

Medieval Sourcebook:

Charlemagne: General Capitulary of the Missi (802)

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 tunder 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.

[No. 10-40 consist of thirty detailed regulations to put into effect the general principles given in 2-10. Of those, no. 17 on monks reads:]

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 anyone to go outside in obedience to a command and this shall be done with the counsel and consent of a 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 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.... 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.

In Boretius, No. 60, p. 147, trans. by D. C. Munro, in - University of Pennsylvania. Dept. of History: *Translations and Reprints from the Original Sources of European history*, published for the Dept. of History of the University of Pennsylvania., Philadelphia, University of Pennsylvania Press [1900]. Vol. VI, No. 5, pp. 16-18

This text is part of the [Internet Medieval Source Book](#). The Sourcebook is a collection of public domain and copy-permitted texts related to medieval and Byzantine history.

Unless otherwise indicated the specific electronic form of the document is copyright. Permission is granted for electronic copying, distribution in print form for educational purposes and personal use. If you do reduplicate the document, indicate the source. No permission is granted for commercial use.

(c)Paul Halsall Jan 1996
halsall@murray.fordham.edu

<http://www.fordham.edu/halsall/source/carol-missi1.html>