

Council of Basle  
1449 C.E.  
Canon 1

Of the following decrees, the first four were issued by the council in the twentieth session, the remainder in the twenty -first.

Every cleric, whatever may be his status, condition, order, or dignity, who two months after the publication of the present constitution in the cathedral churches is still a notorious *concupinarius*, shall be deprived for a period of three months of the revenues of all his benefices, which his superior shall return or apply to the churches from which they were derived. Moreover, the superior, as soon as he becomes aware of the transgression, shall warn every *concupinarius* to dismiss the concubine *infra brevissimum terminum*. If the *concupinarius* fails to do so or, having done so, takes her back or takes another, this hold council commands that he be deprived of all his benefices. But even when he has dismissed her, he shall be unqualified to received ecclesiastical revenues, honors, benefices, or appointments of any kind until he has given his bishop or superior satisfactory proof of amendment. Should he again become a transgressor in this matter, he shall be forever disqualified from receiving honors, benefices, or appointments of any description whatsoever. But, if those whose duty it is to correct such persons neglect to do so, then they themselves are to be punished by their superiors. Let provincial synods also proceed against those who prove negligent in this respect, even to the extent of depriving them of the right to confer benefices. Those whom synods or superiors have found guilty of concubinage, but who, being exempt, can be punished only by the supreme pontiff, shall be denounced to the pontiff at once by said superiors and synods and a copy of the process placed in his hands. In all general and provincial chapters special vigilance shall be exercised in regard to their own, and all punitive statutes in this matter against notorious and non-notorious *concupinari* are to remain in force. A public or notorious *concupinarius* is not only one whose crime is well known in consequence of a penalty imposed or of a confession in a court of justice or through evidence which by no method of tergiversation can be concealed, but also he who keeps a woman suspected of loose morals and who though admonished by his superior does not dismiss her. But since in some localities there are ecclesiastical superiors who permit *concupinari* to continue in their crime in return for a monetary consideration, we command them under penalty of eternal malediction that they do not in the future by agreement or in view of gain tolerate, connive at, or in any way be in collusion with such transgressions; otherwise in addition to the aforesaid penalty for negligence they shall be compelled to give to charity and pious purposes double the amount of what they have received from sordid sources. All concubines and suspicious women shall be removed by the prelates from the residence of the clergy, even with the aid of the secular authorities if necessary, and it shall not be tolerated that the children thus born in concubinage live with their fathers. This council decrees, moreover, that the present constitution be published in provincial and diocesan synods and in general and provincial chapters, and that superiors warn their subjects to put away their concubines. Furthermore, this council appeals to the secular and royal authorities, under no pretext to place obstacles in the way of the prelates who in virtue of their office undertake to eradicate this abuse. And since fornication is a crime prohibited by the divine law and must be avoided under pain of mortal sin, this council warns all laymen, married as well as unmarried, to abstain from the crime

of concubinal intercourse. It is reprehensible that he who has a wife should betake himself to another woman; if he, however, who is unmarried cannot restrain himself, let him accordance with the counsel of the Apostle take a wife (1Cor. 7:8,9). Let those, therefore, upon whom it devolves strive sedulously to bring about by salutary admonitions and other canonical measures the observance of this divine precept.