

It is well known that Charlemagne moved about his kingdom, making his presence known to all the subjects of the Frankish kingdom. He did establish a sort of central court at Aachen (Aix-la-Chapelle). In order to centralize his control over the kingdom he sent out his representatives who would report directly to him.

First chapter. Concerning the embassy sent out by the lord emperor. Therefore, the most serene and most Christian lord emperor Charles has chosen from his nobles the wisest and most prudent men, both archbishops and some of the other bishops also, and venerable abbots and pious laymen, and has sent them throughout his whole kingdom, and through them by all the following chapters has allowed men to live in accordance with the correct law. Moreover, where anything which is not right and just has been enacted in the law, he has ordered them to inquire into this most diligently and to inform him of it; he desires, God granting, to reform it. And let no one, through his cleverness or astuteness, dare to oppose or thwart the written law, as many are wont to do, or the judicial sentence passed upon him, or to do injury to the churches of God or the poor or the widows or the wards or any Christian. But all shall live entirely in accordance with God's precept, justly and under a just rule, and each one shall be admonished to live in harmony with his fellows in his business or profession; the canonical clergy ought to observe in every respect a canonical life without heeding base gain, nuns ought to keep diligent watch over their lives, laymen and the secular clergy ought rightly to observe their laws without malicious fraud, and all ought to live in mutual charity and perfect peace. And let the *missi* themselves make a diligent investigation whenever any man claims that an injustice has been done to him by any one, just as they desire to deserve the grace of omnipotent God and to keep their fidelity promised to Him, so that entirely in all cases everywhere, in accordance with the will and fear of God, they shall administer the law fully and justly in the case of the holy churches of God and of the poor, of wards and widows and of the whole people. And if there shall be anything of such a nature that they, together with the provincial counts, are not able of themselves to correct it and to do justice concerning it, they shall, without any ambiguity, refer this, together with their reports, to the judgment of the emperor; and the straight path of justice shall not be impeded by any one on account of flattery or gifts from any one, or on account of any relationship, or from fear of the powerful.

2. Concerning the fidelity to be promised to the lord emperor. And he commanded that every man in his whole kingdom whether ecclesiastic or layman, and each one according to his vow and occupation, should now promise to him as emperor the fidelity which he had previously promised to him as king; and all of those who had not yet made that

promise should do likewise down to those who were twelve years old. And that it shall be announced to all in public, so that each one might know, how great and how many things are comprehended in that oath—not merely, as many have thought hitherto, fidelity to the lord emperor as regards his life, and not introducing any enemy into his kingdom out of enmity, and not consenting to or concealing another’s faithlessness to him; but that all may know that this oath contains in itself this meaning:

3. First, that each one voluntarily shall strive, in accordance with his knowledge and ability, to live wholly in the holy service of God in accordance with the precept of God and in accordance with his own promise, because the lord emperor is unable to give to all individually the necessary care and discipline.

4. Secondly, that no man, either through perjury or any other wile or fraud, on account of the flattery or gift of any one, shall refuse to give back or dare to abstract or conceal a serf of the lord emperor or a district or land or anything that belongs to him; and that no one shall presume, through perjury or other wile, to conceal or abstract his fugitive fiscaline serfs who unjustly and fraudulently say that they are free.

5. That no one shall presume to rob or do any injury fraudulently to the churches of God or widows or orphans or pilgrims; for the lord emperor himself, after God and His saints, has constituted himself their protector and defender.

6. That no one shall dare to lay waste a benefice of the lord emperor, or to make it his own property.

7. That no one shall presume to neglect a summons to war from the lord emperor; and that no one of the counts shall be so presumptuous as to dare to dismiss thence any one of those who owe military service, either on account of relationship or flattery or gifts from any one.

8. That no one shall presume to impede at all in any way a ban or command of the lord emperor, or to dally with his work or to impede or to lessen or in any way to act contrary to his will or commands. And that no one shall dare to neglect to pay his dues or tax.

9. That no one, for any reason, shall make a practice in court of defending another unjustly, either from any desire of gain when the cause is weak, or by impeding a just judgment by his skill in reasoning, or by a desire of oppressing when the cause is weak. But each one shall answer for his own cause or tax or debt unless any one is infirm or ignorant of pleading; for these the *missi* or the chiefs who are in the court or the judge who knows the case in question shall plead before the court; or if it is necessary, such a person may be allowed as is acceptable to all and knows the case well; but this shall be done wholly according to the convenience of the chiefs or *missi* who are present. But in

every case it shall be done in accordance with justice and the law; and that no one shall have the power to impede justice by a gift, reward, or any kind of evil flattery or from any hindrance of relationship. And that no one shall unjustly consent to another in anything, but that with all zeal and goodwill all shall be prepared to carry out justice.

For all the above mentioned ought to be observed by the imperial oath.

10. That bishops and priests shall live according to the canons and shall teach others to do the same.

11. That bishops, abbots, abbesses, who are in charge of others, with the greatest veneration shall strive to surpass their subjects in this diligence and shall not oppress their subjects with a harsh rule or tyranny, but with sincere love shall carefully guard the flock committed to them with mercy and charity or by the examples of good works.

12. That abbots shall live where the monks are and wholly with the monks, in accordance with the rule, and shall diligently learn and observe the canons; the abbesses shall do the same.

13. That bishops, abbots and abbesses shall have advocates, vicars and *centenarii* who know the law and love justice, who are pacific and merciful, so that through these greater profit or advantage may accrue to the holy church of God; because we are entirely unwilling to have in the monasteries harmful and greedy provosts and advocates, from whom greater blasphemy or injury may arise for us. But they shall be such as the canonical or regular institution orders them to be, submissive to the will of God and always ready to render justice to all, fully observing the law without malicious fraud, always exercising a just judgment in the case of all, such provosts indeed as the holy rule teaches that they should be. And let them wholly observe this, that they shall in no way deviate from the canonical or regular norm, but shall exhibit humility in all things. If, moreover, they shall have presumed to do otherwise, let them feel the discipline of the rule; and if they shall have been unwilling to amend their ways, they shall be removed from the provostship, and those who are more worthy shall be appointed in their places.

14. That bishops, abbots and abbesses, and counts shall be mutually in accord, following the law in order to render a just judgment with all charity and unity of peace, and that they shall live faithfully in accordance with the will of God, so that always everywhere through them and among them a just judgment shall be rendered. The poor, widows, orphans and pilgrims shall have consolation and defence from them; so that we, through their good-will, may deserve the reward of eternal life rather than punishment.

15. We will and command in every way that abbots and monks shall be subject to their bishops in all humility and obedience, just as is commanded by the canonical constitution. And all the churches and basilicas shall remain in the defense and power of the church. And no one shall dare to divide or to cast lots concerning the property of the basilicas. And what has once been offered shall not be taken back, and shall be sanctified and shall be claimed as legal property. But if any one shall have presumed to do otherwise he shall pay and make good our ban. And the monks shall be corrected by the bishops of their province; but if they do not amend their ways then the archbishop shall summon them to the synod; and if even then they shall not have amended their ways, then they shall come together with their bishop to our presence.

16. Concerning choosing men for ordination, just as the lord emperor had formerly granted it, by the law of the Franks, to the bishops and abbots, so he has also now confirmed it; nevertheless, in this manner, so that neither a bishop nor an abbot in a monastery shall prefer the more worthless to the better, and he shall not desire to advance any one before his betters on account of relationship or any flattery, and that he shall not lead such an one to us to be ordained when he has a better concealed and kept back; we are in no way willing that this should be done, because it seems to be a mockery and deceit of us. But in the monasteries men of such a character are to be prepared for ordination that reward and profit may accrue both to us and to those who recommend them.

17. Moreover, that the monks shall live firmly and strictly in accordance with the rule, because we know that any one whose goodwill is lukewarm is displeasing to God, as John bears witness in the Apocalypse: "I would that thou wert cold or hot. So then, because thou art lukewarm, and neither cold nor hot, I will spue thee out of my mouth." Let them in no way usurp to themselves secular business. They shall not have leave to go outside of their monastery at all, unless compelled by a very great necessity; but nevertheless the bishops, in whose diocese they shall be, shall take care in every way that they do not get accustomed to wandering outside of the monastery. But if it shall be necessary for any one to go outside in obedience to a command, and this shall be done with the counsel and consent of the bishop, persons of such character shall be sent out with a certificate, that there may be no suspicion of evil in them and that no evil report may arise from them. For the property and business outside of the monastery the abbot, with the permission and counsel of the bishop, shall ordain who shall provide, not a monk, but another of the faithful. Let them wholly shun secular gain or a desire for worldly affairs, because avarice or a desire for this world ought to be shunned by all Christians, but especially by those who seem to have renounced the world and its lusts. Let no one presume in any way to incite strifes and controversies, either within or outside of the monastery. But if any one shall have presumed to do so, he shall be

corrected by the most severe discipline of the rule and in such a manner that others shall fear to commit such actions. Let them entirely shun drunkenness and feasting, because it is known to all that from these men are especially polluted by lust. For a most pernicious rumor has come to our ears that many in the monasteries have already been detected in fornication and in abomination and uncleanness. It especially saddens and disturbs us that it can be said, without a great mistake, that some of the monks are understood to be sodomites, so that whereas the greatest hope of salvation to all Christians is believed to arise from the life and chastity of the monks, damage has been incurred instead. Therefore, we also ask and urge that henceforth all shall most earnestly strive with all diligence to preserve themselves from these evils, so that never again such a report shall be brought to our ears. And let this be known to all, that we in no way dare to consent to those evils in any other place in our whole kingdom; so much the less, indeed, in the persons of those whom we desire to be examples of chastity and moral purity. Certainly, if any such report shall have come to our ears in the future, we shall inflict such a penalty, not only on the guilty but also on those who have consented to such deeds, that no Christian who shall have heard of it will ever dare in the future to perpetrate such acts.

18. Monasteries for women shall be firmly ruled, and the women shall not be permitted to wander about at all, but they shall be guarded with all diligence, and they shall not presume to arouse litigations or strife among themselves, nor shall they dare to be disobedient or refractory in any way toward their rulers and abbesses. Where, moreover, they have a rule, let them observe it in every respect; let them not be given to fornication or drunkenness or lust, but let them live justly and soberly in every respect. And into their cloisters or monasteries let no man enter, except when the priest enters with a witness to visit the sick, or for the mass alone; and let him immediately go forth. And let no one from another place enroll his daughter in the congregation of the nuns without the knowledge and consideration of the bishop to whose diocese that place pertains; and the latter shall diligently inquire why she desires to remain in the holy service of God, and shall confirm her residence or profession in that place. Moreover, maid-servants belonging to other men, or such women as are [not] willing to live in the holy congregation in accordance with its manner of life, shall be wholly cast out from the congregation.

19. That no bishops, abbots, priests, deacons, or other members of the clergy shall presume to have dogs for hunting, or hawks, falcons and sparrow-hawks, but each shall observe fully the canons or rule of his order. If any one shall presume to do so, let him know that he shall lose his office. And in addition he shall suffer such punishment for it that the others will be afraid to usurp such things for themselves.

20. That abbesses, together with their nuns, shall live within the cloisters in concord and watchfully, and shall never presume to go outside of their cloisters. But if the abbesses wish to send any nuns out of the cloisters, they shall not do this without the consent and advice of their bishops. Likewise, also, when there ought to be any ordinations or receptions in the monasteries, they shall previously discuss these fully with their bishops; and the bishops shall announce to the archbishop what seems the safer or more useful way, and with his advice they shall perform what ought to be done.

21. That priests and the remaining canonical clergy, whom they have as associates in their ministry, shall be wholly subject to their bishops, as the canonical institution orders; let them consent to be taught the sacred discipline fully by their bishops, as they desire to have our favor or their own offices.

22. Moreover, the canonical clergy shall observe fully the canonical life, and shall be instructed at the episcopal residence or in the monastery with all diligence according to the canonical discipline. They shall not be permitted to wander outside at all, but shall live under strict guardianship, not given to base gain, not fornicators, not thieves, not homicides, not robbers, not quarrelsome, not wrathful, not proud, not drunken, but with a chaste heart and body, humble, modest, sober, merciful, pacific, that as sons of God they may be worthy to be promoted in the sacred order; not in the villages or villas near to or adjoining the churches, without a master and without discipline, like those who are called sarabaites, living in luxury or fornication or other iniquity, to consent to which is absurd.

23. The priests shall carefully watch over the clerks whom they have with them, that the latter live according to the canons; that they are not given to vain sports or worldly convivialities or songs or luxuries; but that they live chastely and healthfully.

24. If, moreover, any priest or deacon shall presume hereafter to have with him in his house any women except those whom the canonical license permits, he shall be deprived of both his office and inheritance until he be brought to our presence.

25. That counts and *centenarii* shall compel all to do justice in every respect, and shall have such assistants in their ministries as they can securely confide in, who will observe law and justice faithfully, who will oppress the poor in no manner, who will not dare under any pretext, on account of flattery or reward, to conceal thieves, robbers, murderers, adulterers, magicians, wizards or witches, and all sacrilegious men, but instead will give them up that they may be punished and chastised in accordance with the law, so that, God granting it, all of these evils may be removed from the Christian people.

26. That judges shall judge justly in accordance with the written law, and not according to their own will.

27. And we command that no one in our whole kingdom shall dare to deny hospitality to rich or poor or pilgrims, that is, no one shall deny shelter and fire and water to pilgrims traversing our country in God's name, or to anyone travelling for the love of God or for the safety of his own soul. If, moreover, any one shall wish to serve them farther, let him expect the best reward from God, who Himself said: "And whoso shall receive one such little child in my name, receiveth me;" and elsewhere: "I was a stranger and ye took me in."

28. Concerning embassies coming from the lord emperor. That the counts and *centenarii* shall provide most carefully, as they desire the grace of the lord emperor, for the *missi* who are sent out, so that they may go through their departments without any delay; and he commands to all everywhere that they ought to see to it that no delay is encountered anywhere, but they shall cause them to go on their way in all haste and shall provide for them in such a manner as our *missi* may direct.

29. Concerning the poor to whom in his mercy the lord emperor has granted the ban which they ought to pay, that the judges, counts or our *missi* shall not, for their own advantage, have the power to compel them to pay the fine which has been granted to them.

30. Concerning those whom the lord emperor wishes, Christ being propitious, to enjoy peace and protection in his kingdom, namely, those who are hastening to his clemency, either Christians or pagans, because they desire to announce some news, or seeking his aid on account of their poverty or hunger, that no one shall dare to constrain them to serve him, or to seize them, or alienate or sell them; but wherever they may wish to remain voluntarily, there under the defence of the lord emperor they shall be aided in his mercy. If any one shall have presumed to act contrary to this, let him who has so presumptuously despised the commands of the lord emperor, know that he shall suffer the loss of his life for it.

31. And against those who announce the justice of the lord emperor, let no one presume to plot any injury or damage, or to stir up any enmity. But if any one shall have presumed, let him pay the imperial ban or, if he deserves a heavier punishment, it is commanded that he shall be brought to the emperor's presence.

32. Murders, by which a multitude of the Christian people perishes, we command in every way to be shunned and to be forbidden; God Himself forbade to His followers hatred and enmity, much more murder. For in what manner does any one trust to

placate God, who has killed his son nearest to him? In what manner truly does he, who has killed his brother, think that the Lord Christ will be propitious to him? It is a great and terrible danger also with God the Father and Christ, Lord of heaven and earth, to stir up enmities among men: it is possible to escape for some time by remaining concealed, but nevertheless by accident at some time he falls into the hands of his enemies; moreover, where is it possible to flee from God, to whom all secrets are manifest? By what rashness does any one think to escape His anger? Wherefore, lest the people committed to us to be ruled over should perish from this evil, we have taken care to shun this by every means of discipline; because he who shall not have dreaded the wrath of God, shall find us in no way propitious or to be placated; but we wish to inflict the most severe punishment upon any one who shall have dared to murder a man. Nevertheless, lest sin should also increase, in order that the greatest enmities may not arise among Christians, when by the persuasions of the devil murders happen, the criminal shall immediately hasten to make amends and with all celerity shall pay the fitting composition for the evil done to the relatives of the murdered man. And we forbid firmly, that the relatives of the murdered man shall dare in any way to continue their enmities on account of the evil done, or shall refuse to grant peace to him who asks it, but having given their pledges they shall receive the fitting composition and shall make a perpetual peace; moreover, the guilty one shall not delay to pay the composition. When, moreover, it shall have happened on account of sins that any one shall have killed his brethren or his neighbor, he shall immediately submit to the penance imposed upon him, and just as his bishop arranges for him, without any ambiguity; but by God's aid he shall desire to accomplish his atonement and he shall compound for the dead man in accordance with the law, and shall make peace in every way with his relatives; and the pledge being given, let no one dare thereafter to stir up enmity against him. But if any one shall have scorned to make the fitting composition, he shall be deprived of his property until we shall render our decision.

33. We prohibit in every way the crime of incest. But if any one shall have been contaminated by sinful fornication, he shall by no means be released without severe punishment, but for this he shall be corrected in such a manner that others shall fear to do likewise and that uncleanness shall be wholly removed from the Christian people, and that the guilty man shall fully atone for this by penance, just as his bishop shall arrange for him; and the woman shall be placed in the hands of her parents until we render our judgment. But if he shall have been unwilling to consent to the judgment of the bishops concerning his amendment, then he shall be brought to our presence, mindful of the example which was made concerning the incest which Fricco perpetrated with the nun of God.

34. That all shall be fully and well prepared, whenever our order or proclamation shall come. But if any one shall then say that he was unprepared and shall have neglected our command, he shall be brought to the palace; and not only he, but also all who dare to transgress our ban or command.

35. That all shall wholly venerate their bishops and priests with all honor in the service and will of God. That they shall not dare to pollute themselves and others by incestuous nuptials; that they shall not presume to be married before the bishops and priests together with the elders of the people have inquired diligently into the consanguinity of those marrying; and then they shall be married with a benediction. Let them shun drunkenness, avoid greed, commit no theft; let them wholly shun strifes and contentions and blasphemies, both at feasts and assemblies, but let them live in charity and concord.

36. And that all shall be entirely of one mind with our *missi* in performing justice in every respect. And that they shall not permit the use of perjury at all, for it is necessary that this most evil crime shall be removed from the Christian people. But if any one after this shall have been proved a perjurer, let him know that he shall lose his right hand; and they shall be deprived of their property until we shall render our decision.

37. That those who shall have been guilty of patricide or fratricide, or who shall have killed a maternal or paternal uncle or any other relative, and shall have been unwilling to obey and consent to the judgment of the bishops, priests and other judges, our *missi* and counts, for the safety of their own souls and in order to bring about a just judgment, shall be kept in such custody that they may be safe and may not infect other people until they are led to our presence; and from their own property in the meantime they shall have nothing.

38. And let this likewise be done with those who have been seized in illegal and incestuous unions and corrected, and who are not willing to amend their ways nor to obey their bishops and priests, and who presume to despise our ban.

39. That in our forests no one shall dare to steal our game, which we have already many times forbidden to be done; and now we again strictly forbid that any one shall do so in the future; just as each one desires to preserve the fidelity promised to us, so let him take heed to himself. But if any count or *centenarius* or our *bassus* or any one of our ministerials shall have stolen our game, he shall be brought to our presence without fail to render account. But if any one of the remaining people shall have stolen our game, let him without fail pay what is just; let no one hereafter be released from this on any account. But if any one knows that this has been done by another, let him not dare to

conceal this, in order that he may preserve the fidelity which he has promised to us and which he now has to promise.

40. Lastly, therefore, we desire all our decrees to be known in our whole kingdom through our *missi* now sent out, either among the men of the church, bishops, abbots, priests, deacons, canons, all monks or nuns, so that each one in his ministry or profession may keep our ban or decree, or where it may be fitting to thank the citizens for their good will, or to furnish aid, or where there may be need still of correcting anything. Likewise also to the laymen and in all places everywhere, whether they concern the guardianship of the holy churches or of widows and orphans and the weaker; or the robbing of them; or the arrangements for the assembling of the army; or any other matters; how they are to be obedient to our precept and will, or how they observe our ban, or how each one strives in all things to keep himself in the holy service of God; so that all these good things may be well done to the praise of omnipotent God, and we may return thanks where it is fitting. But where we believe there is anything unpunished, we shall so strive to correct it with all our zeal and will that with God's aid we may bring it to correction, both for our own eternal glory and that of all our faithful. Likewise we desire all the above to be fruitfully known by our counts or *centenarii*, our ministerials.

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