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Salonitanski crkveni sabori iz šestog stoljeća

The Sixth Century Councils of Salona

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1. Salonitanski crkveni sabor iz godine 530.¹

Dana 15. lipnja godine 530., za konzulovanja Lampadija i Oresta,² čija se imena često spominju u carskim konstitucijama uvrštenim u *Justinijanov kodeks*, salonitanski biskup Honorije, metropolit Dalmacije, sazvao je godišnji provincijalni crkveni sabor radi donošenja mjera za održavanje reda u svojoj metropoliji. Popis biskupa koji su potpisali njegove akte, svjedoči da su Saboru nazočili biskupi Jadere (Zadra), Arbe (Raba, grada na istoimenom otoku u Kvarnerskom zaljevu), Epidaura (Cavtata, u blizini Dubrovnika),³ Skardone (Skradina),⁴ Narone (Vida u blizini Metkovića),⁵ Bestue (ili Bistue Nove, vjerojatno Bilimišća, tj. Zenice u blizini Travnika,⁶ ili sela Mali Mošunj u blizini Viteza, 12 kilometara od Zenice,⁷ ili Čipuljića, tj. Bugojna, 40 kilometara od Zenice⁸) te Martara (*Martarum*, možda Kotor, tj. *Ecclesia Catheritana*⁹).¹⁰ Osim spomenutih biskupa dokumente s ovog crkvenog sabora potpisali su i arhiprezbiter i dva prezbitera salonitanske Crkve, četiri prezbitera koji su zastupali nepoznate crkve i prezbiter *Sarniensis ecclesia*, koju neki znanstvenici tumače i kao *Sarsenterensis ecclesia*,¹¹ tj. sarniensku Crkvu (Žitomislići, oko 16 kilometara od Mostara,¹² ili Stolac, 39 kilometara od Mostara¹³), koji su u biskupe promaknuti na sljedećem salonitanskom crkvenom saboru, godine 533., te dva redovnika.¹⁴

Akti s ovih crkvenih sabora, baš kao i sami sabori, i dalje predstavljaju otvoreno pitanje¹⁵ jer su sačuvani u rukopisu *Historia Salonitana Maior*, čija najranija inačica potječe s početka šesnaestog stoljeća.¹⁶ Kako bih ocijenio pouzdanost odluka s crkvenih sabora, usporedit ću ih s kanonskim propisima iz zbirke koju je sastavio Dionizije *Exiguus* (tj. Dionizije Mali, umro prije

1. The Council of Salona in 530¹

On 15 June 530, during the consulship Lampadius and Orestus,² whose names are often mentioned in the imperial enactments included in the *Code of Justinian*, Bishop Honorius of Salona, metropolitan of Dalmatia, convoked an annual provincial council to adopt measures to maintain order in his metropolis. The list of bishops who signed its acts shows that the bishops of *lader* (Zadar), *Arba* (Rab, a town on the island of the same name in the Gulf of Quarnero), *Epidaurum* (Cavtat near Dubrovnik),³ *Scardona* (Skradin),⁴ *Narona* (Vid near Metković),⁵ *Bestoe* (or *Bistue Nove*, presumably Bilimišće/Zenica near Travnik⁶ or a village of Mali Mošunj close to Vitez (7.5 miles from Zenica)⁷ or Čipiljić/Bugojno (25 miles from Zenica)⁸), and *Martarum* (perhaps Kotor, *ecclesia Catheritana*)⁹ were present at the council.¹⁰ Besides the bishops, an archpriest and two priests of Salona, four priests representing unidentified churches, a priest of a *Sarniensis ecclesia*, which was interpreted by some scholars as *Sarsenterensis ecclesia*,¹¹ i.e. the church of *Sarsenterum* (Žitomislići (ca 10 miles from Mostar)¹² or Stolac (24 miles from Mostar)¹³) elevated to a diocese at the next council of Salona in 533, and two fathers signed the documents of the synod.¹⁴

The acts of these councils and the councils themselves are open to question,¹⁵ since they are preserved in the manuscript of *Historia Salonitana Maior*, the earliest version of which dates to the early sixteenth century.¹⁶ To evaluate the reliability of the conciliar decisions I shall compare them with the canons from the collection compiled by Dionysius Exiguus (the Little, d. prior to 556) which contains material ranging from the first

¹ Klaić N. 1967, str. 76-85.

² Klaić N. 1967, str 76: "sub die XVII kalendarum iuliarum consulate vero Lampadii et Toresti."

³ Cambi 2006, str. 185-217.

⁴ Pedišić 1978.

⁵ Patsch 1907; Cambi 1983, str. 675 i dalje; Marin 1998, str. 543-560; Vučić 2005, str. 159-170; Škegro 2009, str. 7-34.

⁶ Truhelka 1893, str. 273-284.

⁷ Kujundžić 1926, str. 75-83; Pašalić 1960, str. 44-54.

⁸ Bojanovski 1988, str. 162.

⁹ Škegro 2010, str. 119-144.

¹⁰ Klaić N. 1967, str. 81.

¹¹ Klaić N. 1967, str. 81, bilj. 221.

¹² Basler 1984, str. 327.

¹³ Puljić 1999, str. 93-116; Puljić, Škegro 2006, str. 219-241.

¹⁴ Basić 2009, str. 59-69.

¹⁵ Lucius 1673, str. 73; Zeiller 1906, str. 149, bilj. 2; Kršnjavi 1900, str. 7, 8; Babić 1993, str. 15.

¹⁶ Rukopis s početka šesnaestog stoljeća čuva se u Arhivu Kongregacije za širenje vjere (*Congregatio de propaganda fide*) u Rimu (Br. 264: "III. Albania, Macedonia, Servia, Dalmatia et Illyrico 1648," popisi 607-651). Ostali rani rukopisi su: 1) s početka sedamnaestog stoljeća, u Vatikanskoj apostolskoj knjižnici (*Bibliotheca apostolica Vaticana*), Barb. lat. 828, popisi 109-157; 2) iz sredine sedamnaestog stoljeća u *Bibliotheca apostolica Vaticana*, Barb. lat. 3218, popisi 140-194. Za druge rukopise vidi uvod u Klaić N. 1967, str. 1-14.

¹ Klaić N. 1967, pp. 76-85.

² Klaić N. 1967, p. 76: "sub die XVII kalendarum iuliarum consulate vero Lampadii et Toresti."

³ Cambi 2006, pp. 185-217.

⁴ Pedišić 1978.

⁵ Patsch 1907; Cambi 1983, p. 675ff.; Marin 1998, pp. 543-560; Vučić 2005, pp. 159-170; Škegro 2009, pp. 7-34.

⁶ Truhelka 1893, pp. 273-284.

⁷ Kujundžić 1926, pp. 75-83; Pašalić 1960, pp. 44-54.

⁸ Bojanovski 1988, p. 162.

⁹ Škegro 2010, pp. 119-144.

¹⁰ Klaić N. 1967, p. 81.

¹¹ Klaić N. 1967, p. 81, note 221.

¹² Basler 1984, p. 327.

¹³ Puljić 1999, pp. 93-116; Puljić, Škegro 2006, pp. 219-241.

¹⁴ Basić 2009, pp. 59-69.

¹⁵ Lucius 1673, p. 73; Zeiller 1906, p. 149, note 2; Kršnjavi 1900, pp. 7-8; Babić 1993, p. 15.

¹⁶ The early sixteenth-century manuscript is in the Archive of *Congregatio de propaganda fide* in Rome (No 264: "III. Albania, Macedonia, Servia, Dalmatia et Illyrico 1648," lists 607-651). Other early manuscripts are: 1) from the early seventeenth century, in *Bibliotheca apostolica Vaticana*, Barb. lat. 828, lists 109-157; 2) from the mid-seventeenth century, in *Bibliotheca apostolica Vaticana*, Barb. lat. 3218, lists 140-194. For other manuscripts see the introduction to Klaić N. 1967, pp. 1-14.

556.), koja sadrži građu iz razdoblja od Prvoga nicejskog sabora iz godine 325. pa sve do afričkih sabora i *Apostolskih kanona*.¹⁷ Već od tridesetih godina šestoga stoljeća ovaj Dionizijev prijevod postao je mjerodavnim izvorom crkvenog prava u Rimu. Njegova najčešće rabljena inačica, koja je izdana ili na samom kraju petog ili početkom šestog stoljeća, posvećena je salonitanskom biskupu Stjepanu, jednom od Honorijevih prethodnika.¹⁸ Stoga je, po svojoj prilici, bila itekako poznata sudionicima crkvenih sabora u kasnoantičkoj Dalmaciji, koji u svojim aktima spominju određene stare propise neupitne mjerodavnosti. Osim toga, za potrebe usporedbe poslužit će i kanonski propisi sa crkvenih sabora i sinoda u Europi¹⁹ te zbirka papinskih dekreta (pape Siricija, 384. - 399., za papu Anastazija II., 496. - 498.), koje je također prikupio Dionizije *Exiguus*,²⁰ jer je tim dokumentima moguće zorno pokazati kako su se druge crkve suočavale s teškoćama sličnim onima koje su se javljale u salonitanskoj metropoliji.

Prvim trima kanonskim propisima s Crkvenog sabora održanog godine 530. dalmatinskim se svećenicima zabranjuje otuđivanje i ugrožavanje crkvene imovine ako bez dopuštenja svojih nadređenih u ime svoje Crkve sklapaju bilo kakav ugovor kojim se za nju stvara neka obveza.

- Ni jednom prezbiteru nije dopuštena posudba novca u ime bilo koje povjerene mu Crkve, osim ako se u njegova biskupa nije za crkvene posjede ukazala neodgodiva potreba zaduživanja. (Nullus presbiterorum ad obligationem commissae sibi cuiuslibet ecclesie audeat mutuare pecunias, nisi apud episcopum ipsius in evitabilis debiti pro ecclesiasticis titulis fuerit patefacta necessitas.)*
- Jednako tako treba postupiti i s ugovorima biskupa, da prije izvršenja dobiju odobrenje od metropolita, kako bi se Crkva obvezala prihvaćenom odlukom toliko koliko je to dopušteno ugovorom. U tom smislu, ni jednom od vjerovnika, bez iznimke, u strahu od Boga i vremena, ne dopuštamo da se smiju obvezivati*

council of Nicaea in 325 to the fifth-century African councils and the *Apostolic Canons*.¹⁷ As early as the thirtieth year of the sixth century this translation of Dionysius became an authoritative source of ecclesiastical law in Rome. Its most commonly used version issued either at the very end of the fifth or at the onset of the sixth century was dedicated to Bishop Stephen of Salona, one of Honorius' predecessors.¹⁸ Therefore it was most likely well known to the participants of the councils in Late Antique Dalmatia who mentioned certain ancient statutes of unquestionable authority in their acts. Additionally, the canons of the fifth and sixth century councils and synods in Europe¹⁹ and the collection of papal decrees (from Pope Siricius (384-399) to Pope Anastasius II (496-498)) also gathered by Dionysius Exiguus²⁰ will be used for comparison, since these documents can demonstrate how other churches confronted difficulties similar to those which arose in the Salonitan metropolis.

The first three canons of the council held in 530 prohibit Dalmatian ecclesiastics from alienating or jeopardizing church property if, without permission from a higher authority, these persons concluded any contract on behalf of their church and under its obligation.

- Let no presbyter deign to borrow money under obligation of any church entrusted to him unless the inevitable necessity of debts for ecclesiastical titles is evident to his bishop. (Nullus presbiterorum ad obligationem commissae sibi cuiuslibet ecclesie audeat mutuare pecunias, nisi apud episcopum ipsius in evitabilis debiti pro ecclesiasticis titulis fuerit patefacta necessitas.)*
- And similarly the metropolitan's approval is to be granted to contracts of the bishops before they are concluded, since the church must abide by any decision if this has been allowed after careful consideration. In this respect for fear of God and times we set against all creditors discipline, for they do not strive to burden*

¹⁷ Dionizije Dionysius Exiguus, *Codex canonum ecclesiasticorum*, PL 67, stupci 135-230; *Regulae Ecclesiasticae Sanctorum Apostolorum prolatae per Clementem ecclesiae Romanae pontificem*, PL 67, stupci 141-148. Limouris 1987, str. 127-135.

¹⁸ Dionizijevo uvodno pismo naslovljeno je na Stjepana u Bodlejskom kodeksu iz desetog stoljeća (*Codex Bodleanus* 3689), premda se u vatikanskom primjerku s početka osamnaestog stoljeća ne navodi ime Stjepana, već Petra (*Vaticanus Palatinus latinus* 577). No Kasiodor je u *De Institutione divinarum Litterarum* (PL 70, stupci 1137D, glava 23.) napisao: "Qui [Dionizije - op. a.] petitus a Stephano episcopo Salonitano, ex Graecis exemplaribus canones ecclesiasticos, moribus suis, ut erat planus atque desertus, magnae eloquentiae luce composuit, quos hodie usu celeberrimo Ecclesia Romana complectitur."

¹⁹ Tu se uglavnom radi o crkvenim saborima u Francuskoj, čiji su akti (osim Mansijeve zbirke) objavljeni u (1) *Monumenta Germaniae Historica* (MGH): *Concilia Aevi Merovingici*; (2) *Corpus Christianorum Series Latina* (CCSL): *Concilia Galliae*; (3) *Sources Chrétiennes* (SC): *Les Canones des conciles mérovingiens (Vle - Vlle siècles)*.

²⁰ Dionizije Dionysius Exiguus, *Collectio decretorum pontificum Romanorum*, PL 67, stupci 229-315.

¹⁷ Dionysius Exiguus, *Codex canonum ecclesiasticorum*, PL 67, cols. 135-230; *Regulae Ecclesiasticae Sanctorum Apostolorum prolatae per Clementem ecclesiae Romanae pontificem*, PL 67, cols. 141-148. Limouris 1987, pp. 127-35.

¹⁸ Dionysius' introductory letter was addressed to Stephanus in the tenth-century Bodleian manuscript (*Codex Bodleanus* 3689), although the early eighth-century Vatican exemplar (*Vaticanus Palatinus latinus* 577) bears the name of Petronius instead of Stephanus. However, Cassiodorus wrote in *De Institutione divinarum Litterarum* (PL 70, cols. 1137D, chap. 23): "Qui [Dionysius - V.P.] petitus a Stephano episcopo Salonitano, ex Graecis exemplaribus canones ecclesiasticos, moribus suis, ut erat planus atque desertus, magnae eloquentiae luce composuit, quos hodie usu celeberrimo Ecclesia Romana complectitur."

¹⁹ These are mostly the councils in France, whose acts have been published (besides Mansi's collection) in (1) *Monumenta Germaniae Historica* (MGH): *Concilia Aevi Merovingici*; (2) *Corpus Christianorum Series Latina* (CCSL): *Concilia Galliae*; (3) *Sources Chrétiennes* (SC): *Les Canones des conciles mérovingiens (Vle - Vlle siècles)*.

²⁰ Dionysius Exiguus, *Collectio decretorum pontificum Romanorum*, PL 67, cols. 229-315.

*niti preuzimati imovinu siromašnih, osim ako prethodno sve nije u cijelosti razjašnjeno. U protivnom, onaj (vjerovnik - op. a.) tko bi takvo što svojevolljno učinio, vlastitom krivnjom sramoti i prezire Crkvu. Isto tako, u pitanje dovodi valjanost ugovora, osim ako nije osiguran osobnom imovinom dužnika. Time se u njega (vjerovnika - op. a.) zalaže imovina samo onoga kojemu prihodi vlastite Crkve nisu dostatni i koji nije zadovoljan sa siromašnima.*²¹

(Similiter quoque apud metropolitanum de episcoporum contractibus si oporteat fieri prius, prius est facienda probatio, ut habita deliberatione in tanto ecclesiam liceat obligari, quantum perpensa fuerit ratione concessum. Pro qua parte cunctis deinceps creditoribus pro Dei timore et temporum contradicimus disciplina ut facultates pauperum sibi non studeant obligare, nisi suprascripto ordine fieri cuncta claruerint. Aliter vero praesumptione commissa ob noxietatem suam repellit et condemnat ecclesiam, nec prevalere permittit nisi in privata debitoris facultate contractua, ut ipsius tantum res usque ad eum obligari, quem non sufficit ecclesie sue stipendiis cum pauperibus esse contemptum.)

- Sukladno očinskoj brizi, određujemo također da se crkveni posjedi ne smiju ni na kakav način derivati niti prodavati. Ne dopušta se pak ni pravo njihove zamjene s bilo kojom osobom ili redom, osim ako to nije u crkvenu korist. Naglašavamo da će za posudbu novca biskupi svojim prezbiterima dodijeliti odobrenje sredstava tek onda kada se odvagnu sve pogodnosti., Kada se doista utvrdi korist (za Crkvu op. a.), onima (biskupima - op. a.) će nadbiskup izdati valjano dopuštenje. Ništa drugo nema čvrsto uporište i Crkva mora odbiti takve nakane.*²² *(Statuimus quoque secundum patrum curam ecclesiastica predia donandum atque vendendum nullatenus esse licentiam; comutandum quoque similiter damnantes arbitrium nisi pro ecclesie compendiis fieri apud eas personas et eo ordine, quod in mutuanda pecunia memoravimus fuit conprobatum, ut, omni utilitatis ratione perpensa, episcopi presbiteris suis tribuant facultatem. Ipsis vero utilitate cognita, ab archiepiscopo concedendum, ne aliter factum obtinet firmitatem et praesumptum, personas abdicare cogatur ecclesia.)*

Prema općem koncilskom zakonodavstvu, u biskupiji se ništa nije smjelo poduzimati bez odobrenja njezina biskupa. On je bio nadležan za crkvenu imovinu i njome je gospodario uz suglasnost

²¹ "Aliter vero presumptione commissa ob noxietatem suam (debitoris - op. a.) repellit et condemnat ecclesiam (ecclesia - op. a.), nec prevalere permittit nisi in privata debitoris facultate contracta, ut ipsius tantum res usque ad eum (creditorem - op. a.) obligari, quem (debitorem - op. a V. P.) non sufficit ecclesie sue stipendiis cum pauperibus esse contemptu."

²² Tekst u rukopisu glasi: "ne aliter factum obtinet firmitatem et praesumptum, personas abdicare cogatur ecclesia." Farlati (Farlati 1753, str. 166): je u tekstu predložio sljedeću izmjenu: "ne aliter factum obtinet firmitatem et praesumptum personae abdicare cogatur ecclesia."

*the property of the poor unless it becomes clear that all has been done in accordance with the aforementioned procedure. Otherwise the church condemns and rejects those dealings which have been presumptuously done at his (the debtor's - V.P.) fault, and also does not accord validity to the contract, if it is not confined to the debtor's personal property, in order to oblige to him (the creditor - V. P.) only the property of the person to whom it is not sufficient within the revenues of his church to be held in contempt with the poor.*²¹

(Similiter quoque apud metropolitanum de episcoporum contractibus si oporteat fieri prius, prius est facienda probatio, ut habita deliberatione in tanto ecclesiam liceat obligari, quantum perpensa fuerit ratione concessum. Pro qua parte cunctis deinceps creditoribus pro Dei timore et temporum contradicimus disciplina ut facultates pauperum sibi non studeant obligare, nisi suprascripto ordine fieri cuncta claruerint. Aliter vero praesumptione commissa ob noxietatem suam repellit et condemnat ecclesiam, nec prevalere permittit nisi in privata debitoris facultate contractua, ut ipsius tantum res usque ad eum obligari, quem non sufficit ecclesie sue stipendiis cum pauperibus esse contemptum.)

- And in compliance with the care of the Fathers, we determine that there is no right of donation and sale of ecclesiastical estates; and similarly we condemn the right of exchange, if it is not done to the profit of the church and under the supervision of those persons and in accordance with the procedure which, as we have mentioned in the case of a monetary loan, has been approved, and after having considered all the risks involved the bishops will grant approval to their presbyters. When the profit has been determined by them this is to be allowed by the archbishop lest what has been done otherwise obtain strength and be undertaken and as a result the church is forced to depose any persons.*²² *(Statuimus quoque secundum patrum curam ecclesiastica predia donandum atque vendendum nullatenus esse licentiam; comutandum quoque similiter damnantes arbitrium nisi pro ecclesie compendiis fieri apud eas personas et eo ordine, quod in mutuanda pecunia memoravimus fuit conprobatum, ut, omni utilitatis ratione perpensa, episcopi presbiteris suis tribuant facultatem. Ipsis vero utilitate cognita, ab archiepiscopo concedendum, ne aliter factum obtinet firmitatem et praesumptum, personas abdicare cogatur ecclesia.)*

According to general conciliar legislation, nothing could be undertaken in a diocese without its bishop's authorization. He was in charge of church property and managed it with the consent of

²¹ "Aliter vero presumptione commissa ob noxietatem suam (debitoris - V. P.) repellit et condemnat ecclesiam (ecclesia - V. P.), nec prevalere permittit nisi in privata debitoris facultate contracta, ut ipsius tantum res usque ad eum (creditorem - V. P.) obligari, quem (debitorem - V. P.) non sufficit ecclesie sue stipendiis cum pauperibus esse contemptu."

²² The text in the manuscript reads: "ne aliter factum obtinet firmitatem et praesumptum, personas abdicare cogatur ecclesia." Farlati proposed an amendment in the text (Farlati 1753, p. 166): "ne aliter factum obtinet firmitatem et praesumptum personae abdicare cogatur ecclesia."

svojih prezbitera i đakona.²³ Na višoj razini, metropolit je, kao crkveni čelnik provincije, nadgledao upravljanje svim biskupijama u suradnji sa saborom koji je bio sastavljen od provincijalnih biskupa i koji je sam sazivao.²⁴

Pod prijetnjom uklanjanja iz službe, kanonski su propisi svećenicima zabranjivali bilo kakvo otuđivanje (prodaju, darivanje, zamjenu ili opterećivanje) crkvenih posjeda, a poglavito nepokretne imovine, bez suglasnosti biskupa, dok biskup to nije smio činiti bez odobrenja svojega metropolita ili sabora svoje provincije.²⁵ Ograničenja sa Salonitanskog crkvenog sabora primjenjuju se na sve gore spomenute načelne oblike otuđenja. Njegovi časni oci priznavali su transakcije s crkvenom imovinom poduzete iz “opravdanih razloga”, to jest, (1) ako je Crkvu na njezino otuđenje prisilila “neodgodiva potreba” i (2) ako su ti poslovi u bilo kojem pogledu Crkvi donosili korist. Za otuđenje crkvene imovine prezbiter je morao dobiti dopuštenje svojega biskupa, dok je biskup morao dobiti odobrenje svojega metropolita. Kada te formalnosti ne bi bile ispunjene, ugovor bi se proglasio ništavim ili bi se njime teretila “osobna imovina” svećenika ili crkvenih dužnosnika koji su ga sklopili.²⁶ Trećim salonitanskim kanonom, koji se odnosi na otuđenje crkvene imovine općenito, propisano je kako Crkva iz službe mora ukloniti sve koji se ogriješe o to pravilo.²⁷

Ti su propisi bili normativne naravi. Na Crkvenom saboru u Kartagi 419. godine, biskupima je naređeno da se, ako se javi bilo kakva “potreba”, obrate crkvenom prvaku i saboru provincije ne bi li dobili njihovo odobrenje za prodaju crkvenih posjeda te da, u krajnjem slučaju, za svjedoke pozovu susjedne biskupe koji će

23 U Dionizijevoj zbirci : *Apostolski kanoni*, k. 39., 40., 41. (*PL* 67, stupac 146); *Antiohija* (oko 328.), k. 102., 103. (*PL* 67, stupci 164C-166A). Ako se razlikuje od broja u Dionizijevoj zbirci, uvriježeni se broj kanonskog propisa navodi u zagradi. Pratim redoslijed crkvenih sabora iz Dionizijeve zbirke, tako da će se prvo pojavljivati uputnice na *Apostolske kanone* koji se pogreškom pripisuju rimskom papi Klementu, unatoč tome što potječu još s kraja četvrtog ili početka petog stoljeća. Dionizije je u svoju zbirku uvrstio prvih pedeset od osamdeset i četiri ili osamdeset i pet *Apostolskih kanona*. *Les Constitutions apostoliques* (Apostolske konstitucije) (SC 336), str. 275-309.

24 U Dionizijevoj zbirci : *Apostolski kanoni*, k. 35. (*PL* 67, stupac 145B-C); *Antiohija* (oko 328.) k. 87. (*PL* 67, stupac. 161B-C).

25 *Kartaga* (419.), k. 26., 33. u Dionizijevoj zbirci (*PL* 67, stupci 191C-D, 192D-193A); *Hipon* (427.) (*Concilia Africae 345 - 525, CCSL* 149, str. 110). Papa Lav I. (440. - 461.) u pismu sicilijanskim biskupima od 21. listopada 447. (Mansi 5, stupac 1414) je zabranu otuđivanja crkvene imovine proširio na njezinu razmjenu i darivanje. U svom pismu biskupima južne Galije od 3. prosinca 462. papa Hilarije (461. - 468.) (*PL* 58, stupci 26-27; *Epistolae Romanorum pontificum*, ep. 8, str. 146) proglasio je neotuđivim “crkvena zemljišta koja nisu ni jalova ni neplodna” - “nisi prius apud concilium alienationis ipsius causa doceatur”. Vidi također Plöchl 1953, str. 245.

26 K. 49. sa Crkvenog sabora u Agdeu (506.) propisuje da je svećenik koji je na sinodu osuđen za neovlašteno otuđenje crkvene imovine štetu dužan nadoknaditi iz svoje vlastite imovine: “Quod si fecerint convicti in concilio et ab honore depositi, de suo aliud tantum restituant, quantum visi sunt praesumpsisse.” *Concilia Galliae 314 - 506, CCSL* 148, str. 225.

27 Ista je kazna zapriječena i kanonom 26. Crkvenog sabora u Kartagi (419.), koji se nalazi u Dionizijevoj zbirci (*PL* 67, stupac 191C-D).

his presbyters and deacons.²³ At a higher level, the metropolitan bishop, the head of the province, supervised the administration of all the dioceses in cooperation with the council of provincial bishops convened by him.²⁴

Under the threat of deposition, ecclesiastical canons forbade any alienation (sale, donation, exchange or encumbrance) of church possessions, primarily real property, by the clergy without their bishop’s consent and by the bishop without the approval of his metropolitan or council of his province.²⁵ The restrictions of the Salona council apply to all of the aforementioned principle ways of alienation. Its fathers admitted the transactions involving church property carried out with “just cause”, that is, if (1) the church was compelled, through “inevitable necessity”, to alienate it, and (2) these dealings were in any sense advantageous to the church. To alienate church property, a presbyter had to obtain permission from his bishop and a bishop had to gain the approval of his metropolitan. If these formalities were not observed the contract should be declared void or burden the “personal property” of those clerics and ecclesiastical officials who entered into it.²⁶ The third Salonitan canon dealing with the alienation of church property in general stipulates that the church has to depose transgressors.²⁷

These regulations were normative. The council at Carthage in 419 ordered that if any “necessity” emerged, bishops would approach the primate and the council of the province to obtain their approval for the sale of church possessions and, in the last resort, summon as witnesses neighbouring bishops who could

23 In the collection of Dionysius Exiguus: *Apostolic Canons*, c. 39, 40, 41 (*PL* 67, col. 146); *Antioch* (c.328), c. 102, 103 (*PL* 67, cols. 164C-166A). The traditional number of a canon if it differs from its number in the Dionysius collection is provided in parentheses. I follow the sequence of the councils in the collection of Dionysius therefore references to the *Apostolic Canons* erroneously attributed to Pope Clement of Rome will appear first despite the fact that they date to the late fourth or beginning of the fifth century. The first fifty *Apostolic Canons* out of eight-four or eighty-five were admitted by Dionysius into his collection. *Les Constitutions apostoliques*, (SC 336), pp. 275-309.

24 In the collection of Dionysius Exiguus: *Apostolic Canons*, c. 35 (*PL* 67, col. 145B-C); *Antioch* (c. 328) c. 87 (*PL* 67, col. 161B-C).

25 *Carthage* (419), c. 26, 33 in the collection of Dionysius Exiguus (*PL* 67, cols. 191C-D, 192D-193A); Hippo (427) (*Concilia Africae 345 - 525, CCSL* 149, p. 110). Pope Leo I (440-461), in the letter of 21 October 447 to the Sicilian bishops (Mansi 5, col. 1414), extended the prohibition on alienation of church property to its exchange and donation. In his letter of 3 December 462 to the bishops of Southern Gaul, Pope Hilarus (Hilary, 461-468) (*PL* 58, cols. 26-27; *Epistolae Romanorum pontificum*, ep. 8, p. 146) proclaimed unalienable “the ecclesiastical lands which are neither waste nor unproductive”; “nisi prius apud concilium alienationis ipsius causa doceatur.” See also Plöchl 1953, p. 245.

26 C. 49 of the council of Agde (506) stipulates that if in the synod a cleric has been convicted of unsanctioned alienation of church property he has to make restitution out of his own property: “Quod si fecerint convicti in concilio et ab honore depositi, de suo aliud tantum restituant, quantum visi sunt praesumpsisse.” *Concilia Galliae 314 - 506, CCSL* 148, p. 225.

27 The same penalty is imposed by the canon 26 of the council of Carthage (419) in the collection of Dionysius Exiguus (*PL* 67, col. 191C-D).

pred crkvenim saborom potvrditi da je to učinjeno u bezizlaznim okolnostima.²⁸

U vrijeme salonitanskih sabora Crkva je slijedila pravila nametnuta na svojim ranijim saborima. Na Rimskom sinodu koji je u studenom 502. sazvao papa Simah (498. - 514.), rimskim je biskupima zabranjeno otuđivanje ili razmjena svih seoskih imanja koja su pripadala rimskoj Crkvi, kao i ustupanje crkvene imovine bilo kome osim svećenicima, redovnicima, zatočenicima i hodočasnicima, za čije je uzdržavanje Crkva ta dobra i namijenila.²⁹ Rimski svećenici su se morali držati iste zabrane i kada je posrijedi bila nepokretna crkvena imovina (druge vrste posjeda, koje se nisu koristile u obredne svrhe ili za održavanje crkava, mogle su se prodavati pod određenim uvjetima).³⁰ Svatko tko se ogriješio o to pravilo, morao je biti uklonjen iz službe, a otuđena se imovina morala vratiti Crkvi, katkad čak i uz naknadu dobiti koja je mogla biti ostvarena od trenutka otuđenja.³¹

Na Crkvenom saboru u Agdi, održanom 11. rujna 506. godine, opetovano je određena zabrana prodaje, darivanja i razmjene crkvene imovine na temelju ugovora koje su sklopili svećenici te je, baš kao i u kanonskim propisima sa Salonitanskog sabora, naglašeno kako je crkvena imovina namijenjena siromašnima. Dakle, saborski su se oci usredotočili na činjenicu da neopravdano otuđenje crkvenih posjeda ide na štetu potrebitih.³²

Na Trećem orleanskom saboru, održanom 7. svibnja 538. godine, zabranjeni su “beskorisni ugovori” (*contractus inutiles*, koji se u salonitanskom kanonu nazivaju ugovorima koji “nisu u crkvenu korist”, *non pro ecclesie compendiis*) kojima se crkvena imovina opterećuje ili otuđuje.³³ Dok je Salonitanski sabor izrekao svojevrsnu prijetnju ne bi li stao na put vjervnicima koji bi se drznuli “opteretiti imovinu siromašnih”, Orleanski je sabor odredio kako se novi posjednik (možda bivši vjervnik čije je potraživanje

28 *Kartaga* (419.), k. 26. u Dionizijevoj zbirci (*PL* 67, stupac 191C-D).

29 Theodor Mommsen (ed.), *MGH Auctores antiquissimi* 12 (1894.), str. 449, 450.

30 Mansi 8, stupac 267, kanoni 4., 6.; pismo pape Agapeta Cezariju od Arlesa iz 535. (*Epistolae Arelatenses*, Wilhelm Gundlach (ed.), *MGH Epistolae* 3 (1892), str. 55).

31 Mansi 8, stupac 268, kanon 8. C. 34 sa Crkvenog sabora u Ankiri 314. g., sadržan u Dionizijevoj zbirci (*PL* 67, col. 154B) navodi kako ugovori koje su prezbiteri sklopili bez dopuštenja svojeg biskupa moraju biti poništeni, crkvena imovina mora biti vraćena, a “biskup po vlastitom nahodanju odlučuje je li bolje prihvatiti kupovnu cijenu ili ne, jer im prihod od prodanih stvari često može donijeti veću vrijednost” (u prijevodu Percivala iz *A Select Library*, str. 132). U pismu pape Gelazija I. arhiđakonu Justinu i branitelju Faustinu (Mansi 8, stupac 130; *Epistolae Romanorum pontificum*, fragmentum 23, str. 497) spominju se određeni uvjeti povrata crkvene imovine. Vidi također *Orléans III.* (538.), k. 13. (12.), k. 26. (23.) (Friedrich Maassen (ed.), *MGH Concilia* 1 (1893.), str. 77, 81).

32 *Concilia Galliae 314 - 506, CCSL* 148, str. 195: “ut neque uendere neque per quoscumque contractus res unde paupers uiuunt, alienare praesumant.” K tome, vidi *Concilia Galliae 314 - 506, CCSL* 148, str. 203, 225, i *Épaone* (517.), k. 7. i 12. (*MGH, Concilia* 1, str. 20-22).

33 *Concilia Galliae* 511-695, CCSL 148A, str. 119; vidi također *Épaone* (517.), k. 12. (*MGH, Concilia* 1, str. 22).

confirm before the council that it had been done in a desperate situation.²⁸

At the time of the councils of Salona, the church followed the rules imposed by earlier councils. The synod of Rome in November 502 under Pope Symmachus (498-514) prohibited the Roman bishops from alienating or exchanging any rural estates belonging to the Church of Rome and assigning church property to anyone except clergymen, monasteries, captives and pilgrims, for whose maintenance the church allocated these resources.²⁹ The priests of Rome had to comply with the same ban on the alienation of ecclesiastical real property (other kinds of possessions, which were not used in the liturgy or for the upkeep of churches, could be sold on certain conditions).³⁰ Any transgressor was to be deprived of his office, and the alienated possessions were to be restored to the church perhaps even with the restitution of earnings which might have been obtained since alienation.³¹

The council of Agde on 11 September 506 repeated the prohibition of selling, donating and exchanging ecclesiastical property according to a contract made by clerics and like the canons of the council of Salona highlighted that church property was allocated to the poor. Thus, the fathers of the councils concentrated on the fact that unreasonable alienation of ecclesiastical possessions worked to the detriment of the needy.³²

The council of Orléans III on 7 May 538 prohibited those “unprofitable contracts” (*contractus inutiles*, the Salonitan canon called them contracts “without profits to the church” - *non pro ecclesie compendiis*) which encumbered or alienated ecclesiastical property.³³ While the council of Salona threatened somehow to oppose creditors who would deign to “encumber property of the poor”, the council of Orléans declared that a new possessor (perhaps a former creditor whose credit was paid by a portion

28 Carthage (419), c. 26 in the collection of Dionysius Exiguus (*PL* 67, col. 191C-D).

29 Ed. by Theodor Mommsen, *MGH Auctores antiquissimi* 12 (1894), pp. 449-450.

30 Mansi 8, col. 267, canons 4, 6; Pope Agapitus’ letter to Caesarius of Arles in 535 (*Epistolae Arelatenses*, ed. by Wilhelm Gundlach, *MGH Epistolae* 3 (1892), p. 55).

31 Mansi 8, col. 268, canon 8. C. 34 of the council of Ancyra in 314 in the collection of Dionysius Exiguus (*PL* 67, col. 154B) states that contracts concluded by presbyters without their bishop’s consent have to be annulled, church property has to be reclaimed and “it shall be in the discretion of the bishop whether it is better to receive the purchase price, or not; for oftentimes the revenue of the things sold might yield them the greater value” (trans. by Percival in *A Select Library*, p. 132). Pope Gelasius I’s letter to Archdeacon Justinus and Defensor Faustinus (Mansi 8, col. 130; *Epistolae Romanorum pontificum*, fragmentum 23, p. 497) refers to some conditions of the restitution of church property. See also *Orléans III* (538), c. 13 (12), c. 26 (23) (ed. by Friedrich Maassen, *MGH Concilia* 1 (1893), pp. 77, 81).

32 *Concilia Galliae 314 - 506, CCSL* 148, p. 195: “ut neque uendere neque per quoscumque contractus res unde paupers uiuunt, alienare praesumant”. Additionally, see *Concilia Galliae 314 - 506, CCSL* 148, pp. 203, 225 and *Épaone* (517), c. 7 and 12 (*MGH, Concilia* 1, pp. 20-22).

33 *Concilia Galliae* 511-695, CCSL 148A, p. 119; see also *Épaone* (517), c. 12 (*MGH, Concilia* 1, p. 22).

namireno dijelom crkvene imovine) koji je Crkvi odbio vratiti njezinu imovinu, mora izopćiti do donošenja konačne sudske odluke ili povrata crkvenih posjeda.³⁴

Od druge polovice petog stoljeća Crkvi su u ostvarivanju njezinih imovinskih prava pomagali i rimski carevi. Tako je Justinijan potvrdio zabranu prodaje, darivanja, nasljednog zakupa i stavljanja u zalog nepokretne crkvene imovine, to jest nekretnina koje donose korist, kao i “sluga, seoskih robova i žita dobivenog od države”.³⁵ U tu kategoriju nisu bili uključeni neplodni i beskorisni posjedi, iako je njihovo otuđivanje bilo dopušteno ako se Crkvi time nije nanosila nikakva šteta. U tim zakonima, objavljenima nakon salonitanskih sabora, kada je Dalmacija iznova postala dijelom Carstva (535. g.), očituje se prijašnja pravna tradicija utemeljena na koncilskom zakonodavstvu i praksi. Justinijanove *Novele* mogle bi biti od pomoći pri rekonstruiranju mehanizma plaćanja dugova Crkve, koji se spominje u 1. i 2. kanonskom propisu sa Salonitanskog sabora. Dug je, naime, bio jedna od onih neodgodivih potreba koje su svećenike prisiljavale na prodaju crkvenih posjeda.

Justinijan je odobrio određene ustupke i dopustio prodaju nepokretne crkvene imovine i njezino davanje u poseban zalog³⁶ ili stavljanje pod hipoteku³⁷ radi pokrivanja crkvenih dugova, pod uvjetom da na raspolaganju nije bilo nikakve pokretne imovine. Tako je prodaja bila dopuštena radi plaćanja poreza Carskoj riznici 537. godine³⁸ i podmirenja dugova prema pojedincima 544. godine.³⁹ Da bi bio zakonit, postupak je morao zadovoljiti sljedeće formalnosti utvrđene zakonom: (1) razmatranje predmeta pred svećeničkim zborom u čijem su sastavu bili biskup i metropolit i njihovo potvrđivanje izjave nadležnih dužnosnika da je novac stečen prodajom utrošen u korist Crkve, jer bi u suprotnom dug platila osoba ili ustanova koja je zajam i uzela (sličan je slučaj, kako se čini, predviđen i 2. kanonskim propisom sa Salonitanskog sabora, u kojem se navodi da je, ako nije pribavljeno dopuštenje nadređenih, dužnik obvezan platiti dug iz svoje vlastite imovine);⁴⁰ (2) potvrda o nemogućnosti plaćanja duga iz bilo kojeg drugog izvora;⁴¹ (3) uredba guvernera provincije, kojom se odobrava otuđenje;⁴² (4) prethodna obavijest o prodaji (dvadeset dana unaprijed);⁴³ (5) novac ostvaren kupoprodajom plaća se na ime podmirenja duga. U slučaju da se nije našao nikakav kupac, vjerovnik je trebao dobiti imovinu “u vrijednosti jednakoj vrijednosti svog potraživanju”⁴⁴

Carski zakonodavac propisuje da svakom kupcu koji prekrši svoje obveze u vezi s imovinom koja pripada Crkvi, ona mora biti

of church property) who declined to return the property to the church had to be excommunicated until a final court ruling or recovery of church possessions.³⁴

As of the second half of the fifth century, the Roman emperors contributed to the enforcement of ecclesiastical proprietary rights. Justinian confirmed the prohibition of the sale, donation, exchange, perpetual emphyteusis and pledge of church real property, that is, profitable real estate, as well as “serfs, rustic slaves, and grain furnished by the State”.³⁵ Fruitless and unprofitable possessions were not included in this category, although their alienation was allowed if it did not produce any detriment to the church. These laws, published after the councils of Salona when Dalmatia was reincorporated into the Empire (535), embodied the previous legal tradition based on conciliar legislation and practice. The *Novels* of Justinian can help to reconstruct a mechanism of servicing the church’s debts which was referred to in canons 1 and 2 of the council at Salona. Debt was one of those inevitable necessities which compelled ecclesiastics to sell church possessions.

Justinian made some concessions and admitted the sale, special pledge³⁶ or hypothec³⁷ of ecclesiastical real property for the purpose of covering church debts if there were no available chattels. The sale was allowed for tax payment to the Imperial Treasury in 537³⁸ and to discharge debts to individuals in 544.³⁹ In order to be lawful it would have to comply with the following formalities imposed by law: (1) an examination of the matter by the assembly of the clergy, including the bishop and the metropolitan, and their confirmation of the statement of the officials in charge that the money gained from the sale was spent for the benefit of the Church, otherwise, the debt was paid by a person or institution which had taken out the loan (a similar situation seems to be envisaged in canon 2 of the council of Salona, which says that if the consent of a higher authority has not been secured the debtor is bound to pay the debt from his own property);⁴⁰ (2) a confirmation of the impossibility of paying the debt out of any other source;⁴¹ (3) a decree of the provincial governor authorizing alienation;⁴² (4) a preliminary (twenty day in advance) notification of the sale;⁴³ (5) the purchase-money is to be paid on the debt. If no purchaser was found the creditor should receive the property “of the same value as his claim”.⁴⁴

The imperial legislator ordered that any purchaser violating his statutes concerning the property which belongs to the church is to be

^[1] MGH, Concilia 1, p. 77, canon 13 (12); p. 81, canon 26 (23)

^[2] Novels 7, 46, 120

^[3] Nov. 120. 4; 6.2

^[4] Nov. 7.3; Nov. 120.4.2; 6

^[5] Nov. 46.1

^[6] Nov. 120.6

^[7] Nov. 120.6.3

^[8] Nov. 46.1

^[9] Nov. 46.1; Nov. 120.6.2

^[10] Nov. 120.6.2

^[11] Nov. 120.6.2

oduzeta, i to bez povrata plaćene cijene. K tome, dužan je vratiti i plodove koje je u međuvremenu ubrao. Oni kojima su crkveni posjedi darovani ili dani u zamjenu za nešto drugo, također ih moraju vratiti Crkvi. Pritom se kažnjavaju gubitkom “dijela njihove vlastite imovine koji je jednak imovini koju su dobili”. Vjerovnik koji je sklopio ugovor o hipoteci, gubi pravo na povrat duga. Crkvenu imovinu dužan je vratiti i mora odustati od svih svojih potraživanja. Premda može tužiti svoje partnere koji su ugovor sklopili u ime Crkve i koji su obveze iz ugovora dužni podmiriti iz svoje vlastite imovine, takva osoba nema pravo podizanja tužbe protiv same Crkve.⁴⁵

U sljedeća dva salonitanska kanona osuđuje se simonija u užem smislu, tj. prodaja i kupovanje crkvenih službi, kao i oni koji su se njome bavili, tj. simonisti.

- Također, sukladno kanonskoj stezi, odlučujemo da će oni koji na bilo koji način budu umiješani u (nedopuštenu) podjelu i primanje u crkvene redove ili se budu dali uvući u takvu trgovinu, biti izopćeni i smatrani pobornicima simonijskog krivovjerja. (Decernimus etiam iuxta canonicam disciplinam pro ecclesiasticis promerendis ordinibus dantem accipientemque qualibet arte atque figmento, vel qui se ipsis conmertiiis duxerint inserendum, anathemate percuslum in simoniace heresis reputandum.)*
- Neka se također zna da će, ako bi tko od biskupa, prezbitera ili đakona u tome sudjelovao, a pritom znao za nezakonitost tih čina, te ih ne bi spriječio ili bi ih prešutio, odnosno prikrio, i sam biti kažnjen zbog nerazumna čina. (Illud quoque sciendum, si quis episcoporum, presbiterorum vel dyaconorum qui fuerint presentes inventi, scientes illicitas ordinationes fieri, resistere neglexerint, aut tacendas subripiendumque crediderint, ipsi penam male ordinationis incurant.)*

Prema kanonskim propisima, simonistima se smatraju svi koji su blagoslov i zaređenje ishodili ili su blagoslovljeni i zaređeni za novac, kao i njihovi pomagači, te se nalaže njihovo prokletstvo. To znači da svećenike umiješane u “podjelu i primanje”, kako ih je Salonitanski sabor nazvao prema papi Gelaziju I.,⁴⁶ najprije treba ukloniti iz službe, a potom izopćiti ili prokleti. Tako su časni oci Salonitanskog sabora u pogledu svećenika okrivljenih za simoniju posegnuli za istim mjerama koje se na simoniste primjenjuju i u *Apostolskim kanonima*, a to su oduzimanje položaja (u skladu s praksom nekih ranijih crkvenih sabora)⁴⁷ i

^[12] Nov. 7.5. Vidi također Nov. 120.11

^[13] Ukaz pape Gelazija u Dionizijevoj zbirci (PL 67, col. 309; Epistolae Romanorum pontificum, ep. 14, str. 375): “Quos vero constiterit indignos meritis sacram mercatos esse pretio dignitatem, convictos oportet arceri, non sine periculo facinus tale patrantes, quia dantem pariter accipientemque damnatio Simonis, quam sacra lectio testatur, involvit”. Papa se nedvojbeno poziva na Mt. 9, 8: “gratis accepistis, gratis date.”

^[14] Chalcedon (451.), k. 2. u Dionizijevoj zbirci (PL 67, col. 171B-C). Na Drugom orleanskom saboru (533. g.) (MGH, Concilia 1, str. 59, k. 3. i 4.) utvrđeno je da oni koji su za crkvene položaje platili, moraju biti izbačeni iz službe. Vidi također Clermont (535.), k. 2. (MGH, Concilia 1, str. 66, 67); Orléans V. (549.), k. 10 (MGH, Concilia 1, str. 103, 104).

deprived of it without repayment of the price paid. He had to return the benefits which he had acquired in the meantime. Those to whom church possessions were donated or given in exchange also had to restore them to the church. They are punished by losing “a portion of their own property equal to that which they received”. The creditor who made a hypothecation contract lost the debt. He had to return ecclesiastical property and renounce all claims. Although such a person could sue his partners who entered into the contract on behalf of the church and who were bound to pay the obligations of the contract from their personal property, he had no right of action against the church itself.⁴⁵

The two following Salonitan canons condemned simony, i.e. in a narrow sense the sale and purchase of ecclesiastical offices, and those who practiced it - simoniacs.

- And again we decide that as maintained by canonical discipline the persons giving and receiving in order to assume ecclesiastical offices, resorting to cunning or any other method or who are involved in these affairs, will be struck down by anathema and attached to the simoniac heresy. (Decernimus etiam iuxta canonicam disciplinam pro ecclesiasticis promerendis ordinibus dantem accipientemque qualibet arte atque figmento, vel qui se ipsis conmertiiis duxerint inserendum, anathemate percuslum in simoniace heresis reputandum.)*

- Also it must be known that if any bishop, priest or deacon is present there and when he knows the unlawfulness of such ordination he neglects to resist them or even thinks that it is necessary to conceal them tacitly he himself will incur punishment for illicit ordination. (Illud quoque sciendum, si quis episcoporum, presbiterorum vel dyaconorum qui fuerint presentes inventi, scientes illicitas ordinationes fieri, resistere neglexerint, aut tacendas subripiendumque crediderint, ipsi penam male ordinationis incurant.)*

The canons designate as simoniacs those who obtained consecration and ordination and those who consecrated and ordained for money as well as their accomplices and ordered to anathematize them. It means that “giving and receiving” clerics as the Salonitan council called simoniacs after Pope Gelasius I⁴⁶ should be first deposed and then excommunicated or anathematized. Thus the fathers of the council of Salona resorted to the same measures against the clerics found guilty of simony that the *Apostolic Canons* applied to the simoniacs, i.e. degradation (in accordance with the practice of some earlier councils)⁴⁷ and

^[15] Nov. 7.5. See also Nov. 120.11

^[16] The decree of Pope Gelasius in the collection of Dionysius Exiguus (PL 67, col. 309; Epistolae Romanorum pontificum, ep. 14, p. 375): “Quos vero constiterit indignos meritis sacram mercatos esse pretio dignitatem, convictos oportet arceri, non sine periculo facinus tale patrantes, quia dantem pariter accipientemque damnatio Simonis, quam sacra lectio testatur, involvit”. The pope undoubtedly refers to Mt. 9, 8: “gratis accepistis, gratis date.”

^[17] Chalcedon (451.), c. 2 in the collection of Dionysius Exiguus (PL 67, col. 171B-C). The council of Orléans II (533) (MGH, Concilia 1, p. 59, c. 3 and 4) decreed that those who had paid for ecclesiastical offices should be deposed. See also Clermont (535), c. 2 (MGH, Concilia 1, pp. 66-67); Orléans V (549), c. 10 (MGH, Concilia 1, pp. 103-104).

izopćenje,⁴⁸ dočim su laici i redovnici koji su sudjelovali u bilo kakvom “nezakonitom zaređenju” morali biti prokleti.⁴⁹

Početkom šestog stoljeća pape su se priklonili širem tumačenju simonije: nije se više radilo tek o prodaji i kupovanju visokih crkvenih položaja i povlastica već i o podmićivanju birača i pridobivanju moćnih zaštitnika privučenih obećanim nagradama u vidu crkvenih dobara, to jest vrbovanju na nezakonite “zaobilazne načine” (*per ambitu*).⁵⁰

Baš kao i otuđivanje imovine, simonija je, osim štete koju je nanosila duhovnom životu vjerskih zajednica, ozbiljno narušavala i njihovu materijalnu dobrobit jer su simonisti nerijetko nastojali ishoditi naknadu na štetu Crkve. Tako je u Rimu s konca petog stoljeća otuđivanje crkvene imovine bilo isprepleteno sa simonijom, a tijekom napetih izbornih kampanja, kandidati za papinsko prijestolje svojim bi pobornicima obećavali izdašne nagrade, pa bi, u slučaju uspjeha, svoja obećanja morali ispuniti na štetu papinske imovine.⁵¹ Godine 533. ostrogotski kralj Atalarik morao je donijeti mjere protiv simonije u Italiji i biskupima postaviti gornju granicu izdataka tijekom izbora.⁵² U Galiji su simonističke izborne tehnike bile još raširenije i za Crkvu još štetnije negoli u Italiji.⁵³ Pretpostavlja se kako je isti odnos između otuđivanja crkvene imovine i simonije bio prisutan i u Dalmaciji na početku šestog stoljeća.

U sljedeća dva kanonska propisa za svećenike se predviđaju kazne zbog nepoštivanja dužnosti svećenika i ograničava im se pravo napuštanja njihovog područja nadležnosti, putovanja, dolaska na carski sud i promjene crkve bez dopuštenja njihovih nadređenih.

6. *Usto kanonski opominjemo da ni biskupima niti bilo kojoj osobi nižega stupnja nije dopušteno ići u sjedište, odnosno napustiti*

Usto kanonski opominjemo da ni biskupima niti bilo kojoj osobi nižega stupnja nije dopušteno ići u sjedište, odnosno napustiti

48 *Apostolski kanoni*, k. 30. u Dionizijevoj zbirci (*PL* 67, stupac 144D): “Si quis episcopus, aut presbyter, aut diaconus per pecunias hanc obtinuerit dignitatem, dejiciatur et ipse, et ordinator ejus, et a communione modis omnibus abscindatur, sicut Simon Magus a Petro.”

49 *Kalcedon* (451.), k. 2. u Dionizijevoj zbirci (*PL* 67, stupac. 171B-C): “Si quis vero mediator tam turpibus et nefandis datis vel acceptis existiterit, siquidem clericus fuerit, proprio gradu decidat, si vero laicus, aut monachus, anathematizetur.”

50 Odgovor pape Simaha Cezariju od Arlesa iz studenog 502. ili 513. (Mansi 8, stupac 212, gl. 2, 6; *Epistolae Romanorum pontificum*, ep. 15, str. 724, 726). U pismu pape Hormizde (514. - 523.) španjolskim biskupima u vezi s izborom njihovog metropolita (Mansi 8, stupac 430, gl.. 2, travanj 517.; *Epistolae Romanorum pontificum*, ep. 25, str. 791, 792), podmićivanje birača osuđuje se kao primjer simonije. Za potporu svjetovnih vlasti prilikom izbora, vidi *Apostolske kanone*, k. 31. (30.) u Dionizijevoj zbirci (*PL* 67, stupac 144). Vidi također *Clermont* (535), k. 2 (*MGH, Concilia* 1, str. 66, 67). Hess 1958, str. 79.

51 Richards 1979., str. 74. Norton 2007., str. 187. U svom zakonu od 11. ožujka 473., naslovljenom na Himelca, pretorijanskog prefekta Italije, car Glicerije, koji je, nakon što se odrekao prijestolja, imenovan biskupom Salone, zabranio je simonističko zaređenje, tj. dobivanje crkvenog položaja pomoću novca ili uz potporu svjetovnih dobročinitelja koji su iz toga željeli izvući korist (*PL* 56, stupci 896-898). Vidi također *Cod. Just.* 1. 3. 29.

52 Norton 2007, str. 188.

53 Norton 2007, str. 188-190.

excommunication,⁴⁸ while laymen and monks who participated in any “illicit ordination” had to be anathematized.⁴⁹

In the beginning of the sixth century, the popes adopted a wider interpretation of simony: it is not only the purchase and sale of holy orders and benefices but also bribery of electors and involvement of mighty protectors attracted by promises of rewards from church resources, that is, the ordination through illicit “devious ways” (*per ambitu*).⁵⁰

Like the alienation of property, simony, apart from its damage to the spiritual life of religious communities, seriously impinged on their material welfare since simoniacs often strived to be compensated at the expense of the church. Thus, the alienation of church property in late fifth-century Rome was intertwined with simony, and during the tense election campaigns the candidates for the papal throne promised lavish rewards to their supporters and, in case of success, had to fulfil their promises to the detriment of papal property.⁵¹ In 533, the Ostrogothic King Athalaric had to sanction simony in Italy and fix the limit of expenses of the bishops during election.⁵² The simoniac electoral techniques were even more widespread and detrimental to the church’s well-being in Gaul than in Italy.⁵³ The same relationship between the alienation of church property and simony supposedly existed in ecclesiastical practice in early sixth-century Dalmatia.

The next two canons specified penalties for the neglect of duties by clerics and restricted their right to leave the area of their competence, to travel, to come to the imperial court and to change churches without the permission of their superiors.

6. *Besides, we canonically admonish that no bishop or person of subsequent degrees has a right to proceed to the court or to*

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48 *Apostolic Canons*, c. 30 in the collection of Dionysius Exiguus (*PL* 67, col. 144D): “Si quis episcopus, aut presbyter, aut diaconus per pecunias hanc obtinuerit dignitatem, dejiciatur et ipse, et ordinator ejus, et a communione modis omnibus abscindatur, sicut Simon Magus a Petro.”

49 *Chalcedon* (451), c. 2 in the collection of Dionysius Exiguus (*PL* 67, col. 171B-C): “Si quis vero mediator tam turpibus et nefandis datis vel acceptis existiterit, siquidem clericus fuerit, proprio gradu decidat, si vero laicus, aut monachus, anathematizetur.”

50 Pope Symmachus’ reply to Cesarius of Arles in November 502 or 513 (Mansi 8, col. 212, cap. 2, 6; *Epistolae Romanorum pontificum*, ep. 15, pp. 724, 726)). The letter of Pope Hormisdas (514-523) to the bishops of Spain concerning the election of their metropolitan bishop (Mansi 8, col. 430, cap. 2, April 517; *Epistolae Romanorum pontificum*, ep. 25, pp. 791, 792)) condemned bribery of the electors as a case of simony. On the support of secular authorities in the election see *Apostolic Canons*, c. 31 (30) in the collection of Dionysius Exiguus (*PL* 67, col. 144). See also *Clermont* (535), c. 2 (*MGH, Concilia* 1, pp. 66-67). Hess 1958, p. 79.

51 Richards 1979, p. 74. Norton 2007, p. 187. In his law of 11 March 473 addressed to *Himelca, the Praetorian Prefect of Italy*, Emperor Glycerius, who, upon his deposition, was appointed bishop of Salona, forbade simoniac ordinations, i.e. obtaining an ecclesiastical position by the use of money or with the support of secular benefactors who expected to derive benefit from it (*PL* 56, cols. 896-898). See also *Cod. Just.* 1. 3. 29.

52 Norton 2007, p. 188.

53 Norton 2007, pp. 188-190.

provinciju, osim ako, izloživši razloge prema navedenu položaju, ne dobiju dopuštenje nadređenih. U protivnom moraju znati da će izgubiti svoje zvanje i dužnost. Isto tako, hoćemo da i samostanski čelnici budu propisom obvezani da ne odustanu od bavljenja svetim poslom i da ne uživaju u nedostojnim putovima na ljagu vjeri.

(Praeterea canonice admonemus, ut nullus episcoporum vel sequentis ordinis quecunque persona ad comitatum proficiscendi vel mutandi provintiam habeat facultatem, nisi ordine iam superius dicto causa iuste intentionis exposita ab eis ad quos pertinent, fuerint licentiam consecuti. Contra vero venientes ordinis, officiique sui se meminerint sustinere iacturam. Eodem quoque monasterii presidentes volumus iure constringi, ne sacri operis relinquentes studium ad religionis maculam sub ypochrisidis curssibus delectentur.)

7.⁵⁴ *Isto tako, jednakom brigom, sukladno kanonskim propisima, opominjemo da nijedan svećenik ni đakon neće ostati u crkvenoj službi ako prijeđe u koju drugu crkvu i neka se ne povodi primamljivim ponudama. Neka nitko ne prima svećenika bilo kojeg reda, osim ako mu ne bude dopušteno nakon pravična razmatranja. Neka nitko sebi ne umisli da slobodno luta, napustivši povjerene mu bazilike. Neka zna s te strane da se neće lako osloboditi kazne.*⁵⁵

(Illud quoque simili cura, iuxta canonum statuta, monemus ne manente ordine presbiter seu dyaconus ad aliam transferantur ecclesiam, nisi idoneis promissionibus invitati. Sed ne clericus cuiusque ordinis accipiendus ab alio, nisi sibi iusta fuerit contemplatione concessum. Relictis vero basilicis sibi conmissis nullus vagari sed [sibi] liberum [putet] se sciens ex hac parte non levi ultione constringi.)

Ovi kanonski propisi dotiču se nekoliko problema s kojima se suočavala rana Crkva, a to su, kao prvo, privremeno napuštanje crkve, samostana, biskupije ili provincije i, kao drugo, premještanje svećenika u neku drugu crkvu i njegov ulazak u neko drugo područje nadležnosti.

Bez odobrenja svojih nadređenih, svećenici i redovnici nisu mogli napuštati svoje crkve i samostane, bilo to privremeno ili trajno. Ako bi tko na određeno vrijeme trebao otići iz svoje biskupije, od svojeg je biskupa morao zatražiti posebno odobrenje i preporuku.⁵⁶ Pisana preporuka (tzv. preporučnica) bila je nužan preduvjet za prihvata putujućih svećenika i

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54 Farlati je radi usporedbe posegnuo za odgovarajućim kanonskim propisima s crkvenih sabora u Niceji (325. g.), Antiohiji (oko 328. g.) i Kalcedonu (451. g.) te ukazom pape Gelazija I. (Farlati 1753, str. 167).

55 Farlati (Farlati 1753, str. 168) je zadnju rečenicu ispravio kako slijedi: “nullus vagari sibi liberum esse putet, se sciens ex hac parte non levi ultione constringi.” Usporedi k. 91. s Crkvenog sabora u Antiohiji iz Dionizijeve zbirke (*PL* 67, col. 162B) u vezi s prelaskom svećenika na crkvenu dužnost u nekom drugom području nadležnosti: “ipse (episcopus) vero incompositi motus sui et irrationabilis audaciae subeat ultionem.”

56 *Laodiceja*, k. 144., 145. u Dionizijevoj zbirci (*PL* 67, stupac 169A). Vidi također “Concilium Turonense I a. 461”, *Concilia Galliae 314-506*, CCSL 148, str. 146; *Orléans* III. (538.), c. 18. (*MGH, Concilia* 1, str. 79).

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change the province unless in the above-mentioned order after the explanation of the motive of this intention they secure permission of those to whom they pertain. Let those who go against it not forget that they will incur deposition. To the same purpose we want those who preside over monasteries to be bound by law and, abandoning the zeal for the sacred work, not to amuse themselves in the paths of hypocrisy to the disgrace of religion.

(Praeterea canonice admonemus, ut nullus episcoporum vel sequentis ordinis quecunque persona ad comitatum proficiscendi vel mutandi provintiam habeat facultatem, nisi ordine iam superius dicto causa iuste intentionis exposita ab eis ad quos pertinent, fuerint licentiam consecuti. Contra vero venientes ordinis, officiique sui se meminerint sustinere iacturam. Eodem quoque monasterii presidentes volumus iure constringi, ne sacri operis relinquentes studium ad religionis maculam sub ypochrisidis curssibus delectentur.)

7.⁵⁴ *Also with the same care according to the statutes of the canons we warn that nobody remaining within the order of priests and deacons shall be transferred to another church if he has not been invited with appropriate promises. And a cleric of any rank must not be accepted by anyone if he has not been permitted by a just consideration. Leaving his basilica, let nobody wander considering himself free but in this respect let him be bound by the consideration of unmitigated retribution.*⁵⁵

(Illud quoque simili cura, iuxta canonum statuta, monemus ne manente ordine presbiter seu dyaconus ad aliam transferantur ecclesiam, nisi idoneis promissionibus invitati. Sed ne clericus cuiusque ordinis accipiendus ab alio, nisi sibi iusta fuerit contemplatione concessum. Relictis vero basilicis sibi conmissis nullus vagari sed [sibi] liberum [putet] se sciens ex hac parte non levi ultione constringi.)

The canons touch on several problems confronted by the early church: first, temporarily leaving a church, monastery, diocese, or province and, second, the transfer of a cleric to another church and his entrance into another’s jurisdiction.

Clergymen and monks could neither temporarily nor permanently leave their churches and monasteries without the sanction of higher authority. If somebody needed to be absent from his diocese for a certain time, he had to request a special approval and recommendation from his bishop.⁵⁶ The recommendation (a commendatory letter) was a necessary

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54 Farlati chose for comparison the corresponding canons of the Councils of Nicaea (325), Antioch (c. 328), Chalcedon (451) and Pope Gelasius I’s decree (Farlati 1753, p. 167).

55 Farlati corrected the last sentence (Farlati 1753, p. 168): “nullus vagari sibi liberum esse putet, se sciens ex hac parte non levi ultione constringi”. Compare c. 91 of the council of Antioch in the collection of Dionysius Exiguus (*PL* 67, col. 162B) concerning the ordination of a cleric in another’s jurisdiction: “ipse (episcopus) vero incompositi motus sui et irrationabilis audaciae subeat ultionem”.

56 *Laodicea*, c. 144, 145 in the collection of Dionysius Exiguus (*PL* 67, col. 169A). See also “Concilium Turonense I a. 461”, *Concilia Galliae 314-506*, CCSL 148, p. 146; *Orléans* III (538), c. 18 (*MGH, Concilia* 1, p. 79).

hodočasnika u drugim biskupijama i provincijama.⁵⁷ Ako bi koji svećenik krenuo na put bez dopuštenja svojega biskupa i ogluši se o poziv da se vrati, morao je biti uklonjen iz svoje svećeničke službe.⁵⁸

Biskupu nije bio dopušten odlazak u neku drugu provinciju (tj. promjena njegove provincije) ne samo bez odobrenja biskupâ iz njegove vlastite provincije, to jest, njegovog provincijalnog sabora i metropolita, koje je morao uvjeriti u mogućnost i nužnost svoje odsutnosti iz biskupije (tj. trebao im je obrazložiti “povod za tu nakanu” i “priskrbiti dopuštenje”), nego i bez poziva metropolita i biskupa provincije u koju se zaputio.⁵⁹ Iz svoje biskupije nije smio biti odsutan više od tri tjedna.⁶⁰ Pod prijetnjom uklanjanja iz službe, bio bi upozoren da ne zadire u nadležnost drugih biskupa i da se ne usudi zaredivati svećenike, posvećivati crkve, odrješivati pokajnike itd. na tuđem području nadležnosti bez opravdanih razloga i propisnog dopuštenja.⁶¹

Možda se završni dio 6. kanona Salonitanskog sabora odnosi na opate koji su svoje samostane napustili pod izlikom obavljanja nekog posla. Formulacija iz *Akata*, prema kojoj se opatima zabranjuje da “uživaju u nedostojnim putovima” (*sub ypochrisidis curssibus*), vrlo je neodređena i može se odnositi na bilo koji primjer njihova ulaska u svjetovne poslove koji bi ih naveli da napuste svoja utočišta. Prema crkvenom pravu i pod prijetnjom izopćenja, redovnici, uključujući opate, nisu smjeli napuštati svoje samostane i baviti se svjetovnim stvarima, osim ako im to nije odobrio njihov biskup.⁶²

Što se tiče svećeničkih posjeta sudu (*proficisci ad comitatum*), biskupima je dolazak na sud bez carskog poziva ili pisane preporuke (*litterae formatae*) njihovih metropolita bio zabranjen

requirement for receiving itinerant ecclesiastics and pilgrims in the other dioceses and provinces.⁵⁷ If any cleric started his journey without his bishop’s consent and did not comply when summoned to return, he had to be removed from his ministry.⁵⁸

A bishop was not allowed to move to another province (to change his province) not only without approval of the bishops of his own province, that is, his provincial council and metropolitan who had to be convinced of the possibility and necessity of his absence in the diocese (i.e. the bishop should explain “the motive of this intention” and “secure permission”) but also without the invitation of the metropolitan and bishops of the province to which he intended to move.⁵⁹ He could not be absent from his diocese more than three weeks.⁶⁰ Under the threat of deposition, he was warned not to impinge upon the jurisdiction of other bishops and to deign ordain the clergy, consecrate churches, reconcile penitents, etc. under another’s jurisdiction without justifiable reasons and proper permission.⁶¹

Perhaps the closing part of canon 6 of the council in Salona deals with the abbots who left their monasteries under the pretext of conducting business. The phrase of the Acts that the abbots should not “amuse themselves in the paths of hypocrisy” (*sub ypochrisidis curssibus*) is very vague and can refer to any case of their involvement into secular affairs which would induce them to leave their retreats. According to ecclesiastical law, under the threat of excommunication, monks, including abbots, could not leave their monasteries and occupy themselves in worldly engagements except when approved by their bishop.⁶²

As far as clerical visits to the court (*proficisci ad comitatum*) are concerned, under the threat of deposition (in full agreement with the Salonitan canon), bishops were prohibited from coming to the imperial court without the emperor’s invitation or

- 57 In the collection of Dionysius Exiguus: *Apostolic Canons*, c. 34 (*PL* 67, col. 145B); *Antioch* (c. 328), c. 85 (*PL* 67, col. 161A). *Épaone* (517.), k. 6 (*MGH, Concilia* 1, p. 20); *Orléans III* (538.), c. 18 (*MGH, Concilia* 1, p. 79). Letter of Pope Hilarus to the bishops of Southern Gaul (*PL* 58, col. 26; *Epistolae Romanorum pontificum*, ep. 8, p. 146).
- 58 *Apostolic Canons*, c. 15 in the collection of Dionysius Exiguus (*PL* 67, col. 143B); *Arles I* (314), c. 2 and 21 (*Concilia Galliae 314-506, CCSL* 148, pp. 4-22).
- 59 *Antioch* (c. 328), c. 91 in the collection of Dionysius Exiguus (*PL* 67, cols. 162B).
- 60 *Serdica* (343), c. 15 in the collection of Dionysius Exiguus (*PL* 67, cols. 180D-181A).
- 61 In the collection of Dionysius Exiguus: *Apostolic Canons*, c. 14 (*PL* 67, cols. 143A-B); *Antioch* (c. 328), c. 91 and 100 (*PL* 67, cols. 162B, 163D-164A); *Serdika* (343), c. 19 (*PL* 67, 182B); Constantinople (381), c. 164 (*PL* 67, cols. 171A-172A). *Tours I* (461), c. 9 (*Concilia Galliae 314-506, CCSL* 148, p. 146). *Orléans III* (538), c. 16 (*MGH, Concilia* 1, p. 78). Pope Innocent’s letter to Bishop Victricius of Rouen (*PL* 20, col. 475), Pope Coelestinus’ letter to the bishops of Southern Gaul in the *Codex canonum ecclesiasticorum* (*PL* 56, col. 579).
- 62 Chalcedon (451), c. 3 and 4 in the collection of Dionysius Exiguus (*PL* 67, cols. 171C-172C). *Tarragona* (516), c. 11 (*Concilios visigóticos* p. 37). “Concilium Arelatense a. 554”, *Concilia Galliae 511-695, CCSL* 148A, p. 171: “Vt abbatibus longius a monasterio uagari sine episcopi sui permissione non liceat.”

Vadim Prozorov

Salonitanski crkveni sabori iz šestog stoljeća

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letters of recommendation (*litterae formatae*) provided by their metropolitans.⁶³

The bishops were strongly recommended to approach the court for intercession for offended, downtrodden and poor people, widows and orphans, convicted persons, etc., and it was preferable if the bishop dispatched a deacon who represented him before the court.⁶⁴ The fathers of the councils worried about those ambitious petitioners who sought their own interests at the court, devalued episcopal dignity and opened the way for secular intervention in the church’s affairs. Clerics and monks could not visit the court and imperial residence without their bishop’s consent and letters of recommendation given by their provincial councils and metropolitans or even by the pope if the petitioner had been permitted to visit Rome before his departure to the imperial court.⁶⁵

It is hardly possible to establish what court is meant in the acts of the council of Salona, at that time incorporated into the Ostrogothic kingdom. A letter attributed to Pope Gelasius (492-496) provides an example of application of the term *comitatus* to the court of the Ostrogothic kings in Ravenna.⁶⁶ However, the Byzantine authorities continued to consider Dalmatia an imperial territory. Perhaps the prohibition of the Salonitan canon could have been extended to any attempt of clerics to approach secular dignitaries (even the governor of Dalmatia in Salona) without proper sanction.

As for the transfer of clergymen, the council of Nicaea ordained that “neither bishop, nor presbyter nor deacon should be transferred from city to city”, that is, they were prohibited from changing parishes.⁶⁷ The bishop was not to be translated to another see, “either intruding himself of his own suggestion, or under compulsion by the people, or by constraint of the bishops.”⁶⁸ Transfer was restricted though not entirely impossible. There should be a “necessity” for transferring the cleric who needed a letter of recommendation

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je trebala pisana preporuka njegovog biskupa i dopuštenje za obavljanje službe u novoj crkvi, kao i suglasnost biskupa u čiju se biskupiju svećenik selio.⁶⁹ Ako ti uvjeti nisu bili ispunjeni, svećeniku koji je promijenio svoju župu i biskupu koji ga je prihvatio, morala se uskratiti sveta pričest sve dok svećenik ne bi bio vraćen na službu u crkvi u kojoj se i zareadio.⁷⁰ Kanonskim se propisima katkad tražilo da takvi migrantski svećenici budu uklonjeni iz službe.⁷¹ Na takve se slučajeve gledalo kao na raskidanje bračnih odnosa, mistične zajednice između svećenika i crkve u kojoj je posvećen.⁷² To je pravilo potvrđeno raznim koncilskim odlukama te je, uz određene manje preinake, u biti ostalo netaknuto.⁷³ Crkveni sabor u Serdici tu je zabranu utemeljio na načelu prema kojemu svećenik ne bi smio iskati nikakvu korist od napuštanja svoje možda manje i siromašnije (“neuglednije”) crkve i odlaska u veću i bogatiju (“otmjeniju”) crkvu.⁷⁴ Evo kako se u 2. kanonu s tog crkvenog sabora promjena biskupije povezuje sa simonijom:

*Bude li tko tako mahnit ili nerazborit pa da kao izliku ustvrdi kako je od ljudi zaprimao pisma, jasno je da je nekolicinu mogao iskvariti nagradama i mitom, eda bi ga oni što ne imaše iskrene vjere proglasili biskupom, naizgled u ime Crkve.*⁷⁵

- 69 Loening 1878, str. 142, bilj. 1, 2: *litterae commendaticiae, litterae formatae, apostolia, epistolia* ili, možda, isprava označena nekim drugim izrazom. Hinschius 1870., str. 93. U Dionizijevoj zbirci : Calcedon (451.), k. 13. (PL 67, stupac 174B); Kartaga (419.), k. 54. (PL 67, stupac 198A–C). Ukazom 39. pape Lava Velikog, sadržanim u Dionizijevoj zbirci papinskih ukaza (PL 67, stupac 290), naređuje se da se svećenik iz druge provincije ne smije primiti ako nije postignut sporazum (*placitum charitatis*) između njegovog dosadašnjeg i njegovog budućeg biskupa. *Statuta ecclesiae antiqua*, oko. 475., k. 27. (*Concilia Galliae 314 - 506, CCSL* 148, str. 168). “Concilia Africana sec. trad. coll. Hispanae”, *Concilia Africae 345-525, CCSL* 149, Charles Munier (ur), str. 346. *Épaone* (517.), k. 5. i 6. (MGH, *Concilia* 1, str. 20); *Arles IV.* (524.), k. 4. (MGH, *Concilia* 1, str. 37); *Toledo II.* (527.), k. 2. (*Concilios visigóticos*, str. 43). *Clermont* (535), k. 11. (MGH, *Concilia* 1, str. 68). *Orléans III.* (538.) k. 17. i 18. (MGH, *Concilia* 1, str. 78-79): biskupi su iste preporuke trebali prihvaćati i izvan svojih vlastitih biskupija.
- 70 U Dionizijevoj zbirci : *Niceja* (325.), k. 16. (PL 67, stupci 150D-151A); *Kalcedon* (451.) k. 20. (PL 67, stupac. 175C).“Concilium Turonense I a. 461”, *Concilia Galliae 314-506, CCSL* 148, str. 146.
- 71 U Dionizijevoj zbirci : *Apostolski kanoni*, k. 15 (PL 67, stupac 143B–C); *Antiohija* (oko 328.), k. 81. (PL 67, stupac 160B); *Kalcedon* (451.), k. 10. (PL 67, stupci 173C–D).“Concilium Arelatense a. 314”, *Concilia Galliae 314-506, CCSL* 148, str. 13.
- 72 Hess 2002, str. 162, 163.
- 73 U Dionizijevoj zbirci : *Kalcedon* (451.), k. 5k (PL 67, stupac 172D); *Kartaga* (419.), k. 71k (PL 67, stupac. 205B).
- 74 Serdika (343.), k. 1. i 2. u Dionizijevoj zbirci (PL 67, stupci 176D-177B) nalagali su da biskup koji je napustio svoju zajednicu i otišao u neku drugu, treba biti izopćen iz Crkve; Hess 1958, str. 72, 73. Papa Lav Veliki propisao je da biskup kojemu je neka “veća biskupija” milija od njegove crkve, treba biti uklonjen iz službe (PL 67, stupac. 290., ukaz 38. u Dionizijevoj zbirci papinskih ukaza). *Statuta ecclesiae antiqua*, oko. 475., k. 27. (*Concilia Galliae 314 - 506, CCSL* 148, str. 168). “Concilia Africana sec. trad. coll. Hispanae”, *Concilia Africae 345-525, CCSL* 149, str. 346.
- 75 Hess 2002, p. 213.

from his bishop and permission for ministering in the new church, as well as the consent of the bishop of the diocese to which the cleric moved.⁶⁹ If these conditions were not fulfilled, the cleric who had changed parishes and the bishop who had accepted him had to be denied communion until the former was reinstated in the church for which he had been ordained.⁷⁰ Occasionally the canons required the deposition of such itinerant ecclesiastics.⁷¹ The situation was regarded as a breakdown of matrimonial relations, a mystical union between the clergyman and the church in which he had been consecrated.⁷² This rule was confirmed by various conciliar decisions with some minor modifications but its essence remained intact.⁷³ The council of Serdica based this prohibition on the principle that a cleric should not seek any profit from leaving his, perhaps, smaller and poorer (“ignoble”) church for another larger and richer (“noble”) one.⁷⁴ Canon 2 of this council associated changing of a see by a bishop with simony. It reads:

*If there be such a mad and heedless one who perhaps gives an excuse such as declaring that he had received letters from the people, it is clear that he has been able to corrupt a few by rewards and payment and [that] those who did not have sincere faith would proclaim in the church seeming to ask for him to be bishop.*⁷⁵

- 69 Loening 1878, p. 142, notes 1, 2: *litterae commendaticiae, litterae formatae, apostolia, epistolia* or, perhaps, a document designated by another term. Hinschius 1870, p. 93. In the collection of Dionysius Exiguus: Chalcedon (451), c. 13 (PL 67, col. 174B); Carthage (419), c. 54 (PL 67, col. 198A–C). Decree 39 of Pope Leo the Great in the collection of the papal decrees of Dionysius Exiguus (PL 67, col. 290) commanding that a cleric from another province should not be received if there was no agreement (*placitum charitatis*) between his previous and future bishops. *Statuta ecclesiae antiqua* c. a. 475, c. 27 (*Concilia Galliae 314 - 506, CCSL* 148, p. 168).“Concilia Africana sec. trad. coll. Hispanae”, *Concilia Africae 345-525, CCSL* 149, ed. Charles Munier, p. 346. *Épaone* (517), c. 5 and 6 (MGH, *Concilia* 1, p. 20); *Arles IV* (524), c. 4 (MGH, *Concilia* 1, p. 37); *Toledo II* (527), c. 2 (*Concilios visigóticos*, p. 43). *Clermont* (535), c. 11 (MGH, *Concilia* 1, p. 68). *Orléans III* (538) c. 17 and 18 (MGH, *Concilia* 1, pp. 78-79): the same recommendations should be accepted by the bishops outside their own dioceses.
- 70 In the collection of Dionysius Exiguus: *Nicaea* (325), c. 16 (PL 67, cols. 150D-151A); *Chalcedon* (451) c. 20 (PL 67, col. 175C).“Concilium Turonense I a. 461”, *Concilia Galliae 314-506, CCSL* 148, p. 146.
- 71 In the collection of Dionysius Exiguus: *Apostolic Canons*, c. 15 (PL 67, col. 143B–C); *Antioch* (c. 328), c. 81 (PL 67, col. 160B); *Chalcedon* (451), c. 10 (PL 67, cols. 173C–D).“Concilium Arelatense a. 314”, *Concilia Galliae 314-506, CCSL* 148, p. 13.
- 72 Hess 2002, pp. 162-163.
- 73 In the collection of Dionysius Exiguus: *Chalcedon* (451), c. 5 (PL 67, col. 172D); *Carthage* (419), c. 71 (PL 67, col. 205B).
- 74 *Serdica* (343), c. 1and 2 in the collection of Dionysius Exiguus (PL 67, cols. 176D-177B) required that the bishop who left his community for another one should be excommunicated; Hess 1958, pp. 72-73. Pope Leo the Great prescribed that the bishop who had preferred a “major see” to his church should be deposed (PL 67, col. 290, decree 38 in the collection of papal decrees by Dionysius Exiguus). *Statuta ecclesiae antiqua* c. a. 475, c. 27 (*Concilia Galliae 314 - 506, CCSL* 148, p. 168). “Concilia Africana sec. trad. coll. Hispanae”, *Concilia Africae 345-525, CCSL* 149, p. 346.
- 75 Hess 2002, p. 213.

No ako je premještaj bio zakonit, svećeniku se u njegovoj novoj crkvi trebala osigurati odgovarajuća plaća.⁷⁶ Ondje bi bio postavljen na određeni položaj, što bi mu davalo pravo na udio u crkvenim приходima. Od kasne antike na Zapadu se podjela crkvenog prihoda obavljala prema dvama obrascima: na četiri dijela ili na tri dijela. Prema prvom obrascu, jedan bi se dio dodijelio biskupu i njegovom kućanstvu, jedan svećenstvu, jedan u dobrotvorne svrhe radi uzdržavanja siromašnih, a jedan za popravke i ukrašavanje crkve.⁷⁷ Kod podjele na tri dijela nije se izdvajao dio u dobrotvorne svrhe. Bilo kakvo zaređenje ili premještaj svećenika iz jedne crkve u drugu, morao je imati uporište u odgovarajućim sredstvima dostatnim za uzdržavanje crkve i njezinih svećenika. Stoga je papa Celestin svećenicima koje brinu njihove vlastite plaće, preporučio da ostanu u istoj crkvi i ne polažu pravo na plaću drugoga.⁷⁸

Sljedeća se dva kanona bave posljedicom zaređenja prevelikog broja svećenika u jednoj te istoj crkvi, tj. neslogom među svećenicima (možda zbog raspodjele prihoda i službi).⁸⁷⁹ *Također vjerujemo da ne smijemo zaređivati prezbitere i đakone koji se živo nastoje isticati pred ljudima po različitim župnim crkvama više nego je potrebno,*⁸⁰ *zbog čega se više ne natječu u dobrim djelima, nego žele*⁸¹ *udovoljiti svojoj sklonosti svadi. (Credimus etiam subiungendum, ne, volentes prestare [obsequium] personis per diversas parochiales ecclesias, presbiteros ultra quam necesse est aut dyaconos ordinemus, per quam rem non emulatio boni operis sed dissentionum volunt studia procurari (promoueri).*

9. *Neka se očuvaju obvezna primanja svećenika [sa svim sredstvima za život,]⁸² prema kojima želimo biti razumno strogi, a ne želimo biti sramno popustljivi, da ih zbog nereda na učinimo slabima.*

- 76 *Agde* (506.), k. 36. (*Concilia Galliae 314-506, CCSL* 148, str. 208):“Clerici etiam omnes, qui ecclesiae fideliter uigilanter que deseruiunt, stipendia sanctis laboribus debita secundum seruitii sui meritum uel ordinationem canonum a sacerdotibus consequantur.”
- 77 Pismo pape Gelazija I. iz g. 494. biskupima Lukanije, Brutije i Sicilije, sadržano u Dionizijevoj zbirci (PL 67, stupac. 310, ukaz 27.; *Epistolae Romanorum pontificum*, ep. 14, str. 378), njegovo pismo Justinu i branitelju Faustinu (Mansi 8, stupci 135-136; *Epistolae Romanorum pontificum*, fragmentum 24, str. 498).
- 78 Pismo pape Celestina biskupima južne Galije u *Codex canonum ecclesiasticorum* (PL 56, stupac. 579-580).
- 79 Farlati upućuje na 6. kanon Crkvenog sabora u Serdici (Farlati 1753, str. 168).
- 80 Farlati je ovaj ulomak objasnio na sljedeći način:“Nimirum aliqui conabantur obrepere ad Sacerdotium commendatione hominum potentium, et gratiosorum, quibus obsequi, et gratificari cum vellent Episcopi, plures, quam opus esset, ad Presbyteratum, vel Diaconatum provehebant.” Uz to, predložio je da se iza “praestare,”doda “obsequium”, to jest: “. . . ne uolentis prestare *obsequium* personis per diversas parochiales ecclesias, presbiteros ultra quam necesse est aut dyaconos ordinemus” (Farlati 1753, str. 168). Po mojem mišljenju, ovaj kanon ne iziskuje nikakvu dopunu.
- 81 Farlati je smatrao kako je prepisivač riječ “solent” zamijenio riječju “volunt” (Farlati 1753, str. 168).
- 82 U tekstu postoji praznina, i Farlatijev prijedlog da je popuni izrazom “sustentationi vel alimentis” zvuči razborito (Farlati 1753, str. 168).

However if the transfer was legal, the cleric would be provided with an adequate stipend in his new church.⁷⁶ He was appointed to a certain position in the church which gave him a right to his portion of ecclesiastical revenue. In the West since Late Antiquity, the division of church income was practiced in two forms: fourfold and threefold. The former pattern assigned a part of the revenues to the bishop and his household, a part to the clergy, a part to charity to sustain the poor, and a part for the repair and furnishing of the church.⁷⁷ The threefold division did not separate a portion for charity. Any ordination or transfer of the cleric from one church to another had to be backed by adequate resources sufficient for the maintenance of the church and its ecclesiastics. Therefore Pope Coelestinus recommended those clergymen who would be concerned for their own salaries to remain in the same church and not to claim another’s stipend.⁷⁸

The next two canons deal with the consequence of the ordination of too many clerics in some churches, i.e. discord among the clergy (perhaps over the distribution of revenues and offices).⁸⁷⁹ *Moreover we also believe that we shall not ordain more presbyters and deacons, who want to be superior to all other persons in various parochial churches, than needed.*⁸⁰ *Because thus they do not strive to emulate the good works of each other, but want*⁸¹ *to satisfy their inclination for dissension. (Credimus etiam subiungendum, ne, volentes prestare [obsequium] personis per diversas parochiales ecclesias, presbiteros ultra quam necesse est aut dyaconos ordinemus, per quam rem non emulatio boni operis sed dissentionum volunt studia procurari (promoueri).)*

9. *Let the ecclesiastical stipend intended [for the maintenance]⁸² of the clergy be preserved for everyone. We do not wish to be benevolent to those who were disgracefully diminished by confusion but to be reasonably strict to them.*

- 76 *Agde* (506), c. 36 (*Concilia Galliae 314-506, CCSL* 148, p. 208):“Clerici etiam omnes, qui ecclesiae fideliter uigilanter que deseruiunt, stipendia sanctis laboribus debita secundum seruitii sui meritum uel ordinationem canonum a sacerdotibus consequantur”.
- 77 Pope Gelasius I’s letter in 494 to the bishops of Lucania, Bruttia and Sicily in the collection of Dionysius Exiguus (PL 67, col. 310, decree 27; *Epistolae Romanorum pontificum*, ep. 14, p. 378), his letter to Archdeacon Justinus and Defensor Faustinus (Mansi 8, cols. 135-136; *Epistolae Romanorum pontificum*, fragmentum 24, p. 498).
- 78 Pope Coelestinus’ letter to the bishops of Southern Gaul in the *Codex canonum ecclesiasticorum* (PL 56, col. 579-580).
- 79 Farlati referred to canon 6 of the council of Serdica (Farlati 1753, p. 168).
- 80 Farlati explained this passage as follows:“Nimirum aliqui conabantur obrepere ad Sacerdotium commendatione hominum potentium, et gratiosorum, quibus obsequi, et gratificari cum vellent Episcopi, plures, quam opus esset, ad Presbyteratum, vel Diaconatum provehebant,” and proposed adding “obsequium” after “praestare”, that is: “. . . ne uolentis prestare *obsequium* personis per diversas parochiales ecclesias, presbiteros ultra quam necesse est aut dyaconos ordinemus” (Farlati 1753, p. 168). To my mind this canon does not require any addition.
- 81 Farlati thought that a copyist had replaced “solent” with “volunt” (Farlati 1753, p. 168).
- 82 There is a gap in the text and Farlati’s suggestion to fill it with “sustentationi vel alimentis” appears reasonable (Farlati 1753, p. 168).

(Stipendia ecclesiastica debita clericorum [alimentis] omnibus conserventur, ne quibus esse volumus cum ratione districti efficiamur tenuatis confusione ignominiose remissi.)

Ovi se kanoni po svoj prilici odnose na slučajeve kada bi premještajem svećenika iz jedne crkve u drugu, veću i otmjeniju, nastao prekomjeran broj osoba koje su plaću morale dobivati iz prihoda crkve, pa je ona, da bi pokrila te troškove, morala zapasti u dug i založiti svoju imovinu. U predgovoru jednoj od svojih novela tu je nezgodnu situaciju opisao i car Justinijan.⁸³ On i raniji zakonodavci propisali su da broj svećenika u određenoj crkvi mora biti primjeren njezinim dobrima te se ne bi smio povećavati bez potrebe i dostatnih sredstava za uzdržavanje.⁸⁴ Kako se čini, dalmatinski su biskupi, unatoč tome što je broj svećenika već nadilazio potrebe, odlučili sačuvati plaću za sve svećenike koji su se zaredili pred crkvenim saborom, ali su se obvezali uzdržati se od zaredivanja većeg broja svećenika od onog koji će biti potreban u budućnosti. Justinijan je donio sličnu odredbu i naredio da se, bez smanjivanja broja svećenika, sa zaređenjima prestane sve dok broj svećenika ne bude razmjeran приходima crkava. I on je spomenuo pomutnju koja nastaje zbog prekomjernog broja svećenika i njihovog nedostatnog financiranja.⁸⁵

10. Opominjemo također da svećenicima, kad očekuju poziv na svoju raspravu, nije dopušteno miješati se u tuđe poslove. Neka se u tuđim poslovima ne stavljaју u zaštitu bilo koje strane. Ali ako slušaju...⁸⁶ tuđe prijepore i ako bi ih se pitalo, neka ne propuste iznijeti istinu.

(Amonentes etiam ne negotiis alienis eis se liceat implicare, quatenus ad audientiam suam evocandi habeant presumptionem, neque alienis iudiciis partem deffendentes occurant. Sed tantum modo audientes [...] litigia, veritatem requisiti proferre non negligant.)

Desetim se kanonom po svoj prilici utvrđuju granice biskupske sudbene nadležnosti, premda formulacija “nije dopušteno miješati se u tuđe poslove” (*negotiis alienis se implicare*), u kojoj odjekuju riječi sv. Pavla Apostola, ima šire značenje, to jest upletanje u bilo kakve svjetovne djelatnosti u nečiju osobnu korist.⁸⁷ Kako je propisano crkvenim zakonodavstvom, biskupska sudbena nadležnost obuhvaćala je stegovne, građanske i kaznene predmete u koje su bili uključeni pripadnici svećenstva.⁸⁸ Civilne

(Stipendia ecclesiastica debita clericorum [alimentis] omnibus conserventur, ne quibus esse volumus cum ratione districti efficiamur tenuatis confusione ignominiose remissi.)

Presumably they refer to the situation when the transfer of clerics from one church to another, major and noble, created this excess of persons who had to be paid out of the church’s income and the church had to incur debt to meet these expenses and to pledge its property. Emperor Justinian described such an awkward situation in the preface to one of his novels.⁸³ He and earlier legislators decreed that the number of clerics in a particular church should be adequate to its resources and would not increase without necessity and sufficient maintenance.⁸⁴ As it would appear that the Dalmatian bishops, despite the fact that the number of the clergy had exceeded the demand, had opted to reserve the stipend for all the clerics who had been ordained before the council and bound themselves to refrain from the ordination of more clergymen than needed in the future. Justinian made a similar provision and ordered, without diminishing the number of the clergy, to cease ordinations until the number of ecclesiastics would be proportionate to the income of churches. He also mentioned the confusion resulting from the excess of clergy and their insufficient funding.⁸⁵

10. And now we reprove that they are not allowed to involve themselves in another’s affairs since they have the arrogance to summon to their hearings, and let them not happen to be advocates of a party before another’s courts. But only in hearing...⁸⁶ litigations let them search for the truth and not neglect to reveal it.

(Amonentes etiam ne negotiis alienis eis se liceat implicare, quatenus ad audientiam suam evocandi habeant presumptionem, neque alienis iudiciis partem deffendentes occurant. Sed tantum modo audientes [...] litigia, veritatem requisiti proferre non negligant.)

Canon 10 presumably determined the limits of episcopal court jurisdiction, although the phrase “they are not allowed to be involved in another’s affairs” (*negotiis alienis se implicare*), echoing the words of St. Paul the Apostle, has broader application, that is, the involvement in any secular activities in someone’s personal interests.⁸⁷ As enjoined by ecclesiastical legislation, episcopal judicial authority covered disciplinary, civic and criminal cases involving the clergy.⁸⁸ Civil authorities often did not recognize the

^[1] Nov. 3. se odnosila na crkve u Konstantinopolu

^[2] Cod. Just. 1. 3. 11; Nov. 3; Sokolov 1896, str. 264, 265, 277.

^[3] Nov. 3, gl. 2.

^[4] Farlati je prazninu popunio riječju “taciti” (Farlati 1753, str. 169).

^[5] 2 Ad Timotheum 2. 3-4.:“Collabora sicut bonus miles Christi Iesu. Nemo militans implicat se saeculi negotiis, ut ei placeat, qui eum elegit.”U Dionizijevoj zbirci : Apostolski kanoni, k. 7. (PL 67, stupac.142B-C); Chalcedon (451.), k. 3. (PL 67, stupac 171D); k. 16. sa Sabora u Kartagi iz 419. poziva se na Drugu poslanicu Pavla Apostola Timoteju (PL 67, stupac. 189B-C). Loening 1878, str. 171-174.

^[6] U Dionizijevoj zbirci : Kalcedon (451.), k. 9. (PL 67, stupac. 173B-C); Kartaga (419.), k. 15. (PL 67, stupac 189A-B). Pismo pape Gelazija I. (Mansi 8, stupci 137-138); Épaone (517.), k. 11. (MGH, Concilia 1, p. 22); Orléans III. (538.), k. 35. (32.) (MGH, Concilia 1, p. 83).

^[7] Nov. 3 concerned with churches in Constantinople.

^[8] Cod. Just. 1. 3. 11; Nov. 3; Sokolov 1896, pp. 264-265, 277.

^[9] Nov. 3, ch. 2.

^[10] Farlati filled the gap with “taciti” (Farlati 1753, p. 169).

^[11] 2 Ad Timotheum 2. 3-4.:“Collabora sicut bonus miles Christi Iesu. Nemo militans implicat se saeculi negotiis, ut ei placeat, qui eum elegit.”In the collection of Dionysius Exiguus: Apostolic Canons, c. 7 (PL 67, col. 142B-C); Chalcedon (451), c. 3 (PL 67, col. 171D); c. 16 of the council of Carthage in 419 refers to this second letter of Paul the Apostle to Timothy (PL 67, col. 189B-C). Loening 1878, pp. 171-174.

^[12] In the collection of Dionysius Exiguus: Chalcedon (451), c. 9 (PL 67, col. 173B-C); Carthage (419), c. 15 (PL 67, col. 189A-B). Pope Gelasius I’s letter (Mansi 8, cols. 137-138); Épaone (517), c. 11 (MGH, Concilia 1, p. 22); Orléans III (538), c. 35 (32) (MGH, Concilia 1, p. 83).

vlasti često nisu priznavale ovlasti biskupskih sudova u kaznenim stvarima. Biskup je katkad mogao nastupiti kao arbitar u sporovima između laika koji su tražili arbitražu.⁸⁹

Ovim su kanonskim propisom biskupi možda upozoreni kako ne smiju odlučivati u stvarima koje su izvan njihove nadležnosti, već ulaze u djelokrug bilo civilnog suda bilo nekog drugog biskupa.⁹⁰ Nešto kasnije, na Drugom salonitanskom saboru, iz godine 533., proglašena je zabrana upletanja u poslove drugih biskupija i zadiranja u tuđe povlastice, među kojima je jedna od najvažnijih bila i sudbena ovlast biskupa.⁹¹

Što se tiče pojavljivanja svećenika u svojstvu odvjetnika na nekom drugom sudu, kanonski je propis možda upućivao na zabranu svećeničkog svjedočenja na svjetovnim sudovima.⁹² K tome, možda je ciljao i na zabranu pozivanja biskupa u neku drugu provinciju kao arbitra u sporovima među biskupima te provincije.⁹³ Na kraju kanona časni oci sabora su, prema mojem mišljenju, propisali kako biskup može suditi jedino u sporovima koji ulaze u njegove ovlasti. Drugim riječima, praznina u tekstu mogla bi se rekonstruirati kao *sua litigia* (“svoje prijepore”) za razliku od *aliena litigia* (“tuđe prijepore”).

11. Svećenik, pak, bilo kojeg stupnja, ako bi primio kanonsku dobit protiv propisa, treba ju s pravom odbiti. U protivnom ne bi mogao imati nikakva prava povrata posuđena novca.

(Usuram namque contra precepta canonum accipientem cuiuslibet ordinis in clero merito abdicandum, ut nullam vel ipsius mutuatae pecunie repetendi possit habere licentiam.)

Sveto pismo,⁹⁴ časni crkveni oci⁹⁵ i crkveno pravo⁹⁶ osuđivali su i zabranjivali lihvarenje, to jest posuđivanje novca uz kamatu. Kanonima je bilo propisano da svećenici, ako bi posudili novac ili kakvu drugu stvar, imaju pravo na povrat istog novčanog iznosa ili iste stvari.⁹⁷ Svećenici koji bi bili proglašeni krivima za lihvarenje, trebali su biti uklonjeni iz službe. Uz tu ustaljenu zabranu lihvarenja kanonskim je propisom sa Salonitanskog sabora bilo

	
	

^[13] Cod. Just. 1. 4. 8. Prema rimskom pravu laicima je bilo dopušteno pokretanje parnica pred biskupskim sudom, uz zajedničku suglasnost. U tom slučaju, ulogu arbitra preuzeo bi biskup. Vismara 1937; Vismara 1995, str. 225-251; James 1983, str. 25-46.

^[14] Pismo pape Inocenta biskupu Viktriciju iz Rouena (PL 20, stupci. 472-473).

^[15] Vidi akte sa Salonitanskog sabora iz 533. Klaić N. 1967, str. 84.

^[16] Kartaga (419.), k. 59. u Dionizijevoj zbirci (PL 67, stupac 201D); Cod. Just. 1. 3. 7.

^[17] Hess 1958, str. 82.

^[18] Izl. 22, 25; Lev. 25, 35-37; Pnz. 23, 20-21; Ps. 14, 5, Izr. 28, 8; Ez. 18, 10-13; 22, 7-12; Lk. 6, 34-35.

^[19] Moser 1997.

^[20] U Dionizijevoj zbirci : Apostolski kanoni, k. 44 (PL 67, stupac 146D); Niceja (325.), k. 17 (PL 67, stupac 151A); Laodiceja, k. 108. (PL 67, stupac 165C); Kartaga (419.), k. 5. (PL 67, stupac 187A-B); 3. i 4. ukaz pape Lava I. (PL 67, stupac 279). Arles II. (između 442. i 502.), k. 14 (Concilia Galliae 314-506, CCSL 148, str. 114-30). Tours (461.), k. 13. (Concilia Galliae 314-506, CCSL 148, p. 147). Tarragona (516.), k. 3. (Concilios visigóticos, p. 35). Orléans III. (538), k. 30. (27.) (MGH, Concilia 1, str. 82). Gl. 15. ukaza pape Gelazija I. (Mansi 8, stupac 139).

^[21] Kartaga (419.), k. 16. u zbirci Dionizija Exiguusa (PL 67, stupac 189C).

	
	

jurisdiction of ecclesiastical courts in criminal cases. Sometimes the bishop could act as an arbitrator in disputes between laymen who requested arbitration.⁸⁹

The canon, perhaps, warned bishops against judging cases which were not under their jurisdiction and belonged to the authority of either the civil courts or another bishop.⁹⁰ Later, in 533, the second council of Salona promulgated the ban on intrusion into another’s diocese and infringement of another’s privileges, among which the judicial authority of the bishop was one of the most important.⁹¹

As for the appearance of a cleric in another’s court as an advocate, the canon could refer to the prohibition of clerics from testifying in secular courts.⁹² Besides, it may have also alluded to a ban on inviting a bishop in another’s province as an arbitrator in disputes of the bishops of that province.⁹³ At the end of the canon, the fathers of the council, to my mind, demanded that the bishop judge only in litigation which fell under his jurisdiction, that is, the lacuna in the text can be restored as *sua litigia* (his litigations) in the counterbalance to *aliena litigia* (another’s litigations).

11. Since certainly a cleric of any grade, who against the precepts of the canons, received usury must be deservedly deposed, let him have no right to recover money lent.

(Usuram namque contra precepta canonum accipientem cuiuslibet ordinis in clero merito abdicandum, ut nullam vel ipsius mutuatae pecunie repetendi possit habere licentiam.)

Usury, that is, money lending with interest, was condemned and prohibited by Holy Scripture,⁹⁴ the fathers of the church⁹⁵ and ecclesiastical law.⁹⁶ The canons ruled that if ecclesiastics lent money or anything else they ought to be paid back the same amount of money or to receive the same thing.⁹⁷ Clerics found guilty of usury had to be deposed. The canon of the council of Salona added to the usual prohibition of usury that such a cleric

	
	

^[22] Cod. Just. 1. 4. 8. Roman law permitted lay people to bring their suits before the episcopal court by common consent. In this case the bishop was an arbitrator. Vismara 1937. Vismara 1995, pp. 225-251. James 1983, pp. 25-46.

^[23] Pope Innocent’s letter to Bishop Victricius of Rouen (PL 20, cols. 472-473).

^[24] See the acts of the council of Salona in 533. Klaić N. 1967, p. 84.

^[25] Carthage (419), c. 59 in the collection of Dionysius Exiguus (PL 67, col. 201D); Cod. Just. 1. 3. 7.

^[26] Hess 1958, p. 82.

^[27] Exod. 22, 25; Lev. 25, 35-37; Deut. 23, 20-21; Ps. 14, 5, Prov. 28, 8; Ezech. 18, 10-13; 22, 7-12; Lk. 6, 34-35.

^[28] Moser 1997.

^[29] In the collection of Dionysius Exiguus: Apostolic Canons, c. 44 (PL 67, col. 146D); Nicaea (325), c. 17 (PL 67, col. 151A); Laodicea, k. 108 (PL 67, col. 165C); Carthage (419), c. 5 (PL 67, col. 187A-B); decrees 3 and 4 of Pope Leo I (PL 67, col. 279). Arles II (between 442 and 502), c. 14 (Concilia Galliae 314-506, CCSL 148, pp. 114-30). Tours (461), c. 13 (Concilia Galliae 314-506, CCSL 148, p. 147). Tarragona (516), c. 3 (Concilios visigóticos, p. 35). Orléans III (538), c. 30 (27) (MGH, Concilia 1, p. 82). Chap. 15 of Pope Gelasius I’s decree (Mansi 8, col. 139).

^[30] Carthage (419), c. 16 in the collection of Dionysius Exiguus (PL 67, col. 189C).

Bio im je zabranjen i pristup određenim zvanjima, npr. vojnom i trgovačkom. Njihov novi pokajnički status počivao je na asketskim načelima pobožnog života.¹⁰⁷ Ako je pokajnik prekršio ta pravila (vratio se *ad saecularia*, tj. prijašnjem svjetovnom načinu življenja), kažnjavao se izopćenjem.¹⁰⁸ Neka ograničenja nisu bila obvezna, ali mnoga od njih su se morala poštivati čak i nakon iskupljenja.¹⁰⁹

Od konca četvrtoga stoljeća raširilo se mišljenje prema kojemu svećenici ne mogu činiti javnu pokoru.¹¹⁰ Kanonskim propisima s raznih crkvenih sabora zabranjeno je nametanje pokore svećenicima u slučajevima u kojima bi joj laici inače podlijejali. Namjesto toga, grješnik je trebao biti uklonjen iz službe, tj. zauvijek lišen svoje crkvene dužnosti i dostojanstva.¹¹¹ Laiku koji je odradio pokoru bio je zabranjen ulazak u svećenički

107 Vidi: De Yong 2000, str. 185-224, posebice str. 185-208; Uhalde 2008, str. 97-120.

108 *Orléans I.* (511.), k. 11. (*MGH, Concilia* 1, str. 5):“De his, qui suscepta paenitentia religionem suae professionis obliti ad saecularia relabuntur, placuit eos et a communione suspendi et ab omnium catholicorum convivio separari. Quod si post interdictum cum iis quisquam praesumserit manducare, et ipse communione privetur.”*Épaone* (517), k. 23. (*MGH, Concilia* 1, str. 24):“Si quis accepta professaque paenitentia boni inmemor ad saecularia relabatur, prursus communicare non poterit, nisi professioni, quam inleceto praetermiserat, refurmetur.”*Orléans III.* (538.), k. 28. (25.) (*MGH, Concilia* 1, str. 81).

109 U odgovoru na pitanja narbonskog biskupa Rustika, papa Lav I. (*PL* 67, stupci 289-290, ukazi 23., 24. u Dionizijevoj zbirci) preporučio je kako pokajnik ne bi trebao sklapati poslove i služiti u vojsci, tj. da bi vrlo često morao promijeniti svoj društveni položaj. Iznimno, Papa je mladima koji su prošli pokoru, dopustio sklapanje braka ne bi li izbjegli još veće zlo - "zapadanje u mladenačku razuzdanost" - te je napomenuo kako oni zapravo nemaju drugog izbora osim čuvanja kreposti svoje duše i tijela (*PL* 67, stupac 290, ukaz 25).

110 Loening 1878, str. 280. To je prvi izrekao papa Siricije u svom pismu biskupu Himeriju Taragonskom iz 385. godine (vidi ukaz 14. pape Siricija u Dionizijevoj zbirci , *PL* 67, stupac 237; *PL* 13, stupac 1145):“Illud quoque nos par fuit providere, ut sicut poenitentiam agere cuiquam non conceditur clericorum, ita et post poenitudinem et reconciliationem nulli unquam laico liceat honorem clericatus adipisci, quia quamvis sint omnium peccatorum contagione mundati, nulla tamen debent gerendorum sacramentorum instrumenta suscipere, qui dudum fuerint vasa vitiorum.”

111 U Dionizijevoj zbirci : *Apostolski kanoni*, k. 25., 42., 44. (*PL* 67, stupci 144B, 146D - npr. premda se u kanonu 25. naređuje da se biskupi koji su počinili blud, krivokletstvo i krađu imaju ukloniti iz službe, napominje se i kako takav prijestupnik, “međutim, nije izopćen, jer Sveto pismo kaže: ‘Bog ne kažnjava dva puta za isti zločin”); *Kartaga* (419.) k. 27. (*PL* 67, stupci 191D-192A). Poruka pape Lava I. Rustiku iz 458. (*PL* 54, stupci. 1197-1207; Jaffé, *Regesta*, br. 320). Prema k. 32. iz *Apostolskih kanona* u Dionizijevoj zbirci (*PL* 67, stupci 144D-145A), uklanjanje svećenika iz službe ili izopćenje laika trebalo bi biti posljedica njihovog odbijanja pokore:“Haec autem post unam, et secundam, et tertiam episcopi obtestationem fieri convenit.” Kada je, međutim, posrijedi simonija, kanonom 30. iz *Apostolskih kanona* u Dionizijevoj zbirci (*PL* 67, stupac 144D) ne naređuje se samo uklanjanje svećenika iz službe već i njihovo izopćenje, dok se kanonom 12. s Prvoga crkvenog sabora u Arlesu iz 314. (*Concilia Galliae 314-506, CCSL* 148, str. 11) i kanonom 14. s Drugoga crkvenog sabora u Arlesu (*Concilia Galliae 314-506, CCSL* 148, str. 114-130) ista kazna propisuje i za lihvarenje.

were prohibited to them. Their new penitential status was modelled on the ascetic principles of the religious life.¹⁰⁷ If the penitent broke these rules (returned *ad saecularia* - to the previous secular way of life) he would be punished by excommunication.¹⁰⁸ Some restrictions were not obligatory, however, many of them were supposed to be kept even after reconciliation.¹⁰⁹

The view that clergymen could not do public penance had been disseminated since the late fourth century.¹¹⁰ The canons of various councils forbade penance to be imposed on clerics in those cases when lay people would be subjected to it. Instead, a sinner should be deposed, i.e. forever deprived of his ecclesiastical office and dignity.¹¹¹ A layman who had done penance was forbidden to

107 See: De Yong 2000, pp. 185-224, especially pp. 185-208. Uhalde 2008, pp. 97-120.

108 *Orléans I* (511), c. 11 (*MGH, Concilia* 1, p. 5):“De his, qui suscepta paenitentia religionem suae professionis obliti ad saecularia relabuntur, placuit eos et a communione suspendi et ab omnium catholicorum convivio separari. Quod si post interdictum cum iis quisquam praesumserit manducare, et ipse communione privetur.”*Épaone* (517), c. 23 (*MGH, Concilia* 1, p. 24):“Si quis accepta professaque paenitentia boni inmemor ad saecularia relabatur, prursus communicare non poterit, nisi professioni, quam inleceto praetermiserat, refurmetur.”*Orléans III* (538), c. 28 (25) (*MGH, Concilia* 1, p. 81).

109 Pope Leo I, in answering the questions from Bishop Rusticus of Narbonne (*PL* 67, cols. 289-290, decrees 23, 24 in the collection of Dionysius Exiguus), recommended that a penitent should not transact business and serve in the army, i.e. very often he had to change his social status. As an exception the pope permitted young people who had done penance to marry in order to avoid a more serious evil - “falling into youthful incontinence”, and remarked that in fact they had no choice but to keep their minds and bodies chaste (*PL* 67, col. 290, decree 25).

110 Loening 1878, p. 280. First expressed by Pope Siricius in 385 in a letter to Bishop Himerius of Tarragona (see decree 14 of Pope Siricius in the collection of Dionysius Exiguus, *PL* 67, col. 237; *PL* 13, col. 1145):“Illud quoque nos par fuit providere, ut sicut poenitentiam agere cuiquam non conceditur clericorum, ita et post poenitudinem et reconciliationem nulli unquam laico liceat honorem clericatus adipisci, quia quamvis sint omnium peccatorum contagione mundati, nulla tamen debent gerendorum sacramentorum instrumenta suscipere, qui dudum fuerint vasa vitiorum”.

111 In the collection of Dionysius Exiguus: *Apostolic Canons*, c. 25, 42, 44 (*PL* 67, cols. 144B, 146D, e.g. canon 25, while it commands deposition of bishops, priests and deacons for fornication, perjury and theft, also notes that such a transgressor, “however, is not excommunicated, since the Scripture says: ‘God does not punish twice for the same crime”); *Carthage* (419) c. 27 (*PL* 67, cols. 191D-192A). Pope Leo I’s message to Rusticus in 458 (*PL* 54, cols. 1197-1207; Jaffé, *Regesta*, no 320). According to c. 32 of the *Apostolic Canons* in the collection of Dionysius Exiguus (*PL* 67, cols. 144D-145A) the deposition of clerics or excommunication of laymen should be a consequence of their rejection of repentance:“Haec autem post unam, et secundam, et tertiam episcopi obtestationem fieri convenit”. Nonetheless, c. 30 of the *Apostolic Canons* in the collection of Dionysius Exiguus (*PL* 67, col. 144D) orders not only deposition of clerics for simony but also their excommunication, c. 12 of the council of Arles I in 314 (*Concilia Galliae 314-506, CCSL* 148, p. 11) and c. 14 of the council of Arles II (*Concilia Galliae 314-506, CCSL* 148, pp. 114-30) prescribed the same punishment for usury.

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red.¹¹² Međutim, zabrana pokore u odnosu na svećenstvo nije se poštivala u svako doba i na svakome mjestu. Na Neocezarejskom saboru naređeno je da svećenik koji je bio proglašen krivim za blud ili preljub bude uklonjen iz službe te mu je zadana pokora.¹¹³ Prema kanonskim propisima s galskih sabora iz petog i šestog stoljeća, svećenici nisu bili izuzeti od pokore, uz istodobno uklanjanje s dužnosti ili izricanje strogih kazni.¹¹⁴

Zadnji dio 13. kanona upućuje na određene slučajeve uklanjanja svećenika iz službe i njihovoga izopćenja zbog teških nedjela poput lihvarenja, simonije, zamjene župa itd., uz kasniju (možda doživotnu) pokoru. Formulacija “quia non eis per spatia temporum gratia voluntarie attribuetur penitentie, si publicus indicitur reatus excessibus” podrazumijeva kako u slučaju teških prijestupa za koje bi doznala zajednica (*manifesta scelera*)¹¹⁵ svećenici sebi ne smiju zadavati dragovoljnu pokoru kojom bi se iskupljivali za tajne grijehe. Takvim prijestupnicima kaznu i pokoru trebala je odrediti osoba koja im je nadređena.

2. Salonitanski crkveni sabor iz godine 533.

Dana 4. svibnja 533. godine¹¹⁶ već spomenuti biskup i metropolit Honorije sazvao je Drugi salonitanski sabor, na kojem su utemeljene određene biskupije. Akte tog sabora potvrdili su biskupi Salone, Jadere, Arbe, Siscije, Narone, Bestue, Sarsentera (Stoca?),¹¹⁷ Mukura (Makarske),¹¹⁸ Ludra (*Ludrum*, biskupija ?)¹¹⁹ u blizini Knina) te dviju nepoznatih biskupija. Uzmemo li u obzir to da se na popisu nalazi između Arbe i Narone, gdje su se aktima s Prvog sabora nalazili epitauretanski i skardonitanski biskupi, jedan

112 Pismo pape Siricija biskupu Himeriju Taragonskom iz 385. (*PL* 13, stupci 1131-1147, gl. 16; Jaffé, *Regesta*, br. 65), pismo pape Inocenta apulskim biskupima iz 414. (*PL* 67, stupac 250, ukaz 34. u Dionizijevoj zbirci), pismo pape Zosima salonitanskom biskupu Hezihiju iz 418. (PL 67, stupac 264, ukaz 3. u Dionizijevoj zbirci), ukaz 16. pape Lava I. u Dionizijevoj zbirci (*PL* 67, stupac 288); ukaz 3. pape Gelazija I. u Dionizijevoj zbirci (*PL* 67, stupac 303). *Rim* (465), k. 3. (Mansi 7, stupac 961). Pismo pape Gelazija I. biskupima južne Italije i Sicilije iz 494. (*Epistolae Romanorum pontificum*, ep. 14, gl. 18, str. 372). *Gerona* (517.), k. 9. (*Concilios visigóticos*, str. 41). *Épaone* (517.), k. 3. (*MGH Concilia* 1, str. 20).

113 *Neocezareja*, k. 45. u Dionizijevoj zbirci (*PL* 67, col. 155C).

114 *Orange I.* (441.), k. 4 (ugrađen u *Arles II.*, k. 29. (28.)):“Penitentiam desiderantibus clericis non negandum.” (*Concilia Galliae 314 - 506, CCSL* 148, str. 79, (120)). Vidi također: *Agde* (506.) k. 2. (*Concilia Galliae 314 - 506, CCSL* 148, str. 194); *Orléans I.* (511.) k. 7. i 12. (*MGH, Concilia* 1, str. 4-5); *Orléans II.* (533.), k. 8. (*MGH, Concilia* 1, str. 62); *Orléans III.* (538.), k. 2. i 7. (o pokori biskupa), 8. (doživotna pokora u samostanu) i 9., 22. (19.) (*MGH, Concilia* 1, str. 73, 75, 76, 80).

115 *Kartaga* (419), k. 43 u Dionizijevoj zbirci (*PL* 67, stupac 195A).

116 Klaić N. 1967, p. 81:“Post iterum atque iterum Lampadi et Oresti summens sub die IIII nonis maias etc.” Usporedi s rimskim sinodom iz 531.:“Post consulatum Lampadii et Orestis virorum clarissimorum die VII. Iduum Decembrium, in consistorio B. Andreae apostoli, presidente venerabili viro papa Bonifacio etc.” (Mansi 8, stupci 739-740).

117 Puljić, Škegro 2006, str. 219-241.

118 Farlati 1753, stupac 174; Škegro 2008, str. 291-303.

119 Klaić V. 1912, str. 314, 315; Škegro 2007, str. 9-23.

Salonitanski crkveni sabori iz šestog stoljeća

The Sixth Century Councils of Salona

be admitted to the clerical order.¹¹² Nevertheless, the prohibition of penance for the clergy was not observed everywhere at all times. The council of Neocaesarea ordered the priest, found guilty of fornication or adultery, to be deposed and compelled to undergo penance.¹¹³ Clergymen were not precluded from doing penance with the loss of their offices or severe penalties in the canons of the fifth and sixth century councils in Gaul.¹¹⁴

The last part of canon 13 refers to some cases of the deposition and excommunication of clerics for serious crimes: usury, simony, exchange of parishes, etc., with subsequent (perhaps, lifelong) penance. The phrase “quia non eis per spatia temporum gratia voluntarie attribuetur penitentie, si publicus indicitur reatus excessibus” means that in the case of grave offences, if they became known to the community (*manifesta scelera*),¹¹⁵ the clergymen could not perform voluntary penance by which they judged and censured themselves for secret sins. The higher authority had to impose penalties and penance on offenders.

2. The Council of Salona in 533

On 4 May 533,¹¹⁶ the same Metropolitan Bishop Honorius summoned the second council of Salona. It established some dioceses. The conciliar acts were validated by the bishops of *Salona, Jader, Arba, Siscia, Narona, Bestoe, Sarsenterum* (Stolac?),¹¹⁷ *Muccurum* (Makarska),¹¹⁸ *Ludrum* (Biskupija ?)¹¹⁹ near Knin) and two unknown sees. One of those unidentified bishops can be either the bishop of *Epidaurum* or of *Scardona* if we take into consideration his position on the list between *Arba* and *Narona* where the bishops

112 Pope Siricius' letter to Bishop Himerius of Tarragona in 385 (*PL* 13, cols. 1131-1147, chap. 16; Jaffé, *Regesta*, no 65), Pope Innocent I's letter to the Apulian bishops in 414 (*PL* 67, col. 250, decree 34 in the collection of Dionysius Exiguus), Pope Zosimas' letter to Bishop Hesychius of Salona in 418 (PL 67, col. 264, decree 3 in the collection of Dionysius Exiguus), decree 16 of Pope Leo I in the collection of Dionysius Exiguus (*PL* 67, col. 288); decree 3 of Pope Gelasius I in the collection of Dionysius Exiguus (*PL* 67, col. 303). *Rome* (465), c. 3 (Mansi 7, col. 961). Pope Gelasius I's letter to the bishops of Southern Italy and Sicily in 494 (*Epistolae Romanorum pontificum*, ep. 14, chap. 18, p. 372). *Gerona* (517), c. 9 (*Concilios visigóticos*, p. 41). *Épaone* (517), c. 3 (*MGH Concilia* 1, p. 20).

113 *Neocaesarea*, c. 45 in the collection of Dionysius Exiguus (*PL* 67, col. 155C).

114 *Orange I* (441) c. 4 (incorporated into *Arles II.*, c. 29 (28.)):“Penitentiam desiderantibus clericis non negandum.” (*Concilia Galliae 314 - 506, CCSL* 148, pp. 79, (120)). See also: Agde (506) c.2 (*Concilia Galliae 314 - 506, CCSL* 148, p. 194); Orleans I (511) c. 7 and 12 (*MGH, Concilia* 1, pp. 4-5); *Orléans II* (533), c. 8 (*MGH, Concilia* 1, p. 62); *Orléans III* (538), c. 2 and 7 (on bishops' penance), 8 (lifelong penance in the monastery) and 9, 22 (19) (*MGH, Concilia* 1, pp. 73, 75, 76, 80).

115 *Carthage* (419), c. 43 in the collection of Dionysius Exiguus (*PL* 67, col. 195A).

116 Klaić N. 1967, p. 81:“Post iterum atque iterum Lampadi et Oresti summens sub die IIII nonis maias etc.” Cf. the synod of Rome in 531:“Post consulatum Lampadii et Orestis virorum clarissimorum die VII. Iduum Decembrium, in consistorio B. Andreae apostoli, presidente venerabili viro papa Bonifacio etc.” (Mansi 8, cols. 739-740).

117 Puljić, Škegro 2006, pp. 219-241.

118 Farlati 1753, col.174; Škegro 2008, pp. 291-303.

119 Klaić V. 1912, pp. 314-315; Škegro 2007, pp. 9-23.

od tih neidentificiranih biskupa mogao bi biti ili biskup Epidaura ili biskup Skardone. Časni oci Sabora obratili su se salonitanskom biskupu Honoriju, kojega su smatrali crkvenim prvakom provincije (i nazivali ga čak i papom),¹²⁰ te ga zamolili da donese odluku o osnivanju tri nove biskupije, u Sarsenteru, Mukuru i Ludru, i međusobnoj podjeli župa. Prema crkvenom pravu utemeljenje novih biskupija i ređenje njihovih biskupa spadalo je u ovlasti provincijalnoga crkvenog sabora i metropolita.¹²¹ Za utemeljenje biskupije morala su biti ispunjena dva nužna preduvjeta: (1) zajednica koju je trebalo uzdignuti na razinu biskupije, morala je biti dovoljno velika i imati znatan broj stanovnika; (2) bila je potrebna suglasnost biskupa čijim su biskupijama ta područja bila dodijeljena.¹²² U aktima je na stanje u dalmatinskoj provinciji primijenjeno šire tumačenje odredaba kanona 6. sa Crkvenog sabora u Serdici (343. g.):

*No dopuštenje se ne smije dati za ređenje biskupa bilo u nekom selu ili kakvom beznačajnom gradu za koji je dostatan i prezbiter, jer nije nužno da tu biskup bude kako se ne bi ponizili njegovo ime i autoritet.*¹²³

S obzirom na golemu površinu biskupija, velike udaljenosti između pojedinih mjesta i mnogobrojnost življa, Salonitanski sabor donio je jednoglasnu odluku o zaređenju novih biskupa Sarsentera, Mukura i Ludra, koji su trebali posvećivati svećenike, davati pomast, odrješivati pokajnike i posjećivati brojne župe djelotvornije nego što se to do tada činilo. Sudionici Sabora spomenuli su sličnu odluku donesenu pod predsjedanjem Honorijeva prethodnika i imenjaka, kada je stanovita barcenska Crkva (*Barcensi ecclesia*)¹²⁴ uzdignuta na razinu biskupije.¹²⁵ Tako su se crkveni poglavari Dalmacije pobrinuli za redovito obavljanje vjerskih obreda na području metropolije i

120 Metropolite su povremeno nazivali papama, npr. u merovinškoj Galiji iz šestog stoljeća (Wallace-Hadrill 1985, str. 94, “Concilium Turonense a. 567”, *Concilia Galliae 511-695*, CCSL 148A, str. 187).

121 Loening 1878, str. 409-411.

122 K. 53. sa Sabora u Kartagi iz Dionizijeve zbirke (*PL* 67, stupac 197B-D).

123 U Dionizijevoj zbirci (*PL* 67, stupac 178A-B): “Licentia vero danda non est ordinandi episcopum aut in vico aliquo, aut in modica civitate, cui sufficit unus presbyter, quia non est necesse ibi episcopum fieri, ne vilescat nomen episcopi et auctoritas. Non debent in his civitatibus quae episcopos habuerunt, aut si qua talis, aut tam populosa civitas, quae meretur habere episcopum” (u prijevodu Percivala iz *A Select Library*, str. 601). Tekst u *HSM*-u glasi: “Ad ordinandorum nuper episcoporum curam ... credimus pertinere, presertim cum nihil canonicis sit contrarium constitutis, quia nec episcopalis vilescit auctoritas, cum in tanta locorum distensione tot parochiis necessario proponuntur; nec, ubi presbiter possit sufficere, ordinatur episcopus...”

124 Šišić (ed.) 1914., str. 156, misli kako se radi o *Baloensis ecclesia*, tj. balojskoj Crkvi, i smješta je u Varcar Vakuf (Mrkonjić Grad) između Ključa i Jajca u Bosni. Škegro (Škegro 2007, str. 357-365) se slaže s lvom Bojanovskim, koji balojsku biskupiju (= *Barcensi ecclesia*) smješta u Šipovo (Bojanovski 1988, str. 287-292).

125 U popisu salonitanskih nadbiskupa iz *HSM*-a: “Honorius archiepiscopus 17 Iste suo tempore in Barrensi ecclesia provide ordinavit episcopum sub annis domini 213” (Honorije, 17. nadbiskup u svoje vrijeme mudro zaredi jednog biskupa u Crkvi u Baru (?) godine 213.). Međutim, Honorije I, prethodnik Honorija II, bio je salonitanski biskup od oko 505. do oko 510. godine.

of *Epidaurum* and *Scardona* were present in the acts of the first council. The fathers of the council approached Bishop Honorius of Salona to whom they attributed the primacy in the province (even calling him pope),¹²⁰ asking him to decide on the establishment of three new dioceses in *Sarsenterum*, *Muccurum* and *Ludrum* and the division of parishes among them. According to ecclesiastical law, the foundation of new dioceses and ordination of their bishops fell under the competence of the provincial council and metropolitan.¹²¹

There were two requirements for establishment of a diocese: (1) the community to be elevated to the status of diocese had to be large enough, with a sizeable population, and (2) the consent of the bishops to whose dioceses these territories had been assigned was required.¹²² The acts applied the provisions of canon 6 of the council of Serdica (343) in their broader interpretation to the situation in the Dalmatian province:

*But permission is not to be given to ordain bishops either in any village, or in an unimportant town, for which one presbyter suffices, because it is not necessary that there will be a bishop lest the name and authority of the bishop are debased.*¹²³

Considering the vast stretches of the dioceses, the long distances between settlements and the large population, the council of Salona unanimously decided to ordain new bishops in *Sarsenterum*, *Muccurum* and *Ludrum*, who would consecrate priests, administer chrism, absolve penitents and visit numerous parishes more effectively than previously. The participants of the council mentioned the similar decision made under Honorius’ predecessor of the same name, when an unidentified *Barcensi ecclesia*¹²⁴ was elevated to the status of diocese.¹²⁵ Thus the ecclesiastical hierarchs of Dalmatia made provisions for the regular performance of religious rites in the territory of the metropolis and the

120 Metropolitanans were occasionally designated as popes, e.g. in sixth-century Merovingian Gaul (Wallace-Hadrill 1985, p. 94, “Concilium Turonense a. 567”, *Concilia Galliae 511-695*, CCSL 148A, p. 187).

121 Loening 1878, pp. 409-411.

122 C. 53 of the council of Carthage in the collection of Dionysius Exiguus (*PL* 67, col. 197B-D).

123 In the collection of Dionysius Exiguus (*PL* 67, col. 178A-B):“Licentia vero danda non est ordinandi episcopum aut in vico aliquo, aut in modica civitate, cui sufficit unus presbyter, quia non est necesse ibi episcopum fieri, ne vilescat nomen episcopi et auctoritas. Non debent in his civitatibus quae episcopos habuerunt, aut si qua talis, aut tam populosa civitas, quae meretur habere episcopum” (trans. by Percival in *A Select Library*, p. 601). The *HSM* text reads: “Ad ordinandorum nuper episcoporum curam ... credimus pertinere, presertim cum nihil canonicis sit contrarium constitutis, quia nec episcopalis vilescit auctoritas, cum in tanta locorum distensione tot parochiis necessario proponuntur; nec, ubi presbiter possit sufficere, ordinatur episcopus...”

124 Šišić (ed.) 1914, p. 156 thought this was *Baloensis ecclesia*, i.e. the Church of *Baloe*, and localized it in Varcar Vakuf (Mrkonjić Grad) between Ključ and Jajce in Bosnia. Škegro (Škegro 2007, pp. 357-365) agrees with Ivo Bojanovski who places the see of Baloie (= *Barcensi ecclesia*) in Šipovo (Bojanovski 1988, pp. 287-292).

125 In the *HSM*’s catalogue of the archbishops of Salona:“Honorius archiepiscopus 17 Iste suo tempore in Barrensi ecclesia provide ordinavit episcopum sub annis domini 213” (Honorius the Archbishop 17th. In his time he providently ordained a bishop in the church of Bar (?) in the year 213). However, Honorius II’s predecessor Honorius I was bishop of Salona c. 505 - c. 510.

održavanje crkvenog ustroja. Promjene začete na Crkvenom saboru iz 530. nastavljene su i 533. godine.

Časni oci Sabora su bazilike u određenim gradovima (municipijima) izuzeli iz ovlasti nadbiskupije i stavili ih pod nadzor novih biskupa: sarsenterski biskup Paulin dobio je bazilike u municipijima Delontinu,¹²⁶ Stantinu,¹²⁷ Novensu preko Rusticija, Pekuatiku¹²⁸ i Beuzavatiku, biskupu Ludra Celijanu pripali su municipiji Magniotik,¹²⁹ Ekvitin,¹³⁰ Salvijatik¹³¹ i Sarzijatik.¹³² mukuritanski biskup Stjepan dobio je brdske predjele,¹³³ delminenski Onestin,¹³⁴ Reditik¹³⁵ i salonitansko područje “što se prostire na otocima,¹³⁶ i preko, što se zna da je Onej podijelio, a što se naziva Kontinent”.¹³⁷ Na temelju činjenice da su u aktima sadržani jedino podaci o prijenosu zemljišta salonitanske Crkve na novoosnovane biskupije, može se pretpostaviti da su te biskupije do tada bile u ovlasti salonitanskog biskupa, koji je bio preopterećen svojim administrativnim poslovima i dušobrižničkim dužnostima. Sva tri grada su se vjerojatno nalazila razmjerno nedaleko od Salone.

Iz akata nije jasno koji je to biskup pod čije je ovlasti bestoenski biskup Andrija pristao prenijeti dio svog područja “od mjesta Kopele i Arene¹³⁸ do gradova [i] bazilika” bestoenske biskupije. Iz završnih riječi biskupa Honorija moguće je zaključiti kako je Sabor za ta mjesta postavio posebnog biskupa. Metropolit je svoje sljedbenike upozorio i da se klone nerazumnog povećanja broja biskupija. Svrha svih tih mjera bila je unaprijediti organizacijski ustroj provincije kako bi “blizak pastir bolje upravljao stadom Božjim”.¹³⁹

126 Trebinja u Popovu ili Stolac (Puljić, Škegro 2006, str. 230-233). 127 Ston.

128 Puljić i Škegro tvrde kako se *Novense per Rusticiarum pecuaticum* odnosi na jedan municipij i smještaju ga u Nevesinjsko polje u blizini Stoca. Prema Šišiću (ed.) 1914., str. 156, *Novae (Rus Novae, Ad Novas)* – Runovići (8 km od Imotskog) na putu od Salone do Narone, *Rusticiarum* – Rastok u blizini Vrgorca.

129 Balijina Glavica (*Municipium Magnum*) kod Drniša (Bulić 1878, str. 90-106, 103-110, 120-125, 138-144; Bulić 1880, str. 113, 114; Pavan 1958, str. 139, 140; Škegro 2007, str. 11, 12).

130 Čitluk kod Sinja (Gabričević 1984, str. 102; Gabrić 1984, str. 279).

131 Vrba i Podgradina (*Municipium Salvium*) na Glamočkom polju (Bojanovski 1988, str. 233-249).

132 Vrtoč u dolini Unca (Bojanovski 1988, str. 250-256).

133 *Municipia Montanarum* (i. e. tj. brdski predjeli) - područje Zagvozda i Imotskog (Šišić (ed.) 1914, str. 156).

134 Omiš (*Onaeum=Onestinum?*) (Bulić 1920, str. 10 i dalje; Jeličić 1984, str. 177 i dalje).

135 Danilo Gornje (Danilo Kraljice) između Perkovića i Šibenika. U natpisu iz petog stoljeća spominje se biskup “grada Riditiona” (*civitatis Riditionis*), premda nema dodatnih dokaza o njegovom statusu biskupije (Faber, Zaninović 1963, str. 103-105).

136 Ante Škegro upućuje na Brač (*Brattia*), Hvar (*Pharia*), Vis (*Issa*) (Škegro 2008, str. 291-303).

137 Klaić N. 1967, str. 83: “in insulis continetur vel trans Oneum noscitur esse divisum, quod Continens appellatur”.To se područje može smjestiti oko donjeg toka Cetine (Škegro 2008, str. 291-303).

138 Planine Kopilo i Vranica (*Avranus*) kod Zenice (Vego 1980, str. 439).

139 Klaić N. 1967, str. 84.

Salonitanski crkveni sabori iz šestog stoljeća

The Sixth Century Councils of Salona

The Sixth Century Councils of Salona

maintenance of the ecclesiastical organization. The reforms initiated at the council of 530 were continued in 533.

The fathers of the council transferred basilicas in some towns (*municipia*) from the jurisdiction of the metropolitan see and placed them under control of the new bishops: Bishop Paulinus of *Sarsenterum* obtained *municipia Dellontinum*,¹²⁶ *Stantinum*,¹²⁷ *Novense per Rusticiarum*, *Pecuaticum*,¹²⁸ and *Beuzauaticum*, Bishop Celianus of *Ludrum* obtained *municipia Magnioticum*,¹²⁹ *Equitinum*,¹³⁰ *Salviaticum*,¹³¹ and *Sarziaticum*,¹³² Bishop Stephanus of *Muccurum* obtained *municipia Montanarum*,¹³³ *delminense Onestinum*,¹³⁴ *Redditicum*,¹³⁵ and a Salonitan area “confined within the islands¹³⁶ or, as it is known, separated beyond *Oneum*, which is named *Continens*”.¹³⁷ From the fact that the acts provide information only about the transfer of the lands of the Salonitan Church to the newly erected dioceses it can be assumed that they had been previously under the jurisdiction of the bishop of Salona who was overburdened with administrative work and pastoral care. All the three towns were supposedly situated not very far from Salona.

It is unclear in the conciliar acts as to which bishop, to whose jurisdiction, Bishop Andrew of Bestoe agreed to transfer a portion of his territory extending “from Copella and Arena,¹³⁸ to the towns [and] basilicas” of the diocese of Bestoe. One can infer from Bishop Honorius’ concluding speech that the council was suggested to appoint a special bishop for these places. The metropolitan also warned his successors against unreasonable increases in the number of dioceses. The purpose of all these measures was to improve the organization of the province so that “the flock of God would be governed better by the shepherd at hand”.¹³⁹

126 Trebinja in Popovo or Stolac (Puljić, Škegro 2006, pp. 230-233).

127 Ston.

128 Puljić and Škegro argue that *Novense per Rusticiarum pecuaticum* designates one municipium and locate it in the Nevesinjsko plain near Stolac. According to Šišić (ed.) 1914, p. 156, *Novae (Rus Novae, Ad Novas)*/Runovići (5 miles from Imotski) on the way from Salona to Narona, *Rusticiarum*/Rastok, close to Vrgorac.

129 Balijina Glavica (*Municipium Magnum*) near Drniš (Bulić 1878, pp. 90-106, 103-110, 120-125, 138-144; Bulić 1880, pp. 113-114; Pavan 1958, pp. 139-140; Škegro 2007, pp. 11-12).

130 Čitluk near Sinj (Gabričević 1984, p. 102; Gabrić 1984, p. 279).

131 Vrba and Podgradina (*Municipium Salvium*) in the field of Glamoč (Bojanovski 1988, pp. 233-249).

132 Vrtoč in the Unac valley (Bojanovski 1988, pp. 250-256).

133 *Municipia Montanarum* (i.e. the mountainous region)/Zagvozd and Imotski region (Šišić (ed.) 1914, p. 156).

134 Omiš (*Onaeum=Onestinum?*) (Bulić 1920, pp. 10f.; Jeličić 1984, p. 177f.).

135 Danilo Gornje (Danilo Kraljice) between Perković and Šibenik. The fifth-century inscription mentions the bishop of “the city of Riditio” (*civitatis Riditionis*), although there is no more evidence of its episcopal status (Faber, Zaninović 1963, pp. 103-105).

136 Ante Škegro suggests Brač (*Brattia*), Hvar (*Pharia*), Vis (*Issa*) (Škegro 2008, pp. 291-303).

137 Klaić N. 1967, p. 83: “in insulis continetur vel trans Oneum noscitur esse divisum, quod Continens appellatur”.This territory can be located in the low reaches of the Cetina (Škegro 2008, pp. 291-303).

138 Kopilo and Vranica (*Avranus*) mountains near Zenica (Vego 1980, p. 439).

139 Klaić N. 1967, p. 84.

u njenim poslovima ometali stalni obrati na kraju petog stoljeća, slabost rimske uprave i ostrogotska vladavina na prostoru Dalmacije. Istodobno, nužnost osnivanja novih biskupija može se objasniti širenjem prostornog obuhvata provincije nakon pripajanja određenih biskupija (npr. Siscije) ili župa s područja drugih provincija koje su zaposjeli barbari. Časni oci saborâ svećenicima su opetovano zabranili otuđivanje (prodaju, darivanje i razmjenu) crkvenih posjeda (3. kanon s Prvoga salonitanskog sabora) i posuđivanje novca uz stvaranje obveze na teret njihove crkve (1. i 2. kanon), jer je otuđenje crkvene imovine nerijetko bilo uvjetovano nemogućnošću otplate dugova crkve. Ti su dugovi katkad bili neophodni ne bi li se za svećenike osigurala dostatna primanja, a broj svećenika trebao je biti primjeren u odnosu na sredstva kojima je crkva raspolagala, kao i u odnosu na iznose koje su njezini utemeljitelji izdvojili ne bi li pokrili troškove njezina utemeljenja (8., 9. i 12. kanon). Prekomjeran broj svećenika u određenoj crkvi često je dovodio do njihovog premještanja iz jedne crkve u drugu, možda veću i ugledniju, što je za posljedicu imalo brojne razmirice. Stoga je Sabor upozorio svećenike kako ne smiju zanemarivati svoje dužnosti u crkvama u kojima su zaređeni i ograničio im pravo napuštanja područja njihove nadležnosti, putovanja, dolaska na carski sud i promjene crkava bez propisnog dopuštenja njihovih nadređenih (6. i 7. kanon). Kanonima 4. i 5. zapriječene su kazne za simoniste i simoniju, zbog koje je Crkva također ostajala bez svoje imovine i novca. Osim toga, Sabor je zabranio lihvarenje (kanon 11.) i zadiranje u tuđe područje nadležnosti (kanon 10.). U kanonu 12., dalmatinski su biskupi pokajnicima potvrdili pravo na odrješenje nakon uspješnog iskupljenja te ustanovili kako svećenici proglašeni krivima za određena "zastranjivanja" (pri čemu su na umu možda imali neke od gore navedenih vrsta nesavjesnog postupanja) imaju pravo na pokoru ako im je ova zakonom dopuštena.

of the late fifth century, the weakness of Roman administration and Ostrogothic rule in Dalmatia obviously disturbed ecclesiastical affairs. At the same time the necessity of establishing new dioceses can be explained by the increase in the provincial territory through incorporation of some dioceses (e.g. *Siscia*) or parishes of other provinces invaded by the barbarians. The fathers of the council repeated the prohibition of the alienation (sale, donation and exchange) of church possessions (canon 3 of the first council of Salona) and borrowing money by clergymen which involved incurring liabilities for their churches (canons 1, 2), since the alienation of ecclesiastical property was often necessitated by the impossibility of paying the debts of the church. These debts could have been needed to provide sufficient stipends for the clergy, whose number should be adequate to the church's resources and to the sums allotted by its founders to meet the expenses of their foundation (canons 8, 9 and 12). The excess of clerics in a particular church often resulted from their transfer from one church to another, perhaps major and noble, and led to numerous disturbances. Therefore the council reminded clergymen not to neglect their duties in the churches where they had been ordained, and restricted their right to leave the area of their competence, to travel, to come to the imperial court and to change churches without the proper permission of their superiors (canons 6 and 7). Canons 4 and 5 aimed sanctions at simoniacs and simony, another method of depriving the church of its property and funds. Additionally, the council banned usury (canon 11) and encroaching on another's jurisdiction (canon 10). In canon 12, the Dalmatian bishops confirmed the right of penitents to be reconciled after successfully making amends and stated that the ecclesiastics found guilty of certain "excesses" - perhaps they had in mind some of the aforementioned types of malfeasance - could do penance if they were legally allowed to do so.

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