

Cause 23

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QUESTIO I.

C. I. Bella carnalia bellorum spiritualium figuram gerunt.

Material wars give shape to spiritual wars

C. II. Precepta patientiae uirtute animi, non ostentatione corporis seruanda sunt.

The precepts [of Bible] shall be followed with the strength of spiritual patience, not by exposing the body [to dangers]

C. III. In bellicis armis multi Deo placere possunt.

Many can please God in war

C. IV. Que sint in bello iure reprehendenda.

What is reprehensible in warfare

C. V. Militare non est peccatum.

To serve in an army is not a sin

C. VI. Pacata sunt bella, que geruntur, ut mali coerceantur et boni subleuentur.

Those wars are acceptable, that are conducted to force the evildoers and support the good persons.

C. VII. Summa est laus militiae republicae utilitatibus obedientiam exhibere.

It is very laudable when an army shows a will to serve the common good of the state

QUESTIO II.

C. I. Quid sit iustum bellum.

What is a just war

C. II. Nichil interest ad iusticiam, siue aperte siue ex insidiis aliquis pugnet.

It does not make [make a war more or less] just whether it is fought openly or with ambush

C. III. Innoxius transitus filiis Israel negabatur, atque ideo iusta bella gerebantur.

The sons of Israel were denied their peaceful transition [through the land of the Amorrei], and therefore they fought just wars

QUESTIO III.

C. I. Quot sint differentiae retributionis.

What are the different kind of revenge

C. II. Ab inperatore ecclesia auxilium postulare debet.

Whether the church should demand help from the emperor

C. III. Catholici aduersus hereticos a potestatibus ordinatis defensionem postulare possunt.

Catholics can demand protections from their legal secular rulers against heretics

C. IV. Quantum interest inter persecutionem hereticorum et catholicorum.

What is the difference between the persecution done by heretics and by Catholic

C. V. Iusticia plenus est qui patriam bello tuetur a barbaris.

He who defend the patria against the barbarians in war, is full of justice

C. VI. Prodest latroni uel piratae qui membra eius debilitat.

The one who demolishes a member of a thief or a pirate, does them a favour

C. VII. Qui a socio non repellit iniuriam similis est ei, qui facit.

The one who does not prevent an injury against a fellow is to be likened to the one who is doing the injury

C. VIII. Malorum inpietati fauet qui eis obuiare cessat.

Causa 23, chapter headings with translation. All comments and corrections are welcome

The one who does not hinder the evildoers, is supporting their wickedness

C. IX. Qui diuina mandata contempnunt seueris coherceantur uindictis.

Those who spawn the divine commands can be forced with strong revenges

C. X. Inperatores cum episcoporum prouisione ecclesiae defensionem aduersus diuitum potenciam debent suscipere.

Emperors shall take upon them, under the supervision of the bishops, to defend the church against the power of the rich.

C. XI. Non sunt immunes a scelere qui non liberant eos, quos possunt liberare a facto.

Those are not without blemish for crime who do not liberate those, whom they actually can liberate.

QUESTIO IV.

C. I. Quomodo mali sunt tollerandi, et quomodo ab eis sit recedendum.

How evildoers should be tolerated, and how one should stay away from them.

C. II. Quod mali sint tollerandi a bonis.

That evildoers should be tolerated by the good ones.

C. III. Pro pace ecclesiae mali sunt tollerandi.

Evildoers should be tolerated because of the peace of the church.

C. IV. De eodem.

Concerning the same.

C. V. Pacificus est qui corrigit quod potest, uel excludit a se quod non potest.

He created peace who correct what he can, and do not mingle in that which he can not correct.

C. VI. Quid sit malis sociari.

What is it to associate with the evildoers.

C. VII. Aliena peccata in ecclesia alicui non preiudicant.

The sins of others in the church do not prejudicate anyone.

C. VIII. Non te maculat malus, si ei non consentis, sed ipsum redarguis.

The evildoer does not stain you [with sin], if you do not agree with him, but argues against him.

C. IX. Inmundum tangere est peccatis consentire.

To touch unclean thing is to consent to sins.

C. X. Non maculant innocentes facta nocentium, que ab eis credi non possunt.

The deeds of those who want to hurt do not stain [with sin] the innocents, because they do not believe in these deeds

C. XI. Mali, quos ecclesia recipit, nec expellit, a bonis sunt tollerandi.

The evildoers whom the church receive and does not expel, shall be tolerated by the good.

C. XII. Pastor est diligendus, mercenarius tollerandus, latro cauendus.

A priest shall be loved, a professional soldier tolerated, a thief avoided.

C. XIII. Spiritualis carnalem non persequitur, sed e conuerso.

The spiritual does not persecute the material, but vice versa.

C. XIV. Boni a malis numquam in hac uita penitus possunt separari.

The good can never be fully separated from the evildoers in this life.

C. XV. Presens ecclesia simul recipit bonos et malos.

The present church received both the good and the bad.

C. XVI. In lege cuique permittebatur diligere amicum, et odire inimicum.

In all laws it is allowed to love your friend and hate your enemy.

- C. XVII. Infidelium colloquia et conuiuia non sunt euitanda.
Conversation and living together with infidels should not be avoided
- C. XVIII. Quedam mala sunt punienda, et quedam tolleranda.
Some evil should be punished, and some tolerated
- C. XIX. Leuius occulta, seuerius autem ab ecclesia punienda sunt delicta manifesta.
Secret faults should be punished more lightly by the church, the manifest ones more severely.
- C. XX. Sicut ab oratione cessandum non est, sic nec a correctione.
Just as you should not stop from preaching, so you should not from correcting.
- C. XXI. Soli predestinati saluantur, quod tamen postulando suo labore merentur.
Only those predestined will attain salvation, which they, however, earn from their deeds.
- [C. XXII.]
[C. XXIII.] Idem.
The same
- C. XXIV. Non semper in eos, qui peccant, uindicta exercenda est.
Vindication should not always be exercised against those who sin.
- C. XXV. Medicinali seueritate mali coguntur ad bonum.
The evil are forced to do good by medical severity
- C. XXVI. Non semper est in eos, qui peccant, uindicta exercenda.
Vindication should not always be exercised against those who sin.
- C. XXVII. Pro iniuria propria episcopo aliquem excommunicare non licet.
It is not allowed for a bishop to excommunicate anyone for having done wrong against himself.
- C. XXVIII. Valde offendit qui dominica debita inpune dimittit.
It is a great offense to leave delicts against the Lord unpunished.
- C. XXIX. Iniuria, cui semel remittitur, iterum reuocari non debet.
Wrongdoings that have once be forgiven can not later be treated again.
- C. XXX.
C. XXXI. Iudicis non est sine accusatore dampnare.
Judges can not be done harm without somebody accusing them
- C. XXXII. Quod a multitudine peccatur, uel ab eo, qui multitudinem habet sociam, ab ecclesia non punitur, sed defletur.
When a group is sinning, the one who have associated with the group should not be punished by the church, but the church weeps for him.
- C. XXXIII. De iusta et iniusta misericordia.
On just and unjust mercy.
- C. XXXIV. Non debemus in mala causa pauperi misereri.
We shall not have misery on the poor in evil cases.
- C. XXXV. Homini est miserendum, peccatori est irascendum.
We should have misery on man, but feel wrath against the sinner
- C. XXXVI. Qui dicatur gladium accipere.
Who can be said to have taken to the sword
- C. XXXVII. Potestatis offitio utiliter inquieti corriguntur.
The rebellious are suitably corrected by the office of those in power
- C. XXXVIII. Heretici ad salutem etiam inuiti sunt trahendi.
Heretics shall be drawn to salvation even against their will
- C. XXXIX. Heretici utiliter patiuntur que utiliter catholici inferunt.

Heretics suitably suffer what the Catholics suitably infer upon them

C. XL. Ecclesia ratione hereticos persequitur.

The church persecuted heretics for good reasons

C. XLI. A regibus terrae contra inimicos suos ecclesia auxilium petat.

The church asks help from the kings of the land against its enemies.

C. XLII. Malos ecclesia iuste persequitur.

The church persecutes with right the evildoers

C. XLIII. Exemplo Christi mali sunt ad bonum cogendi.

Following the example of Christ, the evildoers shall be forced to do good

C. XLIV. Non crudelitate, sed dilectione Moyses populum flagellauit.

Not out of cruelty, but of love did Moses whip the people

C. XLV. Non inputatur fidelibus, qui ex officio aut tormenta exercent, aut capitalem sententiam ferunt.

The believers should not be blamed who as part of their office use torture or pronounce sentence of capital punishment

C. XLVI. Inmunis est dictator a culpa, cum legum auctoritas in improbos exercetur.

A dictator is free from fault when he uses the authority of laws against wrongdoers

C. XLVII. In correptione malorum Deus omnipotens placatur.

The almighty God is pleased with the correction of evildoers

C. XLVIII. Ecclesiasticae religionis inimici etiam bellis sunt coercendi.

The enemies of the church's religion should be forced also by wars

C. XLIX. Merito fidei bellorum prestatur uictoria.

Because of faith the fighters will gain victory

C. L. Ad iram Deus prouocatur, cum peccata puniri differuntur.

God is incited to anger when sins are not punished

C. LI. Vindicta, que ad correctionem ualet, non est prohibenda.

The revenge that works for correction is should not be forbidden

C. LII. Que ueritati contraria sunt Christianus persequi debet.

The Christian should persecute what is against the truth

C. LIII. Quemadmodum homo debet diligere proximum sicut se ipsum.

In what way should man love his neighbour as himself

C. LIV. De eodem.

On the same

QUESTIO V.

C. I. Mali non sunt interficiendi, sed flagellis emendandi.

The evildoers should not be killed, but taught with whips

C. II. Preter supplicium mortis rei sunt puniendi.

A criminal should be punished except with capital punishment

C. III. Mali sunt prohibendi a malo, et cogendi ad bonum.

The evildoers should be hindered from doing evil, and forced to do good

C. IV. Quies ecclesiae principum seueritate iuuatur.

The harmony of the church is helped by the severity of princes.

[PALEA. C. V.

C. VI. In presentiarum nonnulli puniuntur, ne in eternum flagellentur.

Some are punished in the present times, so that they shall not be tortured in eternity

C. VII. Qui rei sunt sanguinis ab ecclesia debent defendi.

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Those guilty of spilling blood should be defended by the church.

C. VIII. Ex officio non est peccatum hominem occidere.

It is not a sin to kill a person, if it happens as part of an official position.

C. IX. Qui Deo auctore bella gesserunt, preceptum non occidendi nequaquam transgressi sunt.

Those who fight wars with God as the leader, will nevertheless break the commandment of not killing

C. X. Nemini licet sibi manus inicere.

Nobody is allowed to lift hand against himself.

C. XI. De eodem.

On the same.

C. XII. Nulla fiat pro illis oratio, qui se ipsos interficiunt.

No prayer should be said for those who kill themselves.

C. XIII. Non est reus homicidii miles, qui potestati obediens hominem occidit.

A knight is not guilty of homicide, when he kills a person on the order of a prince.

C. XIV. Homicida est qui sponte occidit quos iudex iubet occidi.

If one on own initiative kills somebody [even] whom a judge has demanded to be killed, he is a homicide [seems to concern lynching]

C. XV. Sicut iure laudatur obedientia, ita reprehenditur qui sibi non concessa usurpat.

Just as obedience towards the law is laudable, similarly it is reprehensible if somebody encroach on rights that are not bestowed upon them.

C. XVI. Bono animo officia uindictae possunt impleri.

The office of vindication can be implemented with good conscience

C. XVII. Non est iniquus, sed humanus, qui crimen persequitur, ut hominem liberet.

The one persecuting a crime in order to set a person free, is not evil, but human.

C. XVIII. Quare sint instituta regia potestas et legalia tormenta.

Why is royal power and the pressures of law instituted

C. XIX. Nonnumquam potius peccat qui causam mortis prebet, quam ille, qui occidit.

Sometimes the one who provides a reason for death is sinning more than the one, who [actually] kills.

C. XX. Quod sacerdotes efficere docendo non ualent; disciplinae terrore potestas extorqueat.

What the priests can not provide with they teaching, secular powers can press through threatening with correction.

C. XXI. Et regia, et sacerdotalis defendant auctoritas que ad diuinam confessionem pertinent.

Both the royal and the priestly authority defend what concerns the definition of Christianity

C. XXII. Sacerdotalis ammonitio quos corrigere non ualet secularis potentia corrigit

Those whom the priestly admonition can not correct, must be corrected by secular power

C. XXIII. Malos comprimere, et bonos subleuare regum officium est.

It is the obligation of kings to suppress the evildoers, and support the good ones

C. XXIV. Eterna mercede fraudatur qui fidem et reuerentiam potestatibus seruare contempnit.

The one who spawn to show faith and reverence towards those in power will be deprived of eternal rewards.

C. XXV. Militaris disciplina regi omnia seruat.

All military might should serve a king

C. XXVI. Querimonias ecclesiarum qui in dignitatibus agunt attentius debent audire.

The complaints of churches shall be heard with attention by those with offices.

- C. XXVII. Contrariae fortitudines non solum homines sunt sed ultrices irae Dei.
Bad fortunes are not only humans, but also revenges of the wrath of God
- C. XXVIII. Qui crudeles iugulat non est talis, qualis patientibus uidetur.
The one who executes the cruel ones is not so, as those being executed think
- C. XXIX. Minister Domini est qui malos percutit in eo, quod mali sunt.
The minister of the Lord is the one who punish the evildoers for what they are doing of evil
- C. XXX. Non scelus admittit iudex, qui hominem uincit.
The judge is not committing a criminal act when passing judgement on a person
- C. XXXI. Non sanguinem fundit qui homicidas et sacrilegos punit.
The one who punishes murderers and blasphemers do not spill blood
- C. XXXII. Principes seculi pessimis parcere non debent.
Lay princes should not be lenient towards the bad ones
- C. XXXIII. Tribulationum flagellis aliquando perfidia castigatur.
Sometimes perfidy should be castigated with the distress of flogging.
- C. XXXIV. Iniuria sacramentorum Christi a regibus est uindicanda.
Injuries against the sacraments of Christ should be punished by kings
- C. XXXV. Diligentissimi rectores sunt, qui malos, ut a malo fugiant, persequuntur.
The most conscientious leaders are those who persecute the evildoers, so that they shy evil
- C. XXXVI. Non amatur seruus uel filius, cum non corripitur.
A slave or a son is not shown love, if he is not corrected
- C. XXXVII. Innocentis officium est nulli nocere, et peccantem punire.
The office of the innocents is to harm no one, and to punish the sinner
- C. XXXVIII. Non est misericors qui uicis nutriendis parcat.
It is not mercy when one is sparing those who develop vices.
- C. XXXIX. Enormia flagicia per seculi iudices corripiantur.
Excessive criminal acts should be corrected by secular judges.
- C. XL. Furta et cetera crimina a rege sunt cohibenda.
Theft and other criminal acts should be hindered by the king
- C. XLI. Non peccat qui ex officio nocentem interficit.
The one who kills an evildoer as part of his office do not sin
- C. XLII. Non qui ad bonum, sed qui ad malum cogit persequitur.
Not the one who forces to do good, but the one who forced to evil will be persecuted
- C. XLIII. Scismaticos et hereticos seculi potestates coherceant.
Secular authorities should use force against schismatics and heretics.
- C. XLIV. Ab ecclesiae unitate diuisi a secularibus potestatibus coherceantur.
Those who are separated from the unity of the church should be forced by secular authorities.
- C. XLV. Iniquitas prauorum, quamuis bonis proficiat, tamen punienda est.
The iniquity of bad people should be punished, even when it is to the advantage of the good ones
- C. XLVI. In certamine, quod contra infideles geritur, quisquis moritur, celeste regnum meretur.
If someone dies in a war against the infidels, he deserves the kingdom of Heaven
- C. XLVII. Non sunt homicidae qui aduersus excommunicatos zelo matris ecclesiae armantur.
Those who arm themselves against excommunicates because of zeal for the mother church, are not homocides.
- C. XLVIII. Pax ecclesiae mesticiam consolatur perditorum.

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The peace of the church is the consolation against the grief of the lost one

C. XLIX. Aliquando puniuntur peccata per populos diuino iussu excitatos.

Sometimes sins are punished by the people, animated by Divine command

QUESTIO VI.

C. I. Ecclesia malos debet cogere ad bonum, sicut Christus Paulum coegit.

The church should force the evildoers to good, just as Christ forced Paul

C. II. Variis modis errantes corripiuntur a Domino.

Those erring are corrected by the Lord in different ways

C. III. Non est considerandum, quod quisque cogitur, sed quo cogitur.

What should be considered is not that someone is forced, but what he is forced to.

C. IV. Onere pensionis rusticus ad Dominum conuerti cogatur.

Peasants should be forced by taxation to turn to the Lord

QUESTIO VII.

C. I. Res terrenae non nisi diuino uel humano iure tenentur.

Material matter are only related to Divine and human law

C. II. Catholici non ideo aliena possident, quia ab hereticis ablata tenent.

Catholics do not take possession of another's property, if they hold what has been taken from heretics.

C. III. Res ecclesiasticae ab hereticis iniuste possidentur.

If heretics possess church property, they do so unjustly

C. IV. Qui a corpore Christi preciditur spiritum iusticiae tenere non potest.

If one is cut of from the body of Christ, he can not keep to the spirit of justice

QUESTIO VIII.

C. I. De eodem.

On the same

C. II. De eodem.

On the same

C. III. De eodem.

On the same

C. IV. Pro clerico, qui in bello aut in rixa moritur oratio uel oblatio non offeratur.

Neither prayers nor offers should be given for a cleric who dies in war or in fight

C. V. Gradu amisso in monasterio tradantur clerici uoluntarie arma sumentes.

Clerics who voluntarily take up arms should be pressed [to abstain from that] by losing the status they have in the monastery.

C. VI. Proprii gradus amissione mulcentur militaria arma clerici ferentes.

Clerics carrying military weapons should be fined by losing their ecclesiastical grades

C. VII. Pro Sarracenis Papa iubet populum congregari, et eis ad litus maris occurrere.

The pope can command the people to gather against the Saracens, and go against them on the coast

C. VIII. Ultor sui gregis Papa debet esse ac precipuus adiutor.

The pope should be the vindicator of his flock, and especial advisor

C. IX. Celeste regnum a Deo consequitur qui pro Christianorum defensione moritur.

One who dies in defence of Christians will obtain the Kingdom of heaven from God

C. X. Contra Longobardos precibus Adriani Papae Karolus bellum suscepit.

Charlemagne began war against the Longobards on the request of Pope Hadrianus.

C. XI. Iudeos non debemus persecui, sed Sarracenos.

We should not persecute the Jews, but the Saracens.

C. XII. Qui crimina, que potest emendare, non corrigit, ipse committit.

One who is not correcting crimes that can be corrected, he commits them himself.

C. XIII. Crimina pro Deo punire non est crudelitas sed pietas.

To punish crimes on behalf of God is not cruelty, but piety

C. XIV. Quedam in ueteri testamento licebant, que modo prohibentur.

Things are allowed in the Old Testament which now is prohibited

C. XV. Necessitate instante etiam a quadragesimalibus diebus bellum inire licet.

If necessity requires, it is allowed to begin war even in Lent

C. XVI. Petrus Ananiam et Saphiram increpando morti tradidit.

Petrus left Anania and Saphira to a deplorable death

C. XVII. B. Gregorius quosdam hortatur, ut milites congregent, et contra hostes arma uiriliter parent.

Blessed Gregorius exhorted some that they should collect the soldiers and prepare themselves bravely against the enemies

[C. XVIII.]

C. XIX. Episcopi non debent militaribus occupari negociis.

Bishops should not engage in military affairs

C. XX. In morte cuiuslibet hominis episcopi se miscere formident.

Bishops should shun to get involved in the death of any person

C. XXI. Ecclesie inperatoribus non sint obnoxie.

Churches are not a problem for emperor

C. XXII. De suis exterioribus ecclesie soluunt tributum.

Churches pay duties of their material possessions

[C. XXIII.]

C. XXIV. De agro ecclesiastico presbiter non cogatur censum persoluere.

A priest should not be forced to pay tax of a church field

C. XXV. Item ex Concilio Wormaciensi, c. 50.

The same, from the church council in Worms, canon 50

C. XXVI. Absque auctoritate Romani Pontificis ad comitatum episcopi proficisci non audeant.

Bishops should not dare to become part of the military following [of a lay ruler] without the authority of the Roman pope

C. XXVII. Absque metropolitani consilio uel prouincialium episcoporum ad inperatorem episcopi non pergant.

Bishops should not go to [the help of] the emperor without consulting the archbishop or the bishops of his province

C. XXVIII. Qui a religiosis inperatoribus uocati episcopi non fuerint ad comitatum non accedant.

Bishops should not become part of the military following [of a lay ruler] unless they are called upon from pious emperors

C. XXIX. Sacerdotes ibi consentiant fieri iudices, ubi iureiurando indulgentia promittitur.

Priests can consent to become judges in cases, where indulgence for swearing oaths is promised.

C. XXX. Non debent agitare iudicium sanguinis qui sacramenta Domini tractant.

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Those who are ministering the sacraments of the Lord should not pronounce capitals sentences

C. XXXI. Membra detruncans, domos incendens absque iudiciali auctoritate, excommunicetur.

The one who cuts of body members or set fire to houses without legal authority, should be excommunicated

[C. XXXII.]

C. XXXIII. Homicida est, qui, publicam functionem non habens, aliquem occidit aut debilitat.

It is manslaughter, if one without having a public office kills or mutilates anyone

C. XXXIV. Si plures contra unum rixentur, qua pena quisque eorum feriat.

If more are fighting against one, each of them will get the same punishment