

THE THIRD EPISTLE

POPE FABIAN

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TO BISHOP HILARY.

THAT EXTRANEOUS JUDGMENTS SHOULD BE REJECTED, AND THAT THE ACCUSED PERSON SHOULD CARRY OUT HIS CAUSE IN HIS OWN LOCALITY; AND THAT EVERY ONE WHO BRINGS FORWARD A CHARGE SHOULD INTIMATE IN WRITING HIS ABILITY TO PROVE IT, AND THAT IF HE FALLS TO PROVE WHAT HE ALLEGES, HE SHOULD BEAR THE PENALTY WHICH HE ADVANCED.

FABIAN, to my dearly beloved brother Bishop Hilary.

We ought to be mindful of the grace of God to us, who, in the compassion of His own regard, hath raised us for this reason to the summit of sacerdotal dignity, that by cleaving to His commandments, and by being set in a certain eminence as overseers of His priests, we may restrain things unlawful, and inculcate things that are to be followed. For we have heard that in those western parts in which you dwell, the craft of the devil rageth so violently against the people of Christ, and breaketh forth in delusions so manifold, that it oppreseth and troubleth not only the secular laity, but the priests of the Lord themselves also. Wherefore, involved as we are in deep grief, we cannot conceal what we ought severely to correct. Accordingly a sufficient remedy must be employed for such wounds, lest a hasty facility in the cure may prove of no service for the deadly disease of the head; and lest the trouble, by being too easily dealt with, may involve, through the defect of an illegitimate mode of cure, the hurt and the healers together in its evil.

I.

Of those who ought not to be admitted to the right of accusation.

On this account, therefore, we decree and resolve, that those who are not of good conversation, or whose life is impeachable, or whose faith and life and liberty are unknown, should not have the power of accusing the priests of the Lord, lest vile persons should thus be admitted to the liberty of accusing them. In like manner, those who are involved in any matters of accusation, or who are under suspicion, should not have a voice in laying charges against their seniors; for the voice of the suspected and the inimical is wont to oppress the truth.

II.

Of extraneous judgments.

Moreover, by a general ordinance, and without prejudice to the authority of the apostles in all

things, we prohibit extraneous judgments, because it is not fit that he should be judged by strangers, who ought to have those of his own province and those elected by himself as his judges, unless an appeal has been made. Wherefore, if any one of the bishops is accused on precise charges, he ought to be heard by all the bishops who are in the province; for it is not right that an accused person should be heard elsewhere than in his own circuit.

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Again, if any one is of opinion that he has a judge adverse to him, he should claim the right of appeal; and an appellant ought to be injured by no kind of oppression or detention; but an appellant ought to have the liberty of righting his case, when wronged, by the remedy of appeal. There ought also to be liberty of appeal in criminal cases. And the right of appealing ought to be denied to no one whom judgment has destined for punishment.

III.

Of the arraigned.

A person arraigned ought to plead his cause before his judge; and an arraigned person may refuse to speak, if he choose so, before one who is not his own proper judge; and indulgence (*inducioe*) should be granted to the arraigned as often as they appeal.

IV.

Of the case of any one bringing forward a charge in passion, or failing to prove his allegations.

If, then, any one in passion brings a charge rashly against any one, mere abuse is not to be taken for an accusation. But a certain time being allowed for dealing with the matter, the person should profess his ability in writing to prove what he has alleged in passion; so that, if he should happen to think better of the things he uttered in passion, and decline to repeat or write them, the person may not be held as charged with the crime. Every one, therefore, who adduces a charge, ought to state in writing his ability to prove it. And, indeed, a cause should always be dealt with in the place where the charge is admitted; and the man who fails to substantiate his allegation, should himself bear the penalty which he advanced.

V.

On the question of an accused bishop appealing to the seat of the apostles.

It is determined, moreover, that, in the case of an accused bishop appealing to the seat of the apostles, that should be held to be a settle-ment which is the decision of the pontiff of that same seat. On all occasions, however, in cases concerning priests, let this form be maintained, that no one be bound by a decision pronounced by another than his own proper judge. It is the duty also of all the faithful to be ready to help the oppressed and the miserable in their distress, in order that by the manifestation of another manner of recompense (*vindictoe*) they may be able to keep the recompense (*vengeance*) of God from themselves. For he offers (*libat*) things prosperous to the Lord who keeps off things adverse from the afflicted. Whence it is written, "A brother Riding a brother shall be exalted." For the Church of God ought to be without spot or wrinkle, and therefore it ought not to be trodden and defiled by certain persons; for it is written, "My dove, my undefiled, is but one." (2) Hence, again, the Lord says to Moses, "There is a place with me (*penes me*), and thou shalt stand upon a rock." (3) What place is there that belongs not to the Lord, seeing that all things consist in Him by whom they were created? There is a place, however, with God to wit, the unity of the holy Church in which there is a standing upon a rock, while the perfection of the confession (*confessionis soliditas*) is held in lowliness. We admonish thee, our brother, and all our brethren who are rulers in the Church of Christ, which He hath purchased with His blood, to keep back, by whatever checks ye possess, all men from that abyss into which some brethren are slipping, in reviling the Lord's pastors, and persecuting them both by word and deed; and we counsel you not to suffer them to be wounded with the hook of passion: for it is written, "For the wrath of man worketh not the righteousness of God." (4) Hence it is said again, "Let every man be swift to hear, but slow to speak, and slow to wrath." (5) Now I doubt not that with God's help you observe all these things; but as an occasion for counsel has arisen, I also secretly attach my word to your good desires and deeds, so that what you are doing of yourselves and independently of admonition you may do presently not by yourselves alone, now that the counsellor himself is added to you. Wherefore, brethren, it becomes you and all the faithful to love each other, and not to calumniate or accuse one another: for it is written,

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"Love thy neighbour, and be faithful unto him. But if thou bewrayest his secrets, thou shalt follow no more after him. For as a man who destroyeth his friend, so is he that loseth the love of his neighbour. And as one that letteth a bird go out of his hand, so art thou who hast let thy neighbour go, and shalt

not get him again. Follow after him no more, for he is far off. For he is as a roe escaped out of the snare, since his soul is wounded. Further thou wilt not be able to bind him up, and after reviling there may be reconciliation; but to bewray the secrets of a friend is the despair of an unhappy mind. He that winketh with the eye worketh evil, and every one will cast him off. When thou art present, he will speak sweetly, and will admire thy words. But at last he will writhe his mouth, and slander thy sayings. I have hated many things, but nothing like him; and the Lord will hate him. Whoso casteth a stone on high, it will fall upon his own head; and a deceitful stroke shall make wounds in the deceiver. Whoso diggeth a pit shall fall therein; and he that placeth a stone in his neighbour's way shall stumble thereon; and he that setteth a trap for another shall perish in it. He that worketh mischief, it shall fall upon him; and he shall not know whence it cometh on him. Mockery and reproach are from the proud; and vengeance, as a lion, shall lie in wait for them. They that rejoice at the fall of the righteous shall be taken in the snare; and anguish shall consume them before they die. Wrath and fury are both abominations, and the sinful man shall have them both."(6) "He that desireth to be avenged shall find vengeance from the Lord, and He will surely keep his sins in remembrance. Forgive thy neighbour the hurt that he hath done thee; so shall thy sins also be forgiven thee when thou prayest. One man beareth hatred against another, and doth he seek pardon from the Lord? He showeth no mercy to a man which is like himself, and doth he ask forgiveness of his own sins from the Most High? He, though he is but flesh, nourishes hatred; and does he implore mercy from God? Who will entreat for pardon of his sins? Remember thy end, and let enmity cease. For corruption and death impend on His commandments. Remember the fear of God, and bear no malice to thy neighbour. Remember the covenant of the Highest, and wink at the ignorance of thy neighbour. Abstain from strife, and thou shalt diminish thy sins. For a furious man will kindle strife, and a sinful man will disquiet friends, and will make debate among them that be at peace. For according to the trees of the wood, so will the fire burn; and according as a man's strength is, so will his wrath be; and according to his riches, his anger will rise. An hasty contention will kindle a fire; and an hasty fighting will shed blood; and a tale-bearing (testificans) tongue will cause death. If thou blow the spark, it shall burn like a fire; and if thou spit upon it, it shall be quenched; and both these come out of thy mouth. The whisperer and double-

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tongued is cursed; for he has destroyed many that were at peace. A backbiting (tertia) tongue hath disquieted many, and driven them from nation to nation. Strong cities of the rich hath it pulled down, and overthrown the houses of great men. It has destroyed the strength of peoples, and has scattered strong nations. A backbiting tongue hath east out virtuous women (viratas, spirited), and deprived them of their labours. Whoso hearkeneth unto it shall never find rest, and shall never have a friend on whom he may repose. The stroke of the whip maketh marks; but the stroke of the tongue will break the bones. Many have fallen by the edge of the sword, but not so many as have fallen by the tongue. Well is he that is defended from the evil tongue, and hath not passed through the venom thereof; who hath not drawn the yoke thereof, nor hath been bound in her bands. For the yoke thereof is a yoke of iron, and the bands thereof are bands of brass. The death thereof is an evil death, and the grave were better than it. Its endurance shall not abide, but it shall possess the ways of the unrighteous. In its flame it shall not burn the righteous. Such as forsake the Lord shall fall into it; and it shall burn in them, and not be quenched; and it shall be sent upon them as a lion, and devour them as a leopard. Hedge thine ears (soepi aures) about with thorns, and refuse to listen to the evil tongue, and make a door for thy mouth and bars for thine ears. Smelt (confla) thy gold and thy silver, and make a balance for thy words, and a right bridle for thy mouth. And beware lest thou slide perchance in thy tongue, and fall in the sight of thine enemies that be in

wait for thee, and thy fall be irremediable unto death."(1) Let all beware of these things, and "keep thy tongue from evil, and thy lips from speaking guile."(2) "Finally, dearly beloved, be strong in the Lord, and in the power of His might. Put on the armour of God, that ye may be able to stand against the wiles of the devil; for we wrestle not against flesh and blood, but against principalities and powers, against the rulers of the darkness of this world, against spiritual wickedness in heavenly places (coelestibus). Wherefore take unto you the armour of God, that ye

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may be able to withstand in the evil day, and to stand perfect in all (omnibus perfecti). Stand therefore, having your loins girt about with truth, and having on the breastplate of righteousness, and your feet shod with the preparation of the Gospel of peace; in all (in omnibus) taking the shield of faith, wherewith ye shall be able to quench all the fiery darts of the wicked one. And take the helmet of salvation, and the sword of the Spirit, which is the word of God."(3) It is our wish, brother, that those things which we have written to you should be made known generally to all, in order that things which touch the others should be made known to all. May Almighty God protect you, brother, and all our brethren everywhere situate, even to the end, even He who has thought good to redeem the whole world, our Lord Jesus Christ, who is blessed for ever. Amen. Given on the 16th day of October, in the consulship of the most illustrious Africanus and Decius.

NOTE BY THE AMERICAN EDITOR.

IT should be borne in mind by the reader that the holy martyr Fabian must not be less esteemed because this forgery was put upon him long after his decease. The forger puts many good thing into his work, to make it accord with the character to which he attributes good and bad together. So with all the Decretals: they are made specious by piety and texts of Scripture.