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# Pope Innocent IV and Church-State Relations, 1243-1254

Mary Robert Reis  
*Loyola University Chicago*

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POPE INNOCENT IV AND CHURCH-STATE RELATIONS, 1243-1254

by

Sister Mary Robert Reis, C. D. P.

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POPE INNOCENT IV AND CHURCH-STATE RELATIONS, 1243-1254

The history of the church under the leadership of Pope Innocent IV (1243-1254) is not only controversial but also is open to much misunderstanding. He ruled the church when the ideal of a Christian commonwealth had reached the plateau period and would gradually decline to be superseded by a more political concept of the state. It was impossible for Innocent IV to escape being drawn into political controversy. The policy of Innocent III (1198-1216) had committed the papacy to the triple task of directing the empire, securing the feudal overlordship of the great European kingdoms, and building a powerful state in Italy. In the peculiar historic circumstances of the middle decades of the thirteenth century, Innocent IV merely insisted on the traditional principles governing church-state relations. Nevertheless his many critics overlook the fundamental issues which were at stake and profess to find in the actions of Innocent nothing but a desire for universal domination.

Sinibald Fieschi, the future Pope Innocent IV, was a member of the noble Genoese family, of the counts of Lavagna. The date of his birth was not recorded and little is known of his early life. Although the Fieschi family was Genoese, they had been closely connected with Parma. Sinibald's uncle, the bishop of

parma, fostered his education and appointed him at an early age as a canon of his cathedral. After his departure from the University of Bologna, his rise in the church under the popes, Honorius III and Gregory IX, was rapid.

Pope Innocent IV was not only the greatest canon lawyer that ever lived but was interested in organizing schools of law and theology at the papal court and in furthering and bettering the university system. He was also a skilled administrator, who realized the importance of putting the church on a firm financial basis. His use of papal taxation and papal provisions brought him into trouble with the church and state in the Holy Roman Empire, England, and France.

Despite the fact that his Apparatus or commentary on the five books of the decretals and the decrees of the First Council of Lyons have made him famous, the Hohenstaufen quarrel and its aftermath have stigmatized him. No doubt during the great struggle with the Emperor Frederick II Innocent made use of every opportunity for increasing papal power, but it is at least very doubtful that he formed a deliberate policy of supremacy. Although he seemed to be ruthless and vindictive, he was fearful for the church and impelled by the contingencies in which he was placed. He took the church at her highest and best in the climax of the thirteenth century and represented her worthily and adequately, if not always prudently.

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Abbreviations Used in Footnotes

<u>Apparatus</u>	<u>Innocentius IV, Apparatus super libros Decretalium</u>
Bliss	<u>Calendar of Entries in the Papal Registers Relating to Great Britain and Ireland</u>
Caspar	<u>Register Gregors VII</u>
Curbio	<u>Vita Innocentii Papae IV</u>
Denifle	<u>Chartularium Universitatis Parisiensis</u>
Emerton	<u>Correspondence of Pope Gregory VII</u>
Grosseteste	Roberti Grosseteste, <u>Epistolae</u>
Hefele-Leclercq	<u>Histoire des Conciles</u>
Hermann	<u>XIIIth Century Chronicles</u>
Huillard-Bréholles	<u>Historia Diplomatica Friderici Secundi</u>
Mansi	<u>Sacrorum conciliorum</u>
Matthew Paris	<u>Chronica Majora</u>
<u>Monumenta Germaniae Historica</u>	<u>MGH</u>
Potthast	<u>Regesta Pontificum Romanorum</u>
<u>Reg.</u>	<u>Registres d'Innocent IV</u>
<u>Regesta</u>	Böhmer-Ficker, <u>Regesta Imperii</u>
Rodenberg	<u>Epistolae Saeculi XIII</u>
Rymer	<u>Rymer's Foedera</u>
Salimbene	<u>Cronica Fratris Salimbene de Adam</u>
Salisbury	Ioannis Saresberiensis, <u>Policratici</u>
Teulet	<u>Layettes du Trésor des chartes</u>
Von Beham	<u>Regesten P. Innocenz IV</u>

## CHAPTER I

### Introduction

The history of the church under the leadership of Pope Innocent IV (1243-1254) is not only controversial but also is open to much misunderstanding.<sup>1</sup> He ruled the church when the ideal of a Christian commonwealth had reached the plateau period and would gradually decline to be superseded by a more political concept of the state. The resistless current of history gradually dissolved the feudal mass transforming it into a number of centralized monarchies which could develop only by means of a proud self-assertion. During this time, in addition to the customary insistence on unhindered supervision over the clergy everywhere, certain popes made a valiant attempt to attain peace and justice in Christendom by fostering the universal recognition of papal political leadership. This concept implied a kind of union of European states under papal supervision. Accordingly, although the popes claimed no direct temporal authority outside the papal states, they did attempt to form a sort of federation of kingdoms

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<sup>1</sup>For background material I am mainly indebted to: Cambridge Medieval History, Vols. V and VI; A. C. Flick, The Rise of the Medieval Church; Hubert Jedin and John Dolan (ed.), Handbook of Church History, Vol. IV; Horace K. Mann, The Lives of the Popes in the Middle Ages; Vol. XIV; The New Catholic Encyclopedia.

under papal sovereignty. The primary purpose of this union was a peaceful Christendom conducive to the spiritual and moral welfare of all.

The old issue between an ecclesiastical and a lay organization of society was slowly reaching a crisis. In the time of Innocent IV the clerical power had reached its peak and soon would be on the decline. During the first half of the thirteenth century the old medieval hierarchy of governments broke down in many regions. In each region affected by these changes one government became dominant and gained control of political activities. Whether king, court, or commune came out on top the result was the same. Although the monopoly of power secured by the dominant government was, of course, not complete, it became strong enough to inspire loyalty. Then as certain governments obtained a de facto monopoly of political power they began to do more work. Their courts met more frequently; they heard more cases; they began to tax and to legislate. In order to perform this increased amount of work they multiplied the number of their officials. It was not only that the officials formed a large group which would support the actions of their government, but more important was the fact that every official, consciously or unconsciously was a propagandist for his own government.

Innocent IV had the misfortune of ruling the church during the transition to this more political concept of the state. From the days of Gregory VII in the latter part of the eleventh



century until a plateau was reached at the time of Innocent IV, the papacy had grown in both internal and external pretension and power; after that period its authority waned. The first three decades of the thirteenth century were an apogee of the prestige of the medieval church and of its influence on the kings and people of Europe. However, in this century of startling advances in theology, philosophy, law, architecture, and education Innocent IV had to face the first serious discordant note in the general harmony of Christendom.

The church was not only deeply involved in the world of practical politics but also in the realm of political and philosophical ideas. The pope was the ruler of Rome and the papal states. He had the support of centuries of tradition, the code of canon law, and the proclamations of his predecessors. All European churches were part of this legal organism dominated by the doctrine of the papal plenitude of power. This was only one aspect of the church which in the mid-thirteenth century exercised spiritual dominion together with great political, social, and economic influence. It was a united and universal institution with awesome jurisdiction over all Christendom. The ancient order based on the dual authority of pope and emperor was ending, but before it was replaced it was given a final exalted summation and test by Innocent IV.

There were weighty reasons for maintaining that the papacy had reached its peak. There was the awesome picture in 1243 of the church asserting unity throughout western Europe where a

dreaded papal interdict could suspend religious services, where an excommunicated person became a religious outlaw, where the clergy still exercised much of what we now think of as lay government, and where in continual disputes as to the respective roles played by ruler and pope the church frequently won.

Innocent ruled in fact on the eve of a revolution in European politics, not the least momentous because its results were defined in no external changes of government, were almost impalpable to contemporaries, and left all concerned for a time as clamorous and assertive as before. The middle-thirteenth century was a turning point in the history of society whether we look to the intellectual movement, to the decline of feudalism, to the budding nationalism in England and France, or to the questioning of ecclesiastical and imperial dignity and position. Yet, evidently Innocent felt that it was his duty to repair society, make the teachings of the church the guide of the world, and maintain the church's rights in regard to the secular state. His clear and forceful enunciation of this policy opened a new channel of thought and discussion from which flowed writings exposing political theory especially on the church-state question. It is impossible to understand the Innocentian papacy and its relations with the state if we treat it in the analogy of modern conditions. The church was not only a more universal and far-reaching society than the state, but it also possessed many of the functions that we regard as essentially temporal today. Innocent struggled to keep the church independent of

the state and as superior to it as the very nature of the church demanded.

Viewing papal policy in its essentials, we cannot fail to detect an inherent weakness. The papacy was faced with the same administrative problems as that of the state. The thirteenth century marked the peak of the concentration of power over the church in the centralized authority of the papacy. The popes were not only able to make their voices heard in appointing to high ecclesiastical offices, but with the introduction of the system of provisions they were often able to monopolize such appointments. Papal officials were able to circulate fully over western Europe while at the curia a vast bureaucratic organization, capable of dealing with all problems of church administration and discipline took shape under papal guidance. The character of the pope's potestas as agent for the Christian community was interpreted so as to give him a practically absolute position in both church government and secular affairs. The scope of papal authority could be limited only by explicit provision of divine and natural law and even there the pope might exercise a dispensing power. The general picture of the political structure of the Middle Ages exhibited definite tendencies towards the establishment of a world government; moreover this world monarchy was a truly theocratic institution. Since it was the pope who was to play the role of a world monarch, he arrogated to himself the powers to command, to arbitrate, and to issue binding decrees to all nations. The policy of Innocent

III (1198-1216) had committed the papacy to the triple task of directing the empire, securing the feudal overlordship of the great European kingdoms, and building a powerful state in Italy. This policy which was continued by Innocent IV involved the papacy in a life or death struggle with the Hohenstaufens and in frequent encounters with the growing power of the rising national kingdoms. His role as world monarch made demands on the pope which could hardly be satisfied at this stage of civilization. In a word it was ideal and visionary. When Innocent IV faced a climactic church-state conflict, it became evident that the church's unworldliness only existed insofar as she had no material forces to rely upon. On trial, the spiritual basis of papal hierarchical pretensions at once broke down; and Innocent became such a disturbing influence on the political system of Europe that even the most religious rulers were troubled to reconcile their duty toward their country with what they believed to be their duty toward the church. A new leaven was everywhere working and was opposed to a political and social structure based on a religious spirit. Beneath all of this there was a subtle and gradual repudiation of the church as a hierarchic and social order because of her predominance in political life.

The power of the church was juridically strong, but in terms of the Christian mission it was weak. The decretalists had built a great edifice of papal claims, but the conflict between old ideals and new practices had made its appearance.

The lawyer-popes of the thirteenth century were far more successful in fulfilling the administrative than the spiritual responsibilities of their office. The ideal of the canonists was to make a working reality of that kingdom of God upon earth and to express the laws of that kingdom in a cohesive code; but little by little as the papacy came to depend on the material support of alliances and wars, and disposed of royal and imperial crowns, political factors intermingled with religious factors and sometimes outweighed them. The church has never canonized Innocent IV because his great contributions were not in the field of dogma nor was his life that of a saint. Worldly affairs occupied almost all his attention. The papacy reached its highest peak in an earthly sense, but this very fact involved heavy counterweights. By the time of Innocent IV European civilization was becoming self-dependent and did not need, as before, the help of the church. The emerging nations had in theory learned everything which the clergy had to teach them. First, laymen had the culture which had once been the prerogative of the clergy. Second, without any reference to the church's tradition, men were now independently able to study the ancient civilizations and glean such information as they thought desirable. The standards which the church had set for secular activities were increasingly disregarded. The problem just awakening in the Innocentian middle years of the thirteenth century was the key to much of the tragic history of the latter Middle Ages.

In 1243 the word "state" had no connotation such as we use today in speaking of England, France, Germany, and Italy. In like manner the word "church" suggests a quite different meaning in the world today than the unity of authority which Innocent IV held in 1243. It was the Christian religion, not political interdependence, that held western Europe together. The ideology of the Gregorian reform had imposed the recognition of its two leading principles: the superiority of the spiritual over the temporal power and emancipation of the church from lay control. The church was eager to maintain not only ecclesiastical independence but even ecclesiastical supremacy.

Many of his critics overlook the fundamental issues which were at stake and profess to find in the actions of Innocent nothing but a desire for universal domination. In a one-sided way they often deal with him as though his leadership was nothing but a victory of personal ambition. Arthur L. Smith accused him of taking the church at her highest and best and in a mere eleven years destroying half her power for good and launching her irretrievably upon a downward course.<sup>2</sup> The fall from the magnanimous ambition of Innocent III to the fierce passions of Innocent IV showed clearly, wrote Henry Dwight Sedgwick, how disastrously worldly strife was affecting the church.<sup>3</sup> E. Kantorwicz felt

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<sup>2</sup>Arthur L. Smith, Church and State in the Middle Ages (Oxford, 1913), pp. 244-245.

<sup>3</sup>Henry Dwight Sedgwick, Italy in the Thirteenth Century (New York, 1933), p. 303.

that Pope Innocent IV silenced every scruple in the pursuit of his one goal, the annihilation of the Hohenstaufens. He broke, evaded, or altered every canon at will, introducing into the papacy a machiavellian trait which placed immediate expediency before all law, human or divine.<sup>4</sup>

Perhaps the main deterrent to a right understanding of Innocent IV is the difficulty of grasping adequately the milieu in which the events occurred. There is the tendency to judge past institutions and events in the light of modern modes of conduct and juridicial practice. Moreover, Innocent III has been defended in part by a transference of responsibility for the development of extremist views to Innocent IV. There are those who are convinced that the history of Innocent IV's pontificate represented the intentional attempt of the church and papacy to make itself supreme over all other authorities, and there is much to be said for such a judgment. It is, however, important to distinguish very carefully between the things which men say in the height of controversy and their calm and deliberate judgments and purposes. No doubt during the course of the great struggle Innocent put forward a claim which was equivalent to the supremacy of the spiritual power over the temporal. Undoubtedly, he made use of every opportunity for increasing papal power, but it is at least very doubtful that

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<sup>4</sup>E. Kantorwicz, Frederick the Second (New York, 1957), p. 624.

he formed a deliberate policy of supremacy.

Probably no pope has suffered more from critics than Innocent whose strength of mind and will was a provocation to misunderstanding and slander not only during his lifetime but through centuries of history. He ruled during one of the most trying periods in the history of the church when the encroachments of the civil power were threatening to rob the church of all freedom of action. This was an era of ferment with Pope Innocent IV and the Emperor Frederick II as the main catalytic agents. It was also a most decisive one for the papacy and the people of Italy. All the devices that the emperor knew how to invent were used against Innocent. His purposes were assailed; his character, attacked; and the picture left of the pope was that of a brutal monster. In attempting to eradicate the evil threat, Innocent courageously challenged Frederick. These were the days when pope and emperor desperately needed each other's help, but instead they were enemies who plotted and fought while Europe was torn apart as a result of their strife. Generally speaking it was not so much that new practices were introduced nor a new approach adopted, but rather that conditions had changed greatly since the dawn of the thirteenth century in a Europe that was growing up. Innocent found the Holy Roman Emperor Frederick in theory, if not in fact, committed to making the church subservient to the state. Innocent opposed this policy and enunciated clearly and forcibly the traditional teaching of the church on the question of church-state relations.



He made his policies operative, thus breaking secular control and freeing the church. Political philosophy had been forced into the arena of practical politics to be finally decided by the death of Frederick and a Europe not ready for his more advanced and cosmopolitan ideas.

Innocent IV like his immediate predecessors was accused of making Christian Europe a theocracy, of erecting a super-state in which ecclesiastical and political control would immediately rest in the hands of the pope. Such intentions were alien to Innocent. It is the aim of this study to explain that in the peculiar historic circumstances of the middle decades of the thirteenth century, Innocent merely insisted on the traditional principles governing church-state relations, which far from injuring, tended rather to support the rights and authority of the state. At the time of Innocent IV papal dominion had been accepted as a reality while at the same time the Holy Roman Empire was still struggling to be a powerful entity. Innocent was not aware of the changes that were coming in the next fifty years. He did not foresee the bitter attacks the papacy would be exposed to by the fourteenth-century writers and reformers, nor did he anticipate the growing self-consciousness of the European nations which were steadily developing their own political systems. These emerging nations were learning how to do without the pope in temporal matters and were cutting a deeper cleavage between spiritual and temporal affairs.

In introducing the study of the church-state problem during

the pontificate of Innocent IV, it is perhaps advisable to remark about the way I intend to approach the question. My endeavor is to state the facts as found in the chronicles, the letters, and other documents of the time. I have used printed documents and calendars of recorded materials in preference to narrative accounts with their prejudice and their often personal animosity. However, several considerations have influenced me to consult the chronicles despite the inevitable risks involved. First, taken together they comprise a wealth of material; second, their class bias and theological bent are so evident that they constitute no pitfall. To look at Innocent only from the viewpoint of his eulogistic Parma relative, the Franciscan Salimbene,<sup>5</sup> or merely from the view of the nationalistic and monkish Matthew Paris<sup>6</sup> would give a highly falsified picture even though their chronicles are more continuous and easier to follow than the more objective and more authoritative records.

The aim of this study is to present the papal approach to church-state relations and to describe Innocent IV's compact

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<sup>5</sup>Salimbene moved about Italy and France gathering his information. He went to the places where Innocent was and listened to him and wrote down what he said. He found the activity of a seaport fascinating and learned from travelers who sailed in and out. He lived in one Franciscan house after another and remembered the tales told in each.

<sup>6</sup>Matthew Paris, the Benedictine, stayed behind the monastery walls at St. Albans in England and listened to the tales of visitors. He never came in contact with Pope Innocent IV and therefore had no personal knowledge of him. What he wrote was in some cases derived from letters and documents; the rest was hearsay.

and integrated policy in all phases of the church-state problem by investigating papal registers and letters, conciliar decrees, and papal bulls. This was made easier because Innocent IV was a prolific letter writer. In considering the subject from this point of view it is recognized that personages other than Innocent profoundly influenced the course of the struggle waged principally in the empire. However, since the approach is from that of the Holy See, the emphasis will necessarily be placed on papal sources and acts. Since there is no question of writing an apologia for Innocentian policies and as the imposing personalities and policies of the Emperor Frederick II, King Louis IX of France, and King Henry III of England may not be disregarded, their motives, acts, and reaction to papal policy will be investigated.

Before moving to the substance of the study, it is necessary to define its purpose more clearly than has been done in the title. The major theme will be the underlying and basic policy motivating Innocent IV in his handling of the church-state question. Cast in the role of usurper of ecclesiastical and political power, held to be primarily responsible for the creation of the policies he pursued, and depicted as the perverter of the papacy's position of spiritual leadership, Innocent IV is often regarded as the originator of the most extreme theory of papal power in temporal affairs. As his policy unfolds, hardening, mollifying, and even reversing itself, the controversial questions and points of disagreement are raised

and solutions suggested. This will be in the light of evidence adduced from papal sources in order to bring his actions into proper perspective and to contribute, it is hoped, a clearer understanding of Innocent IV. If we consider the medieval church not only as a spiritual but a political power which faced unusual civil and military problems, we must rate Innocent IV as an outstanding and great pope. And behind this study stands the assumption that he had not been elected to an office which at that time was purely spiritual in its claims, rights, and duties. In light of this he could not avoid demanding authority against other powers or ways of thought. His many critics overlook the fundamental issues which were at stake when they charge him with a desire for power and universal dominance; whereas the church was already deeply entrenched in the world of politics. The pope was the vicar of Christ, the link between a temporal world and eternity. The machinery of both was frequently confused in the papal exercise of power. Therefore, it was quite natural that the papacy which had raised itself to a superior position became a target of attack. Under Innocent IV the church underwent a crucial test of her European position in a violent church-state quarrel. We must not be deceived by the apparent papal success; for whether we look to the primacy and purity of the faith, or to the church struggling for her autonomy, or to the papacy claiming supreme authority over society, the components defining Roman Christendom were in dispute when Innocent brought to a climax the conflict between

empire and papacy. This study will devote particular attention to the persistent questioning of Innocent's leadership as the course of papal power and prestige begins its downward course to end in the collapse of papal authority in the early fourteenth century.

This account is designed to present new facts and new interpretation of old data in such a way as to give the reader an idea of the circumstances from which Innocent's career emerged, and an idea of the personality of the pope, which was, of course, a chief formative influence in that career. It seems worthwhile to examine those details of Innocent's life which have, through misrepresentation, caused false ideas, first as to his character and then as to his achievement. My purpose, however, is not to defend Innocent the man more than it is to show how circumstances and personal traits influenced his actions. Specifically this study focuses on the pope not as a teacher, but as a ruler of men involved in affairs which may be viewed under a secular as well as a religious aspect.

Finally, the purpose of this work is neither theological nor juridical, nor has it an apologetic character. It is rather a hard look at the interplay of the religious and political values of the papal policy and the civil and political values of the secular society. Various elements were already operating before the period opened and would further develop during the next centuries; but in spite of this it can be considered a period apart with special features, such as the vendetta Innocent

pursued against the Hohenstaufens and his mobilization of all sources, spiritual, diplomatic, military, and economic against them in the spirit of total war.

In order to place the somewhat elusive Sinibald Fieschi, the future Innocent IV, in his epoch and surroundings and to establish some link between him and the characters and events which were to shape his development and career, it is necessary to outline some chronological and topographical data. Nothing of consequence is known of his childhood; not even the year of his birth is recorded. We know that he was born prior to 1207 because in a letter to King Henry III of England, who was born in that year, Innocent mentioned that he was older than the king.<sup>7</sup> Although little is recorded of the early years of Sinibald, fortunately there is in existence a biography by his chaplain, Nicholas of Curbio,<sup>8</sup> which gives an interesting account of Innocent's career and helps correct some of the flagrant errors of Matthew Paris, who only had hearsay knowledge. Although Curbio's work is somewhat eulogistic, he often points out his source, which is an aid to the evaluation of his evidence. Innocent, who was probably in his fifties at the time

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<sup>7</sup>Rymer's Foedera, ed. Thomas D. Hary (London, 1869), I, 50.

<sup>8</sup>Nicholas of Curbio has at times been described as Nicholas of Corby, an Englishman. Horace K. Mann in his Lives of the Popes in the Middle Ages (London, 1928), p. 2, insists that he was born at Calvi or Carbio in southern Italy. However, most works merely list him as Nicholas of Curbio.

of his election as pope, was of the Genoese nobility, the counts of Lavagna. He was a man of excellent character who was both intelligent and virtuous;<sup>9</sup> in fact the blamelessness of his private life and his reputation for personal holiness have been attested to by Robert Grosseteste, an English bishop.<sup>10</sup> Salimbene was impressed by the fact that Innocent had a marvelous memory and was extremely generous,<sup>11</sup> a trait that was conceded to him even by the critical Matthew Paris.<sup>12</sup> Unfortunately, however, Innocent's straitened financial circumstances, and on the other hand, slanderous propaganda have resulted in the undue tarnishing of his name. He was the arrogant prelate, sure of himself and of the vast organization in whose power his confidence was rooted; yet there were instances of empathy that were redeeming features in his character. Although Innocent IV hated pomp and was inclined to disregard ceremony, the story is told of his spectacular journey to Milan on his return from Lyons. He rode through miles of happy and jubilant Milanese who after twenty-four years

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<sup>9</sup>Nicolaeo de Curbio, Vita Innocentii Papae IV, ed. Ludovico Muratori, Rerum Italicarum Scriptores (Milan, 1723), III, c. 6.

<sup>10</sup>Roberti Grosseteste, Epistolae, ed. H. R. Luard, Rolls Series 25 (London, 1861), Ep. 106, p. 35.

<sup>11</sup>Cronica Fratris Salimbene de Adam, ed. O. Holder-Egger, Monumenta Germaniae historica Scriptores (Hanover, 1913), XXXII, 53, 61.

<sup>12</sup>Matthew Paris, Chronica Majora, ed. H. R. Luard, Rolls Series 57 (London, 1880), V, 237.

of struggle and despair were at last enjoying freedom.<sup>13</sup> Innocent IV was ever solicitous about the university students at Paris. He tried to protect them from being overcharged for their lodgings,<sup>14</sup> wanted them to be exempt from tolls and other annoyances on their way to the university,<sup>15</sup> and in general fought for their freedom from oppression by the powerful in both church and state.<sup>16</sup> Innocent was numbered among the popes who greatly furthered the university movement by founding the University of Piacenza,<sup>17</sup> organizing schools of theology and law at his own court,<sup>18</sup> granting privileges to the new universities of Valencia<sup>19</sup> and Toulouse,<sup>20</sup> and awarding the University of Paris a seal of its own for ten years.<sup>21</sup> Moreover, he endeavored to encourage high standards by having only qualified men to lecture

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<sup>13</sup>Curbio, c. 30.

<sup>14</sup>Chartularium Universitatis Parisiensis, ed. H. Denifle (Paris, 1889), I, 232.

<sup>15</sup>Denifle, I, 221-222, 237-238.

<sup>16</sup>Denifle, I, 191, 233, 235-237.

<sup>17</sup>Denifle, I, 208-209.

<sup>18</sup>Curbio, c. 16 and c. 41.

<sup>19</sup>Les Registres d'Innocent IV, ed. Élie Berger (Paris, 1884), I, no. 1371.

<sup>20</sup>Denifle, I, 184-186.

<sup>21</sup>Denifle, I, 234-235.



in the universities.<sup>22</sup> He took the time to write a letter of commendation to an English society established for the protection of the poor against the rapacity of the money lenders. He understood, he said, that to put a stop to the practice, certain merchants had set aside sums of money, which they placed in the hands of trustworthy citizens, to lend to the poor. For the loans nothing was to be demanded or received except the principal. The pope had been told that this pious society had existed for several years in many places and had done much good. Consequently he wrote to the bishops of Bath and Wells and Salisbury to express his approval and to give his blessing to those who had contributed.<sup>23</sup> The suffering Jews of Germany also received letters of protection from him.<sup>24</sup> In his concern even for heretics, Innocent condemned the issuance of groundless indictments for heresy and the citation of people to remote places to answer the charges.<sup>25</sup> However, there are critics who like to attribute to him the reputation for ruthlessness, craftiness, and astute business sense which writers from time immemorial

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<sup>22</sup> Denifle, I, 189.

<sup>23</sup> Reg., II, no. 5,117.

<sup>24</sup> Reg., I, no. 3077. Solomon Grayzed, The Church and the Jews in the XIIIth Century (New York, 1966), pp. 268-271, quotes this letter of Innocent IV to the archbishops and bishops of Germany. He maintains that this was an opportunity for Innocent to make the church rather than the empire the protector of the Jews.

<sup>25</sup> Reg., I, nos. 312-313, 491, 3214.

have applied to the men of Genoa. Some have even attempted to show that it was with Innocent that the fiscal corruption and moral debauchery of the papacy began. Moreover, Dante did not mention Innocent IV by name among the papal denizens of hell as he did his successors, Nicholas III and Boniface VIII for those very crimes. Nevertheless, no study of the papacy under Innocent IV can possibly evade the question of his personality. Actually, the problem was that he succeeded to a legacy of debt which he desperately tried to liquidate.<sup>26</sup> No doubt he was not a very popular figure among contemporaries. Some were probably terrified by the dogged persistence with which he pursued his objectives; others were surely alienated by the intrigues and compromises of which he was a master. He certainly belonged to that stamp of men who set before themselves some grand object of incomparable difficulty and then go straight to the mark in spite of countless hindrances and sturdy foes. With his pontificate the papacy was in the hands of a combination Genoese lawyer-business man.

Although the Fieschi family was Genoese, they had been closely connected with Parma since Obizzo, a Fieschi cadet, had been named bishop there in 1194 and had ruled the church in Parma for thirty years. Sinibald had spent his early years of study there and was for a time a canon of Parma. There were many of the Fieschi for whom Pope Innocent was careful to

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<sup>26</sup>Reg., I, no. 22; Curbio, c. 7.

provide. Because of the number of his relatives in important clerical positions, charges of nepotism have at times been leveled at him. Sinibald's own successful career was certainly due in part to family connections. His uncle, the bishop of Parma, fostered his education and appointed him at an early age as a canon of his cathedral. However, it was not long until Sinibald went to the University of Bologna where he studied and later taught law. In these years he laid the foundation of that legal knowledge which was to earn him a great reputation as a canonist and enable him to bring to the papacy the clearly formulated canonical theories, and the keen intelligence and perseverance needed to turn the theories of the schools into matters of everyday practice. This he did as pope by enunciating papal doctrine and by putting the claims of earlier popes into clear and concise form.

His rise in the church was rapid. As an outstanding jurist, which in those days was the equivalent of training in statesmanship, he could hardly have failed to be selected as a candidate for higher offices and a distinguished ecclesiastical career. It was Pope Honorius III who first recognized in the young Fieschi the making of a diplomat. In 1226 the pope summoned him to Rome for the appointment as auditor of the Litterae Contradictatae,<sup>27</sup> the Audience of Contradicted Letters, where

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<sup>27</sup>Regesta Pontificum Romanorum, ed. Augustus Potthast (Berlin, 1874), I, 679. The Audientia Contradictarum Litterarum was a department of the papal chancery in which letters were

draft rescripts were read before attorneys of interested parties and corrected if necessary. Sinibald had also attracted the notice of the legate Hugolino, the future Pope Gregory IX, and had made himself useful to him in Parma. When Gregory IX became pontiff in 1227, he immediately appointed Sinibald Fieschi his vice-chancellor and later in that same year, cardinal priest of St. Lawrence in Lucina.<sup>28</sup> Gregory's registers show that Sinibald was a prominent member of the curia who frequently handled important cases submitted to the Holy See.<sup>29</sup> In 1235 Gregory gave him the office of rector of the March of Ancona. Gregory's letters to him outline some of the ecclesiastical, political, and military problems that Cardinal Fieschi had to settle, such as ending private wars and punishing cities which had been injurious to the patrimony.<sup>30</sup> The period Sinibald Fieschi served as rector of Ancona was a formative one which

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finally examined before being dispatched to their destination. The work of the auditors was to decide whether there was any contradictory matter in the letters, and, if there was, to see that it was corrected before being sent to the bullator to be sealed. The audientia was mainly concerned with legal documents and with grants by the curia which had been challenged by opponents of the recipients. It also regulated and systematized rescripts and was to be of assistance to the parties in the selecting of judges.

<sup>28</sup> Epistolae Saeculi XIII, ed. C. Rodenberg, MGH., Epistolae Saeculi (Berlin, 1897), I, nos. 360, 499.

<sup>29</sup> Les Registres de Gregoire IX, ed. Lucien Auvray (Paris, 1907), II, nos. 2762, 3956, 3959-3960.

<sup>30</sup> Potthast, II, nos. 10032-10036; Rodenberg, I, nos. 752, 779.

added to his growing reputation as an administrator. It was a trying time during which the church under Gregory IX was struggling against Frederick II, and one in which Sinibald would receive intensive training in the practical details of ecclesiastical organization and government. He visited Rome in December 1240, and Gregory decided to keep him there.<sup>31</sup> During this interval Cardinal Fieschi began preparation of his famous commentary of Raymond Peñafort's collection of decretals which had been commanded by Gregory IX.<sup>32</sup>

The foregoing is a brief and eclectic sketch of the early life and times of Sinibald Fieschi mainly because there is so little material. His life before becoming pope had been unusually quiet and unpretentious. With the death of the militant and irascible Gregory IX in August 1241, Christendom hoped for an end of the bitter strife and tension caused by Gregory and Frederick. Pope Celestine IV, Gregory's successor, died shortly after election, and for two years a new choice was prevented by both cardinalitial and imperial intrigue. Most of the cardinals in order to attain some degree of independence had gone to Anagni. They refused to make a decision until Frederick had released those cardinals whom he held captive and had ordered

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<sup>31</sup>Rodenberg, I, no. 794. Pope Gregory IX informed all the faithful in the March of Ancona that he would keep Sinibald Fieschi in Rome.

<sup>32</sup>The exact dates for the beginning and completion of the Apparatus seu Commentaria are not known. It dealt with restricted fields such as judicial procedure, penal law, electoral law.

his troops from the vicinity of Rome. Christendom might at last hope to see an end of the strife which had disturbed her, but Frederick paid a high price for his temporary success in preventing the council called by Gregory IX at Rome. A general council was a serious threat to the emperor. He had been insisting that his quarrel was with the pope, not the church, that Gregory's personal hostility and vindictiveness were the only cause of discord. While Frederick had reason to fear the meeting of a council, the steps which he took to prevent it hurt him almost as much as the meeting could have done. Many of the prelates called to the council went to Rome in Genoese ships since the emperor's control of northern Italy made land travel unsafe. A Pisan fleet, under Frederick's orders, captured most of the prelates including two of the cardinals. Frederick had attacked the church in the person of its bishops; he had changed his personal quarrel with Gregory into an irreconcilable war with the papacy. He had seriously offended other rulers, especially Louis IX of France, by capturing their subjects. The immediate effect of Frederick's attack was to shatter the confidence of the College of Cardinals. They were not sure how to deal with their terrible opponent and their uncertainty made it difficult for them to agree on a new pope. What the church needed was a diplomatic pope who could appease Frederick and help avoid a European conflict. Pope Gregory had relied on Sinibald Fieschi's advice and valued his decisions in the many controversies brought to the Holy See, and in 1243 he was hailed

as Gregory's successor, the strong man who could bring to an end the prolonged struggle with Frederick II. The situation had altered unexpectedly when King Louis of France could no longer stand idly by and watch a man like Frederick obtain control of Europe. He demanded that Frederick release the imprisoned French prelates, called on the cardinals to proceed with the election of a new pope, and promised that he would defend the freedom of the church.<sup>33</sup> Finally, on June 24, 1243, the cardinals, who were in exile at Anagni, elected Cardinal Sinibald Fieschi. No doubt the cardinals of the imperial party voted for him because he had been friendly to Frederick possibly because of the imperial fiefs which his family held;<sup>34</sup> but it was more probable his ability as an administrator and man of affairs which gained for him the election.

Such in brief summary is a sketch of Sinibald Fieschi. It reveals him to us as related to influential prelates, the trusted adviser of popes, a keen observer of current affairs. As Pope Innocent IV, he will be depicted as the symbol of that extreme legalism that hampered the church in the later Middle Ages. He had a strong belief in the supremacy of the Holy See and in its predestined triumph. The firm conviction that victory must necessarily always be the church's caused him never to concede,

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<sup>33</sup> Huillard-Bréholles, Historia Diplomatica Friderici Secundi (Paris, 1860), VI, 68-70.

<sup>34</sup> Richeri Gesta Senoniensis Ecclesiae, ed. G. Waitz, MGH., SS. (Hanover, 1947), XXV, 303.

never to forget, never even to forgive, and above all never to surrender. This presentation will attempt to show that Innocent IV took the church at her highest and best in the climax of the thirteenth century and represented her worthily and adequately, if not always prudently. By strength and vigor of character he overcame formidable opposition and made the power of the papacy felt at a time when cracks were beginning to appear in its structure. In his every triumph there is the shadow of future trouble. During the lifetime of Innocent IV the breaking point was never reached, but as we shall see it was approached.



## CHAPTER II

### The Church during the Pontificate of Innocent IV

The papacy had been actually without a ruler for almost two years when Sinibald Fieschi ascended the papal chair in 1243. Fieschi had the same strong purpose to continue the theocratic rule of the church that had characterized the pontificates of Innocent III and Gregory IX. Probably to manifest that he intended to adhere to the tradition of Innocent III he chose the name Innocent IV. The years of his pontificate (1243-1254) found the church in a state of order and equilibrium, no less than an organization of evident vitality and expansion. Innocent's administrative machinery was solid, down to earth. In theological, canonical, disciplinary, and financial activities he displayed an organizing ability that made his pontificate an important stage in the history of the church of the thirteenth century. No pope in that century held a position which was only spiritual in its obligations and prerogatives; and no pope could avoid affirming his rights to authority against other powers or ways of thought. Christendom and the civilized world were still at least notionally coincident. All men, rulers included, were in some form of relationship to the head of the church; and the spiritual overlordship of Rome involved in some measure the attributes of political sovereignty.

Regarded from one aspect, Innocent's pontificate was a constant struggle with the old problem of determining where the line of authority was to be drawn between church and state. His eleven-year tenure was largely, though not wholly, an attempt to solve this problem. This has dimmed his other activities. Yet, any over-all assessment must take into account the fact that Innocent was not only an active statesman but also an able churchman, concerned at least as much with the right ordering of the church as with the details of worldly diplomacy.<sup>1</sup>

Robert Brentano calls Innocent IV, "a pope insufficiently recognized as an ecclesiastical reformer."<sup>2</sup>

At first glance Innocent IV's career was in marked contrast to that of Gregory VII, whose determination to promote ecclesiastical reform led him into the realm of political action. Innocent IV, the lawyer, on the other hand, seemed more at home in the political arena, which in truth he was; for his special abilities and special training made him so. Above all, knowledge of law was the primary intellectual requirement for one who held an office which consisted so largely in defending the legal rights of the church on every level and in considering an

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<sup>1</sup>Potthast II, no. 11079. On July 2, 1243 Innocent in the announcement of his election to the archbishop of Rheims and his bishops, "eos hortatur ut impleant legitime pastorale ministerium, eisque mandat ut latori praesentium, praeter victum nihil penitus tribuant."

<sup>2</sup>Robert Brentano, The Two Churches (Princeton, 1968), p. 108.

immense range of legal appeals. But this aspect of Innocent's character should not obscure the fact that he held to the same basic ideal of what the church should be that motivated Gregory and adopted the same fundamental purposes. Like his predecessors he wanted to sustain absolute power over the souls of men. His bulls, briefs, and letters verify that he was an honorable man; and as pope, blameless, vigilant, and jealous of the teaching and administration of the church. Although his words, as well as his deeds, prove that the sole concern throughout his pontificate was not for spiritual things, he was obsessed by the thought that the church was in danger of being subjected to civil government. The search for peace struck the keynote of his pontificate and was the issue around which all his policies revolved. It was a task well-suited to a man of Innocent's legal mind and powerful personality, but it also gained him innumerable enemies.

The supporting theme introduced by Innocent IV was the vicariate of Christ as a preordained fact of Christian history and the characteristic feature of the regimen Christianum.<sup>3</sup> Above all, he emphasized the unitary nature of Christendom and

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<sup>3</sup>Innocentius IV, Apparatus super libros Decretalium (Venice, 1495), ad l.2.8. John A. Watt, The Theory of Papal Monarchy in the Thirteenth Century (New York, 1965), pp. 66-67, emphasized that throughout Innocent's pontificate there was an interpretation of the kingship of Christ which exposed his idea of the structure of Christian society: the head, as vicar of Christ, was uniquely responsible for the general welfare of the Christian body politic.

the consequent subjection of all to the papal ruler, Christ's vicar. This caused his first major problem, one that involved the nature and limits of authority within the structure of the church and the proper interrelationship of authority between head and members. Although the developments that were taking place did help to stimulate discussion on questions of papal absolutism, the problem of conciliarism did not become critical during Innocent's lifetime. However, in the arguments of Hostiensis, Innocent's contemporary, can be found the basic doctrines of the conciliarists of the fourteenth century. Besides emphasizing the divine origin of papal authority, Innocent held that the pope received the power of the keys in persona ecclesiae,<sup>4</sup> which meant that the pope was the church. Since the church was not merely heavenly, but an earthly community, it had to be governed by men. Christ, the real head, represented the corpus ecclesiae, but Peter and his successors personified the Christian society. Innocent IV presented the pope as the vicar of God, the holder of the plenitudo potestatis (fullness of power), which set him above all human law and enabled him to exercise the absolute authority of the Holy See, first, because Christ had conferred it on Peter and his successors; second, because any other type of government would have implied an imperfection in God's wisdom and love.<sup>5</sup> However,

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<sup>4</sup>Apparatus ad 5.39.49.

<sup>5</sup>Apparatus ad 3.34.38.

Innocent readily admitted that this power was given only for the church's good and could not be used in a manner harmful to the general state of the church.<sup>6</sup> Nevertheless, the pope could dispense against the general state of the church if he acted with just cause.<sup>7</sup> If human law was involved, the pope had the power to dispense even without a just cause;<sup>8</sup> if it was a question of revealed divine law, he could dispense against the letter of the law but not the spirit; but he never had the power to dispense an article of faith.<sup>9</sup> Innocent felt that because of the plentitudo potestatis he was outside the bounds of human censure. Plentitudo potestatis or plenitude of power was also the usual legal term to denote papal centralization.

One of the subjects of medieval debate in the sphere of constitutional theory was the problem of defining the proper relationship between the powers of a monarch and the rights of the community he governed. The issue was a juristic one and Innocent as a canonist had his own distinctive contribution. The question arose from the problems of constitutional growth that were common to the church as well as the other medieval societies, and also from certain characteristics that were believed to inhere in the church alone. The papacy was indeed

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<sup>6</sup> Apparatus ad 1.21.2.

<sup>7</sup> Apparatus ad 1.4.4.

<sup>8</sup> Apparatus ad 3.35.6.

<sup>9</sup> Apparatus ad 1.9.11.

a monarchy, the greatest of the medieval world; but it could not be thought of in just the same way as other monarchies. Christ promised that His church would never fail, that He would sustain it through all the ages. He had also set over the church a single head so that the papacy could claim a divine institution more immediate than any other monarchy. The corporation idea aptly described the practical implications of the sacerdotal hierarchy below the pope. A very important part of canonical doctrine, that the corporation is not natural but fictitious, was first clearly proclaimed by Innocent IV. He defined this corporate personality as a persona ficta, a fiction of the law,<sup>10</sup> and in general advocated the authoritarian interpretation of corporation structure.<sup>11</sup> The later political interpretation of this doctrine would have a great impact on the medieval world. If the personality of the corporation was a legal fiction, it was the gift of the prince. Needless to say, this doctrine became an apt lever for those forces which were transforming the medieval nation into the modern state. The federalistic or group structure of medieval society was threatened. No longer could one see the body politic as a system of groups, each of which in its turn was a system of groups.

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<sup>10</sup>Apparatus ad 2.20.57.

<sup>11</sup>Apparatus ad 1.2.8.

Since the care of all the churches could not be concentrated in the papacy without help, as papal sovereignty over the vast church corporation materialized in a multitude of ways, the growth of the bureaucratic Roman curia kept pace. The cardinals who presided over the various departments in the papal curia or court were probably one-half Innocent's own selection. He declared that the business of the cardinals was the care of all the churches.<sup>12</sup> As a body he considered them the senate of the church,<sup>13</sup> although there is no record of his consulting them. Since he was generous and never enraged over the actions of those under him, no pope was better served or more the master.<sup>14</sup> To Innocent belongs the credit for the origin of the red hats for the cardinals as a symbol of their office.<sup>15</sup>

Not all the curial departments which eventually developed in the papal court were distinct at this time, but those which were will serve as examples of Innocent's administrative ability. First in importance was the papal chancery where correspondence was handled. Innocent's registers are proof of the scope of

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<sup>12</sup>Apparatus ad 1.5.3.

<sup>13</sup>Apparatus ad 2.27.23.

<sup>14</sup>Cardinal Otho, the French Eudes of Châteauroux, managed the collection of money for the crusades; Cardinal Ranier of Viterbo was an ardent supporter and military leader; Cardinal Peter Capocci won over the church leaders in Germany and Sicily.

<sup>15</sup>Curbio, c. 21. In the entourage at Cluny were the cardinals who for the first time wore the red hats ordered at the Council of Lyons.

papal activity that transpired there. Despite his preoccupation in a grave political crisis, the titles of letters sent and received are evidence that the routine of government continued with amazing attention to detail. The pope was autonomous and sovereign, which in practice meant that by a stroke of the papal pen an entirely new situation might be created, so new that it might even contradict antecedent rulings. The second main department, the financial one, commonly known as the apostolic camera, organized a vast army of collectors, mostly foreigners, with delegated spiritual powers of coercion. The Innocentian fiscal machinery with its lines passing through the grandest monarchs down to the lowliest country priest was efficiently geared to a European-wide collection of funds. With the money extractions and appeals for aid went the records such as enabling bulls, letters, petitions, and the reports of the various legates. The development of papal finance had more than an ordinary impact upon general economic activity since the revenues came from both spiritual and temporal sources. The spiritual revenues included an income tax on the clergy (the tenths or decimae), various servitia paid by prelates on appointment to office, annates from priests assigned to a benefice, various chancery fees and taxes on religious orders. There was also the income from the preaching of indulgences. Temporal revenues were derived from the papal states, from Peter's pence, and the tithe. Innocent IV was the first pope to admit without disguise that the papacy needed an adequate financial basis, and to recognize the vast



potentialities of taxation in Christendom. For example, he authorized monasterial proctors present at his court to borrow large sums and to pledge their abbeys at home as security.<sup>16</sup> Lunt found that in England an almost continuous line of papal collectors can be traced from the time of Honorius III (1216-1227), but the system was not universally maintained throughout Christendom.<sup>17</sup> The most notorious one in England in the beginning years of Innocent IV's pontificate was Master Martin, who was eventually expelled.<sup>18</sup>

Two administrative developments were at once causes and symptoms of the new state of things in Innocent IV's pontificate, namely papal taxation and papal interference in the appointments to prelacies and benefices. Innocent IV wielding unquestioned authority advanced claims to immediate jurisdiction over every branch and member of the church. Medieval men unused to elaborate machinery of government, did not realize that an efficient central government had to be supported; consequently, all taxation was soon resented as something essentially extortionate. Concurrent with papal taxation, and in part arising from the same causes, was the practice of papal intervention in the awarding of

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<sup>16</sup> Reg., I, no. 38.

<sup>17</sup> William E. Lunt, Papal Revenues in the Middle Ages (New York, 1934), I, 10.

<sup>18</sup> The story from the time of Master Martin's arrival in January 1244, until he was asked to leave on June 30, 1245, is told by Matthew Paris, IV, 248, 368-376, 416-421.

benefices, commonly known as papal provisions, ranging from bishoprics to deaneries, rectories, canonries, and prebends. At first Innocent enforced the conferral of a certain number of benefices throughout Europe for his protégés, but his demands multiplied until the freedom of bishops in staffing their churches and chapters was notably curtailed. Throughout his pontificate, especially as demands spiraled and pressures increased, he often gave the impression of being irresponsible and autocratic in the bestowal of benefices.

Charges had been made against Innocent IV of not only allowing corruptible practices in his sanction of papal patronage by the excessive use of provisions and indulgences, but also by favoring his own relatives.<sup>19</sup> Not everyone agreed with Salimbene's observation that Innocent did not put his relatives into positions for which they were not equal. With regard to provisions, Innocent continued a system which he already found in operation. Although he openly justified the practice as a means of preventing the entrance of heretics, needless to say most of the foreign benefices were given to Italians. These men were often absentees who readily acquiesced to the papal demands made on them for money. In addition, the growth of papal taxation under Innocent brought in its train the resident papal collector who was responsible directly to the pope. He had a general commission to collect not only the tax for the crusades but all

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<sup>19</sup> Salimbene, p. 62.

the many and varied sums owed the Roman Church. The collectors were usually Italians and in making use of benefices to support them, the pope was doing no more than was practiced by bishops, kings and lay magnates to support their administrators. The ever-increasing appeal to Rome by petitioners, the growing centralization of ecclesiastical patronage, and the rise of papal taxation of benefices necessitated an expanded papal curia to meet the demand; and, in turn, the need of still more income. As for indulgences, it had been the practice that an indulgence could be gained by merely listening to a crusading sermon. Those who vowed to take the cross could redeem their promise by a money payment. Innocent continued this practice, but also had the friars preach crusading sermons against Frederick II and permitted the same indulgence terms. The money meant a new source of revenue for the church and a new weapon against the emperor.

Many of the bishops and cathedral chapters were restive under the papal imposition of tithes and the restrictions placed upon their judicial powers and their rights of distributing benefices. If the clergy were discontented, the laity could not have been enthusiastic about papal policy. Undoubtedly some of the criticism reflected the anger of disappointed clerics. Much certainly resulted from the political strife which accompanied Innocentian papal activity. It seems likely that men like Matthew Paris were deploring the passing of an old economic system at a time when Innocent IV, trying to finance the church's expanded activities and political campaigns, found

himself in dire need of money. Elections, provisions to benefices, and taxation were invariably on men's minds, and each of them had far reaching implications as the study of them in the Holy Roman Empire, England, and France in the following chapters will show.

This was the framework within which Pope Innocent IV had to function, and it is impossible to understand his story without reference to it. It is just as impossible to separate the issues which were raised between the spiritual and secular powers from the widespread and complicated growth of ecclesiastical cohesion throughout western Christendom under the direction of the medieval papacy. The church's position brought the supernatural body into close contact with the institutions and individual elements of secular society. Great was Innocent's administration within the church. A decided part of that administration rested in his efforts to carry the rule of the church out into the temporal or political world. The secular and ecclesiastical history of his pontificate were so closely interwoven as to be sometimes almost indistinguishable -- this was a problem every medieval pope had to face. The spiritual and moral problems which he endeavored to solve were not the only issues, for it was necessary at the same time to further clarify relations with the state. The history of the pontificate of Pope Innocent IV is largely a study of the attempts to solve this problem. It need hardly be said that his exposition of theocratic doctrine in doing it could not fail to provoke strong objections on the part of the princes.

It was Innocent's aim to end the old question of investiture disputes and to make the bishops papal dependents. To do this he placed particular emphasis on the papal role of mediator with reference to the priestly power. The plenitudo potestatis conferred on him as God's vicar rendered him the mediator for all spiritual and even secular authority. As mediator it was his mission to judge all men, but to be judged by none.<sup>20</sup> This principle which was first enunciated by Innocent III was clearly explained by Innocent IV. He went on to say that since all power was from God with the pope as the mediator between God and man, for the priestly power to be transferred without interference to the bishops, it was imperative that all influence, particularly secular, be eliminated at their election. In the attempt to put his plans into operation, Innocent was called on to strengthen, without changing, the administrative structure of the church. To accomplish this he wanted to put the episcopacy immediately under his control and made a first step by insisting on the requirement of papal confirmation. In the case of the distant exempti and archbishops he could readily concede an interim right of administration, for these two groups immediately under the pope were precisely the categories of officials who must receive papal confirmation. Some regarded the interim administration of these non-Italian metropolitan-elect and exempt prelates-elect as a mere proctorship, a form of delegated power derived from papal

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<sup>20</sup>Apparatus ad 2.2.17.

sanctions.<sup>21</sup> However, in other cases it meant papal sanction of their administrative powers rather than the sanction of their administrative powers resulting from their election in chapter. Clearly Innocent wished this to apply not only to the administration of the diocese but also to the acceptance of the temporalia because investiture could not lawfully confer the powers of administration on an unconfirmed bishop-elect. To save the episcopate from any control of the secular authority Pope Innocent IV was anxious for the eclipse of the regalia. For instance, in 1246, he ordered the vassals of Verdun to obey their uninvested bishop, to do homage and take the oaths of fealty since there was no emperor or king from whom he could receive the temporalia.<sup>22</sup> Shortly after when the same see fell vacant he commanded the chapter not to elect a successor before the arrival of the papal legate who was then on his way to Verdun.<sup>23</sup> Moreover, when there was a papal legate present in the province, before administering his office, the electus must first be confirmed by the legate.<sup>24</sup> Confirmation alone was sufficient

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<sup>21</sup>Apparatus ad 1.6.44. The insistence on electoral confirmation was part of a long, slow process by which the selection and elevation of bishops were largely removed from lay control, and by which episcopal elections were brought under ecclesiastical supervision and the regulations of canon law.

<sup>22</sup>Rodenberg, II, no. 155.

<sup>23</sup>Rodenberg, II, no. 308.

<sup>24</sup>Apparatus ad 1.4.7.

without investiture for an electus immediately to administer the affairs of the church in both spiritual and temporal matters,<sup>25</sup> and all vassals were bound to swear fealty to their new lord.<sup>26</sup> In practice, because the monarchy commonly received the income for the episcopal temporalia during a vacancy, the papacy often intervened as a matter of policy to shorten the vacancies. This policy undoubtedly mirrored the deep concern of the bishops-elect over the questionable loyalty of vassals and over the potential loss of revenue and property. Actually Innocent often implicitly recognized the importance of the regalia for the bishop-elect.<sup>27</sup> In fact, in one of his glosses, he stated that a prelate had a certain spiritual right which included all powers acquired through confirmation and consecration; and through investiture he could accept the homage, fealty, and service of his vassals.<sup>28</sup> From his statements it is apparent that Pope Innocent IV was indifferent to the imperial idea of regalian investiture, for he refused to recognize the major effort claimed for the ceremony of investiture, but he was not indifferent to the bishop-elect's enfeoffment of his own vassals. In general, he was interested in the feudal rights of prelates and their relations with their vassals.

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<sup>25</sup>Apparatus ad 1.6.15.

<sup>26</sup>Rodenberg, II, nos. 117, 307.

<sup>27</sup>Reg., I, nos. 316, 1056-1057, 1152, 1301, 3640.

<sup>28</sup>Apparatus ad 1.6.28.

Another element in his programme which brought Innocent into conflict, not only with the secular rulers but with many of the bishops, was the widespread use of papal legates. By means of these envoys, the Holy See set up close relations with all parts of the church and any attempt to ignore or vitiate their demands brought immediate action from the pope himself.

Although the canons stated that members of an ecclesiastical corporation should play a considerable role in managing its affairs, Innocent often departed from the declared position and found opportunities to stress the authority of a prelate over his church, especially the position of a bishop in regard to chapter business.<sup>29</sup> Furthermore, Innocent maintained that a bishop was not only head of his cathedral church but of all other churches in his diocese and drew the corollary that he could act on behalf of the lesser churches. Nevertheless he should seek council of his clergy in dealing with local affairs.<sup>30</sup> The freedom that bishops and priests relinquished because of a cohesive papal monarchy based on obedience was recompensed in other ways. Because of Innocent's exaltation of the priestly power<sup>31</sup> the influence of the clergy was heightened, and bishops and priests were no longer so interested in playing off the papal against the royal power, and vice versa. The superior position of the

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<sup>29</sup> Apparatus ad 1.2.8.

<sup>30</sup> Apparatus ad 1.2.8, 3.16.16.

<sup>31</sup> Huillard-Bréholles, VI, 113-114.



clergy was noticeable because of certain rights to be acknowledged by the laity regarding the payment of the tithe and clerical immunity from secular exactions and secular courts. Innocent defended the practice on the grounds that God had exempted them, and the pope as the vicar of God expressed his will.<sup>32</sup> Therefore, no one should object to spiritual matters belonging to the jurisdiction of the church court.<sup>33</sup> The Holy See had managed by appeals to the court of Rome<sup>34</sup> to usurp whatever jurisdiction the local clergy and the bishops had gained through the years. On the other hand, Innocent IV had also tried to correct clerical abuses. The evidence in the canons of the Council of Lyons suggests that usury had become a problem affecting the clergy. Instead of paying off their debts and avoiding extravagance in their administration, they had contracted debts and had mortgaged property. To prevent this the First Council of Lyons enforced more strictly the ancient rule that an inventory of property, furnishings, and debts should be made by the one assuming office, and immediate steps were to be taken to pay off the debts. None were to be contracted in the future except with consent; none were to be contracted on the open market, to avoid excessive rates and public scandal. Annual accounts were to be made.<sup>35</sup>

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<sup>32</sup>Apparatus ad 1.33.2.

<sup>33</sup>Ibid.

<sup>34</sup>Apparatus ad 2.2.17.

<sup>35</sup>H. J. Schroeder, Disciplinary Decrees of the General Councils (St. Louis, 1937), Canon 1, pp. 306-308.

Both Innocent IV and his administrators were well-trained and expert lawyers, but the legalistic background of the curial personnel also had less auspicious results. It partly accounted for the great difficulty in controlling the new popular piety. Innocent was far more successful in performing the administrative than the spiritual duties of his office and did not attempt to handle the emotional religiosity and heretical tendencies of the communes. Fortunately, his many ties with the mendicant orders, who were close to the urban population, alleviated the situation somewhat.

The mendicant orders, the Dominicans and Franciscans, comprised an army devoted to Innocent IV. They were a useful instrument for the dissemination of his ideas and a diplomatic corps for the execution of the most difficult missions. They were under orders to subvert the power of Frederick II,<sup>36</sup> for which they were liable to bitter reprisals.<sup>37</sup> In 1249 the emperor actually decreed the penalty of death by burning for those Dominicans and Franciscans who under the guise of religion operated like Lucifer.<sup>38</sup> Innocent also relied on the friars

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<sup>36</sup> Potthast, II, 13151. Their minister general ordered them to preach the crusade against Frederick.

<sup>37</sup> "Chronicle of Jordan of Giano," XIIIth Century Chronicles, tr. Placid Hermann (Chicago, 1961), p. 70. The brothers were greatly troubled by Frederick and in many provinces they were ejected from their houses, many being held prisoners, many killed, because they were obedient to the commands of the church.

<sup>38</sup> Huillard-Bréholles, VI, 700-703.

in the fight against heresy and dispatched them into Bosnia, Dalmatia, Aragon, as well as France and Italy.<sup>39</sup> He filled his palace with Minorite friars whom he employed to distribute his alms among the poor of Lyons, sending the brethren every day to the hospitals and from house to house.<sup>40</sup> Apparently, Pope Innocent had more contact with the Franciscans and granted them privileges which his predecessors had given to the Dominicans.

The Franciscan provincial, John of Parma, was not blind to the temporal needs of the order. Shortly after his election he obtained a decree from Innocent IV, Quanto studiosius, August 19, 1247, which referred to the institution of the procurators. These were men selected by the order to handle the administration of all movable and immovable goods in the name of the Holy See, which retained the possession and title of them.<sup>41</sup> By a previous decree of Innocent IV, Ordinem vestrum of 1245, the Holy See had declared itself the owner of the goods of the order.<sup>42</sup> Another important development of the order was made by virtue of the faculties given it by Innocent to enjoy the rights of collegiate churches in all those churches of the order that had convents

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<sup>39</sup>Reg., I, nos. 1905, 3045, 3420, 3423; II, nos. 5257, 5345; III, no. 7797; Potthast, II, nos. 14332, 15283, 15330, 15343.

<sup>40</sup>Curbio, c. 9; Salimbene, pp. 212-213.

<sup>41</sup>A Documented History of the Franciscan Order, ed. Raphael Huber (Milwaukee, 1944), p. 132.

<sup>42</sup>Ibid.

attached to them. This was granted by the decree Cum tanquam veri of April 5, 1250 and August 21, 1252. By virtue of these privileges the friars could exercise parochial rights over their own brethren, administer the sacraments to the faithful, reserve the Blessed Sacrament, ring church bells, and bury their own dead.<sup>43</sup> Owing to the jealousy of the parish priests, Innocent in the bull Etsi animarum affectantes salutem of November 21, 1254, rescinded the privileges of both the Franciscans and Dominicans and decreed that the faithful could not satisfy their obligation of hearing mass on Sunday in the churches of the friars; neither might they go to confession to them. The friars dared not preach to the faithful before mass on Sunday nor any day on which the bishop or his representative held a sermon in the same town or city. All these ordinances were sanctioned by excommunication and other ecclesiastical censures.<sup>44</sup> This still unexplained severe provision of Innocent IV, perhaps due to the pressure from the University of Paris, was abrogated by Pope Alexander IV.

As the medieval mind during the thirteenth century was starting its break from the tutelage of the church and was seeking the open fields of speculation and adventure, this period was a time of continued heresies repressed by the inquisition. It was evident that Innocent took for granted that the specific doctrinal errors of the heretical groups were common knowledge,

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<sup>43</sup>Ibid., p. 133.

<sup>44</sup>Ibid., p. 134.

for he was merely concerned with suppressing heresy in general. Catharism or Albigensianism, even more than the heresy of the Waldenses, caused untold harm over a long period in the places to which it spread. The heresy, which was later to become known as the Albigensian heresy from the fact that the town of Albi in Languedoc was one of its earliest strongholds, began to filter into Europe from the Eastern Empire about the beginning of the eleventh century. For our purpose it is sufficient to note that dualism was the dominant note of its philosophy and that almost all the contemporary writers regarded it simply as a revival of Manicheism. Innocent IV could certainly not disapprove of the war against heresy, but he could not approve of the task of eradicating it to be intrusted to incompetent functionaries. That was why he appointed inquisitors directly dependent on and holding their mandates from the Holy See. He continued the practice of appointing Franciscans and Dominicans, especially Dominicans, to the office of inquisitor. Since the inquisitor had now an official existence, it was only a question of providing the inquisition with solid juridical foundations. Hence the concern of Innocent IV to regulate inquisitorial procedure. This does not mean that Innocent wanted to abolish the episcopal inquisition. Although in principle no inquisitorial court could sit without authorization from the bishop of the diocese, it was inevitable that a certain rivalry should develop between the two jurisdictions, and that the papal inquisitors should tend to act as though they were in fact fully independent. To safeguard the

episcopal authority Innocent IV directed that the bishop must be consulted before sentences were promulgated.<sup>45</sup>

In his efforts to combat the problem of heresy he developed the code for the investigations of the inquisitors in southern France and in Lombardy. Many of his regulations were later adopted throughout Christendom. His directives aimed to stop the spread of heresy, and at the same time sought to prevent its suppression from serving as an excuse for excessive persecution. The French hierarchy when faced with continued trouble on all sides had promulgated collective sentences against provinces and cities.<sup>46</sup> To correct this evil, Innocent instructed his legate Zoën to forbid the further issuance of ecclesiastical censures without special approval and to annul those that had been wrongly decreed.<sup>47</sup> At the same time the pope reminded the Dominican inquisitors of Provence that they ought zealously to exercise their office conforming to instructions given by Gregory IX and himself.<sup>48</sup> More positively, Innocent facilitated the return to the church of penitent heretics by prolonging the period of grace, by reconciling those who wished to return and

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<sup>45</sup>Reg., I, no. 21.

<sup>46</sup>Reg., II, p. xlvi. The first section of this register contains Elie Berger's story of Louis IX, the pagination of which is given in Roman numerals.

<sup>47</sup>Reg., I, nos. 24, 102-103. Zoën Tencarari was the bishop-elect of Avignon, who was named legate on July 19, 1243.

<sup>48</sup>Reg., I, no. 317.

restoring their ecclesiastical and civil rights without the imposition of any punishment. During the first days of 1244 Count Raymond of Toulouse, a long-time protector of the Albigensians returned to the church,<sup>49</sup> and Zoën was instructed to abandon the investigation of the bishop of Toulouse.<sup>50</sup> He was also told to absolve the bishop and chapter of Maguelonne.<sup>51</sup> The Innocentian policy of pacification had wonderful results and by April, 1245, there was comparative peace in southern France. In his letter of April 21, 1245, Innocent instructed the inquisitors to proceed as they had been and to use a minimum of punishment, which he would leave to their discretion.<sup>52</sup>

The bull Ad extirpanda was issued in 1252 to take care of a similar problem in the Lombard communes. Commissions of laymen under the control of podestàs or governors were empowered to bring suspected heretics into custody. This bull authorized and controlled the use of preventive torture, which was intended for the extraction of a confession by the ecclesiastical tribunals. The accused were to confess their errors and reveal their accomplices just as in the case of felony in the temporal order. The peculiar nature of this organization was that, while it operated

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<sup>49</sup>Reg., I, nos. 364, 415.

<sup>50</sup>Reg., I, no. 539.

<sup>51</sup>Reg., I, no. 488.

<sup>52</sup>Layettes du Trésor des chartes, ed. J. B. Teulet and H. Laborde (Paris, 1863-1875), II, no. 3344.

under papal directives, it was manned for the most part by laymen and was controlled by the podestà. When their tenure ended, the podestàs and their assistants were subject to a court of review, selected by the bishop and the friars, which questioned them about their administration and had the power to punish. The same bull confirmed the general policy of confiscations and fines. Innocent was also the originator of the jury of boni viri, good men and true. He warned that in the matter of such serious accusations it was necessary to proceed with the greatest caution.<sup>53</sup> Regarding the question of obtaining evidence, Innocent IV represented a most decided step toward extreme rigor in authorizing the secular authority to torture an accused heretic when grave charges were levied against him and all other means of persuasion had failed. This action of Innocent marked a radical change in ecclesiastical procedure, for the church had always forbidden such stringent measures. Succeeding popes cited the bull of 1252 as the original authority for the adoption of torture. It would seem that Innocent wished to standardize the procedures of the inquisition wherever found. His detailed instructions adapted method to reports received from local inquisitors. At one time he even recalled all previous papal letters issued over a six-month period in order to bring some semblance of order out of the many

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<sup>53</sup> Bullarum Romanorum Pontificum (Rome, 1740), Bull XXVII, pp. 324-327.



regulations.<sup>54</sup> No definite date can be given for the establishment of the inquisition. The tribunal was shaped gradually as experience dictated, but its permanency was due very largely to the bull Ad extirpanda, for this papal decree required the establishment of machinery for the systematic punishment of heresy in every city and state in Italy. In fact, it presents many aspects of the inquisition which later became universal.

Nothing was more typical of the period of European history commonly called the Middle Ages than the crusades. The crusades against heretics and infidels were a legacy of the zealous Gregorian reform. They were bound to become outmoded, to experience great changes, and ultimately to decline as European civilization itself underwent profound changes. By 1243 there were few animated by a desire to recover the holy places; therefore, the reconquest of Jerusalem in 1244 stirred up no such general agitation as did that by the Seljuk Turks in 1187. Even the conflict between the empire and the papacy had its repercussions in the matter of the crusades, that of Frederick II being only the more striking example, and the crusades of Louis IX the exceptions in the sad story of power politics behind the scenes. The crusade against the Emperor Frederick II was to Innocent and all his followers a more pressing necessity than the crusade against Islam. Under such circumstances the proclamation of a new crusade at the Council of Lyons could lead

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<sup>54</sup>Reg., III, no. 7796 (June 2, 1254).

to no real result. The council's lengthy decree about the urgency to deliver the Holy Land from the Saracens called for prayers and for volunteers, offered spiritual privileges, granted protection to the property of the crusaders, and levied new yearly taxes on all clerical incomes for three years. There were clauses releasing the crusaders from paying interest on money debts and ordering creditors to release them from interest payments.<sup>55</sup> However, it was not by talk only that Jerusalem could be restored to Christendom. The spirit of a former age was not quite extinct, but King Louis IX of France was the only great prince still under its sway.

The inevitable counterpart of the establishment of the Latin Church in the East as a result of the early crusades was the persistent and often bitter forceful attempt to win back the Greek Church. In 1247 Innocent appointed the Franciscan Lorenzo of Portugal as a special legate to the East for the express purpose of protecting the Greeks from the molestation of the Latins.<sup>56</sup> Lorenzo was so zealous in his attempts that the Greeks became defiant, and Innocent had to warn him against antagonizing the patriarch of Jerusalem.<sup>57</sup> When Emperor Vatatzes asked for a legate to reconcile the Greeks with the

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<sup>55</sup>Schroeder, Canon 18, pp. 313-316.

<sup>56</sup>Reg., I, nos. 3047, 4051-4053.

<sup>57</sup>Reg., I, no. 3046.

Roman Church, Innocent sent John of Parma in 1249.<sup>58</sup> He was to carry out the papal policy of toleration of the rights and customs of the Greek Church. However, Innocent IV's more moderate policy did little to alleviate the bitterness of the struggle between East and West or to reconcile the two churches.

Pope Innocent IV was also interested in missionary activities, particularly in sending out missionary-ambassadors to the Mongols in order to inaugurate an important contact between Europe and the Far East. The Franciscan John of Carpini in 1246 had an interview with the Tartar khan and wrote a treatise on his journey. The result of the expedition was somewhat disconcerting because the Great Khan demanded the submission of the spiritual and temporal rulers of the West without any promise on his part to offer protection.<sup>59</sup> Meanwhile the Dominican William of Rubrouck was sent to the Tartar khan who ruled in Persia.<sup>60</sup> In this case also the results were negative. Innocent was also interested in the missions which had been established in the Baltic lands at the time of the Nordic crusades.<sup>61</sup> Then, too, Prince Daniel of Galicia sought and received a royal crown from

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<sup>58</sup> Reg., II, nos. 4749-4750.

<sup>59</sup> Hermann, pp. 220-221. The English translation is given of the original letter addressed by the emperor of the Tartars to Pope Innocent IV.

<sup>60</sup> His narrative is related by H. Matrod, Le voyage de Fr. Guillaume de Rubrouck (Paris, 1919).

<sup>61</sup> Reg., III, no. 5437. Innocent welcomed the kingdom of Lithuania back to the church in 1251.

the pope<sup>62</sup> hoping by that means to interest Innocent in the fate of his land which had been overrun by the Mongols in 1240. When he failed to get the expected military aid from the West, he returned to the orthodox fold. Although the Tartar kings and princes probably only became Christians for political reasons, Innocent deserved praise for trying to save Europe from their inroads.

The changes evident in the church as the papacy became more entangled in a political struggle for survival were mirrored in the Council of Lyons held in 1245. Innocent's addition to canon law and his reforms of ecclesiastical jurisdiction dealt with the external rather than the internal life of the church. Those canons concerned with internal affairs discussed law and procedure rather than deep spirituality. Moreover, the canons enacted at the council showed new external forces at work. Many were concerned with the details of judicial procedure, such as the delegation of judges, the question of arbitration, the judgment or decision in church court trials. There was the rule that suits were to be handled by professional lawyers. Sentences of excommunication had to be set down in writing, with the reason given, and a copy sent to the person affected. A canon about elections stated that conditional votes were invalid and not to be considered. Another ruled that a person who made money arrangements with assassins incurred excommunication and

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<sup>62</sup>Curbio, c. 17.

deposition from office whether the murder took place or not.<sup>63</sup> For once the council laws were not concerned with the spiritual and moral state of Christendom, but what more could Innocent IV have added to the canons of 1215.

Pope Innocent IV's title as a lawgiver rests not only on the decretals which he added to those of Gregory IX, but above all on his papal decrees and particularly on the constitution Romana ecclesia which he promulgated as a result of the council of Lyons. He transmitted these documents to the archdeacon of Bologna with an injunction that they were to be incorporated in the body of canon law and were to be explained to the masters and scholars of the university.<sup>64</sup> Besides this, he instituted schools of theology and of law in connection with his own court.<sup>65</sup> Although he distinguished himself as a teacher and writer of law and as a patron of legal studies,<sup>66</sup> his legal reputation as a canonist rests on his Apparatus seu commentaria. Maitland regarded him as the greatest lawyer who ever occupied the papal throne.<sup>67</sup>

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<sup>63</sup>Schroeder, pp. 301-312. Canons 1, 2, 4-11 outlined judicial procedures; Canon 3 dealt with elections; Canon 17 discussed money arrangements with assassins.

<sup>64</sup>Reg., III, no. 7756.

<sup>65</sup>Curbio, c. 16 and c. 41.

<sup>66</sup>Potthast, II, no. 15128.

<sup>67</sup>F. W. Maitland, "Moral Personality and Legal Personality," Selected Essays (Cambridge, 1936), p. 228.

The explanation of the subtle change in church-state relations during the relatively brief period of this pontificate lies partly in the traditions already clustered about the papal throne, and to a very large extent, in the clarification of political theories by Innocent IV, together with his driving force. It is beyond the purpose of this treatise to discuss whether the dominance of the medieval church over the state was fortunate or not. The next chapter will be concerned only with the papal claims inherited and promulgated by Innocent IV and their application to the political situation. Succeeding chapters will deal with the secular princes, who becoming more conscious of their power, rejected the claims of the papacy to control their internal and external affairs. Innocent recognized no practical distinction between the moral conscience and the political conduct of Europe. For him there was one church, triumphant above and militant on earth, and that earthly church he proceeded to govern and direct both inside and outside. The difficulties that disturbed his pontificate, such as episcopal and abbatial elections, excommunication and deposition of rulers, can be traced to discrepant theories governing the relations of church and state.

## CHAPTER III

### The Theory Governing Church-State Relations

An understanding of the church-state problem during the pontificate of Innocent IV, with its antecedents in centuries of history and its consequences in the fourteenth century, is impossible unless it is considered as an integral phase of a struggle which reached an acute state in the reign of Gregory VII. Essentially, this movement aimed at putting into effect a programme of complete disciplinary organization of the church, a tightening of papal authority over the conduct of the clergy, and a plan to establish harmonious dealing with secular rulers on a basis of a clear understanding of the rights of church and state. By 1243 much progress had been made in making this programme effective. The papacy had been virtually freed from the control of lay rulers; the authority of the Holy See over the clergy was more fully recognized; the pope was regarded as the source and guardian of ecclesiastical authority and discipline. Progress toward further reform in the church and a satisfactory adjustment of the ever-conflicting claims of church and state would probably have followed a normal course were it not for the clash of personalities as well as principles in the encounter between Pope Innocent IV and the Emperor Frederick II.

Innocent IV was the head of the church when the papal monarchy as a political institution was a fact of the first order in the European community. The historical necessities which brought the papal monarchy into existence made the pope a territorial sovereign. The medieval European world had originated with the downfall of the old Roman Empire. The Germanic barbarians introduced personal and tribal customs which proved to be a disintegrating factor in the centralized political structure. The church provided the social unity, but it was based on a spiritual framework. Moreover, as the papacy stood in a special relationship to the converted barbarian kingdoms, there were various ceremonies of anointing and coronation by the church. With the revival of the Western Roman Empire in the year 800 and the crowning of Charlemagne at Rome, there resulted the growth of the idea that this new dignity had been granted for the protection of Christendom. When the fall of the Carolingians and the invasions by the Vikings and Magyars in the ninth and tenth centuries caused men to seek protection from local strong leaders, again the only rallying point of unity was the idea that everyone belonged to the Christian commonwealth. The divergency of opinion on its rule resulted in what is commonly known as the struggle between sacerdotium and regnum. The revival of Roman law during the twelfth century was paralleled by a papally oriented ecclesiastical legal code, the Decretum. As the popes continued to legislate to meet the needs of the time the decretal collections and commentaries of the



thirteenth century resulted. The papal monarchy was now based on a firm foundation.

A pope could claim direct temporal lordship without relying on any general theory of papal world-monarchy because during the course of the centuries men like the rulers of Aragon, Corsica, Dalmatia, Hungary, and even England proclaimed the pope as their feudal overlord in exchange for recognition or protection. Furthermore, it was generally acknowledged that in the fourth century the Emperor Constantine had donated to the papacy the territorial rule of the West. However, if Innocent IV's viewpoint is rightly deduced from the principles he expounded, he would have justified it as of theoretical necessity as well. The only theoretical defense of monarchical power that could be utilized was a theological one -- that the pope was a minister of God on earth and therefore qualified to rule over the affairs of men. This Innocent emphasized by his frequent commentaries on the pope as the vicar of Christ or a direct recipient of divine authority.<sup>1</sup> Only in a monarchy would there be a guarantee of unity, and only the leadership of a single authority could prevent schism. Since at least in an ideational sense Christian society was viewed as universal, the pope claimed to be the universal monarch. The problem, then, to understand the papal programme of Innocent IV is first of all to ascertain whether he claimed a direct or merely an indirect power in

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<sup>1</sup>Apparatus ad 1.7.1, 1.15.1, 2.2.10, 2.27.27, 5.39.49.

temporal affairs. Second, if apparently he asserted a direct power, to decide whether he based his claim on the general theory of papal theocracy or on a definite grant made in the past by a secular ruler.

The church under the tutelage of Innocent IV did not wish to destroy or assimilate the civil government but desired only its obedience. What we see being tested in actual practice at this time was a theory promulgated by the great canonist-popes especially from the time of Innocent III. In reality, the entire church-state struggle centered in the law. The canonist Innocent IV as pope relied on a given set of principles which he had to adapt to other circumstances of reality. That is why at times we shall observe a gulf between the theory of the canonist and the practical execution of papal policy. However, as to the statements which are found in his writings apparently supporting the claim that the spiritual is superior to the temporal power,<sup>2</sup> it might be argued that Innocent intended his words to apply only to spiritual matters. He did claim to exercise the same spiritual jurisdiction over all Christians, without regard to rank or station, and if any of them proved unworthy, to have the power of cutting them off from the body

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<sup>2</sup> R. W. and A. J. Carlyle, A History of Medieval Political Theory in the West (New York, 1903-1928), V, 320, hold that Innocent IV was clearly developing the position that he was the final superior, even in temporal matters, of all secular authorities. They conjecture that this was the meaning of his assertion that the pope was the iudex ordinarius of all men, though they admit that this interpretation might be disputed.

of the faithful.<sup>3</sup> Furthermore, he declared that unworthy rulers might be deposed and their subjects released from their oath of allegiance.<sup>4</sup>

Innocent like his predecessors recognized no dividing line between theology and ecclesiastical affairs and none between the church and secular justice. Religion entered into and permeated all life. The concept of the state apart from the church was unthinkable. It was obvious that if God's will was to be fulfilled, secular rulers had to be guided and governed by the ecclesiastical interpreters of this will. Unfortunately, Innocent was undoubtedly less able to maintain a personal detachment than his predecessors. The many difficulties that disturbed his pontificate were caused by discordant claims regarding the status of church and state. The controversy on this subject necessarily led to the more fundamental problem of the source of authority.

Anyone who desires to understand the fundamentals of Innocent IV's political thought must focus on the theme of unity, the source and objective of the medieval view of human society. It contains many passages Augustinian in origin and elucidates a position common enough throughout the Middle Ages. First, the

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<sup>3</sup> Apparatus ad 1.29.1. The excommunication of an emperor, however, should be decreed only if his notorious excesses could be proven.

<sup>4</sup> Ad Apostolice Sedis, MGH., Constitutiones, II, no. 400, pp. 508-512.

civil power was the result of original sin and was closely connected with crime in its formation and exercise. Because of the paganism from which the Roman Empire sprang, it was an earthly power tolerated by God only as a consequence of sin. Then, when the Emperor Constantine became a Christian, he surrendered his earthly power to the church and received it back authorized and ennobled by Christianity. Constantine was a symbol of all temporal or secular power. This secular power might be gained through succession, election, etc., but its legitimation came through the approval of the church. Power originated from God, and the church existed as God's representative on earth to legitimize a particular exercise of it. That is why the pope as his legate had a general authority over the earth. Hence, Innocent IV succinctly established the distinction between the original power derived from sin which was unlawful, and legitimate power derived from God to be exercised in the Christian world for the common good. Second, a concomitant statement depicted this power as found naturaliter and potentialiter in the church not as a donation from the emperors, but emanating from Christ's establishment of the Church. The popes represented this true power as God's legates on earth.<sup>5</sup> This basic

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<sup>5</sup>Albert von Beham, ed. Regesten P. Innocenz IV. vom IV. Jahr seines Pontificat, Bibliothek des Litterarischen Vereins in Stuttgart (Stuttgart, 1847), XVI, No. 8. There is a controversy over whether this document, Aeger cui levia, is to be accepted as Innocent's work. Those who do, refer to Ptolomy of Lucca who designated Aeger cui levia as an apologetic letter to the Emperor Frederick, which Innocent sent to all Christendom.

idea is further clarified in the Innocentian concept of the nature of the world's government given in the commentary on the decretal Licet of Innocent III. From the creation of the world to the days of Noah God governed directly; from Noah to the coming of Christ, by a variety of ministers such as patriarchs, judges, priests, kings. Then Peter and his successors, the popes, as vicars of Christ exercised the kingship of Christ. These statements are frequently quoted as depicting the views of Innocent IV on the origin of the temporal power, whereas he was actually defining the character of the papal power in unequivocal terms. The papal power was great and was given by Christ to St. Peter and his successors as His vicars. Therefore, although there were many different types of offices and forms of government in the world, men could always have recourse to the pope in time of need.<sup>6</sup>

Innocent IV was not attempting to justify a pre-emption of supreme political power but to account for exceptional and limited rights which he considered necessary for the protection of the church. These rights included sovereignty over the states of the church, feudal sovereignty over the vassal states of the papacy, special rights in regard to the empire, and a general power to intervene in temporal affairs ratione peccati (on moral grounds). These rights claimed by the papacy would

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<sup>6</sup>Apparatus ad 2.2.10.

not under ordinary circumstances seriously disturb the course of events; but when circumstances were such as to involve a conflict of principle, the pope would protest and eventually wear down the opposing claims. Plenitudo potestatis was a prerogative or indefinite power to act outside the ordinary course of the law. The ideal of unity is the starting point of all discussion on the subject of Innocent IV's political ideology. What was in dispute was the relationship between the two principles distinguished within that unity, the sacerdotium and regnum or the spiritual and temporal powers.

From at least the time of Pope Gelasius I in the fifth century the existence of these two principles corresponding to the dual nature of man, soul and body or spirit and matter, had been recognized. However, as Innocent IV learned to his sorrow, it was easier to acknowledge the existence of parallel authorities than to determine their power. He admitted that the distinction of the powers was a principle of divine law and that secular rulers could act as they judged proper in matters which did not affect the salvation of their subjects. Innocent commented on Per venerabilem, the famous decretal of Pope Innocent III on the claim that the pope had power to legitimize in the secular order. As his commentary pointed out, Innocent IV was indebted to his predecessors for his interpretation of this aspect of papal power. His was not the most extreme interpretation of Per venerabilem nor the distortion of tradition to the needs of the hierocracy. His interpretation was that a pope

could not legitimize, for instance, a count's offspring because it would be an infraction of the principle of the distinction of the powers because the count had a temporal superior. As his citation of sources indicated, his interpretation of the duality of powers was based on tradition and on the decretal Novit, which was Innocent III's reformulation of the distinction of powers attributed to Gelasius I. Like all the other famous canonists Pope Innocent IV was committed to the principles of dualism, for the distinction of the powers, it was agreed, was a principle of divine law. The duality did not disappear but acquired the distinct characteristics of a diarchy that was international, unified by the religious spirit and by the dependence of the empire on the papacy. Innocent, as his discussion of this very practical matter revealed, saw the difficulty inherent in balancing the double principle of unity and the distinction of powers; but he did not succeed in formulating a solution for eliminating the tension between the monistic and dualistic aspects of the problem. The theoretical harmony between the spiritual and temporal could only be maintained as long as the secular rulers could find no permanent basis of power in their own countries strong enough to challenge interference by the church. It was in the spiritual-secular dual obligation that the ambiguity of Innocent's position lay.

Most of the erroneous opinions about Pope Innocent IV's place in history stemmed from two causes. First, his bitter struggle with the Hohenstaufens is generally regarded as an

isolated episode with little or no connection with a movement of subtle change and reorganization that affected western Europe and with no relation to a long sequence of events that had disturbed the church before his time. However, the conflict with the emperor really brought all the old and new dissonant elements to the surface and because of its bitterness made some form of settlement necessary and inevitable. Second, Innocent's responsibility for the direction the church-state struggle took is generally distorted or over-emphasized. He is too often pictured as an ecclesiastical despot trying to impose new ideas on the world and to reorganize society on a theocratic basis. He was simply a practical church administrator faced with the difficult problem of maintaining what he believed to be the rightful place of the church in the life of Christendom. He brought to his task no really new theories of civil or ecclesiastical organization and had no other purpose than to reaffirm the traditional law and customs of the church. Very definite ideas had developed governing ecclesiastical and state policy, and it was as a dedicated representative of these ideas that Innocent figured throughout his brief pontificate. The interventions of Innocent IV in the temporal sphere were inspired by the highest spiritual motives and his theory of church and state was based on a cautious dualism, not on a theocratic doctrine attributing supreme temporal and spiritual power to the papacy.



Although much had been made of the origin and nature of secular authority, the real question at issue was not the origin but the exercise and transmission of this authority in the state, in other words, the question of sovereignty. Even though political speculation at this time did not express itself in the precise formulas which the publicists and scholastics later devised, the demands of practical politics continually raised the question of sovereignty. In the heat of the controversy with Frederick II, Innocent made a series of pronouncements on the authority of the papacy that at first glance were declarations of extreme theocratic principles. The real difficulty of interpretation arises from the fact that in none of his commentaries on temporal affairs did Innocent simply say that the pope acted in virtue of a supreme temporal authority inherent in his office. Primarily, it is necessary to clarify the notion of the papal plenitude of power which was invoked to establish the right of a papal theocracy. Undoubtedly the notion covered wholly the position of sovereignty which the papacy had claimed since the great Gregorian reform within the special sphere of the sacramental-clerical church. In the term plenitudo potestatis lay the core of Innocentian ideas on the nature and exercise of papal authority. Plenitudo potestatis and the closely allied iudex ordinarius omnium (usual judge of all men) were first used in a purely ecclesiastical context, and they never lost this primary meaning. In their extension as

political terms we find one of the keys to an understanding of Innocent's thought about the papal monarchy.

This last was the issue which really triggered the contest over church-state relations throughout his pontificate. Actually the power of the pope over kings and emperors, by whatever arguments it may be defended, rested upon the papal pastoral mission. It was the attempt to find a basis in divine law for a pastoral office of this type which was to impart to Innocent's thought a coloring which many have found extreme. Essentially, he based it on the pope's power as the vicar of Christ exercising His kingship. According to the interpretation of universal history by Innocent, God in His providence had ordered the government of His people from the days of the Old Testament. A characteristic feature of this rule was the government by His representatives which reached its summit in the New Testament with Christ and His vicars, Peter and his successors. This plenitudo potestatis not only authorized the pope to exercise absolute authority in every sphere of church government, but set him above all human law. In addition it gave him authority not only over Christians but also over infidels. Any other form of government would have implied a defect in the divine wisdom and love. De iure the pope possessed all the powers of Christ on earth and in cases in which he could not exercise them de facto, he could ask the emperor to execute his orders.<sup>7</sup> Closely

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<sup>7</sup>Apparatus ad 3.34.8.

connected with this theory of the plenitudo potestatis was that of iudex ordinarius, that appeals might be made directly to the pope.<sup>8</sup>

The supposed claims of Innocent IV to supreme power in temporal as well as spiritual affairs must be viewed in the atmosphere of medieval Christendom. In truth, a number of his decrees, letters, and comments are at first reading seemingly proof of Innocentian aggressiveness and autocracy, but this results from a consideration of the literal meaning only. He tried to explain papal powers in purely legal terms; but in addition, he wanted to give their ideological framework by pointing out the foundation upon which they rested. He always saw the need for two orders of government in Christian society, a priestly one and a royal one, and he never claimed that either order could be abolished or wholly absorbed by the other. He does not seem to have claimed that the pope held a unique position as head of both orders because the pope alone exercised on earth the full powers of Christ, who had been both priest and king. Innocent merely recognized that his powers were conferred only for the good of the church.<sup>9</sup> The issue was that in the end there could be no real resistance to the papacy; at most there could be merely expostulation or humble entreaty. The only way out of the circle was to break in upon the theory itself, and

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<sup>8</sup>Apparatus ad 2.2.17.

<sup>9</sup>Apparatus ad 1.21.2.

this no one was yet ready to do. The pope had only to be firm, and the opposition was eventually intimidated.

Closely allied to the principle which subordinated the temporal to the spiritual was the claim to ecclesiastical jurisdiction. Plenitudo potestatis to Innocent meant both the idea of papal sovereignty in the purely ecclesiastical hierarchy and the power to uphold justice for all. As the budding nations had little notion of civilization other than that which they had received from the Christian religion, the popes had become the supreme arbiters of nations. The temporal powers stood in need of their sanction, implored their support, and consulted their wisdom. Innocent made justice his particular concern and stressed especially the papal power of safeguarding Christian justice. Besides enumerating the usual canonical list of cases in which an ecclesiastical judge could interfere in matters belonging to secular jurisdiction, by referring to the vicariate of Christ<sup>10</sup> he answered the objection that might be made that these decisions were based only upon the judgments of the popes themselves. Only the pope was Christ's vicar -- a typically Innocentian emphasis placed on the political meaning of the vicariate of Christ.

Nor were purely utilitarian reasons lacking in his explanation of the superiority of the spiritual power. The supremacy of the spiritual could be inferred ex utilitate, that is to say

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<sup>10</sup> Apparatus ad 2.2.10.

the spiritual could achieve more than the temporal, had more ways of fulfilling its end, and ruled many more subjects because both the laity and clergy were under the jurisdiction of the papacy. Necessitas or utilitas was provided for by the papal fullness of power which could substitute for a defect of law, amend it, or dispense from it for the common good of Christendom.<sup>11</sup>

In the government of Rome and the papal states, Innocent claimed a direct political authority that can properly be called temporal power. The influence which he exercised over secular rulers in the other areas of Europe was an entirely different matter. Broadly speaking, it resulted from the contemporary interpretation of things religious and things secular. The modern concept of the state as an autonomous political entity, sovereign within its boundaries, hardly existed. Moreover, the idea of the church as an organization apart from the rest of organized society was foreign to the medieval mind. In referring to the empire Innocent IV expressly pointed out a special kind of relation between the pope and the emperor, whom he designated as the advocatus of the pope. The empire in its origin was bound to the papacy; the emperor took an oath to the pope and held the empire from him.<sup>12</sup> It was the conflict with the Emperor Frederick II which led Innocent to assemble the data

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<sup>11</sup>Rodenberg, II, no. 8.

<sup>12</sup>Apparatus ad 1.6.34.

pertinent to the special relationship between pope and emperor. politically speaking, Innocent's special contribution was his commentary on his decree at the council, Ad Apostolice Sedis, which enumerated the charges against Frederick and pronounced his deposition from the empire.<sup>13</sup>

Fictions were still everywhere accepted as truth and were used to explain existing facts. By the time of Innocent IV, the Donation of Constantine by which the Emperor Constantine allegedly abdicated his imperial authority in the West in favor of the pope, was discovered to have proven too much. Innocent explained that the terms of this document were inaccurate. Constantine could not have given temporal power to the papacy because it had already been conferred as a gift by Christ, who established not only papal sovereignty but royal also. Rather Constantine humbly surrendered that which had been wrested unlawfully from the church in order to receive from Christ's vicar a divinely ordained power. The translation of the empire and the imperial oath comprised what Innocent called the specialis coniunctio of papacy and empire. Written toward the end of 1245, the document Aeger cui levia, emphasized the same ideas which Innocent had outlined in his commentary on the decree of deposition of the Emperor Frederick. Aeger cui levia pointed out that the events surrounding the Donation of Constantine could properly be understood if they were viewed as being

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<sup>13</sup>  
MGH., Constit., II, no. 400.

the act by which the papacy finally received what had belonged to it. Because of the vicariate of Christ every pope since st. Peter had automatically become the verus imperator in succession to Christ. When Constantine handed over the imperial crown and insignia, the symbols of universal rule to Pope Sylvester I, he merely restored what the pope already rightfully possessed.<sup>14</sup>

It was also the conflict with Frederick II which led Innocent IV to systematize canonist thought on papal superiority as found in divine and human law. He particularly alluded to the fact that the pope received his power of making canons from Christ Himself,<sup>15</sup> while the emperor drew his authority as a legislator from the Roman people. Moreover, the fact that the electoral college was a papal creation was the reason for the role of the pope in imperial elections. If the electors were remiss in their duties, the pope could nominate the emperor; if there was a disputed election, the pope could choose;<sup>16</sup> if an emperor was guilty of wicked deeds the pope could excommunicate him; while the empire was vacant its jurisdiction devolved on the pope.<sup>17</sup> The justification for all this was the specialis coniunctio between pope and emperor as the result of the transfer of the empire, the papal rights of examination and conse-

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<sup>14</sup> Von Beham, no. 8.

<sup>15</sup> Apparatus ad 1.7.1, 1.15.1, 2.2.10, 2.27.27, 5.39.49.

<sup>16</sup> Apparatus ad 1.6.34.

<sup>17</sup> Apparatus ad 1.29.1.

cration resulting from it, and the acknowledgment of his status by the emperor in the coronation oath.<sup>18</sup> Although Roman law had designated the emperor as Lord of the world, Constantine by his own legislation restricted his dominion. Moreover, the pope as Christ's vicar was in a sense Adam's successor as the father of mankind.<sup>19</sup>

Although there was no problem of principle in Innocent's association of his vicariate and plenitude of power as far as the empire was concerned, there was a problem in relation to other rulers where no such bond existed. The basic assumption underlying Innocent IV's claim that he might as vicar of Christ exercise power over countries as circumstances warranted was that the society of all Christians in their political groupings constituted a unity of one Christian people, a community of western kingdoms unified in a common allegiance to the papacy. If other kings were negligent, the pope succeeded to their jurisdiction, not because they held the kingdom from him but merely in virtue of that fullness of power which the pope possessed as vicar of Christ and would use in time of crisis.<sup>20</sup> The solution was that if there was no other superior from whom help might be procured in an emergency situation the pope would act as that superior. He would fill this deficiency just as

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<sup>18</sup> Apparatus ad 2.2.10.

<sup>19</sup> Apparatus ad 3.34.8.

<sup>20</sup> Rodenberg, II, no. 8, p. 8.



he would any other defect of law when for want of a higher authority justice would be denied to anyone or peace endangered. Innocent admitted that a king might de facto recognize no superior in temporal matters, yet he was subject to the pope.<sup>21</sup> When a king was incapacitated, the pope as his only superior had the right to appoint a guardian for the kingdom.<sup>22</sup> On the other hand, Innocent recognized that where by custom or privilege the consent of a prince to an abbatial election, for example, was required, the election was void if that consent was not sought.<sup>23</sup>

A study of Innocentian claims raises the question, what precisely was his position in regard to the state? Did he promote claims inconsistent with the Gelasian doctrine which accepted the existence of two separate jurisdictions in one of which the state was supreme; in the other, the church. No, he did not, but he did insist upon the traditional reservation former popes had made concerning the conduct of kings. When monarchs erred morally, the pope had the right to intervene on the side of the one wronged. It was in fact an intervention casualiter (whenever it might be needed) ratione peccati (by reason of sin). Today, we would speak of it as an intervention

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<sup>21</sup>Apparatus ad 4.17.13.

<sup>22</sup>Bonifacius VIII, Liber sextus Decretalium (Venice, 1485), 1.8.2.

<sup>23</sup>Apparatus ad 1.6.28.

for moral or religious reasons. As far as the right of interference ratione peccati is concerned, in keeping with modern ideas the church may both pass moral judgment on moral happenings and inflict ecclesiastical punishment on persons who are her subjects. However, it must be realized that these rights in the age of Christendom had immediate political results. An ecclesiastical censure of a ruler not only affected him as a member of the church, but the very state he governed. The Innocentian ideology was traditional. It was the logical consequence of the policy of Gregory VII and his successors who always had claimed an extensive and decisive power over Christendom in order to unify the social structure around a religious center which was also political. The power was to integrate rather than crush that of the secular ruler.

While precepts in use in the medieval community supplied the legal basis for the papal claim to interfere, the political support for this theory was found in the concept of the pope as an overlord of Christian countries. Because of this, Innocent believed that the pope could claim the right of jurisdiction over all Christian rulers and also over countries which had in the past been governed by a Christian prince. When the emperor could not use his power of intervention, it passed to the pope as lord of the world. This papal commission resulted from the power of the keys given to St. Peter, that is, the power of loosing and binding. It was further supported by Christ's command to "Feed my sheep," since all men through their creation

were the sheep of Christ. This jurisdiction included not only Christians but even infidels and Jews. On the other hand, it is important to note that Innocent regarded non-Christian states as legitimate ones having the same moral end as the Christian states. This was due to the fact that possessions, lordships, and dominions were lawful among non-Christians also. Therefore, neither the pope nor any other Christian had the right to destroy their governments, although they could intervene. Since the church had the mission to preach Christ to the whole world, naturaliter and potentialiter she had authority over the whole world just as Christ had authority over the Roman Empire even before Constantine was converted. From this stemmed the right to declare war on infidels, occupy their territories, and depose their rulers whenever necessary for the moral and religious good of their Christian subjects or for the preaching of the Gospel. If a pagan ruler mistreated his subjects, the pope could deprive him of his power of jurisdiction and even of his title as ruler. More important is the fact that Innocent not only limited the papal right of intervention to countries which in the past had been ruled by a Christian prince, but also restricted the right of direct intervention to extreme cases. Such a situation was a serious danger to the Christian or grave scandal. Despite this reservation, in his claim to freedom of missionary activities, Innocent even declared that if pagan countries refused the church emissaries permission to enter, they could be forced to do so. His reasoning was that God made all rational creatures

to praise Him; therefore, a denial of this right constituted a punishable act. If the papacy was not in a position to punish the culprit, the pope could appeal to the secular authority for a declaration of war. The resort to war was the pope's prerogative and could be made when his lawful command was disobeyed. This right of the pope to punish non-Christians corresponded to God's treatment of Sodom in the Old Testament. Innocent supported the general theory that the pope could attempt to recover countries that had been Christianized when under the rule of the Roman emperors. To give a biblical-historical background to his doctrine Innocent used the first verse of Psalm XXIV: "To Yahweh belong earth and all it holds, the world and all who live in it." From the beginning, the world was the common property of all the inhabitants, and only when man introduced certain customs did different people pre-empt different parts. Since common property would both be neglected and be a source of discord, this in itself was good.<sup>24</sup>

Did Innocent IV actually state anything novel in regard to the extension of papal power in temporal affairs? Although he set the papal prerogative in a biblical-historical background, there was nothing really new in an exploitation of the Old Testament to demonstrate sacerdotal superiority. His historical-legal explanation of the origin and transfer of power from people to emperor by means of the lex regalia did not

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<sup>24</sup>Apparatus ad 3.34.8.

contradict his own theologico-metaphysical theory that both coercive power and private property were the effects of original sin and could never be free from threats of violence. As to the rest of his claims, he merely systematized the thought of Innocent III in a formula of papal responsibility to insure the utilitas and to make provision for the necessitas of Christendom. Nevertheless, his attempt to balance the mutually conflicting claims of church and state draws attention to the situation at that time and makes an important contribution for a better understanding of the thirteenth-century state of affairs. The metaphysical concept of power in a natural society was transformed into a theological one in a Christian society which resulted in the unification of all human power in the authority of the church. Extensive claims of power were made not in a spirit of papal ambition but in the spirit of the medieval interpretation of society according to the divine will. Although Innocent never fully or continuously exercised these claims, they were the basis of rights which succeeding popes tried to assert. When a resounding conflict arose in the fourteenth century with a powerful king like Philip IV of France, the position established by Innocent IV only a half-century earlier no longer found the same response in the new environment that had come into being.

Innocent IV was not a speculative thinker nor a theorist bent on promulgating new doctrine, but a practical defender of an old and time-tried theory of church life. Objections to the

doctrine could be made only when the popes used it to invade a sphere that was not spiritual. However, because the boundary between the spiritual and temporal was so tenuous, conflicts arose. Innocent IV, whose aims were not always spiritual, did want to establish that harmonious relationship between the two powers, civil and ecclesiastical, which would contribute most effectively to the welfare of society at large. In so doing he revealed himself as a defender of theocracy and bolstered it by arguments carefully formulated from Holy Scripture, history, decretals, and precedents. Accordingly, a question of the uttermost importance was in the forefront during Innocent's pontificate. Was Europe to become a virtual theocracy by the triumph of the spiritual over the temporal power? The theory of theocracy which had interested Innocent III had been enhanced by nearly a half-century of juridical thought by the time it came to Innocent IV. The fact that Innocent IV's statements concerning the supremacy of the spiritual over the temporal gave rise to discussion in his own time and have been so interpreted by writers hostile to the papacy ever since, is sufficient reason for believing that they were vague enough to be open to various interpretations. The truth is that as his situation because of Frederick II became increasingly more precarious, the more he stressed seemingly extreme doctrine. Consequently, around this issue there was enacted a succession of dire events which brought the church-state problem to a climax as far as the empire was concerned.

Pope Innocent IV's thirteenth-century spiritual and political views invite some comparison with those of John of Salisbury in the twelfth and of Pope Gregory VII in the eleventh. All three had the distinction of systematizing the thought dealing with the spiritual and temporal power of the church before their own time and were indebted to their predecessors for their understanding of papal power. None of them made a break with the patristic and canonist tradition nor twisted it to the needs of hierocratic doctrine.

Among the factors which made the eleventh century a turning point in history none was attended with such far-reaching effects as the new position claimed for the church. It might seem as though, at the very moment when emerging nations were starting to realize their strength and to some extent acquiring even an individual consciousness, the church attempted to merge them all in Christendom. Pope Gregory VII (1073-1085) felt that traditionally the job of repairing society belonged to the church and hoped to make her counsels the guide. In defense of his policy toward the Emperor Henry IV, he insisted that civil power was the invention of worldly men ignorant of God and prompted by the devil.<sup>25</sup> The spiritual basis of the hierarchical idea at once broke down on trial. The pope by claiming universal dominion, as a sovereign among sovereigns, soon emerged as a disturbing element in the European political

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<sup>25</sup>The Correspondence of Pope Gregory VII: Selected Letters from the Registrum, tr. Ephraim Emerton (New York, 1966), p. 169.

system. The peculiar circumstances of the time had brought the pope into a special relationship with Germany and Italy, the heirs of the title and the traditions of the Roman Empire. Until this time the emperor had been considered the representative on earth of the divine government and held in the temporal order a rank equal, and often very superior to that held by the pope in the spiritual. He was the vice-regent of God, for the title had not yet been appropriated by the papacy. Gregory rejected this doctrine and considered civil government as a human institution so affected by original sin that alone it was helpless and criminal. Between these two opposing principles neither compromise nor lasting peace was possible.

The first attempt to turn aside from existing conditions and to produce a cohesive system which had the characteristics of a philosophy of politics was John of Salisbury's Policraticus. Written in 1159, it represented the purely medieval tradition. It was the culmination in their maturest form of a body of doctrines which had evolved from patristic literature in contact with the institutions and pronouncements of the earlier Middle Ages. They had been first summarized in Pope Gregory VII's Dictatus Papae and finalized by Innocent IV in his summation against the Emperor Frederick II. Starting from the idea of equity as the perfect adjustment of things, John said that there were two earthly interpreters, the law and the civil



ruler.<sup>26</sup> The king was so far independent of the law that standing on an equal level with it as an exponent of eternal right, that he could be designated as an image of the divine majesty on earth.<sup>27</sup> Actually, his exaltation of kingship was only the means to elevate the spiritual power, for the king's power was only mediately derived from God. He received the sword, the symbol of worldly power from the church; he was the servant of the priesthood, merely exercising the functions which it was too sacred to perform.<sup>28</sup> His concept of the state was just the conventional one which had been passed down through generations of churchmen. He found his best examples in the Bible as had Gregory VII before him and Innocent IV after him. However, as the Bible afforded little material for determining the mutual relations of the various elements of the state, John used the simile of the state as a living organism of which the soul was represented by religion; the head, by the prince; and the other members of the various classes of society.<sup>29</sup>

Just what the Dictatus Papae of Gregory VII was intended to be remains a mystery. Perhaps it was either a succession of headings to be developed or a summary of material already

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<sup>26</sup>Ioannis Saresberiensis, Policratici, ed. Clemens C. Webb (London, 1909), I, 4.2, p. 237.

<sup>27</sup>Salisbury, I, 4.1, p. 236.

<sup>28</sup>Salisbury, I, 4.3, p. 239.

<sup>29</sup>Salisbury, I, 4.2, pp. 282-284.

used.<sup>30</sup> Both the Dictatus Papae and the Policraticus, with their emphasis on the superiority of the spiritual over temporal rulers and the theory of papal supremacy, contained the principles which were further defined, summarized, and practiced by Innocent IV. A century divided John of Salisbury from Innocent IV, but as we move forward through it we cannot help but be conscious of the great gap between the two periods. Salisbury belonged to the most confident and creative period of medieval Christendom. In the twelfth century the church was secure. His idea of the relation of church and state was conceived during a pause between two great struggles which gave him the opportunity to work out a system of Gregorian politics without special reference to any contemporary and practical problems. On the other hand, Innocent IV was forced to give a detailed explanation of statement twelve in the Dictatus Papae: That he may depose emperors.<sup>31</sup> In doing so he developed the bold notion that Christ was the dominus naturalis of emperors and kings and therefore could institute and depose them. This power in all its fullness He transmitted to the pope, His vicar on earth.<sup>32</sup>

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<sup>30</sup> Das Register Gregors VII, ed. Erich Caspar (Berlin, 1920), II, 55a, 202-208.

<sup>31</sup> Caspar, II, 55a, p. 204.

<sup>32</sup> Apparatus ad 2.27.27.

The extraordinary resemblance between Innocent IV's views and those of John of Salisbury becomes increasingly apparent when we compare the latter's development of the supremacy of the mind over matter with the former's insistence of the superiority of the spiritual over the material. Innocent's interpretation of St. Paul (1 Corinthians 6:3) was that the power to judge angels extended also to temporalities because lesser things are subordinated to those to whom greater ones are subject.<sup>33</sup> John of Salisbury implied that the priestly power cannot be judged by the temporal power because the functions of the latter are of inferior dignity, consisting essentially in physical coercion.<sup>34</sup> Matter, in hierocratic doctrine, was logically the servant of the spiritual. Kings dealing as they did with matter, were for governmental considerations, on the same level as matter, or the temporal. As Innocent IV expressed it, the universal church itself possessed the temporal goods.<sup>35</sup>

John of Salisbury's treatment of the relation of the church to the temporal ruler was marked by ambiguities<sup>36</sup> similar to those of Gregory VII and Innocent IV. Because his theory of the two swords was seemingly so destructive of the state, he rather than Gregory VII seemed to be the first who theoretically put

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<sup>33</sup>Von Beham, no. 8, p. 87.

<sup>34</sup>Salisbury, I, 5.2, pp. 282-283.

<sup>35</sup>Apparatus ad 2.12.4.

<sup>36</sup>Salisbury, I, 4. cap. 3 and 6.

forward the complete absorption of the state. However, an examination of his theories on this very point, reveals that critical issues, as for example, the choice of the prince by the priest, the right of the church to depose the ruler, the way in which the church communicated its commands to the prince and imposed them, he simply evaded by silence. The impression produced is that John conceived the church as having rather a moral supremacy more so than the strictly legal one we connect with Innocent IV. Nevertheless, in John of Salisbury we find the first definite statement that both ecclesiastical and secular authority belonged to the spiritual power. He gathered together the separate threads of argument which had been used by Gregory VII and fashioned out of them a theory in which all the relations of political and legal life of all men are held firmly together by the connecting link of the universal supremacy of the church. Around this theory, Innocent IV would erect the legal framework.

The hierarchical principles in the pontificate of both Gregory VII and Innocent IV focused on the ecclesia universalis coming down from the early Middle Ages and including state and society. The relationship of dependence was worked out in the almost two centuries between the two pontificates. Most of Gregory's ideas generally prevailed, except the claim to depose, which encountered opposition even in ecclesiastical circles and was not again put into practice until 1245. John of Salisbury held that since God sometimes used the priesthood as a means of

conferring kingship, the church had the power to take away that which it had the power to give. He cited the example of the transfer of the Hebrew crown from Saul to David by Samuel.<sup>37</sup>

Since Frederick II's excommunication had not been renewed, there was definitely involved what was until then the single case of an implementation of statement twelve of Gregory VII's Dictatus Papae. The First Council of Lyons was a turning point. The question now was whether the pope had a right to depose the emperor. Innocent emphasized that he did, pointing to the authority whereby he constituted the emperor. Since the pope makes the emperor, he can deprive him of office and dignity.<sup>38</sup> Innocent used the idea of actual and potential power when trying to make clear to Frederick II that the purpose of an emperor was to implement papal policy. In true Gelasian terminology he explained that the duty of the pope was primarily to concern himself with the mysteries of the Christian faith which no mere layman could understand. Because this function was so very important, the pope created an executive instrument to handle purely temporal affairs; therefore, emperors were useful. The emperor took an oath which characterized the subordinate position of the subject to his superior and created a claim of subjection.<sup>39</sup> This view on royal power had been strongly

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<sup>37</sup>Salisbury, I, 4.3, p. 241.

<sup>38</sup>Apparatus ad 2.2.10.

<sup>39</sup>Von Beham, no. 8, p. 89.

endorsed by Gregory -- the earthly power is at the service of the spiritual power. Logically arising out of it, was the sanction for violating a papal decree, namely excommunication and deposition.<sup>40</sup> John of Salisbury expressed it thus: the sword, the symbol of worldly power, the prince received from the hand of the church. He was therefore the servant of the priesthood, merely exercising the functions which it was too sacred to perform.<sup>41</sup>

It is clear that if we are to arrive at a complete and just view of the concept of kingship and secular authority held by Gregory VII and embraced by Innocent IV we must examine the circumstances under which their assertions were made. Their purpose was to refute the arguments of those who maintained that it was not lawful or proper for the pope to excommunicate or depose the emperor. Both popes were primarily concerned with demonstrating the absurdity of this view and justified their actions by three considerations: first, the general authority of binding and loosing given by Christ to Peter, from which no one is exempt; the precedents which they cited of other kings in the past; and third, by a comparison of the dignity and authority of the temporal and spiritual powers. Referring to the power of binding in heaven and on earth committed to Peter and the injunction to "Feed my sheep," Gregory said that perhaps

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<sup>40</sup>Emerton, p. 168.

<sup>41</sup>Salisbury, I, 4.3, p. 239.

some people would imagine that kings were an exception; but if the Holy See has jurisdiction over spiritual things why not also over temporal things. Gregory VII endeavored not only practically to use these powers but also theoretically to deduce them from the superiority of the spiritual power, since the bearer of the keys can be judged by none and himself must judge the temporal rulers. He referred particularly to the case of Popes Gregory I (590-604) and Zacharias (741-752).<sup>42</sup> It would be strange if the arguments used by Gregory VII against Henry IV were not reflected in the confrontation between Innocent IV and Frederick II. There are in fact firm lines between the decree of deposition leveled at Henry with the justificatory letters addressed to Bishop Hermann of Metz and Innocent's council decree together with Aeger cui levia, and his commentary on the decree in order to vindicate his own action. The Innocentian defense rested essentially on the single consideration that nothing fell outside the papal jurisdiction in moral matters. Judgment of sin, excommunication of the guilty, loss of temporal jurisdiction was thus the basic argument.

John of Salisbury had, in common with the two popes, the idea that the ruler should be motivated to observe the law and to fulfill the duties incumbent upon him, not by fear of

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<sup>42</sup>Emerton, pp. 102-105, 122-123, 166-175. Gregory I was responsible for the elevation of the Frankish king, Childebert II; Zacharias deposed the Frankish king, Childeric.

punishment threatened for non-compliance, but by his innate sense of justice.<sup>43</sup> Gregory VII believed that the king through being an amator justitiae functioned as means to an end. The suitability of the king for his office was consequently of vital concern to the papacy; so was the king's usefulness.<sup>44</sup> Since the purpose of all authority was to maintain justice, John of Salisbury drew the principle out to the very important conclusion that where there was no justice there was no king, but only a tyrant.<sup>45</sup> One might well say that according to Innocent IV, the Roman Church was the embodiment of justice. He expressed it thus: "Sumus pontifex non humanae adinventionis studio, sed divinae potius aspirationis instinctu leges statuens."<sup>46</sup>

Gregory VII's election was charged with tension because of Henry IV; Innocent IV's, because of Frederick II. There is no doubt that the pontificate of Gregory VII was a turning point in the history of the papacy; but if the individual activities are looked at, they show little that was fundamentally new. He used all the papal rights to the extent that he regarded as necessary. While Innocent IV's autocratic personality undoubtedly

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<sup>43</sup> Salisbury, I, 4.2, p. 238.

<sup>44</sup> Emerton, pp. 166-175.

<sup>45</sup> Salisbury, I, 4.1, pp. 235-236.

<sup>46</sup> Rodenberg, II, no. 55, p. 41.



played a significant part in intensifying the role, the monarchical form of government had become a reality with Pope Gregory VII and was supported by John of Salisbury. There remained merely for Innocent the task of justifying it more precisely, of guaranteeing and perfecting it. The adherents of kingship naturally fought it. The West was not content to accept a papal theocracy in exchange for the obsolete royal theocracy. The two popes, to be sure, wanted to preserve unity by demanding that kings entirely subordinate their interests to the spiritual-political goal, but the rulers agreed to this only under certain conditions. For their part, they took up the secular-political policy and developed it to relative autonomy. The process of the separation of regnum and sacerdotium took its time. Despite a progressive deterioration, the unity of the universal church or Christendom overlapping and embracing both spheres of law, remained after the death of Pope Innocent IV a basic fact of social and political life. It need hardly be said that Innocent IV taught that amicable relations between regnum and sacerdotium were a necessary condition for the well-being of Christendom.<sup>47</sup>

No works or acts of Pope Innocent IV can be construed to assaults on royal prerogative or on the integrity of civil government. In order to show what little ground there is for considering him an enemy of civil government or of state rights

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<sup>47</sup> Apparatus ad 4.17.13.

as incorporated in the persons of his contemporary rulers, it will be necessary to judge him in connection with the practical issues which were at stake in the light of his programme. The gravity and ruthlessness of his disputes must be viewed in their involvement in the whole historical-social complex. Religious, moral, political, and economic considerations all played their part, not to mention the egotism, self-esteem, and other passions of antagonists on both sides. It is therefore a false view to see the conflicts which will be presented in the following chapters as a struggle between powers equally determined to subdue the world. Political ambition was never the prime motive of Innocent IV. The contests may appear marred by violence and sordid intrigue, but what was at stake was the unity of Christendom. Innocent resolved to put an end to secular interference, which had been an obstacle for the church; and once having joined issue with his opponents he was forced to prove that divine law would be more perfectly observed on earth through the predominance of the spiritual over the temporal authority. The real question was Innocent's attitude. Was his position inconsistent with the traditional policy of the church or was his a revolutionary one in regard to civil authority? The answer to this question must be found not only in his own words but also his acts. We have dealt so far with the principles of the organization and law of the church in the days of Innocent IV. We must now examine the actual relations between the church and state during his pontificate.

## CHAPTER IV

### Conflict with the Emperor Frederick II

When we turn to the great conflict of papacy and empire and its importance, we shall do well to keep in mind that this was the last stage of the great struggle between the Hohenstaufen emperors and the popes beginning with Adrian IV (1154-1159) and ending with Innocent IV. It was not the budding political state characterized by such ideals as centralized administration and highly developed national consciousness that was the enemy which Pope Innocent had to fight but rather the old tradition of the Christian empire with its theocratic ideal and universal claims. The struggle between the empire and the papacy was immersed in an almost unsolvable confusion which renders it difficult to judge the participants fairly. It is a mistake to read into the Innocentian conflict the opposition between the claims of the national monarchy and the universal jurisdiction of the papacy which was characteristic of later conflicts. The Emperor Frederick II was the main antagonist of all that the popes had been striving for since Gregory VII; namely, papal control for security's sake of the papally reformed church, its independence from the secular power, and the obedience of lay rulers to its religious and moral teachings. The two powers, papacy and empire, were idealistically great contenders for the world's sovereignty.

At the opening of his pontificate Innocent IV found the political situation unsatisfactory, but the political climate was only part of a greater complexity in which moral factors were the most dangerous element. Frederick regarded the death of the implacable Gregory IX as a guarantee of a victorious peace, and this was also the probable opinion of the other European rulers. It was not likely that another such pope could emerge powerful enough to oppose the emperor. Behind the intrinsic incompatibility of papacy and empire lay the absolute contradiction of the ideas for which Innocent IV and Frederick II stood. Under the most favorable conditions, a priest like Innocent IV and a skeptic like Frederick could not understand one another. The two were leaders of opposing concepts of a traditional society and both were apprehensive for the future. The prolonged contest was between two irreconcilable ideologies. It was secular supremacy against spiritual supremacy, and if Frederick had won, it would probably have meant the subjection of the church to the temporal power. The victories of the great papal reformers of the previous two centuries would have been nullified, and the evils resultant from secular control of the church would have returned. Against Frederick's inroads the papacy was forced once more to fight for its freedom. Frederick in his own character was not only the revelator of a more modern age but also of the strong inner dissolution of the Christian medieval world. The significance of this new period of trouble reached far beyond the

mere struggle between the leaders of Christendom. It attained importance as a matter of fundamental principle when Frederick went on to distinguish between the church and the papacy on the one hand, and Christianity on the other, by making a critical attack on the very nature and character of the church in his demand that as a matter of principle she return to apostolic poverty.<sup>1</sup> If the conflict and the later attacks on the church are to be understood, this type of criticism must not be overlooked, for it has become the battle cry of later critics of the church. Many past emperors felt that they had no equal on earth, but few of them fought the papacy with such determination as Frederick. To him, the papacy did not have, either legally or morally the authority Innocent tried to wield. Innocent on his part regarded Frederick as the most dangerous of enemies because he struck at the root of papal claims and scorned the traditional loyalty to Christendom.

Pope Innocent IV brought to the papacy ability, political and diplomatic insight and acumen, and an over-estimated idea of his responsibilities. He was as ruthless when occasion demanded and as harsh in his time as the emperor; and, above all, even more imprudent. As pope, Innocent IV faced the introduction of a new problem because the prestige of the papacy had received a shock from Frederick's conflict with Honorius III and Gregory IX. The emperor, though at times

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<sup>1</sup>Matthew Paris IV, 475.

defiant of public opinion, did not disregard its importance. When Innocent was elected, he hastened to quiet antagonism by expressing a hope of peace for future church-state relations. Relief was felt that the well-being of the empire was now assured because Innocent had always been benevolent, ready to serve him and to be agreeable to him. Frederick had full confidence in his sincerity and hoped for the peace of the world and the well-being of the empire, and expressed the wish that "him whom we serve as a father, will love us as a son."<sup>2</sup> On hearing of Sinibald Fieschi's election, the emperor decreed thanksgiving services throughout his kingdom.<sup>3</sup> He wrote a message of congratulation calling Innocent a noble son of the empire, an old friend, and referred to his choice of name as a heavenly inspiration and promise of the protection he would afford innocence.<sup>4</sup> Frederick also wrote about an embassy he was sending.<sup>5</sup> His congratulatory message was brought to the pope at Anagni by Peter of Vineia and Thaddeus of Suessa, the imperial chancellors, who were also to arrange the terms of

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<sup>2</sup>Huillard-Bréholles, VI, 99. The letter was addressed to the duke of Brabant shortly after Innocent's election.

<sup>3</sup>Ryccardi de Sancto Germano Chronicon Regni Siciliae, ed. H. Block, MGH., SS., XIX, 384.

<sup>4</sup>Huillard-Bréholles, VI, 104.

<sup>5</sup>Ibid., 104-105.

peace.<sup>6</sup> If Frederick had expected to find Innocent a more amenable pontiff than Gregory IX, he was disappointed. The new pope's answer was more inexorable and decisive than his predecessors. Before a more serious parley could be arranged, the emperor must free all imprisoned prelates and must agree to atone for the crimes which had caused Gregory to excommunicate him. The church on her part, if she had wronged him, would do him justice; moreover, Innocent IV absolutely refused to make peace without the Lombard towns being included in the negotiations.<sup>7</sup>

Negotiations broke down at the outset. The specific pretexts which inflamed the situation need not be elaborated on, for the real causes were always the same and could only be eliminated by the submission of one or other combatant. Chief among them was Frederick's possession of south Italy and Sicily. Apulia and Sicily had been recognized for some two hundred years as a fief of the Holy See. Innocent, who felt the danger of being circumscribed by his rival, was determined to use his feudal right to the full. The papacy had often been able to affirm power over kings because of the rebellious tendencies of

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<sup>6</sup>Peter of Vineia and Thaddeus of Suessa were the devoted ministers of Frederick II in the early negotiations with Pope Innocent IV and at the Council of Lyons. Peter of Vineia later turned against the emperor, and so it was said, tried to poison him. Frederick had him thrown into a dungeon where he died. The ever-faithful Thaddeus of Suessa lost his life at the decisive defeat at Parma on February 28, 1248.

<sup>7</sup>Huillard-Bréholles, VI, 113-116.

the great vassals, and probably Innocent hoped to take advantage of a similar situation in Sicily. Although the conflict had stemmed from territorial disputes involving Frederick's encroachments on Lombardy and the papal states, it soon assumed a religious character and passed into a contest between the civil and spiritual powers. It is characteristic of the medieval papal states that the year 1239 marks a break in its history through imperial, not papal action. Until Frederick's death in 1250, one has to record not so much the history of a state but rather a tenacious struggle by the popes to retain their position in central Italy. Papal support of the Lombard cities opposing Frederick had brought the two powers to a state of undeclared war before Gregory IX formally condemned and excommunicated the emperor in March 1239. Before the end of 1239 Frederick invaded the Duchy of Spoleto; and his son Enzo, the March of Ancona. Frederick would not give up the eastern part of the papal states; Innocent would not allow him any real power in Lombardy. The freedom of Lombardy became the great question in debate. The dispute between the two permitted of no peace as long as the emperor wanted to rule the empire independent of the church, and the pope insisted that he must submit to the church's rule. These were irreconcilable views which no peace could unite. As ambassadors went back and forth, both Innocent and Frederick made a great show of negotiating. The talks dragged on; for despite their public avowals, neither side trusted the other. Reconciliation and repentance were far from



the mind of Frederick as he remained unyielding in his opposition to the papacy. For his part, Innocent felt threatened enough to take up the quarrel of the church in an obstinate way, resolute of purpose and shrinking from no extremity. History had witnessed few parallels to the intensive struggle conducted by a domineering pope against a powerful emperor. In opposing Frederick, the pope had to rally to his support all the spiritual and moral forces of Christendom. Since these were to be used to challenge tyranny, it cannot be inferred that Innocent's purpose was the substitution of ecclesiastical for political absolutism. It seems probable that at first the pontiff sincerely wanted peace; for the war, which had so heavily depleted the emperor's resources, had taxed the church even more severely. Innocent was conscious of the task which he faced. He realized the meagerness of the resources on which he could rely, and he was well aware of the might and unscrupulousness of his enemies. For almost a quarter of a century Innocent had witnessed the efforts of Honorius III and Gregory IX to settle the same problem. His own negotiations for peace reached a stalemate in September 1243. On the twenty-third of that month Innocent wrote to his zealous legate in Lombardy, Gregory of Montelongo, that Frederick had initiated peace talks. He had consented because he too advocated peace and because if he had not agreed Frederick would have continued to attack the church. Consequently he had sent to the emperor proposals beneficial to the church, its allies, and

the empire. Frederick not only had not accepted them but had sent ambassadors unacceptable to the pope. Innocent instructed Montelongo to inform his Lombard allies that he would only make peace if the terms were agreeable to both the church and them.<sup>8</sup>

The papacy had a formidable opponent in Frederick, who as Holy Roman Emperor and at the same time as king of Sicily, was the most influential secular power in Italy. This was a position which no other medieval emperor had held. Frederick's Italian ambitions were so dangerous to the papacy that no agreement was possible. The emperor spent a good deal of his time trying to win or conquer Lombardy in order to surround the papacy and unite his kingdom of Sicily and the empire. For seven years, until Frederick's death, there was a tenacious struggle by Pope Innocent to retain his position in central Italy. Another area of action was northern Italy where local interests and rivalries prevailed and where the Lombard League existed but no longer functioned as a unit. The war there consisted of the continuous capture and desertion of individual communes. A further strain was added by the situation in southern Italy. The pope claimed to be overlord of the kingdom of Sicily, which included all of the south. According to feudal law, Innocent had a better legal position there, for Sicily and Apulia were fiefs of the Holy See; and his right to seize the territory of refractory vassals was more recognized and accepted

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<sup>8</sup> Huillard-Bréholles, VI, 123-124.

than his right to depose an unfriendly emperor. However, Frederick especially loved cosmopolitan Sicily, where he was born and reared. He had protected his boundary there by capturing a large part of the border papal states. His pragmatic and nationalistic tendencies as well as his ruthless attempt to build a strong unified state met opposition not only from Pope Innocent but also from the powerful nobles of Sicily. All this was a harbinger of the eventual centralization and secularization of medieval society. Frederick in his fight against the temporal power of the papacy and papal interference in temporal affairs was a century ahead of his time. He believed that the men of his day were ready for a fundamental change in their attitude toward the power of the church, but they were not. It was not ambition alone that excited Frederick to curb the rule of the church, but his adoption of the new ideas that were slowly infiltrating medieval society.

The strife between Frederick and the papacy represented the efforts of Innocent to defend the papacy against imperial encirclement, to protect the patrimony, to safeguard feudal rights over southern Italy, and to confirm the papal position in secular affairs. The struggle of the communes in defense of their liberties against the empire entered directly or indirectly into the sphere of papal policy. Every ancient fountain of hatred was reopened as the contest became a battle between the spiritual and political forces. No resolute pontiff who endorsed the claims of his great predecessors could remain inactive in

view of the imminent danger of subordination to a victorious emperor. The final combat was unavoidable not only because the common frontier with Sicily was potentially the chief permanent menace to the papacy's independence but also because the emperor wanted to unite southern Italy with Germany. The attempt of Innocent IV to incorporate the Sicilian kingdom into the papal states was a result of the legacy left by Innocent III to unite papacy and kingdom.

Innocent, who had stayed in Anagni since his election, returned to Rome in November 1243. We need not dwell on the essential facts of the tedious and complicated negotiations during the interval before his flight on June 7, 1244. Matters were at a standstill until he acceded to King Louis IX's request to accept Count Raymond of Toulouse as an intermediary.<sup>9</sup> The count of Toulouse, Peter of Vinea, and Thaddeus of Suessa, delegated with full power by the emperor to arrange peace, came to Rome early in 1244.<sup>10</sup> All this time the count of Toulouse was untiring in his efforts for a compromise. The bishop of Ostia with the cardinals Stephen, Giles, and Otto acted for the pope, and a peace treaty was finally drawn up. The spirit of Innocent was revealed in the terms offered the emperor, for there was no sign of fear or cowardice in his demands. Frederick had to

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<sup>9</sup> Reg., I, no. 44. On December 2, 1242, Innocent wrote to the archbishop of Bari to absolve the count of Toulouse who had offered himself as an intermediary to arrange a peace between the empire and the church.

<sup>10</sup> Curbio, c. 10.

surrender all territory conquered since his excommunication by Gregory IX; he was to release all prelate prisoners; his difficulties with the Lombards and his other subjects in revolt were to be submitted to the pope for judgment; he was to be free from the ban of excommunication after a period of fasting and penance. Although much seemed to be granted to the pope and little to the emperor, on Thursday, March 31, 1244, the three imperial envoys took the oath on Frederick's behalf in the square in front of the Lateran Palace. Innocent preached a sermon and announced Frederick's return to the church.<sup>11</sup> Frederick agreed to the provisions;<sup>12</sup> but already at the end of April Innocent informed Henry Raspe, the landgrave of Thuringia, that Frederick had refused to carry out the terms.<sup>13</sup> Frederick's circular in August, in turn, alluded to the fact that Innocent had refused to accept the terms because of the Lombards.<sup>14</sup> All told, Frederick's 1244 bids for peace were no more successful than those of 1243.

When once again Frederick failed to return the papal territory, to release the captive prelates, and to show mercy to the Lombards, Innocent was convinced that further negotiations would

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<sup>11</sup>Curbio, c. 10; Huillard-Bréholles VI, 172-175.

<sup>12</sup>MGH., Constit., II, no. 247, pp. 277-378, no. 248, p. 338.

<sup>13</sup>Rodenberg, II, no. 63.

<sup>14</sup>MGH., Constit., II, no. 252, p. 345.

be fruitless. However, when Frederick asked for another interview, Innocent pretended to agree. Fearing to be isolated from the Christian world, the pope was really planning a dramatic act of flight which would change the whole course of the controversy. First, he held an ordination in St. Peter's and created twelve cardinals.<sup>15</sup> Then he delegated to Cardinal Otto the necessary powers to take his place in Rome.<sup>16</sup> Finding Italy too dangerous, he had decided to cross the Alps. On June 7, 1244, he left Rome and reached Civitacastellana; on June 27 he retreated from Sutri, where he had published a refusal of the emperor's peace terms and boarded the Genoese fleet at Civitavecchia. Supposedly, there was a report that three hundred Tuscan knights were coming to Sutri to seize him. On July 7 Innocent entered his native city of Genoa where he was joyously welcomed.<sup>17</sup> He was now at least in a position where he could attend to what concerned the exaltation of the faith, the welfare of the church, and the tranquillity of the whole of Christendom.<sup>18</sup>

Pope Innocent IV had little faith in the efficacy of a peace treaty with Frederick and was well aware of Pope Gregory IX's ill-fated council. On August 9, 1240, Gregory had

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<sup>15</sup> Curbio, c. 11.

<sup>16</sup> Huillard-Bréholles, VI, 199; Curbio c. 12.

<sup>17</sup> Curbio, c. 13.

<sup>18</sup> Huillard-Bréholles, VI, 201-202.

issued a summons to a general council, to meet at Rome the following year. He then negotiated with the Genoese for the safe transportation of the council members. Frederick retorted by an alliance with Pisa; and at the sea fight of Meloria on May 4, 1241, the Pisan fleet defeated the Genoese and took prisoner two cardinals and many bishops on their way to Rome for the council. It never met; and Frederick, moving ever closer to Rome, was all but prepared for the final assault when, August 21, 1241, Gregory IX died. Since Innocent regarded the council as an instrument with which to fight Frederick, he was determined to use it. To do that he had to be free from the jurisdiction of the emperor. With the failure of the peace plans and with the unrest in Italy and Germany against the emperor's authority continuing, the pontiff deemed the time opportune to strike the emperor a mortal blow. Besides, the whole church would listen to a wandering pope away from Rome.

The flight of Innocent was a master feat on his part because it transferred the leading role in the drama from the emperor to the pope. Innocent left the impression that his flight was caused by threatened violence against his person and Frederick's insincerity about peace in 1243 and 1244. In reality, he wanted to escape from the political, economic, and military difficulties in Rome in order to act as a free man. He had been received with enthusiasm and joy by the Romans and their senate because the two-year vacancy

of the papacy had reminded them that their material prosperity depended on the presence of the pope. But, says Curbio, Pope Innocent had scarcely returned to the city, before the merchant-bankers demanded immediate repayment with high interest of the loan of forty thousand marks which Gregory IX had made.<sup>19</sup> A few months sufficed to convince the new pope that he could not safely reside in Rome. The emperor's attitude was more and more equivocal, and it was discovered that his agents were fomenting trouble in Rome against the pope.<sup>20</sup> Innocent was frightened by the imperial plots in Rome and by the fact that the emperor was buying fortresses near the Lateran from the Frangipani family and intriguing with the Roman feudatories.<sup>21</sup> Innocent made a brief statement of his position to the people of Brescia in which he remarked that because he had not been allowed to have free communication with those devoted to the church, he was compelled to commit himself blindly to the guidance of Providence, rather than to continue to allow himself to be cowered and confined to the loss of ecclesiastical freedom. Forced then "by the malice of the times,"

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<sup>19</sup>Curbio, c. 7.

<sup>20</sup>Huillard-Bréholles, VI, 183-184. About April of 1244, an unnamed cardinal wrote to the Emperor Baldwin in Constantinople of the harm these intrigues were doing to the cause of peace. Probably at this same time, an unnamed cardinal warned Frederick about the intrigues, pointing out that they were harmful to preserving peace between empire and church. Ibid., 184-186.

<sup>21</sup>Reg., I, no. 604.



he fled.<sup>22</sup> He chose as his residence the city of Lyons, a fief of the empire governed by its archbishop but located on the border of France where the saintly Louis IX could give him the most effective protection. He would also be closer to the bishops of France, Spain, and England who supported him. The abbey of St. Just, a veritable fortress, seemed a safe retreat. From there with full freedom he could govern the Christian world. Moreover, the temporal fate of Italy and the future of the papal states were at stake. Innocent IV had skillfully extricated himself from this critical situation. At the time when he began his sudden flight the only papal towns that had not surrendered to the emperor were Ancona, Perugia, Assisi, Narni, and Rieti in the March of Ancona and Duchy of Spoleto, and Viterbo, Orvieto, and the fortress of Radicofani in the patrimony.<sup>23</sup> That Innocent was able to live in Lyons, a city normally subject to the emperor revealed an apparent weakness in Frederick's position. Innocent perceived that time and the internal dissensions which he would not hesitate to promote would sooner or later exhaust Frederick's resources.

Time was on the pontiff's side as the communes of northern Italy held firm, German ecclesiastical princes deserted the emperor, and the Dominican and Franciscan friars preached

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<sup>22</sup>Huillard-Bréholles, VI, 201-202 (Letter of July 1244).

<sup>23</sup>Daniel Waley, The Papal State in the Thirteenth Century (London, 1961), p. 149.

against him. While Frederick was wending his way south to his kingdom of Sicily, Innocent was moving toward the north, arriving at Lyons on December 2, 1244.<sup>24</sup> The flight to Lyons had not only rescued the pope from the fruitless fluctuations of the negotiations but had given him personal liberty. Lyons, instead of Rome, became the focus of the Roman Church, and without hindrance Innocent was in immediate communication with all Christendom. There had been a more profound motivation behind Innocent's flight than the mere desire for personal safety. He realized that papal condemnations were no longer as dreaded and efficacious as they once were and that Frederick could not be forced to submit by those devices. Some delegates to the council which Gregory IX had summoned at Rome became prisoners of the emperor. If Innocent had stayed in Italy, his council might well have suffered the same fate. In Lyons he could hold it in peace. The representatives of Christendom could travel there in safety and deliberate without fear of the imperial armies or the noisy Roman nobles. Innocent wished to clarify the question of right and wrong in the dispute, and in any event, he wanted the liberty of decision and not a forced reconciliation.

Once at Lyons, Pope Innocent made his plans clear to Christendom. He was determined to end the Frederician threat to the church. Satisfied that he was safe and that Frederick

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<sup>24</sup>Curbio, c. 15.

could hardly impede the council, Innocent issued a call to prelates, kings, and princes requesting them to attend a general council to be held on the feast of St. John the Baptist, June 24, 1245. The summons mentioned the anguish of the church because of the evil lives of the clergy, trouble in the Holy Land, the schism of the Greek Church, the conflict with the Latin Empire in Jerusalem, the invasion of eastern Europe by the Tartar armies, the problems concerning the persecutors of the Christian people and those contemptuous of the faith. The invitation to the council was addressed under the twin headings of justice and peace. In all, one finds the classic themes of the councils of the Middle Ages: the concern of the reformer and the measures taken to combat heresy. Finally, Innocent mentioned that he had summoned the emperor to come and "explain to us and to those who have complaints against you in order that adequate satisfaction can be made."<sup>25</sup> A general council was a serious threat to Frederick, who had always insisted that his quarrel was with the pope, not the church. When he saw all his plans thwarted, he resolved to hold a council of his allies. In the meantime he issued a very lengthy circular which explained the issues involved and the

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<sup>25</sup>Sacrorum conciliorum nova et amplissima collectio, ed. J. D. Mansi (Florence, 1759-1798), XXIII, 605-608.

sudden end of peace negotiations. He wrote that even all the cardinals had not known of the pope's proposed flight.<sup>26</sup>

Innocent's time in the interval before the meeting of the council was fully occupied. Curbio wrote that the pope immediately heard cases and in a short time resolved many that his predecessors had left unanswered. He also found time to establish schools of theology, civil and canon law in his court at Lyons<sup>27</sup> while he planned for the council. It was not in the emperor's power to prevent this council, but he convoked his own diet at Verona and sent his most trusted councilors, among them Peter of Vineia and Thaddeus of Suessa, to defend his cause at Lyons.<sup>28</sup> It is extremely doubtful that Frederick ever seriously considered attending in person. He was convinced of the right of such a church assembly but above all of Innocent's probable control of it. In his sermon at the opening of the council, Pope Innocent said that Frederick had pretended he was not attacking the church, but only Gregory IX. However, he had continued to attack the church during the vacancy of the Holy See. Innocent also called attention to his having built a city for the Saracens in the midst of a Christian country, and to his inordinate intimacy with their princes, their rites

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<sup>26</sup>O. Raynaldo, Annales Ecclesiastici (Lucca, 1747), II, 310.

<sup>27</sup>Curbio, c. 16.

<sup>28</sup>Huillard-Bréholles, VI, 275-277.

and superstitions. These accusations were in addition to an enumeration of the charges the pope had repeatedly made against the emperor.<sup>29</sup>

The organization of the Council of Lyons followed the tradition set by the later medieval councils controlled by the pope and cardinals since the beginning of the investiture controversy in the eleventh century. There were three principal sessions: the first with the solemn opening of the council on June 28, 1245; the second, July 5; and the third with the closing of the council on July 17. Unfortunately, there are no official records extant of all that transpired during the sessions.<sup>30</sup> In the intervals between the sessions there were special meetings of various groups and commissions, but it is impossible to date each one of them. It was in such a group, meeting between the second and third session, that the decree Transsumpta dated July 13 was drawn up.<sup>31</sup> Much of it related "to the affairs of the prince," and resulted in the bull of excommunication and deposition of Frederick II. We are not sure how many prelates attended the council although most authors agree that there were about 150-200 in all. If the forty signatures on the Transsumpta are a cross section of

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<sup>29</sup>Huillard-Bréholles, VI, 285-290.

<sup>30</sup>The story of the First Council of Lyons has to be pieced together from two contemporary chronicles: the first was the work of Matthew Paris; the second, the anonymous Brevis nota.

<sup>31</sup>Potthast, II, no. 11715.

those in attendance, they bear out the fact that no German bishops were able to evade the emperor's ban. Prague was the only place in the empire represented; the majority were from France and Spain. The signatures of three patriarchs appeared as did those of Vitalis of Pisa, Robert of Lincoln, David of St. Andrew's. The list also included a representative from Cluny, the Cistercians, the Dominicans, and the Friars Minor.<sup>32</sup> Nicholas of Curbio, who was at Lyons, recorded that the papal sentence of deposition was endorsed by the prelates at the council. Their signatures and seals attached to the pronouncement testified to the fact.<sup>33</sup>

Innocent IV decreed the deposition of the Emperor Frederick II confident that the prelates at the First Council of Lyons agreed.<sup>34</sup> The pope had consulted the prelates on the principle of the power of deposition and to what degree it applied to Frederick concerning charges on which the curia had already decided he was guilty. He had been found guilty on: contempt of the keys, mistreatment of prelates, and breaking the peace with the church. The consultation again stressed that because of the translation of the empire to the West by the papacy, there was a special relationship of dependence on

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<sup>32</sup>Potthast, II, no. 11722.

<sup>33</sup>Curbio, c. 19.

<sup>34</sup>Ad Apostolice Sedis, MGH., Constit., II, no. 400, pp.508-512.

the pope.<sup>35</sup> The assembly heard and approved the pope's sentence deposing the emperor and releasing his subjects from their oaths of fealty in much the same manner as Pope Gregory VII had deposed Henry IV almost two hundred years earlier. The charges against Frederick II were well-known: he had been remiss as a Christian and therefore deserved excommunication; as king of Sicily he had not paid his feudal tribute for years and had interfered with the church's rights there; as emperor he had failed in his duty to protect the church. The sentence concluded with an invitation to the German princes to elect a new leader. Since as king of Sicily Frederick was a vassal of the papacy, the pope reserved for himself the choice of a new vassal there.<sup>36</sup>

The Council of Lyons had but ended when the papacy continued as the aggressor in the contest. Innocent's spirit had not mollified with the deposition of the emperor. On the contrary, he aimed to carry the contest into the very heart of the Hohenstaufen strongholds. It had been hoped that peace and order would be restored by the council; instead from the council came the final decision to depose Frederick and the start of years of ceaseless warfare which hurt the people of Italy and the empire. The assembly in deposing the Emperor

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<sup>35</sup>Brevis Nota, MGH., Constit., II, no. 401, pp. 513-516.

<sup>36</sup>Rodenberg, II, no. 124. The reading of the excommunication and deposition of the emperor was given at the last session on July 17, 1245 and the bull was promulgated a month later.

Frederick II was responsible not merely for an important political event, but for the definitive formulation of the theory of deposition. The pope's statements in his sentence of excommunication and, above all, in a letter of his in December 1245 justified his action:

We do not remember any cause ever to have been discussed so deliberately . . . indeed in our private meetings some of the cardinals took the role of advocates and others pleaded for him . . . as is the custom in the schools . . . in order that the truth of the question might be thoroughly sifted out.<sup>37</sup>

Innocent IV had brought to an end the period of the fashioning of canonistic doctrine concerned with the question of the deposing powers. Theory had been expressly confirmed in practice at Lyons I. In the deposition we have a classic example of the degree to which canonistic theory was influenced by papal action and in its turn papal activity stimulated canonistic thought in order to expand papal rights. The deposition of Frederick II may have been a proud and imprudent act, but it was certainly not an unprecedented one. Innocent IV followed the precedents set by the controversies involving Gregory VII and Henry IV, Innocent III and Otto IV, Gregory IX and Frederick II. In fact his idea of the constitutional relationship of pope and emperor was essentially that of Innocent III.

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<sup>37</sup>Von Beham, no. 8, pp. 88-92.



The events which followed the council were proof that it was not a dispute between two ambitious rivals fighting for personal glory and acclaim but that profound traditional policies were at stake. The world was astounded at the extent of authority and power Pope Innocent IV had dared to wield. However, Frederick was the exemplification of autocratic ideas as inflexible as those which Innocent enunciated as defender of ecclesiastical rights and immunities. The sentence raised questions of the council's jurisdiction and of the justice of the punishment. It was true that all Christendom was not represented, but it was Frederick's mandates and threats that had prevented the clergy of the empire from attending. As for the excommunication, the church was definitely in the right, for an ecumenical council had jurisdiction over the admission or exclusion of Christians from communion with the church. The decree of excommunication left no doubt as to Innocent's conviction that he had the right to judge and sentence a king. The sentence contained reasoned justification. Its fundamental assumption was that kings in common with all other Christians were liable to ecclesiastical censures and excommunication. It is well to recall the problem with which Innocent had to deal and the atmosphere of political philosophy in which the issue had to be settled. Simply stated, he preferred to continue the struggle and have it decided according to prevailing theories and the traditional ideas of government. Actually the relative rights of pope and emperor had never been defined, and

their claims had none of the certainty of modern ideas of legal rights. Innocent assumed that sovereignty was transferred by election or contract and was neither indefeasible nor irrevocable. For him this theory was no polemical weapon but a working basis on which to deal with temporal rulers.

It is also necessary to discuss the significance of the excommunication and deposition from Frederick's standpoint. Not surprisingly, he questioned the proceedings of the council and the legality of its decisions, and defied them. For him, too, there was an intermingling of principle, law and tradition involved. To better understand this, it is expedient to discuss the source of power and the method of its acquisition by the emperor.<sup>38</sup> The unity of western Europe under one secular head had never been a practical reality since Charlemagne, but the ideal of a revived Roman Empire had lived on under the aegis of the German monarchy and had even enjoyed a vague de iure primacy over the other monarchies of the West, a primacy given theoretical encouragement by the revived study of Roman law. By the thirteenth century the German monarchy had become a permanently elective institution and the famous electoral college of seven princes, three of them ecclesiastic, had assumed the right of disposing of the succession to the monarchy at each vacancy.

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<sup>38</sup>For the study of the constitution of medieval Germany, I used: G. Barraclough (ed.) Medieval Germany; Charles Bayley, The Formation of the German College of Electors in the Mid-Thirteenth Century; H. A. Fisher, The Medieval Empire.

The papacy always had no small share in promoting the victory of the electoral principle, doubtless out of anxiety to exclude the Hohenstaufen ambition of a strong hereditary succession. However, the origins of the electoral college and its evolution had always been enclosed in an aura of confusion. Then, Innocent III added the idea that with the conferral of the empire on Charlemagne by the papacy the electoral princes had received their power of election from the pope. Consequently, if the electors chose an unworthy candidate for the office of emperor or if there was a doubtful election, the pope claimed to be the lawful authority to reject the candidate or to tip the balance of power in favor of the one elected. While the kings of France and England were consolidating their power, expanding royal administrative machinery, and emerging as almost absolute monarchs, the king of Germany remained an elected official with no royal bureaucracy or judiciary to do his will. Undoubtedly, Innocent IV reasoned that the basis of the emperor's powers and authority was incomparably weaker and less stable than that of the pope and pressed this point home. In the last resort the empire and the emperor's power rested on the people while the pope's power and authority were derived not from the people's transfer of power, but from divine ordinance. The second historical thesis which Innocent employed was that of the so-called translation of the empire, but once again utilizing to the full the alleged historical events, gave the thesis a different turn, so that the problem did not concern papal

elections by the emperor, but imperial elections by the pope.

Theory and fact were not always harmonious, and the divergencies must be taken into account in studying the conduct of Pope Innocent IV in its proper perspective. Reason seemed to dictate the existence of some power in Christendom to depose its elective head. From an ecclesiastical point of view the offense deserved the decreed punishment because the emperor had not only failed in his duty to defend the church but had actually harassed her. Besides as an excommunicated person and perhaps a heretic, he was not a suitable ruler of a Christian empire and secular head of Christendom. On the other hand, Frederick pointed out that he owed the empire to the free election by the princes. If the election of an emperor belonged to the princes alone, by what right could Pope Innocent depose him? If the pope and council could create and unseat emperors, the electoral rights of the princes were meaningless. Rather, the sentence of deposition decreed at the Council of Lyons was invalid, for it was issued in the absence and without the consent of the imperial electoral princes who alone had the power of making and unseating the emperor.

Frederick II realized the importance of the papal action in deposing him for all the rest of European royalty and

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<sup>39</sup>MGH., Constit., II, no. 262.

endeavored to enlist help by implying that their interests were the same as his own. He lost no time in appealing from the decision of the council to the European world. A letter was addressed to the kings and princes of Europe in which Frederick not only defended the justice of his own cause but also pointed out the prejudice and enmity of Innocent IV. He exhorted them for their own protection to join with him against a common enemy and in particular directed their attention to the necessity of leading the church back to the primitive simplicity. His letter included a bitter attack on the clergy, contrasting them with the ones of the early church who led humble lives in imitation of Christ. He concluded by saying that not only his own but future generations would honor him.<sup>40</sup> This circular frightened people. Many of the clergy who had been sympathetic to him, no longer considered his dispute with the church as a personal attack upon the authority and integrity of Innocent but rather as an attempt to destroy the entire institutional church by reducing it to a state of dependent poverty. Even the pro-imperial Matthew Paris was distressed. In a letter to England, Frederick admitted the pope's spiritual power but not his right to depose a ruler and accused the council of disregarding legal procedure, taking hearsay to be fact, and hastening the sentence without waiting for his envoys.<sup>41</sup> Later a letter to the French

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<sup>40</sup>MGH., Constit., no. 262 (July-Sept. 1245).

<sup>41</sup>Matthew Paris, IV, 475.

not only repeated the same charges but also questioned papal interference at the request of one party to a quarrel between rulers and their subjects or between the subjects themselves.<sup>42</sup>

Pope Innocent immediately assured the other rulers of Europe that their status was different from that of Frederick and that they need not fear a similar sentence. This was because the empire had a special type of relationship to and dependence on Rome ever since Constantine surrendered to the church an unlawful tyranny and received from Christ's vicar a divinely ordained power. Other kings had an hereditary right to their crowns, but the Roman emperor was chosen king by vote of the German people and was then advanced to the empire by the papacy.<sup>43</sup> In his reply to Frederick, Innocent pounced upon the emperor's very words as proof of his repeated claims that Frederick intended to destroy the church in order that he might be ruler of both state and church. He observed that the guilty when brought to justice are prone to criticize their judges. "As if we who are to judge angels do not have the right to render verdicts on all earthly things."<sup>44</sup>

The knowledge that the pope's course at the council of Lyons had not won the wholehearted approval of Europe and the fact that rulers continued to recognize and deal with him as

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<sup>42</sup>Teulet, II, no. 3380.

<sup>43</sup>Von Beham, no. 8, p. 89.

<sup>44</sup>Von Beham, no. 8, p. 87.

emperor encouraged Frederick. He was also confident that the papal armies could not defeat him. Yet, the emerging national states, except in the kingdom of Sicily under his leadership, had not reached the point where they felt strong enough to resist the pressure of the church. The rulers of Europe still counted on the pope to safeguard their thrones. Louis IX of France was a likely arbitrator and by the end of September 1245, the emperor expressed his willingness to submit the dispute to him. Realizing Louis's crusading zeal, Frederick promised on the advent of peace that either he or his son would accompany him to the Holy Land. Even if the trouble with the pope continued, he would give ships and provisions to the crusaders.<sup>45</sup>

A spiritual punishment of a ruler at that time often affected the state which he ruled because of the powerful effect of excommunication and interdict. That is why not only the Hohenstaufens but also Italy and Germany together were affected by the decisive papal struggle against Frederick II. The final conflict with the Hohenstaufen dynasty initiated the fearful period without an emperor. The union of Germany and Italy were irrevocably compromised. Germany was plagued with the disorders of a great interregnum in which elected kings who wrangled over the mere shadow of power were foreigners. Despite his great efforts, Innocent was having trouble in the search for a German prince to execute his vengeance against a German king.

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<sup>45</sup>Teulet, II, no. 3380.

To buy the support of the church in Germany Frederick had to relinquish the most precious prerogatives of the crown by abandoning the towns which were in the first decades of the thirteenth century engaging in war against the bishops. Furthermore, the difference between the effects of interdicts and excommunication in Germany compared with those in France and England was very marked. In England these powerful measures were only tried during the reign of John I and really had no influence for the time on the politics of the kingdom. In France, king after king defied the weapon without the loss of political strength. But in Germany, nominally and deeply divided, infused so largely with politico-spiritual influences, the effect was fatal at once. The last stay of Frederick in Germany (1235-1237) had been successful in efforts to enlarge and consolidate the Hohenstaufen dynasty. The election of his nine-year old son, Conrad IV, as king of the Romans and future emperor, suggested that the personal union of Germany and Sicily was still an objective of imperial policy. However, from the beginning of the pontificate of Innocent IV, Conrad was too pressed by military engagements to aid the pro-Hohenstaufen prelates in Germany. Archbishops Conrad of Cologne and Siegfried of Mainz took the offensive against Conrad IV and in the winter of 1243 Worms fell, and with its bishop, was placed under sentence of excommunication. In turn, Innocent IV

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<sup>46</sup>Annales Wormatenses Breves, MGH., SS., XVII, 47-48.



regarded Siegfried as the leader of the papal party in Germany.<sup>47</sup> After the council the two archbishops were most important as the nucleus of the anti-Hohenstaufen party. They not only proclaimed the ban against the emperor, but also invaded Hohenstaufen territory. The penalty of excommunication was often followed by deposition and the provision of a new incumbent by the papacy; and Conrad IV was too busy to lend his loyal prelates help. Consequently, the bishops of Freising<sup>48</sup> and Bamberg<sup>49</sup> with other less notable prelates joined the anti-emperor Henry Raspe. The condemnation of the Hohenstaufens and their supporters by Innocent IV also affected the laity. Innocent threatened with excommunication those who refused to acknowledge Henry Raspe<sup>50</sup> and William of Holland, his choices for emperor.<sup>51</sup>

Despite all this, Innocent had more or less a free hand in Germany where the spiritual princes were pillars of the state to a degree unknown in the rest of Christendom. There, systematic opposition to the papacy was hardly possible. Frederick's excommunication and deposition had created a sensitive problem

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<sup>47</sup>J. P. Böhmer, Regesta Imperii, Vol. V. Regesten des Kaiserreichs, 1198-1272, ed. J. Ficker and E. Winkelmann (Innsbruck, 1881-1901), III, nos. 7441-7743, 7446.

<sup>48</sup>Huillard-Bréholles, VI, 337.

<sup>49</sup>Huillard-Bréholles, VI, 405.

<sup>50</sup>Potthast, nos. 12073, 12199a.

<sup>51</sup>Potthast, no. 13236.

for the German bishops who could not lawfully have any contact with the excommunicated monarch. As early as the summer of 1246, the cause of Frederick was losing ground in Germany; and his power was on the wane. Innocent lent all the weight of his authority to Henry Raspe. The pope's legate, Philip, bishop of Ferrara, and his old friend, Albert von Beham, the archdeacon of Passau, ably carried out his wishes, excommunicating the bishops who would not support Henry.

Innocent had managed to stir up revolts until finally under Philip and Albert von Beham, Germany was slowly deserting the emperor. Prompted by the pope's threat to the German princes, that if they did not elect a rival king to Frederick he would appoint one, the legates in 1246 found a willing candidate in Henry Raspe, landgrave of Thuringia.<sup>52</sup> The death of Henry Raspe the next year again caused Innocent to search for his successor.<sup>53</sup> Finally, the young Count William of Holland accepted and was crowned king of Germany on October 3, 1247.<sup>54</sup> Again, the greater secular princes did not participate. In order to support his faithful defenders in Germany, Innocent had to spend lavishly, which caused him to resort to extraordinary fiscal measures such as taxes on church revenues and on those

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<sup>52</sup>Rodenberg II, no. 159.

<sup>53</sup>Rodenberg II, no. 230 (March 15, 1247), letter of instruction given to the papal legate in Germany.

<sup>54</sup>MGH., Constit., II, no. 352.

in some way connected with ecclesiastical dignities. The enormous increase in the expectancies (an anticipatory grant of an ecclesiastical benefice which would become vacant on the death of the present incumbent), and the limitations on the freedom of elections with the purpose of papal intervention in the appointments to benefices caused dissatisfaction with the pope. Moreover, there was still the threat of German clergymen supporting the emperor.<sup>55</sup> There was an added serious problem when the sectaries in southern Germany assembled the lay barons to present various reformation ideas. They accused Pope Innocent IV of being a heretic, declared all bishops guilty of simony, said priests had no power to bind and loose and were incapable of administering the sacraments when in the state of mortal sin. Furthermore, they charged all Franciscans and Dominicans with leading evil lives and perverting the church.<sup>56</sup> Their attempts failed completely because the time was not ripe for the Reformation.

The pope won his greatest advantage in Germany after William of Holland mustered enough support to weaken the imperialists. Until Frederick's death in 1250 fierce fighting ensued between his son Conrad and William of Holland, Henry Raspe's successor, while Germany drifted into all the evils of

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<sup>55</sup>Von Beham, nos. 18, 37.

<sup>56</sup>Annales Stadenses, MGH., SS. (Hanover, 1859), XVI, 371-372.

feudal anarchy. After 1250 Innocent did not have to worry as much about Germany and could direct all his efforts against the Hohenstaufens in Italy. Frederick's successor was his son Conrad IV (1250-1254), who managed to keep both Germany and Sicily. However, his withdrawal to Italy finally resolved the deadlock in Germany. In north Germany, the desire of the cities finally to be united to the papal cause was best exemplified by Lübeck. The citizens were won over by the many privileges granted by Innocent.<sup>57</sup>

However, it is on the question of the deposition from the kingdom of Sicily that Innocent has been so highly criticized, and it merits special attention. This deposition was a question of feudal law. The fact that the deposition extended to Frederick's heirs gave credence to the allegation that the papacy hoped eventually to possess the kingdom of Sicily. Innocent was so terrified by his encounter with Frederick that he was determined to end the rule of the hated Hohenstaufen family and its threat to Italy. His reference to the fact that "the race of the Babylonian king was to be obliterated, the entire brood of the viper to be crushed," was telling evidence against him.<sup>58</sup> Innocent had answered Louis IV's appeal for peace in November of 1246 by declaring himself ready to deal with Frederick as mercifully as possible without offending God or the church even

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<sup>57</sup>Potthast, II, nos. 13853, 13857-13858.

<sup>58</sup>Von Beham, no. 4, P. 71.

though he had little hope of success.<sup>59</sup> Yet several months later he informed the bishop of Strasbourg that he would never make peace as long as Frederick was emperor or king.<sup>60</sup> In a later letter this was extended to include all Frederick's offspring.<sup>61</sup> Evidently he intended to carry out his threat because in December 1248, he expressly stated that he would never come to terms with Conrad.<sup>62</sup> At the same time he issued a compromise doctrine to win over the Sicilian clergy.

The Sicilian bishop was not like his German counterpart, a mighty prince of the empire, holding extensive territories, but of humble status, well suited to be a church or state official. It is interesting to note that in Germany, where national feeling was less developed, the time was not ripe for conflict with Rome, and Frederick was content to leave the papacy unmolested in its bishops' elections. But in Sicily, where he was not only emperor but king, he fought the papacy most assiduously. In 1246 when to the difficulties in Germany, there was added rebellion in the kingdom of Sicily, Frederick sent the archbishop of Palermo and other ecclesiastics to

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<sup>59</sup>Rodenberg, II, no. 257.

<sup>60</sup>Rodenberg, II, no. 277.

<sup>61</sup>Huillard-Bréholles, VI, 641, date and king uncertain.

<sup>62</sup>Regesta, no. 8056. In the bulls of March 29 and 31, 1251, he promised the nobles of Swabia that the children of Frederick II would never be king of the Romans nor dukes of Swabia. (Reg., II, nos. 5335-5336).

Innocent to inform the pope that he had cleared himself of the charge of heresy before them. Innocent pointed out that they had not received any commission to conduct an inquiry; besides they were members of his Sicilian court and subject to his power or rather his tyranny.<sup>63</sup>

Frederick had raised between the kingdom of Sicily and the papacy an unbreakable barrier. Little by little he restrained or suppressed ecclesiastical jurisdiction, left bishoprics vacant and collected their revenue, forbade all shipment of money to Rome, prohibited the reception of legates and pontifical bulls, expelled all monks and their foreign benefactors. He did not wish his subjects to be spiritually deprived because of interdict; therefore, he obliged priests to say mass publicly and confer the sacraments.<sup>64</sup> In order to strengthen the church in Sicily, which was so profoundly disturbed, Innocent IV reacted in the opposite way by proclaiming the absolute independence of this church in regard to the lay power. By the constitution of December 8, 1248, he abolished the concordat arranged by Innocent III, suppressed the intervention of the civil authority in the nomination of prelates, dispensed priests who had sworn the oath of fidelity to the emperor and those who had to appear before the secular court, even the ones accused of treason; and all ecclesiastical proprietors were

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<sup>63</sup>Huillard-Bréholles, VI, 425-428.

<sup>64</sup>Von Beham, no. 5, p. 76.

authorized to fortify their castles, to rebuild their towns, and to people their lands without the consent of Frederick.<sup>65</sup> The pope did even more. Not content with severing the laity from all fidelity to Frederick he deprived all adherents of the emperor of their civil rights, declared them infamous forever, and wanted to control not only their religious life but their political life also.<sup>66</sup> It was the direct opposite of the attempted secularization by Frederick; it was the complete absorption of the state into the church. The emperor responded to these measures by intensifying his punishment of the recalcitrant clergy. He condemned to be burned at the stake all who introduced into the kingdom pontifical letters, who under the guise of religion agitated or spoke against him, or who departed from the rules dictated by him.<sup>67</sup> In turn, Innocent referred unceasingly to the necessity of leading back the church in Sicily to its pristine faith and of demanding full and entire submission without subterfuge. In 1248, the bull Ab exordio vocationis pointed out the critical state of the church there, since a group of prelates and priests had even taken up arms against the church.<sup>68</sup>

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<sup>65</sup>Huillard-Bréholles, VI, 676-681.

<sup>66</sup>Huillard-Bréholles, VI, 649.

<sup>67</sup>Huillard-Bréholles, VI, 701.

<sup>68</sup>Huillard-Bréholles, VI, 646-651.

While the German princes were bartering their crowns with foreigners, the pope was centering his attention on Italy, the main sphere of battle. With two authorities in Italy, both claiming supreme power, there were prolonged wars between papal and imperial partisans. These civil wars spread to most of the north Italian communes and led to divisions between Guelf (the name of a German family friendly to the papacy) and Ghibelline (another name for the Hohenstaufens). The conflict between the papacy and the empire ultimately developed to such an extent between these rival parties that the principles, for which each side stood, ostensibly vanished. It was impossible to take the spiritual issues of the contest very seriously when the alignment of the conflicting forces was so obviously determined by the different cities and classes, and when the spiritual penalties of excommunication and interdict were employed so frequently as to lose their efficacy. Italian city life had caused the church-state problem to assume an altered character that made the old claims of the theocratic empire irrelevant. The whole issue was being settled in the restricted area of commune politics, and it made little difference in the final outcome whether the city in question nominally belonged to the papal or imperial factions. At the very time when the papacy seemed to have achieved a final victory against the empire, the secular power was successfully asserting its independence in the communes; but their patriotism proved fatal to Frederick's



cause. When Parma revolted in 1248,<sup>69</sup> the disloyalty to the empire quickly spread to Florence, Milan, Ferrara, and Mantua. After 1250 Innocent no longer had to worry about Lombardy.

The story of how the pro-imperialist towns of the March of Ancona and the Duchy of Spoleto came to terms with Innocent IV is an involved one. There is little point in studying their abandonment of the Hohenstaufens, commune by commune. Since there was no longer a rallying point for opposition to the papacy after the emperor's death, by the end of 1251 all the towns of the March had reached terms with the pope and the next year were joined by Foligno and Terni, the last bastions of imperial influence.<sup>70</sup> The ordinary arrangement for conciliation was the confirmation of a commune's existing rights and privileges. Additional rights were granted in a few cases. For example, Ascoli received exemption from all tolls and certain other privileges;<sup>71</sup> Perugia was not to be cited to courts outside the city.<sup>72</sup> Although Innocent desperately needed money, he was able to exact little from the rebel towns because his situation was too weak to demand heavy fines. Terni, for instance, was fined and then pardoned after paying only one-half.<sup>73</sup> At

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<sup>69</sup>Salimbene, pp. 194-204.

<sup>70</sup>Waley, pp. 149-156.

<sup>71</sup>Reg., III, nos. 5900, 5909.

<sup>72</sup>Reg., III, no. 6001.

<sup>73</sup>Reg., III, no. 5886.

times Innocent was forced to grant financial privileges to towns and payments to individuals who were either papal allies or coveted as such.<sup>74</sup>

More bitter and effective than all Innocent's strategy in Germany and Italy was his recourse to a personal crusade against Frederick. Innocent used the Dominican and Franciscan friars as his agents to preach this crusade throughout Christendom. To insure its success, he granted them the power to excommunicate the enemies of the papacy and grant indulgences to those who joined the armed ranks of the church against the emperor.<sup>75</sup> Before 1250 the political crusade had been a device for building up enthusiasm to cope with Frederick and to raise money. Germany and Lombardy had so many Hohenstaufen enemies that winning them over was relatively easy, but Sicily was a highly organized state that would have to be attacked by a large army. After 1250 political crusades on the continent resembled overseas ones as large armies were raised and sent to conquer the kingdom of Sicily. The Sicilian state appeared so dangerous to Innocent because Frederick had in fact established in the closest proximity to the papal states the kind of state which in later centuries would be called absolutist. Innocent's letters

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<sup>74</sup>Reg., I, no. 4083; II, no. 4537.

<sup>75</sup>Huillard-Bréholles, VI, 432. The German bishops were ordered to preach the crusade against Frederick and to grant the same pardons accorded to Holy Land crusaders.

in the last years of his life outlined plans to put Sicily under church governorship.

The Sicilian clergy, having been lured by promises of complete freedom from lay taxation and jurisdiction as well as from any interference in their elections, were ripe for rebellion. Towards the end of 1248 Innocent had begun to show doubts about the success of Cardinal Ranier; and in April of 1249, he appointed Cardinal Capocci to invade and conquer Sicily. Innocent gave him extraordinary spiritual and temporal powers to accomplish it. He had the authority to win over reluctant towns by guaranteeing their freedom from any secular ruler and promising their protection by the church.<sup>76</sup> After Frederick's death Innocent lost no time in addressing an encyclical to all the clerical and lay magnates of Sicily exhorting them not to allow anything to prevent them from returning to the church and promising to come himself as soon as he could in order to make suitable arrangements for their future welfare. He assured the Italian cities the free election of their magistrates and promised the barons new fiefs.<sup>77</sup> Among the envoys sent to Sicily was the Dominican Roger of Zentini, whom he commissioned to arrange with the barons what was necessary for the honor of the papacy and for the peace and

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<sup>76</sup> Reg., III, nos. 4688-4728.

<sup>77</sup> Rodenberg, III, no. 32 (January 25, 1251).

tranquillity of the land.<sup>78</sup> When Innocent finally perceived that he was unable to succeed in his plans, he tried to find a foreign prince to invade the kingdom of Sicily and hold it as a papal dependency. He offered the crown both to England<sup>79</sup> and to France.<sup>80</sup> Even after Conrad's death he had not ruled out the recognition of the claims of his infant son Conradin. While he was negotiating with Henry III of England about the future of the kingdom of Sicily, he had permitted the words "Conradi pueri iure salve" in the oath made to him by the people of the kingdom.<sup>81</sup> Then the two-year old boy's rights were usurped by his uncle, the illegitimate son of Frederick II, Manfred. The ambitious Manfred proved to be too much like his father, and an attempted agreement with Innocent failed almost as soon as it was made. Yet, at the same time that he was assuring the Sicilian cities that they would always be under direct papal rule,<sup>82</sup> he was renewing negotiations with Henry III of England<sup>83</sup> for an English prince to rule Sicily. Since he was in dire need of English help, the fact that his promises to the

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<sup>78</sup>Rodenberg, III, nos. 85-87, 91.

<sup>79</sup>Rymer, I, 302.

<sup>80</sup>Teulet, III, no. 4020.

<sup>81</sup>Histoire des Conciles, ed. Hefele-Leclercq (Paris, 1914), VI, 17 (Footnote, no. 3); Reg., II, p. cclxxxv.

<sup>82</sup>Huillard-Bréholles, VI, 24-25.

<sup>83</sup>Rymer, I, 302.

sicilians and those to the English were directly contradictory did not phase him. As a good diplomat he usually managed to have alternate plans to accomplish his end. For the last time he was maneuvering in order to survive a crisis as he had so many times before. No doubt the news of Manfred's triumph at Foggia on December 2, 1254, was a terrible blow. Five days later Pope Innocent IV died at Naples.<sup>84</sup> He was inexorable to the very end, never swerving from his course of annihilating the Hohenstaufens and conquering Sicily.

Innocent IV had in reality achieved his objectives. The Council of Lyons was the summit of a pontificate which represented the highest domination achieved by the medieval papacy. Both the empire and much of the kingdom of Sicily had been wrested from the dreaded Hohenstaufens and would be given to rulers obedient to the church; the union of Germany and Italy was prevented. The long wars in northern Italy left that region more disunited than ever. The pope's use of religious means in a contest which was mainly political estranged some, but Frederick's open enmity and flaunting ambitions frightened his contemporaries more. An emperor who wanted to be not only the nominal but the real head of Christendom was more dangerous than an arbitrary and uncompromising pope. It was the work of the judicial tribunals and generally even of society to settle issues in accordance with old ideas and old traditions. All

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<sup>84</sup>Curbio, c. 43.

were surely not in accord, but the spirit of the age unconsciously revealed that the empire was unsuitable to the modern world soon to begin. The Council of Lyons indirectly gave expression to this opinion. Although later emperors would invade Italy, it was never in the imperious manner of the Hohenstaufens.

## CHAPTER V

### Church-State Relations with England and France

Since Pope Innocent's activities extended far beyond Germany and Italy, it was fortunate for him that the contemporary kings of England and France, Henry III and Louis IX, were men of known piety and loyal devotion to the church. However, the weak-willed Henry, in spite of his display of piety on many occasions was in almost constant conflict with the church and his own subjects. Although these two had no sympathy with the Emperor Frederick II's so-called impious acts, they had little liking for the pontiff's anti-imperial policies. They regarded the trouble in Italy as essentially a territorial dispute able to be resolved by negotiations. Their own governments were growing strong and beneficent enough to win the allegiance of most of their subjects and to convince them that the affairs of their state came before the interests of Christendom. This was especially true of Louis IX's France.

At the time of the extended conflict between the papacy and the empire France enjoyed relative prosperity and was powerful enough to be assured of a predominant role in western Europe. The political skill and conquests of Philip Augustus had opened a new era marked by military victories over the English. The reign of Louis IX continued the administrative reform; but was, above all, the epoch of a just and righteous

man who far outshone his contemporaries. He demanded his rights without ceasing at the same time to be preoccupied with that which was just. He placed himself at the service of the law and dispensed justice with sentiments of patience, of gentleness, and of humanity. Other rulers had him arbitrate their quarrels, and one of his most trying experiences was an attempted reconciliation between the empire and the papacy. Despite his deep interest in the papacy, he was powerful enough not to fear either Pope Innocent IV nor the Emperor Frederick II. Besides, he had dedicated himself to safeguard the prerogatives of his crown, the rights of his subjects, and the security of his kingdom.

Although England was actually part of an island, it was never isolated from the European scene. During the reign of Henry III, it was more than ever a European land. Its ecclesiastical life, religious, legal, and learned, was inseparable from that of the western church. Even if Henry III had not been intensely interested in the lost Angevin lands, he could not have escaped the influence of the European continent. His mother was a Poitevin; his father, a mixture of Poitevin, Norman, Angevin, and English. Henry III was a vassal of the pope and had been cognizant, especially in his early life, of his unusual nearness to his protector. He was not a very stable person, nor was he a submissive one. He was a busy, hot-headed king, restless



and suspicious, whose years of personal rule coincided with Innocent IV's pontificate. He was always overshadowed by the greatness of his relative, Louis IX of France.

In reality, the medieval arrangement between a universal monarch and territorial princes relied for its success on the parochial nature of feudalism and the inability of a monarch to destroy the local authority of the feudal lords. Such a system was destined to fail when the balance of power altered eventually in favor of the kings. Innocent faced this transition of a new Europe slowly emerging into a group of independent kingdoms whose rulers were the sole judges of their interests. They would accept from the church and particularly the papacy, little more than a recognition of the gospel commands and the spiritual principles any Christian society was bound to respect. Although the kings of England and France experienced a certain degree of insecurity in the presumed power of the pope, the budding temporal state had not reached that unity in its growth and constitution where it was strong enough to resist the pressure of the church. The rulers of England and France moving more slowly, respecting old ideals, and keeping on reasonably good terms with the church, accomplished far more than Frederick. Although there were problems, particularly in England, their governments corresponded to the needs and beliefs of their people; they were able to leave behind them states which had a future and not merely a past. Neither the emperor's skepticism nor his absolutism had a place in the mid-thirteenth

century. Contemporary rulers were awed by his ability and boldness but were not convinced that he was right.

Based on the improved concepts of state administration, there were more persistent demands by the sovereigns of England and France for financial support together with stronger forces of action at their disposal. These in turn were responsible for the increasing bitterness and the frequency of conflicts of jurisdiction concerning the appointment of beneficiaries and papal exactions. Although Louis IX did not share the views of Frederick, he did not want the interference of the pope or any other prelate in what he regarded as affairs under his jurisdiction. Ordinarily he was very diplomatic, but at the same time he was unmoved by papal complaints or threats of excommunication. Louis had managed to remain neutral during the early stages of the Innocentian dispute with Frederick. He neither severed relations with the emperor nor aided the pope against him. However, he always honored and respected Innocent IV and did not allow the emperor to attack him. At the same time he made certain that his bishops and ultimately the pope recognized his authority in the affairs of the kingdom of France.

Many factors combined to thrust England into a situation far worse than France. In comparison with Louis IX, the king of England made a poor showing. Henry III was a weak character unable to hold his own with emperor, pope, prelates, or nobles. In 1235 he had arranged a marriage between his sister Isabella

and Frederick II and thereafter evinced an interest in the affairs of his imperial brother-in-law. Henry's own marriage with Eleanor of Provence in 1236 made him a continental figure. Since Eleanor was the queen of France's sister, this marriage not only brought him into closer contact with his kinsman Louis IX, but also involved him with his wife's Savoyard relations. Whereas Louis IX was a strong sovereign, an heroic crusader, a wise man of affairs, the weak Henry III was drawn into countless problems because of his foreign relatives. Probably his most difficult role was that of vassal of Rome, a role he frequently intensified by requesting papal help to secure money, to place a relative in some church office, or to be released from some oath.<sup>1</sup> Because of Henry III's shilly-shally character the church in England at this time was usually characterized by a submission of obedience to papal demands; while on the contrary, the church in France because of Louis IX's reputation for justice had survived trials of strength with Rome on the important questions of theology, canon law, and ecclesiastical organization. Then, too, Innocent had to look to France for moral support against Frederick and for security during his sojourn at Lyons. He could not afford to have the foremost Christian king against him, in addition to the emperor. Innocent had also to turn

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<sup>1</sup>Calendar of Entries in the Papal Registers Relating to Great Britain and Ireland, ed. W. H. Bliss (London, 1893), I, 209, 224.

to Louis for the final suppression of the Albigensian heresy. This is why not France but England had to cope more with the problems of pluralism, provisions, foreigners, and various money exactions. Although a king of Henry's character and needs could do nothing to stop the inroads of the papacy, actually the root of the church-state troubles in both countries lay in the fact that an earthly tribunal of God could not function without revenue and could not rule Christendom without taxing it. The growing changes in attitude and language during the years of the pontificate were portent of worse evils to befall the church. Even in France the old reverence was disappearing, and there was an awareness of an ever-deepening rift. The presence of the pope so close to the French borders encouraged an undercurrent of anticlericalism to surface once more. As the mushrooming bureaucracy and expensive papal wars encouraged a more efficient system of papal taxation, there was an inevitable clash between spiritual and secular claims. The lay power, too, had begun to define its boundaries and resented any incursion on its own privileged territory. Great as the influence of Innocent might be over England, it would be of little avail should France turn against him.

Turning now to the financial dealings of Pope Innocent IV with England, it is necessary to tell the story of Master Martin. He was one of the papal clerks of the camera, who was sent to England in January 1244 as nuncio in order to

collect all arrears of money due to Rome and to try to raise a further supply of revenue for the needs of the whole church which was attacked by so powerful an enemy as the Emperor Frederick II. Since the days of King John the position taken up by the pope and his legate in regard to England did not admit of question. The kingdom was known as a fief belonging specially to the Roman Church. As far as the English state papers of the period were concerned, it was the pope's right and duty, either directly or through his legate, to take whatever measures might seem expedient to secure the peace of the country and to arrange even for the government of the state. In truth Pope Honorius III and his legate Gualo were the real sources of government for the boy-king Henry III after John I's death in 1216. It is unnecessary to multiply instances of the extraordinary position occupied by the papal legate at this time in the state as well as in the church in England. Such an abnormal state of affairs could not last long. It was impossible that any foreigner, however tactful and resourceful, could continue to exercise such paramount influence, more especially when the position was evidently as distasteful to the clergy as it was to the laity. The presence of a legate a latere in a country, necessarily superseded all the ordinary ecclesiastical jurisdiction, as if the holder of the office were the pope himself. Master Martin was the bearer of letters to the bishops and abbots of England in which Innocent stressed that their previous loyalty to the Apostolic See made him hope that they

would help him in his need. Master Martin's clumsy and arbitrary proceedings and exorbitant demands excited widespread indignation.<sup>2</sup> At times the nuncio's dictatorial measures were opposed by deeds just as lawless. On one occasion in the diocese of Lincoln, his agents were mistreated. Martin sought advice from Robert Grosseteste, the bishop of Lincoln, who was helping him to raise the money required by the pope. The bishop, believing that the nuncio's overbearing conduct was largely responsible for the outrage, replied with great courtesy, but at the same time not without giving him a warning as to his future conduct.<sup>3</sup> The nobles continued to oppose Martin and even watched the seaports to prevent the introduction of papal letters dealing with money. An envoy of the pope was seized at Dover, but on the protest of Master Martin to the king, he was released and the letters turned over to the nuncio. The opposition of the magnates of the realm was not, however, to be so readily appeased and they impressed upon Henry the fact that enormous ecclesiastical revenues were held by Italians and that a great deal of money therefore found its way out of the country.<sup>4</sup> Accordingly, a letter of protest was drawn up to be presented to the pope during the session of the First

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<sup>2</sup>Matthew Paris, IV, 284-285.

<sup>3</sup>Grosseteste, Ep. 106.

<sup>4</sup>Matthew Paris, IV, 417.

Council of Lyons. At the same time, Master Martin was informed that if he did not leave the kingdom within three days, he would be cut to pieces.<sup>5</sup> A deputation, with the letter of protest, was dispatched to lay the grievances of the English before the members of the Council of Lyons.<sup>6</sup>

The French and English reaction to papal claims and exactions increased continuously even after the Council of Lyons. The crucial years, therefore, were from 1245 to 1254. Taxation had become constant, but by itself would not have produced more than the usual attempts to escape. Innocent quickened and embittered the movement by his unwise use of provisions. The English grievances presented at the Council of Lyons listed provisions, the extraordinary powers exercised by the papal legate Martin, and King John's tribute. They were stated by the proctors who represented the universitas Angliae, and a letter was also presented which explained in detail the specific grounds of complaint. The envoys professed their devotion to the Roman Church but begged that the rights of the patrons of livings should not be interfered with by the abuse of provisions, that the Italians who did not fulfill the duties attached to the livings, but carried the revenues out of the country, should not be granted benefices, and that the English might in future be spared such pecuniary inflictions as had

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<sup>5</sup>Matthew Paris, IV, 420.

<sup>6</sup>Rymer, I, 434.

been practiced on the country by Master Martin. The envoys also protested against the payment of the tribute promised by King John and against the abuse of the clause beginning with "Notwithstanding," so often introduced into the papal letters.<sup>7</sup> It is clear, both from Grosseteste's letter and from Matthew Paris's account, that Master Martin was understood to have exceeded his instructions, and that the responsibility for his extortions was attributed rather to the rapacity of the curia than to the pope himself, as is shown by the fact that it was to the pope that the English nobles sent their deputation headed by Roger Bigod to complain of the exactions.

Henry III was represented by Roger Bigod and the earl of Norfolk, with William de Powick as their orator, or official spokesman. The king thought it necessary to warn all prelates and others going to the council to watch over the interests of England during the proceedings.<sup>8</sup> The complaints of the English were voiced on Monday, July 17, 1245, by the proctors who had come to present the letter drawn up by the nobles of England. William de Powick's intervention was called for early in the meeting by the pope's request that all present should sign a

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<sup>7</sup>Matthew Paris, IV, 527-529. Bishops, who had negotiated with Rome to protect themselves against the bestowal of benefices on Italians, resented the non-obstante clause (notwithstanding any previous privileges) in papal bulls. All that they had fought for was often swept aside by letters containing the hated clause.

<sup>8</sup>Rymer, I, 260.



statement of the privileges which had been granted to the Holy See at various times by kings and princes.<sup>9</sup>

Matthew Paris implied that Louis had grievances of a like nature and may have been influenced by motives similar to those which guided the English at the council. Supposedly, Louis had complained that Innocent IV had given away more benefices in France than all his predecessors. It is rather interesting to note that much of what we learn of France during this crucial period is found in Matthew Paris. The position that Louis took toward the papacy was that of deference and devotion. Hence Innocent wrote to Louis that the Holy See had always found him ready to sustain it in its needs, and had always regarded him as the chief defender of the faith, and of the church's liberty.<sup>10</sup> There Pope Innocent IV was in safety, for although Lyons, as a part of the old kingdom of Burgundy, nominally formed part of the empire, it was in reality a free city with an archbishop, primate of all the Gauls, who enjoyed the protection of the king of France. It must be noted, however, that it was not French territory. The barons of France preferred not to receive Innocent within their borders,<sup>11</sup> while Henry III

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<sup>9</sup> Mansi, XXIII, 639-641.

<sup>10</sup> Reg., I, no. 255 (November 28, 1243).

<sup>11</sup> Matthew of Westminster, Flores Historiarum (London, 1570), II, 183.

was also deaf to the plea of the cardinals for a papal refuge on English territory.<sup>12</sup>

When Sinibald Fieschi became Pope Innocent IV, there was peace throughout the realm of France. The power of the barons against the crown had been broken, and the treaty of Lorris, January 1243, had closed the last important uprising of the Albigenses together with the last effort of Raymond VII, count of Toulouse, to assert his complete independence of France. Louis IX had taught the feudal lay nobles that they must respect the law and had impressed the duty of moderation on the clergy; and, while displaying the utmost devotion to the papacy, he gave Pope Innocent IV the obedience he owed him as a Christian and as a member of the great Christian commonwealth, and the independence to which he had a right as a sovereign. At any rate, for what King Louis IX did for the papacy, the pope was not ungrateful. Due to the lack of evidence in the papal registers and the silence of the French chroniclers, France apparently had neither the legate problem nor the intolerable papal taxation problem experienced by England. Since the king's projected crusade to the Holy Land put him in close communication with the pope, there was a rapport between the two which was reflected especially in the nomination of bishops favored by Louis.<sup>13</sup> Even the touchy question of regalia rights posed

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<sup>12</sup>Matthew Paris, IV, 409-410.

<sup>13</sup>Reg., I, nos. 255, 511-512; Teulet, II, no. 3148.

no problem. For example, there was the question of the feudal rights due Geoffrey of Grandpré, the bishop-elect of Châlons.<sup>14</sup> Another time Innocent asked the king to have returned to the church of Carcassone the land and other goods which the royal agents had seized.<sup>15</sup> Innocent wanted his nephew confirmed in a benefice and asked Louis not to oppose it.<sup>16</sup> On the whole the pope and king either were in agreement or their dissensions were seldom aired in public. In his dealings with the French Innocent often had to do business with Blanche and her three other sons; but the papal registers reveal amiable relations, especially concerning the rights of the regalia.<sup>17</sup> If no serious differences came to a head between the pope and king, such was not the case between the pope and the French nobility. The quarrel involved the nobles and the higher clergy, principally concerning questions of jurisdiction. Papal privileges to them were few,<sup>18</sup> as Innocent defended the interests of the church against the powerful feudal lords.<sup>19</sup> Among the great feudatories of the crown to whom Innocent did show favor were

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<sup>14</sup> Reg., I, no. 316.

<sup>15</sup> Potthast II, no. 11265.

<sup>16</sup> Reg., I, no. 1360.

<sup>17</sup> Reg., I, nos. 255, 263, 670, 672, 1052, 1057, 1301, 2206, 3281, 3640.

<sup>18</sup> Reg., I, nos. 312-313, 345, 361, 1729, 2570.

<sup>19</sup> Reg., I, nos. 45, 1277-1278, 2049.

Count Thibaud IV of Champagne, king of Navarre,<sup>20</sup> and Count Raymond of Toulouse, whose marriage was even annulled.<sup>21</sup> Innocent IV was also always ready to support the hierarchy of the church in France when conflicts broke out with the civil authorities. He defended the Breton bishops against Pierre Mauclerc and Jean le Roux and settled the differences between the inhabitants of Limoges and their clergy.<sup>22</sup> Innocent also intervened in the quarrel of the inhabitants of Tournai with the bishops of Tournai and Cambrai.<sup>23</sup>

No such inroads as in England were made in France. Since Louis IX's piety did not prevent him from taking a firm stand against papal demands; on occasion, Innocent found him a veritable adversary. Because it was the king himself who made known the complaints of the French church and state, the laity of France could take a strong stand. The quarrel involving the nobles and the higher clergy came to a head in 1246 after Frederick secured the adhesion of a number of the French nobles in his attack on the church. Moreover, despite the fact that

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<sup>20</sup>Reg., I, nos. 747, 1215-1216, 1916, 2692, 2744-2748.

<sup>21</sup>Teulet, II, no. 3382.

<sup>22</sup>Reg., I, no. 827 (December 20, 1244). The tone of this letter to the bishop of Cahors revealed the pope's intent to defend the episcopal authority against the impieties and violence of the laity.

<sup>23</sup>Reg., I, no. 1290 (January 28, 1245). The letter to the bishop and officials of Tournai mentioned a similar letter sent to the bishop and officials of Cambrai.

the Council of Béziers, April 1246, declared those Frenchmen excommunicated who made laws against ecclesiastical liberty,<sup>24</sup> the French barons organized a league in November 1246 to oppose the encroachments of the church and to make it effective, nominated an executive committee of four. The members pledged not to permit clerics to try any cases except those in which heresy, marriage, and usury were concerned. They also expressed a desire to see the church restored to its primitive state.<sup>25</sup> In 1247 Louis and his barons dispatched to the pope a long letter of criticism against papal exactions. Expressing genuine zeal for the ancient loyalty to Rome, the king remarked about the unprecedented character of papal taxation and the abuse of provisions.<sup>26</sup> The instructions issued by Innocent to his legate, Eudes of Châteauroux, that is Otho, cardinal bishop of Tusculum, showed that he was resolved to resist the barons. The pope began by expressing his grief that while the persecutor Frederick was striving to control the church, it should be attacked by the sons of the very men who had done so much for it. He suggested that if the French barons had remembered that those who establish laws against the liberty of the church are excommunicated, they would probably not have been so ready

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<sup>24</sup>Hefele-Leclercq, V, Canon 18, p. 1696.

<sup>25</sup>Huillard-Bréholles, VI, 467-468.

<sup>26</sup>Teulet, II, no. 3569.

to act.<sup>27</sup> Despite the warning, the federation was still in existence about April 1247, because at that time the papal curia was awaiting the arrival of its representatives. We learn of this from a letter the archbishop of Canterbury wrote from Lyons to his brother, Peter of Savoy, concerning the arrival of certain envoys from France. The embassy consisted of the marshal of France, Ferry Paté, representing the laity, and the bishops of Soissons and Troyes sent by the French clergy. Their complaints centered on the abuse of authority on the part of the curia.<sup>28</sup> A second embassy was sent in June 1247 demanding an end to the practice of papal officials extorting money under threat of excommunication.<sup>29</sup> We do not know whether the second memorandum was ever presented to the pope.

The question of the awarding of benefices and papal provisions provoked grave discontent in France as it did in England. On this issue we have precise details for France in the papal registers. Very often there was a question not only of provisions in the case of foreigners but also of the

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<sup>27</sup> Huillard-Bréholles, VI, 483-486.

<sup>28</sup> Matthew Paris, Additamenta, VI, no. 69.

<sup>29</sup> E. Lavissee, ed. Histoire de France, (Paris, 1901), III, (Footnote 2), p. 65, although he gives no exact date for the embassy to the pope, Langlois, the author of this volume, maintains that there is no indication that the memoir of 1247 is false.

plurality of benefices.<sup>30</sup> Some were given to minors;<sup>31</sup> there were cases of expectancies.<sup>32</sup> Innocent's relatives, beginning with his nephew Ottobono being named chancellor of Rheims in the first year of his pontificate,<sup>33</sup> figured among the Italian incumbents of French benefices.<sup>34</sup> Seemingly, the pressure on France was as nothing compared to that of England; also the complaints of Louis were heeded while those of Henry were not.

Despite the English grievances presented at the Council of Lyons, there was no apparent change in papal policy. Moreover, the great demands of the papacy, reflected in taxes and provisions, evidently had serious repercussion on English religious sentiment. The extent and exact nature of the anti-papal reaction is a debatable issue. Even though certain questionable administrative principles and operations were challenged, the dominant spiritual authority of the papacy was never questioned. Although attention was frequently called to the evils and requests were made for a remedy, there was never a denial of the papal power but rather expressions of submission

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<sup>30</sup>Reg., I, nos. 2180, 3069, 3203, 3321, 3672; III, nos. 6705, 6747, 6752, 6960, 7483, 7648.

<sup>31</sup>Reg., I, nos. 376, 2174, 2671; III, nos. 5911, 6887, 7224, 7589-7590, 7617.

<sup>32</sup>Reg., I, nos. 819, 1931.

<sup>33</sup>Reg., I, no. 229.

<sup>34</sup>Reg., II, no. 5369; III, nos. 6180, 6654.

and devotion. In fact, Bishop Grosseteste of Lincoln conceded to the papacy in theory the power of distributing the church benefices of England or those of any other country.<sup>35</sup> As a result of the deliberations in London on March 1246, letters of complaint from the barons and clergy were once again sent to Innocent at Lyons.<sup>36</sup> By June Innocent was asking Henry not to object to his request for a twentieth part of the ecclesiastical revenues and implying that he would temper his benefice policy.<sup>37</sup> From the time of a remonstrance received at Lyons in the spring of 1247, through the year of 1248, the number of cases of provisions was reduced. Although only about ten were listed for foreigners in English benefices, other documents continued to empower the holding of pluralities by the pope's foreign supporters.<sup>38</sup>

The happenings in the archdiocese of Canterbury, as well as those in the dioceses of Lincoln and Winchester graphically illustrate the attitude toward the great question of church-state relations during the pontificate of Innocent IV. The death of Archbishop Edmund of Canterbury in 1240 seemed to King Henry III a favorable opportunity for the queen's uncle

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<sup>35</sup>Grosseteste, Ep. 49.

<sup>36</sup>Rymer, I, 265.

<sup>37</sup>Rymer, I, 266.

<sup>38</sup>Reg., I, nos. 3002, 3061-3062, 3425, 3743, 3772, 3789, 3947, 3987-3988, 3991.



Boniface of Savoy. The long absence at Lyons of Boniface and his constant differences on the vital issue of his metropolitan rights was a perennial disturbing factor during the whole of Innocent's pontificate. The pope confirmed the disputed election of Boniface on September 17, 1243.<sup>39</sup> He was still at Lyons in 1246 when Innocent addressed two letters to the bishop of Hereford urging all ecclesiastics in the suffragan sees of Canterbury to come to their archbishop's assistance, specifically ordering them to insure him the revenue of all vacant benefices.<sup>40</sup> When the bishops proved unwilling, Boniface suspended all who refused to carry out the papal orders. A further mandate from Innocent, addressed to them through the bishop of Hereford in June 1247, excommunicated all who should oppose the order with the exception of the king, queen, and Richard of Cornwall, the king's brother.<sup>41</sup> After Boniface complained to the pope that the limit of 10,000 marks set by papal authority, for his claim on the benefices was not sufficient, an additional 2,000 marks was allotted to him.<sup>42</sup> Additional powers enabled him to keep benefices vacant for a year. A vicar was appointed and the collector took the revenues to

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<sup>39</sup>Reg., I, no. 116.

<sup>40</sup>Reg., I, nos. 1935-1936.

<sup>41</sup>Reg., I, no. 2814.

<sup>42</sup>Reg., I, no. 3410.

liquidate the Canterbury debts.<sup>43</sup> Every year added new grievances against king and pope because of the relentless pressure in favor of the archbishop. At long last in 1252 Archbishop Boniface was ready to return to England. A letter from the pope authorizing him to reward his clerks with benefices in his province, except in the dioceses of Lincoln and Salisbury, marked his departure from Lyons.<sup>44</sup>

Other causes of disquiet were involved in the case of Winchester where the issue dated back to Gregory IX. Henry III wanted his wife's uncle to be bishop, and the monks wished to elect William Raleigh. Innocent settled the issue in favor of Raleigh. By then Henry regarded Raleigh as his greatest enemy and would not submit, and to strengthen his case called in the distinguished canonist, Henry of Susa, the papal legate, to advise him.<sup>45</sup> The trouble between king and bishop continued. When Raleigh died in 1250, he was in exile at Tours.<sup>46</sup> Now Henry decided to force the election of his half-brother, Aylmer de Valence, although he had not received holy orders and lacked the qualifications of age and learning. Nevertheless by

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<sup>43</sup>Reg., I, no. 3471.

<sup>44</sup>Reg., II, no. 4496.

<sup>45</sup>Matthew Paris, IV, 263-266.

<sup>46</sup>Matthew Paris, V, 179.

the middle of 1251, Aylmer returned to England from the curia with the documents necessary for his confirmation.<sup>47</sup>

Probably the case of Robert Grosseteste, bishop of Lincoln (1235-1253) was the best illustration of church-state relations. It was a typical instance of the importance of the papal influence as well as a testimony to the sincerity and good intentions of Innocent IV. Robert Grosseteste, was one of the first to congratulate Innocent on his accession to the papal throne.<sup>48</sup> In 1245, before his return from the Council of Lyons, the bishop was charged by Innocent with a message asking the archbishop of York to show favor to a bishop who had been forced to leave Italy. Although he was reluctant, Grosseteste felt that he must obey the pope's personal command.<sup>49</sup> Grosseteste's antipathy to the emperor was intense, and explains in a large measure, the support he accorded to the collection of papal subsidies necessitated by the continuance of the struggle with Frederick II.<sup>50</sup> Since he had no desire to see the king and clergy united in a struggle with the papacy after his return from Lyons, Grosseteste tried to impress on Henry how great was the royal obligation to be obedient to

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<sup>47</sup>Matthew Paris, V, 181-183.

<sup>48</sup>Grosseteste, Ep. 111.

<sup>49</sup>Grosseteste, Ep. 116.

<sup>50</sup>Grosseteste, Ep. 119.

the Holy See and to support the church. In the political developments of these years Grosseteste played no inconspicuous part. The bishop, on reaching England, wrote to the pope a letter of considerable interest about a private conversation with the king. He told of having spoken to Henry about the obedience, fidelity, and devotion to be shown the pope and the Roman Church, and about the great need of supporting it, especially when some were trying to disturb its tranquillity. Henry replied that over and above the ordinary reasons which bound all Christian princes to the church, he was bound by a special reason to it. After the death of his father, the kingdom not only turned from him but even fought against him. It was the Roman Church through the legate Gualo, who brought the kingdom to peace and crowned him king.<sup>51</sup>

Grosseteste and Walter de Cantilupe, bishop of Worcester, had by June 1247 collected directly a thousand pounds toward the crusade, and another thousand from the redemption of the vows of those who found themselves unable to go to the Holy Land after expressing their willingness to do so. Both sums were later given to William Longespée,<sup>52</sup> who became the English leader in the crusade.<sup>53</sup> In August 1247, Innocent wrote to

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<sup>51</sup>Grosseteste, Ep. 117.

<sup>52</sup>Bliss, I, 242.

<sup>53</sup>Matthew Paris, IV, 630.

Henry III to the effect that, as the money for the crusade had been granted, at the instance of his ambassadors and of the prelates, to the bishops of Lincoln and Worcester, to be distributed to needy crusaders and inhabitants of the realm at the time of the general passage, it could not be handed over to the king. The pope was willing, however, that they should transmit to the king such sums as they could spare for things connected with the crusade, but not to the injury of the people of the realm.<sup>54</sup> In January of the following year the bishops of Lincoln and Worcester were instructed to deposit in the name of the Roman Church all sums collected for the Holy Land, with the exception of those assigned to Richard, earl of Cornwall, the king's brother.<sup>55</sup>

In order to separate the clergy from secular cases and interests, Grosseteste received a papal indult in 1247 to exercise his office against rectors of churches in the diocese of Lincoln who took the office of justice of the peace, sheriff, bailiff, or notary in the secular courts.<sup>56</sup> He received another important bull from the papal chancery deciding in his favor the great suit with his chapter.<sup>57</sup> He on his part venerated the papal plenitude of power and took no part in the

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<sup>54</sup>Bliss, I, 248.

<sup>55</sup>Bliss, I, 249.

<sup>56</sup>Bliss, I, 230.

<sup>57</sup>Bliss, I, 209.

opposition to papal taxation. Usually, the bishop of Lincoln could protect his diocese by recourse to the usual methods of delay; but at times, especially in the problem of provisions, he was forced to protest. His rejections were not necessarily because the nominees were foreign, for frequently they were Englishmen: a young boy,<sup>58</sup> an utterly illiterate person.<sup>59</sup> Grosseteste had no objection to papal provision as such but objected to the provision of unsuitable persons to the detriment of the care of souls. The strained feeling and intense dissatisfaction because of financial exactions and papal provisions impelled the bishop to visit Lyons in May 1250.

Grosseteste's second visit to Lyons presents some important differences as compared with his first visit to that city in 1245. The principal object of his visit in 1245 was to take part in the proceedings of the Council of Lyons. In 1250 his main purpose was to explain to the pope the evils to which the church in England was exposed with special reference to the encroachments of the king, the claims of the archbishop of Canterbury, and the state of the clergy. He wished to specify the objections to papal provisions, and to point out the abuses which did most to injure the reputation and efficiency of the curia. It was on May 13, 1250, in the presence of the pope

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<sup>58</sup>Grosseteste, Ep. 52.

<sup>59</sup>Grosseteste, Ep. 72.

and curia that his elaborate memorandum on the evils prevailing in the church was read.<sup>60</sup> Seldom has a stronger denunciation of ecclesiastical abuses ever been penned, but it is obvious that it must have been composed with the object of placing before the pope, the worst evils connected with the existing system in the hope of convincing him of the imperative need for taking the most drastic measures. It must be recognized that Innocent showed no small degree of toleration in allowing such a document to be read aloud.

In the meantime, in addition to his opposition to the king's demands and encroachments, Grosseteste was engaged more and more in a struggle against the papal provisions. In 1252 his opinion on the question of foreign ecclesiastics appeared in a strong communication made by him to a meeting of the great council. Grosseteste decried the practice as especially detrimental when the foreigners lived abroad or were ignorant of the language, neglected the care of souls, and yet collected and carried away money to the great impoverishment of the kingdom.<sup>61</sup> Eccleston, the Franciscan chronicler, gives as the reason that Grosseteste's main ground for refusing was not so much their ignorance of the English language as the fact that they wanted

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<sup>60</sup>E. Brown, Appendix ad Fasciculum Expetendarum et Fugiendarum (London, 1690), II, 250-257.

<sup>61</sup>Grosseteste, Ep. 131.

only the temporalities.<sup>62</sup> In the year before he died, there occurred the most publicized incident of Grosseteste's career. Innocent IV wrote to the archdeacon of Canterbury and to Master Innocent, the papal notary in England, directing that the next vacant canonry should go to his nephew Frederick of Lavagna, a cleric.<sup>63</sup> Grosseteste deeming him unfit for such a position, wrote to the papal legate. He acknowledged the power of the pope to present all benefices wherever they might be, but at the same time warned against the abuse of such power which would result in much harm to souls.<sup>64</sup> The letter was an attack, not upon the authority of the papacy, to which, Grosseteste repeatedly expressed his devotion, but upon abuses and corruptions connected with its exercise. Although Grosseteste's letter was not addressed to Innocent IV, its significance must have been communicated to him. The Burton annalist states that the archdeacon of Canterbury and Master Innocent forwarded Grosseteste's letter to Innocent IV.<sup>65</sup>

The endeavors of Pope Innocent IV to repair the harm done by the issuance of provisions are seen after he left Lyons, in

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<sup>62</sup>Monumenta Franciscana, ed. R. Howlett, Rolls Series 4 (London, 1858), I, 64.

<sup>63</sup>Matthew Paris, Additamenta, VI, no. 115.

<sup>64</sup>Grosseteste, Ep. 128.

<sup>65</sup>Annales Monastici, ed. H. R. Luard, Rolls Series 36 (London, 1864), I, 311-313, 436-438.



the last documents of his life. Writing from Perugia on May 23, 1252, he promulgated a decree addressed to all the bishops of the Christian world. In it he admitted that the practice of provisions was not in keeping with the right order and justice, but that it was forced on him by the wickedness of the times. Since his greatest accomplishment would be to end the custom, he gave his solemn promise that no aliens would be appointed to benefices in any country. He granted to all whom it concerned full power to present to those benefices which were their right, notwithstanding all grants to the contrary from the Apostolic See. The letter ended with the threat that those who acted contrary to his wishes would be liable to God's curse and his own.<sup>66</sup> It was evidence of his desire to prove to Christendom that his use of spiritual means for political gains had been a matter of necessity. If succeeding popes had observed his decree, there would not have been secular laws against provisions in the next century, and there would have been one charge less for the future enemies of the papacy to use against it.

A year later, on May 22, 1253, he addressed another bull specifically to the hierarchy of England. Complaints had been made to him that over 50,000 marks a year went to aliens. He therefore proposed to reduce the amount to 8,000 marks, and to

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<sup>66</sup> Matthew Paris, Additamenta, VI, no. 104; Potthast II, no. 14601.

require residence and due ordination from those to whom papal provision was made. He had almost ceased, he said, for several years to give benefices in England, and did not even wish to insist on the sum named. It must be the task of the bishops to execute his concessions in such a way as not to cause complaint.<sup>67</sup> On November 3, 1253, Innocent dispatched another bull, the final strong expression of his remorse on the subject of provisions. It definitely removed all impediments to the full exercise of rights of presentation, and gave permission to everyone, acting as his representative, to tear up all documents emanating from him or his legates in a contrary sense.<sup>68</sup>

There was another side of papal activity which scarcely appeared in the registers, but which was of immense importance in Innocent's relation particularly to the church in England. This was the work done by the papacy as an appeal jurisdiction as well as the many cases decided by local application to papal intermediaries who were often foreigners beneficed there.<sup>69</sup> The English court, bishops, and ecclesiastical corporations frequently needed to smooth the way to the papacy through members of the curial staff. Considerations of this sort lay

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<sup>67</sup> Rymer, I, 281, mistakenly catalogues the second bull in 1252 instead of 1253.

<sup>68</sup> Matthew Paris, Additamenta, VI, no. 131; Rymer I, 294; Potthast, II, no. 15162.

<sup>69</sup> Reg., I, nos. 3743, 3772, 4086.

behind some of the provisions of Italian curialists to English benefices. In general, the pope's increasing supervision of ecclesiastical affairs not only helped to maintain the freedom of electoral bodies against intervention by the king, but it upheld the law of the church in behalf of those who fought for their rights by appealing to Rome. On the other hand, because of his use of papal provisions, it would seem Pope Innocent might have safeguarded electoral bodies from intervention by the king only to interfere with this freedom himself.

On the political side, the long quarrel of papacy and empire provided ample opportunities for an ambitious king to draw profit from their dissensions. The anti-clerical policy of Frederick II afforded pretexts to a pious King Louis for putting himself on the papal side and making what annexations he could at the expense of Frederick's misfortunes. Though upset by the emperor's religious attitude, Louis was by no means pleased with the hostile attitude of Innocent toward the Hohenstaufens. He tried to maintain a strict neutrality between pope and emperor. His foreign policy, inspired by a spirit of justice and peace, prompted him also to have a watchful care of the just rights of the English king. Henry III, on the other hand, often sought the pope's intervention to safeguard what he held to be his rights both at home and abroad. The king's envoys secured a letter from Innocent addressed to the bishops and nobles of England urging them to return to their sovereign the crown lands which he had granted. The pope

supported his claims by stating that these grants were a violation of Henry's oath to preserve and guard all the liberties and possessions of his crown.<sup>70</sup> Another bull authorized the king to repossess all such crown lands regardless of any previous promise he had made.<sup>71</sup> Early in 1246, Henry asked for the pope's intervention to protect his rights in Provence because of his marriage to Eleanor. He felt his interests had been ignored by the succession of Charles of Anjou, the French king's brother.<sup>72</sup> France and England during this period were in such close communication through the coming and going not only of individuals but of certain elements in the population that the bond of vassalage, the unfixed character of territorial boundaries at a time when the idea of state and national frontiers was just developing, the mutual borrowings, the repercussions of all sorts, and even the conflicts bound their history so closely together that we are forced to study the combined political history of England and France. It is necessary, however, to insist on the parallels and differences which it presented in France and England. Under Louis IX the French monarchy had achieved an authority and prestige which was dependent on the king's personality. Henry III still possessed Guienne; however, he was no longer the vassal of the

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<sup>70</sup> Reg., I, no. 1765.

<sup>71</sup> Reg., II, no. 4393.

<sup>72</sup> Reg., I, no. 1967.

king of France. The sentence of 1202 had broken the feudal tie between Capetian and Plantagenets. Louis IX and he, however, had married sisters. Attracted towards peace by family sympathies and his Christian sentiments, Louis wanted an end to the conflict with England.

In the spring of 1244, the papal confirmation was asked for by Henry III and accorded to several matters of importance. Earlier, King Henry had entered into a treaty with the count of Provence, by which he agreed to lend him money and take over some of his castles as security for the loan.<sup>73</sup> Henry applied to Pope Innocent to confirm this treaty which he did on April 25. On the same occasion the pope confirmed at the request of the English king, the dowry he had settled upon his queen<sup>74</sup> and directed the archbishop of Canterbury and the bishop of London not to allow anyone to call it in question. On April 30, the pope at the request of the king, confirmed his will and forbade anyone to question its terms.<sup>75</sup> In 1246 the pope requested both the laity and clergy to restore to the king all towns, castles, manors, and other rights of old belonging to the realm which had been granted to them by the

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<sup>73</sup>Rymer, I, 254.

<sup>74</sup>Reg., I, no. 638.

<sup>75</sup>Reg., I, no. 639.

king -- this Henry had done in violation of his coronation oath to keep intact the realm and honor of the crown.<sup>76</sup>

During the same period both Henry III and the nobles of England were particularly enraged at the pontiff's interference in Wales and Scotland. With regard to Scotland, Innocent had protected its independence against Henry. He refused the king's request to grant him a bull prohibiting the coronation of Alexander III, the young king of Scotland, without his previous permission, as he was anxious to increase his hold on that country. He could not, wrote Innocent, do a thing which would redound to the prejudice of a king's dignity.<sup>77</sup> Some years before that, on the occasion of the proposed marriage of the son of Alexander II, king of Scotland, with the eldest daughter of Henry III, various treaties were drawn up between the two kings. To insure their observance they were sent to Innocent for confirmation by the Scottish king and his nobles.<sup>78</sup> Because it would be opposed to the dignity of the king of the Scots, Innocent would not grant tithes of ecclesiastical benefices in Scotland to Henry.<sup>79</sup> He moreover decreed that notwithstanding any papal decree in behalf of England, all offerings made in Scotland for the crusade should be assigned

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<sup>76</sup>Bliss, I, 224.

<sup>77</sup>Rymer, I, 263.

<sup>78</sup>Matthew Paris, IV, 383-385.

<sup>79</sup>Reg., I, no. 1277.

to the Scottish crusaders.<sup>80</sup> In his struggle for independence David, Prince of Wales, who was Henry's nephew, tried to inveigle the pope. He assured Innocent that Wales was a fief of the Holy See, and that therefore Rome was wrong to compel him to hold it from the king of England. Actually Innocent reversed his policy in behalf of King David of Wales because he had learned that from time immemorial the Welsh prince had been a vassal of the English king.<sup>81</sup>

While Henry III was concerned with his personal problems and Frederick II was trying to cut Christendom asunder, King Louis was preparing to launch a crusade to the Holy Land. Since this was his one great concern, he intermittently tried to arrange peace negotiations between the papacy and the empire. The fall of Jerusalem in 1244 had stirred up no such general ferment throughout Christendom as did the first conquest by the Saracens. Louis was really the only one to heed the call issued by the Council of Lyons for a new crusade. It is true that, despite his difficult position and his pre-occupations, the pope did much to prepare the crusade. Soon after the news of the fall of Jerusalem reached Europe, his letters called the nations to arms in defense of the Holy Land. Then he issued a number of decrees with the approbation of the Council of Lyons relative to urging Christians to take the

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<sup>80</sup>Rymer, I, 266.

<sup>81</sup>Rymer, I, 255.

cross.<sup>82</sup> The pope chose the bishop of Tusculum, Eudes of Châteauroux, to preach the crusade and grant indulgences. He was enjoined to have sermons delivered not only in France but in England, Germany, Scotland, Denmark, and Brabant.<sup>83</sup> The crusaders were placed by their vows under the Holy See.<sup>84</sup> Some were not inclined to fulfill their vows and had to be censured and ordered to leave for the Holy Land.<sup>85</sup> The Council of Lyons had decreed that all clerics should pay a twentieth part of the revenues of their church for a period of three years in aid of the Holy Land; the cardinals and pope were to pay a tenth.<sup>86</sup> In France the subsidy was later raised to one-tenth.<sup>87</sup> Besides the revenue from the tenth and twentieth, there was the money that accrued from the dispensation of the crusaders' vows.<sup>88</sup> If the crusading movement in England produced meager results, the blame has to be placed on the king rather than Innocent.

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<sup>82</sup>Schroeder, Canon 18, pp. 313-316; Potthast, nos. 11491, 11561, promulgation of the bull Terra Sancta Christi.

<sup>83</sup>Reg., I, no. 2229.

<sup>84</sup>Reg., I, no. 2871; II, no. 4623; III, nos. 8005, 8007.

<sup>85</sup>Reg., I, nos. 2228, 3970; II, no. 4926.

<sup>86</sup>Schroeder, Canon 18, p. 314.

<sup>87</sup>Reg., I, no. 2033; III, no. 5154.

<sup>88</sup>Reg., I, nos. 2959-2963, 3727; III, nos. 6285, 6419, 6549.



Henry III was not as eager to leave for the Holy Land as he was to receive the crusading subsidies.<sup>89</sup>

The same, however, cannot be said regarding the Germans. It was certainly largely Innocent's fault that they did not partake in this crusade, but then he could scarcely help himself. He was engaged in a life and death struggle with a cruel and powerful enemy, and it appeared to him that the future of the church would be compromised more by the victory of Frederick than the success of the Saracens. Innocent even actually forbade the preaching of the real crusade in Germany,<sup>90</sup> and ordered certain sums raised there in connection with it to be given to William of Holland.<sup>91</sup> The struggle in the empire had taken on an added intensity after the election of William of Holland. Some who had been interested in the Holy Land, such as the duke of Brabant, wanted to join in the war against Frederick II. The legate, Peter Capocci, made an effort to get his adherents and also the German prelates to make a similar promise. Innocent confirmed these measures on November 27, 1247<sup>92</sup> and at the same time granted indulgences

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<sup>89</sup>Reg., II, nos. 4054-4056.

<sup>90</sup>Reg., I, no. 2935 (July 5, 1246).

<sup>91</sup>Reg., II, nos. 4269, 4510.

<sup>92</sup>Reg., I, no. 3430.

to the duke and others who would help.<sup>93</sup> They obtained the same advantages as those who went to the Holy Land.<sup>94</sup> Apparently, the Frisians had been strong supporters of Louis IX's crusade, but their vows were also commuted<sup>95</sup> in order that they might help in Germany against the Hohenstaufens. Although agents had been dispatched throughout Christendom to preach the crusade and grant indulgences to those who gave alms,<sup>96</sup> the crusade against the emperor now seemed more urgent to Innocent and his papal followers.

Louis saw that the effort would have to be made by him alone, and Frederick humored the wishes of this most coveted ally. Louis did not wish to offend Frederick because he did not wish to lose such influence in the cause of peace as he possessed; and he knew that the interests of the crusades which he had at heart, were bound up with the existence of peaceful relations between the papacy and the empire. There was an interview between the pope and the French king at Cluny on November 30, 1245. Contemporary chroniclers have related much of the magnificence of the gathering in the monastery of Cluny. They have told us of the cardinals who, wearing their

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<sup>93</sup>Reg., I, no. 3433.

<sup>94</sup>Reg., I, nos. 3885-3887; II, no. 4181.

<sup>95</sup>Reg., I, nos. 3779, 4068, 4070.

<sup>96</sup>Reg., I, no. 980.

red hats for the first time, attended on the pope,<sup>97</sup> but they have not told us anything that was discussed at the private conferences which took place between the pope and the king.

Despite a new attempt on the part of Louis to bring about a peace in the autumn of 1246, fighting continued in Germany and Italy. By May of 1247 Innocent was appealing to the French for help against Frederick II, the disturber of the age. His appeal was to the clergy and the laity of France, and especially to its king. The pope told the abbot of Vendôme that Frederick was coming to Lyons to clear himself of the charges against him, but he was fearful because Frederick was bringing an army.<sup>98</sup> Innocent labored in vain to defer Louis's voyage and on June 12, 1248, the king received the pilgrim's staff and wallet from the legate. He visited the pope at Lyons and asked him to relax his severity toward Frederick at least for the help and advancement of the crusade. Innocent's answer was that he would accept no treaty which did not exclude Frederick and all his family from the imperial throne.<sup>99</sup> Even after Frederick's death Innocent was far too concerned with

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<sup>97</sup>Potthast, II, no. 11965.

<sup>98</sup>Huillard-Bréholles, VI, 536 (May 28, 1247). Louis promptly responded to the pope's appeal, as revealed in the warm letters of gratitude to Louis and his mother on June 17, 1247 (Ibid., 544-547).

<sup>99</sup>Huillard-Bréholles, VI, 641.

the Hohenstaufens and plans for his own return to Rome to have much interest in Louis's crusade and captivity.

During the same period the pope was looking for results from the crusading movement in England which had gradually become entangled with the Sicilian business. In August of 1247 the pope informed the bishops of Lincoln and Worcester of a papal commission of collectors who were to handle legacies, pledges, and the redemption of the Holy Land vows.<sup>100</sup> King Henry was to start within a year after the French expedition had sailed.<sup>101</sup> Throughout the year 1250 Innocent corresponded with Henry on the subject: he granted the English king all vacant ecclesiastical benefices for three years toward his expenses; authorized the bishops, from the start of his expedition for a two-year period, to pay him all the money received from the release of crusading vows, and all other money which by papal order was to be set aside for the purpose of the crusade.<sup>102</sup> Henry even wrote to the archbishop of Dublin to promulgate the edicts,<sup>103</sup> and obtained a letter from the pope addressed to the bishop of St. Andrew's in Scotland ordering money paid for the redemption of the crusading vows to

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<sup>100</sup> Reg., I, no. 4055.

<sup>101</sup> Reg., I, no. 4054.

<sup>102</sup> Rymer, I, 272-274.

<sup>103</sup> Rymer, I, 274.

be delivered to the king of England if and when the expedition should start. However, the Scottish king complained so vehemently against this grant of money to the English king, that Innocent while reaffirming his right to make the disposition of the money, stated that he had no wish to deprive the crusaders of Scotland of grants from the money collected.<sup>104</sup>

Time passed, and as Henry manifested no desire to prepare, the pope issued another letter.<sup>105</sup> Being pressured to set a date, in 1252, the king fixed the end of another four years as the limit, adding that if Louis IX would restore the lands taken from his ancestors, he would leave earlier.<sup>106</sup> Finally, the king summoned a meeting of prelates in London on October 13, 1252, to hear the orders of the pope concerning revenues to be collected for the expenses of his journey to the Holy Land.<sup>107</sup> A papal mandate was issued to the collector ordering the excommunication of those who failed to pay the tenth imposed for the projected crusade of Henry III.<sup>108</sup>

By this time Pope Innocent, with his hands already full of other business, became deeply absorbed with the Sicilian diffi-

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<sup>104</sup>Rymer, I, 278.

<sup>105</sup>Rymer, I, 279.

<sup>106</sup>Rymer, I, 282.

<sup>107</sup>Matthew Paris, V, 324-326.

<sup>108</sup>Rymer, I, 286.

culties and had other plans for Henry III. On the deposition of the Emperor Frederick, that kingdom had devolved upon the papacy. The situation became grave when the emperor's son, Conrad IV, landed at Naples to begin operations for recovering his father's kingdom. The pope, needing the help of some prince powerful enough to drive the Hohenstaufens from Italy, opened negotiations simultaneously with Henry III and Louis IX. In France, his thoughts turned to the king's brother, Charles of Anjou, who being very rich and holding great estates could easily amass and support a considerable army. We do not know at just what moment the negotiations opened between Innocent and the count of Anjou; but on August 5, 1252, he wrote to the king of France<sup>109</sup> and the count of Poitiers<sup>110</sup> asking them to press their brother to accept the throne of Sicily. At the same time Innocent wrote to the English king about Sicily, revealing that long before he had offered the crown to Richard of Cornwall, his brother. Now he was asking Henry to press his brother to accept.<sup>111</sup> Henry not only thanked the pope for his offer but promised him help from the English clergy.<sup>112</sup> Since continued victories by Conrad made it imperative in 1253 that the pope was in desperate need of an ally, Master Albert

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<sup>109</sup>Potthast, II, no. 14681.

<sup>110</sup>Teulet, III, no. 4020.

<sup>111</sup>Rymer, I, 284.

<sup>112</sup>Rymer, I, 288.

of Parma, a papal notary, was authorized, in carrying out the Sicilian business, to contract any debts; and, if necessary, to pledge the credit of the Roman Church as well as that of all the churches and monasteries within the limits of his legation.<sup>113</sup>

The provisions of the offer made to the count of Anjou were stated in a letter about the same time, but because most of them were unfavorable and burdensome, negotiations were broken off.<sup>114</sup> By 1254 Innocent was conferring with Henry in

regard to accepting the kingdom of Sicily for his young son Edmund.<sup>115</sup> Conrad's death in May 1254 caused no alteration in Innocent's plans. As always, he needed an alternative even while he was considering Conrad's infant son, Conradin.<sup>116</sup>

The pope urged Henry to take action by transforming his crusading vow into one for Sicily and by expediting the claim of his son.<sup>117</sup> A few days later, he followed these directives by encouraging Henry to cut down all unnecessary expenses, even works of piety, since the Sicilian operation was more important.<sup>118</sup> Then Innocent informed him of arrangements for a

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<sup>113</sup>Reg., III, no. 6811.

<sup>114</sup>Reg., III, no. 6819.

<sup>115</sup>Rymer, I, 297.

<sup>116</sup>Reg., II, p. cclxxv.

<sup>117</sup>Rymer, I, 302.

<sup>118</sup>Ibid.

large sum of money, one-half to be paid at Lyons when he was ready to begin the campaign and the remainder when he needed it.<sup>119</sup> The next papal letter gave the king leave to make use of the tenth on ecclesiastical property to finance the expedition to the Holy Land for the Sicilian affair. The three-year tax was extended for another two years.<sup>120</sup> When Pope Innocent died, many problems involving the Sicilian business still awaited solution, but it was France not England that was destined to be entrenched in the problematical kingdom of Sicily.

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<sup>119</sup>Ibid., 303.

<sup>120</sup>Ibid.



## CHAPTER VI

### Conclusion

Pope Innocent IV returned to Genoa in triumph in 1251.<sup>1</sup> He received a warm welcome at Milan where he held court and gave the city a podestà.<sup>2</sup> When he finally arrived at Rome in October 1253, there was no enthusiastic welcome nor was he permitted to state his own conditions before entering. In fact, he had to be protected from his creditors by the anti-papal Roman senator, Brancaleone.<sup>3</sup> Rome's exploitation of the emperor's death was thorough. The city was Innocent IV's rival as the potential beneficiary of the new power-vacuum in central Italy, at a time when the pope was handicapped by his residence in far-off Lyons. When Innocent returned to Italy, his debts made him wary of the city and its bankers, and he was forced to watch from Umbria the early stages of Brancaleone's rule. In August 1252 the Romans had asked Bologna to send them a senator, and shortly after there arrived Brancaleone, a Bolognese who had served in the armies of Frederick II. Before many months of his

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<sup>1</sup>Curbio, c. 30.

<sup>2</sup>Ibid.

<sup>3</sup>Matthew Paris, V, 358; Curbio c. 34. According to Curbio, Brancaleone had been selected through the influence of Conrad and acted in his interest.

rule had elapsed, he provoked the opposition of the pope. Indulging the Romans in their wish to make the neighboring cities directly subject to their senate instead of to the papacy, he attacked Tivoli, and then wanted to force Terracina to show its submission to Rome.<sup>4</sup> This continued aggression roused Innocent who commanded Brancaloneo to desist from his attempts and instructed the cities of Campagna to help Terracina against the Romans.<sup>5</sup> The pope at last returned to Rome late in 1253, to a humiliating situation in which he had to be defended against his creditors by the anti-papal senator. The chief business transacted by Innocent in Rome was the reception of an embassy from Conrad to arrange terms of peace.<sup>6</sup> However, on Holy Thursday Innocent preached to the people in front of the Lateran and renewed the excommunication already pronounced against Conrad.<sup>7</sup>

At this time Italy was simply a name for the Italian peninsula; there was no political unity. The Holy Roman Empire was a most singular political system, and Italy merely admitted a vague shadow of imperial authority. The spirit that animated the Lombard communes was opposed to the ideas of government

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<sup>4</sup> Potthast, II, no. 14964.

<sup>5</sup> Potthast, II, nos. 14958-14960.

<sup>6</sup> Curbio, c. 35.

<sup>7</sup> Rodenberg, III, no. 278; Curbio, c. 36.

envisioned by Frederick II. The clash between their communal spirit and his autocratic ideas was as inevitable as the conflict between the papacy and the empire, and it was the Lombard cities as much as Innocent IV that frustrated the Hohenstaufen imperial plans. As soon as the strong rule ended with Frederick's death, revolts broke out in Sicily and southern Italy. As the empire ended with Frederick, so the old feudal tie of dependence upon the empire ended in Italy. The cities fought one another for the imperial possessions that lay between them. The defeat of the Hohenstaufen power brought with it the loss of national unity in Germany also. When the empire fell in Germany, its power was parceled out among the princes and the cities. The princes were the feudal lords, who were both great officials of the emperor and holders of land from him. After the fall of the Hohenstaufen dynasty in Germany, the official positions as well as the states of the princes were treated as being hereditary. Except for the emperor's authority the free imperial cities were practically independent states. Germany had become a land of many states.

In reality it was the revival of the empire which had effectively prevented the formation of both the Italian and German kingdoms. Although the struggle between the empire and the papacy produced, it is true, many physical disasters and volumes of fantastic controversy, it cannot be denied that the empire ruined the political prospects of Germany and Italy. This particular relation between church and state was one

which was unknown to antiquity and also to the Eastern Empire. It would be raised later throughout Latin Christendom in every country between king and clergy.

Pope Innocent IV had ostensibly achieved his objectives. Both the empire and the kingdom of Sicily had been wrested from the inimical Hohenstaufens and were in the possession of rulers obedient to the church. They had been so undermined that they could never endanger the papal states, even if they were to be ruled by the enemies of the church again. Innocent had prevented the formation of an united Italian kingdom and the union of Germany and Italy by the Hohenstaufens. Frederick's reign marked the end of the medieval empire and the start of the eventual decline of the kingdom of Sicily. The power of the empire in Italy had depended upon the resources of Sicily; deprived of these assets it could effect nothing. The long wars in northern Italy left that region more disunited than ever. The papal anti-emperors set up by Innocent IV and the subsequent claimants could not pretend to any authority in Italy. In the last resort, therefore, all had depended on the territory which the Hohenstaufens had welded together. Their failure was a failure to build up a territory which could outlive themselves and provide a firm basis for the monarchy, whoever wielded monarchiacal power. For this was, in the end, the cause of the disintegration of late medieval Germany. The Emperor Frederick II had not the time to create a lasting state within the state. Therefore it is a mistake to attempt to

explain the failure of the German monarchy to establish its position by accidents like the struggle with Innocent IV. The Interregnum of 1250-1273 found the ministeriales (the lower nobility) strongly entrenched in an independent position, and the natural result was that through the lack of a superior power which could hold it together the principality which the Hohenstaufens had built broke apart into a mass of petty lordships, territories, and towns. The collapse of the royal territory on which the Hohenstaufens had expended so much of their energy, had been the cause of German disintegration, and the lack of a royal territory was the cause of its continuance. There can be no doubt that the death of Frederick II brought to a close the first period of German history and that the Interregnum separated the age of emperors from the age of princes. However, there was no sudden crisis caused by the actions of Pope Innocent IV; the real turning point was back in the days of the Emperor Henry IV in the eleventh century. Pope Innocent IV had drawn Italy into a bloody quarrel, but he had at least saved her from imperialism. On the other hand, the resultant particularism was to hamper Italian unification for centuries. Outwardly it might seem that the papacy had more power and prestige at the time of Innocent IV than under Innocent III. Certainly the heavy taxation of the clergy and the filling of church positions with foreigners and favorites aroused a local, popular, or national opposition which was evident at this time and which in the next century was to be

costly for the papacy. Moreover, Innocent IV had appeared too bitter and unrelenting against the Hohenstaufens and thereby lost some of the moral support which public opinion had almost invariably accorded to the church in her quarrel with the state.

Invective and insult marked the literature of both sides in the controversy to an extraordinary degree. That the skillful propaganda which poured from the papal and imperial chancelleries often appealed to tradition and first principles was overlooked by discomfited princes whose sympathies were divided. It was the period when juridical formulation of papal power reached its widest extension. Pope Innocent IV was a jurist and did not forget it. To counteract the terrific attack of the pope against him, Frederick had limited access to the public mind. His public messages did not reach the masses as did the pope's through the efforts of the friars. Nonetheless, a pamphlet war was systematically carried on by both sides. Shortly before the Council of Lyons as Frederick ravaged Viterbo, his troops crossed into papal territory. Cardinal Ranier made reports and supposedly sent pamphlets to Lyons depicting Frederick as Antichrist.<sup>8</sup> In turn, Peter of Vineia helped to fix deeply in people's minds the fact that the pope

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<sup>8</sup>Von Beham, pp. 61-79. There are copies extant of two of the pamphlets circulating in June 1245, which were attributed to Cardinal Ranier.

not the emperor was the real enemy of God.<sup>9</sup> The Provençal poets, who already hated the papacy because of the Albigensian crusade, composed songs that were bitterly anti-papal. They found it very subtle to encourage the crusading movement and to censure Innocent for his lack of devotion to the Holy Land.<sup>10</sup>

The behavior of later secular rulers supports the conclusion that loyalty to the church had been weakened by the political crusades. These crusades were not the only cause of the decline in papal prestige, but there is a direct connection between them and certain later assertions of lay supremacy. From 1245 on, the popes would grant tenths to the English and French princes to encourage them to fight for the church; by the end of the century the kings of France and England had been accustomed to receiving these subsidies and were insisting that they could impose them for their own purposes. On this very issue, early in the fourteenth century, there would be a confrontation between Pope Boniface VIII and Philip IV of France which would result in disaster for the church.

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<sup>9</sup>Huillard-Bréholles, Vie et Correspondance de Pierre de la Vigne (Paris, 1966), pp. 151-152. The satire known as Le Pavo figuralis depicted Innocent presiding at the Council of Lyons as the peacock surrounded by a multitude of various birds representative of those present. The work has been attributed to Peter of Vineia but there are doubts concerning his authorship.

<sup>10</sup>Choix des Poésies Originales des Troubadours, ed. M. Raynouard (Paris, 1819), IV, 307-318.

It was evident in 1250 that the medieval empire was virtually ended, and would never again exercise imperial authority in Italy. It was also apparent that in Italy at large and in Germany there was no longer any hope of national states developing. Owing to a variety of causes, of which not the least important was the success of the papacy in undermining the imperial authority, the other national states had been left to develop in their own way. The most significant examples were France and England. There had always been a certain lack of correlation between the struggles of the papacy and empire as they actually took place and the ideological interpretation usually given to them. After the pontificate of Innocent IV, the dissociation became so obvious that the concepts of both papacy and empire losing all contact with reality corresponded to little more than the speculations of intellectuals or dreamers. From the time of the deposition of Frederick II, the imperial power began to wane. There was a vacancy for twenty years, which showed the general turmoil, disorder, and clash of interests, and also the diminished exigency of such an office. Events and juridical affirmations favored the complete authority of the popes, but the scholastic theories and those of the legists circulating in the schools, courts, monasteries, and among the populace, undermined its foundations. Thus, when a fresh and resounding conflict arose between the church and state, this time with the powerful King Philip IV of France, there was a terrifying response. The times had changed since



the days of Innocent IV. National spirit was growing up where kingdoms were becoming consolidated, and the interests of the nascent burgess class demanded a strong central authority to cope with the popular turbulence.

The ironical contrast between theory and practice, idea and actuality, had pursued Frederick to the end. Surrounded by Roman lawyers, steeped in ancient culture, educated in a land of beautiful and magnificent cities, inheritor of a strong realm in Sicily, Frederick II first realized what the Roman Empire really meant; but to apply this theory of the empire to practical politics was to create a revolution. It meant the destruction of the temporal power of the papacy, the undoing of the work of Pope Gregory I and his successors. The vision of the Ceasars destroyed Frederick, for the existence of the medieval papacy was incompatible with so literal a transcript of classical ideas. The problem of the political form of Christendom, to which the answer with more or less success had been a unitary form, was now in point of fact, beyond the reach of the two traditional contenders. The effect of the Italian dispute was reinforced by the rise and rebuffs of the western monarchies. Soon the papacy, and with it the church, would lose much of its spiritual and cosmopolitan character. It had used its spiritual powers of excommunication and interdict for the base and transitory ends of war and diplomacy, spent the revenues provided by the faithful on military expeditions,

and would eventually sink to the level of a mere Italian principality.

Although most modern authors agree that in the death struggle between the empire and the papacy, the latter won and deserved to win, still Innocent's repeated rejection of Frederick's overtures for peace stamped his conduct as seemingly vindictive. Without in the least attempting to justify all that Innocent did, the course of our narrative has, it seems, already shown conclusively that Frederick's word was wholly unreliable. It was impossible for the pope to make treaties with him. There was only one way of dealing with the emperor, and that was to deprive him of the power of breaking agreements by crushing him. Innocent can scarcely be called vindictive in waging war against Frederick to the bitter end. Throughout his struggle with the emperor Innocent certainly displayed the qualities of a resolute man. He was wary of entering into the quarrel and did not do so until he had proved that Frederick was as faithless to him as he had been to Honorius III and Gregory IX. Then, when he had entered the dispute, he conducted himself in such a way as to make his adversary be on his guard. Innocent IV's concept of church authority and his ability to interpret and defend his position as well as his attempts to exercise power were quite apparent. The domineering attitude that never wavered, the imperative will that promulgated the word of God to both state and man; and the belief that the will of God justified

his extermination of the Hohenstaufens were typical Innocentian characteristics. In the pursuit of his ends Innocent was steadfast, and in his decisions and decrees he was not free from prejudice. For Pope Innocent IV the cause that served the church best must be pursued to the bitter end regardless of consequences.

Before granting Innocent such powers that he could force secular rulers to submit to his wishes, it is well to take a good hard look rather at the circumstances under which he won success. When Frederick was marching to Lyons in 1247, the timely revolt of Parma saved innocent; when Italy was practically lost in 1249, it was the capture of the emperor's warrior son Enzo that made all the difference; when the papal attack on Sicily was a failure, when even France was antagonistic, the sudden death of Frederick provided the margin of difference. On the basis of Pope Innocent IV's record it is a mistake ever to consider him the master of Christian Europe. That he was a man of great influence was evident but equally evident was his utter helplessness in the absence of favorable circumstances. If Pope Innocent IV had the genius and ambition usually attributed to him, his primary object should have been to extend his own dominions and to increase his powers as sovereign, but even his attempt in Sicily was a defensive measure. Is it not more correct to assume that Innocent IV only submitted to the demands of Christendom and followed in the footsteps

of his great predecessors? His supreme power was forced on him by his position not solely by his own will. Without justifying his conduct toward the Hohenstaufens, we may presume that he was propelled by the contingencies in which he was placed. Furthermore, the pontiff had not succeeded in destroying them alone, but had sought the aid of England and France, had fled to exile in Lyons, and had tried to bring in a foreign prince to rule the kingdom of Sicily. Innocent IV's views were no product of pride and ambition but the carefully reasoned result of a juridical theory which he learned at the University of Bologna and which had been shared by Innocent III. The great difference was that Innocent III had lived over fifty years earlier, at a time in which he could usually make his theories work and color them with the glamor of success, while Innocent IV was forced to fight bitterly for the same rights and see his final triumph marred with criticism and censure.

By the time of Innocent IV, the papal monarchy had become dangerous for the church. Only after having surveyed his career does one comprehend in its fullest extent the problem which eventually led to the beginning of the downfall of the papacy under Boniface VIII in the next century. It was not merely the promoting of the papal monarchy by the church but also the evils of secularization as that promotion became more and more one-sided. No one sensed the distress of the times so keenly or came so near to being

crushed by its weight as did Innocent IV. His political theory was not a revolutionary break with the past, but he was rather the organizer of a new synthesis of traditional elements. He was at the same time the last of the great medieval popes and the herald of a new age. Neither Innocent nor the Hohenstaufens could know that their dispute was merely the prelude to more serious problems and far-reaching effects. The medieval papacy had won its last great victory in the church-state crisis. Although the church continued for several centuries to sustain its power over the state, it no longer had the hold on the consciences of rulers and their subjects that it once had. Even though the people of his day were not ready for the separation of the spiritual and the temporal powers that Frederick was advocating, the climate had been prepared.

The last year of Innocent's life, like the early years of his pontificate, was spent away from Rome. Brancaleone had won over the Romans to his side by trying to subject the neighboring cities to the senate instead of to the papacy. Pope Innocent IV left Rome in April 1254 for the last time in order to spend the summer in Assisi.<sup>11</sup> After hearing of Conrad's death, he joined the papal armies and resided at Anagni to be closer to the kingdom of Sicily.<sup>12</sup> First he

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<sup>11</sup> Curbio, c. 37.

<sup>12</sup> Curbio, c. 38.

demanded that the regent, Berthold, transfer the kingdom to him.<sup>13</sup> After negotiations failed, the papal army under William Fieschi threatened to invade the kingdom<sup>14</sup> while at the same time Berthold, Manfred, and the other nobles were told to give up Sicily or be excommunicated. Finally, they made their submission to the pope at Anagni.<sup>15</sup> Whatever the intentions of Innocent with regard to the governing of Sicily, Manfred had never really given up the hope of ruling it. It was not long before he called in the Saracens and decisively defeated the papal army at Foggia on December 2, 1254. Innocent who was ill at Naples, died on December 7, 1254, leaving the problem of Sicily to his successor, Alexander IV.

Pope Innocent IV is best remembered for the church-state controversy involving the Emperor Frederick II. An epitaph on his tomb honors him as the man who laid in the dust the serpent Frederick, enemy of the Christians.<sup>16</sup> The history of this period must undergo more revision before we can reach a true view of the Innocentian years. With the window of greater knowledge and the light of time, perhaps, revisionist historians will continue to vindicate his name and focus more

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<sup>13</sup> Curbio, c. 39.

<sup>14</sup> Curbio, c. 40.

<sup>15</sup> Curbio, c. 41.

<sup>16</sup> Ferdinand Gregorovius, The Tombs of the Popes, tr. L. W. Terry (Rome, 1895), p. 77.

attention on the many other facets of his life and career.

A good start has been made and the way opened by the English historians, Walter Ullman, Daniel Waley and their colleagues, and by John Watt and Brian Tierney in the United States.

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The dissertation submitted by Sister Mary Robert Reis, C. D. P. has been read and approved by members of the Department of History.

The final copies have been examined by the director of the dissertation and the signature which appears below verifies the fact that any necessary changes have been incorporated and that the dissertation is now given final approval with reference to content and form.

The dissertation is therefore accepted in partial fulfillment of the requirements for the degree of Doctor of Philosophy.

January 13, 1972  
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Thomas L. Hogan, S.J.  
Signature of Advisor