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THE INTERDICT

ITS HISTORY AND ITS OPERATION

WITH ESPECIAL ATTENTION TO THE TIME OF
POPE INNOCENT III, 1198-1216

A DISSERTATION
SUBMITTED TO THE FACULTY OF THE GRADUATE SCHOOL OF
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To

THE MEMORY OF

MY FATHER

CHRISTIAN KREHBIEL

(Died April 30, 1909)

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THE INTERDICT.

INTRODUCTION.

THE SCOPE OF THIS ESSAY.

IMPORTANT as was for centuries the part played by the interdict in the history of both church and state, no book has hitherto been devoted to it. Late in the sixteenth century the French jurist Pierre Pithou attempted a survey of its history in his essay *De l'origine et du progrès des Interdicts ecclésiastiques;* but this, though able, is only a sketch. In 1869 the German canonist Franz Kober published in three successive issues of the *Archiv für katholisches Kirchenrecht* a careful study entitled "Das Interdict." While rich in information regarding the history and use of the interdict, this deals mainly with its place in ecclesiastical law. In 1897 a young American scholar, Arthur C. Howland, submitted for the doctorate at the University of Pennsylvania a thesis on "The Interdict, its Rise and Development to the Pontificate of Alexander III", *i. e.*, to 1159.[1] This thesis has never been printed; but in 1899 Dr. Howland read before the American

[1] This unpublished thesis has through the great courtesy of Dr. Howland (now a professor in the University of Pennsylvania) been at my service throughout my study of this subject. I have further to thank Professor Howland for magnanimously surrendering to me the subject itself and for putting into my hands such unused materials as he had at his disposal. I take this opportunity to acknowledge also my indebtedness to Dr. J. Franklin Jameson for aid both in the choice of my subject and in the preparation of my dissertation; and I sincerely regret that M. Achille Luchaire did not live to see this published fruit of his kindness in lending me, at that time a total stranger to him, the invaluable notes made by him at great cost of labor and means upon the letters of Innocent III found in the provincial archives of France. And for assistance of various kinds I wish to thank Professors George L. Burr, Charles H. Haskins, Charles Gross, Charles V. Langlois, Paul Viollet, Ephraim Emerton, and James Westfall Thompson.

Historical Association a paper based upon it—"The Origin of the Local Interdict"—which was published in the Association's report for that year. It narrates the story of the interdict to 1031. Excepting pamphlets purely polemic, like those called forth by the Venetian interdict of 1606, and narratives devoted to single episodes, these few studies form the entire monographic literature of the subject.

The present essay, while aspiring to serve as a convenient introduction to a knowledge of the interdict, attempts no exhaustive treatment. To the history of the interdict its fresh contribution is only a sifting and use of the materials for the time of Pope Innocent III. Nor is it meant to be a study of the canonical law relating to the discipline—a theme adequately treated by the canonists. Its aim is to show the actual use and effects of the interdict; and by "the interdict" it for the most part means only what has been currently known in history by that name—the comprehensive territorial measure known to canonists as the "local general interdict", and not unhappily defined by an American newspaper, in a recent case of its employment, as "a general ecclesiastical strike".[2]

[2] The local particular interdict, differing from this form mainly by being limited to some comparatively small organic whole, is in the present study treated as a secondary theme, though often in close connection with the local general interdict. The personal interdict, whether particular or general, receives only incidental consideration in so far as it has illustrative value. Besides the local and the personal there are yet other forms of the interdict. There is an *interdictum totale* and an *interdictum partiale*, the former being a perfect or complete sentence, the latter being one which prohibits only a part of church services. Happily the distinction was never embodied in canon law.—Kober, XXI, 303–304. The "ambulatory interdict" is a much more noteworthy and a by no means infrequent form. It is treated at length in a later chapter. In form and content the *ambulatorium* offers nothing new. It is the local interdict *in itinere*. The *interdictum propter honorem* resulted if a bishop officiated at an altar; for the remainder of that day all others were prohibited from celebrating at that altar. Though so called, this was not in reality an interdict.—Glosses upon the Pragmatic Sanction, cited from Pithou, *Des Interdicts Eccl.*, 23–24: "Interdictum propter honorem, ut si Episcopus celebravit in aliquo altare, de tota illa die non debet alius celebrare." The *interdictum propter horrorem loci* is an unimportant form of cessation of services.—Glosses upon Pragmatic Sanction, cited from Pithou, *Des Interdicts Eccl.*, 23–24: "Alia [interdicta] propter horrorem loci, ut si excom. sit sepultus in ecclesia vel coemiterio, vel ecclesia polluta sit sanguine vel semine . . ."

In order to treat this theme to the best advantage it seemed advisable to make an exhaustive study of some typical and reasonably short period of time, the sources for which are abundant and comparatively available. The pontificate of Innocent III seemed to be such a period. The plan of work has been shaped by the purpose and the material. To avoid constant restatement of the history and the laws relating to the interdict, these matters have been briefly treated in the first chapter. The other chapters deal with the actual operation of the interdict; they are based principally on material from the time of Innocent III, but the author has felt free to insert information from other periods whenever it seemed peculiarly apposite. The appendix contains a chronological list of interdicts from 1198 to 1216, many of which have been partially discussed in preceding chapters; partially, because the development of the particular topic under consideration made a longer statement of the interdict at that point inadvisable. But, as this method left many interesting features of the interdict unmentioned, such incompletely used cases as are important and the source material for which warranted the procedure are set down in full in the appendix.

CHAPTER I.

Origin and Theory of the Local Interdict.

Exclusion from membership in a religious, as in a secular organization, is a procedure well authorized by universal practice. Israel renounced the unfaithful, the Roman state interdicted the traitor from fire and water, and the Druids[1] excluded the disobedient from any share in religious ceremony. The early Christian church for the purpose of self-preservation adopted similar measures; she expelled unworthy members, and called the process excommunication. The use of this protective measure necessarily increased with the number of Christians, for in those wholesale conversions of the first three centuries many a half-hearted person must have joined the ranks of the faithful. Against converts of such a character the church needed protection, especially when the persecutions set afoot by the emperors produced denials of the faith even from earnest Christians. Had none of the ranks proved unfaithful, however, the church would still have needed protection against heresies,[2] which were even at that time widely spread. Having no legal status, hence no support from the civil authorities, only one resource was left; she must cut off from her privileges, that is excommunicate, the offending individual.

With the imperial recognition of Christianity (A. D. 311 and 313), there came a change in the position of the church which gave cause and opportunity for a further development of her polity. The legalizing of the Christian religion gave

[1] Caesar, *De Bello Gallico*, VI, 13.

[2] Schulte, *Kirchenstrafen*, I, 655.

For full titles and descriptions of the works cited in the notes, the reader is referred to the Bibliography at the end of the essay.

the church a reputation to sustain. Christians were now put on a level with their fellow-men; would they prove themselves worthy of this elevation, or would the removal of difficulties cause the saints and martyrs of former years to be replaced by communicants of less lofty ideals? Such an event was undeniably possible; did perhaps result to some degree. That it went to no excess must have been due to great effort of the church authorities, and it is instructive to note that the same century which witnessed the legalizing of the church is the one within which occurred the first recorded case of general excommunication, a censure which by one sentence excluded a group of persons from the church.[3] The introduction of this new form of censure indicates that excommunication of individuals no longer met the needs of ecclesiasts, and that experimentation for a more effective discipline had begun. Just as the recognition of Christianity was followed by an extension of the disciplinary powers of the church, so the act by which Christianity became the religion of the state (A. D. 392) resulted in an increase of those powers, and general excommunication became a recognized censure. It was a bloodless and effective weapon, and, in so far, one which an organization based upon the teachings of Christ could use.

The necessity of the church invented general excommunication; the decline of Roman law made it possible. The spirit of that law is against the punishment of the innocent, and while it retained its vigor a censure of the character of general excommunication could not have flourished. Indeed, so did this sense of justice linger that, despite the decline of all Roman institutions in the fourth century of the Christian era, the first case of general excommunication on record does no violence to Roman legal principles. In this case the censure was put upon a village because one of its inhabitants had carried away a girl[3] from a neighboring place, and because this

[3] (a) Hinschius, IV, 804, n. 10. (b) Howland, *A. H. A. Rep.*, 1899, I, 433. This is cited as an interdict by Mr. Howland. (c) Kober, XXI, 4. Kober holds that this is not an interdict.

village by receiving the captor and the captive had become a participant in the offence. The offender was punished and others were involved in his punishment; not however for his fault, but for a lesser fault of their own in permitting the captor to keep his prize in the village. The next instance shows a greater departure from the principles of Roman law. Classicianus, a Roman official, and his whole family (household) were excommunicated by Bishop Auxilius for seizing an offender who had sought protection at an altar.[4] Not many years later there was a more extended general excommunication. Andronicus, governor of Pentapolis, all his associates, and their families were excommunicated.[5] In neither of the last two cases is there any evidence that the associates made themselves responsible by any act of their own. In the first case quoted, the principles of Roman jurisprudence were not violated; the second seems to depart somewhat, unless it is explained on the basis that patronage makes every client a partaker in every act of the patron; the third case is not at all reconcilable with Roman legal principles.

In the growth of general excommunication, the necessity of the church and the decline of Roman law were no more potent than the advent of the Teutons, for the invaders brought with them traditions which favored the censure. Their democratic institutions made the clan to some degree responsible for the conduct of individuals, a principle which fostered the growth of a censure involving many in the punishment of the guilty one. As a result general excommunication spread rapidly from Roman lands through Teutonic countries,[6] and became the most commonly used and the most powerful weapon of the church.

[4] Letter of St. Basil in *Nicene and Post-Nicene Fathers*, 2nd Ser., VIII, 589–590. Cited by Howland.

[5] Synesius, *Letters*, 57, 58, 72, 89, in Migne, *Pat. Gr.*, 66. Cited by Howland, *A. H. A. Rep.*, 1899, I, 433.

[6] (a) Hefele, *Conciliengesch.*, II, 687–688. *Cf.* Hardouin, *Conc.*, II, col. 1053. A portion of Burgundy was censured about 517 A. D. (b) Greg. Turon., lib. V, c. 32. The church of St. Denis, Paris, was under censure about 579 A. D.

But this weapon had two great faults, excessive severity and injustice. Excommunication of the individual was bad enough, for it excluded entirely from the church, it cut one off from all associations, however near or dear or necessary, and its consequences pursued the unrepentant sinner even after death. Such a censure made general, that is, extended to a group of persons, a church, a family, or an organization, was entirely too severe and unchristian. If this penalty had fallen only on the guilty it might have been endured, but it had the additional fault of involving the innocent in the extreme punishment of the guilty. On account of these faults justice-loving prelates had vigorously opposed it[7] from very early times, and this opposition was not decreased by the experience that the lesser clergy seriously abused general excommunication by employing it to advance their personal interests.[8] Since the clergy clung so tenaciously to their most effective weapon, the opposition to it finally resulted in a moderation of general excommunication into the local general interdict,[9] which, if equally unjust, was at any rate less severe.

This moderation was a very gradual growth, produced as it

[7] (a) Migne, *Pat. Lat.*, 54, col. 635. (b) Letters of St. Augustine, No. 250, in Migne, *Pat. Lat.*, 33, col. 1066–7. (c) Viollet, *Hist. des Institutions Politiques et Administratives de la France*, II, 294, n. 2.

[8] *Cf.* Howland, *Interdict*, 13–18.

[9] Kober (XXI, 12) supposes that the local interdict may in part be traced to other forms of censure besides excommunication, such as *cessatio a divinis* for irregularity, pollution, honor, or any other cause whatsoever. Originally *cessatio* contained no idea of punishment; church services were merely suspended for a shorter or longer interval. Such a suspension, being at first theoretically a voluntary act of all concerned, was recognized on all hands as perfectly legitimate. Practice nevertheless permitted the use of this censure at the command of the proper authority, the consent of the judges being merely constructive and not actual. This alteration introduced the idea of punishment and thus *cessatio* became a mild form of discipline, limited in extent to one church or one small locality. It is Kober's view that by a logical process this penalty was extended to cover larger areas, such as counties and duchies. If cessation of services in a church or a town is right, why not also in a city, a diocese, or a kingdom? Reasoning of this sort on the part of the authorities of the church doubtless tended to have the effect for which Kober argues. It is nevertheless safe to say that the interdict was derived principally from general excommunication; and that the expanding of the idea of *cessatio* confirmed the discipline thus derived.

was by the struggle between the clergy to retain general excommunication in its original form and the prelates to lessen the severity and injustice of the censure. Just when the first interdict, as we now understand the discipline, was promulgated is a matter of unsatisfactory debate,[10] for there is very little that really distinguishes one discipline from the other. The interdict is less severe in the following respects: some services were permitted, a man was not cut off from association with his fellow-men, innocent men might be shrived and after death at least be free from the injustice of this world. The interdict is always territorial; that is, it affects all persons within specified boundaries, not because they are persons—for this would be general excommunication—but because they are within stated limits. This characteristic is perhaps due to the fact that the unity of the administrative districts, with their civil officials and their bishop,[11] superadded to the Teutonic unity of the clan, tended to create a feeling of common responsibility, which feeling the church easily turned into an acceptance of common punishment within those civil boundaries. As a matter of fact, the interdict, from its possible beginning about 600 A. D. to its adoption by the papacy,[12] at the time of Leo IX, was under the supervision of the bishops, the spiritual heads of clearly-defined districts. After this adoption its effectiveness increased with the increase of papal power.

These two characteristics, lessened severity and territoriality, are not decisive enough to make identification certain in every case. So intimately, in fact, is the interdict associated with other disciplines that it is difficult to determine just when the word is first used in its present meaning. The word interdict

[10] (a) See above, n. 7. (b) Hinschius, IV, 715, 804–805; V, 19, n. 13,—20, n. 1.

[11] Schulte, *Kirchenstrafen*, I, 655. "Jemehr die Theologie voran schritt, desto blühender wurden die Irrlehren, besonders von Seiten einzelner Bischöfe, mit ihnen die Excommunicationen, die sich schon im 2. und 3. Jahrhundert auf ganze Diözesen erstreckten, weil die Gläubigen regelmässig zum Bischofe hielten."

is derived from Roman law, and was first used in the sense of a prohibition.[13] The earliest cases cited as interdicts are called excommunications in the sources;[14] and not, indeed, until the adoption of the word in a technical sense by the papal chancellery under Alexander II[15] is there any regular and consistent use of the word even by officials.[16] In a canon of Innocent III[17] the interdict is described as *cessatio a divinorum celebratione* or *a divinis*, and other writers of the same period fail to distinguish it from ban and excommunication.[18] The usage still varied in 1585.[19]

Having shown that the emergence of the local interdict as a distinct discipline resulted from the opposition to general excommunication on the ground of its excessive severity and injustice, we will now examine the various theories that have been advanced in regard to the purpose of the interdict. It has been argued that the interdict was intended as an expression of disapproval of someone's misconduct.[20] Instances in

[12] Hinschius, V, 24.

[13] For example: "Quicunque interdicta despexerit . . . " J–L. (Jaffé's *Regesta Pontificum*, ed. Löwenfeld, Kaltenbrunner, and Ewald), 338a.

[14] See the lists of interdicts given by Dr. Howland and others.

[15] Hinschius, V, 22, n. 2.

[16] *Ibid.*, V, 21–25, notes.

[17] *Ibid.*, V, 522, n. 17.

[18] (a) Inn. III, Epp., I, 403. Parma, 1198. "Cum civitas Parmensis et cives ejus excommunicationi subjecti fuissent . . . " (b) Teulet, *Layettes*, I, 372, No. 973. Toulouse, 1211. " . . . quod Tolosanos cives . . . excommunicationis vinculo innodarunt." (c) Chron. B. Iterii, ad an. 1212, in Duplès-Agier, *Chroniq.*, 86. England, 1208. " . . . qui per sex annos cum tota Anglia fuerat excommunicatus . . ". (d) *Gall. Christ.*, X, ii, col. 61–62. Reims, 1235. " . . . dicebat . . . quod . . omnes cives Remenses excommunicaverat." (e) See Hinschius, V, 21–25, notes, for further information. (f) Miraeus, *Opp. Dipl.*, I, 97. Cited from Raumer, *Gesch. Hohenst.*, VI, 163, n. 2. "Concedo, etiam, si inbannitur terra . . " (g) Annal. Islandorum Regii ad an. 1208, in Langebek, *Scr. Rer. Dan.*, III, 76. "England i banni."

[19] Mansi, 34B, 1166. See also Hinschius, V, 522, n. 17.

[20] (a) Hinschius, IV, 805, n. 1. Greg. Turon., Hist. Franc., V, 32, in *MGSS.* (*Monumenta Germaniae Historica, Scriptores*), Rer. Merov., I, 224–225. A brawl in a church caused it to be deprived of services. What was the intention in suspending services is not stated; it may have been what Hinschius suggests, an expression of disapproval at desecration

which this is true, and in which disapproval of an act is the sole purpose, are so rare as to be negligible. It has also been stated that the interdict was designed as a mode of propitiating an offended saint.[21] A forcible objection to this, however, is the fact that propitiation of saints is never mentioned in the sentence as the purpose of an interdict. The theory that the interdict was intended to warn the faithful from future transgressions is untenable because of lack of proof in the sources, an objection which applies with equal force to the view that the interdict was designed to secure the spiritual improvement of the offender (*poena medicinalis*). That this last-named purpose was sometimes present one may not deny, but it cannot be considered otherwise than incidental, in view of the evidence that another object was uppermost in the

of the church. But, in the absence of any positive statement supporting the contention, another explanation, which lies nearer at hand and is better sustained by the source, may at least be offered. The account of the brawl is followed by the statement that the matter was not settled until it came before the king. He submitted the case to the Bishop of Paris, who decided that the desecrators should give satisfaction for their fault, and should then be readmitted to the congregation. From this one may infer that securing satisfaction was the purpose of the cessation of services, though it cannot be positively established in this case because the time of re-opening the church is not mentioned. (b) Hinschius, V, 19, n. 13; Epp. Hinc., 3 and 4. Hincmar of Laon was summoned before Charles the Bald to answer for certain actions in 869. He left orders that an interdict should be laid on his diocese in case of his apprehension and detention. He was detained. Hinschius, in opposition to Kober, Hefele, Dümmler, and others, contends that this interdict was not a punishment but a reaction against a humiliation. The case under consideration is the strongest one known supporting Hinschius's contention. His assertion that this discipline was not a punishment is well taken, but it does not follow that it was primarily an expression of disapproval. Bishop Hincmar certainly intended to procure more than a public lamentation over his misfortune; manifestly he hoped that such an action on the part of his diocese would induce the king to release him. In other words, the interdict had the purpose of an administrative order.

[21] Hinschius, IV, 806. Hinschius's reference disproves rather than supports his statement, for it certainly shows that propitiation of the saint was not the only purpose, as he himself admits in a foot-note (1). Indeed, the source says nothing about propitiation of a saint, but states that the interdict should go into effect "nisi cito ornamenta tabernaculi huius furata reduxeris . . . ", and implies that the return of the goods made the interdict unnecessary. It cannot be questioned that the purpose of this sentence was first of all to secure the return of stolen goods, and that other purposes, in this case inferential, were secondary.

minds of authorities laying interdicts.[22] That punishment was a purpose of the interdict is more plausible than any of the motives given above. It is, according to a well-known writer, a test of an interdict.[23] His contention is, to say the least, debatable. If the interdict was a punishment, why were offenders obliged to do penance and sometimes undergo long-lasting effects, after the sentence of interdict was removed?[24] And can a sentence which acts with equal severity on innocent and guilty be called a punishment?

The best test of the purpose of an interdict is the motive of the judge who laid it; and fortunately many sentences of interdict give some indication of these motives. Such sentences provide that they shall continue in effect until the offender makes proper reparation,[25] which certainly indicates that the

[22] Canonists have been much inclined to regard not only interdict but also excommunication of laymen as a censure, that is a *poena medicinalis*, intended to secure the betterment of the offender. That excommunication is used as a punishment is demonstrated by Hinschius (IV, 747, 748 and notes), who however admits that it may also be used as a censure. That the interdict was regarded as medicinal now and then appears from a letter of Innocent (Epp., X, 121) rebuking the Templars for violating interdicts, "quod ex praesumptione hujusmodi contemnitur medicinalis poenae medela".

[23] This seems to be what Hinschius means (V, 19, n. 13), and, using punishment as a test, he contends that the interdict was not known before the middle of the tenth century. All other writers accept a considerably earlier date for the origin of the interdict.

[24] For example, see the shriving of the murderers of the Bishop of Würzburg, Appendix, case 69, in which case the penalties touched not only the criminals but even their heirs. See also the case of Oxford, Appendix, case 81.

[25] An examination of sentences of interdict will show that they usually contain the phrase "usque ad congruam satisfactionem" or words having a similar purport. For illustration of this see the letters referred to in Potth., 89, 91, 151, 277, 1160, 3814, 4736, 8572; J-L., 11891, 4536, 5368. Notice particularly the case of Blois in the Appendix, case 77. In the very note in which Hinschius (V, 20, n. 1) argues for the view that the interdict is a punishment, there appears a citation which militates against his argument. It is ordered that the interdict laid as a result of an attack on the church shall last "usque ad legitimam satisfactionem vel emendationem veniant et ipse episcopatus canonice sit redditus ecclesiae generali cui a deo est attributus et in . . . dicti rei de me Saulane episcopo absolutionem accipiant". Punishment may have been the purpose of this sentence, but it is contrary to ordinary logic to believe it after reading the extract just given. The natural conclusion, and the one which explains

purpose of the interdict is to secure compliance with demands made by the church on some offender against the welfare of society, church, or priesthood, or against the laws of faith and morals. It is compulsion by a form of passive resistance. It is not an aggressive act and not a punishment; it is a defensive act by which the church withdraws from public service until society "plays fair". Whether the sentence operates as a punishment, a corrective, or has any of the effects discussed above, is a matter of indifference; the main purpose is the enforcing of church mandates. It is clear, then, that the interdict has the character of an administrative order,[26] and its purpose resembles very strongly the purpose of an embargo, or an order of a board of health. These have in them no design to punish, though the party affected may suffer greatly; neither are they designed to procure the betterment of the party affected; they have a purpose beyond either, in that they aim to force some recalcitrant to yield to certain demands. The demands enforced by interdict had one of three general objects: first, to promote the welfare of society, either as a whole or in some part; second—and this is most frequently the object—to advance either the spiritual or the temporal interests of the church;[27] third, to promote the welfare of ecclesiastical persons, either by protecting them from insult and injustice,

everything perfectly well, is that the purpose of this interdict was to secure the restoration of properties and rights. I have found only one case (J-L., 5129, 5130) in which punishment was the only object of an interdict. See below, chap. II, n. 81.

[26] Hinschius, IV, 804–805, hints at this when he declares that Kober and others have mistaken earlier disciplinary acts of the church for interdicts, when in reality they were only administrative orders. He holds that these are not interdicts on the ground that they are not punishments; see above, n. 24. It should be observed that, if the interdict is considered an administrative order, the earlier cases are to be considered interdicts, as Kober regards them, though not punishments, as he held them to be.

[27] In this connection it is well to note that excommunication and personal interdict were used more frequently than the local interdict to procure observance of the spiritual demands of the church. When severer measures or greater pressure were necessary to procure results the local interdict was put into requisition, which bears out the notion that the interdict is more truly a legal or administrative measure than is excommunication.

or by advancing their personal or corporate interests. The protection of churchmen found justification in the canons, but the advancement of personal interests was generally regarded as an abuse of the interdict and was repeatedly prohibited by ecclesiastical authorities.[28]

Since in a later chapter the actual effects of the interdict will be taken up, it seems proper to complete our theoretical study by considering the laws which regulate these effects. Procedure varied somewhat in different centuries; an interdict of earlier times was in some respects more stringent than those of later times: hence there can be drawn few general conclusions. Broadly speaking, however, the local interdict deprives the district specified of some or all of the following:[29] *officia divina*, sacraments, and canonical burial. *Officia divina* (church services) include the offertory of the mass, canonical hours, sacramentals, and any ecclesiastical function which can rightly be performed only by a priest. The practice with regard to these services varies so considerably that it is necessary to take them up separately. Mass,[30] being a central function in church life, was never allowed without some limitations. Even after permission was granted by Innocent III to celebrate enough of the mass (that is, the offertory) to consecrate the elements needed for viaticum, and after further modifications were granted by Gregory IX and Boniface VIII, the ringing of bells, open doors,[31] admittance of excommunicated or interdicted persons, and chanting were strictly prohibited.[32] The service was to be recited in a low voice, and though that part of the mass which seemed necessary was allowed, the congregation could in no way share in it.[33]

[28] With this bare statement of the objects for which the interdict was used, further discussion of the subject is postponed until the causes for interdicts are considered.

[29] Kober, XXI, 304f.

[30] (a) Hinschius, V, 525. (b) Kober, XXI, 309.

[31] Kober, XXI, 309. Doors were closed, not locked.

[32] (a) Hinschius, V, 524, n. 8. (b) Kober, XXI, 309.

[33] (a) *Ibid.* (b) Hinschius, V, 524, n. 9.

Canonical hours are fixed times of the day given to prayer and devotion. In the middle ages these hours were voluntarily observed by groups of clergymen who met in the churches for this purpose. According to earlier practice, such common observance ceased in time of interdict, and each clerk kept the hours privately.[34] Time brought moderation. In the interdict of France, 1200, clerks were allowed to meet outside of churches for canonical hours, but no laymen were permitted to be present. In England, 1208, the clergy were allowed to meet in churches to recite, without any ceremony, proper parts of the breviary; but none of the congregation could be present. A canon of Innocent III fixed the rule regarding the hours for conventual churches. According to the provisions of this, clerks in pairs or in threes were allowed, not to chant in chorus, but to read the hours in a voice so subdued as to be inaudible outside the church; the doors were closed, and excommunicated and interdicted persons were excluded.[35] Boniface VIII, among his numerous modifications of the interdict, decreed that canonical hours be kept, and that clerks be compelled to be present on pain of losing their daily distributions; the rule relative to voice, presence of laymen, and open doors was in no wise modified except for certain feast days.[36]

Sacramentals are rites analogous to the sacraments, but not included among them. They apply now to persons and now to things, such as exorcisms, consecrations, and benedictions.[37] The most important of them are the churching of women,[38] the benediction of marriage, of holy water, and of ecclesiastical

[34] Kober, XXI, 318, 319.

[35] C. 11. X. de poenit. et remiss. 5. 38. References of this sort are of course to the Canon Law.

[36] (a) C. Ult. de sent. excom. VI. 5. 11. (b) Hinschius, V, 527b.

[37] (a) Hinschius, V, 527. (b) Kober, XXI, 319.

[38] Churching of women and benediction of holy water are usually specifically prohibited, other sacramentals receiving no mention. This does not argue that the former only were denied, but rather that they, being most important and frequent among sacramentals, in a sense comprise the whole class.

paraments. These were forbidden in time of interdict except on feast days.[39] Other ecclesiastical services performed by priests were prohibited unless otherwise stated in the formulae promulgating the interdicts. Preaching, however, not being a *divinum officium*,[40] was considered a perfectly lawful means of securing observance of the interdict, and of preventing the moral degeneracy of the laity; the ringing of bells was permitted to announce sermons, and the angelus to invite Christians to private prayer.

Baptism, confirmation, penance, communion, extreme unction, ordination, and marriage are the seven sacraments now generally recognized by the Catholic church. The sacraments were always forbidden in time of local interdict unless special permission to the contrary was given. The extreme severity of early interdicts included baptism among its prohibitions. The mitigation dates from the time of Hincmar, who granted baptism to children. Since it was not provided where this baptism of children was to occur, it is safe to assume that it took place in church. During the interdict of England (1208), however, it was the rule that baptisms were to occur in private houses. Boniface VIII granted baptism to adults, and as a consequence of this privilege it is likely that instruction of catechumens was allowed.[41] Confirmation, the complement of baptism, has been treated by canon law exactly as has baptism, and their history as affected by the local interdict is the same.

Penance, though at first entirely prohibited, was very early

[39] (a) Hinschius, V, 527, n. 9; I, 165. Laymen preached in earlier times. (b) Kober, XXI, 39–45. On the feasts of Christmas, Easter, Pentecost, and the Assumption of the Virgin, services with open doors and the ringing of bells were to be allowed, interdicted persons being admitted. But those who were responsible for the interdict were not allowed to approach the altar. (c) Const. "Ineffabile", 1429, par. 3. *Cf. Bullar. Rom.*, IV, 732. Martin V, in 1429, extended the privilege to include Corpus Christi Day and its octave.

[40] (a) Conc. Frising., 1440, c. 25, in Hard., IX, 1291. (b) Hinschius, V, 528f.

[41] (a) *Ibid.*, V, 528, a. (b) Kober, XXI, 20–25.

granted to the dying.[42] A modification of Innocent III, rarely heeded by judges laying the sentence, extended penance to all with the provision that it must occur in the hall of the church or before the building, and be made in a voice so loud as to be heard by every one present.[43] Boniface VIII characteristically allowed penance to all in the accustomed fashion, with the exception of excommunicates, those persons on whose account interdicts had been pronounced, and the partizans of interdicted persons.[44] The offertory of the mass has been discussed under the head of holy offices; the sacrament of the mass, that is communion, was absolutely prohibited to all in good health. Exception was made only for those constructively *in articulo mortis*, such as persons about to start upon a long and dangerous sea-voyage, soldiers about to enter battle, mothers in heavy travail, and persons condemned to death.[45] Extreme unction was always forbidden under all circumstances for all persons, clerical or lay, except those who had a special exemption.[46] Ordination is not separately mentioned in decrees of interdict, and, since no exemption is made, it could neither be given nor received in interdicted districts.[47]

Marriage is usually not mentioned in formulae of interdicts, and hence canonists generally have inclined to consider it forbidden. The truth is that marriage itself was not forbidden,[48] but the church refused to participate in it in any way. When the interdict was first used, marriage was not a sacrament of the church in the modern sense, and marriage without clerical assistance was valid, since the consent of the contracting

[42] (a) Kober, XXI, 325–327. (b) Hinschius, V, 528, c.

[43] Martène, *Thesaurus*, IV, 147. [44] Hinschius, V, 528–529.

[45] (a) *Ibid.*, V, 529, n. 8. (b) Kober, XXI, 329–330.

[46] (a) Hinschius, V, 530. (b) C. 11. X. de poenit. et remiss. 5. 38.

[47] Kober, XXI, 330–332. The only case in which an exception might arise would be if the number of priests were to become so small as to be insufficient to perform those rites which were allowed. But in such a case priests could be ordained elsewhere and imported.

[48] (a) Kober, XXI, 531–533. (b) Hinschius, V, 530. (c) For benediction of marriage see above, notes 37–39.

parties was the essential, and the benediction of the priest was a desirable though an unnecessary ceremony. If then the contracting parties observed the degrees of relationship fixed by the church, and violated no other rules, a marriage could legally take place in time of interdict without any ministration on the part of the church.[49] Usually even betrothals received no churchly sanction in time of interdict, and the dispensation by which Mauritius of Rouen allowed benediction of marriages during an interdict laid by him is entirely exceptional.[50] Rarely was marriage forbidden altogether, as it was by the Council of Limoges (1031) and in England (1208).[51]

Christian burial was usually forbidden in interdicted districts. At the time of the quarrel between the two Hincmars apparently all burial was prohibited, which is the first record of such a privation. The modification by the Council of Limoges [51] permitted canonical burial for clerks, beggars, strangers, and children under two years of age. Ivo of Chartres exempted only clerks and paupers from his prohibition of burial in the interdict laid upon Vendôme.[51] Thereafter it became the common usage to deny burial in consecrated ground to all laymen who were not fortified by some privilege; if the laity buried any dead, they were forbidden to imitate ecclesiastical rites of sepulture. In England (1208) all burial in the ground was prohibited.[52] Because this procedure seemed too inhumane, because it was unsanitary, or because it tested the faith of the survivors too severely, moderation soon followed; the method employed by the Archbishop of Rouen, Mauritius, who denied laymen burial only in consecrated ground, and prohibited the subterfuges by which all laymen had secured burial under the privileges extended to paupers, was adopted.[50]

[49] Hard. *Conc.*, X, 1726. "Matrimonii sacramentum per verba de praesenti tempore interdicti administretur, benedictio tamen nuptialis conferri non potest." This was the ordinary practice of the church in time of interdict.

[50] d'Achery, *Spicil.*, III, 615.

[51] (a) Du Cange, *Glossar.*, under "Interdictum". (b) Goffridus Vindocin., Epp., lib. II, 16, in Migne, *Pat. Lat.*, 157, 83.

[52] Inn. Opp., IV, 190, No. 136.

Laymen who had the privilege specifically granting the right were permitted burial, but a privilege to celebrate *officia* on certain feast-days did not include the right of canonical burial.[53]

Clergymen retained the right of ecclesiastical sepulture with some limitations from the time it was granted them at Limoges. Innocent III in his incomparable severity against England denied clerks burial in the ground; deceased seculars might be enclosed in coffins and placed in a tree, or on the wall of the church-yard.[54] Later he sanctioned the procedure which allowed clerks to be inhumed, without any solemnities, in the cemetery or church, on condition that while alive they had observed the interdict.[55] No bells were to be sounded and the service was to be a silent one, though the worldly pomp and show of the funeral train were not prohibited.[56]

We have in these few pages attempted a résumé of the laws relating to interdict. Whoever desires further information can find ample and arid reading in any treatise on canonical law. From this point, happily, our course leads away from such treatises, and we take leave of them without regret, though we thankfully sum up what they have contributed to our conception of the theory of the interdict: nearly all the ministrations of the church ceased except on feast-days and in case of privileges; preaching, baptism of infants, confirmation, penance of the dying, burial of the clergy, and matrimony without benediction were usually permitted during the pontificate of Innocent III.

[53] (a) The right of burial was not, as a rule, denied in uninterdicted districts to the dead brought from interdicted localities. Kober, XXI, 337. (b) Because burial was not considered a part of the *officia divina*. C. 3. X. de privileg. 5.33. "Quod si Templarii vel Hospitalarii ad ecclesiam venerint interdictam, nonnisi semel in anno ad ecclesiasticum officium admittantur, nec tunc ibi sepeliantur corpora defunctorum."

[54] Inn. Opp., IV, 190, No. 136.

[55] (a) Inn. III, Epp., VI, 23 (Potth., 1862). (b) Conc. Colon., 1270, c. 18, in Hard., VII, 834.

[56] (a) Kober, XXI, 333–341. (b) Hinschius, V, 532.

CHAPTER II.

THE LAYING OF AN INTERDICT.

THE purpose of this chapter is to show exactly how interdicts were laid. It will include an enumeration of the authorities who laid interdicts, and of the causes which produced them; in addition, the processes of issuing, the right of appeal, the frequency, the duration, the extent, and the distribution of interdicts will be considered. A sentence pronounced by some ecclesiastical judge was *interdictum ferendae sententiae*; one that resulted automatically from violation of specified canons of the church was *interdictum latae sententiae*. This form resulted from unusual offences, and followed if a prince refused papal legates or nuncios entrance into his dominions,[1] if cities in any way assisted in the murder, maltreatment, or detention of a cardinal or failed to punish such an offender within a month,[2] if the magistrates of a city or locality demanded and sought to collect arbitrary taxes from churches or ecclesiastics,[3] if the officials of a city in which the pope died hindered the observance of the rules fixed by the Council of Lyons for papal elections,[4] if clerks or prelates allowed strangers to do usurious business upon their lands, and remained unrepentant for more than a month,[5] and if cities or localities were responsible or showed any sympathy for the detention or other misuse of a bishop.[6]

Interdicts *ferendae sententiae* were promulgated by those

[1] C. unic. de consuet. Extrav. comm. 1. 1.
[2] C. 5. de poenis VI. 5. 9.
[3] C. 4. de cens. VI. 3. 20.
[4] C. 3. de elect. VI. 1. 6.
[5] C. 1. de usur. VI. 5. 5.
[6] C. 1. de poenis in Clement. 5. 8.

church authorities whose official capacity was derived *jure divino*, that is, from inherent authority, or from the powers given by law to incumbents of specified offices, or from a temporary delegation of power by some sufficient authority.[7] The pope and bishops laid interdicts by virtue of inherent authority. It follows by corollary that councils and synods, being conventions of bishops, had like authority. The pope's authority to interdict extended over the whole church; he exercised this power personally,[8] or instructed legates,[9] bishops,[10] chapters,[11] abbots, or any lesser officials,[12] to publish a sentence in his stead. Episcopal interdicts were pronounced by the archbishops or bishops themselves or by their vicars upon

[7] Kober, XXII, 3–4.

[8] (a) Inn. III, Epp., XI, 143 (Potth., 3501). Narni, 1208. " . . . nos [Innocent] . . . civitatem ipsorum . . . subjicimus interdicto . . . " (b) Inn. III, Epp., X, 143 (Potth., 3205). Lands of Gallus, 1207. " . . . sententias excom. et interdicti latas auctoritate nostra . . . " (c) J-L., 4793 (3557). (d) J-L., 5685 (4259). (e) J-L., 6294. (f) J-L., 6677. (g) J-L., 6981 (5095). (h) J-L., 7144. (i) J-L., 11489 (7678). (j) J-L., 12755. (k) J-L., 13710 (8813). (l) J-L., 13628. (m) J-L., 16357. (n) J-L., 16765. (o) Leo Marsicanus, Chron. Mon. Cas., lib. II, c. 78, in *MGSS.*, VII, 683. (p) Mansi, *Conc.*, XXI, 67–70. (q) Diceto, in *Rec.* (*Recueil des Historiens des Gaules*), XIII, 183. *Cf.* Hinschius, V, 25, n. 7. (r) Pflugk-Httg., *Acta*, III, 317, 332–333. (s) J-L., 3012, 3046, 3089, 3090, 3304. Laid by John VIII. (t) J-L., 4536, laid by Alexander II; J-L., 5368, laid by Urban II; J-L., 8186 (5831), laid by Innocent II. (u) Jaffé, *Bibl. Rer. Ger.*, II, 108, laid by Adrian IV. (v) Ryccardus de S. Germ., Chron. ad an. 1211, in *MGSS.*, XIX, 334, laid by Innocent III; etc., etc.

[9] (a) J-L., 7202 (5208). (b) J-L., 9369 (6510). Howland, case No. 71. (c) J-L., 11677 (7801). A threat. (d) J-L., 11847. (e) J-L., 15704. (f) J-L., 5517 (4129). Howland, case No. 43. (g) J-L., 6926 (5062). Howland, case No. 58. (h) J-L., 8647 (6093). Local particular.

[10] (a) J-L., 5746. Howland, case No. 48. (b) J-L., 8540 (6040). Howland, case No. 66. (c) J-L., 10479 (7078). Howland, case No. 73. (d) J-L., 17434. (e) Potth., 1269. France, 1200. (f) W. Canterb., Vita S. Thomae, in Mat. Hist. Becket (*Rolls Series*), I, 71. (g) J-L., 9554 (6630), 11254 (7512). Personal. (h) Inn. III, Epp., I, 24 (Potth., 29). (i) Inn. III, Epp., VII, 163 (Potth., 2338). (j) Inn. III, Epp., XI, 87 (Potth., 3418). (k) Inn. III, Epp., XVI, 98 (Potth., 4798). (l) *Hist. gén. de Languedoc*, IX, 190–192 and note.

[11] (a) J-L., 14011. (b) J-L., 17128 (10479).

[12] Inn. III, Epp., XIV, 126 (Potth., 4332). The Abbot of St. Victor and others were authorized to lay interdict.

direct command from them;[13 14 15] the confirmation of the pope[16] was often sought for these interdicts and was sometimes granted. The interdicting power of the bishops had several limitations: First, it was limited by the boundaries of the bishoprics with the following exception: if a part of an interdicted city or its suburbs lay in another jurisdiction, the bishop's authority extended into the neighboring jurisdiction to the extent of that city.[17] A special grant from Innocent III extended the jurisdiction of the Bishop of Metz over other dioceses;[18] in this case, however, the power was delegated and not strictly episcopal. An archbishop's jurisdiction was limited to his own diocese; he could put one of his bishops under personal interdict, but this power was taken away from him by the Council of Trent[19] and given to the synod. The order of the Archbishop of Milan to the Bishop of Lodi to put

[13] (a) J-L., 6483. (b) J-L., 9319 (6472). Howland, case No. 70. (c) J-L., 10827 (7260). (d) J-L., 11197. (e) Potth., 10020. (f) Lambert v. Hersfeld, Annal., in *MGSS.*, V, 211ff. (g) J-L., 17016. (h) J-L., 17569 (10657).

[14] (a) Greg. Turon, *Hist.*, VIII, 31. Howland, case No. 8. Kober, XXI, 6–8, considers this the first clear case of interdict. (b) J-L., 8221 (5816). (c) Inn. III, Epp., VIII, 213 (Potth., 2675). (d) J-L., 8940 (6253).

[15] (a) Prov. Conc. Trev., 1238, c. 3, in Mansi, XXIII, 479. "Si raptor excom. fuerit, vel terra ejus interdicta ab ordinario unius diocesis . . ." (b) Conc. Mexican. Prov., 1585, lib. II, tit. VII, c. 5, in Aguirre, *Conc. Hisp.*, VI, 111. "Itidem interdicitur, ne Officiales et Judices Metropolitanorum et excom., suspensionis et interdicti censuras decernant contra Episcopos Suffraganeos."

[16] (a) J-L., 9975 (6834). (b) Mat. Hist. Becket (*R. Ser.*), VII, 477–478. (c) Chron. Vezeliacense ad an. 1250, in Labbe, *Nova Bibl.*, I, 397–398. (d) J-L., 9343 (6487). (e) Inn. III, Epp., XII, 144 (Potth., 3844). (f) Gest. Hen. II (*R. Ser.*), I, 119. Confirmation is sought. (g) Inn. III, Epp., XVI, 98 (Potth., 4798). Confirmation is sought.

[17] (a) C. 17. de sent. excom. VI. 5. 11. (b) Bibl. Nat., MS. Lat. 15415, fol. 232, col. 4, Cause xxii°. "Si civitas, castrum aut villa subiciantur ecclesiastico interdicto, illorum suburbia et continentia edificia . . . intelliguntur interdicta."

[18] Inn. III, Epp., XV, 187 (Potth., 4610). This bull gives Conrad, Bishop of Metz and imperial chancellor, the privilege of using ecclesiastical censures against malefactors of the church in any diocese, if the resident bishop on request does not do his duty.

[19] Kober, XXII, 6–8.

the city of Lodi under an interdict was unique and contrary to accepted laws.[20] Second, canon law required the bishops to secure the assent of their chapters before issuing an interdict;[21] this law was not heeded by the bishops and the rule was abrogated. Third, upon papal order it sometimes happened that a bishop lost his prerogative of laying interdicts unless he had permission from the pope or his authorized agent.[22] Interdicts by council or synod were few. The decision of the Council of Dijon in 1197 to put France under an interdict[23] was merely confirmatory of a papal order, and was doubtless designed to give the threat an appearance of unanimity on the part of the clergy. Interdicts laid by provincial synods were more frequent than those laid by general councils.[24]

With the growth of the church there appeared a number of authorities who laid interdicts by virtue of the position they occupied.[25] Before the Council of Trent legates and nuncios had unlimited power to lay interdicts within their jurisdictions; that council deprived them of the right[26] and they could act only in pursuance of a special mandate of the pope—that is, they had only delegated authority. Originally archdeacons and archpresbyters had no right to lay interdicts except on delegated authority; but in the course of time they developed a jurisdiction which was recognized by the church until the Council of Trent took it from them.[27] Cardinals interdicted

[20] J-L., 14801.

[21] (a) C. 1. X. de excess. praelat. 5.31. (b) C. 4. 5. X. de his. quae fiunt a praelat. 3.10.

[22] Inn. III, Epp., I, 137 (Potth., 151).

[23] Lebeuf, *Mém. Diocèse d'Auxerre*, I, 360–361.

[24] (a) *Rec.*, X, 412. Howland, case No. 17. (b) Richerus, Hist., in *MGSS.*, III, 634, 635, 664. Howland, case No. 16. (c) Mansi, *Conc.*, XIX, 865, and Chron. S. Vincentii Vulturnens., in Mur., *Rer. It. Scr.*, I, ii, 514. This case is called excommunication in the source, but is very clearly an interdict. *Cf.* Hefele, *Conciliengesch.*, IV, 792. (d) Annal. Benevent. ad an. 1100, in *MGSS.*, III, 183. (e) Mansi, *Conc.*, XXII, 9, c, 2.

[25] Kober, XXII, 8ff.

[26] (a) J-L., 15704. (b) Inn. III, Epp., I, 461 (Potth., 473).

[27] (a) C. 54. par. 4. X. de elect. 1. 6. (b) C. 3. X. de poenis 5. 37.

the churches the titles of which they bore.[28] Heads of monasteries,[29] though they had the right to use local interdict over places subject to their jurisdiction, rarely exercised this power, and thereby avoided conflict with their bishops. Their powers being mainly over regulars, they usually contented themselves with the personal interdict. In some monasteries the brethren seem to have shared the right of interdicting with their heads,[30] or to have had an independent right. There is evidence that even deans[31] and prévôts[32] issued interdicts. The majority of canonists agree that a priest cannot lay an interdict; occasionally a priest laid a personal interdict, but even this power rested on an unusual custom of the parish or upon special authorization from a bishop.

Chapters laid interdicts under two conditions.[33] First, they had independent jurisdiction over the property which they held, and in matters touching these possessions they claimed the right to lay interdicts. But, as a rule, they had little occasion to use this right, for they found that a local particular interdict laid on their cathedral was adequate to prevent the

(c) C. 3. X. de offic. jud. ordinar. 1. 31. This gives the archpresbyter the right to lay interdict. (d) Marlot, *Hist. de Reims*, III, 623. An archdeacon laid an interdict during an archiepiscopal vacancy.

[28] Kober, XXII, 8ff.

[29] (a) Inn. III, Epp., XV, 144 (Potth., 4551). An interdict by the abbot of La Charité. (b) Arch. départ. de l'Oise (Beauvais), H. 2143. (Inventaire de titres de S. Corneille de Compiègne.) This is a bull of Innocent III addressed to the ecclesiastics of Compiègne, commanding them under pain of excommunication to observe the interdicts and censures which the abbot of S. Corneille might issue. (c) J-L., 11582 (7743).

[30] J-L., 12551. The Brethren of Malmesbury are allowed to use interdict.

[31] Cartulaire de Montiéramey, No. 249, in *Coll. des princip. Cartul. du diocèse de Troyes*, 252.

[32] Marlot, *Hist. de Reims*, I, 361. This is an interdict of Reims by the prévôt Miles de Nanteuil.

[33] (a) *Rec.*, XV, 876. The canons of Soissons claimed the right to lay interdict. (b) J-L., 16303. (c) C. 5. X. de consuet. 1.4. The chapter of Le Mans claimed the power of interdicting the city. (d) C. 23. X. de verb. signif. 5. 40. The canons of Chartres placed an interdict on the possessions of the Countess of Blois. (e) J-L., 10372 (7027), 13244, 13597. Chapter is given the right to lay interdict. (f) Marlot, *Hist. de Reims*, III, 572. An interdict is laid by a chapter.

retention of the chapter's revenues,[34] to punish an offender against the chapter,[35] and to resist successfully a bishop.[36] Sometimes chapters even compelled bishops to admit that cessation of services in the cathedral obliged all conventual and parochial churches to a partial observance of such an interdict. In Reims, for instance, the canons secured a singular arrangement from their archbishop: he agreed that, when for any good cause the services of the cathedral were suspended, services in all other churches should cease.[37] The abuses of this independent power caused various limitations to be placed upon chapters.[38] Second, in case of an episcopal vacancy the chapter exercised the functions of a bishop and laid inter-

[34] (a) *Gall. Christ.*, XI, 50f, and Chron. Rothomag. ad an. 1211, in Labbe, *Nova Bibl.*, I, 372. The chapter of Rouen interdicted the cathedral because the archbishop retained revenues belonging to the canons. (b) Conc. Mogunt., 1261, c. 19, in Harzheim, *Conc. Germ.*, III, 600f.

[35] (a) Conc. apud Vallem Guidonis, 1242, c. 6, in Hard., VII, 349. (b) C. 2. X. de his, quae fiunt a major part. capit. 3. 11. (c) Conc. Lugd. II, 1274, c. 17, in Hard., VII, 712. (d) C. 2. de offic. ordinar. VI. 1. 16.

[36] (a) Conc. Later., 1215, c. 7, in Hard., VII, 523. (b) C. 13. X. de offic. jud. ordinar. 1. 31. (c) Conc. Compediens., 1277, in Hard., VII, 751. The bishops unite to resist aggression of the chapters. (d) C. 8. de offic. ordinar. VI. 1. 16. Boniface VIII found conditions resulting from use of interdicts by chapters against bishops so bad that he reserved to the apostolic see the decision in such matters. (e) Marlot, *Hist. de Reims*, III, 573, 821–823, No. 182.

[37] (a) *Ibid.*, 806, 773. *Cf. Archives Adm. Reims*, I, 431. (b) Bibl. de Cambrai, MS. No. 1151 (1028), fol. LXV. " . . . série d'actes sur les rapports du chapitre cathédral avec l'évêque et avec les autres églises de Cambrai, notamment sur son droit de faire suspendre les services divins dans toutes les églises de la ville." Cited from *Catal. gén. des MSS. des Bibl. Publ. de France, Cambrai*, p. 445.

[38] (a) C. 2. X. de his, quae fiunt a major part. capit. 3. 11. An interdict should be laid only by all the canons with the consent of the bishop. (b) Conc. Lugd. II, 1274, c. 17, in Hard., VII, 712. This decrees that in case a chapter lays an interdict it must issue a statement containing the cause. (c) Arch. départ. de l'Aisne (Laon), G. 1, cited in *Inventaire sommaire . . .*, III, 1. "Le Pape Innocent III s'addressant à R[enaud], évêque de Noyon, le blâme d'avoir autorisé son chapitre à lancer l'excommunication et l'interdit et decide que le droit d'excom. et interdit ne peut être exercé que par les évêques." Aside from the fact that Renaud was not bishop of Noyon during the pontificate of Innocent III, this statement is difficult to reconcile with the practice of the time in which it purports to have been issued.

dicts.[39] The Council of Trent made it a rule that, within eight days after the death of a bishop, the chapter should elect a vicar to perform episcopal functions; hence the capitular vicar could lay interdict in episcopal vacancy. The inquisition could lay an interdict,[40] and the state also appears to have had some share in the power of laying interdicts. Louis IX agreed to use temporal power to enforce interdicts only when the state had shared in issuing the sentence, or could see some good reason for confirming it.[41] Philip VI of France, who had been empowered by Pope Benedict XII to order an interdict laid on Flanders, declared that neither he nor his heirs should exercise the authority.[42] If a *vidimus* by Pierre Bornihores of a bull of Gregory IX is correctly understood, the consuls of Perpignan thought of imposing an interdict on the church of St. John.[43] However, instances of the use of interdict by civil authorities are rare.[44] A review of the foregoing paragraphs must impress one with the fact that, though many persons possessed the power of laying interdicts,[45] it was not by chance but by clear grant from proper authorities.

The causes for interdicts, notwithstanding their number and

[39] Chapters also promulgated interdicts upon authority delegated by a bishop. For example, the Bishop of Cesena granted his chapter this power, Thomassin, III, lib. II, c. 23, n. 7.

[40] Lea, *Inquisition of Spain*, I, 355, 420, 456, 482, 485, 487, 495, 514, 519, 523.

[41] Matt. Par., 133 f., cited by Raumer, *Gesch. Hohenst.*, VI, 162, n. 9.

[42] Diericx, *Mém. de Gana*, App., 109, n. 1. "Philippe . . . Savoir faisons a tous presens et avenir . . . ne puissons jamais faire constraindre ledict conte de Flandres, le pays de Flandres, ou les personnes diceluy pays par sentenches de suspencions, d'excommunication, dinterdycte [*sic*] ou de dessaroicion."

[43] Bibl. de Perpignan, MS. No. 78, 1°. Cited from *Cat. gén. des Bibl. Publ. de France, Perpignan*, p. 109. "Vidimus par Pierre Bornihores . . . d'une bulle de Grégoire XI au sujet de l'interdit de l'église de S. Jean, que les consuls de Perpignan avaient voulu imposer." August, 1376.

[44] Viollet, *Instit. Politiq. de France*, II, 298, n. 2.

[45] Occasionally it is not clear exactly what authority laid the interdict. For example, J-L., 4854 (3616), in which *Romana ecclesia* is the authority; and J-L., 12552 (8384), in which the "church of Rouen" appears as the authority laying the interdict.

complexity, fall naturally into three categories: conditions harmful to society, conditions harmful to the church, and the necessities of ecclesiastics. A few interdicts were issued on account of conditions which were harmful to society as a whole or to some part of society. In 1031 the Council of Limoges endeavored to secure observance of the Peace of God by threatening the robber-barons with interdict if they continued their depredations.[46] Bishop Alduin of Limoges pronounced "excommunication" over his diocese because of the devastations by certain bandits,[47] presumably living within the limits of his bishopric. Tournaments, because they hindered the taking of the cross, were prohibited for a period in the time of Innocent III under threat of excommunication and interdict; nor was a relaxation to ensue until the offender had foresworn tournaments for the time specified.[48] It may well be questioned whether the unfortunate condition of society was the only motive that led to the threat of interdict in the above cases. It is possible that the desire to serve the church was a stronger motive than the desire to serve society. That, however, is a question of little significance, since instances of such occasions for interdicts are so rare as to substantiate neither view.[49] The dearth of instances in which the interdict was relied upon to improve the lot of humanity is no reproach to the church, for there were other means and agencies which were more effective for that purpose, and a function so distinctly temporal was properly left to the temporal power.

Instances in which districts were deprived of all ecclesiastical ministrations for the benefit of states, cities, or other political unities are somewhat more frequent. London and the lands of the barons who opposed King John after he repudi-

[46] Du Cange, *Glossar.*, under "Interdictum". Careful distinction between interdict and excommunication must be urged at this point. Excommunication was used long before 1031 to aid society.

[47] Ademar, Chron. ad an. 994, in *Rec.*, X, 147.

[48] Gesta, c. 84. *Cf.* Inn. III, Epp., IX, 197; X, 74.

[49] It should be observed that both of the cases mentioned above are merely threats of interdict and not actual sentences.

ated Magna Charta were put under interdict.[50] The Lombard cities were disciplined for reforming their league with the design of resisting Frederick II;[51] Louis VIII was warned to desist from the seizure of any English possessions;[52] the English magnates opposing Henry III were threatened;[53] the citizens of Brindisi and others opposing Walter of Brienne were given a month to return to fidelity;[54] Albricus, a knight, agreed that if he vexed the inhabitants of a stated locality he was to be excommunicated and his lands interdicted;[55] and the marauders of Vallemagne were pursued wherever they went by an ambulatory interdict.[56] In one instance, an attempt was made to secure justice for an individual. King John had refused for more than eight years to pay the jointure of Berengaria, Richard's queen, and Innocent III, tiring of his unavailing efforts to secure a settlement, finally threatened certain manors and honors with special interdict, in spite of the fact that they already lay under general interdict. This attempt to aid Berengaria proved ineffectual.[57]

Second, the interdict was most frequently used to advance the interests of the church. These were both temporal and spiritual. It has been indicated above why this form of discipline was not common in those matters in which the state had undeniably a primary interest. Besides, there were temporal affairs in which the church had quite as great an interest as its interest in spiritual affairs. Under its spiritual interests this study groups those matters which relate to morality or faith. Violations of those rules which the church has laid down for

[50] (a) Florence of Worcester (Eng. Hist. Soc.), 317. (b) Reinerus, Annal. ad an. 1216, in *MGSS.*, XVI, 674.

[51] Huillard-Bréholles, *Historia Diplom.*, II, ii, p. 643.

[52] Potth., 7913.

[53] (a) Rymer, *Foed.*, I, i, 103. (b) Potth., 8136.

[54] Inn. III, Epp., VI, 191 (Potth., 2064).

[55] Cartulaire de Montiéramey, No. 249, in *Col. des princip. Cartul. de Troyes*, p. 252, No. 249.

[56] J-L., 15247.

[57] (a) Inn. III, Epp., XI, 223, 224 (Potth., 3618, 3619; *cf.* 997, 998). (b) *Dict. Natl. Biog.*, under "Berengaria."

the purity and orthodoxy of its members were finally[58] provocative of the local interdict. Most famous among the interdicts resulting from a violation of the law of marriage is that of France, pronounced because Philip Augustus repudiated Ingeborg.[59] Another case is that of Portugal and Leon, laid because of the incestuous marriage of the King of Leon with the daughter of the King of Portugal.[60] On that occasion the effect of the discipline did not prove lasting, for presently the same ruler of Leon married a princess of Castile to whom he was related within the prohibited degrees; his kingdom was interdicted, and the realm of Castile[61] was threatened with a like calamity, unless its rulers rendered efficacious service in dissolving the offensive marriage.

Besides improper marriages various other indecencies produced interdicts. Gregory of Tours tells that the nuns of Poitiers by their immoral living gave provocation for an interdict (called excommunication).[62] Assisi was interdicted for a profanation of the rites connected with the translation of St. Francis.[63] The murder of Conrad, Bishop of Würzburg, brought an interdict on the possessions of all the guilty and of those who showed them favor;[64] the murder of Becket determined the pope to interdict all the lands of Henry II.[65] Simony seems to have caused an interdict to fall on a monastery

[58] It was more common to use excommunication or personal interdict. The local interdict was reserved for those cases in which milder correctives of the church had failed and for cases of flagrant sin.

[59] See Appendix, case 57. Interdict on France, 1200.

[60] Gesta, c. 58.

[61] See Appendix, case 3. Interdict on Leon and Castile.

[62] Greg. Turon., *Hist. Franc.*, IX, 39ff.; X, 15ff. Howland, case No. 9.

[63] Potth., 8572.

[64] Inn. III, Epp., V, 155 (Potth., 1813).

[65] (a) Mat. Hist. Becket (*R. Ser.*), IV, 165f. (b) W. Newburgh, Hist. Rer. Angl., lib. II, c. XI (*R. Ser.*), I, 128–129. Murder of Raymond Trencavel. (c) J-L., 17128 (10479). Murder of Berengar, Archbishop of Tarragona. (d) Inn. III, Epp., III, 39 (Potth., 1160). Bishop of Belluno killed in battle. (e) Inn. III, Epp., XI, 26 (Potth., 3324). Murder of Pierre Castelnau. (f) Mun. Acad. Oxon. (*R. Ser.*), 190f. *Cf.* Boase, *Oxford*, 90–91. Murder of Oxford scholars.

of the diocese of Reims,[66] and simoniacal practices on the part of Philip I of France caused him to be threatened with interdict.[67] Pollution[68] or the burial of an excommunicate in a church was regarded as a sufficient reason for interdicting the locality concerned. The failure to observe church holidays was sometimes deemed a sufficient occasion for interdicts, as appears from a papal order prohibiting the excommunication or interdict of those vassals and servants of the Cistercians who worked on days which others considered holidays.[69] The presence of heretics in at least one instance caused an interdict to be threatened.[70]

Much more frequent than the interdicts just discussed were those which resulted from an infringement upon the temporal interests of the church. It appeared in the consideration of the purposes of the interdict that it was an administrative order, designed principally to furnish the church the necessary means of forcing aggressors to come to terms. Resistance to the church from within could be so adequately met by the weapons of suspension, excommunication, degradation, and the like that the offences of ecclesiastics were rarely the occasion for a local interdict; resistance to the church from without, however, demanded a stronger and a more formidable weapon, and this was found in the local general interdict, which had as its special function the protection of ecclesiastical property. So strictly did the church guard her property-rights that the mere presence of stolen goods,[71] or of rob-

[66] J-L., 4548. Local particular. Cited by Hinschius, V, 21-22, n. 2.

[67] J-L., 4807 (3571).

[68] (a) Andreae, *Tract. Utiliss.* (MS.) Tricesimus quartus. "Cum ecclesia cum sanguine vel semine polluitur tunc est a jure ecclesia interdicta usque ad reconciliationem et in ea non est celebrandum." (b) Bibl. Nat., MS. Lat., 15415 (Berengar Fredoli), fol. 232, col. 4. Berengar, among his causes for which churches, localities, etc., may be polluted and hence interdicted, says (Cause IX°.), "Si emissione humani seminis polluantur . . . " (c) Interdicts for pollution were usually local particular.

[69] J-L., 13851 (8918). Personal interdict (?).

[70] J-L., 15461.

[71] (a) Prov. Conc. Trev., 1238, c. 2, in Mansi, *Conc.*, XXIII, 479. If

bers,[72] resulted in an interdict for a locality. Very early[73] and very often[74] did the church protect its own by means of interdicts; they were issued on account of the seizure of a church,[75] a castle,[76] a villa,[77] relics,[78] episcopal regalia,[79] and ecclesiastical paraments.[80] The monks of Monte Casino were robbed of property left in their charge for safe-keeping, and the result of their negligence was an interdict on the church of St. Benedict

any one brings stolen goods into a parish, "per totam illam parochiam cessetur a divinis, dum ibi praeda et praedo et praedae emtor fuerit". (b) Cartul. de l'abbaye de Basse-Fontaine, in *Col. des princip. Cartul. de Troyes*, p. 142, No. 106. "Villas, autem, in quibus bona praedictorum fratrum per violentiam detenta fuerint, quamdiu ibi sint, interdicti sententie supponatis."

[72] Cartul. de la Chapelle-aux-Planches, No. 41, in *Col. des princip. Cartul. de Troyes*, p. 41, No. 41. "Le Pape [Innocent III] ordonne de mettre en interdit tous les lieux où demeureront les violateurs et les envahisseurs des biens de l'Ordre [de Prémontré] jusqu'à restitution . . ."

[73] (a) Greg. Turon., In Glor. Mart., c. 78. Howland, case No. 6. *Cf.* Hinschius, IV, 805, n. 2. The date of this censure was about 541 A. D. (b) Greg. Turon., In Glor. Confess., c. 70. Howland, case No. 7. *Cf.* Hinschius, IV, 805, n. 2. Date, about 565 A. D. (c) Vita S. Eligii, I, 30, in d'Achery, *Spicil.*, II, 87. *Cf.* Hinschius, IV, 805, n. 2. Date, before 659 A. D.

[74] (a) J-L., 5517 (4129). Howland, case No. 43. (b) J-L., 6781 (4959), 6564 (4847). Howland, case No. 56. (c) J-L., 6987 (5098). Howland, case No. 59. (d) J-L., 6948 (5078). Threat of a local particular interdict. (e) J-L., 7125 (5162), 6925 (5061). Howland, case No. 60. (f) J-L., 8940 (6253). (g) J-L., 9287. Howland, case No. 68. (h) J-L., 11254 (7512). This may be a personal interdict. (i) J-L., 15704. (j) Inn. III, Epp., II, 59 (Potth., 683). (k) Inn. III, Epp., VI, 73 (Potth., 1919). (l) Inn. III, Epp., XI, 87 (Potth., 3814). (m) Lebeuf, *Mém. Diocèse d'Auxerre*, I, 370–372. (n) Inn. III, Epp., XII, 120 (Potth., 3843). (o) Inn. III, Epp., XII, 80 (Potth., 3777). (p) Inn. III, Epp., XVI, 98 (4798).

[75] (a) Conc. Poitiers, 1078, in Mansi, *Conc.*, XX, 498. (b) J-L., 7114. (c) J-L., 9884. This is a threat; it may be a personal interdict.

[76] (a) J-L., 6926 (5062), 6927, 6928, 6929. Howland, case No. 58. (b) Mittarelli, *Annal. Camald.*, IV, App., 255. ". . . in terra eorum interdicti sentent. promulgarit, eo quod ipsi quoddam castrum cum tota curte . . . occuparant."

[77] J-L., 5157 (3884). Howland, case No. 37.

[78] J-L., 11561.

[79] Chron. Rothomag. ad an. 1233, in Labbe, *Nova Bibl.*, I, 376. "In mense Julii saisivit dominus Rex Ludovicus junior Regalia domini Rothomagensis Archiepiscopi."

[80] See above, n. 73 c.

at Monte Casino.[81] A mere attack on property,[82] damage or even disturbance of ecclesiastical possessions,[83] was ample cause for interdict; for example, because the Count of Nevers placed many restraints on the monks of Vezelai, and finally blockaded their monastery,[84] his lands were interdicted. Quarrels about title to property[85] occasionally brought interdicts upon the litigants opposing the church, as was the case in the dramatic interdict of Auxerre, which grew out of the dispute between Peter of Courtenay and Bishop Hugh Noyers.[86] Unjust taxation of church property[87] and refusal to pay tithes[88] or money due the church[89] were prevented by the judicious use of the interdict. Florence was deprived of services for not compelling her ruined bankers to compound for a deposit made by the papal legate, the Cardinal of Santa Sabina;[90] and Innocent III threatened Cyprus with an interdict to compel the payment of tithes.[91] Still other interdicts were caused by

[81] J-L., 5129 (3859), 5130 (3860). This local particular interdict is a punishment. See above, chap. I, n. 25.

[82] (a) J-L., 6441. (b) J-L., 8986 (6280), 9545 (6624), 9784 (6748), 10066 (6878). (c) J-L., 10372 (7027). (d) J-L., 12551. (e) J-L., 13186. (f) J-L., 13244. (g) J-L., 16226. (h) J-L., 16820 (10356). (i) J-L., 17569 (10657). (j) Marlot, *Hist. de Reims*, III, 773. (k) Inn. III, Epp., I, 137 (Potth., 8137).

[83] (a) J-L., 8647 (6093). This is a local particular interdict. (b) J-L., 8772 (6163). Threat. (c) J-L., 8986 (6280). Threat. (d) J-L., 9554 (6630). (e) J-L., 10095. Threat. (f) J-L., 13597. (g) Meiller, *Reg. der Salzb. Erzbisch.*, p. 170, No. 7 (Potth., 1250). (h) *Quell. Gesch. Stadt Köln*, II (1863), 345–346. "Johannes, Dechant zu Mainz, fordert im Auftrage des Cardinals Petrus den Kölnischen Domscholaster auf, alle Unruhestifter der Provinz zum Frieden zu ermahnen und für den Übertretungsfall ihnen mit Excommunication und Interdict zu drohen."

[84] See Appendix, case 33. Case of Nevers.

[85] (a) Inn. III, Epp., VII, 163 (Potth., 2338). (b) *Rec.*, XIX, 546 (Potth., 4333).

[86] See Appendix, case 88. Interdict on Auxerre.

[87] (a) J-L., 14801. (b) Hocsemius, Hist. Pont. Leod., 1255, in Chapeaville, II, 290. This interdict was laid because the citizens tried to tax the property of the clergy: ". . . maltotum super venalibus posuissent . . ."

[88] (a) J-L., 17016. (b) Inn. III, Epp., II, 242 (Potth., 898). (c) Inn. III, Epp., X, 158 (Potth., 3234).

[89] (a) J-L., 12192. (b) Inn. III, Epp., II, 147 (Potth., 774).

[90] Lea, *Inquisition*, II, 278.

[91] Potth., 956.

infringement upon the liberties of the church,[92] by resistance of either ecclesiastics or laymen to the church,[93 94] by adherence to lay or clerical enemies of the church,[95 96] by treaties

[92] (a) Chron. Rothomag. ad an. 1196, in Labbe, *Nova Bibl.*, I, 369–370. "Interdicta est civitas Rotomagensis et tota Normannia pro castro, quod Richardus Rex illustris firmavit in rupe Andeleii contra dignitatem Rothomagensis Ecclesiae . . ." (b) England, 1208. (c) *Hist. gén. de Languedoc*, IX, 480. Several cities are interdicted because royal officials interfered with episcopal jurisdiction.

[93] (a) J-L., 4869 (3628). (b) J-L., 9343 (6487). (c) Mat. Hist. Becket (*R. Ser.*), VI, 31–32. This interdict was laid because the bishop had disregarded his suspension. (d) Inn. III, Epp., I, 60 (Potth., 66). (e) Inn. III, Epp., I, 160 (Potth., 119). (f) Ryccardus de S. Germano, Chron. ad an. 1210, in *MGSS.*, XIX, 334. ". . . ecclesiam Capuanam sub interdicto ponit pro eo quod celebrare ausi sunt ipso [Otto] presente." (g) *Gall. Christ.*, XII, Instrumenta, col. 173–174. This interdict was laid because the prior of La Charité refused to surrender to the bishop a woman suspected of heresy. (h) Inn. III, Epp., I, 55 (Potth., 49). (i) J-L., 4536. Howland, case No. 30. *Cf.* Hinschius, V, 21–22, n. 2.

[94] (a) Haddan and Stubbs, *Conc.*, III, 586, note, and 597–602. Howland, case No. 12. *Cf.* Hinschius, V, 19, n. 13. (b) J-L., 6942. (c) Gesta Pontiff. Cameracen., in *MGSS.*, XIV, 237, lines 436–437. The citizens of Cambrai refused to give homage. (d) Inn. III, Epp., VI, 73 (Potth., 1919). (e) Inn. III, Epp., XII, 144 (Potth., 3844). (f) Prov. Conc. Trev., 1238, c. 5, in Mansi, *Conc.*, XXIII, 480. If lords are requested to compel their subjects to obey the church, and fail to do so, they shall be excommunicated. "Et si sententia excom. non sufficit circa eos, ipsorum terra supponatur interdicto." (g) *Collect. Topog. et Geneal.*, VI (1840), 47ff. This interdict was laid because the injunction of a bishop against building a church was disregarded. It was a local particular interdict. (h) Hist. Episc. Autiss., LXIV, in Labbe, *Nova Bibl.*, I, 506. Auxerre, 1275. This interdict was laid because of non-observance of excommunication. (i) Anon., S. Martialis Chron. ad an. 1276, in Duplès-Agier, *Chron.*, 173. "Eodem anno, Girbertus, Episcopus Lemovicensis, . . . vicecomitatum Lemovicensem subponit, propter obsidionem Userchie, eccl. interdicto." This is a case of armed resistance to the church. (j) Lea, *Inquisition*, II, 280. Pistoia, 1375. The city was interdicted for protecting its citizens against arrest by the Inquisition.

[95] (a) Jaffé, *Bibl. Rer. Ger.*, II, 108. Howland, case No. 72. (b) Inn. III, Epp., I, 461 (Potth., 473). (c) Inn. III, Epp., II, 78 (Potth., 718). (d) Ryccardus de S. German., Chron. ad an. 1211, in *MGSS.*, XIX, 334. (e) Teulet, *Layettes*, I, 372, No. 973 (Potth., 4317). Called excommunication. (f) Inn. III, Epp., XVI, 56 (Potth., 4736). For adherence to Emperor Otto. (g) Winkelmann, *Ph. v. Schwaben*, II, 393–396. (h) Robert. Altiss., Chronolog. ad an. 1216, in *Rec.*, XVIII, 284. "Omnium enim qui adhaeserant Ludovico subjecit et interdicto terras et excom. personas." (i) Annal. Waverl., in Annal. Monast. (*R. Ser.*), II, 286. "Walliam totam interdixit quia cum baronibus tenuit." (j) Giovanni Sercambi, I, 64–85, in *Fonti*, XX. Lucca, about 1335. Laid because of adherence to Louis of Bavaria.

[96] (a) J-L., 4573, 4574. Howland, case No. 31. *Cf.* Hinschius, V,

with infidels,[97] by violation of treaties, vows, or oaths,[98] by refusal to take an oath or make peace,[99] [100] by harboring malefactors,[101] by failure to elect a bishop,[102] by instalment into

21–22, n. 2. King and princes of France were urged, under pain of interdict, to eject the usurping Bishop of Chartres. (b) Inn. III, Epp., II, 288 (Potth., 944). (c) Inn. III, Epp., VIII, 84 (Potth., 2530). (d) Annal. Staden. ad an. 1211, in *MGSS.*, XVI, 355. (e) MS. S. Marci Venet., Cod. Lat. 25, A. 141. 1. 102 (LIX, XLI), O, fol. 17–20. Cited from *Bibl. MS. ad S. Marci Venet.*, V, 325. This threat is by Alexander VI, because of the adherence of Florence to Savonarola. " . . . alioquin . . . totam civitatem Florentiae eccl. interdicto subiicemus tandiu duraturo, quamdiu vestro isto monstruoso idolo favorem praestabitis."

[97] (a) J-L., 3012, 3046, 3089, 3090. Howland, case No. 15. Naples, about 879. (b) J-L., 3304. Howland, case No. 15. Amalfi, about 879. Both of these cities were interdicted for making a pact with the Saracens. (c) See Appendix, case 1. Navarre, 1197. (d) Raynald., *Annal. Eccl.*, 1229, XI. Holy places in Jerusalem, 1229. Laid because of Frederick II's treaty with the Sultan. *Cf.* Raumer, *Gesch. Hohenst.*, III, 199.

[98] (a) Inn. III, Epp., I, 92 (Potth., 81). (b) Inn. III, Epp., I, 249 (Potth., 263). (c) Inn. III, Epp., I, 355 (Potth., 351). (d) Inn. III, Epp., I, 347 (Potth., 361). (e) *Rec.*, XIX, 352, 353 (Potth., 673), Art. 5: " . . . quod, quotiescumque me a praedictis conventionibus resilere contigerit, toties . . . terram meam totam interdicto supponant." An interdict was later laid in accordance with this agreement. (f) Inn. Opp., III, 1124, No. 120 (Potth., 2489). Henry, Count Palatine, was threatened with interdict for failing to keep his oath to be faithful to Otto. (g) *Rec.*, XIX, 17. Raymond of Toulouse in his oath of submission agreed that, if he failed to keep it, he should be punished. " . . . volo etiam et concedo ut persona mea excommunicetur et terra supponatur interdicto." (h) Gest. Hen. II (*R. Ser.*), I, 180–190, and J-L., 12705, 12248. Henry II of England is threatened with interdict if he fails to fulfil marriage agreements entered into with the King of France. (i) *Rec.*, XIX, 375 (Potth., 674). (j) Gesta, c. 84. Interdict was threatened to enforce a crusader's vows. (k) Potth., 8162. An ambulatory interdict pursued Frederick II because he failed to keep his vow to go on a crusade.

[99] (a) Inn. III, Epp., I, 297 (Potth., 286). (b) Steph. Tornac., Epp., 246, in Migne, *Pat. Lat.*, 211, col. 513.

[100] (a) Mat. Hist. Becket (*R. Ser.*), VII, 235. "Regi . . . significatum est, quod, nisi citius cum ecclesia fecerit pacem . . . ex tunc nulla ratione differri poterit quin in personam ejus et terram cismarinam et transmarinam ecclesiastica severitas exerceatur." (b) Inn. III, Epp., I, 355 (Potth., 351). England and France are commanded to make peace or a truce on pain of interdict.

[101] J-L., 12135 (8160). The King of Aragon is threatened with interdict and excommunication, unless he banish the murderers of the Archbishop of Tarragona from his kingdom.

[102] J-L., 5967. Threat of local particular interdict. The church of Mileto was to be interdicted, unless the canons elected a bishop before a certain date.

ecclesiastical benefices in spite of prohibition,[103] by attempt to commit any act deemed harmful to the church,[104] and, finally, by offence against the right of asylum.[105]

A third cause for interdicts is found in the necessities of ecclesiastical persons. Interdicts issued for such a cause were of two kinds: those resulting from the efforts of the clergy to obtain that protection to which they were entitled by the recognized law of the times; and those resulting from the desire of the clergy to advance their private interests. Imprisonment, detention,[106] banishment, and expulsion of clerks,[107]

[103] Inn. III, Epp., VI, 113 (Potth., 1958). [104] See above, n. 97.

[105] Conc. Lond., 1286, c. 13, in Hard., VII, 625f.

[106] (a) J-L., 4485. Howland, case No. 29. *Cf.* Hinschius, V, 21, n. 1. An interdict because of seizure and detention of the Bishop of Rosello. (b) J-L., 5368. Howland, case No. 39. *Cf.* Hinschius, V, 21-22, n. 2. In this case the interdict was laid because the people and clergy of St. James had seized their bishop, placed him in chains, and put another in his place. (c) J-L., 5469. Howland, case No. 41. *Cf.* Hinschius, V, 22, n. 1. Interdict because of imprisonment of Bishop Ivo of Chartres. (d) J-L., 6926 (5062). Howland, case No. 58. Threat of interdict to secure the release of the Archbishop of Compostella. (e) J-L., 6987 (5098). Howland, case No. 39. Portugal is threatened with interdict to secure the release of the Archbishop of Braga, with his followers and property. (f) J-L., 16938, 16938a, 16938b. Denmark is threatened to secure the release of Waldemar, Bishop of Schleswig. (g) Hoveden, Chron., Pars post. ad an. 1199 (*R. Ser.*), IV, 94. (h) Inn. III, Epp., I, 24 (Potth., 29). (i) Auctor Anon., in Ludewig, IX, 81. Denmark, 1259. "... captus est Jacobus Archiepiscopus ... in domo sua ... et incarceratus in castro Hagenskow; ob quod fuit interdictum ..." (j) J-L., 16970, 16971. Henry, Emperor of Constantinople, was threatened with interdict to secure the release of Richard, an English clerk. (k) Antiquus Cartul. Eccl. Baiocensis, No. 300, in *Mém. Soc. Antiq. Norm.*, 8 (1834), 452-453. "Post interdictum pro detentione hominis nostri canoni[ci] ..." (l) *Hist. gén. de Languedoc*, IX, 786. Cause for this interdict was the imprisonment of the grand vicar of an archbishop by the consuls of the city. (m) Mat. Hist. Becket (*R. Ser*), VI, 31-32. An interdict was threatened because of imprisonment of a chaplain, William. (n) J-L., 9737, 9738, 9739. Henry, Duke of Normandy, was threatened in order to secure the release of the abbot-elect, Richard.

[107] (a) J-L., 8186 (5831). Howland, case No. 65. Because the people had expelled William. (b) J-L., 9619 (6667). (c) J-L., 9620 (6668). (d) J-L., 9684 (6698); b, c, and d have to do with the expulsion of an abbot. (e) Potth., 1260, 1261 (f) Inn. III, Epp., VII, 171 (Potth., 2344). (g) Clemens XI, Const. "Ad Plurimas", 1713, in *Bullar. Rom.*, XXI, 588g. Because the Bishop of Girgenti was expelled from his diocese.

frequently produced interdicts, for the church endeavored to shield her servants from all indignities.[108] Personal opposition to churchmen [109] and infringement upon individual or corporate privileges were occasional causes for interdict.[110] Private gain was the motive for those interdicts by the aid of which the payment of debts and tithes [111] was exacted, personal injuries were avenged, rivals were defeated,[112] and the payment of taxes was evaded.[113] It is by no means to the discredit of the church that interdicts for such causes were generally recognized as abuses. A discipline applicable in so wide a range [114]

[108] (a) Inn. III, Epp., I, 403 (Potth., 413). (b) Inn. III, Epp., XVI, 56 (Potth., 4736). (c) *Quellen Gesch. Stadt Köln*, II, 540. Cologne, 1266. "Papst Clemens IV ertheilt Vollmacht das Interdict der Stadt Köln, welches über die Bürger derselben wegen ihres Angriffs auf den Erzbischof verhängt worden, aufzuheben." (d) La Clède, *Hist. de Port.*, II, 418. Lisbon, about 1640. Because of excesses against the papal nuncio.

[109] (a) Inn. III, Epp., I, 55 (Potth., 49). For the refusal of a chapter to receive a canon. (b) Inn. III, Epp., VI, 73 (Potth., 1919). John refuses to receive the Bishop of Séez. See Appendix, case 17. (c) Inn. III, Epp., XII, 144 (Potth., 3844). Because of refusal to receive a bishop.

[110] (a) See Appendix, case 81. Oxford, 1209. Because certain clerks were hanged in contravention of ecclesiastical privileges. (b) *Quell. Gesch. Stadt Köln*, IV, 133–134. "Erzbischof Heinrich verkündet, dass er . . . die Provincial-Statuten bezüglich des wegen Immunitäts-Verletzung zu verhängenden Interdictes . . . mildere." (c) Marlot, *Hist. de Reims*, III, 821-823, No. 182. The archbishop tried to collect a tax from the "franc-bourgeois" of the chapter.

[111] (a) J–L., 17016. Interdict allowed to secure the payment of tithes. (b) Potth., 898. Interdict allowed to enforce the payment of tithes. (c) Riedel, *Cod.*, I, Urk., 219. Cited from Raumer, *Gesch. Hohenst.*, VI, 162, n. 3. Regensburg interdicted because citizens did not pay their debt. (d) Planck, IV, ii, 294, n. 19. Clermont, 1250. Because the diocese refused to pay the bishop a sum usually paid "pour son joyeux avènement".

[112] Conc. Tolosan., 1056, Querimonia Berengarii Vicecomitis, in Hard., VI, 1046f. The Archbishop of Narbonne used interdict against his rival, Berengar.

[113] (a) See Appendix, case 15. York, about 1199. Archbishop Geoffrey resisted the levying of carucage by interdict. (b) Hocsemius, Hist. Pont. Leod. ad an. 1255, in Chapeaville, II, 290. Interdict because the citizens tried to tax property of canons. (c) Marlot, *Hist. de Reims*, III, 821–823, No. 182. Chapter of Reims resisted a tax on their "franc-bourgeois" by threat of interdict.

[114] (a) Not infrequently the interdict resulted from the presence of something (*e. g.*, Bibl. de Dijon, MS. No. 73, fol. 172, v°., ". . . villas au-

was not always used judiciously; for example, districts were sometimes interdicted for the fault of obscure persons or for unimportant offences.[115] Neither did ecclesiastics properly distinguish their own personal and financial interests from those of the church.[116] Robert of Rouen used the interdict because he was obliged to flee from the city;[117] other priests closed churches to avenge insults;[118] the Archbishop of Narbonne used the interdict against his rival, Berengar;[119] the clergy of Reims demanded a sum of money for raising the interdict; the priests of Soissons were interdicted to enforce

tem in quibus bona praedictorum fratrum, vel hominum suorum, per violentiam detenta fuerint, aut praedones eorum permanserint, seu etiam fratres fugitivii monachi vel conversi contra voluntatem eorum extiterint . . . interdicti sententie . . . supponatis."), (b) or of someone (*e. g.*: (1) J–L., 12135 (8160), the King of Aragon is threatened with interdict because of the presence of the murderers of the Archbishop of Tarragona; (2) *Quell. Gesch. Stadt Köln*, II (1863), 273, interdict is allowed for those places in which obdurate plunderers of the church remain for three days; (3) *ibid.*, VI (1879), 187, interdict is laid because of presence of excommunicates). (c) The church could lay an interdict on a locality for the presence of some one guilty of any offense whatever. Such an interdict was not necessarily ambulatory.

[115] (a) Kober, XXII, 29f. (b) *Hist. gén. de Languedoc*, VI (1879), 763. Innocent IV forbade interdict in Languedoc for the fault of one or several offenders, because it weakened the cause of the church in the eyes of the heretics. *Cf.* Lea, *Inquisition*, II, 3. (c) Conc. Basil., 1435, Sessio 20 (Mansi, xxix, 103). "Quoniam ex indiscreta interdictorum promulgatione multa consueverunt scandala evenire, statuit haec S. Synodus quod nulla civitas, oppidum, castrum, villa, aut locus eccl. supponi possit interdicto, nisi ex causa, seu culpa ipsorum locorum, aut domini seu rectoris vel officialium; propter culpam autem seu causam alterius cujuscumque privatae personae hujusmodi loca interdici nequaquam possint . . ."

[116] (a) Bibl. Nat., MS. Lat. 5993, A, VI, r°.–VII, v°. Blanche, Countess of Champagne, complained that several bishops laid interdicts ". . . motum animi potius quam zelum rectitudinis exequentes". *Cf.* Potth., 135a. (b) Hard., V, 1361, 1372, 1377. Hincmar of Laon ordered churches to be closed in case he should be punished by Hincmar of Reims. (c) Inn. III, Epp., XIII, 37 (Potth., 3723). The priests of Soissons complain that the interdict is used to enforce the payment of exorbitant taxes. (d) C. 3. X. de poenis 5. 37. (e) *Arch. de Reims*, II, i, 659. Innocent IV rebukes the clergy of Reims for demanding a sum of money for raising the interdict.

[117] Will. Gemetic., Hist. Norm., lib. VI, c. 3, in *Rec.*, X, 191.

[118] Conc. Toletan., 683, c. 7.

[119] See above, n. 112.

the payment of taxes;[120] and even papal legates were not guiltless of such extortion.[121] The seriousness of these abuses is shown by the frequency of conciliar decrees against them, and the strength of the tendency to lay unjust interdicts appears from the fact that papal privileges securing one against interdicts laid without clear and good cause were greatly desired.[122]

Before a sentence of interdict could be duly laid, the regular processes of monition and citation must be observed.[123] One warning was necessary to make a sentence valid,[124] and such admonition was as a rule advisable, not only because the interdict was the last resort, but also because the interdict was dangerous to the church and was to be avoided if a threat would have the desired effect. It was very common in giving warning to indicate how soon the sentence would take effect. This was done either by setting some date of the calendar,[125] on which the offender's grace would expire, or by fixing a certain

[120] See above, note 116 c.

[121] (a) C. 2. de sentent. excom. Extravag. comm. 5. 10. (b) This abuse still continued: Conc. Marcic., 1326, c. 55; Conc. Pragens., 1349, c. 12, in Harzheim, IV, 384. (c) The order of Boniface VIII was later several times repeated by other popes: in 1356 by Inn. VI (*Quell. Gesch. Stadt Köln.*, IV, 417-418), in 1435 by Eugene IV (Chevalier, *Ord. relatives au Dauphiné*, p. 8, No. 61).

[122] (a) J-L., 9934, 14349 (9251). (b) Potth., 1451, 1540, 1722, 1883, 2158, 3247, 4236, 4485, 4946. (c) Arch. départ. de l'Yonne (Auxerre), H. 14: "Personne ne pourra publier contre l'abbé et religieux de S. Jean sentence d'interdit ou d'excom. si ce n'est pour cause raisonnable."

[123] Kober, XXII, 29ff.

[124] (a) *Rec.*, XI, 526. Howland, case No. 26. (b) J-L., 5192 (3913), (c) J-L., 9737. (d) J-L., 10156. (e) J-L., 10479 (7078). (f) J-L., 12248 (8286), 11846 (7923), 11847 (7924), 12705. (g) J-L., 15461. (h) J-L., 16226. (i) J-L., 16970. (j) Potth., 552. (k) Potth., 1713. Writing of the interdict of France, 1200, Innocent said, ". . . terram tantum post frequentes commonitiones subjecimus interdicto . . .". (l) Gesta, c. 131. ". . . nisi rex diligenter commonitus acquiesceret, totum regnum Angliae [1208] subicerent interdicto . . .". (m) Inn. III, Epp., XVI, 98 (Potth., 4798.) Interdict laid after warning.

[125] (a) J-L., 5967. (b) J-L., 6781 (4959). Both are local particular. (c) J-L., 6793 (4967). Threat of personal interdict. (d) J-L., 6942. (e) J-L., 6987 (5098). (f) J-L., 7114. Local particular. (g) J-L., 9287.

number of days of grace; three,[126] fifteen,[127] twenty,[128] thirty,[129] forty days,[130] two months,[131] three months,[132] and even six months[133] constituted the limit of grace on this or that occasion. The sources lead one to believe that more than one warning was unusual, but in the cases of Nevers (1145–55),[134] England (1170, 1173–1177, 1208),[135, 136] and France (1200) several warnings were given. The interval which in these cases elapsed between the different warnings argues that the admonitions were repeated, not because of a desire to observe canonical law, but because the church hesitated to take the step of laying the interdict. Citation, which was

[126] Prov. Conc. Trev., 1238, c. 5, in Mansi, *Conc.*, XXIII, 480. "Si autem a die denuntiationis captivatum . . . infra triduum non restituerit, terra . . . supponatur interdicto."

[127] Inn. III, Epp., XII, 80 (Potth., 3777).

[128] (a) J-L., 6948 (5078). Local particular. (b) J-L., 9884. Probably personal. (c) Mat. Hist. Becket (*R. Ser.*), VII, 377. ". . . infra viginti dies . . . ". In the same letter, however, it is stated later on ". . . infra triginta dies . . . ".

[129] (a) J-L., 5517 (4129). (b) J-L., 5665 (4242). Probably personal. (c) J-L., 10066 (6878). (d) Inn. III, Epp., I, 347 (Potth., 361). ". . . infra mensem . . . ". (e) Inn. III, Epp., VI, 73 (Potth., 1919). ". . . infra mensem . . . ". (f) Inn. III, Epp., VI, 191, 192 (Potth., 2064, 2065). (g) Inn. III, Epp., VIII, 84 (Potth., 2530). (h) Marlot, *Hist. de Reims*, III, 819, No. 181. ". . . infra mensem . . . ".

[130] (a) J-L., 6926 (5062). (b) J-L., 11842 (7919). (c) J-L., 12821. ". . . infra quadraginta dies . . . ".

[131] (a) Inn. III, Epp., I, 355 (Potth., 351). (b) Inn. III, Epp., VII, 171 (Potth., 2344). ". . . infra duos menses . . . ". (c) Inn. III, Epp., XIV, 126 (Potth., 4332). (d) Conc. Campanic., 1238, c. 17, in Mansi, *Conc.*, XXIII, 491. "Per duos menses . . . expectentur; quibus elapsis castra ipsorum supponatur interdicto; et nisi infra alios duos menses resipuerint, in tota terra sua interdicti sententia promulgetur." A total of four months was to elapse before the local general interdict should be issued.

[132] Inn. III, Epp., XI, 87 (Potth., 3418).

[133] Inn. III, Epp., XI, 223 (Potth., 3618).

[134] J-L., 9545, 6624, 8986, 9544, 9619, 9784 (6748), 9786, 10066, 10067, etc.

[135] J-L., 11405 (7625), May 25, 1168; Mat. Hist. Becket (*R. Ser.*), VII, 104f., February 2, 1169; J-L., 11710 (7825), January 19, 1170; Mat. Hist. Becket (*R. Ser.*), III, 462, after June, 14, 1170; J-L., 11846, 11847, September 13, 1170; J-L., 11842 (7919), October 9, 1170.

[136] J-L., 12248 (8286), 1173; J-L., 12705, May 21, 1176. J-L., 12821, April 30, 1177.

supposed to follow an unheeded warning, summoned the offending party to appear and show cause why the interdict should not be laid. For intractable princes there usually was no citation, since there was no means of compelling appearance,[137] and their offences were generally so notorious as to leave no question regarding their truth.

Warning and citation were followed by the promulgation of the interdict. For this there was no particular formula, the only rule being that the form used must be clear and explicit. It early became customary to put the sentence in writing, and, wherever possible, read it to the guilty party. The Council of Lyons determined that the reasons for the interdict must be clearly stated, and that the judge must give the condemned an authentic copy of the sentence, if this was demanded, within a month. Though there was no regular formula[138] to be used in laying the interdict, a fairly common practice was developed. Thus, later formulæ usually stated what was the cause for the interdict, what services were forbidden, and sometimes how long the sentence was to last;[139, 140] not infrequently they enjoined obedience to the sentence upon this or that individual,[141] and specified the penalty for non-observance.[142] The

[137] Kober, XXII, 32f. However, Philip Augustus was summoned to Dijon.

[138] (a) Du Cange, *Glossar.*, under "Interdictum". Besides the list in Du Cange see the following: (b) Pflugk-Httg., *Acta*, III, 233. Form of interdict used by Alexander III. (c) *Ibid.*, 288. Form used by Lucius III. (d) *Ibid.*, 332–333. Form used by Urban III. (e) *Ibid.*, 344. Form used by Gregory VIII. (f) See also the following note.

[139] Below are cited a number of typical formulae. (a) J-L., 3304. Amalfi, 879. (b) Inn. III, Epp., V, 155 (Potth., 1813). (c) *Rec.* XIX, 491 (Potth., 3115). (d) Inn. III, Epp., XI, 143 (Potth., 3501). (e) *Arch. Adm. de Reims*, II, 555. (f) Lebeuf, *Mém. Diocèse d'Auxerre*, II, 69–71. (g) Martène, *Thesaurus*, IV, 147.

[140] A sentence was supposed to last until it accomplished its purpose, ". . . usque ad condignam satisfactionem", J-L., 11891.

[141] (a) J-L., 11847. ". . . sententiam firmiter et inconcusse observetis . . .". (b) J-L., 11891. ". . . sent. . . . firmiter et inviolabiliter observetis et ab aliis faciatis inviolabiliter observari." (c) Potth. 1248. (d) Potth., 1250. ". . . teneatis firmiter et servetis . . . interdicti . . . sentent." (e) Potth., 1904. (f) Inn. III, Epp., VI, 73 (Potth., 1919). (g) Etc., etc.

[142] See formulae cited in notes 138 and 139.

solemnity and ceremony with which an interdict was promulgated naturally varied with circumstances, and it is possible that the highly imaginative and dramatic accounts by modern writers have some truth. It is exceedingly unfortunate that the chroniclers of the past, ignorant of the demands of scientific history, failed to leave to present-day writers so much as a single account which could be cited in foot-notes.[143]

Promulgation was necessarily followed by publication of the sentence of interdict, whether the sentence was *ferendae* or *latae*.[144] This constituted legal notice, without which the people could not be expected to know that they were interdicted.[145] Such publication could be given by reading the sentence in a church or by posting it in a public place. There was sometimes difficulty in giving the necessary notice:[146] in 1606, all messengers were excluded from Venice;[147] in 1170, Henry II gave orders to his port-reeves to allow no bearer of notice of interdict to enter England, and to treat such an one as a public enemy;[148] in 1255, no one could be found to carry the tidings of interdict into Liège, and the task was finally put upon a woman and a boy, the latter of whom succeeded in delivering the message.[149] It seems justifiable to say that the

[143] Hurter, *Innocenz III*, and Capefigue, *Hist. de Philippe Auguste*, give a very dramatic account of the laying of the interdict on France. The latter cites as his source "De Legato miss. in Franc., Duchesne, V, 754", which source is the same as Gesta, c. 51. The accounts of Hurter and Capefigue both go beyond the sources.

[144] Const. Martin V "Ad Vitanda".

[145] Several instances of publication follow: (a) Gesta, c. 51. (b) Matt. Par., in *Rec.*, XVII, 688. (c) Conc. Salzb., 1274, c. 18, in Hard., *Conc.*, VII, 726. (d) Conc. Arelat., 1275, c. 5, in Hard., *Conc.*, VII, 728.

[146] See Appendix, case 71. Interdict on Bremen.

[147] *Tract. de Interdicto*, Proposit. II. The Seven Theologians claim that the interdict was not valid because it was not published, as is evident from the fact that it was not read in the churches, or posted anywhere; for which reason the people could not be expected to know of it. That the publication was prohibited and prevented bears no weight, for it has always been an accepted rule of the church that the publication of an interdict must precede, if the sentence is to be valid.

[148] (a) Gerv. Canter., Gesta Reg. (*R. Ser.*), II, 79. (b) Gerv. Canter., Opp. Hist. (*R. Ser.*), I, 234.

[149] Hocsemius, Hist. Pont. Leod. ad an. 1255, in Chapeaville, II, 287f.

canons, which required a sentence of interdict to be published to make it valid, were unimportant compared with the practical necessity which demanded a notice in order to secure observance. Such a sentence depended for its effectiveness on public opinion, and the public has no opinion on matters of which it has no knowledge. Still one observes no reasonable distinction in the non-legal sources[150] between the promulgation and the publication of an interdict, except perhaps in later centuries. One form of publication is that which is found in letters to various prelates or ecclesiastics notifying them of the sentence and ordering them to enforce its observance.[151] Another form is publication by notaries and witnesses, a practice found in the second half of the sixteenth century.[152] Republications of the sentence to secure observance were very common. The usual custom was to republish the interdict every Sunday and feast day.[153] In France, however, there was a second publication two months after the first notice.[154]

From the fact that warnings and citations were invariably given, it would appear that no offender could be unjustly sen-

[150] (a) See non-legal sources for the interdicts under Innocent III. (b) *Gall. Christ.*, X, ii, col. 60–61.

[151] (a) J-L., 9310 (6472). (b) J-L., 11721–11727. *Cf.* Mat. Hist. Becket (*R. Ser.*), VII, 323ff., etc., etc.

[152] Conc. Mexican., 1585, lib. I, tit. x, c. 37, in Aguirre, *Conc. Hisp.*, VI, 100. "Notarii omnes . . . ad mandata aliqua intimanda, seu ad publicandum censuras excom., interdicti, . . . id exsequantur in calce mandati intimatione et publicatione cum testibus, nec non eorum subscriptione appositis."

[153] (a) Inn. III, Epp., VI, 192 (Potth., 2065). ". . . interdicti . . . sententias, singulis diebus Dominicis et festivis, pulsatis campanis et candelis accensis, tam in cathedralibus quam aliis parochialibus . . . publicari solemniter facientes, et vos etiam personaliter publicantes." (b) Inn. III, Epp., VIII, 84 (Potth., 2530). "Id [sentence of interdict] autem, singulis diebus Dominicis et festivis, per ecclesias vestras, et vicinas dioeceses, ac terram ipsius [Philip of Suabia] publicari solemniter faciatis." (c) Inn. Opp., III, 1124, No. 120 (Potth., 2489). (d) Inn. III, Epp., XI, 26 (Potth., 3324). (e) Aegidius Aureavall., Gest. Pont. Leod. ad an. 1212, in *MGSS.*, XXV, 118. *Cf.* Vit. Odiliae, lib. III, 6, in *MGSS.*, XXV, 178.

[154] Diceto (*R. Ser.*), II, 68.

tenced; moreover he had the added protection afforded by the right of an appeal to Rome.[155] An appeal made before the interdict was promulgated had the effect of preventing any sentence from being laid, until a decision had been rendered by Rome;[156] unless perchance, as was sometimes the case, the right of appeal had been denied by a special order.[157] An appeal made after the issuing of a sentence had no suspensive effect; the interdict continued in force while the appeal was being heard. Appeals, however, were frequently disregarded,[158] which probably accounts for the fact that the right of appeal was sometimes granted as a privilege.[159] Not only the person threatened with interdict, but also the agent of the church, could appeal to the pope; at the Council of Soissons the Archbishop of Rouen, who had previously been authorized to lay an interdict on England, hesitated because Becket's murder had altered circumstances, and in his doubt he appealed

[155] (a) *Ordonnances*, I, 39. *Cf.* Raumer, *Gesch. Hohenst.*, VI, 162, n. 7. In France under Philip IV it became a law that one could enter in Parlement "appels comme d'abus" against interdict and excommunication. See Viollet, *Hist. Inst. Politiq.*, II, 303–305.

[156] (a) Inn. III, Epp., I, 350 (Potth., 364). Any sentence of interdict laid after appeal shall be void. (b) Inn. III, Epp., XV, 124 (Potth., 4536).

[157] (a) Gesta Hen. II (*R. Ser*)., I, 8. ". . . omni appellatione cessante . . ." (b) J-L., 11808. ". . . omni excusatione et appellatione remota . . ." (c) J-L., 11847. (d) Inn. III, Epp., I, 249 (Potth., 263). (e) Inn. III, Epp., XII, 120 (Potth., 3843). (f) Gesta, c. 84. ". . . appellatione postposita . . ."

[158] (a) Mat. Hist. Becket (*R. Ser.*), VII, 444. ". . . nec appellationem eorum attendens . . . toti terrae . . . indixit." (b) Steph. Tornac., Ep. 233, in Migne, *Pat. Lat.*, 211, col. 501–503. ". . . cum nos significaremus eis appellationem non teneri . . ." (c) Inn. III, Epp., I, 58 (Potth., 65). ". . . sententiam quam in te post appellationem interpositam eumdem cardinalem tulisse dicebas . . ." (d) Chron. de S. Denis, ad an. 1199, in *Rec.*, XVII, 387. ". . . li legaz, qui pas ne deporta l'apel, jeta la sentence . . ." (e) Gesta, c. 116. ". . . post appellationem nostram iteratam, . . . sententiam excom. in terram nostram promulgavit . . ." (f) Hocsemius, Hist. Pont. Leod., in Chapeaville, II, 286f. (g) Kober, XXII, 32f.

[159] (a) Inn. III, Epp., VII, 171 (Potth., 2344). ". . . sublato appellationis obstaculo . . ." (b) Gesta, c. 84. (c) Inn. III, Epp., VI, 42 (Potth., 1883). (d) Inn. III, Epp., X, 93 (Potth., 3140). (e) Inn. III, Epp., X, 121 (Potth., 3174). (f) Inn. III, Epp., XIV, 45 (Potth., 4236). Local particular.

to the pope,[160] probably with the design of shifting the burden of a decision to his Holiness.

A tabulation of the results obtained from the sources of the period from 1198 to 1216 shows that within these eighteen years at least fifty-seven[161] local general interdicts were in force. This figure is not unexpectedly large, still it is of surprising magnitude compared with the seventy-five interdicts given as the number from the fourth century to 1159.[162] This half-hundred of interdicts does not nearly account for all evidences of this form of discipline during these eighteen years. The actual number of discovered interdicts is increased by about half as many threats—threats which unless heeded were followed by execution, and can therefore be included in the number of instances in which interdict was used.[163] To these must be added six instances of probable interdict. These probable interdicts, increased by the twenty-seven threats and added to the number of known interdicts, bring the uses of the local general interdict during the pontificate of Innocent III to the appreciable total of ninety. But, even if we grant, as we have just done, that there was an interdict in each possible case, we have not completed the numbers of the discipline; for, besides these instances in which the interdict certainly or possibly existed, we find other traces of it—traces often indistinct, but occasionally of a character to put it beyond question that the available sources of our period record only a fraction of the actual total.[164] The Bishop of Ferrara asked the pope

[160] Gesta Hen. II (*R. Ser.*), I, 17.

[161] The cases represented by these figures are arranged in the appendix under the heads of actual cases of interdict, possible cases, and threats. Not only papal, but episcopal, and all other interdicts are included.

[162] Dr. Howland's dissertation gives this number. In his list of interdicts are some which such writers as Kober and Hinschius do not consider interdicts, and others are omitted which they mention as interdicts.

[163] There are actually 27 threats known.

[164] The author must at this point admit that he attempted to make a complete list of the interdicts between the years 1198 and 1216. That this attempt would be futile he surmised, and had it rather discouragingly demonstrated when, after he had searched for interdicts as widely as possible for nearly two years, he was given a most useful reference by a friend

for information about proper conduct "when the citizens of Ferrara should be bound with sentences of excommunication and interdict";[165] Walter of Coventry states that Innocent realized that "in his day many lands had been interdicted";[166] an accusation of Blanche, Countess of Champagne, made against the injustice of the prelates of her principality, incidentally testifies that sentences of interdict were not few in number;[167] bishops, from various parts of Christendom as far as can be told, complained that the Templars violated their interdicts, another testimony to the frequency of these sentences;[168] the neighborhood of Coimbra labored under interdict so often, according to Innocent III himself, that it became important to distinguish between the general and the particular sentences;[169] and the officials and citizens of Laon complained to the Roman pontiff that churchmen often afflicted them and their lands with sentences of excommunication and interdict.[170] Finally, if interdicts were uncommon, why should privileges of exemption from interdict be so numerous and so greatly desired? All this evidence leads to one conclusion, that interdicts were very, very frequent.

The duration of the interdict varies;[171] the very nature of

to whose knowledge it had come in the course of a casual conversation with a fellow-traveler in the Alps. This is not the only time that valuable information was obtained by a lucky chance, and the inference is natural that many undiscovered chances still exist.

[165] Inn. III, Epp., XI, 267 (Potth., 3666).

[166] Coventr. ad an. 1213 (*R. Ser.*, 58), II, 214.

[167] See Appendix, case 78. Interdict on the lands of the Countess of Champagne.

[168] Inn. III, Epp., XI, 121 (Potth., 3175).

[169] Inn. III, Epp., I, 554 (Potth., 592).

[170] Inn. III, Epp., XV, 124 (Potth., 4536; *cf.* 4256).

[171] (a) About six years: England, 1208–14. (b) Five years: Oxford, see Appendix, case 81. Interdict on Oxford. (c) Five years: Leon, see Appendix, case 52. Interdict on Leon. (d) Four years: *Hist. gén. de Languedoc*, IX, 190–192. (e) Three years: Bellarmin, *Risposta*, Proposit. VII. "In Polonia duro al tempo di Papa Greg. VII l'interdetto tre anni . . . " (f) Two years: Auctor Anon. ad an. 1259–1261, in Ludewig, IX, 81. (g) About two years: Florence, Lea, *Inquisition*, II, 278, 280. (h) About two years: Treviso, Inn. III, Epp., III, 39 (Potth., 1160).

the discipline and the importance of the offence or the offender makes differences in duration inevitable. To strike an average length, even granting that one had at his disposal a sufficient number of cases, is impossible unless one could measure and equalize every attendant circumstance. The canon law of the matter is very simple and very practical, but very indeterminate: an interdict remains in force until its object is accomplished. One interdict lasted less than a day,[172] another so long that the people lost their reverence for church services.[173] The cathedral of Rouen submitted to authority in twelve days,[174] Portugal and Auxerre were rebellious for twelve years.[175] Limoges was under interdict for eight months,[176] Denmark for nine years.[177] Mantua lay under interdict for thirty-three years,[178] and a chapel in Maidenhead for fifty

(i) About two years: Oxford, Mun. Acad. Oxon. (*R. Ser.*), 190. (j) About seventeen months: Cologne, Winkelmann, *Ph. v. Schwaben*, II, 393–396. (k) About eighteen months: Cremona, Inn. III, Epp., VII, 163 (Potth., 2338). (l) About one year: Rouen, Chron. Rothomag. ad an. 1233, in Labbe, *Nova Bibl.*, I, 376. (m) About one year: Toulouse, *Hist. gén. de Languedoc*, IX, 786. (n) About eight months: France. (o) About six months: Metz, Alber. Trium Font., 450, cited from Raumer, *Gesch. Hohenst.*, VI, 168, n. 7. (p) About eight months: Limoges, Varia Chron. Fragm. ad an. 1202, in Duplès-Agier, *Chroniq.*, 192–193. (q) About twelve days: Cathedral of Rouen, Chron. Rothomag. ad an. 1211, in Labbe, *Nova Bibl.*, I, 372. "... Cathedralem Ecclesiam interdixit in crastino Octavarum Nativitatis B. Virginis et fuit interdicta usque in diem S. Michaelis." (r) Etc., etc.

[172] *Chron. Mayors and Sheriffs of London*, 1266, p. 97.

[173] (a) Gloss on Const. "Alma Mater" de Sent. Excom., VI. An interdict of thirty or forty years. Cited from Pithou, *Des Interdicts Eccl.*, p. 18. (b) *Tractat. de Interdicto*, Proposit. IV. "... timendum [est] ne idem evenerit malum, quod alias in Urbino contigit: quae urbs tamdiu ab interdictum sacris exercitiis fuit destituta ut post restitutionem celebrationis missae et aliorum officiorum sacrorum, difficillimum fuerit populum ad eam audiendam, eique debitam praestanstandam [*sic*] reverentia assuefacere."

[174] See above, n. 171, q.

[175] (a) Mariana, De Rebus Hisp., lib. 13, c. 12. Portugal, by Alexander IV, "Interdictum tenuisse duodecim annos scribunt." (b) See Appendix, case 88. Interdict on Auxerre.

[176] See above, n. 171, p.

[177] Auctor Anon. ad an. 1266–1275, in Ludewig, IX, 81.

[178] Maffei, Annal. di Mantova, 592, cited from Raumer, *Gesch. Hohenst.*, VI, 299.

years.[179] Such contrasts and such lengths are, however, unusual. From the cases examined a common length seems to be from one to two years.[180]

The territorial extent of the interdict was limited only by the jurisdiction of the authority promulgating the sentence. Kingdoms,[181] duchies and counties,[182] dioceses or provinces,[183] cities,[184] including suburbs and all outlying buildings,[185] lands

[179] (a) *Collect. Topog. et Geneal.*, VI (1840), 47ff. Roger de Mortival, in 1324, requested permission from the Archbishop of Canterbury to remove an interdict laid on a chapel in Maidenhead about fifty years before. The archbishop had no knowledge of the interdict, but granted the requested permission. (b) Inn. III, Epp., XVI, 20 (Potth., 4678). It was reported to Innocent III that lands formerly fertile had ceased to yield abundantly; and its inhabitants thought that this resulted " . . . quia terra eadem olim, sicut fama est, . . . supposita fuit sententiae interdicti, quae non creditur fuisse postmodum relaxata." The pope was requested to relax the interdict and he did so.

[180] See above, n. 171.

[181] (a) Armenia, see Appendix, case 68. (b) Cyprus, Potth., 956. (c) Poland, Bellarmin, *Risposta*, Proposit. VII (see p. 44, n. 171, e.) (d) Hungary, Felten, *Greg. IX*, 192. (e) Bohemia, Raynald., *Annal.*, I, 1222, L, and 1217, XLIII. (f) Empire, threat, J-L., 16970, 16971. (g) France, 1200. See Appendix, case 57. (h) Aragon, threat, J-L., 12135 (8160). (i) Leon, see Appendix, case 52. (j) Castile, threat, *Rec.*, XI, 526. (k) Portugal, threat, J-L., 6987 (5098). See also Appendix, case 52. (l) England, 1170, J-L., 11710 (7825) and (1208). (m) Scotland, J-L., 13710 (8813), 14613 (9465). (n) Denmark, threat, J-L., 16938; and Auctor Anon., in Ludewig, IX, 81.

[182] (a) Thuringia, threat, lands of the Landgrave. See Appendix, case 21. (b) Palatinate, threat, lands of the Count. See Appendix, case 25. (c) Brabant, see Appendix, case 75. (d) Bavaria, Potth., 10730. See also Appendix, case 22. (e) Austria, threat, see Appendix, case 27. (f) Normandy. Gesta Hen. II (*R. Ser.*), I, 16. (g) Poitou, *ibid.* (h) Anjou, *ibid.* (i) Brittany, *ibid.* (j) Toulouse, see Appendix, case 85. (k) Nevers, threat, see Appendix, case 12. (l) Champagne, lands of the Countess, see Appendix, case 78. (m) Namur, threat, lands of the Count, see Appendix, case 23. (n) Blois, see Appendix, case 77.

[183] (a) Olmütz, J-L., 8221 (5816). (b) Prague, Potth., 5582, 5714, 5729, 5739, etc. (c) Gap, J-L., 4536. (d) Laon, J-L., 16303. (e) Rouen: (1) J-L., 12552; (2) Chron. Rothomag. ad an. 1233, in Labbe, *Nova Bibl.*, I, 376. (f) Canterbury, J-L., 12705. (g) York, Potth., 682.

[184] In the East: (a) Acre, Röhricht, *Gesch. Kgr. Jerusalem*, II, 832–834, note. (b) Joppa, threat, J-L., 11383 (7612).

In the Teutonic part of the Empire: (c) Metz, see Appendix, case 41. (d) Cologne, see Appendix, case 76. (e) Liège, Mansi, *Conc.*, XXII, 9, c. 2.

In Italy: (f) Naples, J-L., 3012, 3046, 3089, 3090. (g) Amalfi, J-L., 3344. (h) Benevento: (1) Annal. Benev. ad an. 1100, in *MGSS.*, III,

belonging to a chapter,[186] private lands as distinguished from sovereignties,[187] parishes,[188] churches,[189] châteaux,[190] and even altars[191] were interdicted. The districts affected were not necessarily contiguous.[192] Selling, transferring, or in any way

183; *cf.* Hinschius, V, 22, n. 1; (2) J-L., 4144; Howland, case No. 24. (i) Ferrara, J-L., 7144. (j) Verona, J-L., 8940. *Cf.* J-L., 9169 (6373). (k) Rome, Jaffé, *Bibl. Rer. Ger.*, II, 108. (l) Lucca, J-L., 13628. (m) Lodi, J-L., 14801. (n) Rimini, threat, J-L., 15461. (o) Treviso, Potth., 1160. (p) Orvieto, threat, Potth., 3777. (q) Bergamo, Potth., 3962. (r) Capua, see Appendix, case 72. (s) Milan, Potth., 5329. (t) Piacenza, Potth., 5329. (u) Mantua, Maffei, *Annal. di Mantova*, 592. (v) Florence, Lea, *Inquisition*, II, 278–281. (w) Girgenti, Clemens XI, Const. "Ad Augendam", in *Bullar. Rom.*, VIII, 185. (x) Catania, *ibid.* (y) Lipari, *ibid.*

In France: (z) Beauvais: (1) J-L., 4854 (3616), called anathema; (2) J-L., 10827. (aa) Montpellier, J-L., 8186. (bb) Béziers, Newburgh, Hist. Rer. (*R. Ser.*), I, 128–129. (cc) Toulouse, J-L., 11489 (7678). (dd) Arras, J-L., 13750. (ee) Arles, J-L., 15704, called excommunication. (ff) Reims, Marlot, *Hist. de Reims*, III, 798, *et passim*. (gg) Auxerre, Hist. Episc. Autiss., LXIV, in Labbe, *Nova Bibl.*, I, 506.

In Spain: (hh) Toledo, see below, n. 209. (ii) Tortosa, Potth., 664a, 25466, 664b, 3234.

In Northern Africa: (jj) Carthage, threat, J-L., 4793 (3557), called excommunication.

In England: (kk) Oxford, see Appendix, case 81. (ll) London, Potth., 5013.

This is by no means a complete list of interdicted cities.

[185] (a) See above, n. 17. (b) *Chron. Mayors and Sheriffs of London*, 1268, p. 113.

[186] Marlot, *Hist. de Reims*, III, 623, No. 169. The lands of the chapter of Reims were interdicted by the Archdeacon Ottobonus.

[187] Private lands: (a) Ours, J-L., 6441. (b) "Rubeus", J-L., 6942. (c) Certain knights, J-L., 9554 (6630). (d) William, J-L., 17128. (e) Murderers of the Bishop of Würzburg, Potth., 1813. (f) See also J-L., 8540 (6040), 5469, 5517 (4129), 6926 (5062), 7125 (5162), 7202 (5208), 10479 (7078).

Sovereignty: (g) J-L., 12821. Alexander III gave his legate instructions that if Henry failed to meet certain demands ". . . in regnum et in terram ejus . . . interdicti sententiam proferas".

[188] *Quell. Gesch. Stadt. Köln.*, IV, 103–104. An interdict for a parish is ordered by John XXII.

[189] The following are local particular interdicts: (a) J-L, 6483, 8647 (6093), 5967, 10158 (6926). Churches. (b) J-L., 8896 (6231), cathedral of Bourges. (c) J-L., 9319 (6472), 17434, monasteries.

[190] (a) "Castrum Branense", J-L., 15920. (b) "Castrum Albiniacense", J-L., 14853.

[191] An altar in the church of St. George, Genoa, J-L., 15758a.

[192] (a) J-L., 12705. The county of Poitou and the province of Canterbury were threatened simultaneously for a single offence of the same person. (b) Potth., 351. England and France were threatened with the same interdict.

alienating a part of the district did not remove the sentence, nor was a church built during the interdict exempt; added territory, however, suffered no deprivation of services.[193] All persons of a locality, even the one who laid the sentence, were affected, but parishioners from an interdicted district could worship in a neighboring parish until the Council of Cologne (1279) required priests before beginning services to ask whether any present were from an interdicted place, and if so to expel them.[194] This rule remained in force until Boniface VIII restored the early practice except for those who were responsible for the interdict.[198]

The geographical dispersion of the interdict depended on the geographical extent of church power and the political status of the church within those limits. Nearly all of the important countries of Western Europe were threatened,[181-184] if not actually interdicted, in the last half of the twelfth century or the first half of the thirteenth. Germany[195] and the principalities which composed it were interdicted much less than other countries. The scarcity of episcopal interdicts in Germany has been accounted for by Dr. Howland, who surmises that the German prelates used their extraordinary temporal power instead of their spiritual weapons to enforce obedience.[196] The paucity of papal threats and interdicts to 1198, at least, must be explained on the ground that the Ghibelline sympathies of the clergy doomed any papal action to failure. In that year Innocent III secured the sympathy of a portion of the German clergy, and from that time interdicts were more frequent. This circumstance reveals an interesting feature of the interdict; since it depended so largely for its effectiveness on the state of the public mind, it was more likely to be effective in a friendly than in a hostile community.

[193] Kober, XXI, 292ff.

[194] (a) Gerbert, Epp., 93, in *Rec.*, X, 420. "Quod si is locus interdicto vestro . . . iure tenetur astrictus liceret innocentibus paroechianis ad alia transmigrare loca suisque legaliter uti sacris." (b) Conc. Colon., 1279, c. 18, in Hard., VII, 835.

[195] *Cf.* J-L., 16970, 16971.

[196] Howland, Interdict, chap. III.

No one understood this more perfectly than Innocent III, but he was too astute not to realize that undue use of the interdict in Guelf communities might lead to the estrangement and desertion of the papal cause, and therefore he used his power with discretion.

East of the Empire, interdicts were laid on Armenia,[197] Cyprus,[198] Joppa,[199] Acre,[200] Poland,[201] and Hungary.[202] In the West they were used most frequently in Italy, France, and Spain.[203] Even Northern Africa did not remain untouched, for Gregory VII threatened the clergy and the people of the diocese of Carthage with the interdict.[204] England,[205] Scotland,[206] and Wales,[207] though insular, were not immune, and Denmark learned to know the interdict by repeated experience.[208] Whether this discipline, which flourished so long and so widely in Europe, ever crossed the Atlantic to America is a question which has as yet had no positive answer. The late date to which the interdict endured in Spain[209] makes it seem very reasonable and possible that it was carried to Spanish America, though no traces have been found of it except the mention given it in the decree of the Council of Mexico,[210] which indeed lends color to the view that America, too, saw the local interdict.

[197] See Appendix, interdict on Armenia, case 68.

[198] Potth., 956.

[199] J-L., 11383 (7612).

[200] Röhricht, *Gesch. Kgr. Jerusalem*, II, 832–834, n.

[201] Bellarmin, *Risposta*, Proposit. VII.

[202] (a) Felten, *Greg. IX*, p. 192. (b) *Cf.* above, nn. 181–184, 187.

[203] *Cf.* above, n. 184.

[204] J-L., 4793 (3557), 4794 (3558), called excommunication.

[205] (a) Potth., 2344. (b) See above, nn. 181, 183, 184.

[206] See above, nn. 181, 182.

[207] Annal. Waverl. ad an. 1216, in Annal. Monast. (*R. Ser.*), II, 286.

[208] (a) J-L., 16938, threat. (b) Potth., 9521, threat. (c) Revised Formulary of Benedict XII, F. 44. (d) Auctor Anon., in Ludewig, IX, 81–83. One interdict lasted from 1259 to 1261; a second, from 1266 to 1275. (e) With the use of interdict in the Greek Catholic Church the present research is not concerned.

[209] Lea, *Inquisition*, I, 514, shows that there was an interdict on Toledo in 1720.

[210] Hard., X, 1726.

CHAPTER III.

The Interdict in Force.

Issuing a sentence did not always insure its observance. If it was not observed, the church appealed first of all to the religious sensibilities of the people. In one case the clergy were given the power to remove the cross from the church and pronounce imprecations;[1] in another they were commanded to depart from the accursed place.[2] Gregory of Tours reports that brambles were placed before the church,[3] and the "Songe du Vergier" complains that the altars were uncovered.[4] Narni was threatened with the loss of her bishop,[5] and Parma was transferred to another jurisdiction.[6] Men were released from oaths taken with a design of violating the interdict.[7] At Liège, the crucifix and the images of the holy saints and martyrs were wreathed with thorns and cast upon the ground.[8]

[1] *Quell. Gesch. Stadt Köln*, II, 273. Any place in which an ecclesiastic is detained captive for three days is to be interdicted: "Si vero per octo dies liberati non fuerint, cum bona voluntate nostra omnes ecclesiae cruces deponant et si per quindenam adhuc perduraverit, extunc fient imprecationes de consilio Priorum qui commode haberi poterunt, ad ulteriora processuri cum aliis solempnitatibus cum consilio eorundem Priorum et Capituli Coloniensis."

[2] Inn. III, Epp., XI, 143 (Potth., 3501).

[3] Greg. Turon, In Glor. Confess., c. 70.

[4] *Le Songe du Vergier*, lib. I, c. 179.

[5] See above, n. 2.

[6] Inn. III, Epp., I, 393 (Potth., 399).

[7] Mat. Hist. Becket (*R. Ser.*), VII, 220f.

[8] (a) Vitae Odiliae, ad an. 1212, in *MGSS.*, XXV, 178. "Decretumque est in ipso concilio, ut imago crucis et sanctorum reliquie spinis circumdate in omni prosternantur ecclesia tocius diocesis, organa suspendantur, et singulis dominicis festivisque diebus fiat proclamatio pro predicto scelere; insuper in ducem et omnes suos complices prefata sententia sollempniter renovetur. Est igitur primitus in maiori ecclesia imago Crucifixi deposita, et sanctorum Theodardi et Maldaberte virginis reliquie, que pariter continentur, ad eius dextram sunt posite; ad sinistram vero Petri et Andoleti et

Canonical burial was refused, and in several cases the punishment for disregarding this prohibition was the disinterment of the bodies.[9] In the settlement of the interdict of La Charité, for instance, it was stipulated that twenty bodies should be exhumed in each cemetery, and should be exposed while one mass for the dead, begun immediately after the disinterment, was celebrated; and, should more than twenty bodies be unlawfully buried, they too were to be exhumed unless the respective heirs or successors made satisfaction.[10] These terms were fulfilled, and the bodies lay exposed while a general sermon was preached to the people in the church of St. Peter of La Charité and a mass for the dead was recited. Then the bodies were given canonical burial.[11]

But the power of the church was by no means exhausted in such expedients to arouse public sentiment. Various administrative measures, punishment of the clergy, and reward for obedience were also means of securing observance of interdicts. Prelates were commanded to observe the sentence,[12] suburbs and outlying buildings were included in interdicted cities,[13] the people were urged to listen to preaching[14] and

sancti Floriberti episcopi et confessoris, que etiam pariter collocantur, relique sunt statute." (b) Hocsemius, Hist. Pont. Leod. ad an. 1255, in Chapeaville, II, 287f. "Hic attende quod istis temporibus Canonici contra Episcopum et quoscunque injuratores suos organa sua suspendere consueverunt; spinis et urticis Sanctorum imagines involvendo." C. 2. de Offic. ordinar., VI, 1. 16. "Caeterum detestabilem abusum horrendae indevotionis illorum qui crucis, Beatae Mariae Virginis, aliorumque Sanctorum imagines seu statuas irreverenti ausu tractantes, eas in aggravationem cessationis hujusmodi prosternunt in terram et urticis spinisque supponunt . . . prohibemus."

[9] Prov. Conc. Scoticanum, c. 24, in Wilkins, *Conc.*, I, 610. ". . . et quod a loco sacro extrahantur corpora sic sepulta."

[10] (a) *Gall. Christ.*, XII, Instrumenta, col. 173–174. (b) Hist. Episc. Autiss., c. 64, in Labbe, *Nova Bibl.*, I, 506.

[11] Prynne's Records, II, App. 4–6. Prynne's Records are responsible for the unsupported statement that before the interdicted churches of Faversham were reconciled all altars were broken to pieces, palls of altars and corporals were burned, and all chalices were melted that had been used during the interdict.

[12] See above, chap. II, n. 151. [13] See above, chap. II, n. 17.

[14] See above, chap. II, nn. 153, 154.

were forbidden to leave the district and worship in other places,[15] the sentence was republished on Sundays and feast-days, and those laymen who showed particular impudence in refusing to observe the interdict were threatened with excommunication.[16] Entire failure to observe the sentence resulted in an aggravation—sometimes in the form of threats of excommunication,[17] sometimes in the extension of the territorial bounds of the interdict.[18]

Punishment for non-observance fell most heavily on the clergy, for without their connivance the interdict could be but slightly violated. Laymen were punished for refusal to heed the sentence only when they were lords or authorities and compelled the clergy to perform rites, in which case they fell under a form of excommunication reserved to the pope. A council of 1238, for instance, declared that those barons who refused for a year to observe the interdict should be considered heretics, and that their property should be confiscated.[19] For the regular clergy there were only two forms of punishment for non-observance: excommunication *ipso facto*;[20] and removal to a monastery with a more rigid discipline,[21] unless a regular was also a priest, in which case he was subject to suspension.[22] For the secular clergy the three penalties were suspension, deprivation of benefices, and deposition.[23] Sus-

[15] See above, chap. I, n. 40.

[16] Kober, XXII, 37f.

[17] (a) John of England, excommunicated in 1211. (b) J-L., 11728.

[18] Inn. III, Epp., XVI, 136 (Potth., 4828). After John's submission Innocent wrote: "... mandamus quatenus nobis inconsultis in cismarinam terram ipsius non proferas aliquo modo sententiam interdicti." Evidently Innocent had designed to interdict John's continental possessions, if he did not submit.

[19] Conc. Campinac., 1238, c. 17, in Mansi, XXIII, 491.

[20] (a) C. 1 de sent. excom. in Clement. 5. 10. (b) Annal. S. Edmundi, ad an. 1208 (Liebermann, p. 147). The Cistercians were excommunicated for violating the interdict.

[21] (a) C. 7. X. de cleric. excom. minist. 5. 27. (b) Inn. III, Epp., X, 62 (Potth., 3101).

[22] Matt. Par., Hist. Angl. ad an. 1208, in *Rec.*, XVII, 689.

[23] Kober, XXII, 37f.

pension was most frequently used,[24] and more serious offences brought deprivation of benefices;[25] a particularly grave disobedience resulted in deposition.[26] The following penalties were imposed at various times upon disobedient clerks: certain seculars lost the power of acquiring benefices,[27] others lost their right of burial,[28] some underwent severe penance,[29] and still others lost their distributions or ornaments.[30] In one case where suspension proved ineffectual, the clerk was obliged to make a pilgrimage to Rome,[31] in another he was excommunicated.[32] In some instances the pope annulled the promotions of those who had disobeyed.[33] Excommunicates who persisted in celebrating forbidden services were detained in monasteries,[34] and those clerks who had admitted forbidden persons to church services were compelled to have services with closed doors and without the sound of bells under pain of

[24] (a) Gesta, c. 51 in fin. (b) Inn. III, Epp., III, 20, 43; VI, 13. (c) C. Ult. X. de excess. praelat. 5. 31.

There follow a few instances of suspension: (d) J-L., 14316 (9314). (e) Gesta, c. 57. (f) Inn. III, Epp., XV, 12 (Potth., 4406). (g) Matt. Par., Hist. Angl. ad an. 1208, in *Rec.*, XVII, 689.

[25] (a) Inn. III, Epp., X, 62 (Potth., 3101). (b) Inn. III, Epp., VI, 97 (Potth., 1934). (c) J-L., 11840. (d) Inn. III, Epp., VI, 13 (Potth., 1846).

[26] (a) Greg. IX, Encyclica ad univ. praelat., 1239, in Huillard-Bréholles, *Hist.*, V, 293. (b) Inn. III, Epp., VI, 97 (Potth., 1934). (c) J-L., 14111 (9171).

[27] (a) C. 1. X. de postulat. 1. 5. (b) Inn. III, Epp., III, 20.

[28] Conc. Ravennat., 1311, c. 28, in Hard., VII, 1376f. "... quicumque de cetero excom. . . vel interdicti sententiam animo sustinuerit per annum indurato . . . in poenam contumaciae eccl. careat sepultura."

[29] J-L., 14111 (9171). "... et omnibus poenitentiam injungat . . ."

[30] Lebeuf, *Mém. Diocèse d'Auxerre*, II, 69-71.

[31] (a) Gesta, c. 57. (b) Inn. III, Epp., VI, 13 (Potth., 1846). (c) *Rot. Chart.*, I, 209.

[32] J-L., 11728.

[33] (a) Gesta, c. 54, 56, 57. (b) Inn. Opp., IV, col. 58 (Potth., 969). (c) C. 5. X. de postulat. 1. 5. (d) Potth., 1043.

[34] (a) J-L., 11840. (b) Prov. Conc. Trevir., 1238, c. 7, in Mansi, XXIII, 480. "Statuimus, quod si clericus celebraverit in loco interdicto, vel ipse interdictus, vel excommunicatus divina celebrare praesumpserit, et ammonitus a praelato suo non destiterit, per episcopum loci capiatur arctae custodiae et poenitentiae deputandus."

severer penalty, and for every day the clerks offended they and their churches suffered a week.[35]

Just as refusal to observe interdict brought punishment, so rewards were offered to those who heeded it. Peter of Arras received special thanks from the pope for his ardent support of the cause of the church,[36] and other French bishops were honored with laudatory letters.[37] The "religious" of Venice had promises of "graces, honours, and dignities,"[38] and indulgences were published for all who would observe the interdict.[39] When it seemed that the interdict of Sicily (1717) would fail, the pope felt constrained to issue a plenary indulgence to all who would obey the sentence.[40]

From Sarpi's well-informed, if bitter, account of the struggle of Paul V with Venice (1606) can be gathered an idea of the numerous devices to secure the effectiveness of the interdict. Seeing that his sentence would not be observed, the pope withdrew his nuncio from Venice, charging him to leave none of his company behind.[41] The Jesuits in departing from the city proceeded with great solemnity, hoping to stir up a tumult, in which they were disappointed. The Capuchins had intended to do the same thing; but, being prevented, "they celebrated that morning only one Masse and consumed all of

[35] Prov. Conc. Trevir., 1238, c. 4, in Mansi, XXIII, 479–480.

[36] Inn. III, Epp., III, 25.

[37] Sigeb., Contin. Aquic., in *MGSS.*, VI, 436. "Hos [that is, those obeying the interdict] papa Innocentius miris per epistolas illis missas effert laudibus, contemptores autem verbis terret minacibus."

[38] Sarpi, *Historia particolare.* The quotation is from the quaint contemporary English version, *Quarrels of Paul V*, 103–104.

[39] *Ibid.*, 135–137.

[40] Clemens XI, Const. "Ad augendam", 1717, in *Bullar. Rom.*, VIII, 185. ". . . qui . . . interdictum cui civitates et dioceses praefatae in praesens jussu nostro suppositae reperiuntur, ea, qua par est obedientia nunc observant, et etiam in posterum, quousque illud perduraverit similiter observare perrexerint, in cujuslibet eorum mortis articulo, si vere poenitentes et confessi, ac sacra communione refecti, vel quatenus id facere nequiverint, saltem contriti Nomen Jesu ore, si potuerint, sin minus corde devote invocaverint, plenariam omnium peccatorum suorum Indulgentiam et remissionem misericorditer in Domino concedimus."

[41] Sarpi, *Quarrels of Paul V*, 83–84.

the holy Sacrament of the Eucharist, which was preserved in their Church, and concluded the Masse without giving Benediction unto the people. They left also to their Devotes divers instructions for to observe the Interdict, as did likewise the Theatines."[42] The papal court tried to induce all "religious" either to abstain from services or to withdraw from Venice. The cardinals and superiors of the orders "did what they could with them, with menaces of censures, paines, and other evils corporall and spirituall, as also with promises of graces, honours, and dignities, not only to the Chiefe, but further to each particular, if they would observe the interdict or retire themselves."[43] By promising large rewards they induced agents to cause a disturbance in Venice. The pope even proposed to use the Inquisition and accuse the Doge of heresy. He also published a jubilee, in which he invited all Christians to join him in praying for the necessities of the church, and granted indulgences, absolution, and remission to all excepting those found in places interdicted, "not comprehending them so much as in their number whose prayers he implored". At that time a jubilee was much wished for by the people of Italy, and the pope hoped that the Venetians would insist on taking part in it. The banished Jesuits announced to their Venetian adherents that they had, by papal dispensation, power to grant, and would grant, the jubilee "to such persons who would observe the conditions by them propounded, among which these were some: not to goe to Masse, not to approve the publique reasons and actions."[44] The Jesuits also tried to get their adherents to come to the confines of the state, that there they might influence them; and very often they entered the state in disguise for the same purpose. They published indulgences in favor of those who would observe the interdict or would persuade others to observe it. They forged letters

[42] Sarpi, *Quarrels of Paul V*, 97–98.
[43] *Ibid.*, 103–104.
[44] *Ibid.*, 140–142.

in the name of Genoa and spread them in Venice, they scattered polemical writings, they labored in other countries that Venetian ambassadors should receive affronts, they tried to induce states to promise that they would not let Venice levy men among them, and menaced any that would help Venice. Ecclesiastics in Milan tried to stir up the people by declaring marriages contracted in the time of the interdict to be void. Pro-Venetian writings were put on the index, and, finally, attempts were made to embroil Venice in war.[45] These various expedients to bring the city to submission, though in this instance futile, are suggestive of what could be expected to follow a refusal to observe an interdict.

It seems proper to inquire at this point what recognition or value was accorded to ministrations performed during an interdict. That the question arose in the minds of those interdicted, and that it was raised by the clergy, not, however, without the motives extending beyond the mere question of the validity of forbidden ministrations, appears from the account of the Venetian interdict. In departing the Jesuits left instructions concerning the interdict, and the Theatines did likewise, "but in such a confusion and in so great haste, being not able to consult together, they did not well accord with the Jesuites, as also the Jesuites disagreed amongst themselves; whence it came to passe that their adherents proceeded diversly, some being of opinion that all the Sacraments admintered by the Priests that stayed were nullities, and therefore that it was not lawfull to adore the holy Eucharist, as before: Others esteemed that to heare Masse was only a veniall sinne, and others held it a sin most grievous, although the Sacrament were truly celebrated."[46] Disagreements of this character were either surprisingly few, or they did not find their way into available accounts. To question the validity of services which, once performed, were over and left no tangible effects,

[45] Sarpi, *Quarrels of Paul V*, 135–137, 189, 197–198, 200.
[46] *Ibid.*, 98.

was futile, for they could not be revoked. This is probably the reason why any question that arose had to do with the validity of acts which had tangible effects and could be revoked, such as marriage or burial. It has already been stated that ordinarily marriage was not prohibited. Bracton, however, relates that the legality of a marriage was questioned because it occurred in time of interdict;[47] and during the interdict on Venice there were ecclesiastics who considered marriages contracted in the city void.[48] Questions of this sort may be expected to arise over any matter open to some doubt; but they do not, in the face of authority to the contrary, disprove the legality of marriages contracted during interdict.[49] That the validity of burial was not questioned, though in a few instances the dead were exhumed, is proved by the fact that some bodies buried during the interdict of La Charité were allowed to remain on condition that satisfaction was made by the heirs.[50] Canonists are quite agreed that bodies buried during interdict may remain after relaxation.[51] To be sure, bodies of persons excommunicated or interdicted *nominatim* had to be exhumed, but such burials would have been illegal had there been no interdict and are no exception to the rule just given.[52] Those, however, who had performed inhibited burial were excommunicated.[53] These facts bring one to the conclusion that ministrations performed in contravention of interdict possessed their usual efficacy, though whoever was

[47] Bracton, De Legibus, lib. V, Tract. V, c. 19, sec. 11 (*R. Ser.*), VI, 313. In the interdict of England (1208) marriage was prohibited, which may be the reason why the marriage was questioned in this case.

[48] Sarpi, *Quarrels of Paul V*, 197–198.

[49] (a) Andreae, *Tract. Utiliss.*, Decimus Quartus: "... quod si laici contrahunt matrimonium, tenet matrimonium." (b) See above, p. 16ff.

[50] This means, no doubt, that the heirs paid the burial fees, which would in the natural course of events have come to the priests. See above, n. 10.

[51] (a) Kober, XXI, 337f. (b) Andreae, *Tract. Utiliss.*, sec. 27. (c) Conc. Prov. Scoticanum, 1255, c. 24, in Wilkins, *Conc.*, I, 610.

[52] Andreae, *Tract. Utiliss.*, sec. 28.

[53] Kober, XXI, 337f.

guilty of the violation fell under such penalties as the church affixed.

It now remains to consider the actual effects of interdicts. This point might be briefly dismissed with the sweeping generalization that often interdicts produced the contemplated effects. The sources bring sufficient evidence that sacraments, ministrations, and burial ceased now and then in consequence of interdict. Marriages, as says a modern historian, were solemnized at graves instead of altars.[54] This statement is in general sustained by the report from the Annals of Dunstable that marriages and the churching of women took place at the church door.[55] More positive evidence that marriages occurred in time of interdict comes from an agreement of the Bishops of Orleans and Auxerre with Philip Augustus, in which they promise that they will not draw into question any marriage contracted according to the form and the approved custom of the church, unless there would have been cause to question the marriage had there been no interdict on their dioceses.[56] This agreement, though it shows positively that men married during interdict, gives reason to say that the validity of that matrimony was questioned. There was manifestly a sentiment that all was not right with marriage in interdicted districts, for Hoveden relates that the marriage of Louis, son of Philip Augustus, to Blanche of Castile, took place in Normandy because of the interdict in France;[57] and from another source it appears that the Count of Ponthieu withdrew to Rouen with the young sister of Philip Augustus to receive the nuptial benediction.[58] Such is the clear and unambiguous evidence regarding marriages. Other sources furnish only inferential evidence: in April, 1208, one month after the laying of the

[54] Hurter, I, 376, n. 152.

[55] Chron. Dunstapl., ad an. 1208 (*R. Ser.*), III, 30.

[56] (a) That is, any marriage contracted after the relaxation by the Archbishop of Sens. (b) Lebeuf, *Mém. Dioc. d'Auxerre*, IV, Preuves, No. 113.

[57] Hoveden, Chron. ad an. 1200 (*R. Ser.*), IV, 137–138.

[58] *Bibl. de l'École des Chartes*, XXXIII, 599.

interdict on England, John gave his assent to the marriage of Richard Furmi to a certain Matilda, and ordered the marriage to be performed if she desired;[59] whether she was so disposed, and whether the marriage occurred, does not appear. But, whether it did or not, the point of importance is that it was ordered performed in spite of the fact that the interdict then existing forbade marriage.[60] From that time on to January 24, 1214, neither Close, Patent, nor Charter Rolls give good cause even to infer a marriage. This, in view of the papal sentence forbidding marriage, is significant; and it assumes real importance when it is discovered that within a year after the submission of John to the Pope the Rolls mention at least six marriages which are permitted or for which arrangements are made.[61]

More definite evidence has been preserved relating to burial. In one account of the results of the interdict it is stated that Leopold of Austria remained unburied, and that Raymond VI

[59] *Rot. Claus.*, I, 110.

[60] Inn., Opp., IV, col. 190, No. 136.

[61] (a) *Rot. Claus.*, I, 162. This permission was given after submission, but before the relaxation of the interdict. About January 24, 1214. (b) *Rot. Claus.*, I, 162, about January 28, 1214, and *Rot. Pat.*, I, 109, January 26-28, 1214. King John serves notice that he has given Isabella, Countess of Gloucester, as wife to Geoffrey de Mandeville. In February of the same year Geoffrey had failed to fulfil the conditions (*Rot. Claus.*, I, 163, about February 8, 1214). Hence the marriage probably did not occur. However, by August some agreement seems to have been reached and John again serves notice of giving Isabella to Geoffrey (*Rot. Claus.*, I, 209, August 9, 1214). This delay was evidently not due to the interdict. (c) *Rot. Claus.*, I, 163. The king permits the heir of Theobald Walter to marry about February 8, 1214. This permission also was given before relaxation. (d) *Rot. Claus.*, I, 168. The king assents to the marriage of Robert to a certain widow, July 10, 1214. This is after the relaxation of the interdict. (e) *Rot. Claus.*, I, 190. Marriage of Margaret, daughter of William of Warwick, is allowed, if she is so inclined, March 15, 1215. (f) *Rot. Chart.*, I, 197–198, March, 1214. Marriage is arranged for. The point of importance is, that permission to marry was given after John's submission, though none was given in the preceding years of the interdict. This is certainly not due to any regard of John for the interdict, but is to be attributed to the fact that as long as John and the pope disagreed no one sought permission to marry; as soon, however, as John became the vassal of the pope, permission was sought in anticipation of the relaxation of the interdict.

of Toulouse lay unburied until he was eaten by rats.[62] Those cases were, however, not the result of interdict but of excommunication. Though these instances do not bear upon the matter of burial in time of interdict, they are excellent examples of that type of production the author of which has been impressed with the dramatic or "fulminating" qualities of the interdict and has endeavored at the cost of any violence to sources and any distortion of facts to produce a highly readable story. Probably historians less remote from the time of which they wrote had similar propensities; but they, at least, lived when they could know from personal experience the truth of what they wrote, and in so far they are more credible than their modern competitors. Granting that the very gruesomeness of unburied bodies may have caused the chroniclers to exaggerate, their accounts are here set down for what they are worth. It is related that during the interdict on France (1200) bodies were not bestowed in cemeteries, and that some even lay unburied.[63] In Normandy corpses lay on the streets and caused great stench among the living.[64] In Bremen the corruption of bodies which lay unburied in the cemeteries offended men so much that the sentence was tempered.[65] In England (1208) the dead were carried out of cities and interred, like dogs, in by-ways and ditches, without prayers and the ministrations of priests; clerks and even bishops lay unburied outside of cemeteries.[66] Why bodies lay

[62] Hurter, I, 376, n. 158.

[63] (a) Gesta, c. 52. (b) Hoveden, Chron. ad an. 1200 (*R. Ser.*), IV, 137–138.

[64] Rog. Wend., Flor. Hist. ad an. 1197 (*R. Ser.*), I, 266.

[65] Arnoldus, Chron. Slav., lib. V, c. 22, in *MGSS.*, XXI, 199. "Cum igitur civitas Bremensis hac pestilentia diutius laboraret et corruptio cadaverum que inhumata in cimiteriis jacebant homines plurimum lederet, temperata est sententia."

[66] (a) Matt. Par., Chron. maj. ad an. 1208 (*R. Ser.*), II, 521. (b) Gesta, c. 131. ". . . regularium sed etiam episcoporum cadavera servarerentur extra cimiterium inhumata." (c) Chron. B. Iterii, ad an. 1210, in Duplès-Agier, *Chron. de S. Martial de Limoges*, 76. ". . . audivimus rumores . . . quod . . . episcopi defuncti inhumati jacerent." (d) Le Neve, *Fasti*, III, 284. Philip of Poitiers unburied.

unburied is to be inferred from a bull of the Bishop of London, recently found in St. Bartholomew's Hospital.[67] Because of the interdict the dead could not be buried in the regular cemeteries; and the city, as was to be expected, had no burial sites for such an occasion, and was in dire need of a place in which it could temporarily bestow its dead. London authorities, finding that the dead lay unburied, finally helped themselves out of their difficulty by asking the officials of St. Bartholomew for the temporary use of an area lying east of the hospital. The prior and the canons, the procurator and the brethren, seeing the obvious need of the city, agreed to this request, and the transfer of the area was made by the authority of

[67] "Willelmus Dei gracia Londinensis episcopus omnibus sancte matris ecclesie filiis per episcopatum Londinensem constitutis salutem in auctore salutis eternae. Cum nuper apostolica jussione per totam Angliam fuisset generalis interdicti sentencia promulgata adeo quidem ut nusquam liceret defunctorum corpora, sicut mos erat, Christiane tradere sepulture, viri nobiles et dilecti in Christo filii H[enricus] maior et cives Londoniarum a dilectis filiis priore et canonicis Sancti Bartholomei necnon a procuratore ac fratribus hospitalis eorundem postularent ut eis aream quandam hospitali Sancti Bartholomei ex orientali parte adjacentem ad publicam mortuorum suorum sepulturam indulgerent. Quorum piam peticionem attendentes, memorati tam canonici quam fratres, simulque urgentem tocius urbis necessitatem considerantes, postulacionibus eorumdem consensum adhibuere felicem et benignum. Verum ne sub pretextu pietatis istius oriri possit impietatis occasio sano quidem et salubri consilio provisum est in communi ut area memorata, mortuis deferendis secundum que cives disposuerunt deputanda, circumquaque claudatur arcto aditu ad usum sepulture civibus reservando. Cautum est eciam diligenter ut nulli liceat corpora defunctorum quos in hospitali predicto mori contigerit in eadem area sepelire. Omnes enim ejusdem hospitalis tam fratres quam pauperes aliunde venientes durante interdicto, sicut et ante fieri consuevit secundum arbitrium canonicorum in loco competenti ab eis canonicis providendo sepelientur. Sane quam cito, gracia divina largiente, sacrosanctam ecclesiam pristina tranquillitate ac libera sacramentorum suorum observancia gaudere contigerit, locus sepedictus ad jus et possessionem fratrum hospitalis libere revertetur. Dum tamen nulli omnino homini liceat ulterius in eadem area defunctum aliquem sepelire. Hec autem que scripta sunt ut futuris temporibus inter memoratos canonicos et fratres hospitalis pax inconcussa servetur sigilli nostri testimonio curavimus communire. Hiis testibus . . ." The bull is not dated, but the witnesses' names put it beyond doubt that the document relates to the great interdict of England under John. A transcript of this bull was found in the cartulary of St. Bartholomew's Hospital, London, and it was printed for the first time in *St. Bartholomew's Hospital Journal* (August, 1905), Vol. XII, No. 11.

Bishop William of London.[68] This bull gave the city permission to enclose the area, and ordered that all deceased citizens, except members or residents of the hospital, must be buried within this lot. These arrangements were possibly sanitary regulations to insure the public against epidemics by giving the city officials control of burials; perhaps, too, the city collected a burial fee and to prevent evasion of this fee ordered all dead to be buried in the authorized place. The dead of the hospital, however, were not to be buried in the lot; for them the hospital must provide a place.[69] The ground was ceded to the city for the term of the interdict only, and was to revert to the hospital immediately after the reconciliation of church and state. The eagerness to secure canonical burial is shown by a subterfuge resorted to in the county of Vendôme. Bishop Ivo of Chartres in laying the interdict had exempted paupers from the order prohibiting burial; Abbot Geoffrey criticized the exemption, and added that in consequence of the favor shown the poor no one lacked canonical burial, since all called themselves paupers.[70]

Lesser ecclesiastical functions were also affected by the interdict. During an interdict on the cathedral of Auxerre, the anniversary celebration of the dedication of the church was postponed because of the silence of the church. The chapter, which was responsible for the interdict, forbade all canons or "tortiers" to dine with the bishop, except at times customary and necessary to preserve rights, on pain of being considered perjured and of losing a month's distributions. It was

[68] The bull was probably issued soon after the beginning of the interdict, or between July 14 and September 29, 1208, for which period Bishop William, who had been banished by John almost immediately after the interdict was proclaimed, had a safe-conduct and came to England. He was also in England in 1209. Perhaps the bull was issued abroad, but the list of witnesses makes this seem improbable.

[69] The brethren of the hospital possessed a privilege from Lucius III, December 18, 1183, granting them and their household burial during interdict, but this was useless in view of Innocent's order that no privilege should stand.

[70] Goffridus Vindocin., Epp., II, 16, in Migne, *Pat. Lat.*, 157, col. 83.

also ordered that a chair in the chapter-house should no longer be prepared for the bishop; and that whoever assisted when the bishop officiated should, if an intern, lose his distributions, and, if an extern, be refused the ornaments of the church.[71] Visitation of churches, however, was continued by the Archbishop of Reims, though all the churches of Reims were under interdict.[72] He was at one time during the interdict requested to lay the corner-stone of a church;[73] and, though there is no evidence that he complied, the very request argues that such a ceremony was allowed, an opinion which is supported by the fact that church-building and repairing were not prohibited by the interdict.[74] Instruction of scholars was permitted during the English interdict;[75] but the election of scholars to clerics, during an Italian interdict, was canceled by the Roman pontiff.[76] Evidences of gifts to churches are found everywhere in the Rolls.[77]

That the cessation of so many ecclesiastical services and ministrations caused a burden for some one is obvious. Upon whom this burden fell is a matter of no little importance. Did the person or group of persons responsible for the sentence actually bear the brunt, or did the weight of it all fall upon the people in general or upon the church and the clergy? Since the interdict was generally used to bring some offender to terms, one would naturally suppose that the offender bore the brunt of the sentence. Even if the offender directly suffered no more than those around him, indirectly he was the principal sufferer, for it was the expressed design of the inter-

[71] Lebeuf, *Mém. Dioc. d'Auxerre*, II, 69–71.

[72] The interdict probably affected only the city; whereas the visitation of the archbishop may have been to churches outside of the city.

[73] Marlot, *Hist. de Reims*, III, 573f.

[74] *Rot. Pat.*, I, 90, March 25 and 30, 1209. The repairing and building of churches are implied in these letters.

[75] Inn., Opp., IV, col. 190, No. 136.

[76] Inn. III, Epp., II, 241 (Potth., 897).

[77] (a) Davidsohn, *Philip II und Ingeborg*, 108. (b) *Rot. Pat.* and *Rot. Claus.*, passim.

dict to manufacture a public sentiment which should operate against the delinquent in such a way as to bring him into submission.[78] Public sentiment depended to a considerable degree upon the justice of the sentence, on the popularity of the judge with his inferiors, but especially on the attachment of the people to the church. To a mediæval populace, fully imbued with the teachings of the church, the sacraments and offices of the church were necessities of life in time present and eternal;[79] and a deprivation of those necessities was to all the faithful a grievous calamity. The more sincerely the people were attached to the church and her teachings, the more did they miss the forbidden offices, and the more probable was it that they would heed the sentence and by their unrest force the offender to terms.[80] If public sentiment, no matter from what source it arose, was powerful enough to bring the offender to submission, the interdict was effective. But usually interdicted offenders were at the same time under pressure of a political or military character, and an interdict thus interwoven with politics was itself practically a political measure. In the case of King John, political conditions were such as to make an estimate of the power of the interdict almost impossible. In hardly any case of submission can one determine the power of the interdict; one can, at best, say that the sentence played an important and possibly decisive part by putting in a sacrilegious light all the acts of the person under interdict, and in

[78] Goffridus Vindocin., Epp., II, 16, in Migne, *Pat. Lat.*, 157, col. 84. "... ut universa plebs, quae nostram iniuriam et ejus malitiam non ignorat et cui illius iniquitas multum displicet nec maior iustitia displiceret, hinc occasione accepta proclamaret in eum, et sic quoniam Dei amore iniusta actione spontaneus non vult desistere, clamore simul et timore hominum desisteret vel invitus."

[79] How necessary the ministrations of the church seemed to a mediæval populace may be seen from the fact, alleged by Pope Clement V as known to him through frequent complaints by prelates and from his own experience in earlier years, that in time of interdict many clerics were induced, openly or privily, to make holes, and even windows, in their church doors to enable excluded persons to participate in the services "behind closed doors". C. 1. de sent. excom. in Clement. 5. 10.

[80] La Clède, *Hist. de Portugal*, II, 156f.

this way alienating any support that might have accrued from an otherwise favorable public opinion. Yet, difficult as it is to estimate the exact effects, there are instances in which it is clear that the interdict had considerable power; notable examples are the interdicts of Florence,[81] Auxerre, and France.[82] Indeed, the interdict was not lightly invited by any one. Princes wavered[83] even at the threat, prayed to have the sentence of the interdict removed, and, if they opposed it at all, did so by most vigorous measures.[84] Many an unruly person yielded under the cessation of religious ministrations.[85]

Whatever power the interdict exerted on the offender, he was not the only one to suffer from it. The very hope of church authorities that the interdict would cause the public to rise against the offender makes it evident that the district interdicted also experienced the pressure of discipline. Did this pressure fall upon the commercial, political, and legal institutions of a community or upon the inhabitants themselves? Excepting in Florence, Venice, and several lesser cities, trade went on during the interdict much as before, so far as can be

[81] Lea, *Inquisition*, II, 278–281.

[82] See Appendix, cases 57 and 88.

[83] (a) Mat. Hist. Becket (*R. Ser.*), VII, 474f. *Cf.* Diceto, Imag. Hist. (*R. Ser.*), I, 346. When it appeared that the interdict of England (1171) could not be prevented otherwise, the king's agents promised on oath that their sovereign would obey, and thus averted the interdict. (b) Mat. Hist. Becket (*R. Ser.*), VI, 172. "Timebat enim rex . excommunicari, universamque terram suam interdici . . ." (c) Gerv. Canterb., Opp. Hist. (*R. Ser.*), I, 234. Henry, in his fear, ordered the ports guarded so that letters could not enter the realm. (d) d'Achery, *Spicil.*, III, 610. King Andrew of Hungary showed the greatest sorrow on being interdicted.

[84] (a) Mat. Hist. Becket (*R. Ser.*), IV, 166. Henry II tried to bribe the Curia not to lay the interdict. (b) Philip Augustus also tried to buy the Curia. See Appendix, case 57, France. (c) John of England stopped at nothing in his efforts to defeat the pope.

[85] (a) Gesta Hen. II (*R. Ser.*), I, 8. "Arctatus ergo rex Anglorum severitate canonica tandem adquievit . . ." (b) Gesta, c. 58. Leon and Portugal were interdicted because of incestuous marriages. "Unde quod illegitime factum fuerat est penitus revocatum." (c) King Richard and Philip Augustus were threatened with interdict and consequently made a truce. See Appendix, case 13. (d) The Archbishop of Salerno was released at threat of interdict. (e) Citizens of Oxford were brought to submission by interdict. See Appendix, case 81.

gathered from accounts.[86] Governments continued in their regular courses: taxes were levied,[87] payments were made to and by the treasury,[88] the chancellery issued letters attested as before,[89] councils met,[90] wars were waged,[91] and crusades were urged.[92] Legal functions also continued: grants of land and other properties were made,[93] real estate was transferred,[94] litigation continued,[95] oaths were taken,[96] testaments were con-

[86] (a) Lea, *Inquisition*, II, 278, 281. (b) *Ibid.*, III, 195. Venice, 1309. (c) Pflugk-Httg., *Iter Italicum*, 516. (d) Inn. III, Epp., XI, 143 (Potth., 3501). (e) Inn. III, Epp., VI, 102 (Potth., 1947). (f) Hontheim, *Hist. Trevir.*, I, Urk., 491. Cited from Raumer, *Gesch. Hohenst.*, VI, 161. (g) *Gall. Christ.*, X, ii, 61. If the people do not yield "faciatis redditus ac debita et alia bona ipsorum in nundinis ubicumque reperta fuerint . . . detineri." Called excommunication.

[87] Rigord, De Gest. Ph. Aug. ad an. 1199, in *Rec.*, XVII, 51. " . . . tertiam partem omnium bonorum suorum eis violenter abstulit. A burgensibus suis intolerabiles tallias et exactiones inauditas extorsit."

[88] (a) *Rot. Claus.*, I, 116, May 16, 1212. (b) The pipe rolls give no evidence of decreased business during the years of the interdict.

[89] (a) *Rot. Claus.* and *Rot. Pat*, 1208–1214, passim. In England letters were attested by the Bishop of Winchester, *Rot. Claus.*, I, 110, 111, 116, 117, etc., etc.; by the Archdeacon of Huntingdon, *ibid.*, 116, 117, etc. (b) Bibl. Nat., MSS., Coll. Moreau, vol. 100, pp. 178–197. Cited from Davidsohn, *Philip II und Ingeborg*, 107. The Bishop of Paris attested a sale during the French interdict.

[90] *Quell. Gesch. Stadt Köln*, VI, 7. The Council of Cologne was allowed to celebrate mass in time of interdict at its council sessions.

[91] Wars suffered somewhat from the unwillingness of men under interdict to enter battle. Thus, in Leon, the Christians hesitated to enter battle against Saracens, Gesta, c. 58. And the English soldiers hesitated to march under the leadership of John against the pious William of Scotland, Gerv. Canterb. (*R. Ser.*), II, 102–103.

[92] Gesta, c. 84. During the interdict of France, Innocent sent letters to France urging a crusade.

[93] (a) *Rot. Claus.*, I, 118, 119, 120, 121, 122, 126. (b) *Rot. Chart.*, I, 187, 188, 189, 190, 191. (c) *Rot. Pat.*, I, 82.

[94] (a) See above, n. 87. (b) Cartul. de S. Euverte d'Orléans, Bibl. Nat., MS. Lat. 10,089, p. 189. Cited from Davidsohn, *Philip II und Ingeborg*, 107. The monastery of S. Euverte d'Orléans purchased a house, July 15, 1200.

[95] (a) *Placit. Abbreviatio*, p. 67, col. 1 (1210). "Elias . . . captus pro contumacia sua eo quod contemsit uxorem suam venit et dixit se velle stare considerationem sancte ecclesie et inde invenit plegios." (b) *Rot. Claus.*, I, 149, September 9, 1213. King John determines the validity of an advowson.

[96] (a) *Rot. Pat.*, I, 97, 98b, 100b, 106. (b) *Rot. Claus.*, I, 59, January 3, 1213. " . . . per sacramentum xii liberorum et legalium hominum."

firmed,[97] and so on through a long list of legal activities.[98] But the residents of a district experienced no little material discomfort from the interdict. The joy with which they hailed the removal of a sentence indicates the sorrow they felt during its operation.[99] Princes in time of interdict took occasion to oppress their subjects with burdensome taxes,[100] lawlessness prevailed, and brigandage flourished.[101] To add to these evils factions developed,[102] and either those observing or those ignoring the interdict were oppressed; in Limoges, for example, those persons who heeded the interdict were fined by the opposing party.[103] Ambassadors were affected by interdicts laid at home,[104] and even travelers in an interdicted country suffered the same inconvenience as the inhabitants.[105]

[97] (a) *Rot. Pat.*, I, 99. The king confirmed the testament of Gilbert, Bishop of Rochester. (b) Hontheim, *Hist. Trevir.*, I, Urk. 491. Cited from Raumer, *Gesch. Hohenst.*, VI, 161.

[98] The material cited above is mainly from English sources. For this reason it may not be quite typical. However, English sources for the period of Innocent III are more complete and available than those of other countries, which may account for the fact that similar material is not equally abundant for interdicts elsewhere.

[99] See below, chapter IV.

[100] (a) See above, n. 87. (b) In England John oppressed first the clerks and then the people.

[101] Mariana, *De Rebus Hispan.*, lib. XIII, c. 12. "Latrocinia et maleficia quae ex superiorum temporum [of interdict] licentia et Sanctii Regis socordia impune grassabantur tota provincia sustulit."

[102] Inn. III, Epp., XVI, 134 (Potth., 4839). "Mandamus quatenus postquam interdictum Angliae fuerit relaxatum omnes conjurationes et factiones, si quae occasione discordiae inter regnum et sacerdotium factae sunt, denunties auctoritate nostra irritas et inanes."

[103] (a) Inn. III, Epp., VI, 97 (Potth., 1934). (b) *Tractatus de Interdicto*, Proposit. VII. The Seven Theologians consider it just that those who observe the interdict of Venice should lose their properties. "Ecclesiasticis hujus Dominii justus imminet metus amissionis vitae et bonorum suorum et etiam multorum malorum tam privatorum quam publicorum, quae ipsorum propinquis inde evenient, si interdictum servaverint."

[104] Sarpi, *Quarrels of Paul V*, 108, 135–137. Attempts were made by papal agents to exclude Venetian ambassadors from church services. The King of Spain did not use his chapel for many days, in order to avoid declaring himself on the status of the ambassador, *ibid.*, 112–113. The Duke of Savoy acted similarly, *ibid.*, 118–119. The Venetian agent at Nancy and all his house were excluded from confession. When news of the agreement of Venice and the pope reached Spain, the papal nuncio

It was to be expected that the guilty person and the district included with him would both feel the interdict, but not that the church would suffer from the discipline she used. As a matter of fact the church and the hierarchy often suffered very much from the interdict. In the first place, the persons whose misdeeds provoked the sentence often resisted what they regarded as the aggression of the church by most violent counter-measures. In the second place, the public instead of rising against the offenders sometimes rose against the authority pronouncing the cessation of services.[106] The dangers of such an occurrence were fully realized by the church. She knew that public opinion could neither be foretold nor created at will, and therefore she usually repeated her threats,[107] and actually promulgated the sentence only as a last resort.[108]

there, Easter being near, advised the ambassador of Venice to abstain from communion at Easter, considering that shortly after he might be present with the pope's permission. The ambassador refused to receive his counsel and was admitted to all ceremonies, *ibid.*, 410-411.

[105] (a) Bishop Hugh of Lincoln, traveling in France, was obliged to retire to a monastery in order to be able to celebrate mass. Vita S. Hugonis Lincol. (*R. Ser.*), lib. v, c. 15, p. 324. (b) Capefigue, II, 145, says that on the death of nobles their names were not entered on the registers. Hurter inclines to doubt this statement. The citations given by Capefigue do not justify his contention.

[106] (a) Steph. Tornac., Ep. 235, in Migne, *Pat. Lat.*, 211, col. 504. "Insultat nobis protervitas laicorum et occasione sumpta de silentio nostro, pravis comminationibus armati, in publicis et privatis colloquiis conflant ejectionem sacerdotum, direptionem rerum, contumelias personarum. Dicunt se solvere quod non rapuerunt, pro peccato alterius injuste puniri, sacramentis carere quibus utpote catholici parati sunt parere." (b) *Ibid.*, 237, in *ibid.*, col. 506. Stephen, after relating his endeavors to enforce an interdict, adds, "Pro his omnibus digna reporto jurgiorum stipendia, increpationes in populis, indignationem et iram . . . " (c) Innocent III (Epp., II, 75; Gesta, c. 58; Potth., 716) relates that the Spanish bishops complained because the laity did not pay their customary dues. (d) Conc. Lugdun. II, 1274, c. 31, in Hard., VII, 718. The council of Lyons took the clergy under its protection because they were so much abused by the people. (e) Clemens XI, Const. "Ad Plurimas," 1713, in *Bullar. Rom.*, XXI, 588. Secular and regular clergy suffered confiscation of property, imprisonment, and exile.

[107] *Cf.* above, p. 37.

[108] Conc. Ravennat., 1314, c. 9, in Hard., VII, 1390. "Quoniam ex sententiis interdicti non est dubium multa oriri scandala . . . propterea non debent sine urgenti necessitate proferri . . . "

Threats of interdict could do the church but little harm; and, if successful, they might do her great good. Wisely therefore did the church, as far as possible, rely upon them rather than upon the actual sentence; for, in the words of a contemporary of Henry II, "It is not well that the sentence should go into effect when the threat alone easily accomplishes what is desired".[109]

When, however, the interdict was laid, and was opposed by potentates or parishioners, the church and clergy experienced grave hardships. Particularly did ecclesiastical property become subject to confiscation, seizure, and damage.[110] Revenues of the church were seriously diminished;[111] so seriously, indeed, that in Genoa it was at one time found expedient not to reassign vacant prebends, but instead to devote these incomes to the common use.[112] Monastic orders suffered great losses; but, as they were less in touch with the populace and often enjoyed papal privileges of exemption, their hardships were not so grave as those of the secular clerks. In one case the clerics had to get special permission to sell their produce;[113] in another case clerics who observed the interdict

[109] Mat. Hist. Becket (*R. Ser.*), VII, 175.

[110] (a) Const. Galteri Archiep. Senon., c. 14, in Hard., VI, 560. (b) Coggeshall, in *Rec.*, XVIII, 91. (c) Rigord, De Gest. Ph. Aug. ad an. 1199, in *Rec.*, XVII, 51. "... bona eorum diripuit ..." (d) Inn. III, Epp., VI, 97 (Potth., 1934). "... bona ceperunt eorum ..." (e) Chron. S. Denis ad an. 1209, in *Rec.*, XVII, 394. (f) *Rot. Claus*, I, 107, 108, 110, 111, 126, 130, 174. (g) *Rot. Chart.*, I, 203-204, 214. (h) *Rot. Pat.*, I, 101, 102, 124. (i) Giry, *Hist. de S. Omer*, 138.

[111] (a) Chron. S. Denis ad an. 1199, in *Rec.*, XVII, 387. Fees and rents of the clergy were seized. (b) Inn. III, Epp., II, 75 (Potth., 716). Spanish bishops complain that, because of the interdict, "cum clerici laicis spiritualia ministrare non possent, laici clericis temporalia subtrahebant, oblationes, primitias et decimas detinentes." (c) Mansi, XXIII, 1184, c. 4. A decree against laymen who fail henceforth to pay tithes in time of interdict.

[112] See Appendix, case 67. Case of Genoa.

[113] *Rot. Claus.*, I, 114. "Mandatum est ... quod permittant Archiepiscopos, Episcopos, Abbates, et omnes viros religios et omnes clericos vendere blada sua per summas usque ad festum S. Katerine."

were exiled or outlawed or imprisoned,[114] and, if exiled, they dared not enter the realm without royal safe-conduct.[115] It even came to pass that an indignant populace attacked the clergy for depriving it of religious consolations.[116] In England vacancies remained unfilled and the king retained the custody in the meantime;[117] many clerks chose to bear the expense of buying peace from the oppressor rather than to incur the greater losses and dangers attendant upon continuance of hostility.[118] The church endeavored to protect the hierarchy, and an inevitable condition for the relaxation of the interdict was the restoration of properties taken from ecclesiastics and satisfaction for damage done.[119] In England a commission was appointed to estimate this damage.[120] It is manifest that the interdict was not a care-free vacation for the clergy, but that they shared with the populace the harmful effects of the cessation of spiritual ministrations.

[114] (a) Clemens XI, Const. "Ad plurimas", 1713, in *Bullar. Rom.*, XXI, 588. Girgenti, 1713. (b) See also the cases of France and Auxerre in Appendix, cases 57 and 88.

[115] *Rot. Pat.*, I, 82.

[116] (a) See above, n. 106a. (b) Hocsemius, Hist. Pont. Leod. ad an. 1255, in Chapeaville, II, 278f. ". . . canonici pro parte a civitate recedunt interdictum ne violare cogantur."

[117] *Rot. Claus.*, I, 107, 110, et passim. The patent rolls give similar evidence.

[118] (a) *Rot. Claus.*, I, 108–113b. (b) Vita S. Hugonis Lincol., lib. V, c. 13 (*R. Ser.*), 303–304. ". . . cum tempore interdicti Anglicani omnes fere ecclesiarum rectores, quos tamen in exilium barbaricus regis furor minis coegerat interveniente pecunia bona sua redimerent a manu laicali . . ."

[119] (a) Const. Galteri Archiep. Senon., c. 14, in Hard., VI, 560. "Praecipimus ut nullatenus relaxetur [interdictum] donec ad arbitrium et moderamen relaxantis presbyteris parochialibus et damnis et perditis interdicti occasione illatis plane fuerit satisfactum vel de satisfaciendo cautum." (b) Conc. Skenninge, 1248, c. 8, in *Mag. f. d. K.-Gesch. d. Nordens* (Münter), I, 188. (c) Inn. III, Epp., XV, 236 (Potth., 4398). ". . . mandamus, quatenus concessiones, pactiones sive promissiones quas clerici seu religiosi viri cujuscunque professionis vel ordinis Joanni regi Angliae super ablatis vel extortis post interdictum fecerunt . . . denuntietis irritas et inanes . . . Si qui vero praedictorum noluerint ablata vel extorta repetere, detentores eorum nihilominus ipsa restituere compellatis." *Cf. Rot. Pat.*, I, 124. (d) Marlot, *Hist. de Reims*, III, 823–826, No. 183.

[120] *Rot. Claus.*, I, 106b.

Besides these material losses, the church experienced spiritual harm through both the clergy and the people. Comparatively little has been recorded regarding the effects of the interdict on the religious life of the clergy; but that little shows that the effect was bad. They often disagreed on the question of observing the interdict, and this produced danger of schism.[121] Discontinuance of the daily services caused remissness among the clerks; and, since they were perforce negligent of spiritual affairs, it is not surprising that they went unshaven and unkempt during interdict.[122] The regulars and the seculars disputed with each other over various privileges possessed by the former, especially over the right of burial. Ecclesiastical orders not infrequently had privileges granting them the right to bury devotees regardless of interdict,[123] in consequence of which they endeavored to secure burial pledges from as many laymen as possible.[124] Under such conditions

[121] (a) Inn. III, Epp., I, 295 (Potth., 712). (b) Inn. III, Epp., III, 15. "... timendum esset de filia [Gallicana ecclesia], ne a paternis prorsus exorbitaret vestigiis, et quae ... in devotione sedis apostolicae solebat esse ferventior, ab ejus obsequio redderetur nimium aliena ..." (c) Hist. Episc. Autiss., c. 59, in Labbe, Nova Bibl., I, 481. (d) Inn. III, Epp., XII, 9 (Potth., 3686). (e) Mat. Hist. Becket (*R. Ser.*), V, 321. Gilbert Foliet advises Alexander not to issue an interdict, and warns him of the danger of schism.

[122] (a) Dominicus Soto, in 4. distinct., 22. qu., art. 1. Cited from Pithou, *Des Interdicts Eccl.*, 18–19. "Interdictum, quamvis ex una parte ad terrorem excommunicatorum conducat, ex altera tamen in periculum divini cultus vergit potissimum; nam tunc non solum populus desuetudine frequentandi divina officia, affectum eorum et sensum perdit, verum etiam et clerus ipse fit remissior, et ignavior ad eadem divina celebranda qua utique ratione et divina religio detrimentum patitur, et populus solet in moribus silescere." (b) Inn. III, Epp., XII, 9 (Potth., 3686). The Cistercians in England averred "... quod ex dissuetudine celebrandi gravis in religione jactura et in ordine dissolutio secutura timetur." (c) Du Cange, *Glossarium*, under "Interdictum".

[123] See below, chapter IV.

[124] Berengarius, Bibl. Nat., MS. Lat. 15415, fol. 232, col. IV. When a church and cemetery are interdicted it might happen, "quod aliqui religiosi vel clerici seculares aliquos inducunt ad vovendum, jurandum, vel fide interposita seu aliter promittendum ut apud eorum ecclesias sepulturam eligant vel jam electam ulterius non invitent; si tales in suis ecclesiis vel cimiteriis praesumpserint sepeliri ad restitutionem tam sepultorum corporum, si petantur, quam omnium que occasione sepulture illorum pervenerint ad eosdem ... faciendam tenentur ..."

considerable loss might be suffered by the secular clergy because of the diversion of burial fees and the like into other channels. The losers invariably complained and sought redress, and with what success appears from the agreements in which some return of unusual incomes derived as a result of interdict is stipulated.[125]

If the frequent assertions of the sources are accepted as evidence, the effect of the interdict was more disastrous to the church through the harm done the laity than through harm done the clergy. Even when the church dominated the religious situation the people grew cold in their allegiance, heresies flourished, vices increased; they so far forgot religious ceremonies that, after an interdict was relaxed, they mocked and scoffed at the priests who were performing services.[126] Repeatedly the growth of heresies is ascribed to interdicts. Father Paul, the apologist of Venice, boldly declares that the numerous interdicts and excommunications of the twelfth and thirteenth centuries were the cause for the great prevalence of heresies, which had begun at that time and had gained strength to his day.[127] Following this line of

[125] See above, n. 10.

[126] (a) Gesta, c. 58. For quotation see below, p. 74: "From heretics . . . ", etc. (b) Hist. Episc. Autiss., in Labbe, Nova Bibl., I, 475. (c) C. 2. de sent. excom. Extrav. comm. 5. 10. " . . adolescentes et parvuli, participantes rarius sacramenta, minus inflammantur et solidantur in fide, fidelium tepescit devotio, haereses pullulant et multiplicantur pericula animarum." (d) C. ult. de sent. excom. VI. 5. 11. "Quia vero ex districtione hujusmodi statutorum [of interdict] excrescit indevotio populi, pullulant haereses, et infinita pericula animarum insurgunt, ac ecclesiis sine culpa earum debita obsequia subtrahuntur . . " (e) Conc. Ravennat., 1314, c. 19, in Hard , VII, 1390. "Quoniam ex sententiis interdicti non est dubium multa oriri scandala, ex quibus non solum saepe puniuntur insontes, immo excrescit indevotio populi, pullulant haereses, ac ecclesiis ac ecclesiasticis personis sine culpa earum debita subtrahuntur obsequia . . . " (f) The reply of Bellarmin to the Seven Theologians is as follows (Bellarmin, *Risposta*, Proposit. VII): "In Urbino duro l'interdetto ancora piu longo tempo come gli stessi sette Dottori attestano nel discorso della quinta prop. et talmente fù asservato senza sospetto nessuno di violenza popolare, che bisogno poi usare molto diligenza, et molte essortationi per ridurre il popolo alla frequenza delle messe."

[127] Apologia P. M. Pauli, 531, col. 1. " . . . haereses anno 1300 natae, et hodie ad summum evectae, aliunde ortum non duxerunt quam ab innumeris excommunicationibus et interdictis quae coeperunt ferri anno

thought the interdict may be said to have had a significant part in producing the movement which finally culminated in the Reformation. If Christians were deprived of the benefits of ecclesiastical ministrations when they were in no way culpable, they might reasonably conclude that such a deprivation could not bring them harm in the life to come; and if the hope of eternal life suffered no diminution from a deprivation of services, often unjust, why should it suffer from voluntary cessation? By these logical steps many a layman undoubtedly was brought to reason that the mediation of priests was not essential to salvation; and thus the interdict, that weapon which served to establish the church in its struggle against external and temporal powers, contributed to the weakening of her inner and spiritual control.

Of the general effects of interdict perhaps no more interesting description can be given than in the phrases used by a few of the chroniclers. The Chronicle of St. Amand compares the interdict to the Babylonian Captivity.[128] Stephen of Tournay relates that altars were contaminated, cemeteries profaned, and the sacraments of the Lord publicly sold.[129] At another place[130] he says: "As yet the recent wounds of the former interdict still flow [*spirant*]; nor do the wounded breathe [*respirant*]. And if a second blow comes redoubled, death will be within the gates; and in the sad silence those heresies which are already beginning to put forth sprouts will grow strong; spiritual melodies will be unheard, and those who have been accustomed to eat [*manducare*] the bread of life at the table of the Lord will be compelled to beg [*mendicare*]." The interdict on Leon provoked several Spanish prelates to exert themselves in behalf of their kingdom; they

1200, ac tot illo seculo viguerunt. Qui omnium illorum annorum historias leget lacrymas contineri non potuerit tantam spiritualem stragem legentem."

[128] Chron. S. Amandi, in *Rec.*, XVIII, 592. ". . . transmigrationem Babylonis repraesentare videtur".

[129] Steph. Tornac., Epp., 246, in Migne, *Pat. Lat.*, 211, col. 513. "Contaminantur altaria, profanantur coemeteria, prostituuntur in tributis Dominica sacramenta."

[130] *Ibid.*, 231, in *ibid.*, col. 501.

asserted that from the interdict a three-fold danger from heretics, Saracens, and Christians threatened the kingdom. "From heretics, because in pursuance of the interdict the lips of pastors were closed in those parts and the faithful could not be instructed by them against the heretics, or in any way taught to resist them; so that, both from this cause and also because the King of Leon, averring that he was hindered by the interdict, did not oppose them, the heretics prevailed against the faithful and various heresies were now spreading in the kingdom. From the Saracens, for, inasmuch as the people of Spain had customarily been induced to attack the pagans by the exhortations and remissions of the church, the devotion of the people grew lukewarm when the office of preaching ceased; for, as long as the people saw themselves interdicted, being subjected to the same penalty as their prince on account of a fault to which they had consented, though merely by keeping silent, they probably did not regard themselves faultless and for this reason they were less ardent to war against the Saracens, fearing they might die in sin. From the Catholics, for, as clerics could not minister to the spiritual needs of the laity, laymen denied the temporal necessities to the clergy, retaining oblations, first-fruits, and tithes. Now, as the clergy in those parts were largely dependent on these, they being withdrawn, clerks were forced not only to beg, but to serve and toil for the Jews, to the opprobrium of the church and all Christendom." [131]

From a later time [132] comes another equally interesting account of what effect it was hoped the interdict would have. At Rome, says Sarpi, it was expected to have three notable effects. "1. That the Religious would all depart the Countrey and so the interdict at least by necessitie should be observed; 2. That Cities and people seeing themselves deprived of Divine Offices and Exercises would seditiously be moved and send to the Prince to give satisfaction to his Holinesse; 3. That upon this occasion the Nobilitie might be disordered, grieved, and terrified, and so divided amongst themselves."

[131] Gesta, c. 58. [132] Sarpi, *Quarrels of Paul V*, p. 100.

CHAPTER IV.

Moderation and Relaxation of the Interdict.

To complete our discussion of the interdict it is necessary to present the means by which the severity of the sentence could be tempered to any desired degree, and be made to fit any conditions. This was done by privileges, and by mitigations such as partial[1] and ambulatory interdicts. Privileges were freely used to blunt the edge of the interdict; by granting them the church sought in part to still the accusation of injustice raised against her for afflicting the innocent with the guilty. The first known privilege was given the monastery of Fleury (Orleans) in 997.[2] During the eleventh century privileges became established in principle; during the twelfth they became numerous. They were given usually by papal, and rarely by episcopal authority.[3] They were always strictly construed and were held to confer no rights not distinctly and explicitly granted;[4] thus tertiaries or "conversi" were not included in the benefits of a privilege given an order.[5] Furthermore, they were revocable at any time by the authority

[1] Partial interdicts are those which prohibit only a part of the services usually denied. Their use was not common.

[2] Aimoin, Vita S. Abbonis, c. 12, in *Rec.*, X, 335. *Cf.* Hinschius, V, 20, n. 1. Kober states that this is the earliest privilege known.

[3] (a) Miraeus, *Opp. Dipl.*, I, 97. Privilege by the Bishop of Cambrai to the church "Grimbergana". "Concedo etiam ut si inbannitur terra remotis excommunicatis haec cantet Ecclesia, clausis januis." (b) Antiquus Cartul. Eccl. Baiocensis, No. 47, in *Mém. Soc. Antiq. Norm.*, VIII (1834), ii, 443–445. The Bishop of Beauvais grants a privilege to those who shall contribute to the fund for the repair of the cathedral: "propter nullam interdicti sententiam nisi nominatim excommunicati fuerint ecclesiasticis priventur sacramentis."

[4] Kober, XXI, 338–340.

[5] C. 3. de sent. excom. in Clement. 5. 10.

which granted them, and so it came to pass that Innocent III, in his endeavor to make his interdicts on England and on France of the utmost severity, allowed no privileges to prevent the observance of the sentence.[6]

Privileges were of two general classes: First, they forbade judges to lay interdicts on designated persons or localities.[7] Second, they conferred exemption from all interdicts upon persons,[8] such as princes[9] or prelates;[10] upon localities, such as royal and noble chapels,[6c] churches,[11] hospitals,[12] districts and countries;[13] and upon corporations, such as military[14] and religious orders.[15] Privileges granted to persons varied in their character. William, Lord of Montpellier, received permission to have silent services in his chapel in time of interdict, unless he himself should chance to be excommunicated.[16] "G. de Blosaville," his wife, and his mother were to hear services behind closed doors.[17] Baldwin, Emperor of Constantinople,[18] Simon de Montfort and his wife,[19] and the

[6] (a) Inn. III, Epp., XII, 9 (Potth., 3686). (b) Inn. III, Epp., XI, 121 (Potth., 3175). (c) Inn. Opp., IV, 190, No. 136. (d) Migne, *Pat. Lat.*, 214, col. xcvii, n. 60. (e) Raynald., *Annal.*, 1238, XLVIII.

[7] The nature of those privileges which forbade the promulgation of interdict upon some person or locality is clear without further explanation.

[8] Kober maintains that privilege does not exempt from episcopal interdict.

[9] (a) J-L., 5552, 9860. (b) Potth., 1452, 1540, 1689, 1883, 2203, 3174, 4135a, 4485, 4842, 4911, 5143, 5213, 5269.

[10] (a) J-L., 12446. (b) Potth., 328, 1527, 3604.

[11] Potth., 2203, 4842, 4911.

[12] (a) Potth., 5449. (b) *Quell. Gesch. Stadt Köln*, II, 263. A privilege is given to the superintendent of the leper-hospital at Cologne.

[13] (a) J-L., 16173 (10053). (b) Potth., 5924, 10402, 10463, 11023. (c) Auvray, *Reg.*, 3334.

[14] (a) J-L., 13745 (8833), Hospitallers; *ibid.*, 17446, Templars. (b) Archives Nat., L. 236. Cited from Davidsohn, *Philip II und Ingeborg*, 101. Templars.

[15] Henriquez, *Regula Const. et Privil. ordin. Cisterc.*, Privileg. VII, VIII, XI, LXXI.

[16] Potth., 1450, 1451, 1452.

[17] J-L., 9860.

[18] Potth., 5143.

[19] Potth., 5213.

Bishops of Cremona and Pampluna[20] had similar privileges. The Archbishop of Canterbury, Stephen Langton, and the Bishops of London, Ely, and Worcester were allowed to celebrate services in spite of the interdict on England, if for any reason they should chance to cross to the island.[21] Religious orders were the principal recipients of the privileges granted to corporations. A typical privilege of this class is to this effect: the recipients, in time of interdict, had the right to celebrate offices behind closed doors, with subdued voice and without the ringing of bells, those interdicted and excommunicated *nominatim* being excluded; and to give canonical burial to those of their number who died in good standing.[22] Exceptional privileges were those by which monks were allowed to ring a single bell for a short time in case of the burial of one of their number;[23] or those by which they were permitted to call the brethren from their labors to the church by ringing one bell, provided their monastery was so separated from villages and cities that the sound of this bell could not be heard.[24] The Præmonstratensians were privileged to celebrate divine offices solemnly, if their churches were removed from habitations, on condition that the excommunicated and interdicted be kept so far away that they could not hear; in churches near human dwellings they were to observe the limitations set by the typical privilege.[25] Peculiar privileges are the following: the Council of Laval permitted the canons to recite canonical hours,[26] and Boniface IX permitted the council of Cologne to hear mass behind closed doors on

[20] (a) Potth., 1527. (b) Potth., 328.

[21] Potth., 3604.

[22] (a) Cartul. de l'Abbaye du Paraclet, in *Coll. des Princip. Cartul. du Dioc. de Troyes*, 34, No. 21. (b) Cartul. de l'Abbaye de S. Loup, *ibid.*, No. 134. (c) Potth., 4984. (d) J-L., 13514, 14601 (9460), 14704, 16172.

[23] Inn. III, Epp., VI, 23 (Potth., 1862).

[24] Inn. III, Epp., V, 2.

[25] Potth., 1247.

[26] Conc. apud Vallem Guidonis, 1242, c. 6, in Hard., VII, 349.

days of council session.[27] The Archbishop of Cologne, in his eagerness to increase the funds for building the cathedral, gave the following privilege: "We order that, if any churches shall have been put under interdict by us, or the archdeacons, or the deans, whenever on Sundays or feast-days it shall seem that the aforesaid matter [the building of the cathedral] can be advanced, holy offices shall be celebrated, persons excommunicated and interdicted *nominatim* being excluded; and, because of the evident need of the said work, the word of exhortation shall be preached to the people."[28]

A privilege frequently granted was the right to bury the dead. This was doubtless valuable because of burial fees and payments, which, if desirable in ordinary times, must in time of interdict have been especially remunerative to those privileged to bestow the dead. Sometimes persons secured the right of burial for themselves,[29] but this was less common than the privileges of monasteries to bury whoever might come.[30] La Charité claimed this privilege,[31] St. Bartholomew's Hospital in London had the right to bury its dead,[32] and the Templars could bury any but excommunicated and interdicted persons,[33] which was the common limitation of the privilege.

A very decided moderation of the interdict resulted from the *ambulatorium*, which began to be used about the middle of the twelfth century. This interdict was designed to accomplish just as much as the local general interdict without many of its evil effects. Intrinsically it is the local interdict

[27] Chapters. (a) J-L., 16854 (10368), 16998 (10426), 17159, 17413, 17544. (b) J-L., 16708. Benefactors of the Holy Sepulchre. (c) *Quell. Gesch. Stadt Köln*, VI, 7. City Council of Cologne.

[28] *Ibid.*, II, 502-504.

[29] J-L., 16708.

[30] J-L., 13963.

[31] *Gall. Christ.*, XII, Instrumenta, col. 174. ". . . monachi dicunt quod habent privilegia a sede apostolica, quod durantibus interdictis possunt admittere in suis cimiteriis ad jus ecclesiasticae sepulturae omnes" [except excom. or those responsible for the interdict].

[32] See above, chap. III, n. 67.

[33] (a) J-L., 16742. (b) J-L., 15820 (9904). Usurers are excepted.

in motion; except for its ambulatory character it offers nothing new, and whatever has been said of the theory, causes, and effects of the local interdict applies also to the ambulatory interdict. Instead of putting the whole of a prince's dominions under sentence, only that part suffered in which he chanced to be; the remainder in the meantime celebrated all services in the usual way. The ambulatory interdict wandered about with the offender as did his own shadow. He was never out of interdicted territory, or beyond the reach of public sentiment. The populace, instead of rejoicing at his approach, must have rejoiced at his departure. Bishop Stephen of Tournay, in writing to the Archbishop of Reims regarding a local interdict threatened against the Count of Flanders, said that it seemed to him and to many other prudent persons that the Count would both be wounded more deeply, and disconcerted more openly, if he and his adherents were every Sunday declared excommunicate, and if all places to which he came ceased from divine services as long as he remained there.[34] The size of the district affected by an *ambulatorium* varied; it might be a diocese,[35] a province,[36] a city,[37] a village,[38] a town,[38] or a parish;[39] often no limits were specified, and it was merely stated that all places to which the offenders came should cease from services.[40] The ambulatory interdict was particularly serviceable when the offender himself was migratory, and therefore the presence of such offenders as

[34] Steph. Tornac., Epp., 231, in Migne, *Pat. Lat.*, 211, col. 501.

[35] Potth., 27, 29, 2344.

[36] J-L., 12248, 12705.

[37] (a) Gesta, c. 58. "... ad quamcumque civitatem, villam, vel oppidum devenirent nullus ibidem eis praesentibus divina officia celebraret." (b) Marlot, *Hist. de Reims*, III, 783. The chapter of Reims agrees to suspend services if a certain Enguerraud is present.

[38] See above, chap. II, n. 116.

[39] Prov. Conc. Trev., 1238, c. 2, in Mansi, XXIII, 479. "... per totam illam parochiam ..."

[40] (a) Inn. III, Epp., V, 155 (Potth., 1813). (b) *Ibid.*, VIII, 84 (Potth., 2530). "... in omnibus ... locis ...." (c) *Ibid.*, XI, 26 (Potth., 3324). "... omnia loca ...."

kings or nobles,[41] murderers of prelates,[42] marauders of churches,[43] crusaders who refused to keep their vows,[44] and persons who attended tournaments in spite of ecclesiastical prohibitions[45] commonly caused its use. That this *ambulatorium* was considered an amelioration of the severity of the interdict appears from the fact that Innocent III, in consequence of a complaint of the Spanish prelates about the grievous results of the general interdict, partly relaxed it by making it ambulatory.[46] The ecclesiastics of Auxerre found it expedient to do the same thing during the quarrel of their bishop with Peter Courtenay.[47] The interdict on Denmark, after having been generally unobserved for two years, was finally changed to an interdict solely on those parts in which the queen and her accomplices were.[48]

A few cases of ambulatory interdict arose out of the detention of some person or property in a locality: Henry II of England was notified that, unless he yielded the daughters of Louis within forty days, the province in which they were detained would be interdicted.[49] The Archbishop of Cologne ordered that, if any ecclesiastical person were detained in a place for more than three days, the locality should fall under interdict.[50] The captivity of Queen Sybil and other Sicilians caused interdict to be threatened for all dioceses in which they were held prisoners.[51] The Cistercians obtained papal

[41] (a) *Ibid*, VI, 63 (Potth., 1911). (b) *Ibid.*, VII, 171 (Potth., 2344). (c) *Ibid.*, VIII, 84 (Potth., 2530). (d) Potth., 8162, 10811. (e) Auctor Anon. ad an. 1261, in Ludewig, IX, 81–82.

[42] Inn. III, Epp., V, 155; XI, 26 (Potth., 1813, 3324).

[43] (a) J-L., 15247. (b) Cartul. de la Chapelle-aux-Planches, No. 41.

[44] (a) Potth., 8162. (b) Gesta, c. 84. "... et quocunque tales [crusaders] devenerint, divina prohibeatis eis praesentibus officia celebrare."

[45] Gesta, c. 84. *Cf.* Inn. III, Epp., IX, 197; X, 74 (Potth., 2927. 3127).

[46] Gesta, c. 58.

[47] See Appendix, case 88. Interdict on Auxerre.

[48] Auctor Anon., in Ludewig, IX, 81–82.

[49] J-L., 12248, 12705.

[50] *Quell. Gesch. Stadt Köln*, II, 273.

[51] Inn. III, Epp., I, 26 (Potth., 27).

protection for themselves and their property with this addition: that villas in which any of their goods or men were forcibly kept, or in which brethren, fugitive monks, or "conversi" were detained contrary to their own will, or in which the looters of their property remained, should be interdicted until the cause for grievance was removed, unless the inhabitants upon notice expelled the offenders.[52] The provincial Council of Trier determined that a parish should be interdicted as long as any stolen goods, the thieves, or the purchaser of the goods remained there.[53] The presence of stolen goods alone was cause for an interdict, it appears from a privilege to the Abbey of Basse-Fontaine.[54] The struggle between the Bishop of Auxerre and the Count of Nevers gives a very adequate idea of the way in which an ambulatory interdict operated. It was there decided to observe the interdict in this way: as soon as the count's arrival was known, and as long as he was present, churches were closed and services were celebrated in the silence demanded by the interdict; when his departure was announced by the bell of the public crier, services were resumed. "Certainly a profitable and salubrious agreement, for the Count could not enter or leave his own city without the greatest commotion, nor could he stay very long because of the clamor of the populace; and the church by her silence was not obliged to neglect the building and the progress of souls."[55]

An interdict ended with its relaxation. This was under some circumstances automatic,[56] but usually there was a judicial absolution. If this absolution was reserved to some one, that authority alone could relax the sentence; as a special privilege to the Bishop of Oviedo, Innocent III reserved to him

[52] See above, chap. II, n. 116.

[53] Prov. Conc. Trev., 1238, c. 2, in Mansi, XXIII, 479.

[54] Cartul. de l'Abbaye de Basse-Fontaine, 142, No. 106. "Villas autem in quibus bona praedictorum fratrum per violentiam detenta fuerint quandiu ibi sint interdicti sententiae supponatis."

[55] See Appendix, case 88. Interdict on Auxerre.

[56] Kober, XXII, 42f.

the right of raising the interdict in his own diocese, though the papal commissioners removed it from the other parts of Leon.[57] As a rule, only the person who laid the interdict, his vicar, his successor, or his superior[58] could remove it. Who was properly a higher authority was open to some question: Anacletus II, anti-pope, removed a personal interdict laid by Honorius II,[59] and the anti-pope Victor IV gave Albert, Bishop of Verdun, the right of relaxing an interdict in the church of Saint Michel (Verdun).[60] According to law a sentence must actually have accomplished the purpose for which it was laid before it could be removed;[61] usage, however, demonstrates that the working of this law was not always in keeping with the theory. If possible, the interdict was left in force until it accomplished its original purpose; but it was not always possible to secure the desired effects, and under such circumstances there was no option but to take as little less as could be obtained. This was notably the case in Venice. The city refused absolutely to observe the interdict or to yield in the slightest degree; the papacy had exhausted all possible devices to secure its aims; for the Roman pontiff the matter resolved itself into getting out of the situation with all possible grace. He sought to induce Venice to do something which would afford him a pretext for relaxing the sentence; but the Venetians would not so much as pray him, directly or indirectly, to give up his hostility; they refused to observe the interdict merely as a form for even a few days; and when peace was arranged they refused an absolution. The mediating cardinal desired to celebrate mass and give the

[57] Inn. III, Epp., I, 125 (Potth., 131).

[58] (a) J-L., 5959. (b) Potth., 10020. (c) Hist. Episc. Autiss., c. 59, in Labbe, Nova Bibl., I, 481.

[59] J-L., 8371 (5924).

[60] J-L., 14431 (9378).

[61] (a) Conc. Galteri Archiep. Senon., c. 14, in Hard., VI, 560. (b) Conc. Lemovicen., Sess. II, in Hard., VI, 560f. (c) Ivo Carnot., Epp., 94. (d) Gesta, c. 53, 54. (e) Inn. III, Epp., III, 14. (f) Inn. III, Epp., XIII, 43. (g) See Appendix, case 45.

benediction, but it was not agreeable to the Republic; the citizens, since they maintained that the interdict was never actually laid, would not hear of anything that even suggested absolution. The cardinal announced the end of the interdict in the following words: "I rejoyce very much that this happy day so much desired by me is come, wherein I declare unto your Serenitie that all the Censures are taken away, as indeed they are; and I take therein much pleasure, for the benefit which shall redound hereby to all Christendome and particularly to Italy." On the day the pope revoked his sentence, a rumor spread that the cardinal had given absolution at a mass; this caused great discontent among the people, who were zealous that nothing should be done to cast aspersion on their cause; the rumor, however, was false. Many had supposed that on this occasion there would be bonfires and other signs of joy, at the least the ringing of bells. "Notwithstanding, nothing of this was done, nor one bell sounded neither at Venice nor in any Citie of the State when the News arrived . . . to the end that such signes of joy might not be interpreted to signifie some absolution which they had received,[62] or the Republique thereby conceived to have been formerly in a fault." The pope drew off entirely beaten, not even able to save appearances.

But the experience was unique, and usually the church was able to make conditions for the relaxation.[63] The particulars of these conditions varied with circumstances; among the common stipulations were, first, the promise to make reparation for all harm done the church during the time in which the sentence was operative;[64] second, to give security that the terms would be fulfilled;[65] and third, that the offender obey

[62] Sarpi, *Quarrels of Paul V*, 414–417, 424–425, 427–428.

[63] Mun. Acad. Oxon. (*R. Ser.*), 190f.

[64] See above, chap. III, n. 119.

[65] (a) Inn. III, Epp., I, 35 (Potth., 31). ". . . cautione recepta . . ." (b) Inn. III, Epp., I, 461 (Potth., 473). (c) Potth., 3421. (d) Inn. III, Epp., XII, 156 (Potth., 3885). (e) *Ibid.*, XV, 12 (Potth., 4406). (f) *Ibid.*, XVI, 98 (Potth., 4798).

the authorities in regard to the matters under dispute.[66] Not infrequently it was stipulated that certain of the conditions of peace be actually fulfilled before the interdict was relaxed.[67] The pope commanded his agents to see that everything expedient was done before the sentence was removed,[68] which was nothing more than the good business principle of giving no receipt before having value received. Not always, however, was it easy to come to terms, or to have all the conditions clearly stated, much less fulfilled; under such circumstances a part of the terms of peace were left to be determined after relaxation.[69] In England, the fact that some of the details of the peace were not understood did not defer the removal of the interdict.[70] No definite form of absolution seems to have developed; each formula of relaxation was drawn to fit its special case. Even less can be said of the ceremonies of relaxation. At the removal of the interdict and excommunication from Roger, Count of Pamiers, the count on his knees, before the Bishop of Pamiers, prayed with joined hands for absolution, which was accorded.[21] Relaxations of interdicts bring out several matters of value: the joy displayed by the people on such occasions indicates that the interdict was oppressive;[72] a special aid was levied for its removal in England;[73] the relaxation of interdict was so much desired that letters of re-

[66] (a) J-L., 9169 (6373). Eugene III reproved the Bishop of Verona for removing an interdict without first having secured the restoration of the canons' property, and ordered him to secure the restoration. (b) Inn. III, Epp., III, 16 (Potth., 1150). Innocent reproved Octavian for disregarding his instructions, " . . in qua . . continetur, quod praemissis omnibus quae ante relaxandam sententiam interdicti mandavimus praemittenda, post modum ipsam sententiam relaxares."

[67] Potth., 3881.

[68] Inn. III, Epp., XV, 108 (Potth., 4531).

[69] *Ibid.*, XV, 234 (Potth., 4393).

[70] *Hist. Gén. de Languedoc*, IX, 190-192, n.

[71] (a) Hist. Guerre des Albig., c. 17, in *Rec.*, XIX, 131. "Et adonc s'és levada dins ladita villa una tala joya et alegretat, que jamay tala non fouc vista." (b) Matt. Par., Hist. Angl. ad an. 1213, in *Rec.*, XVII, 714.

[72] *Rot. Claus.*, 208, 213.

[73] Inn. III, Epp., XVI, 52 (Potth., 4732).

moval were forged. In Portugal a relaxation was stopped by the king's opponents on the plea that the exhibited papal letters of absolution were fraudulent.[74] That the papal commissioners were induced by this assertion to postpone action until they could investigate seems to give ground for crediting the accusation. In the preceding year, also, the pope had instituted an inquiry about certain forged letters granting papal absolution to Stephen, Count of Burgundy, from an excommunication and interdict laid by the Archbishop of Besançon.[74] Before dismissing the subject, let it be noted that the abuse of relaxations, exemplified by the clergy of Reims in demanding a sum of money before removing the interdict, was opposed by the papacy, and that Innocent IV in this instance administered a strong rebuke.[75] On the whole, the impression given by the silence of the sources is that the misuse of relaxation was not common.

[74] Inn. III, Epp., XV, 11 (Potth., 4408).

[75] *Arch. de Reims*, II, i, 659. Cf. Raumer, *Gesch. d. Hohenst.*, VI, 162.

APPENDIX.

INTERDICTS FROM 1198 TO 1216.

THE author realizes that any arrangement of eighty-five miscellaneous cases of interdict is likely to be bad. A strictly chronological list separates interdicts that are closely related in cause if not in time; a chronological arrangement by countries has not even the virtues of a consecutive list; a topical arrangement is not feasible because of the number of unconnected topics. The plan that seemed open to fewest objections is to arrange all manifestations of the interdict from the year 1198 to the year 1216 in three groups: threats of interdict, possible cases, and actual cases of interdict. Within each group the order is a combination of chronological and topical arrangement. Whenever the sources furnished sufficiently interesting material, the case was narrated.

THREATS.

1 *Hungary, 1198.*[1]

2 *Portugal and Castile, 1198.*[2]

3 *Leon and Castile, 1198.*[3]

4 *Leon, 1212.*[4]

5 *Cyprus, February, 1200.*[5]

6 *Violators of crusaders' vows, 1201. Ambulatory.*[6]

7 *Italian Cities, June, 1198.*

At a convention of Italian bishops held at Verona, under

[1] Inn. III, Epp., I, 271 (Potth., 285).
[2] Inn. III, Epp., I, 249 (Potth., 263).
[3] *Ibid.*, 92 (Potth., 81).
[4] *Ibid.*, Epp., XV, 15 (Potth., 4417).
[5] Theiner, *Vet. Mon. Slav. Merid.*, I, 47, No. 5 (Potth., 956).
[6] Hoveden, Chron. (*R. Ser.*), IV, 165.

the chairmanship of the legate Gregory, it was decreed that heretics should not be allowed to hold offices or vote for city officials, and that all podestàs, consuls, and councils were to take oath to enforce this rule. The convention instructed the Archdeacon of Milan, who was sent to administer the oath to the cities, to use excommunication and interdict against the lands of any who refused to swear. Innocent confirmed these instructions.[7]

8 *Brindisi, Gallipoli, Otranto, Bari, 1203.*

There is probably no better example of the use of threat of interdict for political purposes, than the one which follows. In the course of the struggle between the papacy and the Hohenstauffen in southern Italy, Innocent found himself compelled to call in French aid in the person of Walter of Brienne. From the first Count Walter found adherents, but in the vicissitudes of the struggle Brindisi, Gallipoli, and Otranto rebelled against him and occupied one of his castles, thereby causing some loss of life. About October, 1203, orders came from the curia to the prelates and people of these cities commanding them under pain of interdict to return to their allegiance within a month. These orders were apparently not effective; for in December of the same year the cities above mentioned, with the addition of Bari, were threatened with interdict unless they returned to their allegiance within a month. There is no further trace of this interdict.[8]

9 *Orvieto, July, 1209.*

The citizens of Orvieto were guilty of numerous offences; the one which made their insolence no longer tolerable was the seizure of some of the cattle of Aquapendente. Innocent gave them fifteen days within which to return the stolen cattle; if they failed to do so, their officials were to be excommunicated and the city put under interdict.[9]

[7] Inn. III, Epp., I, 298 (Potth., 286).
[8] Inn. III, Epp., VI, 191, 192 (Potth., 2064, 2065).
[9] *Ibid.*, XII, 80 (Potth., 3777).

10 *Bologna, June, 1211.*[10]

11 *Lands of Philip in Rouen, 1198.*

About 1198 the Archbishop of Rouen and the King of France disagreed regarding the cession of Andelay to Richard of England. The king appealed to Rome to prevent any action prejudicial to him from being taken. In spite of this the archbishop disturbed him and threatened to subject whatever lands he possessed in the diocese of Rouen to interdict. The pope forbade the archbishop to molest the king thereafter, or to presume to lay an interdict on his lands; and certain abbots were instructed to see that any sentence laid by the archbishop contrary to law was declared null, and to arbitrate the matter fairly, without respect of persons.[11]

12 *Lands of the Count of Nevers, 1199.*

Baldwin, Count of Flanders, and the Count of Nevers had made an agreement under oath in regard to certain marriages. A part of the agreement was that, if either of the parties failed or refused to carry out his part of the contract, he was to be forced to do so by the King of France, by the Archbishops of Reims and Sens, or by the Bishops of Auxerre and Nevers, by means of excommunication of person and interdict of lands. Peter, Count of Nevers, failed to perform his part of the agreement. The pope instructed the above-mentioned prelates to force Peter to keep his oath. The count was notified of the order, and at the same time a bull requested the King of France not to hinder the count from keeping his oath. There is no evidence that a sentence was issued.[12]

13 *England and France, 1198.*

The ardent desire of Innocent to organize a crusade was balked by the endless wars between England and France.

[10] *Ibid.*, XIV, 79 (Potth., 4264).

[11] (a) Wendover, Flor. Hist. ad an. 1197 (*R. Ser.*, I, 267). (b) Inn. III, Epp. I, 108 (Potth., 107). (c) *Ibid.*, I, 131 (Potth., 141).

[12] (a) *Rec.*, XIX, 375 (Potth., 674). (b) Inn. III, Epp., II, 44 (Potth., 675).

For this reason, on August 13, 1198, he addressed letters to the kings of these two countries, in which he ordered them to make peace, or at least a truce for five years, within two months after receiving his letters, and to keep inviolate the agreement they should make. Peter of Capua was sent to promote these matters. If, upon warning of the legate, they failed humbly to receive and fulfill the papal mandate within the time fixed, their entire lands were to be placed under interdict, so severe that no divine office except baptism of infants and penance of the dying could be celebrated. All prelates of both realms were warned to observe the interdict, should it be issued; even the Templars and the Hospitalers were to be affected. It was further ordained that, if any cleric whatsoever dared to perform any ministration for the kings after the interdict was laid, he risked the loss of his orders and his benefice. The agreement demanded by the pope was made. Coggeshall states that the kings did not make a peace, but entered into a five-year truce about the time of Lent (1199). This record is confirmed by another which reports that a verbal truce to hold for five years was entered into in 1199, but was hardly kept until Easter. Wendover relates that the kings met and swore to keep truce for five years. Philip, however, soon plotted with John against Richard, thereby violating the spirit of the truce, and war was continued. But there is no evidence that the sentence threatened for the violation of the truce was ever issued.[18]

14 *England, 1198.*

Richard was threatened with interdict if, upon seeing the

[18] (a) Wendover, Flor. Hist. ad an. 1198 (*R. Ser.*), I, 280f. States that the pope took this action at Philip's request. (b) Inn. III, Epp., I, 355 (Potth., 351), and *ibid.*, II, 57 (Potth., 682). (c) Rad. Coggesh., in *Rec.*, XVIII, 84. (d) Sigeb., Contin. Acquic., ad an. 1199, in *MGSS.*, VI, 435. (e) See also Inn. III, Epp., VI, 163. (f) The threat of interdict (1203) mentioned by Luchaire, *Les Royautés Vassales du S.-Siège*, p. 189, as a local interdict seems to me to have been a personal interdict: "Si quis autem contrarium praesumpserit excom. se noverit sent. innodatum et totam familiam suam suppositam interdicto." Inn., Epp., VI, 164 (Potth., 2010).

letters of the pope, he failed to remove the Archbishop, Hubert Walter, from the justiciarship.[14]

15 *York and England, 1199.*

The disputes of Geoffrey, Archbishop of York, with his brothers, Richard and John, were the cause of two threats of interdict; one in 1199, the other in 1207. In 1196 Richard had disseized Geoffrey of his ecclesiastical estates and temporal functions. In spite of the prelate's efforts, and of the papal warnings, the king did not restore the properties. With the accession of the new pontiff, Innocent, Geoffrey's cause was strengthened. On April 28, 1199, the pope ordered Richard to restore the properties of the archbishop on pain of interdict upon the province of York, which would be followed by an interdict on all England, if the sentence on York did not bring him to submission. Before the bull reached its destination Richard died, and John soon after came to an agreement with Geoffrey.[15]

16 *York, 1207.*

When John, in 1207, proposed to levy a tax of a thirteenth on all chattels of the realm, his obstreperous brother, Geoffrey, headed the opposition. He forbade his clergy to pay the tax, declared all collectors excommunicated, and secretly left for the continent. His property was seized by the king. The pope vigorously interfered in Geoffrey's behalf. In December, 1207, he wrote to the Bishops of Worcester, Ely, and Hereford, instructing them to urge the king to repair the harm done the archbishop; and, to give point to their entreaties, the pope permitted them to use interdict against the province of York, if the king proved obstinate. These commissioners did nothing; for early in the following year the quarrel over the archbishopric of Canterbury came to a head and an interdict was laid on the whole of England. But

[14] (a) Wendover, *Flor. Hist.*, (*R. Ser.*), I, 276 (Potth., 552). (b) *Dict. Natl. Biog.*, "Hubert Walter."

[15] (a) Inn. III, Epp., II, 57, 59 (Potth., 682, 683). (b) Stubbs, Preface to Hoveden (*R. Ser.*), IV, lxix–lxxv.

Innocent did not merge the affairs of York with those of England. In May, 1208, a bull was issued from Rome addressed to the Bishops of London and Rochester and to the Dean of Lincoln, informing them of the situation in York, of the instructions previously given, and commissioning them to persuade the king to yield within three months. Should John refuse to do so, the bishops were to lay an interdict on the province of York and were to enforce its observance until satisfaction was forthcoming. Nothing came of this interdict because all the bishops except the Bishop of Winchester were obliged to leave England on account of the great interdict. Geoffrey never returned to England; he died in Normandy in 1212.[16]

17 *Normandy, 1203.*

King John retained some of the property of the bishopric of Séez and refused to acknowledge Silvester as the Bishop of Séez, because he had been consecrated by the Archbishop of Sens, when the right of consecration belonged to the Archbishop of Rouen. On May 25 the pope ordered the king to receive the bishop and restore his properties within a month, under pain of interdict on that part of Normandy subject to the jurisdiction of the Archbishop of Rouen; this interdict was to be observed until the king came to terms. John had not submitted in December of 1203, for at that time he remonstrated with the Archbishop of Sens for presuming to consecrate Silvester, and stated that he had appealed to the pope and put himself and his lands under papal protection, and that the archbishop should therefore ordain nothing against him or his realm. This shows that the sentence had not been laid, and no doubt John accepted Innocent's decision in the matter, for Silvester became Bishop of Séez.[17]

[16] (a) Inn. III, Epp., XI, 87 (Potth., 3418), etc. (b) Inn. III, Epp., X, 172 (Potth., 3248). (c) Wendover, Flor. Hist. ad an. 1207 (*R. Ser.*), II, 35.

[17] (a) *Rot. Pat.*, I, 16, August 12. (b) Raynald., *Annal.*, 1203, lxi. (c) Inn. III, Epp., VI, 73 (Potth., 1919). (d) *Rot. Pat.*, I, 22b, December 19.

18 *Dublin, 1203–1205.*

In 1197, the Archbishop of Dublin was exiled and his property was confiscated by the crown. The pope urged and pleaded in vain. In 1203, he proceeded to more rigorous measures; he commanded the king to recall the prelate and restore his property; and he instructed the Archbishop of Canterbury and the Bishop of Ely that, if John failed to obey within a month after receiving the papal order, they should interdict whatever diocese the king chanced to enter, as long as he tarried therein. The pontiff assured the king that, if these measures did not soften the regal will, he should adopt severer measures. The prelates disregarded their orders and nothing came of the threat, except that the English prelates were roundly rated for their disobedience. A year and a half later John again received a communication from Rome, and this time he was given two months for reflection; if his meditations meanwhile had not brought him to give satisfaction to the Archbishop of Dublin, an ambulatory interdict was to make John's itinerary from diocese to diocese its own; if this proved inadequate, the whole province of Dublin was to be interdicted. The pope added that he should remain firm in the defense of the church. In 1205 the king and the archbishop came to an agreement, and thus ended the necessity for the interdict.[18]

19 *Parts of Germany, 1198.*

During the pontificate of Celestin III various Sicilians had been carried as captives across the Alps to German lands; among these were Queen Sybil and the Archbishop of Salerno. They were detained by Philip of Suabia or his minions. Immediately after his accession, Innocent took up the cause of the captives. He ordered "Wicel de Berc", who held the archbishop, to free him under pain of excommunication and interdict. If he refused, he was to be deprived of all his

[18] (a) Inn. III, Epp., VII, 171 (Potth., 2344). (b) Inn. III, Epp., VI, 63 (Potth., 1911). (c) Inn. III, Epp., VI, 64 (Potth., 1910). (d) *Cf. Dict. Natl. Biog.*, "John Comyn".

church benefices and all his land; and the whole diocese in which the captive was, or to which he was transferred, was to be interdicted. The Bishop of Sutri and the Abbot of St. Anastasius were commissioned to carry out his orders, and were empowered to secure the release of Sybil, her son and her daughter, and other Sicilians by similar measures. The German clergy were instructed to give full obedience to their acts; and the princes were warned that, unless they secured the release of the prisoners, the whole of Germany would be interdicted. The outcome of the matter was an agreement between Duke Philip and the papal agent, by which the Archbishop of Salerno was surrendered. The other captives escaped to France; it is possible that their flight was made easy, because of the pressure exerted by Rome.[19]

20 *Lands of supporters of the Bishop of Hildesheim, 1200.*

Conrad, the Bishop of Hildesheim, transferred himself without papal authority to the see of Würzburg. In spite of suspension and excommunication, he opposed the person properly elected. He was supported by the Counts Adolph, Herman, and Henry of Harzburg, Frederick of Lille and the ministerials of his church, namely Lupold and "Escherte", and by Ugo the Vicar. On this account the pope instructed three German clerics to investigate the matter. If things were found to be as reported to him and if the offenders would not yield, these prelates were to excommunicate them and lay an interdict on their lands and on every place to which they should come. These orders were given February 2, and were to remain in force until the offenders submitted. Conrad yielded to the pope shortly after (April, 1200), and the sentence against his supporters had no further purpose.[20]

[19] (a) Inn. III, Epp, I, 24, 26 (Potth., 29, 27). (b) Gesta, c. 22, 23, 26. (c) Robt. Altissiod., in *Rec.*, XVIII, 264. (d) Minorita Florent., in Böhmer, *Fontes*, IV, 615. (e) Winkelmann, *Phil. von Schwaben*, I, 80, n. 4.

[20] (a) Inn. III, Epp., I, 335, 574; II, 54, 201, 204, 278, 288. (Potth., 944). (b) Winkelmann, *Phil. v. Schwaben*, I, 513, Erläuterungen, VIII.

21 *Lands of Hermann of Thuringia, 1200.*

Hermann, Landgrave of Thuringia, had given an oath of homage to Otto of Brunswick; afterwards he refused to keep it and allied himself with Philip of Suabia. Innocent, therefore, instructed the Archbishop of Mainz to urge the Landgrave to keep his oath, and, if he refused, to force him, by papal excommunication and by interdict of his lands, to return to his allegiance, or at least to restore what Otto had paid him for it. It may have been, as Otto believed, that this threat caused the vacillating Hermann to grow cool in the cause of Philip and ultimately to desert him entirely. However, the fear of ecclesiastical discipline had not impressed Hermann deeply enough to keep him from yielding to Philip's military force.[21]

22 *Lands of Louis of Bavaria and others.*

An interdict was authorized in 1201.[22]

23 *Lands of the Count of Namur, 1204.*

At the orders of John, Bishop of Cambrai, a structure put up by Philip of Namur was razed to the ground. Philip, aided by the nobles of his locality, retaliated with an armed force, and carried devastation into the bishop's possessions. He oppressed the prelate so severely as to make his ruin imminent. Bishop John put the count and his supporters under excommunication, but to no purpose; he therefore appealed to Rome. April 10, Innocent republished the excommunication and ordered that the lands of the Count of Namur and his adherents be interdicted, and that an ambulatory interdict

[21] (a) Inn. Opp., III, 1023, No. 27 (Potth., 1197). (b) Reg. de negotio imp., in Migne, *Pat. Lat.*, 216, col. 1108, No. 106. Otto writes the pope: "... Langravium Thuringiae ... per potentiam non habuimus, sed per magnam vestram sollicitudinem et frequentem." (c) Chron. Mont. Sereni, *MGSS.*, XXIII, p. 170. "... lantgravius ... hortatu papae ad Ottonem rediit secumque regem Bohemiae a Philippo deficere persuasit." (d) Winkelmann, *Phil. v. Schwaben*, I, 328, and note 2.

[22] Meiller, *Reg. d. Salzb. Erzbisch.*, 170, No. 7 (Potth., 1250).

pursue the count, if within one month the offenders had not yielded.[23]

24 *Lands of Philip of Suabia, 1205.*

When Innocent deposed the Archbishop of Mainz, Philip of Suabia supported the archbishop so vigorously that he was threatened with interdict. The Patriarch of Aquileia and Peter, Abbot of Neuburg, were instructed to interdict Philip's lands and all places to which he should come, unless he withdrew his favor from Lupold, the Archbishop, within a month after being warned.[24]

25 *Lands of Henry, Count Palatine, 1205.*[25]

26 *Lands of Henry, Duke of Brabant, 1205.*[26]

27 *Lands of Leopold of Austria, 1209.*

Leopold, Duke of Austria, had seized some of the possessions of the Bishop of Bamberg because of the bishop's supposed connivance at the murder of Philip of Suabia. The pope decided to investigate the accusation, but before taking up the case he desired that the accused prelate's affairs and possessions be in the condition in which they were prior to Philip's murder. The Archbishop of Salzburg was delegated to secure a restoration of the property sequestrated by the Duke of Austria; and, if such extreme measures should be found necessary, he was ordered to use excommunication upon his person and interdict upon his lands; the right of appeal was denied. In order to restore all the affairs of the accused bishop to their former status, the pope ordered the Archbishop of Mainz, the Bishop of Würzburg, and the Abbot of Fulda to

[23] (a) Inn. III, Epp., VII, 48 (Potth., 2172). (b) Inn. III, Epp., VII, 45 (Potth., 2176).

[24] *Ibid.*, VIII, 84 (Potth., 2530). *Cf.* Winkelmann, *Phil. v. Schwaben*, I, 378f.

[25] (a) Inn. Opp., III, 1124, No. 120 (Potth., 2489). (b) *Ibid.*, No. 121 (Potth., 2490). (c) Winkelmann, *Phil. v. Schwaben*, I, 365.

[26] (a) Inn. Opp., III, 1124, No. 121 (Potth., 2490). (b) Winkelmann, *Phil. v. Schwaben*, I, 365.

attend to this restitution and interdict the lands of any who opposed it.[27]

CASES IN WHICH IT IS PROBABLE THAT AN INTERDICT WAS LAID.

28 *Invaders of the Monastery of St. Victor (Marseilles), 1198.*[28]

29 *Antioch, 1207–1208.*[29]

30 "*Spigant*", *1209.*[30]

31 *Diocese of Osimo, about 1211.*[31]

32 *Rouen, about June, 1198.*

In June, 1198, the pope addressed a letter to the Archbishop of Rouen, from which it appears that the archbishop had issued a sentence of excommunication and interdict against certain clerks and laymen of his diocese, and that these were contumaciously refusing obedience. It was therefore ordered that the sentence should continue in force until satisfaction was made, and that any one who violated these orders should be smitten by canonical penalties. On the same day, in another letter, in compliance with the request of the prelate, the pope ordered that all persons subject to the diocesan law of the archbishop should strictly observe any sentence he might issue, unless they could show special privilege or other legitimate cause for not doing so.[32] The first of these letters leaves some doubt as to the kind of interdict meant; if excommunication applied to all "clerks and laymen", then the interdict was necessarily local, as a personal interdict would under such circumstances be meaningless. The situation would then be that all clerks and laymen were

[27] (a) Meiller, *Reg. d. Salzb. Erzbisch.*, 170, No. 7 (Potth., 1250). This reference is to a previous episode at Salzburg (1201) in which there is a suggestion that an interdict was threatened. (b) Inn. III, Epp., XII, 118, 119. 120 (Potth., 3841, 3842, 3843). (c) Chron. Mont. Sereni, *MGSS.*, XXIII, p. 175.

[28] Inn. III, Epp., I, 268 (Potth., 282).

[29] (a) *Ibid.*, XI, 9 (Potth., 3314). (b) *Cf.* Potth., 1689.

[30] Inn. III, Epp., XII, 144 (Potth., 3844).

[31] *Ibia.*, XIV, 20 (Potth., 4203).

[32] (a) *Ibid.*, I, 266 (Potth., 277). (b) *Ibid.*, 265 (Potth., 276).

under excommunication and local interdict. Besides, the interdict, if personal, could not have affected all the clerks and laymen, for in that case the excommunication would have been entirely superfluous; and the only way to reconcile the matter would be to regard some of the disciplined as excommunicated, and others as personally interdicted.

As far as the papal letters from which these facts are drawn are concerned, either view is justifiable. There are, however, several other papal letters which add some light and some complication. On June 3, the pope wrote a letter "Universo populo Rothomagensi", notifying them of the excommunication of the people of Rouen. On the following day two letters were issued; one to the Archbishop of Canterbury and his suffragan bishops, and another to the Archbishop of Rouen and his suffragan bishops, instructing them to publish in their dioceses the sentence of excommunication issued against the burgesses of Rouen.[33] According to their terminology these letters have to do with a case of excommunication. If so, it is not an ordinary excommunication; if one at all, it affects the citizens of a whole city, which makes it possible to see in it an interdict. And this is supported by the letter of June 11, which, as has been said, mentions an interdict already laid against certain clerks and laymen of the diocese.

The objections to identifying the "excommunication against the burgesses of Rouen" with the 'excommunication and interdict of certain clerks and laymen of the diocese" are obvious: first, the "burgesses of Rouen" and "clerks and laymen of the diocese" cannot mean the same persons. That the burgesses are laymen of the diocese is undeniable, but what becomes of the clerks? The answer to this lies in the purpose of the earlier letters; one of these is directed to the people of Rouen and notified them of the sentence and could have no object in mentioning the clerks, the other two were

[33] Arch. du départ. de la Seine-Inférieure, *Invent. somm.*, VI, 3596.

directed to prelates and instructed them to publish the sentence against the citizens of Rouen, and there was no need of mentioning clerks in those letters, since the sentence against them needed no publication. Second, if the laymen were under interdict, and the clerks under excommunication, by what argument can any one justify a deliberate interpretation of the excommunication of the burgesses to mean a local interdict? In answer to this it may be said that the word excommunication is frequently used, even in the thirteenth century, when it undoubtedly refers to local interdict.[34] The conclusion drawn from the letters above cited is that the city of Rouen was under a local interdict in 1198, and at the same time, for causes connected with those of the interdict, some of the clergy were excommunicated.

33 *Nevers, 1211–1212.*

Hervé, Count of Nevers, disagreed for a long time with the monastery of Vezelai. About 1211 he carried his aggression so far as to blockade the monastery for a while, allowing nothing to pass in or out without his permission; he also forced clerks to appear in civil courts and otherwise did much harm to the church. Hervé had married within the prohibited degrees, a circumstance which gave the church a special point of attack. The pope wrote to the Bishop of Paris, the chancellor of Paris, and the Abbot of St. Victor that they should use excommunication and, if necessary, interdict to bring the count to terms, if Philip Augustus had not induced the count to yield within two months. Their commission was good for three years. In another letter, apparently not extant, he gave these same commissioners orders to investigate the report about the consanguinity of the count and the countess. These instructions greatly disturbed the count's agent at Rome, who begged the pope to cancel the orders, giving all assurance he could that the count would cease molesting the monastery.

[34] (a) Potth., 1526, 1527. See below, case 66 (Cremona, 1201). (b) See below, n. 57a.

The pontiff thereupon ordered the commissioners to take no action unless they had already done so; these second orders followed the first after an interval of six months. If the commissioners obeyed their first instructions to act within two months, they had taken some action when the new bull arrived. The first orders, however, read that interdict was to be used *if necessary*, and it is very likely that the sentence was never issued. By the next year the disputants came to some agreement and Hervé was absolved from excommunication on December 20, 1213, and obtained a papal dispensation sanctioning his marriage.[35]

CASES OF ACTUAL INTERDICT.

34 *Navarre, 1197.*[36]

35 *Cesena, December, 1198.*[37]

36 *Tortona, 1198.*[38]

37 *Castello, May, 1199.*[39]

38 *King John's possessions, 1200.*[40]

39 *Lands of the Sons of Galbina, about 1203.*[41]

40 *Lands of Gallus, about 1207.*[42]

41 *Metz, 1209.*[43]

[35] (a) Inn. III, Epp., XIV, 126 (Potth., 4332). (b) Inn. III, Epp., XV, 83 (Potth., 4514). (c) Inn. III, Epp., XVI, 22 (Potth., 4704). (d) The fact that absolution from excommunication only is granted argues that the interdict was never laid. (e) Inn. III, Epp., XVI, 154 (Potth., 4862).

[36] (a) *Ibid.*, I, 92 (Potth., 81). (b) *Ibid.*, 287 (Potth., 328). On June 6, 1198, Innocent gave the Bishop of Pampluna the privilege of holding silent services in his own chapel in time of interdict. The bull gives no indication whether there is an interdict in force in Navarre or whether this privilege is given in anticipation of one.

[37] *Ibid.*, 461 (Potth., 473).

[38] *Ibid.*, 132 (Potth., 150).

[39] *Ibid.*, II, 285 (Potth., 718).

[40] Theiner, *Vet. Mon. Slav. Merid.*, I, 48, Nos. 43, 44 (Potth., 997, 998).

[41] Mittarelli, *Annal. Camald.*, IV, App., col. 255 (Potth., 1904).

[42] Inn. III, Epp., X, 143 (Potth., 3205).

[43] Cited from Raumer, *Gesch. Hohenst.*, VI, 168, n. 7.

42 *Lands of Ours. Removed 1211.*[44]

43 *Lands of Count Stephen of Burgundy, 1212.*[45]

44 *Parts of Achaia, etc., between May, 1212, and August, 1213.*[46]

45 *Treviso, October, 1200.*

In a battle between the people of Treviso and the forces led by the Bishop of Belluno, Gerardus Taciolus, the prelate, had lost his life (1197); for this reason Celestin III put Treviso under interdict. This endured until October of 1200, at which time the citizens of Treviso sent messengers to Innocent offering to make satisfaction if the pope would raise the interdict. In the course of the negotiations the question arose whether Celestin had laid the interdict for the death of the bishop or for other excesses of the city also. The bull laying the interdict could not be found in the register, and for this reason Innocent sent agents into the vicinity of Treviso to search for a copy of the bull. He forbade with threat of anathema the concealment of such bulls. Should a copy be found, and should it appear that the interdict was laid only for the death of the bishop, or should no copy be found, in which case Treviso was to have the benefit of the doubt, the interdict was to be relaxed, provided the citizens took oath to abide by the papal award. But if the bull was found, and it appeared that the interdict was laid for other causes than the death of the bishop, the interdict was in no case to be relaxed until they had made satisfaction for those excesses. Nothing more is known of this case; it is probable that the interdict was relaxed soon after these instructions were given, for relaxation was certain if no letters were found; and, if the letters were found and gave evidence that the people of Treviso had been sentenced for several offences, they no doubt

[44] Inn. Opp., III, 485 (Potth., 4333).

[45] Inn. III, Epp., XV, 11 (Potth., 4408).

[46] (a) *Ibid.*, XVI, 98 (Potth., 4798). (b) *Ibid.*, Epp., XV, 75 (Potth., 4483).

gave the extra satisfaction, rather than endure longer the interdict which had already compelled them to yield.[47]

46 *Parma and Piacenza, 1198.*

This interdict was laid at the command of Innocent III and was afterwards confirmed by him. Peter, Cardinal-deacon of S. Maria in Via Lata, while performing the functions of legate in Lombardy had been robbed of some of his possessions, and the robber took refuge in Parma and Piacenza. This was the cause of the interdict. It was only partially observed, and the pope found it necessary to command the clergy to see that it was heeded. The cities were also threatened with punishment, if they failed to procure a restoration of the stolen property: the church of Borgo San Donnino, near Parma, was to be transferred to the jurisdiction of Rome; Piacenza was to be subjected to the Archbishop of Ravenna; if this did not prove adequate, both cities were to be deprived of episcopal dignity. These threats did not avail, and on April 21, 1198, Innocent wrote to the bishops and clergy of both cities that his threat would take effect if they remained obdurate after fifteen days. He also gave them to understand that he had written to the Empress Constance, to the Kings of France and England, to the Count and Barons of Champagne, to the Duke of Burgundy, and to the Count of Maurienne, instructing them to seize the goods of all Parman and Piacenzan merchants within their domains; that this property was to be held until the cities had made satisfaction to both the plundered cardinal and the pope, and until the pope gave instructions about the disposal of the properties. In addition, the consuls of Piacenza and the Podestà of Parma were threatened with excommunication, and all cities and lands to which they should come were to suspend services as long as they were present.[48]

The cities persisted in their disobedience and the punish-

[47] Inn. III, Epp., III, 39 (Potth., 1160). *Cf. ibid.*, II, 27.

[48] Inn. III, Epp., I, 121, 122 (Potth., 91, 89).

ments went into effect.[49] The Archbishop of Ravenna was notified of the increase of his jurisdiction,[50] and a bull dated August 26, 1198, shows that the threat against Parma had at some previous time been executed by the Archbishop of Milan and the Bishop of Como.[51] By October of the same year, however, Parma came to an agreement with the cardinal. The citizens agreed to pay half of the sum which had been taken, and made a first payment of one hundred marks; the remainder was to be paid by the octave of the next Easter. The cardinal surrendered his claim to the other half of the sum, relaxed the sentences of excommunication and interdict, and restored the church to the city. The pope confirmed the cardinal's acts and surrendered whatever claims the papacy had in the stolen sums.[52] In November of the same year San Donnino [53] was notified of its restoration to Parma. No further mention of the interdict of Piacenza is made; it is possible that it ended at the same time as that of Parma, for it is not specified in the letters that Parma is paying merely her share of the plunder.

47 *Piacenza, sentence removed 1215.*[54]

48 *Pisa, 1198.*

In 1198 the pope sent two cardinals to Pisa to induce her to join the Tuscan League. The Pisans were unwilling to do

[49] Whether at the time threatened or not is uncertain, as the letter to the Archbishop of Ravenna is undated.

[50] Inn. III, Epp., I, 123 (Potth., 90).

[51] Inn. III, Epp., I, 340 (Potth., 355).

[52] Inn. III, Epp., I, 393 (Potth., 399).

[53] (a) Inn. III, Epp., I, 403 (Potth., 413). (b) Aguirre, *Conc. Hisp.*, V, 118. The bull given by Aguirre, though beginning with the same words as that in Migne (Inn. Opp., I, 378), is different. The bull in Migne is probably a combination of two letters. The interdict mentioned at the close of the bull, is, as far as the evidence of the fragmentary letter goes, a personal interdict.

[54] Annal. Placentini Guelfi, ad an. 1215, in *MGSS*, XVIII, p. 431. When this sentence was laid is not stated by the annalist, but it is very improbable that this is the interdict laid in 1198. *Cf.* Luchaire, *Le Concile de Latran*, p. 16.

this, and to their great annoyance their city was interdicted. Later Innocent made certain demands of the league and instructed the cardinals that, if the rectors of the league agreed to his conditions, Pisa was also to be induced to agree, and the interdict was under no circumstances to be relaxed unless she did. Should the rectors of the league, however, not be ready to meet his wishes, then, since it seemed rather severe that Pisa should for so long a time lie under interdict on account of the delay of the league, he ordered that the interdict be removed without delay, if the citizens would pledge themselves to abide by the papal award. Should this pledge be unobtainable becausa Pisa was just then without a rector, the legates were to give the city license to celebrate services and were to rely on the promises of the city's nuncios. It was to be understood by the citizens that, if at a later time the rectors of the league accepted the papal order, Pisa, unless she did likewise, should again fall under interdict.[55]

49 *Narni, 1198.*

At the beginning of Innocent's pontificate, the inhabitants of Narni were seriously molesting Otricoli. In spite of the warning to discontinue under threat of interdict and penalty of a thousand marks, they seized and destroyed the fortress. In the struggle they were aided by the citizens of Viterbo, who were also interdicted. The pope thereupon sent an army, which reduced the inhabitants of Narni to submission. He exacted the bond of a thousand marks and obliged them to add two hundred pounds, to be used for the restoration of the ruined walls, before he relaxed the interdict.[56]

50 *Viterbo, about 1199–1200.*

Innocent, having been opposed by Viterbo in the affair of Narni, favored the Romans in their dispute with Viterbo over

[55] (a) Cronica di Pisa, in Muratori, *Rer. It. Scr.*, XV, 977. (b) Inn. III, Epp., I, 35 (Potth., 39). *Cf. ibid.*, 15, 34.

[56] (a) This threat may have been made by Celestin III. (b) Gesta, c. 133. (c) *Ibid.*, c. 16.

Vitorchiano. He commanded the people of Viterbo not to molest Vitorchiano, or to justify their course before the curia. They completely ignored this command and were interdicted. In the struggle which followed, the pope gained a point by winning over the Tuscan League, and finally Viterbo was subjected by force of arms.[57]

51 *Narni, 1208.*

Whether this interdict of Narni is connected with that of 1198 is not evident from the limited statements of the sources. The papal bull of September, 1208, begins by stating that since the people of Narni were so reprobate, and since the pope no longer chose to tolerate their insolence, he had placed the city under the strictest interdict. No sacrament whatever was to be allowed except penance for the dying and baptism for infants. Burial was denied, and if any one gave burial in consecrated ground, he was to be excommunicated. It was prohibited to trade with Narni under pain of excommunication. The clergy was ordered to leave the city, and go to convenient neighboring places; and, if the city refused to yield, it was to be deprived of its bishop.[58]

52 *Leon and Portugal, 1198–1204.*

When Innocent was elected pope there was an interdict on Leon and Portugal, which had been laid by Gregory, Cardinal-deacon of the title of St. Angelus, because of the consanguineous marriage of Alfonso, King of Leon, to Tarasia, Princess of Portugal. This union was dissolved in 1196, but the interdict was not removed, and still existed when Innocent came into power.[59] In April, 1198, he ordered his emissary,

[57] (a) Inn. III, Epp., II, 207. The sentence is called an excommunication. (b) Gesta, c. 133. (c) *Cf.* Inn. Opp., I, clxxix, n. 40.

[58] (a) Inn. III, Epp., XI, 143 (Potth., 3501).

[59] (a) La Clède, *Hist. de Port.*, II, 156f. (b) Portugal was also under interdict (Mariana, De Rebus Hisp., lib. IX, c. 19, in Schott, *Hisp. Illustr.*, II, 544). (c) Inn. III, Epp., I, 92 (Potth., 81). (d) That Gregory was in Spain at the time of Celestin appears from the fact that the Bishop of Zamora, who was excommunicated by Gregory (Epp., I, 92), came to Rome in the time of Celestin to seek absolution (*ibid.*, 58). A

Rayner, to relax the interdict,[60] if Alfonso would give oath to obey the commands of the church relative to the dissolved marriage.[61] Whether the interdict was relaxed under these conditions remains a mystery; its subsequent history is obscured by the new interdict threatened in the same bull which provided for the relaxation of the old.[60] The King of Castile, who had used arms to compel the dissolution of the marriage, had given his daughter, Berengaria, as wife to Alfonso in 1197. This was done for the sake of peace and with the consent of Pope Celestin, though Berengaria, like Tarasia, was related to Alfonso within the prohibited degrees. When report of this reached the new pontiff, Innocent, he took immediate action and dispatched Rayner to Spain to dissolve the marriage.[62] Rayner's instructions were to warn the monarchs of Leon and Castile earnestly, and, if they refused to dissolve the incestuous marriage, to employ excommunication and interdict against them. Rayner, after repeatedly warning Alfonso, finally set a time and a place at which the king might show cause why the interdict should not be laid. The monarch did not appear, even though the legate waited beyond the time set. The interdict was then issued upon Leon; Castile was not interdicted because its ruler professed himself ready to dissolve the illicit union.

Efforts were at once made to secure a dispensation from Innocent. Three Spanish prelates applied in Rome for special consideration, but were given such a rebuff that they

Portuguese writer states that the cardinal sent to Spain was the Cardinal of St. Angelus (AASS., June, IV, 389), and, as the marriage of Alfonso and Tarasia occurred in 1194 (Hoveden [*R. Ser.*], III, 90), this cardinal could have been Gregory only; for he was promoted in 1190 (Eubel, *Hier. Cath.*). But, whether the sentence laid by Gregory was because of the offensive marriage or not, it is clear that the sentence, stated by Epp., I, 92, to have been laid by him, was laid in the time of Celestin III. The correctness of this is supported by the fact that Gregory was in Rome and attested letters beginning with March 13, 1198 (Potth., 46, 54, 107, etc.). *Cf.* also Epp., I, 125. (e) Hoveden (*R. Ser.*), III, 90.

[60] Inn. III, Epp., I, 125 (Potth., 131).

[61] Inn. III, Epp., I, 92, 93 (Potth., 81, 92).

[62] Gesta, c. 58.

quickly saw the hopelessness of their plea.[63] Neither did the twenty thousand marks sent by Alfonso to the pope and the cardinals, nor his offer to support two hundred crusading knights, secure for him the privilege of living with Berengaria until God gave them an heir, or of living with her for three years at least. Innocent yielded to none of his inducements.[63] When the Spanish emissaries saw that they could not obtain a dispensation, they prayed that at least the interdict might be relaxed, because it brought harm to the church from three sources—from heretics, Saracens, and the Christians themselves.[64] Innocent was not inclined to grant their petition, but for the sake of the great number involved he finally determined upon tentative mitigation. Services were to be allowed in the realm, but no layman was to enjoy Chrisiatn burial, though clerks might be buried without solemnity in the cemeteries. In order not to lessen the severity of the sentence for the royal offenders, it was determined that they and their principal councillors and adherents should be bound by excommunication, and that services should cease in any city or town when they were present. The rulers of Castile were ordered under pain of excommunication and interdict to aid in securing the dissolution of the incestuous union. These efforts failed to have the desired effect; it was not until 1204 that Berengaria separated from her husband. Even then not the interdict, but apparently her own desire, induced her to leave him; for in May, 1204, she was absolved, though Alfonso remained under interdict. The absolution of Alfonso and those excommunicated with him followed on June 20; and at the same time the pope agreed that the interdict was to be removed upon the receipt of sufficient security.[65]

[63] Hoveden (*R. Ser.*), IV, 78–79.

[64] Gesta, c. 58. See above, p. 74.

[65] (a) Inn. III, Epp., VII, 67, 94 (Potth., 2219, 2249). (b) When the marriage of Alfonso to Berengaria took place, Alfonso transferred a château to Castile, probably as a dower. Upon the dissolution of the marriage Innocent ordered the château to be restored to Leon, under pain of excommunication and interdict. There is no evidence that the threat was executed.

53 *Porto, 1209.*

Laid by the Bishop of Porto on his city and diocese.[66]

54 *Tortosa, 1199–1207.*

In April, 1199, a papal letter was addressed to the Hospitalers of Amposta[67], in which it was stated that the Hospitalers had been violating their privileges by burying and by admitting to the sacraments persons interdicted by the Bishop of Tortosa; they were commanded to discontinue such practices. The cause for this interdict on Tortosa was the refusal of the citizens to pay tithes and first-fruits. No further mention of an interdict on the city is found until 1207, when, about November, it is reported that an "excommunication" laid upon the city for the non-payment of tithes and first-fruits was removed. During the time that this excommunication was in force about a hundred bodies had been buried in the cemetery of the church. A condition of the relaxation was that these bodies be exhumed. This was done to expiate the former contempt of the citizens.[68] Two circumstances make it reasonable to consider the excommunication mentioned in 1207 the same as the interdict mentioned in 1199: first, in each case the sentence is said to have been laid for the same cause, namely, the retention of tithes and first-fruits; second, a hundred people were buried during the time the sentence was in effect. This number of dead indicates an interval of some years, in view of the comparatively small population of mediæval towns of the importance of Tortosa. Nor does a hundred account for all that died in this interval, for it is not at all likely that even a majority of the dead were buried in the cemetery; the letter of 1199 shows that some had secured burial with the Hospitalers, and no doubt others respected the commands of the church enough not to infringe

[66] Raynald., *Annal.*, 1210, § 4. *Cf.* Potth., 4001, 4002, and Luchaire, *Les Royautés Vassales du Saint-Siège*, 13.

[67] Villanueva, *Viage literario à las iglesias de España*, V, 275 (Potth., Addend., 664a, 25466; *cf.* Potth., 664b).

[68] Inn. III, Epp., X, 158 (Potth., 3234).

her rules. In view of these circumstances, it seems reasonable to assert that both letters refer to the same interdict.

55 *Flanders, 1198–1199.*

In the decade preceding the accession of Innocent, Flanders had two interdicts. About 1194 the Count of Flanders and others damaged church property and an interdict was laid upon his lands.[69] This interdict was removed by 1196 or 1197, for at that time a second interdict was threatened at the instance of the Cardinal Legate Melior.[70] Stephen of Tournay strongly objected to the proposed interdict, on the ground of the harm which would result from it.[71] Nevertheless the sentence was laid. The time of its removal was probably the latter part of 1197 or the first part of 1198. A third interdict was laid on Flanders in the early years of the new pontificate, the causes for which ran back into the time when the second interdict was in force. In June, 1196, a compact was made between Philip Augustus and Baldwin, Count of Flanders and Hainault, by which Baldwin swore fealty to the King of France.[72] Article 5 of the pact reads: "Furthermore we will ask and in good faith require the Archbishop of Reims and the Bishops of Arras, Cambray, Tournay, and Térouanne that so often as we shall fail to keep the aforesaid terms they shall excommunicate us and place our whole land under interdict, regardless of any appeal, until emendation be made to the King of France."[73] Later Baldwin found that he could not secure observance of the pact from his subjects, and he requested and secured a release sanctioned by Philip. The latter, however, concealed the fact that he had released the count, secured a papal confirmation of the compact from

[69] Steph. Tornac., Epp., 232, in Migne, *Pat. Lat.*, 211, col. 502. *Cf. Rec.*, XIX, 462a.

[70] Steph. Tornac., Epp., 231, in Migne, *Pat. Lat.*, col. 501.

[71] *Ibid.*, 233, 234, in *ibid.*, col. 502–504.

[72] Delisle, *Cat. des Actes de Ph. Aug.*, No. 497. *Cf. Dict. Natl. Biog.*, XLVIII, 142.

[73] (a) *Rec.*, XIX, 352–353. *Cf.* Potth., 673. (b) Delisle, *Actes*, No. 498.

Celestin III,[74] and on this pontiff's death a reconfirmation from his successor.[75] The new pontiff instructed the Archbishop of Reims and his suffragans to enforce the compact by excommunication and interdict if necessary. Thereafter trouble arose,[76] and, when the Archbishop of Reims was about to excommunicate the count and interdict his lands, Baldwin appealed to Rome, asserting that the papal letters confirming the convention were obtained under false pretences. This apparently did not hinder the laying of the interdict, for the papal letter of April 26, 1199, which relates these matters, ordered that the count be absolved from excommunication and his lands from interdict within twenty days after the receipt of the letter, if the complaint of the count was true. The pope added that, if those instructed failed to do as bidden, he had commissioned others to fulfill his orders.[77] On the same date the chancellery issued a letter to Philip, in which the pope explained his action and requested the king not to be disturbed over this just decision.[78] Two days later the pope took Baldwin and his wife under papal protection, forbidding any one to use excommunication or interdict against them without good and sufficient cause.[79] In consequence of the order of Innocent, the interdict was probably removed. In January, 1200, Baldwin made peace with Philip.[80]

56 *Normandy, 1199.*

Normandy was interdicted by the legate, Peter of Capua, on account of the detention of Philip of Beauvais, who was taken prisoner by the English and was detained for some time.[81] Immediately after Innocent's accession he "sent his

[74] Inn. III, Epp., II, 40 (Potth., 673).

[75] (a) Inn. III, Epp., I, 130 (Potth., 153). (b) See above, n. 74.

[76] Delisle, *Actes*, No. 519.

[77] (a) Potth., 673. (b) Inn. III, Epp., II, 41.

[78] *Rec.*, XIX, 375 (Potth., 672).

[79] Inn. III, Epp., I, 45 (Potth., 680).

[80] Delisle, *Actes*, 579.

[81] (a) Hoveden, Chron. (*R. Ser.*), IV, 94. (b) Rigord, De Gest. Phil. August., in *Rec.*, XVII, 50. (c) *Dict. Natl. Biog.*, XLVIII, 142–143.

legate to King John desiring him to release the Bishop of Belvoire (taken prisoner by King Richard the first in the field, and kept prisoner by him all his life, notwithstanding this and other popes' importunate letters for his enlargement) under pain of interdict, who had then by the space of two years been detained under most cruel imprisonment (some months in his very armes, in which he was taken fighting, not suffered to be put off day or night). But, because the said bishop was taken in armes as a soldier and plunderer, against the dignity of his order, the king (notwithstanding the pope's entreaties and menaces) would not enlarge him until he had paid 6,000 marks sterling money to his exchequer, and two thousand marks for his expenses, during his imprisonment under King Richard and himself; which he accordingly paid."[82] Another account gives three thousand marks as the amount paid by the bishop for his freedom. The interdict was not relaxed until the bishop was freed.[83]

57 *France, 1200.*

The story of the interdict of France begins with the search of Philip Augustus for a queen. His choice was cast on a princess of Denmark, reports of whose good qualities had penetrated far beyond the confines of her native land. Agents passed to and fro between the Capetian and Danish courts to arrange a marriage. Their labors were successful, and the Princess Ingeborg with her suite made the journey to France. Meantime her suitor was all impatience, and, as soon as he heard that the negotiations for the marriage had been successful, he hastened toward his boundaries to meet his bride. The meeting took place at Amiens, and Philip was apparently so charmed that he could brook no delay of the marriage. In the presence of nobles and prelates, and amidst regal splendor, the ceremony took place on August 14 or 15, 1193. On the following day, in the midst of mass, the king was observed to shudder and grow pale as he looked at the queen. From that

[82] Prynne's Records, II, 227.

[83] See above, n. 81a.

moment he hated her for reasons which have never become known. Idle tongues, indeed, spread tales touching the queen's good name, rumor told of witchcraft, and all wondered at the cause of the sudden and violent repulsion with which the king regarded Ingeborg. His estrangement was now as complete as his enchantment had formerly been thorough. Nor did this unexpected passion subside with the passing of time; instead it began to be rumored that the cause of the estrangement was the king's discovery of consanguinity with the queen, and it was upon this plea that the Archbishop of Reims, on behalf of the prelates of France, finally pronounced Philip divorced from the object of his disappointment (November 4 or 5, 1193). Ingeborg was present; but, as she could not understand the language in which the hearing was conducted, she remained ignorant of what was being done until after the action was taken. Then she was told of her divorce. In despair she employed the only course open to her and appealed to Rome.

At that time the inert Celestin ruled. He remonstrated against this flagrant violation of marriage vows, rebuked the prelates who had granted the divorce, and canceled their sentence, but never proceeded to more active measures. Luckily for Ingeborg and unfortunately for Philip, this senile pontiff soon went the way of all flesh, and was succeeded by the vigorous Innocent. The new pontiff was early confronted by the ambassadors of King Cnut of Denmark, who complained both of the injustice done his sister and of Philip's second marriage; for that monarch, as if to offend Ingeborg doubly, had taken as wife Agnes of Meran (in June, 1196). Innocent was always ready to defend the canons of the church, and, upon these complaints of Cnut and others, he instructed the legate, Peter of Capua, to use all means to induce the King of France to dismiss Agnes, and to receive his lawful wife, and, if Philip failed to do so, to sentence France with interdict.[84] Philip soon received warning of the inten-

[84] Hoveden, Chron., Pars post., ad an. 1199 (*R. Ser.*), IV, 85–86.

tions of the pontiff from no less a person than the pontiff himself, who assured the king that, cost what it might, he would if necessary raise his hand in defense of Ingeborg.[85] The king refused to be moved, in spite of repeated monitions and the efforts of the legate, who accomplished nothing in ten months.[86] This lukewarmness ended when orders were received from Rome that, unless the king had within a month after warning received his rightful queen into favor, and treated her with proper honor, the whole realm should be interdicted. The pope specified what services should be allowed, and what prohibited, and commanded that all the prelates of France should observe the sentence, and cause it to be observed in their jurisdictions.[87]

The legate now became active and called a general council[88] of all the prelates of the realm to meet at Dijon,[89] in Burgundy, on December 6, 1199.[90] Thither he repaired on his return journey to Italy.[91] The Archbishops of Lyons, Reims, Besançon, and Vienne, eighteen bishops, the Abbots of Cluny, Vezelai, S. Remi, S. Denis,[92] and a great many other persons[93] assembled there for the council, which lasted seven days, so important was the matter to be discussed. What happened can only be inferred. Undoubtedly the clergy who later refused to observe the interdict opposed the sentence; but

[85] Inn. III, Epp., I, 171.

[86] Chron. Sythiense S. Bertini ad an. 1199, in *Rec.*, XVIII, 599.

[87] Inn. III, Epp., I, 347 (Potth., 361).

[88] (a) Rigord, De Gest. Ph. Aug. ad an. 1199, in *Rec.*, XVII, 51. (b) Chron. de S. Denis, ad an. 1199, in *Rec.*, XVII, 387.

[89] (a) *Ibid.* (b) Chron. S. Benigni Divionensis ad an. 1200, in Labbe, *Nova Bibl.*, I, 295. (c) Guill. Armor., De Gest. Ph. Aug. ad an. 1199, in *Rec.*, XVII, 75. (d) Martène, *Thesaurus*, IV, 147. (e) Gesta, c. 51. (f) See above, n. 86.

[90] (a) See above, nn. 88, 89b, c. (b) Hoveden, Chron., Pars post., ad an. 1200 (*R. Ser.*), IV, 112-113.

[91] (a) See above, n. 86. (b) Sigeb., Contin. Acquic., ad an. 1200, in *MGSS.*, VI, 436. (c) Robt. Altiss., Chronolog. ad an. 1199-1200, in *Rec.*, XVIII, 263.

[92] See above, n. 89b.

[93] Gesta, c. 51. "... et aliorum multorum ..."

whether they were in a minority or whether they dared not oppose the legate's execution of his orders from the pope is a matter for speculation. Whatever the position of the prelates, the council determined to lay an interdict on France; not, however, before Philip's nuncios, perceiving that such action was about to be taken, appealed to the pope against the council.[94] The legate, relying on his instructions, ignored the appeal;[95] it was determined that the sentence should not go into effect until twenty days after the coming Christmas,[96] possibly in the hope that in the mean time the king would perceive the precariousness of his position and yield. The council also promulgated a form of interdict which announced what services and ecclesiastical ministrations were prohibited. From Dijon, the legate continued his journey to Vienne, which lay without the bounds of Philip's realm. There he held a special council[97] attended by several archbishops, some of them from France;[98] in this council he promulgated the interdict ordered by the pope,[99] and enjoined its observance on the prelates, after which he went his way.[100] Meantime Philip sent agents to Rome to secure relief.[101] The twenty-day period after

[94] (a) Gesta, c. 51. (b) See above, n. 88a. (c) See above, n. 88b.

[95] Gesta, c. 51. " . . . quatenus alibi mandatum apostolicum commodius adimpleret . . . ".

[96] See above, nn. 88, 89c.

[97] (a) Chron. S. Benigni Divionensis, ad an. 1200, in Labbe, *Nova Bibl.*, I, 295. " . . apud Viennam particulare revocavit Concilium . . ". (b) Gesta, c. 51.

[98] *Ibid.* " . . apud Viennam multis Archiepiscopis convocatis, inter quos quidam de regno Francorum fuere praesentes ".

[99] (a) Chron. Sythiense S. Bertini ad an. 1199, in *Rec.*, XVIII, 599. (b) Sigeb., Contin. Acquic., ad an. 1200, in *MGSS.*, VI, 436. "Sententiam quam in Franciam ex domni pape precepto dare debuerat, ibi dedit et regem cum omni terra sua inaudita severitate interdixit." (c) See above, n. 97.

[100] (a) Gesta, c. 51. (b) Hoveden, Chron., Pars post., ad an. 1200 (*R. Ser.*), IV, 112–113.

[101] Guill. Armor., De Gest. Ph. Aug. ad an. 1199, in *Rec.*, XVII, 75. " . . . non multo post Philippus Rex misit solemnes nuncios ad dominum Papam."

Christmas having elapsed, the interdict was published and went into force.

This was the sentence :[102] "All churches shall be closed, and no one shall be admitted to them unless it is to baptize infants, nor shall they be opened for any other purpose than for the care of the lights, or when the priest must get the host and holy water for the use of the sick. Mass may be celebrated early every Friday morning, for the consecration of the host needed for the sick, but only one clerk may be present to assist the priest. To take the place of mass, priests may preach on Sundays in the vestibules of churches, and thus spread the word of God. They may recite canonical hours outside of churches, provided laymen do not hear; if they recite the epistles, or the gospels, they shall take care not to be heard by the laity. They shall not permit bodies to be buried, or to be placed unburied, in cemeteries. Furthermore, they shall inform the laity that they sin grievously if they bury bodies in unconsecrated ground, even without blessing, and that they go to excess in assuming another's office in this matter. The priests shall forbid parishioners to enter open churches in the land of the king; they shall not bless the wallets of pilgrims, unless it be outside of the church. In passion-week they shall not celebrate; on Easter-day they may celebrate privately, but only one clerk may be admitted, as has been stated above; no one shall commune even on Easter, unless he is sick and at the point of death. Either on Palm Sunday or during passion-week the people shall be told to gather before the church on the morning of Easter, where they will be given the privilege of eating the blessed bread and meat of the day.[103] Clerks positively may not admit women into the church for purification; they shall advise them to gather with their neigh-

[102] (a) Martène, *Thesaurus*, IV, 147. (b) Migne, *Pat. Lat.*, 214, col. xcvii, n. 60. (c) *Cf.* Howland's translation, in *Univ. of Penn. Trans. and Reprints*, V.

[103] On Easter morning it was the custom to bless some meat, bread, and eggs, which were eaten before any other food.

bors on the day of churching, and to pray outside of the church; women who are to be purified may not enter the church even for the purpose of raising children to the sacred font for baptism; even after the interdict, they may not enter the church until they are invited to do so by the priest. The confession of all who seek it shall be heard by the priests in the vestibule of the church; and, if the church has no vestibule, the confession may be heard on the threshold of the outermost door, which the inclemency of wind or rain permits to be opened, but nowhere else; all must be excluded except the person who wishes to confess, but the voices must be so loud that the priest and the person confessing can be heard by those who chance to be outside of the church. If the weather is mild, confession shall be heard before closed church-doors. Receptacles with holy water shall not be placed outside of the church; nor shall clerks use holy water anywhere, since it is understood that all ecclesiastical sacraments are prohibited but those two which are excepted. Extreme Unction, which is the last sacrament, may not be given." This sentence was confirmed by the pope, who, however, decreed that all who had taken or should thereafter take the cross might hear mass and have Christian burial;[104] no others were to be excused from a strict observance of the interdict.

The severity of the sentence called forth firm resistance from the angry Philip. He expelled from their sees all the prelates of his realm, because they had assented to the interdict; he seized the fees and rents of the lower clergy, expelled many of them, and despoiled even parish priests.[105] Ingeborg, the cause of these difficulties, felt the wrath of the king; she was deprived of all companionship and thrust into confinement in the castle of Étampes.[106] Some of the bishops

[104] (a) Hoveden, Chron., Pars post., ad an. 1200 (*R. Ser.*), IV, 113. (b) Gesta, c. 84.

[105] (a) Chron. de S. Denis ad an. 1199, in *Rec.*, XVII, 387. (b) Rigord, De Gest. Ph. Aug. ad an. 1199, in *Rec.*, XVII, 51.

[106] *Ibid.*

were very ardent in the observance of the interdict; among them were the Bishops of Paris, Senlis, Soissons, Amiens, and Arras.[107] Philip was most enraged against the Bishop of Paris, and sent some knights who despoiled him of his horses and other properties and forced him to leave his diocese on foot;[108] the Bishop of Senlis suffered the same indignity. These prelates, however, received sympathetic and encouraging letters from Rome.[109] There was by no means unanimity among the ecclesiastics regarding the observance of the sentence; some humbly deferred to the papal order, others either from preference for the king or from fear of him violated the interdict.[108] Among the latter were the Archbishop of Reims and the Bishops of Laon, Noyon, Auxerre, Beauvais, Térouanne, Meaux, Chartres, and Orleans.[110] The prelates met, and after deliberation declared that the sentence need not be observed.[111] They sent agents to Rome to excuse their action, and to profess that they would observe the sentence, if the pope should demand it;[112] in the mean time they and others of the clergy maintained friendly relations with the king. At the marriage of Philip's son in Normandy many French bishops and ecclesiastics were present with the king and nobles; the Archbishop of Bordeaux performed the ceremony.[113] The Bishop of Meaux and Philip of Beauvais were still with the king in May, 1200.[114] The Cistercians also disagreed; some of them convened in Paris and deliberated as to what course to pursue, others dis-

[107] (a) Gesta, c. 52. (b) Sigeb., Contin. Acquic., ad an. 1200, in *MGSS.*, VI, 436. (c) Inn. III, Epp., III, 25.

[108] Rad. Coggesh., in *Rec.*, XVIII, 91. *Cf.* Davidsohn, *Philipp II und Ingeborg*, 105.

[109] (a) See above, n. 107b. (b) Theiner, *Vet. Mon. Slav. Merid.*, I, 48, No. 39 (Potth., 993).

[110] (a) *Ibid.*, I, 48, No. 62, 63; 58, No. 85 (Potth., 1387); 61, No. 197, 198 (Potth., 1524); 63, No. 261 (Potth., 1600). (b) Gesta, c. 52. (c) Inn. III, Epp., III, 20.

[111] Inn. III, Epp., III, 20.

[112] Gesta, c. 52.

[113] Hoveden, Annal. ad an. 1200, in *Rec.*, XVII, 604.

[114] Davidsohn, *Philipp II und Ingeborg*, 104.

regarded the sentence from the beginning.[115] The Abbot of S. Germain des Prés [116] and many others of the clergy refused to cease from services.[117]

So largely was the interdict violated that the pontiff determined to have it republished under severer penalties. Accordingly, in March he addressed himself to Walter, Archbishop of Rouen, and the Bishop of Poitiers, ordering them to reissue the sentence of interdict on the realm of France, and to cause it to be observed by all prelates; to investigate whether any had disregarded the sentence, and to report to him. If any should disobey after this new publication, their punishment would be very severe; those who had disobeyed up to that time were reserved to the judgment of the pope.[118] This new publication of the sentence seems to have secured observance: Diceto says that France lay under interdict from Mid-Lent,[119] which in 1200 fell on March 19, seven days after the letters to the Archbishop of Rouen and the Bishop of Poitiers were issued. Diceto's statement can best be explained on the ground that the sentence was but little observed before Mid-Lent.

It was probably the new publication which caused Philip in his wrath to go beyond wise bounds. Not content with afflicting the clergy, he embittered his lay subjects by demanding a third of their income and oppressing them with other intolerable exactions.[120] While trying by means of repression at

[115] Registr. Capitulor. General. Cisterc. Ord., in Bibl. de l'Arsenal (Paris), MS. 926, p. 142. Chap. Gen., 1200, 48 and 51.

[116] Theiner, *Vet. Mon. Slav. Merid.*, I, 62, No. 221 (Potth., 1551).

[117] *Ibid.*, I, 61, No. 197, 198 (Potth., 1524).

[118] (a) Inn. Opp., IV, 58 (Potth., 969). (b) See also below, n. 119.

[119] Diceto, Imagines, in *Rec.*, XVII, 659. "Terra regis Franciae sub interdicto posita est ab archiepiscopo Rothomagensi et episcopo Pictavensi de praecepto summi pontificis, . . . et mansit sub interdicto a media Quadragesima usque ad festum Sanctae Mariae Magdalenae; . . ."

[120] (a) Chron. de S. Denis, ad an. 1199, in *Rec.*, XVII, 387. (b) Rigord, De Gest. Ph. Aug. ad an. 1199, in *Rec.*, XVII, 51. (c) Bibl. Nat., MS. Fr. 17,264. "Il [Philip] manda les chevaliers de la terre et ses hommes et puist dians le tierch de chou, que leur terre ualoit I an, parcoi il pierdi moult leur cuers."

home to defeat the interdict, Philip, feeling the pressure of public opinion,[121] was doing what he could at Rome to arrive at the same end. He complained to the pope of the injustice of the interdict on two grounds, namely, that it had been promulgated in spite of his properly made appeal, and that it had been actually pronounced beyond the confines of his realm. These technicalities the Roman pontiff easily brushed aside, by explaining that the legate had been commanded to grant no appeal, and that the instructions given to Peter of Capua had included the provinces of Vienne, Lyons, and Besançon in his jurisdiction; so that the legate was still within his jurisdiction, even though he was outside of the kingdom of France. Moreover, the legate was not the creator of the sentence of interdict; he was only its publisher in the place of the pope, whose jurisdiction was as wide as Christendom.[122] The pope, however, gave Philip some hope of relaxation; seeing that the monarch had remained unmoved thus far, the pope proposed to relax the interdict and to excommunicate the king instead, saying, "It is expedient for us, that one man should die for the people, and that the whole nation perish not." The plan was most welcome to Philip. His first ambassador was unsuccessful; nevertheless he sent another requesting that the suggestion be put into execution.[123] Philip's eagerness for so slight a mitigation furnishes a valuable commentary on the strength of the interdict. To him, excommunication, which cut him off from church and heaven, seemed preferable to a sentence which temporarily deprived his subjects of the ministrations of the church. The former was a personal censure, the effectiveness of which depended on his own faith; the effectiveness of the latter depended on the faith of others, and thus became a strong weapon against him. The pope perceived this as clearly as did the king, and did not weaken his cause.

[121] Gesta, c. 53. ". . . rex jam non valens ecclesiasticae severitatis sustinere rigorem . . . ."

[122] C. 7. X. de offic. legati. I. 30 (Potth., 1074).

[123] Hoveden, Chron. (*R. Ser.*), IV, 113.

The effect of the interdict, which caused Philip to plead for change of sentence, demands consideration. Though business was not prohibited by the interdict, it is natural to expect that a discipline which would affect the entire religious life of a mediæval people would extend its influence to their commercial activity. Davidsohn has shown that churches and monasteries transacted business during this interdict.[124] But his evidence was not designed to be comparative, and therefore does not show whether business was decreased. However the interdict affected the course of business, its principal manifestations were always in religious matters; in this France was no exception. The Count of Ponthieu withdrew to Rouen with the sister of Philip Augustus to receive the nuptial benediction;[125] and the king's son Louis went to Normandy to be married to Blanche of Castile.[126] Marriages were solemnized at graves instead of altars.[127] The chronicler of S. Amand was reminded of the Babylonian Captivity by the various afflictions of the church.[128] The people clamored against their monarch.[129] Bishop Hugh of Lincoln, who was traveling on the continent at the time, and who celebrated mass every time there was an opportunity,[130] found himself deprived of that privilege in Capetian lands; and for that reason he diverted his way to Cîteaux in order to celebrate solemn mass on the Assumption of the Virgin, August 15.[131] Another chronicler tells of the sad condition of the church, because no sacraments or services except baptism and viaticum were celebrated; monasteries as

[124] Davidsohn, *Philipp II und Ingeborg*, 107–109.

[125] Géraud, in *Bibl. de l'École des Chartes*, 2me série, I, 99.

[126] Hoveden, Annal., in *Rec.*, XVII, 604.

[127] Such is the phrase, in speaking of this interdict, of Hurter, the historian of Pope Innocent and his times; and, though he mentions no sources, he can hardly be talking at random. He means, of course, that marriages took place in the churchyard instead of in the church.

[128] Chron. S. Amandi, in *Rec.*, XVIII, 592.

[129] Gesta, c. 53.

[130] Vita S. Hugonis Lincolniensis, lib. V, c. xv (*R. Ser.*), 310, 312, 326, 328, 329.

[131] *Ibid.*, 324.

well as churches ceased from services. Burial was denied the dead; everywhere in the kingdom there was sadness, for "the organs of the church were silent, and the lips of those praising the Lord were closed."[132] The account of Coggeshall is the most famous: "O what a horrible, what a frightful sight in every city! The doors of churches closed, and entrance denied to Christians like dogs; divine offices suspended, the sacraments of the body and the blood of the Lord unoffered; people no longer coming to the feasts of saints; the dead deprived of the rites of Christian burial, their odors infecting the air, and the horrible sight filling the minds of the living with terror."[133]

Whether these pictures are real or imaginary, there is no doubt that Philip suffered no little inconvenience from the interdict. He complained at Rome of the severity of Peter of Capua; he professed to be willing to be bound by the oath of any of his agents, and promised to obey whatever sentence either legates or judges delegated from Rome should pronounce. The response of the pope was that no oath to obey would be necessary for the relaxation of the interdict, if Philip accepted the judgment already rendered, namely if he dismissed Agnes and received his legitimate wife; if the king submitted to a papal judgment to be given at some later time regarding the validity of his marriage to Ingeborg, a pledge would be accepted, provided that for the interval the concubine gave place to the legitimate wife. This reply roused all the king's anger, but, since he must choose a way, he summoned several ecclesiastical and secular princes, and asked them for their advice. They counseled him to submit. Turning to the Archbishop of Reims he asked: "Is it true that the pope in a letter to you has spoken of my divorce as a farce rather than as a valid affair?" The archbishop responded that such was the case, whereupon the king replied: "Then

[132] Robt. Altiss., Chronolog. ad an. 1199–1200, in *Rec.*, XVIII, 263.
[133] Rad. Coggesh., Chron. ad an. 1200, in *Rec.*, XVIII, 91.

you, who pronounced my divorce, are a fool and an imbecile."[134]

Abusive language did not ease the interdict, though it may have eased the king's mind. It was still necessary for him to get the most favorable terms from Rome. He therefore sent to Innocent, requesting him to remove the interdict and to try the matter afterwards. Frequent messengers to Rome, prayers, and money, were all of no avail with the pope;[135] he refused to remove the interdict until it had accomplished its purpose.[136] Philip was compelled to yield.[137] Cardinal Octavian was sent to France to arrange for a settlement.[138] He was instructed to exact full and entire satisfaction for the injuries and damages done ecclesiastics who had observed the interdict; to secure the expulsion of Agnes from the realm; to force the king to receive Ingeborg, and to give oath not to separate from her without a judgment of the church; to induce the king, if possible, to treat Ingeborg with affection; and, if the king insisted on demanding separation, to set a hearing for six months later; when these things were done, the cardinal was to raise the interdict, reserving to the pope the punishment of all disobedient prelates.[139] Octavian was accompanied by the Cardinal-presbyter of the title of St. Priscus; both were urged to be exceedingly careful and patient, and to show no partiality in deciding about the marriage of Philip.

Octavian's coming produced great joy in France. To some he seemed a deliverer; he was met at various stages of his

[134] Gesta, c. 53.

[135] Rad. Coggesh., Chron., in *Rec.*, XVIII, 91.

[136] The pope, however, lightened the sentence by granting privileges to monasteries. For example: (a) Inn. Opp., IV, 63, No. 35 (Potth., 1080). (b) *Ibid.*, 64, No. 36 (Potth., 1079). (c) Arch. Nat., L. 236. A privilege to the Templars.

[137] (a) See above, n. 135. (b) Inn. III, Epp., III, 17. Philip wrote, "Noverit sanctitas vestra quod nos . . . per vim vestram et per mandatum vestrum fecimus . . . quamvis hoc esset contra voluntatem nostram."

[138] Potth., 1094, 1095, 1096, 1097, 1098, 1099, 1100, 1101, 1102.

[139] Gesta, c. 54.

journey, especially at Vezelai, by joyous bands of people, who blessed him and believed themselves visited by God. Princes and nobles welcomed him;[140] even Philip joyfully hastened to meet him at Sens, received him with humility, and treated him with honor. There, in the presence of many,[141] the king made reparation for all insults of the clergy and for their material losses;[142] he restored to his favor the Bishops of Paris and Soissons.[143] He agreed to give up Agnes and not see her again until the validity of his divorce was determined. Another meeting was arranged to take place at St. Léger-en-Iveline, at which it was hoped to accomplish the reconciliation. On the seventh of September this meeting occurred. The king publicly honored Ingeborg, and by proxy took the oath demanded of him by the church. After these things were done, the legate solemnly raised the interdict.[141] Though the story of Ingeborg does not end with the relaxation, it has no further purpose here. It is enough to note that Philip, despite his professions, did not give Ingeborg his favor for many years;[144] and that the legate Octavian was most roundly dealt with by the pope,[145] because he failed to obey his instructions to use all means of securing a reconciliation between the king and the queen.

The relaxation of this interdict, which had lasted thirty weeks, produced great joy in France.[146] Bells were rung, and the greatest felicity prevailed among the people and the clergy. It is related that over three hundred were killed in the crowds that celebrated the removal of the interdict.[147] The Bishop of Soissons in a report to Rome stated that, just as the grief of

[140] Inn. III, Epp., III, 13, 15.

[141] Inn. III, Epp., III, 15.

[142] Cartul. de Notre Dame de Paris, I, 59 (*Docs. Inédits*).

[143] Dubois, *Hist. Eccl. Paris*, lib. XIV, c. iii, 219.

[144] For the subsequent history of Ingeborg, see Géraud, in *Bibl. de l'École des Chartes*, 2me série, I.

[145] Inn. III, Epp., III, 16 (Potth., 1150).

[146] (a) Gesta, c. 86. (b) Hoveden, in *Rec.*, XVII, 608d.

[147] Capefigue, *Hist. de Ph. Aug.*, II, 156.

the people over the interdict had been so great as to be inexpressible, so their joy and exultation at its removal was the more perfect.[148] To this is added the testimony of the Bishop of Paris, that the faithful grew more devout in their praises of the Creator upon the removal of their distress.[149] The legate Octavian found it impossible to describe the joy which filled the kingdom upon relaxation of the sentence. The people blessed the pope and sang his praises, not only for the justice shown the unfortunate queen, but also for his mercy in removing the interdict.[150]

Those prelates who had refused to observe the interdict were disciplined. The chapter-general of the Cistercians ordered that those abbots who had attended the meeting at Paris, and had disregarded the interdict, were to be in "levi culpa" for six days, and for one day of the six they were to be put on bread and water;[151] those who had not convened at Paris, but had violated the interdict, were for three days to be in "levi culpa", and were for one day of the three to subsist on bread and water.[152] The ecclesiastics who had not observed the interdict from the beginning incurred suspension, and their punishment was reserved to the pope. The Archbishop of Reims, the Bishops of Chartres, Orleans, Meaux, Auxerre, Noyon, and Beauvais, and several abbots were compelled to appear in Rome in person. Several bishops, because of age and ill-health, were excused from going to Rome;[153] these and those abbots who could not go were permitted to send deputies. At Rome they all gave a public oath to obey what the pontiff should command; whereupon they were absolved from suspension, but the pope reserved the right to

[148] Inn. III, Epp., III, 14.

[149] *Ibid.*, 13.

[150] *Ibid.*, 15.

[151] Registr. Capitulor. General. Cisterc. Ord., in *Bibl. de l'Arsenal*, MS. 926, p. 142, Chap. Gen., 1200, 48.

[152] *Ibid.*, Chap. Gen., 1200, 51.

[153] These were probably the Bishops of Laon and Térouanne. See Potth., 1600.

punish them at his discretion.[154] The lesser clergy who had failed to heed the interdict were not forgotten. Innocent gave Philip, Bishop of Beauvais, the power to receive an oath of obedience from all abbots, priors, and prelates of his diocese who were guilty of violation.[155] It is probable that similar orders went to other bishops.

Circumstances brought fitting punishment to Hugh Noyers, Bishop of Auxerre, who, at the very time that he was trying to enforce an episcopal interdict on his own diocese, refused to observe the papal interdict on France. The death of Michael, Archbishop of Sens, occurred in November, 1199. Later the canons of Sens unanimously elected Hugh Noyers to the vacancy, and the king gave his consent. But the pope, remembering that Hugh was one of those bishops who not only disregarded the interdict, but was also present at that meeting which decided, for reasons considered frivolous by Innocent, that it ought not to be observed, canceled the election; for the pope regarded it as unfitting that a bishop who had deliberately despised papal orders should be elected by those who had kept the interdict as faithfully as had the canons of Sens. Hugh wrote to Innocent what seemed to the latter to be an accusation rather than an exculpation. He said that, on account of papal wrath, he was reduced to the greatest confusion and abjection; that he was pointed at with fingers, as one who had not fought honorably, but had deserted and joined the enemy; he asserted that he would rather die than live thus. He also assured the sovereign pontiff that he did not write these things because of any ambition by which he hoped to ascend to some higher rank, but because he hoped to escape the derision in which he was held. These reasons did not prevail with the stern Innocent to acknowledge the

[154] Gesta, c. 57.

[155] Mscr. in Beauvais (Cartul. de S. Pierre de Beauvais.), p. 89, tit. 329. "Attendens apostolica sedes . . . . Dat. Anagnie, nonis Novembris." The year is not given, but the letter very probably has to do with the interdict of 1200.

election; he did, however, grant the petitioner absolution from suspension.[156] William of Dijon had a similar experience. He was at first influenced by threats to disregard the interdict, but after a time obeyed the mandate of the church.[157] Later he was elected to the Archbishopric of Bourges. The circumstances were so much like those of Hugh Noyers that Innocent realized the danger of being accused of partiality, should he agree to the election. There seemed to him, however, to be a distinction between those who had erred from contempt and those who had erred from ignorance; and on this ground he decided to confer on William the pallium, provided that he purge himself by oath of his contempt, that he obey whatever the pope enjoin for those faults which grew out of ignorance, and that he issue letters patent to that effect.[158] The Bishop of Arras, on the contrary, was particularly faithful in observing the interdict,[159] and it was probably for this reason that the pope favored him with privileges in the bull which begins: "Since recently, in the day of the battle for the house of the Lord, you opposed yourself like an impregnable wall against a charge from without, so much the more willingly do we show you apostolic favor, as we have in this affair experienced your obedience and steadfastness."[160]

58 *Brittany, 1200.*

The only notice of this interdict is in a papal letter of May 12, 1200, in which the pontiff answered the question whether certain things might be done "during the interdict laid on the whole of Brittany". The Abbé Chauffier in an article on this "Lettre inédite d'Innocent III" is of the opinion that this interdict of 1200 had no connection with that of France, and surmises that it was laid because the clergy of Dol refused to

[156] (a) Inn. III, Epp., III, 20. (b) Gesta, c. 56.

[157] Hist. Archiepisc. Bituricensium, in Labbe, *Nova Bibl.*, II (1657), 99ff.

[158] Inn. III, Epp., III, 43 (Potth., 1249).

[159] Andrens. Chron., cited by Hurter, *Innocenz III*, I, 381, n. 188.

[160] Inn. III, Epp., III, 25.

accept a papal order of June, 1199, subjecting their diocese to the Archbishop of Tours.[161] He suggests that some of the prelates of Brittany probably desired to execute this sentence in all of its details, which got them into difficulties so serious that they were obliged to appeal to Rome for explanations; and that the above-mentioned letter is the response to their inquiry.[162] It was asked whether viaticum, extreme unction, and burial of the dead were to be allowed for clerks and laymen; whether divine offices could be celebrated in conventual churches with voices subdued and doors closed, interdicted persons being excluded; and whether penance was to be assigned to those assuming the cross or visiting the shrines of saints. The pope answered that viaticum was granted to the truly penitent, and that he conceded as a special favor that clerks who had observed the interdict might be buried in the cemetery of the church in silence, without solemnity and the sound of bells. In conventual churches, clerks by twos and threes might recite, not chant, canonical hours, with doors closed and voice so subdued as not to be heard outside, interdicted persons being excluded. Regulars were given their usual privileges. Crusaders and other pilgrims were allowed to have confession when they demanded it. This answer was clearly not the end of the matter, for on December 17, 1201, Arthur, Duke of Brittany, agreed to execute the papal sentence subjecting Dol to Tours. But whether even this made an end of the long struggle of the Bretons to be ecclesiastically independent of France is not yet surely known; and the duration of the interdict must remain likewise uncertain.

59 *Le Mans, 1200–1205.*

An interdict was laid on the city of Le Mans, either by its bishop or by the dean or chapter, because of some excesses of

[161] Wendover, Flor. Hist. ad an. 1199 (*R. Ser.*), I, 291.

[162] (a) *Bibl. de l'École des Chartes*, XXXIII, 595–605. (b) It may be added that the title of this article is misleading, for the substance of this papal letter, with the exception of the reference to the interdict of Brittany, has long since been published in the *Corpus juris canonici*: C. 11. X. de poenit. 5. 38 (Potth., 5042).

the secular power. The canons of St. Peter de Curia disregarded the sentence, and, though all others ceased from services, they boldly rang their bells and performed ecclesiastical rites with wide-open doors for all except excommunicated and interdicted persons. The matter being brought to the notice of Octavian, who acted as legate in those parts from the year 1200, he decided against the canons of St. Peter. Afterwards (1204–1205) on account of trouble with political powers, the city was again interdicted, and again the canons, in spite of notice to cease, celebrated with unusual solemnity. This time the difference was carried to Rome, where the procurator of the disobedient canons justified their action by pleading the prescriptive independence of the church of St. Peter de Curia, which exempted it from interdicts. The pontiff regarded this plea as dangerous to the discipline of the church, declared the privilege invalid, and ordered the canons to observe the interdict strictly, as far as they were not exempted by privileges ordinarily extended in time of interdict. The subsequent history of the interdict is unknown.[163]

60 *Lands of Nicolas de Rumigny, 1200–1203.*

Nicolas de Rumigny molested the canons of Reims in various ways, his prime offence being the seizure of their forest lands. After being repeatedly and uselessly warned by William, Archbishop of Reims, he was finally excommunicated, and his household and lands were put under interdict at the request of the chapter. In order to make the sentence effective, all priests were commanded to leave the district affected, the Hospitalers were forbidden to celebrate services, an ambulatory interdict was to follow Nicolas in his movements, and the sentence was confirmed by the legate Octavian sometime after August, 1200.[164] The Hospitalers refused to observe

[163] Inn. III, Epp., VIII, 213, 212 (Potth., 2675, 2679).

[164] Varin, *Arch. Adm. de Reims*, I, ii, 437–438. The mention of the legate helps to fix the date. Octavian was dispatched to France in July, 1200 (Potth., 1094, 1102), and met the king at Sens on August 27. On September 7, he was at St. Léger-en-Iveline, where he relaxed the inter-

the sentence, on which account the canons complained of them at Rome, and on January 21, 1201, Innocent rebuked them and ordered them not to go beyond their privileges.[165] Nicolas made peace[166] with the church in February of 1203, and gave a charter for the reparation of damage done. The charter does not mention the interdict, but in the absence of any other evidence it is probable that the interdict was relaxed at that time.

61 *Lands of Roger de Rozoy, 1200–1203.*

In the papal letter of January, 1201, not only the lands of Nicolas "de Ruminiaco" but those of Roger "de Roseto" (Rozoy-sur-Serre) are said to be under interdict.[167]

62 *Lands of Nicolas de Rozoy, 1200?–1211.*[168]

Nicolas de Rozoy was a younger brother of Roger. As he tells us, at his submission, that he has "long" been under excommunication by the church of Reims and his lands under interdict for wrongs to the canons, it is not impossible that he

dict on France (*Bibl. de l'École des Chartes*, 2me série, I, 95–98). It was no doubt after that time that he confirmed the sentence of the Archbishop of Reims. This cannot have been late in 1200, for in January, 1201, upon complaint from Reims, Innocent commanded the Hospitalers to observe the interdict.

[165] Varin, *Arch. Adm. de Reims*, I, ii, 435 (Potth., 1248). Varin gives the year in the margin as 1200; but this is a palpable error in reckoning.

[166] The charter is printed in Varin, *Arch. Adm. de Reims*, I, ii, 450. During the year 1201, Nicolas wrote a letter to the canons to justify himself for hanging a man, and offered amends (Varin, *Arch. Adm. de Reims*, I, ii, 448, 449); but this can hardly be taken as a submission, which produced relaxation of the interdict; for in the charter of 1203 Nicolas mentions the hanging among the things for which he is making amends.

[167] (a) Inn. Opp., IV, 57, No. 28 (Potth., 1248). (b) From a charter of Roger de Roseto, 1205 (Varin, *Arch. Adm. de Reims*, I, ii, 459, 454), it appears that Roger was in controversy with the cathedral chapter at Reims, the same with which Nicolas of Rumigny had been in disagreement (*ibid.*, 450). Rigordus relates that in 1201 King Philip, who, in Dec., 1201, took under his express protection the canons of Reims (Varin, *Arch. Adm. de Reims*, I, ii, p. 448; Delisle, *Cat. des actes de Ph. Aug.*, No. 691), intended to attack Roger de Roseto for harming the church, whereupon Roger made his submission and agreed to make reparation. (*Rec.*, XVII, 54; *cf.* Guill. Armor., Philippis, I, in *Rec.*, XVII, 133–134.)

[168] Varin, *Arch. Adm. de Reims*, I, ii, 480; *cf. ibid.*, i, 387–391. The date of the charter is January, 1211.

was included in the same interdict with Roger; and both may have been laid under interdict at the same time as Nicholas de Rumigny.

63 *St. Omer, about 1201.*

The citizens of St. Omer had a dispute with the Abbey of St. Bertin regarding some marsh-lands. In 1198 Innocent appointed commissioners to settle the quarrel, and a few months later he urged the burgesses to give the abbey satisfaction. The efforts of the papal agents were apparently futile, for in August, 1200, a confirmation of the Count of Flanders made known that Arnoul, steward of Térouanne, and fifty other persons who had been chosen to terminate the difference between the abbey and the citizens, had divided the disputed meadows between the two parties.[169] This, however, did not settle the matter, and the resistance of the citizens brought upon them a sentence of "excommunication" laid on papal authority by the Bishop and Archdeacon of Arras. The citizens paid no heed to the sentence, whereupon orders were issued by the curia to the Dean and the Archdeacon of Amiens to cause the sentence to be inviolably observed until sufficient satisfaction was made.[170] The surviving evidence leads one to believe that this order was also fruitless. In 1202 the Count of Flanders proposed to go to the Holy Land, whereupon his bailiffs were warned by the curia to allow no harm to come to the abbey. The Count himself secured from the abbey a promise to postpone the settlement of the quarrel for three years until his return from Jerusalem.[171] Meantime St. Omer lay under interdict; when the sentence was laid or by whom is nowhere stated. Indeed the only indisputable reference to interdict throughout the whole disagreement is contained in a communication of Innocent to the abbots of Blagny and

[169] Haigneré, *Les chartes de S. Bertin*, I, 185, No. 425, 427; 188, No. 433.

[170] Inn. Opp., IV, 80 (Potth., 1422).

[171] Haigneré, *Les chartes*, I, 200, No. 456, 457.

Auchy and the prior of Hesdin, which states that, though the citizens were excommunicated and the town was interdicted on papal authority, the canons of St. Omer in the diocese of Térouanne celebrated services in the presence of excommunicates. Every attempt to settle failed; the dispute dragged on with varying hostility until 1247 or 1248, when the Count of Artois put an enforced end to it by recognizing the claims of the citizens in part, and obliging the abbey to accept the terms.[172] What became of the interdict is not known; it may have continued to the final settlement, or may have been removed long before, as far as any existing evidence goes. Probably the interdict went hand in hand with the excommunication, which, already twice issued, was republished in February, 1203.[173] A papal letter of September, 1204, shows that at some previous time the ecclesiastics were forced by the Count of Namur[174] and the bailiffs of the Count of Flanders to relax the excommunication temporarily.[175]

64 *Limoges, 1202–1203.*

In the course of the continental wars of Henry II and his sons the walls of Limoges had been damaged. The citizens attempted to fix the burden of building and repairing the walls and moats upon the monks of S. Martial. The abbot, Hugh de Brosse, supported by the bishop, firmly opposed the demand made upon the monastery and declared himself ready to have the matter heard in court. The burgesses thereupon resorted to violence; they seized and damaged the property of the monks and inflicted much harm and injury upon them. Sometime before October 6, 1202, the bishop put an interdict on the city, and, when some of the clergy disregarded the sentence, he

[172] (a) Giry, *Hist. de la Ville de St. Omer*, 138, n. 3; 139. *Cf. Rec.*, XIX, 470. (b) Haigneré, *Les Chartes de S. Bertin*, I, 199–200, No. 455.

[173] *Ibid.*, 204, No. 465.

[174] The Count of Namur was threatened with interdict in April, 1204; perhaps this gave him sympathy for the burgesses of St. Omer and caused him to interfere. Inn. III, Epp., VII, 45.

[175] *Rec.*, XIX, 470.

condemned them to suspension and excommunication.[176] Later Innocent III instructed the Archbishop of Bourges and the Bishop of Cahors, and in another letter the Archbishop of Bourges and his suffragan bishops, to confirm the sentence of the Bishop of Limoges, if lawfully laid, and to force its observance in the whole province of Bourges.[177] This was done and civil war raged in the city; the bishop ordered a daily renewal of his malediction upon the consuls and the disobedient priests. Garments were not given the poor that year on Maundy Thursday, but the price of these was distributed to many paupers.[176d] The burgesses appealed to Rome against the sentence of the Archbishop of Bourges, but the pope decided against them [177] and they went to worse excesses than before, becoming so violent that the abbot was obliged to leave the city.[178] It was even preached in churches that excommunicates need not fear to perform ecclesiastical ministrations. The citizens expelled the monks of S. Martial, took their remaining property, and punished by fines matrons and other persons who from conscientious scruples absented themselves from services held by excommunicated priests, or who refused to receive the host from their hands on Easter-day.

[176] (a) The date for this interdict is taken from the statement of Varia Chron. Fragment. ad an. 1202, that in the monastery of St. Salvator there were no services from the feast of St. Pardulphus, October 6th, to July 22nd. The latter date meets very well the requirements of the papal letter and the charter of the Bishop of Limoges. The interdict was in force March 30 (Chron. B. Iterii, in Duplès-Agier, *Chroniq. de S. Martial de Limoges*, p. 68); and on Easter, April 4 (Epp., VI, 97). The former date is made somewhat doubtful by the fact that from the Varia Chron. Frag. the capture of the Viscount of Limoges seems to occur during the interdict; and, unless more than one viscount was captured, that occurrence took place before September 7, 1202 (*Rot. Pat.*, I, i, 18). It is therefore possible that the interdict began before October 6. (b) Lasteyrie, *L'Abbaye de S. Martial de Limoges*, 121. Just when this damage was done is hardly ascertainable. War was in progress in the autumn of 1202, for about September of that year the Viscount of Limoges was captured by the consuls of the city, who adhered to John; *Rot. Pat.*, I, i, 18. (c) *Rec.*, XVIII, 226, n. b. (d) Varia Chron. Fragment. ad an. 1202, in Duplès-Agier, *Chroniq.*, 192–193. From this source the cessation seems to have been voluntary.

[177] Inn. III, Epp., VI, 97 (Potth., 1934).

[178] Lasteyrie, *L'Abbaye de S. Martial de Limoges*, 114.

On June 8, 1203, the pope instructed the Archbishop of Bourges and the Bishop of Cahors that, if the disobedient clerks did not yield obedience within a month, they should be deprived of their benefices; and if that did not accomplish its purpose they should be degraded.[179] This papal order had speedy effect, for the burgesses and monks came to an agreement attested by the bishop, in which the former made reparation for damage done, and agreed thereafter to resort to judicial procedure in similar cases.[180] Though nothing was said of the interdict, it was probably removed at the same time.

65 *York and Beverly, 1200–1201.*

When John went to the continent in 1200, he ordered Geoffrey, Archbishop of York, to attend him. The archbishop refused and also hindered John's emissaries from collecting a carucage in the province of York. In addition he laid the whole province of York under an interdict. For these reasons John ordered him to be deprived of his possessions. Geoffrey retaliated by excommunicating the king's partisans; and at the same time laid an interdict on the town of Beverly, the inhabitants of which had broken into the archbishop's park.[181] Wishing to avoid serious difficulty, John ordered the archbishop's estates restored on condition that the archbishop should answer for his offence in the king's court, and pay three thousand marks which he owed King Richard. A settlement did not immediately follow; indeed the events of John's visit at Beverly in January, 1201, threatened complete estrangement. The canons of Beverly wished to receive the king with a procession and the sound of bells, but this was forbidden them. The king was entertained by an excommunicate.[182] Though such treatment angered the king, it did not prevent a settlement; this came by Mid-Lent of 1201, when

[179] Inn. III, Epp., VI, 97 (Potth., 1934).
[180] *Rec.*, XVIII, 226, n. b.
[181] Hoveden, (*R. Ser.*), IV, 139–140.
[182] *Ibid.*, 156.

the king and archbishop met at York and the latter purchased favor by paying a fine. In May, John restored to his brother the properties in return for a promise of a money payment. Though not mentioned, the interdicts were, no doubt, relaxed at that time.[183]

66 *Cremona, 1201, and 1203–1204.*

The citizens of Cremona were put under interdict because they vexed their bishop and clergy with tallages, and otherwise oppressed them. The sentence is called an excommunication in one bull, but that it was an interdict appears from a letter of November, 1201, to the Bishop of Cremona which granted that he might celebrate ecclesiastical offices because he had taken the cross, notwithstanding the interdict under which his city was laboring.[184] This interdict is perhaps the same as that of 1203–1204, though no positive proof of connection between the two has been found. The interdict existing in 1203 grew out of a disagreement between the citizens of Cremona and the monks of St. Sixtus, and was laid by the Bishop of Modena. The sentence was not observed by all priests; some of them even conducted public services. In February, 1203, Innocent ordered the Bishop of Modena to renew the sentence of interdict, to suspend all clerks who violated it, to deprive them of their livings, and to force them to appear before the pope. In 1204 the contending parties came to an agreement in Innocent's presence, and he ordered the Bishop of Parma to relax the sentence.[185]

67 *Genoa, about 1202.*

When this interdict was laid cannot be determined; it prob-

[183] (a) *Ibid.*, 139–140, 157, 163. (b) Stubbs, preface to Hoveden, IV. (c) Wendover, Flor. Hist. ad an. 1200 (*R. Ser.*), I, 301. (d) Prynne's Records, II, 230–231.

[184] Theiner, *Vet. Mon. Slav. Merid.*, I, 61, No. 200 (Potth., 1526), No. 201 (Potth., 1527).

[185] (a) Inn. III, Epp., VI, 13 (Potth., 1846); VIII, 163 (Potth., 2338); X, 143 (Potth., 3205). (b) The trouble was not permanently ended. If the comment to the letter printed in Pflugk-Harttung, *Iter Italicum*, 516–517, may be believed, the same dispute was alive in 1226.

ably grew out of a dispute between Archbishop Boniface and the canons of Genoa, which was settled on May 30, 1201, by commissioners of Innocent III. The interdict may have been removed at the same time; it certainly was removed sometime before November, 1202. The revenues of the chapter in Genoa were so considerably diminished by the interdict that it was necessary to adopt remedial measures; and it was therefore determined that any prebends which fell vacant should not be reassigned, and that the income derived from them should be applied to the common use. Later four prebends became vacant, and the archbishop assigned one of them on the ground of prescriptive right. After the interdict was relaxed the canons challenged the act of the archbishop and carried the matter to Rome. Innocent ruled that several of the prebends had been vacant so long that the right of appointment belonged to him rather than to the chapter of the archbishop. These circumstances give some idea of the duration of an otherwise obscure interdict.[186]

68 *Armenia, 1203 (1204).*

The interdict of Armenia is an episode in the quarrels of the crusaders. It resulted from a dispute between Leo of Armenia and Boemund of Antioch over the possession of Antioch. Boemund III of Antioch had two sons, Raymond III and Boemund of Antioch. Raymond married the sister of Leo, King of Armenia, and by her had a son, Rupino, whom he acknowledged to be his rightful successor. When Raymond died, about 1200, his brother Boemund disputed Rupino's claim and Leo supported his nephew Rupino.[187] In

[186] (a) This interdict probably grew out of the dispute between Archbishop Boniface and the canons of Genoa, which was settled in 1201, May 30, by commissioners of Innocent III. Ughelli, *It. Sacra*, IV, col. 881–882. (b) Inn. III, Epp., V, 123 (Potth., 1780).

[187] (a) I have not been able to verify my belief that this interdict occurred in 1203. That it was in 1203 or 1204 is clear from the following. The legates attested letters at Rome in March, 1202 (Potth., 1644). They were sent to the East in the same year (see below, n. 189). They cannot have reached the Holy Land early enough to have had their quarrel with Leo of Armenia and to have made peace by September, 1202. This makes it very

1201, Leo subjected himself to Rome and sought the privilege that no one excommunicate him or interdict his lands without permission from Rome.[188] Innocent granted this privilege. When the dispute in the East became serious, Innocent sent two legates, Soffridus, Cardinal-presbyter of the title of St. Praxedis, and Peter, Cardinal-presbyter of the title of St. Marcellus, to secure peace.[189] The quarrel of the princes was aggravated when the Templars gave their support to Boemund. The King of Armenia in revenge confiscated their property. The legates vainly tried to secure an agreement between the king and the Templars. One of them, Peter, finally called a council; and, though the Catholicus of the Armenians and the Bishop of Antioch were absent, laid an interdict on Leo's lands, in spite of his appeal to Rome made on the ground of the privilege previously granted.[190] The prelates of Armenia held a convention, and decided that the sentence need not be observed because the Catholicus had not been present when the sentence was laid, and had therefore not given his assent.[191] The king complained of the legates[192] and requested their recall, which came later. In the meantime a convention was held at Acre in September, 1203 or 1204, and there the king agreed to abide by the award of the legates; whereupon peace was made. It is likely that the interdict, which had probably never been observed, was removed at the same time.[193]

probable that the interdict fell in a later year. It must have been before 1205, for by March of 1205 the legates had already left Palestine (see below, n. 192). Soffridus again attested letters in Rome, May, 1206 (Potth., 2767); Peter, in March, 1207 (Potth., 3064). (b) Inn. III, Epp., II, 252, 253. (c) Gesta, c. 111. (d) Robt. Altiss., Chronolog. ad an. 1204, in *Rec.*, XVIII, 272.

[188] Inn. III, Epp., V, 43, 44 (Potth., 1689).

[189] They were sent about 1202. Inn. III, Epp., V, 48.

[190] Called excommunication.

[191] Gesta, c. 116, or Inn. III, Epp., VIII, 119.

[192] (a) Inn. III, Epp., VIII, 1 (Potth., 2429). (b) Inn. III, Epp., VII, 223; VIII, 126. From these letters it appears that the legates had left the Holy Land before March, 1205. (c) *Cf.* Migne, *Pat. Lat.*, 214, clix, n. 77.

[193] (a) Inn. III, Epp., VIII, 119, 120. (b) Gesta, c. 118. *Cf.* Gesta, c. 109–119. (c) Wilkins, *Gesch. d. Kreuzzüge*, V, 16ff. (d) Notes to *Chronique du Connétable Sempad*, Vol. II.

69 *Lands of the murderers of the Bishop of Würzburg, 1203.*

Conrad, Bishop of Würzburg, who had transferred himself from Hildesheim without papal consent, was killed December 6, 1202. In January of the next year, Innocent wrote to the prelates of Germany instructing them to excommunicate the murderers, to put their lands and those of their adherents under interdict, and to interdict any place to which they should come, for the time they remained there. This sentence seems to have brought the murderers to quick submission, for by April they had appeared in Rome to do penance so severe that some one has said a death sentence was preferable.[194] One of the conditions of their shriving was that neither they nor their heirs were ever to acquire ecclesiastical benefices without obtaining special permission from Rome. It was decreed that, if any fief were ever obtained contrary to the provisions above set forth, the diocese in which it lay should be under interdict until the fief was surrendered or the inhabitants of the diocese removed the offence. The interdict on the lands of the murderers was raised after they submitted.[195]

70 *Lands of the Counts of Geldern, Jülich, Hochstaden, Berg, and Altena, 1205–1207.*

The following cases of interdict were attempts to strengthen the papal cause in the quarrels between the Guelfs and Ghibellines. During the struggle between Otto and Philip of Suabia, Adolf, Archbishop of Cologne, was deposed by Innocent. In the fall of 1205 the Counts of Geldern, Jülich, Hochstaden, Berg, and Altena were excommunicated and their lands were interdicted by papal agents, because of their adherence to the deposed archbishop, and because of their

[194] (a) Inn. III, Epp., V, 155 (Potth., 1813); 51 (Potth., 1886); VI, 113 (Potth., 1958). (b) Winkelmann, *Philipp v. Schwaben*, I, 267–271.

[195] (a) Boehmer, *Reg. imp.*, No. 5834 (April 18, 1203). (b) The same bull which relates the submission of the murderers ordered excommunication and interdict to be used against all unrepentant accomplices until they made their purgation; and, if they refused to submit, they were to be followed by an ambulatory interdict. Inn. III, Epp., VI, 113 (Potth., 1958).

attack on the churches of Cologne. The sentence was removed on Easter, 1206. Many clerks observed the sentence, though they were forced to beg; others, overcome by want, celebrated services.[196] The Dean and the Prior of Cologne asked Innocent how to punish the clerks, monks, and nuns who had violated the interdict and still continued to do so, though they had been excommunicated. On May 15, 1207, Innocent replied that clerks guilty of violation of interdict were to lose their benefices; and that monks and nuns should be sent to monasteries with a more rigid discipline.[197] After the interdict, Innocent remitted to their superiors for judgment several persons who had, though excommunicated, held services during the interdict.[198] The sentence was undoubtedly relaxed in 1207, when peace was made between Philip of Suabia and Otto, and the deposed archbishop surrendered his claims.[199]

71 *Bremen, 1208–1211 and 1211–1216.*

In November, 1207, Hartwig, Archbishop of Bremen, died. Philip of Suabia had pledged himself to help Waldemar, Bishop of Schleswig, to secure his election to the archbishopric of Bremen, and their plan easily carried. But when Waldemar went to Rome to secure papal confirmation, at first he was put off, and finally was refused. Thereupon, though the pope had ordered him not to depart without permission, he secretly left Rome and occupied the new see on his own authority, with the joyful assent of the people of Bremen.[200] For this high-handed procedure Waldemar was excommunicated, but he prevented the publication of the bull by excluding it from

[196] (a) Annal. Colon. max., 1205, in *MGSS.*, XVII, 821. *Cf.* Potth., 2716. (b) Chron. Regia Coloniensis Cont., I, ad an. 1206–1207, in *MGSS.*, XXIV, 12–13.

[197] (a) Inn. III, Epp. X, 62 (Potth., 3101). (b) *Cf.* Winkelmann, *Philipp v. Schwaben*, I, 393 and notes.

[198] MS. in Berlin (Potth., 3363).

[199] Winkelmann, *Philipp v. Schwaben*, I, 397.

[200] (a) Inn. III, Epp., X, 209 (Potth., 3299). (b) Inn. III, Epp., X, 210 (Potth., 3300). (c) Inn. III, Epp., XI, 10 (Potth., 3354).

the city; finally, it was given legal validity by being secretly deposited on the altar during mass. It was futile, however, and an interdict was laid on the city between April and December of 1208,[201] and was renewed July 2, 1209. Nothing more is heard of this interdict. Perhaps it also was delayed by allowing no knowledge of it to reach the city.[202] After the death of Philip of Suabia, Waldemar for a time lost his power and made his submission at Rome, and it seems probable that the interdict was then relaxed. At any rate, when in 1211 Otto IV turned against the papacy, and Waldemar, whose fortunes now rose, reentered Bremen, another[208] interdict was

[201] It is impossible to do more than approximate the date of the interdict. Innocent had, it seems, by February 21, 1208, determined to excommunicate Waldemar, if the date assigned (by Potthast, *Reg.*, 3299) to the pope's letter to Philip of Suabia's queen, Mary, urging her to cause Philip to avoid Waldemar as an excommunicate, may be trusted. This is supported by the uncertain evidence of two other undated bulls, fixed by Potthast in February, 1208 (*Reg.*, 3300), and March, 1208 (*Reg.*, 3354), respectively. The first of these, addressed to the bishop-elect of Würzburg, instructs him to announce Waldemar excommunicated. The second is addressed to the King of Denmark, and notifies him of the excommunication and of the instructions given many prelates to publish the sentence. No letters to prelates containing such instructions are extant. The evidence of these bulls is that the excommunication was published as soon as the letters, issued sometime in February, 1208, could reach Germany. This was possibly the case. Nevertheless, in a bull dated November 4, 1208 (Epp., XI, 173; Potth., 3530), it is said that the Archbishop of Magdeburg, his suffragan bishops, those of the see of Bremen, and the Bishops of Münster and Osnabrück, had been ordered to command Waldemar to go to Rome, and if he failed to comply within one month to anathematize him. Another bull, dated July 2, 1209 (Epp., XII, 63; Potth., 3760), agrees almost verbally, in the part here considered, with that of November, 1208. It is not impossible that these were the instructions given in February, 1208, though they may be of later date and may be regarded as a renewal of the excommunication formerly issued. The importance of this for the present purpose is that the letter of November, 1208, states that the prelates had been instructed not only to anathematize Waldemar if he refused to depart for Rome, but also to interdict any city, fortress, or commune which adhered to him. Bremen adhered to Waldemar, and, if the papal orders were executed, the city must have been interdicted. From these facts it seems clear that the interdict was pronounced by December of 1208 at latest, and may have been pronounced as early as April of the same year.

[202] (a) Arnold. Lubec., lib. VII, c. 10 and c. 19, in *MGSS.*, XXI. (b) Winkelmann, *Philipp v. Schwaben*, II, 268.

[208] It may be that the former interdict had been suspended.

laid upon the city.[204] The people bore the cessation of services with great equanimity, for, being friendly to Otto, their trade with England prospered.[205] No other information regarding the interdict is forthcoming. Waldemar's fall was assured by the defeat of Otto at Bouvines (1214), and in 1216 he was expelled from Bremen.[206] It is hardly possible that the interdict lasted after the citizens expelled Waldemar.[207]

72 *Capua, 1210.*

The canons of Capua celebrated services in the presence of the Emperor Otto, and for this reason their city was put under an interdict.[208]

73 *Naples, about 1211.*

The interdict of Naples was laid by the archbishop of the city, because the citizens adhered to the excommunicated emperor. Some questioned whether the papal excommunication of the emperor really gave any prelate authority to employ interdict also, and the Archbishop of Naples put the question before Innocent. The reply was that the Neapolitans by aiding the emperor had justly incurred the loss of spiritual ministrations, and it was ordered that the sentence remain in force until the fault was amended. Not even the dying were to be allowed penance, unless they swore to obey the commands of the church, and abjured the emperor, and even then they might not have canonical burial.[209]

[204] Annal. Stadenses ad an. 1211, in *MGSS.*, XVI, 355.

[205] Bremer Urk. B., I, 127. Cited from Winkelmann, II, 386.

[206] Annal. Stadenses ad an. 1217, etc.

[207] (a) *Cf.* Dehio, "Waldemar, Bischof von Schleswig," in the *Hist. Zeitschr.*, XXX (1873), 222–238. (b) Winkelmann, II, 460.

[208] (a) Ryccardus de S. Germ., Chron. ad an. 1211, in *MGSS.*, XIX, 334. (b) Ryccardus (*MGSS.*, XIX, 338) states that at the Lateran Council of 1215 the Milanese were not allowed to speak for the Emperor Otto, since they, being his adherents, were like him excommunicated. No other source has been found to shed light on this sentence. If the whole city was under discipline, the sentence implied was no doubt an interdict.

[209] (a) Inn. III, Epp., XIV, 74 (Potth., 4274). (b) *Cf.* Hurter, *Innocenz III*, II, 367.

74 *Liège, 1198–February 14, 1199.*

This case has no connection with the struggle between Philip of Suabia and Otto IV.[210]

75 *Brabant, about 1212 (1214). Liège, 1212–1213. Lands of Henry of Brabant (1212–1214).*

Henry, Duke of Brabant, was excommunicated and his land was interdicted by the Archbishop of Mainz, because of his adherence to Emperor Otto. He was also under an interdict resulting from his maltreatment of the Guelf bishop, Hugh of Liège; in May, 1212, the city of Liège was besieged by the Duke of Brabant and was captured and plundered by his army. Thereupon a council of all the prelates of the diocese of Liège, held at Huy,[211] determined that services should be suspended, that the crucifix and the relics of the saints should be encircled with thorns and thrown prostrate in every church of the whole diocese, and that on all feast-days the sentence of excommunication should be renewed against the duke.[212] For nearly eighteen months, the crucifix and the relics of St. Dodart and others lay on the floor of the cathedral. After repeating the regular hours the canons of St. Gilles daily entered the church, and at the close of the mass one of the priests, clothed in the vestments of his office and followed by the whole clergy, led the way to the centre of the cathedral, where all prostrated themselves and cried: "Look down, O Lord, from thy holy habitation."[213]

To these two interdicts of Henry a third was added. It happened that, at a lawsuit presided over by papal commissioners, one of the duke's servants struck a clerk so hard as to

[210] Reineri Annales, in *MGSS.*, XVI, 654-655. Citizens buried their dead without solemnities; but those who swore never thereafter to contravene ecclesiastical liberty were not deprived of viaticum.

[211] (a) Inn. III, Epp., XVI, 56 (Potth., 4736). (b) Chron. Leod., in *Rec.*, XVIII, 622-623. *Cf.* Winkelmann, *Philipp v. Schwaben*, II, 304.

[212] Aegidius Aureavall., Gest. Pont. Leod. ad an. 1212, in *MGSS.*, XXV, 118.

[213] Reineri Annal. ad an. 1212, in *MGSS.*, XVI, 664, n. 24.

draw blood; on account of this the commissioners excommunicated the duke and interdicted his lands, though he was absent and ignorant of the whole affair. The trebly interdicted duke's fortunes declined with those of the excommunicated emperor, who could afford him no help equal to that which Hugh obtained from France and Flanders. Henry therefore deprived Hugh of French help by himself becoming an ally of Philip Augustus, who at that time was on good terms with Innocent III; a part of their agreement was that Henry should marry a daughter of Philip. Henry then made application to the pope, saying that he was ready to obey him and to satisfy the Bishop of Liège, if the interdicts under which he lay were removed. In response orders came from Rome in May, 1213, that the interdict should be relaxed as soon as the duke had abjured all allegiance to Otto and had made satisfaction or some agreement with the injured bishop.[214] Bishop Hugh, however, prevented the absolution of Duke Henry, and the latter, still under the ban, was married at Laon by an excommunicated priest. He continued his attacks on the bishop, who met him boldly and finally won a complete triumph over him at Steppes, October 13, 1213. The bells of Liège at last broke the silence imposed upon them by the interdict to proclaim the good news of the duke's defeat. When the bishop returned to Liège, a conference was held with the prominent men of the city, and after much dispute it was decided to renew services at Liège. The interdict on Brabant continued until the next year. On the last of February, 1214, Henry completed his peace with Bishop Hugh; the duke entered the cathedral, lifted up the prostrate crucifix, humbly kneeled before the body of St. Lambert, and finally gave the bishop the kiss of peace; then he and his lands received absolution.[215]

[214] Inn. III, Epp., XVI, 56 (Potth., 4736).

[215] Reineri Annal. ad an. 1213–1214, in *MGSS.*, XVI, 664–671. I have found no record of an absolution by the other authorities who laid interdicts on the duke.

76 *Cologne, 1214–1215.*

Cologne adhered to Otto during his anti-papal wars, and afforded him refuge even after the battle of Bouvines had given Frederick II the victory. It held out in spite of papal interdict until Frederick approached from Aachen. Then it yielded and induced Otto to depart from the city. In consequence of this submission the interdict was removed on August 4, 1215, after having lasted for seventeen months.[216] The interdict on Cologne ends the series of cases connected with the Guelf and Ghibelline troubles.

77 *Lands of the Countess of Blois (between 1205 and 1213).*

This interdict grew out of the arrest of a robber by an officer of the Countess of Blois. The canons of Chartres demanded his surrender on the ground that he had been arrested in their jurisdiction. When the quarrel grew serious, the countess gave a pledge to abide by a judicial decision of the matter, but the canons, disregarding the pledge, put her lands under interdict and refused to relax it until she made amends.

They justified their refusal to relax by their privilege that no one might relax interdicts laid by them unless suitable satisfaction ("congrua satisfactio") had been made; and they considered reparation to be the only satisfaction. Failing to get consideration from the canons, the representatives of the countess applied to the metropolitan, who felt himself unable to decide the case, and therefore referred it to Rome. There the case was heard sometime between 1205 and 1213 by Roger, Cardinal-presbyter of the title of St. Anastasia.[217] Innocent then wrote to the Abbot of St. Geneviève, the Dean, and the Chancellor of Paris that the interpretation of the contested words of the privilege depended on whether the interdict was laid for contumacy, that is, if some one, when cited, refused to stand before the law; or whether it was laid for an offence, that is, if some one, when ordered, refused to make

[216] Winkelmann, *Philipp v. Schwaben*, II, 393–396.

[217] This fixes the date.

reparation. In the first case, a pledge to appear before a court was "congrua satisfactio", and the interdict could be relaxed: in the second case, if the offence was clear, the interdict could not be relaxed until actual reparation was made.[218] What action was taken upon this decision is not known, for the interdict is not heard of elsewhere.

78 *Lands of the Countess of Champagne, various dates. Meaux, 1214.*

That the Countess of Champagne was repeatedly annoyed by interdicts is evident from her complaint at Rome, in which she asserts that the Archbishop of Sens and the Bishops of Troyes, Langres, Châlons, and Auxerre hastily pronounced sentences of excommunication and interdict against her lands and her subjects, rather from impulse than from zeal for righteousness. Her complaint brought the offending prelates a communication from Rome demanding of them such deportment as would give the countess no further grievance (November, 1210).[219] Perhaps the warning was temporarily effective, but subsequent events show that it lost its power over some of the former offenders, for in 1214 Innocent found it necessary to take Blanche and her son Thibaut IV under his protection, against the bishops and other prelates of the province of Reims, and especially against the Bishop of Châlons. All these had encroached upon her civil jurisdiction [220] and had used excommunications and interdicts to sustain their courts, and to compel the payments of the fines of those persons who violated the Lord's day by fighting.[221] In order to make this protection of the countess effective, on December 10, 1214, the pope called the attention of the Archbishop of Reims, the Bishops of Châlons and Soissons, and their officials and chapters, to his recent intervention in behalf of the countess, and

[218] C. 23. X. de verb. signif. 5. 40.

[219] Bibl. Nat., MS. Lat. 5993 A, fol. 6, r°–7, v° (Potth., 4135a).

[220] *Ibid.* (Potth., 4943).

[221] Lebeuf, *Mém. Diocèse d'Auxerre*, I, 389–390.

suggested that they should not lightly issue either excommunication or interdict against her or her subjects; he also notified them that the Bishop of Auxerre, the Abbot of Vezelai, and the Archdeacon of Auxerre were empowered to use ecclesiastical disciplines against them.[222] But even this was not adequate protection, for in 1215 Innocent granted to the countess and her son the privilege that no one could excommunicate them or interdict their lands. These orders and privileges were no doubt the result of frequent threats, if not of sentences of interdict.[223] Of the duration, extent, and effectiveness of the threats and sentences nothing is known with the exception of the following interdict on the town of Meaux in 1214. A charter of Stephen of Noyon relates that he came to Meaux on business and found the place under interdict because the prévôt of the Countess of Champagne had seized some church properties. Finding that the countess was in the town, Stephen went to her and advised her to restore the properties. She acted on his advice, but reserved all rights.[224] This charter of Stephen is dated Sunday, March 2, 1214, about which time it is probable that the interdict was relaxed.

79 *Rouen, 1207.*

This interdict was laid on Rouen and all its churches by the chapter of the city, because a canon had been imprisoned by the mayor on account of a brawl.[225] The King of France was greatly concerned about the matter, and wrote to the chapter many times, advising, commanding, and threatening; finally he sent four commissioners to induce the chapter to relax the interdict for the honor of the king, and promised that the cause of the canons should be tried. On the first day, the chapter stood its ground and the negotiations were futile; on the second day, the commissioners offered to acquit

[222] Bibl. Nat., MS. Lat. 5993 A, fol. 7, r°–8, v° (Potth., 4946).

[223] Potth., 5269.

[224] Bibl. Nat., MS. Lat. 5993 A, fol. 158, r°–159, v°. *Cf.* Arbois de Jubainville, *Comtes de Champagne*, V, 87, 905.

[225] Chron. Rothomag. ad an. 1207, in Labbe, *Nova Bibl.*, I, 370–371.

the canon on condition that the interdict be relaxed. The chapter responded that the mayor had detained the canon contrary to justice and to ecclesiastical liberty, even after he had been asked to free him; and that therefore the city was under interdict, which sentence ought not to be and could not be relaxed until the mayor had made reparation. The chapter carried the day. The canon was surrendered, and the mayor, in the presence of the full chapter, the royal agents, and a large throng which gathered to witness the event, gave bail and provided good and sufficient sponsors.[226] These things having been done for the praise of the Lord and the honor of the church, the interdict was removed.[227]

80 *England, 1208–1214.*

The great interdict of England and the interdicts growing out of it are intentionally omitted.

81 *Oxford, 1209–1214.*

In the course of the year 1209, a student, while practicing archery, accidentally killed a woman.[228] When he found that she was dead, he sought safety in flight. The mayor and others, upon discovering the body, searched for the homicide in the lodgings which he with three fellow-clerks had rented. Not finding the guilty man, they imprisoned his three companions, who were still entirely ignorant of the accident. Some days after, at the order of King John, whose realm was then under interdict, and who doubtless enjoyed the opportunity of making the lot of clerks miserable, the

[226] Antiquus Cartul. Eccl. Baiocen., No. 300, in *Mém. Soc. Antiq. Norm.*, 8 (1834), i, 452–453.

[227] Chron. Rothomag. ad an. 1211, in Labbe, *Nova Bibl.*, I, 372. This interdict was caused by the Archbishop of Rouen's retention of the chapter's share of the income from Dieppe. It was laid on the cathedral September 17, and was removed September 29 through the mediation of the Bishop of Evreux.

[228] The Chronicle of Lanercost (ed. Stevenson, *Bannatyne Club*, p. 4—I take this from Walt. Covent., Mem., *R. Ser.*, II, 201, n. 2) leads one to suppose that the cause for the trouble was the maltreatment and subsequent murder of a girl. *Cf.* Chron. Mailros, ed. Fulman, p. 182.

captives were conducted out of the city and hanged.[229] In consequence about three thousand scholars, including nearly all the masters, departed from the city.[230] Some went to Cambridge, and others to Reading. An interdict was laid upon the city, though when and by whom is nowhere stated;[231] it endured at least until October, 1213, for Bishop Nicolas of Tusculum reached England about the end of September, 1213, and made his way to Westminster, where he was met by the citizens of Oxford who were responsible for the hanging, and who now begged for absolution.[232] The legate fixed a penance for them, a part of which was that they should lay aside their garments and shoes, and with scourges in their hands should go to each church of Oxford, sing the fiftieth Psalm, and

[229] From the statement of Wendover (*R. Ser.*), II, 51, it seems that three clerks were hanged. Later, however, he says that only two clerks perished in this way, *ibid.*, 94. The Annals of Coventry and the Chronicle of Lanercost state that one clerk was hanged. That several were hanged appears from the form of absolution to be mentioned later.

[230] Wendover (*R. Ser.*), II, 51, states that not a single one was left. By the terms of submission this statement is proved to be too strong. *Cf.* Annal. Osney (*R. Ser.*) and Annal. Monast. (*R. Ser.*), IV, 54, and *Chron. Petroburgense*, ed. Stapelton, p. 6.

[231] C. W. Boase, in his *Oxford*, p. 65–66, states that the interdict was laid by the legate Nicolas, Bishop of Tusculum. This cannot be correct, for Nicolas was in or near Rome throughout the year 1209 and attested papal letters (Potth., 3621, 3637, 3726, 3740, 3742, 3755, 3770, 3789, 3852, 3856, 3858). He was not sent as legate to England until 1213, Wendover (*R. Ser.*), II, 93. The fact that there was an interdict on Oxford appears from the penance imposed on the city by the legate Nicolas, Mun. Acad. Oxon. (*R. Ser.*), I, 1–4. The annals of Coventry and the Chronicle of Lanercost hint at an interdict.

[232] Wendover (*R. Ser.*), II, 94. The penance mentioned by Wendover seems to have been assigned at Westminster. It should, however, be noted that on June 25, 1214, the legate Nicolas issued the terms for the absolution of the people of Oxford, and that at that time the interdict was still in force. Possibly the legate assigned a preliminary penance in Westminster, and the absolution to be given by the priests was merely for the murder and not from the interdict. At any rate this account of Wendover's raises a curious point. In the first place, as has been said, the interdict was still in force in Oxford on June 25, 1214. How, then, could priests give absolution in churches? This difficulty is made more serious by the fact that the interdict of the realm was still in force until about July 1. No doubt Nicolas in his capacity as legate had power to open churches for the purpose indicated by Wendover, whose statement is therefore reconcilable with events.

thereby obtain absolution from the priest. In order that neither they nor others should dare to commit a similar deed it was determined that this penance should be prolonged by their going thus to but a single church each day.

The citizens as a whole were also disciplined. On June 25, 1214, the legate addressed a letter to the burgesses of Oxford fixing their penalty for permitting the clerks to be hanged. It was therein stipulated that for ten years the townsmen should exact for lodgings only one-half the rent that they had charged previous to the withdrawal of the clerks. As for halls constructed afterwards, or halls the rent of which had not been determined, the charges were to be fixed by a board of four clerks and four burgesses. Besides, the city was to contribute fifty pounds annually, payable in two instalments, for the support of poor scholars; and forever after on St. Nicholas' day the city was to set a feast of bread, ale, pottage, and fish or meat for one hundred poor scholars to be named by the Bishop of Lincoln, or on his authority. The citizens were to swear to sell provisions to the scholars at fair and reasonable rates, and not to circumvent this agreement by fraudulent arrangements of any sort;[233] if thereafter they arrested a clerk they were on demand to deliver him to the Bishop of Lincoln for safe-keeping; and they were to renew this oath each year. A properly certified charter containing these terms was to be drawn up and given to the Bishop of Lincoln for safe-keeping.[234] The masters who had continued teaching after the scholars had fled from the city were suspended from lecturing for three years. After the interdict was relaxed all those citizens who had been convicted of hanging the clerks were to go without hats, coats, or shoes to the graves of the clerks whom they had hanged, and were to bury them properly in a place indicated by the clergy. When these things were complied

[233] This gave the University a right to share in the regulation of the markets of the city. See Burrows, *Collectanea*, II, 46 (*Pub. Oxf. Hist. Soc.*, 1890).

[234] Mun. Acad. Oxon. (*R. Ser.*), 1–4.

with, the lectures were to be resumed except by those who were suspended. Should they fail to meet the terms once agreed to, the interdict was to revive. The Bishop of Lincoln was made executor of the order. With the imposition of this severe penalty the interdict of Oxford disappears.

82 *Bergamo, about 1210.*

The city of Bergamo disagreed with the canons because the citizens made exactions on ecclesiastics. For this reason the city was interdicted and remained under the sentence for a long time. As a consequence of the cessation of services the piety of the people began to diminish, and heresy began to put forward a bolder front. When the podestà of the city at last pleaded for mercy, the bishop and the chapter hesitated to accept without papal consent the satisfaction offered, and they brought the matter before Innocent. In April, 1210, he instructed the Abbot of St. Ambrose and the Archdeacon of Milan to make what terms seemed most expedient, and thereafter to relax the interdict.[235]

83 *Coimbra, 1211.*

The interdict of Coimbra grew out of a difference of long standing between King Sancho of Portugal and the Bishop of Coimbra.[236] The immediate occasion for it was the bishop's demand that the king dismiss a sorceress whom he daily consulted. In a rage the king summoned the bishop, who refused to come. Seeking some further cause against the prelate, the king, stopping in a village of the bishop, demanded a meal under the right of purveyance. The demand was refused and Sancho demolished the buildings belonging to the bishop and canons, despoiled the church, and seized considerable episcopal property. For this reason the bishop interdicted his diocese, and to prevent the Archbishop of Braga, who was friendly to the king, from raising the sentence appealed to the pope.

Receiving news of this, Sancho ordered the confiscation of

[235] Inn. III, Epp., XIII, 43 (Potth., 3962).

[236] Luchaire, *Les Royautés Vassales du Saint-Siège*, 14.

the property of any clerics who refused to hold services, declaring that he should consider them his personal enemies, and that he should regard those as traitors who assisted them in any way. The Archbishop of Braga, on instructions from the king, summoned the Bishop of Coimbra to his presence to show cause for laying the interdict, and after a day ordered the bishop to remove the sentence. This the prelate declined to do, because no reparation had been made or promised for the damage to his church and property. But when the enraged king, among other cruelties, blinded several clerics, who persisted in observing the interdict, in the presence of their relatives and friends, the bishop, fearing for his own safety and that of the innocent, relaxed the interdict in spite of the cost and loss to himself.[237] Not long afterward King Sancho came to an agreement with the bishop and the pope, and the latter confirmed his testament.[238] Sancho died soon after.

84 *Portugal, 1212–1213.*

Alfonso II, Sancho's successor, and his sisters fell into disagreement over their inheritance, and the sisters applied to the pope and obtained a confirmation of their father's testament.[239] The Archbishop of Compostella and the Bishop of Zamora were instructed to guard the rights of the princesses, and thus it came about that Alfonso was excommunicated and Portugal interdicted.[240] Two Spanish abbots were commissioned by the pope to arbitrate the difference. When they were about to absolve the king from excommunication and interdict, the sisters restrained them on the plea that the papal letters ordering the absolution were forged. The abbots decided to take time to investigate. The king maintained that he suffered damage, because the agreement to remove the sentence as soon as he had taken the required oath had not been kept, and he therefore appealed to Rome. Both parties

[237] Inn. III, Epp., XIV, 8 (Potth., 4187).
[238] Inn. III, Epp., XIV, 58 (Potth., 4255).
[239] Potth., 4316, 4318, 4319, 4324.
[240] Luchaire, *Les Royautés Vassales*, 25.

sent representatives to the pope, who commanded on May 21, 1213, that as soon as the king took oath to accept the papal award the sentences should be removed.[241]

85 *Lands of Raymond of Toulouse, 1207. Ambulatory interdict, 1208–1209. Toulouse, 1209–1210 and 1211–1214.*

The difficulties of the church with the Albigenses caused several interdicts. As early as 1198 Innocent gave his agents in Albigensian lands authority to use interdict to compel obedience to the church.[242] The discipline was, however, not employed until 1207. At that time, Pierre de Castelnau, the legate, was endeavoring to force Raymond VI of Toulouse to make peace with his local enemies, and to cease favoring the heretics. Raymond refused, whereupon the legate excommunicated the count and put an interdict upon his lands; this sentence was confirmed by the pope on May 29, 1207.[243] Raymond must have met the demands of the legate, for he was absolved before the first of August, and the interdict was doubtless removed at the same time.[244] Before the end of the year Raymond and the legate again disagreed. The latter considered the count too tolerant toward heretics, and expressed his conviction by excommunicating him. Raymond tried to come to an understanding, but he seemed too vacillating and uncertain in his attitude to the papal emissaries, and they refused him favor. The angry count threatened them with death. On January 15, 1208, as Pierre de Castelnau was about to cross the Rhone, he was murdered by two unknown men generally supposed to have been under orders from the Count of Toulouse. This crime brought the wrath of the church upon the count. Orders were issued by the curia

[241] Inn. III, Epp., XVI, 52 (Potth., 4732).

[242] Inn. III, Epp., I, 94 (Potth., 95).

[243] (a) Inn. III, Epp., X, 69 (Potth., 3114). (b) *Rec.*, XIX, 491 (Potth., 3115).

[244] (a) Petrus de Vallibus-Sarnaii, c. 3, in *Rec.*, XIX, 1–113. (b) *Hist. Gén. de Languedoc*, VI, 258.

on March 10 to the prelates of southern Gaul to excommunicate the murderer and those who gave him advice or aid, and to put under interdict all places to which he and his friends should come. To this was added a special excommunication of the count.[245] This sentence endured for more than a year, though nothing is recorded of its operation. In June, 1209, a council was held at St. Gilles, and there Raymond came to terms. He took oath to the conditions propounded by the legates, and was absolved from excommunication with a thorough shriving.[246] The terms under which the interdict was to be relaxed were fixed at the council and were afterwards published by the legates. Persons of importance excommunicated and interdicted *nominatim* who had not been present at the council were to appear, with letters from their bishops, before one of the legates for absolution. As to persons of lesser importance and the people, it was enough if the bishop or his authorized agent went to the place interdicted, and received the oath of the inhabitants to accept the award of the church. Bodies buried during the interdict were exhumed and were interred anew with the customary rites—unless they were excommunicated *nominatim*, in which case they had no right to burial anyway. If these things were done, the interdict was to be relaxed.[247] Raymond then joined the crusaders against the Albigenses, and for a short time there was harmony. It ended when the legates sent emissaries to demand of the count and the citizens of Toulouse that they deliver to the barons of the army all persons whom the deputies should name, in order that such persons might clear themselves of charges of heresy. They were to deliver also the property of the persons named, under pain of excommunication and interdict. Raymond responded that the demand was unjust, since he was recently absolved of all faults; and the citizens of Toulouse who were named as suspects by the deputies proclaimed that they were

[245] Inn. III, Epp., XI, 26 (Potth., 3324).

[246] *Hist. Gén. de Languedoc*, VI, 277–282.

[247] Acta Concilii Vaurensis, in Hard., VI, 2019–2035.

perfectly orthodox, and that they with their fellow-citizens had sworn to that effect.[248] The consuls of the city called the attention of the deputies to the fact that they had burned heretics whenever they found them, and they declared themselves prepared to undergo legal action in their own city. This answer seemed contumacious to the legates, and they excommunicated the consuls and proclaimed an interdict against the city. This probably occurred after mid-year of 1209. To this sentence was presently added a sentence of excommunication against Count Raymond and an interdict upon his lands because the count refused to comply with the various demands made upon him. The sentence was moderated by giving Raymond until All Saints' day to make his peace; until that time the interdict was to be suspended. Innocent was notified of these proceedings about the tenth of September.[249] The sentence of interdict no doubt went into effect, for Raymond did not appear before the legates. He resolved instead to complain to the pope in person.

He visited the court of Philip Augustus to influence that monarch in his favor, and from there went to Rome (January, 1210).[250] Innocent received him with kindness; and, if the count did not secure all he had hoped, he at least obtained the right of disproving the accusation of heresy. About the same time, envoys of the citizens of Toulouse appeared in Rome with credentials, and sought from the pope absolution for their city. In the same month, Innocent gave orders that the sentence should be removed, if the city gave sufficient pledge; but, if the citizens failed to fulfil their promises, the interdict should revive. It seemed to the pope to be ill-advised to continue an interdict for so long a time when a city was prepared to yield.[251] These instructions were

[248] (a) Inn. III, Epp., XII, 170 (b) *Hist. Gén. de Languedoc*, VI, 300–301; VIII, 612–613.

[249] Inn. III, Epp., XII, 107.

[250] *Hist. Gén. de Languedoc*, VI, 308, 319–320.

[251] (a) Inn. III, Epp., XII, 156 (Potth., 3885). (b) *Hist. Gén. de Languedoc*, VIII, 614–615.

followed. The legate Arnold, without waiting for Thédise, who had been associated with him in this affair, agreed to relax the interdict for a payment of a thousand pounds. The citizens promised to pay this sum and were given the benediction. When, however, only one-half of the sum promised was forthcoming, because of a misunderstanding among the people regarding the apportionment of the tax, the legate renewed the excommunication of the consuls and the interdict of the city, though all the citizens were willing to obey him. This step greatly angered the people and it seemed for a time that the trouble was further than ever from a settlement. Still they did not dare to be open rebels, and therefore renewed their oath, and gave hostages of their good faith, whereupon the sentences were again removed (1210).[252]

But the difficulties of the citizens of Toulouse were not yet over. A council was held at St. Gilles in September, 1210, to try Raymond on the charge of heresy, and for the murder of Pierre de Castelnau. Acquittal was refused him on the ground that he had not fulfilled promises made under oath, and that he was therefore guilty of perjury. An excommunication followed, and was confirmed by Innocent on April 15, 1211.[253] The interdict is not mentioned in this connection,[254] but it is evident that an ambulatory interdict dogged the count, for on the Saturday after Mid-Lent, 1211, when the Bishop of Toulouse desired to ordain priests, he was prevented by the presence of the count.[255] In order to surmount this difficulty the bishop requested the count to leave the city on pretense of making a pleasure excursion; Raymond in wrath sent an envoy to the bishop ordering him to depart at once.

[252] *Hist. Gén. de Languedoc*, VIII, 614–616.

[253] Inn. III, Epp., XIV, 36, 38 (Potth., 4226).

[254] The letter of the Bishop of Riez and Magister Thédise in relating the excommunication states: "Propter quae a legatis, de communi consilio praelatorum, multoties fuit anathematis mucrone percussus et exposita terra ejus." This last statement probably implies an interdict. *Hist. Gén. de Languedoc*, VII, 49, n. xvi.

[255] Petrus de Vallibus-Sarnaii, c. 51.

The prelate replied: "The Count of Toulouse did not create me bishop, nor was I ordained by him, nor for him; I was elected in accordance with ecclesiastical law and not thrust in by violence or by the authority of a prince. I will not leave because of him. Let him come if he dare; I am prepared to be put to the sword in order to attain glory by the cup of passion. Let the tyrant come, armed and with his minions; he will find me alone and unarmed. I await the reward, and will fear nothing that men can do to me." The bishop remained forty days expecting each one to be his last, but the count dared not touch him and allowed him to depart unharmed from Toulouse and join the army of the cross.

In the same year, 1211, the crusaders turned upon Raymond, and because the people of Toulouse adhered to him they were once more interdicted by the legate.[256] This interdict disappeared in the troublous times which followed and is not heard of again until 1213, when it receives passing mention in a papal bull.[257] The existence of an interdict in Toulouse is also indicated previous to the battle of Muret. The citizens of Toulouse were beginning to weaken and sent an envoy to ask Bishop Fulc to come into the city. The prelate asked Peter of Aragon, the military ally of Toulouse, for a safe-conduct, but was refused and told that, if he cared to negotiate with the citizens, he could do so with perfect security. Fearing this was raillery, the bishop replied: "It is not meet for a servant to enter a place from which his master is exiled. I shall not return to a place from which the body of Christ has been expelled until my God and my Lord himself returns."[258] The cause of the people of Toulouse became hopeless with the victory of Simon de Montfort and the death of Peter of Aragon at Muret, but efforts for immediate peace failed.[259] So far had the oppression of Toulouse gone that

[256] *Hist. Gén de Languedoc*, VI, 363.
[257] Inn. III, Epp., XVI, 48 (Potth., 4741).
[258] *Hist. Gén. de Languedoc*, VI, 423-424.
[259] *Ibid.*, 432.

Innocent at this time sent a new legate to bring the city back into harmony with the church; and took the city under the protection of the Holy See.[260] In April, 1214, the city finally submitted, and it was then, no doubt, that the interdict, now three years old, was relaxed.

86 *Marseilles, from about September, 1209, till after April, 1211.*

The interdict just described lay also on the lands of Rousselin, Viscount of Marseilles.[261]

87 *Narbonne, 1216.*

As long as Raymond and his followers were able to oppose Simon de Montfort, the latter and the church agreed fairly well; but, when Raymond was conquered, there was no check on the ambition of Simon except the church. Among other objects he desired to possess the Duchy of Narbonne, and therefore he occupied it. This was absolutely contrary to the desires of the Archbishop of Narbonne, who retaliated by excommunicating the count and by putting an interdict on all the churches of Narbonne, especially on the chapel of the castle, for the time that Simon remained in the city. Simon now had little of the horror of interdicts that he formerly professed to have, and he zealously had services performed in the chapel particularly interdicted; he had its bell rung though all other churches in the city were closed.[262] The archbishop, thereupon, forbade clerks to perform services in this chapel, but to this prohibition they paid no attention; he forbade Simon to enter or attend services in this chapel, but Simon made sport of it all with a laughing retort. The archbishop could not endure this insult and solemnly ana-

[260] Inn. III, Epp., XVI, 172 (Potth., 4890).

[261] (a) *Hist. Gén. de Languedoc*, VI, 304–306. (b) Inn. III, Epp., XIV, 40 (Potth., 4230).

[262] Potth., 5213. De Montfort may have done this in pursuance of the papal privilege which permitted him and his wife to hear services in interdicted places. This privilege was annulled by Honorius III's confirmation of the sentences imposed on Simon.

thematized Simon. This aggravated interdict only irritated Simon, and produced greater ill-will toward the archbishop among the people.

The legates then became interested in the matter. Arnold, Abbot of Cîteaux, confirmed the sentences against Simon, and prayed for papal ratification. Before this was obtained Innocent died, and Honorius III was appealed to. He confirmed the sentences and called the case before him by a writ of November 23, 1216. Simon continued to act as Duke of Narbonne; otherwise the outcome of the episode is unknown.[263]

88 *Auxerre, about 1184–1204.*

Hugh Noyers, Bishop of Auxerre, disputed with Peter of Courtenay over property almost from the time that the latter became Count of Nevers (1184). The bishop defended himself with the interdict. It was in force for fifteen years, except at such rare times as the prelate and the noble seemed to be at peace. Invariably the count offended anew, and the interdict again went into effect.[264] The long struggle finally began to show its evil effects in the large increase of crimes; and it was feared that heresies would spread, inasmuch as men were becoming careless of their spiritual safety, for which reason the bishop and the canons, after some deliberation, agreed to alter the nature of the interdict. The count was excommunicated, and the interdict was observed in the city only so long as the count was present; services did not cease altogether, but were conducted according to the rules for privileged places. By this substitution of an ambulatory for a local interdict the pressure was not removed from the count, though the burden of the church was lessened.[265] Hardly had this arrangement been made when the interdict was laid on France (1200). For various reasons the Bishop of Auxerre, strange as it may seem, refused to heed it.[266]

[263] *Hist. Gén. de Languedoc*, VI, 479–481.

[264] Davidsohn, *Philipp II und Ingeborg*, 102–103.

[265] Hist. Episc. Autiss. ad an. 1203–4, in Labbe, *Nova Bibl.*, I, 475.

[266] See above, p. 79f.

For nearly two years little is heard of the Auxerre interdict; in March, 1203, papal letters were addressed to Abbot Rodulf and the monks of St. Germain of Auxerre, granting them as an especial favor the right to ring one bell at the burial service of a monk, providing the interval between the strokes of the bell was brief, and the bell was rung for a short time. This privilege was granted, it is stated, because the Bishop of Auxerre had granted a like privilege to the monastery of St. Julian and to the cathedral of Auxerre.[267] This clearly shows that an interdict was in force, though the accounts of the interdict give some cause to infer a lull in hostilities, if not an agreement, during the first half of 1203.[268] Peace, however, did not last long. The excommunication of the count and the interdict pursuing him finally provoked him to a violent attack on the bishop and the clergy.[269] About September, 1203, Count Peter was in Auxerre, and as a consequence of his presence the interdict was in force in the city. A mother whose child had died and could not be buried, because sepulture in the cemeteries was prohibited by the interdict, came to reproach the count. Her importunate clamor and lamentations sent him into such a fury[269] that after the body had lain for three days[270] he ordered it to be buried before the bed in the bishop's chamber.[271] After this order was executed, the count

[267] (a) Inn. III, Epp., VI, 23 (Potth., 1862). (b) It is possible that this practice of the cathedral is part of the agreement mentioned above, to mitigate the interdict.

[268] This may be a new case altogether. (a) Hist. Episc. Autiss. ad an. 1203–1204, in Labbe, *Nova Bibl.*, I, 475. "Comes . . . quodam tempore excommunicatus fuerat ab Episcopo Autiss. civitas interdicto conclusa propter graves ejus excessus, qui vehementis indignationis igne succensus . . Episcopum . . . et Canonicos et Clericos . . a civitate ejecit . . . " (b) Robt. Altiss., Chronolog. ad an. 1204, in *Rec.*, XVIII, 269. "Siquidem, anno praeterito, idem Comes, quibusdam de causis, ab episcopo anathematis vinculo innodatus . . . " (c) Inn. III, Epp., VI, 149 (Potth., 2002). (d) *Ibid.*, 150 (Potth., 2003).

[269] See above, n. 268a.

[270] Inn. III, Epp., VI, 149. " . . . corpus . . . triduanum forsan et foetidum . . . "

[271] See above, n. 268.

pretended that he desired reconciliation and secured a conference, at which instead of reaching an agreement he perpetrated a new outrage. The dean and other clerks were pursued to their homes by servants of the count. Shortly after, much ecclesiastical property was seized,[272] and persecution became so severe that the bishop fled from the diocese and retired to Pontigny.[273] The King of France profited by this opportunity to appropriate some of the bishop's property. The time at which the burial of the child occurred can only be inferred; it seems to have been about September, 1203, judging from the fact that between the ninth and the twenty-first of October[274] of that year Innocent wrote a letter to the count, in which he mentioned the insult offered to the bishop in trying "to convert his home into a cemetery," and commanded Peter to recall the prelate and make good the many injuries done him. If the count failed to do this, the Archbishop of Sens and the Bishops of Chartres and Châlons would on every Sunday and feast-day declare him excommunicated, and would on papal authority subject not only all his lands to interdict, but also every locality to which he should come.[275] These instructions are extant: besides ordering the above threatened sentences to be proclaimed, they instruct the commissioners to urge the King of France to restore those properties of Bishop Hugh which he had wrongfully appropriated.[276]

At the same time there was issued from the papal chancellery a letter, addressed to Philip of France, which began with an unusually long eulogy of that monarch, and, after recounting the startling events at Auxerre, urgently requested the king to restore the confiscated possessions of the bishop and to use

[272] Robt. Altiss., Chronolog. ad an. 1204, in *Rec.*, XVIII, 269.

[273] Inn. III, Epp., VI, 150.

[274] That this letter was written in October is not absolutely certain. *Cf.* Potth., 2003.

[275] Inn. III, Epp., VI, 149, 150 (Potth., 2002, 2003).

[276] Inn. III, Epp., VI, 151 (Potth., 2004).

his authority to bring Count Peter to obedience.[277] The Archbishop of Sens and his assistants informed the Bishop of Auxerre of this papal interference in his behalf.[278] For a time the count remained firm, but his humiliation came at last and the bishop exacted a fitting revenge. On Palm Sunday, April 18, 1204, there gathered in Auxerre a much larger number of people than was usual on that festival; nobles and prelates from other dioceses were there, besides many whom the novelty of the scene to be enacted had induced to come. In the presence of this multitude the count performed his penance. At the appointed time Peter of Courtenay, clothed in penitential garb, entered the bedchamber of the bishop, and with his own hands disinterred the body, which had now lain some months, and which emitted odors offensive to all present. Then, as though he were the commonest of men, the humiliated noble raised the putrid body to his shoulder, and, in the sight of all conveyed it in procession to the cemetery, where he completed his expiation by doing sexton's service.[279]

89 *Auxerre, between 1207 and 1220.*

The Dean of Auxerre gave orders to observe an interdict, laid probably by the authority of the chapter. The bishop countermanded the order and as a result many priests paid no attention to the dean's instruction. He therefore suspended them, but the bishop absolved them, and they continued to perform offices. The difficulty came to the knowledge of the Archbishop of Sens; he ruled againt the bishop and ordered those who had relied on the bishop and disobeyed the dean to be scourged. This evident injustice to the clergy was probably the reason why one of their number, Master Robert, re-

[277] Potth., 2003.

[278] Inn. III, Epp., VI, 152 (Potth., 2005).

[279] (a) Hist. Episc. Autiss. ad an. 1203–1204, in Labbe, *Nova Bibl.*, II, 475. (b) Robt. Altiss., Chronolog. ad an. 1204, in *Rec.*, XVIII, 269. (c) There is no mention of removal of the sentence of either excommunication or interdict. It is probable that the sentences were removed upon the completion of the count's abject submission.

belled: he was kept on bread and water for a period.[280] That it is not the same interdict as that which lay on the city so long because of Count Peter of Courtenay is evident from the fact that the bishop opposed this sentence.[281] Though little is known of this case, one feature of it is noteworthy; namely, the inferiors suffered when the authorities disputed over an interdict.

90 *Orleans and Auxerre, 1209–1212.*

In 1209 King Philip ordered the feudal army to assemble for an expedition into Brittany.[282] When the Bishops of Orleans and Auxerre arrived, and learned that the king was not to command in person, they returned home without the king's consent, averring that they were obliged to serve only when he led the army; many lay princes followed their example. The king was exceedingly angry; he ordered the bishops to explain and to make amends, and when they failed he seized their temporalities, leaving them their titles and spiritualities. The response of the bishops was an interdict on all royal lands within their dioceses,[283] and a journey to Rome to make a complaint.[284] The pontiff declined to infringe upon the laws of the realm,[285] and preferred to get as much as possible for the church by persuasion of the king. In November, 1210, the pope wrote two letters:[286] one to the king requesting him to restore the temporalities, and to pardon any offense given him; and another to the Archbishop of Sens and his suffragan bishops urging them to lessen the wrath of the king. These letters were altogether ineffectual. In August, 1211, a com-

[280] Hist. Episc. Autiss., c. lix, in Labbe, *Nova Bibl.*, I, 481.

[281] See above, p. 156.

[282] (a) Chron. de S. Denis ad an. 1209, in *Rec.*, XVII, 394. (b) Lebeuf, *Mém. Diocèse d'Auxerre*, I, 370–372.

[283] (a) Chron. de S. Denis ad an. 1209, in *Rec.*, XVII, 394. (b) Lebeuf, *Mém. Diocèse d'Auxerre*, I, 370–372. (c) Guill. Armor., De Gest. Phil. Aug. ad an. 1209, in *Rec.*, XVII, 82.

[284] See above, n. 283a, b.

[285] See above, n. 283a, c.

[286] See above, n. 283b.

munication was sent by the curia to Philip stating that, as he would not restore the bishops' property without legal procedure, so the pope could not remove the interdict without judicial cognition. The suggestion followed that each party give up its demand for legal action, and that the matter be settled by arbitration.[287] About March, 1212, Innocent once more tried to persuade the king to surrender the temporalities, and promised that after that had taken place he would sift the matter to the bottom. This was an advantage that the king refused to have taken from him, for he was well aware of the justice of his position and would not weaken his case. Instead he secured from the pope a commission to the Archbishop of Sens to hear and decide the case;[288] the archbishop was instructed to induce both parties to give up legal procedure and to settle the matter by agreement.[288] Disregarding his instructions and over-riding the appeal of the bishops, the archbishop at once decided in the king's favor[289] and declared the interdict relaxed.[290] His acts were canceled by the pope,[291] who restored all things to their former state and ordered that no one presume to violate the interdict;[292] at the same time he wrote to the king, and, without mentioning the reversal of the decision of the Archbishop of Sens, he endeavored to convince the king that he had acted illegally toward the bishops, that he deserved the interdict issued by them, and that he ought to restore the properties before the interdict was relaxed; after restoration and relaxation had taken place, the case could be tried in the royal court.[293] But this sort of reasoning did not induce Philip to give up the property, the possession of which was the strongest point in his case. Having given these sug-

[287] Inn. III, Epp., XIV, 163 (Potth., 4300).

[288] (a) Inn. III, Epp., XIV, 163 (Potth., 4300). (b) *Ibid.*, XV, 108 (Potth., 4531).

[289] Lebeuf, *Mém. Diocèse d'Auxerre*, I, 370–372.

[290] *Ibid.*, IV, Preuves, No. 113.

[291] Inn. III, Epp., XV, 123 (Potth., 4543).

[292] *Ibid.*, 39 (Potth., 4444).

[293] *Ibid.*, 40 (Potth., 4443).

gestions a few weeks to produce results, the pontiff notified Philip that he had refused to confirm the decision of the Archbishop of Sens. He proposed again that Philip restore the property to the bishops, that they in turn relax the interdict, and that thereafter the courts of the realm try the whole question.[294]

Innocent was, however, beginning to feel that the matter had been pressed far enough; for he wrote the bishops to do everything in their power to secure peace, "since a bow which is always stretched loses its strength, unless it is occasionally unbent, and princes are sometimes better subdued by mildness than by rigor".[295] He therefore proposed this expedient: that the bishops should raise the interdict and appear before the king for judgment; and that the king pardon them and give them "main-levée".[289] This suggestion was acted upon, and led to the establishment of peace. In August, 1212, the bishops issued a joint proclamation from Meaux, in which they declared that they would question no marriage contracted after the relaxation of the interdict by the Archbishop of Sens, or any other act pertaining to the sacraments, if done according to approved custom; that they would take only such steps against the canons of St. Anianus,[296] who had refused to observe the interdict, as they would have taken had their quarrel been with another than the king; and that they would harm no clerk or layman as a consequence of their long disagreement with the king.[297] Besides this joint declaration, the Bishop of Auxerre issued a separate charter, in which he acknowledged that he owed military service like all other bishops and barons, and that he would thereafter serve the king through his knights as did all others; he also announced that the king had exempted him for life from personal service, that he in return granted to the king as much as

[294] See above, n. 288b.

[295] Inn. III, Epp., XV, 109 (Potth., 4532).

[296] Lebeuf, *Mém. Diocèse d'Auxerre*, IV, Preuves, No. 113.

[297] Inn. III, Epp., XV, 12 (Potth., 4406).

he chose to keep of the profits from the episcopal regalia seized before June 24, 1212, and that he agreed to relax the interdict.[298] The king in turn issued a charter in which he confirmed these terms.[299]

There arises a question as to what agreement was reached by the Bishop of Orleans and the king. Though it is very probable that the bishop made the same terms as did the Bishop of Auxerre, there is no documentary evidence of it except the joint declaration of the bishops. This, coupled with the fact that in January, 1213, the king and the Bishop of Orleans were in disagreement over the interdict of that prelate on a royal chapel,[300] argues that the Bishop of Auxerre alone came to a complete agreement with Philip. Though this disagreement over the chapel may indicate the continuation of the struggle between the king and the Bishop of Orleans, it is very probable that the interdict laid in 1209 on the dioceses of Orleans and Auxerre was relaxed in August, 1212.

[298] Bibl. Nat., MS. Lat. 9779, fol. 274. "W. Dei gratia Autissiodorensis episcopus omnibus presentes litteras inspecturis in Domino salutem. Noveritis quod nos confitemur debere Domino nostro Regi Francorum illustri Philippo exercitum suum sicut commune episcoporum et baronum debet, et illum de caetero per milites nostros et aliter serviemus. Idem enim Dominus Rex personam nostram ex servitio exercitus quamdiu vixerimus relaxavit, et nos pro hac relaxatione et pro amore ipsius et gratia habenda concedimus et volumus quod ipse de proventibus regalium nostrorum quos percepit usque ad festum Sancti Joannis Bapt. nuper praeteritum retineat pro sua voluntate; super eo autem quod ex inde retinebit ipsum vel haeredem suum vel alium pro ipso in causam per nos vel per alium non trahemus et relaxabimus interdictum . . . . Actum apud Meled. anno D. MCCXII. mense Augusto." (I have not found this charter in print.)

[299] Lebeuf, *Mém. Diocèse d'Auxerre*, IV, Preuves, No. 114.

[300] Inn. III, Epp., XV, 227 (Potth., 4666).

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The source material for the study of interdicts is usually meagre, and hidden away in the midst of information on other subjects. The only extended contemporary account which has come to the author's notice is Sarpi's "Historia particolare" of the Venetian interdict of 1606. The brevity of most references to interdicts makes information on the subject scrappy, and any treatise on the interdict perforce has something in common with a crazy-quilt. Source material is also widely dispersed. One sometimes discovers it in most unexpected places, and again fails to find it where it is most reasonably sought; a gloss upon a manuscript may contain a bit of useful information, while the "Catalogue des actes de Philippe-Auguste" is disappointingly destitute of material on the interdict. The official correspondence of churchmen and the acts of councils and synods are the most fruitful sources. Chronicles follow in importance, and are valuable for the dramatic aspects of the interdict, though their short accounts might lead one to believe that interdicts were of little importance.

What has just been said of sources in general is especially true of the period of Innocent III; there is not a single extended account of an interdict in the original sources, though two of the most important interdicts occurred during this time. So many sources of the period have been published, that manuscripts offer relatively less than they do in other periods. All the pipe rolls in the Record Office for the years from 1207 to 1216 were worked over, and all entries likely to shed any light on the operation of the English interdict were noted. This work promises to give modest results, but of so detailed a character that they are reserved for use at a later time in a discussion of certain phases of the interdicts on England from 1208 to 1216. Besides the pipe rolls, many manuscripts in Paris and London were read, with the same scrappy results that the printed sources gave. Of the published sources, the correspondence of Innocent is most useful; episcopal correspondence and conciliar acts are little less valuable. Charters, if they concern the interdict at all, are extraordinarily serviceable. Chronicles are not so helpful as one expects and wishes; a few give short, interesting accounts of the effects of interdicts. The sermons perused yielded nothing, and "Vitae" gave little help.

Secondary works were of more use for general knowledge of the interdict than for the period of Innocent III. They usually treat the interdict as a part of a larger subject. All canonists devote some space to a con-

sideration of the interdict; noteworthy among them are Avezanus, Avila, Dupin, van Espen, Ferraris, Friedberg, Lämmer, Permaneder, Phillips, Richter, Schulte, and Vering, whose works are not given below because they have been made unnecessary by more comprehensive works. Several histories of the period of Innocent III give considerable attention to special interdicts. Of the monographs on the interdict—the studies of Pithou, of Kober, and of Howland—I have spoken at the beginning of this essay; and more precise information may be found under these names below. For convenience of reference, the titles below, with the exception of the manuscripts, are arranged in alphabetical order. Works cited without comment have only incidental value for the interdict.

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