49/1, pp. 84-85, stresses Richard’s personal initiative and authority in promulgating the canons.

30. “Ex decreto Urbani Papae. Nullus praelatus, in recipiendo monacho, vel canonic, vel sanctimoniali, pretium sumere vel exigere ab his, qui ad conversationem veniunt, aliqua pacti occasione praesumat. Si quis autem hoc fecerit, anathema sit” (Gesta Regis Henrici, p. 87; also in Mansi, 22:149e).


33. “Nichil tamen pro receptione sua promittat, nisi tantum si habuerit quod ad simplicem habitum suum secundum institutionem domus uisum fuerit expedire. Tempore quoque probationis, si facultatem habuerit, de proprio induatur, ne domum, cui utilis ex accessu forte non exiuit, ex recessu afficiat detrimento. Si quis autem ultra hoc ante plenam receptionem suam quiuquam dederit aut promiserit, tam dantem quam accipientem ab omni sacri altaris officio tamesi statuimus removendum, donee per Romanam ecclesiam misericordiam consequatur et ad eius arbitrium culpam suam expurget. Post profissionem autem, si vel is qui recipitur vel amici ejus gratis aliquid ecclesiae dare uoluuent, licite recipi poterint et teneri, dum tamen tale sit, quod de usuris, rapina vel furto non constet dantibus prouenisse et de quo litigium non uideatur ecclesie imminere; quod utique in cunctis, que uobis ab aliquibus offerentur, statuimus observandum” (Kehr, “Papst Gregor VIII,” p. 268).

34. “De regularibus canonicis seu monachis nos consulere voluisti qui per simoniam ingressum ipsis scientibus et machinantibus, habuerunt. Unde, quum super hoc auctoritates multae reperiantur expressae, non aliud, quam statuimus, respondemus, ut locum, quern taliter adepti sunt, omnino dimitiant, et solitudeines seu alia monasteria districtiora adeant, in quibus tam execrabilem excessum sine intermissione deplorent” (JL 16562). This decretal letter was included in Compilatio II, bk. 5, tit. 2, canon 7.

35. Alexander’s “Veniens” recommended that the simoniac monk go to another monastery. Later commentators added that the new monastery should be stricter, in order to make “Veniens” conform to Clement’s “De regularibus.” Damasus’s commentary on Compilatio II, bk. 5, tit. 2, canon 1. “Veniens,” ad verbum “in alio monasterio” added: “districtiori ar. infra e. de regularibus” (BN lat. 3930, fol. 91r). Albert, in his commentary on the same text, made the same comment (BN lat. 3932 fol. 97r). The apparatus to the Decretum, “Ecce vicit leo,” specified that a simoniac monk “tenetur renunciare et in alio monasterio magis districto debet animam suam salvare” (BN nouv. acq. lat. 1576, fol. 142v). Master Honorius assumed that it was normal for a simoniac monk to be placed in a stricter house, and he dealt with the question of what to do if no stricter house were available (BN lat. 14591, fol. 61r). Master Honorius assumed that it was normal for a simoniac monk to be placed in a stricter house, and he dealt with the question of what to do if no stricter house were available (BN lat. 14591, fol. 61r).

36. Pott 1403, 4783; canon 64 of the Fourth Lateran Council.

37. “Si autem ignorantibus ipsis pecunia data fuerit, cogas eos ad renunciandum loco eodem et postmodum in ipsum reducere, si ibi absque scandalo potuerint remanere, vel in alio, qui sit de ordine ipso, ad serviendum Deo poteris collocare” (IL 16562).

38. Decretum, causa I. questio V, embodied Gratian’s view that a child who was una-
ware of his father's simoniacal machinations could be treated leniently. The *summa* "Cum in tres partes," composed between 1160 and 1171, summarized Gratian's position well:

"Quinto loco queritur si liceat isti esse in ecclesia vel fungi ordinacione quam paterna pecunia est assequutus. Ad quod dicimus, si eo ignovante pater pecuniam dedit et ipse postquam id scivit ecclesie seu dignitati paterna pecunia adepte abrenuntiavit, tam in ecclesia quam in ordinibus non de rigore iuris sed de indulgentia manere permittitur" (BN lat. 16540, fol. 3v).

39. R. Foreville, "Clément III," *DHGE*, 12:1107-8, notes that Clement's pontificate foreshadowed that of Innocent III in a number of ways, to which can be added the treatment of simoniac monks. The *Compilatio II* was published in Friedberg, *Quinque compilaciones antiquae*, pp. 66-104.


41. "Quia Simoniaca pravitas plures in errores et interitum adduxit, animarum saluti providere volentes, districte prohibuimus, ne vir vel mulier, pro pecunia vel re qualibet temporali recipiatur unquam ibidem ex pacto" (ibid., col. 1116b). However, Hugh himself was willing to provide a reception feast for the monks of Saint Neot's when they received his wardrobe-keeper into their community (*The Life of Saint Hugh of Lincoln*, ed. D. Douie and H. Farmer [London, 1961-62], 2:3-4).


43. *Duplex Legationis Edictum* (23 March 789), in MGH, *Capitularia*, vol. 1, chap. 15, p. 63; Synod of Frankfort (794), in ibid., chap. 16, p. 76; Monastic Capitulary of Louis the Pious (818-19), in ibid., chap. 75, p. 348.


49. Ibid., cols. 683-86.


51. *Consuetudines Basilii*, ibid., pp. 142-218, chap. 43: "Nullus autem ex nostris de rebus Nouitiis aliquod postulet, nec ad procurationem faciendam ab aliquo nostrum Nouitius instruatur" (p. 207).

52. *Supplementa ad Consuetudines Basilii*, ibid., pp. 219-40.

53. "A Nouitiis cum venerint, nichil penitus exigatur" (ibid., chap. 8, p. 221).
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54. "Qui vestes vel aliud exegerit a Novitio, sit extra sedem quadraginta diebus, et totidem abstinentias faciat sine misericordia. Si jam exactio ad effectum venerit, Prior amittat obedientiam" (ibid., chap. 60, p. 229).

55. A promise of future reception in return for a gift: Gimont, pt. 6, no. 74, 1180; pt. 4, no. 67, 1187; pt. 6, no. 100, 1187; Berdoues, no. 378, 1180; no. 524, 1182; no. 159, 1185; Ourscamp, no. 306, 1190; no. 723, 1192. A person received in return for a gift or concession to the monastery: Gimont, pt. 1, no. 100, 1183; pt. 3, no. 63, 1183; Berdoues, no. 378, 1180; no. 204, 1182; no. 524, 1182; no. 411, 1186. Gifts offered in return for services and receptions connected with death: Gimont, pt. 3, no. 53, 1183; pt. 2, no. 173, 1186; Berdoues, no. 35, 1185; Ourscamp, no. 354, 1179; no. 402, 1189.


58. "Liber qui dictatur Corpus Canonum, et Decreta Gratiani apud eos qui habuerint secretius custodiantur, ut cum opus fuerit proferantur; in communi armario non resideant, propter varios qui inde possunt provenire errores" (Canivez, Statuta, vol. 1, no. 7, p. 108).

59. "De rebus novitiorum sicut continetur in Regula, sic observetur" (ibid., no. 8, p. 225).

60. "Res si quas habet, aut eroget prius pauperibus aut facta solemniter donatione conferat monasterio, nihil sibi reservans ex omnibus; quippe qui ex illo die nec proprii corporis potestatem se habiturum scit" (Sancti Benedicti regula monachorum, ed. P. Schmitz, 2d ed. [Maredsous, 1955], chap. 58, p. 122).


62. In 1262 the general chapter forbade the practice of promising membership for some future date (ibid., vol. 3, no. 4, pp. 1-2). For examples of such promises see Gimont, pt. 5, no. 56, 1168; pt. 3, no. 1, 1169; pt. 1, no. 31, 1173; pt. 6, no. 61, 1173; Berdoues, no. 19, 1205; no. 16, 1191. In 1236-38 the Premonstratensians also forbade the practice (LeFevre, Les Statuts, p. 27).

63. V. Hermans. "De novitiatu in ordine Benedictino-Cisterciensi et in iure communi usque ad annum 1335," Anecdota sacri ordinis Cisterciensis 3 (1947): 24, also concludes that Cistercian opposition to simoniacal reception was based on the common law rather than on specific legislation of the order.

64. Canivez, Statuta, vol. 1, no. 29, p. 523.

65. "Abbas de Florido Campo qui in Capitulo generali publice confessus est quod multis monachos et conversos sub conditione ad conversionem recepit, quod est species simoniae, deponitur in instanti" (ibid., vol. 2, no. 40, p. 21). The monks of Bloomkamp apparently did not see the crime as serious because in 1223 the general chapter noted: "Abbas de Florido Campo qui depositus fuit propter symoniam quam confessus est in Capitulo generali, et iterum in eadem domo est promotus, tanquam ex ore proprio iudicatus, deponitur in instanti" (ibid., no. 36, pp. 29-30).

66. The abbot of Clairvaux was punished for deposing the abbot of Fontmorgny. The chief conspirator at Fontmorgny was treated harshly: "De sene illo miserrimo, qui huius inordinatae depositionis fuit maliticsissimus procurator, dicendo se ipsum simoniacum, ut abbatem suum respergeret infamia simoniae, de quo solo verbum huius infamiae emanavit, mittatur in Claramvallem et sit ibi omni sexta feria in pane et aqua per annum, et in capitulo eisdem diebus accipiat disciplinam" (ibid., no. 55, p. 46). On the career of John
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67. See, for example, Canivez, Statuta, vol. 2, no. 7, p. 316; no. 3, p. 335; vol. 3, no. 3, p. 300.

68. J. L. 17420.

69. C. de Valous, "Chuny," DHGE, vol. 13, cols. 77-78, on Hugh V.

70. "Ne quis in monasterio pactionaliter recipiatur. Quoniam plerumque, et in plerisque locis accedit, quod ingressus monasterii pecunia vel pactione interveniente conceditur, cum hoc sit sacris canonibus inhibitum et periculum utrobque vertatur animarum, tam recipiendorum quam recipiendorum. Statuimus ne ullus de cetero in monasterio pactione seu precio recipiatur, nec ab indigente quicquam exigatur. Sed si quis sponte quicquam abtulerit, non respatur ejus devotio" (Charvin, Statuta, vol. 1, no. 3, p. 42).

71. "Et quoniam ex susceptione debilium et inutilium personarum, ista precipue pestis irrepit, precipimus, ut non nisi tales recipiantur in monachos qui apti sint servitio Dei et non onerosi fratribus, et utiliter monasterio" (ibid., no. 4, p. 42).

72. Hugh cited Peter the Venerable by name and renewed a provision of the latter's legislation in ibid., no. 6, pp. 42-43.

73. Ibid., no. 35, p. 30.

74. Incipit of Hugh's text: "Quoniam plerumque, et in plerisque locis accedit, quod ingressus monasterii..." Incipit of the general chapter's text: "Quoniam plerumque et in plerisque locis accedit, quod beneficia spiritualia..." Explicit of Hugh's text: "Sed si quis sponte quicquam abtulerit, non respatur ejus devotio." Explicit of general chapter text: "... excepto quod de monacho dicit beatus Benedictus, quod ejus devotio sponte oblata non respatur."

75. "Quoniam plerumque et in plerisque locis accedit, quod beneficia spiritualia pactione conferantur interveniente; cum hoc sit sacris canonibus inhibitum, et legi divine contrarium, prohibemus statuendo ne prioratibus dandis vel recipiendis, pro obedientiis, pro ecclesiis et capellinis, pro monachis recipiendis, sepultura, seu aliis rebus vel officiis spiritualibus, pactiore mediate aliquid offeratur vel promittatur, excepto quod de monacho dicit beatus Benedictus, quod ejus devotio sponte oblata non respatur" (Charvin, Statuta, vol. 1, no. 2, p. 55).


78. "Quinetiam pastor huius congregationis, seipsum et omnes discipulos suos, ab omni genere simoniae prorsus custodiens, et illud Domini praeceptum: 'Gratia accepistis, gratis date,' fidelter adimplens, in susciendi fratibus solam Dei voluntatem et animarum salutem summa discretione considerat" (Becquet, Scriptorum, no. 45, p. 88).

79. The rule viewed any service to laymen or to patrons of the order as "simoniacal" (Becquet, Scriptorum, no. 29, p. 83). The Liber de doctrina of Stephen of Muret, composed before 1157, criticized monks who took pride in the fact that their presence attracted gifts from their families (Becquet, Scriptorum, p. 10; see also ibid., no. 5, p. 73; no. 19, p. 80; no. 24, p. 82.
80. "Talibus verbis vir bonus experiebatur si ille [a novice] firmum relinquendi saeculum cor haberet. Simoniacum enim eum aestimaret, si cuiuslibet terrenae rei promissione in religionem veniret" (ibid., chap. 4, p. 6). "Cum soli Deo, cuius servitus libertas est, serviendum sit vobis ex debito, si datores locorum in quibus habitatis, pro eisdem locie, vos sibi deservire postulaverint, potius ipsa loca vos iubemus deserere, quam hac intentione quadlibet etiam minimum eis petentibus tribuere. Aliter enim non huius mundi veri peregrini, sed velut ceteri cultores agrorum, tributa debentibus essetis. Iniusum quoque et simoniacum esset pro eo quod quislibet erogando pauperibus, Deo obtulit, eidem datori temporali deservire, et non soli Deo, cuius amore totum illud reliquit" (ibid., no. 29, p. 83).


82. "Quoniam Salvatoris nostri vestigia pro gratia quam ipse nobis largitum sequi proposuitus, ipsius exemplo a religione nostra simoniaca heresis est radicibus extirpanda. Omnes igitur in omnibus et precipue in suscipiendis fratribus omne genus simonie vitantes, omnes damnavi quem ipse Redemptor damnavit, cuum omnes vendentes et ementes de templo eiecit. Illud ita [que precem Domini 'Gratis accepistis, gratiam et date,' fide] liter observante, de veste emenda, de pecunia afferenda, de qualibet alia re ubi simonia notari possit, cuilibet vir nostram congregationem [ingreditur] cupienti, nullam tamen per nos, sive [per alium] mentionem faciamus" (J. Becquet, "L'Institution: premier coutumier de l'ordre de Grandmont," Revue Mabillon 46 (1956): chap. 64, p. 26; Becquet, Scriptores, chap. 64, p. 525). The brackets in the text indicate damaged portions of the manuscript used for Becquet's edition.

83. "Si vero nos interroget quibus utimur vestibus et que sunt necessaria ad nostram religionem venientibus, rei veritas ei simpliciter manifestetur" (ibid.).

84. "Si autem de dispositione et distributione rerum suarum postulat a nobis consilium, legitime super hoc ei consultatur" (ibid.).

85. "Quod si [libera] voluntate et sine [nostra inquisitione] et absque pacto sua nobis presentet beneficia, more et auctoritate apostolorum huiusmodi possumus recipere" (ibid.).

86. "Si quis frater huiusmodi preceptum transgredi presumpserit et simonie reus extiterit manifeste, per solum pastorem tanta districtione super hoc iudicetur, ut disciplina unius sit correctione multorum" (ibid.).

87. For a study of Gilbert and his order, see R. Graham, St. Gilbert of Sempringham and the Gilbertines (London, 1901); see also R. Foreville, Un Proès de canonisation à l'aube du XIIIe siècle. Le livre de saint Gilbert de Sempringham (Paris, 1943).


89. "Sacrarum canonum statutis obtemperantes, detestabilem execramus Symoniae haeresin, sub anathemate prohibentem, ne ab aliquo viro, suo muliere inter nos suscipiendo, pro ingressu monasterii aliquid exigatur; set si quid fuerit sponte oblatum, suscipere licet, omni illicita pactione, sive exactione excusa. In aliis quoque rebus et negotis spiritualibus, idem simoniae vitium inhiberemus, et eum, quicumque fuerit aggressus, parti Symonis prumi, hujus sceleris auctorius, cum sua pecunia in perdizione deputatum denuntiamus" (Monasticon Anglicanum, vol. 6, part 2, p. xxxiii).
90. A comparison of the Rule of Sempringham (RS), chapter 9, with the Decretum (D), causa I, questio II, prologue reveals two verbal similarities that almost prove direct borrowing. RS: "ne . . . pro ingressu monasterii aliquid exigatur"; D: "an pro ingressu monasterii pecunia sit exigenda." RS: "set si quid fuerit sponte oblatum, suscipere licebit"; D: "sed sponte oblatam suscipere."


92. De l'Assomption, Les Origines, p. 38. For an account of the genesis of the rule and the part played by the bishop of Paris and the abbot of Saint Victor, see Pott 483.


94. "Tribuat ei modeste licentia cum omnibus quae attulit recedendi" (ibid.).

95. "Que nos frères ne serveurs ne soit rechus par condition d'acat ou d'autre proumesse . . . " (statutes of the leper house of Noyon [late twelfth century, revised in mid-thirteenth], in L. LeGrand, Statuts d'hôtels-Dieu et de lproseries [Paris, 1901], chap. 1, pp. 194-95).

96. "Nullus autem recipiatur in nostrum societatem nisi bone opinionis exstiterit, nec habeatur ad pecuniam sed poecius ad honestatem respectum; et si aliqua honesta persona recipienda fuerit, pro amore Dei petat fraternitatem et pro amore Dei recipiatur. Nichil autem petatur ab ea, sed si aliquid secum attulerit, illud ad utilitatem pauperum suscipiatur" (statutes of the hospital of Angers [ca. 1200], ibid., chap. 18, p. 26).

97. "Si quis ingredi in domum voluerit, per annum probabitur in habitu seculari. Anno peracto, si domus ei placuerit, vel si talis fuerit ejus conversatio quod non debat reprobari, in congregatione fratrum recipiatur. Antequam induatur habitu religionis istius, jurabit quod, nec per se nec per alium, dederit aut promiserit, aut indebitum servitium fecerit per quod istius domus ingressum speraverit optinere" (statutes of the hospital of Montdidier [1207-33], in ibid., chap. 3, p. 36). See also statutes of the hospital of Paris (ca. 1220), ibid., chap. 3, p. 44; statutes of the Hospital-Comtesse at Lille (ca. 1250), ibid., chap. 2, p. 81; statutes of the leper house at Brives (1250), ibid., chap. 5, p. 207, chaps. 33, 34, p. 213; statutes of the Hotel-Dieu-le-comte at Troyes (1263), ibid., chap. 1, p. 105; statutes of the Hospital of Pontoise (ca. 1265), ibid., chap. 13, p. 141.