

Cum Ex Apostolatus Officio

Pope Paul IV

By virtue of the Apostolic office which, despite our unworthiness, has been entrusted to Us by God, We are responsible for the general care of the flock of the Lord. Because of this, in order that the flock may be faithfully guarded and beneficially directed, We are bound to be diligently watchful after the manner of a vigilant Shepherd and to ensure most carefully that certain people who consider the study of the truth beneath them should be driven out of the sheepfold of Christ and no longer continue to disseminate error from positions of authority. We refer in particular to those who in this age, impelled by their sinfulness and supported by their cunning, are attacking with unusual learning and malice the discipline of the orthodox Faith, and who, moreover, by perverting the import of Holy Scripture, are striving to rend the unity of the Catholic Church and the seamless tunic of the Lord.

1. In assessing Our duty and the situation now prevailing, We have been weighed upon by the thought that a matter of this kind [i.e. error in respect of the Faith] is so grave and so dangerous that the Roman Pontiff, who is the representative upon earth of God and our God and Lord Jesus Christ, who holds the fulness of power over peoples and kingdoms, who may judge all and be judged by none in this world, may nonetheless be contradicted if he be found to have deviated from the Faith. Remembering also that, where danger is greater, it must more fully and more diligently be counteracted, We have been concerned lest false prophets or others, even if they have only secular jurisdiction, should wretchedly ensnare the souls of the simple, and drag with them into perdition, destruction and damnation countless peoples committed to their care and rule, either in spiritual or in temporal matters; and We have been concerned also lest it may befall Us to see the abomination of desolation, which was spoken of by the prophet Daniel, in the holy place. In view of this, Our desire has been to fulfil our Pastoral duty, insofar as, with the help of God, We are able, so as to arrest the foxes who are occupying themselves in the destruction of the vineyard of the Lord and to keep the wolves from the sheepfolds, lest We seem to be dumb watchdogs that cannot bark and lest We perish with the wicked husbandman and be compared with the hireling.

2 Hence, concerning these matters, We have held mature deliberation with our venerable brothers the Cardinals of the Holy Roman Church; and, upon their advice and with their unanimous agreement, we now enact as follows:

In respect of each and every sentence of excommunication, suspension, interdict and privation and any other sentences, censures and penalties against heretics or schismatics, enforced and promulgated in any way whatsoever by any of Our predecessors the Roman Pontiffs, or by any who were held to be such (even by their "litterae extravagantes" i.e. private letters), or by the sacred Councils received by the Church of God, or by decrees of the Holy Fathers and the statutes, or by the sacred Canons and the Constitutions and Apostolic Ordinations - all these measures, by Apostolic authority, We approve and renew, that they may and must be observed in perpetuity and, if perchance they be no longer in lively observance, that they be restored to it.

Thus We will and decree that the aforementioned sentences, censures and penalties be incurred without exception by all members of the following categories:

(i) Anysoever who, before this date, shall have been detected to have deviated from the Catholic Faith, or fallen into any heresy, or incurred schism, or provoked or committed either or both of these, or who have confessed to have done any of these things, or who have been convicted of having done any of these things.

(ii) Anysoever who (which may God, in His clemency and goodness to all, deign to avert) shall in the future so deviate or fall into heresy, or incur schism, or shall provoke or commit either or both of these.

(iii) Anysoever who shall be detected to have so deviated, fallen, incurred, provoked or committed, or who shall confess to have done any of these things, or who shall be convicted of having done any of these things.

These sanctions, moreover, shall be incurred by all members of these categories, of whatever status, grace, order, condition and pre-eminence they may be, even if they be endowed with the Episcopal, Archiepiscopal, Patriarchal, Primatial or some other greater Ecclesiastical dignity, or with the honour of the Cardinalate and of the Universal Apostolic See by the office of Legate, whether temporary or permanent, or if they be endowed with even worldly authority or excellence, as Count, Baron, Marquis, Duke, King or Emperor.

All this We will and decree.

3. Nonetheless, We also consider it proper that those who do not abandon evil deeds through love of virtue should be deterred therefrom by fear of punishment; and We are aware that Bishops, Archbishops, Patriarchs, Primates, Cardinals and Legates, Counts, Barons, Marquises, Dukes, Kings and Emperors (who ought to teach others and offer them a good example in order to preserve them in the Catholic Faith), by failing in their duty sin more gravely than others; since they not only damn themselves, but also drag with them into perdition and into the pit of death countless other people entrusted to their care or rule, or otherwise subject to them, by their like counsel and agreement.

Hence, by this Our Constitution which is to remain valid in perpetuity, in abomination of so great a crime (than which none in the Church of God can be greater or more pernicious) by the fulness of our Apostolic Power, We enact, determine, decree and define (since the aforesaid sentences, censures and penalties are to remain in efficacious force and strike all those whom they are intended to strike) that:

(i) each and every member of the following categories - Bishops, Archbishops, Patriarchs, Primates, Cardinals, Legates, Counts, Barons, Marquises, Dukes, Kings and Emperors - who:

(a) hitherto (as We have already said) have been detected, or have confessed to have, or have been convicted of having, deviated [i.e. from the Catholic Faith], or fallen into heresy or incurred schism or provoked or committed either or both of these;

(b) in the future also shall [so] deviate, or fall into heresy, or incur schism, or provoke or commit either or both of these, or shall be detected or shall confess to have, or shall be convicted of having [so] deviated, or fallen into heresy, or incurred schism, or provoked or committed either or both of these;

(since in this they are rendered more inexcusable than the rest) in addition to the aforementioned sentences, censures and penalties, shall also automatically, without any exercise of law or application of fact, be thoroughly, entirely and perpetually deprived of:- their Orders and Cathedrals, even Metropolitan, Patriarchal and Primatial Churches, the honour of the Cardinalate and the office of any embassy whatsoever, not to mention both active and passive voting rights, all authority, Monasteries, benefices and Ecclesiastical offices, be they functional or sinecures, secular or religious of whatsoever Order, which they may have obtained by any concessions whatsoever, or by Apostolic Dispensations to title, charge and administration or otherwise howsoever, and in which or to which they may have any right whatsoever, likewise any whatsoever fruits, returns or annual revenues from like fruits, returns and revenues reserved for and assigned to them, as well as Countships, Baronies, Marquisates, Dukedoms, Kingships and Imperial Power;

(ii) that, moreover, they shall be unfit and incapable in respect of these things and that they shall be held to be backsliders and subverted in every way, just as if they had previously abjured heresy of this kind in public trial; that they shall never at any time be able to be restored, returned, reinstated or rehabilitated to their former status or Cathedral, Metropolitan, Patriarchal and Primatial Churches, or the Cardinalate, or other honour, any other dignity, greater or lesser, any right to vote, active or passive, or authority, or Monasteries and benefices, or Countships, Baronies, Marquisates, Dukedoms, Kingships and positions of Imperial power; but rather that they shall be abandoned to the judgement of the secular power to be punished after due consideration, unless there should appear in them signs of true penitence and the fruits of worthy repentance, and, by the kindness and clemency of the See itself, they shall have been sentenced to sequestration in any Monastery or other religious house in order to perform perpetual penance upon the bread of sorrow and the water of affliction;

(iii) that all such individuals also shall be held, treated and reputed as such by everyone, of whatsoever status, grade, order, condition or pre-eminence he may be and whatsoever excellence may be his, even Episcopal, Archiepiscopal, Patriarchal and Primatial or other greater Ecclesiastical dignity and even the honour of the Cardinalate, or secular, even the authority of Count, Baron, Marquis, Duke, King or Emperor, and as such must be avoided and must be deprived of the sympathy of all natural kindess.

4. [By this Our Constitution, which is to remain valid in perpetuity, We] further enact, determine, decree and define:]

that those who shall have claimed to have the right of patronage or of nominating suitable persons to Cathedral, Metropolitan, Patriarchal and Primatial Churches, or to Monasteries or other Ecclesiastical benefices which may be vacant by privation of this kind (in order that those which shall have been vacant for a long time may not be exposed to the unfit, but, having been rescued from enslavement to heretics, may be granted to suitable persons who would faithfully direct their people in the paths of justice), shall be bound to present other persons suitable to Churches, Monasteries and benefices of this kind, to Us, or to the Roman Pontiff at that time existing, within the time determined by law, or by their concordats, or by compacts entered into with the said See; and that, if they shall not have done so when the said period shall have elapsed, the full and free disposition of the aforesaid Churches, Monasteries and benefices shall by the fulness of the law itself devolve upon Us or upon the aforesaid Roman Pontiff.

5. [By this Our Constitution,] moreover, [which is to remain valid in perpetuity, We] also [enact, determine, decree and define:] as follows concerning those who shall have presumed in any way knowingly to receive, defend, favour, believe or teach the teaching of those so apprehended, confessed or convicted:

(i) they shall automatically incur sentence of excommunication;

(ii) they shall be rendered infamous;

(iii) they shall be excluded on pain of invalidity from any public or private office, deliberation, Synod, general or provincial Council and any conclave of Cardinals or other congregation of the faithful, and from any election or function of witness, so that they cannot take part in any of these by vote, in person, by writings, representative or by any agent;

(iv) they shall be incapable of making a will;

(v) they shall not accede to the succession of heredity;

(vi) no one shall be forced to respond to them concerning any business;

(vii) if perchance they shall have been Judges, their judgements shall have no force, nor shall any cases be brought to their hearing.;

(viii) if they shall have been Advocates, their pleading shall nowise be received;

(ix) if they shall have been Notaries, documents drafted by them shall be entirely without strength or weight;

(x) clerics shall be automatically deprived of each and every Church, even Cathedral, Metropolitan, Patriarchal, Primatial, and likewise of dignities, Monasteries, benefices and Ecclesiastical offices, and even, as has been already mentioned, of qualifications, howsoever obtained by them;

(xi) laymen, moreover, in the same way - even if they be qualified, as already described, or endowed with the aforesaid dignities or anysoever Kingdoms, Duchies, Dominions, Fiefs and temporal goods possessed by them;

(xii) finally, all Kingdoms, Duchies, Dominions, Fiefs and goods of this kind shall be confiscated, made public and shall remain so, and shall be made the rightful property of those who shall first occupy them if these shall be sincere in faith, in the unity of the Holy Roman Church and under obedience to Us and to Our successors the Roman Pontiffs canonically entering office.

6. In addition, [by this Our Constitution, which is to remain valid in perpetuity We enact, determine, decree and define:] that if ever at any time it shall appear that any Bishop, even if he be acting as an Archbishop, Patriarch or Primate; or any Cardinal of the aforesaid Roman Church, or, as has already been mentioned, any legate, or even the Roman Pontiff, prior to his promotion or his elevation as Cardinal or Roman Pontiff, has deviated from the Catholic Faith or fallen into some heresy:

(i) the promotion or elevation, even if it shall have been uncontested and by the unanimous assent of all the Cardinals, shall be null, void and worthless;

(ii) it shall not be possible for it to acquire validity (nor for it to be said that it has thus acquired validity) through the acceptance of the office, of consecration, of subsequent authority, nor through possession of administration, nor through the putative enthronement of a Roman Pontiff, or Veneration, or obedience accorded to such by all, nor through the lapse of any period of time in the foregoing situation;

(iii) it shall not be held as partially legitimate in any way;

(iv) to any so promoted to be Bishops, or Archbishops, or Patriarchs, or Primates or elevated as Cardinals, or as Roman Pontiff, no authority shall have been granted, nor shall it be considered to have been so granted either in the spiritual or the temporal domain;

(v) each and all of their words, deeds, actions and enactments, howsoever made, and anything whatsoever to which these may give rise, shall be without force and shall grant no stability whatsoever nor any right to anyone;

(vi) those thus promoted or elevated shall be deprived automatically, and without need for any further declaration, of all dignity, position, honour, title, authority, office and power.

7. Finally, [by this Our Constitution, which is to remain valid in perpetuity, We] also [enact, determine, define and decree]: that any and all persons who would have been subject to those thus promoted or elevated if they had not previously deviated from the Faith, become heretics, incurred schism or provoked or committed any or all of these, be they members of anysoever of the following categories:

(i) the clergy, secular and religious;

(ii) the laity;

(iii) the Cardinals, even those who shall have taken part in the election of this very Pontiff previously deviating from the Faith or heretical or schismatical, or shall otherwise have consented and vouchsafed obedience to him and shall have venerated him;

(iv) Castellans, Prefects, Captains and Officials, even of Our Beloved City and of the entire Ecclesiastical State, even if they shall be obliged and beholden to those thus promoted or elevated by homage, oath or security; shall be permitted at any time to withdraw with impunity from obedience and devotion to those thus promoted or elevated and to avoid them as warlocks, heathens, publicans, and heresiarchs (the same subject persons, nevertheless, remaining bound by the duty of fidelity and obedience to any future Bishops, Archbishops, Patriarchs, Primate, Cardinals and Roman Pontiff canonically entering).

To the greater confusion, moreover, of those thus promoted or elevated, if these shall have wished to prolong their government and authority, they shall be permitted to request the assistance of the secular arm against these same individuals thus promoted or elevated; nor shall those who withdraw on this account, in the aforementioned circumstances, from fidelity and obedience to those thus promoted and elevated, be subject, as are those who tear the tunic of the Lord, to the retribution of any censures or penalties.

8. [The provisions of this Our Constitution, which is to remain valid in perpetuity are to take effect] notwithstanding any Constitutions, Apostolic Ordinations, privileges, indulgences or Apostolic Letters, whether they be to these same Bishops, Archbishops, Patriarchs, Primate and Cardinals or to any others, and whatsoever may be their import and form, and with whatsoever sub-clauses or decrees they may have been granted, even "motu proprio" and by certain knowledge, from the fulness of the Apostolic power or even consistorially or otherwise howsoever; and even if they have been repeatedly approved and renewed, have been included in the corpus of the Law or strengthened by any capital conclaves whatsoever (even by oath) or by Apostolic confirmation or by anysoever other endorsements or if they were legislated by ourself. By this present document instead of by express mention, We specially and expressly derogate the provisions of all these by appropriate deletion and word-for-word substitution, so that these may otherwise remain in force.

9. In order, however, that this document may be brought to the notice of all whom it concerns, We wish it or a transcription of it (to which, when made by the hand of the undersigned Public Notary and fortified by the seal of any person established in ecclesiastical dignity, We decree that complete trust must be accorded) to be published and affixed in the Basilica of the Prince of

the Apostles in this City and on the doors of the Apostolic Chancery and in the pavilion of the Campus Florae by some of our couriers; [we] will [further] that a quantity of copies affixed in this place should be distributed, and that publication and affixing of this kind should suffice and be held as right, solemn and legitimate, and that no other publication should be required or awaited.

10. No one at all, therefore, may infringe this document of our approbation, re-introduction, sanction, statute and derogation of wills and decrees, or by rash presumption contradict it. If anyone, however, should presume to attempt this, let him know that he is destined to incur the wrath of Almighty God and of the blessed Apostles, Peter and Paul.

Given in Rome at Saint Peter's in the year of the Incarnation of the Lord 1559, 15th February, in the fourth year of our Pontificate.

+ I, Paul, Bishop of the Catholic Church of Rome