

A HISTORY  
OF  
MEDLÆVAL POLITICAL THEORY  
IN THE WEST

BY

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VOL. IV.

THE THEORIES OF THE RELATION OF THE EMPIRE  
AND THE PAPACY FROM THE TENTH CENTURY  
TO THE TWELFTH

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## PREFACE TO VOLUME IV.

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IN this volume I have endeavoured to put together some detailed account of the theories of the relations of the Papacy and the Empire from the beginning of the tenth century to the latter part of the twelfth. I have not endeavoured to deal with the more general subject of the relations or oppositions of the ecclesiastical order and the secular. Some aspects of these have been already discussed in the first and second volumes of this work, and we shall probably return to them in the next volume ; but I should like to remind our readers that the subject of this work is not the history, either civil or ecclesiastical, of the Middle Ages, but the political theories, and we deal with the relations of the Temporal and Spiritual powers only so far as they seem to us to have tended to influence the development of these theories.

I do not indeed think that these relations had as much effect upon political theory in general as has been sometimes suggested. The great political conceptions of the Middle Ages, the supremacy of law, the authority of the community, the contractual relation between ruler and subject, were only incidentally affected by the question of the relations of the two Powers. And yet I think that we are justified in devoting a whole volume to the conflicts of the Empire and the Papacy in the eleventh and twelfth centuries for two reasons. First,

because the principle that human society was controlled by two authorities, a spiritual as well as a temporal, represents the development of what is one of the most characteristic differences between the ancient and the modern world. Second, because it has been sometimes thought that the principle of the independence of the spiritual life tended in the Middle Ages to become the principle of the supremacy of the Spiritual Power. I do not indeed pretend in this volume to deal with the whole of this subject; in the next volume we hope to deal with this in its development in the thirteenth century. I have endeavoured in this volume to consider how far the question arose in the great conflicts of the eleventh and twelfth centuries, and to arrive at some conclusions as to the nature and extent of the development of such a theory of supremacy during this period.

I wish to express my very great obligations to Mr Z. Brook of Caius College, Cambridge, who has read the proofs, and to whose corrections and suggestions I am most deeply indebted, though he is not in any way responsible for the final form of the treatment of the subject, or for the judgments which are expressed. I may be allowed to express the hope that it may not be long before his detailed studies of Gregory VII. may be made accessible to us all.

I wish to express my constant obligations to the masterly work of Professor Otto von Gierke, and especially to that part of it translated by the late Professor Maitland. Only those who have endeavoured to work through the mass of mediæval literature can appreciate fully its monumental erudition, and the accuracy of even his most incidental references. I should also wish to express my admiration for Professor Mirbt's excellent and detailed study of the controversial literature of the eleventh and twelfth centuries, 'Die Publizistik im Zeitalter Gregors VII.' And I must

remember with gratitude my obligations to the work of one of the most learned of our ecclesiastical historians of the Middle Ages, Professor Hauck of Leipzig, who has unhappily passed away in these troubled but heroic years.

A. J. CARLYLE.

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## PART I.

### RELATIONS OF THE SPIRITUAL AND TEMPORAL POWERS FROM 900 A.D. TO 1076 A.D.

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#### CHAPTER I.

##### THE OVERLAPPING OF THE SPIRITUAL AND TEMPORAL POWERS.

IN the first volume of this work, we endeavoured to consider the main principles and characteristics of the relations of the spiritual and temporal authorities in the ninth century, and we came to the conclusion that, while it was clearly apprehended that the principle which governed these relations was that each authority should be supreme and independent of the other within its own sphere, the relations were in fact very complex, and often appeared to be inconsistent with this principle. The Temporal power actually and continually possessed a great influence in the ecclesiastical sphere, while the Spiritual constantly exercised a great amount of control in temporal affairs. The principle was clear enough, but it was obviously very difficult to act in strict accordance with the principle. The emperor or king frequently found himself in the position of one whose duty it was to see that the ecclesiastical officers of the Church carried out their functions rightly, and therefore actually exercised a large if undefined authority in ecclesiastical matters ; while, on the other hand, the spiritual authorities were frequently involved in the direction and ordering of secular matters.

The principles which men held were clear and apparently simple, but the actual relations of the two great authorities were very complex. It is, however, true on the whole to say that in spite of this complexity there was no serious collision or conflict between the two authorities.

In this volume we have to consider how it came about that these comparatively tranquil conditions were changed, and that for some two hundred and fifty years, from the accession of Pope Gregory VII. in 1073 till the death of Pope Boniface VIII. in 1303, Western Europe was almost stunned with the noise of the great conflict between the Empire and the Papacy, while in other Western countries the conflicts of the Temporal and Spiritual powers were, if not so sensational in their form, not less serious in their character. In this volume we do not propose to deal with the subject beyond the date of the accession of Innocent III. (1198), for which his pontificate these relations assumed a new form which must be considered in immediate connection with the conditions and theories of the thirteenth century.

We have to consider, first, how the great conflict came about; second, the actual nature of the questions and principles at stake in the conflict; and third, the nature of the solutions, partial or permanent, at which men arrived in the course of the twelfth century. And first we must consider how the great conflict came about, for certainly here, if anywhere in history, it is only through the consideration of the antecedents or causes of the situation that we can hope to reach any real interpretation of the situation itself. In order that we may do this we must therefore begin by considering the actual nature of the relations of the two great authorities, the spiritual and the temporal, in the tenth century and in the eleventh, until the accession of Pope Gregory VII. to the Papal See.

When we begin to examine dispassionately the history of this period we are impressed before all with the fact that, while there is no reason to think that any one doubted that the spiritual and temporal authorities were distinct and had

each their own proper sphere,<sup>1</sup> in actual fact the temporal ruler and the laity in general did constantly take a large part in administering ecclesiastical affairs, while the Pope and bishops exercised a large amount of authority in political matters.

Throughout the tenth and eleventh centuries we find constant reference to the presence of secular princes and other laymen at Church councils as taking part in their deliberations, and giving their authority to their determinations. A good example of this is to be found in the proceedings of a council held at Augsburg in the year 952. The council was summoned by Otto I., with the advice of the bishops, for the consideration of spiritual affairs and the condition of the Christian Empire; and the bishops specially invited his presence at the discussion of sacred matters. Otto is not actually represented as taking part in declaring the laws of the Church, but he was present while they were deliberated on, and it was to his support that the clergy looked for their maintenance.<sup>2</sup>

<sup>1</sup> Cf. Acta Concilii Trosliani, A.D. 909; Mansi, 'Concilia,' vol. xiii. chap. i. They quote the sayings of Pope Gelasius I. on the nature of the two powers.

<sup>2</sup> M. G. H., Legum, Sect. IV., Const. 9. Conventus Augustana, 952 A.D.: "Cum excellentissimus piissimusque Otto rex superna attactus clemencia, non minus de negotio spirituali, quam de statu christiani imperii tractare disponderet, inprimis pontificum aiorumque primatum suorum communi concilio fretus; anno incarnationis DCCCLII, indictione X, anno vero regni eius XVI, sub die VII Id. Aug. placitum conventumque synodalem Augustam fieri decrevit, quatinus concordie diligentia, tam sancti cleri quam populi, ecclesie stabilitatis utilitates tractarentur. Cuius divine rei dispositionem per reverentissimi atque prudentissimi Frithurici Mogontine sedis Archiepiscopi industriam maxime

gubernari deliberavit, Heroldo etiam Juuauensis ecclesie archiepiscopo . . . ceterisque Italia, Gallia, Germania subnotatis pontificibus huic discussioni operam exigentibus. . . . Cum eorum unanimis diligentia huic ecclesiastico negotio vigilanter instaret, omnibus ratum putabatur, principem regno, beate matris ecclesie devotum filium postulare, quatinus ibidem divina dis-cucentibus interesse dignaretur. Tum die prefinito eo veniens, dulcisona modulationum incunditate honorifice, uti regiam dignitatem decuerat, ab omnibus acceptus, missae celebratione finita, satisfaciendo pontificum petitioni cum insigni primatum turba synodum intravit. Interim reverendus Mogontine sedis archiepiscopus Frithuricus se a solio erigens, humiliter strenueque sermonem regulari studio congruentem protulerat; deinde cuncta, quae de iure ecclesiastico juxta canonicam auctoritatem et imitanda sanctorum

We can find numerous parallels to this in the tenth and eleventh centuries, not only in Germany but also in Italy. In the reports of various councils held during the pontificate of John XIII., it is said that the Emperor Otto I. was present and consenting; <sup>1</sup> and again in the account of a council held at Rome by Pope Gregory V., in the year 998, the Emperor Otto III. is represented as having taken an active part in the discussion of the question of a contested election to the bishopric of Auxonne. <sup>2</sup> Again, Otto III. is spoken of as presiding along with Pope Gregory V. at the council held in Rome, at which the see of Merseburg was refounded and restored to its original dignity. <sup>3</sup> The Emperor Conrad II.

patrum decreta erant ventilata, pronuntians, in his et in omnibus hinc rei necessarius se in commune eius presidium sentire postulabat. Quibus rex superni amoris ipse succensus et zelo divini amoris animatus, mentis corporisque nisu æcclesiasticarum rerum auxiliatorem defensorem promptissimum se esse promittendo certificavit. Hac videlicet promissione audita regali, prelibatus archiepiscopus residentis, communi ceterorum assensu capitula subsequenter titulari precepit.

Cf. id. id., No. 6. 'Gesta Synodi Ingelheimensis'

<sup>1</sup> Mansi, 'Concilia,' vol. xviii. A, p. 509. "Ipso namque anno una nobis cum, favente, et consentiente invictissimo prædicto imperatore, acta est magna synodus Ravennæ xii Kal. Maii, conventibus archiepiscopis et episcopis circumquaque ex omni Italia, residentibus nobis in ecclesia beati Severi confessoris Christi, et ibi statutis omnibus rebus ecclesiasticis, secundum statuta canonum, et decreta ante cessorum nostrorum."

Id. id., p. 532. "Lectum in synodo Romæ habita assidentibus divi imperatoribus Ottone Magno, filioque eius æquivoce."

<sup>2</sup> Mansi, 'Concilia,' vol. xix. p. 228. "Nos denique obediens præceptis

canonum, iudicantibus Episcopis Romanis, Longobardis, et ultramontanis, consentiente et iudicante Domino Ottone Imperatore Augusto, iussimus a Benedicto Archidiacono nostro et Rotberto Oblationario ipsum Guadaldum deponi. . . . Post hæc omnia peracta, Domino imperatore iubente, et Episcopis Romanis, Longobardis atque ultramontanis iudicantibus, consentiente et acclamante Ermengardo comite cum clericis et optimatibus qui de regione illa ibi aderant, una cum senatu et militia Romana, Longobardorum et ultramontanorum, privilegio nostræ auctoritatis confirmando et corroborando Arnulfum prænominatum episcopum in ordine pontificali Ecclesiæ Ausonensis statumur atque sublimavimus, anulumque et virgam pastorem ei dedimus."

<sup>3</sup> M. G. H., Legum, Sect. IV., Const. 24, Concilium Romanum (998-999), li. : "Ut episcopatus Merseburgensis a sede apostolica et bonæ memoriæ Ottone primo imperatore per universale concilium fundatus, itemque a sede apostolica et imperatore Ottone secundo sine concilio destructus, ut in proprium honorem redeat a sancta sede apostolica iudicatum est per universale concilium, presidente domino Ottone tertio auguste cesare et domino Gregorio papa quinto."

is said to have presided with Pope John XIX. at a council held in Rome in 1027 to determine the relation of Grado to the Patriarch of Aquileia, and the decision is described as being that of the Pope and the Emperor; the Emperor Conrad is also said to have presided at a council of bishops at Frankfort, at which a large number of the inferior clergy and laity were present. <sup>1</sup>

Again, Henry III. is said to have been present at a synod held at Pavia in 1046, and the decision of the synod with regard to the precedence of the Bishop of Verona is described as being in accordance with his "præceptum." <sup>2</sup> In the decrees of the Council held at Mainz in 1049 by Pope Leo IX., the Pope speaks of the Emperor Henry III. as sitting with him in the Council, and as giving his approval to the judgment of the Council with regard to a disputed claim to the archbishopric of Besançon. The inferior clergy and the laity are also mentioned as being present and signifying their approval. <sup>3</sup>

<sup>1</sup> M. G. H., Legum, Sect. IV., Const. 38: "[In nomine domini Dei et] Salvatoris nostri Iesu Christi, imperante Chuonrado perpetuo Augusto anno primo . . . presidente sancto ac beatissimo nondecimo Iohanne [universali papa] sedis apostolice urbis Rome, una cum predicto imperatore in ecclesia domini Dei et Salvatoris nostri. . . Reverendissimus igitur papa et piissimus imperator, secundum quod prædictum est, Poponem patriarcham de Gradensi plebe pastoralis virga investientes, ex apostolico et imperiali decreto hoc privilegium, Aquilegensis ecclesie et Poponi patriarche sub anathematis vinculo inoblabiliter permansurum, Romane ecclesie bibliothecario scribere iusserunt."

Id. id., 40. "In generali Francanordensi concilio, presidente imperatore Conrado cum episcopis xxii, et abbatibus octo cum numerosa cleri plebisque frequentia," &c.

<sup>2</sup> Id. id., 48: "Cumque multæ res in eadem synodo iuste ac rationabiliter

in eiusdem gloriosi regis præsentia, archiepiscoporum illius et episcoporum pertractarentur . . . domini Walteri Veronensis episcopi sedile ad iam dicti patriarchæ dexteram decenter iussum est poni, et per victoriosi regis Henrici præceptum et sanctæ synodi laudatione atque corroboracione statutum est et sancitum," &c.

<sup>3</sup> Id. id., 51. "per hæc nostræ præceptionis paginam innotescimus eorum aliqua quæ gessimus in synodo Magontina, in qua nobis consedit prudentissimi filii nostri Henrici II. Romanorum imperatoris augusta maiestas multorumque fratrum et coepiscoporum nostrorum nec non abbatum reverenda sanctitas, honestorum clericorum atque laicorum religiosorum præsentem non parva multitudine, &c. . . . Quam sententiam iuste et canonice prolatam nostra et apostolica auctoritas roboravit, laudante dulcissimo filio nostro prænominato auguste cunctoque qui aderat clero et populo."

These passages will serve as illustrations of the fact that the kings or emperors of the tenth and eleventh centuries frequently took an important part in the proceedings of ecclesiastical assemblies. It is not less important to observe that the presence of other laymen is mentioned in the accounts of the Synods of Frankfort and Maintz, to which we have just referred, and it is worth while to notice some further illustrations of this. Pope Leo IX. in one of his letters refers to the decisions of the Council which he held at Rheims in 1049 as having been made by himself, with the advice of the bishops, and the assent and approval of the clergy and people.<sup>1</sup> A few years later, in a letter addressed by Pope Nicholas II. to the bishops of Gaul, Aquitaine, and Gascony, he describes the Council which he had held in Rome in 1059—the Council at which the famous new order for papal elections was made—as having been attended by bishops, abbots, clergy, and laity.<sup>2</sup> A few years later again, in 1067, we find a letter of Pope Alexander II. addressed to the clergy and laity of the Church of Cremona, inviting them to send representatives to a council which he proposed to hold after Easter.<sup>3</sup> There is therefore nothing to surprise us when we find it stated in the life of Lanfranc, that the council for the revival of the canonical system and order of the Church in England was summoned by

<sup>1</sup> Pope Leo IX., 'Epistles,' 17: "Post consecrationem ecclesie in eadem synodum celebrantes, plurima ad utilitatem Christiane religionis necessaria, consilio coepiscoporum nostrorum, assensu etiam et laude cleri et populi, quorum innumera multitudo ad tantae devotionis celebritatem confluerat, statuendo confirmavimus."

<sup>2</sup> Pope Nicholas II., 'Epistle,' 71: "Anno dominice incarnationis 1059, anno pontificatus nostri primo, indict. xii. Romana urbe in basilica Sancti Salvatoris quae appellatur Constantiana, sanctam celebrantes synodum, a sanctis Patribus, videlicet 113 episcopis, exceptis abbatibus, et clericis religiosis ac laicis celebratam, de statu Ecclesie

sanctae ad communem utilitatem, Deo propitio, canonice disposuimus."

<sup>3</sup> Pope Alexander II., 'Epistle,' 36: "Alexander, servus servorum Dei, Cremonensis ecclesie religiosus clericis, et fidelibus laicis, salutem et apostolicam benedictionem. . . . Sed quia nonnulla praeter haec quae vobis sunt admodum necessaria, ut a nostra respondeatur auctoritate consultu hortamur, ut synodale concilium, quod auctore Deo post proximum Pascha celebraturi sumus, prudentes ex vobis viros venire non pigeat qui nobis quicquid exigendum est, vestrisque utilitatibus conferendum non per iudicia litterarum, sed per vivae vocis officium patenter exponant."

him with the authority of Pope Alexander and King William, and that it is described as being composed of the bishops and princes, the clergy, and the people.<sup>1</sup> The Synod or Council of Rome, held in the year 1076 by Gregory VII., at which the Emperor Henry IV. was excommunicated and declared to be deposed, is said to have been attended not only by the bishops and abbots and clergy, but also by the laity.<sup>2</sup> At the end of the eleventh century we find another example of the same thing in two letters of Pope Urban II. dealing with the question of the metropolitan authority of the Archbishop of Tours in Brittany; he announces his decisions as having been made in a council attended not only by bishops and other clergy, but also by the Roman judges and "consulars," and by their advice.<sup>3</sup>

It might seem that these and similar phrases are not in themselves of much importance, and no doubt in many cases they are little more than formal; but this does not really affect their significance, for what they imply is this, that however

<sup>1</sup> Migne, P. L., vol. 150; Lanfranc, 'Vita,' x.: "Sed ut retro redeam, primo adventu eius in Angliam, auctoritate summi pontificis Alexandri, et gloriosi regis Willelmi, convocavit episcopos et principes terrae, clerum et populum, ad renovanda decreta et instituta sanctorum Patrum de synodis celebrandis, de consuetudinibus ecclesiasticis."

<sup>2</sup> Pope Gregory VII., Registrum, iii., 10 a: "Anno ab incarnatione Domini millesimo septuagesimo quinto, indictione 14, celebravit ipse dominus Gregorius papa Romae synodum in ecclesia domini Salvatoris, quae Constantiniana dicitur; ubi interfuit episcoporum et abbatum atque diversi ordinis clericorum et laicorum copia."

<sup>3</sup> Pope Urban II., 'Epistle,' 113: "Omnibus itaque pertractatis, inconcussa confratrum nostrorum Joannis Portuensis, Ubaldi Sabinensis, Joannis Tusculanensis, Brunonis Signiensis,

Daimbeiti Pisani, Lambertii Atrebatensis episcoporum, et nonnullorum nostrae Ecclesiae clericorum, Romanorum quoque iudicum et aliorum consularium: ex communi consilio visum est harum rerum, quae per tot apostolicos pontifices confirmatae fuerant, definitionem plenam non debere differri. . . ."

Id., 'Epistle,' 114: "Quibus omnibus diligentius exquisitis, ex communi consilio tam confratrum nostrorum episcoporum et nonnullorum nostrae ecclesiae clericorum Romanorum quam iudicum et aliorum consularium adiudicatum est, harum rerum quae per tot apostolicos pontifices confirmatae fuerant, definitionem plenam non debere differri. Igitur et nos eorum statuta firmantes, praesentium vobis auctoritate praecipimus ut, sicut ab ipsis decretum est, Turonensi deinceps archiepiscopo eam, quae metropolitanum decet, obedientiam exlibere curetis."

clearly men might maintain the principle of the separation of the two powers, and of the two orders of clergy and laity, in fact the layman was not conceived of as completely excluded from the organised ecclesiastical authority.

If it is important to observe the fact that the temporal ruler and the laity in general were recognised in the tenth and eleventh centuries as having some place in the administration of ecclesiastical affairs; it is not less important to take note of some passages in the writings of these times in which the Pope or other ecclesiastical persons are spoken of as having their place in the regulation of temporal matters. We shall have to consider later very carefully the exact nature of the claims made with respect to this when the great conflict had broken out, in the meanwhile we only desire to take note of some incidental references to the matter before that time.

We have pointed out in the first volume of the work that it was frequently recognised in the ninth century that the Popes and the bishops of the Church had a considerable authority in the appointment of emperors and kings.<sup>1</sup> As we have said, it is difficult to determine the exact principles upon which this was founded. In the case of the relation of the Pope to the appointment of an emperor, there were the special circumstances attending the recognition of the Frank rulers as Roman Emperors; in the case of the bishops in general it is difficult to say how much was due to the respect for their spiritual office and authority, how much to the fact that the bishops were among the great men of the community to whom the selection and proposal of the ruler was normally entrusted. It is, indeed, very doubtful whether in the ninth century the various elements upon which the intervention of ecclesiastical persons in secular matters depended were clearly distinguished from each other, and it would seem that there is the same ambiguity about the matter in the period that followed.

In the last year of the ninth century we find some im-

<sup>1</sup> Cf. vol. i. pp. 282-287.

portant phrases in a letter attributed to Hatto, the Archbishop of Mainz, and written to Pope John IX., with reference to the election of Louis, "the Child," as King in Germany. Hatto excuses the neglect to consult the Pope about the election, on the ground that the roads between Germany and Rome were blocked by the "pagans," and asks the Pope that, now that it was possible to communicate with him, he would confirm their action.<sup>1</sup> The letter implies clearly that the Pope was in such a sense recognised as having a place in the matter, that it was important to conciliate him, and to secure his approval and support. In the tenth century, and at the time of the deepest degradation of the Papacy, Pope John XII. speaks of Otto I. as having come to Rome that he might seek the imperial crown from St Peter by his hands, and proclaims that he had anointed him as Emperor for the defence of the Church, and with the benediction of St Peter.<sup>2</sup> Rodolphus Glaber, writing in the first half of the eleventh century, states very emphatically the principle that no one might be called, or could be, Emperor except he whom the Pope should choose as fit for such an office, and upon whom the Pope had conferred the Empire.<sup>3</sup> The Continuator of the 'Annals of Hildesheim'

<sup>1</sup> Mansi, 'Concilia,' vol. xviii. A., p. 204: "Sed cur hoc sine vestra iussione et permissione factum sit, vestram haud dubitamus latere prudentiam. Nulla scilicet alia causa actum constat, nisi quia paganis inter nos et vos consistentibus, impeditum est iter nostrum ad sanctam matrem nostram Romanam sedem: ita ut nec legati a nostra parvitate ad vestram dignitatem dirigi potuissent. Sed quia tandem occasio et tempus advenit, quo nostra epistola vestris obtutibus presentaretur: rogamus nostram communem constitutionem, vestrae dominationis benedictione roborari."

<sup>2</sup> Id. id., p. 461: "Nunc vero, Dei operante clementia carissimus et Christianissimus filius noster rex Otto devictis barbaris gentibus, Avaribus

scilicet, aliisque quamplurimis, ut ad defensionem sanctae Dei ecclesiae triumphalem victoriae imperii culmen, per nos a beato Petro Apostolorum principe susceperet coronam, summam et universalem, cui Deo praesidemus auctore, adiit sedem: quem paterno affectu suscipientes, ob defensionem sanctae Dei ecclesiae in imperatorem cum beati Petri benedictione unximus."

<sup>3</sup> Rodolphus Glaber, 'Historiae,' i. 5: "Illud nihilominus nimium condecens ac perhonestum videtur, ut ne quisquam audenter Romani imperii sceptrum praeproperus gostare princeps appetat, seu imperator dici aut esse valeat, nisi quem papa sedis Romanae morum probitate delegerit aptum reipublicae, eique commiserit insigne imperiale."

speaks of Henry III. as having made his infant son king by the election of the Roman Pontiff and the other bishops and princes.<sup>1</sup>

Enough has been said for the moment to illustrate the extent to which in the tenth and eleventh centuries the two great authorities, the temporal and the spiritual, continued to overlap each other, and to show how often the temporal authority intervened in ecclesiastical matters, and the spiritual in secular. We must now consider in more detail some of those questions in relation to which there finally arose the great conflict of the eleventh and the twelfth centuries.

<sup>1</sup> 'Annales Hildesheimenses,' Cont., pontificis ceterorumque pontificum et  
Anno 1056 (p. 104): (Heinricus) principum electione regem constituit."  
"filium suum Henricum Romani

## CHAPTER II.

### ELECTIONS TO THE PAPACY IN THE TENTH AND ELEVENTH CENTURIES.

IF we are to attempt seriously to understand the nature of the later controversies, we must begin by considering the part taken by the German Emperors, from Otto I. to Henry III., in the appointment and deposition of the Popes. We do not indeed pretend here to give an exhaustive or detailed account of all the circumstances of the papal elections during this period, and there is the less need of this, as there are several important monographs on the subject. We think, however, that it is possible to recognise certain important principles as generally admitted in this period, and we can also distinguish with sufficient clearness the most important points of doubt and controversy. It is clear on the one hand that throughout this period—that is, from the beginning of the tenth century to the accession of Gregory VII.—some place was recognised as belonging to the Emperor in the election of a Pope; while on the other hand we can also see that there were grave doubts about the extent of the imperial share in the election, and about the attempt to assert jurisdiction over the Pope, on the part of any men, whether lay or clerical.

The tenth section of the proceedings of the Council held at Rome in the year 898, by Pope John IX., may be taken as representing the circumstances on which the place of the imperial authority in papal elections actually rested in the tenth century. It speaks of the violence to which the Roman See was exposed



on the death of a Pope, when the consecration of a successor was carried out without notice to the Emperor, and without the presence of his envoys, who should prevent the occurrence of violence and other scandals at the time of the consecration; and it provides that for the future the elections should be made by the bishops and clergy on the proposal of the senate and people, that the Pope should be consecrated in the presence of the imperial envoys, and that no one for the future should extort from the Pope-elect any oath or promise except that which was in accordance with ancient custom, lest the Church should receive scandal, and the honour due to the Emperor should be diminished.<sup>1</sup>

The document recognises that, while the election of the Pope belongs to the bishops and clergy, acting on the proposition of the Roman laity, the election should not be carried out to its completeness by consecration until the Emperor had been informed and his envoys were present; and the reason specially suggested for this is that without the protection of the Emperor the appointment could not be carried out in peace and freedom.

It is not our part here to attempt to appreciate in its complete historical significance the whole history of the condition of the Papacy in the tenth and the earlier eleventh centuries. It must suffice for us to recognise that when Otto I. came for the second time to Italy, and was crowned as Emperor by Pope John XII. in 962, he found the Roman See at a very low level, and under the control of the factions of the Roman nobles. John XII. crowned Otto as Emperor, but as soon as Otto had left Rome, began, as it was said,

<sup>1</sup> Mansi, 'Concilia,' vol xviii A, p. 225 "Quia sancta Romana ecclesia, cui Deo auctore præsidesmus, plurimas patitur violentias pontifici obounte quæ ob hoc inferuntur, quia absque imperatoris notitia et suorum legatorum præsentiâ pontificis fit consecratio, nec canonico ritu et consuetudine ab imperatore directi intersunt nuntii, qui violentiam et scandala in eius consecratione non permittant fieri. Volumus, id ut deinceps abdicetur, et constituen-

das pontifex convenientibus episcopis, et universo clero eligatur, expetente senatu et populo, qui ordinandus est, et sic in conspectu omnium celeberrime electus ab omnibus, præsentibus legatis imperialibus, consecratur. Nullusque sine periculo iuramentum, vel promissiones aliquas nova adinventione ab eo audeat extorquere, nisi quæ antiqua exigit consuetudo, ne ecclesia scandalizetur, vel imperatoris honorificentia minuatur."

to conspire against him. Otto returned to Rome, and then, according to the statement of Luitprand, Bishop of Cremona, held a council in which there sat bishops from Italy, Saxony, Franconia, and the clergy and principal citizens of Rome. The Pope was accused of a variety of moral and ecclesiastical offences, and the council invited him to attend and purge himself of these charges. John replied by threatening to excommunicate them if they endeavoured to appoint another Pope. After further negotiations, the Emperor addressed the Council, and complained that John had broken the oath which he had taken to him, and had conspired with his enemies against him. The clergy and people replied that such an unheard-of offence must be dealt with by unprecedented means, and that the Pope had injured not himself only, but others, by the profligacy of his conduct, and demanded that he should be deposed and another elected. The Emperor assented to their demand, and they, with one voice, elected Leo, the "Protoserinarius" of the Roman Church, as Pope<sup>1</sup> (964). It would seem, however, that the apparent un-

<sup>1</sup> Luitprand, Bishop of Cremona—'De Rebus Gestis Ottoms' (M G H, S S, vol. iii)

<sup>8</sup> Otto advances against Rome, and Pope John XII. flies. "Cives vero imperatorem sanctum cum suis omnibus in urbem suscipiunt, fidelitatem repromittunt, hoc addentes et firmiter iurantes, nunquam se papam electuros aut ordinaturos præter consensum et electionem domini imperatoris Ottonis cesaris augusti, filique ipsius regis Ottonis"

<sup>9</sup> A Court held in Rome, at which "sederuntque cum imperatore, archiepiscopi," &c . . . . .

<sup>11</sup> 'Sancta synodus dixit Si placet sancto imperatori, mittantur litteræ domno papæ, ut adveniat, seque ex his omnibus purget"

<sup>12</sup> Letter of Council to Pope, written by the Emperor and the bishops: "Oramus itaque paternitatem vestram

obnixè, ne Romam venire atque ex his omnibus vos purgare dissimuletis"

<sup>13</sup> The Pope replies "Nos audivimus dicere, quia vos vultis alium papam facere, si hoc facitis, excommunico vos de Deum omnipotentem, ut non habeatis licentiam nullum ordinare, et missam celebrare"

<sup>14</sup> The Emperor and Council reply "Si ad synodum venire et obiecta purgare non dilertis, auctoritati vestræ procul dubio obedimus Sed si, quod absit, venire et obiecta vobis capitula crimina purgare dissimulatis, cum præsertim vos nihil venire impedit tunc excommunicationem vestram parvipendemus, eamque potius in vos reterquebimus, quoniam quidem iuste facere possumus"

<sup>15</sup> The messenger of the Council could not find the Pope, and the Emperor presents his complaint to the Council, he relates that he had been called by the Pope himself to his help, but he then had called in the Emperor's

animity of the Roman people and clergy was superficial, for when the Emperor left Rome, the people rose against Leo VIII., and he fled to the Emperor. Pope John XII. died, and the Romans elected Benedict V. The Emperor returned, and Benedict was brought before the Council in the Vatican, and sent into exile in Germany.<sup>1</sup>

In the next year (965) Leo VIII. died, and the account of the election of his successor, which is given by the Continuator of Regino's Chronicle, is important. On the death of Leo, the Romans, he says, sent Azo, the Protoscrinarius, and Maximus, the Bishop of Sutri, to the Emperor, who was then in Saxony, to ask him to appoint whom he would as Pope. The Emperor, however, did not do this, but sent Otgar, the Bishop of Spires, and Liuzo, the Bishop of Cremona, to Rome; and then, presumably in their presence, the Roman people elected John, the Bishop of Narni, as Pope.<sup>2</sup>

enemies: "oblitus iuramenti et fidelitatis quam mihi supra corpus sancti Petri promisit." The clergy and people of Rome reply: "Inauditum vulnus inauditum est cauterio exurendum. Si corruptis moribus soli sibi, et non cunctis obsesset, quoquo modo tolerandus esset. Quot prius casti huius facti sunt imitatione incasti? Quot probi huius exemplo conversationis sunt reprobi? Petimus itaque magnitudinem imperii vestri, monstrum illud nulla virtute redemptum a vitiis, a sancta Romana ecclesia pelli, aliumque loco eius constitui, qui nobis exemplo bonæ conversationis præesse valeat et prodesse; sibi recte vivat, ac bene vivendi nobis exemplum præbeat." Tunc imperator: "Placet, inquit, quod dicitis, nihilque gratius nobis, quam ut talis, qui huic sanctæ et universali sedi præponatur, inveniri possit."

16. His dictis, omnes una voce dixerunt: "Leonem, venerabilem sanctæ Romanæ ecclesiæ protoscrinarium, virum approbatum et ad summum sacerdotii gradum dignum, nobis in pastorem eligimus, ut summus et uni-

versalis papa sanctæ Romanæ ecclesiæ, reprobato ob improbos mores Johanne apostata." Cumque hoc tertio omnes dixissent, annuente imperatore, nominatum Leonem ad Lateranense palatium secundum consuetudinem cum laudibus ducunt, et certo tempore in ecclesia sancti Petri ad summum sacerdotium sanctæ consecratione attollunt, et fideles ei adfuturos iureiurando promittunt."

<sup>1</sup> 'De Rebus Gestis Ottonis,' 21.

<sup>2</sup> 'Continuator Reginonis,' i. 627, (M. G. H.): "Leo papa obiit. Tunc legati Romanorum, Azo videlicet protoscrinarius, et Marinus, Sutriensis ecclesiæ episcopus, imperatorem, pro instituendo quem vellet Romano pontifice in Saxonia adeuntes, honorifice suscipiuntur et remittuntur. Et Otgerus Spirensis episcopus, et Liuzo, Cremonensis episcopus, cum eisdem Romam ab imperatore diriguntur. Tunc ab omni plebe Romana Iohannes, Narniensis ecclesiæ episcopus, eligitur." Cf. Ratherii, 'Itinerarium,' 2; and 'Vit. Pont. Muratori. R. It. Script.', III. ii. 329.

It would be unsafe to conclude that this narrative presents us with a complete account of the whole circumstances: we must allow for the possibility that the statements may be coloured by the position of their authors.

The action of Otto I. and the Council in deposing Pope John XII. was parallel to the action of Henry III. and the Council of Sutri in 1049. There were precedents in the purgation both of Leo III. and Leo. IV. for some claim on the part of the Church and the Emperor to be concerned with the character of the head of the Church.<sup>1</sup> It is more important to observe that, whatever irregularity there might be in relation to the deposition of John XII., it seems clear that the traditional forms were carefully observed in the elections of Leo VIII. and John XIII. As Luitprand relates the matter, it was the clergy and people of Rome who elected Leo VIII., and the Emperor only gave his assent to their election. The narrative of the continuator of Regino seems clearly to imply that on the death of Leo VIII., Otto I. did not make any appointment to the Papacy by himself, but referred the election to the Romans, presumably in the presence and with the sanction of his envoys.

This agrees indeed with the provisions of the "Privilegium" of Otto I. with regard to papal elections, which is attributed to the year 962, and is thought to be substantially genuine.<sup>2</sup> In this, it is provided that the Roman clergy and nobility are to secure that the election was to be carried out canonically and justly, and that he who was elected to the Apostolic See was not to be consecrated until he had, in the presence of the imperial mission, made the same declaration as had been voluntarily made by Pope Leo; and further, that no one was to interfere with the freedom of the Romans, to whom by ancient custom and to constitution of the holy fathers the right of election belonged—this prohibition extended to the missi of the Emperor.<sup>3</sup> These provisions correspond with

<sup>1</sup> Cf. vol. i. p. 263.

<sup>2</sup> Cf. Editor of 'Constitutiones' in M. G. H. *ad loc.*

<sup>3</sup> M. G. H., Legum, Sect. IV., Const. 12: "Salva in omnibus potestate nostra et filii nostri posterorumque nostrorum,

secundum quod in pacto et constitutione ac promissionis firmitate Eugeni pontificis successorumque illius continetur; id est ut omnis clerus et universi populi Romani nobilitas propter diversas necessitates et pontificum

those of the "Pactum" of Louis the Pious, and the "Constitutio Romana" of Lothair I.,<sup>1</sup> they clearly recognise that the right of election belonged to the Romans, while the Emperor retained an important place in the process.

A little later in the century we find that these constitutional traditions were no longer so carefully observed. The life of St Adalbert contains an account of the appointment of Pope Gregory V. in the year 996. From this it would appear that the Emperor Otto III. was at Ravenna when Pope John XV. died. The chief men of Rome (*proceres et senatorius ordo*) sent letters and messengers announcing the death of the Pope, and desiring to receive the royal judgment as to whom they should set up in his place. Otto III. selected Bruno, a young and learned clerk of the royal chapel, who was his kinsman, and he was elected *a maioribus*, apparently at Ravenna, and was then sent, with the Archbishop of Mainz and another bishop, to Rome, where he was received with honour.<sup>2</sup> The procedure is much of the same kind as that

inrationabiles erga populum sibi subiectum asperitates retundendas sacramento se obliget, quatinus futura pontificum electio, quantum uniuscuiusque intellectus fuerit, canonice et iuste fiat; et ut ille, qui ad hoc sanctum atque apostolicum regimen eligitur, nemine consentiente consecratus fiat pontifex, priusquam talem in presentia missorum nostrorum vel filii nostri seu universæ generalitatis faciat promissionem pro omnium satisfactione atque futura conversatione, qualem dominus et venerandus spiritalis pater noster Leo sponte fecisse dinoscitur.

"Preterea alia minora huic operi inserenda previdimus, videlicet ut in electione pontificum neque liber neque servus ad hoc venire præsumat, ut illis Romanis, quos ad hanc electionem per constitutionem sanctorum patrum antiqua admisit consuetudo, aliquod faciat impedimentum; quod si quis contra hanc nostram institutionem venire præsumperit, exilio tradatur. Insuper

etiam ut nullus missorum nostrorum cuiuscunque impeditio argumentum componere in præstatam electionem audeat, prohibemus."

<sup>1</sup> Cf. vol. i. p. 271.

<sup>2</sup> 'Vita S. Adalberti,' xxi.; Migne, P. L., vol. 137. Otto III. was at Ravenna. "Ibi in ejus occursum veniunt epistolæ cum nunciis, quas mittunt Romani proceres et senatorius ordo. Primo illius adventum, velut toto tempore paternæ mortis non visum, totis visceribus desiderare ac debita fidelitate pollicitantur expectare; deinde in morte domni apostolici tam sibi quam illis non minimam inveciam esse partem incommodorum annunciant, et quem pro eo ponerent, regalem exquirunt sententiam. Erat item in capella regis quidam clericus nomine Bruno, secularibus litteris egregie eruditus et ipse regio sanguine genus ferens; magnæ scilicet indolis, sed, quod minus bonum, multum fervide juventutis. Hunc quia regi

of which we shall find examples when we come, in the next chapter, to deal with the appointment of bishops.

In a document of a few years later, whose genuineness has indeed been disputed, but probably without sufficient reason, we find Otto III. claiming very explicitly that it was he himself who had created Gerbert (Silvester II.) Pope in the year 999.<sup>1</sup> How much exactly this may mean it is not easy to say, but at least it implies that Otto III. had a very high conception of his own share in the appointment.

We have very little by way of contemporary observation and criticism on the events which we have recorded; but it is important to observe that Thietmar of Merseburg, writing not later than the first quarter of the eleventh century, expresses his disapproval of the deposition of Benedict V., whom he calls "valentior sibi [*i.e.*, the emperor] in Christo," and maintains that no one had authority to judge him except God Himself.<sup>2</sup>

After the death of Otto III. the Papacy was comparatively free from the pressure of the Empire, but also it lost its support, and once again it fell on evil days, for, if it was emancipated from the interference of the Germans, it only fell more helplessly under the domination of the local factions, and by the middle of the eleventh century the situation had once again become acute. We do not need to enter into the details of the intervention of Henry III.; it is enough for us here to remember that

placuit, a maioribus electum Magon- tinus episcopus Willigisus et suus collega Hildebaldus episcopus adduxerunt Romam; proinde a Romanis honorifice acceptum, ad hoc ordinati episcopi apostolico honore promulgarunt."

<sup>1</sup> M. G. H., Legum, Sect. IV., Const. 26: "Sicut enim pro amore sancti Petri dominum Silvestrum magistrum nostrum papam elegimus et Deo volente ipsum serenissimum ordinavimus et creavimus ita pro amore ipsius domni Silvestri pape sancto Petro de publico

nostro dona conferimus, ut habeat magister, quid principi nostro Petro a parte sui discipuli offerat."

<sup>2</sup> Thietmar, 'Chronicon,' ii. 18: "Romanorum prepotens imperator augustus valentior sibi in Christo dominum apostolicum, nomine Benedictum, quem nullus absque Deo iudicare potuit, iniuste, ut spero, accusatum, deponi consensit, et, quod utnam non fecisset, exilio ad Hammabure religari precepit, ut post lucidius indicabo."

Gregory VI. was deposed at the Council held in the presence of Henry III. at Sutri in December 1046. and that Suidger, the Bishop of Bamberg, was elected to the Papacy as Clement II.<sup>1</sup>

It need not be doubted that the action of Henry III. was well intended, and indeed it succeeded in producing a reformation of the conditions and character of the Papacy which had permanent effects. The question of the propriety of the methods used is another matter.

Clement II. died in 1047, while Gregory VI. was still alive. Among the most highly respected bishops of the Empire was Wazo, Bishop of Liège, of whom we shall have more to say later. Henry III. asked his advice about the appointment of a successor to Clement; but Wazo, as reported by his biographer, replied with great courtesy but with great firmness, warning Henry III. against proceeding to any appointment while the legitimate occupant of the Holy See was still alive, and urging that it was the clear doctrine of the holy fathers that no one could judge the Supreme Pontiff but God Himself.<sup>2</sup> It appears that Wazo's reply did not reach Henry III. till after Poppo of Brixen had been appointed Pope as Damasus II., but his judgment is very significant.

<sup>1</sup> For a full discussion of the circumstances, compare R L Poole's paper on Benedict IX and Gregory VI in the 'Proceedings of the British Academy,' vol viii

<sup>2</sup> Anselmi, 'Gesta Episcoporum Leodiensium,' 65, M G H, S S, vol 7 "In quibus diligenter revolutis nichil aliud quam summum pontificem, cui ruscunque vitæ fuerit, summo honore haberi, eum a nemine umquam iudicari oportere, immo nullus inferonis gradus accusationem adversus superiorem recipi debere, invenire potuit, et quoniam conductum erat, hanc electionem apostolici pontificis in natale domine futuram, audacissimus puræ veritatis assertor responsalem suum illo transmisit, et ingrata imperatori inter alia confidenter deferri iussit mandamina, quæ fuere huiusmodi.

'Recogitet,' inquit, 'serenitas vestra, ne forte summi pontificis sedes deposita a quibus non oportuit ipsi divinitus sit reservata, cum is quem vice eius ordinari iussistis defunctus, cessasse videatur eidem adhuc superstiti. Quocirca quandoquidem nostram super his flagitare placuit sententiam, . . . desinat sublimitas vestra aliquem in eius locum qui superstes est velle substituere, qua nec divinas nec humanas leges certum est concedere hoc, astipulantibus ubique sanctorum patrum tam dictis quam scriptis, summum pontificem a nemine nisi a solo Deo dnuicari debere Testor Deum et quod ego indignus sacerdos vobis iravi sacramentum, super hoc negotio nihil hac sententia verus, nichil præstantius a me excogitari vel inveniri pos-o "

What Wazo expresses firmly but in cautious and moderate language was expressed much more roughly in an apparently contemporary work of a French Churchman. He denounces the emperor as most wicked, and challenges him to consider how contrary was his action in venturing to sit in judgment upon an ecclesiastic to the example of former emperors and kings. He even suggests that Henry III. was not fit to judge even laymen on account of what he calls his incestuous marriage with Agnes of Poitou, who was his kinswoman. He maintains that as the layman confesses to the priest, the priest to the bishop, and the bishop to the Pope, so the Pope confesses to God only, to God who had reserved him to His own judgment. The emperor, he exclaims indignantly, does not hold the place of Christ, but rather of the devil, when he uses the sword and sheds blood.<sup>1</sup> It is also significant that he protests against the election of the Pope as having been carried out without the counsel and consent of the French bishops, and contends that as they had no share in the election, they were not bound to render obedience.<sup>2</sup>

<sup>1</sup> M G H, 'Lib de Lite,' vol 1 pp 12 14, 'De Ordinando Pontifice'. "Sileat ergo, sileat vaniloquium nostrum, veniat imperator ille nequissimus, ad iudicium introducantur testes ex ordine suo, qui eum convincant, in sacerdotem eum non debuissent mittere manum. Dic, religiosissime imperator Constantine, qui beato papæ Silvestro obædisti

Sed imperator, unde loquimur, infamis erat, utpote qui incestuose cognatam suam sibi mulierem copulaverat. In quo etiam nec lacum dnuicare poterat.

Cui erat confessionem reddere, cuius erat exigere? Quo loco, quo ordine? In ecclesia populus sacerdoti, sacerdos episcopo potest confiteri, episcopus summo et universali pontifici, ille autem soli Deo, qui eum suo iudicio reservavit.

Ubi enim inveniuntur imperatores locum Christi obtinere? Si verus liceat nobis dicere, potius offitio diaboli surguntur in gladio et sanguine, ut, dum per penitentiam eruantur vitia spirituali reseratione, ipsi insaniant vel in cede vel in membrorum carnali obruntatione, quod secundum gratiam apud Deum omnino est abhominabile "

<sup>2</sup> M G H, 'Lib de Lite,' vol 1. p 11 "Quod cum ita sit in minoribus, fiat una provincia in spatio ecclesiæ totius orbis, ut vel præsentia vel consensu omnes episcopi conveniant in ordinationem summi pontificis. Alioquin legitima non sit Si enim ordinationi consenserint, de electione contentio non erit, quia per id quod sequitur id quod prius est aliquando solet intelligi Hunc autem quis ordinavit? Episcopi Francia nec in vitati sunt nec dedere consensum Qui ergo soceruntur ab ordinatione, absolvantur et a debito obedientiæ."

The attitude of Wazo and of the French writer is very significant, and represents the same principle as that which, as we have seen, was expressed earlier in the century by Thietmar of Merseburg. We must, however, observe that the condemnation of Henry's action does not seem to have been shared by important members of the reforming party in the Church. The most eminent Italian representative of reform was Peter Damian, and it is clear that he had the highest opinion of Henry III. and of the services which he had rendered to the Church, especially in attacking the simoniacal practices which were already so prevalent in it. In a treatise written during the pontificate of Leo IX. he even says that it was specially due to his services in this respect, that the divine dispensation permitted that the Roman Church should be ordered according to his will, and that no one should be elected to the Apostolic See without his authority.<sup>1</sup>

<sup>1</sup> Peter Damian, 'Liber Gratissimus,' xxvii., 'Lib. de Lite,' i. p. 56: "Quis enim nesciat usque ad hunc Henrici clementissimi regis imperium presulatumque reverendæ memoriæ Clementis papæ, istius etiam beatissimi Leonis apostolici, quo nunc videlicet presule sancta se gubernari gratulatur æcclesia, per occidentalia regna virus symoniacæ hereseos letaliter ebullisse, ita ut quod passim fiebat licenter admissum, ultoriæ animi adversioni nequaquam duceretur obnoxium, et quod erat fere omnibus consentaneum, pro regula tenebatur, tamquam legali sanctione decretum?"

Id. id., xxxviii., ib. p. 71 "Præterea dum venerabilis papæ gesta recolimus, consequenter ratio suadet, ut ad considerandum quoque magni huius Henrici regis insigne preconium animum transferamus. Post Deum siquidem ipse nos ex insatiabili ore draconis eripuit, ipse symoniacæ hereseos ut revera multiceps hydra omnia capita divine virtutis mucrone truncavit. Qui videlicet ad Christi gloriam non immerito potest dicere. 'Quotquot ante me

venierunt fures fuerunt et latrones.' Nam usque ad sui tempus imperii sacerdotum falsitas inexplebiles, ut ita fatear, Babilonico Beli prebebat impensas. At postquam hic auctore Deo paternum obtinuit principatum, diaconens mox faucibus offam peccatis iniecit et sic immanem bestiam quasi Daniel alter extinxit. . . . Usque ad hunc sane tempus augusti cuncta canonum decreta, quæ super huiusmodi peste fuerant a patribus edita, de multorum memoria longa iam videbantur oblivione deleta. Sed hic tantquam olim insignis ille Iosias, mox ut librum legis Domini repperit, vestimenta scidit, quia condoluit, aras subruit, ydola abhominanda deiecit omnesque priorum regum sacrilegas superstitiones evertit. Et quoniam ipse anteriorum principum tenere regulam noluit, ut æterni regis precepta servaret, hoc sibi non ingrata divina dispensatio contulit, quod plerisque decessoribus suis eatenus non concessit, ut videlicet ad eius nutum sancta Romana æcclesia nunc ordinetur, ac præter eius auctoritatem apostolicæ sedi nemo prorsus elingat sacerdotem."

Another of the most eminent reforming prelates of this period, Humbert, Cardinal of Silva Candida, in his treatise, 'Adversus Simoniacos,' refers in the warmest terms to the great service Henry III. had rendered to the Church by his action against simony.<sup>1</sup> And, it should be observed, that even Gregory VII. refers in the highest terms to Henry III., and speaks of him and his wife with great admiration.<sup>2</sup>

It is at least clear, from the consideration of these divergent opinions, that even those who were most zealous for the reformation of the Church were by no means fully agreed in their judgment upon the action of Henry III. at Sutri.

The question of the right of the emperor to some share in the appointment of the Popes was in some respects different. It does not appear that any one had so far seriously questioned the propriety of the emperor having some part in this, but the nature of that part was uncertain. We must now briefly consider the history of the question from the time of the Council of Sutri down to that of Pope Nicholas II. and his decree with regard to the method of papal elections.

Henry III. had received at Rome the title of "Patricius," and as some writers seem to suggest, this carried with it some special authority in the election of a Pope.<sup>3</sup> As we have seen, Clement II. died in 1047, the year after his appointment, and Poppo of Brixen was appointed as Damasus II. by the emperor and his court in Germany, apparently before Wazo's letter, deprecating any election while Gregory VI. was alive, had reached the emperor. When, however, Damasus II.

<sup>1</sup> Humbert, 'Adversus Simoniacos', M. G. H., 'Lib. de Lite,' i. p. 206, m. 7. "Ut enim de prioribus sæculis retineatur, adhuc retinet memoria multorum hanc reciprocata venditionis rabiem grassatam per Germaniam et Gallias totamque Italiam a temporibus Ottonum usque augustæ et divinæ memoriæ imperatorem Henricum Chouonradi filium. Hic diebus suis tam a se quam ab ecclesiasticis imperii sibi crediti personis tantum sacrilegium removit aliquantulum, quamvis instaret multum et cuperet remove totum. In quo cordis sui

optimo desiderio immatura morte præventus ad vitæ æternæ regnum, ut creditur vel pro hac sola intentione velut pro oculi sui simplicitate est translatus, cum ex multis quoque aliis bonis extiterit laudatus."

<sup>2</sup> Gregory VII., Reg. iv. 3. "Quibus non possunt nostra cetera ad imperii gubernacula inveniri æquales."

<sup>3</sup> Cf. Bonizo, 'Lib. de Lite,' vol. i. p. 586, and Ann. Rom. M. G. H.; S. S. v. p. 469, and Peter Damian, 'Disceptatio Synodalis' M. G. H., 'Lib. de Lite,' i. p. 80.

died in the same year, it became evident that the question of the right method of electing the Pope had begun seriously to affect the minds of men. We have more than one account of the election of Bruno of Toul as Leo IX. The first of these, which is contained in the history of the Church of Rheims by Anselm, relates how, on the death of Pope Damasus II., the Romans announced this to Henry III., and asked that he should appoint another in his place. The emperor, having consulted the bishops and "optimates" of the Empire, selected Bruno of Toul, a man distinguished for his character and learning and a kinsman of his own. The "insignia" of the Apostolic dignity were adjudged to him, and he was sent to Rome "ad hæc secundum ecclesiasticas sanctiones suscipiendas." On his arrival there he was received with honour by the Roman people, and enthroned in the chair of St Peter as Leo IX.<sup>1</sup>

In the life of Leo IX., however, which was written by Wibert, who had been Archdeacon of Toul under him, we have a great deal of additional and highly significant detail. The author represents Leo as being elected in the presence of the Emperor Henry III. at Worms by a council of the bishops and *proceres*. He demanded three days' time for consideration, and spent them in fasting and prayer, and then declared his readiness to accept the office, but only on the condition that he should be assured of the consent of the whole clergy and people of Rome. He drew near to Rome walking on bare feet, and when he reached the city he announced the imperial election, but demanded that they should declare their will,

<sup>1</sup> Anselm, Monk of Rheims, 'Historia dedicationis Ecclesie S. Remigii,' 7; Migne, P. L., vol. 142. "Defuncto siquidem papa Damasco. . . Romani, legatione de ejus obitu ad imperatorem Henricum directa, petierunt ut ecclesie pastore viduatae ab eo subrogaretur alius. Qui super hoc negotio episcoporum et optimatum imperii sui querens consilium, invenit inter ceteros domnum Brunonem Tullensem presulem ad idem officium subeundum esse idoneum, utpote qui ætatis maturitate, morumque et scientie claritudine vide-

batur conspicuus, sibi que sanguinis affinitate proximus. Unde apostolicæ dignitatis ei adjudicata sunt insignia, jussusque ab Augusto ut ad hæc secundum ecclesiasticas sanctiones suscipienda Romana inviseret mensa. . . Quo perveniens, cum favore totius populi honorabiliter excipitur apostolicæque dignitatis infusus insignitur, in hypapanti Domini in cathedra beati Petri inthronizatur, et Leo papa Romano more nuncupatur."

whatever it might be, protesting that according to the canons the election of the clergy and people must precede all other authority, and assured them that he would gladly return to his home if they were not pleased to elect him. It was only when he saw that they unanimously acclaimed him that he finally consented to be enthroned.<sup>1</sup> We must, perhaps, allow for the possibility that the narrative may be, to some extent, coloured by the principles of the writer, but even when we make allowance for this it remains very significant. It does not seem to have been denied that the emperor should have some voice in the appointment of the Pope, but he could not neglect or override the rights of the clergy and people of Rome as the primary electing body.

The appointment in 1054 of the successor of Leo IX., Gebhardt, Bishop of Eichstadt (Victor II.), is described in somewhat different terms by different authorities, but it seems clear that the election was made by the emperor himself, with the advice of his bishops and court, and with the consent of the representatives of the Roman Church.<sup>2</sup>

<sup>1</sup> Leo IX., 'Vita,' ii 2, Migne, P. L., vol. 143. "Interea apud Wangionum urbem ante presentiam gloriosi Henrici secundi (III) Romanorum Augusti fit pontificum reliquorumque procerum non modicus conventus. . . Et repente, illo nihil tale suspicante, ad onus apostolici honoris suscipiendum eligitur a cunctis. Quod onus humilitate comprobante ditissime refugiens, dum magis ac magis cogitur, triduanum consulendi deposcit spatium, in quo jejunis vacans et orationibus, oratione sine cibo potuque permansit. . . Videns ergo nulli modo se posse effugere imperiale præceptum et commune omnium desiderium, coactus susceptum injunctum officium, presentibus legatis Romanorum, ea conditione, si audret totius cleri ac Romani populi communem esse sine dubio consensum. Omnipotentis igitur roboratus scilicet lamina, Romam appropinquit, cui tota urbs cum hymnidico concentu obviam ire parat sed ipse pedes longinquo itinere nudis pedibus incedit, et magis

ad mentis devotionem quam ad laudum delectionem animum inflectit. . . Imperialem de se electionem in tam laborioso officio brevi sermunculo promulgat, eorum voluntatem, qualis cumque erga se sit, pandere expostulat, dicit electionem cleri et populi canonicali auctoritate aliorum dispositionem præire, affirmat se gratanti animo in patriam rediturum, nisi fiat electio eius communi omnium laude, ostendit se coactum ad tam grande onus suscipiendum venisse. Cumque videret unanimum omnium acclamationem, ad correctionem vite coeptam repetit exhortationem, supplex cunctorum expetit orationem atque absolutionem.

Itaque, divina favente gratia, cunctis applaudentibus, consecratur, ac Dominicæ quadragesimalis initio, pridie Idus Februarii, apostolicæ cathedræ inthronizatur."

<sup>2</sup> 'Annales Romani,' a 1054, Berthold, 'Annales,' a 1054, 'Annales Haserensis,' a. 1054.

There is no trace of any consultation of the imperial court in relation to the election of Stephen IX. (1057), but on his death in the following year the aristocratic factions in Rome endeavoured to reassert themselves, and procured the election of the Bishop of Velletri as Benedict X. The cardinals, however, refused to recognise him, and with the sanction of the imperial court proceeded to elect Nicholas II. at Siena. It was no doubt this attempt of the Roman factions which led Nicholas II. to promulgate his famous decree for the regulation of the method of papal elections in April 1059. The most important provisions of this are—the primary place given to the cardinal bishops and the other cardinals in the election; the permission in case of necessity to proceed to the election of a Pope outside of Rome, who should exercise the full authority of the Papal See, even if he could not at once be enthroned in Rome; and, finally, the recognition of the relation of Henry and his successors to the election. The phrases are vague, but certainly seem to imply that in normal circumstances they were to have a legitimate place in the process of the appointment of a Pope.<sup>1</sup>

<sup>1</sup> M. G. H., Legum, Sect. IV., Const. vol. i. 382: "3. Ut obeunte huius Romanæ universalis ecclesiæ pontifice, imprimis cardinales episcopi diligentissima simul consideratione tractantes, mox sibi clericos cardinales adhibeant; sicque reliquus clerus et populus ad consensum novæ electionis accedant. 4. Ut nimirum ne venalitatæ morbus qualibet occasione subrepat—religiosi viri præduces sint in promovendi pontificis electione, reliqui autem sequaces. . . . 6. Salvo debito honore et reverentiâ dilecti filii nostri Henrici, qui in præsentiarum rex habetur et futurus imperator Deo concedente speratur, sicut iam sibi concessimus, et successores illius, qui ab hac apostolica sede personaliter hoc ius impetrent. 7. Quodsi pravorum atque

iniquorum hominum ita perversitas invaluerit, ut pura sincera, atque gratuita electio fieri in urbe non posset, cardinales episcopi, cum religiosis clericis catholicisque laicis, licet paucis, ius potestatis obtineant eligere apostolicæ sedis pontificem, ubi congruentius iudicaverint. 8. Plane postquam electio fuerit facta, si bellica tempestas vel qualiscumque hominum conatus malignitatis studio restiterit, ut is qui electus est in apostolica sede iuxta consuetudinem intronizari non valeat, electus tamen sicut papa auctoritatem obtineat regendi sanctam Romanam ecclesiam et disponendi omnes facultates illius, quod beatus Gregorius ante consecrationem suam fecisse cognoscimus."

## CHAPTER III.

### THE APPOINTMENT OF BISHOPS TO 1075.

IN the first volume of this work we have endeavoured to point out briefly the principles which were generally recognised in the ninth century as governing the appointment of bishops in the Carolingian Empire. We have stated our own conclusion that it was held that a proper appointment normally included a number of different elements—the election by the clergy and people of the diocese, the approval of the comprovincial bishops and the metropolitan, and the consent of the prince, and that it was generally recognised that no one of these elements should be neglected.<sup>1</sup> No doubt the practice of the time was often a little uncertain, but the principles acknowledged were clear, and there was no serious dispute about them. We have now to consider briefly the history of the question until the time, *i.e.* 1075, when the great dispute about episcopal appointments broke out between the Papacy and the Empire. It is indeed necessary to consider this with some care if we are to understand the real nature of that great conflict and to do justice to the various points of view represented in it, and if we are to escape from that vicious and unhistorical conception which regards that great conflict as representing either mere ecclesiastical aggression or mere secular tyranny.

It seems to us quite clear that until the beginning of the great conflict the principles represented in the literature of the ninth century continued to be accepted, and that in theory at

<sup>1</sup> Cf. vol. i. pp. 267-270.

least it would have been recognised that the election of the clergy and people, the consent of the comprovincial bishops and the metropolitan, and the approval of the prince, were all normally elements in the legitimate appointment of a bishop. We must examine the evidence in some little detail.

In a treatise of Atto, who became Bishop of Vercelli in the year 945 and died in 961, we find the conditions of an episcopal appointment set out with great clearness. The clergy and people, according to the canons, must have the free and unimpeded right of electing the person whom they think best. The person who is thus elected must then be carefully examined by the metropolitan and the other bishops of the province, and if they find him guilty of some grave fault they are to refuse to consecrate. If, however, they find him worthy of the office, then after due notice to the prince of the territory in which the diocese is situated, and with his consent, he is to be consecrated.<sup>1</sup>

The same principles are stated in what seems to be a formula for election contained in a work of Odoramnus, a monk of St Peter at Sens, which belongs to the first half of the eleventh century. The Church of Sens proclaims the appointment of a bishop, with the consent and will of the King of the Franks, the comprovincial bishops, the great men, the abbots and clergy, and the faithful of both sexes.<sup>2</sup>

In these passages we have what seems to us to have been the

<sup>1</sup> Atto of Vercelli, 'De Pressuris Ecclesiasticis,' ii, Migne, P. L., vol 137 (p 87) "In electione vero pontificum sanctorum in omnibus canonum ordo servetur, nullum clericus vel populus præiudicium patiatur, sed libera sit eis absque alicujus controversia facultas tranquille quem melius præviderint eligendi Electus quoque tam a metropolitano, quam a cæteris comprovincialibus episcopis diligentissime examinandus erit Quod si quis contra eum juste aliqua poterit obnecere, licentiam habeant in omnibus tunc ventilare, quem si convincere poterit de culpa, a benedictionis

removeantur gratia Si vero dignus inventus fuerit, tunc cum consensu et notitia principis ad cujus ditionem eadem parochia pertinere videtur, sollemniter et devotissime consecretur "

<sup>2</sup> Odoramnus, 'Opusculum,' viii, Migne, P. L., vol 142 "Cuius vigore nobiliter pollens sancta Senonensis mater ecclesia ad præsens una cum consensu et voluntate illius regis inelyti Francorum, comprovincialiumque episcoporum et procerum abbatumque et clericorum, nec non utriusque sexus fidelium, proclamant sibi dominum illum fieri pontificem summum "

normal judgment of the times upon the proper conditions of the appointment of a bishop. It is true, however, that the discussion of these questions usually arose under the terms of a more or less controversial assertion of the importance of this or that element in the appointment. This has indeed been the source of a certain confusion in the discussion of the subject, for to the unwary or hasty student, such references might often seem to assert the necessity of one element to the exclusion of others. We must, therefore, approach the consideration of the subject with caution.

In the first place, we may consider some passages which assert the principle of election by the clergy and people as normal or necessary. In a work of Abbo, Abbot of Fleury, in the latter part of the tenth century, to which reference has frequently been made in vol. iii., we have a very comprehensive affirmation of the election principle in Church and State. There are, he says, three "generales" elections known to him: that of the king or emperor, by the agreement of the whole kingdom; that of the bishop, by the unanimous agreement of the citizens and clergy; and that of the abbot, by the wiser judgment of the monastic congregation.<sup>1</sup>

Alongside of this, we may put some more specific references to the question made by Fulbert, who was Bishop of Chartres from 1006 to 1028. In one of his letters he emphatically refused to take part in the consecration of a certain Theodosius as bishop, on the ground that the prince had no right to thrust a person on the diocese in such a way that neither the clergy nor the people nor the other bishops could exercise a free choice.<sup>2</sup> That Fulbert did not, however, intend to

<sup>1</sup> Abbo, Abbot of Fleury, 'Collectio Canonum,' iv, Migne, P. L., vol 139 "Tres namque electiones generales novimus, quarum una est regis vel imperatoris, altera pontificis, tertia abbatis Et primam quidem facit concordia totius regni, secundam vero unanimitas civium et cleri, tertiam sanus consilium coenobialis congregationis."

<sup>2</sup> Fulbert of Chartres, 'Ep,' xxvi., Migne, P. L., vol 141 "Nam cum sit electio unus de pluribus maxime complaciti secundum liberam arbitrii voluntatem acceptio, quomodo electio recte dici possit, ubi sic a principe unus obtruditur, ut nec clero, nec populo, nec ipsis summis sacerdotibus ad alium deflectere concedatur De violentia huiusmodi Constantinus



deny that the prince had his proper place in determining the appointment to a bishopric seems evident from another letter. This is addressed to a certain Avisgaudus, who had resigned his bishopric, and after the appointment of his successor wished to return to it. Fulbert points out that he has no right to do this, seeing that his successor had been appointed after the election of the clergy, the vote of the people, the grant of the king, and the approval of the Roman Pontiff, by the metropolitan, the Archbishop of Sens.<sup>1</sup>

Later, in the eleventh century, we find the principle of the need of the election by the clergy and people very strongly affirmed and enforced by the reforming school in Church and State. At the Council which was held by Leo IX. at Rheims in 1049, a canon was promulgated, that no one should be advanced to rule in the Church without the election of the clergy and people. At the Council held at Mainz by him in the same year, two claimants appeared for the archbishopric of Besançon, Berthold, who claimed that he had received the investiture from Rudolph, the King of Burgundy, and had been consecrated by the bishops of the province; and Hugh, who protested that Berthold had not been elected or received by the clergy and people, but had purchased his appointment from the king with money, while he himself had been elected by the clergy and the people. The Council, after considering the canonical rules, decided that Berthold, inasmuch as he had not been elected by the sons of the Church, and had not been received by them as their pastor, but had always been repudiated, neither could nor ought to have been imposed upon an unwilling people; while Hugh, who had been demanded and elected by the clergy and people as their archbishop, and had held the see for so long a time without reproach, should

Augustus talem contra se et contra alios principes sententiam dedit: 'Quaecumque,' inquit, 'contra leges fuerint a principibus obtenta, non valeant.' Et Rheimense concilium: 'Sed nec ille,' inquit, 'deinceps episcopus erit, quem nec clerus nec populus propria civitatis elegerit.'

Cf. 'Ep.,' 136-138.

<sup>1</sup> Id., 'Ep.,' xxxv.: "Quod si ita est, et sic tibi consequenter substitutus est Franco, eligente clero, suffragante populo, dono regis, approbatione Romani pontificis, per manum metropolitani Senonensis."

occupy it in peace, for he was the true shepherd who had entered by the door, and he who came in otherwise was a thief and a robber.<sup>1</sup> It is noticeable that the decree of the Council was not based upon the charge of simony, which Hugh had brought against Berthold, which may not have been substantiated, but on the ground that the rights of the clergy and people in election had been overridden. And it is further noteworthy that, as we have mentioned in a previous chapter, the Emperor Henry III. was present at the Council, and that it is specially mentioned that he gave his approval to the decision.<sup>2</sup>

If in these passages we find the clear assertion of the principle that the bishop must be elected by the clergy and people of the diocese, we can also find in the literature of the tenth and eleventh centuries many passages which might be interpreted as implying that the secular ruler, whether king or emperor, really possessed an unlimited power in making ecclesiastical appointments. In the life of St Udalric, which was probably written in the last years of the tenth century, it is in one place said that he asked the emperor that, after his own death, he should confer the bishopric which he occupied upon Adalbero his nephew, and that the emperor promised that he would do this.<sup>3</sup> We shall presently have to

Anselmus, Monchus S. Remigii Remensis, 'Historia Ded. Eccl. S. Remigii,' 16: "Ne quis sine electione cleri et populi ad regimen ecclesiasticum provehetur."

Leo IX., 'Ep.,' 22; Migne, P. L., vol. 143: "Itaque pari consensu et communi consulto, prolatis sanctorum canonum sententiis, decrevit sancta synodus eundem Bertaldum, a filiis Ecclesie non electum, non receptum, non pro pastore habitum, sed semper repudiatum, semper repulsum, invitum dari non potuisse nec debuisse, ideoque perpetua taciturnitate ab huiusmodi querimonia debere cessare: Hugonem vero archiepiscopum a clero et populo expetitum, electum, sedem

tanto tempore tranquille possidentem, nulla umquam calumnia ab eodem Bertaldo inquietandum, perpetua pace debere eundem episcopatum possidere quia ille pastor esset qui per ostium intraret, qui vero aliunde fur et latro."

<sup>2</sup> See p. 5.

<sup>3</sup> Vita S. Udalrici, xxi.; Migne, P. L., vol. 135: ". . . ut post eius discessum cathedram episcopalis potestatis ei donaret. . . . Cujus petitioni gloriosus et benevolus imperator assensum præbens sæcularium negotiorum commercia Adalberoni commendavit, et episcopalis honorem cathedræ post vitam episcopi, si Deus vellet, ei donare promisit."

consider the passage in which the author of the life describes some of the actual circumstances of the appointment of St Udalric's successor; in the meanwhile it is important to observe the somewhat arbitrary manner in which the emperor is represented as acceding to this very irregular request.

Again, it is noticeable that Ratherius of Verona, while he vigorously maintains the greater dignity of the bishop as compared with that of the king, and urges that while kings are "instituted" by the bishops, they cannot ordain bishops, yet speaks of kings as having power to elect or designate the bishop.<sup>1</sup>

Again, Rodolfus Glaber, while denouncing simony with great vigour, both in his own person and in an address which he represents Henry III. as making to the bishops of Gaul and Germany, seems to assume that kings have the right of appointing to sacred offices.<sup>2</sup>

It would be quite natural if the hasty student were to judge from such passages as these that at this time episcopal appointments were for the most part made by the secular rulers without any reference to the wishes of the clergy and people, or other ecclesiastical authorities. And yet, in truth, no such conclusion should be drawn, and the real nature of the situation is best understood when we observe that it is quite possible to find apparently inconsistent statements with regard to this question in the writings of some of the most eminent Churchmen of these times.

In the correspondence of Gerbert, afterwards Pope Sylvester II., we can find passages which might serve to defend almost any view of the proper method of appointment to Church offices. In what seems to be a draft of a letter to be written

<sup>1</sup> Ratherius of Verona, 'Praeloquiorum' iv 2. "Dixi, nisi fallor, episcopos a Deo solo, ut reges, et præstantius multo quam reges, quia et reges ab episcopis instituti, episcopi vero a regibus, etsi eligi vel decerni, non valent tamen ordinari, institutos."

<sup>2</sup> Rodolfus Glaber, 'Historia,' ii. 6;

Migne, P. L., vol 172 "Nam ipsi reges, qui sacre religionis idonearum decretores personarum esse debuerant, munerum largitione corrupti, potiorum quempiam ad regimen Ecclesiarum vel annuarum djudicant, illum vide licet, a quo ampliora munera suscipere sperant."

in the name of Adalbero, the Archbishop of Rheims, to the Empress Theophano, the widow of Otto II., she is asked, if there should be a vacant bishopric, not to confer it upon any one who is not recommended to her by the archbishop, and in particular to confer one upon Gerbert.<sup>1</sup> In another letter written in the name of the same archbishop, Adalbero appears as having permitted his nephew to accept a bishopric conferred on him by the king.<sup>2</sup> In another letter again, written probably in the name of the Archbishop of Trier, he denounces the people of Verdun for their unwillingness to accept another Adalbero as their bishop when he had been appointed by the king, with the consent and approval of the bishops of the province.<sup>3</sup> Again, in a letter written in the name of Otto III., Otto is represented as saying that he had bestowed the Abbey of St Vincent, at Capua, upon a certain monk.<sup>4</sup>

If we were to judge from these passages alone, we should naturally come to the conclusion that Gerbert looked upon

<sup>1</sup> Gerbert, 'Epistola,' 117: "Ex tanto ergo affectu, tantoque amore, a vestra munificentia præsumimus potere, quod scimus per fidissimos nuntios olim nobis concessum esse, id est si in regnorum confinio qualibet ecclesia vacaret pastore, in ea non alium constitutum, nisi quem vestra utilitati omnimodis aptum sano judicio delegerimus. Et quia omnibus provincialibus notum, Italia expulsam, sed in fide non ficta præstantem habemus abbatem Gerbertum, hunc ecclesie præfici, modis quibus possumus, oramus"

<sup>2</sup> Id., 'Ep,' 57 "Perfidia ac infidelitatis crimine in regiam maiestatem arguo detineri, eo quod nepotem meum, clericum videlicet meae ecclesie, licentia donaverim, qua et palatium adierit, et dono alterius regis episcopatum accepit ejus regni, quod senior Lotharius rex in proprium revocaverat, quodque gradus ecclesiasticos ei postmodum contulerim

absque licentia et auctoritate senioris mei."

<sup>3</sup> Id., 'Ep,' 79 "Quod remedium morbis tuis invenimus, Verdunensium execrata civitas? Unitatem sancte Dei ecclesie scidisti Sanctissimam societatem humani generis abruptisti Quid enim aliud egeris, cum pastorem tuum, voluntate hereditarii regis, consensu et favore conprovincialium episcoporum electum, ac insuper episcopali benedictione donatum, adhuc pertinax minime recognoscis, teque velut membrum mutilum ac deforme sine unitate corporis ex olea in oleastrum inserere temptas?"

<sup>4</sup> Id., 'Ep,' 214 "O gratia Dei imperator augustus, R. comiti salutem. Diversa regni negotia interdum cogunt nos indicare diversa imperia Hinc est quod abbatiam sancti Vincentii Capue sitam ob quarundam rerum necessitudines nuper Ioanni monacho donaverimus, Rotfrido abbate nec adjudicato, nec deposito."

the appointment to ecclesiastical office as belonging to the secular authorities, with some regard at most to the rights of the comprovincial bishops. When, however, we examine his letters more completely, we find that at other times they represent quite a different attitude. In a letter written in the name of the abbots of the monasteries of Rheims to the monks of Fleury, he speaks with indignation and contempt of some one who claimed an abbey apparently in virtue simply of a royal appointment.<sup>1</sup> Again, in the document announcing the election of Arnulf to the archbishopric of Rheims in 989, the bishops of the province are represented as saying that they, with all the clergy, with the acclamation of the people, and with the consent of the kings, elect him as their head.<sup>2</sup> In the letter of the same bishops announcing the election of Gerbert himself as Archbishop of Rheims, after Arnulf had been deposed by the Council of Verzy in 991, there is a very interesting discussion of the true meaning of the requirement of election by the people. They say that they had elected Arnulf under the influence of the popular clamour, inasmuch as the Scripture said, "The voice of the people is the voice of God," and the canons required the desire and wishes of the clergy and people in the election of a bishop. They had not, they say, understood that it is not always true that the voice of the people is the voice of God, and that therefore it is not the wishes of all the clergy and people which are to be considered in the election of a bishop, but only those of the simple and uncorrupted. They quote the Fathers as saying that the election of a bishop must not be made by a mob, but that it should be in the hands of the bishops, that they might prove him who was to be consecrated. They, therefore, the bishops of the province of Rheims,

<sup>1</sup> Id., 'Ep.', 95 "Secerante vos oves Christi, ab eo qui non est pastor, sed lupus ovium depopulator. Pretendat sibi reges, duces, seculi principes, qui se favore solummodo eorum monachorum principem fecit. Nec erubuit se ingerere, qui ex humilitate debuerat refugere."

<sup>2</sup> Id., 155: "Nos qui dicamur episcopi dioeceseos Remorum metropolis, cum omni clero diversi ordinis, populo acclamante, orthodoxis regibus nostris consentientibus, eligimus nobis in præsullem virum pietate præstantem, fide insignem," &c.

with the favour and approval of the kings, Hugh and Robert, and the assent of those of the clergy and people, who are God's, declare that they have elected the Abbot Gerbert as their archbishop.<sup>1</sup>

When we take account of all these passages, it is plain that Gerbert was well aware that the appointment of bishops and abbots was not a matter for the arbitrary decision of the secular power, but that the community of the diocese, whether clerical or lay, and the bishops of the province, in the one case, and the community of the abbey in the other, had their just and legal rights.

The correspondence of Gerbert may serve to illustrate the great need of caution in the interpretation of the occasional phrases of writers of the tenth and eleventh centuries, and the works of Peter Damian make it very clear that even in the third quarter of the eleventh century the most distinguished representative of the reforming party still recognised the complexity of the elements which constituted a legitimate and well-ordered ecclesiastical appointment. By this time the Church was alive to the need of dealing rigorously with simony—we shall discuss this question in detail a little

<sup>1</sup> Gerbert, 'Ep.', 179: "Ecce enim post dissolutionem beatæ memoriæ patris A. quendam ex regio semine prodeuntem nobis ecclesiæque Remensî præfecimus, et clamore multitudinis impulsus, Scriptura dicente: 'Vox populi, vox Domini' et sanctorum canonum institutis, desiderium ac vota cleri ac populi in electione episcopi perquirentium. Caligavit acies mentis nostræ litteram incaute sequendo, concordem sententiam divinarum scripturarum parum investigando. Non erat quippe vox Domini, vox populi clamantis: 'Crucifige, crucifige.' Ergo non omnis vox populi, vox Domini est. Nec omnis cleri et populi vota et desideria in electione episcopi perquirenda sunt, sed tantum simplicis et incorrupti, id est spe questus minime illecti. Sententiæ

patrum exponendæ: 'Non liceat, inquit, turbis electionem facere eorum qui ad sacerdotium provocantur, sed iudicium sit episcoporum, ut ipsi eum qui ordinandus est probent, si in sermone, et in fide, et in episcopali vita edoctus est.' Nos igitur episcopi Remorum dioceseos, secundum has constitutiones patrum, favore et conventia utriusque principis nostri domni Ugonis augusti, et excellentissimi regis Rotberti, assensu quoque eorum qui Dei sunt in clero et populo, eligimus nobis archiepiscopum, abbatem Gerbertum, ætate maturum, naturam prudentem, docibilem, affabilem, misericordem." I am indebted for the details with regard to this passage to the edition of Gerbert's letters by M. Havet.

later—and reforming Churchmen, like Peter Damian, were continually denouncing this vice, and advocating the most stringent measures for its suppression; but this does not mean that they doubted or denied the propriety of the secular authorities taking their part in ecclesiastical appointments.

In one of Peter Damian's smaller treatises, for instance, he attacks with great vigour the custom of appointing men to bishoprics because of the services which they had rendered in the administration of secular offices, as clerics of the royal or imperial chapels; and he urges upon princes and all others who had the right of appointing to ecclesiastical offices the duty of remembering that they must not use their authority in an arbitrary or capricious fashion.<sup>1</sup> He warns them, that is, against the abuse of their authority; he does not suggest that the authority itself is illegitimate. In another place, in a letter to the clergy and people of Faenza, he recognises indeed very explicitly their right to elect their bishop, and the place of the Pope in his appointment; but he praises them that they had determined not to proceed to an election until the arrival of the King.<sup>2</sup> In a letter to Cadalous of Parma, who had been elected to the Papacy as Honorius II., in 1061, by a synod of German and Lombard bishops, in opposition to Alexander II., Peter inveighs in somewhat unmeasured terms against his presumption in venturing to claim the Roman See without the will

<sup>1</sup> St Peter Damian, 'Opusculum' xxii. 4; Migne, P. L., vol. 145: "Principibus quoque, et quibuslibet ordinatoribus ecclesiarum summopere cavendum est, ne sacra loca, non considerato divino iudicio, sed pro arbitrio et ad libitum, præbeant, ne ad suam confusionem divinæ legis ordinem, sacrorum canonum statuta confundant."

<sup>2</sup> Id., 'Epistles,' Bk. v. 10; Migne, P. L., vol. 144: "In quantum vero deprehendere possumus, unus spiritus fuit, qui et nostri cordis ingeniolium

tetigit, et sanctam prudentiam vestram in id, quod inter vos pactum est atque conventum, unanimiter incitavit: videlicet, ut non eligatis episcopum usque ad regis adventum. Qui scilicet et errorem tollat, et vos, atque Ecclesiam vestram, sedatis indique jurgiis, in quietis ac pacis tranquillitate componat. Unde et dominus noster papa rogandus est, ut episcopum vobis modo non ingerat, sed Ecclesiam vestram interim vacare, et vos sub suæ benedictionis umbraculo manere decernat."

of the Roman Church; not to speak of the Senate, the inferior clergy, and the people, he ought to have recognised the place of the Cardinal Bishops, who played the principal part in the election of the Roman Pontiff. The canonical authority decreed that even in the humblest church the clergy should have a free judgment about him who was to be set over them. Further on he sums up the principal elements in a just election to the See of Rome. The Cardinal Bishops, he says, play the first part; then comes the assent of clergy in general, and thirdly the approval of the people. Finally, the matter is to wait until the royal authority has been consulted, unless, as had been the case in the election of Alexander II., the circumstances were of such a kind that it was dangerous to wait.<sup>1</sup> The phrases of this letter seem clearly to refer to the new regulation of Pope Nicholas II. for papal elections, and we cite it here as illustrating the fact that Peter Damian recognised both the rights of the clergy and people in election to bishoprics, and also the right of the king or emperor to be consulted.

Perhaps the best illustration of the principles of ecclesiastical appointments during this period is to be found in the accounts of some elections which have been preserved. The first we shall notice is contained in that life of St Udalric,

<sup>1</sup> St Peter Damian, 'Ep.,' Bk. i. 20: "Cum itaque sacerdotium tuum tanta laboret infamia, quo pacto præsumpsisti, vel, ut mitius loquar, acquiescere potuisti, ignorante Romana ecclesia, Romanum te episcopum eligi. Taceamus interim de senatu, de inferioris ordinis clero, de populo. Quid tibi de cardinalibus videtur episcopis? Qui videlicet et Romanum pontificem principaliter eligunt, et quibusdam aliis prærogativis, non modo quorumlibet episcoporum, sed et patriarcharum, atque primatum jura transcendunt. . . . Et cum canonica decernat auctoritas, ut vel humilis cuiuscunque Ecclesie clero liceat liberum de illo, qui sibi præferendus est, habere

iudicium; qua tumoris audacia tu præsumpsisti te violenter illis ingerere, qui præter communem Ecclesie regulam, super ipsos quoque pontifices authenticam prævalent promulgare censuram. . . .

"Nimirum cum electio illa per episcoporum cardinalium fieri debeat principale iudicium, secundo loco jure præbeat clerus assensum, tertio popularis favor attollat applausum: sicque suspendenda est causa, usque dum regie celsitudinis consulatur auctoritas: nisi, sicut nuper contigit, periculum fortassis immineat, quod rem quantocius accelerare compellat."

Cf. Id., 'Disceptatio Synodalis.'

to which we have already referred. It tells us that after his death the envoys of the diocese were sent to the Emperor, carrying with them his pastoral staff. A certain Count Burchardt succeeded in intercepting them, and persuaded them that the Emperor had determined that his son should be the bishop. The envoys are said to have known that it was in their power either to elect him or not; finally they did this, and then proceeded on their way to the Court to obtain the Emperor's confirmation for their election.<sup>1</sup>

With this may be compared the account given by Fulbert of Chartres of the circumstances attending the succession to the Abbey of St Peter. When the abbot was dying a certain Megenard went to Theobald, the Count (of Chartres), to ask for the abbacy. The Count sent him back to the monks, desiring them to receive him as their abbot; but they replied that no one could become abbot while the previous one was still alive, or except by the election of the brethren. When shortly afterwards the abbot died, the monks decided that they did not want Megenard as abbot, and determined to send representatives to the Count announcing his death, and asking for his permission to proceed to an election. Two of the monks, however, went off privately to the Count, and represented to him that the brethren had elected Megenard; and the Count, gratified with their compliance, immediately handed over the pastoral staff. The other monks were extremely indignant, and wrote to the Count denying that they had elected him, but he compelled them to receive him.<sup>2</sup>

We have another interesting and detailed account of an election in the life of St Lietbert, Bishop of Cambrai. On the vacancy of the see he was elected to the bishopric by the clergy and people, and he and the representatives of the Church of Cambrai were then sent to the court of Henry III. to report to him the death of the last bishop and the election of Lietbert. Henry announced that he would with them elect Lietbert Bishop of Cambrai. The matter was then reported,

<sup>1</sup> 'Vita S. Udalrici,' xxviii.; Migne, P. L., vol. 135.

<sup>2</sup> Fulbert of Chartres, 'Ep.' II.; Migne, P. L., vol. 141.

with the assent of the bishops of the province, to the Archbishop of Rheims, as metropolitan, in accordance with his legal rights, and he gave his approval.<sup>1</sup>

More important, however, than these narratives is the very detailed account of the circumstances attending the appointment of Wazo as Bishop of Liège. On the death of Bishop Nithard in 1041 he was, in spite of his reluctance, elected unanimously. He protested that his election would be displeasing to the King, and urged that they should wait to know his will; but his objection was overruled, and he was elected and sent to Ratisbon, where Henry III. then was. On Wazo's arrival there the episcopal staff was handed over to the King with the letter of the Church of Liège. On the following day the King considered the matter with the bishops and the princes of the palace. A number of them maintained that the election, having been held without the approval of the King, should be set aside, and urged that a bishop should be chosen from the clergy of the royal chapel, among whom Wazo had never served. The opinion of these persons might have prevailed if it had not been for the intervention of Hermann, Archbishop of Cologne, and of Bruno, Bishop of Würzburg, who finally persuaded Henry to accept the election of Wazo.<sup>2</sup>

<sup>1</sup> 'Vita S. Lietberti,' x.; Migne, P. L., vol. 146. Election by clergy and people. . .

xi. "suae voluntatis sententiam rex eis aperuit, Lietbertum scilicet præpositum se simul cum eis eligere Camera-censis Ecclesie episcopum. . .

xvi. "cui quoniam sui iuris id erat, de prænominata per idoneas personas electione suggeritur, suaeque corroborationis auctoritas suppliciter imploratur; episcoporum comprovincialium subjungitur epistolaris assensus, electique pontificis dies consecrationis requiritur ab omnibus. Audita Remisis metropolitanus tam religiosa tamque celebri electione, consideratisque viri virtutibus, Dei magnificentiam laudat et ipse."

<sup>2</sup> Anselmi, 'Gesta Episcoporum Leodiensium,' 50; M. G. H.; S. S., vol. 7: "Ille (Wazo) e contra credi non potest quantas moras suae electioni innectere, quanto annis ne fieret studuerit insistere; electionem regi displicentiam parum valere, super hoc negotio magis eius expectandum esse dicens arbitrium. Taliter retentionis et excusantis sententia non auditur, invitus unanimiter a cunctis eligitur, Radisbonam mittitur, ubi forte Henricus tunc rex, postea imperator, Boemiam cum exercitu aggressurus aderat. Virga episcopalis cum ecclesiae nostrae litteris praesentatur, res agenda in crastinum differtur: postera die a rege cum episcopis et reliquis palatii principibus consultitur. Neo defuere

In these narratives we can probably recognise the normal conception and method of appointment during this period. The clergy and people of the diocese or abbey claimed the right of election, but the prince had to give his sanction. We should gather that the person whom the diocese had chosen was sent with the pastoral staff of the bishop to the king, and, if he approved the choice, he would invest him with this. If, however, the king was not satisfied with their election, he might not only refuse his consent, but might proceed to another appointment himself. The person thus appointed would then be sent to the metropolitan, for he and the bishops of the province had the right to be consulted before his consecration.

It is well finally to notice that we can also see that in a number of cases in the tenth and eleventh centuries the Pope took an important part in the appointment of bishops. Pope John XIII. is spoken of as appointing an Archbishop of Salzburg on the election of the Bavarians, lay and clerical.<sup>1</sup> Pope Gregory V. is represented as confirming and corroborating the command of the Emperor, the judgment of the bishops, and the consent and acclamation of the clergy and notables of the diocese, and appointing a certain Arnulf to the bishopric of Auxonne.<sup>2</sup> Clement II. confirms the

adulantium lingue, qui electionem sine regio favore factam asseverarent causam fore. Ex capellanis potius episcopum constituendum, Wazorem numquam in curte regia desudasse, ut talem promeretur honorem; quod vero nefas sit alium episcopari, nisi quem constiterit in curte regia evagari, ac non potius talem eligi oportere, qui informatus subiectione claustralis obœdientie, non tam præesse quam prodesse didicerit. Qua sententia adulatorum facile inductus iuvenilis regis animus, nescio quem barbarum cervicibus nostris præparabat imponere, cum ecce, inspirante ut credimus Deo, ex omni illo consiliariorum cœtu soli Herimannus archiepiscopus et Bruno Wirtenburgensis

episcopus tam inutili sententiæ saniori consilio ausi sunt obviare. Nec prius veritatis assertores Deique co-operatores absistunt, donec vix tandem regie maiestati petitionem nostram conciliant, et procerum animos in sententiam suam traiciunt."

<sup>1</sup> Pope John XIII., 'Ep.' and Dec. III.; Migne, P. L., vol. 135: "electione et postulatione omnium pene nobilium, Bawariorum scilicet clericorum et laicorum, sancta Romana mater Ecclesia, suæ auctoritatis privilegio Fridericum virum venerabilem et cunctis laudabilem loco eiusdem Heroldi fieri esse que archiepiscopum omnino decreverit."

<sup>2</sup> Gregory V., 'Ep.,' xviii.; Migne, P. L., vol. 137: "Post hæc omnia

election of an Archbishop of Salerno by the clergy, the people, and the prince.<sup>1</sup> Alexander II. gives his formal assent to the appointment of an Archbishop of Rouen by William the Conqueror;<sup>2</sup> and, as we shall have occasion to consider later, the Papacy is said to have claimed, under the advice of Hildebrand, that no election to the archbishopric of Milan was valid without the papal consent.<sup>3</sup> What exactly was the rationale of the papal position in ecclesiastical elections we cannot here discuss, but it is important to observe these illustrations of it.

peracta, domno imperatore iubente, et episcopis Romanis, Longobardis, atque ultramontanis iudicantibus, consentiente et acclamante Ermengaudo comite cum clericis et optimatibus qui de regione illa ibi aderant, una cum senatu et militia Romana Longobardorum et ultramontanorum, privilegio nostræ auctoritatis confirmando et corroborando Arnulfum prenominationum episcopum in ordine pontificali Ecclesiæ Ausonensis statuimus atque sublimavimus, annulumque et virgam pastoralem ei dedimus, ligandi solvendique potestatem vice apostolorum et nostra ei concessimus, et episcopatum præfatum una cum præcepto domni Augusti cum omnibus suis pertinentiis . . . illi stabilivimus."

<sup>1</sup> Clement II., 'Ep.,' vii.; Migne, P. L., vol. 142: "Te vero, frater charissime quem unanimitas cleri et populi Salernitanæ ecclesiæ, una cum gloriosissimo principe Guaimario de sede Postana accepit, et in suum pontificem elegit, diligenter discussimus, ne tuæ ambitionis causa, et non maioris utilitatis necessitate electus fuisses, aut forte per simoniacam hæresim."

<sup>2</sup> Alexander II., 'Ep.,' 56; Migne, P. L., vol. 146: "Alexander . . . Iohanni Abricensium venerabili epis-

copo, salutem et apostolicam benedictionem. Destituta Rothomagensis ecclesia pastore, comperimus Sedunensis episcopi et Lanfranci abbatis relatione te ex electione principis tui dilectissimi filii nostri Guillelmi regis Anglorum, ob vitæ et morum probitatem, ad maiorem sedem promovendum, si ex auctoritate sedis apostolicæ fuerit assensus, cui Deo auctore præsidemus. Nos igitur moti illorum precibus, ob salutem illius Ecclesiæ et omnium in tuis partibus, volumus atque dilectioni tuæ apostolica auctoritate præcipimus ut quod divina dispensatio de te providit non contradicas et electioni te obedientem exhibeas."

<sup>3</sup> Arnulfus, 'Gesta Archiepiscoporum Mediolanensium'; M. G. H.; S. S., iii. 21: "Vetus quippe fuit Italici regni conditio perseverans usque in hodiernum, ut defunctis ecclesiarum præsulibus, rex provideat successores Italicus, a clero et populo decibilibiter invitatus. Hoc Romani canonicum esse negant, sed instantiis archidiaconus ille Hildebrandus; qui cum abolito veteri novum temptaret inducere constitutum, palam fatebatur, haud secus sedari posse Mediolanense discidium, quam canonicum habendo pastorem, ad quem eligendum necessarium dicebat Romanum fore consensum."

## CHAPTER IV.

## THE RELATIVE DIGNITY OF THE TEMPORAL AND SPIRITUAL POWERS.

ENOUGH has been said to make it clear that, while probably every one in the tenth and eleventh centuries would have recognised certain general principles as determining the relative position of the two great authorities, the actual demarcation of the exact sphere of each authority was somewhat uncertain and fluctuating. The secular authority had its ecclesiastical responsibilities, and the ecclesiastical its political, while in the direction and control of many ecclesiastical matters the Christian people, the laity, had an undetermined but real place. It will be useful to notice a little further some of the conceptions of the time, which illustrate in an undeveloped form the questions round which the later conflicts turned, and the judgment of some great Churchmen on them.

We can find phrases which assert very emphatically the superior dignity of the Spiritual as compared with the Temporal power. We have referred in the last volume frequently to that interesting but somewhat strange prelate of the tenth century, RATHERIUS of Verona. In his writings we find the confident expression of his conviction of the superiority of his office and position to that of the king. He had become Bishop of Verona through the influence of Hugh, the King of Italy, but quarrelling with him, was imprisoned for a time in Pavia. In his treatise entitled 'Præloquiorum,' he deals very frankly with the king, and admonishes

him to venerate the bishops, and to remember that they have been set over him, and not he over them, and he cites the story of Rufinus about Constantine, and his humility in presence of the bishops at the Council of Nice.<sup>1</sup> He claims that bishops could not be judged except by God Himself,<sup>2</sup> and that bishops were on a higher level than kings, for kings were created (*instituti*) by bishops, but bishops could not be ordained by kings.<sup>3</sup>

Again, in a treatise ascribed to Pope Silvester II. (Gerbert), he urges bishops to remember that no dignity can be compared with theirs, that the crowns of kings are in comparison with the mitres of bishops as lead compared to gold, and that kings and princes bow their necks to the priest and reverence his decrees.<sup>4</sup>

We shall perhaps find the most significant and weighty assertion of this principle in some words attributed to that Wazo, Bishop of Liège, to whom we have already referred several times. His biographer relates how on one occasion,

<sup>1</sup> RATHERIUS, 'Præloquiorum,' iii. 4; Migne, P. L., vol. 136: "Tu potius time Deum, rege, imo populum tibi commissum, deprecare sanctos, venerare episcopos; noveris illos tibi, non te illis esse prælatos; et, ut amplius dicam, deos tibi a summo et uno et singulari Deo, et angelos ab ipso magni consilii Angelo esse datos. Quid si me putas mentiri, antecessorem tuum interroga Constantinum, interroga psalmum ipsum, interroga Dominum. Vos, ait ille (Constantinus) jam fatus, nobis a Deo dati estis dii, et conveniens non est, ut homo judicet deos."

<sup>2</sup> Id. id., iii. 9: "sed ut præter aliud etiam hoc agnoscas, episcopum. . . . A nullo penitus nisi ab ipso Omnipotente, si deliquerint, aliqua poenitentia corrigi posse vel debere. Quis enim judicem judicare, angelum corrigere, nisi ille qui super angelos est, audeat, nedum ligare?"

<sup>3</sup> 10. Quod vero a nemine nisi ab ipso Deo possint judicari aut reprehendi,

testatur Apostolus quibusdam detractoribus."

<sup>4</sup> Id. id., iv. 2: "Dixi, nisi fallor, episcopos a Deo solo, ut reges, et præstantius multo quam reges, quia et reges ab episcopis instituti, episcopi vero a regibus, etsi eligi vel decerni, non valent tamen ordinari institutos."

<sup>4</sup> Sylvester II., 'De Informatione Episcoporum': "Honor igitur, fratres, et sublimitas episcopalis nullis potest comparationibus æquari. Si regum compares infulas et principum diademata, longe erit inferior, quasi plumbi metallum ad auri fulgorem compares; quippe cum videas regum colla et principum genibus submitti sacerdotum, et cæculosulatis eorum decretis, orationibus eorum credant se communiri."

Cf. Adalbero, Ep. Laud., 'Carmen,' 260; Migne, P. L., vol. 141: "Omne genus hominum præcepto subdidit illis Princeps, excipitur nullus, cum dicitur omne."

when attending the court of the Emperor Henry III., he asked that he should be provided with a seat, for it was not seemly that one who had been anointed with the holy chrism should not receive due respect. The Emperor said that he also had received his authority with the anointing of the holy oil, but Wazo replied that this unction which he had received was very different from that of the priest, and greatly inferior, for it was the sign of the power of death, while that of the priest was the sign of the power of life.<sup>1</sup>

When, however, we have recognised how emphatic, even in those times, was the claim that the Spiritual power was superior in dignity to the Temporal, we must be careful to observe that this did not at all mean that the ecclesiastical person was not subject to the secular in secular matters. The greater clergy, that is the bishops and abbots of the greater monasteries, were by the end of the tenth century, in almost all cases, the vassals of the emperor or king, or of some great lord, and as such they owed them loyalty and were subject, with respect to their feudal tenure, to the jurisdiction of the feudal courts.

We have cited above the words in which Gerbert, as Pope Silvester II., speaks of the dignity of the bishop as greater than that of the king; but it is important to observe that the same Gerbert, when he was Abbot of Bobbio, speaks of himself as having once indeed been free, but now as the servant of the Emperor.<sup>2</sup> Again, Wippo, in his life of the Emperor Conrad I., in relating the rising of the "Valvassores" in Lombardy

<sup>1</sup> Anselm, 'Gesta Episcop. Leod.' 66; M. G. H.; S. S., vol. 7.

"Nam etsi Wazo rugis confertus et senio indignus est honorari, tamen sacerdotem et sacro chrismate inunctum dedecet inter populares tam inhoneste fatigari. Ego vero, inquit, similiter sacro oleo data mihi præcæteris imperandi potestate sum perunctus. Alia inquit est et longe a sacerdotali differens vestra hæc quam asseritis unctio, quia per eam vos ad mortificandum, nos auctore Deo

ad vivificandum ornati sumus; unde quantum vita morte præstantior tantum nostra vestra unctione sine dubio est excellentior."

<sup>2</sup> Gerbert, 'Epistola,' 1: "Domino suo O. Cesari semper augusto, G. quondam liber. Dum regnorum publica perpendo negotia, serenissimi domini mei aures propriis occupare expavesco. Loquatur dominus meus servo suo propriis epistolis solito more, ut eius servitutis fiat exhibitio."

Cf. Ep. 159, and Havet's notes.

against the greater feudal lords, mentions that he seized three of the Lombard bishops and sent them into exile. It gave, he says, great offence to many that the priests of Christ should be condemned without a trial, and he specially mentions that Henry, the son of Conrad (afterwards Henry III.), was much displeased with his father's action. The bishops indeed would have had no claim to honour had they been deposed by a judicial sentence, but before such a judgment they were entitled to the reverence which is due to the priest.<sup>1</sup> The general disapproval of Conrad's action against the bishops without regard to the proper judicial forms, only brings out more clearly the fact that it was recognised that the bishops were liable to the judgment of the proper courts for offences against the Emperor.

This is brought out even more emphatically in the same life of Wazo of Liège which we have just cited. Wiger, the Archbishop of Ravenna, was accused of various ecclesiastical irregularities, and summoned to the court of the Emperor, and the matter was referred to the bishops. There was much hesitation among them, but Wazo declared that an Italian bishop could not be judged by a northern one. At last, when called upon by the Emperor in the name of his obedience to give his opinion on the whole matter, he replied that they, the bishops, owed obedience to the Pope and fidelity to the Emperor; that they had to render account to the latter with regard to secular matters, but to the former with respect to spiritual; if, therefore, the Archbishop of Ravenna had committed an offence against the ecclesiastical order, the judgment on this belonged only to the Pope, but if he had acted negligently or unfaithfully in those secular matters which

<sup>1</sup> Wippo, 'Vita Chuonradi' (p. 1245): "Eodem anno in Italia tres episcopi, Vercellensis, Cremonensis, Placentinus apud imperatorem accusati sunt; quos imperator comprehensos exsulari fecit. Quæ res displicuit multis, sacerdotes Christi sine iudicio damnari. Referebant nobis quidam piissimum nostrum Heinricum regem,

filium imperatoris, salva reverentia patris, clam detestari presumptionem Cæsaris in archiepiscopum Mediolanensem, atque in istos tres; et merito, quia sicut post iudicalem sententiam depositionis nullus honor exhibendus est, sic ante iudicium magna reverentia sacerdotibus debetur."



had been entrusted to him by the Emperor, this without doubt should be dealt with by him.<sup>1</sup>

Wazo's determination to maintain the autonomy of the spiritual authority within its own sphere is evident, but equally evident is his judgment that with regard to secular matters the bishops were subject to the judgment of the secular authority.

It may perhaps serve to bring out most clearly the complexity of men's conception of the character and relations of the Temporal and Spiritual powers if we again consider briefly the position of Peter Damian, to whom we have already referred several times. He was, as we have said, one of the most convinced and energetic promoters of the reform of Church order and discipline in the third quarter of the eleventh century, but died just before the great conflict between the Empire and the Papacy broke into open flame.

It would be quite easy to bring forward passages from his writings which might, if taken alone, seem to show that his position was that of either the one or the other of the two great parties into which Europe was presently to be divided. As we have already seen, he recognised very clearly,

<sup>1</sup> Anselmi, 'Gesta Episc. Leod.,' 58; M. G. H.; S. S., vol. 7: "Unde pro multis inconsulte ab ipso ibidem gestis et pro hac maxime quasi temeritate accusatus, ad palatium evocatur, ab imperatore, quod eiusmodi præsumptionem admiserit, graviter insimulatur. Cumque ille id semper eius ecclesiæ presbiteris ex sanctorum patrum auctoritate licuisse respondisset, super his iudicium episcoporum exquiratur. Respondentibus quibusdam ad voluntatem imperatoris, quibusdam vero hesitantibus, venit ad Wazonem episcopum; illo multum excusante Italicum episcopum nequaquam a se cisalpino debere iudicari, imperator iterum, ut ammonitus per obædientiam super hoc facto iudicii sententiam

edicat, vehementer insistit. Ita coactus, tandem quod super his sentiret aperuit: 'Summo,' inquit, 'pontifici obædientiam, vobis autem debemus fidelitatem. Vobis de secularibus, illi rationem reddere debemus de his quæ ad divinum officium attinere videntur, ideoque mea sententia quicquid iste contra ecclesiasticum ordinem admiserit, id discutere pronuntio apostolici tantummodo interesse. Si quid autem in secularibus, quæ a vobis illi credita sunt, negligenter sive infideliter gessit, procul dubio ad vestra refert exigere.' Consentientibus huic sententiæ cæteris episcopis, nullius iudicio eo die episcopatum perdidisset, nisi ipse ultro imperatori redderet baculum cum anulo."

in spite of his zeal for the reform of the methods of ecclesiastical appointments, the legitimate place of the secular authority in regard to them. In his letter to the people of Faenza he commends their determination not to proceed to the election of their bishop till the King (Henry III.) should arrive.<sup>1</sup> While warning the secular princes against the error of thinking that they have arbitrary rights of appointment, he seems clearly to recognise their rights.<sup>2</sup> Even with respect to appointments to the Papal See, he seems clearly to interpret the decree of Pope Nicholas II. as implying that the election was not to be reckoned as complete until it had been submitted to the royal authority.<sup>3</sup> And in his references to Henry III. he recognises, as we have seen, in the most unqualified terms the service which he had rendered to the Church in purging it from simony, and compares him to King Josiah, who, when he had found the Book of the Law, overthrew the altars and the abominable idols and superstitions of former kings, and says that it was because he refused to follow the corrupt example of his predecessors that, by the divine dispensation, it had come about that the Roman Church was now ordered according to his will, and that no one should be elected to the Roman See without his authority.<sup>4</sup>

If, however, from such passages as these we may justly infer that Peter Damian admitted the propriety of the intervention of the Temporal power in ecclesiastical affairs, we can also find in his writings phrases which express a very high sense of the superiority of the Spiritual power over the Temporal. In one place he describes the Pope as the King of Kings and Prince of Emperors, who excels all men in honour and dignity.<sup>5</sup> It is Peter Damian who apparently first used some words which were frequently cited in the later controversies. He speaks of Christ as having committed to St Peter "beato vitæ æternæ clavigero, terreni simul et

<sup>1</sup> See p. 34.

<sup>2</sup> See p. 34.

<sup>3</sup> See p. 35.

<sup>4</sup> See p. 20.

<sup>5</sup> Peter Damian, 'Opusc.,' xxiii. 1:

"quia quilibet imperator ad papæ vestigia corrui, tanquam rex regum, et princeps imperatorum, cunctos in carne viventes, honore, ac dignitate præcellit."

cœlestis imperii iura"; and, in another place, as having committed to St Peter the laws of heaven and earth.<sup>1</sup>

These phrases have an important history, and were often interpreted as implying that the successor of St Peter had in some sense authority in temporal as well as spiritual matters and organisations.<sup>2</sup> What exactly Peter Damian may have himself meant by these words is exceedingly difficult to say: the contexts in which they occur do not throw any light upon the interpretation. It seems to us, from an examination of his whole works, extremely improbable that he meant to assert the supremacy of the Spiritual power over the Temporal in temporal matters, but certainly he did mean to assert the great superiority in dignity of the Spiritual power, and the principle that even the greatest men, kings and emperors, were subject to the spiritual authority of the Pope.

Once at least his language suggests an ominous anticipation of the great conflicts which were soon to break out. In a letter addressed to Henry IV. he exhorts him to support the Church and the true Pope, Alexander II., against Cadalous of Parma, the anti-pope, who had been elected by a council of Lombard and German bishops in 1061; and he urges that Henry will be worthy of blame if he does not do this, and that the king only deserves obedience when he obeys his Creator—if he disobeys the divine commands he may rightfully (lawfully) be deposed by his subjects.<sup>3</sup>

When, however, we have taken account of the various aspects of the conceptions of Peter Damian, it remains quite clear that his normal judgment on the relation of the

<sup>1</sup> Id., 'Opusc.,' v. 9: "solus ipse fundavit et super petram fidei mox nascentis erexit (Matthew xvi.), qui beato eternæ vitæ clavigero terreni simul et cœlestis imperii iura commisit."

The phrase is also in Peter Damian's 'Disceptatio Synodalis,' M. G. H., Lib. de Lite, vol. i. p. 78.

Id., 'Opusc.,' lvii. 3: "Salvator

otiam noster, qui tamquam mitis agnus apparuit, mox ut Petro cœli terræque iura commisit."

<sup>2</sup> Cf. vol. ii. pp. 206-209.

<sup>3</sup> Id., 'Ep.,' vii. 3, vol. 144, col. 441: "sed tunc deferendum est regi, cum rex obtemperat conditori; alioquin cum rex divinis resultat imperiis, ipse quoque iure contemnitur a subiectis."

Temporal and Spiritual powers is practically based upon what we have called the Gelasian tradition—that is, the conception set out in the fifth century by Pope Gelasius I., of the autonomy of each of the great powers within its own sphere.<sup>1</sup> We think that this is implied in a number of passages in his writings, and under terms which are interesting and important.

In that same letter to Henry IV., from which we have just quoted, Peter Damian speaks of the close union which ought to exist between the royal and the priestly power, for each has need of the other. The priesthood is protected by the kingdom, and the kingdom by the sanctity of the priestly office. The king is girded with the sword to resist the enemies of the Church, while the priest gives himself to prayer that he may propitiate God to the king and people.<sup>2</sup> In another place he very carefully distinguishes the functions of the two powers: the function of the priest is to abound in compassion, and to cherish the children with motherly love; the function of the judge is to punish the wicked, to deliver the innocent from their hands; he must always remember the words of the apostle: "Wouldest thou have no fear of the power? Do that which is good, and thou shalt have praise of the same: for he is the minister of God to thee for good. But if thou doest that which is evil, be afraid; for he bareth not the sword in vain." There is a great difference between the sword of the prince and the *infula* of the priest.<sup>3</sup>

<sup>1</sup> Cf. vol. i. pp. 190-193.

<sup>2</sup> Id., 'Ep.,' vii. 3, p. 440: "Utraque præterea dignitas, et regalis scilicet, et sacerdotalis, sicut principaliter in Christo sibi invicem singulari sacramenti veritate connectitur, sic in Christiano populo mutuo quodam sibi fœdere copulatur. Utraque videlicet alternæ invicem utilitatis est indiga, dum et sacerdotium regni tuitione protegitur, et regnum sacerdotalis officii sanctitate fulcitur. Rex enim præcingitur gladio, ut hostibus Ecclesiæ munitus occurrat. Sacerdos orationum vacat

excubiis, ut regi cum populo Deum placabilem reddat. Illo sub lance iustitiæ negotia debet terrena dirimere; iste fluentia cœlestis eloquii debet sitientibus propinare."

<sup>3</sup> Id., 'Opus.,' lvi. 1: "Non omnia membra Ecclesiæ uno funguntur officio. Aliud nempe sacerdoti, aliud competit iudici. Ille siquidem visceribus debet pietatis affluere, et in maternæ misericordiæ gremio sub exuberantibus doctrinæ semper uberibus filios confovere. Istius autem officium est, ut reos puniat, et ex eorum manibus

In another place he expresses the same judgment in slightly different phrases. The tribunal of the judge is clearly different from the seat of the priest. The judge bears the sword that he may punish those who live unrighteously ; the priest is content with the staff of innocence that he may maintain a quiet and peaceable discipline.<sup>1</sup> And, in yet another place, he sets out the same principle under the terms of the two swords, and he describes the felicity of that condition of things when the sword of the kingdom is joined to the sword of the priest, when the sword of the priest tempers that of the king, and the sword of the king sharpens that of the priest ; for these are the two swords spoken of at the time of the Lord's Passion. Then, indeed, will the Kingdom and the priesthood be set forward and honoured, when they are joined in this happy union.<sup>2</sup>

The two swords are both from God : both represent the divine authority, and they ought to be in the closest alliance with each other ; but it is very noteworthy that Peter Damian talks of them as quite distinct and independent, and that he in no way suggests that conception, which appeared later, that both swords belonged to the Spiritual power.<sup>3</sup>

eripiat innocentes ; ut vigorem rectitudinis et justitiæ teneat, et a zelo sanctionum legalium non tepescat ; ut ab æquitatis linea non declinet ; ut legitimi vigoris genium non enervet. Memineri etiam semper quod per Apostolum dicitur : " Vis non timere potestatem ? fac bonum, et habebis laudem ex illa. Dei enim minister est tibi in bonum. Si autem malum feceris, timo, non enim sine causa gladium portat. In quibus utique verbis (datur vel aliquid simile) intelligi, aliud esse gladium principis, aliud infulam sacerdotis. Non enim ad hoc præcingeris gladio, ut violentorum mala debeas palpare, vel ungere : sed ut ea studeas vibrati mucronis ictibus obruncare. Hinc est quod sequitur : ' Dei enim minister est vindex in iram ei, qui male agit.' "

<sup>1</sup> Id., 'Opusc.,' lvii. 2 : " Distat plano tribunal iudicis a cathedra sacerdotis. Ille nimirum ad hoc gladium portat, ut eum in ultione injuste viventium exerat ; iste baculo tantum contentus est innocentia, ut quietus et placidus teneat custodiam disciplinae."

<sup>2</sup> Id., Sermo lxxix. : " Felix autem, si gladium regni cum gladio iungat sacerdoti, ut gladius sacerdotis mitiget gladium regis, et gladius regis gladium acuat sacerdotis. Isti sunt duo gladii, de quibus in Domini passione legitur : ' Ecce gladii duo hic ; ' et respondetur a Domino : ' Sufficit.' Tunc enim regnum provehitur, sacerdotium dilatatur, honoratur utrumque, cum a Domino prætaxata felici confederatione iunguntur."

<sup>3</sup> Cf. vol. ii. p. 208.

## PART II.

### THE INVESTITURE CONTROVERSY.

#### CHAPTER I.

##### SIMONY.

WE have endeavoured to consider the relations of the temporal and spiritual authorities during the tenth century and the first seventy years of the eleventh, and we think that it will be evident to any one who examines the history of the subject dispassionately that, while there was much in these relations difficult and in various ways unsatisfactory, yet that it is on the whole true to say that the relations were friendly and sympathetic. There is no evidence that there was any settled desire upon the part of the emperors or kings to invade the liberties of the Church, or on the part of the Popes or bishops to claim any political authority beyond that which had been recognised in the tradition of the ninth and tenth centuries. We may very well say that so far the two authorities were working together for the progress of European civilisation, not without occasional friction, but on the whole in harmony, and, as far as the best representatives of each were concerned, with a large measure of mutual understanding.

We have to consider the history of a time during which all this was changed, and the peace and co-operation of the earlier time were exchanged for violent conflict and mutual

animosity. We must, indeed, guard against a mistake into which the unwary may fall. The conflicts of the two powers were not continual from Hildebrand to Innocent III. : during many years in that period the relations of Emperor and Pope were friendly. It may, indeed, be urged that this was abnormal, and that normally during this time their relations were hostile, that no solution of the conflicting claims had been reached, and that these intervals of tranquillity were only like the periods of an armed truce in a great campaign. It would be premature to pronounce a definite judgment upon this view till we have examined our materials in detail : we must bear in mind that it is just this subject which we have to examine, and we must lay aside our preconceptions if we are to hope to do this with any success.

The first aspect under which we must consider the great conflict is that which is generally known as the " Investiture " controversy, or to put it in broader and more correct terms, the question of the place of the secular authority in the appointment to ecclesiastical offices. It is still difficult to be quite certain about all the circumstances which, in the third quarter of the eleventh century, caused this question, with apparent suddenness, to become so important ; but it is possible now, at least, to trace and to recognise some of the facts, and some of the movements of feeling and opinion which lay behind this.

It seems to us to be clear that this conflict, like other movements in the Church, arose out of a great spiritual revival. Behind the noise of ecclesiastical strife there lay the profound and far-reaching influence of the religious revival which had found its centre in the latter part of the tenth century in the Abbey of Cluny. It was not, indeed, that the secular authorities were in any way hostile to this reformation ; on the contrary, it is clear that some of the emperors, both of the Saxon and Franconian houses, were among its most energetic supporters ; and yet it is also true that the movement did ultimately raise questions which proved to be subversive and hard of solution.

The two questions on which in the end the Cluniac reformation brought the Spiritual and Temporal powers into collision

with each other were, first, the question of simony, and second, the question of the place of the greater clergy in the administration of political affairs. It is, indeed, true that some of the greatest emperors, like Henry III., did a great deal to assist the reforming Popes and bishops to suppress the venality of ecclesiastical appointments, but it was only some whose convictions were sufficiently strong to enable them to resist the financial temptation. The question of the place of the greater clergy in the political structure of the Empire and of other countries was probably even more difficult. The bishops and abbots were the mainstay of the national and general as distinguished from the local and particular interests. The development of the hereditary principle in feudalism had in great measure broken up the administrative system of political society : it was only in the twelfth and thirteenth centuries that in England and France the national monarchy slowly built up a new administrative system powerful enough to counteract the disintegrating forces of feudalism. In the tenth and eleventh centuries the bishops and abbots, and the clergy of the royal and imperial chapels, represented the main elements on which the kings and emperors could construct a system of government, and it was a matter of imperative necessity that they should be men of administrative training upon whose personal loyalty they could depend. It was, therefore, of the greatest importance that the secular authorities should possess a predominant influence in the selection of men for ecclesiastical office, and it was natural that they should generally find the men best suited for this among those who had served their apprenticeship in the royal chapel. It was almost inevitable that in the long run the reforming party should come into conflict with the political authorities over this very point, for to the religious reformer it was above all things essential that the bishops and abbots should be men controlled by religious principles and devoted to the interests of the Church. The wiser and more religious-minded rulers, like Henry III. or William the Conqueror, would indeed recognise this, but the lesser men, the more unscrupulous and short-sighted, would not do so.

We cannot here discuss the whole history of the growth of simoniacal practices in the mediæval Church; we must content ourselves with a brief account of the conditions as they appear in the literature of the eleventh century. Rodolfus Glaber gives in general terms a very gloomy account of the conditions as they had existed for some time. Even the kings, he says, who ought to have been careful to see that fit men were appointed to the government of the Church, rather deemed those to be the most suitable from whom they received the largest gifts.<sup>1</sup> In another place, he reports a speech addressed by the Emperor Henry III. to the bishops of Germany and "Gaul" on the same matter, and represents him as saying that he was well aware of the extent of the simoniacal practices, and that he acknowledged that his father (the Emperor Conrad the Salic) had been greatly guilty in the matter. He reports also that Henry proposed that it should be decreed for the whole Empire that no clerical rank or ecclesiastical office should be obtained for a price; and that if any one dared either to give or to receive this he should be deprived of his office and anathematised; and that for his part he promised that, as God had freely given him the imperial crown, he would freely give whatever pertained to religion.<sup>2</sup>

Humbert, Cardinal of Silva Candida, was one of those northern ecclesiastics of the reforming school whom Bruno

<sup>1</sup> Rodolfus Glaber, 'Historia,' ii. 6: "Atque ideo ista præmissimus, quoniam iamdudum, muneribus ineptis excecatis pene universis principibus, deservit hæc pestis longe lateque in Ecclesiarum quibusque prælatis toto terrarum orbe diffusis . . . Et licet adversus talium personarum proccacitatem multiplex clamet sacrarum Scripturarum canon, nunc tamen solito multiplex comperitur fieri in diversis Ecclesiarum ordinibus. Nam ipsi reges, qui sacræ religionis idonearum decretos personarum esse debuerant, munerum largitione corrupti, potiore quempiam ad regimen Ecclesiarum vel

animarum dijudicavit, illum velle, a quo ampliora munera suscipere sperant."

<sup>2</sup> Id Id, v. 5: "Tum proposuit edictum omni imperio suo. ut nullus gradus clericorum vel ministerium ecclesiasticum pretio aliquo acquireretur, ac si quis dare aut accipere præsumeret, omni honore destitutus, anathemate multaretur. Spondit insuper promissum hujusmodi, dicens 'Sicut enim mihi Dominus coronam imperii sola miseratione sua gratis dedit, ita et ego quod ad religionem ipsius pertinet gratis impendam. Volo si placet, ut et vos similiter faciatis.'

of Toul brought with him to Italy when he became Pope as Leo IX., in 1048. In one place he says that, from the time of the Othos to that of Henry III., the vice of simony had prevailed in Germany, the "Gauls," and Italy. Henry III. had indeed done something to remove it, and had desired to destroy it wholly, but had been cut off by a premature death. Humbert denounces with special vehemence the contemporary King Henry I. of France, who had so far persisted in this vice.<sup>1</sup> In another place he says that every one, from the highest to the lowest, was engaged in the traffic in ecclesiastical things; that emperors, kings, princes, and all other secular authorities, who ought to defend the Church, forsook their own proper work that they might possess themselves of the property of the Church.<sup>2</sup> Simony had indeed begun even in apostolic times, but had disappeared in the time of persecution; it was with the restoration of peace to the Church, and the submission of the emperor to the authority of the priest, that it had revived, for the prosperity of the Church stimulated men's cupidity.<sup>3</sup> He represents the matter as having gone

<sup>1</sup> Cardinal Humbert, 'Adversus Simoniacos,' 'Lib. de Lite,' iii. 7, p. 206 "Ut enim de prioribus sæculis reticeatur, adhuc retinet memoria multorum hanc reciprocatæ venditionis rabiem grassatam per Germaniam et Gallias totamque Italiam a temporibus Ottonum usque augustæ et divæ memoriæ imperatorem Henricum, Chuonradi filium. Hic diebus suis tam a se quam ab ecclesiasticis imperii sibi crediti personis tantum sacrilegium removit aliquantulum, quamvis instaret multum et cuperet removere totum. In quo cordis sui optimo desiderio immatura morte præventus ad vitæ æternæ regnum, ut creditur, vel pro hac sola intentione velut pro oculi sui simplicitate est translatus, cum ex multis quoque aliis bonis extiterit laudatus. Cuius syncronos et æquivocus occidentalis Franciæ perditior et Dei tyrannus e contrario sicut filius perditionis et antichristus Christo adver-

satur, cuius gratiam impugnat et expugnare non cessat in cunctis suæ ditionis partibus," &c.

<sup>2</sup> Id. id, iii. 5, p. 204: "A summo enim graduum ecclesiæ usque ad minimum omnes de ecclesiasticis rebus sibi negotiari non præmittunt. Imperatores quoque, reges, principes, iudices et quotquot aliquid in sæculo possunt ante omnia istud exercent et quærunt hoc, qui deberent res ecclesiasticas ecclesiastico iuri defendere gladio spirituali hoc, qui et material. . . . Nam relicto militari negotio, quo rempublicam et patriam tueri debuerant ab externis incursibus . . . omnem suam potestatem, omnem terriorem, omne ingenium, omne studium ad expugnandum et sibi penitus vindicandum res ecclesiasticas, quibus tutores dati fuerant, transferunt."

<sup>3</sup> Id id, ii. 35, p. 183: "Verum hæc cretata ecclesiasticæ dignitatis ambitio ab ipso tempore apostolorum usque ad

so far, and become so open and shameless, that any one who desired a place of authority in Church or State had to pledge himself by oath to maintain the simoniacal persons in their pretended rights. The emperor himself had to swear that, so far from maintaining the laws of his pious predecessors against simony, he would render them null and void.<sup>1</sup> He says that he had known it to happen that, in order to pay the price which he had promised, the wretched simoniacal purchaser was actually compelled to strip off the precious marbles of the churches, and even the very tiles from their roofs; <sup>2</sup> and in another place he describes in lamentable terms

tempora christianorum principum immanitate persecutionum deterrita disparuit. Quia primus omnium et gravioribus tormentis subiciebatur, qui primus rector et potentior ceteris videbatur. Simul vero pax est reddita christianis in tantum, ut ipsi etiam imperatores augustum verticem eunctasque terreni imperii infulas sacerdotum Christi submitterent vestigiis, pestis illa antiqua rediit, tantamque potentiam et gloriosum, in quo cum Christo sancti iam regnabant, regnum et sacerdotium videns obstupuit, cui dominari et principari solito cupida, qua veritate, cuius particeps non est, nequivit, fallacia sibi præripere maluit. Unde quod catholica ecclesia promeruerat Dei gratia, ambitio symoniana optinere quæsivit pecunia; non ut in catholica velut adoptionis filius subesset gratiæ Dei ac deserviret, sed ut præsumptionis tyrannus præesset ac imperaret."

<sup>1</sup> Id. id., 'Lib. de Lite,' ii. 36, p. 185: "Sic quod prius fuerat furtum quodque gradatim factum est latrocinium, ad tantam iam pervenit tyrannidem, ut, quicumque seu ecclesiis seu civitatibus principari querit, non prius id adipiscatur, quam ipsi quoque plebeculæ libellos hereticorum et sacrilegorum se observaturum et defensorum iuramento et scripto confir-

maverit. Parum videtur hoc exigi ab inferioribus potestatibus, ab ipsis summis hoc exigitur imperatoribus. Nec prius licet eis imperii insignia suscipere, quam iuraverint se non solum scripta illa non cassatum, sed etiam defonsum iri. O libertas et pietas Romanæ reipublicæ! O liberalitas et potestas maiestatis imperatoris! Cogitur summus princeps iurare, ne leges religiosorum principum ante se vel suas debeat observare, sed potius evacuare. Vult sibi reddi quæ sunt cæsaris ab his, qui contradicunt Deo reddi quæ sunt Dei. Videat, quæso, quale sibi sit illud imperium, quod eum repente efficit ex christiano paganum, immo peiorem pagano, quia apostatam a Deo; cum perversis enim efficitur perversus et cum sacrilegis sacrilegus et ideo morte dignus, quia consentit talia facientibus, qui iam non est dicendus perversis consentire, sed revera, ut peiora faciant, imperare, quibus licentiam suo iuramento administrat impune retinendi, quæ invaserant, et audaciam impune invadendi, si qua restant."

<sup>2</sup> Id. id., ii. 43, p. 192: "Hinc iam venditor ab emptore non solum suam et suorum, sed insuper ecclesiasticam pecuniam non erubescit omnimodis exigere. Ei michi! contigit me ab his qui interfecerunt tam horrendum facinus cognovisse, videlicet post

the ruin and desolation of the churches and monasteries, especially in Italy, which had been brought about by this vice.<sup>1</sup>

Lambert of Hersfeld represents the Archbishop of Bremen and Count Werner, while they controlled the government during the minority of Henry IV., as selling all offices, whether ecclesiastical or secular, and especially the abbacies.<sup>2</sup>

We must not indeed take such statements as these too literally, we must be prepared to allow for something at least of exaggeration in the picture which they present of the condition of the Church; but there is no reason to doubt that it was substantially true, and there was no question of Church order to which the reformers felt it more necessary to turn their attention. We have already dealt with the history of the deposition of the Pope at Sutri, and have noted

pretiosa marmora parietum et emblematum basilicarum pro hoc negotio distracta etiam tegulas tectis earum cogente et iubente venditores diruptas, ut sibi a miserimo emptore iam sero super tale factum lamentante promissi pretii summa persolveretur. Dicat si quis valet, quanam hæresis aliquando tantam desolationem ecclesiarum Dei machinata est, quantam hæc."

<sup>1</sup> Id. id., 'Lib. de Lite,' ii. 35, p. 184: "Inde passim et maxime per totam Italiam videntur ecclesiæ Dei et monasteria seu reliqua religiosa loca, quædam a fundamentis destructa et eversa, quædam etiam effossa, quædam adhuc semirutis tectis et ruinam sui minantibus parietibus horrida, quædam desolata ab hominibus, bestiis tantum noxiis et volucribus immundis relicta, quædam frutectis et urticis repleta, quædam et si adhuc videntur muris et ædificiis exterius stare et inhabitari, omne tamen decori suo atque interiori ornatu tam in libris quam et in ecclesiastici ministerii vasis et vestibulis inveniuntur spoliata, ut ex multis, quæ devota antiquitas piis locis conquieserat vel paraverat, ne qualecunque supersit psalterium aut fictile samiolium seu corporale linteolum.

Quædam etiam multis et variis prædiis, castris, municipiis, familiis et pecuniis olim inclita, nunc ne agellulum quidem nec tuguriolum nec mancipium nec asellulum vel hædulum, sed nec quicquam eorum quæ possederant retentant, in tantum ut ipsa sanctuarii atria et christianorum cymiteria alienus agricola sibi aret atque excolat messibusque vel vitibus repleat."

<sup>2</sup> Lambert of Hersfeld, 1063: "Secundas post eum partes agebat Wernheri comes, iuvenis tam ingenio quam ætate ferox. Hi duo pro rege imperitabarit; ab his episcopatus et abbatia, ab his quicquid ecclesiasticorum, quidquid secularium dignitatum est, erubatur. Nec alia cuiquam, licet industrio atque egregio viro, spes adipiscendi honoris ullius erat, quam ut hos prius ingenti profusione pecuniarum suarum redemisset. Et ab episcopis quidem et ducibus metu magisquam religione temperabant. In abbates vero, quod his iniuriæ obviam ire non poterant, tota libertate grassabantur, illud præ se ferentes, nihil minus regem in hos iuris ac potestatis habere quam in villicos suos vel in alios quoslibet regalis fisci dispensatores."

the gratitude which many of the most eminent reformers express to Henry III. for his work both in this matter, and in regard to the whole matter of simony.<sup>1</sup>

We have a detailed account of the proceedings which Pope Leo IX. took for the suppression of simony in France. He summoned a Council of the bishops and abbots at Rheims in 1049, and invited the attendance of the King of the French. His courtiers urged upon him that it would be in the highest degree dangerous to the honour of his kingdom if he were to support the Pope in holding a Council in France, and that this had not been permitted by his predecessors, and they urged him to summon the bishops and abbots to attend him on an expedition against the disturbed parts of the kingdom, so that they might not be able to attend the Council.<sup>2</sup> The King accordingly replied to the Pope that he and his bishops would not be able to attend the Council, and urged him to postpone his visit to France. Leo IX. replied that he could not do this, and must hold the Council with those who could be present. When the Council met, several bishops and abbots were deposed for various offences, especially for simony, and the Archbishop of Rheims was ordered to present himself at a Council to be held later in Rome, and there to purge himself of the charge of simony which had been brought against him.<sup>3</sup> The Council issued a canon, laying down the principle that no one should be

<sup>1</sup> See pp. 20, 21.

<sup>2</sup> Anselmus, *Monachus Remensis*, 'Historia Dedications,' 9; Migne, P. L., vol. 142. "Tantæ itaque perversitatis vni incontentores sui calida suggestione instructi, regi Francorum suggerunt regni sui decus admihlari, si in eo Romani pontificis auctoritatem domari permitteret; vel si eidem, ut decreverat, occurrens presentie sue favorem, ad cogendum concilium exhiberet. Addunt etiam quod nullus antecessorum eius id reperitur aliquando concessisse ut ob similem causam in Franciæ urbes ingressus pateret alicui papæ, his vero agendis

pacis et tranquillitatis congrua sunt tempora, regni autem eius status sit in perturbatione non modica, quibusdam viris potentibus dominationis eius jugum detrectantibus, terrasque et castella quælibet ab ipsius ditone abalienantibus. Quapropter regæ dignitati ferunt congruere, . . . principes suos et totius exercitus sui potentiam commovere in rebelles, ipsos etiam episcopos et abbates, penes quos maxima pars facultatum regni est, censent immunes huius expeditione esse non debere."

<sup>3</sup> Id Id, 14, 15, 16.

promoted to a bishopric without the election of the clergy and people, that no one should buy or sell Holy Orders or ecclesiastical office, and that if any one did obtain them by purchase they should surrender them to the bishop. The canon also provided that no layman should hold a benefice, and that the clergy should not bear arms, or hold secular office.<sup>1</sup> The life of Pope Leo IX. by Wibert, the Archdeacon of Toul, gives us a further account of the strong measures which the Pope took, both in Italy and elsewhere, for the suppression of simony, and relates how he deposed both archbishops and bishops who had been guilty of it.<sup>2</sup>

These severe measures of Pope Leo IX. were only the first steps in a determined effort of the reforming party in the Church, now led by the reformed Papacy, to suppress the buying and selling of spiritual offices. Indeed so severe was the attitude of some of the reformers that it finally produced a violent controversy among themselves. Some, like Cardinal Humbert, maintained that ordination or consecration obtained by simony was null and void,<sup>3</sup> while others, like Peter Damian, maintained that they were valid,<sup>4</sup>

<sup>1</sup> Id. id., 16: "Ne quis sine electione cleri et populi ad regimen ecclesiasticum proveheretur. Ne quis sacros ordines aut ministeria ecclesiastica, vel altaria emeret aut venderet et si quis clericorum quolibet eorum emisset, id cum digna satisfactione suo episcopo redderet. Ne quis laicorum ecclesiasticum ministerium vel altaria teneret, nec episcoporum quilibet consentiret. . . Ne quis clericorum arma militaria gestaret, aut mundanæ militiæ deserviret."

<sup>2</sup> Leo IX., 'Vita,' n. 4 and 6.

<sup>3</sup> Cardinal Humbert, 'Adversus Simoniacos,' iii. 32, M G H., Lib de Lite, I, p. 239. "Itaque his et aliis quam pluribus argumentis constat symonianos nil ecclesiasticæ dignitatis optinuisse, quamvis eorum defensores impudenter persuadere laborarent honorem in eis acceptum perduare, nisi Romanæ et apostolicæ

sedis antistes aut metropolitani eorum conprovinciales episcopi eos synodallyter deiciant. Quomodo enim in eis perdurare potest, quod nullatenus acceptum est?"

Id. Id., ii. 30, p. 136: "Sic et symoniam seu quilibet hereticum cum deponi iubentur, non ab aliqua ecclesiasticæ ordinationis gratia quam hactenus habeant, deponi iubentur, sed tantum ab exteriori specie ecclesiasticorum graduum, qua ad perditionem suam populique christiani deceptionem per imposturam abutuntur."

<sup>4</sup> Peter Damian, 'Liber Gratissimus,' vi; M. G. H., Lib de Lite, I, p. 23: "Quibus (i.e., the simoniacal persons) tamen si catholica fiat ordinatio, sacre dignitatis officium, ad quod non merentes accedunt, perfecte suscipiunt. Eiusdem namque virtutis est Spiritus sanctus, cum eius gratia venditur, cuius

and that while those who were guilty should be deposed, those who had innocently obtained Holy Orders from such persons should be allowed to retain their position.<sup>1</sup> It is not our part here to discuss the significance of the question raised in this controversy, we are here only concerned to observe how great was the evil, and the determination with which the reformers of the eleventh century set themselves to root it out.

For our purposes this question of simony is important chiefly in its relation to the circumstances which brought about the great conflict between the spiritual and temporal authorities. As we have seen, until the death of Henry III. in 1056, the reforming party in the Church had been supported with an evidently sincere zeal by the secular power in its effort to suppress simony. Behind this problem, however, there lay others which, as we have already pointed out, were even more difficult to deal with. It is very noteworthy that Peter Damian is very clear that the Church suffered as much from the promotion of men to bishoprics and abbeys on account of services which they had rendered in the administrative offices of the State as from actual simony. In a letter addressed to Pope Alexander II. he urges upon him that no one should be permitted to be made a bishop or to remain in his office who had obtained this *per præmium*, or, what is even more worthy of condemnation, by service at court.<sup>2</sup> In a treatise, which is really directed against the

est, et cum gratis datur . . . . .  
Indubitanter igitur credendum est, quod si consecratio cuiuslibet ecclesiastici ordinis intra catholicam fiat ecclesiam, in unitate videlicet orthodoxa fidei, ut in utroque nimirum recta sit fides, quicquid bono per bonum traditur, hoc etiam malo per malum efficaciter exhibetur, quia sacramentum hoc non ministrantis vel ministratum pendet ex merito, sed ex ordine ecclesiasticæ institutionis et invocatione divini nominis."

<sup>1</sup> Id id, xxiv., p 52 ' nos non elaboremus, ut symoniaci in eo, quem

male mercati sunt, honore permaneant, sed id potius, ne hi, qui ab eis gratuito consecrati sunt, locum sui gradus imitent."

Cf., for a very full discussion of this controversy of the time, and the whole question of reordination, a very learned and discriminating treatment of the subject by the Abbé Louis Saltet, 'Les Réordinations.' Cf. also C Mirbt, 'Die Publizistik im Zeitalter Gregors VII.,' pp 372-462

<sup>2</sup> Peter Damian, 'Ep,' Bk. 1 13. Migne, P L., vol 44 "Unum in calce huius epistolæ sacris clementiæ vestræ

clergy of the court, he says that nothing seemed to him so intolerable as that some men, in their greedy desire for ecclesiastical office, behaved almost as though they were the serfs of men in great position; and urges that it is just as much an act of simony to obtain a bishopric by service to the king in his court as to purchase it with money; and he warns princes and others who have the power of appointing to offices in the Church that they must not bestow them according to their mere will and pleasure.<sup>1</sup>

Cardinal Humbert deals with the same subject in fiery and passionate phrases. He evidently does not wish to condemn the administrative work of the clergy altogether, indeed he seems to be conscious that there were occasions when such work was of great service, not only to the State but to the Church, but he denounces in emphatic terms the crowds of greedy clerks who thronged the courts of princes and undertook long and laborious service that they might at length obtain some ecclesiastical office. He would indeed term such men simoniacal above all measure who gave not only money but themselves, and complains that Italy especially was full of men who had received Church offices not for their ecclesiastical work, but as a recompense for secular services, sometimes even of a scandalous and disgraceful nature.<sup>2</sup>

ambus suggero; ut in quantum facultas suppetit, numquam vel fieri, vel esse permittat episcopum, quem ad honoris culmen constiterit ascendisse per præmium: vel etiam, quod damnabilis est, per curialis obsequii famulatum Absit enim ut qui prælationis ambitu sæcularem colunt principem, spiritalem ecclesiastici culminis obtineat dignitatem"

<sup>1</sup> Id, 'Opusc,' xxii, Preface. "Cum itaque, venerabilis Pater, de modernis episcopis mihi perplura displiceant, illud intolerabilis arbitror, quia nonnulli dum honores ecclesiasticos ætneis vaporibus æstuantius ambiunt, in clientelam potentium, tanquam servos se debitibus obscæne substernunt."

Cf also Chaps. II and IV. Chap II.: "Nec gloriatur metalli se non dedisse pecuniam, qui, quod pretiosius habebat, semetipsum venalem prebuit."

Chap IV. "Principibus quoque, et quibuslibet ordinatoribus ecclesiarum summopere cavendum est, ne sacra loca, non considerato divino iudicio, sed pro arbitrio et ad libitum, præbeant, ne ad suam confusionem divinæ legis ordinem, sacrorum canonum statuta confundant"

<sup>2</sup> Cardinal Humbert, 'Adversus Simoniacos,' iii. 20, M G H., Lib. de Lite, I, p 224. "Inde est quod nonnulli nostrum cæca ambitione ducti, quo maxime malo intra Italiam laboramus, postpositis ecclesiasticis rectoribus, quorum tantummodo in-



These complaints and contentions were no doubt in a great measure well founded and legitimate, and yet it is also clear that the question raised was one of great difficulty. The State had urgent need of the services of men trained in administrative work, and of men upon whose personal loyalty the kings or emperors could depend, and it is difficult to see where they could at that time be found outside of the ecclesiastical profession.

terest, certatim palatia nec requisiti nec vocati irrumpunt, sæculares potestates impudenter adeunt, censum patrimoniorum suorum et facultates principibus eorumque familiaribus adhærendo et obsequendo expendant, ut vel sero aliquam ecclesiasticam dignitatem venentur post diurnas, maximas et continuas angustias, quas insanissima patientia diebus et noctibus perferunt, patientes exilii, inedia, alioris et vigiliarum supra modum.

Quos quis dubitabit dicere supra modum symonianos qui non solas pecunias, sed semet ipsos insuper in talibus negotiis expendant ?

Neque tamen hæc dicendo illos incusamus, qui suæ egregiæ indolis publicæque utilitatis causa invitatione et petitione principum atque suorum licentia vel præcepto rectorum in terreno palatio conversantur et deserviunt atque nonnumquam ab ecclesiis rectore privatis nec aliquem suorum, qui proficue succedat, habentibus expetiti regimen suscipiunt; nec dicendi sunt labores aliorum invasisse, sed fratribus in labore deficientibus accurrisse.

Tales profecto tanto magis sunt

reverendi, quanto non sua quærunt, sed Christi; quibus sane bonisque omnibus iniuriam faciunt, immo omnipotentis voluntati, in cuius ditione cuncta sunt posita, resistunt, quicumque ob hoc importunos se impudentesque ingerunt; quorum indisciplinatorum et girovagorum tanta est multitudo, nec tantum nobilium et litteratorum, quantum et ignobilium atque inlitteratorum, ut ecclesiis claustrisque vacuefactis et vacantibus palatia domusque sæcularium vix iam capere sufficiant examina clericorum. In quibus nonnulli inveniuntur, qui ecclesiasticos honores non tantum clericali officio, quantum medicinali aut scurrili seu gnatonico aucupantur. Mentior, si non plures eiusmodi promeruit Italia, quos nulla promovit morum aut litteratorum gratia, sed aut scurrilitas vel fallax adulatio seu, quod excusabilius putatur, sola medicina. Quibus cum nullus christianorum communicare debeat, ut vere acephalis et sine suorum rectorum litteris et permissu vagantibus, insuper regimen ecclesiasticum committitur, quod tandem adepti non solum tamquam indisciplinati et stulti confundunt et dissipant, sed etiam tamquam libidinosi multimoda fornicatione et fœditate incestant."

## CHAPTER II.

### THE PROHIBITION OF LAY "INVESTITURE."

WE have thus endeavoured to consider some of the conditions or circumstances out of which the conflict between the Empire and the Church arose. It is clear that there was a great evil in the Church, that the buying and selling of Church offices had grown to a point at which the strongest measures of reform were not only justified, but were imperatively required. It is, however, clear also that during the reign of Henry III. the imperial authority had been on the side of reform, and that, while there may have been question as to the propriety of some of the actions which had been taken in promoting reform, on the whole the reforming party recognised his sincerity, and was grateful for his energy. We have now to consider the rapid change in the relations of the spiritual and temporal authorities, which in the course of some twenty years (from 1056 to 1076) passed from those of friendly alliance and co-operation to those of a violent hostility.

The Popes, after Sutri, had set their hands to the work of reform, and in their efforts they had received the support of Henry III. Unhappily, he died before the work had been accomplished, and with his death the ecclesiastical conditions of Europe relapsed into confusion. We have already cited the melancholy account of the ecclesiastical condition of Germany during the minority of Henry IV., under the administration of the Archbishop of Bremen and Count Werner; how they treated all offices, ecclesiastical and secular, as matters of

buying and selling to such a degree that no man could hope for promotion in Church or State unless he was prepared to purchase it from them.<sup>1</sup> When Henry IV. took over the government himself, it would seem that there was little improvement. The Bishop of Bamberg was summoned to Rome in 1070, and was charged with having obtained his bishopric by simony. Lambert of Hersfeld indeed accuses the Pope, Alexander II., of accepting large presents from him, and consequently acquitting him of the charge; but he also relates that he and the Archbishops of Mainz and Cologne were severely reprov'd by the Pope for having sold Holy Orders, and for having communicated with simoniacal persons, and were required to take a solemn oath that they would not do this again.<sup>2</sup>

Under the following year Lambert relates that Henry IV. simoniacally appointed an Abbot of Reichenau, and endeavoured to force upon the Chapter of Constance as bishop a man who was by them accused of simony and theft.<sup>3</sup> The Pope referred the question to the Archbishop of Mainz, and we have the letter in which he represents the great difficulties in which he was involved on account of his obedience to the Pope—the king had evidently threatened him violently if he should refuse to consecrate the Bishop-designate of Constance.<sup>4</sup>

<sup>1</sup> See p. 55.

<sup>2</sup> Lambert of Hersfeld, 1070. "Episcopus Moguntinus et Coloniensis et Babenbergensis a domino apostolico evocati, Romam venerunt. Ibi episcopus Babenbergensis accusatus, quod per simoniacam heresim data pecunia episcopatum invasisset, multa et preciosa munera papæ dedit, et per hæc efferatam adversum se mentem eius ad tantam mansuetudinem reduxit, ut, qui non sine periculo honoris et gradus sui evasurus putabatur, non solum impunitatem criminis, quod obiectum fuerat, consequeretur, sed etiam pallium et alia quadam archiepiscopatus insignia a sede apostolico pro benedictione perciperat. . . . Om-

nes in commune acerbe obiurgati, quod sacros ordines per simoniacam heresim venderent, et e mentibus indifferenter communicarent manusque imponent, tandem, accepto ab eis iureiurando, quod hæc ulterius facturi non essent, in sua pace dimissi sunt."

<sup>3</sup> Id. id., 1071 (p. 1108).

<sup>4</sup> Siegfried, Archbishop of Mainz 'Epistolæ,' ii., Migne, vol. 46, p. 142. "Namque mihi Romæ positus, viva voce, et postea apostolica legatione, interdixit, ne eum qui designatus est in Constantiensem episcopum, ullo modo consecrarem, quia audistis elogio Simoniacæ hærescos eum notabilem. In quo quia vobis obedivi, multa, ut præmissum est, a

In a letter of Henry IV. to Gregory VII., of the year 1073, he acknowledged his faults, and among others, that he had been guilty of simony, and asked the help of his advice and authority in setting these matters right. He also speaks of having been guilty of serious faults with regard to the Church of Milan.<sup>1</sup>

Again, under the year 1074, Lambert relates that the legates of the Apostolic See in Germany were careful not to associate with Henry IV., as he had been accused of simoniacal practices. Gregory VII. had sent these legates to Germany to deal with persons accused of simony, and they desired to hold a synod. The bishops stoutly resisted this, maintaining that they could not suffer this to be done except by the Pope himself. The Pope had already suspended the Bishop of Bamberg and certain others from the discharge of their sacred functions, until they should purge themselves in his presence. Henry IV., indeed, according to Lambert, was anxious to support the legates, in the expectation that this would result in the deposition of the Bishop of Worms and others who had opposed him in the Saxon war; it was, however, finally found that the matter was too difficult for the legates to deal with, and it was referred to the hearing of the Pope himself.<sup>2</sup>

domino meo sustinui, timeoque me adhuc graviora passurum, et ecclesie mee magnum fere detrimentum, nisi benignus ille Petrus clave sua me defendat, et vestrae auctoritatis potestas adversus regiam potestatem, zelo iustitiae me protegendo, se accingat."

<sup>1</sup> Gregory VII., Registrum, i. 29 a: "Non solum enim nos res ecclesiasticas invasimus, verum quoque indignis quibuslibet et symoniacis felle amari catis et non per ostrum sed aliunde ingredientibus ecclesias ipsas vendidimus, et non eas ut oportuit defendimus. At nunc, quia soli absque vestra auctoritate ecclesias corrigere non possumus, super his, ut etiam de nostris omnibus, vestrum una et consilium et

auxilium obnixè quaerimus; vestrum studiosissimo præceptum servaturi in omnibus. Et nunc in primis pro ecclesia Mediolanensi, quæ nostra culpa est in errore, rogamus: ut vestra apostolica districtione canonicè corrigatur, et exinde ad ceteras corrigendas auctoritatis vestrae sententia progrediatur."

<sup>2</sup> Lambert, 'Annales,' 1074 (id., 215). "Rex, celebrata in Babenberg paschali solemnitate in Nowrenberg perrexit obviam legatis apostolicæ sedis. . . . Nec tamen cum rego sermonem communicare sæpius rogati consenserunt, donec secundum ecclesiasticas leges penitentiam professus, per iudicium eorum anathemate absolveretur, pro

It was not only in Germany that the question of simony was urgent. We have already considered the severe measures which Leo IX. had taken at the Council of Rheims in 1049 to deal with the matter in France, but it is evident that in spite of his efforts the evil had not been removed. It was indeed in Gregory VII.'s correspondence with the French bishops that he first began to threaten vigorous measures against the secular authorities. In a letter of the year 1073 to the Bishop of Chalons he describes Philip, the King of France, as having gone further in the oppression of the Church than any other prince of this time, and he threatens that if Philip would not abandon the heresy of simony, he would issue such a general excommunication that the French people would refuse any longer to obey him.<sup>1</sup> In the same year he instructs the Archbishop of Lyons to consecrate the Bishop-elect of Autun without waiting further for the consent

eo quod propter venditas ecclesiasticas dignitates simoniacæ hereseos insimulatus fuisset apud sedem apostolicam. Itaque petierunt verbis Romani pontificis, ut synodum tenere intra Gallias pace episcoporum sinerentur. Vehementer hoc abnuerunt omnes episcopi tamquam inusitatam longeque a suis rationibus alienum, nec se huius auctoritatis privilegium ulli alii præterquam ipsi Romano pontifici unquam delaturos affirmabant. Siquidem intenderat Romanus pontifex, ut omnes episcopos et abbates, qui sacros gradus precio redemissent, discussione habita, deponeret, iamque hac de causa Babon bergensem episcopum et alios nonnullos ab omni divino officio suspenderat, donec coram venientes inustum sibi crimen hereseos digna satisfactione purgarent. Et rex quidem cupide (hoc) volebat odio Wormaciensis episcopi et quorundam aliorum, qui eum bello Saxonico offenderant, quos hac calumpnia involvendos et dignitatis suæ detrimenta passuros, spe certissima præsumperat. Sed quia per legatos res tanta confici

posse desperabatur, consulto in audientiam ipsius Romani pontificis dilata est."

<sup>1</sup> Gregory VII, Reg. i. 35: "Inter ceteros nostri huius temporis principes, qui ecclesiam Dei pervasa cupiditate venundando dissiparunt et matrem suam, cui ex domino præcepto honorem et reverentiam debuerant, ancillari subiectione penitus conculcarunt, Philippum regem Francorum Gallicanas ecclesias in tantum opprossisse certa relatione didicimus, ut ad summum tam detestandi huius facinoris cumulum pervenisse videatur. Quam rem de regno illo tanto profecto tulimus molestius, quanto et prudentia et religione et viribus noscitur fuisse potentius et erga Romanam ecclesiam multo devotius. . . . Nam aut rex ipse, repudiato turpi symoniacæ heresis mercimonio, idoneas ad sacrum regimen personas promoveri permittet, aut Franci pro certo, nisi fidem christianam abicere maluerint, generalis anathematis mucrone percussi, illi ulterius obtinere recusabunt."

of the King of France.<sup>1</sup> In the following year Gregory wrote to the archbishops and bishops of France, and denounced Philip as one who could not be called a king, but only a tyrant. He blamed them severely that they had not used their priestly authority to restrain him from his crimes, and commanded them to meet and jointly to address him and denounce his crimes to his face. If the king should refuse to hearken to them, he bade them withdraw themselves from his communion and obedience, and prohibit the public celebration of all divine service throughout France. If Philip would not even then submit, he gave them to know that he would do all in his power to take the French kingdom from him.<sup>2</sup>

<sup>1</sup> Gregory VII, 'Reg.' i. 36 "Qui (i. e., the king) si, in duritia sua permanens, neque necessitati huius ecclesiæ compati neque exhortationi nostræ parere voluerit, præcipimus apostolica auctoritate, ut fraternitas tua neque pro odio neque gratia alicuius dimittat, quin electum ab eis Augustodunensem Landricum archidiaconum episcopum seu per te seu per suffraganeos tuos ordinare studeat; si tamen auctoritas sanctorum patrum probatur sibi non obviare."

<sup>2</sup> Id. id, ii. 5: "Gregorius episcopus servus servorum Dei Manasse Remensi, Richerio Senonensi, Richardo Bituricensi archiepiscopis, et Adraldo episcopo Carnotensi ceterisque episcopis Franciæ salutem et apostolicam benedictionem. . . . Quarum rerum rex vester, qui non rex sed tyrannus dicendus est, suadente diabolo caput et causa est. Qui omnem ætatem suam flagitius et facinoribus polluit et, suscepta regni gubernacula miser et infelix inutiliter gerens, subiectum sibi populum non solum nimis soluto imperio ad scelera relaxavit sed ad omnia, quæ dici et agi nefas est, operum et studiorum suorum exemplis incitavit. . . . Vos etenim fratres etiam in culpa estis, qui, dum perditissimis factis eius sacerdotali vigore non resistitis, procul dubio

nequitiam illius consentiendo fovetis. . . . Nam, si prohibere eum a delictis, contra ius et reverentiam promissæ sibi fidelitatis esse putatis, longe vos fallit opinio. . . . Unde rogamus vos et apostolica auctoritate monemus, ut, in unum congregati, patriæ vestræ famæ atque saluti consulatis et, communi consilio ac coniunctissimis animis regem alloquentes, de sua eum et regni confusione atque periculo commoneatis et, quam criminosa sint eius facta atque consilia, in faciem ei ostendentes, omni exhortatione eum flectere studeatis: . . . Quod si vos audire noluerit et, abiecto timore Dei, contra regum decus, contra suam et populi salutem, in duritia cordis sui persistit, apostolicæ animadversionis gladium nequaquam eum ductus effugere posse, quasi ex ore nostro sibi notificate. Propter quod et vos, apostolica auctoritate communiti atque constricti, matrem vestram sanctam Romanam et apostolicam ecclesiam debita fide et obedientia imitamini, et, ab eius vos obsequio atque communione penitus separantes, per universam Franciam omne divinum officium publicè celebrari interdicit.

Quod si huiusmodi distinctione voluerit respicere, nulli clam aut dubium esse volumus, quin modis

Gregory's letters indicate that the crimes with which he charged Philip were not only against the general wellbeing of the Church—in other letters he refers specially to his plundering of Italian merchants in France<sup>1</sup>—but that the degradation and disorder of the Church in France were caused especially by the prevalence of simony, and demanded the most stringent reform; and it is also clear that it threatened to produce the same collision between the temporal and spiritual authorities as in the Empire after the death of Henry III.

It is thus clear that the relations between the temporal and spiritual authorities were becoming difficult, and we think that it is reasonable to say that behind any particular occasions of difference there lay a more general cause, and this was the fact that after the death of Henry III. the temporal authority was no longer co-operating with the spiritual in the attempt at reform, but seemed rather to be responsible for the continuance of grave evils, such as simony and the secularisation of the clergy. It was under these circumstances that the Papacy began to develop the policy of limiting or prohibiting the intervention of the secular authority in ecclesiastical appointments. This may have been justifiable and even necessary, but it must be admitted that it was a step of an almost revolutionary character.

In the first part of this volume we have seen that it was not generally disputed that the king or emperor had a legitimate place in the appointment of bishops and abbots, while the rights of the clergy and people of the diocese in election, and of the metropolitan and the other bishops of the province in confirmation were also generally recognised. In actual fact no doubt the prince often determined such appointments with little reference to the wishes of the electors, but it would be a great exaggeration to say that any responsible person thought that these were negligible. It is, however, true that

omnibus regnum Franciæ de eius occupatione, adiuvante Deo, tempe- mus eripere." <sup>1</sup> Cf. Gregory VII., 'Reg.,' ii. 18 and 32.

it was with regard to the question of the adjustment of these rights to each other that there first appeared the signs of the future trouble. We have already seen some clear evidence of the growing urgency with which the reforming Churchmen and Church Councils urged the rights of the clergy and the people of a diocese to be consulted in the appointment of a bishop. We have seen how emphatically the Council of Rheims, in 1049, asserted the principle that no one should be appointed to authority in the Church without the election of the clergy and people,<sup>1</sup> and we have seen how the Council of Mainz set aside one of the claimants to the archbishopric of Besançon on the express ground that he had not been chosen by the clergy and people.<sup>2</sup> Lambert of Hersfeld relates the indignation of the clergy and people of Trier, when on the death of Archbishop Eberhard, in 1066, a certain Cuono was appointed by the intervention of the Archbishop of Cologne without reference to them.<sup>3</sup>

We have had occasion already to consider some of the principles of the two most important writers of the reforming party—that is, of Cardinal Humbert and Peter Damian—and we must now turn again to their work as illustrating the development of this question, but also as making it clear that at least at the outset, even the most eminent reformers did not intend to deny the temporal authority the right to some place in ecclesiastical appointments. In one place Cardinal Humbert lays down in very emphatic terms the conditions of a legitimate and canonical appointment. The man, he says, who is to be raised to the episcopate must first be elected by the clergy, then asked for by the people, and then only is he to be consecrated by the bishops of the province, with the approval of the metropolitan: he who has been consecrated without regard to any one of these conditions

<sup>1</sup> See p. 56.

<sup>2</sup> See p. 28.

<sup>3</sup> Lambert of Hersfeld, 'Annales,' 1066 (M. G. H. : S. S., p. 173): "Episcopatum eius per interventum Coloniensis archiepiscopi suscepit Cuono præpositus Coloniensis. Graviter et

indigne nimis tulit tam clerus quam populus Treverorum, quod ipsi in electionem admissi consulti que non essent, seque vicissim hortabuntur, ut insignem hanc contumeliam insigni aliquo exemplo eluerent."

is to be reckoned a false, not a true bishop.<sup>1</sup> Humbert's words, indeed, raise two other questions, the one concerning the impropriety of the creation of a bishop without a definite diocese, the other about the relation of the authority of the metropolitan to that of the Apostolic See, but we cannot here deal with these.

In another place he denounces the arrogance and avarice of the princes of his time, who had, in defiance of all divine and human laws, drawn into their own hands the whole authority of bestowing ecclesiastical appointments, and contrasts this with the conditions of the "imperium Transmarinum" (the Eastern Empire), where the control of such appointments was left to the metropolitans and bishops.<sup>2</sup>

If we were to isolate these passages we might conclude that Humbert meant to exclude the secular authority from any part in episcopal appointments, but that this is not his intention

<sup>1</sup> Humbert, 'Adversus Simoniacos,' i. 5. "Quicumque consecratur episcopus, secundum decretales sanctorum regulas prius est a clero eligendus, deinde a plebe expetendus, tandemque a comprovincialibus episcopis cum metropolitani iudicio consecrandus. Neque enim aliter certus et fundatus vel verus episcopus dici vel haberi poterit, nisi certum clerum et populum quibus præsint habuerit et a comprovincialibus suis auctoritate metropolitani, ad quem vice apostolica sedis cura ipsius provinciae pertinet, consecratus fuerit. Qui autem sine quolibet horum trium capitulorum consecratus fuerit, nec certus nec fundatus nec verus, sed pseudoepiscopus dicendus est et habendus nec inter canonicè plantatos vel factos episcopos computandus, quia cum episcopus dicatur superintendens aut superintendens, cui clero aut cui populo hic talis superintendit, qui nullius cleri nulliusque populi, quibus superintendat, electionem habuit, insuper et metropolitani atque comprovincialium auctoritate caruit?"

<sup>2</sup> Id. id., iii. 10. "Igitur, ut prædictum est, hæc sanctorum patrum et religiosorum principum statuta de personis et rebus ecclesiasticis inviolabiliter hactenus in transmarino imperio observantur, et solis metropolitani vel episcopis ceteris disponendæ relinquuntur. Unde quælibet ecclesiae administratio solo eorum disponitur arbitrio, sive gratis sive non gratis velint eam committere cuiuslibet clerico, nec nisi a metropolitani aut episcopis eorumque familiaribus vendi solet aliquando. Quod quamvis ex sola venditione sit hereticum et nimium detestabile, est tamen ecclesie Dei illis magis tolerabile quam nostris, quæ, ut superius ostenditur, iugiter venduntur quater. Neque enim arrogancia et avaritia principum nostri sæculi et imperii patitur terminis præfixis coerceri, sed transgressis divinis et humanis legibus, quæ inter arma silent, etiãsi ecclesiastica, omnia sibi præsumentes possident, ut in eadem degere aut ex eis vivere sine illorum datione aut venditione contingat clericorum neminem."

is plain when we consider another passage in the same treatise. Here, indeed, he complains bitterly of the subversion of all true order in such appointments: the first had been last, and the last first; the secular power claimed the first place in election, and the people, the clergy, and even the metropolitan had to accept its decision whether they were willing or not. It must, however, be observed that he states the true method of appointment as being that the metropolitan should confirm the election by the clergy, while the prince should confirm the demand of the people; <sup>1</sup> that is, Humbert very clearly recognises that the prince is to be consulted and his approbation secured.

If we turn to Peter Damian it seems clear from the passages which we have already cited <sup>2</sup> from his works that his position was the same as that of Humbert. He protests emphatically against the abuse of the power claimed by the secular power, and asserts the rights of the clergy and people in the election of their bishop, but also he very frankly recognises that the secular power had its reasonable and just place in such appointments.

The position of the reformers was, we think, clear: they were determined to vindicate the freedom of ecclesiastical elections, and to reduce the claims of the secular power to what they conceive to be reasonable limits, but they did not propose to repudiate these altogether. We can, however, carry the matter further, for we think that the correspondence of Gregory VII. himself serves to show that at least in the first years of his pontificate he did not refuse

<sup>1</sup> Id., 'Adversus Simoniacos,' iii. 6. "Hæc cum ita venerabiles omni mundo et summi pontifices Spiritu sancto dictante decreverint, ut metropolitani iudicio electio cleri, principis autem consensu expetito plebis et ordinis confirmetur, ad reprobationem sanctorum canonum et totius christianæ religionis conculcationem præpostero ordine omnia fiunt, suntque primi novissimi et novissimi primi. Est enim prima in eligendo et confirmando sæcularis potestas, quam velint nolit subsequitur ordinis, plebis clerique consensus, tandemque metropolitani iudicium. Unde taliter promoti, sicut superius prædicatur, non sunt inter episcopos habendi, quia substitutio eorum capite pendet deorsum, quia quod debuit eis fieri postremum, factum est primum et ab illis, quorum interest nihilum."

<sup>2</sup> See p. 34.

to recognise the claims of the secular authority in episcopal appointments.

In a letter of the year 1073 to Humbert, the Archbishop of Lyons, already cited, he instructs him to consecrate a certain Landric, who had been elected by the diocese to the bishopric of Autun, without waiting further for the consent of the King of France.<sup>1</sup> Gregory no doubt sets aside the rights of the King, but he only does it on account of his negligence and delay. In a letter of the same year to Anselm, the Bishop-elect of Lucca, he forbids him to receive the investiture of the bishopric from the king's hand until he had renounced his intercourse with excommunicated persons and made his peace with the Roman See ;<sup>2</sup> but it is noticeable that the prohibition is related only to the actual circumstances of the moment. In a letter addressed, in 1074, to the Count of Dié and the faithful people of that church, he speaks of the Count as having elected the bishop with the consent of all the others—presumably the clergy and people of the diocese.<sup>3</sup> Again, in a letter addressed in the same year to Hubert, the Count, and the people of Fermo, he says that he had entrusted the church to the archdeacon until by his own care and the counsel and permission of the king a suitable person should be found for the bishopric.<sup>4</sup> In a letter of 1075 to Sancho, the King of Aragon, he discusses

<sup>1</sup> See p. 64.

<sup>2</sup> Gregory VII., 'Registrum,' i. 21: "Ut enim viam qua ambules postulasti tibi notificarem, nullam novam, nullam expeditiorem scimus ea, quam nuper dilectioni tuæ significavimus, videlicet. te ab investitura episcopatus de manu regis abstinere, donec, de communione cum excommunicatis Deo satisfaciens, rebus bene compositis, nobiscum pacem possit habere."

<sup>3</sup> Id. id., i. 69: "Venientem ad nos Hugonem episcopum vestrum benigne suscepimus. Et quia vos in electionem eius unanimiter convenisse audivimus, episcopali consecratione eum vobis in pastorem ordi-

navimus. . . . Te autem, prædicte comes, singulariter alloquentes, valde miramur, quod, postquam præfatum confratrem nostrum instinctu divinæ clementiæ cum consensu aliorum omnium in episcopum elegeras et fidelitatem sibi ex mere feceras ?"

<sup>4</sup> Id. id., ii. 38: "Considerantes ergo necessitatem vestræ viduatae ecclesiæ, procuracionem totius episcopatus interim ei (i.e., the archdeacon) commisimus, donec, divina providente clementia, cum nostra sollicitudine tum regis consilio et dispensacione idonea ad regendam ecclesiam et episcopalem dignitatem persona repeririatur."

the arrangements to be made for a diocese in view of the failing health of the bishop. The King and bishop had proposed to him the names of two clerics of whom the one should be made bishop. Gregory refuses to accept either of them on the ground that they were the sons of concubines, but promises to consider the matter if a man of suitable character were recommended to him by the King and the bishop with the approval of the diocese.<sup>1</sup> In January of 1076, in a letter to Henry IV., while he rebukes him for giving the bishoprics of Fermo and Spoleto to men who were unknown to him, he only expresses a doubt whether a church can be given by any man ; he does not positively say that the King had no rights in the matter.<sup>2</sup>

Even after Gregory VII. had issued the decree against lay "investiture," we still find phrases in his correspondence which seem to recognise some place for the secular authority in the appointment to bishoprics. In a letter of the year 1077 to Hugh, the Bishop of Dié, he writes that Philip, the King of France, had asked him to consecrate the Abbot of St Euphemia in Calabria to the bishopric of Chartres, but says that he will not do this until he was sufficiently informed about the wishes of the diocese.<sup>3</sup> And again, in a letter of the year 1079 to Rudolph of Suabia, who had been elected as King of Germany

<sup>1</sup> Gregory VII., 'Reg.,' ii. 50: "Atque ut facilius hoc impetraret, indicavit nobis de duobus clericis, quorum alterum in episcopatum eligi, tuam et sui ipsius voluntatem atque consilium fore nunciavit . . . responsio dabitur"

<sup>2</sup> Id. id., iii. 10: "Et nunc quidem, ut vulnus vulneri infligeres, contra statuta apostolicæ sedis tradidisti Firmanam et Spoletanam ecclesiam—si tamen ab homine tradi ecclesia aut donari potest—quibusdam personis nobis etiam ignotis; quibus non licet, nisi probatis et ante bene cognitis, regulariter manum imponere"

<sup>3</sup> Id. id., v. 11: "Verum quia, sanctorum patrum statuta sequi et observare cupientes, nichil de eo aut de promotione eius sine electione ec-

by the Diet of Forchheim in 1077, he discusses the election of an Archbishop of Magdeburg as a matter with which Rudolph was concerned, and only suggests that, if they are willing to take his advice, they will elect one of two ecclesiastics whom he recommends, but this must be done with the consent and election of the archbishop and bishops, and of the clergy and laity.<sup>1</sup>

It would appear then that it would be a mistake to think that the reforming party in the Church set out to put an end wholly to the traditional place of the secular authorities in the appointment of bishops. It would seem that, while they felt that the actually existing methods and forms through which this authority had been exercised were inadmissible, and while the freedom of ecclesiastical elections needed to be asserted and safeguarded, it was rather the degree and extent of the authority of the secular power, and the forms through which it was exercised, than the authority itself which they attacked.

As we shall see in later chapters, the question of the forms under which investiture was granted came to play a very important part in the controversy, and it is therefore convenient to consider at this point one of the earliest careful and reasoned discussions of the question. The treatise of Cardinal Humbert against simoniacal persons, to which we have already so often referred, was written in the year 1058-9, and a passage from which we have already cited a

clesiæ probandum esse iudicavimus, nec id ipsum, quod isti nobis de voluntate absentium referebant, satis constabat, prudentiam tuam admonemus ut ecclesiam illam aut per te aut per fidelem et probatam tibi personam visitare studes, et voluntatem omnium tam maiorum quam minorum super hac re diligenti inquisitione cognoscas.”

<sup>1</sup> Gregory VII., ‘Ep. Coll.’ 26. “et domus Dei dignum dispensatorem per ostium introducere, cum communi omnium religiosorum tam archiepiscoporum quam episcoporum nec non etiam clericorum et laicorum consensu

et electione procurate. Quodsi meis vultis acquiescere consilis, audio enim inter vos esse quosdam boni testimonii viros, A scilicet Goslariensium decanum, G(ebehardum) Bertaldi ducis filium, H. Sigefridi comitis filium, quorum unum me præcipiente et consentiente eligite et in archiepiscopum prænominate ecclesiæ ordinate. Si vero in his tribus qui dignus sit non poterit inveniri, in contritione cordis, orando et ieiunando ad Deum convertimini, rogantes, ut sua revelante gratia, persona quæ huic negotio sit conveniens, possit ostendi.”

few words, deals with the question in detail. Humbert, as we have seen, admits that the consent of the prince must confirm the desire of the people, but he complains that in violation of the canons all proportion and order had been completely destroyed, the secular authority had claimed the first and supreme place in the appointment of bishops, and the consent of the clergy and people and of the metropolitan had to be given whether they were willing or not, and, he contends, appointments made under such conditions were really invalid. It cannot, he maintains, belong to lay persons to bestow the pastoral staff and the ring, for these were the sacramental symbols of spiritual powers and offices, and when they had once been bestowed there remained no freedom of action, either to the people and clergy with regard to election, or to the metropolitan with regard to consecration.<sup>1</sup>

<sup>1</sup> Humbert, ‘Adv. Simon.’ iii. 6: “Hæc cum ita venerabiles omni mundo et summi pontifices Spiritu sancto dicente decreverint ut metropolitanum iudicio electio cleri, principis autem consensu expetito plebis et ordinis confirmetur, ad reprobationem sanctorum canonum et totius christianæ religionis conculcationem præpostero ordine omnia fiunt, suntque primi novissimi et novissimi primi. Est enim prima in eligendo et confirmando secularis protestas, quam velit nolit subsequitur ordinis, plebis clerique consensus, tandemque metropolitanum iudicium. Unde taliter promoti, sicut superius prædicatur, non sunt inter episcopos habendi, quia substitio eorum capite pendit deorsum, quia quod debuit eis fieri postremum, factum est primum et ab illis, quorum interest nihil. Quid enim ad laicas pertinet personas sacramenta ecclesiastica et pontificalem seu pastorem gratiam distribuere, camyros scilicet baculos et anulos, quibus præcipue perficitur, militat et immititur tota episcopalis consecratio? Equidem in camyris baculis, superius

ad adtrahendum et invitandum uncinatis et inflexis, inferius vero ad repellendum et ferendum acuminatis et armatis, designatur, quæ in eis committitur, iura pastoralis, quæ utique sua compositione vel factura admonet pastores, ut recti et pleni sint suæque actionis vel contemplationis arduum et rigidem verticem causa invitandi et attrahendi ad se gregem Dei condescendentes leniter dimittant et infectant, sic tamen, ut sibi met ipsis quoque semper intendant nec unquam a summet consideratione mentis obtutu reflectant. Quorum finis indicat, ut severa increpatione indisciplinatos terreant, et si pertinaces fuerint, extrema sententia ab ecclesia repellant. Quæ omnia apostolus breviter insinuat ita: ‘Rogamus vos, corripite inquietos, consolamini pusillanimes, suscipite infirmos, patientes estote ad omnes.’ Porro anulus signaculum secretorum cælestium indicat, præmonens prædicatores, ut secretam sapientiam Dei cum apostolo disignent et loquantur inter perfectos, quam velut signatam reticent imper

Humbert evidently felt that, when the secular authority invested with the pastoral staff and ring, this represented a wholly false conception of its relation to ecclesiastical appointments: these were the symbols of a spiritual office which could not be conferred by lay authority, and once given they superseded and overrode the rights of the electors and of the metropolitan. It would appear, then, that at least as early as 1058-9 the objections to the investiture of a bishop with the ring and staff had taken definite form, and it was especially under these terms that the position of the reforming party, with regard to the claims of the secular power to authority in ecclesiastical appointments, gradually took shape. We must, however, be careful to notice that there runs through the whole literature of the subject a certain ambiguity about the term "investiture": we cannot always be certain

fectis, quibus nondum solido cibo, sed solo lacte opus est, sive ut tanquam amici sponsi fidei arram sponsæ ipsius, quæ est ecclesia, sine intermissione exhibeant et commendent. Quecumque ergo his duobus aliquem intiant, procul dubio omnem pastorem auctoritatem hoc præsumendo sibi vendicant. Nam post hæc encema quod liberum iudicium de talibus rectoribus iam datus clerus, plebs et ordo seu metropolitanus eos consecraturus habere poterunt, quis tantum superest ve, nisi convent? Sic encematus prius violentus invadit clerum, plebem et ordinem dominaturus, quam ab eis cognoscatur, queratur aut petatur. Sic metropolitano aggreditur, non ab eo iam iudicandus est, sed ipsum iudicaturus, neque enim iam requirit aut recipit eius iudicium, sed solum exigit et extorquet servitium, quod ei solum in oratione et unctione est relictum. Quod enim sibi iam pertinet aut prodest baculum et anulum, quos portat, reddere? Nunquid quia a laico persona dati sunt? Sed etiam a laico baptisma datum non est iterandum, sed oratione et unctione a sacerdote, si supervivitur, supplendum,

sine quibus, nisi forte supervivatur, regnum cælorum indubitanter intratur, cum sine aquæ lavacro nullus. Unde palam est omne episcopale officium in baculo et anulo eis datum, sine quorum imitatione et auctoritate episcopi nequeunt, cum sine unctione visibili constat sanctis apostolis hoc attributum in sola perceptione curæ pastoralis, quæ baculo et anulo visibiliter monstratus et datur. Rogo ergo, cur redditur quod habetur, nisi ut aut denuo res ecclesiastica sub hac specie ussionis vel donationis vendatur, aut ut priori venditioni corroborandæ a metropolitano susque suffraganeis subscribatur, aut certe ut præsumptio laicæ ordinationis palliet colore et velamento quodam disciplinæ clericalis. Quod si nec factum est nec fit, me hinc aliquis mentitum arguat. Sed quod gravius est, non tantum prioribus temporibus recolitur et prædicatur tale quid factum, sed nostris quoque cernitur et setur usitatum. Nonne sæculi principes prius vendiderunt et vendunt ecclesiastica sub falso nomine investitionis, demde metropolitani sub tenore consecrationis."

whether it is being used in the technical sense of the bestowal of the pastoral staff and ring, or in the more general sense of appointment.

We have then considered the general nature of the circumstances out of which the conflict about investiture between Gregory VII. and Henry IV. arose, but before we deal with this we must take account of one particular dispute which had been going on for some time, and which may have had a considerable importance in producing the final rupture. This was the question of Milan.

We cannot here deal with the grave troubles which had been caused in many places, but especially in Milan, by the determined attempt of the Papacy, especially after Pope Nicholas's decree of 1059, to suppress the marriage of the clergy.<sup>1</sup> In the year 1059 Peter Damian and the Archbishop of Lucca had been sent to Milan to deal with these troubles, and it is plain that there was great contention in Milan about the exact nature of the authority of the Papal See in that city.<sup>2</sup> We are here concerned with the question which presently arose as to the respective claims of the Pope and the emperor to the power of ratifying or rejecting the election of the Archbishops of Milan. We have a detailed account of the conflict in Arnulf's history of the Archbishops of Milan, and while it is obvious that he writes as a partisan of the Imperialist party, his statements furnish us with an important account of the standpoints of the conflicting parties. He contends that the ancient custom of the Italian kingdom had been that, on the death of a bishop, the king should, at the request of the clergy and people, appoint a successor. The Romans, he says, maintained that this was not canonical, and Hildebrand, when he was Archdeacon of Rome, endeavoured to abolish the old custom and to introduce a new rule that the consent of the Roman See should be recognised as necessary to an election.<sup>3</sup> On the death of Archbishop Wido in

<sup>1</sup> Nicholas II., 'Epp.', 7, 8.

<sup>2</sup> Peter Damian, 'Opusculum,' v.

<sup>3</sup> Arnulfus, 'Gesta Archiepiscoporum Mediolanensium,' iii. 21. "Vetus

severans usque in hodiernum, ut defunctis ecclesiarum præsulibus, rex provideat successores Italicus, a clero et populo decibilibiter invitatus. Hoc Romani canonicum esse negant, sed



1071 the conflict broke out. Herlembald, who had been one of the principal leaders in the agitation against the married clergy, procured the election of a certain Atto by a part of the clergy and people, and with the permission of Rome. Arnulf maintains that the larger part of the clergy and the wiser people desired to recognise the king's rights and the older custom, and the bishops of the province having received the king's mandate, met at Novara and consecrated a certain Gotofrid as archbishop. Hildebrand, on his accession to the Papacy in 1073, summoned Gotofrid and his consecrators to a synod, and confirmed the election of Atto.<sup>1</sup> For the time being Henry IV. submitted, and in the letter already cited he acknowledged his faults and expressed his willingness to accept the papal decision about Milan.<sup>2</sup>

It was in 1075 that Gregory VII. issued the decree prohibiting all lay "investiture." Unhappily we have no complete account of its terms: it is not contained in Gregory's Register, and our only precise statement with regard to it is preserved in the work of Arnulf to which we have just made reference. His report is, however, so brief and summary that we cannot be certain that it gives us the exact terms of the decree. He says that Gregory, in a Synod at Rome, forbade the King (Henry IV.) to have any "ius" in granting bishoprics, and that he removed all lay people from the investiture

instantius archidiaconus ille Hildeprandus, qui cum abolito veteri novum temptavit inducere constitutum, palam fatebatur, haud secus sedari posse Mediolanensem discordium, quam canonicum habendo pastorem, ad quem eligendum necessarium dicebat Romanum fore consensum."

<sup>1</sup> Arnulfus, 'Gesta Archiepiscoporum Mediolanensium,' iii 25: "Iam enim migraverat a sæculo archiepiscopus ille Wido (1071). . . Ab illo etenim die Arlembaldus, omni instat conamine, modo cum clero modo cum populo de eligendo agens episcopo, nova a Romanis accepta licentia,

spretæ vero regum veteri providentia Verumtamen maior civitatis portio ex clero ac sapienti populo prisæ consuetudini et regio intendebat honori."

iv. 3. "Interea suffraganei sedis Ambrosianæ pontifices, accepto a rege mandato, apud urbem convenientes Novariam, Gotefredo manum consecrationis imponunt . . ."

iv. 4. "Cui parvo dierum intervallo succedit Hildeprandus . . . coram omni cœtu præsentem laudavit Attonem, absque nutu regio, absente quoque Ambrosiano clero ac populo"

<sup>2</sup> See p. 63.

of churches.<sup>1</sup> It is possible that it was not intended to publish the decree at once, and that Gregory was willing to consider the possibility of modifying its terms—this seems to be implied in his letter to Henry IV. of January 1076.<sup>2</sup> That Arnulf's statement is substantially correct would seem clear, not only from the reference just cited, but from several other distinct references to the subject in his correspondence.

In a letter of March 1077 to the Archbishop of Tours, Gregory says that he understands that the Princes of Brittany were willing for the future to give up the ancient but evil custom of claiming the right to the "investiture" of bishops and of selling their consent.<sup>3</sup> In a letter of May 1077 to Hugh the Bishop of Dié he deals with the circumstances of the appointment of Gerard to the bishopric of Cambrai. He had been elected by the clergy and people, and had then received the bishopric from Henry IV., and he pleaded that he had not known of Gregory's decree—the decree forbidding this—and that Henry had been excommunicated. Gregory therefore expresses his willingness to accept his election, but on the condition that Gerard should declare this (*i.e.*, his ignorance) before a council of the Archbishop and bishops of the province of Rheims. Gregory also instructs the Bishop of Dié at this council to make it known to all those assembled

<sup>1</sup> Arnulfus, 'Gesta Archiepiscoporum Mediolanensium,' iv. 7: "præfatus papa habita Romæ synodo palam interdicit regi, ius deinde habere aliquod in dandis episcopatus, omnesque laicos ab investituris ecclesiarum summovet personas. Insuper facto anathemate cunctos regis clamat consiliarios, id ipsum regi comminatus, nisi in proximo huic obediat constituto"

<sup>2</sup> Gregory VII., 'Reg,' iii 10: "Attamen, ne hæc supra modum tibi gravia aut iniqua viderentur, per tuos fideles tibi mandavimus: ne prævæ consuetudinis mutatio te commoverit, mittere ad nos, quos sapientes et religiosos in regno tuos invenire posses, qui si aliqua ratione demonstrare vel

adstruere possent, in quo, salvo æterni Regis honore et sine periculo animarum nostrarum, promulgatam sanctorum patrum possemus temperare sententiam, eorum comitis condescenderemus"

<sup>3</sup> Id id, iv 13: "Cum enim audivimus principes illius terræ (Brittany) —contra antiquam et pessimam consuetudinem—pro reverentia Dei omnipotentis et apostolicæ auctoritatis ulterius in ordmandis episcopis nec dominum investituræ tenere nec pecuniæ commodum querere velle, atque ob hoc ad apostolicam misisse sedem, ut in præfato loco iuxta sanctorum patrum statuta legalis ordinaretur episcopus."

that no secular authority or person was to interfere with the bestowing of such offices, and that any metropolitan or bishop who should consecrate any one who had received a bishopric from a lay person would be deprived of his dignity and office.<sup>1</sup> In March of the year 1078 Gregory accepted the same excuse, that he had not known of the papal decree, from Huzmann, Bishop of Spire, and in view of this confirmed him in his bishopric.<sup>2</sup>

It would seem then to be clear that the statement of Arnulf is correct, and that Gregory had in 1075 issued a decree dealing with the position of Henry IV. and with the question of lay appointments to bishoprics in general. In the decree of the Council held at Rome in November 1078, the condemnation of lay "investitures" is clearly expressed. In this decree it is said that, inasmuch as in many cases the "investitures" of churches have been made by lay persons, contrary to the statutes of the Fathers, it is ordained that no ecclesiastic is to receive the "investiture" of a bishopric, abbey, or church from the hand of the emperor or king, or any lay person, man or woman, and that if he should do this the "investiture" would be void, and the person receiving

<sup>1</sup> Gregory VII., 'Reg.' iv. 22 "Gerardus Cameracensis electus ad nos veniens, qualiter in eadem Cameracensi ecclesia ad locum regimini assignatus sit, prompta nobis confessione manifestavit, non denegans, post factam cleri et populi electionem donum episcopatus ab Henrico rege se accepisse, defensionem autem proponens et multum nobis offerens se neque decretum nostrum de prohibitione huiusmodi acceptionis, nec ipsum Henricum regem a nobis excommunicatum fuisse, aliqua certa manifestatione cognovisse . . . . ."

ut, conservanda deinceps in promovendis episcopis canonica et apostolica auctoritate, nullus metropolitanorum aut quavis episcoporum alicui, qui a laica persona donum episcopatus susceperit, ad consecrandum illum imponere

manum audeat; nisi dignitatis suae honore officioque carere et ipse velit. Similiter etiam. ut nulla potestas aut aliqua persona de huiusmodi honoris donatione vel acceptione ulterius se intromittere debeat, quod si praesumpserit, eadem sententia et animi adversionis censura, quam beatus Adrianus papa in octava synodo de huiusmodi praesumptoribus et sacrae auctoritatis corruptoribus statutum atque firmavit, se astrictum ac ligatum fore cognoscat"

<sup>2</sup> Id id, v 18 "Quodsi, secundum legati tui verba, decretum nostrum ante investituram pro certo non cognovisti, officium episcopale faciendi facultatem et licentiam tibi concedimus; eo tamen tenore, ut oportuno tempore nobis vel legatis nostris de obiectis te satisfactorum repraesentes."

it would be excommunicated.<sup>1</sup> It is also laid down that all appointments which were simoniacal, or were made without the consent of the clergy and people, and the approval of those to whom the right of consecration belonged, were to be reckoned as void.<sup>2</sup> The Roman Council of March 1080 repeated this prohibition, and added some very important provisions. If any person for the future should receive a bishopric or abbey from the hand of any lay person, he was not to be reckoned among the bishops or abbots, and any person either receiving or giving "investiture" was to be excommunicated.<sup>3</sup> When there was a vacancy in any church the Apostolic See or the metropolitan was to send a bishop, under whose direction the clergy and people, without fear or favour of any secular interference, were to elect a pastor, with the consent of the Apostolic See or the metropolitan. If they should act otherwise, the election would be void, and they would lose the power of election, which would pass to the Apostolic See or the metropolitan.<sup>4</sup>

<sup>1</sup> Greg VII., 'Reg.' 5. b "Quoniam investituras ecclesiarum contra statuta sanctorum patrum a laicis personis in multis partibus cognovimus fieri et ex eo plurimas perturbationes in ecclesia omni, ex quibus christiana religio conculcatur, decernimus: ut nullus clericorum investituram episcopatus vel abbatiae vel ecclesiae de manu imperatoris vel regis vel alicuius laicae personae, viri vel feminae, suscipiat. Quod si praesumpserit, recognoscat investituram illam apostolica auctoritate irritam esse, et se usque ad condignam satisfactionem excommunicationi subiaccere"

<sup>2</sup> Id id, 5. b: "Ordinationes, quae interveniente pretio vel precibus vel obsequio alicuius personae ea intentione impenso, vel quae non communi consensu cleri et populi secundum canonicas sanctiones fiunt, et ab his ad quos consecratio pertinet non comprobantur, irritas esse duodecimamus. Quoniam, qui taliter ordinantur, non per ostium id est per

Christum intrant, sed, ut ipsa veritas testatur, fures sunt et latrones"

<sup>3</sup> Id id, vii 14 a, p 398. "si quis deinceps episcopatum vel abbatiam de manu alicuius laicae personae susceperit, nullatenus inter episcopos vel abbates habeatur nec ulla ei ut episcopo seu abbati audientia concedatur. Insuper etiam ei gratiam sancti Petri et introitum ecclesiae interdiciamus, quo usque locum, quem sub crimine tam ambitionis quam inobedientiae quod est scelus idolatriae, cepit respicendo non deserit . . . Item si quis imperatorum regum ducum marchionum comitatum vel quilibet secularium potestatum aut personarum investituram episcopatum vel alicuius ecclesiasticae dignitatis dare praesumpserit, eiusdem sententiae vinculo se obstrictum esse sciat"

<sup>4</sup> Id id, vii 14 a, p 400 "Quotiens defuncto pastore alicuius ecclesiae, alius est ei canonice subrogandus, instantia visitoris episcopi, qui si

With these decrees of the Council of Rome of 1080 the position of Gregory VII. with regard to the relations of the secular authority to the appointment of bishops and abbots was fully developed. This does not mean, however, that we can be quite certain in our interpretation of his position. He does dogmatically and clearly prohibit all lay "investiture," but whether this means that he intended to forbid the secular authorities to have any place in ecclesiastical appointments is not quite clear. As we have already seen, the word "investiture" had a technical sense, but it was not always used technically, and we cannot be confident as to the precise meaning of the phrase in these statements and decrees of Gregory which we have cited. It was only in the course of the controversy which followed that these ambiguities were gradually cleared up.

ab apostolica vel metropolitana sede directus est, clerus et populus, remota omni sæculari ambitione timore atque gratia, apostolicæ sedis vel metropolitani sui consensu pastorem sibi secundum Deum eligat. Quodsi corruptus aliquo vitio aliter agere præ-

sumpsit, electionis perperam factæ omni fructu carebit; et de cætero nullam electionis potestatem habebit; electionis vero potestas omnis in de liberatione sedis apostolicæ sive metropolitani sui consistat."

### CHAPTER III.

#### THE DISCUSSION OF THE "INVESTITURE" QUESTION—I.

WE have endeavoured to trace some of the circumstances which led up to the prohibition of lay "investiture" in the year 1075. We have now to consider the history of the controversy which this raised, and to inquire into the precise nature of the matter in dispute, as it presented itself to the minds of the disputants. As we shall see, the controversy frequently tended to turn on the question of the use of the pastoral staff and the episcopal ring in "investiture," but it is clear that this was not the real subject in dispute. The matters which were really important were, on the papal side, the principle that ecclesiastical appointments should not be absolutely controlled by the secular power; on the imperialist, the principle that the secular power was entitled to some voice in such appointments.

We have a temperate statement of the imperialist position in the treatise or letter composed in the name of Theodoric, the Bishop of Verdun, by Wenrich of Trier, in the years 1081-82.<sup>1</sup> He admits that there is some appearance of reason in the contention that bishops should not be appointed by the prince. He complains, however, that the prohibition of this had been put out with undue violence and haste, and that the real motive for it was not zeal for religion, but hatred of the prince (*i.e.*, Henry IV.). Appointments made by Rudolph of Suabia and by other kings were sanctioned,

<sup>1</sup> The date is carefully discussed by Lite, vol. i. pp. 280-284. K. Francke in M. G. H., 'Libelli de

or at least treated with consideration, while bishops who were faithful to Henry IV., even though properly elected and received by the common consent, were condemned and excommunicated. And, further, he contends that this custom, that is of appointment by the prince, had at least existed and been approved for many ages, and he cites the accounts of the appointments of priests by the Kings of Israel, the precedents of the Maccabean period, and various passages from the writings of Gregory the Great and Isidore of Seville.<sup>1</sup>

The imperialist position is drawn out much more completely in a work, written probably in the year 1086, by Wido, Bishop of Ferrara.<sup>2</sup> He gives a brief account of the arguments against the imperial "investitures" of bishops, and specially mentions some passages from the writings of St Ambrose which might be cited in support of these contentions, but sets them aside as not really relevant to the matter in dispute. He urges that it is necessary to distinguish clearly between two aspects of the position of the bishop. On the one hand his office is spiritual, and all his spiritual powers are given to him by the Holy Spirit, through the ministry of other bishops. On the other hand he has secular authority and possessions, and these are given to him

<sup>1</sup> Wenrich of Trier, 'Epistola,' 8: "Illud sane, quod de æcclesiasticis ventilatur beneficis ab omni secularium iure perpetua emunitate asserendis, de episcopis quoque manu principis in episcopatum minime introducendis, etsi pro rei novitate primo sui aspectu offensionem generat, aliquam tamen speciem rationis exhibet, si non res vel tali tempore mota vel tali impetu properata vel tali foret contentione agitata. Quis enim non videat, non ex religionis zelo, sed ex principis odio hæc actitari, cum personis per sacram Rodulfi dexteram non introductis, sed subintroductis, benedictiones non negentur, palia domum transmittantur, cum his, qui sub aliis regibus degunt, mitius agatur, nostris autem episcopis, archiepiscopis legitime electis, communi

assensu receptis, laica etiam communitate interdicitur, et in nulla deprehensi culpa, Henrico solo quia fidem tenent et perjurare timent, reprobi iudicentur. . . . Sane, ut ad propositum revertamur, consuetudo ista a sanctis patribus in nostra tempora permanavit, longa iam ætate senuit, sub lege recepta, sub gratia roborata, longa status sui duritate invaluit. Quod plane ita esse inveniet, qui scripturas canonicas revolvere et eis intendere voluerit."

This is followed by references to the Old Testament, to the Maccabean period, and to St Isidore of Seville and St Gregory the Great

<sup>2</sup> Cf. M. G. H., 'Lib. de Lite,' vol. 1. pp. 529-532.

by the prince. The spiritual powers given to him by the Holy Spirit are not subject to the imperial power, but the tenure of the secular things, as they are granted by the secular power, must be renewed by the successive holders of that authority. It is here that he finds the explanation and justification of the fact that, as he maintains, the power of "investiture" was granted to the emperors by Pope Hadrian I. and Pope Leo III. He adds that this was also done in order to prevent the popular disturbances which were often incidental to episcopal elections.<sup>1</sup>

<sup>1</sup> Wido, 'De Scismate Hildebrandi,' 'Libelli de Lite,' vol. 1 p. 564. "Quæ omnia si discrete accipias, nihil imperatorias investitiones impediunt. Duo siquidem iura conceduntur episcopis omnibus, spirituale vel divinum unum, aliud seculare; et aliud quidem cæli, aliud vero fori. Nam omnia quæ sunt episcopalis officii spiritualia sunt, divina sunt, quia, licet per ministerium episcopi, tamen a sancto Spiritu conceduntur. At vero iudicia secularia et omnia, quæ a mundi principibus et secularibus hominibus æcclesis conceduntur, sicut sunt curtes et prædia omniaque regalia, licet in ius divinum transeant, dicuntur tamen secularia, quasi a secularibus concessa. Itaque divina illa a sancto Spiritu tradita imperatori potestati constat non esse subiecta. Quæ vero sunt ab imperatoribus tradita, quia non sunt æcclesis perpetuo iure manentia, nisi succedentium imperatorum et regum fuerint iteratione concessa, dicuntur profecto quodammodo regibus et imperatoribus subdita, quia nisi per succedentes imperatores et reges fuerint æcclesis confirmata, revertuntur ad imperialia iura. Sicut enim imperium et regnum non est successorium, sic iura quoque regnorum et imperatorum successorum non sunt, nec regibus et imperatoribus perpetuo manere possunt. Si vero perpetuo non manent illis, qualiter his

quibus traduntur, perpetuo manere possunt? Sicut enim regnum et imperium ab homine transit in hominem, sic iura regni manent cum rege manente sibi regno, et cum illo non manent non manente sibi imperio vel regno. Quocirca satis visum est utile, ut imperialia iura et regalia semel æcclesis tradita, crebra regum et imperatorum investitione firmentur, quæ ex concessione alicuius unius imperatoris vel regis perpetuo illi manere non possunt. Divina ergo illa a sancto Spiritu per ministerium aliquem tradita ad imperatores et reges non sunt pertinentia, illa vero ab imperatoribus et regibus concessa et eorum confirmationibus indigentia, imperatoribus sunt et regibus subdita, eo quod sunt per illos habita et per illos habenda. Unde succedentibus postea temporibus salubriter est a posteris Romanæ sedis episcopis institutum et imperatoribus concessum, ut æcclesiarum investituras habeant, non dico parietum sacrorum et altarium, quæ non sunt eorum, sed æcclesiasticarum rerum, quibus investitibus et priorum confirmatur traditio et affectantium frenatur ambitio et popularis cessat seditio. Hanc concessionem Adrianus apostolicus Karolo, Leo tertius Ludovico, alii vero Romani pontifices aliis atque aliis imperatoribus confirmaverunt, eo videlicet consilio, ut defensores christianæ rei publicæ

Wido finds a further confirmation of his view of the legitimate place of the prince in episcopal elections in the provisions of the decree of Pope Nicholas II., as he understands it, that no one should become Bishop of Rome without the imperial consent. He attributes this in large measure to the recognition of the disorders attendant upon episcopal elections when they were uncontrolled by the secular power, and especially to the conflict of the three occupants of the Papal See before the intervention of Henry III., as well as to the recognition that all the secular authority of the bishop was derived from kings and emperors, and could not be held except under their grant; and he urges that it was only by this authority that the clergy could claim exemption from any form of taxation.<sup>1</sup> He then quotes from the correspon-

*fieret et in electionibus episcoporum turbatio popularium conquiesceret*”

It is maintained by E. Dummler, the editor of the treatise in the ‘*Libelli de Lite*,’ that this is the earliest reference to the spurious document here referred to. E. Bernheim (‘*Forschungen zur Deutschen Geschichte*,’ xv p 635) endeavours to prove that it was produced between the years 1084 and 1087.

<sup>1</sup> Id. id id, p. 565 “*Hinc etiam Nicolai papæ concilium Romæ factum approbant et commendant, in quo congregatis centum et octo episcopis omnibus confirmantibus sancxit, ut nullus demceps Romæ poneretur episcopus, nisi christiano consentiente principe, qui regni gubernacula tenuisset pro tempore. Quod enim ignorabatur prius temporibus illis Deus voluit revelari, quodque fuerat clausum erupit, ut universi cognoscerent, quam multiplices in eligendis episcopis contentiones emergere potuissent, si imperatores et reges ordinati non essent. Nam ante præfati Nicolai pontificum tres simul invaserant apostolatam et omnes apostolici dicebantur. Sed sicut sepe contigerat temporibus aliorum imperatorum, quod huiusmodi Romanæ*

*sedis contentiones per imperatores sublatæ sunt, sic etiam tres illi certatim positi et per contentionem electi regia potentia turpiter eiecti sunt. Illud etiam innotuit, quod secularia iudicia et placita, semel ecclesis ab imperatoribus tradita, successorum essent investitionibus confirmanda, si omnia regalia et omnia publica iura perpetim ecclesis manere non poterant, nisi succedentium sibi regum frequenti fuissent iteratione concessu. Quod autem omnia placita secularia et iudicia et regalia et publica iura et vectigalia scilicet et tributa regum sunt et imperatorum, vel ab illis aliis tradita, apostoli dicentis verba denunciant: ‘Omnis,’ inquit, ‘anima potestatibus sublimioribus subdita sit. Non est enim potestas nisi a Deo, quæ autem sunt, Dei ordinatione ordinata sunt.’ Item Petrus coapostolus eius ‘Subditi estote,’ inquit, ‘omni humanæ creaturæ propter Deum: sive regi, quasi præcellenti, sive ducibus, tamquam ab eo missis.’ Quibus verbis innuitur, quod nullum seculare ius episcopis relinquatur nec potestatem aliquam etiam in colonos et in ecclesiæ famulos, decanos et villicos, si non regia auctoritate sit illis concessum. Sed nec ipsi*

dence of Braulio with Isidore of Seville, some passages to show that Isidore recognised the authority of the king in the creation of bishops. Finally, he urges that those who contended that the appointment of bishops belonged only to the clergy should remember that it was Moses, although he was not a priest, through whom God gave the law and ordered the priesthood, and that if this had been permitted to one who held no sacred office it need not be thought improper that emperors and kings should appoint to bishoprics, for they received an unction greater and more honourable in some respects than the priest, and they were not to be reckoned as mere laymen.<sup>1</sup>

If we endeavour to consider these arguments and to measure their significance, it would seem that the really important consideration which Wido urged was that the temporalities of the bishop can only be recognised as his, subject to the secular authority, and that it is the prince who must grant them. He was also aware that there was a considerable body of precedents for the secular claim to authority in the appointment of bishops, even apart from the evidence of the spurious documents of Hadrian I. and Leo III., which as it seems he was the first to use, and he urged that the imperial authority had been very serviceable in restoring order to the Church.

*clerici publicis vectigalibus et tributis absolvi possunt, si non eadem auctoritate solvantur. Omnibus enim ab apostolo dicitur. ‘Reddite omnibus debita, cui tributum tributum, cui vectigal vectigal, cui tumorem tumorem, cui honorem honorem’ et cetera. Et ne quisquam sanctam Dei ecclesiam ab his diceret liberam, nec regibus et imperatoribus obnoxiam, ipse dominus Iesus, qui se nobis in omnibus præbuit formam cuiusque vita nobis debet esse magistra, pro se tributum solvit et solvendum Petro mandavit, quem ecclesiæ suæ principem fore prævidit.”*

<sup>1</sup> Id. id. id., p. 566 “*Qui putant ordinationes ecclesiarum sacerdotibus pertinere, dignentur etiam illud*

*considerare, quod Moyses sacerdos non fuerit, quem tamen Dominus Israhelico populo præposuit et tantam illi gratiam contulit, ut per eum legem dederit, per eum sacerdotes ordinandos instituerit, per eum tabernaculum fieri præceperit, per illum quoque vasa templi et ministros et ministeria et ritus et sacrificia facienda mandaverit. Et si hæc illi quodam sacro funete officia concessa sunt, cur videatur indignum si per imperatores et reges fiant ordinationes ecclesiarum, cum maiorem unctionem et quodammodo dignorem ipsis etiam sacerdotibus habeant? Unde nec debent inter laicos computari, sed per unctionis meritum in sorte sunt Domini deputandi.”*

What importance may belong to his last argument, that the emperor or king was, in virtue of his anointing, no mere layman, we shall have occasion to consider again. The most important contention is the first, for it already foreshadows the nature of the settlement which was arrived at in 1122 at Worms.

We must now compare with the position of Wenrich and Wido, the views and arguments of some of the earlier defenders of the action of Gregory VII. in prohibiting lay "investiture." The first of these is Manegold of Lautenbach, whose treatise, 'Ad Gebehardum,' was written probably in 1085.

He quotes the prohibition in the form of the decree of the Roman Council of 1078, and maintains with characteristic vehemence that it represents the Catholic tradition, the decisions of Councils, and the judgment of the Fathers. He urges especially a regulation of the so-called Apostolical Canons, the often-quoted affirmation of Pope Leo I. that no one could be held to be a bishop who had not been elected by the clergy, demanded by the people, and consecrated by the bishops of the province with the approval of the metropolitan, and the equally well-known saying of Pope Celestine I. (which he attributes to Innocent I.), that no bishop might be imposed upon an unwilling people; and he argues that if this is true it is obvious that bishops cannot be appointed by kings and princes at their arbitrary will.<sup>1</sup>

<sup>1</sup> Manegold, 'Ad Gebehardum,' 50 "Statutum vero eius de episcopis per manum principis in episcopatum non introducendis quam sit catholice, quam ecclesiastice dispensationi congruum et necessarium, liquido possent cognoscere, si decreta apostolica, si autentica concilia, si diversos diversorum patrum tractatus vellent legere, si ea quæ ignorant pie querere quam que offeruntur mallent reprehendere, si secundum leges sacras decernere et non ipsas proscribere vel

de ipsis contra ius et fas eligerent iudicare . . .

51 "Nunc vero idem statutum ponamus, ut sanctis patribus quam sit consonum, plenius ostendere valeamus 'Decernimus,' inquit, 'ut nullus clericorum investituras episcopatus vel abbacie seu prepositure de manu imperatoris vel regis vel alicuius laice persone, viri vel femine, suscipiat. Quod si presumpserit, recognoscat investituram illam apostolica auctoritate irritam esse.' Quicumque

A little later he denounces in terms similar to those of Cardinal Humbert, to which we have already referred, the ignoble arts by which many carried favour with the

enim canones, qui dicuntur apostolorum, per Clementem Romanum pontificem prolato in noticia habuerit, hec statuta ex eisdem profuxisse cognoscat. Scriptum est enim capite xxi 'Si quis episcopus secularibus potestatibus usus ecclesiam per ipsos obtinuit, deponatur et segregetur omnesque qui illi communicant.' Hec enim licet ad testimonium prolato rei suffecerint, tamen de locandis episcopis quid sit tenendum, Leo doctor plenus ostendit. Ait: 'Cum de summi sacerdotis electione tractabimus, ille omnibus præponatur, quem cleri plebisque consensus concorditer postulaverit. Metropolitanus iudicio is saltem præponatur qui maioribus studiis et meritis adjuvatur' (Leo I., 'Ep.,' 14)

Quicumque enim diligenter et fideliter prædictam huius sanctissimi patris sententiam considerat, nequaquam episcopatus ad regie voluntatis nutum dispensandos ultra pronuntiat, nisi in apertam corruens insaniam eandem cassare contendat. Non enim dictum est. 'Ille omnibus præponatur, quem rex voluerit,' sed 'quem cleri plebisque consensus concorditer postulaverit,' nec, 'regis arbitrio qui melius ei servavit,' sed, 'metropolitano iudicio is præponatur, qui maioribus meritis adjuvatur.' Si enim alia huius rei testimonia deessent, sola hæc sententia suam stulticiam conspescere deberent, que et apostolica auctoritate et plena viget ratione. Sed et illud eiusdem patris subnotemus testimonium, quo sui successoris, nostri videlicet apostolici, firmius roboretur statutum. Scribit enim Rustico Narbonensi episcopo dicens 'Nulla sint ratio, ut inter episcopos habeantur,

qui nec a clericis sunt electi nec a plebibus expetiti nec a comprovincialibus episcopis cum metropolitano iudicio consecrati. Unde cum sepe questio de male accepto honore nascatur, quis ambigat nequaquam ab istis esse tribuendum quod non docetur fuisse collatum?' (Leo I., 'Ep.,' 167) Si igitur, sicut Leo asserit, non sunt episcopi, qui a clericis non sunt electi nec a plebibus expetiti, quomodo clerici illos eligunt, quos numquam viderunt? Quomodo plebes expetunt, quorum nec famam aliquando audierunt, sed velint nolint coguntur suscipere? quorum vitam, actus, mores et ingenium, sepe etiam genus vel patriam constat eos ignorare? . . .

Incassum enim prædicti patres tanta diligentia eligi episcopos præcipiunt, tanta districtione examinari instituunt, si ad cuiuscumque regis vel principis nutum episcopale dispensatur officium. Hoc enim modo clerus vel populus non rectores eligere, sed violenta potestate dominos coguntur suscipere. Si enim reges vel imperatores quoscunque libuerit, sive corporali servitio delicti sive privata aliqua gratia adducti, regendis populis libere ingerunt ac pro suo arbitrio ecclesiastica regimina condunt, vacat illud, quod Innocentius papa hoc super negotio præcipit omnibusque orthodoxis tenendum conscribit. 'Nullus,' inquit, 'invitis detur episcopus. Cleri et plebis et ordinis consensus et desiderium requiratur. Tunc alter de altera eligatur ecclesia, si de ipsius civitatis clero, cui est episcopus ordinandus, nullus (dignus), quod evenire non credimus, potuerit reperiri. Primum enim illi

secular authorities, and endeavoured to obtain ecclesiastical offices.<sup>1</sup>

Manegold then, with evident reference to the arguments of Wenrich, discusses the alleged precedents of the Maccabean period, and contends that these had been misunderstood, but that, even if this were not so, they would have no authority,

reprobandi sunt, ut aliqui de alienis ecclesiis merito preferantur. Habeat unusquisque sue fructum milicie in ecclesia, in qua per omnia officia suam transegit etatem. In aliena stipendia minime obrepat, neque alii debitam alter audeat vendicare mercedem.' (Cælestinus I., 'Ep,' 4.) Predicti enim patris sententia nulla poterit ratione constare, si regibus vel quibusque potentibus liberum est, ut isti asserunt, regendis plebibus quos collibuerit preponere. Notandum sane quod dicitur: 'Cleri, plebis et ordinis consensus et desiderium requiratur.' Cur enim principes illorum consensum quererent, super quos constituendi quos vellent potestatem haberent? Huc enim accedit, quod pleraque regna et imperia per diversas linguas et varias nationes amplissima distenduntur latitudine. In quorum forsitan termino cum aliquis antistitum obierit, rex vel princeps fortassis in alio tunc regni confinio degens ad desolatam sedem sepiissime destinat, cuius populus non dico mores et merita, sed, quod maxime necessarium est, locutionem penitus ignorat. Nequaquam hic cleri, plebis et ordinis consensus requiritur, sed contra predicti doctoris sententiam potius oppressor quam rector invitis ingeritur. Nec otiose pretereundum, quod precipitur, ut prius clerus ipsius civitatis examinetur et, si ibi nullus dignus invenitur, tunc demum alter de altera ecclesia eligatur. Cur autem hec discussio agitur, si nec de propria civitate nec de alia quem volunt licet

elgere, sed quemcumque princeps voluerit coguntur suscipere. Ergo si vestra de potestate regum sententia constiterit, premissorum patrum testimonium de eligendis sacerdotibus falsum erit. Quod si nullus vestrum quamvis dementia insanens audebit vel muttare, planum immo necessarium est potestatem, quam regibus de locando sacerdotio datis, vacillare, immo penitus non existere."

<sup>1</sup> Id id., 53. "Manifestum est autem, istos de quibus agimus, non pro eterna mercede loca docendi appetere, sed fastu secularis glorie et potentie cupiditate invadere, qui, dum nullo religionis cultu, nullo virtutum ornatu ad id optinendum fulcuntur, secularium atque potentum patrociniis ad supplementum sue libidinis abutuntur.

Isti ergo, cum omni tempore respectu potentie curie deserviant, totius humilitatis ignari more secularium pompis vestium, faleris equorum inservant et quodam modo mulhebribus mundicis delibute erecto collo, pingui cervice incedant, nec habitum religionis saltem assumant, merito iuxta Gregorium pro neophitis sunt habendi et a locis regiminum penitus arcendi. . . Nunquid non aperte hac sententia denotati sunt, qui presenti etiam tempore, dum omnem etatem multis lascivis, ludicris et publicis spectaculis insumunt, repente per principum favorem ad pontificalem celsitudinem erumpunt, id videlicet suscipientes docere, quod ipsi nunquam didicere?"

for the Books of Maccabees do not properly belong to the Canon of Scripture.<sup>1</sup> In the same way he argues that the alleged appointment of Sadoc as High Priest by Solomon was a mistake; but that, even if correct, it would not prove anything, for even if such an authority had been given to kings under the circumstances of those times, it would not justify this under the new dispensation.<sup>2</sup>

The contention of Wenrich that St Isidore and St Gregory the Great recognised the rightful authority of kings and emperors in the appointment of bishops he considers at considerable length, and argues that the passages from their writings which Wenrich had cited had been misunderstood, and then brings forward a great many citations to show that the elections to the Roman See had not been subject to any secular authority, while, on the other hand, the Pope had authority in the appointment of bishops, and in the constitution of new dioceses.<sup>3</sup>

Having thus dealt with the arguments which had been used in defence of the appointment of bishops by the secular authority, he urges the absurdity as well as the impropriety of the investiture of bishops by the king with the ring and staff, for these were the symbols of spiritual mysteries and, as Manegold says, it was customary that they should be given again by the consecrating bishops after they had been received from the king; this was a manifest absurdity.<sup>4</sup>

<sup>1</sup> Id id., 55.

<sup>2</sup> Id id., 56: "Si enim hoc regibus illis sub umbra adhuc aliqua vel temporis vel cause dispensatione concessum esset, non ideo nova lucente gratia et veritate ita faciendum existeret, reprobo, ut dicit apostolus, precedente mandato pro infirmitate et inutilitate eius, per quod nichil ad perfectum adductum asserit, ut melioris testamenti, cuius Christus sponsor factus est, participes efficiamur, ambulantes videlicet in novitate spiritus et non in vetustate literæ."

<sup>3</sup> Id id., 57 63.

<sup>4</sup> Id. id., 64. "Sed diligentius intueamur ordinem, quo per seculares potestates locari contendunt honores pontificales. A regibus autem baculos, pastorales videlicet sollicitudinis sustentationem indicantes, solent accipere et anulos, celestium secretorum signacula designantes, eorum traditione investire, sed tamen postmodum eosdem baculos et anulos cum episcopali benedictione iterata commendatione recipere. Aut enim procedens a regibus acceptio valet, viget et constat, aut sequens episcoporum commendatio vacat, resolvitur et

Manegold urges with vehemence his contention against the claim of the secular authority to appoint bishops, as well as against the "investiture" with ring and staff by laymen, but it is not clear that he intended to maintain that the secular authority should have no voice in the appointment. It is the arbitrary action of the prince which he rejects: it does not seem as though his mind would necessarily have been closed to some compromise.

In 1087, the year after Wido of Ferrara had written the treatise which we have considered, Cardinal Deusdedit produced his 'Collectio Canonum,' in which he set out a number of authoritative passages which required the freedom of episcopal election, and condemned the appointment of bishops by the secular power.<sup>1</sup> In 1097 Deusdedit set about the composition of a work, 'Libellus contra invasores et symoniacos,' in which he argues the question in detail. He begins by setting out the purpose of his work, and describes it as a reply to those simoniacal and schismatic persons who say that the Church of Christ is subject to the royal power, and that the king can appoint the ministers of religion at his discretion, and has the right to transfer the property of the Church to himself or to others as he pleases. He protests, however, that in saying this he must not be thought to be derogating from the royal honour, for the office of the priest is one and that of the king another. Each has need of the other, and neither should intrude upon the functions of the other.<sup>2</sup>

vacillat. Ambe enim constare simul nequaquam possunt. Si enim precedens constitit, impium et profanum est sequenter iterari, quod prius rite actum potest comprobari. Si autem, sicut nec ipsi negant, sed fatuntur et affirmant, absque ulla questione eandem commendationem consecratores episcopos in consecratione necesse est implere, impium et profanum omnique est libertate deridendum et omni fatuitate stultius,

immo insanius iudicandum, in divinis rebus, in dominicis sacramentis illa agere, que ipse qui agit postmodum iteranda non ambigit."

<sup>1</sup> Cardinal Deusdedit, 'Collectio Canonum,' *e.g.*, i. 93, 96, 97, 196; iv. 11, 16, 17, 20, 146.

<sup>2</sup> Deusdedit, 'Libellus contra invasores,' &c. Prologus: "Opitulante domini Dei nostri clementia, qui nos et sermones nostros suo mirabili nutu regit atque disponit, accingimur

He commences, therefore, by citing the sentence from the so-called Apostolical Canons: "Si quis episcopus sæcularibus potestatibus usus ecclesiam per ipsis obtineat, deponatur; et segregentur omnes qui illi communicant." He thinks that this was promulgated by the Apostles foreseeing that the time would come when the Temporal power would be converted to Christianity, and would be tempted to impose its authority upon the Church, and to appoint its ministers by its own authority and at its pleasure. He is aware that the authenticity of these Canons had been questioned, but maintains that they had been recognised by various Councils and Fathers; and he urges that for a long time the Church kept this tradition inviolate, and the clergy and people of each church elected their own bishop.<sup>1</sup> This custom continued until the churches grew numerous and wealthy, and was recognised as binding by Popes and emperors. The first emperors who violated this

respondere symoniacis et scismaticis, qui dicunt regali potestati Christi ecclesiam subiacere, ut ei pro suo libitu vel prece vel pretio vel gratis liceat pastores imponere, eiusque possessiones vel in sua vel in cuius libuerit iura transferre. Quattuor itaque sunt, de quibus Deo auctore scribere proponimus. Primum, quod regi non liceat sacrosanctis ecclesiis episcopos constituere. Secundum de symoniacis et scismaticis, et eorum sacerdotio et sacrificio. Symoniacos autem dicimus eos hereticos, qui Dei ecclesiam et eius officia precio mercantur vel vendunt; scismaticos vero, quantum ad hoc attinet opus, eos qui hæc eadem non secundum sacros canones, sed licet gratis, a regali tamen et laicali accipiunt potestate. Tertium, quod clerus a sæcularibus pasci debet atque honorari, non infamari vel iudicari aut persequi. Quartum, quod sæculari potestati non liceat in ecclesiam clericos introducere vel expellere, nec res ecclesiasticas regere vel in sua iura transferre.

"Nemo autem putet nos honori regio

derogare in hoc quod scribimus, quod eidem talia non liceat usurpare: aliud quippe sacerdotum, aliud est officium regum. Regis enim officium est paci regni providere et sacerdotem ad predicta omnia adiuvere, eique resistentes opprimere, ut eum rex terreat vel puniat ferro, qui sacerdotis non corrigitur verbo. Pugnet sacerdos iuxta apostolum gladio verbi, in 'promptu habens' iuxta eundem discere 'ulcisci omnem inobedientiam.' Pugnet rex gladio materiali, quoniam Domini minister est et vindex in iram his qui male agunt. Cum itaque uterque alterius officio indigeat valde, neuter alterius officium presumat, ne quod ab altero ædificatur, ab altero destruat."

<sup>1</sup> Id. id., i. 1: "Porro [eisdem] apostolis docentibus, ecclesie ubique terrarum consuetudinem ab iis traditam inviolabiliter servaverunt: ut decedente cuiuslibet ecclesie pontifice clerus et populus eiusdem communi deliberatione de suo vel alterius ecclesie clero sibi pastorem pfererent."



tradition were some of those whom he calls Eutychian, like Zeno and Anastasius, and their example was followed by some of the later Greek emperors. Deusdedit is aware that at one time even the Roman Church notified the election of its bishop to the emperor before proceeding to his consecration. He then enumerates a number of papal and conciliar decrees which required the freedom of election and forbade the interference of the secular authorities.<sup>1</sup> He finds some difficulty in dealing with the decree about papal elections issued by Pope Nicholas II., and its provision that the emperors were to be notified after his election, but before his consecration. He urges first that this provision of the decree, if indeed it had been thus expressed, had been invalidated by the conduct of the king and his advisers in attempting to depose Nicholas II., and later in setting up first Cadalous of Parma, and then Guibert of Ravenna, as anti-popes. Secondly, he maintains that the copies of the decree had been so much tampered with that they were not consistent with each other. Thirdly, he contends that, if Nicholas did indeed issue such a regulation, it was invalid; for he, being only one patriarch, could not, even with the Council of his bishops, change that which had been ordained by five patriarchs and more than a thousand Fathers, and confirmed by the Christian emperors, for in their decrees no power of interference in the election or appointment of bishops was conceded to the royal authority.<sup>2</sup>

<sup>1</sup> Id. id., i. 3-9.

<sup>2</sup> Id. id., i. 11: "Sunt item qui obiciunt Nicolaum iuniorem decreto synodico statuisset, ut obeunte Apostolico pontifice successor eligeretur et electio eius regi notificaretur; facta vero electione, ut predictum est, regi notificata, ita demum pontifex consecraretur. Quod si admittendum est, ut ratione factum dicatur, obicimus ad hoc confutandum prefatum regem et optimates eius se ea constitutione indignos fecesse: primum, quia postea prefatum Nicholaum Coloniensem archiepiscopum pro suis excessibus corripuisse graviter tulerunt eumque

huius rei gratia, quantum in se erat, a papatu deposuerunt, nomenque eiusdem in canone consecrationis nominari vetuerunt; ideoque decretum eiusdem iure irritum esse debet, quia cum a toto orbe papa haberetur, iuxta eorundem sententiam eisdem papa non fuit, quasi non ex Dei, sed ex eorum tantum penderet voluntate, quempiam quolibet esse vel non esse. Romanus enim pontifex, ut sapientes norunt, non modo deponi, sed etiam christiano iure a quolibet non potest iudicari. Deinde quia, cum in eodem decreto cautum esset, ut Romani pontificis electio a Romano clero et populo ageretur et

He then cites a number of passages from the writings of the Popes and from the Roman law to prove that any action which has been taken illegally and wrongly must be annulled, and concludes that the decree of Pope Nicholas was null and void. He contends that, in maintaining this, he was not saying anything disrespectful to the memory of Pope Nicholas, for, inasmuch as he was human, it was always possible that he might have been persuaded to do something which was contrary to that which was lawful and right; and he cites the case of Pope Boniface II. as having annulled a decree which he had wrongly made, and urges that Nicholas II. would have done the same had he seen the opinions of the Fathers collected and knew that they were contrary to his decree.<sup>1</sup>

postea regi notificaretur, ipsi prefatum violantes decretum elegerunt, quod eis non licebat, prius Cadalaum Parmensem, postea Guibertum Ravenatem, induentes eos apostolicis insignibus; vocantes apostolicos apostatas Antichristi precursores. Preterea autem prefatus Guibertus aut sui, ut suae parti favorem ascriberent, quaedam in eodem decreto addendo, quaedam mutando, ita illud reddiderunt a se dissidens, ut aut pauca aut nulla exemplaria sibi concordantia valeant inveniri. Quale autem decretum est, quod a se ita discrepare videtur, ut quid in eo potissimum credi debeat, ignoretur? Sed ut tandem invincibili gladio feriamus, prefatus Nicolaus, unus scilicet patriarcha, cum quolibet episcoporum concilio non potuit abrumpere, immo nec mutare non obviantia fidei profata decreta sanctorum quinque patriarcharum, scilicet Romani, Alexandrini, Antiocheni, Hierosolimitani, Constantinopolitani, ut ex numero prefatis synodis adposito colligi potest sanctorum [patrum] MCL et eo amplius: tot quippe leguntur profata constitutione suis temporibus statuisset, in quibus non inveniuntur quidquam

regiae potestati in pontificum electione seu promotione concessisse; immo, ut predictum est considentibus cum eis christianissimis imperatoribus et non contradicentibus, leguntur sub perpetuo anathemate vetuisse. Quod si hoc vendicandum est, ex Græcorum imperatorum consuetudine vel ex Ambrosiana vel ex Gregoriana electione constat, ut premissum est, eosdem imperatores hoc veluti Deo adversum respuisse, eorundem vero pontificum electionem et promotionem octavæ synodo quamvis prepostere concordasse."

<sup>1</sup> Id. id., i. 12: "Et quamvis decretum, de quo agimus, a prefatis ecclesiae legibus penitus enervetur, videamus tamen adhuc quid de eo iterum ecclesiae et sæculi leges censeant, ut penitus evacuetur. Ex synodo papæ Hilari, cap. iv." &c., &c.

13: "His itaque decursis, patet prefatum decretum nullius momenti esse nec umquam aliquid virium habuisse. Et hæc dicens non preiudico beatæ memoriæ papæ Nicolao nec quicquam eiusdem honori derogo, patrum sententias Dei spiritu conditas sequendo.

Deusdedit then deals with the contention that the appointment of bishops by the secular authority at its pleasure was sanctioned by long custom, and argues that, in the case of divergent customs, that must be followed which could be traced back to apostolic times, and that the perversion of this by secular princes could not prejudice its authority.<sup>1</sup> Finally, he urges that it was the appointment to ecclesiastical office by the prince which was the cause of the prevalence of simony and of the neglect of their duties by ecclesiastics, while they crowded to the court to obtain preferment by what were often unworthy services, and he develops this into an attack upon the royal chapels and their clergy.<sup>2</sup>

Homo quippe fuit eique, ut contra fas ageret, surripi potuit. Nec mirum hoc eidem contigisse, cum quidam ipsius decessor inveniatur quiddam decrevisse et meliori usus concilio postea immutasse. Siquidem secundus Bonifacius legitur ex decreto constituisse Vigilium diaconum sibi in pontificatu succedere; quod quia Romano clero visum est canonibus adversari, presente clero ab eodem subpositum est igni ante confessionem beati Petri apostoli. Et certe prefatus Nicolaus divino metu concussus hoc idem fecisset, si tunc tot patrum sententias in unum collectas vidisset easque suo decreto tam concorditer adversari perpenderit.

<sup>1</sup> Id. id., 14: "De numero vero annorum, quibus hæc dampnabilis consuetudo permansisse dicitur, ut sæculi potestas pro suo libito pontifices promoveat, iure causari non potest. Nam de diversis consuetudinibus illa potissimum sequenda est, quæ, cum originem sumeret, catholicos patres suorum priorum patrum vestigia sectantes auctores habuit, sicut patres vii. et viii. synodi secuti sunt statuta patrum sanctorum pontificum Romanorum, et illi consuetudinem ab apostolorum temporibus per omnes ecclesias observatam.

Ea vero perversitas, quæ a sæculi principibus superinducta est, non preiudicat eidem sanctæ consuetudini, quantalibet obtinuerit temporum curricula."

<sup>2</sup> Id. id., 15: "Quis enim [sanum sapiens] non advertat hanc pestem seminarium esse symoniacæ hereseos et totius christianæ religionis lamentabilem destructionem? Nempe cum dignitas episcopalis a principe adipisci posse speratur, contemptis suis episcopis a clericis ecclesia Dei deseritur; et ab aliis quidem ingens pecunia [non solum regalibus, sed etiam] aulicorum marsupiiis infunditur, ut eorundem suffragia ad tam nefariam promotionem mereantur; ab aliis infinita pecuniæ dispendio plus decennio in sæculari curia deservitur, æstius, pluvie, frigora et cetera incommoda patientissime tolerantur; ab aliis autem vel sui pastoris vel cuius honorem ambiunt mors incessanter optatur; ab alio alii vehementer invidetur, dum quod sibi sperat, ab eo surripi potest putatur. Immo prohe dolor! in tantam Dei iniuriam interdum prosilitur, ut et servus et fornicariis dignitas ista prestetur. Tales quippe cum adepti fuerint quod taliter expetierunt, peccantes sæculi

For these reasons then, Deusdedit contends, Gregory VII. had declared all secular appointments to bishoprics and abbeys null and void, and that all secular persons who ventured to give the "investiture" of these should be excommunicated, and he quotes the decree of the Council of Rome of 1080.<sup>1</sup>

It is noteworthy that Deusdedit applies the same principle to the question of the private patronage of parish churches, and maintains that the parish priest should be appointed by the clergy and people of the parish, and that no one should be appointed against their will.<sup>2</sup>

If we now endeavour to sum up the main points in the controversial literature, so far as we have examined it, we may say that while much had been urged by the representatives of the imperial party which might be interpreted as a defence of that large power of the secular authority in determining the appointment of bishops, which they had undoubtedly exercised for a considerable time, the protagonists of the imperial party had already recognised that there was an essential distinction between the spiritual and the temporal aspects of the episcopal position, and had admitted that the secular claim to determine ecclesiastical appointments was related purely to the temporal. On the other hand, the sup-

potestates nullatenus redarguere presumunt, quoniam ab illis se promotos esse meminerunt, immo, ne redarguere presumerent, promoti fuerunt. . . . Sed obicitur clericis, ut divina officia principibus exhibeant, eorundem curiam inhabitare oportere; quasi non sit iustius apud Deum et apud homines convenientius, [ut nobis videtur,] quemque episcopum, in cuius diocesi contingit principem adesse, eidem idoneos et religiosos clericos ad divina mysteria celebranda dirigere, et pro temporis diuturnitate, qua idem ibidem moratur, alios aliis iubere succedere."

<sup>1</sup> Id. id., i. 16. Cf. p. 79.

<sup>2</sup> Id. id., iv. 2: "Sciendum autem quod sicut clerus et populus episcopum sibi constituendum communiter deligunt et expetunt, ita propter pacis et caritatis bonum debet clero et populo cuiusque ecclesiæ et vicinis sacerdotibus concedi, ut presbyteros et inferiores gradus potiores clericos sibi eligant: non tamen in ecclesiam ullo modo introducere presumant, nisi ab episcopo civitatis vel eius vicariis juxta apostolum primum probentur; et sic ab eodem vel suis vicariis vitæ suæ diebus in ecclesiis stabiliantur: ne si nolentibus et non petentibus ingerantur, ab eisdem vel condemnentur vel odio habeantur."

porters of Gregory VII. had indeed sometimes seemed determined to refuse to admit that the temporal power could have any place in ecclesiastical appointments, but their emphasis had been laid on the denial of any arbitrary authority to appoint at their pleasure, and in the assertion of the rights of the clergy and people of the diocese to a free election; while they also laid great stress upon the practical evils which had arisen from the abuse of the secular authority. So far they had not discussed and met the contention of the imperial party, which laid stress upon the secular position of the great ecclesiastical officers.

With the end of the eleventh century the controversy began to assume a somewhat different form, and we must now consider this.

## CHAPTER IV.

### THE DISCUSSION OF THE "INVESTITURE" QUESTION—II.

WE must consider the development of the controversy from the last years of the eleventh century to the time of the attempt at a settlement by Paschal II. and Henry V. The period was marked by the development of a mediating opinion, which recognised in various terms the elements of reasonableness in the contentions of both parties. It is better to speak of a mediating opinion rather than a mediating party, for we can find this in men who might, in relation to the more general conflict of the time, with which we shall deal later, be described as adhering to either the one or other of the great parties, or sometimes even as not belonging strictly to any party.

It might, indeed, seem that the death of Gregory VII. in 1086, and of Henry IV. in 1106, might have changed the whole situation, but, so far as the "investiture" question was concerned, this was not the case. The successors of Gregory VII., and especially Pope Urban II., firmly maintained Gregory VII.'s prohibition of lay "investiture," while Henry V., on the death of his father, maintained his right to it. It is, however, probable that, though the position of the contending parties might seem formally and in outward appearance the same, the removal of the original protagonists did actually in a great measure alter the conditions, and made it easier for the mediating tendency to develop and assert itself.

The writer in whom we may perhaps say that this mediating tendency began to show itself clearly was Ivo,  
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Bishop of Chartres. Ivo was one of the most learned men of his time, as his great canonical works, the 'Decretum' and the 'Panormia,' sufficiently show. It is clear from his letters that he was not satisfied with the conditions produced by the conflict on "investiture," and that he was not prepared to accept the total exclusion of the secular authority from a share in the appointment of bishops. In a letter to Hugh, the Archbishop of Lyons, of the year 1096(7), whom he recognises as Primate of France as well as Legate of the Pope, he discusses a question which had arisen as to the appointment of Daimbert as Archbishop of Sens. He contends first that the Archbishop of Lyons claimed an authority over the Archbishop of Sens which was not warranted by canonical authority,<sup>1</sup> and then discusses the objection which Hugh had made to his consecration on the ground that he had accepted the "investiture" from the King of France. He began by saying that he had no trustworthy information that Daimbert had done this, but maintains that even if he had, this was not a transgression against religion. The Popes themselves had recognised the right of kings to grant bishoprics (*concessio episcopatus*) to those who had been canonically elected, and he understood that Pope Urban II. had only prohibited *corporalis investitura*, but did not forbid the king, as head of the people, to take part in the election, or to make the *concessio*. He urges that it was quite immaterial under what form the *concessio* was made, by hand, or by word, or by the staff, since kings had no intention of granting anything spiritual, but only meant either to signify their assent to the desires of the electors, or to grant the estates or other temporal goods of the churches to those who had been elected; and he quotes the well-known words of St Augustine in which it is stated that all property is held by human law. Further, while he protests that he had no intention of setting up his own authority against the decisions of the Papal See, as far as they were reasonable and in accordance with the authority of the Fathers, he maintains that these regulations, that is the prohibition of "investiture" by the king, rested

<sup>1</sup> Ivo of Chartres, 'Epistola ad Hugonem,' 'Lib. de Lite,' vol. II.

not upon any provision of the eternal law, but only on the authority of the Popes (*quia ea illicita maxime facit presidentium prohibitio*).<sup>1</sup>

The position taken up by Ivo in the letter is very significant and important. In the first place, he looked upon the

<sup>1</sup> Id id: "Quod autem scrip-  
sistis predictum electum investituram  
episcopatus de manu regis accep-  
tisse, nec relatum est nobis ab aliquo  
qui viderit nec cognitum. Quod  
tamen si factum esset, cum hoc  
nullam vim sacramenti gerat in  
constituendo episcopo, vel admissum  
vel omisum quid fidei, quid sacræ  
religioni officiat, igitur cum  
post canonicam electionem reges ipsos  
apostolica auctoritate a concessione  
episcopatum prohibitos minime videamus  
Legimus enim sanctæ recordationis  
summos pontifices aliquando  
apud reges pro electis æcclesiarum, ut  
eis ab ipsis regibus concederentur epis-  
copatus, ad quos electi erant, interces-  
sisse, aliorum, quia concessiones  
regum nondum consecuti fuerant, con-  
secrationes distulisse. Quorum exempla  
supposuimus, nisi prolixitatem epis-  
tolæ vitassemus. Dominus quoque papa  
Urbanus reges tantum a corporali in-  
vestitura excludit, quantum intellexi-  
mus, non ab electione, in quantum sunt  
caput populi vel concessione, quamvis  
octava synodus solum prohibeat eos  
interesse electioni, non concessioni.  
Quæ concessio sive fiat manu, sive fiat  
vultu, sive lingua, sive virga, quid refert,  
cum reges nichil spirituale se dare inten-  
dant, sed tantum aut votis petentium  
annueat, aut villas ecclesiasticas et alia  
bona exteriora, quæ de munificentia  
regum optinent ecclesiæ, ipsis electis  
concedere? Unde Augustinus super  
Iohannem parte prima, tractatu sexto  
'Quo iure defendis villas ecclesiæ, divino  
an humano'. Quod si hæc æterna  
lege sancta essent, non esset in manu  
presidentium, ut ea in quibusdam  
districte iudicarent, quibusdam mise-  
ricorditer relaxarent, ipsis in honore  
accepto permanentibus, contra quos  
ista loquuntur. Nunc vero, quia ea  
illicita maxime facit presidentium pro-  
hibitio, licita quoque eorundem pro sua  
æstimatione remissio. videmus nullos  
aut pene nullos pro huiusmodi trans-  
gressione dampnatos, plurimos autem  
vexatos, plurimas ecclesias spoliatas,  
plurima scandala exorta, divisum reg-  
num et sacerdotium, sine quorum con-  
cordia res humanæ nec incolumes esse  
possunt nec tutæ. Videmus quoque  
miseros episcopos et abbates nec ruinis  
morum nec murorum reficiendis velle  
vel posse vacare, solum ad hoc intentos,  
ut possint sibi aliquam linguam magni  
loquam amicam facere, cuius nundinis  
se possint utcumque defensio. Multi  
quoque electi, qui gratitiam et canoni-  
cam habent electionem, quia huiusmodi  
dilationibus vel fatigationibus impedi-  
untur, comparatis sibi pecunia media-  
toribus et prolocutoribus, ne turpem  
patientur repulsam, in symoniacam  
offendunt aliquando consecrationem.  
Cum ergo omnis institutio ecclesiasti-  
carum legum ad salutem referenda  
sit animarum istarum institutionum  
transgressionibus aut districtius essent  
corrigeandæ, ut saluti prodessent, aut  
interim silentio premeandæ, ne spiritu-  
alia vel temporalia commoda supra-  
dictis modis impedirent. Nec ista dico,  
tanquam velim adversus sedem apostoli-  
cam caput erigere vel eius salubribus  
dispositionibus obviare vel meliorum  
sententiarum preiudicium facere, si vivis  
tantantur rationibus et evidentioribus  
veterum patrum auctoritatibus."

prohibition of lay "investiture" as what we may perhaps call an administrative rule, which might be enforced or not, as might seem expedient, and not as a permanent part of the law of the Church. Secondly, he did not interpret the prohibition as meaning that the king should have no place in episcopal appointments: he maintains that as head of the people he might have his place in the election, and that he had the right of confirmation or bestowal (*concessio*). Thirdly, he considers that the form under which the king might do this was immaterial: it had no relation to the spiritualities, but was to be interpreted either as expressing his assent to the election, or as the form under which he conferred the temporalities of the diocese; and these, Ivo was clear, must be granted by the king, for all property was held under the temporal authority.

Ivo dealt again with the same question in a letter written by him in the name of the Archbishop of Sens and the bishops of the province to Ioscerannus, the Archbishop of Lyons, some years later, probably in the year 1111 or 1112. Ioscerannus had invited the archbishops and bishops of the French provinces to a Council to consider the question of lay "investiture." Ivo, in the name of his province, declines to attend this, on the ground that it was not competent to the Primate to summon a council of the kingdom, but he also objects to any public discussion and condemnation of the action of Paschal II., who had, in the year 1111, as we shall see later, conceded the right of "investiture" to the Emperor Henry V., but had already written to Ivo and other bishops retracting this concession, and saying that he had only granted it under coercion. Ivo urges that it was not right that they should meet in Council to consider the conduct of the Pope, inasmuch as they had no power to judge or condemn him unless he had departed from the faith.<sup>1</sup> He urges that the question of "investiture" was not a question of heresy or of the eternal law, but, as he had said in the earlier letter, a question of administrative order, and that it was thus reasonable that the Pope should have allowed various persons to

<sup>1</sup> Ivo of Chartres, Ep. ad Ioscerannum, 'Lib. de Lite,' vol. ii.

purge themselves of the offence of having received "investiture," by surrendering their pastoral staffs, and receiving them again from the Apostolic hand. If any lay person thought that in the giving and receiving of the pastoral staff there was anything of the nature of a sacrament, or that he could give the *res* of an ecclesiastical sacrament, he was indeed a heretic. Finally, he gives his own opinion as being that, inasmuch as this "investiture" by the hand of a layman was an invasion of another man's right, it should be abolished, when this could be done without causing schism, but if it would have this consequence, such action should be postponed.<sup>1</sup>

Ivo thus again made it clear that he looked upon the question of lay "investiture" as a matter belonging to the

<sup>1</sup> Id. id.: "Postremo quod quidam investituram heresim vocant, cum heresis non sit nisi error in fide, sicut enim fides cordis est ad iustitiam, oris autem confessio ad salutem: ita heresis error est ad impietatem, professio vero eiusdem erroris ad perniciem. Et fides et error ex corde procedunt. Investitura vero illa, de qua tantus est motus, in solis est manibus dantis et accipientis, que bona et mala agere possunt, credere vel errare in fide non possunt. Ad hæc, si hæc investitura heresis esset, ei renunciare sine vulnere ad eam redire non posset. Videmus autem in partibus Germaniarum et Galliarum multas honestas personas purgato isto nevo per quamlibet satisfactionem pastorales virgas reddidisse et per manum apostolicam refutatas investituras recepisse. Quod summi pontifices minime fecissent, si in tali investitura heresim et peccatum in Spiritum sanctum latere cognovissent. Cum ergo ea, quæ æterna lege sancita non sunt, sed pro honestate et utilitate ecclesie instituta vel prohibita pro eadem occasione ad tempus remittuntur, pro qua inventa sunt, non est institutorum dampnosa prevaricatio, sed laudabilis et saluber-

rima dispensatio. Quod cum multi minus studiosi minime attendant, ante tempus iudicant, spiritus mobilis et spiritus stabilis non intelligentes differentiam. Si quis vero laicus ad hanc prorumpit insaniam, ut in datione et acceptione virgæ putet se posse tribuere sacramentum vel rem sacramenti ecclesiastici, illum prorsus iudicamus hereticum non propter manualement investituram, sed propter presumptionem diabolicam. Si vero congrua volumus rebus nomina dare, possumus dicere, quia manualis illa investitura per laicos facta alieni iuris est pervasio et sacrilega presumptio, quæ pro libertate ecclesie et honestate salvo pacis vinculo si fieri potest funditus abscedenda est. Ubi ergo sine scismate auferri potest, auferatur. Ubi sine scismate auferri non potest, cum discreta reclamazione differatur. Nichil enim tali pervasione demitur sacramentis ecclesiasticis, quominus sancta sint, quia apud quoscunque sunt ipsa sunt, sive apud eos, qui intus, sive apud eos, qui foris sunt. Hæc scripsimus dilectioni vestræ parati refelli sine contumacia, si melius his quæ scripsimus nos docuerit vestra prudentia, quod munitum sit scriptura canonica. Valete."

administrative order of the Church, and not to the necessary and eternal law, for it had no relation to the spiritual office of the bishop. It would seem, however, that he had come to the conclusion that lay investiture with the pastoral staff was a cause of scandal, and that it would be well if it could be abolished, provided this could be done without causing serious disorder and strife. Ioscerannus of Lyons, in his reply, maintains that while the act of investiture was not heresy, the opinion that it could be permitted was a heresy.<sup>1</sup>

If Ivo of Chartres represents a mediating tendency among those who on the whole supported the Papal party—and, as we have seen, he is careful to say that he does not presume to criticise or condemn the judgment of the Pope on lay “investiture”—we may take Hugh of Fleury as a good representative of those who were critical of papal action, but who on the question of “investiture” tended to a mediating position. His important treatise, ‘De Regia Potestate et Sacerdotali Dignitate,’ with which we shall later deal more fully, was written in the first years of the twelfth century, and dedicated to Henry I. of England. In this he maintains that the king has the right to confer the *præsulatus honorem* while the archbishop confers the cure of souls, and he alleges that this had been the custom until his time. When the people or clergy elect the bishop according to ecclesiastical custom, the king should not tyrannically interfere with the election, but should lawfully give his consent, if the person elected is properly qualified; but both the king and the people have the right to refuse their assent to the election of an improper person. After the election, the king should invest with the temporalities, but not with ring and staff, which should be conferred by the archbishop. Thus, he maintains, the Temporal and Spiritual powers will each retain that which belongs to their authority.<sup>2</sup>

<sup>1</sup> Iosceranni, “Responsio,” ‘Lib. de Late,’ vol. ii.

<sup>2</sup> Hugh of Fleury, ‘Tractatus de Regia Potestate et Sacerdotali Dig-

nitate,’ 1 5 “Igitur rex instinctu Spiritus sancti potest, sicut existimo, præsulatus honorem religioso clerico tribuere. Animarum vero

The position of Hugh is, perhaps intentionally, not quite clear on all points: he does not definitely say that the election always belongs to the clergy and people, but in his treatment of the position of the king he is clear that the king must not act arbitrarily. He also, like Ivo, distinguishes very sharply between the spiritual office of the bishop, which must be conferred by the archbishop, and his secular position, which he receives from the king; and he explicitly condemns the use of the staff and ring by the king in conferring the temporalities of the diocese.

There has been preserved a very important treatise on the “investiture” of bishops which belongs, as it is thought, to the year 1109.<sup>1</sup> The author of the work is unknown, but it is clear that he belonged to the Imperial party; it has, indeed, been suggested that the treatise represents a more or less considered suggestion from that side of the possibility of a compromise.<sup>2</sup> The author maintains, with an imposing

curam archiepiscopus debet ei committere. Qua discreta consuetudine usi sunt quondam quique christianissimi reges et principes in promovendis viris æcclesiasticis atque sanctissimis usque ad hæc tempora nostra. Clericus vero ille religiosus videtur existere quem amor pecuniæ immune vexat, nec reprobi mores aut conversatio reprehensibilem reddunt vel contemptibilem. Ubi vero eligitur episcopus a clero vel populo secundum morem æcclesiasticum, nullam vim ac perturbationem eligentibus rationabiliter rex per tyrannidem debet inferre, sed ordinationi legitime suam adhibere consensum. At si reprehensibilis ille qui eligitur fuerit inventus, non solum rex, sed nec plebs provinciæ debet electioni ipsius suum assensum favoremque tribuere, sed etiam crimina, quibus ille detestabili maculatur infamia, voce publica denudare, ut vel hac contumelia eligentium temeritas comprimatur. Post electionem autem,

non annulum aut baculum a manu regia, sed investituram rerum secularium electus antistes debet suscipere, et in suis ordinibus per annulum aut baculum animarum curam ab archiepiscopo suo, ut negotium huiusmodi sine disceptatione peragatur, et terrenis et spiritualibus potestatibus suæ auctoritatis privilegium conservetur. Quod si regulariter fuerit conservatum, implebitur illud quod Salvator noster in evangelio præcipiens dixit. ‘Reddite quæ sunt cæsaris cæsari, et quæ sunt Dei Deo,’ nec fluctuabit res firmiter et ordinabiliter stabilita, et procul aberit ab æcclesia sancta magnus tribulationum acervus. Rex enim, sicut iam dudum promissum est, Dei patris obtinere videbitur imaginem, et episcopus Christi.”

Cf. ii. 3, 4, 5

<sup>1</sup> Cf. ‘Lib. de Lite,’ vol. ii. p. 495.

<sup>2</sup> Cf. Gerson Peiser, ‘Der deutsche Investiturstreit unter König Heinrich V.’

array of precedents, the historical right of the temporal authority to make appointments to bishoprics; he cites that spurious decree of Pope Hadrian I., which had, as we have seen, been brought forward by Wido of Ferrara,<sup>1</sup> but maintains that long before this emperors and kings and mayors of the palace had appointed and invested bishops, and that the practice had been recognised by Popes like Gregory the Great.<sup>2</sup> He urges that it is immaterial whether the "investiture" is made by the king, with a form of words, or with the staff, or in any other way; but he suggests that the staff is the more suitable symbol, for it has a twofold meaning, either spiritual or temporal. The author seems clearly to connect the right of the temporal power to invest the bishop with the growth of the temporal possessions and power of the Church. The Church, he says, was poor until the time of Constantine, but when the Christian emperor had conferred upon it so many properties and rights, it was reasonable that the king, who is one of the people, and the head of the people, should invest and enthrone the bishop, to whom he had entrusted so much power in the State. Had the bishops remained as poor as the one described by Gregory the Great as lacking even a winter cloak, the matter might have been different, and there would have been no need to require homage and the oath of allegiance from such a man.<sup>3</sup>

<sup>1</sup> 'Tractatus de Investitura Episcoporum,' 'Lib. de Lite,' p. 498: "Ex tunc a Grecis in reges Francorum translata est imperatoria dignitas, et Adrianus papa, collandantibus Romanis et plena synodo primatum archiepiscoporum, episcoporum, abbatum, ducum et principum acclamato, Karolo magno eiusque successoribus, futuris imperatoribus, sub anathemate concessit patriciatum Romanum, et per se vel per nuncios suos confirmationem in electione vel in consecratione Romani pontificis concessit; et investituras episcoporum eis determinavit, ut non consecratur episcopus, qui per regem vel imperatorem non

introierit pure et integre, exceptis quos papa Romanus investire et consecrare debet ex antiquo dono regum et imperatorum cum aliis que vocantur regalia, id est a regibus et imperatoribus pontificibus Romanis data in fundis et redditibus. In hac concessione continentur regales abbacie, prepositure."

Cf. p. 83.

<sup>2</sup> Id. id., p. 499, 501.

<sup>3</sup> Id. id., p. 501: "Nil enim refert, sive verbo sive precepto sive baculo sive alia re, quam in manu teneat, investiat aut intronizet rex et imperator episcopum, qui die consecrationis veniens anulum et baculum ponit super altare et in curam pastorem singula suscipit a

The author relates the right of the king to "investiture" to the possession of the temporalities, and is not greatly concerned with the form under which this may be made; but his reference to the fact that the "investiture," such as it might be, with the homage and oath, should take place before the consecration, is significant as indicating that he was determined to assert the freedom of the royal action in consenting to an episcopal appointment. How far his suggestion, that the royal claim might have been dispensed with had the Church remained poor, may have some relation to the startling proposal of Paschal II. for the solution of the conflict, with which we shall deal in the next chapter, we have no means of judging.

Finally, the author urges that the attempt of the Pope to take away the ancient rights of kings in the "investiture" of bishops must cause much fear and hesitation to Christ's people. He admits that if these rights had been abused, this should be corrected by the Popes; but he complains that the Popes insist that if they should do wrong and act arbitrarily in the appointment of bishops, they must not be reproved, saying that the Supreme Pontiff cannot be judged by any man; and he reminds them that more than once,

stola et ab auctoritate sancti Petri; sed congruum magis est per baculum, qui est duplex, id est temporalis et spiritualis. Operarius enim in seminandis spiritualibus dignus est mercede sua in accipiendis temporalibus iuxta quod Paulus ait: 'Si spiritualia vobis seminamus, non est magnum, si carnalia id est temporalia a vobis metamus.' Precedens investitura per regem in fundis et robis ecclesie contra tyrannos et raptos quieti et pacifica reddit omnia; sequitur autem consecratio, ut bannus episcopalis banno regali conveniens in communem salutem operetur, et si episcopis faciendum est regibus hominum et sacramentum de regalibus, aptius est ante consecrationem.

Postquam autem a Silvestro per christianos reges et imperatores dotate et ditate et exaltate sunt ecclesie in fundis et aliis mobilibus, et iura civitatum in thelonis, monetis, villis et scabinis, comitatibus, advocatiis, synodalibus bannis per reges delegata sunt episcopis, congruum fuit et consequens, ut rex, qui est unus in populo et caput populi, investiat et intronizet episcopum et contra irruptionem hostium sciat, cui civitatem suam credat, cum ius suum in domum illorum transtulerit. Primus Gregorius conqueritur dolendo de quodam episcopo, qui adeo pauper erat, ut de episcopatu suo contra frigus vestem hiemalem habere non posset—a tali episcopo forsitan sancto non erat regi necessarium exigere hominum, sacramentum, obsides."

when there had been disputes about the papal elections, these had only been set right by the intervention of the Greek or Frank emperors.<sup>1</sup>

In the last volume we have considered the position of Gregory of Catino as the most dogmatic defender of the conception that it was impious to resist the royal authority,<sup>2</sup> and it is therefore not surprising to find that he maintains very firmly the royal prerogative of the "investiture" of bishops. Even in his case, however, it is worth while to observe what he understands this "investiture" to signify, and the nature of the arguments with which he defends it. His treatise, 'Orthodoxa Defensio Imperialis,' was written after the accession of Henry V., and it is contended that it should be dated in the year 1111, about the time when Henry V. compelled Paschal II. for a short time to admit his right to "investiture."

Gregory is indeed a representative of a very extreme imperialist position, and describes the king as the head of the Church, founding this on some places in the Old Testament, and on a passage which he attributes to St Chrysostom, which seems to be spurious.<sup>3</sup> We shall have to return to this

<sup>1</sup> Id. id., p. 502. "Si Romani pontifices intendunt regibus auferre antiqua iura de investiendis episcopis, timent, dubitant, dolent pusilli Christi. Reges enim, si in episcoporum investituris excesserint, possunt a timoratis viris et pontifice Romano argui et ad rectam correctionis lineam reduci, si autem in promotione et consecratione episcoporum pontifex Romanus exorbitaverit et sub verbo summæ prelationis ad voluntatem suam egerit, non vult, ut reprehendatur, cum dominus Iesus se reprehendi concesserit, dicens: 'Si male locutus sum, testimonium perhibe de malo.' Isti autem 'Summus,' inquit, 'pontifex a nemine indicetur . . .'

Notandum est autem pontificibus

Romanis et eorum civibus, quando orta fuit divisio in electione pontificum vel in communiione civium, non est pax restituta nisi per Grecos imperatores, quamdiu imperium ibi fuit, vel per Francos imperatores, ex quo imperium Romanum datum est eis."

<sup>2</sup> Cf. vol. iii p. 122.

<sup>3</sup> Gregory of Catino, 'Orthodoxa Defensio Imperialis,' 2. "Quod vero caput ecclesie regem debeamus intelligere, ammonet scriptura divina inquit ad Saulem. 'Cum esses parvulus in oculis tuis caput in Israele constitui.' . . . Do quo Iohannes Chrysostomus inquit 'Habet autem sancta ecclesia caput quod est regnum, habet cor quod est sacerdotium,'" &c.

conception later. He urges that, if this is so, it is unreasonable that the emperor should be excluded from the appointment to office of the prelates of the Church, who are his members, and that it is suitable that they should be invested with ring and staff by the emperor before they are consecrated by the bishop.<sup>1</sup>

Again he argues that if the characteristic ornaments of the Popes were given them by Constantine, quoting to this effect one part of the "Donation of Constantine," much more might the emperor grant to the bishops the ring and staff;<sup>2</sup> but he is careful to explain that this "investiture" does not represent any spiritual office or authority, but only temporal possession and authority.<sup>3</sup> Finally, he urges that while the

<sup>1</sup> Id. id., 3: "Ubi animadvertendum, quia prius dixit: 'Quæ sunt cesaris reddendum cesari'; deinde vero: 'quæ Dei sunt Deo,' ut capiti ecclesie, videlicet imperatori, debitum prius reddatur subiectionis, deinde sacerdotibus munus impendatur honoris, et imperatori quidem terrestria, sacerdotibus vero, id est pontificibus vel reliquis clericis, spiritualia commoda. In quo etiam precepto Domini non incongruum videtur si prelati ecclesie ab imperatore prius suscipiant proprii honoris, investitura baculi vel anuli assensum, quam a pontifice consecrentur, quia si princeps caput ecclesie predicatur, a membrorum suorum officii sive ministerii creatione nullo modo est repellendus."

<sup>2</sup> Id. id., 4. "Videamus interea et consideremus summi pontificis insignia ornamenta et discamus, a cuius sublimitatis potestate acceperit ea. Numquid dominus noster Iesus Christus largitus est illa beato Petro Apostolo, quando tribuit ei claves regni celorum? Minime. Sed quis concessit ipsa in signa ornamenta Romano pontifici? Relegamus sano decretum Constantini magni imperatoris sancto videlicet pape Silvestro delegatum, et ibi procul

dubio inveniemus. . . . In quibus nimirum verbis audenter et catholice conicere possumus, quia, si Constantinus, qui utique erat terræ dominus tantummodo iuris, super vertice pape manibus suis posuit imperiale frigidum et non est hoc agere veritus, ymf[er]o benignissima devotione fidelique peregrat mente, nec papa quoque dedignatus est suscipere illud quare orthodoxo imperatori interdicitur, ut baculum vel anulum episcopis vel prelati ecclesie, qui certe inferioris ordinis pape sunt, et in eorum manibus non largiatur?"

<sup>3</sup> Id. id., 5: "De investitura ergo baculi vel anuli, quam rex vel imperator quilibet ecclesie prelati faciunt, exemplo Constantini contenti imperatoris, adhuc perscrutemur, si quid inrationabile aut infidele in ipsa invenire valeamus, et per quam non sacri honoris gradum, non munus prelationis sancte, non ministerium spirituale, non ecclesiarum vel clericorum consecrationes, nec aliquod divinum sacramentum, sed potius secularium rerum seu temporalium atque corporalium possessionem omniumque ecclesie eiusdem honorum iuris confirmationem; in qua etiam cernitur



churches were once poor, now they are wealthy, and hold under their authority soldiers and counts, and that it would be very dangerous to the king or emperor if these were not under his control; and that therefore the prelate of the Church who holds this authority from the royal or imperial power must promise the fidelity of himself and his soldiers to the king or emperor.<sup>1</sup>

There was indeed one writer of the Papal party of this time whose position might be taken as uncompromising—that is, Rangerius, Bishop of Lucca. In his versified tractate, ‘*De Anulo et Baculo*,’ he maintains that the ring and staff are sacred symbols, which must not be accepted from the hands of a layman; and he describes what he conceives to be their spiritual significance—the ring as the symbol of the union between the bishop and his church, the staff as the symbol of the pastoral and disciplinary office.<sup>2</sup> In another place, after repeating these interpretations, he denies that these had formerly been given by kings. He maintains that the pastoral staff can never be subject to the sword, and therefore he objects also strongly to the bishop taking the oath to the king, and re-

concordia principis, oblatio obsequi eiusdem potestatis et ministerium ipsius principis benigne professionis. Ergo eiusdem ratio investituræ sanum sapienti non videtur contra fidem, quia regibus et imperatoribus quoquo modo fuit concessum antiquitus, dum omnimodis venalitas caveatur. Nec unquam legitur a quoquam sanctorum catholicorum fuisse interdictum”

<sup>1</sup> Id id., 7 “In principio denique fidei ecclesie possessiones non habebant, sed tantum victum et vestitum, hisque contente erant. Nunc autem religione aucta possessiones creverunt, ecclesie sub se milites, comites personasque sublimes, quibus imperarent, habere ceperunt, quos si rex vel imperator in suis contemptores iussis habuerint, magnum immensumque detrimentum capient impern. Necessè est ergo, ut prelati

ecclesie, qui a suis militibus sacramentum fidelitatis suscipit ex regia vel imperiali dominatione, ipse militum suorum fidelitatem suamque spondeat regali vel imperiali personæ”

<sup>2</sup> Rangerius, ‘*Liber de Anulo et Baculo*,’ ‘*Lib de Lite*,’ vol II p 509 —

14. “Anulus et baculus duo sunt sacra signa, nec ullo

De laici manibus suscipienda modo.

Anulus est sponsi, sponsæ datus anulus, ut se

Novent unus non alium cupere

11. At baculus prefert signum pastoris opusque,

Ut relevet lapsos, cogat et re pigros”

These verses are thought to belong to the year 1110. Cf. Preface.

puddates the notion that the temporalities of the Church could give the king any authority over it, for these were given to God, and could be reclaimed.<sup>1</sup> Again, he refers to the “*Donation*” of Constantine, and the great gifts and honours which he conferred upon the Pope; but he denies emphatically that these conferred upon the Popes their spiritual authority, which, he maintains, they had always possessed.<sup>2</sup>

<sup>1</sup> Id id., 860 —

“Anulus et baculus in sacra signa datur.

Anulus, ut sponsum se noverit et sibi iunctam,

Non sibi, sed Christo, diligat ecclesiam

At vero baculus, ut Christi servet ovile

Et caveat sevos terrificetque lupos.

871:—

Contendunt reges hæc signa dedisse priores

Ostendant, vel quos vel quibus et faciant.

Quod si non possunt ostendere, cesset abusus,

Nec iam sub gladio serviat hic baculus

An quia ditavit pia munificentia regum

Æcclesias, debet posteritas rapere ?

Vel quid deterius, et libertatis honorem Et, quæ non tribuit, omnia deprimere ?

An non eripitur libertas pontificalis, Quando iuratur regibus et dominis ?

Quando manus dantur, et per sacra iura ligantur,

Et ius et ratio subditur imperio

Subditur et Christus, et Christi iure soluto

Curia curetur, curia diligitur

Iam canones sperm decretaque conciliorum,

Qui contra canones dixerit esto reus

Hinc creses nasci iam tempora nostra queruntur

Et decus æcclesie deprensisse dolent Dum tamen iste dolor maneat, spes esse videtur,

Et spes, quæ valeat vel revocare fidem

Sed dico, si rex aliquis castella vel agros Contulit æcclesie, contulit et Domino

Si vult servitium, Christum sibi subdere querit,

Qui dicit christos quos levat in famulos

Sed Christus liber, et nulli subditur unquam,

Et nulli christos subdidit ille suos.

901 —

Denique quod semel est oblatum non heet ultra

Quæri vel quaquam conditione premi Si pecus est vel homo, sub libertate manere

Debet, sive domus aut ager aut aliud

Sin alias, non est oblatio gratitumve Munus, mercatum forsitan esse potest,

Quando pauca damus, ut plurima suscipiamus

Quod facit ex animo semper avarus homo.”

<sup>2</sup> Id id., 1107 —

“Nonne dedit Romam ? nunquid non prestitit illi,

Ut præter papam non regat alter eam ?

Nunquid non apicem regni portare per urbem

Contulit et palmam, quando placeret ei ?

No doubt Rangerius is quite uncompromising about the "investiture" with ring and staff, and his treatment of the "temporalities" is not conciliatory.

If now we endeavour to put together the more important principles of the writers whom we have just considered, it seems reasonable to say that on the whole they represent a mediating tendency, or at least a clearer apprehension of the questions which were at issue. Ivo, although in most respects an adherent of the Papal party, agrees with the other party that the prince had the right to some place in ecclesiastical appointments, while Hugh of Fleury maintains that the form of "investiture" by the prince with ring and staff should be given up; and the author of the 'Tractatus' is evidently willing that this should be done. Gregory of Catino alone maintains that this should be retained, and he sets out a theory about the position of the prince as head of the Church, which we shall discuss later; but even he is clear that the "investiture" represents no spiritual power, but has relation only to the temporalities. It is indeed evident that the defenders of the secular claim were becoming more and more clearly conscious that it was on the political importance of the position of the greater ecclesiastics that this claim rested, and this is well expressed by the 'Tractatus' and by Gregory of Catino.

Nunquid ob hoc regum precellentissimus atque	Sic est, sic legimus; sed quid? non antea præsul
Solus in orbe potens est dominatus ei?	Romanus leges et sacra iura dedit?
Nunquid vel vestem vel lignum præbuit illi,	Nunquid pontifices longe lateque per orbem
Per quod sciretur subditus esse sibi?	A Christo similes non habuere vices?
Denique cum causas habuisset pontificalis	Num iam præfuerat Cornelius et Ciprianus
Conventus, voluit eus in arbitrio	Et plures, quorum nomina nemo potest
Ponere, sed timuit et legem fixit, ut ultra	Dicere? tam multi per tempora plurima passi
Pontificum nullus curreat ad laicos	Emisere animas sponte per ecclesias?
In rebus dubiis, et clericus omnis adiret,	Ergo libertas, quæ dicitur ecclesiarum
Pontificem proprium litis ad arbitrium.	Non habet a quoquam principium."

## CHAPTER V.

## PASCHAL II. AND HENRY V.

WE must now consider the history and character of the first attempt at a definite settlement of the "investiture" conflict, an attempt which was indeed startling in its boldness and audacity. For the proposal of Paschal II. to surrender the "regalia," that is especially the whole of the quasi-political position and prerogatives of the bishoprics and abbeys, represented a definite attempt on the part of that Pope to secure the spiritual liberty of the Church by the surrender of the temporal authority which it had come to hold.

Before, however, we discuss the complex history of these years, it will be well to observe that in France and England the Papacy and the Temporal powers were able to arrive at an understanding about the question of the appointment of bishops.

It would seem that in France the papal prohibition of "investiture" was gradually accepted, and that in principle the right of election was recognised, though it seems also clear that the king retained his right of approval or confirmation.<sup>1</sup>

In England, Anselm on his return in 1100 after the death of William Rufus, took up a firm position about "investiture" and homage; he would not do homage, and he refused to consecrate bishops who had received "investiture" with ring and staff from the king. He had to leave England again in 1103, but the relations between himself and Henry I. were never broken off, and finally a

<sup>1</sup> Cf. the excellent discussion of the subject in P. Imbert de la Tour, *de France, du IX<sup>m</sup>e au XII<sup>m</sup>e Siècle,* iii. 1-6. 'Les Elections épiscopales dans l'Eglise

settlement was reached, though we cannot be certain of all its details.<sup>1</sup>

The one statement in which we may no doubt put complete confidence is that of Anselm, in a letter to Pope Paschal, in which he reports that the king had surrendered his claim to the "investiture of churches," and that the king "in personis eligendis nullatenus propria utitur voluntate, sed religiosorum se penitus committit consilio."<sup>2</sup>

Eadmer gives two accounts of the settlement at the Council in London in 1107; in the 'Historia Novorum' he reports that the king formally renounced the claim to invest with ring and staff, while Anselm undertook that no one should be deprived of his dignity because he had done homage to the king. In his life of Anselm, he says, "Rex enim, antecessorum suorum usu relicto, nec personas quæ in regimen ecclesiarum sumebantur per se elegit, nec eas per dationem virgæ pastoralis ecclesiis quibus præficbantur investivit."<sup>3</sup> This statement about election is supported by a Croyland MSS. cited by Spelman,<sup>4</sup> but is flatly contradicted by William of Malmesbury<sup>5</sup> and by Hugo Cantor.<sup>6</sup>

It is not easy to arrive at any certainty as to the precise terms of the agreement between Anselm and Henry, except that Henry gave up the claim to invest with ring and staff, while, as Anselm's letter seems to mean, the king abstained from arbitrary interference in elections, while as would appear from a letter of 1106 to Anselm, Paschal II. acquiesced reluctantly in what he hoped would be the temporary concession, that the bishops should do homage to the king.<sup>7</sup>

On the death of Henry IV. in 1106, his son, Henry V., who had hitherto been in alliance with the Papal party against his father, seems to have resumed the practice of

<sup>1</sup> I owe the references throughout to F. Makower, 'Die Verfassung der Kirche von England,' Notes 23, 24, pp. 19, 20.

<sup>2</sup> Eadmer, 'Historia Novorum' (p. 191).

<sup>3</sup> Id. id. (p. 186), Vita Anselmi, 63.

<sup>4</sup> Spelman, 'Concilia,' ii. p. 28.

<sup>5</sup> William of Malmesbury, 'Gesta,' vol. ii. p. 493.

<sup>6</sup> Hugo Cantor, 'History of Four Archbishops of York,' p. 110.

<sup>7</sup> Eadmer, 'Historia Novorum,' p. 178.

appointing to bishoprics and presumably of giving the "investiture" of them. Pope Paschal II., who had succeeded Urban II. in 1099, had maintained the policy of Gregory VII. and Urban II., and had from time to time repeated the prohibition of lay "investiture." No settlement of the great dispute had therefore been reached, but attempts were made after the accession of Henry to arrange for a meeting which should deal with them and, if possible, discover some solution.<sup>1</sup>

We cannot here follow the events or the negotiations of these years in detail, but we must notice some of the most important stages of them. At a Council held at Guastalla in October 1106, Paschal II. renewed the prohibition of lay "investiture," but also arranged with the representatives of Henry V. that he would shortly come to Germany.<sup>2</sup> Finding, however, as Sigebert in his 'Chronicle' suggests, that the attitude of the king and of the Germans was uncertain, he turned off to France. Henry would not assent to a formal consideration of the "investiture" question, as it related to Germany, at a Council held outside of German territory.<sup>3</sup> An informal meeting, however, took place at Chalons early in May 1107, and at this meeting, of which the Abbot Suger gives a fairly detailed account, the Archbishop of Trier put forward a statement of the royal claim which is very noteworthy. As far back as the time of Gregory the Great, he said, it was known that it belonged to the lawful right of the Empire that the following form of election should be observed. Before the formal election took place the consent of the emperor to the person to be proposed should be procured, then the formal election should take place on the demand of the people, the election of the clergy, and the assent of the *honoratiores*. After consecration the bishop should go to the emperor to be invested with the "regalia" by means of the ring and staff, and should do homage and fidelity. On no other condition ought he to be in possession of the towns,

<sup>1</sup> I must express my very great obligations throughout this chapter to the excellent monograph of Dr Gerson Feiser, 'Der Deutsche Investiturstreit

unter König Heinrich V.,' Berlin, 1883.

<sup>2</sup> Sigebert, 'Chron.,' A.D. 1106.

<sup>3</sup> Id. id., A.D. 1107.

castles, &c., which belonged to the imperial authority. If, he said, the Pope would agree to this, the kingdom and the Church would be at peace.<sup>1</sup>

We cannot be certain that Suger's account is in every detail correct, but there seems no reason to doubt that it is substantially true, and in that case it has considerable importance, for these proposals represent a substantial advance on the part of Henry V. towards a settlement. There are two very significant elements in the statement: the first, that the king demands not the right of appointment, but the right to be consulted before the election, and the veto; the second, that while Henry holds to the claim to invest with staff and ring, this was to follow, not to precede consecration, and this is definitely related not to the general character of the episcopal office, but to the grant of the "regalia."

It would appear from Suger's narrative that for the moment the royal proposals received no serious attention. He represents the Bishop of Piacenza as urging, in the name of the Pope, that if the Church could not elect a bishop without consulting the king, it would be equivalent to reducing the Church to slavery—that the royal investiture with ring and staff was a usurpation of the divine right, and that the ceremony of allegiance was contrary to the dignity of the clergy. The Germans, Suger says, heard the statement with great indignation, and threatened that the quarrel should be settled "not here, but at Rome and with the sword."<sup>2</sup>

<sup>1</sup> Suger, 'Vita Lud. VI' (M G H, S S, vol. xxvi p. 50): "'Talis est,' inquit, 'domini nostri imperatoris, pro qua mittimur, causa Temporalibus antecessorum vestrorum, sanctorum et apostolicorum virorum, Magni Gregorii et aliorum, hoc ad ius imperii pertinere dinoscitur, ut in omni electione hic ordo servetur antequam electio in palam proferatur, ad aures domini imperatoris perferre et, si personam deceat, assensum ab eo ante factam electionem assumere, deinde in conventu secundum canones petitione populi, electione cleri, assensu

honoratiorum proferre, consecratum libere nec simoniae ad dominum imperatorem pro regalibus, ut anulo et virga investiat, reddere fidelitatem et hominum facere Nec mirum, civitates cum et castella, marchias, thelonia et queque imperatorie dignitatis nullo modo aliter debere occupare Si hec dominus papa sustineat, prospere et bona pace regnum et ecclesiam ad honorem Dei inherere."

<sup>2</sup> Id id id "Super his igitur dominus papa consulte oratoris episcopi Piacentini voce respondit Ecclesiam, precioso Iesu Christi sanguine

At the end of May Paschal held a Council at Troyes and there promulgated a decree for the free election of bishops, and condemned the interference of the laity in ecclesiastical appointments; <sup>1</sup> but it was, at the same time, agreed that Henry V. should come to Italy in the following year, and that the whole question should then be considered at a General Council.<sup>2</sup> This arrangement fell to the ground, but negotiations between the Pope and Henry continued, and it has been suggested by Dr Peiser that the 'Tractatus de Investitura,' which we considered in the last chapter, belongs to this time, and represents a definite movement of the Imperial party towards a compromise.<sup>3</sup> In the year 1109 Henry V. sent an embassy, composed of important bishops, to the Pope to announce his intention of coming to Rome; the envoys were well received by Paschal, and were assured by him, according to the 'Annals of Paderborn,' that he would ask for nothing but that which belonged to canonical and ecclesiastical right, and would not in any respect endeavour to diminish the rights of the king.<sup>4</sup>

In August of the year 1110 Henry V. set out on his

redemptam et liberam constitutam, nullo modo iterato ancillari oportere, si ecclesia, eo inconsulto, prelatum eligere non possit, cassata Christi morte, ei serviliter subiacere, si virga et anulo investiat, cum ad altaria eiusmodi pertineant, contra Deum ipsum usurpare, si sacratas dominico corpori et sanguini manus laici manibus gladio sanguinolentis obligando supponant, ordini suo et sacre unctioni derogare Cumque hec et his similia cervicosis audissent legati, Teutonico impetu frendentes tumultu abant, et, si tuto auderent, convicia eructuarent, iniurias inferrent 'Non hic,' inquit, 'sed Romæ gladius hic terminabitur querela'

tempore et necessitate corrigenda correxit, sententiam de libera pastorum electione et de coerenda laicorum in ecclesiasticas dignitates presumptione iuxta predecessorum suorum decreta promulgavit"

<sup>2</sup> Id id, 1107 "Super qua questione quia in alieno regno quocquam diffiniri, utpote Romano iam incipiens potiri sceptro, Henricus non patitur, induciæ sibi totum sequentis anni spacium Romam veniendi et eandem causam generali concilio ventilandi conceduntur"

<sup>3</sup> Cf p 103.

<sup>4</sup> 'Annales Paderbornenses,' 1110: "Et tantum, quæ canonici et ecclesiastici iuris sunt, domino apostoli cum exigero, de his vero, quæ regni iuris sunt, domino regi se nihil imminuere."

<sup>1</sup> Ekkehard, 'Chronicon,' 1107 "tandem circa ascensionem Domini concilium non modicum apud Trevas habuit, ubi inter multa, quæ pro

expedition to Italy accompanied by a large army, and by the end of the year he had arrived at Arezzo, and from there entered into communications with Paschal II.; from Acquapendente he again sent envoys, and they returned to him along with the representatives of the Pope at Sutri.

In considering the main points of the negotiations which followed it may be well to begin by considering the short account which is given of them by Ekkehard in his 'Chronicle.' The envoys of the Pope declared that he was willing to consecrate the king, and to render him all honour and goodwill, if the king would promise liberty to the Church by forbidding lay "investiture." In return the Pope undertook that the Church should surrender all duchies, countships, tolls, &c., and all the other "regalia" which it possessed. The king assented to this proposal, but on condition that this arrangement should be established "firma et autentica ratione, consilio quoque vel concordia totius æcclesiæ ac regni principum assensu." That is, the king required that this agreement should be sanctioned by the counsel and consent of the whole Church, and the assent of the princes of the Empire. Ekkehard adds that the king did not believe that these could be obtained.<sup>1</sup>

We possess the details of the negotiations and of the events which followed in two forms: the one a narrative, written by an adherent of Paschal II., who was himself an eye-witness, which was embodied in the Register of Paschal II., and passed into the 'Annales Romani'; the other an encyclical letter of Henry V. addressed to all Christian people. These not only contain accounts of the events, but also reproduce some of

<sup>1</sup> Ekkehard, 'Chronicon,' 1111. "Ibi legati apostolici cum missis regis advenientes, promptum esse papam ad consecrationem et omnem regis honorem et voluntatem, si tamen ipse sibi annueret libertatem æcclesiarum, laicam ab illis prohibens investituram, recipiendo nichilominus ab æcclesiis ducatus, marchias, comitatus,

advocatus, monetas, thelonea, cæterorumque regalium quæ possident summam. Prebuit rex assensum, sed eo pacto, quatinus hæc transmutatio firma et autentica ratione, consilio quoque vel concordia totius æcclesiæ ac regni principum assensu stabiliretur, quod etiam vix aut nullo modo fieri posse credebatur."

the more important documents in which the attempted agreement was embodied.

The first important documents are those which contain the reciprocal promises of Henry V. and Paschal II. Henry V. promised that, when the Pope had carried out what in his agreement he undertook with regard to the "regalia," he would surrender all claim to the "investiture," and that the Church should go free with the "oblations" and possessions which did not belong to the kingdom; and that he would restore the patrimony and possessions of St Peter, as had been done by Charles, Louis, Henry, and the other emperors.<sup>1</sup>

Paschal II. promised by Peter Leonis, the Prefect of Rome, that if the king fulfilled his undertaking, as expressed in the other document, the Pope, on the day of the coronation of the emperor, would command the bishops who were present to surrender to the king and kingdom the "regalia" which had belonged to the kingdom in the time of Charles, Louis, Henry, and his predecessors. He undertook that he would, in writing, command with "authority and justice," and under the penalty of excommunication, that no one of the bishops, present or absent, or their successors, should interfere with or invade these same "regalia"—that is, the cities, duchies, countships, &c., which clearly belonged to the kingdom.<sup>2</sup> Peter

<sup>1</sup> M G H, Legum, Sect. IV, Constitutiones, vol. 1. 83, 'Tractatus cum Paschali II et Coronatio Romana,' 'Promissio Regis': 'Rex scripto refutabit omnem investituram omnium ecclesiarum in manu domni pape, in conspectu cleri et populi, in die coronationis sue. Et postquam dominus papa fecerit de regalibus sicut in alia carta scriptum est, sacramento firmabit, quod nunquam se de investitura ulterius intromittet. Et dimittet ecclesias liberas cum oblationibus et possessionibus quæ ad regnum manifeste non pertinebant. Et absolvet populos a iuramentis que contra episcopos facta sunt. Patrimonia et pos-

sessiones beati Petri restituet et concedet, sicut a Karolo, Lodoico, Henrico et aliis imperatoribus factum est, et tenere adiuvabit secundum suum posse."

<sup>2</sup> Id., 85. 'Promissio Papæ per Petrum Leonis dicta' ("Si rex adimpleverit domino papæ, sicut in alia conventionis cartula scriptum est,) dominus papa precipiet episcopis presentibus in die coronationis eius, ut dimittant regalia regi, et regno quæ ad regnum pertinebant tempore Karoli, Lodoici, Henrici et aliorum prædecessorum eius. Et scripto firmabit sub anathemate auctoritate (sua) et iustitia, nequus eorum (vel) presentium vel

Leonis swore that if the Pope should not carry out his promise he would join the king.<sup>1</sup>

With these mutual undertakings we must now compare a declaration which is included in Henry's encyclical. It is suggested by the editor of the 'Constitutions' that Paschal was to have promulgated this on the day of the coronation. This document contains not only the formal decree commanding the restoration of the "regalia," but also a reasoned statement of the circumstances which had led the Pope to take this measure. He declares that, while no priest ought to take part in secular business or attend secular courts, except for the purpose of assisting any who were oppressed, in Henry's kingdom the bishops and abbots were continually occupied with secular affairs because they had accepted from the king, cities, duchies, and other charges which belonged to the service of the kingdom. To this cause he traces the growth of the custom that no bishop should be consecrated till he had received "investiture" from the king. This had been the cause of simony, and of appointments to bishoprics without election, and it was to remedy these evils that Gregory VII. and Urban II. had condemned all lay "investiture," and that he had confirmed this action. Therefore he decrees that all the "regalia" which belonged to the kingdom in the time of Charles, Louis, Henry, and the king's other predecessors were to be surrendered, and that no bishop or abbot was for the future to claim them, unless by some special favour of the king, and that no one of his successors in the Apostolic See was to molest him or his kingdom with regard to this matter. He then decrees that the churches, with the oblations and possessions which clearly did not belong to the kingdom, were to be

absentium vel successores eorum intromittant se vel invadant eadem regalia, id est civitates, ducatus, marchias, comitatus, monetas, teloneum, mercatum, advocatias regni, iura centurionum et curtes quæ (manifeste) regni erant, cum pertinentiis suis, militiam et castra (regni). Nec ipse regem et regnum super his ulterius

inquietabit, et privilegio sub anathemate confirmabit, ne posterius (sui) inquietare præsumant. Regem benigne et honorifice suscipiet et, more prædecessorum ipsius catholicorum scienter non subtracto, coronabit. Et ad tendendum regnum officii sui auxilio adjuvabit."

<sup>1</sup> Id., 86.

free, in accordance with the promise which Henry had made on the day of his coronation.<sup>1</sup>

It is clear that we have in these mutual promises an

<sup>1</sup> Id., 90: 'Paschalis II. Privilegium Primæ Conventiois.' "Paschalis episcopus servus servorum Dei dilecto filio Heinrico eiusque successoribus in perpetuum. Et divine legis institutione sancitum est et sacratibus canonibus interdictum, ne sacerdotes curis secularibus occupentur, neve ad comitatum, nisi pro dampnatis eruendis aut pro aliis qui iniuriam patiuntur, accedant. Unde et apostolus Paulus: 'Secularia, inquit, iudicia si habueritis, contemptibiles qui sunt in ecclesia, illos constituite ad iudicandum.' In regni autem vestri partibus episcopi vel abbates adeo curis secularibus occupantur, ut comitatum assidue frequentare et militiam exercere cogantur. Que nimirum aut vix aut nullomodo sine rapinis, sacrilegiis, incendiis aut homicidiis exhibentur. Ministri enim altaris ministri curie facti sunt, quia civitates, ducatus, marchias, monetas, curtes et cetera ad regni servitium pertinentia regibus acceperunt. Unde etiam mos inolevit ecclesie intollerabilis, ut episcopi electi nullomodo consecrationem acceperent, nisi prius per manum regiam investirentur. Qua ex causa et symoniace heresis pravitas et ambitio nonnunquam tanta prevaluit, ut nulla electione premissa episcopales cathedre invaderentur. Aliquando etiam vivis episcopis investiti sunt. His et aliis plurimis malis, qui per investituras plerumque contigerant, predecessores nostri Gregorius VII., Urbanus II., felicis memorie pontifices excitati, collectis frequenter episcopalibus conciliis, investituras illas manus laice dampnaverunt, et qui per eas obtinuerant ecclesias deponendos, donatores quo-

que communione privandos esse censuerunt: iuxta illud apostolicorum canonum capitulum quod ita se habet: 'Si quis episcopus seculi potestatibus usus ecclesiam per ipsos obtineat, deponatur et segregetur, omnesque qui illi communicant.' Quorum vestigia subsequentes, et nos eorum sententiam episcopali concilio confirmavimus. Tibi itaque, fili Karissime rex Heinricæ et nunc per officium nostrum Dei gratia Romanorum imperator, et regno, regalia illa dimittenda precipimus, que ad regnum manifeste pertinebant tempore Karoli, Luduvici, Heinrici et ceterorum predecessorum tuorum. Interdicimus etiam et sub districtione anathematis prohibemus, ne quis episcoporum seu abbatum, presentium vel futurorum, eadem regalia invadant, id est civitates, ducatus, marchias, comitatus, monetas, teloneum, mercatum, advocatias regni, iura centurionum et curtes que manifeste regni erant, cum pertinentiis suis, militiam et castra regni, nec se deinceps nisi per gratiam regis de ipsis regalibus intromittant. Set nec posteris nostris liceat, qui post nos in apostolica sede successerint, te aut regnum super hoc inquietare negotio. Porro ecclesias cum oblationibus et hereditariis possessionibus, que ad regnum manifeste non pertinebant, liberam manere decernimus, sicut in die coronationis tuæ omnipotenti Domino in conspectu totius ecclesie promisisti. Oportet enim episcopos curis secularibus expeditis curam suorum agere populorum nec ecclesiis suis abesse diutius. Ipsi enim iuxta apostolum Paulum pervigilant, tamquam rationem pro animabus eorum reddituri."

attempt to put an end to the "investiture" conflict in a manner which was little less than revolutionary. We can see that it was recognised that the "investiture" conflict had arisen out of conditions which in some measure justified the demands of both sides. The Pope admits that it was the fact that the bishops held great political powers, which had led to the claim that the bishop could not be consecrated without the royal consent and "investiture," and he contends that this had led to simony, and the frequently complete destruction of the right of free election. It was, therefore, to destroy the root of the whole trouble that Paschal proposed that the Church should surrender the regalia, while Henry promised in return to surrender "investiture." The proposals were indeed far-reaching and radical. They did not indeed mean that the Church would have been divested of all property: it would have retained the tithes and much of its lands; but they would, if carried out, have completely altered the political position of the Church, especially, no doubt, in Germany, but in a large measure in all European countries.

The encyclical letter of Henry V. was intended as a general vindication of his conduct both in regard to these negotiations and to the events which followed. We must consider it therefore first as representing what Henry wished the world to understand as his own attitude to the proposals. He begins by representing himself as anxious to serve the Church and to conform to its wishes, so far as was just. Paschal proposed to him measures which should exalt and enlarge the kingdom, but in reality was treacherously endeavouring to destroy the actual position of the kingdom and the Church. Paschal, he says, proposed without any formal deliberation (*absque omni audientia*) to take away from the kingdom that form of "investiture" of bishops and abbots which it had possessed since the time of Charles, for more than three hundred years. When the royal envoys then asked what would in that case become of the royal authority, inasmuch as his predecessors had given almost everything to the churches, Paschal replied that the king should receive and retain all the estates and "regalia" which

had been given to the churches by Charles, Louis, Henry, and his other predecessors, while they should be satisfied if they retained the tithes and oblations. The royal envoys replied that the king was unwilling to do such violence to the churches, and to incur the charge of sacrilege. The Pope faithfully promised, and his envoys swore for him, that he would himself "cum iustitia et auctoritate," take these things from the churches and transfer them to the king and the kingdom. The royal envoys therefore promised that if the Pope carried out his undertaking—though they knew that this could not be done—the king would surrender the "investitures" of the churches.<sup>1</sup>

It is clear first that Henry V. was anxious that he should not be held responsible for the proposal to deprive the bishoprics and abbeys of their political position and authority, that it was the Pope from whom this had come; and

<sup>1</sup> Id., 100; 'Encyclica Heinrici V.': "Heinricus Dei gratia Romanorum imperator augustus omnibus Christi et ecclesie fidelibus. Notum esse volumus dilectioni et discretioni vestre ea que inter nos et dominum illum Paschalem erant, quomodo incepta tractata et peracta sint, scilicet de conventionione inter me et ipsum, de traditione Romanorum in me et meos, ut audita intelligat, intellecta examinet, examinata diiudicet, Igitur cum in eo essem totus, ut me ad ecclesie utilitatem et ipsius votum, si iustum esset, componerem, cepit dilatationem et exaltationem regni super omnes antecessores meos promittere; studebat subdole tamen, quomodo regnum et ecclesiam a statu suo discinderet, tractare. Quod sic facere aggressus est. Regno nostro iam a Carolo trecentis et eo amplius annis et sub sexaginta tribus apostolicis investituras episcopatum et abbatiarum, eorumdem auctoritate et privilegiorum firmitate tenenti, absque omni audientia volebat auferre. Et cum per nuntios nostros ab eo quaeretur,

omnibus his ablatis, quid de nobis fieret, in quo regnum nostrum constaret, quoniam omnia fere antecessores nostri ecclesiis concesserunt et tradiderunt, subiunxit: 'Fratres, ecclesie decimis et oblationibus suis contenta sint; rex vero omnia pradia et regalia, que a Karolo et Lodoyco, Ottone et Heinrico aliisque suis predecessoribus ecclesiis collata sunt recipiat et detineat.' Ad hanc cum nostri responderent, nos quidem nolle ecclesiis violentiam inferre nec ista subtrahendo tot sacrilegia incurrere, fiducialiter promisit et sui sacramento pro ipso promiserunt: dominica 'Esto mihi in Deum,' se omnia hanc cum iusticia et auctoritate ecclesiis auferre nobisque et regno cum iusticia et auctoritate sub anathemate confirmare et corroborare; nostris itidem firmitatibus, si hoc, uti premissum est, compleret—quod tamen nullo modo posse fieri sciebant—me quoque investituras ecclesiarum, uti quaerebat, refutaturum, sicut in carta conventionis plenius videre poteritis."

secondly, that he wished it to be believed that he himself had never thought that the Pope could carry out his undertaking. Ekkehard, as we have seen, says that the king's assent was only given on the understanding that the Pope's promise should be ratified by the counsel and agreement of the Church and of the princes of the kingdom, and it seems probable that this is what is meant by the phrase which Henry reports as having been twice repeated in the papal promise, namely, that this should be done "cum iusticia et auctoritate." It is, as we shall see, the resistance of the bishops and abbots, both German and Roman, which Henry represents as causing the failure of the proposed arrangement.

We turn then to consider the actual events which followed on Henry's arrival in Rome. Henry's encyclical represents himself as having been treacherously attacked when he entered the city; but without allowing himself to be disturbed, he says, he proceeded to the gates of St Peter's and then, to make it clear that he intended no injury to the Church of God, promulgated a statement. He then demanded that the Pope should carry out his promise, as contained in the "Promissio Papa," "cum iusticia et auctoritate." When, however, the Pope attempted to promulgate this, he was resisted to the face by all the bishops and abbots, both German and Roman, and by all the sons of the Church, who denounced his decree as being mere heresy.<sup>1</sup>

<sup>1</sup> M G H, Legum, Sect IV, Constitutiones, vol. 1 100 con. "De traditione vero in nos et in nostros sic se res habet Vix portas civitatis ingressi sumus, cum ex nostris infra menia se cure vagantibus quidam vulnerati, alii interfecti sunt, omnes vero spoliati aut capti sunt. Ego tamen quasi pro levi causa non motus, bona et tranquilla mente usque ad ecclesiam beati Petri ianuas cum processione perveni ubi ut ostenderem, nullam ecclesiarum Dei disturbance[m] ex nostro velle procedere, in cunctorum astantium oculis et auribus hoc decretum promulgavi "Ego Henricus Dei gratia Romanorum

imperator augustus affirmo Deo et sancto Petro, omnibus episcopis, abbatibus et omnibus ecclesiis omnia que antecessores me reges vel imperatores eis concesserunt vel tradiderunt Et que illi pro spe eterna[m] retributionis obtulerunt Deo, ego peccator pro timore terribilis iudicis nullo modo subtrahere recuso" Hoc decreto a me lecto et subscripto, petu ab eo, ut sicut in carta conventionis eius scriptum est, mihi adimpleret Hac est carta conventionis eius ad me [No 85, see p 117] ... Cum ergo supradicta[rum] postulationi insisterem, scilicet ut cum iustitia et auctoritate promissam mihi conven-

Henry's encyclical, unfortunately, is broken off at this point. Ekkehard's account, which is chiefly based upon a narrative composed by a certain David the Scot, whom Henry had brought with him,<sup>1</sup> gives a similar description of the tumultuous resistance of the "princes" to the proposals of the Pope, which involved the spoliation of the churches, and the loss of their "beneficia."<sup>2</sup>

The account given in the Roman narrative is more detailed. After relating the arrival of the king in Rome, and his reception and designation as emperor by the Pope on the steps of St Peter's, it proceeds to relate that they all entered the church, and the Pope then requested Henry to complete the renunciation of the right of "investiture" and the other promises which he had made, while he on his part was prepared to fulfil what he had promised. Henry, however, instead of at once complying, withdrew with his bishops and princes into a part of the church near the "secretarium," and there deliberated with them. At last, after a long delay, the German bishops returned, and declared that the written agreement could not be confirmed "auctoritate et iustitia." The Pope replied by urging that "the things which are Cæsar's should be given to Cæsar," and that no one in the service of God should involve himself in secular matters; but they persisted in what the Roman narrative calls their "deceitfulness and obstinacy."<sup>3</sup>

tionem firmavit, universis in faciem eius resistentibus et decreto suo planam heresim inclamantibus, scilicet episcopis abbatibus, tam suis quam nostris, et omnibus ecclesie filius, hoc, si salva pace ecclesie dici potest, privilegium proferre voluit" (No 90, see p 119)

<sup>1</sup> Ekkehard, 'Chronicon,' a 1110

<sup>2</sup> Ekkehard, 'Chronicon,' a 1111 "Post hæc qua gesta sunt, longinimum est enarrare, utpote quam immensa honorificentia sit receptus et per Argenream portam usque ad mediam rotam antiquo Romanorum instituto deductus, ibique lectis publice privilegis,

tumultuantibus in infinitum principibus per ecclesiarum spoliatione, ac per hoc beneficiorum suorum ablatione."

<sup>3</sup> Id, 99, Relatio Registri Paschalis II. "Post ingressum basilicæ cum in Rotam porfireticam pervenisset, positus utrimque sedibus consederunt Pontifex refutationem investiture et cetera, que in conventionis carta scripta fuerant, requisivit, paratus et ipse que in alia conventionis carta scripta fuerant adimplere

Ille cum episcopis suis et principibus recessit in partem iuxta secre-



The tenor of the arguments which are attributed to the Pope seems clearly to refer to the surrender of those rights of the bishops which did not belong to their spiritual office, and it would seem therefore that, by the agreement which the German bishops said could not be confirmed, they meant the agreement to surrender the "regalia," and that, when they said that it could not be confirmed "auctoritate et iustitia," they meant that the consent of the Church was necessary and would not be given.

The negotiations thus broke down, and we must consider briefly what followed. The discussions continued all day till the evening was coming on; it was then proposed by the friends of the Pope that he should proceed at once with the coronation of the emperor, while the further negotiations should be postponed till the following week. The representatives of Henry would not, however, agree to this, and finally the Pope and his companions were held captive. On the following day the Romans vigorously attacked the German forces, and on the third day Henry retreated from Rome, carrying the Pope and cardinals with him. The Pope was held in captivity, while Henry demanded that he should formally recognise the royal right of "investiture"; but he also declared that the right which he claimed had no reference to the churches or the spiritual functions of the bishop, but only to the "regalia." Finally Paschal, overcome by the representations which were continually made to him of the

tarium; ibi diutius quod eis placuit tractaverunt. In quo tractatu interfuerunt Longobardi episcopi tres, Bernardus Parmensis, Bonus senior Regitanus, Aldo Placentinus. Cum autem longior se hora protraeret, missis nuntiis pontifex conventionis supradicte tenorem repetiit adimpleri. Tunc episcopi transalpini ad pontificis vestigia corruerunt, et ad oris oscula surrexerunt. Set post paululum familiares regi dolos suos paulatim aperire cœperunt, dicentes: scriptum

illud, quod condictum fuerat, non posse firmari auctoritate et iustitia. Quibus cum euangelica et apostolica obiceretur auctoritas quia et 'reddenda sunt cesari quæ sunt cesaris,' et 'nemo militans Deo implicat se negotiis sæcularibus,' cum armorum usus, secundum beatum Ambrosium, ab episcopali officio alienus sit. Cum hæc et aliis apostolica et canonica capitula obicerentur, illi tamen in dolositate sua et pertinacia permancbant."

devastation of the Roman territory, the ruin of the Roman city and Church, and the imminent danger of schism, gave way, saying that he was compelled to do that for the liberation of the Church which he would never have done to save his life.<sup>1</sup>

The documents containing the actual terms of the agree-

<sup>1</sup> Id. id.: "Cum iam dies declinaret in vespera, consultum a fratribus, ut rex eodem die coronaretur, ceterorum tractatus in sequentem hebdomadam differetur. Illi etiam hoc adversati sunt. Inter hæc tam pontifex quamque et profectus et omnes, qui cum eo erant, a militibus armatis custodiebantur. . . . Capta est cum eo et diaconorum ac notariorum et laycorum numerosior multitudo. Qui autem evaserunt, alii expoliati, alii gravius verberati sunt. Factus est igitur in Urbe tota repentinus tumultus, dolor et gemitus.

Postera die Romani adversus Teutonicos acrius pugnaverunt, adeo ut eos ex porticu pene propulerunt; ex qua pugna plures ex utraque parte mortui fuerunt, set plures ex parte Teutonicorum. Unde tantus eos terror invasit, ut per totum sequens biduum die ac nocte in armis essent. Porro, cum se Romani die tertio comminus pugnatos pronuntiassent, illi nocte ipsa tanto metu ex porticu profugerunt, ut non solum sarcinas set multos etiam socios in ospitiis reliquissent.

Dehinc usque ad pedem Soractis montis progrediens, iuxta beati Andreae monasterium Tiberis alveum transierunt et per Sabinos ad Lucanum pontem iter agentes, ultteriores Romanæ urbis partes aggressi sunt. Traebantur inter hæc et clericorum et laycorum nonnulli funibus alligati. Pontifex autem eum duobus episcopis, Savinensi videlicet et Portuensi, et cardinalibus quatuor apud castellum

Trebicum, ceteri vero cardinales apud Corcodilum in custodia tenebantur. Itaque cum et agros Romanorum rex cotidie depopularetur et eorum animos dolo ac pecunia pertemptaret, tantam Deus populo constantiam tribuit, ut nichil cum eis pacisci sine papæ et cardinalium liberatione potuerunt. Diversis inter hæc consiliis distraebatur. Set perpetrati sceleris conscius, nichil sibi ulterius tutum fore apud papam arbitrabatur. In hoc tandem plena deliberatione convenit, ut omnes quos ceperat liberos faceret, dummodo securitatem sibi apud papam futuri temporis provideret. Hoc profecto per principes suos, hoc per clericos, hoc per laycos, hoc per cives Romanos sollicitius satagebat. Ceterum domnus papa facilius vitam exponere quam investituris episcopatum et abbatiarum consentire malebat, quamvis ille per investituras illas non ecclesias, non officia quelibet, set sola regalia se dare assereret. Proponobatur pontifici captivorum calamitates, quod ammissis liberis et uxoribus domo et patria exules durioribus compedibus arcebantur. Proponebatur ecclesiæ Romane desolatio, que pene omnes cardinales ammiserat. Proponobatur gravissimum scismatis periculum, quod pene universæ Latinorum ecclesiæ immineret. Victus tandem miseris filiorum, laborans gravibus suspiriis atque gemitibus et in lacrimis totus effusus: 'Cogor, ait, pro ecclesiæ liberatione hac pro hoc pati, hoc permittere quod pro vita mea nullatenus consentirem.'"

ment are contained in the Roman narration and in a second imperial report. The terms under which the papal concession was first made are very important. The Pope promises to confirm by a "Privilegium" the following arrangements. The bishop or abbot is to be freely elected without simony, with the assent of the king. He is then to be "invested" by the king with the ring and staff. The bishop or abbot who has thus been freely "invested," is freely to receive consecration from the person to whom this belongs. No one, who has not received "investiture" from the king, may be consecrated, even though he has been elected by the clergy and people. Archbishops and bishops are to be permitted to consecrate those who have received "investiture" from the king.<sup>1</sup> The surrender to the imperial claim was very complete, but it should be noticed that Henry V. conceded in principle the right of a free election, and only claimed for himself the right to give or refuse his assent. The concession may be construed as formal, but is not unimportant.

The actual "Privilegium" repeats the terms of the promise, but it contains some important additions. It states that the right of "investiture" had been granted by Paschal's predecessors to former emperors, and thus apparently admits the authenticity of those spurious documents according to which this right had been granted by Pope Hadrian I. and Pope Leo III. We have already noticed the citation of these by Wido of Ferrara.<sup>2</sup> More important, however, is the reason given for this,

<sup>1</sup> Id., 91. 'Promissio Papæ.' "Domnus papa Paschalis concedet domno regi Henrico et regno eius et privilegio suo sub anathemate confirmabit et corroborabit, episcopo vel abbate libere electo sine simonia assensu regis, quod domnus rex illum anulo et virga investiat. Episcopus autem vel abbas libere investitus libere accipiat consecrationem ab eo, ad quem

pertinuerit. Si quis vero a clero et populo eligatur, nisi a rege investiat, a nemine consecratur. Et archiepiscopi et episcopi libertatem habeant consecrandi a regi investitos. Super his domnus papa Paschalis non inquietabit regem Henricum nec eius regnum et imperium."

<sup>2</sup> Cf. p. 83.

namely, that the grant of the "regalia" to bishops and abbots had been on so great a scale that the safety of the kingdom was dependent on them.<sup>1</sup> This reference to the importance of the "regalia" to the Empire corresponds with the statement which we have just noted, that Henry V.'s claim to the right of "investiture" had reference only to the "regalia" and not to the spiritual office of the bishop.

Ekkehard narrates these events briefly, and concludes with the expression of joy that at last the glory of God and peace on earth had been reached, and the long scandal of division

<sup>1</sup> Id., 96. 'Privilegium Paschalis II. de Investituris.' "Paschalis episcopus, servus servorum Dei, karissimo in Christo filio Henrico glorioso Teutoncorum regi et per Dei omnipotentis gratiam Romanorum imperatori augusto salutem et apostolicam benedictionem. Regnum vestrum sanctæ Romanæ ecclesiæ singulariter coherere, dispositio divina constituit. Predecessores siquidem vestri probitatis et prudentiæ amplioris gratia Romanæ urbis coronam et imperium consecuti sunt. Ad cuius videlicet coronæ et imperii dignitatem tuam quoque per sonam, fili karissime Henrice, per nostri sacerdoti ministerium maiestas divina provexit. Illam igitur dignitatis prerogativam, quam predecessores nostri vestris predecessoribus catholicis imperatoribus concesserunt et privilegiorum paginis confirmaverunt, nos quoque dilectioni tuæ concedimus et presentis privilegii pagina confirmamus, ut regni tui episcopis vel abbatibus libere, preter violentiam et simoniam, electis investituram virgæ et anuli conferas. Post investitionem vero canonice consecrationem accipiant ab episcopo ad quem pertinuerit. Si quis autem a clero et populo preter assensum tuum

electus fuerit, nisi a te investiat, a nemine consecratur [exceptis nimirum illis qui vel in archiepiscoporum vel in Romani pontificis solent dispositione consistere]. Sane archiepiscopi vel episcopi libertatem habeant a te investitos episcopos vel abbates canonice consecrandi. Predecessores enim vestri ecclesias regni sui tantis regalium suorum beneficiis ampliarunt, ut regnum ipsum episcoporum maxime vel abbatum presidium oporteat communiri, et populares dissensiones, que in electionibus sepe contingunt, regali oporteat maiestate compesci. Quam ob rem prudentie et potestati tue cura debet sollicitius imminere, ut Romanæ ecclesiæ magnitudo et ceterarum salus tua prestante domino beneficiis et servis conservetur. Si qua igitur ecclesiastica secularisve persona hanc nostre concessionis paginam sciens, contra eam temerario ausu venire temptaverit, anathematis vinculo, nisi resipuerit, innodetur honorisque ac dignitatis periculum patiat. Observantes autem misericordia divina custodiat et personam potestatemque tuam ad honorem suum et gloriam feliciter imperare concedat."

had been removed ;<sup>1</sup> but his joy was premature, for the action of the Pope was almost immediately repudiated by a large part of the Church, and within a short time Paschal II. found himself compelled to repudiate the concession which he had made.

<sup>1</sup> Ekkehard, 'Chronicon,' a. 1111.

## CHAPTER VI.

### THE DISCUSSION OF THE ACTION AND THE PROPOSALS OF PASCHAL II.

FOR the moment and under coercion Paschal II. had yielded to the demands of the Emperor Henry V., and had conceded the right of "investiture": but it was only for a moment. Within a year the feeling of the Church as a whole had declared itself so emphatically against his surrender that Paschal II. found himself compelled to withdraw it.

It is important to consider the contemporary discussion of his action, for it indicates that the way of compromise was not really closed; and it is also important to consider the discussion raised or suggested by his proposal to surrender the "regalia."

The mood of the extreme papal party is well represented in some letters written at the time by Bruno of Segni. In one of these, which is addressed to Paschal himself, Bruno, while protesting his love and devotion to him, urges that he must love Christ more, and denounces the agreement which had been made under circumstances of violence and treachery. He appeals to Paschal's own earlier condemnation of lay "investiture," which he says was in harmony with the apostolic order, and he denounces as heretics men who contradict the faith and doctrine of the Apostolic Church.<sup>1</sup>

<sup>1</sup> Bruno, Bishop of Segni, 'Epistola,' habere volo, sicut ego cum multis aliis  
2: "Ego enim sic te diligo, sicut tibi promisi. Audio tamen Salvatorem  
patrem et dominum diligere debeo nostrum mihi dicentem: 'Qui amat  
et nullum alium te vivente pontificem patrem aut matrem plus quam me,

The same point of view is set out in even stronger terms in a treatise or letter by Geoffrey, the abbot of Vendôme, addressed to Paschal after his concession to Henry V., and before the Lateran Council of 1112, at which Paschal retracted it. The Church, he says, lives by faith, chastity, and freedom, but the toleration of lay "investiture" destroys all of these; and he bluntly says that though the shepherd of the Church must be endured, even though his character should be evil, if he falls into heresy he is no longer to be reckoned as the shepherd.<sup>1</sup> This is a very unpromising statement, and illustrates forcibly the fact that there were eminent Churchmen who felt so strongly upon

non est me dignus.' Unde et apostolus dicit: 'Si quis non diligit dominum Iesum, sit anathema maranatha.' . . . Fedus autem illud tam fedum, tam violentum, cum tanta proditione factum, tam omni pietati et religioni contrarium, ego non laudo. At vero neque tu, sicut a pluribus referentibus audivi. Quis enim illud laudare potest, in quo fides violatur, æcclesia libertatem amittit, sacerdotium tollitur, unicum et singulare ostium æcclesiæ clauditur, aliaque multa ostia aperiuntur, per quæ quicumque intrat fur est et latro. . . . Constitutio tua et constitutio apostolorum una est, et ipsa quidem multum laudabilis. Apostoli enim omnes illos damnant et a fidelium communione segregant quicumque per secularem potestatem æcclesiam obtinent. Laici enim quamvis religiosi sint, nullam tamen disponendi æcclesiam habent facultatem. Similiter et constitutio tua, quæ de apostolico fonte manavit, omnes illos clericos damnat et a fidelium communione separat quicumque de manu laici investituram suscipiunt et quicumque eis manum imponunt. Hec namque constitutio apostolorum et tua sanata est, catholica est, cui quicumque con-

tradicit catholicus non est. Illi enim soli sunt catholici, qui catholicæ ecclesiæ fidei et doctrinæ non contradicunt. Sicut econtra illi sunt heretici qui catholicæ æcclesiæ fidei et doctrinæ obstinato animo contradicunt."

<sup>1</sup> Godfrey, Abbot of Vendôme, *Libellus I.*; "Fide, castitate ac libertate vivit ac viget æcclesia: quæ si non habet, languet et separatur a vita. . . . Sed cum laicam investituram, quæ secundum traditiones sanctorum patrum hæresis comprobatur, non contradicit, sed præcipit, cum corrumpitur ipsa muneribus, cum sæculari potestati subicitur: fides, castitas et libertas ei simul aufertur, et quæ vitam non habet nec immerito mortua creditur. Huius mortis auctorem vel novissimum æcclesiæ membrum credere, etiamsi pastor videatur, errare est. Huic errori quicumque inhæserit, merebitur ab ipsa vitæ radice præcidi. Super his autem si quis aliter senserit, non est catholicus, manifestetur et veritatis argumento probabitur esse hæreticus. Tolerandus quidem est pastor, ut canones dicunt, pro reprobis moribus: si vero exorbitaverit a fide, iam non est pastor, sed adversarius, a quolibet peccatore tantum catholico detestandus."

the question that they were prepared even to revolt against the Pope himself rather than to accept what they conceived to be ruinous to the freedom and purity of the Church.

This was no doubt the predominant feeling, and it was to this that Paschal II. was compelled to defer when he revoked his agreement with Henry V.; but it would be a serious mistake if we were to think that the mediating tendency which we considered in Chapter V. had been overpowered and had disappeared. On the contrary, it survived in the attitude of Ivo of Chartres, and what is more remarkable, it began to find expression even in the utterances of men who urged the prohibition of lay "investiture" with great determination.

We have already considered the position of Ivo of Chartres in his letter to Ioscerranus, the Archbishop of Lyons, probably written before the Council of 1112, and the formal retraction by Paschal II. of his concession. He refuses to recognise that lay "investiture" could be treated as a heresy, and maintains that the permission or prohibition of it belonged to the administrative order of the Church and not to the "eternal" law. Possibly we may see the impression made upon Ivo's mind by the vehement resentment which Paschal's action had produced, in the fact that he now was disposed to the view that it would be well that lay investiture should be abolished; but he qualifies this by adding the condition that this should be done if it could be effected without causing schism.<sup>1</sup>

More remarkable, however, is the standpoint of a treatise written probably shortly after the retraction. The author states the arguments against lay "investiture" with ring and staff with much force, and urges that these were the symbols of spiritual things, and could not be granted by kings. On the other hand, he seems to admit that it is for the king to grant the "regalia," and suggests that he could do this with the sceptre, the symbol of his

<sup>1</sup> See p. 100.

authority over his country, with which he grants dukedoms, countships, and the other "regalia."<sup>1</sup> It is noteworthy that this writer thus suggests the actual form under which in the settlement of Worms the emperor was to confer the "regalia."<sup>2</sup>

The most noteworthy as well as the most detailed discussion of the questions raised by the concessions and by the proposals of Paschal II. is, however, to be found in a very important work by Placidus of Nonantula, written apparently towards the end of 1111,<sup>3</sup> for he deals not only with "investiture," but also with the whole question of Church property. His position seems at first sight in the highest degree uncompromising, for he might seem to deny altogether that there was any ground for the claims of the secular power. A closer examination, however, leads us to modify this judgment, and to suggest that while he demands the abolition of lay "investiture," he is not unwilling to accept some middle course upon the matter, and that his arguments about Church property are directed not so much against the royal claims as against Paschal's proposal to surrender the "regalia."

He repudiates, indeed very firmly, the action of Paschal in granting to the emperor the right of "investiture," and demands that he should repudiate this concession.<sup>4</sup> He denies that the anointing of the emperor gave him any claim to

<sup>1</sup> 'Disputatio vel Defensio Paschalis Papæ' ('Lib. de Lite,' vol. ii. p. 665): "Peccat in Spiritum sanctum, cum investituræ, quæ Spiritus sancti dona sunt, sibi usurpare ininitur. Novimus etenim, quod anulus et virga pontificalia sunt insignia et per ea spiritualia conferuntur dona, et per ea animarum cura et divina designantur sacramenta. Hec enim nec regem tangere nec ad eum pertinere, cuius manus plene sunt sanguine, inrefragabili ratione profitemur. Sicut enim in ecclesia pastoralis virga est necessaria, qua regitur et ecclesiastica

distinguuntur officia: sic in domibus regum et imperatorum illud insigne sceptrum, quod est imperialis vel regalis virga, qua regitur patria, ducatus, comitatus et cetera regalia distribuntur iura. Si ergo dixerit, quod per virgam pontificalem et anulum sua tantum regalia velit conferre, aut sceptrum regale deserat, aut per illud regalia sua conferat."

<sup>2</sup> Cf. p. 162.

<sup>3</sup> Placidus of Nonantula, 'De Honore Ecclesiæ,' 'Lib. de Lite,' vol. ii. p. 566. Preface by Editor.

<sup>4</sup> Id., 118.

appoint bishops or abbots.<sup>1</sup> He was aware of the contention that Pope Hadrian I. had formally granted the right of "investiture" to Charles the Great, and he was not apparently in a position absolutely to deny the authenticity of the grant, though, in referring to it, he frequently suggests a doubt. He argues, therefore, that it had some other and innocent meaning, or it was related to some conditions of that time, and might have been useful then, but must now be rescinded on account of the mischief which had arisen; or it had been granted by Pope Hadrian in human weakness and error, for Hadrian himself, in the Eighth Synod, had explicitly condemned all interference by the lay authorities in episcopal elections. The Popes themselves, while they have authority, "novas condere leges," cannot alter the laws which the Lord or His Apostles, or the Fathers who followed them, had established.<sup>2</sup> He is therefore clear and emphatic in demanding

<sup>1</sup> Placidus of Nonantula, 'De Honore Ecclesiæ,' 73: "Quod enim quidam aiunt ideo hoc imperatori competere, quia sacro oleo in regnum unctus est, omnino veritati non congruit. Non enim ideo unctus est, ut episcopatus vel abbatias disponat, sed ut Spiritus sancti gratia, quæ per unctionem illam signatur, confirmatus iustitiam Dei rectissime teneat."

Cf. 82 and 118.

<sup>2</sup> Id. id., Prologue: "Quod vero sanctus Adrianus vel alii sancti pontifices dicuntur huic rei assensum dedisse, si verum est, quomodo intelligendum sit docentes, hac occasione contra ius divinum fieri non debere monstravimus.

Id. id., 67: Non dicant ergo religiosi imperatores: 'Præiudicium nobis apostolici faciunt qui non nobis hoc observant, quod Adrianus sanctissimus papa Carolo dedit.' Non enim credibile est sanctum Adrianum hoc unquam potuisse concedere, ut ecclesia Dei a laicis investiretur, nisi fortasse tantummodo pro signo custodia.

Id. id., 69: Considerandum autem,

quia, etsi vere imperatoribus hæc a sanctis concessa fuissent, et eo in tempore valde, utiliter et recte fieri potuissent, tamen quia tanta præsumptio exinde est nata, ut ecclesia Dei vultu secularis res venundaretur, vel etiam pro humano favore alicui concederetur, et hoc maxime a laicis fieret, quod clerici si auderent, ab omni ordine ecclesiastico deponi deberent, emendandum per omnia foret. Nam non solum quod sanctus Adrianus fecisset emendandum omnimodis esset, sed etiam, si aliquis apostolorum vel prophetarum unde ecclesia Dei destrueretur, quod absit, dicere inveniretur abdicandum radicitus esset. Quapropter beatus apostolus Paulus, ecclesiæ Dei consulens, pro abdicando iudaismo beatissimo etiam Petro nequaquam pepercit.

Id. id., 70: Sunt autem quidam dicentes Romano pontifici semper bene licuisse novas condere leges. Quod et nos non solum non negamus, sed etiam valde affirmamus. Sed sciendum summopere est, quia inde novas leges condere potest, unde sancti patres et

the abolition of lay investiture, and he cites a number of the well-known canonical regulations which lay down the principle that bishops must be elected by the clergy and people of the diocese ;<sup>1</sup> and in another place he adds that the election of the bishops is to be subject to the judgment of the Pope and his vicars, or of the archbishops.<sup>2</sup>

So far, then, it might well seem that Placidus was wholly uncompromising, but this impression is corrected when we look a little further. He admits that there is force in the contention of those who urge that it is unreasonable that the emperor or prince should be excluded from any part in the election of the bishops, while this is permitted to the people, and he affirms that this is not what he intends. The emperors or princes have their part in such elections, like the other

præcipue apostoli vel euangelistæ aliquid nequaquam dixerunt Ubi vero aperte Dominus vel eius apostoli et eos sequentes sancti patres sententia ter aliquid diffimerunt, ibi non novam legem Romanus pontifex dare, sed potius quod prædicatum est usque ad animam et sanguinem confirmare debet. Si enim quod docuerunt apostoli et prophetæ destruere, quod absit, nitetur, non sententiam dare, sed magis errare convinceretur Sed hoc procul sit ab eis qui semper Domini æcclesiam contra luporum insidias optime custodierunt.

Id id, 102 Non debere se inserere imperatores vel principes electioni pontificum sanctus Adrianus papa viii synodo præsidens ait. 'Promotiones et consecrationes episcoporum concordans prioribus concilio, electione et decreto fieri episcoporum hæc universalis synodus definivit et statutum atque iure promulgavit neminem laicorum, principum vel potentum semet inserere electioni vel promotioni patriarchæ vel metropolitæ vel curialibus episcopi'

Id id, 103 Cum igitur hæc certum sit beatissimum Adrianum de electione

pontificis docuisse, mirum, quomodo invenitur, ut quidam aiunt, Karolo imperatori investiendi æcclesias licentiam tribuisse. Quid igitur in his considerandum est, quid æstimandum, nisi quia, etsi verum est hoc ei concessum fuisse, non ideo hoc factum est, ut æcclesiam Dei suo iuri in tempore haberet subiectam, sed ut magis magisque per hoc signum se ei servire et eam ab inimicis defendere quodammodo promitteret ?

Id id, 117. Quod autem sanctus Adrianus hoc fecisse narratur, si verum est aut non ea intentione fecit, qua isti contendunt, aut sicuti homini surreptum est ei. Quid autem mirum, si beato Adriano surripit potuit, cum et beatissimo Petro hoc evenisse, etiam postquam Spiritu sancto confirmatus est, legamus "

<sup>1</sup> Id id., 23, 25, 26

<sup>2</sup> Id. id., 73: "Curus electionis iudicium domini apostolici et eius vicariorum seu archiepiscoporum ita proprium est, ut nulli non sui ordinis viro hæc concedere ulla ratione debeant."

Cf. 74.

people in the diocese,—that is, in those dioceses of which they were, more especially, the sons,—but not as masters or lords ; and they should confirm the election in this sense, that they should defend it with the material sword, for it is their proper function to compel those who do not fear the spiritual sword, by the terror of the material one.<sup>1</sup> This is not unimportant, though the statement is evidently carefully guarded ; but Placidus goes much further than this. We shall presently deal with his treatment of Church property, but in the meanwhile we must observe that he frankly recognises that the tenure of this property may involve certain obligations to the secular power which the Church must fulfil. The Church, he says, must pay tribute,<sup>2</sup> and it must render other services to the prince, which Placidus does not specifically define, especially in those cases where some special rights were reserved by him when the property was granted to the Church.<sup>3</sup> He admits,

<sup>1</sup> Id id., 37: "Nunc ista considerete, karissimi fratres, qui nos reprehendere soletis dicentes: 'Quomodo non omnes æcclesie propter terrenas res quas possident ad illum pertinent, cui omnis terra subiecta est? Si enim populus in electione pastoris adesse et consentire debet, quanto magis imperator vel principes?' De quibus verbis valde miramur. Nos enim ab electione pontificum non segregamus principes, sed hoc dicimus, quia ipsi sua potentia non debent pastores in æcclesia mittere, neque investiendo neque aliquo modo dominando, sed magis communi electione clericorum et consensu populorum, maiorum scilicet et minorum, inter quos videbunt tam reges quam principes numerantur,—in eis dumtaxat æcclesis, quarum specialius filii deputantur—pontifex eligi debet Ubi imperator vel eius princeps non sicut dominus adesse debet, sed sicut filius. Quæ electio dum taliter facta fuerit, canonica est et gratia sancti Spiritus reputatur Quæ vero potentia humana contingent,

gratia spirituali contraria est. Canonice itaque electionem religiosus et pius imperator firmare in tantum debet ut, si quis contra eam aliquid temptaverit, etiam gladio materiali persequendum putet Quod faciens officium suum rite implebit. Ideo enim eius gladius in æcclesia permissus est esse, ut qui gladium spirituales non timent timore materialis gladii ad iusticiam revocentur "

<sup>2</sup> Id. id., Prologue, and 118.

<sup>3</sup> Id id., 56. "Christiano autem cesari sua veraciter concedimus, quia christianum populum ei ad iusticiam favere omnibus modis prædicamus De nostro etiam ei superaddimus, quia, cum necesse fuerit, caritatis subsidium illi impendimus.

(In what the editor judges to be an earlier form, this passage runs: "Sacratissimo autem imperatori quod suum est non negamus, quia et militiam æcclesie, cum pro tempore opus fuerit, ei deservire omnimodis volumus et ordinatum tributum nequaquam negamus")

in one passage, that if the prince desires to give something of that which belongs to himself to a bishop, he may properly invest him with this under the same forms which would be used in the case of other men, while he must not do this with the ring and staff ;<sup>1</sup> and in another place he makes a definite proposal, and expresses the hope that it may tend to the establishment of a firm peace between the "regnum" and the "sacerdotium," if it is arranged that when the bishop has been canonically elected, invested, and consecrated, he should, either in his own person or by his representatives, go to the emperor and ask for the imperial "præceptum," with reference to the Church property which has been committed to him. The emperor should then gladly grant and confirm to him that which his predecessors had granted to the Church, and promise the bishop and his church the imperial protection.<sup>2</sup>

Id. id., 82: *Ordinatus autem et sacratus, si quid æcclesia, quam suscepit antiquitus canonice imperatori debet, nisi forte imperator pro remedio animæ suæ remiserit, solvere per omnia curet. Piissimus autem imperator non gravare æcclesiam, sed magis ei servire, utpote suæ spirituali matri, devotissime studeat.*

Id. id., 153: *Sane sciendum, quia sicut mutare quod sui maiores catholici imperatores fecerunt christianus imperator non debet, ita et si quid æcclesie eo tempore donatum, ut sibi aliquid imperator exinde reservaverit, si contra canones sacros non fuerit, solvendum ei, nisi forte remiserit, per omnia est. Sicut enim quæ iam Deo consecrata sunt hominibus seculi assignare non debemus, ita quæ illorum sunt, nisi ipsi donaverint, eis auferre non possumus."*

<sup>1</sup> Id. id., 86: *"Si vero imperator fidelis vel aliquis princeps quod sibi iure competit pastori æcclesie dare voluerit, investitura ceteris hominibus consueta concedere debet, non pastorali virga seu episcopali anulo,*

*quibus misteria domini Christi signantur, et ideo sacra verissime comprobantur. Dignum enim non est, ut terrenarum rerum investitura a terrenis principibus episcopalibus insignibus detur, quia, ut diximus, Spiritus sancti donum per hæc designatur."*

<sup>2</sup> Id. id., 93: *"Quia vero Dominus ait: 'Pacem meam do vobis, pacem relinquo vobis,' studendum est omnimodis, ut pax inter regnum et sacerdotium sit et firmiter Deo auxiliante permaneat. Quæ ita, ut Deo inspirante cognoscimus, fieri potest, si, cum pastor æcclesie canonice electus, investitus et consecratus fuerit, tunc per se vel per suos fideles imperatorem adeat et de rebus æcclesie sibi commissis imperiale præceptum expetat. Quod ei piissimus imperator amore suæ spiritualis matris libentissime concedens firmare dignetur, quod sui prædecessores illi æcclesie concessisse manifestum est, promittens eidem æcclesie et eius pastori suam piissimam defensionem in omnibus."*

It is clear that the position of Placidus, as well as that of the author of the 'Disputatio vel Defensio Paschalis Papæ,' represent a real advance on the part of the supporters of the papal policy towards an understanding—certainly it is evident that they appreciate in some measure the more important aspects of the contention of men like Wido of Ferrara.

We must, however, turn aside for a moment to consider the whole treatment of the nature of the property of the Church by Placidus. It seems to us probable that this is in the main directed against the proposals of Paschal II. for the surrender of the "regalia," and these proposals were of so far-reaching a kind that anything which we can find which will throw light upon them is of great importance.

In the Prologue to the work with which we are dealing, Placidus cites the words of some writers, speaking in the name of the secular rulers who said that, as the Church was spiritual, it had no property in earthly things, except in the actual church buildings, and that if Churchmen desired earthly possessions they could not obtain them by the law of the Church. If it had not been for the gifts of the temporal rulers the clergy would possess nothing except the oblations brought to the altar, the tithes and the first-fruits: all other property belongs to the prince, and therefore those who desire bishoprics and abbeys must obtain them from him, or cease to possess what belongs to him. If the clergy were content with the tithes and first-fruits and oblations, the matter was in their own hands; but if they desired to have the property which was formerly given to the Church, they could only obtain this from the prince.

Placidus denounces these principles as abhorrent to all true Catholics, inasmuch as it is the Holy Spirit who has granted to the Church not only spiritual but also material things, and wills that bishops should have both the small and the great possessions which have been dedicated to God in their power. That which is given to the Church is given to Christ, and those who take it away are guilty of sacrilege. That which belongs to the Church ought to be in the power of the bishops,

who are elected not by any earthly authority, but by the clergy and laity of the diocese, and are confirmed by the other bishops. The Church owes nothing to kings except the payment of "tribute."<sup>1</sup>

These positions are further developed in the body of the treatise. What has once been given to the Church belongs permanently to Christ.<sup>2</sup> It is impossible to separate the material possessions of the Church from the spiritual without rending it in two: for just as a man cannot live without a body, so the Church cannot exist in the world without material things.<sup>3</sup> Some, he says, maintained that the Church possessed in the full sense of the word only tithes, first-fruits, and oblations, and that immovable property like castles and estates only belonged to it so far as the bishop received these from the hands of the emperor. This, Placidus

<sup>1</sup> Id. id., Prologue: "Dicebant enim quidam: 'Æcclesia spiritualis est, et ideo nichil ei terrenarum rerum pertinet, nisi locus tantum, qui consueto nomine æcclesia dicitur. Si quid autem terrenarum rerum desiderant qui ei serviunt, iure æcclesiæ optinere non possunt. Nisi enim nos dederimus, episcopi vel clerici nil possidere possunt, exceptis his, quæ altari inferuntur, et decimis, et primitiis; nam aliæ possessiones nostræ sunt. Igitur episcopatus et abbatias qui desiderant, aut per nos optineant aut nequaquam nostra possideant. Si vero solummodo decimis et primitiis et oblationibus, quæ sibi ad altare inferuntur, contenti esse voluerint, eorum in voluntate pendeat; sin autem quæ olim data sunt æcclesiæ habere desiderant, per nos optineant.' Quam rationem omnes catholici abhorrentes, utpote donis sancti Spiritus contrariam, qui non solum spiritualia, sed etiam corporalia æcclesiæ suæ donare dignatur et per se hæc episcopus vult habere, ut qui consecratus est tam parvas quam magnas possessiones, quæ Deo sancti-

ficatæ sunt, in potestate habeat, se contra tantam impietatem divinis verbis armarecurarunt. . . . Deinde annectere curavi, quia non solum spiritualibus, sed etiam corporalibus donis sancta æcclesia honoranda est, ideoque recte facere eos qui sui iuris aliquid ei donantes vice Christi eam honorant. Quod confirmantes probamus: quia quod æcclesiæ tribuitur Christo utique donatur; quod autem æcclesiæ est in potestate præsulum debere consistere sanctorum patrum dictis probantes, pastores ei non ab aliqua potestate terrena, sed electione communi clericorum et laicorum discerni docuimus. Quam electionem iudicio episcoporum firmari oportere monstravimus, nichilque sanctam æcclesiam regibus debere, nisi tantum tributum persolvere. Ubi etiam annectentes de rebus æcclesiæ non auferendis, probamus sacrilegos esse qui quod æcclesiæ donatum est ei auferre non timent."

<sup>2</sup> Id. id., 7.

<sup>3</sup> Id. id., 41.

maintains, was false, for that which has once been given to God belongs to Him for ever.<sup>1</sup> Again, he refers to the contention that, while the church itself, being consecrated to God, belonged only to God and His priests, those things which the Church in its glory now possessed, such as duchies, countships, and cities, belonged in such a sense to the emperor, that unless the grant of them was renewed to each bishop on his succession he could not have them, and from this it followed that it was for him to grant "investiture."<sup>2</sup>

Placidus repudiates these contentions with great energy, and maintains that not only the small possessions which the Church had before Constantine, but the great property which it had received since his time all belonged to the Church, because they were all given to God;<sup>3</sup> and he interprets the rule that the bishop or abbot should receive the pastoral staff from the consecrating archbishop, as signifying that he received not only the authority of ruling the people, but also the temporal possessions of the Church from the Lord Himself.<sup>4</sup>

<sup>1</sup> Id. id., 43: "Sunt autem qui dicant æcclesiis non competere nisi decimas, primitias et oblationes, in mobilibus tantum scilicet rebus. Nam immobilia, videlicet castra, villæ vel rura ei non pertinent, nisi de manu imperatoris pastor susceperit. Quod male eos dicere multis modis et diversis sanctorum sententiis supra docuimus. Sed tamen et nunc inferamus, quia omne quod semel Deo offertur in perpetuum eius iuri mancipatur."

<sup>2</sup> Id. id., 151: "Sunt vero nonnulli qui dicant: 'Æcclesia quidem et circuitus eius Deo consecratus vere hominum nulli pertinet nisi Deo et eius sacerdotibus, ut vero quæ æcclesia possidet nunc per orbem glorificata, id est ducatus, marchias, comitatus, advocatias, monetas publicas, civitates et castra, villas et rura et cetera huiusmodi, ita ad imperatorem pertinent, ut, nisi pastoribus æcclesiæ semper, cum sibi succedunt, iterum

dentur, nequaquam ea habere debeant. Et inde est, quod ei ius in æcclesia deberi in tantum contendunt, ut eam etiam investire debere dicant."

<sup>3</sup> Id. id. id.: "Sed hi, si pacifice ea quæ supra protulimus dignentur advertere, liquido cognoscent, quia non solum parva quæ prius æcclesia possederat eius sunt, sed et magna quæ nunc possidet illius sunt. Parvæ enim possessiones, quas ante Constantinum imperatorem possedit, ideo eius sunt, quia Deo oblatae sunt, et magnæ possessiones, quas post Constantinum possidet, ideo eius sunt, quia Deo oblatae sunt."

<sup>4</sup> Id. id., 55: "Episcopus etiam, cum benedicitur, baculum de manu archiepiscopi accipit, simul et anulum. Baculum quidem, ut bene populum regat, anulum vero, ut signum æterni misterii se percepisse cognoscat. Quæ utraque ex euangelio sumpta cognosci-



Another contention which he put forward is important—namely, that the property of the Church is the property of the poor, and could not be taken by the clergy for their personal use, except to provide themselves with the necessary food and clothing, and could not therefore be given to princes.<sup>1</sup>

This is all very uncompromising, but we must bear in mind those passages which we have already considered, in which Placidus proposed some recognition of the position of the emperor with regard to those possessions which his predecessors had conferred upon the Church. The impression which is left upon us is, that what he is really concerned to do is to repudiate the principles which may have lain behind Paschal II.'s offer to surrender the "regalia."

It is most unfortunate that we have practically no other immediately contemporary discussion of this question. In the works of Gerhoh of Reichersberg, written between 1126 and 1169, we have indeed very important discussions of the whole question, but it seems to us on the whole better to consider these later. For though it is probable that the considerations which made him doubt the advantages of the tenure of the "regalia" by the bishops were of the same kind as those of Paschal II., we cannot be wholly confident of this. And in any case, the subject is so large and important that it requires a separate treatment.

mus. Baculum enim prædicatores Dominus ferre præcepit, ubi, sicuti beatus pater Augustinus intellegit, subsidia temporalia eis ex ipsa prædicatione deberi monstravit. Unde et nos intellegere decet ideo institutum episcopos vel abbates baculum de manu episcopi, cum consecrantur, accipere, ut noverint se terrenarum rerum, quæ æcclesia possidet, de manu Domini voraciter tunc accepisse dominium. In anulo vero misterium sacratissimæ coniunctionis, Christi vide-

licet et eius æcclesie, designari certissimum est."

<sup>1</sup> Id. id., 71: "Unum tamen est quod christianis principibus debemus, scilicet ut orando et prædicando eis consulere non desinamus. Nam res pauperum, id est possessiones æcclesiarum, non solum illis tribuere, sed ne quidem in nostros proprios usus convertere debemus, nisi ad hoc tantum, ut habentes de æcclesia victum et vestitum ei servire possimus."

Cf. 7.

## CHAPTER VII.

### THE SETTLEMENT OF WORMS.

THE first attempt at a settlement of the "investiture" question had failed, and for a few years it might have seemed as though no progress had been made. At a Council held in the Lateran in March 1112, Paschal related the circumstances under which he had been coerced into his concession to Henry V., and, while protesting that he would not excommunicate him, left it to the Council to determine how it should be rescinded. On the last day of the Council he solemnly reaffirmed the decrees of Gregory VII. and Urban II., and the Council formally condemned the "Privilegium."<sup>1</sup> The more determined Churchmen were not, however, satisfied with this, and in September 1113, Guido, the Archbishop of Vienne (afterwards Pope Calixtus II.), held a Council at Vienne, which declared that lay "investiture" was a heresy, and formally excommunicated Henry V., and then wrote to Paschal peremptorily requesting him to confirm their action, and intimating that a refusal to do this would force them to

<sup>1</sup> Mansi, 'Concilia,' xxi. 51: "Privilegium illud, quod non est privilegium (neque vero debet dici privilegium, sed pravilegium) pro liberatione captivorum, et ecclesie a domino papa Paschali per violentiam Henrici regis extortum, nos omnes in hoc sancto concilio cum eodem domno papa congregati, canonica censura et ecclesiastica auctoritate, iudicio sancti Spiritus

damnamus, et irritum esse iudicamus, atque omnino cassamus, et ne quid auctoritatis et efficacitatis habeat penitus excommunicamus. Quod ideo damnatum est, quod in eo privilegio continebatur, quod electus canonice a clero et populo a nemine consecratur, nisi prius a rege investiatur, quod est contra Spiritum sanctum et canonicam institutionem."

renounce their obedience to him.<sup>1</sup> Paschal evidently felt himself compelled to give way, and in his reply to Guido confirmed the proceedings of the Council at Vienne.<sup>2</sup> In 1116, at a Council held in the Lateran, Paschal again declared the "Privilegium" given to Henry null and void, and excommunicated those who gave or received lay "investiture"; and Cardinal Kuno reported that he had excommunicated Henry V. at various Councils in Hungary, Lorraine, Saxony, and France.<sup>3</sup> It is clear from the narrative of Ekkehard that the Papal party was again supreme among the bishops in Germany, and that the political disorders in Germany were again growing rapidly.<sup>4</sup>

Paschal II. died on January 21, 1118, and it had become evident that Henry's success at Rome in 1111 had been merely apparent, and that a settlement upon these lines was

<sup>1</sup> Mansi, 'Concilia,' xxi. 75: "In ipsum etiam regem nominatim et solemniter et unanimiter sententiam anathematis injecimus. Et nunc, domine pater, vestram, sicut dignum est, maiestatem suppliciter exoramus, ut quod pro sanctæ ecclesiæ fidei robore, pro Dei et vestro honore fecimus, auctoritate apostolica solemniter confirmetis. Cuius confirmationis argumentum per apertas nobis litteras significare dignemini; quas etiam, ut gaudium nostrum sit plenum, alter alteri destinare possimus. Et quoniam principum terræ pars maxima, et universi fere populi multitudo, in hac re nobiscum sentit: in remissionem peccatorum suorum omnibus injungatis, ut, si necesse fuerit, auxilium nobis et patriæ unanimiter ferant.

Illud etiam cum debita reverentia vestræ suggerimus pietati, quod si nobiscum in his steteritis, si hoc, sicut rogamus, confirmaveritis; si deinceps ab ipsius crudelissimi tyranni, et nuntiorum ejus, litteris, locutione, muneribus abstineritis, unanimiter nos,

sicut decet, habebitis filios et fideles. Si vero, quod minime credimus, aliam viam aggredi cœperitis, et nostræ paternitatis assertiones prædictas roborare nolueritis: propitius sit nobis Deus, quia nos a vestra subjectione et obedientia repellitis."

<sup>2</sup> Id. id., xxi. 76: "Cum alicujus morbi detentione caput afficitur, membris omnibus communiter ac summopere laborandum est, ut ab eo penitus expellatur. Fratrum siquidem relatione comperimus, vos in unum convenisse, ac per Dei gratiam Viennæ concilium celebrasse. In quo nimirum de augenda religione, de dispositione ecclesiastica, seu ecclesiasticarum rerum, et de correctione pravorum hominum adversus sanctam ecclesiam insurgentium disseruistis. Unde Deo gratias referimus, et quæ statuta sunt ibi rata suscipimus et confirmamus, et cooperante Domino Deo illibata permanere censemus."

<sup>3</sup> Ekkehard, 'Chronicon,' a. 1116.

<sup>4</sup> Id., a. 1114-1117. Cf. Hauck, 'Kirchengeschichte Deutschlands,' vol. iii. pp. 899-905.

impossible. His successor, Gelasius II., was elected on January 24. According to Ekkehard, Henry V. at first gave his assent, but finding that Gelasius withdrew himself from communion with him, he set up Maurice, the Archbishop of Bruges, as antipope. Gelasius and a number of the cardinals retired to Capua, and on April 7 excommunicated both Henry V. and the antipope.<sup>1</sup> The Cardinal Legate held a Council at Cologne in May, and proclaimed the excommunication; and Ekkehard reports that the princes proposed to hold a meeting at Würzburg, when Henry should be requested to answer in person, or, if he refused to attend, should be deposed.<sup>2</sup>

Gelasius II. died on January 29, 1119, and on February 22 Guido, the Archbishop of Vienne, who had, as we have seen, been the most vehement opponent of Paschal's concession to Henry, was elected Pope as Calixtus II.<sup>3</sup> The election was made by the cardinals and other Roman clergy and laity at Cluny, where Gelasius had died, and it was at once accepted and confirmed by the cardinals who were in Rome,<sup>4</sup> and by a Council held at Tribur in Germany in June.<sup>5</sup> Calixtus summoned a Council to meet at Rheims in the autumn, and Henry was compelled to set his face towards some understanding with the Pope.<sup>6</sup>

It was under these conditions that the second attempt to arrive at a settlement of the "investiture" question was made, and a detailed account is given of this by Hesso. The initiative was taken by two eminent French Churchmen, William of Champeaux, now Bishop of Chalons, and the Abbot of Cluny. They visited Henry V. at Strassburg, and urged on him the need of surrendering the "investiture" of bishops and abbots, but William of Champeaux, while he told him that neither before nor after consecration had he received anything from the hand of the king, also assured him that he faithfully rendered to the King of France all those mili-

<sup>1</sup> Ekkehard, 'Chronicon,' a. 1118.

<sup>2</sup> Id. id., a. 1119.

<sup>3</sup> Id. id., a. 1119.

<sup>4</sup> 'Monumenta Bambergensia,' pp. 348-352.

<sup>5</sup> Ekkehard, 'Chronicon,' a. 1119.

<sup>6</sup> Id. id.

tary services and dues which the German bishops rendered to their sovereign. Henry replied that he wanted nothing more than this, and they undertook to endeavour to bring about peace.<sup>1</sup> On this basis the negotiations were initiated, and terms of agreement were drafted and provisionally concluded, which were to be confirmed at a meeting between Calixtus and Henry, which was to be held at Mouzon on October 24. Under these terms Henry was to surrender all "investitures" of all churches, and to make peace with those who had maintained the cause of the Church, restoring their churches and possessions. Any question arising out of these terms, if it related to ecclesiastical things, was to be determined by canonical judgment; if to secular things, by the secular judgment. The Pope promised to give peace to Henry and his supporters, and to restore their possessions, under the same terms as in the agreement of the emperor.<sup>2</sup> It seemed for a moment as though a settle-

<sup>1</sup> Hesso—Relatio: "Venerunt ad regem apud Argentinam episcopus Catalaunensis et abbas Cluniacensis, acturi cum eo de pace et concordia inter regnum et sacerdotium.

A quibus cum rex consilium quaereret, quomodo sine diminutione regni sui hoc exequi posset, assumpta parabola sua, respondit episcopus: 'Si veram pacem, domne rex, desideras habere, investituram episcopatum et abbatiarum omnimodis dimittere te oportet. Ut autem in hoc regni tui nullam diminutionem pro certo teneas, scito me, in regno Francorum episcopum electum, nec ante consecrationem nec post consecrationem aliquid suscepisse de manu regis. Cui tamen de tributo, de milicia, de theloneo et de omnibus, que ad rem publicam pertinebant antiquitus, sed a regibus christianis ecclesie Dei donata sunt, ita fideliter deservio, sicut in regno tuo episcopi tibi deserviunt, quos hac usque investiendo hanc discordiam immo anathematis sententiam incurristi. Ad

hæc rex elevatis manibus hoc responsum dedit': 'Eia,' inquit, 'sic fiat. Non quero amplius.' Tunc subiunxit episcopus: 'Si igitur investituras dimittere volueris; et possessiones ecclesiarum et eorum, qui pro ecclesia laboraverunt, reddere; et veram pacem eis dare; laborabimus, Deo opitulante huic contentioni finem imponere.'

<sup>2</sup> Id. id.: "Scriptum autem concordie hoc fuit: 'Ego H[einricus] Dei gratia Romanorum imperator augustus pro amore Dei et beati Petri et domni papæ Calixti dimitto omnem investituram omnium ecclesiarum. Et do veram pacem omnibus, qui, ex quo discordia ista cœpit, pro ecclesia in terra fuerunt vel sunt. Possessiones autem ecclesiarum et omnium, qui pro ecclesia laboraverunt, quas habeo, reddo; quas autem non habeo, ut rehabeant, fideliter adiuvabo. Quodsi questio inde emerit, que ecclesiastica sunt, canonico, que autem secularia sunt, seculari terminentur

ment had been reached, but it is clear that there had either been a misunderstanding about the significance of the terms used, or that the emperor on reflection became convinced that he was surrendering too much.

Calixtus II. reached Rheims on October 18, and provisionally opened the Council, which was attended by two hundred and fifteen archbishops and bishops, besides abbots, and the King of France. He proceeded to Mouzon on October 23, and Henry V. encamped near. Before, however, they could meet, doubts had arisen in the papal circle about the real meaning of the phrases which were to be accepted by Henry. These stated that Henry was to surrender "all investiture of all churches," but it was suggested that these phrases were ambiguous and needed interpretation, lest under cover of these he should lay claim to the possessions of the churches, or to the right to invest with these possessions. It was also urged that the Pope's promise might be construed as meaning that he would recognise the bishops of the Imperial party who had been intruded into sees which were already occupied by legitimate bishops, or had been canonically deposed. William of Champeaux and the Abbot of Cluny, accompanied by the Cardinal-Bishop of Ostia, the Bishop of Viviers, and other papal envoys, were sent to the emperor, and they set out the meaning of the draft agreement in the terms which had been agreed upon in the papal circle. The emperor at first flatly denied that he had promised any of these things. William of Champeaux declared that he was prepared to swear that the emperor had confirmed all these promises, and that he had understood the emperor in this sense. When the emperor was at length compelled to confess that this was true, he complained that these promises which he had made by their advice could not be carried out

iudicio.' Item scriptum domni papæ: ista perdiderunt, quas habeo, reddo; 'Ego Calixtus secundus Dei gratia Romanæ ecclesie episcopus catholicus do veram pacem H[einrico] Romanorum imperatori augusto et omnibus, qui pro eo contra ecclesiam fuerunt vel sunt. Possessiones eorum, quas pro terra

ista perdiderunt, quas habeo, reddo; quas non habeo, ut rehabeant, fideliter adiuvabo. Quodsi questio inde emerit, quæ ecclesiastica sunt, canonico, que autem secularia sunt, seculari terminentur iudicio.'

without grave injury to the position of the Empire. William of Champeaux replied by assuring him that the Pope had no wish to diminish the authority of the Empire, and that he declared emphatically that the bishops were to render to the emperor the same services, military and other, as they had always done.<sup>1</sup> Henry then asked for a day's delay that he might consult with the princes, but when the papal envoys returned on the following day he asked for a further postponement, until he could hold a general consultation with the

<sup>1</sup> Id. id.: "Cumque lectum fuisset scriptum regis, diligentius ceperunt retractare episcopi, maxime illud capitulum ubi dicebatur: 'Dimitto omnem investituram omnium ecclesiarum'; dicentes: 'Siquidem rex simpliciter agit, verba ista sufficiunt. Si autem sub hoc capitulo aliquid cavillare conatur, determinatione nobis videntur indigere; ne forte aut possessiones antiquas ecclesiarum sibi conetur vindicare, aut iterum de eisdem episcopos investire.

Kursum in scripto domni papæ illud diligentius retractabant, ubi dicebatur: 'Do veram pacem regi et omnibus, qui cum eo in terra ista fuerunt vel sunt'; ne forte in danda pace amplius intelligerent, quam reddendam communionem ecclesiæ; et sub hoc verbo ecclesia cogere suscipere, quos aut superpositos legitimis pastoribus, aut canonice depositos, sine gravi offensione non posset sustinere.

Diligenter igitur omnibus retractatis, missi sunt ad castra regis episcopus Ostiensis, Iohannes cardinalis, episcopus Vivariensis, episcopus Catalaunensis et abbas Cluniacensis et alii multi cum eis, portantes scripta in manibus. Cumque pervenissent ad castra, ostenderunt scripta; determinaverunt capitula, prout omnium communi consilio diffinitum erat.

Rex autem, his auditis, prima fronte se nichil promississe horum omnimodis

abnegabat. Tunc episcopus Catalaunensis, zelo Dei inflammatus et gladio verbi Dei accinctus, respondit pro omnibus: 'Si, domne rex, negare vis scriptum quod tenemus in manibus, et determinationem, quam audisti, paratus sum sub testimonio religiosorum virorum, qui inter me et te fuerunt, iurare super reliquias sanctorum et super euangelium Christi, te ista omnia in manu mea firmasse, et me sub hac determinatione recepisse.

Cumque omnium testimonio convinceretur, tandem compulsus est confiteri, quod prius negaverat. Verumtamen conquerebatur de eis graviter, quorum scilicet consilio promiserit, quod absque diminutione regni exequi non valeret. Cui sic respondit episcopus: 'In promissis nostris, domne rex, per omnia nos fideles invenies. Non enim domnus papa statum imperii aut coronam regni, sicut quidam seminatores discordie obloquantur, in quolibet imminuere attemptat. Immo palam omnibus denuntiat: ut in exhibitione milicie et in ceteris omnibus, in quibus tibi et antecessoribus tuis servire consueverant, modis omnibus deserviant. Si autem in hoc imperii statum imminui existimas, quod ulterius tibi episcopatus vendere non liceat, hoc potius regni tui augmentum ac profectum sperare debueras, si, quæ Deo contraria sunt, pro eius amore abicias.'

princes of the Empire, without whose consent he could not venture to surrender the "investiture." William of Champeaux indignantly broke off the negotiations, and the Pope returned to Rheims, and a few days later, October 29, brought forward the decrees which he desired the Council to accept.

In the Council, however, there at once appeared a grave divergence of opinion. The second decree as proposed by the Pope read: "Investituram omnium ecclesiarum et ecclesiasticarum possessionum per manum laicam fieri modis omnibus prohibemus," but there was so much opposition to this on the part of many of the laity, and even of some of the clergy, that the discussion continued throughout the whole day. It was contended that under these terms the Pope was endeavouring to take away the tithes and other ecclesiastical "beneficia" which the laity had of old time possessed. The opposition was so determined that on the next day the Pope proposed the decree in another form: "Episcopatum et abbatiarum investituram per manum laicam fieri penitus prohibemus. Quicumque igitur laicorum deinceps investire presumpserit, anathematis ultioni subiaceat. Porro, qui investitus fuerit, honore, quo investitus est, absque ulla recuperationis spe omnimodis careat." In this form the decree was unanimously accepted, together with another decree affirming the right of the churches to all those possessions which kings and other Christian people had bestowed on them, and anathematising any one who should venture to seize them.<sup>1</sup>

The attempt to arrive at a settlement had for the time failed, but it is important to observe the causes and conditions of the failure, so far as we can arrive at them from the narrative of Hesso. William of Champeaux and the Abbot of Cluny had proposed a complete surrender of the right to "investiture," urging upon the emperor that this would make no difference at all in the political obligations of the bishops and abbots. Henry had accepted this proposal in the form that he surrendered the right to invest with the

<sup>1</sup> Id. id.

churches. The advisers of the Pope, however, suspected that this might mean that he reserved the claim to the temporalities of the Church and the right to invest with them, and urged that the phrases required interpretation. Hesso does not say what precisely was the interpretation which William of Champeaux and his colleagues communicated to Henry, all that he tells us is that Henry repudiated it; but we may conclude that the agreement was construed as implying the surrender of all claim to invest, even with the temporalities. Henry refused to ratify this, maintaining that in such a grave matter he must consult the whole body of the princes. If this interpretation of what passed is correct, it would seem that though the negotiations had failed they had brought out the fact that the emperor was willing to consider the possibility of distinguishing between "investiture" with the temporalities and "investiture" with the spiritualities—a distinction which, as we have seen, had been urged by a number of writers on the subject. The narrative of Hesso, however, brings out more than this, for it shows that there was a serious division of opinion among the supporters of the Pope. This is clear from the fact that Calixtus had to withdraw the form in which he first proposed his decree about "investiture" to the Council at Rheims. In the first form it explicitly concerned lay "investiture," not only of churches, but also of ecclesiastical possessions; but the feeling against this among the clergy, as well as the laity, was so strong that it had to be withdrawn, and the decree was only accepted in a form which left this question undetermined. We shall probably be right in concluding that even in papal circles the importance of the distinction between "investiture" with the temporalities and with the spiritualities was being recognised.

The attempt at a settlement had for the time failed, but the conditions of the failure were, as we can now see, such as to suggest the possibility of an agreement upon such terms as were actually accepted at Worms three years later. Formally, no doubt, the breach was complete, for Calixtus not only excommunicated Henry V. and the antipope, but also absolved

Henry's subjects from their oath of allegiance, unless he repented and did satisfaction to the Church.<sup>1</sup> Calixtus thus reasserted a claim which had not been explicitly made since the death of Henry IV., but it must be observed that it was made as against an emperor who, in setting up an antipope, had himself claimed a similar authority with respect to the Papacy.

We are, fortunately, able to follow the movement of opinion during the last years of the pontificate of Paschal II. and the first years of Calixtus in some contemporary writings. We have already cited the severe and even violent phrases in which Geoffrey, the Abbot of Vendôme, addressed Paschal II. when he had yielded to Henry V.,<sup>2</sup> and he continued to maintain this condemnation of lay investiture in the strongest terms during the years before 1119. Between the years 1116 and 1118 he wrote a letter to Rainald, who claimed to have been elected Bishop of Angers, in which he deals first with the matter of episcopal elections and then with the question of lay "investiture." Geoffrey urges that Rainald's election had been irregular and invalid; he had learned that Rainald had been tumultuously elected by the laity, who had then endeavoured to intimidate and coerce the clergy into consent. This leads to a discussion of the principles which determined what was a right election. The whole appointment of a bishop, Geoffrey says, depends upon election as well as consecration, for a due election must precede consecration. The apostles were chosen and consecrated by Christ Himself: now this must be done by the vicars of Christ. The clergy are His vicars in election, and

<sup>1</sup> Id. id.: "Allatæ sunt denique candelæ quadringentæ viginti septem et accensæ datæ singulæ singulis, tenentibus baculos, episcopis et abbatibus, iniunctumque est eis, ut omnes candelas tenentes assurgerent. Cumque astarent, recitata sunt multorum nomina, quos præcipue excommunicare proposuerat dominus papa. Inter quos

primi nominati sunt rex Heinricus et Romanæ ecclesiæ invasor Burdinus, et præ ceteris et cum ceteris multis solemniter excommunicati. Absolvit etiam dominus papa auctoritate apostolica a fidelitate regis omnes, quotquot ei iuraverant, nisi forte resipisceret et ecclesiæ Dei satisfaceret."

<sup>2</sup> Cf. p. 130.

the bishops in consecration. Others, that is the laity, may ask for a certain person as bishop, but they cannot either elect or consecrate.<sup>1</sup> Geoffrey desires clearly to assert very emphatically the need of election for a valid appointment, and also to limit the election proper to the clergy. He goes on to deal very drastically with lay "investiture," and maintains that the Catholic doctrine was that which Gregory VII. had declared; he distinguishes, indeed, between the heresy of lay "investiture" and that of simony, but he maintains that the first is even more mischievous than the second, for the only reason why the secular authority claimed this right was, either that it might simoniacally extract money, or that it might reduce the bishop to subjection. Investiture with ring and staff was, he maintains, a sacramental action.<sup>2</sup>

<sup>1</sup> Geoffrey of Vendôme, 'Libellus,' n. . . "Tota itaque ordinatio episcopi in sola electione consistit et consecratione, si tamen illam electio recta præcesserit. Hæc autem prius per semet ipsum fecit Christus, deinde vero vicari eius. Et in apostolis quidam a Christo facta sunt, quoniam ab ipso electi et consecrati fuerunt: in aliis vero omnibus a nullis aliis fieri licet, nisi a vicariis Christi. Sunt autem vicari Christi clerici in electione, episcopi in consecratione. Cæteri omnes petere quidem episcopum possunt, eligere vero vel consecrare non possunt. Quicumque igitur alio modo, quasi sub nomine pontificis, æcclesiam vel potestatem æcclesiasticam sibi vindicare præsumit, hic iam non per hostium intrat, sed aliunde ascendit, ut merito non inter episcopos computetur, sed inter fures et latrones connumeretur."

Cf. for discussion of dates, &c., the introduction of editor in 'Lib. de Lite,' vol. II. pp. 676-9.

<sup>2</sup> Id. id: "Investituram, quam de manu laici accepistis per pastorem virgam, silere non debeo, nec loqui sine dolore. Quod ad maiorem sanctæ

æcclesiæ iniuriam in occulto factum non fuit, sed publice. Qui autem cognoscere voluerit, quid catholica et apostolica æcclesia de investitura senserit, quid docuerit, quid iudicaverit et constituerit, legat in primo capitulo illius concilii, quod tempore Gregorii septimi factum est, et ibi omnes clericos, qui de manu laici investituram suscipiunt hereticos vocatos et ideo dampnatos esse et excommunicatos invenient. Licet enim alia heresis de investitura dicatur, alia symoniaca ista tamen, quæ de investitura dicitur, contra sanctam æcclesiam fortius iaculatur. . . .

Investitura, enim de qua loquimur, sacramentum est, id est sacrum signum, quo primus episcopus æcclesiæ, episcopus scilicet, a cæteris hominibus seceratur pariter atque dinoscitur et quo super christianam gregem cura pastoralis ei tribuitur. Hanc investituram ab illo solo suscipere debet, a quo et consecrationem habet. Illum siquidem prius oportet consecrari, deinde vero tamquam ducem æcclesiæ sacris insignibus decorari. . . . Hæc præterea hæresis de investitura si recte perspicatur, etiam hæresis symoniaca esse

In another treatise which was written, it is thought, a little later, Geoffrey repeats a great part of what he had said, and adds an emphatic assertion that not even Rome could alter the law of the Church on this matter.<sup>1</sup> He refers clearly to the action of Paschal II., and it may be conjectured that he also wished to repudiate the position represented by Ivo of Chartres.

So far, Geoffrey's position was rigorous and uncompromising, but in a treatise which seems to belong to the year 1119 we find a new tone and another attitude. It is not easy to determine the relation of this treatise to the negotiations at Mouzon and the Council at Rheims, for in some respects its principles and proposals go far beyond what apparently Calixtus II. was at that time prepared to concede, and he evidently deprecates any extreme measures against the emperor. The treatise exists in two forms<sup>2</sup>—a short one, which contains an exhortation to Calixtus to stand fast against the heresy of lay "investiture" with ring and staff; and a longer one, in which Geoffrey argues that there was another sense in which lay "investiture" might be admitted. He protests, indeed, that there was no legal nor canonical authority for lay "investiture" with ecclesiastical possessions,

viva et vera ratione probatur. Nam quæ secularis potestas sibi vindicare nititur investituram, nisi ut per hoc aut pecuniam extorqueat aut, quod est gravius, sibi inordinate subiectam efficiat pontificis personam? . . . Anulus autem et virga, quando ab illis dantur, a quibus dari debent, et quando et ubi et quomodo debent, sacramenta æcclesiæ sunt, sicut sal et aqua et quedam alia, sine quibus hominum et æcclesiarum consecrationes fieri non possunt."

<sup>1</sup> Id., 'Libellus,' m. . . "Sunt quidam qui Romanæ æcclesiæ omnia heere putant, et quasi quadam dispensatione aliter quam divina scriptura præcipit eam facere posse. Quicumque utique sic sapit, desipit. Nam Romanæ æcclesiæ post Pet-

rum minime licet quod Petro non licuit. Petro quæ liganda erant ligandi, et quæ solvenda solvendi est a Christo data potestas, non quæ liganda solvendi, vel quæ erant solvenda ligandi concessa facultas. Petrus etiam si aliquando ignoranter aliter egit, Paulus, licet adhuc in conversatione novicius, ei in faciem resistere minime timuit. Petrus vero sui iurioris increpationem libenter suscipiens, quod plus iusto fecerat diligenter correxit. Romana itaque æcclesia (divinarum scripturarum legem solvere non debet, sed conservare, et tradita sibi a Christo potestate) non ad suam voluntatem uti, sed secundum Christi traditionem."

<sup>2</sup> Cf. editor in 'Lib. de Lite.'

and he seems to maintain that it is not reasonable that those things which had been once granted to the Church should be granted again; but he admits that all property is held by human law. By the divine law men are subject to kings and emperors, and the Church cannot hold possessions except by the human law; and he quotes the most significant phrases of that discussion of the nature of private property by St Augustine, to which we have frequently referred.<sup>1</sup> He contends, therefore, that there was no reason why the king should not, after due canonical election and consecration, invest the bishop with the property of the Church under some form, and urges that by this concession peace might be restored to the Church and the State. He concludes with a warning against an injudicious use of excommunication, which was evidently intended to suggest a doubt whether it was wise to excommunicate the emperor, even if he refused to come to terms with the Church, and with a reference to the action of St Peter and St Paul in making concessions to Jewish prejudices.<sup>2</sup>

<sup>1</sup> Cf vol i pp 139-142.

<sup>2</sup> Geoffrey de Vendome, 'Libellus,' iv. p. 691 "In ecclesiasticis possessionibus, quamvis nec in legibus nec in canonibus inveniantur, tamen propter scandalum et scisma vitandum tuis regibus investitura concedatur, ut nec ipsi propter hoc pereant, nec sancta ecclesia detrimentum patiatur Investituram per virgam et anulum accipere, nisi a suo consecratore, manifestum est esse dampnosum, quia nulli laico licet illa ecclesie sacramenta dare, sicut ei non licet episcopum consecrare Res etiam, quae semel ecclesie datae sunt, reges iterum eas dare, vel de ipsis investire, nec debent nec convenienter possunt Nam alicui dare quod habet, et de hoc investire alium quem quod ille iam tenet, superfluum est et vanum; non tamen videtur criminisum. Alia itaque est investitura, quae episcopum perficit, alia vero quae episcopum pascat Illa ex divino

iure habetur, ista ex iure humano. Subtrahere ius divinum, spiritualiter episcopus non creatur Subtrahere ius humanum, possessiones amittit, quibus ipse corporaliter sustentatur Non enim possessiones haberet ecclesia, nisi sibi a regibus donarentur et ab ipsis non quidem divinis sacramentis, sed possessionibus terrenis investiretur Ex iure divino regibus quidem et imperatoribus dominamur, ipsis tamen ex eodem iure, quia Christi dominum sunt, honorem debemus et reverentiam, sicut dicit apostolus 'Regem reveremini' Ex iure autem humano tantum illis debemus, quantum possessiones diligimus, quibus ab ipsis vel a parentibus suis ecclesia ditata et investita dinoscitur Unde beatus Augustinus super Iohannem sic loquitur 'Noli dicere quid mihi et regi? quid tibi ergo et possessioni? Nam per iura regum possessiones habentur Si vero dixeris. quid mihi et regi?

The position represented by the treatise is very significant It recalls the treatment of "investiture" by Ivo of Chartres in his letters, with respect to the relation of the tem-

Noli iam dicere possessiones tuas, quia ad ipsa iura quibus possessiones possidentur, renuntiasti Nam secundum ius imperatorum possides terrena Tolle imperatorum iura, quis audeat dicere Mea est illa villa, aut meus est iste servus, aut mea est ista domus? Quo iure defendis villas? divino an humano? Divinum ius in scripturis habemus, humanum ius in legibus regum Unde quisque possidet, quod possidet? Nonne iure humano? Nam iure divino domini est terra et plenitudo eius Pauperes et divites Deus ab uno luto fecit, et divites et pauperes una terra supportat Iure tamen humano dicitur Haec villa mea est, haec domus mea, hic servus meus est Iure ergo humano, iure imperatorum, quare? quia ipsa iura humana per imperatores et reges saeculi Deus distribuit ecclesiae suae Possunt itaque sine offensione reges post electionem canonicam et consecrationem per investituram regalem in ecclesiasticis possessionibus concessionem, auxilium et defensionem episcopo dare, quod quolibet signo factum extiterit, regi vel pontifici seu catholice fidei non nocebit Voluit bonus dominus et magister noster Christus spirituales gladium et materiam esse in defensione ecclesiae Quod si alter ab altero retunditur, hoc fit contra illius voluntatem Hac occasione de regno iustitia tollitur, et pax de ecclesia, scandala suscitantur et scismata, et fit animarum perditio simul et corporum Et dum regnum et sacerdotium, unum ab altero impugnatur periclitatur utrumque Nam rex et Romanus pontifex, cum unus contra alium, alter pro regni consuetudine alter pro ecclesiae libertate erigitur,

regnum illam consuetudinem obtinere nec potest nec poterit, et ecclesia suae libertatis amittit plurimum Rex praeterea sacrosancta communione pariter et regia dignitate privatur, a Romano vero pontifice multis, qui sibi servit debuerant, necessitate cogente servitur et qui a pontifice docendus erat et ducendus a rege, rex et pontifex populum sequitur Habet autem ecclesia pacem, et regnum iustitiam, habeat rex consuetudinem, sed bonam, et non quam male reposcit, sed quam supra diximus investituram Habet ecclesia suam libertatem, sed summopere caveat, ne, dum nimis emunxerit, eliciat sanguinem, et dum rubiginem de vase conatur eradere, vas ipsum frangat Hoc est praecipuum discretionis membrum, ne quis qualibet actione ecclesiae a sathana circumveniat Tunc enim a sathana quis circumvenitur, quando sub specie iustitiae illum per nimiam tristitiam perire contingit qui potuit liberari per indulgentiam Praeterea bonus et discretus Augustinus in epistola ad Parmenianum dicit, 'vix aut nunquam excommunicandum eum esse qui in malo opere obstinatum multitudinem habet secum' Nam tolerabilis videtur uni parcere, ne in ecclesia scisma seminetur plurimorum. Et beatissimus doctor et martyr Ciprianus asserit, dicens 'Scisma non est faciendum, etiam in eadem fide et in eadem traditione non permaneat qui recedit' Et Salomon in Ecclesiastice 'Scindens ligna periclitabitur in eis si exciderit ferrum' Item in Exodo 'In domo una comedetur non eicietis de domo carnem foras' Ex quibus verbis colligitur eum non excommunicandum esse qui multitudinem habet secum, ne, dum unum corrigere niti-

poralities to the secular power, and also to the possibility of conceding an "investiture" with the temporalities under some form;<sup>1</sup> and it also corresponds with some of the suggestions of Placidus of Nonantula;<sup>2</sup> but it gains an additional historical significance when we recall the rigorous position taken up by Geoffrey in his previous writings. We do not know, as we have said, what relation exactly the treatise may have had to the deliberations at Mouzon and Rheims, but it certainly serves to bring out the fact that there was already in papalist circles a movement towards compromise, and may help to explain how it was that Calixtus was compelled to withdraw his proposal to condemn lay "investiture" with relation not only to churches, but also to Church property, and to substitute the ambiguous condemnation of "investiture" of bishoprics and abbeys.

Two shorter treatises which, according to one MS., were addressed by Geoffrey to Pope Calixtus, may belong to the same time, or, at any rate, to the years between 1119 and 1122, and may reasonably be interpreted as being related to the mediating position which Geoffrey had now taken up. In the first of these he contends that "dispensationes" should sometimes be given by the authorities of the Church, under which something not wholly perfect might be done or permitted, in order to avert some grave danger to the Christian faith; and he gives as examples the action of St Paul in circumcising Timothy, and of St Peter in requiring some of the Gentiles to

mur, perditio fiat multorum. Hoc etiam Ieronimus ad Augustinum scribit, dicens, quod secundum beatorum apostolorum Petri et Pauli prudentiam dispensationemque honestam, aliquando fieri necesse est quod iure reprehenditur, ne christianæ plebi fidei scandalum oriatur. Nam propter metum Iudæorum, ne ipsi scandalizarentur, et Paulus post conversionem Timotheum circumcisum fecit, et cæremonias etiam exercuit Iudæorum, et Petrus cœgit quosdam iudaizare gentilium, uterque sanctus apostolus

simulans se veteris legis præcepta servare, ne qui fideles ex Iudæis facti fuerant susceptam veritatis noticiam scandalizati negarent. Fecerunt hoc sancti apostoli misericordii et pia compassione, non simulatione fallaci, quamvis legem post euangelium non esse servandam minime dubitarent. Ubi beatissimæ vitæ viri intelliguntur non quidem commutasse consilium, sed ad horam pro aliorum salute suæ doctrinæ sententiam."

<sup>1</sup> Cf. p. 98.

<sup>2</sup> Cf. p. 136.

observe the Jewish law. Such "dispensationes" might even change the customs of churches and abbeys. It is true that he says that these must not permit what is actually evil, and that if the Vicar of Christ were to do this he would be a blind leader of the blind; but it seems fairly evident that he is retracting or at least restating the judgment which he had expressed in an earlier treatise.<sup>1</sup>

In the second of these treatises Geoffrey states briefly the chief conditions which he deemed to be essential for the life of the Church. The Church, he says, must be Catholic, free, and chaste—Catholic, for it must not be bought or sold; free, for it must not be subject to the secular power; chaste, for it must not be corrupted with bribes. When a Church is bought or sold the faith is made void, for men think that what God has made beyond all price can be bought by men. When the Church is subjected to the secular power she loses that charter of liberty which Christ wrote for her on the Cross with His blood. When the Church is corrupted with bribes she loses her chastity.<sup>2</sup> These phrases had already been used by

<sup>1</sup> Id., 'Libellus,' v.: "Dispensationes aliquando in ecclesia faciendæ sunt, non quidem amore pecuniæ vel quolibet humano favore, sed pia et misericordii intentione. Tunc enim a pastore ecclesiæ dispensatio pie et misericorditer fieri creditur, cum aliquid minus perfectæ ad tempus fit ab illo vel fieri permittitur, non voluntate sua, sed aliorum necessitate, ne in ipsis videlicet fides christiana periclitetur. Sic igitur faciendæ est dispensatio ab ecclesia, ut semper fidei nostræ veritas instruat, et si quid aliter ad horam factum fuerit vel permissum, oportuno tempore corrigatur. Hac discretæ et sancta dispensatione usi sunt beati apostoli Petrus et Paulus propter metum Iudæorum, ne ipsi scandalizarentur. . . . . Nam super hoc quod ipsi et alii aliter fecerant, et se et alios postea correxerunt. Possunt etiam et debent fieri dispensa-

tiones, quibus ecclesiarum et monasteriorum consuetudines immutentur, sed ubi postponitur minus bonum, ut quod est melius instituatur. In nullo autem malum fieri debet vel permitti, nisi in ea tantum necessitate, ubi timetur, ne periclitetur fides, et illud postmodum corrigatur. Nam qui mala faciunt, ut veniant bona, horum iustum esse dampnationem Paulus apostolus protestatur. Si quis vero aliter in ecclesia dispensationes fecit, rationi simul et veritati contradicit. Nec solum lucernam ardentem non habet, verum etiam aliorum ardentem extinguit. Et ideo non recte dicitur Christi vicarius, sed dux est cæcorum ipse cæcus." Cf. p. 151.

<sup>2</sup> Id., 'Libellus,' vi.: "Æcclesia semper catholica, libera et casta esse debet. Catholica, quia nec vendi debet nec emi; libera, quia seculari potestati non debet subici; casta, quia nullatenus debet muneribus corrumpi



Geoffrey in earlier treatises, and they may have no special significance in this place ; but it is also possible that they may be intended to summarise the essential points which, in Geoffrey's judgment, would have to be taken account of in any settlement, and he may possibly intend to suggest that, so long as these principles were safeguarded, concessions might be made on other points.

Finally, in a treatise addressed to Cardinal Peter Leonis, which may belong to the year 1122, Geoffrey put together the substance of his earlier treatises, that is especially the condemnation of lay "investiture" as he had expressed it in the second and third of these, and also the admission, as he had stated it in the fourth treatise, that a lay "investiture" with the temporalities, after a canonical election and free consecration, might be accepted.<sup>1</sup> It should be observed that almost the only new point urged in this treatise is that consecration as well as election must be free, and that a consecration which

Quando enim æcclesia venditur vel emitur, evacuatur fides, quia quod incomparabile factum est a Deo ab homine comparari posse estimatur. . . . Quando vero æcclesia sæculari potestati subieitur, quæ ante domina erat ancilla efficitur; et quam Christus dominus dictavit in cruce, et quasi propriis manibus de sanguine suo scripsit, cartam libertatis omittit. . . . Tunc etiam æcclesiæ castitas omnino periclitatur, cum corrumpitur ipsa muneribus et ex casta et virgine sponsa Domini quasi mulier publica veraciter, facta dinoscitur. . . . Hæc tria, quæ diximus, proprie propria æcclesia habere debet; quorum unum si defuerit, falso nomine dicitur sponsa Christi; quæ velut paralytica iacet, nec ligandi nec solvendi potestatem habet. Nam Christus pastor bonus sponsam fideliem quærit, respuit infidelem, liberam sibi sociat, abicit ancillam, castam diligit, odit corruptam."

<sup>1</sup> Id., 'Libellus,' vii.: "Sciendum vero, quod hic vel ubicumque de elec-

tione et consecratione episcopi agitur, canonicam necesse est electionem et liberam consecrationem intelligi; ut qui canonicè eligitur, et libero consecratur. Alioquin fit quedam prava simulatio in æcclesia, et æcclesiasticæ dignitatis illusio non parva. Quicumque igitur canonicè non electus quasi sacrandus accedit, vel qui non est libere consecratus, etiamsi canonica præcesserit electio, execratus recedit. Nam sicut ubi non est vera cordis conversio, non sequitur plena remissio, ita, ubi non sequitur libera consecratio, etiamsi canonica electio præcedat, minime prodest, cum neutra sola episcopum creare sufficiat. Nec est illa libera consecratio, quam præcedit factum sine iudicio et iusticia iuramentum, cum beatus Hieronimus super Ieremiam dicat: 'Iuramentum non esse faciendum, ubi non est iusticia simul, veritas et iudicium.' Quod si aliter fuerit præsumptum, iuramentum non erit, sed periurium."

is preceded by an oath is not free. It may reasonably be judged that this has reference to the discussion of the terms of settlement at Worms.

The change in the position of Geoffrey of Vendôme which is indicated in these treatises is highly significant, and seems to indicate very clearly that, in spite of the failure of the negotiations at Mouzon, real progress had been made on both sides in the apprehension of the possibility of a settlement which should recognise both the principles for which the Popes had been contending, and the reasonable claims of the Temporal Power. This impression is confirmed by an examination of two works which belong to this time—the verses of Hugo Metellus on the conflict between the Pope and the King, and the verses of Hunald on the Ring and Staff. These writers were not men of any great importance, but their attitude is not the less significant.

Hugo Metellus represents the king as urging that former Popes had acquiesced in the custom of royal "investiture," and that this signified the grant of the "regalia": what harm, the king asks, could it do that he should grant these under the symbol of the pastoral staff? The Pope replies that his predecessors had indeed tolerated lay "investiture," but unwillingly, and only because the kings of those days had been benefactors of the Church, and maintains that the ring and staff were the emblems of pastoral office and could not properly be used to signify the "investiture" with the temporalities. The king then appeals to the concession of Paschal II., but the Pope replies that this was invalid, for it was granted under coercion. The king then suggests that if the Church were willing to forego the "regalia" he might surrender his claim to "investiture," and that in ancient times the Church did not possess these; but the Pope refuses to entertain this proposal. The verses end with an agreement on the part of both that the matter was one for consideration in reason and wisdom.<sup>1</sup>

Hunald describes the papal contention that the ring and staff are sacred signs of sacred functions. The king agrees to

<sup>1</sup> Hugo Metellus, 'Certamen Papæ et Regis.'

the principle that it is for priests to give sacred things, and only claims the right to bestow the "regalia." Hunald concludes that he would venture to say that the Pope and king were fighting about nothing, for neither sought to injure the other.<sup>1</sup>

The negotiations at Mouzon had broken down, but it soon became evident that the attempt to find some solution would have to be renewed. In June 1121 Henry marched to besiege Maintz, while the Archbishop of Maintz, the leader of the Papal party in Germany, summoned the Saxon princes to his help. Before, however, the actual conflict began, the leaders on each side entered into negotiations with each other, and Henry was persuaded to agree that the dispute should be settled by the judgment of the leading men on each side. It was agreed that a meeting of the princes of the whole kingdom should be held at Michaelmas in Würzburg to determine this settlement.<sup>2</sup> The Saxon Annalist gives a detailed account of the conclusions arrived at in this meeting. The emperor was to submit to the Apostolic See, and the conflict between him and the Church was to be settled by the counsel and help of the princes under such conditions that the Emperor should keep what belonged to him and the kingdom, and the churches what belonged to them. The bishops who had been canonically elected and consecrated were to occupy their sees in peace until the meeting of a council to be held in the presence of

<sup>1</sup> Hunald, 'Canon de Anulo et Baculo' :—

"Ergo, si verum fas est dicere paco duorum :

Pro nichilo pugnant rex et apostolicus.

In neutram neuter quisquam peccare videtur,

Cuique sui fines et sua iura manent.

Rixari cessent, insistent utiliora

Inter eos pax sit—omnia provenient."

<sup>2</sup> Ekkehard, 'Chronicon,' a. 1121 :  
"Eousque spiritus Iesu pro precio

sanguinis sui filiisque sponsæ suæ dimicans, spiritui superbiæ et maligno prevaluit, ut mentibus universorum iam in uno divinæ voluntatis assensu conexas, ipsorum consilio, suasionem ac obsecrationem regis indignatio in tantum mitigaretur, ut ipse presens negocium non suo sed optimatum utriusque partis arbitrio terminandum decreverit. . . . Ad hæc determinanda collaudantur conventus totius regni principum, curia Wirceburg, tempus festum sancti Michaelis."

the Pope. The princes expressed their intention to settle the complaints of the Church against the emperor with regard to "investitures" in such a way that the kingdom should retain its honour. If in the future the emperor should take measures against any one for his part in these conflicts, the princes agreed that, by the consent and permission of the emperor himself, they would unitedly, though with all care and reverence, admonish him not to act thus. If, however, the emperor neglected their advice, they would act according to the agreement which they had made with each other.<sup>1</sup>

This report is of the greatest importance, especially as indicating the attitude of the princes—that is, that they were determined to impose a reasonable settlement both upon the emperor and upon the Church. Ekkehard summarises the proceedings, and adds the important information that the meeting appointed envoys to communicate what had been done to Rome, and to ask for the convocation of a General Council by the Pope.<sup>2</sup>

<sup>1</sup> M. G. H., Legem, Sect. IV., 'Constitutiones,' vol. i. 106: "Hoc est consilium in quod convenerunt principes de controversia inter domnum imperatorem et regnum: (1) Dominus imperator apostolice sedi obediat. Et de calumpnia, quam adversus eum habet ecclesia, ex consilio et auxilio principum inter ipsum et domnum papam componatur, et sit firma et stabilis pax, ita quod dominus imperator que sua et que regni sunt habeat, ecclesie et unusquisque sua quiete et pacifice possideant. (2) Episcopi quoque in ecclesia canonice electi et consecrati pacifice sedeant usque ad collaudatam in presentia domni pape audientiam. Spironsis episcopus ecclesiam suam libere habeat. Wormatiensis similiter, preter ipsam civitatem, usque ad presentiam domini pape. (3) Captivi et obsides ex utraque parte solvantur. (4) De hereditate palatini comitis Sigefridi, sicuti Metis inter ipsum et domnum imperatorem definitum fuit, ita per-

maneant. (5) Hoc etiam, quod ecclesia adversus imperatorem et regnum de investituris causatur, principes sine dolo et sine simulatione elaborare intendunt, ut in hoc regnum honorem suum retineant. Interim donec id fiat, episcopi et omnes catholici sine ulla iniuria et periculo communionem suam custodiant. (6) Et si in postorum dominus imperator consilio sive suggestionem alicuius ullam in quemquam vindictam pro hac inimicitia exsuscitaverit, consensu et licentia ipsius hoc inter se principes confirmant, ut ipsi insimul permaneant et cum omni caritate et reverentia, ne aliquid horum facere velit, eum commoneant. Si autem dominus imperator hoc consilium preterierit, principes sicut ad invicem fidem dederunt, ita eam observent."

<sup>2</sup> Ekkehard, 'Chronicon,' a. 1121: "De verbo autem excommunicationis unde scandala pene cuncta pululaverant, nichil est diffinitum, tamen ad

There was some delay before the Pope replied to the envoys, but in February 1122 he wrote to Henry in terms which were indeed not wholly conciliatory, but represented a new attempt at an understanding. Calixtus addressed Henry not only as emperor but as his kinsman, and urged him to grant peace to the Church, assuring him that he had no desire to take away anything which belonged to him or to the Empire. He also, however, warned him that if he still refused to render to the Church what was its due, he would provide for the well-being of the Church by religious and wise men, without regard to the injury which this might inflict upon Henry.<sup>1</sup>

Another embassy was sent by Henry V. and the bishops and princes, consisting of the Bishop of Spire and the Abbot of Fulda, who expressed Henry's desire for peace and concord between the "regnum" and the "sacerdotium," if this could be obtained without injury to the majesty of the Empire. In response to this, Calixtus sent Lambert, the Cardinal-Bishop of Ostia, accompanied by two other cardinals, as his legates to Germany, with instructions that they were to endeavour to effect a settlement; and they invited Henry to meet a council of the bishops, which, as it was proposed, should meet at Mantz on the festival of the Nativity of the Virgin.<sup>2</sup>

apostolici regiminis audientiam concorditer in timore divino dilatam, denominatis in presenti legatis, qui Romam hæc omnia deferrent, quatinus, indicto per auctoritatem apostolicam generali concilio, quæcunque humano non possent, Spiritus sancti iudicio terminarentur."

<sup>1</sup> Calixtus II, 'Epistolæ,' 168 (Migne, vol. 163) "Te igitur sicut consanguineum nostrum, quem gemma in Christo dilectione diligere, honorare et super omnes exaltare cupimus, comonemus, ut Ecclesiæ pacem ulterius non recuses, pravorum suggestiones, qui in nostris placere sibi captibus gloriantur, ad cor tuum ascendere non permittas, nec servus omnium velis

esse, qui debes omnibus imperare. Nihil, Henrice, de tuo iure vindicare sibi querit Ecclesia, quæ sicut mater sua omnibus gratuito administrat. Nec regni nec imperii gloriam affectamus, sed soli Deo in Ecclesiæ suæ iustitia deservire optamus. . . . Quod si stultorum, et imperare tibi voluntium adulationibus, et pravitatis suggestionibus præcipitanter adhaerens, nec honorem Deo et Ecclesiæ debitum reddideris, per religiosos et sapientes viros Ecclesiæ Dei non sine læsione tua curabimus providere, quoniam sic esse dritius non valemus"

<sup>2</sup> 'Mon Bambergensia,' p. 383 "H[enrico] gloriosissimo imperatori,

The Council met at Worms in September, and the deliberations lasted a month or more. We learn from a letter which Adalbert, the Archbishop of Mainz, wrote to Pope Calixtus shortly after, that the negotiations were at first difficult. Henry could not at first be persuaded to surrender what he considered to be his hereditary right to invest with the ring and staff, and the laity who were present seem to have supported the emperor in his claim. At last, after consultation with the cardinals, and with what Adalbert represents as their reluctant consent, it was agreed that the election of bishops in Germany should be held in the presence of the emperor; and we may gather that it was in view of this concession that Henry waived his right to invest with ring and staff.<sup>1</sup>

The most important provisions of the settlement as finally agreed upon were as follows: Henry surrendered all claim

N. Dei gratia Ostiensis episcopus et apostolicæ sedis legatus ductum servitium. Religiosi viri, nuntii videntur licet magnitudinis vestræ, apostolicam sedem nuper adierunt, dicentes. pacis et concordie inter regnum et sacerdotium iam tandem excellentiæ vestræ consilium placuisse, si tamen salva maiestate imperii et absque diminutione regni fieri potuisset. Quibus auditis, dominus apostolicus gaudio repletus est et gratias egit Deo, qui vobis tale consilium inspiravit. Nostræ etiam humilitati hanc inruunt obedientiam ut in has partes venremus et pacis et concordie inter vos et ipsum mediatores essemus, salva tamen iusticia et ita, ut nullum manus scandalum ecclesiæ inde proveniret. Rogamus igitur excellentiam vestram, ut in concilio episcoporum Moguntie celebrando in nativitate sanctæ Mariæ vestram dignemini exhibere presentiam. Illud autem scitote: nichil ibi contra vos sed pro vobis omnia, salva tamen iusticia, nos agere velle, neque id intendere, ut honor imperii vestri

aliquid detrimentum paciatur sed per omnia augeatur"

Cf. Ekkehard, 'Chronicon,' a. 1122, and Anselmus, 'Cont. Siegeberti Gemb,' a. 1122.

<sup>1</sup> 'Mon Bambergensia,' p. 519 "Sed quia tam impotens quam imperator tamquam hereditario quodam iure baculum et anulum possidere volebant—pro quibus universa laicorum multitudo imperii nos destructores in clamabat—nullo modo potuimus his imperatorem exuere. Donec communicato consilio cum his, qui aderant, fratribus et dominis cardinalibus—hinc periculo nostro compacientibus, inde ecclesiæ censuram verentibus et ob hoc vix nobis assentientibus—omnes pariter sustinimus quod in ipsius presentia ecclesiæ debeat electionem facere, nil in hoc statuentes nec per hoc in aliquo, quod absit, apostolicis institutis et canonicis traditionibus preiudicantes, sed totum vestre presentie et vestre deliberationi reservantes."

Cf. Ekkehard, 'Chronicon,' a. 1122.

to "investiture" with ring and staff, and granted to all churches in the empire the right of free election and consecration. The Pope, on the other hand, granted to Henry that all elections to bishoprics and abbeys in the German kingdom, which belonged to the kingdom, should be held in his presence, but without simony and violence; and that, in the case of disputed elections, he should, with the counsel and judgment of the metropolitan and comprovincial bishops, give his assent and support to the wiser party. The bishop or abbot-elect was to receive the "regalia" from him "per sceptrum," and was to fulfil the lawful obligations which he owed for this. In the other parts of the Empire the bishop or abbot, within six months of his consecration, was to receive the "regalia" from the emperor "per sceptrum," and was to discharge all his lawful obligations; the only exception being in the case of all which belonged to the Roman Church.<sup>1</sup>

<sup>1</sup> Legem, Sect. IV., 'Constitutiones,' i. 107: "In nomine sanctæ et individuæ Trinitatis. Ego Heinricus, Dei gratia Romanorum imperator augustus, pro amore Dei et sanctæ Romanæ ecclesiæ et domini papæ Calixti et pro remedio animæ meæ dimitto Deo et sanctis Dei apostolis Petro et Paulo sanctæque catholica ecclesiæ omnem investituram per anulum et baculum, et concedo in omnibus ecclesiis, quæ in regno vel imperio meo sunt, canonicum fieri electionem et liberam consecrationem. (2) Possessiones et regalia beati Petri, quæ a principio huius discordiæ usque ad hodiernam diem sive tempore patris mei sive etiam meo ablata sunt, quæ habeo, eidem sanctæ Romanæ ecclesiæ restituo, quæ autem non habeo, ut restituantur fideliter iuvabo. (3) Possessiones etiam aliarum omnium ecclesiarum et principum et aliorum tam clericorum quam laicorum, quæ in terra ista amissæ sunt, consilio principum vel iusticia, quæ habeo, reddam. quæ non habeo, ut reddantur fideliter iuvabo.

(4) Et de veram pacem domino papæ Calixto sanctæque Romanæ ecclesiæ et omnibus qui in parte ipsius sunt vel fuerunt. (5) Et in quibus sancta Romana æclesia auxilium postulaverit, fideliter iuvabo et, de quibus mihi fecerit querimoniam, debitam sibi faciam iusticiam. Hæc omnia acta sunt consensu et consilio principum quorum nomina subscripta sunt."

Id. 108: "Ego Calixtus episcopus, servus servorum Dei, tibi dilecto filio Heinrico Dei gratia Romanorum imperatori augusto concedo, electiones episcoporum et abbatum Teutonici regni, qui ad regnum pertinent, in præsentia tua fieri, absque simonia et aliqua violentia: ut si qua inter partes discordia emergerit, metropolitani et comprovincialium consilio vel iudicio, saniori parti assensum et auxilium præbeas. Electus autem regalia per sceptrum a te recipiat et quæ ex his iure tibi debet faciat. (2) Ex aliis vero partibus imperii consecratus infra sex menses regalia per sceptrum a te recipiat et quæ ex his iure tibi debet

If we endeavour to estimate the main character of the settlement which terminated the conflict of fifty years between the Spiritual and the Temporal Powers with respect to the appointment of bishops and abbots, we may say that it is clear that in the main it represents the triumph of that mediating tendency whose development we have endeavoured to trace, and not the complete victory of the extremists of either party. When, however, we attempt to interpret the principles of the settlement in detail, we have need of great caution, but we may perhaps reasonably make the following observations. The emperor, in surrendering the investiture with ring and staff, and in admitting the right of free election and consecration, made it plain that he made no claim to bestow the spiritual office and authority, and that he recognised the rights of the diocese and the province. On the other hand, the Church recognised the justice of his claim to give or to withhold the feudal possessions and authority of the bishops and abbots as exercising temporal lordship. In the provision that the election should take place in his presence, the Church recognised that the emperor could not be excluded from all part in the election to the great ecclesiastical offices, in which, indeed, on the canonical principles, the laity had

faciat: exceptis omnibus quæ ad Romanam ecclesiam pertinere noscuntur. (3) De quibus vero mihi querimoniam feceris et auxilium postulaveris, secundum officii mei debitum auxilium tibi præstabo. (4) Do tibi veram pacem et omnibus qui in parte tua sunt vel fuerunt tempore huius discordiæ."

We must refer our readers for a full discussion of the text, as well as for an admirable and detailed treatment of the agreement, to the monograph of E. Bernheim, 'Zur Geschichte des Wormser Konkordats.' We need only here point out that there are important omissions in the text of the Concordat contained in the 'Codex Udalrici' of Bamberg. It omits the

reference to the counsel and judgment of the metropolitan and comprovincial bishops by which the emperor was to be guided in the case of disputed elections, the reference to the sceptre as the instrument of "investiture" with the "regalia," and the exception of all the rights which belonged to the Roman Church. It is in this form that the settlement is referred to by Otto of Fresingen in the 'Gesta Friderici.' Bernheim argues that this must be a deliberate falsification of the text, and points out that it corresponds with the action of Henry V. with reference to a disputed election to the Abbey of St Gall in 1123. However this may be, we are entitled to assume that the text, as given above, is substantially accurate.

their just and lawful place. In the provision for the determination of disputed elections, the emperor was no doubt to be guided by the advice and judgment of the metropolitan and the comprovincial bishops ; but the Church admitted that the emperor was entitled to an important part in such decisions. Probably the most important concession of the Church was contained in the provision that the bishop, or abbot, elect should ask for and receive the "regalia" from the emperor before his consecration ; for this probably meant that in the case of an insuperable objection to the elected person by the emperor, the whole matter could be reconsidered. On the other hand, the most important concession of the emperor was that which dealt with his relation to the bishoprics and abbeys outside of the German kingdom. Here he made no claim to a part in the election, and accepted the provision that the bishop or abbot was to apply for the "regalia" after the consecration—that is, after the whole process of appointment was completed ; and this no doubt meant a very great change in the relation of the emperor to the Italian bishoprics.

We have reached the end of our consideration of the first aspect of the great conflict between the Empire and the Papacy, but in the course of this conflict other questions had arisen, and other claims had been made which represent a profounder aspect of the relations of the Spiritual and Temporal Powers in the Middle Ages, and we must now turn to the consideration of these.

## PART III.

### THE POLITICAL CONFLICT OF PAPACY AND EMPIRE.



#### CHAPTER I.

##### THE POSITION AND CLAIMS OF GREGORY VII.

IN the first volume of this work we have set out what appears to us to be a reasonable interpretation of the relations of the Spiritual and Temporal Powers in the ninth century, and have urged that these represent in substance the acceptance of the principles set out by Pope Gelasius I. in the fifth century—that is, that the two authorities are each divine, and are each supreme within their own spheres, that neither can claim authority over the other with respect to its specific functions. It is quite true, and we have endeavoured to recognise it frankly, and to illustrate it sufficiently, that in actual fact the spheres of the two authorities were not in the ninth century thus clearly separate, but that we find each intervening from time to time in matters which belonged to the other. It does not, however, appear to us that this really affected, in the minds of the men of that time, the validity of their general judgment, or the sincerity of their conviction that the Spiritual and the Temporal Powers were autonomous in their relations to each other.

It is, however, true, and we have laid some stress upon it, that in the ninth-century restatements of the Gelasian prin-

ciples we find some important modifications and additions. Where Gelasius had said that the burden laid upon the priest is heavier than that which was laid upon the king, for in the divine judgment he will have to give account for the soul of the king, Jonas of Orleans calls the person of the priest "præstantior," for he is responsible to see that the king does his duty even in the discharge of his office; and Hincmar of Rheims says that the "dignitas" of the bishop is greater than that of the king, for it is the bishop who consecrates the king. But the most fundamental modification of the Gelasian phrases was made by Jonas of Orleans and the bishops in the 'Relatio' of 829, where they say that the two great offices of the priest and the king are offices not in the world, as Gelasius had said, but in the universal Church, which is the Body of Christ. How far this modification was conscious and deliberate we cannot say, but it is none the less important. It may reasonably be contrasted with the phrases of Optatus of Milevis, when he rebukes the Donatists for their want of respect for the Empire: the Church, he says, is within the commonwealth—that is, the Roman Empire—and not the empire within the Church.<sup>1</sup>

This conception is indeed one of far-reaching importance, and is characteristic of the whole political and ecclesiastical theory of the Middle Ages. In our second volume we have cited a passage from Stephen of Tournai, one of the most eminent canonists of the later years of the twelfth century, which represents this principle very effectively. In the one Commonwealth, he says, and under the one king, there are two peoples, two modes of life, two authorities: the commonwealth is the Church, the King is Christ, the two peoples are the two orders in the Church—that is, the clergy and the laity; the two modes of life are the spiritual and the carnal; the two authorities are the priesthood and the kingship ("sacerdotium et regnum"), the twofold "iurisdictio" is the divine law and the human: give to each its due, and all things will be brought into harmony.<sup>2</sup>

<sup>1</sup> Cf. vol. i. pp. 148 and 255.      *Decreti,' Introduction. Cf. vol. ii.*

<sup>2</sup> Stephen of Tournai, 'Summa p. 198.

There is only one Commonwealth, that is the Church of Christ, and of this Commonwealth Christ Himself is the King; but He commits his authority to two persons, to the priest and the king, and not to one alone. There is no question in Stephen's mind of an authority of the one over the other, within its own sphere, nor does he even suggest any question of the priority of the one over the other. And yet it would seem that when the commonwealth was conceived of as the Church, it would be difficult to avoid this question completely. At any rate, even in the ninth century, Jonas of Orleans and Hincmar of Rheims anticipated in some measure the actual form which the question was to take. Jonas, as we have seen, calls the person of the priest "præstantior," for he is responsible to see that the king does his duty; and Hincmar calls the "dignitas" of the bishop greater than that of the king, for the bishop consecrates the king to his office. It is in these two phrases that we may see the first germs of those claims of the Church and the Papacy which we have now to examine.

In the first part of this volume we have endeavoured to set out briefly some illustrations of the conception of the superiority of the Spiritual over the Temporal Power, and of the conception that it had some authority in determining the claim to secular authority. The most significant phrase is perhaps that of Rodolphus Glaber, writing towards the end of the first half of the eleventh century, when he says that no one can be recognised as emperor who has not been chosen by the Pope as suitable in character, and unless he has received from him the tokens of empire.<sup>1</sup> A little later we find the reforming Popes and their friends using phrases whose precise meaning is indeed difficult to determine, but which are at least very significant. Pope Leo IX., in a letter to the Patriarch of Constantinople, in which he maintains the authority of the Roman See over all Churches, also urges that the Roman See has an earthly as well as a heavenly empire, that the Roman See has a royal priesthood, and he

<sup>1</sup> Cf. p. 9.

confirms this by a reference to the "Donation of Constantine."<sup>1</sup> Unfortunately, he does not indicate clearly the meaning which he attached to its phrases. In the first volume we have set out the reasons which have convinced us that originally, and in the ninth century, the political authority referred to was understood to relate to the papal claims on the exarchate of Ravenna, and the other Byzantine territories in Italy.<sup>2</sup> Whether Leo IX. understood its phrases in this sense, or in a more general one, is not clear.

A few years later again we find Peter Damian, as we have already seen, using phrases whose significance it is very difficult to determine. He recognises indeed very explicitly that the royal power derives its authority from God Himself, and he distinguishes very emphatically the nature of the functions of the king and the priest; and when he refers to the two swords, he speaks of them as belonging, the one to the king and the other to the priest, and does not suggest the doctrine sometimes maintained later, that both strictly speaking belonged to the priest.<sup>3</sup> On the other hand, in a letter

<sup>1</sup> Leo IX., 'Ep.,' 100, 13: "His et aliis quamplurimis testimoniis, iam vobis satisfactum esse debuit de tereno et cœlesti imperio, imò de regali sacerdotio S. Romanæ et apostolicæ sedis. . . . Sed ne forte adhuc de terrena ipsius dominatione aliquis vobis dubietatis supersit scrupulus. . . . pauca ex privilegio, eiusdem Constantini manu cum cruce aurea super cœlestis clavigeri venerabile corpus posito, ad medium proferemus."

He proceeds to quote a considerable part of the "Donation of Constantine," including those sentences which refer to his handing over his authority in Italy and the Western regions to the Pope.

<sup>2</sup> Cf. vol. i. pp. 288-9.

<sup>3</sup> Peter Damian, 'Ep.,' Bk. III., 6: "Sciebat enim [*i.e.*, Jehoiada] quoniam utraque dignitas alternae invicem utilitatis est indiga, dum et sacerdotium regni tuitione protegitur et

regnum sacerdotialis officii sanctitate fulcitur. . . . ut dum regnum ac sacerdotium optata per vos pace perfuitur, is, qui utriusque dignitatis auctor est, pacis aternæ digna vobis præmia largiatur."

Id., Opusc., 57, 1: "Non omnia membra ecclesiæ uno funguntur officio. Aliud nempe sacerdoti, aliud competit iudici. Ille siquidem visceribus debet pietatis affluere, et in maternæ misericordiæ gremio sub exuberantibus doctrinæ semper uberibus filios confortare. Istius autem officium est, ut reos puniat, et ex eorum manibus eripiat innocentes," &c.

Id., Sermo, 69: "Felix autem, si gladium regni cum gladio iungat sacerdotii, ut gladius sacerdotis mitiget gladium regis, et gladius regis gladium acuat sacerdotis. Isti sunt duo gladii, de quibus in Domini passione legitur: 'Ecce gladii duo hic' et responditur a Domino: 'Sufficit.'

to Henry IV., exhorting him to help the Roman See against the antipope Cadalius, he says that the king is to be respected when he obeys the Creator; but when he goes against the divine commands he is lawfully held in contempt by his subjects. In another place he speaks of the Pope as the king of kings and prince of emperors, who excels all living beings in honour and dignity; and in another place still he speaks of the Roman Church as having been founded by Christ, who committed to Peter ("beato eternæ vitæ clavigero") the laws both of the earthly and heavenly empire, and this is repeated in another work, where he speaks of Christ as having committed to Peter the laws both of heaven and of earth.<sup>1</sup> We have already considered these phrases in Part I. of the volume, and we have dealt with the interpretation of some of them by the canonists of the twelfth century in volume ii.,<sup>2</sup> and we can only repeat that it is very difficult to say what Peter Damian may have meant by them.

Another of the most eminent of the reforming Churchmen of the time used phrases which are noticeable as indicating the rationale of the later claim of the spiritual power. Cardinal Humbert recognises and states very emphatically the distinction of the spheres of the two orders: the clergy may not interfere in secular matters, any more than the laity in ecclesiastical affairs. In another passage, however, he says that, if we are to find a just comparison between the priestly

Tunc enim regnum provehitur, sacerdotium dilatatur, honoratur utrumque, cum a Domino prætaxata felici confederatione junguntur."

<sup>1</sup> Id., 'Ep.,' Bk. VII., 3: "Sed tunc deferendum est regi, cum rex obtemperat Conditori; alioquin cum rex divinis resultat imperiis, ipse quoque iure contemnitur a subiectis."

Id., 'Opusc.,' 23, 1: "Ad quod facile respondetur; quia cum unus omni mundo papa præsideat, reges autem plurimos in orbe terrarum sua cujusque regni meta concludat, quia quilibet imperator ad papæ

vestigia corrui, tanquam rex regum, et princeps imperatorum, cunctos in carne viventes honore, ac dignitate præcellit."

Id., 'Opusc.,' v.: "Romanam autem ecclesiam solus ipse fundavit, super petram fidei mox nascentis erexit, qui beato vitæ eternæ clavigero terreni simul et cœlestis imperii iura commisit."

Id., 'Opusc.,' 57, 3: "Salvator enim noster, qui tanquam mitis agnus apparuit, mox ut Petro cœli terræque iura commisit."

<sup>2</sup> Cf. pp. 45-48, and vol. ii. pp. 206-209.

and the royal dignities, we may say that the priesthood resembles the soul, and the kingdom the body, for they love each other, and have need of each other. As the soul is greater than the body and commands the body, so is the priesthood in regard to kingship; and thus, that all things may be rightly ordered, the priesthood like the soul admonishes men what things are to be done; as the king should follow the ecclesiastic, so the lay people should follow the king; the priest should teach the people, the king should rule them.<sup>1</sup>

We do not feel that it is possible to say exactly what Peter Damian and Humbert and other reforming Churchmen may have understood by such phrases, we doubt indeed whether they attached to them any clearly defined meaning. They must not therefore be considered unimportant and insignificant; and it only needed some new conditions to bring out their significance, perhaps we should rather say, new conditions and a more determined temper.

The new conditions developed with that great change which we have discussed in the last section of this volume. Till the death of Henry III. it is clear that in the main the reforming

<sup>1</sup> Humbert, 'Adversus Simoniacos,' iii. 9, M. G. H., 'Lib. de Lite,' vol. i.: "Ex quibus pariter edocemur, quod sicut clerici secularia negotia, sic et laici ecclesiastica præsumere prohibentur. . . . Et quemadmodum clerici a laicis habitu et professione, sic discreti debent esse actu et conversatione, ut neuter eorum officium alterius aut hereditariam sortem sibi præripiat, sed uterque terminos a sanctis patribus et orthodoxis principibus positos attendat. Nam sicut clerici a laicis etiam intra parietes basilicarum locis et officiis, sic et extra separari et cognosci debent negotiis. Ideo laici sua tantum, id est secularia, clerici autem sua tantum, id est ecclesiastica negotia, disponant et provideant."

Id. id., iii. 21: "Unde qui sacerdotalem et regalem dignitatem vult

irreprehensibiliter et utiliter conferre, dicat sacerdotium in præsentia ecclesia assimilari animæ, regnum autem corpori, quia invicem se diligunt et vicissim sese indigent suamque sibi operam vicissim exigunt et impendant. Ex quibus sicut præminet anima et præcipit, sic sacerdotalis dignitas regali, ut puta cælestis terrestri. Sic ne præpostera, sed ordinata sint omnia, sacerdotium tanquam anima præmoneat quæ sunt agenda; regnum deinde tanquam caput sui corporis omnibus membris præmineat et ea quo expedit præcedat. Sicut enim regum est ecclesiasticos sequi, sic laicorum quoque reges suos ad utilitatem ecclesiæ et patriæ; sic ab una eorum potestate populus doceri, ab altera debet regi, quarum neutra populum inconsiderate sequi."

party in the Church had the general and hearty support of the imperial authority, but with his death this was changed. During the minority of Henry IV. the authority of the emperor became involved in the most glaring abuses, and when Henry IV. himself took over the reins of government this was only confirmed.

It is not our part here to discuss the truth of the charges which were brought against Henry's personal character—the statements of his political and ecclesiastical enemies must be received with caution. But it does not admit of dispute that both in his private conduct and in his ecclesiastical actions he gave serious cause of offence. It may suffice here to mention the great scandal which was caused when, in 1069, Henry made public his desire to divorce his wife. In a letter of Archbishop Siegfried of Mainz to Pope Alexander II. he describes the indignation with which this had been received.<sup>1</sup> In another letter of the same archbishop we have a good example of the relation of Henry to the ecclesiastical scandals of the time. Siegfried had been forbidden by Alexander II. to consecrate the bishop-designate of Constance, on the ground that he was charged with simony; and he reports that Henry was much incensed with him on this account, and that he was afraid that Henry would take further measures unless the Pope protected him against the royal anger.<sup>2</sup> Indeed, if we accept the statements of Henry IV.'s own letter to Gregory VII. of 1073, it would seem evident that he was conscious, or allowed himself to be represented as being conscious, of grave faults, both personal and ecclesiastical.<sup>3</sup>

<sup>1</sup> Siegfried of Mainz, 'Mon. Bambergensis,' p. 65.

<sup>2</sup> Id. id., p. 69.

<sup>3</sup> Greg. VII., 'Registrum,' i. 29, a: "Nunc autem divina miseratione aliquantulum compuncti et in nos reversi, peccata nostra priora vestre indulgentissimæ paternitati nos accusando confitemur: sperantes de vobis in Domino, ut, apostolica vestra auctoritate absoluti, iustificari mereamur. Eheu criminosi nos et infelices, partim

pueritiæ blandientis instigatione, partim potestativæ nostræ et imperiosæ potentie libertate, partim etiam eorum, quorum seductilia nimium secuti sumus consilia, seductoria deceptione peccavimus in cælum et coram vobis; et iam digni non sumus vocatione vestre filiationis. Non solum enim nos res ecclesiasticas invasimus, verum quoque indignis quibuslibet et symoniacis felle amaricatis et non per ostium sed aliunde ingredientibus ecclesias



When Hildebrand was elected to the Papacy in 1073, as Gregory VII., the division between the reforming party in the Church, and the authorities of the State in the Empire, and also in France, was already very marked; and while it is true that for a considerable time Hildebrand had exercised a great influence in determining the policy of the Papacy, it is also true to say that with his formal accession to power this policy became clearer and more determined. Since the Council of Sutri the Popes had steadily maintained the policy of reformation, and especially with regard to two questions—one, with which we are not here directly concerned, the marriage of the clergy, the other the buying and selling of Church offices or simony. Hitherto this had been expressed mainly under the terms of stringent proceedings against the clergy who were guilty of simoniacal practices, but with the accession of Gregory VII. the Papacy turned its attack upon the secular authorities themselves as being, in its judgment, mainly responsible for this condition of things.

It has been sometimes maintained or suggested that this was due to some more or less definite and conscious intention to establish the power of the Papacy as supreme over the Temporal Power: we doubt whether there are sufficient grounds upon which to found any such judgment, and we think that it would be wiser for the historian to confine himself to the observation of the actual development of the new policy of the Papacy. It is, however, true that the new policy developed with great rapidity; that indeed from the first year of his pontificate Gregory VII. showed that he was prepared to use every power which the Papacy had ever claimed, or exercised, to secure reform.

ipsas vendidimus, et non eas ut oportuit defendimus. At nunc, quia soli absque vestra auctoritate ecclesias corrigere non possumus, super his, ut etiam de nostris omnibus, vestrum una et consilium et auxilium obnixè quaerimus; vestrum studiosissime præceptum servaturi in omnibus. Et nunc in primis pro ecclesia Medio-

lanensi quæ nostra culpa est in errore rogamus: ut vestra apostolica districtione canonice corrigatur; et exinde ad cæteras corrigendas auctoritatis vestræ sententia progrediatur. Nos ergo vobis in omnibus Deo volente non defuerimus; rogantes id ipsum suppliciter paternitatem vestram, ut nobis alacris adsit elementer in omnibus."

The new policy, if we may call it such, took shape first in relation to the French monarchy; it was not till 1076 that the breach with Henry IV. took place. We must therefore begin by observing the relations of Gregory VII. and France during the first years of his pontificate.

In an earlier chapter we have dealt with the stringent measures which Pope Leo IX. had taken against simony in the French Church.<sup>1</sup> When Hildebrand became Pope he found the evil still rampant, and in his judgment it was the king himself, Philip I., who was the real source of the evil. In December 1073, the year of his accession, Gregory VII. wrote to the Bishop of Chalons a letter, in which he denounces Philip as being among all the princes of that time the greatest offender against the true order and freedom of the Church, and as being especially guilty of the most outrageous simony. He expressly lays the blame upon him, for he speaks of the French kingdom itself as singular in its piety and devotion to the Roman Church. He does not, however, confine himself to denouncing the wickedness of the king, but threatens, in the plainest terms, that, if Philip would not amend his evil ways, he would lay the kingdom under a general excommunication, and thus compel the French people to withdraw their obedience from the king.<sup>2</sup>

We have indeed here startling evidence of a new policy, of the fact that the Roman See was now under the control of a Pontiff who was prepared to use every weapon at his disposal in order to secure a complete reform in the conditions of the

<sup>1</sup> See p. 56.

<sup>2</sup> Greg. VII., 'Registrum,' i. 35: "Inter ceteros nostri huius temporis principes, qui ecclesiam Dei perversa cupiditate venundando dissiparunt et matrem suam, cui ex dominico præcepto honorem et reverentiam debuerant, ancillari subiectione penitus conculcarunt, Philippum regem Francorum Gallicanas ecclesias in tantum oppresse certa relatione didicimus, ut ad summum tam detestandi huius facinoris cumulum pervenisse videatur.

Quam rem de regno illo tanto profecto tuimus molestius, quanto et prudentia et religione et viribus noscitur fuisse potentius et erga Romanam ecclesiam multo devotius. . . . Nam aut rex ipse, repudiato turpi symoniacæ heresis mercimonio, idoneas ad sacrum regimen personas promoveri permittet, aut Franci pro certo, nisi fidem christianam abicere maluerint, generalis anathematis mucrone percussi, illi ulterius obtemperare recusabunt."

Church. The policy and determination which are manifest in this letter were further developed in the succeeding years. In September 1074, Gregory VII. wrote to the Archbishops of Rheims, of Sens, of Bordeaux, to the Bishop of Chartres and the other bishops of France, reproving them for their failure to resist the wickedness of the king, and bade them as one body to remonstrate with him, and to denounce to him the wickedness of his deeds. If he would not listen to them they were to warn him that he would not escape the apostolical sword, and they were, in obedience to Rome, to separate themselves from his obedience and communion, and to interdict the public performance of all divine service throughout France; and finally, if Philip would not even then repent, he desired that every one should know that he would leave nothing undone to deprive him of the French kingdom.<sup>1</sup>

In November of the same year Gregory wrote to William

<sup>1</sup> Id. id., ii. 5: "Quarum rerum rex vester [Philip] qui non rex sed tyrannus dicendus est, suadente diabolo caput et causa est. Qui omnem aetatem suam flagitiis et facinoribus polluit et, suscepta regni gubernacula miser et infelix inutiliter gerens, subiectum sibi populum non solum nimis soluto imperio ad scelera relaxavit sed ad omnia, quæ dici et agi nefas est, operum et studiorum suorum exemplis incitavit. . . . Vos etenim fratres etiam in culpa estis; qui dum perditissimis factis eius sacerdotali vigore non resistitis, procul dubio nequitiam illius consentiendo favetis. . . . Nam, si prohibere eum a delictis, contra ius et reverentiam promissæ sibi fidelitatis esse putatis, longe vos fallit opinio. . . . Unde rogamus vos et apostolica auctoritate monemus, ut in unum congregati, patriæ vestræ famæ atque saluti consulatis et, communi consilio ac coniunctissimis animis regem alioquentes, de sua eum et

regni confusione atque periculo comoneatis et, quam criminosa sunt eius facta atque consilia, in faciem ei ostendentes, omni exhortatione eum flectere studeatis. . . . Quodsi vos audire noluerit et, abiecto timore Dei, contra regium decus, contra suam et populi salutem, in duritia cordis sui perstiterit, apostolicæ animadversionis gladium nequaquam cum diutius effugere posse, quasi ex ore nostro sibi notificare. Propter quod et vos, apostolica auctoritate commoniti atque constricti, matrem vestram sanctam Romanam et apostolicam ecclesiam debita fide et obedientia imitamini; et, ab eius vos obsequio atque communione penitus separantes, per universam Franciam omne divinum officium publice celebrari interdicit.

Quodsi nec huiusmodi districtione voluerit resipiscere, nulli clam aut dubium esse volumus, quin modis omnibus regnum Franciæ de eius occupatione, adiuvante Deo, tempeamus eripere."

the Count of Poitou, and exhorted him to remonstrate with Philip on his iniquities, and more especially with regard to his conduct in plundering Italian merchants in France, and told him that, while he was prepared to accept his repentance, if he did not amend his evil ways he would excommunicate him and all those who continued to render him obedience. Again, in December of the same year he wrote to Manasses, the Archbishop of Rheims, on the same matter, denouncing the new and unheard-of crime of the king, that he plundered the merchants of Italy and other countries, and warns him that if the king persisted in these crimes he must expect to have the Roman Church and the Pope as his determined enemies. In the Council held at Rome in February 1075, he decreed that, unless Philip gave security for his amendment to the papal envoys who were to be sent to France, he was to be held excommunicate.<sup>1</sup>

The terms of this letter of Gregory VII. certainly mark the appearance both of a new attitude of the Papacy towards the Temporal Powers, the determination to deal directly, not merely with the clergy who were guilty of simony, but with the secular authorities, when they were responsible for this, and also the assertion of the right

<sup>1</sup> Id. id., ii. 18: "Qui si consiliis vestris acquieverit, nos eum qua debemus caritate tractabimus. Alioquin, si in perversitate studiorum suorum perduraverit et secundum duritiam et impenitentem cor suum iram Dei et sancti Petri sibi thesaurizaverit, nos, Deo auxiliante et nequitia sua promerente, in Romana synodo a corpore et communione sanctæ ecclesiæ ipsum et, quicumque sibi regalem honorem vel obedientiam exhibuerit, sine dubio sequestrabimus: et eius cotidie super altare sancti Petri excommunicatio confirmabitur."

Id. id., ii. 32: "Nunc igitur caute et diligenter ut debes accipias: malum inauditum, scelus detestabile, quod Philippus rex Franciæ—immo lupus rapax, tyrannus iniquus, Dei et re-

ligioni sanctæ ecclesiæ inimicus—Italis et aliarum provinciarum mercatoribus contra Deum et regni sui honorem fecit, et alia, quorum ad aures nostras clamores frequentissime venerunt, si, prout iustitia dictaverit, correxerit, nos procul dubio lætari, gratiarum actionibus Deum laudare ut pro perdita et inventa ove, sciat fraternitas tua. Si vero contra hæc, quod nolumus, egerit, Deum procul dubio sibi inimicum sanctamque Romanam ecclesiam et nos, qui ei licet indigni præsidemus, viribus et modis omnibus sibi adversari promittimus."

Id. id., ii. 52, a: "Philippus rex Francorum, si nunciis papæ ad Gallias ituris de satisfactione sua et emendatione securitatem non fecerit, habeatur excommunicatus."

of the Papacy both to excommunicate and to depose princes. It was not till later that a reasoned justification of these claims was set out by Gregory, but it is noticeable that in a letter of 1074 to Sancho, King of Aragon, he asserts that Christ had made Peter prince over the kingdoms of the world ; and in a document which has been dated as belonging to the year 1075, and contains a summary and statement of the nature of papal authority, we find an explicit assertion of the principle that the Pope can depose emperors, and release the subjects of wicked rulers from their allegiance.<sup>1</sup> There is indeed no doubt that the Church had constantly claimed a full spiritual authority over kings as much as over lesser men, but the conception that this involved the right to depose kings was a somewhat different matter. In our first volume we have cited certain passages which indicate that the conception was not unknown, and had been at least sometimes recognised in the ninth century ; but the determined phrases of Gregory VII. certainly seem to represent a new confidence as well as a new policy.<sup>2</sup>

If the new policy became apparent first in the relations of the Papacy to the French monarchy, it was in its relations with the Empire that it was developed. We do not pretend here to relate the history of the great conflict between Gregory VII. and Henry IV. in detail, but we must follow its course, so far as is necessary to understand the principles which were at issue. We have already mentioned the grave scandal caused by Henry IV.'s proposal in 1069 to divorce his wife, and by his connivance with simony. When Hildebrand succeeded to the Papacy in 1073, Henry IV. had not been personally and explicitly excommunicated ; but he had refused or

<sup>1</sup> Id. id., i. 63: "Esto, itaque constans et fiduciam firmam habeas et quod cepisti perficias; quia in domino Jesus Christo confidimus, quia beatus Petrus apostolus, quem dominus Iesus Christus rex gloria principem super regna mundi constituit, cui te fidelem exhibes, te ad honorem desiderii tui adducet, ipse te victorem de adversariis tuis efficiet."  
Id. id., ii. 55, a: "Dictatus papæ."  
. . . "Quod illi liceat imperatores deponere. . . . Quod a fidelitate iniquorum subiectos potest absolvere."  
<sup>2</sup> Cf. vol. i. pp. 282-287.

neglected to separate himself from the society of excommunicated persons, and was therefore indirectly under the ban of the Church. It should, however, be observed that Hildebrand was careful to avoid giving offence to Henry IV., and seems to have recognised his claim to be consulted before his actual consecration.<sup>1</sup>

Gregory's attitude to Henry on his accession to the Papal See is well illustrated by a letter to Godfrey, Duke of Lorraine. He assures him that no one could desire Henry's wellbeing more than he does, and that he would greatly rejoice if Henry would follow his admonitions and counsels in maintaining justice ; but he also says very plainly that no respect of persons would withhold him from exercising justice upon him who held God in contempt.<sup>2</sup> Again, in a letter of September 1073, to Anselm, the Bishop-elect of Lucca, he bids him not to receive investiture from Henry until he had done satisfaction to God for his communion with excommunicated persons, and had made his peace with the Papacy.<sup>3</sup>

Gregory's accession to power was almost simultaneous with the outbreak of the great revolt of the Saxons against Henry IV. In the third volume of the work we have dealt with its significance in relation to the history of the development of political ideas. We cannot here repeat what we have said, nor can we discuss in detail the circumstances, but it is necessary to bear in mind the political situation in Germany,

<sup>1</sup> Lambert of Hersfeld, 'Annales,' a. 1073: Bonizo, 'Liber ad Amicum,' vii.

<sup>2</sup> Gregory VII., 'Registrum,' i. 9: "De rege vero mentem nostram et desiderium plene cognoscere potes; quod, quantum in Domino sapimus, neminem de eius præsenti ac futura gloria aut sollicitiorem aut copiosiori desiderio nobis præferri credimus. . . . Quodsi nos audierit, non aliter de eius quam de nostra salute gaudemus; quam tunc certissime sibi lucrari poterit, si in tenenda iustitia nostris monitis et consiliis acquieverit. Sin

vero, quod non optamus, nobis odium pro dilectione, omnipotenti autem Deo pro tanto honore sibi collato, dissimulando iustitiam eius, contemptum non ex æquo reddiderit, interminatio quæ dicitur: 'Maledictus homo, qui prohibet gladium suum a sanguine,' super nos Deo providente non veniet. Neque enim liberum nobis est, alicuius personali gratia legem Dei postponere aut a tramite rectitudinis pro humano favore recedere, dicente apostolo: 'Si hominibus placere vellem, servus Dei non essem.'"

<sup>3</sup> Id. id., i. 21.

as it doubtless contributed much to the development of the papal position. It was no doubt, in part at least, the serious danger of the revolt which induced Henry to express himself so humbly and penitently as he did in that letter of the year 1073, which we have already cited. He acknowledged very humbly that he had misused his powers, and that he had been guilty of simony, and he begged Gregory to counsel him, and promised obedience.<sup>1</sup> In a very important letter, written in December 1073 to the Archbishop of Magdeburg and the other Saxon princes who were in revolt against Henry, we have the first important example of Gregory's intervention between Henry and his subjects. He laments the hostilities which had arisen between them, and the consequent devastation of Germany, and was evidently genuinely desirous to restore peace; but it is noteworthy that from the first he assumed towards them and the king a position of authority as well as of mediation. He tells them that he has entreated and admonished the king, in the name of the Apostles Peter and Paul, to abstain from hostilities until he could send envoys to inquire into the causes of the conflict and to restore peace; and he admonishes them to observe the same truce; he assures them that he would endeavour to establish justice, and that he would, without fear or respect of persons, give the favour and the protection of the apostolic authority to that party which had suffered injury and injustice.<sup>2</sup> The tone of the letter is courteous but also authoritative.

<sup>1</sup> See p. 63.

<sup>2</sup> Gregory VII., 'Registrum,' i. 39: "Verum inter ceteras curarum anxietates ea nos maxime sollicitudo coartat, quod inter vos et Henricum regem, vestrum videlicet dominum, tantam discordiam et tam inimica studia exhorta esse cognovimus, ut exinde multa homicidia incendia depredationes ecclesiarum et pauperum ac miserabilem patriæ vastitatem fieri audiamus. Qua de re regi misimus exhortantes et ex parte apostolorum Petri et Pauli eum admonentes, ut interim sese ab armis et omni-

bellorum infestatione contineat, donec tales ad eum ab apostolica sede nuncios dirigamus, qui tantæ dissensionis causas et diligenter inquirere et annuente Deo ad pacem et concordiam æqua valeant determinatione perducere. Atque itidem vos exoratos et apostolica auctoritate communitos esse volumus, ut, ex vestra parte omni motione sopita, easdem pacis inducias observetis nec aliqua occasione nobis cum Dei adiutorio adstruendæ pacis impedimentum opponatis. Cum etenim, ut scitis, nobis mentiri, sacr-

It would seem that Henry had been unreconciled to the Church, but from a letter of Gregory to the Empress Agnes, the mother of Henry IV., written in June 1074, it is clear that by this time Henry had been restored to the communion of the Church, and thus a grave danger to his kingdom had been, as Gregory says, averted; for Gregory could not meet Henry while he was outside of this communion, and his relations to his subjects were very difficult.<sup>1</sup> In a letter written by him to Henry in December 1074, we have a statement, friendly but severe, in which he warns him that he could only hold

legium, deserere iustitiam, animæ sit naufragium: neminem vestrum dubitare volumus, quin super hac re, veritate discussa, quicquid æquum videbitur, providente Deo decerneret et stabili pactione studeamus efficere; et quæcumque partem iniurias et conculatæ iustitiæ violentiam pati cognoverimus, illi procul dubio, omni timore et respectu personalis gratiæ posthabito, favorem et apostolicæ auctoritatis præsidia conferremus."

We may compare with this the terms in which Gregory VII. wrote to Geuza of Hungary in 1075 with respect to the conflict between him and Solomon for the kingdom of Hungary. He claims that it is the duty of the Papal See to defend men's lawful rights and to establish peace and concord. We shall return to the letter when we consider the feudal authority of the Popes, but in the meanwhile it is noticeable for its claim to a more general authority.

Id. id., ii. 70: "Si officii nostri est, omnibus sua iura defendere ac inter eos componere pacem et stabilire concordiam, multo magis ratio exigit atque usus utilitatis exposcit, ut seminemus caritatem inter maiores, quorum pax aut odium redundat in plurimos. Unde nobis cura est et cordi pia sollicitudo inheret, quatenus inter te et consanguineum tuum Salomonem

regem faciamus pacem, si possumus: ut iustitia utrinque servata, sufficiat unicuique quod suum est, terminum iustitiæ non transeat, metam bone consuetudinis non excedat; sicque sit in pace nobilissimum regnum Ungariæ, quod hætenus perse principaliter viguit, ut rex ibi, non regulus fiat. Verum ubi—contempto nobili dominio beati Petri apostolorum principis, cuius regnum esse prudentiam tuam latere non credimus—rex subdidit se Teutonico regi, et reguli nomen obtinuit. Dominus autem, iniuriam suo illatam principi pervidens, potestatem regni suo ad te iudicio transtulit. Et ita consanguineus tuus, si quid in obtinendo regno iuris prius habuit, eo se sacrilega usurpatione privavit. Petrus enim a firma petra dicitur, quæ portas inferi confringit, atque adamantino rigore destruit et dissipat, quicquid obsistit."

<sup>1</sup> Id. id., i. 85: "Quorum quidem quod maximum est et unitati dilectionis coniunctissimum, iam peregritis: videlicet filium vestrum Henricum regem communioni ecclesiæ restitui, simulque regnum eius a communi periculo liberari. Quoniam illo extra communionem posito, nos quidem timor divinæ ultionis secum convenire prohibuit: subditos sibi vero quotidie eius presentia quasi necessitas quadam in culpa ligavit."

his kingdom rightly if he used his power for the restoration and defence of Christ's Church.<sup>1</sup> In another letter of the same time, we seem to have an expression of Gregory's feelings towards Henry when he was completely assured of his repentance and reformation. He expresses his constant affection for Henry, laments that men sow discord between them, and urges him to turn away his ears from such men. He tells Henry that his own desire was to accompany an army to the sepulchre of the Lord, and to bring help to the oriental Christians; and that if by God's help he was able to do this, he desired to leave the Church in Henry's care, that he might guard it as his mother, and defend its honour. He concludes by praying that God would absolve him from all his sins, and lead him in the way of His commandments, and bring him to eternal life.<sup>2</sup> In a letter written to Henry after his victory over the Saxons on the Unstrut, he expresses his joy that the divine judgment should have given him this triumph over the Saxons, who were unjustly resisting him, while he laments that so much Christian blood should have been shed; and he assures him that he was willing to open the Church to him, and to receive him as one who was at the same time lord and brother and son, on the condition that he would consult his own salvation and give glory and honour to God.<sup>3</sup>

<sup>1</sup> Id. id., ii. 30: "Et tunc demum regiam potestatem recte te obtinere cognosceas, si regi regum Christo ad restorationem defensionemque ecclesiarum suarum faciendam dominationis tuæ altitudinem inclinas et verba ipsius dicentis cum tremore recogitas: 'Ego diligentes me diligo, et honorificantes me honorificabo; qui autem me contemnunt, erunt ignobiles.'"

<sup>2</sup> Id. id., ii. 31: "si illuc favente Deo i vero, post Deum tibi Romanam ecclesiam relinquo, ut eam et sicut sanctam matrem custodias et ad eius honorem defendas. . . . Omnipo-

tens Deus, a quo cuncta bona procedunt, meritis et auctoritate beatorum apostolorum Petri et Pauli a cunctis peccatis te absolvat et per viam mandatorum suorum incedere faciat atque ad vitam æternam perducatur."

<sup>3</sup> Id. id., iii. 7: "Ego autem, ut paucis loquar, horum consilio paratus sum: Christo favente, gremium tibi sanctæ Romanæ ecclesiæ aperire, teque ut dominum fratrem et filium suscipere, auxiliumque prout oportuerit præbere; nichil aliud a te quærens, nisi ut ad monita tuæ salutis non contemptas aurem inclinare et creatori

In January of 1076, however, we find that the relations between Gregory and Henry were seriously strained. On the 8th of that month he exhorted him again to separate himself from the excommunicated persons, and complained of his conduct in bestowing the bishoprics of Fermo and Spoleto on persons who were not even known to Gregory.<sup>1</sup> It was only a few weeks later that the final rupture took place, and Gregory VII. and Henry IV. were arrayed in open war against each other. The circumstances of this are set out by Lambert of Hersfeld, by Gregory VII., and by Bruno. According to Lambert the papal legates appeared in Germany, and summoned Henry to appear at a Council to be held in Rome in the second week of Lent to answer to the charges brought against him, and declared that, if he failed to do this, he would without further delay be cut off from the Church by this apostolic sentence. Henry was profoundly moved by this announcement, and at once, dismissing the legates with contumely, summoned all the bishops and abbots of the kingdom to meet at Worms on Septuagesima Sunday, to consider the deposition of Gregory, for this was necessary for the safety of himself and the kingdom. Gregory, in his letter to the faithful in Germany of August 1, 1076, after a long account of his relations with Henry IV., relates that he had written to him warning him that if he would not separate himself from the society of excommunicated persons he would have to reckon him as one separated from the Church, and that Henry, indignant at being rebuked, had persuaded many of the bishops in

tu, sicut te decet, non contradicas offerre gloriam et honorem. . . . De superbia vero Saxonum vobis iniuste resistentium, quæ divino iudicio a facie vestra contrita est, et gaudendum est pro pace ecclesiæ, et dolendum quia multus christianorum sanguis effusus est."

<sup>1</sup> Id. id., iii. 10: "Et nunc quidem,

ut vulnus vulneri infingeres, contra statuta apostolicæ sedis tradidisti Firmanam et Spoletanam ecclesiam—si tamen ab homine tradi ecclesiæ aut donari potest—quibusdam personis nobis etiam ignotis; quibus non licet, nisi probatis et ante bene cognitis, regulariter manum imponere."

Germany and Italy to renounce their obedience to the Apostolic See.<sup>1</sup>

The Council met on the appointed day, and its action will be best understood by considering the letters which the bishops themselves and Henry IV. issued announcing its decisions. We cannot here discuss all the points raised in the letter of the bishops, but the most noteworthy are the following. They complained that he had stirred up strife in all the churches, setting the people against the bishops and clergy; that he had arrogated to himself the right of sanctioning or annulling the appointment of bishops; that he had forbidden them to bind or loose any one whose offence had been in any way brought before him. They suggested that his election to the Papacy had been irregular, and contrary to the decree of Pope Nicholas II.; and they charged him with a scandalous familiarity with some woman and with allowing her to interfere in ecclesiastical affairs. They concluded, therefore, that they would no longer recognise him as Pope.<sup>2</sup>

<sup>1</sup> Lambert, 'Annales,' 1076 (M G H, S S., vol. 5, p. 241). "Aderant præterea Hildebrandi papæ legati, denunciante regi, ut secunda feria secundæ ebdomadæ in quadagesima ad sinodum Romæ occurreret, de criminibus quæ obicerentur causam dicturus, alioquin sciret, se absque omni procrastinatione eodem die de corpore sanctæ ecclesiæ apostolico anathemate abscedendum esse. Quæ legatio regem vehementer permovit, statimque abiectis cum gravi contumelia legatis, omnes qui in regno suo essent episcopus et abbates, Wormaciæ dominica septuagesimæ venire præcepit, tractare cum eis volens, ad deponendum Romanum pontificem si qua sibi via, si qua ratio pateret, in hoc cardine totam verti ratus salutem suam et regni stabilitatem, si is non esset episcopus."

Greg VII., Reg Ep Coll 15.

Cf. Bruno, 'De Bell. Sax,' 621.

<sup>2</sup> M G H, Legum, Sect IV, Constitutiones, vol. 1. 58: "Sublata

enim, quantum in te fuit, omni potestate ab episcopis, quæ eis divinitus per gratiam sancti Spiritus, qui maxime in ordinationibus operatur, collata esse dinoscitur, omnique rerum ecclesiasticarum administratione plebeo furori per te attributa, dum iam nemo alicui episcopus aut presbyter est, nisi qui hoc indignissima assentatione a fastu tuo emendicavit, omnem apostolicæ institutionis vigorem illamque pulcherrimam membrorum Christi distributionem, quam doctor gentium totiens commendat et inculcat, miserabili confusione miscuisti. . . . Quis autem illud pro indignitate rei non stupeat, quod novam quandam debitamque potentiam tibi usurpando arrogas, ut debita universæ fraternitati iura destruas? Asseris enim, cuuscunque nostrum parochiani aliquid ad te delictum vel sola fama perveniat, ultra iam non habere quemquam nostrum aliquam potestatem vel ligandi eum vel solvendi, præter te solim aut eum

Henry, in his letter to Gregory, says that he had attacked the bishops who were his friends, and then had turned upon the head himself, and had threatened to take from him his soul and his kingdom. He had in consequence summoned a general meeting of all the chief men of the kingdom, and by them it had been decided that Gregory could no longer be recognised as Pope. Henry had assented to their judgment, repudiates Gregory's claim to the Papacy, and bids him descend from the see of that city of Rome, of which by the grant of God and the sworn assent of the Romans he was Patrician.<sup>1</sup> In his letter to the Roman people Henry transmits to them the previous letter, and urges them to rise

quem tu specialiter ad hoc delegeris. . . . Præterea cum tempore Nicolai papæ synodus celebraretur, in qua cxxv episcopi consederant, sub anathemate id statutum et decretum est, ut nullus unquam papa fieret, nisi per electionem cardinalum et approbationem populi et per consensum auctoritatemque regis. Atque huius consilii seu decreti tu ipse auctor, persuasor subscriptorque fuisti. Ad hoc quasi fetore quodam gravissimi scandali totam ecclesiam replesti de convictu et cohabitatione alienæ mulieris familiariori quam necesse est. In qua re verecundia nostra magis quam causa laborat, quamvis hæc generalis querela ubique personerit, omnia iudicia, omnia decreta per feminas in apostolica sede actitari, denique per hunc feminarum novum sonatum totum orbem ecclesiæ administrari. Nam de muris et contumeliosis episcoporum, quos filios meretricum et cetera id genus indignissime appellas nulla querimonia sufficit. Quia ergo introitus tuus tantis periculis est intatus et ecclesiæ Dei tam gravi tempestate per abusionem tuarum novitatum periclitatur et vitam conversationemque tuam tam multiplicitate infamia dehonestasti, obedientiam, quam nullam tibi promissimus, nec de

cætero ullam servaturos esse renuntiamus, et quia nemo nostrum, ut tu publice declamabas, tibi hactenus fuit episcopus, tu quoque nulli nostrum amodo eris apostolicus."

<sup>1</sup> Id. id., 60: "Quæ omnia cum ego quadam patientia dissimularem, tu hoc non patientiam sed ignaviam æstimans, in ipsum caput insurgere ausus es, mandans que nosti, scilicet ut tuis verbis utar, quod aut tu morereris aut michi animam regnumque tollereres. Hanc inauditam contumaciam ego non verbis sed re confutandam diudicans, generalem conventum omnium regni primatum ipsis supplicantibus habui. Ubi cum ea quæ hactenus metu et reverentia tacebantur, in medium deducta fuissent, veris assertionibus illorum, quas ex ipsorum literis audies, palam factum est, te nullatenus in apostolica sede posse persistere. Quorum sententiæ, quia iusta et probabiles coram Deo hominibusque videbatur, ego quoque assentiens omne tibi papatus ius, quod habere visus es, abrenuntio atque ut a sede urbis, cuius michi patriciatus Deo tribuente et iurato Romanorum assensu debetur, ut descendas edico."

against Gregory and compel him to descend from the papal throne, so that another Pope might be appointed by Henry, with the consent of all the bishops and of the Roman citizens, who might heal the wounds of the Church.<sup>1</sup>

It is perhaps deserving of notice that the letter of the bishops lays stress in the main upon alleged ecclesiastical grievances, and the alleged irregularity of Gregory's election; while Henry deals mainly with the threat to excommunicate him, and the alleged threat to depose him. Whether he means that this was implied in the threat of excommunication, which is all that is mentioned by Lambert, or whether there had been some other statement by Gregory, as may be meant by Henry's words in his letter to him, "scilicet ut tuis verbis utar," we cannot tell. Henry clearly alleges that Gregory had threatened to depose him. It is beyond the scope of this work to deal with the question how far the contention of the bishops, that Gregory was claiming new powers over them, was well founded or not. It is no doubt true that the Papacy in its attempt to reform the conditions of the northern churches was extending its activity to an immense extent, but how far this represented innovations in principle is another matter.

We are concerned here with the question of the relations of the Spiritual and Temporal powers, and we must turn from the proceedings of the Council of Worms to those of Gregory in the Council which met in Rome in February. In this Council, and under the terms of an invocation addressed to St Peter, Gregory solemnly excommunicated Henry, deposed him from the kingdoms of Germany and Italy, and absolved

<sup>1</sup> Id. id., 61: "Inter quos (inimicos) scilicet Hildebrandum monachum notantes, vos in eius inimicitiam excitamus, quia hunc et ecclesie invasorem et oppressorem et Romane reipublice vel regni nostri insidiatorem deprehendimus, ut in subsequenti epistola sibi a nobis directa per noscere in promptu est (i.e., No. 60). . . . Exurgite igitur in eum fidelissimi, et sit primus in fide primus in eius damp-

natione. Non autem ut sanguinem eius fundatis dicimus, quippe cum maior sibi sit post depositionem poena vita quam mors, sed ut eum, si nolit, descendere cogatis et alium communi omnium episcoporum et vestro consilio a nobis clectum in apostolicam sedem recipiatis, qui quod iste in ecclesia vulneravit curare et velit et possit."

all his subjects from their oath of allegiance. He did this on the ground that Henry had refused to obey the Lord, had joined himself to those who were excommunicated, and had attempted to divide the Church; and he claimed this authority in the name of Peter, to whom Christ had given the power of binding and loosing in heaven and upon earth.<sup>1</sup>

The conflict had at last become open war, and the greatest Temporal power in Europe was arrayed against the Spiritual power of Rome. We must now examine the documents in which Henry and Gregory justified their action. The first important statement which we must consider is contained in a letter written by Henry to Gregory on March 27, 1076, presumably on hearing the news of his excommunication and deposition at the Council of Rome in February. He addresses his letter to him not as Pope but as the false monk Hildebrand, and accuses him first of having overturned all due order in the Church and treated the bishops as his slaves; he had, he says, patiently endured all this, but Hildebrand, mistaking his humility for fear, had at last turned upon the royal authority which had been given him by God, and had threatened to take it away from him, as though Henry had received the kingdom from him. The tradition of the holy Fathers had

<sup>1</sup> Gregory VII., 'Reg.' iii. 10 a: "Beate Petre apostolorum princeps, inclina, quæso, piæ aures tuas nobis et audi me servum tuum, quem ab infantia nutristi. . . . Specialiter pro vice tua michi commissa et michi tua gratia est potestas a Deo data ligandi atque solvendi in celo et in terra. Hac itaque fiducia fretus, pro ecclesie tuæ honore et defensione, ex parte omnipotentis Dei Patris et Filii et Spiritus sancti per tuam potestatem et auctoritatem Heinrico regi, filio Heinrici imperatoris, qui contra tuam ecclesiam inaudita superbia insurrexit, totius regni Teutonicorum et Italie gubernacula contradico; et omnes christianos a vinculo iuramenti, quod sibi fecerunt vel faciunt, absolve; et, ut nullus ei sicut regi serviat, inter-

dico. Dignum est enim, ut qui studet honorem ecclesie tuæ imminuere, ipse honorem amittat, quem videtur habere. Et quia sicut christianus contempsit obedire nec ad Dominum rediit quem dimisit—participando excommunicatis; et multas iniquitates faciendo; meaque monita, quæ pro sua salute sibi misi te teste, spernendo; seque ab ecclesie tua, temptans eam scindere, separando—vinculo eum anathematis vice tua alligo. Et sic eum ex fiducia tua alligo: ut sciant gontes et comprobent, quia tu es Petrus et super tuam petram filius Dei vivi ædificavit ecclesiam suam et porte inferi non prævalebunt adversus eam."

Cf. Lambert of Hersfeld, 'Annales,' 1076.

taught that the anointed king could be judged only by God, and could not be deposed for any crime except heresy. He therefore, and all his bishops, bids Hildebrand descend from the apostolic throne and make way for another.<sup>1</sup> The letter sets out two very important principles or claims: the first, that Henry had been appointed by God, and was subject only to the judgment of God, and could be deposed only if he forsook the faith; the second, that the king and the bishops had the right to judge and depose the Pope: but this is more vaguely put, and the grounds and conditions of the claim are not expressly stated.

Henry's position is more carefully set out in another document, which is thought to be a summons addressed by him to the bishops to attend a council to be held at Worms at Whitsuntide. In this he states with some care the principle of the separation of the two authorities, the "regnum" and

<sup>1</sup> M. G. H., Legum, Sect. IV., Const., vol. i. 62: "Heinricus non usurpative, sed pia Dei ordinatione rex Hildebrando iam non apostolico, sed falso monacho. Hanc talem pro confusione tua salutationem promeristi, qui nullum in ecclesia ordinem præteristi quem confusions non honoris, maledictionis non benedictionis participem non feceris . . . sicut servos . . . sub pedibus tuos calcasti. . . . Sed tu humilitatem nostram timorem fore intellexisti ideoque et in ipsam regiam potestatem nobis a Deo concessam exurgere non timuisti, quam te nobis auferre ausus es minari. quasi nos a te regnum acceperimus, quasi in tua et non in Dei manu sit vel regnum vel imperium. Qui dominus noster Iesus Christus nos ad regnum, te autem non vocavit ad sacerdotium. . . . subditos in prælatos armasti, dum episcopos nostros a Deo vocatos tu non vocatus spernendos docuisti, dum laicis ministerium eorum super sacerdotes usurpasti, ut ipsi deponant vel condemnent quos ipsi a manu Dei per impositionem manuum episco-

palum docendi acceperant. Me quoque, qui licet indignus inter christos ad regnum sum unctus, tetigisti, quem sanctorum patrum traditio soli Deo iudicandum docuit nec pro aliquo crimine, nisi a fide, quod absit, exorbitaverim, deponendum asseruit; cum etiam Iulianum apostatam prudentia sanctorum patrum non sibi sed soli Deo iudicandum deponendumque commiserit. Ipse quoque verus papa beatus Petrus clamat, 'Deum time, regem honorificate.' Tu autem, qui Deum non times, in me constitutum eius inhonoras. . . . Tu ergo hoc anathemate [the judgment of St Paul on those who preach another gospel] et omnium episcoporum nostrorum iudicio et nostro dampnatus descende, vindicatam sedem apostolicam relinque, alius in solum beati Petri ascendat, qui nulla violentiam religione palhet, sed beati Petri sanam doceat doctrinam. Ego Henricus Dei gratia rex cum omnibus episcopis nostris tibi discimus: Descende, descende, per secula dampnande."

the "sacerdotium," which Christ had established in His Church under the type of the two swords, and he describes their respective functions. The "sacerdotium" is to secure obedience to the king, after God, and the "regnum" is to conquer the external enemies of Christ, and to compel men within the Church to obey the "sacerdotium." It was this order which Hildebrand was striving to overthrow, and in doing this was really destroying the position and authority of both powers. Incidentally he denies that God had called Hildebrand to the "sacerdotium."<sup>1</sup>

The position of Hildebrand was set out by him in reasoned terms in a letter which he sent to Hermann, the Bishop of Metz, in August 1076. He addressed himself primarily to the contention of those who maintained that it was not proper to excommunicate a king. He cites various authorities and historical precedents to show that this was lawful, and that it had been done; and then argues that the conception that any man could be exempt from ecclesiastical jurisdiction was intrinsically absurd, for it would mean that he was outside of the Church, and alien from Christ. In

<sup>1</sup> Id. id., 63: "Tantum vido ne obpressæ ecclesiæ solatium subtrahas, sed regno et sacerdotio condoleas. Quo utroque sicut hucusque ecclesia est exultata, ita nunc humiliatur, heu utroque viduata. Nam unus dum utrumque sibi vindicavit, utrumque dissipavit, nec in uno profuit qui in neutro prodesse voluit nec potuit . . . Ut enim de pluribus pauca referamus, regnum et sacerdotium Deo nesciente sibi usurpavit. In quo piam Dei ordinationem contempsit, que non in uno sed in duobus duo, id est regnum et sacerdotium, principaliter consistere voluit, sicut ipse dominus Salvator in passione sua de duorum gladiatorum sufficientia typice intelligi innuit. Cui cum diceretur. domine ecce duo gladii hic, respondit 'satis est,' significans hac sufficienti dualitate spiritualem et carnalem gladium in ecclesia

esse gerendum, quibus omne nocivum foret amputandum, videlicet sacerdotali ad obedientiam regis post Deum, regali vero gladio ad expugnandos inimicos Christi exterius et ad obedientiam sacerdotum interius omnes homines docens fore constringendos: ut ita de alio in alium caritate tenderetur, dum nec sacerdotum regnum nec sacerdotium regni honore privaretur. Hanc Dei ordinationem qualiter Hildebrandica insania confuderit, tu ipse nosti, si scire voluisti. Nam nullum eius iudicio licet esse sacerdotem, nisi qui hoc a fastu suo emendicaverit. Me quoque quem Deus in regnum—non autem ad sacerdotium illum—vocavit, . . . quia ipse me regem non constituit, regno me privare studuit, mirans regnum et animam se mihi tollere, quorum neutrum concessit."



arguing that it was lawful to excommunicate kings, he cites the alleged deposition of the last of the Merovingian Kings of France by Pope Zacharias, and the words of a letter of Gregory the Great, in which he had threatened kings who resisted his judgment not only with excommunication, but also with the loss of their office. It is to these presumably that he returns when he asks why the Apostolic See, which judges spiritual matters in virtue of the authority committed to it by God, should not also judge of temporal things. Some people had suggested that the royal dignity was greater than that of the bishop; he indignantly protests that the truth was just the opposite, and that this was evident from its origin: kingship had its beginnings in human pride, while the bishop's office was created by God. Finally, he stringently forbade any one to absolve Henry: this must be left to the papal judgment.<sup>1</sup>

<sup>1</sup> Gregory VII, Reg., iv 2. "Eis autem, qui dicunt. 'regem non oportet excommunicari, licet pro magna fatuitate nec etiam respondere debeamus, tamen, ne impatienter illorum insipientiam præterire videamur, ad sanctorum patrum dicta vel facta illos mitimus, ut eos ad sanam doctrinam revocemus. Legant itaque, quid beatus Petrus in ordinatione sancti Clementis populo christiano præcepit de eo, quem scirent non habere gratiam pontificis.' Addiscant, cur apostolus dicat, 'Habentes in promptu ulcisci omnem inobedientiam' et de quibus dicat, 'Cum huiusmodi nec cibum sumere.' Considerent, cur Zacharias papa regem Francorum deposuit et omnes Francigenas a vinculo iuramenti, quod sibi fecerant absolvent. In registro beati Gregorii addiscant, quia in privilegiis, quæ quibusdam ecclesiis fecit, reges et duces contra sua dicta vehementes non solum excommunicavit sed etiam, ut dignitate careant, iudicavit [Greg I, 'Ep., xiii 8]. Nec prætermittant,

quod beatus Ambrosius non solum regem sed etiam re vera imperatorem moribus et potestate Theodosium non tantum excommunicavit, sed etiam, ne præsumeret in loco sacerdotum in ecclesia manere, interdixit.

Sed forte hoc volunt prædicti viri subintelligere. quod, quando Deus ecclesiam suam ter beato Petro commisit dicens. 'Pasce oves meas,' reges exceperit. Cur non adtendunt vel potius erubescendo confitentur quia, ubi Deus beato Petro principaliter dedit potestatem ligandi et solvendi in cælo et in terra, nullum exceperit, nichil ab eius potestate subtraxit. Nam qui se negat non posse ecclesiæ vinculo alligari, restat ut neget, se non posse ab eius potestate absolvi, et qui hoc impudenter negat, se a Christo omnino sequestrat. Quodsi sancta sedes apostolica, divinitus sibi collata principali potestate, spiritualia decernens iudicet, cur non et secularia? Reges quidem et principes huius seculi, qui honorem suam et

In a letter addressed to the faithful in Germany on September 3, Gregory set out the position, and the power which he claimed, with some important additions. He directs them to the decree of the Council which had excommunicated Henry for a statement of the grounds on which this action had been taken, and he bids them understand that Henry had been not only excommunicated, but also deposed, and that all his people had been absolved from their oath of allegiance. He desires them to show him mercy if he repented, especially for the sake of his father and mother; but Henry must learn that the Church was not his handmaid, but was set over him. If he would not repent another was to be elected to the kingdom who would promise to observe what Gregory had enjoined, and to do whatever should seem necessary for the Christian religion and the welfare of the whole empire. He requires them to report to him the person selected and his character, in order that he might confirm their election and the new order, as the holy Fathers had done. Finally, he refers to some oath which had been made to the Empress Agnes, and

lucra temporalia iustitiæ Dei præponunt eiusque honorem negligendo proprium quaerunt, cuius sint membra cuive adhaereant, vestra non ignorat caritas. Nam sicut illi, qui omni suæ voluntati Deum præponunt eiusque præcepto plus quam hominibus obediunt, membra sunt Christi, ita et illi, de quibus supra diximus, membra sunt antichristi. Si ergo spirituales viri, cum oportet iudicantur, cur non seculares amplius de suis pravis actibus constringantur?

Sed forte putant, quod regia dignitas episcopalem præcellat. Ex earum principibus colligere possunt, quantum a se utraque differunt. Illam quidem superbia humana reperit, hanc divina pietas instituit. Illa vanam gloriam incessanter captat, hanc ad celestem vitam semper aspirat. Et addiscant, quid beatus Anastasius papa Anastasio imperatori de his

dignitatibus scripserit—et quid beatus Ambrosius in suo pastoralis, inter has dignitates decreverit. 'Honor' iniquus 'et sublimitas episcopalis nullis poterit comparationibus adæquari. Si regum fulgore compares et principum diademati, longo erit inferius, quam si plumbi metallum ad auri fulgorem compares.' Hæc non ignorans, Constantinus Magnus imperator non primum sessionis sed ultimum inter episcopos elegit locum, scrivit enim, quia superbis Deus resistit, humilibus dat gratiam. . . De ipso autem rege omnino contradiximus ut nullus eum præsumat absolvere, quo usque illius certa penitentia et sincera satisfactio nobis per idoneos testes fuerit notificata ut simul inveniamus, qualiter, si eum divina pietas respexerit, ad honorem Dei et illius salutem eum absolvamus.

requires them, if they had determined to remove her son from the kingdom, to consult her and himself about the person selected to succeed him <sup>1</sup>

If we now endeavour to sum up the principles and claims which are set out in these documents, we shall recognise that the conflict arose immediately and directly out of the claim of Gregory to exercise spiritual jurisdiction even over the king. It was the summons to Henry, to answer in Rome for the ecclesiastical offences of which he was accused, which was the immediate cause of the open breach. The first and fundamental contention of Gregory was that even the king was subject to the ecclesiastical censures of the Church, and even, if need should arise, to excommunication. Whether Gregory had formally threatened to depose Henry is not

<sup>1</sup> Id. id., Reg., iv. 3: "Gregorius episcopus servus servorum Dei omnibus dilectis in Christo fratribus et coepiscopis, ducibus, comitibus, universis quoque fidem Christianam defendentibus, in regno videlicet Teutonico habitantibus, salutem et omnium peccatorum absolutionem per apostolicam benedictionem.

Si litteras, quibus Heinricus dictus rex in sancto synodo iudicio sancti Spiritus excommunicatus est, diligenter perpenditis, quid de eo debeat fieri, indubitanter cognoscetis. Ex illis enim intelligitur: cur sit anathematis vinculo alligatus et a regia dignitate depositus; et quod omnis populus quondam sibi subiectus a vinculo iuramenti eidem promissi sit absolutus. . . . Estote quæso memores humanæ conditionis et communis fragilitatis, quibus non possunt nostra ætate ad imponi gubernacula inveniri æquales. Nec vos prætereat pia et nobilis memoria patris eius et matris. . . . Non ultra putet sanctam ecclesiam sibi subiectam ut ancillam, sed prælatam ut dominam. . . . Quod si exigentibus multorum peccatis, quod non optamus, ex corde non fuerit ad

Deum conversus, talis ad regni gubernacula Deo favente inveniatur, qui ea quæ prædiximus et cetera, quæ videntur christianæ religioni et totius imperii salutis necessaria, se certa ac indubitabili promissione observaturum promittat. Ut autem vestram electionem, —si valde oportet ut fiat—apostolica auctoritate firmamus, et novam ordinationem nostris temporibus corroboremus, sicut a sanctis nostris patribus factum esse cognoscimus: negocium personam et mores eius quantocius potestis nobis indicate; ut, saneta et utili intentione incedentes, mereamini, sicut nobis causæ notæ apostolicæ sedis favorem per divinam gratiam et beati Petri apostolorum principis per omnia benedictionem. . . . Hoc tamen videtur laudabile; postquam certum fuerit apud vos et omnino firmatum, quod eius filius a regno removeatur, consilium ab ea et a nobis requiratur de inventa persona ad regni gubernacula. Tunc aut nostro communi consilio assensum præbebit, aut apostolicæ sedis auctoritas omnia vincula quæ videntur iustitiæ contradicere, removebit."

clear; but Henry understood that he had done this, whether implicitly or explicitly. He accordingly set up the counter-claim that he and the bishops had the power of sitting in judgment upon the Pope, and, acting upon this claim, they declared the deposition of Gregory at Worms. Gregory replied by excommunicating and formally deposing Henry as a rebel against God and the Church, and justified this action by various arguments and precedents. Henry's reply to this was twofold: first, the claim that the king was subject only to the judgment of God, and could not be deposed except for heresy; and second, he appealed to the Gelasian tradition of the separation and autonomy of the two powers. Gregory, it should be observed, in the letter to Hermann of Metz, does not explicitly deny this, but reiterates the claim to spiritual authority over the king, and seems to assume that this carried with it the power of deposition; and he puts forward, in vague but significant phrases, the contention that, if the Holy See could judge spiritual matters, it could also judge secular things. With special reference to the actual situation, he also claimed the right to consider and approve the person whom the German people should elect to take Henry's place.

Such, then, were the first stages of the great conflict, and the nature of the claims as they were first set out by the two parties. We must now consider briefly the development of the historical situation, and the further development of the principles which had been put forward.

It might have seemed as though Henry was able to command the allegiance of Germany, and even of the German bishops, in his quarrel with Gregory, but in a short time it became evident that this was not the case. The victory of the Unstrut in 1075 seemed to have crushed the revolt of the Saxons and to have secured Henry's supremacy in Germany; but in the course of 1076 a new and more formidable rising broke out, and in a short time the political situation was completely transformed.

The Saxons and Suabians broke into open revolt, and

Henry was obliged to bow to the storm. The accounts given by the historians differ in detail, but they agree in some of the most important parts. Henry was compelled to make his submission to Gregory, and the princes determined that if he were not absolved within a year he would cease to be King, and they invited the Pope to come to Germany to put an end to the conflict.<sup>1</sup> Henry's letter to Gregory VII. and to the German Princes declaring his submission are expressed in the most explicit terms.<sup>2</sup>

Henry accepted the terms proposed by the revolting princes, and retired to Spire, but seeing the great importance of being absolved before the anniversary of his excommunication, determined to set out for Italy, to present himself before Gregory and to obtain absolution. Gregory at the same time had set out from Rome on his journey to Germany, and had reached Canossa when Henry arrived. We need not relate the story of Henry standing barefoot before the gate of Canossa, but the conditions of his absolution are of the highest importance. The Register of Gregory VII. contains what professes to be a record of the promises which Henry made on 28th January 1077. In this Henry undertook, with reference to the complaints which had been brought against him by the archbishops and bishops and other princes of the German kingdom, either to do justice according to the judgment of the Pope, or to make peace according to his counsel, within the term which the Pope should appoint, unless he or the Pope should be prevented by a "certum impedimentum." The account given by Lambert of the conditions of absolution is of little historical value, but is important as illustrating the standpoint of some of Henry's enemies. Henry is represented as promising that he would appear on a day and at a place to be appointed by the Pope, at a council of the German princes, and would then reply to the charges brought against him; that the Pope should, if it seemed well, act as judge, and that Henry should, according to his sentence, either retain the kingdom, if he were able to purge himself of the charges brought against him, or should

<sup>1</sup> Berthold, 'Annales,' a. 1076. 'De Bello Saxonico,' 68.  
Cf. Lambert, 'Annales,' 1076; Bruno,     <sup>2</sup> 'Mon. Bambergensia,' pp. 110, 111.

lose it if the crimes were proved, and he were declared unworthy, according to the ecclesiastical laws, of the regal dignity. If he were confirmed in the kingdom, he promised that he would be subject and obedient to the Pope, and would manfully help him in correcting those evil customs which had long existed in the kingdom contrary to the ecclesiastical laws. If Henry did not fulfil these promises, the absolution was to be void, and the princes would be entitled to elect another king.<sup>1</sup>

It is evident that Lambert's account not only contains more detail, but that it is more strongly expressed; the substance, however, is not very different, for in the document contained in the Register, Henry promises to submit to his judgment or to follow his counsel. We must compare the statement of the circumstances, contained in the letter which Gregory sent to the German princes announcing Henry's submission and the fact that he had absolved him from the sentence of excommunication.<sup>2</sup>

Henry's submission at Canossa was apparently complete, but the whole situation only became more complex. Gregory VII. says explicitly in the declaration of the excommunication of Henry in 1080, that while he had absolved Henry at Canossa, he had not restored him to the kingdom, and that his action

<sup>1</sup> Gregory VII., 'Registrum,' iv. 12, a: "Ego Henricus rex de murmuratione et dissensione, quam nunc habent contra me archiepiscopi et episcopi, duces comites ceterique principes regni Teutonicorum et alii, qui eos in eadem dissensionis causa sequuntur, infra terminum, quem dominus papa Gregorius constituerit, aut iustitiam secundum iudicium eius aut concordiam secundum consilium eius faciam; nisi certum impedimentum mihi vel sibi obstiterit; quo transacto, ad peragendum idem paratus ero."

Lambert, 'Annales,' a. 1077: "ut die et loco, quemcumque papa designasset, evocatis ad generale consilium Teutonicis principibus preesto esset, et accusationibus quæ intende-

rentur responderet, ipso papa, si ita expedire videretur, cognoscere causarum assidente, et ad eius sententiam vel retineret regnum, si obiecta purgasset, vel æquo animo amitteret; si probatis criminibus regio deinceps honore indignus iuxta ecclesiasticas leges decerneretur; nullam, sive retento sive amisso regno, huius iniuriæ vindictam a quopiam hominum in perpetuum exacturus. . . quod si, purgatis quæ obicerentur, potens confortatusque in regno perstitisset, subditus Romano pontifici semper dictoque obtemperans foret, et ad corrigenda quæcumque in regno eius contra ecclesiasticas leges prava consuetudine inolevissent, consentiens ei et pro virili portione cooperator existeret."

<sup>2</sup> Gregory VII., 'Registrum,' iv. 12.

was determined by his desire for justice or peace between him and the bishops and princes who had been in revolt. It was those bishops and princes who, hearing that Henry was not keeping the promises which he had made to Gregory, and despairing of him, elected Rudolph as king without consulting him ("sine meo consilio vobis testibus, elegerunt sibi Rodulfum ducem in regem").<sup>1</sup> He reasserts this emphatically in a letter which is undated, but is thought to have been written between 1081 and 1084.<sup>2</sup>

It seems therefore clear that the action of the German princes who elected Rudolph at Forcheim in March 1077 was taken without the advice of the Pope, and it soon became clear that Germany was completely divided, and that the election of Rudolph was only accepted by a section of the nation. Towards the end of May in the same year (1077) we find Gregory addressing a letter to the faithful in Germany, in which he says that both the kings had asked the help of the Roman See, and that he desired to go to Germany, and with their consent, to decide the dispute, and to render his help to that one that of the two whose cause should appear to be just. If either of the kings were to refuse him the necessary safe-conduct, he should be excommunicated, and he cites the words of Gregory the Great, that those kings who acted against the command of the Apostolic See were to lose their dignity, and repeats the words which he had used in his letter to Hermann of Metz, that if the See of Peter judges spiritual matters, much more could it judge earthly and secular matters. He concludes by assuring them that he had made no promise to either king that he would do anything except that which was in accordance with justice.<sup>3</sup>

<sup>1</sup> Id id, vii 14, a. Cf p 201.

<sup>2</sup> Id id, viii 51.

<sup>3</sup> Id id, iv 24: "Gregorius episcopus servus servorum Dei dilectis in Christo fratribus archiepiscopis episcopis ducibus comitibus et universis Christi fidelibus, clericis et laicis, tam maioribus quam minoribus, in regno Teutonicorum consisten-

tibus, salutem et apostolicam benedictionem. Uterque namque rex a nobis immo ab apostolica sede, cui licet indigni presidemus, adiutorium requirit. Et nos, de misericordia omnipotentis Dei et adiutorio beati Petri confidentes, parati sumus. cum vestro consilio, qui Deum timetis et christianam fidem diligitis, equitatem causae

Gregory's letter of instruction to his legates of the same date sets out the same principles, but in more detail. They are to demand of both the kings safe-conduct for him to Germany, for he desires to consider the case between them with the counsel of the German clergy and laity who fear God, and to declare to which party justice belonged. They know that it is the duty of the Apostolic See to decide the graver affairs of the Church, and this matter is so weighty and dangerous that if he were to neglect it, the whole Church would suffer the most grievous injury. If, therefore, either of the kings were to resist his purpose and their mission, they were to deprive him of the kingdom, and to cut off him and his supporters from the communion of the Church, and they were to call together a council of the clergy and laity to confirm him who obeyed Gregory's command in the kingdom, and to enjoin upon all, both clergy and laity, that they should faithfully serve him.<sup>1</sup>

utrumque decernere; et ei præbere auxilium, cui iustitia ad regni gubernacula favere dinoscitur. . . . Si enim celestia et spiritualia sedes beati Petri solvit et iudicat, quanto magis terrena et secularia. . . . et tamen neutri prædictorum regum, neque terrore neque amore flexi, aliquod contra iustitiam adiutorium promissimus"

<sup>1</sup> Id id, iv. 23. "Bernardo ecclesie Romanæ diacono, et Bernardo Abbate Massiliensi. . . . monemus vos et ex parte Petri præcipimus ut . . . utrumque regem, Henricum videlicet atque Rodulfum, commonetis: quatenus viam nobis illuc [2 e, to Germany] secure transeundi aperiant et adiutorium atque ducatum per tales personas, de quibus vos bene confiditis, præbeant, ut iter nobis Christo protegente pateat. Desideramus enim cum consilio clericorum atque laicorum eiusdem regni, qui Deum timent et diligunt, causam inter eos Deo favente discutere et, cuius parti magis ad regni gubernacula

iustitia favet, demonstrare. Scitis enim, quia nostri officii et apostolicæ sedis est providentiæ, maiora ecclesiarum negotia discutere, et dictante iustitia diffinire. Hoc autem, quod inter eos agitur, negotium tantæ gravitatis est tantique periculi, ut, si a nobis fuerit aliqua occasione neglectum, non solum illis et nobis sed etiam universali ecclesie magnum et lamentabile pariat detrimentum. Quapropter, si alteruter prædictorum regum huic nostræ voluntati ac liberationi parere et ad vestra monita locum dare renuerit, suamque superbiam atque cupiditatis facce contra honorem Dei omnipotentis accendens, ad desolationem totius Romani imperii anhelare temptaverit, omnibus modis omnique ingenio usque ad mortem, si oportet, nostrâ vice immo beati Petri auctoritate ei resistite et, totius regni gubernacula contradicendo, tam illum quam omnes sibi consentientes a participatione corporis et sanguinis domini nostri Iesu Christi

In the Register of Gregory VII. we have several documents which indicate the development of the situation in the year 1078. The "Acta" of a Council held at Rome from February 27 to March 3 report that it was determined that, in view of the danger caused to the Church by the grave dissensions in Germany, legates should be sent to hold a council of all religious men, lay and clerical, with whose help they might either bring about peace or might learn to which side justice belonged, and give to it the help of the Apostolic authority.<sup>1</sup> A letter by Gregory, addressed to the Germans of all ranks, announces the decision of the Council, and urges them all to strive for peace.<sup>2</sup> On July 1 Gregory wrote again to all clergy and laity in Germany, telling them of the Council which was to be held in Germany in the presence of his legates to decide between Henry and Rudolph.<sup>3</sup>

In February 1079 the envoys both of Henry and Rudolph appeared at a Council in Rome, and the Register contains the undertakings which they made for their masters. The envoys of Henry swore that before Ascension Day, unless hindered by

et a limibus sanctæ ecclesiæ separate, illud semper habentes in memoria, quia scelus idolatriæ incurrit, qui apostolicæ sedi obedire contemnit, et quod beatus Gregorius doctor sanctus et humillimus decrevit, reges a sua dignitate cadere, si temerario ausu præsumerent contra apostolicæ sedis iussa venire. Alteri autem, qui nostræ iussioni humiliter paruerit et obedientiam universali matri, sicut decet christianum regem, exhibuerit, convocato concilio omnium clericorum et laicorum, quos advocare poterit, consilium et adiutorium in omnibus præbete, et eum in regia dignitate per auctoritatem beatorum apostolorum Petri et Pauli nostra vice confirmato, omnibusque episcopis abbatibus clericis ac laicis in omni regno habitantibus, ut sibi fideliter, sicut oportet regi, obediant et deserviant, ex parte omnipotentis Dei præcipite."

<sup>1</sup> Id. id., v. 14, a. "Et quoniam his et perturbatio regni in maximum sanctæ ecclesiæ periculum et detrimentum cotidie redundare cernimus, placet nobis elaborare pro viribus. . . . quatenus idonei tam religione quam etiam scientia pollentes nunci e latere apostolicæ sedis ad partes illas mittantur, qui omnes religiosos et iustitiæ amatores in Teutonicis regni partibus commorantes, clericalis et laicalis ordinis viros et ad hoc opus idoneos, convocent, cum quibus, Domini gratia præunte, aut finem et pacem iuste component aut, veritate percognita, cui parti magis iustitia faveat, ad plenum addiscere valeant, quatinus pars iniusta respiciat, et, apostolica auctoritate munita, iustitia vigoris et auctoritatis robur optineat."

<sup>2</sup> Id., v. 15.

<sup>3</sup> Id., vi. 1.

lawful cause, they would come to conduct the papal legates to Germany, and that Henry would obey in all things according to justice and their judgment. The envoys of Rudolph swore that if the Council was held in Germany, according to the Pope's injunction, Rudolph would attend himself, or by his bishops and other faithful men, and that he would be prepared to accept the judgment of the Roman Church with regard to the kingdom; that he would put no obstacle in the way of the meeting of the council, and would do what he could to enable the papal legates to attend.<sup>1</sup>

The Council accordingly resolved to send legates to Germany who should call together an assembly both of the clergy and laity, which should either make peace or declare the canonical judgment upon those who were the cause of strife, and declared that any person obstructing the work of the legates, or making war while the negotiations were being conducted, should be excommunicated.<sup>2</sup>

<sup>1</sup> Id. id., vi. 17, a.: "Acta synodi Romanæ [Feb 11, 1079] Sacramentum nunciorum Henrici regis" "Legati domini mei regis ad vos venient infra terminum ascensionis Domini—exceptis legitimis somnis, id est morte vel gravi infirmitate vel captione absque dolo—qui legatos Romanæ sedis secure durent et reducent. Et dominus rex obediens erit illis in omnibus secundum iustitiam et iudicium illorum. Et hæc omnia observabit absque dolo, nisi quantum ex iussione vestra remanserit. Et hæc iuro ex præcepto domini mei regis Henrici."

"Item iurandum nunciorum Rodulfi regis, itidemque Rodulfi, quod sequitur" "Si colloquium ex vestro præcepto constitutum fuerit in partibus Teutonicis, loco et tempore a vobis definito ante præsentiam vestram vel legatorum vestrorum, dominus noster rex Rodulfus vel ipse veniet vel episcopos et fideles suos mittet, paraturoque erit, iudicium,

quod sancta Romana ecclesia decreverit de causa regni, subire, nulloque malo ingenio conventum a vobis sive legatis vestris constitutum impediatur; et postquam certum inde vestrum nuncium videbit de pace in regno constituenda et confirmanda, studebit, ut legatio vestra provenire ad pacem regni et concordiam possit. Hæc omnia observabuntur, nisi quantum ex vestra certa licentia remanserit vel ex impedimento legitimo, scilicet morte vel gravi infirmitate vel captione sine dolo."

<sup>2</sup> Id., 'Epistolæ Collectæ,' 25. "Quoniam ex lite et dissensione, quæ tam diu inter vos sunt, maximum in Sancta ecclesia periculum, maximum undique inter vos detrimentum fieri cotidie cognoscimus, idcirco visum est nobis, visum est et fratribus nostris in concilio congregatis, summo desiderio astuare, summa ope elaborare pro viribus, quatenus idonei legati tam religione quam scientia pollentes e latere apostolicæ sedis ad partes ves-

It is to this decision that Gregory refers, in a letter of the same month addressed to Rudolph of Suabia. He assures him that, though he had been constantly solicited by the envoys of Henry IV. to espouse his cause, he was firmly resolved to discover and to maintain that which was just. In another letter to Rudolph and the bishops and princes of his party, he exhorts them to stand fast for the truth of religion and for their own liberty; but he refers them to his legates and letters for an account of the measures which had been taken in the Council at Rome for the establishment of peace in the German kingdom.<sup>1</sup> The second of these letters is not

tras mitterentur, qui religiosos episcopos, laicos etiam pacis et iustitiæ amatores, in partibus vestris comorantes, ad hoc opus idoneos congregarent: qui, Domini gratia præeunte, die et loco ab illis statuto tam ipsi quam, quos ipsis adhuc iungere debemus, aut pacem componant, aut, veritate præcognita super illos, qui sunt tanti dissidi causa, canonicam censuram exerceant. Verum quoniam nonnullos, diabolico instinctu confectos et iniquitatis suæ facibus ignitos cupiditateque inductos, discordiam potius quam pacem fieri et videre desiderantes fore non ignoramus, statumus in hac synodo ad hanc eandem formam, sicut et in præterita ut nulla umquam persona alicuius potentiae vel dignitatis, sive magna sive parva, sive princeps sive subiectus, aliqua præsumptione præsumat legatis nostris obsistere, et postquam ad vos pervenerint, de componenda pace contrariare, nec postea contra interdictum illorum alter in alterum audeat insurgere, sed usque ad diem ab illis statutum firmam pacem omnes sine ulla occasione et fraude observent. Quicumque autem hæc nostra statuta ulla præsumptione violare temptaverit, anathematis eum vinculo ligamus et non solum in spiritu verum etiam in corpore et in

omni prosperitate huius vitæ apostolica auctoritate innodamus et victoriam eis in armis auferimus, ut sic saltem confundantur et duplici contumione conterantur." W. Martens, 'Gregory VII,' vol. 1. p. 180, maintains that this letter belongs to the autumn of 1078.

<sup>1</sup> Gregory VII, 'Epistolæ Collectæ,' 26: "Quod regnum Theutonicorum, hactenus inter omnia mundi regna nobilissimum, iam video incendis cædibus et rapinis devastari confundi et annullari, quam magnus exinde cordi meo dolor insideat, quam continuus in visceribus meis me gemitus afficiat, testis est ille solus, qui omnium hominum corda scrutatur et probat. Deferuntur enim michi iam sæpius legationes Henrici, cum per proprios nuntios tum per cognatos et aliarum terrarum principes et affines, modo omnem obœdientiam promittendo, modo per varia ingenia sollicitando, id a me summo conamine cupientes efficere, quo me ad votum suum suis partibus valeant inclinare. Verum quia hinc inde et Romana gravitas et apostolica mansuetudo me per mediam iustitiæ viam incedere cogit, omnibus quibus possum modis hoc oportet intendere, quomodo veram a falsa iustitiâ, perfectam a ficta obœdientiam iudicio sancti Spiritus valeam discernere et rato ordine ad finem usque perducere.

easy to reconcile with Gregory's protestation of impartiality.<sup>1</sup> Two letters written at the beginning of October in the same year seem to illustrate very clearly the position of Gregory. One is addressed to his legates in Germany, and says that he had received complaints that they were not carrying out his instructions; and, though he gave no credence to these complaints, he warns them of the need of the utmost caution, that they might give no grounds of suspicion that they favoured one party more than another, for he was determined to follow no other end than that of justice. It is very significant that he strictly forbids them to declare any judgment upon the archbishops or bishops who were charged with having received lay investiture, and that they were to let him know at once if the king (Henry IV.) came to an agreement with them about summoning a meeting for the restoration of peace in the kingdom.<sup>2</sup> The other is

Hæc vero et alia, si propitio Deo ad vos sani pervenerint, legati mei melius quam hæc litteræ viva voce testificabuntur et docebunt."

Gregory VII, 'Epistolæ Collectæ,' 27: "Cum Veritas ipsa dicat omnium, qui propter iustitiâ persecutionem patiuntur, regnum esse cælorum, et apostolus clameat, neminem, nisi qui legitime certaverit, posse coronari, nolite, filii mei, in hoc, qui vos iam multo tempore exagitat, bellico furore deficere, nolite per ullius fallentis personæ mendacia de nostro fidelis adiutorio dubitare. Sed magis magisque, pro tuenda veritate ecclesiastica, pro defendenda vestræ nobilitatis libertate, labori iam citius finiendo incumbite, et ex adverso ascendendo vos et corpora vestra quasi murum pro domo Israel opponere satagite. Quid iam in duabus synodi nostræ conventionibus de rege Rodulfo et de Henrico statutum quidque ibi de pace et concordia regni etiam iuramentis sit diffinitum, per nostras litteras et per vestros legatos, nisi

forte, capti sint, apertissime potestis agnoscere. Et si quid adhuc remanserit, per episcopos Metensem et Pataviensem et abbatem Augiensem, qui nobiscum finem rei præstolando morantur, cum ad vos ipsi pervenerint, quasi in promptu habetis audire. Postremo hoc vos ignorare nolumus, quia omni qua oportet instantia, cum orationis nostræ assiduitate tum officii nostri graviter et prospiciendo consulere et consulendo prospicere vestræ necessitati non dubitamus."

<sup>1</sup> Mr Z. Brooke of Caius College, Cambridge, tells me that he has some doubts about the date of this letter.

<sup>2</sup> Gregory VII, 'Epistolæ Collectæ,' 31. "Sunt multi, quibus tamen non credimus, qui de legatione vestra murmurare incipiunt, suspicantes, vos aliter velle incedere, quam a nobis præceptum est, et alterum vestrum nimis simpliciter, alterum vero non adeo simpliciter acturum esse, causantur. Quapropter diligentissima circumspectione cavendum est vobis, ut utramque suspicionem possitis

addressed to the faithful in Germany. He had heard, he says, complaints that he had behaved "seculari levitate," but he assures them that no one had suffered more than himself. Almost all the lay people were on the side of Henry IV., and accused him of harshness and want of "pietas" towards him. He had hitherto resisted this pressure, and had not, except so far as equity and justice demanded, inclined to either side. If his legates had done otherwise he was grieved; but they had done this only under violent coercion, or had been deceived.<sup>1</sup>

It was in March 1080 that the breach between Gregory VII. and Henry IV. was completed, and that Gregory again excommunicated and deposed Henry and acknowledged Rudolph

extinguere. Quod ita facile cum Dei adiutorio proveniet, si præcepta nostra ante mentis oculos semper teneatis, et nichil aliud præsumatis efficere, nisi quod nos vobis noscimus non modo nudis verbis verum etiam litteris inculcando mandasse.

Volumus autem ut de causa regum vel regni, sive etiam de Trevirensi vel Coloniensi et Augustensi electis, vel de omnibus istis, qui investituram per manum laicam acceperunt, nullum præsumatis exercere iudicium, sum mumque vobis studium sit, si rex adqueverit vobis de statuendo colloquio et pace firmanda in regno et de restituendis episcopis in sedibus suis, et hec eadem cito ad nos aut per vos ipsos aut per certos legatos annunciare, ut tot et tales personas possimus illuc ad constitutum tempus dirigere, qui ad tantum negotium determinandum valeant una vobisum Deo auxiliante sufficere.

Interim vero si vos utrique parti communes et ab omni suspicionis novo, quantum in vobis est, cum divinæ gratiæ adiutorio exhibete immunes, ut iustitiæ semper et nullo modo parti bus faveatis, sicut habetis formam nostram, qui videlicet, postquam iudi-

cium tanti huius negotii in manu beati Petri commissum est, nichil aliud vobis testibus intendimus, nisi ut per iustitiæ semitam incedamus. Ad nullam partem sinceritatem apostolicæ discretions infleximus, nullis promissionibus aut terribus cessimus, nec aliud umquam Deo protegente acturos nos esse confidimus."

<sup>1</sup> Gregory VII., 'Epistolæ Collectæ,' vii. 3: "Pervenit ad nos, quod quidam ex vobis de me dubitant, tamquam—in instanti modo necessitate—usus sim seculari levitate. Qua certe in causa nullus vestrum, præter instantiam præcorum, maiores me et patitur angustias et suffert iniurias. Quotquot enim laici sunt, omnes causam Henrici præter admodum paucos laudant ac defendunt, et pernitiæ duritiæ ac impietatis circa eum me redarguunt. Quibus Dei gratia omnibus sic restitimus hactenus, ut in neutrum adhuc partem, nisi secundum iustitiam et æquitatem, secundum nostrum intellectum declinaremus. Nam si legati nostri aliquid contra, quod illis imposuimus, egerunt, dolemus. Quod ipsi tamen, sicut compertimus, tum violenter coacti tum dolo decepti, fecerunt."

as king. Gregory announced this in a declaration to a Council at Rome, in which he sums up the events and his own actions since Canossa. He declared that while he had absolved Henry at Canossa, he had not restored him to the kingdom, but was resolved to do justice or to make peace between him and those who had revolted against him. The election of Rudolph was carried out without his advice, but he had resisted the prayers of Henry that he should help him against Rudolph. Finally, both kings had asked him to do justice, and he had decreed that a meeting should be held in Germany to make peace or to determine to which party justice belonged; and because he knew that the party which was in the wrong would try to hinder this meeting, he had excommunicated any one who attempted this. Henry and his supporters had prevented the meeting, and therefore, trusting in the judgment and mercy of God and the Blessed Virgin, he now excommunicated him and them, and in the name of God and the Council deposed Henry from the kingdoms of Germany and Italy, forbade all Christian men to obey him, and absolved them from the oath of obedience which they had taken or might in the future take. He solemnly granted that Rudolph should reign in the German kingdom to which the Germans had elected him; and to all those who should faithfully obey him he gave absolution from their sins and the blessing of the Council in this life and the next. Finally, he exhorted the members of the Council to act so that all the world might know that, as they had power to bind and loose in heaven, so also they could take away and grant kingdoms, principalities, and all other possessions of men, according to men's merits. Let the kings and princes of the world learn how great was their power, and fear to disobey the command of their Church.<sup>1</sup>

<sup>1</sup> Gregory VII., 'Epistolæ Collectæ,' vii. 14, a "Acta concilii Romani" . . . "non tamen in regno, a quo eum in Romana synodo deposueram, instauravi, nec fidelitatem omnium, qui sibi iuraverant vel erant iuraturi, a qua omnes absolvi in eadem synodo, ut

sibi servaretur, præcepi. Et hæc ideo detinui, ut inter eum et episcopos vel principes ultiamontanos, qui ei causa iussionis vestræ ecclesiæ restiterant, iustitiam facerem vel pacem componerem sicut ipse Henricus iuramento per duos episcopos michi promisit. Præ-

It is very important to observe the principles represented in this statement. First, Gregory claims that he had authority to excommunicate and depose Henry for hindering the meet-

dicti autem episcopi et principes ultramontani, audientes, illum non servare mihi quod promiserat, quasi desperati de eo, sine meo consilio vobis testibus, elegerunt sibi Rodulfum ducem in regem. Qui rex Rodulfus festinanter ad me misso nuncio indicavit se coactum regni gubernacula suscepisse tamen, sese paratum michi omnibus modis obœdre. . . . Interea Henricus cepit me precari, ut illum contra predictum Rodulfum adjuvarem. Cui respondi me libenter facere, audita utriusque partis ratione, ut scirem, cui iustitia magis faveret. Ille vero putans suos viribus eum posse devincere, meam contempsit responsionem. Postquam autem persensit, se non posse sicut speravit agere, duo episcopi, Verdunensis scilicet et Osenburgensis, de consentaneis suis, Romam venerunt et in synodo ex parte Henrici me, ut ei iustitiam facerem, rogaverunt. Quod et nuncii Rodulfi fieri laudaverunt. Tandem, Aspirante Deo sicut credo, statu in eadem synodo in partibus ultramontanis fieri colloquium, ut illic aut pax statueretur aut, cui amplius iustitia faveret, cognosceretur. Ego enim, sicut vos mihi testes estis patres et domini, usque hodie nullam partem disposui adjuvare nisi eam, cui plus iustitia faveret. Et quia putabam, quod inustior pars colloquium nollet fieri, ubi iustitia suum locum servaret, excommuniavi et anathemate alligavi omnes personas sive regis sive ducis aut episcopi seu alicuius hominis, qui colloquium aliquo ingenio impediret, ut non fieret. Predictus autem Henricus cum suis fautoribus, non timens periculum inobœdientiæ quod est scelus idolatriæ, colloquium impedi-

endo excommunicationem incurrit, et se ipsum anathematis vinculo alligavit, magnamque multitudinem christianorum morti tradi et ecclesias fecit dissipari, et totum pæne Teutonicorum regnum desolationi dedit. Quapropter confidens de iudicio et misericordia Dei eiusque piissime matris semper virginis Mariæ, fultus vestra auctoritate, sæpe nominatum Henricum, quem regem dicunt, omnesque fautores eius excommunicationi subicio et anathematis vinculis alligo. Et iterum regnum Teutonicorum et Italiæ ex parte omnipotentis Dei et vestra interdicens ei, omnem potestatem et dignitatem illi regiam tollo; et, ut nullus christianorum ei sicut regi obœdiat, interdictio, omnesque, qui ei iuraverunt vel iurabunt de regni dominatione, a iuramenti promissione absolvo. Ipse autem Henricus cum suis fautoribus in omni congressione belli nullas vires nullamque in vita sua victoriam optineat. Ut autem Rodulfus regnum Teutonicorum regat et defendat, quem Teutonici elegerunt sibi in regem, ad vestram fidelitatem ex parte vestra dono largior et concedo, omnibus sibi fideliter adhærentibus absolutionem omnium peccatorum vestramque benedictionem in hac vita et in futura, vestra fretus fiducia, largior. Sicut enim Henricus pro sua superbia inobœdientia et falsitate a regni dignitate iuste abiectus, ita Rodulfo pro sua humilitate obœdientia et veritate potestas et dignitas regni conceditur.

Agite nunc quæso, patres et principes sanctissimi, ut omnis mundus intelligat et cognoscat quia, si potestis in cælo ligare et solvere, potestis in terra imperia regna principatus ducatus

ing to which he had promised to submit the question between him and Rudolph. Secondly, he claims authority to sanction the appointment of Rudolph to the German kingdom; but it must be observed that he is careful to say that the Germans had elected him. Third, he associates the Council in Rome with himself in this action. Fourth, he urges upon the Council that they should make it clear that they have authority to grant and to take away all political authority in accordance with men's deserts. These claims represent a considerable advance upon those which Gregory had made in 1076: he had then excommunicated Henry for a definite and deliberate revolt against the Church, for presuming to judge and depose the Pope; he now excommunicated and deposed Henry for refusing to accept the authority of the Pope in the determination of the political affairs of Germany. It must, however, be borne in mind that, as we have seen, and as Gregory is careful to recall, both parties in Germany had appealed to him to judge between them, and had sworn to accept his decision. The last clauses of Gregory's declaration, however, it must be noted, set out in very large and sweeping terms the claim that the Church has a general power to give and to withdraw political authority.

The action of Gregory was followed almost at once by Henry, who summoned a Council at Brixen which decreed the deposition of Hildebrand from the papal throne. They justified this action by the allegation that his election had been secured by violence, and in contempt of the decree of Pope Nicholas,

marchas comitatus et omnium hominum possessiones pro meritis tollere unicuique et concedere. Vos enim patriarchatus primatus archiepiscopatus frequenter talibus pravis et indignis, et religiosis viris dedistis. Si enim spiritualia iudicatis, quid de sæcularibus vos posse credendum est! Et si angelos, dominantes omnibus superbis principibus, iudicabitis, quid de illorum

servis facere potestis! Addiscant nunc reges et omnes sæculi principes, quanti vos estis, quid potestis, et timeant parvi pendere iussionem ecclesiæ vestræ. Et in predicto Henrico tam cito iudicium vestrum exercete, ut omnes sciant, quia non fortuito sed vestra potestate cadet. Confundetur, utinam ad penitentiam, ut spiritus sit salvus in die Domini."



which required the assent of the emperor, and by the charge that he had subverted all the order of the Church and the peace of Empire. They then elected Guibert, the Archbishop of Ravenna, as Pope.<sup>1</sup>

In February 1081, in a Council at Rome, Gregory renewed the excommunication of Henry and his supporters, and in March he set out in another letter addressed to Hermann, the Bishop of Metz, a detailed justification of his action. In this letter he goes over again much of the ground which he had already traversed in his letter to Hermann of August 1076; but the principles are more fully drawn out and

<sup>1</sup> M. G. H., Legum, Sect. IV., 'Constitutiones,' vol. 1, No. 70: "Hic denuque sepe dictus pestifer ipsa nocte, qua funus Alexandri papæ in basilica Salvatoris exequiarum officio fovebatur, portas Romanæ urbis et pontes, turres ac triumphales arcus armatorum cuneis munivit, Lateranense palatium militia comparata exequiarum officio occupavit, clerum ne auderet contradicere, cum nullus eum vellet eligere, gladius satellitum evaginatis mortem minando perterruit, et prius diu obsessam assiluit cathedram, quam corpus defuncti obtineret tumbam. Dum vero quidam ex ipsis decretum Nicolai papæ a centum viginti quinque episcopis sub anathemate promulgatum, eodem Hildebrando laudante, ad memoriam sibi vellent reducere: 'quod si quis sine assensu Romani principis papam præsumeret, non papa sed apostata ab omnibus haberetur,' negavit se regem uspiam scire, et se posse asseruit sententiam prædecessorum vacuum iudicare. Quid plura? Non solum quidem Roma sed ipse Romanus orbis testatur, illum non a Deo fuisse electum, sed a se ipso vi, fraude, pecunia impudentissime obiectum. Cuius fructus patefaciunt radicem, cuius opera manifestant intentionem. qui ecclesiasticum subvertit

ordinem, qui christiani imperii perturbavit regimen, qui regi catholico ac pacifico corporis et animæ intentat mortem, qui perurum et proditorem defendit regem, qui inter concordēs somnavit discordiam, inter pacificos lites, inter fratres scandala, divortia inter coniuges et, quicquid quieti inter pæ viventes stare videbatur, concussit. Quapropter, ut præhibitum est, nos auctore Deo congregati in unum, legatis ac literis freti decem et novem episcoporum die sancto preteriti pentecostes Mogontia congregatorum, eundem procacissimum Hildebrandum sacrilegia ac incendia prædicantem, periuria et homicidia defendentem, catholicam atque apostolicam fidem de corpore et sanguine Domini in questionem ponentem, heretici Beringarii antiquum discipulum, divinationum et somniorum cultorem manifestum, incromantium phytomeo spiritu laborantem et ideo a vera fide exorbitantem, iudicamus canonice deponendum et expellendum et, nisi ab ipsa sede his auditis descenderit, in perpetuum condemnandum."

Cf. Ekkehard, 'Chronicon Universale', and Bernold, 'Chronicon,' 1080 A.D.

the conclusions more sharply stated. He begins by repudiating the contention that the Apostolic See could not excommunicate kings, and absolve their subjects from their allegiance, as being contrary to the authority of Scripture and the Fathers. He cites the words of our Lord giving to St Peter the power to bind and loose, both on earth and in heaven, and various passages from Gregory the Great and other writers, and asks how it can be maintained that he who has the power of opening and closing heaven has not the power of judging in the world. All earthly authority which has been created by man is subject to that authority which God Himself has created. In words which have often been quoted he urges the base and sinful origin of secular authority: kings and princes derive their origin from men, who in pride, rapine, perfidy, and murder, and under the guidance of the devil, aspired in blind and intolerable presumption to make themselves the lords of their equals.<sup>1</sup> It cannot be doubted that the priests of Christ are the fathers and masters of all the faithful. He urges the example of the humility of Constantine, who at the Council of Nice sat below the humblest of the bishops, saying that he could pass no judgment upon them, but called them Gods, and said they were not subject to his judgment, but rather he to theirs; and he cites the words of Gelasius, in which he declared that the greater burden belonged to the priests, for they would have to give account in the day of judgment even for kings. It was in virtue of such authorities that various Popes had excommunicated or deposed kings and emperors in former times; and he mentions particularly the alleged deposition of the Emperor Arcadius by Pope Innocent I., the deposition of the last of the Merovingians by Pope Zacharias I., and the excommunication of Theodosius by St Ambrose. Finally, he urges that any good Christian should be reckoned as a king rather than a wicked prince. There have been few kings who have been really religious, while St Peter has conferred upon his successors a perpetual

<sup>1</sup> For a full discussion of the significance of the phrase, cf. vol. III. pp. 94-98.

sanctity. Those whom the Church calls to kingship or empire should be humble, should honour God, and administer justice.<sup>1</sup>

<sup>1</sup> Gregory VII, 'Registrum,' viii. 21 "Quod autem postulasti, te quasi nostris scriptis iuari ac præmuniri contra illorum insaniam, qui nefando ore garrunt auctoritatem sanctæ et apostolicæ sedis non potuisse regem Henricum, hominem christianæ legis contemptorem, ecclesiarum videlicet et imperii destructorem atque hereticorum auctorem et consentaneum, excommunicare, nec quemquam a sacramento fidelitatis eius absolvere, non adeo necessarium nobis videtur; cum huius rei tam multa ac certissima documenta in sacrarum pagina reperiantur. . . Cui ergo apernendi claudendique cœli data potestas est, de terra iudicare non licet? Absit. Num retinetis, quod ait beatissimus Paulus. 'Nescitis, quia angelos iudicabimus' quanto magis sæcularia? Beatus quoque Gregorius papa reges a sua dignitate cadere statuit, qui apostolicæ sedis decreta violare præsumperint, scribens ad quendam senatorem abbatem his verbis 'Si quis vero regum sacerdotum iudicium atque secularium personarum hanc constitutionis nostræ paginam agnoscens, contra eam venire temptaverit, potestatis honorisque sui dignitate careat, reumque se divino iudicio existere de perpetrata iniquitate cognoscat, et nisi ea, quæ ab illo sunt mala ablata, restituerit, vel digna pœnitentiæ illicite acta deflexerit, a sacratissimo corpore ac sanguine domini redemptoris Iesu Christi alienus fiat atque in æterno examine districtæ ultioni subiaceat' . . . Sed ut ad rem redeamus, itave dignitas, a sæcularibus—etiam Deum ignorantibus—inventa, non subicietur ei dignitati, quam omnipotentis Dei providentiæ ad honorem suum invent

mundo misericorditer tribuit? curus filius—sicut deus et homo indubitanter creditur—ita summus sacerdos, caput omnium sacerdotum, ad dexteram Patris sedens et pro nobis semper interpellans, habetur, qui sæculare regnum, unde filii sæculi tument, desepxit et ad sacerdotum crucis spontaneus venit. Quis nesciat reges et duces ab us habuisse principum, qui, Deum ignorantes, superbia rapinis perfidia homicidus, postremo universis pene sceleribus, mundi principe diabolo videlicet agitante, super pares, scilicet homines, dominari cæca cupidine et intolerabili præsumptione affectaverunt. Qui videlicet, dum sacerdotes Domini ad vestigia sua inclinare contendunt, cui rectius compararentur quam ei, qui est caput super omnes filios superbis? qui ipsum summum pontificem, sacerdotum caput, altissimi filium, temptans et omnia illi mundi regna promittens, ait. 'Hæc omnia tibi dabo, si proci dens adoraveris me' Quis dubitet sacerdotes Christi regum et principum omniumque fidelium patres et magistros censerit. Nonne miserabilis insanis esse cognoscitur si filius patrem, discipulus magistrum sibi constet sub iugare, et iniquis obligationibus illi sue potestati subicere, a quo credit non solum in terra sed etiam in cœlis se ligari posse et solvi. . .

Supra dicto quoque Anastasio imperatori pralibatus papa Gelasius persuadens, ne ille intinamam suis sensibus ventatem arbitraretur iniuriam, sub iugare dicens 'Duo sunt quippe, imperator augustus, quibus principaliter mundus hic regitur, auctoritas sacrata pontificum et regalis potestas, in quibus tanto gravius pondus est sacerdotum, quanto etiam pro ipsis regibus hominum in divino reddituri sunt ex-

The final breach between Gregory VII. and Henry IV. had scarcely taken place, and Rudolph been formally recognised as king by Gregory, before a new situation was created by the death of Rudolph from wounds received at the battle of the Elster in October 1080. The standpoint of Gregory himself in view of the situation is clearly defined in the

amine rationem' Et paucis interpositis, inquit 'No ti itaque inter hec, ex illorum te pendere iudicio, non illos ad tuam velle redigi voluntatem'

Talibus ergo institutis talibusque fulti auctoritatibus, plerique pontificum, alii reges, alii imperatores excommunicaverunt. . . Alius item Romanus pontifex, Zacharias videlicet, regem Francorum, non tam pro suis iniquitatibus quam pro eo, quod tantæ potestati non erat utilis, a regno deposuit, et Pipinum Caroli Magni imperatoris patrem in eius loco substituit, omnesque Francigenas a iuramento fidelitatis, quod illi fecerant, absolvit. Quod etiam ex frequenti auctoritate saepe agit sancta ecclesia, cum milites absolvit a vinculo iuramenti, quod factum est his episcopis, qui apostolica auctoritate a pontificali gradu deponatur. Es beatus Ambrosius. . . in suis scriptis ostendit. . . "Honor, fratres, et sublimitas episcopalis nullis poterit comparationibus adæquari. Si regum fulgori compares et principum diademati, longe erit inferius, quam si plumbi metallum ad aurum fulgorem compares, quippe cum videas regum colla et principum submitti genibus sacerdotum et, exosculata eorum dextera, orationibus eorum credant se communi,' et post pauca 'Hæc cuncta, fratres, ideo nos præmississe debitis cognoscere, ut ostenderemus, nihil esse in hoc sæculo excellentius sacerdotibus, nichil sublimius episcopis reperiri' . . . Ad summam, quoslibet bonos christianos

multo convenientius, quam malos principes, reges intelligi decet. Isti enim, gloriam Dei querendo, se ipsos strenue regunt, at illi, non quæ Dei sunt sed sua querentes, sibi met hostes, alios tyrannice opprimunt. . . in decretis beati Symachi papæ. . . sic continetur. 'Ille,' scilicet beatus Petrus, 'perennem meritum dotem cum hereditate innocentis misit at posteros.' et post pauca 'Quis enim sanctum esse dubitet, quem apex tantæ dignitatis, attulit, in quo, si desint bona ad quæ per meritum, sufficiunt, quæ a loci decessore præstantur. Aut enim claros ad hæc fastigia erigi, aut eos qui eriguntur illustrat' Quapropter, quos sancta ecclesia sua sponte ad regimen vel imperium deliberato consilio ad vocat, non pro transitoria gloria, sed pro multorum salute, humiliter obediunt et semper caveant, quod beatus Gregorius in eodem libro testatur 'Apostatæ quippe angelo similis efficitur, dum homo hominibus esse similis dedignatur.' . . Honorem Dei semper suo præponant, iustitiam, unum cuique suum servando ius, amplectantur atque custodiant, non eant in consilio impiorum, sed religiosi semper adque escendo corde adhæreant. . . Non, carnali amore illecti, studeant filium suum gregi, pro quo Christus sanctum suum fudit, præponere, si meliorem illo et utiliorem possunt invenire, ne, plus Deo diligendo filium, maximum sanctæ ecclesiæ inferant detrimentum."

letter which he addressed to Bishop Altmann of Passau in 1081. So far from abating his claims or lowering his demands, he rather expresses them more sharply and raises them still higher. He tells the bishop that on the death of Rudolph almost all those who were faithful to him besought him to receive Henry, who was prepared to make large concessions, into his favour. They urged that almost all the Italians were on his side, and that if Henry were to invade Italy Gregory could expect but little assistance from Germany. Gregory sets aside these fears and advice without hesitation: he had evidently no thought but that another king should be elected in Rudolph's place, and is more concerned that the person elected should be suitable, than occupied with the immediate danger. He urges that there should be no undue haste in electing a successor to Rudolph; it was better that there should be some delay in the choice than that an unworthy or unsuitable person should be elected. The Church would not accept any one who would not prove obedient and serviceable to it. He then defines, in strict and significant phrases, the oath which he would require of the prince to be elected. He must swear that he would be faithful to St Peter and his vicar Pope Gregory, and that he would faithfully observe whatever command the Pope should impose upon him in the name of his true obedience. He must come to such an agreement with the Pope with respect to the ordering of the churches, with respect to the lands and revenues which the Emperor Constantine had given to the Church, and the churches and estates which others had bestowed upon the Apostolic See, that he would be free from the danger of sacrilege and the destruction of his own soul. On the first occasion when he should meet with the Pope, he must by his own hands become the soldier of St Peter and the Pope. Gregory leaves the details to be settled by the bishops, but insists upon the full and exact promise of obedience and fidelity.<sup>1</sup>

<sup>1</sup> Greg. VII., 'Reg.,' viii. 26: "Notificamus autem dilectioni vestræ: pene omnes nostros fideles audita morte Rodulphi beatæ memoriæ regis mti, ad hoc nos crebris adhortationibus flectere, ut Henricum, iam pridem sicut scitis plura facere nobis paratum, cui ferme omnes Italici favent, in

These phrases represent a higher level of Gregory's claims—at least with respect to the German kingdom—than anything which we have so far seen; for the last words of the oath which he demanded may perhaps be interpreted as meaning that the king was to acknowledge himself to be the vassal of the Roman See. And even if it is uncertain whether they were intended to have so clearly defined a meaning as this, the whole oath represents a very extreme claim to obedience.

gratiam nostram recipiamus; adicientes, si ille in Italiam pro velle et conatu suo, non valens nobiscum habere pacem, contra sanctam ecclesiam venerit, ex vobis frustra sperandum fore auxilium. Quod quidem si nobis, qui illius superbiam parvipendimus, deficiat, non adeo grave videtur. . . . Præterea admonendi sunt omnes in partibus vestris Deum timentes ac sponsæ Christi libertatem diligentes; ut non, aliqua gratia suadente aut ullo metu cogente, properent eam temere personam eligere, cujus mores et cetera, quæ regi oportet messe, a suscipienda christianæ religionis defensione et cura discordent. Melius quippe fore arbitramur, ut aliqua mora secundum Deum ad honorem sanctæ ecclesiæ rex providetur idoneus, quam nimirum festinando in regem aliquis ordinetur indignus. . . . Quapropter fundendæ sunt frequentissimæ orationes . . . ut . . . suæque sponsæ, pro qua mori dignatus est, defensorem et rectorem sicut eam decet, clementer tribuat.

Nisi enim ita obœdions et sanctæ ecclesiæ humiliter devotus ac utilis, quemadmodum christianum regem oportet et sicut de R(odulfo) speravimus, fuerit, procul dubio ei non modo sancta ecclesia non favebit, sed etiam contradicet . . . Providendum est ergo: ut non minus ab eo, qui est eligendus in regem, inter tot pericula et labores

sperare debeamus. Qua de re quid promissionis iuramento sancta Romana ecclesia ab illo requirat, in sequenti significamus:

'Ab hac hora et deinceps fidelis ero per rectam fidem beato Petro apostolo eiusque vicario pape Gregorio, qui nunc in carne vivit. Et quodcunque mihi ipse papa præceperit, sub his videlicet verbis: per veram obœdientiam, fideliter, sicut oportet christianum, observabo. De ordinatione vero ecclesiarum et de terris vel censu, quæ Constantinus imperator vel Carolus sancto Petro dederunt, et de omnibus ecclesiis vel prædus, quæ apostolicæ sedi ab aliquibus viris vel mulieribus aliquo tempore sunt oblata vel concessa et in mea sunt vel fuerint potestate, ita conveniam cum papa, ut periculum sacrilegi et perditionem animæ meæ non incurram. Et Deo sanctoque Petro, adjuvante Christo, dignum honorem et utilitatem impendam. Et eo die, quando illum primitus videro, fideliter per manus meas miles sancti Petri et illius efficiar.'

Verum, quoniam religionem tuam apostolicæ sedi fidem et promissis tenemus et experimentis non dubitamus, de his si quid minuendum vel augendum censueris—non tamen prætermisso integro fidelitatis modo et obœdientiae promissione—potestati tuæ et fidei, quam beato Petro debes, committimus."

The negotiations between the two parties in Germany were soon broken off, and Hermann of Salm was elected to be king by the opponents of Henry, and was crowned on December 26, 1081. We do not pursue the course of historical events from this time to the death of Gregory VII. in May 1085; for, though these years were crowded with great and dramatic events, no new principle emerged with regard to the relations between the Empire and the Papacy.

We have thus endeavoured to set out the nature of the principles and claims of Gregory VII with regard to the relations of the Temporal and Spiritual powers, as they are represented in the historical events and in his own words; but that we may estimate more completely their real and permanent significance, we must now examine the criticism and exposition of them in the literature of the time and of the years that followed.

## CHAPTER II.

### DISCUSSION OF THE ACTIONS AND CLAIMS OF GREGORY VII.—I.

WE have pointed out in earlier chapters that there are not wanting, even before the accession of Gregory VII. to the Papacy, occasional statements in the writings of the Churchmen of the reforming party which indicate the existence of the conception that the Church, or rather the Papacy, possessed an authority which was, in some sense, supreme over all secular authorities, but it is difficult to say what sense exactly these writers attached to the phrases which they used. With the accession of Gregory VII. all this changed; as we have seen, he did not merely set out general theories, but embodied these theories in definite and precise action, or perhaps it would be better to say that he threatened and took action in which some general theory was implicit, and in and through which those who followed became partly conscious of certain general theories and principles. We must not, however, assume that these formed a coherent and logically developed system, even in Gregory's mind, nor must we assume that even those who were his convinced and consistent supporters actually followed Gregory in all the developments of his principles. We must not make the mistake of reading back the extremest papalist theories of the thirteenth and fourteenth centuries, or the systematic thinking of the thirteenth century, into the eleventh. We must, therefore, now consider the more or less contemporary criticism and defence of Gregory VII.'s actions and claims, and endeavour to learn what were the conceptions about the relations of the Spiritual and

Temporal powers which developed in the course of the conflict.

We have very little literature which belongs to the first stages of this, but fortunately there has been preserved a correspondence between Bernard, the master of the school at Constance, and a certain Adalbert and Bernald, the author of the 'Chronicle.' The correspondence is thought to belong to the year 1076, and the writers were even then supporters of Gregory; but their tone is somewhat different from that of their later writings, to which we shall presently refer. Adalbert and Bernald had written to consult Bernard with regard to the propriety of the forms under which Gregory VII. had excommunicated certain persons whom they term "publicos et contumaces apostolicæ sedis prescriptores," meaning by these, presumably, the persons who had taken part in the Council of Worms, 1076, and also to ask his opinion with regard to the sacraments performed by simoniacal and excommunicated persons. We cannot deal with the details of Bernard's reply, but it contains certain points of importance for our purpose.

Bernard urges first that the Apostolic See is supreme, and that this supremacy is not affected by the worthiness or unworthiness of him who occupies it; but while the Roman See is supreme the Popes had often permitted their subjects to admonish them, for they desired to live under the rule of law and according to the canons. He does not say that the procedure of Gregory had been irregular, but his treatment of the subject suggests that he was a little doubtful.<sup>1</sup> He also

<sup>1</sup> Bernald, 'De Damnatione Schismaticorum,' Ep. II. (p. 29, &c.): "Sedis tamen huius sancte presules a subiectis moneri persepe tolerabant, spiritum in eis extinguere nolebant demum ecclesiastica lege duce et magistra poerus ipsi secundum instituta canonum vivere, quam ex canonicis institutis subiectos obprimere volebant Princeps apostolorum, cum in sui simulatione gentes cogeret iudicare, Pauli cor-

reptione suggerentis nec Iudeos ab huiusmodi tamquam a nefarius prohibendos, nec gentiles ad ea tamquam ad necessaria compellendos sententiam mutavit . . . De iudicio autem apostolici facto super hos, quos tu vocas publicos et contumaces prescriptores, pro nostra respondemus stulticia. Feit quidam papa quod est apostolicum, dum damnavit quos dixeras publicos et contumaces aut confessos veraciter, aut convictos

discusses the objection which had been made to Gregory's tenure of the Papacy, that he had bound himself by an oath not to accept it without the Emperor's consent. Bernard does not contradict the story, but argues that even if it were true, the Roman Church could not be deprived of its right of free election.

Bernald and Adalbert, in their reply to Bernard, accept his view that the Popes might be admonished by their subjects, as Peter was by Paul, and then give that important account of the proceedings at Worms and Rome to which we already referred. They condemn the proceedings at Worms in the strongest terms, but it is noticeable that they are not quite clear about the question whether the Pope was not liable to the judgment of a properly called Church Council. They cite, indeed, various authorities which go to prove that no one could judge the Roman See, and especially the proceedings of the Synod of Rome, which refused to discuss the charges which were made against Pope Symachus, and left them to the judgment of God; but they seem to except the case of heresy; and they assert that Gregory VII. had repeatedly expressed his willingness that a Council to be held at Rome or elsewhere should consider the circumstances of his appoint-

regulariter, aut si vocati canonice ad reddendæ rationis iudicium venire noluerunt. . . . Alter iudicium ordinis modus est, quem et tu dixeras, cum crimen non negatur, cum iam quasi extra portam civitatis celeribus exequis reus effertur. Hunc modum, nisi tua vel providencia aliter indicaverit, in duos adhuc modos subdividimus et modum utrumque in synodum vocari, et ex iudicio determinari volumus. Una scilicet manifesti iudicium ordinis species est, cum reus nec se nec admissum, quod obicitur, defendit, id est, cum fatetur et se fecisse, et faciendo peccasse. . . . Altera manifesti iudicium ordinis species est, cum purgatorie crimen conceditur, sed culpa remove-

tur, id est, cum fatetur se quod dicitur fecisse, affirmat autem se legem ecclesiasticam minime in hoc facta exorbitasse. Huc accusato mag-nopere suademus concedendam synodum, scilicet ut aut convincatur, aut probando suas partes absolvatur. Hoc modo secum agi debere clamant nunc proscripsi ab apostolico presule. . . . Isti econtra pro se et in apostolicum clamant, quia ipse eos, ut tu verbo utar, proscripserit tyrannice, non ecclesiastice, privata sui ipsius iniuriæ, non respectu equitatis publicæ et maxime, quia id agentes, quod non pro magnitudine negotii discussum, sedi Romanæ periculosum, omni vero ecclesiæ erit damnosum."

ment and his conduct, and that he would descend from the Apostolic throne if he were found worthy of deposition.<sup>1</sup> It does not appear upon what authority they made this statement: there is no other evidence to confirm it. To us its

<sup>1</sup> Id. id., Ep III (p. 50). "Has igitur et huiusmodi innumerabiles sanctorum patrum sententias si illi nostri conspiratores fideliter inspexissent, nullatenus suum, ut puta primæ sedis episcopum, tam repentina vituperatione, non conventum, non confessum exulfassent, nec seipsos pro tam temerario ausu sub perniciose excommunicatione enecassent Nempe si culpabilis esset, peregrinorum tamen episcoporum iudicio iuxta canones nec discutiendus esset, nedum temere deponendus, sed potius in Romana synodo audiendus si tamen de dubis rebus, nisi ipse vellet, vel usquam vel a quoquam iuxta canones discuti posset, scriptum est enim "Non est discipulus super magistrum" Unde sanctus Silvester, Nicenorum canonum auctor, generali synodo presidens consensu cclxxvii episcoporum Rap vii. statuit dicens 'Nemo iudicabit primam sedem, iusticiam temperare desiderantem Neque enim ab augusto, neque ab omni clero, neque a regibus, neque a populo iudex iudicabitur' Item Symachus papa omnibus episcopis scribens Rap vii. decrevit dicens: 'Ahorum hominum causas Deus voluit per homines terminare. sacro vero sanctæ sedis Romanæ presulum suo sine questione reservavit iudicio.' Item sanctus Alexander papa, qui martyrio sua consecravat decreta, Rap. i. testatur 'Non potest,' inquit, 'condempnari humano examine, quem Deus suo reservavit iudicio'

Sed tempora prius consumeremus, quam exempla, si singula huiusmodi sanctorum patrum enumerare temptaremus. Quippe predictus papa

Symachus, catholice fidei propugnator indefessus, cum plurimis criminibus infamaretur, nec ab Arriano rege Theoderico tunc Romano imperante tam temere proscibitur, sed in synodo Romana, non ab alio, nisi ab illo legitime congreganda, discutiendus expectatur Synodus igitur Romæ per auctoritatem ipsius congregata, nullatenus tamen eum, licet hoc permittentem, contra decreta sanctorum patrum discutere presumpsit, sed totam eius causam divino iudicio, ut gesta eiusdem synodi testantur, commisit Nec hoc utique dicimus, quasi qualibet nefanda Romano pontifici impune licere credamus, quasi non et ipse sit impetendus, si in aliqua heresi fuerit publicatus, sed contra illos agimus, qui pro dubis rebus apostolicæ sedis episcopum temere iudicaverunt expellendum.

Ipse quidem noster apostolicus multotiens hoc a suis insidiatoribus expetivit, ut Romæ vel alibi, quo ipse posset venire, in synodo convenirent, et, eo hoc libenter concedente, ordinationem eius, sive conversationem, ut cumque vellent, dumtaxat canonicè discuterent. seque ab apostolica sede absque omni contradictione descensurum promisit, si quid in eo dignum depositione reperirent Et hoc utique sibi facile credi potuit, qui id culminis captus atque coactus cum magno eulatu ascendit cui nec divitias, nec honores seculares, in Romano pontificatu querere opus fuit, quibus utrisque cum minori sollicitudine et ante pontificatum abundavit Sed eius insidiatores hactenus eum presentialiter convenire spreverunt, non tam ut qualibet ratione se ab huiusmodi accusatione

importance lies in the fact that men who were supporters of Gregory VII. should have said it. The writers then give an account of the proceedings of the Council at Rome in 1076, and especially of the excommunication and deposition of Henry IV., and maintain that there could be no doubt of the canonical promulgation of this excommunication, as he had been repeatedly warned and waited for.<sup>1</sup> We shall deal with the later opinions of these writers further on.

The other writings with which we shall now deal all belong to the period after the second excommunication and deposition of Henry in 1080, and after the Synod of Brixen and the election of the Antipope, Guibert, by Henry and his supporters in the same year. It may, perhaps, be convenient to begin by considering two works written shortly after this, which represent the opinions of moderate representatives of the two parties, Gebhardt, the Archbishop of Salzburg, and Wenrich of Trier.

Gebhardt was one of the most moderate but also the staunchest supporters of Gregory VII. during the conflict with Henry, and in a letter or treatise addressed to Hermann, the Bishop of Metz, he sets out some of the considerations which seemed to him the most important. He traces the origin of the conflict chiefly to the neglect of the rule of the Church, which commanded the faithful to avoid the society of those who were excommunicated, and especially those excommunicated by Rome,<sup>2</sup> and to the error of those who refused to

suspendent, quam ut ipsi debitam sententiam pro suis criminibus ab illo non exciperent. Nam ut beatæ memoriæ Bonifacius papa testatur quicumque illam epistolam domini 'Nullus dubitat, quoniam ita iudicium nocens subterfugit, quemadmodum ut absolvatur qui est innocens querit'

<sup>1</sup> Id id id (p 52) "Regem vero, post multos admoniciones respiscere nolentem, immo huius scismaticæ conspiracionis auctorem, regno privato sub anathematis vinculo dominus apostolicus ligavit, ut eidem etiam

ante excommunicationem promisit. De curis anathematis canonice promulgacione nullum dubitare confidimus quicumque illam epistolam domini apostolici fideliter consideraverit, in qua ipse regem sepius a se premonitum, multo tempore expectatum et ita demum canonicè anathematizatum evidentissime probavit"

<sup>2</sup> Gebhardi Salisburgensis Archiepiscopi, 'Epistola ad Herrimanum Mettensem Episcopum' 5. "Hæc namque dissensionum causa est et

recognise that a sentence of excommunication, whether men considered it just or unjust, was binding until it was reversed by competent authority,<sup>1</sup> and he urges this with special reference to the excommunications which had been made by the Roman Council of 1080.<sup>2</sup> He then deals with the question of the deposition of Gregory VII., and the appointment of the Antipope in the Synod of Brixen in June 1080, and contends that this had been done in contradiction to the evangelical and apostolic doctrine that the Pope could not be judged by any man.<sup>3</sup> He then discusses the arguments of those who maintained that they could not violate their oath of allegiance to Henry, and urges that it is clear that oaths which have been wrongly taken, or involve some great wrongdoing, must not be kept.<sup>4</sup> Gebhardt then turns upon the clerical supporters of Henry, and asks whether they think that it is in accordance with the character of the priestly office that they should by their counsel and help assist a Christian prince to compel men to violate the Christian law, to persecute the faithful, to seize the sanctuaries of God, and to pollute the sacred places with the slaughter of the ser-

seditionum, quod illi ab excommunicatis non abstant et non abstinendum docent, nos vero et abstinemus et abstinendum persuademus, præcipue ab illis, qui a præcipua et prima sede excommunicantur."

<sup>1</sup> Id. id., 9-11.

<sup>2</sup> Id. id., 15, 16.

<sup>3</sup> Id. id., 17-23.

<sup>4</sup> Id. id., 31: "Ecce in prelibatis catholicorum patrum sententis satis demonstratum est, quod iuramenta iniuste promissa et in maus periculum vergentia servanda non sunt. Quomodo autem nos sub iuramenti respectu ad faciendam iniquitatem cogimur, qui nihil iniquum iuravimus? Sed dicitur nobis: 'Fidem principi iurastis, cui si fideles esse vultis, fidem domino apostolico et obedientiam abnegate et abnegationem illam iuramento vel scripto firmate, sed et ab

excommunicatis a sede apostolica non abstante et non abstinendum docete. Quod si non feceritis, velut infideles regni sententiæ subiacetis.' Dura propositio et antiqua illi quodam modo conformis, qua dicitur: 'Si vis amicus esse cæsaris, sacrificia eius, quod si non feceris, punieris.' Si eam quam iubemur fidelitatem regi impendimus, non tantum coram isto rege, sed coram omnium regum rege perfidiæ reatum incurrimus. Nam omnes divinarum legum sponte violatores, sicut scriptura docet, apostatæ efficiuntur. Quomodo ergo ad apostasiam et perfidiam quasi per iusiurandi religionem constringimur, qui nihil nisi fidem iuravimus, et nisi perfidiam faciamus, periri dicimur et infideles. Nihil, inquam, iuravimus, nisi quod salvo ordine nostro fieri posset."

vants of St Peter. They say that they are faithful to St Peter, but that it was right that they should attack the occupant of the See of St Peter because he had published an unprecedented and unjust sentence of condemnation upon the King and many bishops. He urges them to consider that even if the Pope had acted with unnecessary harshness, it would have been becoming to orthodox bishops to persuade the prince to seek for some remedy by ecclesiastical procedure, and not by means which destroyed the laws of the Church, by means of slaughter and devastation.<sup>1</sup>

Finally, he urges that it was idle for them to endeavour to justify themselves by complaining of the harshness and unprecedented character of the action of the Pope, for it was they themselves who were the cause of all the trouble. It was their action at Worms (1076), when they had pronounced the sentence of deposition against Gregory, which was the origin of all this calamity: the Pope had not then issued any decree of excommunication against them, it was they who

<sup>1</sup> Id. id., 32: "Videamus igitur, si sacerdotals vel ordinis officii sit ad hoc consilium vel opem ministrare, ut christianus princeps a christiana lege homines discedere cogat et discedere nolentes publica animadversione persequatur, ut fugatis sacerdotibus sanctuaria Dei quasi hereditate possideat, ut oblationes fidelium et patrimonia pauperum suis suorumque usibus incomparabiliter usurpet, ut Neronis exemplo Petrum et Paulum iterum in membris suis pati faciat, ut Symonem magum rursus contra Symonem Petrum exciet, ut miret in sanctificationem cum superbia, ubi usque modo fideles in corde contrito et humiliato pro remissione peccatorum suorum nudis pedibus incedere consueverunt, ut loca sanctorum sanguine consecrata famulorum sancti Petri cruenta strage incessanter polluat. Numquid pastoralis officii est talibus actu vel consilio participari, numquid fidelitati competit regibus persuadere, ut Christi

tunicam et sacerdotum eius vestimenta scindentes scindi a se regnum mereantur? Sed hæc omnia novi doctores fidelitati attribuunt, dicentes se quidem beato Petro atque sedi apostolicæ devotos existere, sedenti autem super sedem illam insolitas iniurias merito irrogari, qui in homines immeros, regem scilicet et episcopos, tam insolitam dampnationis sententiam promulgavit. Quibus respondendum est, quia, tametsi in illis synodalibus iudicis districtio mansuetudinem excessisset, ita ut dominus apostolicus plus solito et non pro materia supor eos manum aggravaverit, decuerat tamen orthodoxos pontifices catholico principi suggerere, quatenus sic iniuriam suam ulcrescetur, ne divinam in se ultionem provocaret, ne ecclesiæ regulas penitus confunderet, ne cedibus, incendis, vastationibus id ageret, quod ecclesiasticis discussionibus agendum erat."

had renounced their obedience to him.<sup>1</sup> This was in Gebhardt's judgment the real beginning of all the trouble, and for this there was no justification.<sup>2</sup>

These contentions are to us specially interesting, as they indicate that in Gebhardt's opinion—and it would seem to be that of a moderate man who was not prepared in every respect to approve of the action of Gregory VII.—the conflict had arisen not so much from a revolutionary innovation of Gregory, as from the more revolutionary action on the part of Henry and his supporters among the bishops in attempting to judge and depose the Pope. In face of such an attempt and its consequences, Gebhardt could not hold it to be unreasonable that the oaths which bound men to obey Henry should be treated as null and void, and should be formally set aside.

If we find in Gebhardt of Salzburg's treatise a good representation of the moderate opinion which supported Gregory VII., we find in a letter written by Wenrich of Trier, in the name of Theodoric, Bishop of Verdun, probably between October 1080 and August 1081, a very forcible statement of the position of the moderate supporters of Henry IV. For it must be observed that the letter is written as from the standpoint of one who still recognised Gregory as Pope, and who had even suffered much in maintaining his cause.<sup>3</sup> Theodoric of Verdun was indeed one of those who frequently wavered,

<sup>1</sup> Id. id. id.: "Aliud, quod addendum est velimus attendere tam illos quam qui ab illis edocti sunt, ut credant hæc omnia licite et impune committenda propter urgentem precedentis iniuriæ necessitatem, omnemque huius discidium culpam ad inchoationis primordia referri. Audiant, inquam, quia, etiamsi christianæ vel ecclesiasticæ religionis esset talibus iniuriis tales vicissitudines rependere, certe nec hoc modo excusabiles fieri possunt. Nam apostolicæ animadversionis, qua se iniuriatos causantur, ipsi potius causa extiterunt; et unde se accensus conqueruntur, hoc ipsi priores

incenderunt, indeoque iniurias non tam retulerunt quam intulerunt.

<sup>33.</sup> Cum enim primum ad iniciendam hanc rem Wormatiæ confluiscent ubi omnis, quam patimur, calamitas exordium sumpsit, nullam adhuc dominus papa in illos excommunicationis vel anathematis sententiam destinavit; sed ipsi primitiæ discordiarum, ipso ignorante et nihil minus putante, prelationi suæ superba et repentina temeritate abrenunciaverunt. Inicia dolorum hæc; primum hoc fermentum totam ecclesie massam corrupit."

<sup>2</sup> Id. id., 34-36.

<sup>3</sup> Wenrich of Trier, 'Epistola,' 1, 9.

being found sometimes on the side of Gregory, sometimes on that of Henry.

Wenrich begins his letter by recognising the high character and abilities of Gregory. Though he also gives at some length the charges of violence and ambition which were made against him, he does not himself assert the truth of these charges, as being matters outside his own knowledge.<sup>1</sup> He does, however, gravely censure him for the subversive character of the steps which he had taken to suppress the "incontinence," *i.e.*, the marriage, of the clergy; he charges him with stirring up the laity against the clergy, and thus destroying the whole order of the Church.<sup>2</sup> This is, however, only introductory.

He turns then to the action of Gregory in deposing Henry and sanctioning the election of Rudolph, and contends that such action was wholly illegitimate: there was nothing new, he says, in the rebellion of secular persons against the king, but it was a thing new and unheard-of that the Pontiff should take upon himself to bid the king descend from the throne of his fathers, and to excommunicate him unless he promptly obeyed.<sup>3</sup> He reminds Gregory that Ebbo, the Archbishop of Rheims, had been deposed for his rebellion against Louis the Pious, and he contrasts his conduct with the conduct and principles of Gregory the Great, who had enjoined upon men reverence and obedience to their rulers, and had expressed himself as bound to obey the commands of the Emperor, even when he disapproved of them.<sup>4</sup> He then discusses the question of the validity of excommunication, and, supporting his arguments with many citations from the Fathers, urges that excommunications made for unjust reasons have no real

<sup>1</sup> Id. id., 1-3.

<sup>2</sup> Id. id., 3.

<sup>3</sup> Id. id., 4.: "Non est novum, regiam dignitatem indignari in eos, quos vident in se sacrilega temeritate insurgere; non est novum, homines seculares seculariter sapere et agere. Novum est autem et omnibus retro seculis inauditum, pontifices regna

gentium tam facile velle dividere, nomen regum, inter ipsa mundi initia repertum, a Deo postea stabilitum, repentina factione elidere, cristos Domini quotinus libuerit plebeia sorte sicut villicos mutare, regno patrum suorum decedere iussos, nisi confestim adqueverint, anathemate damnare."

<sup>4</sup> Id. id., 4. Cf. vol. iii. p. 126.



effect.<sup>1</sup> He does not, indeed, directly controvert the principle which is represented in Gebhardt of Salzburg's treatise, that a sentence of excommunication must be accepted until it has been rescinded by competent authority, but he clearly wishes to qualify the effect of the papal sentence. He then proceeds to argue with great vehemence against Gregory's claim to absolve Henry's subjects from their oath of allegiance, and flatly denies that the Pope had any such power, even though it were true that Henry was really an impious and wicked prince; and he retorts by making a violent attack upon the character of Rudolph of Suabia and of other rulers who were favoured by the Pope and had obtained their territories by violence and crime.<sup>2</sup> He also discusses the question of lay

<sup>1</sup> Id. id., 5: " 'Quem,' inquit dominus papa, 'ego anathematizavi, et vos anathematizate.' Hoc tonitruum non tantum portendit periculi, quantum incutit terroris. 'Quem ego,' inquit, 'anathematizavi, vos anathematizate.' Consequentiam istam nos non intelligimus, sed si e converso proferretur: 'Quem vos anathematizastis, ego anathematizo,' et res esset terribilior et ordo verborum efficacior. Male profecto rebus humanis consultum esset, si ad qualescunque concitati animi motus divina sequeretur damnatio, sicut illi unuscuiusque iracundia dictare vellet, qui omnia dispensat in mensura et pondere et numero, apud quem non est transmutatio nec vicissitudinis obumbratio. Non tam facile circumducitur nec suas vel benedictiones vel maledictiones ita temere dispensat, ut eas non ex vite merito, sed ex unuscuiusque vel favore vel odio, quandocunque rogatur, confestim dispergat. Porro ut excommunicationes, quæ propter privatos motus et domesticas intentantur iniurias, damnationis vim obtineant, nec scriptura testatur, nec ratio recipit."

Cf. vol. II pp. 244-249.

<sup>2</sup> Id. id., 6: "Sanctam autem et

omnibus retro seculis apud omnium gentium nationes involatam iurandi religionem facillima, inquit, domini papæ rescindit absolutio, et quod tantum est, ut illud omnis controversiæ finem apostolus nominaverit, modo unus Rartulæ per quemlibet baulatorem porrectæ levisima infringere iubetur lectione. 'Absolvo,' inquit, 'omnes a iuramento, quod Henrico iuraverunt.' . . . His itaque cum dicitur: 'Absolvo vos a sacramento, quod Henrico iuravistis,' quid aliud dicitur vel precipitur nisi. 'Auctoritate mea freti fidem illi negate, quam vos observatos iuramento firmastis?' Sed quid ad hæc illi dicunt? Non te in hoc domine papa, audimus, non abnegamus ei fidem, quam promissimus, non tantum promissimus, sed iuravimus, quia, si os, quod simpliciter mentitur, occidit animam, valde est inconsequens, ut os, quod per iuramentum mentitur, non occidat animam, et si perdit omnes qui loquuntur mendacium, multo amplius perdit omnes qui loquuntur per iuramentum. Quod autem per tuam auctoritatem huius rem nobis promittis impunitatem, noli, obsecro, noli in fratres peccare, noli

investiture of bishops, but we have considered this in an earlier chapter,<sup>1</sup> and incidentally refers to the authority of the Emperor in confirming elections to the Papacy, citing the case of Gregory the Great.<sup>2</sup>

It is noticeable that Wenrich does not justify the action of Henry and his supporters in deposing Gregory from the papal throne, though he suggests excuses for this, nor does he maintain directly that the Pope had no authority to excommunicate Henry; but he does deny that the Pope's excommunication was necessarily valid, and he emphatically repudiates the authority of Gregory to depose Henry and to absolve his subjects from their oath of allegiance.

These treatises of Gebhardt and Wenrich will serve well to

pusillos Christi scandalizare, noli per perversam securitatem infirma auditorum corda in irrevocabile precipitium tecum summere. Istud nec nos sequi, nec tu potes precipere. . . .

Sed dicit dominus papa 'Perversus est, cui iurasti, impius est, periurus est, scelestus est, fidem ei non debes.' Isto quidem domno papa, in scripto tuo legimus, ista quidem per orbem terrarum predicanda per evangelistas tuos circumferri audivimus, parum subsistentes in illa prophetæ sententia 'Peccata populi mei curabant cum ignominia.' Nos hæc ignoramus, nos hæc non credimus; sed Rodulfum irrevocabiter perversum oculis vidimus, auribus audivimus virum desertorem, hominem proditorem. Per iuramentum eius facile convincimus, sed non facile numeramus, homicidia eius digitorum ostensione adhuc recensere possumus, tres uxores eius, quas aperte solemnium nuptiarum apparatu duxit eodem simul tempore viventes et novimus et nominamus. Hæc sunt preclara illa factora, quæ illum regio nomine donaverunt, hæc sunt illæ animi virtutes, quæ ad illud fastigium eum subito levaverunt

et, ut verus dicatur, de momentaneo illo et umbratili fastigio in mansuram sibi et posteris suis ignominiam illum precipitaverunt. Iste ad suscipiendam imperatoriam dignitatem erat idoneus, iste beati Petri vocabatur filius, iste amicus papæ et princeps victoriosus. Non desunt autem adhuc alii qui tyrannica violentia regni invasit, viam sibi ad thronum sanguine paraverunt, cruentatum diadema induerunt, cedibus, rapinis, truncationibus, supplicibus regnum sibi stabilierunt, quidam generis sui proximis et eisdem dominis suis iugulatis, honores eorum invaserunt. Hi omnes amici domini papæ appellatur, benedictionibus eius honorantur, victoriosi principes ab eo salutantur; iste, quia paternum et avitum regnum retinere presumpsit, scelestus vocatur, perudicibus damnatur, excommunicationibus urgetur. Sed sit impius, sit perversus, sit quicquid dominus papa in eum dicere voluerit acrius. num ideo sacramentum ei factum infringere, et quia ille malus est, ideo ego sacrilegus existendo me in æternam damnationem videns et sciens deo intrudere?"

<sup>1</sup> Cf. pp. 81, 82.

<sup>2</sup> Id. id., 8.

illustrate some of the main principles which were at issue in the conflict, and, as is frequently enough the case in controversy, each is more successful in stating his own case than in meeting that of the other, in criticising the attack which had been made on one side or the other than in defending the action of the party which each represented. These works belong to the period immediately following the final deposition by Henry of Gregory and the election of an Antipope by Henry, but the majority of the controversial tracts and pamphlets which have been preserved were written a few years later.

The first of these with which we shall deal was written probably in 1084, when Henry IV. had occupied Rome. It is the work of a certain Peter Crassus, who may have been a teacher of Roman law at Ravenna: the author at least makes a great display of legal knowledge, and represents his position as being that of one who desired to show that the case of Henry rested upon the laws; and, if Gregory VII. should refuse to recognise the authority of the Roman laws, he proposes to send to Henry a work in which, as he said, Gregory the Great had collected both systems of law, meaning by this the civil and canon law, for use in the Church.<sup>1</sup>

He contends that it was the Emperor who had given the Church peace, and that it was Gregory who had broken the peace,<sup>2</sup> and he advises Henry to call together a council which Gregory should be summoned to attend.<sup>3</sup> He charges Gregory with sorcery, and appeals to those who attend as judges to deprive him of his ecclesiastical privileges, and to hand him over to the secular authority for punish-

<sup>1</sup> Petri Crassi, 'Defensio Henrici Regis,' 1 "Sed ne de talibus aliquis in aliquo tempore, o rex, contra benignam celsitudinem vestram inducat, non legibus, sed vi et armis coronam acquisitam esse vestrae maiestati, induxi animum pro sensus mei parvitate hunc libellum scribere, in quo vestrae beatitudinis æquitas et iusticia et adversariorum error lucide declarari possit. Ad hæc si hic, qui est de synagoga sath-

ana, monachus in iudicio fortassis Romanas repudiare voluerit leges, eo quod has, ut in hoc patebit libello, vehementer habebit sibi adversas, ne hoc facere possit, mittam pæ magnificentia vestrae librum, si opus fuerit, in quo beatus Gregorius utrasque composuit leges, et utraque in sancta usus est ecclesia "

<sup>2</sup> Id id., 3.

<sup>3</sup> Id. id., 4.

ment.<sup>1</sup> He speaks of Gregory's action in excommunicating Henry and plotting against his kingdom as being contrary to the law, and he urges upon the Saxons that Henry held his kingdom by right of hereditary succession, and that it was no more legitimate to question the right of a king to the kingdom which he had inherited from his ancestors, than that of a private person to the hereditary ownership of his property. He contends, therefore, that neither they nor Gregory had any claim to sit in judgment upon Henry with respect to his right to the kingdom which he had inherited from his father and received by the divine appointment.<sup>2</sup> This contention of an indefeasible hereditary right to the kingdom is note-

<sup>1</sup> Id id., 7: "Sed cum manifestum habeatur ecclesiasticum iudicium primum a Constantino imperatore praelatus ecclesie fuisse concessum, similiter ut in diversis conciliis declaratum habeatur, et ut beatus Gregorius in suis decretis declarat dicens 'Non potest quemquam episcopatus gradu nisi iustus ex causis concors sacerdotum summovere sententia,' cur igitur excellentia vestra, iudices, tardat hunc monachum a sancta summovere ecclesia, qui iam longo tempore nigromantiam coluit, de quo magister suus sapius conquestus est tantum eum in illa pestifera arti prævaluisse, ut se, qui magister eius fuerat, victum a discipulo doleret? Insuper in veritate compertum est inter nos, unde et quo modo ipsum librum mortiferæ artis acquisivit. . . . Sed cum ecclesiasticis privilegus destitutus hic maloficus cognoscatur, quæ mora est scmovere eum ab ecclesia? . . . Quid ergo restat, nisi ut submotus ab ecclesia a competente iudice sæculari sententiam accipiat "

<sup>2</sup> Id. id., 4 "Iam enim pridem Henricum regem non in legum benignitate, non paterno more, sed contra leges excommunicando, anathematizando, regno eius in omni dolo insidias faci-

endo, ipsi mortem contra humanæ naturæ modum parando emancipavit."

Id id., 6 "Attendite, quæso, quod leges, quæ piissimi imperatores pro vestra vestrorumque filium ac totum christianitatis salvatione considerant, unus monachi pertinacia solvere ac delere laborat . . . Inde operæ pretium est curiose intendere, quam firma censura vobis omnibusque christianis propria hereditatis possessionem illam permanere velint Scriptum enim est in libro Institutionem ita: 'Omnis hereditas aut testamento aut successione ab intestato aut tacito pacto transit ad heredem' . . . Quare, Saxones, æquanimitas vestra intelligat, quam benigno favore vobis vestrisque heredibus sicut cæteris gentibus legislator ius vestrum vel ipsis legibus vel consuetudine legibus consentanea observari constituit . . . Quorsum hæc Saxones? Nonne hac eadem legum auctoritate Henrico regi inviolabiliter regnum stabilitum esse comprobatur? Estne inter mortales, qui habitant terram, homo aliquis tam inscius, tam hebes, tam imprudens, tam expertus rationis, tam demens, cui cogitare aut fas sit credere, in tantum regem licere fieri quod aliquam privato homini legum sanctione fieri prohibetur, aut almi legislatoris perspicacem providen-

worthy; it is interesting as anticipating a later development of political theory, but obviously enough has as little relation to the Roman law as it has to the traditional principles of the earlier Middle Ages. He further urges the wickedness of persuading men to violate their oaths of allegiance, and the respect and consideration due to kings and their divine authority, and concludes by calling upon the Saxons to submit to the judgment of Henry and to ask for his mercy.<sup>1</sup>

This treatise, in spite of its pretensions to represent a special knowledge of the Roman law, contains little of importance in the way of argument. We have in a former volume dealt with the political theories of the lawyers of Bologna in the twelfth century,<sup>2</sup> and it would be difficult to establish any relation between their work and the rather crude dogmatism of Peter Crassus.

tiam tam longe a ratione fuisse, ut se suosque heredes ac posteros reges a tanto legum beneficio exclusos esse voluisset? . . . . .  
 Quid igitur? Nonne Henricus rex iure et corpore possidet regnum? Cuius legitima possessio iustissimum habuit initium, ut avi eius Conradi imperatoris divæ memoriæ alta pax regni et tranquilla testatur, qui cum ipsa benedictione apostolica, qua regnum accepit, Henrico filio suo beatæ memoriæ successionem eius reliquit. Tandem paterna legitima successione cum eadem apostolica benedictione ad Henricum regem pervenit. Qui cum bonæ fidei possessor regni ex tam iusto existat initio, insuper cum ab his tribus personis tam idoneis, tam magnificæ opinionis, in possidendo regnum sine controversia, sine omni litis interpellatione, ut leges volunt, legibus patenter satisfactum esse cognoscatur, videntur manifeste adversus vos, Saxones, leges ipsæ conqueri, quod unius monachi vesaniam sequentes contra

divinas et humanas leges, contra ius gentium, contra ius civile, contra bonos mores, contra humanæ vitæ omnem æquitatem armata vi regni invasionem fecistis. . . . .  
 Quis enim ab insania eius non abhorreat qui sine legibus contra legem prædicat imperatores et reges progenitos a se heredes regni habere non posse? Consules olim non poterant, sed imperatoribus et regibus hæc semper licentia fuit. . . . .  
 Attendite itaque, Saxones, quam manifeste declaratum sit in Ildebrandi monachi et vestra potestate non esse de regno Henrico regi divinitus dato decernere. Quocirca divino nutu regnorum ordinationem fieri nulli dubium esse constat . . . . .  
 Audistis igitur, Saxones, legibus consuetudineque legibus consona Henricum regem iustissimum regni esse possessorem."

<sup>1</sup> Id. id., 7, 8.

<sup>2</sup> Cf. vol. ii., Part I., c. 7.

We find a more serious statement of the position of the thoroughgoing supporters of Henry in an anonymous treatise which is thought to belong to about the same time. We have in this a reasoned argument, based, at least in some measure, upon important historical considerations.

The question to which the writer primarily addresses himself is the right of the Emperor to a place in the determination of elections to the Papacy. He begins with an emphatic statement of the primacy of Rome over all churches, and one MS. includes a declaration that Rome judges all, but is judged by none, except in the case of a papal election which is unjust and contrary to the Imperial dignity, or in the case of a disputed election.<sup>1</sup> He then brings forward a number of cases in which it was the Emperor who had, as he maintains, decided which of the rival claimants should be recognised as the legitimate Pope. These examples extend from the election of Damasus I. in 366 A.D. to the action of Otto I. in 963 and 964. The author concludes this enumeration by saying that after the intervention of Otto, the Senate and people of Rome swore that they would not for the future elect a Pope without the consent of himself and his son. He then relates that the Emperor Henry III., after deposing certain Popes, made a similar regulation, and that he obliged Hildebrand, at that time sub-deacon, to swear "nunquam se de papatu intromissurum" without his permission. He gives an account of that part of the decree of Pope Nicholas II. and his Council with regard to elections to the Papacy, which refers to the Emperor, and says that by this decree, which was made with the consent of the whole Roman clergy and people, it was established that whoever should stir up factions with regard to a papal election, or should be made Pope without the consent of the Emperor Henry and his son, should be held not as Pope, but as Satan and an apostate. He specially

<sup>1</sup> 'Dieta cuiusdam de discordia Papæ et Regis' (p. 456) "Omnes iudicavit, ipsa autem a nemine nisi a se ipsa iudicata est, nisi forte contigerit, ut iniusto et contra imperatoriam dignitatem subintroductus quis fuerit, aut (nisi) tres (duove) pontifices e(odem) tempore fuerunt constituti."

adds that Hildebrand swore to this and subscribed the decree.<sup>1</sup>

Having thus dealt with the past, and justified by these historical precedents the claims of the Emperor to a certain authority in the appointment of the Pope, the author briefly describes the situation of his own time. He alleges that Hildebrand had obtained the Papacy by the assistance of one of the Roman nobles, Chinchius, and the party which they had formed. Henry had sent envoys protesting against his assumption of the Papacy, and bidding him descend from the papal throne, but without effect; and only at last, after wars, seditions, murder, rapine, and conflagrations, had Henry succeeded in occupying Rome, and had then after the ancient custom established Clement as Pope, and received from him the Imperial crown. He concludes by pointing out that the Roman Emperors had refused to accept certain men as unworthy to be Popes, had deposed some, had themselves appointed some, and had ordered others to be appointed.<sup>2</sup>

<sup>1</sup> Id (p. 458). "Postea vero senatus populusque Romanus sibi fidelitatem promiserunt, hoc adicientes firmiterque iurantes nunquam se ipsos electuros absque electione vel assensu ipsius et filii sui. Hoc idem Henricus imperator, qui de patriarcho Lateranensi quosdam pontifices (v. r. pseudo pontifices) expulit, pater scilicet Henrici, qui nunc nostris temporibus monarchiam regni gladio potenti et invicto gubernat, stabilivit, ut nullus in apostolica sede absque electione sua et filii sui pontifex eligeretur. Sentiens autem, quod tunc temporis, Hildebrannus, adhuc subdiaconus, ad culmen huius honoris dominandi libidine captus vellet ascendere, super sancta sanctorum iurare eum fecit nunquam se de papatu intrinsum preter eius licentia et assensu. Postea vero, tempore Nicholai pape, congregatum est Lateranense concilium et xxv episcoporum, ubi propter symoniacam heresim et propter depellendam

venalitatem Romanorum, qui de electione pontificis amore consanguinitatis vel pecunæ inter se partes faciebant, decretum factum est consilio totius cleri et populi, id iurante et annuente Hildebranno, ac sub anathemate roboratum, universo acclamante et colaudante concilio, videlicet ut quisquis democops partes de apostolatu faceret vel absque electione et assensu predictorum imperatorum Henrici patris et filii se intrinmitteret, non iam papa vocaretur, sed sathanas, non apostolicus, sed apostaticus diceretur. Et expleto anathemate dixerunt omnes: 'Fiat fiat!' Et subscripserunt omnes episcopi et cardinales presbyteri, inter quos etiam Hildebrannus tunc subdiaconus in margine inferiori propria manu subscripsit."

<sup>2</sup> Id. "Post modum vero Alexandro Romano pontifice viam universæ carnis ingressus, Hildebrannus, tunc etiam longe ante archidiaconus, per Chancelium, unum de nobilibus Ro-

We may distinguish in the treatise two lines of argument of unequal value. The statements which he makes about the election of Hildebrand do not seem to represent anything more than the gossip of the Imperial party. The treatment of the place of the Emperor in papal elections, on the other hand, is well stated, and shows a just apprehension of the historical foundation of the Imperial claim.

A treatise written by Wido, afterwards Bishop of Osnaburg, of which we have unfortunately only extracts, compiled apparently about the year 1118, is concerned primarily with the vindication of the election of the Antipope, Guibert of Ravenna.<sup>1</sup> He defends this on the ground, first, of

mans, et partem, quam iste et ille fecerat sibi, papa constituitur. Audiens autem ista Henricus his, cui cum patre iuramentum factum fuerat, quod sibi papatum arrogare non convenisset, legatos honestissimos et ad exequendam legationem idoneos Romam direxit, qui eum ex parte monuissent descenderet, ne ultra de pontificatu Romano se agtaret. Legatio imperatoris nil profuit. Sed tamen ad ultimum post bella—quia idem sibi et ecclesiæ audientiam synodalem negaverat—post seditiones, post homicidia, post detuncationes, post pauperum oppressiones, post rapinas et incendia Urbem pro papatu retinendo sibi diutissime negatam imperator recepit ibique secundum antiquam consuetudinem Clementem constituit et de manu eius coronam imperialem de victoria et virtute triumphans suscepit.

Sic gesto Romani imperatores Romanorum pontificum alios reos recipere noluerunt, sed docuerunt, alios ipsi constituerunt, alios autem, sicut de beato Gregorio et Mauritio legitur, institui preceperunt."

This treatise exists in MSS. which

differ considerably from each other in detail, but in the passages here cited the differences do not seem to have any special significance.

<sup>1</sup> Wido Osnaburgensis, 'Liber de Controversia Hildebrandi et Henrici' (p. 462). "Cum multi aut ignorantia nube detenti aut veteris iræ face succensi venerabilis Clementis papæ ingressum improbare contendant et usquequaque infamare non erubescant, . . . nos, qui huius rei veritatem incognitam non habemus, . . . non inutile, immo pernecessarium esse existimamus, quatinus in audientiam omnium festinemus ibique omnipotentis Dei auxilio prenotatum pontificem, pacis et iusticiæ sectatoiem, recte et ordine in apostolicam et sanctam sedem venisse rationabiliter demonstremus. Ut autem hæc demonstratio perspicue fiat, consuetudinem, quam Romana ecclesia in eligendis et consecrandis suis presulibus antiquitus ex scripto cognoscitur habuisse, non incongruum esse ducimus succinctu brevitate transcurrere. Ex hoc enim congrue convinci poterit verus in altero precessisse, quod ab emulis modo reprehenditur in Clemente."

the legitimate place of the prince in papal elections ; and, second, of the justice of the deposition of Gregory VII. He contends that by the long custom of the Church the Emperor should be consulted before the institution of a Pope. Wido recognises, indeed, that in the first ages there was no such custom, but after the conversion of Constantine and the enrichment of the Church, the Papacy became an object of men's ambition, and the succession was factiously and violently disputed, and it was found necessary that the Roman prince should intervene to secure that the elections should be conducted in a regular and canonical manner. It then became the custom that, when a Pope was elected, he should not be consecrated until the election was reported to the prince and he was satisfied that it had been properly conducted, and until he had issued his mandate for the consecration.<sup>1</sup> He then sets out a number of examples to establish this contention, and to show that the place of the prince in the election had been consistently recognised, and had never been condemned.<sup>2</sup>

Wido is, however, careful to add that this does not mean that the prince possessed any arbitrary power in this matter : it is only with the consent of the clergy and people that he has power to appoint the Pope ; he may not appoint any one to whom there is a canonical objection, and he may not claim for himself anything which canonically belongs to the Pontiffs. This is how Wido interprets the canonical rule that the laymen have no power of disposing of ecclesiastical things. He

<sup>1</sup> Id. id. (p. 463) : "Cepit enim post modicum temporis maligno eius stimulo in electione pontificum non modico fieri dissensio partium, ambitio quoque non modice crevit, contentio quoque persepe periculosa non defuit. Unde necessarium fuit, ut Romani principes, quorum concessione ac donationibus ecclesia usquequaque, sublimata honore, divitiis prominebat, pristinae potestatis iure retento, et partium tumultum ubique poenae inferendae metu compescerent et electionem pontificum partium studio et non canonice factam provenire non sinant. Nam si pravis

hominibus secularis vindictae metus nullus inesset, nulla eos a prave agendo spiritualis censura retrahere posset. Unde primum consuetudo in Romana ecclesia antiquitus merito cepit, ut, electo presule, non prius eius ordinatio celebraretur, quam cleri ac populi decretum in presentiam Romani principis deferretur, ut cogito cleri et populi consensu et desiderio, si recte et ordine electionem processisse cognosceret, consecrationem ex more celebrandam esse iuberet."

<sup>2</sup> Id. id., pp. 464-466.

adds, however, that the king is not really a layman, for in virtue of his anointing he has a share in the priestly ministry.<sup>1</sup>

The second extract from Wido's treatise deals with the question of the excommunication of the Roman prince. He asserts that no Pope before Hildebrand had excommunicated the prince, even though he had been guilty of serious offences against the Church. The reason of this was, not that they feared to lose human favour, but because they bore in mind the apostolic injunction, to do all things to edification. He points out that the result of the conflict of Hildebrand and Henry IV. was more intolerable than a civil war, and he therefore describes his action in excommunicating Henry as unrighteous and unjust.<sup>2</sup> He endeavours to prove that the action of St Ambrose against the Emperor Theodosius was not really a case of excommunication.<sup>3</sup>

The third extract deals with the question of the absolution of Henry's subjects from their oath of allegiance, and Wido

<sup>1</sup> Id. id. (p. 466) : "Sed quamvis predicta de causa antiqua et ecclesiastica consuetudo cepisset, ut principum consensu pontificum ordinatio recte et iuste proveniat, summopere tamen ipsos principes cavere oportet, ne illum collaudando intantur preferre, cui sanctorum de hoc scripta sentiunt contraire. Quia propter hec et similia scriptum est non licere regi aliquid contra mandata divina presumere. Quomam, quamvis cleri et populi consensu princeps potestatem habeat preferendi pontificem, non ei tamen licet illum preferre, cui canonum precepta poterunt contraire. Item nec suo quilibet princeps debet attribuere iuri velle disponere, quae ad iura pontificum canones asserunt pertinere. Unde dicunt nulli laico umquam aliquis de ecclesiasticis disponendi facultatem esse concessam, quamvis rex a numero laicorum merito in huiusmodi separatur, cum oleo consecrationis unctus sacerdotalis ministerii particeps esse cognoscitur."

<sup>2</sup> Id. id. (p. 467) : "Multi enim, ex quo Christi iugo regia colla se sum miserant, Hildebrandum precesserant. Romani pontifices verae fidei et religionis constantia prementes, quorum temporibus plures ex Romanis principibus in ecclesia graviora quaeque delinquendo commiserant, quorum tamen neminem censura pontificum verbo excommunicationis exasperare presumpserat. Neque hoc ideo tamen dimiserant, ut humanam amittere gratiam formidantes recta libere loqui pertimerent, illud propheticum incurrentes. 'Canes muti, non valentes latrare,' sed illud Apostoli, id est : 'omnia ad edificationem,' pro oculis habentes. . . . Constat ergo ex precedentibus, quod inique et impie Hildebrandum egit, cum irae et inimicarum impetu ductus Romanum principem verbo iniustae excommunicationis, nullo maiorum precedente exemplo, exasperare presumpsit."

<sup>3</sup> Id. id., p. 468.

contends that even if the excommunication of Henry had been just, and pronounced by a proper person, this would not give any sanction to the claim to absolve his subjects from their oaths. Those who had taken such oaths could not break them without perjuring themselves, and he who permitted and commanded men to violate their oaths rendered himself guilty of perjury. It was therefore clear that in absolving Henry's subjects from their oaths, Hildebrand had violated the law of God and the order of the Church, had been the cause of the destruction of peace, had stirred up sedition and schisms, and had brought innumerable calamities upon the Church and the kingdom.<sup>1</sup> He therefore concludes that it was just that Hildebrand should have been deposed, inasmuch as he had abused the authority of the Papacy, and had set the "sacerdotium" and the "regnum" against each other, for while the two heads of the Church were at war with each other no good could come to body or soul.<sup>2</sup>

<sup>1</sup> Id. id. (p. 469): "Quia si excommunicatio iuste et ordine a recto et catholico facta fuisset, ab iuramento tamen principes regni absque labe periurii cum vita absolvi non possent. Nam cum illud, quod vita manente servare se cum iuramento spondebant, non incurrere necessitate cessarent impendere, non possent reatum periurii continuo non incurrere, quia ubi iuramenti promissio violatur, necesse est, ut periurium continuo committatur. Quapropter, cum absolutio iuramenti absque reatu periurii fieri non potuit, periurium autem de tali iuramento concedi non licuit, cum iuramentum, quod fit regibus, a sanctis patribus insolubiliter observandum esse precipiatur: qui iuramenta regi et imperatori facta violari concessit et iussit, necessario reus periurii factus, novi et veteris testamenti mandatis manifeste invenitur esse contrarius . . . . . Quid ergo Hildebrandus in absolute iuramenti regi facte aliud egit, quam

quod plane mandatum Dei reiecit et traditiones suas statuit et ecclesie statum impudenter evertit? 'Mandatum enim Dei,' ut Alexander papæ inquit, 'reicere nichil est aliud quam humano iudicio novis rebus incumbere.' Novas autem res procul dubio constituit, qui contra patrum statuta periuria committendi licentiam dedit et per hoc unitatis et concordie vinculum rupit, sediciones movit, scismata excitavit, cedes et incendia rapinas et sacrilegia aliaque sine numero mala undique ecclesie et regno induxit."

<sup>2</sup> Id. id. (p. 470): "Merito igitur privilegium pontificale exclusus amisit, qui pontificatus potestate in horum alterutro abuti non formidavit et ex hoc infinite hominum multitudini laicum mortis effodit, et laqueum perdicionis decipiendo abscondit. . . . Nequius autem consilium nemo poterit facere, quam sub specie pacis in sacerdotium et regnum discordie gladium immittere. Ex hoc enim

These treatises, and especially the second and third, represent very clearly the main principles of those who supported Henry IV. after the final breach of 1080. The strength of these arguments lay undoubtedly in the appeal to the historical relations of the Empire and the Papacy, in the many precedents by which they seek to prove the Imperial right to be consulted with regard to elections to the Papacy, and to intervene in cases of disputed elections. Not less important, however, is the restatement by Wido of Osnaburg of the contention of Wenrich of Trier, that even if the excommunication of the prince was within the power of the Pope, this did not carry with it any right to depose him and to absolve his subjects from their allegiance.

We must now turn to the arguments of the supporters of Gregory VII., and consider some works which were written about the same time as those which we have been considering.

The first with which we deal was written probably by the same Bernard, the master of the schools at Constance, with some of whose correspondence at the time of the beginning of the conflict in 1076 we have already dealt.<sup>1</sup> The treatise with which we are now concerned was written in 1085, and if it is indeed by the same author, shows that in the meanwhile his judgment had cleared and hardened. It consists mainly of a catena of passages arranged under various heads from ecclesiastical writers, which seemed to the author to vindicate the position of the papal party.

The author, like Gebhardt of Salzburg, evidently felt that the origin of the whole conflict, and the first foundation of the position of Gregory VII., should be looked for in the principles of excommunication and its consequences, and he therefore begins by setting out the strict ecclesiastical doctrine that the Christian man must have no dealings with excommunicated

pietatis viscera lacerantur, caritatis et amicitie vigor et constantia dissipatur, . . . et demum, his duobus ecclesie capitibus discordantibus, omnia sive anime sive corpori profutura

turbantur et ad interitum inclinantur. Quapropter, quamdiu languor non fuerit curatus in capite, totum corpus non desinet morbus fatigare."

<sup>1</sup> Cf. p. 212.

persons, on pain of rendering himself liable to excommunication.<sup>1</sup> He is aware of the difficulty which arises from the fact that the excommunication may be unjust, but maintains that the sentence must be respected until it has been rescinded.<sup>2</sup> Having thus cleared the ground, he comes to the main subject of the treatise, the excommunication of Henry and the deposition of Gregory VII. He first cites some passages from St Augustine and from a supposed work of St Chrysostom, which might seem to show that it was not lawful to resist the king,<sup>3</sup> but then puts together a catena of passages showing that no one was exempt from the spiritual authority of the Pope, and enumerates a great number of cases in which, as he maintained, kings and emperors had been excommunicated and deposed.<sup>4</sup> He then deals with the deposition of Gregory VII., and maintains that the Pope was not subject to any man's judgment, but that even if he were thus subject, Gregory had been judged and condemned without any of the necessary canonical forms.<sup>5</sup> A little farther on he discusses the question of the sanctity of the oath of allegiance, and argues that those who swear fidelity to a lord do so only as far as the Catholic law permits. To serve a lord in his perversity is not to be faithful, but unfaithful to the oath. To obey an excommunicated person, or one who communicates with excommunicated persons, is a greater crime than perjury. No oath is to be kept which is contrary to the safety of a man's country and the laws of the Church; no man must take the oath of fidelity except in the Lord, nor must he keep it against the Lord,<sup>6</sup> and he illustrates this with

<sup>1</sup> 'Liber Canonum contra Henricum Quartum,' i. -vi.

<sup>2</sup> Id., x, xi, xii.

<sup>3</sup> Id., xxi. Cf. vol. iii p. 122.

<sup>4</sup> Id., xxii.-xxv.

<sup>5</sup> Id., xxvi.-xxix.

<sup>6</sup> Id., xxxvii. "Adversarii suam adhuc statuentes et Dei iusticiæ subiecti esse nolentes, ut nos accusando velamen pretendant suæ in nos perversitati, inficere nos solent macula periurii. Quos precamur rationis

oculo intueri, quia, quicumque fidelitatem iurant dominis, non iurant nisi quam ex catholica lege debent dominis.

Revertantur igitur ad cor prevaricatores recognoscendo se eisdem, quibus solam fidelitatem iuraverant, e contrario infideles quasi iurata infidelitate et periurium declinando periurii laqueum incidere, cum perversitati dominorum obsequendo gladium in-samentibus, quo se ipsos iugulent,

a story about the Emperor Otto and Adelgisus of Beneventum, and justifies it with a number of quotations from St Ambrose.

If there is nothing new in the treatise, it at least restates with clearness and with a considerable array of learning the case of the papal party, and it concludes with a vigorous invective against the Antipope, Gubert.

The most considerable political work of the time is the treatise of Manegold of Lautenbach, 'Ad Gebehardum.' We have in the last volume discussed his theory of the nature of political authority in detail,<sup>1</sup> we are therefore here only concerned with his treatment of the relations of the Temporal

mimstant, nosque et ex sincera integritate et integra sinceritate fideles his, quibus iuravimus, cum saluti eorum consulentes eis ad ea, quæ contra Deum sunt, obœdire nolumus. Nulli igitur vivendum obœdatur nisi in astruendo ecclesiasticæ legis propositum perditissimi nos ipsos maiori quam ullius unquam periuri crimine damnemus, si excommunicatis sive communicanti excommunicatis, quibus nec ave dicendum est, obœdremus. Fili enim ecclesiæ sacramentis nos ecclesiæ et legi iusticiæ devovimus, nemini quequam extra ecclesiam et iusticiæ terminum debemus dicentes cum Paulo: 'Non possumus aliquid contra veritatem, sed pro veritate.'

xxxviii. . Hinc quilibet exercitata discretions intuetur, quia, si quis vel propria simplicitate vel aliena seductus perversitate aburaverit dominum, cui prius fidelitatem in Domino iuravit, presertim illum, qui sibi in his tantum, quæ legibus ecclesiæ et saluti patriæ patrocinantur, obœdiri expetit. hic inquam, in hac aburatione periurus et a Deo, cuius se militia subduxit, erit separatus, quamdiu non renuntiato, quod contra domini sui dominum, Deum scilicet, iuravit et quo se ab

ecclesia separavit, sacramento, ad illum, a quo male recesserat, bene non redeat eique in Domino pro iurata fidelitate non adhæserit, ut si quis postposito baptismi sacramento illecebris mundi se devoveat, damnabitur utique falsitatis, nisi relictis Christi sacramentis et quasi iurata in baptismo fidelitati se restituat et unde abut redeat Nullatenus igitur insistendum esse sacramentum, quod incolomitati patriæ et legibus refragatur ecclesiæ, audiat ex sententia Iohannis octavi, papæ vero contesim noni . . . . .

Cum igitur fidelitas nec vel iuranda nisi in Domino vel servanda, si deviatum a Domino, et omnino cum nullatenus sit insistendum, quod inconsulte quem libet iurare contigerit, patet, quia se ipsum Domino creatori negat, se strictiori periurio ligat, qui servandæ aburationis gratia ei non consensit reconciliari, ei iterato et individuo coniungi, et cui fidelitatem iuravit in Domino, et qui eius subdium non appetit nisi in catholice legis patrocinio "

<sup>1</sup> Cf. vol. iii. pp. 160 169.

and Spiritual powers, and of the actual conflict between Gregory VII. and Henry IV. Manegold's treatise is what we may call a reasoned defence and justification of Gregory's policy, in reply to the criticism of Wenrich of Trier, and in the main he follows that order in the development of his subject which Wenrich had adopted.

He begins by defending the character of Gregory against the charges which Wenrich had made or reported,<sup>1</sup> and proceeds to a vindication of his policy of Church reform, laying special stress upon the prevalence of simony and of what he calls the "fornication" of the clergy; and he justifies his action in calling upon the laity to refuse the services of the clergy guilty in this respect.<sup>2</sup> He then gives an account of the outbreak of the great conflict, of the proceedings of the Council of Worms, at which Gregory was deposed, and of the Council of Rome, at which Henry was excommunicated and deposed.<sup>3</sup> This leads to the most distinctive and important part of his work, the right of subjects to depose a tyrannical king, and to the discussion of the real meaning of the authority of the Pope in absolving subjects from their oath of allegiance.<sup>4</sup> He repudiates Wenrich's suggestion that papal elections needed the Imperial consent,<sup>5</sup> and he defends the prohibition of lay investiture.<sup>6</sup>

We have already dealt with Manegold's discussion of the Investiture question,<sup>7</sup> and we are not here specially concerned with his defence of Gregory's character, but we must consider a little more clearly his account of the beginnings of the conflict between Gregory and Henry, and his justification of the excommunication and deposition of Henry. Manegold's description of the proceedings at Worms and at Rome is apparently taken in the main from the Chronicle of Bernald and from Gregory's letters. He represents Gregory as having for several years remonstrated with Henry about his various offences, and as having finally warned him that unless he

<sup>1</sup> Manegold, 'Ad Gebehardum,' 1-14.

<sup>2</sup> Id. id., 15-23, 67-77.

<sup>3</sup> Id. id., 25-28.

<sup>4</sup> Id. id., 29-45, 47-49.

<sup>5</sup> Id. id., 57, 58.

<sup>6</sup> Id. id., 50-66.

<sup>7</sup> Cf. pp. 86-90.

repented he should proceed to excommunicate him. Henry, instead of acknowledging his evil deeds, called together the bishops and princes at Worms, and then by their advice and instigation declared the deposition of Gregory, and announced this by his envoys to the Roman Council. It was for this reason that at last Gregory and the Council at Rome decreed the excommunication of Henry and his deposition from the throne.<sup>1</sup> Having thus set out the circumstances and cause of the action, Manegold brings forward a number of historical precedents. He alleges that Gregory the Great had approved the deposition and execution of the Emperor Maurice, that the Emperor Constantius had been reckoned as a heretic by Pope Felix, that Louis the Pious had been compelled by the bishops to do penance, that it was by the authority of Pope Stephen that Chilperic had been deposed and Pippin elected King of the Franks, and that Pope Nicholas had excommunicated the Emperor Lothair on account of his concubine Waldrada. (We are not here concerned with the historical accuracy of his statements.)<sup>2</sup> He then cites a number of cases in which kings had been deposed by their own subjects, and this leads up to that discussion of the nature of kingship with which we have dealt at length in the last volume, in which he maintains that the king holds his authority in virtue of that agreement or contract by which he has promised to uphold law and justice, and the people have promised obedience, and argues that the crimes which Henry had committed amply justified his deposition.<sup>3</sup>

We are not concerned with this question, which we have already considered in the last volume, but with Manegold's treatment of the action of the Pope, and we should therefore observe that he at once returns to the main argument, and this is, that Henry IV. and his supporters had conspired against the authority of the Holy See and the unity of the Church, and that it was therefore just that they should be coerced both by spiritual censures and by secular force.<sup>4</sup> It is clear that he looks upon the action

<sup>1</sup> Id. id., 25-28.

<sup>2</sup> Id. id., 29.

<sup>3</sup> Id. id., 29, 30.

<sup>4</sup> Id. id., 31-41.



of Gregory VII. as being justified primarily by the action of Henry and his supporters at Worms; while he is clear that such action—namely, the excommunication and deposition of Henry—was within the authority of the Pope. In his treatment of the question of Gregory's action in absolving the subjects of Henry from their oath of allegiance, he vindicates this, as we have pointed out in the last volume, as being nothing more than the public and authoritative declaration that the oath was already void.<sup>1</sup>

The work of Bonizo, Bishop of Sutri, entitled 'Ad Amicum,' contains in its seventh and eighth books an important but not always entirely trustworthy account of the events of the pontificate of Gregory VII. He was an ardent partisan of Gregory, but, while his statements must often be received with caution, he had taken a considerable part in the events of the time, and has preserved much important information—especially with regard to the "Patavia" in Lombardy and the affairs of the Church of Milan. His account of the deposition of Gregory VII. by the Council of Worms in 1076, and of the excommunication and deposition of Henry IV. by the Council of Rome in the same year, contains nothing specially new, and he justifies the action of Gregory very much as we have already seen. It was just, he says, to excommunicate the King for endeavouring to expel Gregory from the Holy See, and he cites a number of precedents to show that the Popes had in former times both excommunicated and deposed kings.<sup>2</sup> He very emphatically attributes the election of Rudolph at Forcheim, in 1077, to the German princes, and speaks of it as the cause of much evil to the world.<sup>3</sup>

A short treatise, attributed to Anselm, the Bishop of Lucca, which is thought to have been written shortly after the death of Gregory VII. in 1085, contains a violent

<sup>1</sup> *Id. id.*, 47-49. Cf. vol. iii. pp. 163-166.

<sup>2</sup> Bonizo, 'Ad Amicum,' vii. (p. 608).

<sup>3</sup> *Id. id.*, viii. (p. 611).

invective against the Antipope, Guibert, and attributes the conflict in large measure to the simony of Henry, and his attempt to destroy the liberties of the Church.<sup>1</sup>

Several treatises have survived, written by the same Bernald, whose correspondence with Bernard in the year 1076 we have already considered.<sup>2</sup> In one of them, which was written probably in 1086, after the death of Gregory VII., he contends strongly for three points: first, that the faithful must avoid the society of excommunicated persons, and therefore especially that of Guibert the Antipope and his followers; secondly, that kings are subject to the authority of the Church, and are liable, like other men, to excommunication; thirdly, that Gregory had not driven men to perjury, but had released men from their oath of obedience by the same authority by which he excommunicated and deposed their rulers.<sup>3</sup> He deals with these matters in a highly significant way in another treatise of uncertain date, and argues, first, that if the successors of Peter had, as he has shown, authority to bind and loose, and thus to depose even the Patriarchs of the Church, much more must they have power to depose secular princes, whose dignity was a matter of human creation, and he confirms this by citing some often-quoted passages from St Gregory the Great and some of the usually alleged examples; secondly, that if they had authority to depose the rulers, clearly they must have power to absolve their subjects from their obedience and oath of fidelity; thirdly,

<sup>1</sup> Anselmus Lucensis, 'Liber contra Wibertum' (p. 522): "Rex autem tuus sine intermissione vendit episcopatus suos, edicta proponens, ut nullus habeatur episcopus, qui a clero electus vel a populo fuerit expetitus, nisi præcesserit honor regius, quasi ipse sit enim ostii ostiarius, de quo veritas dicit: 'Huic ostiarius aperit.'" (P. 526): "Vos enim ecclesiæ catholicæ, quam invasistis per totum regnum,—quod quia intus cecidit, foris diu stare non poterit, membra dis-

trahitis,—et in servitutem redacta quasi vile mancipium in vestrum dominium redigitis et divini iuris libertatem vestro obsequio mancipatis, dicentes omnia imperatoris iuri esse subiecta, episcopatus, abbatias, omnes omnino Dei ecclesias, cum Dominus dicat: 'Ecclesiam meam, columbam meam, oves meas.'"

<sup>2</sup> See p. 212.

<sup>3</sup> Bernald, 'Apologeticæ Rationes,' 'Libellus,' v. pp. 95-99. Cf. 'Lib.,' vi. and vii.

that such oaths were in reality only taken to the ruler as long as he held his office, and were in no way binding if he were legitimately deposed, and that in such cases the Church only formally declared men to be absolved from their oaths for the sake of the weaker brethren, who might not in such cases understand that a thing was done unless it were specially mentioned.<sup>1</sup>

<sup>1</sup> Bernald, 'Libellus,' xii., "De solutione juramentorum": "Sicut autem Romani pontifices summos patriarchas deponere possunt, ita et inferiores, utpote mundi principes, quorum utique dignitas potius ex humana adinventione quam ex divina institutione videtur processisse. Quid enim mirum, si apostolica auctoritas reges iudicare posse creditur, quæ iuxta apostolum et angelos iudicatura non dubitatur. . . .

Hinc sanctus Gregorius papa primus sepe numero in privilegiis, quæ fecit, legitur decrevisse, ut tam reges quam sacerdotes vel quilibet seculares a suis dignitatibus caderent, si contra sedis apostolicæ statuta venire temptarent. Eadem autem auctoritate beatus Stephanus papa huius nominis secundus Hildericum regem Franchorum pro ignavia sua deposuit et depositum atque detonsum in monasterium misit et Pipinum ei in regnum substituit. Nec mirandum, si Romani pontifices sæcularibus sæculares dignitates possunt auferre, ne christianis principibus, quos penitus a corpore detruncare possunt, ne vel ultimum locum inter christianos habere videantur. Sic enim sanctus Innocentius papa Archadium imperatorem excommunicare legitur, eo quod consenserit, ut sanctus Iohannes Crisostomus a sede suæ pelleretur. Item beatus Nicolaus papa primus Lotharium regem pro quadam concubina excommunicavit. Item beatus Adrianus papa generaliter omnes reges anathe-

matizavit, quicumque sedis apostolicæ statuta violare presumpserint.

Patet ergo satis aperte, quod presules apostolici tam æcclesiasticos quam sæculares prelatos valeant deponere. Unde et necessario consequitur, ut et subiectos de manibus prelatorum possint emancipare, non enim rata posset esse prelatorum depositio, si subiectorum nulla posset fieri subtractio. Sed et hoc certum est omnibus catholicis et eruditis, quod beatus Petrus a Domino eque generaliter et efficaciter tam solvendi quam ligandi potestatem accepit. Unde et vicarii ipsius, qui ex apostolica auctoritate prelatos possunt ligare, ne subiectis presideant, eadem auctoritate etiam subiectos absolvere, ne eisdem prelatibus subiaceant. . . . Sic utique semper apostolica auctoritas quoslibet christianos sibi specialiter commissos de manibus depositorum et excommunicatorum absque omni nota perenni absolvere consuevit, etiamsi eisdem prelatibus subiectionem iuramento promiserunt.

Preterea si diligenter considerare volumus, iuramentum subiectionis non solet exhiberi prelatibus, nisi pro respectu prelationis, quod etsi iuramento in verbis specialiter non exprimitur, in iuratione tamen subintelligendum esse non dubitatur, videlicet, ut iste illi fideliter subiaceat, quamdiu ille isti officio prelationis presideat. Postquam autem prelatibus prelatione fuerit privatus, nequaquam ille, qui subiectus eius fuit, iuramentum subiectionis

The most interesting work of the time is, however, a treatise written by Wido, the Bishop of Ferrara, in the year 1086, after the death of Gregory VII., but before the election of his successor. It was written at the request of the Antipope, Guibert (Clement), and its purpose may have been to suggest that, now that Gregory VII. was dead, it might be possible even for his supporters to accept Clement. The strange thing about the work is the force and clearness with which, in the first part of the work, he sets out the defence of Gregory VII.; indeed it is one of the most effective statements of his case—more effective both in substance and force than his presentation, in the second part of the treatise, of the charges which Henry IV.'s followers brought against Gregory.

In the first part of the treatise Wido begins by setting out the high character and energy of Hildebrand, and the orderly and canonical circumstances of his election to the Papacy.<sup>1</sup> He then gives a grave account of Henry IV.'s personal vices and simoniacal practices, and of Gregory's attempts to bring him to a better mind and conduct. Henry, however, refused to listen; and finally, being threatened with severe measures by Gregory, he called together the bishops of Germany and Lombardy and commanded them to condemn him. It was only then that Gregory and the bishops at Rome, finding Henry wholly impenitent, excommunicated and deposed him.<sup>2</sup> Wido then cites a number

ipsi ulterius servare debent, quod non nisi ad officium prelationis iuravit. Non enim pro perennis dampnandi esse videntur, quicumque privatis prelatione iuramentum subiectionis servare nolunt, quod eisdem, dum prelati essent, pro officio prelationis quondam iuraverunt. Nec utique multum esset necessarium, ut æcclesia subiectos ab huiusmodi iuramento specialiter solveret, quorum prelatos canonice iam deposuisset, nisi propter quorundam infirmorum dubitationem, qui in talibus causis nihil putant actum, nisi

quod specialiter fuerit prenommatum. Est enim cuilibet erudito satis manifestum, quod prorsus illi subesse non debemus, quem indubitanter depositum, ne nobis preesse debeat cognoscimus. Nam in ipsa canonica depositione prelatorum itidem et subiectorum absolutio continetur, que semper ibi subintelligitur, etiamsi in sententia depositionis signanter non annuntietur.

<sup>1</sup> Wido of Ferrara, 'De Scismate Hildebrandi,' i 1, 2.

<sup>2</sup> Id. id., i 3.

of passages from the Fathers to illustrate the authority which the Church claimed even over kings and emperors, and a number of cases in which kings and emperors had been excommunicated and deposed.<sup>1</sup> He gives an account of the attacks made upon Gregory because he had raised up Rudolph of Suabia against his King, in spite of his oath of allegiance; but he argues, first, that Gregory had always maintained that it was not he who had appointed Rudolph; and second, that Henry had been legitimately deposed, and that Rudolph was therefore released from his fidelity, and that if Gregory consented to his election he was not doing wrong.<sup>2</sup> He meets the charge which was made against Gregory—that he had stirred up the Germans to war against Henry—by the argument that he was only carrying out the judgment of the Fathers that it was right to attack and coerce the wicked: it might be proper for the saints not to defend themselves, but the maintenance of justice was another matter.<sup>3</sup> When Gregory released the Germans from their oath of allegiance to Henry, he was only declaring that the oath was already null and void. It was alleged that Gregory had stirred up the laity to attack and ill-treat the simoniacal and married clergy; but Wido replies that he had always, while condemning their conduct, lamented the violence which had been done to them, and brings forward various passages from the Fathers to justify Gregory's action in forbidding the faithful to receive the sacraments from them.<sup>4</sup> He cites various authorities which seemed to justify Gregory's action in prohibiting lay "investiture,"<sup>5</sup> and he briefly describes the arguments of those who maintained that the election of Guibert (Clement III.) was invalid.<sup>6</sup> He concludes the first part of the treatise with a short account of the occupation of Rome by Henry, the appearance of the Normans to relieve it, their sack of the city, and the final withdrawal and death of Gregory.<sup>7</sup>

<sup>1</sup> Id. id., i. 4-6.

<sup>2</sup> Id. id., i. 7.

<sup>3</sup> Id. id., i. 8, 15, 16.

<sup>4</sup> Id. id., i. 9, 10-14, 17, 18.

<sup>5</sup> Id. id., i. 19.

<sup>6</sup> Id. id., i. 20.

<sup>7</sup> Id. id., i. 20.

As we have already said, the defence of Hildebrand is well considered and effectively stated.

In the second part of the treatise Wido sets out the main charges against Gregory, and the arguments which would justify his deposition and the election of Guibert as Pope. In the first place, he contends that Gregory was elected in defiance of the constitution of Nicholas II., without the royal consent; and he reports, but as a doubtful matter, the stories that he had procured his election by bribery.<sup>1</sup> In the second place, he argues that even if Gregory had been rightfully elected, he had forfeited his dignity by the misuse of his powers. He had waged war against all the prescriptions of the Fathers; he had been the cause of much slaughter and perjury in setting up Rudolph and absolving the Germans from their oath to Henry; he had taught, in contradiction to the doctrine of the Fathers, that the sacraments of schismatic and excommunicated persons were invalid; he had excommunicated Henry and various other men unjustly, and without regard to the necessary forms of procedure.<sup>2</sup> In the third place, he urges that, even if the charges against Gregory and the conclusion that he had forfeited his authority were passed over; even if it were admitted that Guibert's election had been in the first place irregular, there was no reason why he should not, now that Gregory was dead, be recognised as Pope, and he brings forward parallels which would justify such a course of action.<sup>3</sup> We

<sup>1</sup> Id. id., ii. (pp. 551-553).

<sup>2</sup> Id. id., ii. (pp. 554-563).

<sup>3</sup> Id. id., ii. (p. 563): "P. Si superiores ratiocinationes subtiliter considerare velimus et universa superius comprehensa diligenti investigatione revolvere, novissime qui voluerit poterit ita concludere, quod et homicidio sese Hildebrandus polluerit et sacrilegii reatum contraxerit, et perjuriorum multorum crimen incurrerit. Unde tempus esse videtur, ut de Wiberti electione, unde plurimum dubitatur, disserere debeas et quibus potes rationibus illam defendas. Sic enim adversarii repre-

hendunt illam: 'Si Hildebrandus in apostolatu erat et sedes apostolica non vacaberit, qualiter illo superordinari potuit, qui nulli successit, sed a se ipso principium et initium habuit?' R. Scio illos ita preponere et apostolatam Clementis quibus possunt argumentationibus condemnare. Nos vero sic solemus ineptias illorum repellere et electionem prefati Clementis astruere. Ut taceamus omnia, quibus superius est probatum, quod apostolatu sese privaverit, eo quod homicidio se polluerit, sacrilegio maculaverit, perjuriorum multorum crimen incurrerit: sed

have already dealt with Wido's treatment of the "investiture" question,<sup>1</sup> and need therefore here only observe that Wido represents the secular right of investiture as having relation only to the temporalities of a bishopric. He concludes his treatise by urging that there were two arguments which proved that Gregory deserved to be condemned: the first, that he caused Rudolph to be set up as king, and thus caused the slaughter of many men and involved many of the Germans in perjury; the second, that he was guilty of schism, in that he forbade the people to receive the sacraments of unworthy and excommunicated priests, and that he denied that these were sacraments.<sup>2</sup>

A few years later there was written a work entitled, 'De Unitate Ecclesiæ Conservanda,' with the examination of which we may conclude this chapter. It was written between the

unde Vigilus apostoheus dici meruit et in catalogo Romanorum pontificum numerari, qui Silverii locum adhuc viventis invasit et in Pontias insulas exilio ipsum relegari fecit, ubi, sicut legitur, pane tribulationis et aqua angustiae cibatus fuit? Unde etiam Anatholius Constantinopolitanus episcopus dei debuit, qui Flaviani viri sanctissimi, propter defensionem catholicæ veritatis cæci, locum arripuit et ab excommunicationis similiter dampnatis consecrationem accepit? Quem tamen Leo primus Romanorum episcopus rogatu Augustæ Pulchriæ confirmavit et ad posteritatis memoriam confirmatorias illi litteras misit continentes ita. 'Decessore,' inquit, 'tuo beatæ memoriæ Flaviano propter defensionem catholicæ veritatis delecto, non immerito credebant, quod consecratores tui contra statuta canonum et divinarum legum sui similem consecrassent. Sed affuit misericordia Domini, in hoc te dirigens atque confirmans, ut malis principis bene uteris, nec te iudicio hominum provectum, sed divina miseratione monstrares' Quod ita accipiendum est: 'Si hanc

divini muneris gratiam alia offensione non perdas' Nec ista dicimus, quod malum domnus Clemens habuisset inicum, cum Ildibrandus apostolici iam non haberet officium et locum, sed ut contradicentibus de similibus proponamus exemplum. Quod ergo Vigilum confirmavit, qui quasi malum principium habuit, et quod Anatholium male positum et nulli succedentem episcopali dignitati dignum videri fecit, domnum etiam Clementem dignissimum reddidit, si in suis fortasse primordiis aliquid deliquit. Posterior virtus et meritum diluit, quequid impræmissis culpabile visum fuit. O quotiens in actibus pontificum Romanorum factum legitur, quod duo certatim apostolici simul positi fuerint et magnam utriusque partem cleri et populi simul habuerint et ille tamen tandem vicerit, quem Romani principes confirmandum censuerint. Sic de Damaso et Uisino, Bonifatio et Eulaho, Silverio et Vigilio, Simacho et Laurentio in eisdem Actibus Romanorum pontificum accidisse probatur."

<sup>1</sup> Cf p 82.

<sup>2</sup> Id id, ii. (p. 566).

years 1090 and 1093, as is evident from various references in the text, but the authorship is uncertain. There is much of importance in it with which we cannot here deal, and especially the account of the political and ecclesiastical conditions in Germany in the years from 1086 to 1092. We must confine ourselves in the main to the examination of the author's discussion of the claim of Gregory VII.—that he had authority to excommunicate and depose kings and emperors—and of the whole question of the relation of the Temporal and Spiritual powers which arose out of this.

It is of great interest to observe that, for the first time, we have a critical historical discussion of the alleged precedents for the excommunication and deposition of kings. He considers first the alleged deposition of Chilperic, the last of the Merovingian kings, and the appointment of Pippin as King of the Franks, by Pope Zacharias and Pope Stephen. He does not indeed deny that these Popes took part in this; but he maintains that they only gave their consent and authority to that which had been done by the common consent and authority of the Frank princes, and he therefore protests that Gregory had completely misrepresented the whole matter when he said that it was the Popes who, by their sole authority, had deposed Chilperic and absolved the Franks from the oath of fidelity.<sup>1</sup> The author then

<sup>1</sup> 'De Unitate Ecclesiæ Conservanda,' i. 2 "Ille est Carolus qui primus ex Francorum regibus est ordinatus, quod ut fieret, per illius temporis pontificem Romanum invitatus est adductus, cuius etiam pater Pippinus, de quo supra dictum est, cum esset maior domus in regno Francorum, hoc est præfectus palatii, et ad eum spectaret summa regni potestatis et officii, electus est primus ex præfectis palatii in regem atque ordinatus est per beati Bonifacii Moguntini archiepiscopi benedictionem, prius super hoc experto Zachariæ papæ iudicio, qua consensus et auctoritas Romani pontificis necessaria huic videbatur

negotio. Missus est enim ad eum venerabilis vitæ Burchardus Wirzburgensis ecclesiæ episcopus cum aliis ad hanc legationem idoneis nuntius qui ex mandato principum interrogarent eius sententiæ oraculum et acciperent responsum, quomodo possent reformare regnum Francorum in pristina dignitate statum, quod multo iam tempore non haberet regni honoris privilegium, illum vero, qui rex dicebatur, nihil amplius habere nisi quoddam vani nominis simulacrum, cum nec opes nec potentia nec aliqua dispositio regni apud illum esset, sed apud maiorem domum, quicumque palatio præesset, prout iustum et idoneum

discusses the cases of excommunication Gregory had cited: he does not indeed deny that St Ambrose excluded Theodosius from the communion, but he urges that when St Ambrose thus excluded Theodosius he did not attempt to interfere with his political authority or position, and that he and the Popes did not attempt to do this in the case of heretics like the Emperor Valentinian and his mother Justina and other heretical rulers.<sup>1</sup> On the other hand, he doubts the truth of the alleged excommunication of the Emperor Arcadius by Pope Innocent I., and argues that there is

sibi videri, ut ab Hilderico totius regie dignitatis et potentie iam ex hereditaria successione privato transferretur regium nomen ad Pippinum, tunc temporis prefectum palatii, qui pro nobilitate sua atque virtute dignus fuisset, quatinus ipse, qui domi et militie regni gubernacula fortiter procuraret, cum labore pariter et officio nomen regis convenienter susciperet. Quorum postulationem cum equam atque utilem Zacharias papa iudicasset, ad ea quae postulabant consentit, atque eiusdem consensus sententiam postea Stephanus papa confirmavit, et Pippinus factus est rex communi suffragio principum, atque Hildericus ex vano nomine regis promeruit tonsuratus coronam monasticam religionis et habitum. Quod si ita est, immo quia ita est, videtur supradictus papa Gregorius, qui et Hildibrant, immerito hanc notam imposuisse vel Zachariae vel Stephano, religiosi pontificibus Romanae ecclesiae, ut ipsi sola auctoritate sua Hildericum a regno deponerent et absolverent omnes Francigenas a iuramento fidelitatis, quam illi fecissent, cum fortasse ei, qui huiusmodi erat iuxta quod supra dictum est, principes regni aliquid iuramentum dare indignum duxissent."

Cf. i. 3, 16

Cf. 'Benonis Aliorumque Cardinal-

ium Scripta,' iii. 8, 9. The writer draws a distinction between the emperor and the provincial king

<sup>1</sup> Id., i. 8 "Ecce illa excommunicatio, quam utilis erat ecclesiae pariter atque ipsi imperatori Theodosio, quae nunc in ea, ob qua agitur, scriptura prodendi scismatis ponitur exemplo, quo separentur principes vel milites reipublicae ab imperatoris sui consortio simul et obsequio. Neque enim tale aliquid temptaverat ille murus et turris validissima ecclesiae, Ambrosius, quando etiam pulsabatur pro studio hereticorum Valentiniani imperatoris et matris eius Iustinae nimis atque verbibus"

Id., i. 12 "Ecce autem verbi gratia Theodoricum regem noverat Romana ecclesia fuisse hereticum, utpote Arrianum, nec tamen iudicavit eum, sed magis quaesivit interea sibi eum fore pacificum.

Ecce inquam, in Arriano quoque rege potestatem a Deo ordinatam ecclesia honoravit, cui sicut legitur in decretis Symmachii papae, supplicem magis quam iudicem ipsa se obtulit. . . . Similiter et Anastasius papa non iudicavit Anastasium imperatorem hereticum utique et defensorem hereticorum, sed sicut Gelasius quoque fecerat, suppliciter pro pace ecclesiastica alloquitur eum."

no mention of this in the historical documents, that there seemed to be no sufficient reason why it should have been done, and that the relations between Arcadius and the Church were of a friendly character, as is testified by his legislation.<sup>1</sup>

This critical examination of the alleged historical precedents is interesting and effective, for no doubt it fixed upon a weak point in the Hildebrandine position; but this is not all that is important in the treatise. Indeed, its most significant aspect is its careful statement and discussion of the principle of the distinct functions and the equally divine authority of the two powers. He quotes some of the most important passages from the writings of Pope Gelasius I. to establish the principle that it was God Himself who ordained the two powers—that is, the Temporal and the Spiritual—to govern the world, and that Christ separated the two from each other. It is the function of the Temporal power to punish the evil and reward the good. It is clear that God had not ordained that all crimes should be punished by the heads of the Church, many of them are rather to be dealt with by the secular authority; the priest has only one sword, that of the Spirit. He also urges that it had often happened in former times that kings or emperors had been the friends and defenders of heretics; but even under such circumstances the bishops and Popes had addressed them in deferential and conciliatory terms, that they might secure peace to the Church, and he illustrates this with various passages from the letters of the Popes Gelasius and Anastasius. It never entered into the minds of the Pontiffs that they should endeavour to depose the Emperors, but they left them to the judgment of God.<sup>2</sup> The author returns

<sup>1</sup> Id., i. 9: "Scriptum est enim, quod Innocentius papa Arcadium imperatorem excommunicaverit, eo quod in depositione sancti Iohannis episcopi consenserit, sed unde hoc assumptum sit, nos quidem adhuc incertum teneamus, sed pro certo novimus, quod nec in Gestis Romanorum pontificum in-

ventur, ubi gesta pariter eiusdem Innocenti describuntur, nec in libro decretorum eius reperitur, nec in Tripartita historia ubi plus quam alibi legimus de illius depositionis sententia," &c

<sup>2</sup> Id., i. 3 "Unde et Gelasius papa; 'Christus,' inquit, 'memor fragilitatis

to this in a later part of his treatise, and, reaffirming the principles of the distinctiveness and independent divine authority of the two powers, contends that Hildebrand and

humanæ, quod suorum salutis congreret, dispensatione magna temperaret, sic actionibus propriis dignitatibusque distinctis officia potestatis utriusque discreverit, ut et christiani imperatores pro æterna vita pontificibus indigerent et pontifices pro temporalium cursu rerum imperialibus dispositionibus uterentur ac sic modestia utriusque ordinis curaretur, ne utroque suffultus extolleretur. Quæ cum ita Deus disposuerit et hæc duo, quibus principaliter hic mundus regatur, regalem scilicet potestatem et sacram pontificum auctoritatem ordinaverit, quis contra hæc ire temptabit, nisi qui Dei ordinationi resistit? Eo enim modo beatus apostolus Paulus ecclesiam Dei ordinat, ut nihil adversus principes et potestates sæculi gerens per quietem et tranquillitatem vitæ opus iustitiæ et pietatis exerceat. 'Omnia,' inquit, 'anima potestatibus sublimioribus subdita sit, ut quietam et tranquillam vitam agamus in omni pietate et castitate, quod bonum et acceptum est coram salvatore nostro Deo. Qui autem resistit potestati, Dei,' inquit, 'ordinationi resistit.' Non hic de illis potestatibus dicit, quæ persecutiones inferunt fidei, quia ibi dicendum est 'Deo obtemperare oportet magis quam hominibus,' sed de istis communibus dicit, quæ non sunt timori boni operis, sed mali, quibus utique qui resistit ipse sibi damnationem pro gestorum qualitate conquirit. 'Vis autem,' ait, 'non timer potestatem? Bene fac et habetis laudem ex illa, Dei enim minister tibi in bonum, si autem male feceris, time, non enim sine causa gladium portat; Dei enim minister est, vindex in iram ei qui malum

agit.' Ex his certe apostoli verbis apparuit ordinasse Deum non per antistites et ecclesiarum principes omnia crimina vindicari, sed ea, quæ excedunt districtiorem ecclesiasticam lenitatem, vindicari per iudicem mundi. Sacerdotale enim iudicium non habet nisi gladium spiritus, quod est verbum Dei, atque ideo, cum per ecclesiasticas regulas non potuerit hereticos coercere ecclesia Dei, adjuvatur, sicut ait beatus Leo papa, severis constitutionibus christianorum principum, quando ad spirituale nonnumquam recurrunt remedium qui timent corporale iudicium. Sæpe autem contigit, reges aliquos vel imperatores fuisse hereticorum fautores atque defensores, sed quanto crudelior hostis ad nocendum, tanto perspicacior cura erat episcoporum pro expetenda pace ecclesiarum, quoniam iuxta Anastasium papæ testimonium ille pro Christo fungitur legatione, qui pro pace precatur ecclesiæ. Quapropter idem Anastasius scribit ad Anastasium imperatorem hereticum et defensorem hereticorum. 'Gloriosissimo et clementissimo filio Anastasio augusto Anastasius episcopus. Exordium pontificatus mei primitus oblata populi pace pronuntio, consequenter pro fide catholica humilis pietate tuæ precator occurro, in quorum primo divinum favorem proquinquasse confido, quod consonantia in me augustissimi nominis non dubium præstat auxilium, ut sicut vocabulum pietatis tuæ per universas gentes toto orbo præfulget, ita per ministerium meæ humilitatis, sicut semper est, sedes beatissimi Petri in universali ecclesia assignatum a domino Deo teneat principatum.' Et Gelasius papa scribens permulta

his bishops had really attempted to overthrow the divine order, and to usurp an authority which belonged not to them but to the king.<sup>1</sup>

ad eundem Anastasium imperatorem pro pace ecclesiastica sic ait inter cætera 'Fili clementissime, rogo te pure, sincere, ut me in hac vita audas potius deprecantem, quam, quod absit, in divino iudicio sentias accusantem.' Sic certe, sic solebant Deo digni pontifices Romani suppliciter deprecari pro ecclesiastica pace, non quærentes, immo nunquam concipientes animo, aliquos de regibus sive imperatoribus deponere, et ideo pacem quærentibus atque pacem offerentibus aderat Deus, remunerans humilitatem, patientiam et mansuetudinem eorum et vindicans se super hostibus ipsorum. Nam postquam ille etiam Anastasius imperator hereticus præsules ecclesiarum supplicantes audire contempsit, divino iudicio adustus fulmine interit. Quarit autem nunc aliquis pontificum deponere principem populorum, quod est excitare quasi incendium ad destructionem ecclesiarum. Si enim ponamus verbi gratia, credentes Christo potestatibus sæculi subiectos non esse, non tradere tributa nec vectigalia pensitare, nulli eorum timorem vel honorem deferre, nonne per hoc rectorum et principum merito in semet ipsos arma converterent et persecutores quidem suos excusabiles, semet ipsos vero culpabiles facerent. Non enim iam fidei, sed contumaciæ causa impugnari viderentur, et esset illis causa quidem mortis digna, meritum vero mortis indignum. Hoc ergo providens dicit apostolus, immo per apostolum sic ordinat Christus. 'Reddite omnibus debitum cui tributum, tributum invicem diligatis.' Quæ cum ita sint a Deo disposita et scriptis atque exemplis

comprobata, nonne Dei ordinationi resistit, qui potestatibus resistit?"

<sup>1</sup> Id., II 15: "Hanc Dei dispositionem quisquis diligenter considerat iuxta divinam utriusque potestatis ordinationem, perspiciet sane in hoc quoque per Hildebrandum et episcopos eius magnam operatam esse iniquitatem, qui, cum pro pontificali dignitate non deberent vel negotiis sæcularibus sese implicare, usurparunt sibi ordinationem regis dignitatis contra Dei ordinationem et contra usum atque disciplinam ecclesiæ."

Hæc quidem scribit Gelasius, sed Hildebrand et episcopi eius vindicaverunt sibi absque dubio fastigium regis regulæ, immo usurpaverunt sibi officia potestatis utriusque, quoniam apud illos plane est regnum aut ubi ipsi volunt, perversiores inde effecti præ nimia ambitu usurpatione, ut ad neutrum horum sive ad sacerdotium sive ad regnum possint idonei existere, cum unum ex his pro sui magnitudine diligentior quis non possit implere. . . . Igitur cum uterque dignitas, regalis scilicet atque pontificalis, sic ordinata sit a Deo, quatinus spiritalis actio a temporalibus distet incurisibus et Deo militans minime se negotiis implicet sæcularibus, et cum non possint omnes res tutæ esse, nisi quæ ad divinam confessionem pertinent et regia et sacerdotalis defendit auctoritas, attendite, obsecro, et videte, quomodo Hildebrand et episcopi eius inter alias innumerabiles, quæ inde emerunt, hereses quæsierint, resistentes miro modo Dei ordinationi, hæc duo principalia, quibus regitur mundus, extirpare et ad nihilum ducere, cupientes etiam alios omnes episcopos tales esse

This treatise is thus of great importance in that it raises more clearly than had hitherto been done the question of the whole significance of Gregory VII.'s claims. He does not indeed refer directly to the very emphatic and highly developed form of these which had been made by Gregory in his later statements,<sup>1</sup> but he urges with much force what he felt to be the significance of the whole of Gregory's action, and maintains that this confusion between the two powers could only end in the destruction of both. We have in the last volume dealt with this treatise as seeming in some measure to illustrate the survival of the tradition of Gregory the Great that the royal authority was in such a sense divine and derived from God, that all resistance to it was unlawful and impious;<sup>2</sup> but this position must not be confused with his contention that the Hildebrandine claim destroyed the divinely appointed distinction between the Spiritual and the Temporal powers.

We may finally observe the terms in which the author discusses the question of the election of the Antipope Guibert, and his claim to be recognised as Pope, at least after the death of Gregory VII. He represents Henry as coming to Rome, desiring either to come to terms with Gregory, or, if that could not be done, to procure the appointment of another Pope. It was only when Gregory refused to receive him, unless he resigned the kingdom into his hands, that he was compelled to use force. When he had occupied the city the Roman Church elected Guibert as Pope, and he consecrated Henry as Emperor.<sup>3</sup> The author passes over the

sicut sunt ipsi, qui vere non sunt episcopi, et reges eiusmodi habere, quibus ipsi regia licentia possint imperare."

<sup>1</sup> Cf. pp. 201-209.

<sup>2</sup> Cf. vol. iii. p. 120.

<sup>3</sup> Id., ii. 7: "Ecco enim Henrichus rex, non ut dispergerit oves Christi, sed ut congregaret eas in unum, profectus est Romam, præcipue studens aut cum Hildebranto redire in gratiam, aut, si id fieri non posset, substituere

alium papam, qui amaret pacem et evangelizaret pacem, cum iam per plures annos bellum undique vastaverit Romanum orbem; sed ille noluit regem recipere, immo respuit eum alloqui vel videre, nisi offeret sibi regale sceptrum et redderet in manus suas regiam potestatem et honorem et regnum. . . . Ergo rex, cum obstinatum papæ animum non posset inclinare ad studium pacis alia pactionis conditione, nisi

fact that Guibert had been elected as Pope by Henry and the bishops of his party at Brixen in June 1080, evidently wishing rather to rest his claim to the Papacy on his reception or election by the Roman Church in 1084. In a later chapter, however, he suggests that even if there had been some irregularity about his original election, this was no sufficient reason why he should not be recognised as Pope after the death of Gregory, and he cites cases in which the appointment of Popes had been irregular, but they were afterwards recognised and accepted by the Church.<sup>1</sup> The treatment of the subject is very similar to that of Wido of Ferrara.<sup>2</sup>

If we now endeavour to sum up the main points in the literature we have just examined, we shall recognise the great need of caution in dealing with the principles at issue. We do not find in these writers a systematic theory of the respective powers of the spiritual and temporal authorities; we must be very careful not to attribute to them theories which we may think to be logically connected with their opinions; indeed, it may be said of all, or almost all of them, that they are not so much concerned with a general theory of the relation of the two authorities as with the actual situation of the moment.

There were two main questions immediately at issue between the two parties—the question of the right or authority of the King of the Germans and the bishops of the Church to appoint or depose a Pope, and the question of the authority of the Pope to excommunicate and depose the King. The supporters of Henry IV. contended that no Pope could be elected without the consent of the King or Emperor, and they were no doubt able to bring forward a great amount of histori-

cederet regno, quod Deo ordinante obvenerat sibi avita pariter et paterna successione, tunc demum usus est belli necessitate. . . . Tum quidem Romana ecclesia elegit Wigberdtum successorem illi fugitivo, cum certe principes non sint timori boni operis sed mali, sicut dicitur a

Paulo apostolo. Tum etiam rex ordinatus est imperator ab eodem papa Clemente, ex qua amborum ordinatione præcipue insignis est annus, qui tunc erat ab incarnatione Domini mlxxxiii."

<sup>1</sup> Id., ii. 21.

<sup>2</sup> Cf. p. 241.

cal evidence in support of the contention, and some of them maintained that Gregory VII. had never obtained this consent. Several of them maintained that in certain circumstances at least it was lawful to judge and depose the Pope, and contended that the conduct of Gregory VII. had been such as to justify the action of Henry and his deposition.

The supporters of Gregory do not for the most part discuss the question of the right of the Emperor to be consulted with regard to the election of a Pope. Manegold, however, repudiates it. We have seen that there was perhaps some hesitation in their minds about the question whether the Pope could be judged by anyone, but on the whole they repudiated the contention.

The Hildebrandine party look upon the conflict as having arisen ultimately from the urgent need for the reformation of the Church, and the refusal of Henry to accept this. This is urged with great force, not only by Manegold, but also by Wido of Ferrara, in his exposition of the case for Gregory. And, with regard to the great and revolutionary events of 1076, it must be observed that the supporters of Gregory urge that he only excommunicated and deposed Henry in consequence of his action in first deposing the Pope. It is very noteworthy that Gebhardt of Salzburg puts this point very emphatically, and urges that it was Henry, and the bishops who followed him, who were the authors of the whole trouble. This is also urged not only by Manegold and Bonizo, but also by Wido of Ferrara. It is apparently true to say that, as far as the authors of these treatises are concerned, the supporters of Gregory were not at first quite clear in their minds whether his action had been wholly wise. Gebhardt seems to admit that it might be thought unduly hard, and Bernard was not at first clear about his procedure, but they are throughout clear that his action was legitimate.

They are emphatic in asserting that no one, not even the king, was exempt from the spiritual jurisdiction of the Church and the Pope, and they brought forward a number of alleged precedents for this. They do not, strictly speaking, argue that the power of excommunication necessarily implied the

power of deposition, but rather seem to assume it on the ground of a certain number of alleged precedents, especially that of the alleged action of Pope Zacharias in deposing Chilperic, the last of the Merovingian kings. It is possible that we get nearer the real ground of these views in the contention of Bernard in the 'Liber Canonum contra Heinricum Quartum,' that an oath of fidelity to an excommunicated person cannot be thought of as binding. It is indeed evident that the generally received principle that the faithful must have no dealings with an excommunicated person made the position of an excommunicated king very difficult.

The supporters of Henry IV. met these contentions in various ways. In the first place, Wenrich maintains that a sentence of excommunication was not necessarily just, and an unjust sentence was, *ipso facto*, void. Others, however, carried the criticism further, and examined the alleged cases. Wido of Osnaburg does not say that the Popes had no authority to excommunicate the Prince, but denies that they had ever done this before, and this not from any fear of man, but because they saw that it would not tend to "edification," and would bring about the gravest evils. The author of the treatise 'De Unitate' does not deny that Theodosius had been excluded from the communion of the Church by St Ambrose, but he examines with considerable historical acumen the statement that the Emperor Arcadius had been excommunicated by Pope Innocent. What is, however, more important, is the criticism which was directed against the assumption that the power of excommunication necessarily implied the power of deposition, and against the alleged precedents for this. Wenrich urged that even if it were admitted that Henry IV. was all that Gregory alleged him to be, the Popes had no authority to absolve his subjects from their oath of allegiance, and that it was a thing unheard of that the Pope should bid a king descend from the throne of his fathers. Wido of Osnaburg maintains that, even if the excommunication of Henry had been just and valid, this gave Gregory no authority whatever to absolve his subjects from the oath of allegiance. The author of 'De Unitate' deals with the



subject by means of a careful criticism of the alleged deposition of Chilperic by the Popes, and urges with important examples, that the fact that a ruler was separated from the Church, had not as a matter of fact been considered a sufficient reason for assailing his political authority.

It is indeed in this treatise, as we have said, that we find the broadest apprehension of the nature of the questions which the great conflict had raised. As the author sees the matter, the question at stake was really the question of the independence of the two great powers. It is very significant that he restates with great emphasis and insight the Gelasian principle of the separation of the two powers by Christ Himself, and that he urges that there are vices and crimes which the Church cannot deal with, for the Church has only one sword—that is, the sword of the Spirit. It must, however, be observed that he does not meet the contention of the supporters of Gregory, that the conflict had arisen primarily from the attempt of Henry and his bishops to interfere with the freedom of the Roman See, and therefore of the Church as a whole.

Finally, it must be noticed that no one of the writers who maintain the cause of Gregory makes any claim that the Church, or the See of Rome, possesses a general authority in temporal matters. There is nothing which corresponds with some of the phrases used by Gregory VII. in his letter to Bishop Altmann of Passau, or even to that of his declaration at the Council of Rome in 1080.<sup>1</sup>

<sup>1</sup> Cf. pp. 201, 208.

### CHAPTER III.

#### DISCUSSION OF THE ACTIONS AND CLAIMS OF GREGORY VII.—II.

WE do not propose to follow the sequence of historical events after the death of Gregory VII. in any detail. We have been compelled to do so for his pontificate because the development of the claim to political authority was so closely connected with the actual circumstances of the time. Gregory died at Salerno on May 25, 1085, and it was not till May 24 of the following year that Desiderius, the Abbot of Monte Casino, was elected in his place as Victor III. It has been suggested that he was inclined to come to some understanding with Henry IV.<sup>1</sup> We doubt whether the evidence for this is adequate, but it is noteworthy that, while in the Council held at Beneventum in August 1087 he repeated the excommunication of the Antipope Guibert, and of all those who should receive "investiture" of any bishopric or abbey from lay hands, and any emperor, king, or duke who might presume to give "investiture," there is no direct mention of Henry IV., and no reference to the question of his being deposed. Whatever may have been the mediating tendencies or intentions of Victor, he died in September 1087, before anything could come of them.

There was again a considerable interval of time before a successor was found: it was not till March 1088 that Otto, the Bishop of Ostia, was elected and consecrated as Urban II. He was a Frenchman, and a monk of Cluny, who had been

<sup>1</sup> Cf. Hauck, 'Kirchengeschichte Deutschlands,' vol. iii. p. 852.

brought to Rome and elevated to the Cardinalate by Gregory VII., and had been one of his staunchest supporters. In his first declaration of policy he seemed determined to maintain the policy of Gregory VII. in its entirety. On March 13, 1088, the day after his election, he wrote to the bishops and others of the papal party in Germany: he announced to them his election, and assured them that he desired in all things to follow in Gregory's steps—what Gregory had condemned he condemned, what Gregory had held he held, what Gregory had approved he also approved, and in all things he thought as Gregory had thought. He exhorted them, therefore, to stand fast manfully as the Lord's warriors in the day of His battle.<sup>1</sup> In April 1089 he wrote to Bishop Gebhardt of Constance, appointing him his legate in Germany, and informed him that after long deliberation with the brethren on the question of excommunication, it had been determined that in the first grade the Antipope and Henry IV. should be held excommunicate.<sup>2</sup> In September of the same year he renewed the prohibition of lay "investiture."<sup>3</sup>

The political situation in Germany had again changed. In 1088 Hermann of Thuringia had died; no other claimant to

<sup>1</sup> Jaffé, 'Monumenta Bambergensia,' p. 503: "De me porro ita in omnibus confidite et credite sicut de beatissimo patre nostro papa Gregorio. Cuius ex toto sequi vestigia cupiens, omnia quæ respuit respuo, quæ dampnavit dampno, quæ dilexit prorsus amplector, quæ vero rata et catholica duxit confirmo et approbo, et ad postremum in utramque partem qualiter ipso sensit, in omnibus omnino sentio atque consentio.

Nunc igitur precor et hortor fraternitatem vestram: ut agatis viriliter atque constanter et confortemini in potencia virtutis Dei, ascendentes ex adverso et opposcentes murum pro domo Israel, ut strenuissimi Domini bellatores stetis in prelio die ipsius."

<sup>2</sup> Mansi, 'Concilia,' xx. p. 715: "Fratrum itaque communicato consilio, diuque excommunicationis quæ-

sione tractata, sancti prædecessoris nostri Gregorii sententiam confirmantes, ita eam Domino inspirante determinavimus. Primo quidem gradu Ravennatem hæresiarum, Romanæ Ecclesiæ invasorem, cum Henrico rogo, eiusdem perversitatis capite, ab omnibus Ecclesiæ Catholice membris alienum, et excommunicatum esse censemus."

<sup>3</sup> Id. id., xx. p. 723, 'Concilium Molitanum,' 8: "Illud summopere et apostolicæ auctoritatis privilegio prohibentes interdiximus, ut nullus in clericali ordine constitutus, nullus monachus, episcopatus, aut abbatia, aut cuiuslibet ecclesiasticæ dignitatis, investituram de manu laici suscipere audeat. Quod si præsumperit, depositione mulctetur."

the throne had been set up, and men's minds turned to thoughts of peace. In 1089 the princes who adhered to the papal party approached Henry and offered their submission if he would give up his support of the Antipope Guibert. Bernald, in his 'Chronicle,' represents Henry as being personally inclined to do this, but as being dissuaded by the bishops of Guibert's party. The negotiations were renewed in 1091, but again they failed.<sup>1</sup> The opportunity had passed; and in 1093, Conrad, who had been crowned at Aix-la-Chapelle in 1087, rose against his father, and the whole political condition changed in Germany and also in Lombardy. Several of the great Lombard cities—those named by Bernald are Milan, Cremona, Lodi and Piacenza—formed a league against Henry. Conrad was crowned by the Archbishop of Milan, and two years later, 1095, at Cremona he swore fidelity to Urban II., and was received by him as a son of the Roman Church. Urban promised him his help to obtain the kingdom and the Imperial crown, but always saving the rights of the Roman Church and the abolition of lay "investiture."<sup>2</sup>

Urban was now at the height of his power: from Lombardy he passed into France, and at the Council of Clermont, held in November 1095, he proclaimed the Crusade, renewed the prohibition of lay investiture,<sup>3</sup> and excommunicated Philip, the King of France, for deserting his wife and living in adultery.<sup>4</sup> When he died in July 1099, the papal cause was again powerful, both in Germany and in Italy.

Paschal II. was elected on the 13th of August of the same year, and in a letter of January 18, 1100, to Gebhardt of Constance, whom he had continued as papal legate in Ger-

<sup>1</sup> Bernald, 'Chronicon,' 1089, 1091.

<sup>2</sup> Id. id., a. 1095: "Conradus rex filius Heinrici domno papæ Urbano Cremonam venienti obviam progreditur, eique stratoris officium exhibuit 4 Idus Aprilis. Deinde fecit ei fidelitatem iuramento de vita, de membris, et de papatu Romano. Dominus autem papa in filium sanctæ Romanæ ecclesiæ recepit illum, eique consilium et adu-

torium ad obtinendum regnum et ad coronam imperii acquirendam coram populo firmissime promisit, salva quidem iusticia illius ecclesiæ, et statutis apostolicis, maxime de investituris in spiritualibus officiis a laico non usurpandis."

<sup>3</sup> Mansi, 'Concilia,' xx. p. 815 ff.

<sup>4</sup> Bernald, 'Chronicon,' 1095.

many, he assures him that the rumour that he was about to make concessions to Henry IV. and his followers was false.<sup>1</sup> In September 1100 Guibert of Ravenna, the Antipope, died, and there were movements towards a settlement between Henry IV. and the Papacy; but nothing came of those, and in January 1102 we find Paschal II. exhorting the Count of Flanders to attack Henry IV. and those who supported him, in every possible way, assuring him that he could render no better service to God than this.<sup>2</sup> In March 1102, at a Council in Rome, Paschal formally renewed the excommunication of Henry IV. He stoutly maintained the prohibition of lay "investiture," as we can see from his correspondence with Anselm and Henry I. of England,<sup>3</sup> and in one letter he forbade the clergy to do homage to a layman.<sup>4</sup> In 1104 he urged upon the Catholics of Bavaria and Swabia that Henry IV. was excommunicated.

It was in the last days of 1104 and the first of 1105 that a new revolt broke out against Henry IV. His elder son, Conrad, had died in 1100, but now a more dangerous rising was organised in Germany by his younger son, Henry. He asked for Paschal's absolution from his oath to his father, and Paschal sent him his blessing, and absolution from the oath, if he promised to be just in his dealings with the Church.<sup>5</sup> In May Henry summoned a Council at Nordhausen, at which he made profession of profound deference to Rome; but, as it would seem from Ekkehard's account, without any very specific promises.<sup>6</sup> In November of the same year Paschal, in a letter addressed to the Archbishop of Mainz, restated, in view of the new conditions, the principles which he maintained. He is careful to urge that he desires the King to enjoy all those rights which properly belonged to him, and protests that he does not in any way desire to diminish these; but on the other hand, the Church must be left in the

<sup>1</sup> Jaffé-Wattenbach, 'Regesta,' 5817. 5908, 5928, 5956, 5960.

<sup>2</sup> Sigebert of Gembloux, 'Leodicensium Epistola adversus Paschalem Papam.'

<sup>3</sup> Jaffé-Wattenbach, 'Regesta,' 5868,

<sup>4</sup> Id. id., 5909.

<sup>5</sup> 'Annales Hildesheimenses,' 1105.

<sup>6</sup> Ekkehard, 'Chronicon,' 1105.

enjoyment of her liberties. He acknowledges the place of the King as "defensor" of the Church, and as having the right to enjoy "subsidia" from the Church, but he has nothing to do with the ring and staff, that is with "investiture"; and he expresses his anxiety to have peace on the condition that kings and priests mutually recognise each other's rights.<sup>1</sup>

On December 31, 1105, Henry IV. was compelled by his son and the secular and ecclesiastical princes to resign the Kingdom and Empire; in the following year he repudiated his renunciation and found considerable support, but on the 7th of August he died. We have dealt with the relations of the Papacy and Empire down to the settlement of Worms in 1122 in the first part of this volume, and we need not therefore go over this again.

In the last chapter we have endeavoured to set out the main characteristics of the controversy which arose immediately out of the great conflict between Gregory VII. and Henry IV. We have now to consider the further developments of this controversy in writings which are still closely related to that conflict, but also to the history of the years which followed Gregory's death, which we have just summarised. It is no doubt impossible to draw any sharp line between these writings and the earlier ones, but yet we think that there is some difference. The literature we have hitherto discussed belongs to the years 1076 to 1093, that with which we now deal belongs to the years from 1097 to

<sup>1</sup> Jaffé, 'Monumenta Moguntina.' p. 379: "Sacerdotii ac regni grave iam diu scandalum fuit, quia, usurpantibus non sua regibus, ecclesia quod suæ est libertatis amisit. . . . Super hoc negotio nova nos oportet sollicitudine concitari, cum novi regni opportunitatem divina dispositio providit. Nos enim regibus, quæ sui iuris sunt, integra servare optamus, nec in aliquo minuiimus: dummodo ipsi sponsæ sui Domini libertatem integram patiantur, quam sui meruit sanguine redemptoris. Sic agentes nostrum auxilium, nostrum

consilium, concordiam nostram, nostram dulcedinem obtinebunt; alioquin tantam dominæ ac matris nostræ indignitatem pati non possumus. Quid enim ad militem baculus episcopalis? Quid anulus sacerdotalis? Habeant in ecclesia primatum suum, ut sint ecclesiæ defensores et ecclesiæ subsidiis perfruantur. Habeant reges, quod regium est; quod sacerdotum est habeant sacerdotes. Sic pacem invicem teneant et se invicem in uno Christi corpore venerentur."

1125. No doubt in this period the conflict was still acute: there was no reconciliation between the Empire and the Papacy so long as Henry IV. was alive; and even after his death in 1106 the conflict, after a few years of comparative tranquillity, broke out again. And yet we think it is true to say that there is a certain difference in the character of these works, not that necessarily the claims of either party are lower—that is just what we shall have to consider—but that the controversy is occupied not merely with the actual situation but also with general principles, and while the controversialists sometimes set forward the most extreme positions, there is yet also frequently traceable an attempt to estimate and recognise the significance of the contentions of the other party.

The first of the writings with which we deal is the ‘*Libellus contra Invasores et Symoniacos*’ of Cardinal Deusdedit, which belongs to a date not earlier than 1097. He had been a consistent and strenuous supporter of Gregory VII. from the time when he is first mentioned in 1078. We have already referred to this work in relation to the “investiture” controversy, we now only deal with it as illustrating Deusdedit’s position with regard to the nature of the temporal and spiritual authorities and their relation to each other.

In the Prologue, after setting out the main subjects of his treatise, he urges that he does not intend to belittle the royal authority, for it has its just place as much as the sacerdotal. The priest is to use the sword of the “Word,” while the king wields the material sword: each has need of the other, and neither should interfere with the functions of the other.<sup>1</sup> The words are noticeable, and especially the assertion that the Church only uses the one sword, and the frank recognition of the distinctive place of the Temporal power. In the collection of canons which he had prepared in 1087, Deusdedit had cited a number of authorities which asserted the divine origin of the secular authority, and its function as the minister of God’s justice.<sup>2</sup>

<sup>1</sup> Deusdedit, ‘*Libellus contra Invasores et Symoniacos*,’ Prologue.

<sup>2</sup> Cf. vol. ii. p. 147.

In the third part of the treatise, however, the position which Deusdedit takes up might seem scarcely consistent with this. He has been considering a question of great importance—that is, the exemption of the clergy from the jurisdiction of the secular courts. We have in another volume dealt with the canonical discussion of this question.<sup>1</sup> We are here concerned with some observations which Deusdedit makes upon what he conceives to be a conflict between the ecclesiastical and the secular laws upon this subject. He maintains that in a case of conflict the secular laws must be rejected, and declares that in legislation the “sacerdotium” has a “primatus,” for God gave laws to the kings through priests, and not to priests through kings; and he illustrates this from the cases of Moses and Aaron, and of the Apostles. The sacerdotal authority, he says, surpasses the royal authority, for it was created by God Himself, while the royal authority was made by man, with God’s permission indeed, but not by His will, and he confirms this principle by citing the circumstances of the appointment of Saul.<sup>2</sup> We have dealt with the last part

<sup>1</sup> Cf. vol. ii. pp. 233-235.

<sup>2</sup> Deusdedit, ‘*Libellus contra Invasores et Symoniacos*,’ iii. 12: “Et quoniam non ignoramus quedam esse tam in codice Iustiniano, quam in libro Novellarum et in quibusdam aliis legum libris sæcularium, quæ a præfatis patrum et christianorum principum sanctionibus de ministrorum Dei iudiciis dissentire videantur, dicendum est, quoniam sæculi leges, in quantum ecclesiasticis non obviant, sequendæ et amplectendæ sunt; quippe cum quædam constitutiones earundem a christianis imperatoribus, episcopis deprecantibus in auxilium christianæ religionis statutæ legantur: in his autem in quibus aperte dissentire videntur, penitus respiciendæ sunt: sicut in eo, quod senserint imperiali iussu episcopum crimine impetuum produci licere ad iudicandum apud civilem et militarem iudicem. In eo quoque nihilo minus, quod auctore pulsante clericum

in criminali negotio, tum sæculares iudices tum temporales sanctiunt ad eandem potestatem, ut ab eis rous comprobatur, sublata primum ab episcopo suo qua fungebatur dignitate, sæcularium sententiam subeat legum contra sacros canones quatuor principum conciliorum, quæ prefatæ leges in plenissimum auctoritatis robur recipi consuerunt, a quibus statutum est episcopos et reliquos Dei ministros vel a suis comprovincialibus, vel apud suum iudicari primatem, vel Romanum appellare pontificem contraque hæc, quæ superius ait imperator Constantinus in Nicæna synodo, ‘non esse conveniens, ut homo iudicet deos, cum Deus omnipotens talibus diis dedit potestatem etiam imperatorem iudicandi.’ . . . In promulgandis quoque legibus itidem certum est sacerdotium tenere primatum, cum non primum per reges sacerdotibus, sed per sacerdotes regibus et ceteris fidelibus (sanctissimus) Deus

of the passage in the third volume in relation to other phrases of the same kind, and we therefore do not discuss it again.<sup>1</sup>

We must observe, however, that the whole passage raises a different matter—that is, the question whether in all cases of conflict between ecclesiastical and secular law the secular must always give way. This question we have discussed in another volume,<sup>2</sup> so far, that is, as it is dealt with in the canonical literature, and we do not at present return to it in its general significance. What, however, are we to conclude as to the meaning of the position of Deusdedit? As we have just seen, Deusdedit clearly in this treatise maintains the distinctive place and position of each authority, the temporal as well as the spiritual, and in the 'Collectio Canonum' he had set out the authorities which declared the divine origin and authority of the Temporal power. Are we to think that in the last passage he intends to contradict these principles, and to maintain that the secular power had no divine character, and that the Spiritual power had some ultimate authority to override it, even within its own sphere, and with regard to its proper functions? This seems to us to be most improbable, and we should suggest rather that we have here a very good illustration of the need of the great caution which is required in interpreting isolated phrases of the mediæval writers. Deusdedit is clearly concerned here as elsewhere to maintain the complete independence of the ecclesiastical authority and its legislation,<sup>3</sup> and he asserts that it has

omnipotens leges statuerit: primo quidem populo per eos sacerdotes, de quibus scriptum est: 'Moyses et Aaron in sacerdotibus eius'; postremo vero per apostolos eorum et discipulos et sequaces. Nec mirum sacerdotalem auctoritatem, quam Deus ipse per se ipsam constituit, in huiusmodi causis regiam precellere potestatem, quam sibi humana prefecit adinventio, eo quidem permittente, non tamen volente. Nam de primo rege populi sui, quem sibi petiit spreto prophetæ principatu, ait ad eundem: 'Non te,' inquit, 'spreverunt, sed me, ne regnem super

eos.' Et iterum: 'Pænitet me, quod constituerim Saul regem.' De sacerdotio vero, quod christiano populo constituit, iuravit, quod non pænitebit eum, id est non mutabit quod instituit. Pænitere quippe eius est, ut ait Augustinus, corruptibilium rerum conditionem in alterum statum commutare."

<sup>1</sup> Cf. vol. iii. p. 99.

<sup>2</sup> Cf. vol. ii. pp. 80 and 227-233.

<sup>3</sup> Cf. especially his emphatic repudiation of the contention that the election of the Pope required the royal confirmation. See pp. 92, 93.

relatively to the secular authority a certain "primatus," but this is not at all the same thing as to say that the ecclesiastical law could override the secular within its own proper sphere.

In January 1103, Pope Paschal II. wrote to the Count of Flanders urging him to attack the clergy of Liège, whom he treated as excommunicated, on account of their relations with Henry IV., and praised him for his vigorous action against Cambrai. At the instance of the clergy of Liège, Sigebert, a monk of Gembloux, wrote a letter, in the name of the Church of Liège, protesting against the letter of the Pope, and addressed it to all men of good will.<sup>1</sup>

Sigebert's letter does not for the most part represent any new principles, but it sets out the position of those who refused to renounce their allegiance to Henry IV. with singular force, and it expresses not merely a judgment upon the theoretical points at issue, but a vivid sense of the actual results of the conflict. It is indeed this which gives its special significance to the work. Sigebert restates the doubt whether kings can be excommunicated; the matter is still, he maintains, *sub iudice*,<sup>2</sup> but he is certain that whether the king is excommunicated or not, the oath of allegiance to him is binding, and he complains bitterly that the Pope should treat the people of Liège as excommunicated persons for no other reason than that they adhere to their bishop, who was faithful to his oath of allegiance to Henry.<sup>3</sup> He

<sup>1</sup> Cf. the admirable work of A. Cauchie, 'La Querelle des Investitures dans les diocèses de Liège et de Cambrai.' Paris, 1890.

<sup>2</sup> Sigebert of Gembloux, 'Leodiensium Epistola adversus Paschalem Papam,' 7: "Si quis denique respectu sancti spiritus vetus et novum testamentum gestaque revolverit, patenter inveniet: quod aut minime aut difficile possunt reges et imperatores excommunicari secundum ethimologiam nominum illorum et iuxta determinationem excommunicationis. Et adhuc sub iudice hęc est. Ammoneri quidem

possunt, increpari, argui a timoratis et discretis viris; quia quos Christus in terris rex regum vice sua constituit dampnandos et salvandos suo iudicio relinquit. Ecce, quare excommunicati vocamur: eo quod sanctos et moderatos et antiquos patres tenemus et pro posse imitamur."

<sup>3</sup> Id. id., 6: "Credo, dicetis nos ideo habere excommunicatos, quia favemus episcopo nostro faventi partibus domini sui imperatoris. In hac re sunt inicia dolorum, pro hac re crebrescunt causę malorum, quia satanas solutus, terram perambulans, iam

maintains that, however evil the king is, he must be obeyed; even if Henry were all that his enemies maintain, his subjects must not take arms against him, but must turn to God, and he urges that the rulers for whom St Paul bade men pray were not even Christians. The Pope should follow his example, and should pray for the king, however great a sinner he might be, that men might lead a quiet and peaceable life, and he ought not to raise up war against him, and thus prevent men from enjoying peace and quiet.<sup>1</sup>

divisit regnum et sacerdotium  
 Quis iure reprehendet, quod episcopus  
 partibus domini sui favet, cui pro  
 missam cum iuramento fidelitatem  
 debet? Periturum nemo dubitat esse  
 grande peccatum Deus solus iurat  
 et non penitet eum, quia sapientia  
 custodit præcepta iuramenti Dei Sed  
 nos, quos iurasse sepe penitet, iurare  
 prohibemur Si iurat homo, iubet  
 Deus, ut reddat domino iuramentum  
 suum Hoc nec ignorant illi, qui  
 regnum et sacerdotium scindentes  
 novollo seismate et novellis, ut quibus  
 dam videtur, traditionibus illos, qui  
 regi periurant, se a culpa periurii  
 absolvere promittunt, non attenden-  
 tes quod Ezechiel ex ore dicat de  
 Sedechia, qui periuravit domino suo  
 regi Nabuchodonosor 'Qui solvit,'  
 inquit, 'pactum numquid diffugiet?'

Id id, 5 Ut præcepit Paulus,  
 obediemus et subiacemus præpositis  
 nostris, qui vigilant pro animabus  
 nostris Nobis legem Dei tenentibus  
 obiciunt, quod transgrediamur eorum  
 novas traditiones At illis dicit Iesus  
 'Quare vos transgredimini mandatum  
 Dei propter traditiones vestras?'  
 Iubet Deus ut quæ sunt cesaris  
 reddite cesari, et quæ sunt Dei Deo  
 In hanc sententiam Petrus et Paulus  
 pedibus eunt Petrus Deum, in-  
 quit, 'tmete, regem honorificate  
 servi subditi estote in omni timore  
 domini non tantum bonis et modestis  
 sed etiam discolis, hæc est enim

gratia' Paulus 'Omnis anima po-  
 testatibus sublimioribus subdita sit,  
 qui potestati resistit Dei ordinationi  
 resistit' Qui hoc omni animæ præ-  
 cipit, quem a subiectione terrenæ  
 potestatis excipit? Quia ergo regem  
 honoramus, quia dominis nostris non  
 ad oculum, sed in simplicitate cordis  
 servimus, ideo excommunicati dici  
 mur

<sup>1</sup> Id id, 9 Nilil modo pro  
 imperatore nostro dicimus, sed hoc  
 dicimus, quod, etiamsi talis esset,  
 tamen eum principari nobis patere  
 mur, quia, ut talis nobis principetur,  
 peccando meremur Esto, concedimus  
 vobis inviti eum talem esse, qualem  
 dicitis Nec talis a nobis repellendus  
 esset armis contra eum sumptis, sed  
 precibus ad Deum fuis Contra  
 Pharaonem, cuius cor contra Deum  
 induravit, Moyses ranam, muscam,  
 locustam grandinemque induxerat  
 Has tamen plagas non nisi orando  
 extensis in caelum manibus avertere  
 potuit Et Paulus 'Obsecro,' inquit,  
 'primo omnium fieri orationes pro  
 regibus et pro omnibus, qui in sub-  
 limitate sunt constituti Reges illius  
 temporis pro quibus Paulus orare  
 obsecrabat, non catholici, non christi  
 ani erant. Baruch quoque ex ore  
 Ieremiæ scribit Iudeis a rege Baby-  
 lons captivatis Orate pro vita  
 Nabuchodonosor regis et Balthazar  
 filii eius ut sint dies ipsorum sicut  
 dies cæli super terram et det Dominus

Agam Sigebert suggests grave doubts whether Henry had been excommunicated for just reasons: he finds traces of unreasonable passion in the papal attitude to him, and he reminds the Pope of the warning of Gregory the Great, that he deprives himself of the power of binding and loosing who does this arbitrarily and without sufficient cause. An unjust sentence of excommunication may be annulled by God Himself.<sup>1</sup> He bids Paschal remember by what evil means, from the time of Pope Sylvester to that of Hildebrand, men had often reached the papal throne; and he reminds him that it had often been the Emperors who had had to bring the remedy, and to procure the condemnation and deposition of false Popes. The Pope ought to submit to reproof and correction with respect to grave and manifest evils, as Peter submitted to Paul; he who will not submit to reproof and

virtutem nobis et illuminet oculos  
 nostros, ut vivamus sub umbra  
 Nabuchodonosor regis Babylonis et  
 Balthazar filii eius, ut serviamus ei  
 multis diebus et inveniamus gratiam  
 in conspectu eorum' Cur pro malis  
 regibus orari debeat, Paulus dicit,  
 scilicet 'ut tranquillam vitam ag-  
 amus' Esset apostolicum imitari  
 apostolum, esset propheticum, imitari  
 prophetam Sed peccatis nostris mer-  
 entibus apostolicus, qui etiam modo  
 orare deberet pro rege quamvis pec-  
 catore, ut tranquillam et quietam  
 vitam agamus, agit bellando, ne tran-  
 quillam et quietam vitam agamus

<sup>1</sup> Id id, 11 'Quid de eo dicimus,  
 quod Henricum 'ab apostolis et apos-  
 tolicis vivis excommunicatum sancti  
 Spiritus iudicio, dicit Nihil illud  
 detestatur, quem ne regis nec impera-  
 toris nomine dignatur Quis poterit  
 discernere causam regni a causa sacer-  
 dotii? Nisi pax Dei, quæ exuperat  
 omnem sensum, copulet regnum et  
 sacerdotium uno angulari lapide con-  
 cordiæ, vacillabit structura ecclesiæ  
 super fidei fundamentum Ut potes-  
 tatem regni probat vel improbat causa

modusque regendi, sic potestatem sa-  
 cerdotii probat vel improbat causa  
 modusque ligandi et solvendi Nam  
 Clemens scribit dixisse Petrum  
 'Ligabis quod oportet ligari, et solves  
 quod expediat solvi', et 'Qui preest  
 ceteris, oportet agere vicem medici,  
 non bestiali furore commoveri' Qui  
 ergo debet agere vicem medici, audiat  
 etiam consilium sapientiæ 'Omnis,  
 inquit, 'potentatus brevis est vita  
 Languor prolixior gravat medicum  
 Brevem languorem precidit medicus  
 Sic et rex hodie est et eras morietur'  
 Cum ab omnibus indicatur prelato  
 virtus discretionis, quare apostolici  
 succedentes sibi invicem quasi here-  
 ditario bello excommunicandi indiscrete  
 in regem insurgunt, cui pro regali  
 dignitate etiam ipsi subici iubentur?  
 Qui excommunicatur Spiritus sancti  
 iudicio, utique repellendus est a Dei  
 domo Quocumque autem aliquis  
 excommunicatur aut ex causæ aut ex  
 personæ preiudicio, quis dicat hunc  
 excommunicatum esse sancti Spiritus  
 iudicio? Dicitis cum Gregorio 'Quo-  
 que modo regit pastor, timeat rex  
 vinculum pastoris Dicimus et nos

correction is a false bishop.<sup>1</sup> These considerations are forcibly stated, and it is important to observe that they are put forward by one who recognised Paschal II. as Pope, as well as the supreme place and authority of the Roman See.<sup>2</sup>

The most significant aspect, however, of his treatise is the eloquent protest against the policy of the Popes in appealing to force. He quotes the terms of the letter of Paschal II. to the Count of Flanders, in which he had praised him for that he had carried out his command by his attack upon Cambrai, and had urged him to go on to attack the schismatic clergy of Liege, and all other supporters of Henry IV. Sigebert expresses his horror that the Pope should claim the responsibility for the devastation of Cambrai, for the slaughter of innocent and guilty alike; he could not have believed that such things had been done by the authority of the Apostolic See, if Paschal himself had not said it. He contrasts this with the conduct of Martin of Tours, who refused to communicate with Bishop Itachius because he had been a party to the execution of Priscillian for heresy.<sup>3</sup> This reference to

cum Gregorio: 'Ligandi et solvendi potestate se privat qui subiectos pro suo velle et non pro eorum merito ligat et solvit.' Dicitis. 'Quoquo modo excommunicatur, si morte prevenitur, dampnatur.' Hic nobis succurrit Romanae ecclesiae auctoritas. Gregorius enim scripto et facto auctorizavit, quod potest Romanus praesul absolvere excommunicatum iniuste ab aliquo Si hoc potest Romanus praesul, quis neget etiam Doum posse absolvere, si quem praesul Romanus iniuste excommunicaverit? Nemo enim ledi potest ab alio, nisi prius ledatur a semet ipso"

<sup>1</sup> Id id, 8 "Pocius deposito spiritu praesumptivus cum suis consiliarius sollerter recolligat quomodo a beato Silvestro usque ad Hildebrandum sedem Romanam papae obtinuerint, et quot et quanta maudita ex ambitione illius sedis perpetrata sint, et quomodo per reges et imperatores diffinita sint, et

pseudopapae dampnati et abdicati sint. Et ibi plus valuit virtus imperialis, quam excommunicatio Hildebrandi, Odardi, Pascasi.

Dominus in evangelio dicit: 'Si male locutus sum, testimonium perhibe de malo' Et Paulus apostolus in faciem Petri principi apostolorum restitit. Ergo remoto Romanae ambitionis typo, cur de gravibus et manifestis non reprehendantur et corrigantur Romani episcopi? qui reprehendi et corrigi non vult, pseudo est, sive episcopus sive clericus"

<sup>2</sup> Id id, 1, 2, 4, 10, 13

<sup>3</sup> Id id, 4 " 'Gratias,' inquit (Paschal II.), 'prudentiae tuae agimus, quod praecipuum nostrum in Cameracensi parochia, executus es' Qualis et quanta sit vastitas et contritio Cameracensis ecclesiae, quis recolit sine dolore? Ego, quidem, filia Romanae ecclesiae, condolebam Cameracensibus pro affectu germanitatis Nunc vero,

Martin of Tours, and his condemnation of the execution of heretics, is very interesting; it may perhaps be accounted for in part by the fact that Wazo, the Bishop of Liège, was said to have maintained the same view as Martin, and to have condemned the use of violence against heretics.<sup>1</sup> We must not indeed assume that Sigebert would have drawn out all the conclusions which we may think to be implied in his contention; he was not probably intending to lay down a general principle, but is rather describing the actual impression made upon himself and others by the appearance of the Pope as the direct author of the slaughter of men and women. He returns to the matter in a later chapter, and asks whence did the Apostolic See derive the authority to draw the sword

audiens hec mala eis inferri praecipio apostolicae auctoritatis, iam amplius doleo Quia timeo matri meae, ne in eam redundet illud, quod dicit Deus per os Ysaiae: 'Ve, qui condunt leges iniquas, et scribentes iniustitiam scripserunt, ut opprimerent in iudicio pauperes et vim facerent causae humilium populi mei; ut essent viduae praeda eorum, et pupillos diriperent' et reliqua 'Tantum ecclesiae desolationem, tantam pauperum et viduarum oppressionem, tantam praedarum et rapinarum inmanitatem et, quod his gravius est, promiscuam bonorum et malorum occasionem, hic et peiora his praecipio apostolica facta esse, quis crederet, nisi ipse suo se ore prodidisset

Sed quia apostolicus haec mala sibi ascribit et ecclesiae vastatori per gratiarum actionem applaudit, super his mirandum an magis sit dolendum nescio Cui hoc magis sit periculosum, iulenti an obedienti, cui hoc magis sit dampnosum, facienti an patienti, quis homo discernet? Nos attenti hac novitate rerum, querimus unde sit hoc novum exemplum, ut praedicator pacis suo ore et alterius manu inferat ecclesiae bellum?

Martinus Turonensis posset apostolice sufficere ad exemplum, ut desistat ab

oppressione innocentium Priscillianum episcopum a Damaso papa pro heresi dampnatum Maximus imperator accusante Itachio episcopo occidit et ut omnes sequaces eius ubique occiderentur, edixit Martinus ergo aliquo episcopi Itachium communione ecclesiae privaverunt criminantes eum, quod eius accusatione qualiscumque homo occisus sit Maximus agebat cum Martino, ut Itachio communicaret, et Martinus agebat cum Maximo, ut sequaces Priscilliani non occiderentur, ni etiam catholici cum eis perirent. Quod petebat Martinus nullo modo inpetrasset, nisi ad tempus Itachio communicasset Si quodammodo anathema factus pro fratribus suis, retraxit ab eorum cervicibus gladium imperatoris Qui dampnavit accusatorem Itachium pro morte heretici, is, si adveniret, non laudaret istum, cuius praecipio tot occiduntur pro causa Cameracensium Qui etiam cum periculo animae suae liberavit hereticos a morte, quam graviter ferret innocentes pro aliena culpa opprimi? Nos res rebus conferimus, causas causis opponimus.'

<sup>1</sup> Anselm, 'Gesta Episcoporum Leodicensium,' 62 64.

against its own subjects. David was not held worthy to build the Temple of God because he was a man of blood, and how can the High Priest enter the holy of holies to offer the blood of Christ for himself and the people if his robe is stained with blood? No Pope, from Gregory the Great until Hildebrand, had used any but the spiritual sword, or had taken the sword of war against the Emperor.<sup>1</sup>

Many of Sigebert's arguments are not new, but we seem to feel in his letter a growing sense of the horror of the long conflict and its bloodshed and devastation.

It was about the same time as Sigebert addressed his letter to all men of good will that Hugh of Fleury dedicated a treatise upon the royal authority and the priestly dignity to Henry I. of England.<sup>2</sup> It does not seem possible to discover the precise causes which may have determined this dedication. England had no doubt been involved in the conflict over "investiture"; but while the treatise deals

<sup>1</sup> Id. id., 10. 'Cum ita sibi consonent apostolica et prophetica verba, quæro humiliter ego fiba a matre mea sancta Romana ecclesia: unde hæc auctoritas apostolico, ut præter spirituales gladium exerat in subiectos alterum occisionis gladium? Non ago pro rege, sed pro ecclesiarum matre, cuius parti timemus nos, eius filia. Si enim David non meruit ædificare templum Dei, quia vir sanguinum erat, summus pontifex, si una stilla sanguinis vestem eius tetigerit, quomodo in sancta sanctorum introibit cum sanguine Christi, quem offerat pro sua et populi ignorantia? O utinam non cum Pilato tantum lavet manus suas dicens: 'Mundus ego sum a sanguine innocentium,' sed etiam cum Petro dicat: 'Domine, lava non tantum pedes meas, sed manus et caput.' Iudei non excusaverunt manus suas a sanguine Christi, quem ipsi hora tertia linguis suis, hora sexta manibus crucifixerunt. Apostolicus vero se excusans dicit cum

Paulo: 'Mundus ego sum a sanguine omnium vestrum.' Quis pontificem Romanorum suis unquam decretis auctorizavit, ut debeat pontifex gladio belli in peccantes uti? Gregorius, primus huius nominis papa, quid omnes ante se papæ super hoc senserint et quid omnes post se sentire debeant, ostendit, scribens Sabimano diacono. 'Unum est, quod humiliter suggeras serenissimis dominis nostris, quia, si ego servus eorum in mortem vel Longobardorum me miscere voluissem, hodie Longobardorum gens nec regem nec duces nec comites haberent atque in summa confusione essent. Sed quia Deum timeo, in mortem cuiuslibet hominis me miscere formido.' Hoc exemplo omnes a primo Gregorio contenti utebantur solo gladio spirituali usque ad ultimum Gregorium, id est Hildebrandum, qui primus se et suo exemplo alios pontifices contra imperatorem accinxit gladio belli."

<sup>2</sup> Cf. Editor in 'Lib. de Lite,' vol. II.

with this, it has more of the character of a formal political treatise than the works with which we have hitherto dealt.

The writer sets out the purpose of his treatise in the Prologue; it is intended, he says, to bring some remedy to the dangerous conflict with respect to the relation of the royal and priestly authorities, and to correct the error of those who set the two authorities against each other, and maintain that the royal authority was not instituted by God, but only by men—an opinion which, he says, was widely diffused.

He sets out, therefore, with a formal repudiation of the phrases of Gregory VII.'s letter of 1080 to Hermann of Metz about the origin of secular authority,<sup>1</sup> and argues that the conception expressed in them was wholly false; he proves this not only by the words of St Paul, "There is no power but of God, and the powers that be are ordained of God," but also by the analogy of the rule of man in the world and of the head over the members; and he maintains that God had created a hierarchy of authority both on earth and in heaven.<sup>2</sup> There are two authorities, that is, the royal and the priestly, by which in this present life the Church is governed: they are both sacred, and must not be set against each other.<sup>3</sup>

The most important aspect of the treatise is, however, to

<sup>1</sup> Cf. p. 204

<sup>2</sup> Hugh of Fleury, 'Tractatus de Regia Potestate et Sacerdotali Dignitate,' i. 1.

<sup>3</sup> Id. id., i. 2: "Principales etiam potestates, quibus hic mundus regitur, duæ sunt regia et sacerdotalis. Quas duas potestates in sua sola persona ipse dominus Iesus Christus sacrosancto mysterio gestare decrevit, qui rex simul est et sacerdos, rex, quia nos regit, sacerdos vero, quia nos sui corporis immolatione a peccatorum nostrorum sordibus emundavit et Patre suo reconciliavit."

Id. id., i. 13. "Hæc nos de duabus officiat dixisse potestatibus, quibus in presenti vita sancta regitur et gub-

ernatur ecclesia, quibus etiam post Deum sic illustrari cognoscitur sicut duobus magnis luminaribus, sole videlicet et luna, tota mundi fabrica, aut sicut duobus oculis totum humanum corpus decoratur et illuminatur. Quas nimirum potestates sanctas fore nemo debet ambigere. Ipsas enim Deus et Dominus in sua persona sacravit, univit et sanctificavit."

Id. id., ii. 7. "Unde congruum est, ut si quis uspiam est qui has duas de quibus loquimur potestates ab invicem per discordiam serunxit ac separavit, ne negligat agere penitentiam, et nequaquam letali et mortifera plaga per pudorem addat tumorem."



be found in its statement of the position of the two authorities relatively to each other, and the authority of each over the persons who hold the other. He sets out their relative positions at the outset under the terms of a comparison with the relation of the Father to the Son in the Godhead. The king, he says, in the body of his kingdom, would seem to bear the image of the Father, and the bishop that of Christ. What exactly Hugh may have understood by this comparison is not clear; it may be conjectured that it is a literary reminiscence of the phrases of Ambrosiaster in the fourth century, and of Cathulfus at the end of the eighth; as we shall see presently, it is parallel to some phrases used in the anonymous 'Tractatus Eboracenses.' The whole meaning of the phrase is not clear, but Hugh draws out his own conclusion from it with sufficient precision. All the bishops of a kingdom are subject to the king, as the Son is subject to the Father, not in nature but "ordine," that the whole kingdom may be brought back to one beginning; and he illustrates this from the position of Moses, who had the "image" of the king in the Hebrew nation, while Aaron had that of the priest. He had already stated this principle of the subjection of the priest to the king in his kingdom in the Prologue, and returns to it in a later chapter.<sup>1</sup>

<sup>1</sup> Id id, 1 3 "Verumptamen rex in regni sui corpore Patris omnipotentis optinere videtur imaginem, et episcopus Christi. Unde rite regi subiacere videntur omnes regni ipsius episcopi, sicut Patri Filius deprehenditur esse subiectus, non natura, sed ordine, ut universitas regni ad unum redigatur principium. Cuius mysterii sacramentum in Exodo Dominus evidenter aperit, ubi ad Moysen dicit 'Ecce constitui te deum Pharaonis, et Aaron propheta tuus.' Porro Moyses in Ebraico populo regis imaginem, et Aaron sacerdotis obtinuisse visus est salva alia sancta sacramenti significatione."

Id id, Prologue Et ideo sacer

dotalem dignitatem maiestati regis præferunt, cum ei subesse ordine, non dignitate, debeat, sicut præsens libellus declarabit." Cf. 11 4

Cf. Pseudo Augustine (Ambrosiaster), 'Quæstiones Veteris et Novi Testamenti,' xxxv "Dei enim imaginem habet rex, sicut et episcopus Christi," and Cathulfus, 'Epistola' "Memor esto ergo semper, rex mi, Dei regis tui cum timore et amore, quod tu es in vice illius super omnia membra eius custodire et regere, et rationem reddere in die iudicii, etiam per te. Et episcopus est in secundo loco, in vice Christi tantum est." Cf. vol. 1. pp. 149, 215, 260.

This is then one aspect of the relation of king and priest, but there is another side to this. In another place, while he protests that the bishop must not take up arms against his king, Hugh also says that the bishop is as greatly superior to the king in the dignity of his ministry as the divine offices are greater than merely secular affairs, and that therefore if a bishop should be found blameworthy, his case must be dealt with not in the secular court, but in a general synod.<sup>1</sup> If the king has authority over the bishop, the bishop also has authority over the king. The king is subject to the discipline of religion, he must give ear to the admonition of the bishops; they have power to open and to close heaven to man, and therefore they may, if need arise, excommunicate even kings, and Hugh cites several cases of such excommunication.<sup>2</sup> It is clear that he does not agree with

<sup>1</sup> Id id, 1 10 "Cæterum contra regem catholicum armis dimicare nulla tenus debet (episcopus), licet nimis tenui dignitate multum illi præmineat, tantum scilicet quantum officia divina sua sanctitate noscuntur negotiis secularibus emnere. Unde si contigerit, ut episcopus reprehensibilis inveniat—non est enim homo qui non peccet—non in curia seculari, sed in synodo generali res huiusmodi terminentur."

<sup>2</sup> Id id, 1 7 "Sub religionis enim disciplina regia potestas posita est. Nam quamvis sit rex potestatis culmine præditus, nodo tamen christiana fidei tenetur adstrictus."

1 8 "Unde rex ammonitionibus episcopalibus debet aurem suam libenter accomodare et sacerdoti salubria suggerenti fideliter obaudire, quoniam de his videtur Dominus suo ore dixisse 'Qui vos audit, me audit. Et qui vos spernit, me spernit. At si rex aurem suam a sana et salubri doctrina cepit avertere proprio fastu vel tumiditate, non episcopo, sed Deo contumax et rebellis videtur existere, cuius iram

incurrere nimis periculosum est ac formidabile."

1 8 "Sed et regem hereticum auctoritate divina pro defensione fidei catholice condemnare et anathematis sententia præfocare sancta consuevit ecclesia, ne illius contubernio sanctorum catholicorum collegium maculetur."

1 10 "Igitur episcopo a Deo et domino Iesu Christo privilegium est concessum aperire et claudere cælum hominibus. Huic etiam reges et omnes terrena potestates pro Christi amore capita subdunt, quia licet rex vel imperator culmine regni sit præditus, nodo tamen fidei tenetur adstrictus."

1 2 "Verum episcopalis dignitas longe gloriosius a Deo meruit exaltari. Dedit enim eis, id est episcopis, Deus ac dominus noster Iesus Christus potestatem aperire et claudere cælum hominibus. Quo eos pollere privilegio intelligens memoratus Constantinus, in Nichea synodo post omnes episcopos ultimus residens, nullum iudicium sententiam super eos dare voluit, sed illos omnes deos vocans, non suo eos subesse

those defenders of Henry IV. who had doubted or denied the authority of the Pope to excommunicate emperors or kings; he holds very clearly that the bishop or Pope has spiritual authority over all secular rulers, just as they have temporal authority over all bishops.

He does not, however, merely lay down in general terms the principle of the authority of the spiritual rulers over the temporal; he also makes it clear what were in his judgment the nature and the limitations of this authority. The bishop has spiritual authority over the king, but this authority may be abused, and the power of excommunication does not imply the power of absolving the king's subjects from their oath of allegiance—that is, the bishop has no power of deposing the king. It has sometimes happened that bishops have used their authority under the influence of passion rather than with a just judgment of the actual circumstances; and such abuse of excommunication only tends to bring the authority of the law into contempt. Some bishops have taken upon themselves to absolve the king's subjects from their oath of allegiance, but this is an absurdity and an act of contempt against God, by whom they have sworn. It is true that there may be wrongful oaths which must not be kept, but it is evident that Hugh does not reckon among them the oath of fidelity which a man

debere iudicio, sed se ad eorum pen- dere iudicavit arbitrium. Nam eorundem præsulum officium est ab iniusto tramite revocare regiam potestatem, et si ei non adqueverit, etiam excommunicare. Quod et in veteri lege sancti prophetae fecisse comperiuntur. Nathan quippe propheta, sicut iam præmissum est, peccatum, quod rex David fraudulenter et occulte comiserat, ei publice denudavit, et confessione correctum consequenter absolvit. Et in novo testamento beatus Ambrosius Mediolanensis episcopus maiorem Theodosium imperatorem pro suo facinore ab æcclesiastica com-

muniōne publice palamque suspendit, et ad penitentiam redegit regiam potestatem. Sanctus etiam Germanus Parisiorum episcopus Aribertum regem Francorum, quia uxore sua legitima derelicta duas sibi subintroduserat uxores, excommunicavit. Et quia correctus non est, Dei iudicio percussus, in eadem excommunicatione mortuus est. Necessè est enim, ut temeritas malorum principum sanctorum auctoritate præsulum refrenetur et dignis coercionibus comprimatur: quæ si non fuerit digna castigatione restricta præbebit populo facilem peccandi facultatem."

has sworn to a ruler, even though he may be excommunicated.<sup>1</sup>

If Hugh is clear that the authority of the bishop does not extend to the deposition of the king, he is also emphatic that he must not take up arms against him, however wicked and unjust he may be.<sup>2</sup> It is the bishop's function to stand

<sup>1</sup> Id. id., i. 12: "Quidam etiam episcoporum se contra morem æcclesiasticum extollere cupientes in solvendis et ligandis subditis suæ voluntatis motus, non causarum merita exercent. Unde populus iam legis onus per devia currans plus solito spernit, iaculumque anathematis ingens, dumque furit, nullas rationis sentit habenas. Nam religioni christianæ obprobrium nascitur, et sacerdotalis dignitas inde valde contempnitur, quod sacerdotalis infula ambitione potius quam meritum existimatione defertur et imperitis quibusque confertur. Nam quidem illorum illos, qui iuramento dominis suis constricti tenentur, a sacramento fidelitatis absolvunt. Quod quam sit absurdum, Dominus indicat ubi dicit: 'Non perturbabis in nomine meo, nec pollues nomen domini Dei tui.' Et ad Sedechiam regem Iudæ, qui iuramentum, quod Babilonio regi præbuerat, violaverat, ore prophetico dicit: 'Vivo ego, quoniam iuramentum, quod sprevit, et fœdus, quod prævaricatus est, ponam in capite eius.'"

13. "Intelligat ergo quilibet christianus, qui contra dominum suum aut alterum christianum frangit sacramentum, quid mereatur, cum propter hoc scelus Sedechias vir Iudeus avulsis oculis a gentili rege in Babiloniam captivus ductus esse cognoscatur. Non enim illi considerandum est cui iurat, sed per quem iurat. Alioquin et illum despiciat per quem iurat, et hostis fidelior invenitur, qui sacra-

mento decipitur. Multum enim desipit qui illum decipit cui iuramento divini nominis fuerat federatur. Cæterum sacramentum incaute prolatum non est conservandum, veluti si quispiam adulteram perpetuam cum ea permanendi fidem polliceatur. Tolerabilius enim est non implere sacramentum, quam permanere in stupri flagitium. Verumptamen de fatuo doctoribus in evangelio Dominus dicit: 'Cæcus si cæco ducatum præbeat, ambo in foveam cadunt.' Superbi et iracundi doctores nonnunquam discipline rigorem in rabiem furoris et ad immanitatem convertunt crudelitatis. Sed, sicut item dicit beatus papa Gregorius, 'iudicare digno de subditis noqueunt qui in subiectorum causis sua vel odia vel gratiam secuntur.' . . . Causæ ergo pensandæ sunt, et tunc ligandi atque solvendi potestas est exercenda."

<sup>2</sup> Id. id., i. 4. "Quis hæc et eiusmodi prodigia considerans non ammiretur et non intelligat pravis regibus spiritualibus potius orationibus quam armis carnalibus resistendum? Proinde sanctus Ambrosius Mediolanensis episcopus, cum ei Iustina imperatrix, Arianorum faultrix, multas pro defensione fidei catholicæ infferret iniurias, non illi studuit armis violentè resistere, sed eius ferocitatem continens, id est duris et nocturnalibus, orationibus refrenare. Nam armis præsulum quemlibet contra regem vel imperatorem contendere, et sacra loca ac Deo dicata humano sanguine polluere nefarium et

between the king and the people, to turn away the anger of kings and princes from their people, and to pray night and day for the welfare of both.<sup>1</sup> The bishop then has a spiritual authority even over kings, but this extends only to spiritual matters, and can be enforced only by spiritual sentences. On the other hand, while, as we have seen, all bishops are subject to the king in his kingdom, they are not subject to the secular courts; but if they are charged with any offence, they must be brought before a "general synod."

In the second part of his treatise Hugh deals with the question of appointments to bishoprics, and he contends for what he conceives to be the reasonable place of the secular authority in these, but with this subject we have already dealt.<sup>2</sup> Two matters which we have not yet mentioned are of importance. The first is his condemnation of the assertion that the Pope could not be reproved by any one, and he points out that St Peter was rebuked by St Paul when he fell into error.<sup>3</sup> The second is his detailed treatment of the place of

temerarium est. Quod dominus Iesus Christus salvator et conditor noster tunc manifestissime docuit, cum Petrus apostolus gladium suum extrahens pontificis servum apprehendit, et eius auriculam amputavit. Ait enim illi: 'Converte gladium tuum in vaginam. Omnes enim qui acceperint gladium, gladio peribunt.' Ac deinde: 'An putas, quia non possum rogare Patrem meum, et exhibebit mihi plus quam duodecim legiones angelorum?' Unde illi qui non zelo Dei, sed sua temeritate vel arrogantia potestati resistunt, Deo rebellare videntur, qui dixit: 'Per me reges regnant et principes obtinent potestatem'; cuius iudicia, etsi manent occulta, nusquam tamen sunt iniusta. Illis, inquam, armis temere resistere aut eis aliqua fraude interitum machinare nullatenus sancta consuevit ecclesia, revolvens illud præceptum dominicum, quo suis fidelibus ait: 'Michi vindictam, et ego retribuam.'"

Cf. i. 10: "Cæterum contra regem catholicum armis dimicare nullatenus debet (episcopus)."

<sup>1</sup> Id. id., i. 10: "Ipse proinde episcopus inter regem et oves sibi creditas officium optimi pastoris debet peragere et pro grege sibi commisso discrimini se pronus obicere. Ipse, inquam, toto nisu regis ac principis iram a populo debet avertere et pro regis et populi salute pariter piis precibus ante Deum nocte dieque persistere. Vices enim Christi filii Dei summi, in terra videtur obtinere, qui se pro nobis peccatoribus obtulit immolandum."

<sup>2</sup> Cf. p. 102.

<sup>3</sup> Id. id., ii. 4: "Porro pompa mundi huius quibusque principibus superbiæ et elacionis tumorem ingorere solet; et dum illicita committerent, reprehensoribus suis dicere solent: 'Nos a nemine debemus iudicari, et sub nullius sumus positi potestate'; indomabiles se præbontes medicis spiritibus

the Emperor in the appointment of the Pope, and especially in cases of disputed elections, and he appeals to the decree of Pope Nicholas II.<sup>1</sup>

The position of Hugh of Fleury is interesting and important: he criticises the action and what he conceives to be the principles of Hildebrand with great freedom and force, but he is also clear in upholding the dignity of the sacerdotal office and its authority even over kings.

It is here that we may best consider the strange contentions of the author of the treatises which we know as the 'Tractatus Eboracenses.'<sup>2</sup> It is indeed difficult to say what is the importance we are to attach to them, but it is reasonable to recognise that there are important and significant parallels between some of their contentions and some of the phrases of Hugh of Fleury. We have just seen that Hugh says that the king bears the image of the Father, and the bishop that of Christ, and that it is therefore right that the bishop should be subject to the king in his kingdom. As we have said, it does not seem possible to determine what precise significance Hugh attached to these phrases, and how far they may represent merely a literary reminiscence of the words of Cathulfus in the ninth century and of Ambrosiaster in the fourth.<sup>3</sup> It is with these phrases that we must compare

alibus, id est sanctis doctoribus, qui eorum delicta paterna scirent possentque pietate curare. Itaque in languore suo permanent donec deficient; non attendentes illud sapientissimum dictum, 'Omnia,' inquit, 'mihi licent, sed non omnia expedient.' . . .

5. Verum nunc vereor, ne quis me redarguens dicat: 'Non est tuum, frater, honorabiles ac sublimes increpare personas, quorum peccata Deus iudicanda suo reservat iudicio.' Sed meminerit quisquis ille est, quia beatissimus Petrus apostolus, qui ceteris omnibus apostolis præminebat, et cui Deus ac dominus noster Iesus Christus ore proprio locutus fuerat dicens: "Tu es Petrus, et super hanc

petram edificabo ecclesiam meam, et portæ inferi non prævalebunt adversus eam, et tibi dabo claves regni cælorum, et quodcumque ligaveris super terram erit ligatum et in cælis, et quodcumque solveris super terram erit solutum et in cælis,' quod hunc Paulus nuper ad fidem conversus ausus est reprehendere, ac divino zelo succensus coram omnibus increpare."

<sup>1</sup> Id. id., ii. 3, 4, 5.

<sup>2</sup> For a full discussion of the character and terms of these treatises the reader is referred to H. Böhmer, 'Kirche und Staat in England und in der Normandie,' to whose work I must express my great debt.

<sup>3</sup> Cf. vol. i. pp. 149, 215.

the treatment of the relative position and authority of the king and the bishop, as it is set out by the author of the fourth of the 'Tractatus Eboracenses.' It would seem clear that the treatise belongs to the time of the Investiture dispute between Anselm and the Kings of England.

The king, he maintains, and the priest are both anointed by God, but the priest represents the human nature of Christ, in which he is inferior to the Father, while the king represents Christ's divine nature, in which he is equal to the Father; the priest represents Christ as suffering death, and offering himself as a sacrifice to God the Father, the king represents Christ as about to be crowned with glory and honour, and to reign for ever in his heavenly throne over all authorities and powers. The angel of the Annunciation said to Mary, "The Lord will give him the seat of his father David," not of his father Aaron, for God gave David authority even over priests. It is therefore just that the king should have power and authority even over the priest.<sup>1</sup>

<sup>1</sup> 'Tractatus Eboracenses,' iv. (p. 665) "Quod si quis velit discutere, cur sacerdos visibiliter sacrificabat, et rex non sacrificabat, hoc ideo fiebat, ut nonnulla in eis monstraretur esse diversitas propter diversitatem sacramenti. Nam aliud erat in parte sacramentum regis, aliud sacerdotis. Sacerdos quippe aliam præfigurabat in Christo naturam, id est hominis, rex aliam, id est Dei. Ille superiorem qua equalis est Deo patri, iste inferiorem que minor est patre. Prefigurabat etiam sacerdos, quod Christus ad oram esset passurus mortem et traditurus semet ipsum in oblationem et 'hostiam Deo patri in odorem suavitatis.' Rex autem prefigurabat, quod regnaturus esset in eternum et sessurus in solio et sede celesti 'supra omnem principatum et potestatem et virtutem et dominationem,' et quod coronandus esset gloria et honore et

constituendus super omnia opera Dei, et quod sibi subicienda essent omnia. . . . .  
Et angelus ad Mariam: 'Et dabit,' inquit, 'ei Dominus sedem David patris eius' et cetera. Non dicit: dabit illi sedem Aaron patris eius, nec dicit: super solum Aaron et super regnum eius sedebit, ut confirmet illud, sed dicit. dabit illi Dominus sedem David et sedebit super solum et regnum David. Quibus verbis ostenditur, quod unum solum et una sedes est et unum regnum Christi et David. Unde in spiritu unus est Christus et David et una potestas, una gloria, una dignitas Christi et David. Quare et sedes David et solum et regnum et potestas et gloria et dignitas super omnia et maior omnibus et universis sanctorum. Ideo etiam et potestatem et imperium dedit illi Dominus

The author urges that Moses and Joshua and the five kings of Israel were in the same way superior to the priests,<sup>1</sup> and he then restates the view that the royal power is greater than the priestly, for it represents Christ's divinity, which is greater than his humanity, and it is therefore right that the king should rule over the priest and institute him.<sup>2</sup> The unction of the king is in one sense the same as that of the priest, in another sense it is greater, for the unction of

super ipsos etiam sacerdotes Domini Dominus inquam dedit, qui nihil iniuste, sed omnia iuste facit. Iustum ergo fuit, ut rex super sacerdotes et potestatem haberet et imperium."

<sup>1</sup> Id id (p. 666).

<sup>2</sup> Id id (p. 667). "Unde et uterque in spiritu et Christus et deus est, et in officio figura et imago Christi et Dei est. Sacerdos sacerdotis, rex regis. Sacerdos inferioris officii et nature, id est humanitatis, rex superioris, id est divinitatis. Christus enim Deus et homo, verus et summus est rex et sacerdos. Rex est, sed ex eternitate divinitatis, non factus, non creatus, non inferior vel diversus a patre, sed equalis et unus cum patre. Sacerdos vero est ex assumptione humanitatis, factus secundum ordinem Melchizedech et creatus et ideo minor patre. Qui etiam secundum quod rex est, creavit omnia, regit omnia, et homines simul gubernans et angelos salvat, secundum vero quod sacerdos est, homines tantum redemit, ut secum regnare faciat. Hec enim est tota intentio, qua sacerdos factus est, et se ipsum obtulit in sacrificium, ut homines regni sui et potestatis regie faceret esse participes. Regnum enim celorum ubique scripturarum promittit fidelibus, nusquam autem sacerdotium. Hinc igitur apparet maiorem esse in Christo regiam, quam sacerdotalem potestatem, et præstantiorem, tanto

scilicet, quanto divinitas eius maior est humanitate et præstantior. Quare et a quibusdam estimatur ut in hominibus similiter maior sit et præstantior regna potestas, quam sacerdotalis, et rex maior et præstantior, quam sacerdos, ut pote melioris et præstantioris Christi nature imitatio sive potestatis emulatio. Quapropter non est, inquit, contra Dei iusticiam, si sacerdotalis dignitas instituitur per regalem vel ei subdita est, quia in Christo ita actum est, ut sacerdos fieret per suam regiam potestatem et subditus patri sit per sacerdotalem, cui est equalis per regiam. . . . Habent tamen rex et sacerdos communia quedam privilegiorum karismata et eandem gratiam, habent et quedam propria officiaque diversa. Quavis enim in regendo communem gratiam habere videantur, aliter tamen sacerdotibus atque aliter regibus in quibusdam agendum est et alia atque alia est implende sue administrationis gratia. Verum si sacerdos per regem instituitur, non per potestatem hominis instituitur, sed per potestatem Dei. Potestas enim regis potestas Dei est, Dei quidem est per naturam, regis per gratiam. Unde et rex Deus et Christus est, sed per gratiam, et quicquid facit, non homo simpliciter, sed Deus factus et Christus per gratiam facit. Immo ipso, qui natura Deus est et Christus, per vicarium suum hoc facit, per quam vices suas exsequitur."

the priest is after the example of that of Aaron, or of the apostles, while that of the king is after that of Jesus Christ, whom God anointed before the ages above his fellows.<sup>1</sup> The king is therefore superior to the priest and rules over him, and the author quotes some passages from the letter of Gregory the Great which illustrate his deference and obedience to the emperor.<sup>2</sup>

In other passages he claims for kings the power of the keys, though what exactly he meant by this is not very easy to say,<sup>3</sup> and the chief authority in calling together the Councils of the Church, and the right of presiding at them.<sup>4</sup> He maintains that the king is not to be thought of as a mere layman, for he is the Lord's Christ,<sup>5</sup> and, in another place, that the king can remit sins and offer the bread and wine at the sacrifice of the mass, as indeed he does on the day of his consecration.<sup>6</sup>

After all this it seems a somewhat small matter that he

<sup>1</sup> Id. id. (p. 669): "Etenim si ad ea tantum respiciamus, quibus sanctificantur, una eademque videbitur in utroque esse et unctio et sanctificatio et potestas. Si vero ad exempla divine rationis, iuxta que unguuntur et sanctificantur, maior regis quam sacerdotis et unctio et sanctificatio et potestas. . . . Nam unctio quidem et sanctificatio sacerdotum ad exemplum Aaron instituta est, quem Moyses unxit et sanctificavit, et quod maius est, ad exemplum apostolorum, quos unxit Deus pater unctio spirituali et gratia spiritus sancti. Regis vero unctio instituta est ad exemplum illius, quem Deus pater 'unxit' ante secula 'pre omnibus participibus suis,' Iesu Christi domini nostri. . . . Quapropter sicut melior est filius Dei apostolis suis, et sanctior unctio eius unctio apostolorum et potestas eius sublimior potestate illorum, ita melior esse videtur rex sacerdotibus et sanctior unctio eius unctio illorum et potestas eius illorum

potestate sublimior."

<sup>2</sup> Id. id. (p. 670).

<sup>3</sup> Id. id. (p. 672).

<sup>4</sup> Id. id. (p. 675).

<sup>5</sup> Id. id. (p. 679): "Ei ergo qui talibus ac tantis benedictionibus benedicuntur, qui talibus ac tantis sacramentis consecratur et deificatur, nullus est iure preferendus, quia nullus pluribus vel melioribus benedictionibus benedicuntur, nullus pluribus et maioribus sacramentis consecratur et deificatur, immo nec tot nec paribus, ac per hoc nullus est ei coequandus. Quare non est appellandus laicus, quia Christus Domini est, quia per gratiam Deus est, quia summus rector est, quia pastor et magister et defensor et instructor sancte ecclesie summus est, quia fratrum suorum dominus est et ab omnibus adorandus est, quia presul princeps et summus est."

<sup>6</sup> Id. id. (p. 678): "Quare et peccata remittere, et panem et virum in sacrificium potest offerre, quod utique facit in die quo coronatur, precipue videlicet solemnitate."

should claim that the king is entitled to invest the bishop with the pastoral staff, and indeed it is rather noticeable that he is careful to explain that in doing this he is not conferring upon the bishop his rank (*ordo*) or the "ius sacerdotii," but only the temporal possession and the guardianship of the Church, and the power of ruling the people of God.<sup>1</sup>

These contentions are sufficiently startling in the eleventh or twelfth centuries, but in order to form a complete conception of the standpoint of the author, we must place alongside of these principles of the relation of king and bishop, the almost more remarkable treatment of the position and authority of the Papal See which we find in the third and fifth Tractates. It does not lie within the scope of this work to deal with the history of the spiritual authority of Rome, and we deal with the subject here only in order that we may be better able to judge of the whole significance of these treatises.

In the third Tractate the author is occupied, probably about 1096, with the dispute which had arisen with regard to the recognition by the Pope of some kind of primatial authority of the Archbishop of Lyons over the Archbishops of Rouen, Sens, and Tours. William, the Archbishop of Rouen, had been severely reprovved for his neglect to recognise this authority, and for his disobedience to the Roman See. The author of the Tractate in reply to this develops an argument of a far-reaching kind. He says, in the first place, that the archbishop and other bishops owe to the Roman Pontiff the same obedience and no more than the other apostles did to Peter, for they are not only followers, but "vicars" of the apostles;<sup>2</sup>

<sup>1</sup> Id. id. (pp. 667, 668).

<sup>2</sup> Id., iii. (p. 656): "Subiectus est pari forma et ordine simili, quo apostoli, quorum vice fungitur, et quorum locum tenet et officium, quorumque potestate nititur, eidem ecclesie et beato Petro, qui primus eidem præfuit, fuere subiecti. Sed et eandem obedientiam eisdem exhibere paratus est, quam prædecessores sui exhibuerunt apostoli. Est enim non

tantum imitator apostolorum, sed et vicarius, particeps nominis et officii et dignitatis; et oportet eum non deviare ab eorum vestigiis nec eorum dignitatem minuere nec glorie pulcritudinem decolorare nec sublimitatis decorem suis actibus dissolvere. Quod contra Romanus pontifex nullam aliam subiectionem debet ab eo exigere, nullam aliam potestatem vel dominationem in eum exercere, nisi quam

in the second place, he urges that the archbishop was also the representative of Peter, that he holds that authority of binding and loosing which Christ gave to Peter, and that there should therefore be no question of superiority between the Archbishop of Rouen and the Roman Pontiff, and that neither could judge the other. No one can judge a bishop but God only.<sup>1</sup> These contentions are sufficiently drastic in their character, but the author goes still further.

He discusses the question whether the Archbishop of Rouen could rightly be expected to recognise the authority of the Archbishop of Lyons, and contends that there was no justification for this. The supporters of Rome, he suggests, might say that he must obey the commands of Rome, for it had been decreed that the Roman Church should be the mother and lord of all Churches. He admits that this had been

apostolus Petrus, predecessor suus, exercuit in alios apostolos, quorum vicem, locum, dignitatem et officium et potestatem tenere dinoscitur."

<sup>1</sup> Id. id. (p. 657): "Amplius Nullam aliam potestatem, nullam dominationem debet exercere Romanus pontifex super Rothomagensem, nisi quam super se ipsum exercuit Petrus. Ipse etenim vires Petri et locum tenet et officium et in hoc Petrus est, quoniam eardem Spiritus sancti gratiam, eandem potestatem ligandi atque solvendi adeptus est et easdem claves regni celorum accepit a Christo, quas Petrus et vicarius eius Romanus pontifex, in quo et ipse Romanus pontifex Petrus est. Et tamen non tres Petri, Simon Petrus, Romanus pontifex et Rothomagensis, sed unus Petrus, quia unus in omnibus est spiritus, una potestas, una fides et secundum hæc 'eor unum et anima una.' Sed et omnes apostoli, et omnes episcopi, immo omnis sancta ecclesia in hoc est unus Petrus, et quia vere petre adherent, id est Christo, una cum eo petra sunt et unus spiritus. Hac igitur ratione Romanus pontifex

ac Rothomagensis unus Petrus sunt, immo una petra et unus spiritus. Ac per hoc neuter alteri præferendus est nec alter ab altero iudicandus. Quia enim ratione unus ita posset dividi, ut superior se ipso fieret et inferior? Non enim secundum quod uterque homo est, alter alteri præfertur vel ab altero iudicatur, sed secundum hoc, quod uterque Petrus est. Vel quis est qui debeat iudicare Christum eoque superior fieri? Qui enim vult iudicare Rothomagensem archiepiscopum et et Christum et qui vult eo superior fieri et Christo. 'Unus' enim cum eo 'est spiritus.' Propter quam unitatem ipse Christus ad discipulos suos loquitur dicens: 'Qui vos recipit, me recipit et, qui vos spernit, me spernit et qui vos tangit, tangit quasi pupillam oculi mei.' Sicut ergo Christus a nullo iudicandus est, ita nec Rothomagensis archiepiscopus ab ullo nisi a solo Deo est iudicandus. Quia ut aiunt beatus Petrus, Clemens et Anacletus, nullus episcopus nisi a solo Deo est iudicandus. Omnes etenim episcopi dii sunt, et dii nisi a solo Deo sunt iudicandi."

decreed by the Bishops of Rome and their followers, but, he maintains, this had not been done by Christ or his apostles. If any Church was the mother of other Churches, it was that of Jerusalem. The truth was that Rome had been set over other Churches, not by the authority of Christ and his apostles, but by that of man, and this because of the glory and authority of the imperial city. The position of Rome rested not upon legitimate authority but upon usurpation, even though this had arisen from the necessity of avoiding divisions. Originally the Church had been governed by the common council of the presbyters: it was only the fear of division which had led to the rule that one of the presbyters should be set over the others, and have the care of the whole Church.<sup>1</sup>

<sup>1</sup> Id. id. (p. 659): "Sed fortasse ad hæc dicturi sunt 'Non pro his que tu dies preesse volumus, sed propter hoc, quod ita decretum est a sanctis patribus, ut Romana ecclesia sit mater et magistra omnium ecclesiarum et episcopus eius summus sit omnium episcoporum.' Hoc, inquam, sancti patres decreverunt, eiusdem videlicet ecclesia pontifices et sequaces eorum, et hoc per potentiam Romani imperii et propter urbem excellentiam, que caput erat totius orbis. Verum ab initio nascentis ecclesia non sic. Neque enim Christus hoc decrevit, non hoc sanxerunt apostoli, non septuaginta duo discipuli, non protomartir et primus archidiaconus Stephanus et socii eius hoc statuerunt, quos principes et primos patres omnium credentium esse nemo nisi inperitus negat. . . . Ecclesia enim, que est Hierosolimis, ipsa omnium ecclesiarum mater est. . . . Ipsa etenim Dei patris sponsa erat ac per hoc filiorum Dei mater merito debet nominari. Hoc de Roma non sunt scripta vel predicta, nisi forte per imitationem et figuram, non per primatum dicatur Hierusalem. . . . Sed licet hæc vera sint, Romana tamen

ecclesia ab hominibus, non a Christo vel apostolis ei prelata est. Qui etsi sancti sunt, Christum tamen et eius apostolos eis preferre debemus et auctoritatem eorum magis sequi, que est veritatis lumen et magisterium nostre salutis. Nam sicut etiam ipsi sancti patres testantur, quod Romana ecclesia preferatur, hoc fit propter potentiam imperii et dignitatem urbis, ut qui videlicet erat caput orbis et princeps erroris, caput quoque fieret religionis. Verumtamen hoc ab hominibus institutum est, non a Christo deo vel ab apostolis. Ac per hoc in hac institutione non consistit causa nostre salvationis. Unde etsi non preferretur, non procederet inde causa nostre perditionis. Si quis ergo ei se subdero non vult, quid dampni meretur a Deo, cuius in hoc ordinationi minime resistit?

Sed quod preferatur, videamus, utrum sit ordo legitimus an usurpatio, quam necessitas compellit fieri. Sed non est ordo legitimus, quia hoc lege sua decrevisset Christus et senatus ordinasset apostolicus. Est ergo usurpatio, quam necessitas fieri compulsi. Antequam enim diaboli instinctu studia in re-

The fifth Tractate, which is attributed by Bohmer to the same period of the Investiture conflict in England as the fourth, renews the attack upon the Papacy in very strong language. The author contends that the Pope commanded much which Christ had not commanded, and he complains bitterly of the intolerable burden which the Pope imposed upon the bishops in compelling their frequent attendance at Rome. He complains that the bishops were compelled to sell the goods of their churches in order to satisfy the greed of the papal officials. He contends that if the Pope excommunicated bishops because they were not obedient to him in such matters as those mentioned above, the excommunication was void and of no effect.<sup>1</sup> He con-

higione fierent et dicerent in populis 'Ego sum Pauli, ego Apollo, ego autem Cephe, communi presbiterorum consilio ecclesie gubernabantur Postquam vero unusquisque eos, quos baptizaverat, putabat suos, non Christi, in toto orbe decretum est, ut unus de presbiteris electus superponeretur ceteris, ad quam omnis cura ecclesie pertineret et scismatum semina tollerentur. Scismata itaque causa sunt, quod Romanus pontifex cunctis prelatus est. Si ergo non sunt in nobis scismata, non est, quod nobis faciat Ad hoc enim tantum prelatus est, ut scismata tollat Sed timeo, ne et ipse scisma faciat in ecclesia Dum enim ecclesiam, que una est, dividit, et ex una duas facit, aliam superiorem et aliam inferiorem, qua unitatem ecclesie dividit, scisma utique facit'

<sup>1</sup> Id v (p 680) "Et tamen Romanus pontifex multa alia mandat, que non mandavit Christus, multa alia adnuntiat, que nullus adnuntiauit apostolus Mandat enim et sacramento compellit omnes archiepiscopos per singulos annos visitare limina apostolorum, mandat et compellit episcopos Christi ire Romam sine ulla necessitate et causa rationabili sed solo libitu

proprie voluntatis et ostentatu dominationis

Est quoque et aliud Deo valde contrarium, quod vendunt bona ecclesiarum, quibus et elemosinam dare et pauperes alere (deberent), pecunia secum ferunt, ut habeant quod officialibus tribuant, non dico palatinis canibus—hoc enim dicere absurdum est,—sed officialibus, apud quos, nisi dederint pecuniam, nullam invenient gratiam et Christus ante fores et fame sitique cruciatur et egestatem in membris suis patitur Hoc quippe omnes episcopi certissime experiuntur, qui nunc aliquibus negotiis Romam ire coguntur.

Et si propterea aliquem excommunicaverit, quod ei in talibus obediens non sit, si in aliis omnibus Deo obediens, non vereatur, sed audiat summum pontificem, qui omnibus sibi obedientibus dicit 'Ecce ego vobiscum sum omnibus diebus usque ad consummationem seculi' A quo nulla excommunicatione poterit sibi obedientem separare Sicut enim absolute sua non potest efficere ut membrum diaboli fiat membrum Christi, ita sua excommunicatione non potest efficere, ut membrum Christi fiat membrum diaboli."

demns vehemently the action of the Pope in exempting many of the abbeys from episcopal jurisdiction, and maintains that such exemptions ought not to be recognised, for they are contrary to God's ordinance, and the Pope has no authority to change this.<sup>1</sup> He denounces the attempt of the Popes to destroy the authority of the king in the rule of the Church; this contradicts the principle laid down by Pope Gelasius that the world, and by the world here is meant the Church, is governed by the two authorities, the priestly and the royal. By the royal authority in the Church he here clearly means the right of "investiture," and he maintains again that the king is no mere layman.<sup>2</sup>

<sup>1</sup> Id id (p 681) "Sed his obmissis ad alia veniamus, que Romani pontifices faciunt, et que pacis ecclesiastice vinculum et concordiam rumpunt Inter ecclesias quippe abbatum et episcoporum et inter ipsos abbates et episcopos dissensionis iurgia faciunt, dum abbatibus, ut non obediunt vel adquecant episcopis suis, qui sunt summi sacerdotes Domini, privilegia conferunt et inferiores superioribus adquare contendunt Unde fit, ut ab ipsis abbatibus nec audiantur episcopi nec recipiantur, sed spernantur et iniuria tangantur

Sed ad hoc respondemus, quia nullum privilegium factum contra Dei ordinationem, contra apostolorum doctrinam et contra precedentium sanctorum instructionem, non solum non est tenendum, sed nec etiam audiendum, quoniam et Romanus pontifex non ad hoc ordinatus est, ut Dei ordinationi vel ipse resistat, vel alios resistere faciat vel ut contra apostolorum doctrinam aliquid agat et predecessorum suorum statuta convulsiat et ecclesie Dei maleficiat easque exhonoret et gloria et potestate a Deo sibi collata expoliet, et inter matres ecclesias et filias et inter membra et capita scisma et divisionem faciat, que desolationis causa est et cadendi'

<sup>2</sup> Id id (p 684) "Sed his obmissis ad aliud transeamus, quod faciunt ad maximum totius ecclesie detrimentum, quod videlicet regalem potestatem removere nituntur a principatu et regimine omnium ecclesiarum, cum beatus Gelasius dicat 'Duo sunt quibus hic mundus principaliter regitur sacerdotalis auctoritas et regalis potestas' Mundum videlicet appellans christianum populum, id est sanctam ecclesiam in mundo adhuc peregrinantem Hanc quippe principaliter regit sacerdotalis auctoritas et regalis potestas

Et hec quidem sublimis et gloriosa investitura est, qua Deus imperatorem sive regem investit, ut habeat potestatem celitus datam super omnes homines ad hoc, ut qui bona appetunt advenientur, ut celorum via largius pateat, et terrestre regnum celesti regno famuletur, et ut manus sue sacerdotes suos Christus committat et eisdem etiam dominari concedat Qui ergo hanc investituram eis auferre nititur, contra Dei ordinationem iudiciumque agere molitur Iustum quippe est, ut eadem manus quibus sacerdotes a Deo commissi sunt, ut eis etiam dominetur ipsis accedentibus, partem investiture huius eisdem sacerdotibus largiatur In-

It is difficult to say what importance we are to attach to these very abnormal contentions, to determine how far they represent tendencies of thought common in some circles, or are merely individual opinions. The parallel to some of Hugh of Fleury's words is obvious, and the ultimate literary source of the conceptions may be the same; but while Hugh in using these phrases is also careful to guard against the possibility of misinterpretation, and to assert the superior dignity of the spiritual office, the author of these Tractates seems to be anxious to press his argument far beyond what was needed to maintain either the right of royal "investiture," or the divine authority of the Temporal power.

We have already considered in detail the position of Gregory of Catino as expressed in his treatise, 'Orthodoxa Defensio Imperialis,' written probably in the year 1111, with regard to the impiety of revolt against the Temporal power, and the exercise of the right of "investiture" of bishops by the king or emperor.<sup>1</sup> He uses, however, some important phrases of which we must here take account. In one place he says that it was God who had established in the Church princes and higher powers, for whom the Apostle bids us always to pray; and we ought to think of the King as the head of the Church. It is not unseemly that the prelates of the Church should receive "investiture" with staff and ring from the Emperor, for if the prince is head of the Church he should not be excluded from the "creation" of the office or ministry of his members.<sup>2</sup> The title of Head of the Church

vestiture dico huius regiminis videlicet et dominationis in populum et possessionis temporalium rerum, non sacerdotii et sacerdotalium gratiarum. In his enim numquam audivi investituram nominari. Cum autem hanc investituram rex tribuit, non laicus, sed christus Domini tribuit, christus videlicet Domini per gratiam ei conregnans, qui Christus dominus est per naturam, et quia isti Christo conregnant simul, que ad regnum suum

pertinent, ambo simul tribuunt, ambo simul exeuntur."

<sup>1</sup> Cf. vol. iii. p. 122, and this vol. p. 106.

<sup>2</sup> Gregory of Catino, 'Orthodoxa Defensio Imperialis,' 2: "Constituit etiam in ea (i.e., ecclesia) principes sublimioresque potestates, pro quibus semper orare precipit idem apostolus, dicens: 'Obsecro primum omnium fieri obsecrationes, orationes etc.' . . . Quod vero caput ecclesie regem debeamus

as applied to the secular ruler is strange and unusual, and it is difficult to know what precise significance Gregory attaches to it. It may possibly be connected with the stress which he lays upon the unction of kings and emperors,<sup>1</sup> but Gregory does not himself make the connection.

Placidus of Nonantula, in his treatise, 'Liber de Honore Ecclesie,' probably written in 1112, is concerned primarily with the questions of "investiture" and of the sacred character of the property of the Church, and we have already considered his work at some length in relation to this matter.<sup>2</sup> This work is, however, of great importance in relation to the matter we are now concerned with—that is, the principles of the relations of the temporal and spiritual authorities, for we find in it the first clear example of the interpretation of the "Donation of Constantine" in the sense in which it was later understood. As we have attempted to show, it is clear that in its original sense this was related to the claim of the Roman See to succeed to the Byzantine authority in the Exarchate, and the other possessions which it still held in Italy in the latter part of the eighth century.<sup>3</sup>

Placidus seems clearly to understand the "Donation" as meaning that Constantine bestowed upon Pope Silvester his whole authority in the West, and so far the position of Placidus seems to be quite clear, but beyond this he is not easy to interpret. He says that inasmuch as Constantine had rendered honour to the Apostle (Peter), and had left the western kingdom to the vicar of Peter, God granted him to hold the whole Roman kingdom; for Pope Silvester,

intelligere, ammonet scriptura divina inquiens ad Saulem: 'Cum esses parvulus in oculis tuis caput in Israel tet constitui.' . . . . . In quo etiam præcepto Domini non incongruum videtur, si prelati ecclesie ab imperatore prius suscipiant proprii honoris, investitura baculi vel anuli, assensum, quam a pontifice consecrentur; quia si princeps caput ecclesie predicatur, a membrorum suorum

officii sive ministerii creatione nullo modo est repellendus."

<sup>1</sup> Id. id., 6: "Nam reges et imperatores propter sacram unctionem christi nuncupantur et sic suorum ministerio vel officio sive prelatione sacramentis ecclesie sunt uniti, ut in nullo debeant separari."

<sup>2</sup> Cf. p. 132.

<sup>3</sup> Cf. vol. i. pp. 287-290.



although Constantine had granted it, followed the example of Christ, and would not suffer the crown of the kingdom to be placed upon his head, but rather desired Constantine in holding the kingdom to render his devoted service to the Church.<sup>1</sup> What exactly Placidus may have meant is difficult to say. He may possibly mean simply that Silvester refused to accept the political authority over the West, but he may also, and more probably, mean that while refusing to exercise this in his own person, he desired Constantine to exercise it as the representative or servant of the Church. The latter is perhaps suggested by the context, for he seems to use the action of Pope Silvester as a precedent for the tenure of dukedoms and the other great temporalities by the Church. It is unfortunate that the subject is merely mentioned incidentally by Placidus, but we shall recur to it presently when dealing with Honorius of Augsburg.

We have in the earlier part of this volume traced the

<sup>1</sup> Placidus of Nonantula, 'Liber de Honore Ecclesie,' 57 "Sed quia multociens plus exempla quam verba proficiunt, attendere dignentur christianissimi imperatores venerabilis et Deo amabilis Constantini, qui primus Romanorum imperatorum fidem Christi suscepit, admirandae humilitatis exemplum Nam cum credidisset Christo, dicens valde indignum esse, ut ibi terrenus imperator sedem regni haberet, ubi Deus omnipotens principem sanctitatis vicarium beati Petri apostoli constituisset, beatissimo papae Silvestro omnes Esperas partes relinquens, sui nominis nobilissimam civitatem edificans, illic suum transtulit regnum Hoc enim ipse in privilegio sanctae Romanae ecclesiae testatur inquit 'Congruum prospeximus etc' "

Id id, 91 "Cum vero postea per beatum Silvestrum baptizatus fuisset (Constantinus) et vera cordis humilitate decrevisset inustum videri ibi se

imperatorem sedem habere, ubi Deus vicarium beati Petri constituit, Constantinopolitanam civitatem edificans ibidem gloriosus regnavit. Cui Deus, quia beatum honoravit apostolum et eius vicario occidentale regnum reliquit, omne regnum Romanum ex integro habere concessit Beatus enim papa Silvester, quamvis ille dederit, tamen ipse Christi domini sequens exemplum, suo sanctissimo capiti coronam regni imponi passus non est, sed eum magis rogavit, ut regnum tenendo ecclesiae sanctae devote serviret. Unde videtur illi veritatem non tenere, qui ducatus et marchias vel alias praecelsas possessiones ecclesiae nomine possessionis ei subiugari non debere contendunt. Nunquam enim hoc sanctissimus Silvester, prudentissimus et sapientissimus existens, sanctae ecclesiae donari permitteret, nisi convenire certissime sciret divinae voluntati et a sanctis prophetis olim praedictum."

very significant development, in his successive treatises, of the attitude of Geoffrey, the Abbot of Vendôme, to the "investiture" question,<sup>1</sup> and in one of these, written probably about the year 1119, there now stands a passage of considerable importance in relation to our present subject.<sup>2</sup> The treatise belongs to the last years of the "investiture" controversy; and while Geoffrey still repudiated firmly the concession of the "investiture" with ring and staff, he was prepared to admit that the Emperor might invest the bishop with the temporalities of the diocese. In this passage Geoffrey declares that it is by the divine law that we are ruled by kings and emperors, and that it is by the same law that "we" owe them honour and reverence; and he seems clearly to mean the clergy as well as the laity. He goes on to urge the great mischiefs which arise when the "regnum" and the "sacerdotium" are in conflict with each other. Christ willed that both the spiritual and the material sword should be used for the defence of his Church. Finally, and this is the most significant thing, he urges the great danger of an unwise use of the power of excommunication; he urges that it is very doubtful whether it is wise to excommunicate any one who is supported by a multitude of men, lest greater scandal should arise than the good which is hoped for from the exercise of strict justice.<sup>3</sup>

<sup>1</sup> Cf. pp 147 150

<sup>2</sup> It is suggested that this passage may have been added later. Cf. 'Lib de Lite,' vol II p 678.

<sup>3</sup> Geoffrey, Abbot of Vendôme, 'Libellus,' iv.: "Ex iure divino regibus quidem et imperatoribus dominamur, ipsis tamen ex eodem iure, quia Christi domini sunt, honorem debemus et reverentiam sicut dicit apostolus. 'Regem reveremini' . . . . . Voluit bonus dominus et magister noster Christus spirituales gladium et materialem esse in defensione ecclesiae. Quod si alter ab altero retunditur, hoc fit contra illius voluntatem. Hac occasione de regno iustitia tollitur,

et pax de ecclesia, scandala suscitantur et scismata, et fit animarum perditio simul et corporum. Et dum regnum et sacerdotium, unum ab altero impugnatur, periclitatur utrumque Nam rex et Romanus pontifex, cum unus contra alium, alter pro regni consuetudine, alter pro ecclesiae libertate erigitur, regnum illam consuetudinem obtinere nec potest nec poterit, et ecclesia suae libertatis amittit plurimum Rex praeterea sacrosancta communione pariter et regia dignitate privatur, a Romano pontifice multis, qui sibi servire debuerant, necessitate cogente servitur et qui a pontifice docendus erat et docendus a rege, rex

It is evident that Geoffrey had no doubt about the divine source of temporal authority, and his doubt about the wisdom of the unrestrained use of excommunication is very significant in one who was a determined supporter of the papal position.

The last treatise which we have to examine in this portion of our work is that entitled 'Summa Gloria,' written by Honorius of Augsburg.<sup>1</sup> The treatise was probably written not long after the Settlement of Worms, and from the standpoint of a resolute upholder of the papal tradition; but Honorius is not so much concerned with the circumstances of the conflict of the years from 1076 to 1122 as with an

et pontifex populum sequitur. Habeat autem ecclesia pacem et regnum iustitiam, habeat rex consuetudinem, sed bonam, et non quam male reposcit, sed quam supra diximus investituram. Habeat ecclesia suam libertatem, sed summopere caveat, ne, dum nimis emunxerit, eliciat sanguinem, et dum rubiginem de vase conatur eradere, vas ipsum frangatur. Hoc est præcipuum discrecionis membrum, ne quis qualibet actione ecclesie a sathana circumveniatur. Tunc enim a sathana circumvenitur, quando sub specie iustitiæ illum per nimiam iustitiam perire contingit qui potuit liberari per indulgentiam. Præterea bonus et discretus Augustinus in epistola ad Parmenianum dicit, 'vix aut nunquam excommunicandum esse qui in malo opere obstinatam multitudinem habet secum.' Nam tolerabilius videtur uni paucere, ne in ecclesia scisma seminetur plurimum. Et beatissimus doctor et martyr Ciprianus asserit, dicens. 'Scisma non est faciendum, utiamsi in eadem fide et in eadem traditione non permaneat qui recedit.' Et Salomon in Ecclesiastico 'Scindens ligna periclitabitur in eis, si exciderit ferrum.' Item in Exodo 'In domo una comeditur non cietis de domo carnem foras.' Ex quibus

verbis colligitur cum non excommunicandum qui multitudinem habet secum, ne dum unum corrigere nitimur, perditio fiat multorum. Hoc etiam Ieronimus ad Augustinum scribit, dicens, quod secundum beatorum apostolorum Petri et Pauli prudentiam dispensationemque honestam, aliquando fieri necesse est quod iure reprehenditur, ne christianæ plebi fidei scandalum oriatur. Nam propter metum Iudæorum, ne ipsi scandalizarentur, et Paulus post conversionem Timotheum circumcisum fecit, et cæremomas etiam exercuit Iudæorum, et Petrus coegit quosdam iudaizare gentilium, uterque sanctus apostolus simulans se veteris legis præcepta servare, ne qui fideles ex Iudæis facti fuerant susceptam veritatis noticiam scandalizati negarent. Fecerunt hoc sancti apostoli misericordi et pia compassione, non simulatione fallaci, quamvis legem post evangelium non esse servandum minime dubitarent. Ubi beatissima vite viri intelliguntur non quidem commutasse consilium, sed ad horam pro aliorum salute suæ doctrinæ sententiam."

<sup>1</sup> There seems no sufficient reason to doubt that this is what is meant by "Augustodunensis."

attempt to analyse and compare the origin and nature of the two great authorities. His position is rather strange, for his theories are in several points very extreme, while his practical conclusions are in some respects moderate and conciliatory.

He begins and concludes his treatise with an emphatic statement of the superior dignity of the "sacerdotium," and illustrates this in various ways. He takes Abel to be a type of the priestly office, Cain of the royal; Shem he identifies according to a patristic tradition with Melchizedek as the first true priest, while the Roman empire, he says, is descended from Japheth, and he finds similar types of the two authorities in Isaac and Ishmael, and in Jacob and Esau. As the peasant is subject to the deacon, the soldier to the priest, the prince to the bishop, so the king is subject to the Pope.<sup>1</sup> He is met, however, with the objection that the king is not a layman, for he is anointed with the oil of the priests; but he sets this contention contemptuously aside, and points out that on the admission of all men the king has no ecclesiastical office, but is evidently a layman who cannot perform any of the functions which belong to an ecclesiastic; and he makes the technical distinction that the king is anointed only with oil, while the priest is anointed with "chrism," and points out

<sup>1</sup> Honorius Augustodunensis, 'Summa Gloria,' 1: "Cum universitas fidelum in clerum et populum distribuitur, et clerus quidem speculativa, populus autem negotiativa vitæ ascribatur, et sepe hæc pars spiritualis, hæc vero secularis nominetur, et ista sacerdotali, illa autem regali virga gubernetur, solet plerumque apud plerosque queri, utrum sacerdotium regno, an regnum sacerdotio iure debeat preferri. Ad quod quidem breviter possem respondere, quod sicut spiritualis profertur seculari, vel clerus precellit populum ordine, sic sacerdotium transcederet regnum dignitate."

2. Abel and Cain.

6 Shem and Japheth.

8. Isaac and Ishmael, and Jacob and Esau. "Igitur si rusticus iure serviet diacono, tunc iure miles presbytero. Et si miles presbytero, tunc princeps episcopo. Et si princeps episcopo, tunc iustissime rex, qui utique est de numero laicorum, subiectus erit apostolico."

Id id, 34 "Igitur horum omnium stolidæ assertiones a sensatis sunt confutandæ, immo ab omnibus ratione utentibus reprobandæ, cum regnum sacerdotio, populus clero iure subiaceat, et sicut sol lunæ, spiritus animæ, contemplativa vita activæ, sic sacerdotium regno premineat."

that the king is anointed not by another king, but by the priest.<sup>1</sup>

Honorius is therefore clear that the priestly dignity is much greater than the royal, but he goes much further than this, and sets out a theory of the origin and nature of secular authority which was, as we think, entirely new, and even contradictory to the normal tradition. As we have frequently pointed out, it was the normal doctrine of the Fathers that the Temporal power had been instituted by God. Gelasius in the fifth century had maintained that Christ himself had created and separated the two powers which were to govern the world, and from the ninth century this had been modified into the doctrine that Christ had established the two powers in his Church.<sup>2</sup> Honorius puts forward a wholly different view. He

<sup>1</sup> Id. id., 9: "Sed garruli fortasse tumido fastu contendunt regem non esse de numero laicorum, cum unctus sit oleo sacerdotum. Hos manifesta ratio insensatos deridet, et imprudentium hominum ignorantiam perspecta veritas obmutescere faciet. Aut enim rex est laicus aut clericus. Sed si non est laicus, tunc est clericus. Et si est clericus, tunc aut est ostiarius aut lector aut exorcista aut acolitus aut subdiaconus aut diaconus aut presbyter. Si de his gradibus non est, tunc clericus non est. Porro si nec laicus nec clericus est, tunc monachus est. Sed monachus eum excusat uxor et gladius. 'Non enim sine causa gladium portat, vindex est enim iræ Dei in hoc ipsum constitutus.' Sed nec monacho nec etiam clerico licet arma portare."

Id. id., 28: "Sed sunt quidam qui se esse sapientes dicunt, sed stulti facti sunt, qui audent affirmare, quod regibus liceat episcopatus vel abbatias vel reliquas canonicas dignitates dare. Dicunt enim 'Rex sancto oleo ungitur, clero et populo proficitur. ideo utriusque dignitates iure dare convincitur.' Horum falsissima affirmati-

tiva subruunt verissima negativa eorumque negatio statuitur veritatis affirmatione. Age ergo, percontor hos, episcopatus, abbatias, preposituræ utrum sint spirituales dignitates an seculares. Respondebunt. 'Spirituales,' nisi sint dementos. At ego: 'Rex est spiritualis an secularis?' 'Secularis,' inquit. Ergo spiritualis dignitas nihil pertinet ad secularem personam. Adhuc sciscitor eos: 'Licet regi missam cantare necne?' Respondebunt. 'Minime.' 'Quare?' 'Quia,' aiunt, 'non est sacerdos.' Et ego: 'Si ideo ei non licet celebrare missam, quia sacerdos non est, ergo nec ecclesiam, in qua missa cantatur, licet ei dare, quia laicus est.'"

Id. id., 33: "Quod si quis astruxerit has duas personas honore ac dignitate pares videri, eo quod hæc solæ personæ in lege precipiuntur oleo sancto ungi, sciendum est, quod rex tantum oleo, sacerdos autem chrismate ungebatur et per omnia sua consecratio regis unctioni preferabatur, et in hoc etiam differabant, quod non rex a rege, sed a sacerdote consecratur."

<sup>2</sup> Cf. ol. i pp. 190, 255.

first urges that from the time of Moses to that of Samuel the Israelites were governed not by kings but by priests and prophets, that it was Samuel who created the kingship, that it was the priests and prophets who continued to elect and anoint the king, and that after the Exile it was again the priests who ruled over Israel.<sup>1</sup> When Christ the true King and Priest came, he gave his Church laws, and he created the "sacerdotium," not the "regnum," to rule over his Church, and over the "sacerdotium" he set Peter, who left this authority to his successors. Thus from the time of Christ to that of Silvester the Church was ruled only by priests.<sup>2</sup>

This is indeed a far-reaching and fundamental conception, and one which seems inconsistent with the traditional ecclesiastical theory, and the statement is followed by an application and interpretation of the "Donation of Constantine," to which, so far as we know, there is no earlier parallel. The time at last came, Honorius says, when God changed the time of persecution to the time of peace, and transformed the rebellious empire of the pagans into the kingdom of Christian men. Constantine was converted by Silvester, the prince of the priests of the Church, and placed the crown of the kingdom upon the head of the Roman Pontiff, and decreed that no one should thenceforth receive the Roman Empire without his consent. Silvester, however, recognised that those who rebelled against the priests could not be constrained by the sword of the Word of God alone, but only by the material

<sup>1</sup> Id. id., 10-14.

<sup>2</sup> Id. id., 15: "Dominus Iesus Christus, verus rex et sacerdos secundum ordinem Melchisedech, sponsæ suæ, ecclesiæ, leges et iura statuit, et ad hanc gubernandam non regnum, sed sacerdotium instituit. In quo Petrum apostolum prefecit, cui et dixit: 'Tu es Petrus, et super hanc petram ædificabo ecclesiam meam, et portæ inferi non prevalebunt adversus eam. Et tibi dabo claves regni celorum; et quodcumque ligaveris super terram, erit ligatum et in celis, et quodcumque solveris super terram, erit

solutum et in celis.' Hanc potestatem sacerdoti Petri a Domino accepit, hanc successoribus suis reliquit. Sicut ergo a tempore Moysi usque ad Samuelum sacerdotes populo Dei prefecerunt, ita a tempore Christi usque ad Silvestrum soli sacerdotes ecclesiam Dei rexerunt, quæ ab eis legibus et moribus optime instituebatur, ad æternam patriam egregie erudiebatur, a regibus vero undique impugnabatur, qui eam a cultu veri Dei modis omnibus convertere et ad culturam demonum convertere immo compellere nitentur."

sword, and joined the same Constantine to himself as a fellow-worker in the field of the Lord, and as a defender of the Church against the pagans, Jews, and heretics, granted to him the sword for the punishment of evildoers, and placed upon him the crown of the kingdom for the praise of the good. From this time, therefore, it became the custom that the Church should have kings and judges for secular judgment. It is only, however, secular judgments which belong to kings, and Constantine refused to take any part in the judgment of bishops. Thus as the soul is of greater dignity than the body, and the spiritual than the secular, the "sacerdotium" is of greater dignity than the "regnum," which it establishes and orders.<sup>1</sup>

The position of Honorius is indeed novel and startling, such an interpretation of the "Donation of Constantine" had, as far as we know, never been put forward before. Placidus had, as we have seen, understood the "Donation" to mean that Constantine transferred the western part of the Empire to the

<sup>1</sup> Id. id., 16: "Persecutionis namque tempus Deus pacis, sacerdos magnus, tempore pacis permutavit ac rebelle imperium paganorum rex magnus super omnes deos transtulit in regnum christianorum.

17: Constantinus itaque, princeps principum regni, per Silvestrum, principem sacerdotum ecclesie, ad fidem Christi convertitur, et totus mundus novo ritu christianae religionis induitur. Qui Constantinus Romano pontifici coronam regni imposuit, et ut nullus demceps Romanum imperium absque consensu apostolici subiret, imperiali auctoritate censuit. Hoc privilegium Silvester a Constantino accepit, hoc successoribus suis reliquit. Cumque sacerdoti cura et regni summa in Silvestri arbitrio penderet, vir Deo plenus intelligens rebelles sacerdotibus non posse gladio verbi Dei, sed gladio materiali coerceri, eundem Constantinum ascendit sibi in agriculturam Dei adiutorem ac contra paganos, Iudeos,

hereticos ecclesiae defensorem. Cui etiam concessit gladium ad vindictam malefactorum, coronam quoque regni imposuit ad laudem bonorum.

18. Abhinc mos cepit ecclesiae reges vel iudices propter secularia iudicia habere, qui paganos ecclesiam infestantes vel alios hostes eam impugnantibus armis propulsarent, intus vero divinis legibus rebelles penarum terrore ecclesiae subiugarent. Ad regis vero pertinent sola secularia iudicia. Unde cum quidam episcopi coepiscopos suos in causam coram Constantino imperatore ponerent, ille sciens ad suum ius non pertinere, respondit 'Ite, quia Christi estis, et ipsi de hac re inter vos videte, ego non ero iudex vester.' Igitur, quantum anima dignior est corpore, quae illud vivificat, et quantum dignus est spiritale quam seculare, quod illud iustificat, tantum sacerdotium dignus est regno, quod illud constituens ordnat."

Pope, and he may mean that Silvester granted it to Constantine to administer it as the servant of the Church; but Honorius interprets the "Donation" as signifying the complete surrender of all political authority to the Pope, and he seems to hold that from that time onwards all such authority was really held by the secular ruler from the "sacerdotium." This, however, is not all, for Honorius seems to mean that the action of Constantine was only a recognition of the normal divine order; he maintains that Christ had not created the two powers to rule the Church, but only the "sacerdotium," and it was to it that under the divine order all authority properly belonged. It would seem, therefore, that Honorius at least suggests the doctrine maintained by some later writers, that all authority, temporal as well as spiritual, is vested in the Church and in its head, the Pope, and that all secular rulers hold an authority which is delegated to them by the Spiritual power.<sup>1</sup> How far this ever became the normal doctrine of the Middle Ages we shall have to consider later, but it is certainly true that this is the first explicit affirmation of it. It may, indeed, be suggested that it had been put forward by Gregory VII., but though it may be maintained that it is implied in his claims,<sup>2</sup> it is certainly not explicitly stated.

It is, perhaps, to this conception that we should relate Honorius's declaration that the Emperor should be elected by the Pope, with the consent of the princes and the approval of the people. In another place, indeed, he maintains that it is the bishops rather than the secular princes who were the real electors, but the main stress of Honorius's contention seems to be laid on the assertion that the authority of appointment lay with the Pope and the spiritual princes, and he concludes by urging that the "regnum" is lawfully subject to the "sacerdotium," inasmuch as it was the "sacerdotium" which established the "regnum."<sup>3</sup>

<sup>1</sup> Cf. Gierke, 'Political Theories of the Middle Ages,' p. 11, and Notes 9 to 20

<sup>2</sup> Cf. especially pp 200 209

<sup>3</sup> Honorius, 'Summa Gloria,' 21. "Imperator Romanus debet ab apos

tolico eligi, consensu principum et acclamatione plebis in caput populi constitui, a papa consecrari et coronari. Huicque debet clerus et populus in secularibus duntaxat subici.

In comparison with the far-reaching character of these conceptions it seems a comparatively trivial matter that Honorius also maintains that the election of the Pope belongs to the cardinals with the consent of the bishops and the clergy of the city of Rome, and the acclamation of the people, and that he omits all reference to the Imperial consent or approval, and that he maintains also that the bishop of each city is to be elected by the clergy of the diocese, with the acclamation of the people, and is to be invested with the ring and staff by the Pope.<sup>1</sup>

We must now, however, observe that there is another aspect of the principles of Honorius with respect to the relations of the Spiritual and Temporal powers, not indeed formally inconsistent with that which we have just observed, but of considerable importance as modifying some conclusions which might be drawn from it.

He maintains emphatically that while the king as a layman must be obedient in divine matters to the "summus sacerdos," that is the Pope as head of the Church, so also the Pope and all the clergy are subject in secular matters to the king, and he maintains that this was true also in the older dispensation: the kings were appointed by the prophets and priests, and obeyed them in matters which belonged to the divine law,

22 Sed hic forte contentiosi sermone et scientia imperiti erumpunt et imperatorem non ab apostolico, sed a principibus eligendum affirmabunt. Quos ego interrogo, utrum rex a subditis an a prelatibus sit constituendus? 'A prelatibus,' inquit, 'A quibus?' 'A duobus et comitibus.' Sed duces et comites episcopi ut puta domini suis subditi sunt, quia ab eis beneficia et ecclesiarum predia habent. Ergo rex a Christi sacerdotibus, qui vere ecclesie princeps sunt est constituendus, consensus tantum laicorum requirendus. Igitur quia sacerdotum iure regnum constituit, iure regnum sacerdotio subiacet. Quantum etiam ipse Dominus sacerdotum regno preulerit, hinc patet, quod cum venturi

essent, ut eum raperent, et regem constituerent, fugit. Sacerdotale vero officium devote implevit, cum sacramenta corporis sui benedixit huncque ritum suis celebrandum tradidit."

<sup>1</sup> Id. id., 19 "Hinc queritur, a quibus hae personae sint eligendae vel constituendae. Apostolicus a Romanis cardinalibus est eligendus consensu episcoporum et totius urbis cleri et populi acclamatione in caput ecclesiae constituendus."

20 Episcopus autem cuiusque civitatis a clero eiusdem civitatis vel provinciae debet eligi ac populi acclamatione in pastorem ovium Christi constitui, ab apostolico anulo et virga investiri, a duodecim vel saltem a tribus episcopis consecrari."

but the prophets and priests obeyed the kings in all secular matters.<sup>1</sup>

In other passages he sets out the theory of the origin and nature of temporal authority with precision and in some detail. He follows the Stoic and Patristic tradition that God did not originally make man to be lord over his fellow-men, but that it came about through men's sin and irrational conduct that God set some in authority over others in order to constrain men by fear to live a true human life. The government of the Church in the world requires the two swords—the spiritual, which is in the hands of the "sacerdotium," and the material, which is in the hands of the "regnum," with which it punishes those who continue in evil.<sup>2</sup> The Temporal power is thus an institution of God Himself, and must be obeyed in secular matters, not only by the people but by the clergy. The Christians of early times obeyed the Pagan emperors in secular matters, while they

<sup>1</sup> Id. id., 9: "Igitur cum evidenti ratione sit laicus (rex), sed per officium sacerdotale omnibus laicis prefectus, oportet, ut per omnia summo sacerdoti, ut puta capiti ecclesiae, in divinis sit subiectus, et contra summus sacerdos cum omni clero in secularibus, quasi praecellenti, sit subditus. Sicque hi duo principes populi honore se invicem prevenientes, vero regi et sacerdoti, Christo, firmiter inherentes, hic clerum, ille populum ad supernum regnum pertrahunt, ubi soli sacerdotes et reges perenniter regnabunt."

11: Qui rex in omnibus parebat Samueli in his, quae divinae legi congruebant. Similiter et Samuel regi obaudebat in cunctis, quae ad ius regni pertinebant.

12: David nihilominus et omnis regum successura series, sive Iuda vel Israel, a prophetis vel sacerdotibus, quod pene idem erat, in regnum eligebantur, ungebantur, et tamen pene omnes eisdem in divinis subiecti

memorantur. Ipsi econtra eos in secularibus subditi venerabantur."

<sup>2</sup> Id. id., 26: "Deus namque non prefecit primum hominum hominibus, sed bestis et brutis animalibus, quia his, qui irrationabiliter et bestialiter vivunt, iudices tantum prelati sunt, quatinus eos per timorem revocent ad insitae humanae mansuetudinis tenorem. Unde idem Deus per Sem et Iafeth peccantis filii posteritati prefecit, quia numerum peccantes sacerdotio et regno subiecit. Unde et in evangelio, cum discipuli decerent: 'Domine, ecce duo gladii hic,' haec verba sua auctoritate roboravit, quia ad regimen ecclesiae in presente vita duos gladios necessarios premonstravit, unum spiritalem, scilicet verbum Dei, quo sacerdotium utitur ad vulnerandos peccantes, alterum materiale, quo regnum utitur ad puniendos in malis perdurantes. Necessesse est enim, ut hos regalis potestas subigat gladio materiali, qui legi Dei rebelles non possunt corrigi stola sacerdotali."

obeyed only God in spiritual, for it is not only good rulers who must be obeyed but also the evil. St Paul and St Peter taught plainly that the secular authority was ordained by God.<sup>1</sup> Finally, it would seem that Honorius held that even if the king should rebel against the Roman See, or should fall into heresy or apostasy or schism, while the faithful must withdraw themselves from all communion with him, he must be patiently endured.<sup>2</sup>

<sup>1</sup> Id. id., 24: "Quamvis igitur sacerdotium longo transcendat regnum, tamen ob pacis concordie vinculum monet evangelica et apostolica auctoritas, regibus honorem in secularibus negotiis dumtaxat deferendum. Cum enim quidam a Domino inquirerent, utrum census cesari dari liceret, ait: 'Redde, quæ sunt cesaris, cesari atque quæ sunt Dei, Deo.' Ergo in his, quæ ad regni ius pertinent, oportet clerum et populum regibus parere, in his autem, quæ ad ius divinæ legis spectant, Deo placere. Sic Sebastianus Diocletiano et Maximiano, pagani licet imperatoribus, in secularibus familiaris extitit; in spiritualibus vero Deo placuit. Sic et Mauritius cum exercitu suo eisdem imperatoribus auxilium contra hostes regni præbuit; cum vero contra religionem christianam agere ab eisdem cogeretur, facere renuit, qua didicerat scriptum: 'Obedire oportet Deo magis quam hominibus.' Beatus quoque Petrus apostolus hortatur honorem deferre regibus: 'Deum,' inquit, 'timete, regem honorificate.' Et iterum: 'Subditi estote omni humanæ creaturæ propter Deum, sive regi quasi precellenti, sive ducibus ab eo missis ad vindictam malefactorum, laudem vero bonorum.' In quibus verbis considerandum est, quod reges et iudices ob solam vindictam malorum constituuntur, qui laudem ferre bonis dicuntur. Iusti enim reges et iudices solos impios et iniquos puniunt, iustos

autem et bonos laudibus extollunt. Beatus etiam Paulus ad subiectionem principum hortatur dicens: 'Omnia anima potestatibus sublimioribus subdita sit.' Et ne putes potestates per homines casu constitui, subiungit: 'Non est enim potestas nisi a Deo.' Quia vero aliquando propter peccata populi mali iudices constituuntur, sicut in Iob legitur: 'Qui regnare facit ypocritam propter peccata populi,' aliquando autem ob merita quorundam iusti proficiuntur, addit: 'Quæ autem sunt, a Deo ordinatæ sunt.' Et ne putares bonis quidem obediendum, malis autem resistendum, adhuc prosequitur: 'Itaque qui resistit potestati, Dei ordinationi resistit; qui autem resistunt, ipsi sibi damnationem acquirunt.' Et quod iudices ad malos tantum reprimendos, immo puniendos proficiantur, patenter subditur: 'Principes non sunt timori boni operis, sed mali. Vis autem non timere potestatem? Bonum fac, et habebis laudem ex ipso.' Eadem et Petrus dixit."

<sup>2</sup> Id. id., 27: "Igitur si rex Romanæ ecclesiæ, quæ est caput mundi, et mater omnium ecclesiarum, ut filius ab ea coronatus et minister Dei ac vindex iræ eius obediens existit et populum christianum ad leges divinas servandas constringens, a Iudeis, ab hereticis defenderit, ei per omnia ab omnibus obediendum erit. Si autem Romanæ et apostolicæ sedi rebellis extiterit, quam Rex regum et Do-

If we now try to sum up the general character of the principles stated and developed in the writings which we have examined in this chapter, we find that it is doubtful how far these writers had a completely reasoned conception of the whole subject. While, also, there are obvious and far-reaching differences between them, it is also evident that on some points there was a substantial agreement.

There was, in the first place, no doubt among them that the temporal authority was a divine institution as well as the spiritual. Deusdedit and Honorius are very careful to urge this, even though they point out that it had its origin in sin. When, therefore, Hugh of Fleury and Gregory of Catino urged this divine authority, and even when Hugh repudiated what he understood to be the meaning of the phrases of Hildebrand about the origin of secular government, they were not really maintaining a principle different from that which Deusdedit and Honorius would have admitted to be true.

Again, Deusdedit was, as we have seen, very anxious that it should be understood that he did not doubt that each authority had its proper sphere in which the other should not interfere; and Geoffrey and Honorius assert very emphatically that all the clergy, and Honorius specifically includes the Pope, are subject to the temporal authority in secular matters.

There is traceable also a tendency to approximation between them with regard to some of the practical questions raised by the great conflict. If Sigebert of Gembloux doubted whether a king could be excommunicated, and suggested that the excommunication of Henry IV. had been unjust, Hugh of Fleury, though certainly a vigorous critic of the papal policy, was clear that the bishop could excommunicate the king; while Geoffrey, though a stout defender of the papal cause, doubted,

minus dominantium caput ecclesiæ esso voluit, et quæ ipsum in caput gentium constituit, vel in aliquam heresim declinando ut Constantius et Valens a ecclesiam vexaverit, vel a fide apostatando ut Iulianus eam persecutus fuerit, vel per scisma ut Philippicus

eam in partes dividerit, hic inquam, talis patienter quidem est tolerandus, sed in communione per omnia declinandus, quia non est imperator, sed est tyrannus. Huiusmodi imperium Martinus renuit dicens: 'Christi miles sum, pugnare mihi non licet.'

not perhaps the lawfulness but certainly the wisdom of excommunicating kings. And again, while Sigebert, Hugh of Fleury, and Gregory of Catino repudiated emphatically the assertion that the Pope could depose the king or absolve his subjects from their allegiance, Honorius seems to mean that while the faithful must withdraw themselves from communion with a heretical and schismatic king, his political authority must be patiently accepted.

It may therefore be said that we find in these writers a real agreement as to the divine origin of the Temporal power, and a tendency to approximation in their attitude to the practical questions of the time. We have endeavoured in the earlier part of this volume to trace the stages through which an agreement was finally reached on the "investiture" question, and it would seem to be true to say of some of the papalist writers that they were primarily occupied with the vindication of the spiritual freedom of the Church, and had no desire to urge that the Church or the Pope possessed any general supremacy over the Temporal power.

On the other hand, it may be said that in some of these writers we can trace a further development of the theory of the relations of the two powers. Hugh of Fleury asserted that the king bears the image of God the Father, and the bishops that of Christ, and that therefore all the bishops of the kingdom were rightly subject to the king, as Christ is subject to the Father, not in nature, but "ordine," that the "universitas regni" may be reduced "ad unum principium."

The author of the 'Tractatus Eboracenses,' as we have seen, used parallel phrases, but pressed the matter much further, and seems to maintain that the royal authority is greater in its nature than the priestly, and that the king, who is not a mere layman, has a great authority even in ecclesiastical matters. Gregory of Catino said that the king was the head of the Church, and that therefore it was right that the bishops should receive "investiture" with ring and staff from the prince, for as he was the head of the Church, he should not be excluded from the "creation" of the office or ministry of his members. It is indeed not easy to interpret these phrases,

but we shall probably not be far wrong if we interpret them as representing the reaction against the ecclesiastical claims. We must, however, observe that it was the same Hugh of Fleury who emphatically asserted that the bishop was as superior to the king in the dignity of his ministry as the "divine offices" were superior in their sanctity to secular matters, and that he was not liable to the judgment of the secular courts. Hugh and Sigebert, however, also pointed out how often it had been the emperors by whom the corrupt conditions of the Papacy had been reformed, and they refused to recognise that the Pope was above all human judgment, and urged that he should submit to reproof and correction.

If these writers may be taken as representing the most advanced aspect of the position of the defenders of the temporal authority, Placidus and Honorius represent a new development of the papalist position. We have discussed their treatment and interpretation of the "Donation of Constantine," but important as this may be, it is of little importance when compared with Honorius's theory of the creation of the secular authority by the Church, and of the subordination of the temporal authority to the spiritual. This position of Honorius is very interesting, and we shall have occasion to refer to it later; here we can only say that if it may have some relation to some of the claims of Hildebrand, and if it may be argued that it was implicitly contained in these claims, it must be clearly understood that there is no parallel to it in the literature which we have been considering in these two chapters.

## CHAPTER IV.

THE DEVELOPMENT OF THE FEUDAL AUTHORITY  
OF THE PAPACY.

WE must consider briefly another aspect of the policy of Gregory VII.; this is what appears to be his persistent attempt to establish a claim on the part of the Papal See to feudal lordship over various countries and provinces. We cannot, indeed, say that this policy had no antecedents before the time of Gregory's pontificate; it is, indeed, obvious that some of the most important steps in the development of it were taken by his immediate predecessors; but it may be contended that Hildebrand had even then inspired this policy.

There is at least one important reference to the matter as early as the pontificate of Silvester II. This is contained in a letter in which it is stated that Stephen, King of Hungary, had given himself in allegiance to the Pope.<sup>1</sup> The authenticity of the letter is, however, questioned by some critics, though it is defended by others. It is, however, clear that, even if the policy of establishing the feudal lordship of the Papacy over various States may be traced back to earlier times, it was with the immediate predecessors of Gregory VII. that it became important. It would appear reasonable to say that the policy represents an attempt to organise a system which should secure the political independence of the Papal See in its relations both to the Empire and the city of Rome. We shall have occasion to see the important consequences of this policy in the history of the twelfth and thirteenth centuries.

<sup>1</sup> Silvester II., 'Ep.,' v.

The first and the most important development of this policy is to be found in the establishment of feudal relations between the Papal See and the Normans in Southern Italy. Cardinal Deusdedit has preserved in his 'Collectio Canonum' the promises of fidelity which Robert Guiscard took in the year 1059 to Pope Nicholas II. He styles himself Duke of Apulia and Calabria by the grace of God and of St Peter, and as about to become Duke of Sicily by their help; and in confirmation of this grant and in recognition of the fidelity which he owes, he promises an annual tribute to St Peter and Pope Nicholas and his successors. He promises that he will be faithful to the holy Roman Church and to Pope Nicholas, and that he would swear fidelity to no one except with the reservation of fidelity to the Roman Church.<sup>1</sup> Deusdedit also gives the oath of fidelity which Richard, Prince of Capua, and Jordanus, Prince of Capua, took to Pope Alexander II.<sup>2</sup>

It is significant of the development of this policy that Pope Alexander II. wrote to William the Conqueror declaring that the kingdom of the English since the time of its conversion to Christ had been "sub apostolorum Principe manu et tutela," and had paid an annual sum to the Apostolic See, of which a part went to the Pope, and a part to the Church of St Mary, which was called "Schola Anglorum."<sup>3</sup>

<sup>1</sup> Deusdedit, 'Collectio Canonum,' iii. 156: "Ego Robertus Dei gratia et sancti Petri, Dux Apuliæ et Calabriae, et utroque subveniente futurus Siciliae, ad confirmationem traditionis, et ad recognitionem fidelitatis, de omni terra quam ego propriae sub dominio meo, et quam adhuc nulli ultramontanorum ita concessit ut teneat, promitto me annualiter pro unoquoque iugo boum, pensionem xii scilicet denariorum papiensis monetae persoluturum beato Petro et tibi Domino meo Nicolao Papae et omnibus successoribus tuis, aut tuis aut tuorum successorum nuntiis etc."

Id. id., 157: "Ego Robertus Dei

gratia et sancti Petri dux Apuliæ et Calabriae, et utroque subveniente futurus Siciliae, ab hac ora et deinceps ero fidelis sanctae Romanae Ecclesiae et Apostolicae Sedi, et tibi Domino meo Nicolao Papae . . . et nulli iurabo fidelitatem, nisi salva fidelitate sanctae Romanae Ecclesiae."

Cf. Id. id., 158.

<sup>2</sup> Id. id., 159.

<sup>3</sup> Alexander II., 'Ep.,' 139: "Novit prudentia tua Anglorum regnum, ex quo nomen Christi ibi clarificatum est, sub apostolorum principe manu et tutela exstitisse, donec quidem, membra mali capitis effecti, zelantes superbiam



The claim to feudal supremacy was, however, emphatically repudiated by William; he refused to do fealty on the ground that he had not promised to do this, and that his predecessors had never done it, while he promised that the money should be paid.<sup>1</sup>

It is then clear that the policy of extending the feudal authority of the Papacy was well developed before the accession of Gregory VII. to the papal throne, but it is also clear that during his pontificate he lost no opportunity of extending this. He was, in the first place, careful to maintain this relation with the Normans in South Italy. The oath of fidelity, which was made by Richard of Capua to Gregory VII. in September 1073, contains very important provisions. Richard styles himself Prince of Capua by the grace of God and St Peter, and promises that he will be faithful to the holy Roman Church and to Gregory the "universal" Pope. He promises that he will help him and the Roman Church to acquire and defend the "regalia" and the possessions of St Peter against all men, and that he will help Gregory to hold in safety and honour the Roman Papacy. He will swear fidelity to the King, Henry, when he is admonished to do so by Gregory and his successors, but always saving his fidelity to the Roman Church. In the event of a vacancy in the

patris sui Satanae, pactum Dei abiecerunt et Anglorum populum a via veritatis averterunt . . . nam ut bene nosti, donec Angli fideles erant, pia devotionis respectu ad cognitionem religionis annuam pensionem apostolicæ sedi exhibebant, ex qua pars Romano pontifici, pars ecclesie Sanctæ Mariæ, quæ vocatur Schola Anglorum in usum fratrum deferebatur."

<sup>1</sup> William the Conqueror, 'Epistles' (Greg. VII., 'Epist. Extra Vag.' xi., Migno, vol. 148): "Hubertus legatus tuus, religiose Pater, ad me veniens ex tua parte, me admonuit quatinus tibi et successoribus tuis fidelitatem facerem, et de pecunia, quam antecessores mei ad Romanam Ecclesiam

mittere solebant, melius cogitarem: unum admisi, alterum non admisi. Fidelitatem facere nolui, nec volo, quia non ego promisi, nec antecessores meos antecessoribus tuis id facere comperio. Pecunia tribus fere annis, in Galliis me agente, negligenter collecta est; nunc vero divina misericordia me in regnum meum reverso, quod collectum est per præfatum legatum mittitur, et quod reliquum est, per legatos Lanfranci archiepiscopi fidelis nostri, cum opportunum fuerit, transmittetur. Orate pro nobis et pro statu regni nostri, quia antecessores vestros dileximus et vos præ omnibus sincere diligere et obedienter audire desideramus."

papal throne, he will render his help according to the admonition of the best cardinals and the Roman clergy and people in the election of a Pope.<sup>1</sup> The form of oath taken by Robert Guiscard to Gregory VII. in June 1080 is practically the same.<sup>2</sup> It is noteworthy that in these oaths, while the Normans express themselves as willing to take the oath of fidelity to the German King, they do this subject to the approval of the Popes, and subject to the reservation of their fidelity to the Roman Church. These phrases are strictly parallel to those of an oath made to a lord, subject to the reservation of the obligation to the overlord. It may therefore be said that Gregory correctly describes the relations of the Normans to the Papal See when in a letter of 1076 he says that they desired to have St Peter as their only lord and emperor after God.<sup>3</sup>

A similar claim to lordship in Spain is represented in letters written by Gregory VII. in 1073 and 1077. The first was written in relation to projected attempts to recover parts of Spain from the Saracens, and Gregory claims that the Kingdom of Spain had from ancient times belonged to St Peter, and that it still, even though occupied by the pagans, belonged to no mortal man but to the Apostolic See; he has, therefore, granted to Count Evulus de Rocco, who desires to deliver this land from the pagans, that he shall hold any

<sup>1</sup> Gregory vii., Reg. i. 21a: "Ego Richardus Dei gratia et sancti Petri Capuæ princeps, ab hac ora et deinceps ero fidelis sanctæ Romanæ ecclesie et apostolicæ sedi et tibi domino meo Gregorio universali papæ . . . Sanctæ Romanæ ecclesie tibique adiutor ero ad tenendum et acquirendum et defendendum regalia sancti Petri eiusque possessiones recta fide contra omnes homines; et adiuvo te, ut secure et honorifice teneas papatum Romanum. . . . Regi vero Heinrico, cum a te admonitus fuero vel a tuis successoribus, iurabo fidelitatem, salva tamen fidelitate sanctæ Romanæ ecclesie. Et si

tu vel tui successores ante me ex hac vita migraverint, secundum quod monitus fuero a melioribus cardinalibus et clericis Romanis et laicis, adiuvo, ut papa eligatur et ordinetur ad honorem sancti Petri."

<sup>2</sup> Id. id., viii., 1a.

<sup>3</sup> Id. id., iii. 15: "Wifredo militi Mediolanensi, &c."—"Scias igitur, Normannos verba componendæ pacis nobiscum habere; quam libentissime iam fecissent et beato Petro, quem solummodo dominum et imperatorem post Deum habere desiderant, humiliter satisfacissent, si voluntati eorum in quibusdam annueremus."

territory, from which he succeeds in driving them out, from St Peter.<sup>1</sup> The letter of 1077 repeats the same claim that Spain belonged by the ancient constitutions to St Peter and the Roman Church.<sup>2</sup>

Another claim which was urged with much vehemence by Gregory VII. was that the Kingdom of Hungary belonged to the Roman See. In a letter of October 1074 to Solomon, King of Hungary, he urged in support of this claim, first, the alleged action of King Stephen in surrendering his kingdom with all its rights and powers to St Peter, and secondly, that the Emperor Henry III., after his victory over the King of Hungary, had sent the lance and crown to the shrine of St Peter, and had thus recognised that the authority belonged to him. He reproved Solomon severely for having accepted the kingdom as a fief from the King of the Germans, and threatened that he would lose it unless he recognised that his kingdom was a fief of the Apostolic See, not of the King of the Germans.<sup>3</sup> In two letters of the following year Gregory

<sup>1</sup> Id id., i. 7 "Gregorius in Romanum Pontificatum electus omnibus principibus in terram Hispaniæ proficisci volentibus perpetuam salutem in domino Iesu Christo

Non latere vos credimus, regnum Hispaniæ ab antiquo proprio iuris sancti Petri fuisse, et adhuc—hect diu a paganus sit occupatum, lege tamen iustitiæ non evacuata—nulli mortalium sed soli apostolicæ sedi ex æquo pertinere. Quod enim auctore Deo semel in proprietates ecclesiarum iuste pervenerit, manenti eo, ab usu quidem, sed ab earum iure, occasione transientis temporis, sine legitima concessione divelli non poterit. Itaque comes Evulus de Roceio, cuius favorem apud vos haud obscurum esse putamus, terram illam ad honorem sancti Petri ingredi et a paganorum manibus eripere cupiens, hanc concessionem ab apostolica sedi obtinuit ut partem illam unde paganos suo studio et adiuncto sibi aliorum auxilio expellere posset,

sub conditione inter nos factæ pactionis ex parte sancti Petri possideret "

<sup>2</sup> Id id., iv. 28. "Præterea notum vobis fieri volumus, quod nobis quidem tacere non est liberum, vobis autem non solum ad futuram sed etiam ad præsentem gloriam valde necessarium. videlicet regnum Hispaniæ ex antiquis constitutionibus beato Petro et sanctæ Romanæ ecclesiæ in ius et proprietatem esse traditum "

<sup>3</sup> Id id., ii. 13 "Nam sicut a maioribus patriæ tuæ cognoscere potes, regnum Ungariæ sanctæ Romanæ ecclesiæ proprium est, a regi Stephano olim beato Petro cum omni iure et potestate sua oblatum et devotè traditum Præterea Henricus piæ memoriæ imperator, ad honorem sancti Petri regnum illud expugnans, victo rege et facta victoria, ad corpus beati Petri lanceam coronamque transmisit, et pro gloria triumphus sui illic direxit insignia, quo principatum dignitatis eius attingere cognovit. Quæ cum ita

supported Geusa in his claim to the Hungarian throne on the ground that Solomon had forfeited his right by receiving it as a fief from the German King.<sup>1</sup> The action of Gregory here is the more noticeable in that it involved a conflict with the claims of the German King to feudal supremacy over Hungary.

In a letter of the year 1075 to Demetrius, King of the Russians, Gregory VII. says that Demetrius's son had come to Rome and had urgently prayed that he might receive that kingdom by the grant of St Peter through the hands of the Pope. Gregory, understanding that this request was made with the consent of Demetrius, had assented to it, had con-

ant, tu tamen, in ceteris quoque a regia virtute et moribus longe discendens, ius et honorem sancti Petri, quantum ad te, imminusti, et alienasti, dum eius regnum a rege Teutonicorum in beneficium, sicut audivimus, suscepisti. Quod si verum est, qualiter gratiam beati Petri aut nostram benedictionem sperare debeat, tu ipse, si iustitiam vis attendere, non ignoras. videlicet te non aliter eam habiturum nec sine apostolica animadversione diu regnaturum, nisi sceptrum regni quod tenes, correcto errore tuo, apostolica, non regni maiestatis beneficium recognoceas. Neque oium nos timore vel amore aut aliqua personali acceptione, quantum Deo adiuvente poterimus, debitum honorem eius, cuius servi sumus, inrequisitam rolinquemus "

<sup>1</sup> Id. id., ii. 63 "Notum autem tibi esse credimus, regnum Ungariæ, sicut et alia nobilissima regna, in proprie libertatis statu debere esse, et nulli regi alterius regni subici nisi sanctæ et universali matri Romanæ ecclesiæ, quæ subiectos non habet ut servos, sed ut filios suscepit universos. Quod quia consanguineus tuus a rege Teutonico, non a Romano pontifici, usurpatori obtinuit, dominium eius, ut credimus, divinum iudicium impedivit."

Id. id., ii. 70: "Si officii nostri est, omnibus sua iura defendere ac inter eos componere pacem et stabilis concordiam, multo magis ratio exigit atque usus utilitatis exposcit, ut somneremus caritatem inter maiores, quorum pax aut odium redundat in plurimos. Unde nobis cura est et cordi pia sollicitudo inhaeret, quatinus inter te et consanguineum tuum Salomonem faciamus pacem, si possumus. ut, iustitia utrimque servata, sufficiat unicuique quod suum est, terminum iustitiæ non transeat, metam bone consuetudinis non excedat, sicque sit in pace nobilissimum regnum Ungariæ, quod hactenus per se principaliter viguit, ut rex ibi, non regulus fiat. Verum ubi—contempto nobili dominio Petri apostolorum principis, cuius regnum esse prudentiam tuam latere non credimus—rex subdidit se Teutonico regi, et reguli nomen obtinuit. Dominus autem, iniuriam suo illatam principi pervidens, potestatem regni suo ad te iudicio transtulit. Et ita consanguineus tuus, si quid in obtinendo regno iuris prius habuit, eo se sacrilega usurpatione privavit. Petrus enim a firma petra dicitur, quæ portas inferi confringit, atque adamantino rigore destruit et dissipat, quicquid obsistit."

ferred the kingdom upon his son in the name of St Peter, and promises that he will give him the support of the Holy See in all just matters.<sup>1</sup> In another letter of the same year Gregory writes to Sweyn, King of the Danes, that the law of the Roman Pontiff reached farther than that of the Emperor, and that where Augustus reigned, Christ reigned. Sweyn had asked Pope Alexander II. for the "patrocinium" of St Peter, and Gregory desires to know whether this was still his wish.<sup>2</sup> In a letter of 1077 to the Corsicans, he bids them know that their island belongs lawfully to no other authority than that of the Roman Church: those who refuse to recognise this are guilty of sacrilege; and he rejoices to learn that they desired to recognise the rights of St Peter, and is prepared to send them armed help.<sup>3</sup> In a letter of 1079 to Wezelin, he warns him that he must not take up arms against him whom the apostolical authority had established as king in Dalmatia, and bids him know that whatever

<sup>1</sup> Id. id., ii 74: "Filius vester, limina apostolorum visitans, ad nos venit. Et, quod regnum illud dono sancti Petri per manus nostras vellet optinere, eidem beato Petro apostolorum principi debita fidelitate exhibita, devotis precibus postulavit, indubitanter asseverans illam suam petitionem vestro consensu ratam fore ac stabilem, si apostolicæ auctoritatis gratia ac munimine donaretur. Cuius votis et petitionibus, quia iusta videbantur, tum ex consensu vestro tum ex devotione præsentis tandem assensum præbimus et regni vestri gubernacula sibi ex parte beati Petri tradidimus, ea videlicet intentione atque desiderio caritatis ut beatus Petrus vos et regnum vestrum omniaque vestra bona sua apud Deum intercessione custodiat, et cum omni pace honore quoque et gloria idem regnum usque in finem vitæ vestræ tenere vos faciat et, huius militiæ finito cursu, impetret vobis apud supremum regem gloriam sempiternam.

nam. Quin etiam nos paratissimos esse novem vestræ nobilitatis serenitas, ut ad quæcumque iusta negotia huius sedis auctoritatem pro sua necessitate petierit, procul dubio continuo petitionem suarum consequetur effectum."

<sup>2</sup> Id. id., ii 75 "Plus enim terrarum lex Romanorum pontificum quam imperatorum obtinuit, in omnem terram exivit sonus eorum, et quibus imperavit Augustus, imperavit Christus . . .

Quia vero apud antecessorem nostrum beatæ memoriæ Alexandrum quædam expetisti, quibus beatus Petrus debitorum faceres, immo tibi et regno tuo nobile patrocinium eius acquires, per eosdem legatos mandes utrum eadem voluntas sit, an fuerit passa defectum, aut, quod magis optamus, susceperit augmentum."

<sup>3</sup> Id. id., v 21 "Nulli mortalium nullique potestati nisi sanctæ Romanæ ecclesiæ ex debito iure proprietatem pertinere."

he may do against this king will be done against the Roman See.<sup>1</sup> Deusededit has preserved the oath of fidelity which Demetrius had taken to Gregory VII. on receiving the Kingdom of Dalmatia. He acknowledges that he had been invested with the Kingdom by means of the banner, sword, sceptre, and crown, under the authority of the Pope, and promises obedience and fidelity in the strict terms of the feudal obligation, and the payment of a regular annual tribute.<sup>2</sup> In one letter Gregory even claimed that Charles the Great

<sup>1</sup> Id. id., vii 21. "Scias, nos de prudentia tua multum mirari ut, quate esse dudum beato Petro et nobis fidelem promiseris, contra eum, quem in Dalmatia regem auctoritas apostolica constituit, tu modo coneris insurgere. Quapropter nobilitatem tuam monemus et ex parte beati Petri præcipimus ut adversum iam dictum regem deinceps arma capere non præsumas, sciens, quæquid in illum ausus fueris, procul dubio te in apostolicum sedem futurum."

<sup>2</sup> Deusededit, 'Collectio Canonum,' iii 150. "Ego Demetrius qui et Summir nuncupor Dei providentia Croatiae Dalmatiæque dux, a te domine Gelizo ex apostolica sedis legatione Domini nostri Papæ Gregorii potestatem optinens in Salernitana basilica sancti Petri sinodali et concordii totius cleri et populi electione, de Croatiae Dalmatiæque regni regimine, per vexillum, ense, sceptrum et coronam investitus atque constitutus rex, tibi, devoveo, spondeo et polliceor me incommutabiliter completurum omnia quæ mihi tua reverenda inungit sanctitas. Videlicet ut in omnibus et per omnia apostolice sedi fidem observem, et quidquid hoc in regno tam apostolica sedes quam sui legati sanxerint aut sanxerint, irrevincibiliter custodiam, iustitiam excolam, ecclesias defendam, primitiæ, decimæ, omniumque ad ecclesias

pertinentium procurator existam, vitæ episcoporum, presbiterorum, diaconorum, subdiaconorumque ut caste et regulariter vivant provideam, pauperes viduas, atque pupillos protegam, parentulæ inlicitam copulam destruens, legitimam, dote, anulo, sacerdotisque benedictionem constituam et constituta corrumpi non permittam, hominum venditionem contradicam, atque in omnibus quæ ad rectitudinem status congruunt, Deo auctore me æquam exhibeam. Ducentorum quoque bizantinorum tributum, meorum omnium consulto primatum sancto Petro per singulos annos in resurrectione Domini de mihi concessio regno persolvendum statuo, et ut post me regnaturi hoc idem perpetuo servent, conseo, corroboreo, atque sanctio. . . . Præterea cum Deo servire regnare sit, vice beati Petri et Domini nostri, Papæ Gregorii atque post se sessuris in Apostolica sede me tuis manibus committo et committendo, hanc fidelitatem sacramento stabilio. Ego inquam Demetrius qui et Summir Dei gratia et Apostolica sedis dono rex ab hac hora in antea Sancto Petro et Domino meo Papæ Gregorio successores canonice intrantibus ero fidelis et ut ipso sive post eum futuri pontifices sive legati eorum vitam ac membra perdant, aut capiantur, neque in consilio neque in facto ero, et consilium quod mihi dederint ad

had given Saxony to St Peter, and that the Saxons possessed documentary evidence of this.<sup>1</sup> Finally, Gregory's Register contains, under the year 1081, a declaration of Bertrand, Count of Provence, that he surrendered all his hereditary dignity to God, St Peter and St Paul, and to Gregory and his successors.<sup>2</sup>

It is reasonable to compare this very highly developed policy of extending the feudal authority of the Roman See with the terms of Gregory VII.'s letter of 1081 to Altmann of Passau<sup>3</sup>; and we may not unreasonably think that that letter represents a design to extend the feudal authority of the Papacy even over the German kingdom.

illorum damnum scienter nulli intimum. Regnum autem quod mihi per manum tuam Domine Gelizo traditur, fidelis retinebo et illud suumque ius Apostolicæ sedi aliquo ingenio aliquando non subtraham."

<sup>1</sup> Id. id., viii. 23: "Idem vero magnus imperator (Charles the Great) Saxoniam obtulit beato Petro, cuius eam devicit adiutorio, et posuit signum devotionis et libertatis; sicut ipsi Saxones habent scriptum et prudentes illorum satis sciunt."

<sup>2</sup> Id. id., viii. 35: "Ego Bertramus Dei gratia comes Provinciae pro remissione peccatorum meorum et parentum meorum offero concedo

dono omnem honorem meum, quantum ad me iure parentum pertinet, omnipotenti Deo et sanctis apostolis Petro et Paulo et domino meo Gregorio papæ septimo et omnibus successoribus eius, ita ut, quicquid placuerit deinceps domino papæ Gregorio de me et de toto honore meo, sine ullo contradicte faciat. Ecclesias autem omnes, quæ in mea potestate sunt, præfato domino meo Gregorio papæ omnino dimitto et omnibus successoribus eius; et ad ordinandas eas iuste et secundum Deum pro posse meo fideliter adiuvabo."

<sup>3</sup> Cf. pp. 208, 209.

## PART IV.

### THE CHURCH AND THE EMPIRE FROM 1122 TO 1177

#### CHAPTER I.

##### FREDERICK I. AND THE PAPACY.

THE settlement of Worms secured peace between the Church and the Empire for more than thirty years, and when a new conflict arose the conditions and causes of the conflict were different. It is more difficult to say what was the nature of this peace; there are some who look upon this period as one in which the Papacy had triumphed over the Empire, but it is very doubtful if this view can be seriously defended. The truth would rather seem to be that men were heartily weary of the conflict, and that there was little desire either on the one side or the other to renew it. It is no doubt easy enough to argue that the agreement of Worms had not settled things finally, and it is indeed true that no complete or final settlement of the question of the appointment to bishoprics and abbeys had been reached; but as a matter of fact the settlement as a whole was not seriously challenged, and the changes which came, came gradually and without serious conflict.

An excellent monograph of Bernheim has brought out very clearly the extent and also the limits of divergence in the interpretation and application of the terms of the settlement.<sup>1</sup> It seems on the one hand to be clear that within

<sup>1</sup> E. Bernheim, 'Zur Geschichte des Wormser Concordats.'

a year of its conclusion a version of its terms was in existence which considerably extended the authority of the Emperor—a version which gave him power, in cases of disputed elections, to decide the matter by his own judgment, without the advice and judgment of the metropolitan and the comprovincial bishops.<sup>1</sup> In 1122 or 1123, after Worms, Henry V., in the case of a disputed election to the Abbey of St Gall, obtained a judgment from his court that in consequence of the dispute it was open to him to appoint whomsoever he wished.<sup>2</sup> It would seem that this was the tradition referred to by Otto of Freising in the ‘Gesta Friderici’ in a passage which we shall deal with later,<sup>3</sup> but it would not seem that either of Henry V.’s immediate successors, Lothair III. and Conrad III., made any attempt to assert such a right.

On the other hand, it would seem that some at least of those who procured the election of Lothair III. as Emperor in 1125 desired to modify the terms of the settlement in favour of the Church. According to the author of a very important account of this election, it was agreed at Mainz that the election of a bishop should be free, and not constrained by the presence and fear of the prince, and that the Emperor should invest the bishop, freely elected and freely consecrated, with the “regalia” by the sceptre, while the bishop should take the oath “salvo quidem ordinis sui proposito.”<sup>4</sup> This would seem to mean that it was agreed that

<sup>1</sup> ‘Codex Udalrici,’ 214.

<sup>2</sup> “Casuum Sancti Galli,” Cont. ii. 8 (M. G. H., ‘Scriptores,’ vol. ii.): “Audiens rex huiusmodi allegationes et dissensiones inter se discordantium partium, ex sententia curie obtinuit, neutram istarum partium iuri suo resistere, quin libere hanc potestatem posset, in quemcunque vellet, ex iure transferre. Rex vero in omnibus duci deferens, monachum quem sibi pro electo exhibuit, abbatie sancti Galli honore sublimavit.”

<sup>3</sup> Otto of Freising, ‘Gesta Friderici,’ i.

<sup>4</sup> ‘Narratio de electione Lotharii in

Regem Romanorum’ 6 (M. G. H., S.S. xii. 511): “Concordantibus itaque in electione regis universis regni principibus, quid iuris regni dignitatis imperium, quid libertatis reginæ celestis, id est ecclesie, sacerdotium habere deberet, stabili ratione prescribitur, et ceptus utrique honoris modus, Spiritu sancto dictanti prefigitur. Habeat ecclesia libertatem quam semper optaverat; habeat et regnum iustam in omnibus potentiam, qua sibi per karitatem quæcunque sunt cesaris sine cede subiciat. Habeat ecclesia liberam in spiritualibus electionem, nec regio metu extortam, nec

the terms of Worms should be modified in two important particulars—first, that the election should not be conducted in the presence of the Emperor; and second, that the investiture with the temporalities should take place after consecration and not before.

Whether this statement can be taken as proving that an actual agreement was made upon this basis, and that Lothair was a party to it, is very doubtful; Bernheim, in another monograph, has made it clear that Lothair’s actual administration did not conform to any such agreement, but rather that he normally maintained the terms of the agreement of Worms.<sup>1</sup>

If we can trust a statement in a life of St Bernard, Lothair, when he met Pope Innocent II. at Liège in 1131, taking advantage, no doubt, of the disputed election to the Papacy, urged upon him the restoration of investiture as it had been exercised before; but St Bernard, the most powerful supporter of Innocent’s claim to the papal throne, was present, and by his influence contributed greatly to the papal refusal.<sup>2</sup> The statement is confirmed by some other references.<sup>3</sup> It is possible that it is in some connection with this incident that we should place the issue by Innocent II., after his restoration to Rome and the consecration of Lothair as Emperor in June 1133, of the document which emphatically forbade bishops and abbots in the German kingdom to take possession of the “regalia” until they had received them

presentia principis ut ante coartatam, vel ulla petitione restrictam: habeat imperatoria dignitas electum libere, consecratum canonice, regalibus per sceptrum, sine precio tamen, investire sollempniter, et in fidei sue ac iusti favoris obsequium, salvo quidem ordinis sui proposito, sacramentis obligare stabiliter.”

<sup>1</sup> E. Bernheim, ‘Lothar III. und das Wormser Concordat.’

<sup>2</sup> ‘Vita Sancti Bernhardi,’ ii. 1, 5 (Migne, ‘P. L.,’ vol. 185): “Siquidem importune idem rex institit, tempus habere se reputans oppor-

tunum, episcoporum sibi restitui investituras, quas ab eius predecessore imperatore Henrico per maximos quidem labores et multa pericula Romana Ecclesia vindicarat. Ad quod verbum expavere et expalluere Romani, gravius sese apud Leodicum arbitrati periculum offendisse, quam declinaverint Romæ. Nec consilium suppetebat, donec murum se opposuit Abbas sanctus. Audacter enim resistens Regi, verbum malignum mira libertate redarguit, mira auctoritate compescuit.”

<sup>3</sup> Cf. Bernheim, *op. cit.*, pp. 37, 38.

from the Emperor.<sup>1</sup> It would seem probable that this was issued by the Pope as some satisfaction to the imperial demand, and the matter was one of great importance, for it was just upon this distinction between the temporal and the spiritual authority of bishops or abbots that the agreement of Worms rested.

The position of Lothair's successor, Conrad III., has been carefully examined by Witte in a dissertation on the episcopal elections during his reign; and it would appear that Conrad was not inclined or able to insist upon a strict observance of the provisions of Worms. Sometimes, and especially in his own personal territories, he asserted them; but at other times, and in other parts of the Empire, he could not, or at any rate did not, enforce them. Frequently he was not present at elections, and the investiture with the temporalities followed instead of preceding the consecration; in one case the Pope seems to have claimed the right to determine a disputed election instead of leaving this to the King, with the counsel and judgment of the metropolitan and the bishops of the province.<sup>2</sup>

On the whole, however, it is true to say that the fundamental principle of the settlement of Worms was fully recognised—that is, the distinction between the spiritual position of the bishop and his temporal lordships and possessions; and therefore, that while it was the part of the ecclesiastical authority to invest him with the former, it was for the temporal authority to grant the latter. And this settlement had for the time brought peace in the relations between the Empire and the Papacy.

We have now to consider the circumstances and the

<sup>1</sup> M G H, Legum, Sect. iv, 'Constitutiones,' vol. i 116 "Nos igitur, maiestatem imperii nolentes minuere sed augere, imperatorie dignitat[is] plenitudinem tibi concedimus et debitas et canonicas consuetudines presentis scripti pagina confirmamus. Interdicimus autem, ne quisquam eorum, quos in Teut[onico] regno ad

pontificatus honorem vel abbacie regi men evocari contigerit, regalia usurpare vel invadere audeat, nisi eadem prius a tua [potes]tate deponat, quod ex his, que iure debet tibi, tue magnificentie faciat."

<sup>2</sup> H. Witte, 'Forschungen zur Geschichte des Wormser Concordats

principles of the conflict between Frederick Barbarossa and the Popes who were his contemporaries.

Frederick I. was elected by the princes at Frankfurt in March 1152, and the ecclesiastical relations of his first years were tranquil. He did, indeed, maintain the rights given to the secular power by the agreement of Worms, and in one case at least he interpreted these in a manner which was not consistent with what seems to be the genuine text, but was probably founded upon that version which has been preserved in the 'Codex Udalrici.' Otto of Freising, in the 'Gesta Friderici,' says that the tradition of the "Curia," that is, the royal court, was that in the case of a disputed election the king could appoint as bishop whomsoever he wished, with the counsel of his "optimates."<sup>1</sup> It was apparently in virtue of this claim that Frederick, in 1152, procured the appointment of Weidmann, the Bishop of Zeitz, to the Archbishopric of Magdeburg. Pope Eugenius III., in a letter to the bishops of Germany, rejected the appointment, but not on the ground of the provisions of Worms, that the king as emperor could only decide upon such a point with the advice and judgment of the metropolitan and the comprovincial bishops, but on the ground that Frederick had overridden the rights of the electors.<sup>2</sup>

<sup>1</sup> Otto of Freising, 'Gesta Friderici,' i. (p. 392). "Tradit enim curia, et ab ecclesia, eo tempore quo sub Henrico V. de investitura episcoporum decisa fuit inter regnum et sacerdotum controversia, sibi concessum autumnat, quod obeuntibus episcopis, si forte in eligendo partes fierent, principis arbitrii esse, episcopum quem voluerit, ex optimatum suorum consilio ponere, nec electum aliquem ante consecrandum, quam ab ipsius manu regalia per scriptum suscipiat."

<sup>2</sup> Id. id (pp 393, 394): "Cum enim translatione episcoporum sine manifestæ utilitatis et necessitatis iudicio divinæ legis oraculum non

permittat, cum etiam multo amplior quam in alios electionibus cleri et populi eas debet prævenire concordia, in facienda translatione de venerabili fratri nostro G. Cicensi episcopo nichil horum est, sed solus favor principis expectatus, et nec inspecta necessitate illius ecclesiæ, nec considerata utilitate personæ, clero nolente, imo, ut dicitur, ex maxima parte reclamante, in Magdeburgensem eum dictis ecclesiam supplantandum . . .

per præsentia nobis scripta mandamus quatenus cause isti favorem ulterius non præstetis, et apud karissimum filium nostrum Fridericum, quem Deus hoc tempore pro servanda libertate

On the other hand, Frederick showed himself desirous to meet the demands of the Papacy for his support. The relations between Frederick and the Popes at this time are best represented by the terms of the Treaty of Constance, which was concluded early in 1153. By this treaty Frederick bound himself to support the Pope against the Greeks, the Normans, and the rebels in Rome, while the Pope promised to crown him as Emperor, to support him against any who should attack the "justice and honour" of the kingdom, by excommunicating them, and to resist the Greeks.<sup>1</sup>

In 1155 Frederick was crowned Emperor in Rome. In 1156, however, the papal policy seems to have undergone a change. At the time when the Treaty of Constance had been signed, the Popes were on bad terms with the Normans, and looked for support against them to Frederick, but in 1156 Hadrian IV. came to terms with the Normans, and the new relation was embodied in the Treaty of Beneventum. The most important political provisions of this treaty are as follows: Hadrian recognised William and his son Roger and their heirs as Kings of Sicily, Dukes of Apulia, and Princes of Capua, together with Naples, Salerno, and Amalfi, and the territories belonging to them, while they on their part swore fidelity to Pope Hadrian and his successors and the Roman Church, and did liege homage.<sup>2</sup>

*ecclesie in eminentiam regni evexit, efficere vestris exhortationibus studeatis, ut et ipse a sua super hoc intentione desistat et contra Deum, contra sacros canones, contra regie dignitatis officium eidem cause favorem suum ulterius non impendat, sed ecclesie Magdeburgensi sicut et aliis ecclesiis regni a Deo sibi commissi, liberam facultatem quem voluerit secundum Deum eligendi relinquat et electionem ipsam postmodum favore suo, sicut decet maiestatem regiam prosequatur."*

<sup>1</sup> M. G. H., Leg., Sect. iv., 'Const.' i. 144, 145.

<sup>2</sup> Hadriani IV. et Wilhelmi Regis, Concordia Beneventana (in J. M.

Watterich, 'Pontificum Romanorum Vitae,' vol. ii. p. 352): "Profecto vos nobis et Rogerio duci filio nostro et heredibus nostris, qui in regnum pro voluntaria ordinatione nostra successerint, conceditis regnum Siciliae, ducatum Apuliae et principatum Capuae cum omnibus pertinentiis suis, Neapolim, Salernum et Amalfiam cum pertinentiis suis, Marsiam et alia quae ultra Marsiam debemus habere et reliqua tenimenta, quae tenemus, a praedecessoribus nostris, hominibus sacrosanctae Romanae ecclesiae, iure detenta, et contra omnes homines adiuvabitis honorifice manuteneret."

Pro quibus omnibus vobis vestrisque successoribus et sanctae Romanae

It was not, however, till 1157 that a serious dispute arose between Frederick and Hadrian IV., and then it was not about any actual question of policy, but about the use of a phrase by the Pope which seemed to imply that Frederick held the Empire as a fief from the Pope. The circumstances were as follows. Archbishop Eskil of Lund, in Sweden, on his return from Rome, had been seized and held to ransom by some turbulent persons in Burgundy. For some reason Frederick refused to take any active steps to procure his release or to punish the offenders, and Hadrian IV. wrote to him in September to remonstrate with him. After urging upon him the duty of intervention, he reminded him of the affection and joy with which the Roman Church had received him, how it had conferred upon him the fulness of dignity and honour with the imperial crown, and that it would gladly have conferred upon him greater "beneficia."<sup>1</sup>

This letter reached Frederick while he was holding a diet at Besançon, and according to the report of Otto of Freising, it caused the greatest indignation among the princes, because they understood the letter to imply that the German Kings held the Empire and the Kingdom of Italy by the grant of the Popes. They were, according to Otto, much disturbed by the recollection that in the palace of the Lateran, under a portrait

*ecclesie fidelitatem iuravimus et vobis ligium hominum fecimus, sicut continetur in duobus similibus capitularibus, quorum alterum penes vestram maiestatem sigillo nostro aureo, alterum vero sigillo vestro signatum penes nos habetur."*

<sup>1</sup> M. G. H., Leg., Sect. iv., 'Const.' i. 164 (3): "Debes enim, gloriosissime fili, ante oculos mentis reducere, quam gratanter et quam iocunde alio anno mater tua sacrosancta Romana ecclesia te suscepit, quanta cordis affectione tractaverit, quantam tibi dignitatis plenitudinem contulerit et honoris, et qualiter imperiali insigne coronae \* libentissime

*conferens, benignissimo gremio suae sublimitatis apicem studuerit conferere, nichil prorsus efficiens quod regie voluntati vel in minimo cognosceret obviare. Neque tamen penitet nos tuae desideria voluntatis in omnibus implevisse sed si maiora beneficia excellentia tua de manu nostra suscepisset, si fieri posset, considerantes, quanta ecclesiae Dei et nobis per te incrementa possint et commoda provenire, non immerito gauderemus."*

\* The Editor of the 'Constitutions' urges that it is evident from the letter of Pope Hadrian, quoted on p. 315, that the word "beneficium" has here been accidentally or intentionally omitted.

of the Emperor Lothair III., there was written an inscription in the following terms :—

“Rex venit ante foras, iurans prius urbis honores,  
Post homo fit papae, sumit quo dante coronam.”<sup>1</sup>

The tumult caused by the reading of Hadrian's letter was increased by the injudicious words which one of the papal legates was understood to have used: “From whom, then, has he the Empire, if not from the Pope?” and the legates might have been killed if Frederick had not intervened and sent them back to their lodgings, ordering them to depart on the following morning, and to return without delay to Rome.<sup>2</sup>

In October Frederick issued a circular letter recounting the circumstances of the papal legation and the contents of Hadrian's letter. He complains that the head of the Church, who ought to represent the peace and charity of Christ, was becoming the cause of discord and the source of evil; and he declares that he received the Kingdom and Empire, by means of the election of the princes, from God alone, who had subjected the world to the rule of the two swords; and he charges any one who should maintain that he had received the imperial crown as a fief (“pro beneficio”) from the Pope with

<sup>1</sup> It is possible that, as Wilmar (the editor of the ‘Gesta Friderici’ in M. G. H., *Scriptores*, vol. xx.) suggests, this inscription may have represented a misinterpretation of the investiture of Lothair III. by Innocent II. with the territory (allodium) of the Countess Mathilda; the phrases of the grant are as follows: “Hoc nimirum intuitu allodium bone memorie comitisse Matilde, quod utique ab ea beato Petro constat esse collatum, vobis comittimus et ex apostolicæ sedis dispensatione concedimus atque in presentia fratrum nostrorum, archiepiscoporum, episcoporum abbatum nec non principum et baronum per anulum investivimus, ita videlicet ut centum libras argenti singulis annis nobis et successoribus

nostris exolvat et post tuum obitum proprietat ad ius et dominium sancte Romane ecclesie cum integritate absque diminutione ac molestia revertatur” (M. G. H., *Leg.*, Sect. iv., Const. i. 117). The phrase used is that of investiture with a ring; there is no reference to homage or the oath of fidelity. It is, however, noticeable that the document goes on to say that the Pope, “pro caritate vestra,” grants the same territory on the same condition to Henry Duke of Bavaria and his wife, who was a daughter of the Emperor, for their lifetime, but for this the Duke was to do homage to the Pope, and to swear fidelity to St Peter and the Pope.  
<sup>2</sup> Otto of Freising, ‘Gesta Friderici,’ iii. 10.

the defiance of the doctrine of St Peter, who had bidden men to “fear God and honour the king.”<sup>1</sup>

The Pope in the meanwhile was much irritated at the treatment of his legates and at the measures which, as he alleged, Frederick had taken to prevent any one from Germany going to the Apostolic See, and wrote a letter to the German archbishops and bishops complaining of Frederick's conduct, and urging them to resist his actions and to persuade him to adopt a more reasonable policy. He admitted, it should be observed, that the trouble had arisen about the phrase which he had used “insigne videlicet coronæ tibi beneficium contulimus”; but he did not, so far, offer any explanation of the phrase.<sup>2</sup> The German bishops replied courteously and deferentially, but firmly, that the terms used in the first letter were the cause of all the trouble, and that they were so unusual and unprecedented, and of so sinister an ambiguity, that they could not defend nor approve them. They had, as the Pope desired, discussed the matter with the Emperor, and they report his reply. In this Frederick made it plain that, while he desired to exhibit all due reverence to the Pope, he would not tolerate any departure from legal and customary usage. He claimed the freedom of the imperial crown as being derived from the “beneficium divinum,” and states in some detail the order of election and coronation. He denied that his behaviour to the cardinals had been dictated by contempt of the Pope, but he could not permit them to carry any further such

<sup>1</sup> M. G. H., *Leg.*, Sect. iv., Const. i. 165: “Cum divina potentia, a qua omnis potestas in cælo et in terra, nobis, christi eius, regnum et imperium regendum commiserit et pacem ecclesiarum imperialibus armis conservandam ordinaverit, non sine maximo dolore cordis conqueri cogimus dilectioni vestræ, quod a capite sanctæ ecclesiæ, cui Christus pacis ac dilectionis suæ characterem impressit, causæ dissensionum, seminarium malorum, pestiferi morbi venenum manare videntur. . . .

Cumque per electionem principum a solo Deo regnum et imperium nostrum sit, qui in passione Christi filii sui duobus gladiis necessariis regendum orbem subiecit, cumque Petrus apostolus hæc doctrina mundum informaverit: ‘Deum timete, regem honorificate,’ quicumque nos imperialem coronam pro beneficio a domno papa suscepisse dixerit, divinæ institutionem et doctrinæ Petri contrarius est et mendacii reus erit.”

<sup>2</sup> Id. id., 166.



documents as were an offence to the Empire. He had not forbidden any one to come or go on reasonable business to or from Italy, but was determined to check those abuses by which the churches of the kingdom were burdened. And then, evidently with reference to the painting which has been already described, he says that that which had begun with a picture was now being carried out in a writing, and that it was now attempted to make this writing authoritative. This he would not tolerate, but would rather resign the crown than suffer such a degradation of the Empire. Such pictures must be destroyed, and such letters retracted if there was to be friendship between the "regnum" and the "sacerdotium."

The bishops add that they had heard from the Emperor what they evidently considered to be disquieting reports about a treaty with Roger and William of Sicily—referring, no doubt, to the Treaty of Beneventum, which, as we have seen, had been concluded between Hadrian IV. and William I. of Sicily in 1156; and they had heard also of other treaties.<sup>1</sup>

<sup>1</sup> Id. id., 167 (2): "Equidem a verbis illis quæ in litteris vestris continebantur, quas per nuncios vestros prudentissimos et honestissimos, dominum Bernhardum et dominum Rolandum cancellarium, venerabiles presbiteros cardinales misistis, commota est universa res publica imperii nostri; aures imperialis potentie ea pacienter audire non potuerunt neque aures principum sustinere; omnes ita continuerunt aures suas, quod nos, salva gratia vestra sanctissima paternitates, ea tueri propter sinistram ambiguitatis interpretationem vel consensu aliquo approbare nec audemus nec possumus, eo quod insolita et inaudita fuerunt usque ad hæc tempora. (3) Litteras autem, quas nobis misistis, debita cum reverentia suscipientes et amplectentes, commonuimus filium vestrum, dominum nostrum im-

peratorem, sicut iussistis, et ab eo responsum, Deo gratias, accepimus tale, quale decebat catholicum principem, in hunc modum:

'Duo sunt, quibus nostrum regi oportet imperium, leges sanctæ imperatorum et usus bonus predecessorum et patrum nostrorum. Istos limites excedere nec volumus nec possumus; quidquid ab his discordat non recipimus. Debitam patri nostro reverentiam libenter exhibemus. Liberam imperii nostri coronam divino tantum beneficio ascribimus; electionis primam vocem Maguntino archiepiscopo, deinde quod superest cæteris secundum ordinem principibus recognoscimus; regalem unctionem Coloniensi, supremam vero, quæ imperialis est, summo pontifici; quidquid preter hæc est, ex habundanti est, a malo est. Cardinales in contemptum dilec-

In June 1158 papal envoys came to Frederick at Augsburg, bearing letters in which Hadrian IV. was careful to explain away the offensive phrases which, he said, had been misunderstood. The word "beneficium" had, he declared, no such meaning in his letter as had been attributed to it. It did not mean a "fief," but only a benefit; and it was only the wilful malice of men who did not desire the peace of the Church and kingdom which had misinterpreted it.<sup>1</sup> Frederick received the explanation in a friendly way,

tissimi et reverentissimi patris nostri et consecratoris a finibus terræ nostræ exire non coegimus. Sed cum his et pro his, quæ et scripta et scribenda forebant in dedecus et scandalum imperii nostri ultra eos prodire pati nolumus. Introitum et exitum Italiæ nec clausimus edicto nec claudere aliquo modo volumus peregrinantibus vel pro suis necessitatibus rationabiliter cum testimonio episcoporum et prelatorum suorum Romanam sedem adeuntibus; sed illis abusionibus, quibus omnes ecclesiæ regni nostri gravata et attenuatæ sunt et omnes pene claustrales disciplinæ emortuæ et sepultæ, obviare intendimus. In capite orbis Deus per imperium exaltavit ecclesiam, in capite orbis ecclesia, non per Deum, ut credimus, nunc demolitur imperium. A pictura cepit, ad scripturam pictura processit, scriptura in auctoritatem prodire conatur. Non patimur, non sustinebimus; coronam ante ponemus, quam imperii coronam una nobiscum sic deponi consentiamus. Picturæ deleantur, scripturæ retractentur, ut inter regnum et sacerdotium æterna inimiciarum monumenta non remaneant.'

Hæc et alia, utpote de concordia Rogerii et Willelmi Siculi et aliis quæ in Italia facta sunt conventionibus, quæ ad plenum prosequi non audemus, ab ore domini nostri imperatoris audivimus. . . . (5) De cætero sancti-

tatem vestram suppliciter rogamus et obsecramus, ut nostræ parcatis infirmitati, ut magnanimitatem filii vestri sicut bonus pastor lenitatis scriptis vestris scripta priora suavitate mellita dulcorantibus, quatinus et ecclesia Dei tranquilla devotione lætatur et imperium in suæ sublimitatis statu gloriatur, ipso mediante et adiuvante, qui mediator Dei et hominum factus est homo Christus Iesus."

<sup>1</sup> Id. id., 168: "Ex quo universalis ecclesiæ curam, Deo prout ipsi placuit disponenti, suscepimus, ita in cunctis negotiis magnificentiam tuam honorare curavimus, ut de die in diem animus tuus magis ac magis in amore nostro et veneratione sedis apostolicæ debuisset accendi. . . . Occasione siquidem cuiusdam verbi, quod est beneficium, tuus animus, sicut dicitur, est commotus, quod utique nedum tanti viri, sed nec cuiuslibet minoris animum merito commovisset. Licet enim hoc nomen, quod est beneficium, apud quosdam in alia significatione, quam ex impositione habeat, assumatur, tunc tamen in ea significatione accipiendum fuerat, quam nos ipsi posuimus et quam ex institutione sua noscitur retinere. Hoc enim nomen ex 'bono' et 'facto' est editum et dicitur beneficium apud nos non feudum, sed bonum factum. In qua significatione in universo sacra scripturæ corpore invenitur, ubi ex

and the amicable relations with Rome were for the time restored.

It is not easy to arrive at a clear judgment about the significance of these circumstances. It is very difficult to understand why Hadrian should have wished to pick a quarrel with the Emperor, and why he should have chosen such a way of doing it. The only important argument for the view that he used the phrase intentionally lies in the fact that he did not offer any explanation of it in his letter to the German bishops. On the whole, it appears very doubtful whether Hadrian's phrase was intentionally used to signify his determination to treat the Emperor as a vassal of the Holy See; it seems more probable that it was used inadvertently. It is at any rate most important to observe that the supposed claim was immediately and emphatically repudiated by the German bishops, and that the Pope himself was careful to explain it away.

In the year 1159 there was again a dispute between Frederick and Hadrian IV., shortly before the death of the latter. The Bishop of Bamberg, in a letter to the Archbishop of Salzburg, cited by Otto of Freising in the 'Gesta Friderici,' reported that the Pope had sent two cardinals to Frederick, making certain very important demands, and laying down some very significant principles. The Emperor, he declared, must not send envoys to Rome without the

beneficio Dei, non tamquam ex feudo, sed velut ex benedictione et bono facto ipsius gubernari dicimur et nutriri. Et tua quidem magnificentia liquido recognoscit, quod nos ita bene et honorifice imperialis dignitatis insigne tuo capiti imposuimus, ut bonum factum valeat ab omnibus iudicari. Unde quod quidam verbum hoc et illud, scilicet 'contulimus tibi insigne imperialis coronæ,' a sensu suo nisi sunt ad alium retorquere, non ex merito causæ, sed de voluntate propria et illorum suggestione, qui pacem regni et æcclesiæ nullatenus diligunt,

hoc egerunt. Per hoc enim vocabulum 'contulimus' nil aliud intelligimus, nisi quod superius dictum est, 'imposuimus.' Sane quod postmodum personas æcclesiasticas a debita sacrosanctæ Romanæ æcclesiæ visitatione, ut dicitur revocari iussisti, si ita est, quam inconvenienter actum sit, tua, fili in Christo karissime, discretio, ut credimus recognoscit. Nam si apud nos aliquid amaritudinis habebas, per nuncios et litteras tuas nobis fuerat intumendum, et nos honori tuo curavisset, sicut filii karissimi, providere."

knowledge of the Pope, as the magistracy of the city and all the "regalia" belonged to St Peter. The bishops in Italy were to take the oath of fidelity to the Emperor without doing homage, and were not to be required to receive the Imperial envoys in their palaces. He also demanded the restoration to the Roman Church of Tibur, Ferrara, Massa; the whole territory of the Countess Matilda, the whole territory from Aquapendente to Rome, the Duchy of Spoleto, and the islands of Sardinia and Corsica.<sup>1</sup>

In his reply Frederick first pointed out that he could not answer on such important matters without the advice of the princes, but provisionally he replied as follows: He would not demand homage from the Italian bishops if they were willing to surrender the "regalia." He was willing to admit that his messengers need not be received in the bishop's palaces, provided these were built upon ground which belonged to the bishops, but if they were built upon the Emperor's land, they were properly the Emperor's palaces. As to the Pope's demand that he should not send envoys to Rome, as all magistracy there belonged to St Peter, this, he said, was a serious matter requiring grave consideration; for if the city of Rome were not under the authority of the Emperor, it would mean that he had only the appearance and the empty name of the Imperial power.<sup>2</sup>

<sup>1</sup> 'Gesta Friderici,' iv. 34: "Nuncios ad urbem ignorante apostolico ab imperatore non esse mittendos, cum omnis magistratus inibi beati Petri sit cum universis regalibus. De dominicalibus apostolici fodrum non esse colligendum, nisi tempore suscipiendæ coronæ. Episcopos Italiæ solum sacramentum fidelitatis sine hominio facere debere domino imperatori, neque nuncios imperatoris in palatiis episcoporum recipiendos. De possessionibus æcclesiæ Romanæ restituendis. Tiburti, Ferrariæ, Massæ, Ficiadii, totius terræ comitissæ Matildis, totius terræ quæ ab

Aquapendenti est usque Romam, ducatus Spoletani, insulam Sardinie, Corsicæ."

<sup>2</sup> M. G. H., Leg., Sect. IV., Const., vol. i. 179: "Quamvis non ignorem, ad tanta negotia non ex animi mei sententia, sed ex consilio principum me respondere debere, sine preiudicio tamen sapientum hoc absque consultatione respondeo. Episcoporum Italiæ ego quidem non affecto hominium, si tamen et eos de nostris regalibus nichil dlectat habere. Qui si gratanter audierint a Romano presule: 'Quid tibi et regi,' consequenter quoque eos ab imperatore

It was apparently about the same time that Hadrian asked for the renewal of the treaty made with Pope Eugenius III. at Constance in 1153; but, as appears from a letter of Frederick to the Archbishop of Salzburg, Frederick refused, on the ground that Hadrian had violated the terms of this treaty by the treaty which he had made with William of Sicily at Beneventum, in the year 1156. Frederick contended that it was a breach of the agreement of Constance that the Pope should have made peace with the King of Sicily without consulting him.<sup>1</sup>

The questions thus raised were no doubt serious and far-reaching, and might have produced a serious situation; but other and graver questions arose.

It was in 1159 that Hadrian IV. died, and his death was followed by a double election to the Papacy. Roland was elected as Alexander III., and Octavian as Victor IV. The situation is set out very clearly in one of the works of Gerhoh of Reichersberg. He was one of the most energetic of the reforming clergy in Germany, but for some time hesitated in his attitude to the rival claimants. He was clear that, as far as the election itself was concerned, Alexander had been legitimately and canonically elected by a majority of the cardinals; but, on the other hand, he very gravely and seriously reports the contention of the supporters of Victor that both Alexander and the cardinals who had elected him had been engaged in a conspiracy against the Emperor. It was alleged that before the death of Hadrian

non pigeat audire: 'quid tibi et possessioni.' Nuncios nostros non esse recipiendos in palatiis episcoporum asserit. Concedo, si forte aliquis episcoporum habet in suo proprio solo et non in nostro palatium. Si autem in nostro solo et allodio sunt palatia episcoporum, cum profecto omne quod inedificatum solo cedat, nostra sunt et palatia. Iniuria ergo esset, si quis nuncios nostros a regis palatiis prohiberet. Legatos ab im-

peratore ad Urbem non esse mittendos affirmat, cum omnis magistratus inibi beati Petri sit cum universis regalibus. Hæc res fateor, magna est et gravis et maturiore egens consilio. Nam cum divina ordinatione ego Romanus imperator et dicor et sim, speciem tantum dominantis effingo et inane utique porto nomen ac sine re, si urbis Romæ de manu nostra potestas fuerit excussa."

<sup>1</sup> Id. id., 180.

IV. they had made an agreement with William, the King of Sicily, and the Milanese, and with other enemies of the Empire, that they had bound themselves by an oath that on the death of Hadrian, they would not elect any one to the Papacy who had not been associated with them in this conspiracy, and that they had been bribed by William and the Milanese to undertake that Frederick should be excommunicated and should not be absolved without their consent.<sup>1</sup>

It was under these circumstances that Frederick put forward two important principles: that it was for a General Council of the Church to consider the claims of the two aspirants to the Papacy, and to decide which of them was the legitimate Pope; and that it was the duty of the Emperor to take the necessary steps to call together such a Council.

Frederick's position is very fully and clearly expressed in his letter of invitation to the German bishops to attend the Council which he summoned to meet at Pavia to deal with the matter. He interprets the words of Christ referring to the two swords as being related to the Roman Church and the Roman Empire, by which the whole world was ordered in *divine* and *human* matters. There is one God, one Pope, one Emperor, and there ought to be one Church; but, grievous to relate, there seem to be two heads of the Roman Church. It is to avert the danger of such a division in the Church that the Roman Empire, which the divine providence has

<sup>1</sup> Gerhoh of Reichersberg, 'De Investigatione Antichristi,' i. 53: "Duplicem autem eis conspirationem vel coniurationem obiciunt, unam qua contra augustale imperium Friderici imperatoris et contra laudamentum in verbo Domini factum, adhuc vivente papa Adriano, cum Siculo Willehelmo et Mediolanensibus aliisque inimicis imperii federati sint; secundam qua, ut easdem contra imperium conceptas inimicias ad finem usque destinatum perducerent, inter se sacramenti firmitudine convenerint decedente papa Adriano non alium

se in papam electuros, nisi qui eiusdem coniurationis consors extitisset. Verbum autem conspirationis pecunia Siculi et Mediolanensium coemptum hoc esse dicunt, quatenus imperatorem Fridericum excommunicarent et absque consilio Willeholmi Siculi et Mediolanensium nunquam absolverent."

Cf. the other source of information cited in 'Lib. de Lite,' vol. iii., note 5, p. 361.

Cf. M. G. H., Leg., Sect. IV., Const., vol. i. 187.

created as a remedy for such a dangerous mischief, must take action for the safety of all, to avert such evils from the Church and all mankind. He has therefore summoned a solemn and general assembly to meet at Pavia in the Octave of the Epiphany, and has invited the two who call themselves Roman Pontiffs, and all the bishops of the Empire, of France, England, Spain, and Hungary, that by their examination, in his presence, it might be declared which of the claimants should lawfully obtain the rule of the universal Church.<sup>1</sup>

It is important to observe precisely the nature of the claims which Frederick set out. He maintained that it was the duty of the Emperor to deal with such a situation as that which had arisen, but he did not claim that he had himself authority to decide between the claimants. His function, as he represented it, was to call together a general assembly of the bishops of the Church of all countries, and it was for them to consider and decide upon the justice of the rival claims—only, this was to be done in his presence. To put this in other words, this meant that, in the case of disputed elections to the Papacy, it was for the Church as a whole to decide the rights of the case, while it was the function of the Emperor to set the machinery of the Church in motion.

<sup>1</sup> M. G. H., Leg., Sect. IV., Const., vol. i. 182: "Quod in passione sua Christus duobus gladiis contentus fuit, hoc in Romana ecclesia et in imperio Romano credimus mirabili providentia declarasse, cum per hæc duo rerum capita et principia totus mundus tam in divinis quam in humanis ordinetur. Cumque unus Deus, unus papa, unus imperator sufficiat, et una ecclesia Dei esse debeat, quod sine dolore cordis dicere non possumus, duos apostolicos in Romana ecclesia habere videmur. Ne itaque in tantæ discrimine discordiæ universalis ecclesia perditari possit, Romanum imperium quod ad remedium

tam perniciosi mali divina clementia providit, universorum salutem debet sollicitè providere et, ne tanta mala in ecclesia Dei premeant futuris casibus solertior obviare. Curiam sollempnem et generalem conventum omnium ecclesiasticorum virorum in octava epiphaniæ Papiæ celebrandam indiximus, ad quam ambos qui se dicunt Romanos pontifices vocavimus. omnesque episcopos imperii nostri et aliorum regnorum, Franciæ videlicet, Angliæ, Hispaniæ atque Ungariæ, ut eorum in præsentia nostra iusto declaretur examine, quis illorum regimen universalis ecclesiæ de iure debeat obtinere."

With this we should compare the terms of the letter in which Frederick invited Henry II. of England to send as many of his bishops and abbots as possible to the Council at Pavia, that by their judgment and that of the other ecclesiastical persons the unity of the Roman Church should be preserved.<sup>1</sup> In his letter to Alexander III. and his cardinals desiring their presence at the Council, the same positions were set out as in the letter to the German bishops, only they were stated with more precision. He claimed that it was his duty to protect (*patrocinari*) all the churches in his Empire, and more especially to care for the Roman Church, whose "care and defence" had been specially entrusted to him by the divine providence; he expressed his grief at the dispute which had arisen as to the election, and said that it was to remedy this evil that he had commanded to be held (*indiximus celebrandum*) a general court and assembly at Pavia, to which he had called the archbishops, bishops, abbots, and other religious persons, in order that, all secular judgment being excluded, this great matter of the Church might be decided by the sentence only of the ecclesiastical persons in such a way that God might be honoured, that no one should deprive the Roman Church of her "*integritas*," and justice, and that the city of Rome might be at peace. He therefore, in the name of God and of the Catholic Church, commanded and enjoined upon him that he should attend the assembly to hear and receive the decision of the ecclesiastical persons.<sup>2</sup> The principles set out

<sup>1</sup> Id. id., 182: "Ut eorum ceterorumque ecclesiasticorum virorum salubri dictante concilio unitas Romanæ ecclesiæ, eo mediante qui facit utraque unum, reformetur et status ecclesiarum nullis deinceps dissensionum turbine collisus, nostris temporibus incolumis in summa tranquillitate possit permanere."

<sup>2</sup> Id. id., 184: "In hoc itaque sacratissimo proposito constituti, cum omnibus ecclesiis in imperio nostro constitutis debemus patrocinari, sacro-

sanctæ Romanæ ecclesiæ tanto propensius debemus providere, quando ipsius cura et defensio a divina providentia creditur esse commissæ nobis specialius. Quatinus, remoto omni seculari iudicio, hoc tam magnum ecclesiæ negotium ecclesiasticarum tantum personarum sententia ita sopiatur, ut et Deo debitus exinde honor deferatur et ecclesia Romana sua integritate et iusticia non possit a quoquam privari, vel status urbis, quæ caput imperii

are the same as those in the letter to the German bishops ; but Frederick lays stress upon his special obligations of care and defence to the Roman Church, and he very emphatically repudiates the suspicion that the secular power claimed a right to share in the determination of the question at issue. He does, however, assume a very authoritative tone in summoning Alexander to attend the Council.

It is, however, necessary to observe that in another letter Frederick's position is not exactly the same. In this he begs the Archbishop of Salzburg not to pledge his support to either candidate without consulting him, lest there should arise division in the Empire, and he tells him that he had asked the Kings of France and England only to support that one of the claimants upon whom they should all three agree. He concludes by saying that he will not himself recognise any one as Pope who had not been elected by the unanimous consent of the faithful.<sup>1</sup> Here Frederick's tone is somewhat different : he does, indeed, recognise the common judgment of the Church as being the authority by which the matter should be finally decided, but, at the same time, he speaks as though he and the Kings of France and England were entitled to exercise some authority with regard to the recognition of the rightful claimant.<sup>2</sup> This may, however, be interpreted as

nostri est inquietari. Proinde eruditioni vestre mandamus et ex parte Dei omnipotentis et totius ecclesie catholice precipimus, ut ad eandem curiam sive conventum veniatis, ecclesiasticarum personarum sententiam audituri et recepturi."

<sup>1</sup> Id. id., 181 : "Inde est quod pro huius rei novitate tibi nunciando nuntium tuum dilectioni tue remittimus, fidelitatis tue sinceritatem intime commones, hortantes et quam maxime rogantes, ut si forte pro aliquo Romane sedis electo assensus discretionis tue requisitus fuerit, non statim, quasi precipitata ratione vel nobis inconsultis, favorem tuum adhibeas, sed

ne imperium nostris temporibus in se ipsum divisum desoletur, ad unitatem nobiscum studeas operam dare. . . . .  
nec in aliquam personam favorem suam tam subito ponant, nisi quam nostrum trium unicus laudaverit assensus. . . . .

Ad kathedram tanti regiminis aliam personam nullatenus recipere intendimus, nisi quam ad honorem imperii et quietem ac unitatem ecclesie unanimi et concordii assensu fideles elegerint."

<sup>2</sup> Cf. the principle of William the Conqueror in England as represented in Eadmer, *Hist.*, Nov. 1.

referring only to the period before the judgment of the whole Church had been declared.

Alexander III. did not hesitate to take up the challenge thus addressed to him, but at once firmly repudiated and condemned the action of the Emperor and the contention that an assembly of the Church could take cognisance of the matter. The tone of his statement was courteous, but his attitude was uncompromising.

He recognises that the Emperor was, in virtue of his position, the advocate and the special defender of the Roman Church, and he assures him that he honoured him above all princes ; but he must honour God more, and he is astonished that the Emperor should refuse to the Roman Church that honour which belongs to it. He had learned, he says, from the Emperor's letter, that he had called together a Council of the ecclesiastics of the five kingdoms, but in doing this he had departed from the custom of his predecessors, and exceeded the bounds of his authority, since he had done it without the knowledge of the Roman Pontiff, and had summoned him to his presence as though he possessed authority over him ; while Christ had given to St Peter, and through him to the holy Roman Church, this privilege, that it should consider and determine the causes of all churches, while it should never be subject to the judgment of any one, and this privilege must be maintained even at the risk of death. The canonical tradition and the authority of the holy Fathers, therefore, forbade him to attend the Emperor's court or to receive its judgment, and he would deserve the severest censure if he, by his ignorance or faint-heartedness, were to suffer the Church to be reduced to slavery.<sup>1</sup>

<sup>1</sup> M. G. H., Leg., Sect. IV., Const., vol. i. 185 : "Nos recognoscimus dominum imperatorem ex collato sibi debito dignitatis adrogatum ac specialem sacrosanctae Romane ecclesie defensorem. . . . .  
In quo nimirum longe a consuetudine predecessorum suorum recessisse videtur et dignitatis sue terminum excessisse,

dum sine conscientia Romani pontificis concilium convocaret et nos ad presentiam suam, sicut homo super nos potestatem habens, precipit convenire. Sane beato Petro et per eum sacrosanctae Romane ecclesie, cuius ipse per Deum magister extitit ac fundator, hoc privilegium legitime a domino Iesu Christo sanctisque patribus

When the Council met at Pavia early in 1160, Alexander III. was therefore unrepresented, but the case of Victor was placed before it. His representative contended that he had been regularly "immantatus," and enthroned and acknowledged by the Roman clergy, while against Alexander he urged especially that he had been a party to an attempt to dismember the Empire, and that the conspirators had agreed with the King of Sicily and the Milanese, that in the event of the death of Hadrian IV. they were to elect one of their number to the Papacy.<sup>1</sup>

The decision of the Council has been preserved for us in two forms—in the encyclical issued by the Council itself, and in an encyclical letter of Frederick expressing his assent to its judgment. The encyclical of the Council declares first that the case had been legally and canonically examined by them, "remoto omni seculari iudicio," and that it had been proved that Victor had been elected by the wiser part (*saniori parte*) of the cardinals in the basilica of St Peter, on the petition of the people, and by the consent and desire of the Roman clergy. They contend that nine cardinals out of twenty had concurred in his election, but they do not deny that they were a minority. They lay great stress on the fact that he had been "immantatus" several days before Roland (Alexander III.), they refer for the significance of this to a work which they call 'Liber de Ritu et Ordinatione Romanorum Pontificum,' and allege that it had been considered important in the dispute about the election of Pope Innocent II. They urge that Roland had been invited to the Council, "remoto omni seculari

traditum et per prospera et adversa, etiam cum effusione sanguinis cum oportuit, usque ad hoc tempus conservandum, ut universarum ecclesiarum causas, cum res exigeret, ipsius auctoritas discuterit ac finirit, ipsa vero nullius umquam iudicio subiaceret. . . . Ad curiam eius accedere vel sententiam curio sue in hac parte suscipere canonica traditio et reverenda sanctorum patrum auctoritas non per-

mittit . . . divina videretur animadversione dignissimum et ab omne ecclesia tanto durius arguendum quanto amplius ad universalis ecclesie periculum redundaret, si per ignorantiam nostram aut pusillanimitate spiritus a capite, quod averlat Deus, diebus nostris iste morbus inciperet, et nos ecclesiam pretioso sanguine Christi redemptam in servitutem redigi sineremus."

<sup>1</sup> Id. id., 187, 188.

iudicio," but he and his cardinals had refused to recognise any inquiry or judgment on the part of the Church. They give an account also of the conspiracy of Roland and his cardinals. Finally, they declare that the Council had decided that the election of Victor, who had come to the Council, prepared himself to accept the judgment of the Church, should be confirmed and approved, and the election of Roland annulled. They are careful to add that it was only when all this had been done, without any secular interference, that the Emperor as the last, after all the bishops and clergy, on the advice and petition of the Council, received and approved the election of Victor, while after him the princes and an immense multitude of those who were present gave their assent.<sup>1</sup>

<sup>1</sup> Id. id., 190: "1. Cum igitur orthodoxorum Papie congregatorum universitas in nomine Domini consedisset, causa per vii. continuos dies, remoto omni seculari iudicio, legitime et canonice agitata ac diligenter inspecta, sufficienter et canonice in conspectu concilii per testes idoneos est comprobatum; domnum Victorem et nullum alium in basilica beati Petri a saniori parte cardinalium petitione populi (et) consensu ac desiderio cleri (Romani) fuisse electum et sollempniter immantatum, (et) quod presente et non contradicente Rolando quondam cancellario, in cathedra beati Petri fuerit collocatus, et quod ibi a cardinalibus et clero Romano 'Te Deum laudamus' gloriose (ost) decantatum, et inde ad palatium cum bandis et aliis papalibus insignibus est deductus . . . . ."

2. Ex quibus viii. sanioris consilii et nulla coniuratione federati, quorum vox prima erat in electione, una cum capitulo beati Petri, petitione populi, consensu et desiderio cleri, annuente ordine senatorum et nobilioribus Romanis, dominus Victoris elegerint. . . . ."

7. Ex his igitur nobis sufficienter instructis et veritate hinc inde plenarie declarata, placuit reverendo concilio, ut electio domni Victoris, qui tamquam agnus mansutus et innocens venerat ecclesie iudicium humiliter susceptum, approbaretur et confirmaretur, et electio Rolandi penitus cassaretur. Et factum est ita. Electione itaque domni Victoris, remoto omni seculari iudicio, sancti Spiritus gratia invocata, confirmata et recepta, christianissimus imperator (noster) post omnes episcopos et post omnem clerum ultimus, (ex) consilio et petitione concilii electionem domni Victoris recepit et approbavit, et post eum omnes principes (eius) et innumerabilis hominum multitudo que presens erat, (et) interrogata tribus vicibus, si ei placeret, respondit cum gaudio magna voce: 'Placet.'"

The editor doubts the authenticity of the signatures, which include those of the envoys of the Kings of Hungary, Denmark, and Bohemia. One form of the document says that King Henry of England consented by his letter and envoys.

The encyclical letter of Frederick urges Alexander's refusal to attend the Council at Pavia, but lays much stress upon the evidence of the conspiracy. The Council, he urges, was not a secular court, for it met and considered the matter without the presence of any lay person ; but Alexander refused to submit to the inquiry by the Church, declaring that he had the right to judge all men, but would not be judged by any. The decision of the Council was based upon clear proof of the conspiracy, and on the ground that there was nothing against Victor except that he had been elected by a minority of the cardinals, and it therefore condemned Alexander, and confirmed the election of Victor. Frederick, following the judgment of the Church, gives his approval and proclaims Victor as father and ruler of the universal Church.<sup>1</sup>

The letter of the Council lays most stress on the propriety and validity of Victor's election, and that of Frederick on the conspiracy against the Empire ; but they agree in urging that the decision was that of the Church, not of the Temporal power, and that it was to the judgment of the Church that Alexander had refused to submit his case.

The conflict thus began in 1160 continued for seventeen years—that is, until the Peace of Venice in 1177—when

<sup>1</sup> Id. id., 189 : " 3. Sane ex concilio orthodoxorum, sicut alia vice meminimus vobis mandasse, generalem conventem religiosorum Papie indiscimus, ad quem ambos qui se discerunt Romanos pontifices, non ad iudicium seculare, sicut ora mendacium astrunt, sed ad examen ecclesie per duos venerabile episcopos, Ferdensem videlicet et Bragensem convocarimus. . . . .  
The Council met, 'semota omni laica persona.' . . . .  
Post longam itaque deliberationem, quia illa nefandissima conspiratio Deo et ecclesie admodum odibilis manifestis inditiis non solum probata, verum in facie totius ecclesie coram

posita revelata est, et in domno Victore nichil reprehensibile inventum est, nisi quod pauciores numero cardinales omnino a conspiratione illa exortes eum pro bono pacis inter regnum et sacerdotium conciliando elegerunt, et invocata sancti Spiritus gratia, ecclesia Dei Rolandum cancellarium conspiratorum et scismaticum, discordias et lites et periuria bona esse evangelizantem, condempnavit, et domnum Victor-em papam in patrem spiritalem et universalem pontificem confirmavit. Quem nos ecclesia duce secuti approbamus et universalis ecclesie patrem et rectorem, co-operante divina clementia, fore denunciamus."

Frederick was compelled to submit to the demands of the Lombard towns and to recognise Alexander III. as the legitimate occupant of the Roman See. It is not necessary for our purpose here to deal with the history of these years—we shall return to the political principles represented in the demands of the Lombard towns in a later volume—we are here concerned with the questions at issue between the Temporal and the Spiritual powers.

## CHAPTER II.

## JOHN OF SALISBURY.

THE 'Polieraticus' of John of Salisbury was written between the years 1155 and 1159, during the Papacy of Hadrian IV.,<sup>1</sup> and belongs, therefore, to the period when there was already some friction between the Pope and the Emperor, but before the great European conflict of Alexander III. and Frederick I., and the important but local dispute between Henry II. and Thomas à Becket in England. It has therefore the advantage, as evidence for the trend of thought on the relations of the Temporal and Spiritual powers, that it was written at a time when men's passions were not roused by vehement conflict, but it has also the compensating disadvantage that in some respects it represents abstract and generalised theories whose real significance was not tested by the need of interpretation with reference to particular and practical questions. As we shall see, there are some very interesting points of relation between the theoretical position of John of Salisbury and of Honorius of Augsburg, and it would almost seem as though it was not till after the first great conflict was over that the speculative development of the principles underlying the practical issues of the time began to occupy men's minds.

John represents an advanced ecclesiastical position: he not only condemns severely all aggressions of the Temporal powers upon the Church, and repudiates indignantly the notion that the secular law was supreme over all others, but

<sup>1</sup> Cf. John of Salisbury, 'Polieraticus,' vi. 24 and viii. 23.

he very clearly maintains the superiority of the Spiritual power and its law over the Temporal. At the same time he criticises with great frankness the extortions of the ecclesiastical authorities, and condemns the ecclesiastical tyrant as severely as he does the secular. We must consider these positions in their order, for each is important.

In one passage he discusses the appointment of unsuitable persons to ecclesiastical offices, and represents the defenders of the absolute authority of the prince as maintaining that he was above all laws, and that to question the worthiness of any person whom he might have selected for office was to be guilty of something like sacrilege. They maintained, he says, that no law was equal to the secular, and urged the precedents of custom even against reason, and treated those who ventured to appeal to the divine law as enemies of the prince.<sup>1</sup> John had evidently suffered indignantly under the tone and temper of some of the lawyers of the court, and he fortified himself by frequent citations from the Roman law and its provisions for the protection of the Church and its rights against aggression, and for the exemption of the clergy from the jurisdiction of the secular courts.<sup>2</sup> His appeal to the

<sup>1</sup> Id. id., vii. 20: "Cum enim sibi conciliaverint gratiam potestatum, ac iure patere sibi asserunt universa, eo quod princeps (ut dicunt) legibus non subicitur et quod principi placet legis habet vigorem. Cum ergo populus ei et in eum omnem auctoritatem suam contulerint ei obviare crimen maiestatis est et manifesta subversio principatus. Siquidem sacrilegii instar est dubitare an is dignus sit quem princeps elegerit; nec temeritatis effugit notam, et bene cum eo agitur si vel penam, quisquis ex quacumque causa voluntatem principis evacuare parat. Nullas leges credunt civilibus preferendas. . . . Ad hæc conquisita tyrannorum exempla proponunt, quibus persuadeant potestatibus universa licere. Maxime tamen sicubi locorum fuerint ubi inveterata consuetudo optineat, etiam

si rationi adversetur aut legi. . . .  
Qui vero pro veritate fidei aut sinceritate morum de iure divino aliquid loquitur, aut superstitiosus est aut invidus aut (quod capitale est) principis inimicus. . . .  
Satius erit ut diadema detraheretur principis capiti quam principalis et egregiæ partis rei publicæ dispositio quæ in religione versatur, illius subtrahatur arbitrio."

<sup>2</sup> Id. id., v. 5: "Quis enim principis, cuius memoria in benedictione est (Archadium loquor), constitutionem non audivit? Si quis in hoc genus sacrilegii prorupit, ut in ecclesias catholicas irruens sacerdotibus et ministris vel in ipso culto loco aliquid importet iniuriæ, quod geritur a provinciæ rectoribus animadvertatur, atque ita



Roman law is interesting, as reminding us of the fact that we have arrived at the period when the influence of the revived study of the Roman law was beginning to be important. We have already seen, in discussing his theory of the nature of political authority, that he was much influenced by his extensive acquaintance with the Roman jurisprudence.<sup>1</sup> The civil law was indeed a double-edged weapon in the conflicts between the Temporal and Spiritual powers,<sup>2</sup> but to John of Salisbury it appeared as a welcome instrument of defence.

John of Salisbury did not, however, content himself with condemning and repelling the aggression of the Temporal power upon the Spiritual, he very emphatically declared the superior dignity and authority of the latter. In one passage he says dogmatically that all the laws of the prince are idle and void if they do not conform to the character of the divine law and the discipline of the Church, and cites the Novels of Justinian as laying down that the Imperial laws must "imitate" the sacred canons.<sup>3</sup> In another place he sets out a conception which is already familiar to us, and maintains that the prince is subject to God and to those who hold His place on earth, as the human body is ruled by the soul.<sup>4</sup>

provincia moderator sacerdotum et catholicae ecclesiae ministrorum loci quoque illorum et divini cultus iniuriam capitali in convictos sive confessos reos sententia noverit vendicandam (Cod. I. 3, 10). . . .  
Item: Placet clementiae nostrae ut nichil commune clerici cum publicis actionibus habeant vel ad curiam pertinentibus, cuius corpori non sunt adnexi (Cod. I. 3, 17). Cf. vii. 20 (beginning).

<sup>1</sup> Cf. vol. iii. pp. 136-145.

<sup>2</sup> Cf. vol. ii., Part I., c. 8.

<sup>3</sup> Id. id., iv. 6: "Accipiens, inquit, exemplar a sacerdotibus Leviticae tribus. Recte quidem. Omnium legum inanis est censura, si non divinae legis imaginem gerat; et in-

utilis est constitutio principis, si non est ecclesiasticae disciplinae conformis. Quod et Christianissimum non latuit principem, qui legibus suis indixit ne dedignentur sacros canones imitari. (Novel. 83, 1). . . .

Eo forte spectat quod exempla legis a sacerdotibus Leviticae tribus iubetur assumi; quia praedicatione eorum debet potestas commissi magistratus gubernacula moderari."

<sup>4</sup> Id. id., v. 2: "Est autem res publica, sicut Plutarcus placet, corpus quoddam quod divini muneris beneficio animatur et summae aequitatis agitur nutu et regitur quodam moderamine rationis. Ea vero quae cultum religionis in nobis instituant et infor-

He does not, however, only set out these conceptions in general terms, but in one very important passage he expresses them under the terms of an exposition of the doctrine of the two swords, and declares that it was from the Church that the prince received the material sword, for both swords belonged to the Church, but it uses the material sword by the hand of the prince. The prince is therefore the minister (or agent) of the "sacerdotium," and discharges that inferior part of the sacred offices which is unworthy to be exercised by the hands of the priest.<sup>1</sup> This conception is parallel to, it may be derived from, some phrases of St Bernard in his treatise 'De Consideratione,' and in one of his letters. In the first of these he urged upon Pope Eugenius III. that both swords, the spiritual and the material, belonged to the Pope and the Church; the material sword was not, indeed, to be used by him, but was to be drawn at the bidding (*ad nutum*) of the priest and the command of the Emperor. In the second he declared that both swords belonged to St Peter, the one to be drawn at his bidding, the other by his hand.<sup>2</sup>

mant et Dei (ne secundum Plutarcum deorum dicam) ceremonias tradunt, vicem animae in corpore rei publicae obtinent. Illos vero, qui religionis cultui praesunt, quasi animam corporis suscipere et venerari oportet. Quis enim sanctitatis ministros Dei ipsius vicarios esso ambigit? Porro, sicut anima totius habet corporis principatum, ita et hii, quos ille religionis praefectos vocat, toti corpori praesunt. Augustus Cosar eo usque sacrorum pontificibus subiectus fuit donec et ipse, ne cui omnino subesset, Vestalis creatus est pontifex et paulo post ad deos relatus est vivus. Princeps vero capitis in re publica optinet locum uni subiectus Deo et his qui vice illius agunt in terris, quoniam et in corpore humano ab anima vegetatur caput et regitur."

<sup>1</sup> Id. id., iv. 3: "Hunc ergo gladium

de manu Ecclesiae accipit princeps, cum ipsa tamen gladium sanguinis omnino non habeat. Habet tamen et istum, sed eo utitur per principis manum, cui cohercendorum corporum contulit potestatem, spiritualium sibi in pontificibus auctoritate servata. Est ergo princeps sacerdotii quidem minister et qui sacrorum officiorum illam partem exercet quae sacerdotii manibus videtur indigna. Sacrarum namque legum omne officium religiosum et pium est, illud tamen inferius, quod in penis criminum exercitur et quandam carnificis repraesentare videtur imaginem."

Cf. vi. 9.

<sup>2</sup> St Bernard, 'De Consideratione,' iv. 3: "Quem tamen (*i.e.*, the material sword) qui tuum negat, non satis mihi videtur attendere verbum Domini dicentis sic: 'Converte gladium tuum

This principle that the two swords belong to the Church is of great significance. There is, as far as we have observed, no exact parallel to these statements of John of Salisbury and St Bernard in the earlier literature of the Middle Ages. The nearest is to be found in that passage of the 'Summa Gloria' of Honorius of Augsburg which we have discussed in a previous chapter. Honorius maintained that Christ established only the "sacerdotium" to govern his Church, and not the "regnum," and that until the time of Silvester I. and Constantine it was ruled only by the priests, and that Constantine bestowed upon Silvester the crown of the kingdom, and decreed that no one should receive the Empire without the consent of the Pope. Silvester, however, recognising that those who rebelled could only be controlled by the material sword, joined Constantine to himself as a helper, and bestowed upon him the material sword for the punishment of evildoers.<sup>1</sup> How far the phrases of St Bernard and of John of Salisbury may have been related to those of Honorius it is difficult to say: they do not, like him, relate the principle, that both swords belong to the Church, to the "Donation of Constantine"; St Bernard, indeed, relates it directly to our Lord's saying to St Peter, bidding him put up his sword into its sheath. We might rather be inclined to think of these words as having some connection with those of Peter Damian when he speaks of St Peter as holding the laws of both kingdoms, which we

in vaginam.' Tuus ergo et ipso, tuo forsitan nutu, et si non tua manu evaginandus. Alioquin si nullo modo ad te pertineret et is, dicentibus apostolis, 'Ecce gladii duo hic': non respondisset Dominus, 'Satis est,' sed nimis est. Uterque ergo ecclesie, et spiritalis scilicet, gladius, et materialis, sed is quidem pro ecclesia, ille vero et ab ecclesia exorandus est. Ille sacerdotis, is militis manu, sed sane ad nutum sacerdotis et iussum imperatoris."

Id., 'Ep.' 256: "Exerendus est nunc uterque gladius in passione Domini, Christo denuo patiente, ubi

et altera vice passus est. Per quem autem nisi per vos? Petri uterque est: alter suo nutu, alter sua manu quotiens necesse evaginandus. Et quidem de quo minus videbatur, de ipso ad Petrum dictum est: 'Converte gladium tuum in vaginam.' Ergo suus erat et ille, sed non sua manu utique educendus. Tempus et opus existimo ambos educi in defensionem Orientalis ecclesie."

I owe the reference to these two passages to C. C. Webb's edition of the 'Politicatus,' vol. ii. p. 22, note 16.

<sup>1</sup> Cf. p. 288 ff.

have considered earlier.<sup>1</sup> There does not seem, however, any sufficient ground for suggesting any such relation.

What importance are we to attach to these statements of St Bernard and of John of Salisbury? In the case of St Bernard the contexts suggest that it would be unwise to build upon them the conclusion that they have any definite general significance. In the 'De Consideratione' he is urging upon Pope Eugenius that the disorder and obstinacy of the Roman people would justify him not only in using the spiritual sword, but also in causing the material sword to be used against them at his command and that of the Emperor. In his letter he is urging upon the Pope that he should cause the material sword to be drawn in a crusade for the defence of the Eastern Church. The statement that both swords belong to the Church is no doubt explicit, but it would be very unsafe to argue that St Bernard intended to set forward a definite thesis of the relation of the Temporal power to the Spiritual.

The case is very different with John of Salisbury. The context of his words is the discussion of the difference between the tyrant and the true prince, and the fundamental principle which he sets out is that the prince governs according to law, while the tyrant sets himself above it.<sup>2</sup> It is in this connection that the passage which we are considering occurs, and in this chapter and the following John discusses the relation of the prince to the law of God and the Church. He begins with the words we have cited, and goes on briefly to describe the humility of Constantine at the Council of Nice, how he refused to preside, and would not sit even among the presbyters, and received its decisions as proceeding from the Divine Majesty. He exhorted indeed the members of the Council to charity and peace, but declared that it was unlawful for him as a man who was subject to the judgment of the priests to examine the causes of those who could be judged by God alone. John also cites the excommunication of Theodosius, and speaks of him as having been suspended by St Ambrose from the use of the "regalia," and the "insignia" of empire;

<sup>1</sup> Cf. p. 45.

<sup>2</sup> Cf. vol. iii. p. 137 ff.

and, he concludes, that he who blesses is greater than he who is blessed, and that he who has the authority to confer an office is greater than he upon whom it is conferred, and that he who can lawfully confer an office can also lawfully take it away. Did not Samuel, he says, on account of Saul's disobedience depose him and place the son of Jesse on the throne? <sup>1</sup>

In a passage in the writings of Hugh of St Victor, we find a parallel to these phrases of John of Salisbury. Hugh of St Victor speaks of the Spiritual power as instituting the Temporal power and as judging it. <sup>2</sup>

It would seem to be correct to say that in the work of John of Salisbury, and in that of Honorius of Augsburg, we have the first definite statement of the conception that ultimately all authority, secular as well as ecclesiastical, belongs to the Spiritual power, while the phrases of St Bernard and of Hugh of St Victor would seem, as far as they go, to be related to the same conception. It may reasonably be contended that this represents a theoretical development of the actual position taken up by Gregory VII. in his conflict with Henry IV. How far there may be any relation between this development and the letter of Hadrian IV. to the Emperor Frederick Barbarossa, which, as we have seen, caused so great a commotion, it is impossible to say. It is, however, clear that if Hadrian's words had been intended

<sup>1</sup> Id. id., iv. 3: "Sed et Theodosius magnus imperator ob meritam noxam, non tamen eotenus gravem, a sacerdote Mediolanensi a regalium usu et insignibus imperii suspensus est et indictam sibi penitentiam homicidii patienter et solempniter egit. Profecto, ut Doctoris gentium testimonio utar, maior est qui benedicit quam qui benedicatur, et penes quem est conferenda dignitatis auctoritas eum, cui dignitas ipsa confertur, honoris privilegio antecedit. Porro de ratione iuris, eius est nolle cuius est velle, et eius est auferre qui de iure conferre potest. Nonne Samuel in Saulem ex causa

inobedientiae depositionis sententiam tulit, et ei in regni apicem humilem filium Ysai subrogavit."

<sup>2</sup> Hugh of St Victor, 'De Sacramentis,' ii. Part 2, c. 4: "Nam spiritualis potestas, terrenam potestatem et instituere habet, ut sit, et iudicare habet, si bona non fuerit: ipsa vero a Deo primum instituta est, et cum deviat, a solo Deo iudicari potest, sicut scriptum est: 'Spiritualis diiudicat omnia et ipse a nemine iudicatur.'" (I owe this reference to Gierke, 'Political Theories of the Middle Ages' (trans. F. W. Maitland).)

to express any such principle, it was not only at once and violently repudiated in Germany, but was expressly disclaimed by Hadrian IV.

There is, however, another aspect of John of Salisbury's attitude to the contemporary problems which deserves attention. If he condemns with severity the abuses, and what he considers to be the unjustifiable pretensions of the secular authorities, he is hardly less frank in his criticisms of the abuses of the ecclesiastical order. He has thrown the main aspects of these into the form of a conversation between himself and Pope Hadrian IV., which he says took place at Beneventum. In the course of the conversation Hadrian asked him what men were thinking about the Pope and the Roman Church. John replied that many men complained that the Roman See, which was the mother of all churches, behaved like a step-mother rather than a mother. The Roman clergy, like the scribes and Pharisees, laid heavy burdens on men's shoulders, which they did not touch with their own fingers. They were greedy and avaricious, they sold justice instead of administering it freely; the Pope himself had become intolerably burdensome—while the churches and altars were falling into ruin he built himself palaces, and was clothed in purple and gold; the judgment of God could not fail to overtake the rulers of the Church.

When Hadrian asked him to say what he thought himself, he replied that he was in a strait between the danger of adulation and of treasonable licence; but he sheltered himself behind a statement of Cardinal Guido Dens, made in the presence of Pope Eugenius, that there was in the Roman Church a leaven of avarice, which was the root of all evils. John was careful to say that among the Roman clergy there were men of the highest integrity, but he emphatically expresses the opinion that the complaints of men were not unjust. He besought the Pope to place in the offices of the Roman Church men who were humble and despised vain-glory and money, and he asked why the Pope should himself demand gifts and payments from those who were his sons; he suggested that he did this in order to be able to secure

the fidelity of the Roman people, but this he urged was no justification, for justice was not a thing that should be sold for a price.<sup>1</sup>

<sup>1</sup> John of Salisbury, 'Polycraticus,' vi. 24: "Cum itaque, ut fieri solet inter amicos, sæpe super plurimis conferremus, et ipse quid de ecclesia Romana sentirent homines a me familiaris et diligentius quæreret, ego apud eum usus spiritus libertatis, mala, quæ ex diversis provinciis audieram, patienter exposui. Sicut enim dicebatur a multis, Romana ecclesia, quæ mater omnium ecclesiarum est, se non tam matrem exhibet aliis quam novercam. Sedent in ea scribæ et Pharisei ponentes onera importabilia in humeris hominum quæ digito non contingunt. Dominantur in clero nec forma fiunt gregi qui recto calle pergunt ad vitam, pretiosam suppellectilem congerunt, auro et argento onerant mensas, sibi etiam ab avaritia nimis parci. Nam pauper aut nullus aut rarus admittitur, quem interdum non tam Christum quam vanam gloriam introducit. Concutiunt ecclesias, lites excitant, collidunt clerum et populum, laboribus et miseriis afflictorum nequam compatiuntur, ecclesiarum letantur spoliis et questum omnem reputant pietatem. Iustitiam non tam veritati quam pretio reddunt. Omnia namque cum pretio hodie; sed nec cras aliquid sine pretio obtinobis. Nocent sæpius et in eo demones imitantur quod tunc precesse putantur cum nocere desistunt, exceptis paucis qui nomen et officium pastoris implent. Sed et ipse Romanus pontifex omnibus gravis et fere intolerabilis est: præterea omnes arguunt quod, ruentibus et collabentibus ecclesiis quas patrum construxit devotio, altaribus quoque incultis, palatia extruit et ipse non modo purpuratus sed deauratus in cedit. Palatia splendent sacerdotum et in manibus eorum Christi sordid-

atur Ecclesia. Provinciarum diripiunt spolia ac si thesauros Cresi studeant reparare. Sed recte cum eis agit Altissimus, quoniam et ipsi aliis et sæpe vilissimis hominibus dati sunt in direptionem. Et, ut opinor, dum sic in invio erraverint, numquam deerit eis flagellum Domini. Os siquidem Domini locutum est quia quo iudicio iudicaverint, iudicabuntur, et sua mensura remetietur eis. Antiquus dierum mentiri non novit.

Hæc inquam, pater, loquitur populus, quandoquidem vis ut illius tibi sententias proferam. Et tu, inquit, quid sentis? Angustiae, inquam, sunt undique. Vereor enim ne mendacii vel adulationis contrabam notam si solus populo contradixero; sin autem, reatum vereor maiestatis ne tamquam qui os meum in celum posuerim, crucem videar meruisse. Verumtamen, quia Guido Denssanctæ Potentianæ presbiter cardinalis populo testimoniæ perhibet, ei usquequaque contradicere non præsumo. Asserit enim in Romana ecclesia quandam duplicitatis esse radicem et fomentum avaritæ quæ caput et radix est malorum omnium. Neque id quidem in angulo sed consistentibus fratribus sancto Eugenio præsidente, quando adversus innocentiam meam Ferentini gratis excanduerat, hoc publice protestatus est. Unum tamen audacter conscientia teste profiteor quia nusquam honestiores clericos vidi quam in ecclesia Romana aut qui magis avaritiam detestentur. Quis Bernardi Redonensis sanctorum Cosmæ et Damiani diaconi cardinalis continentiam, contemptumque pecuniæ, non miretur? Nondum natus est a quo munus acceperit. Quod tamen a comunione fratrum sinceriore iure pro-

Pope Hadrian laughed, and complimented him on the freedom with which he had spoken, begged him always to tell him of any complaints of which he might hear, and replied to his statement by relating Menenius Agrippa's story of the stomach and the other parts of the body, and John professed himself as satisfied.<sup>1</sup> It is noticeable that he returns to the last subject in a later book, and attributes the difficulties of the Roman See to the necessity of satisfying the greed of the Roman people.<sup>2</sup>

In other places he denounces with great severity the exactions of the bishops and archdeacons and the other officials, and not less those of the papal legates, whose conduct he describes as being such that it might be thought that Satan had gone out from the face of the Lord to scourge

veniebat, interdum accipere persuasus est. Quis non stupeat episcopum Prænestinum qui scrupulum conscientia metuens et a participatione bonorum communium abstinebat. Plurimum tanta modestia, tanta gravitas est ut Fabricio non inveniantur inferiores, quem agnita salutis via modis omnibus antecedunt. Quia ergo instas, urges, præcipis, cum certum sit, quod Spiritui sancto mentiri non licet, fateor quia quod præcipis faciendum est, etsi non sitis omnes operibus imitandi. Nam qui a doctrina vestra dissentit aut hereticus aut seismaticus est. Sed, Deo propitio, sunt qui non omnium vestrum opera imitentur. Paucorum ergo labes sinceris maculam et universali ecclesie infamiam ingerit; et mea opinione ideo frequentius moriuntur ne totam corrumpant Ecclesiam. Sed et boni rapiuntur interdum ne malitia immutentur, et quia Roma corrupta apud Deum his repperit indigna. Tu ergo quia id habes officii, quare et inserte humiles, vanæ gloriæ et pecuniæ contemptores. Sed timeo ne, dum pergis quærere quæ vis, ab imprudente amico audias quæ non vis. Quid est, pater quod aliorum discutis vitam et te ipsum

minime perscrutaris? Omnes applaudunt tibi, pater omnium vocaris et dominus, et capiti tuo infunditur omne oleum peccatoris. Si ergo pater es, quare a filiis munera et retributiones expectas? Si dominus, quare Romanis tuis timorem non incutis et temeritate repressa eos ad fidem non revocas? At urbem vis Ecclesie tuis muneribus conservari. Numquid eam sic Silvester muneribus adquisivit? In invio, pater es et non in via. Eisdem est conservanda muneribus quibus est acquisita. Quod gratis accepisti, gratis dato. Iustitia regina virtutum est et erubescit quovis pretio permutari. Si gratiosa futura est, sit gratuita. Nequaquam prostituatur ad pretium quæ corrumpi non potest; integra est semper incorrupta. Dum premis alios, et tu gravius opprimis."

<sup>1</sup> Id. id. id.

<sup>2</sup> Id. id., viii. 23: "Si enim avaritiæ servit, mors ei est; sive autem, non effugiet manus et linguas Romanorum. . . . Si odit numera, quis beneficia conferet in invitum? Quid largiturus est qui non accipit? Aut quomodo, si non largitur, placabit Romanos?"

the Church.<sup>1</sup> It is even more significant that in another passage he bids the priests not to be indignant, if he says that there were tyrants also among them. Ironically, it would seem, he says that he is not referring to the legates of the Roman Church, for it could not be judged by men, and it was incredible that the legates should do what was forbidden by the Roman law to the governors of provinces and the proconsuls. Who could believe that the Fathers of the Church, the judges and lights of the world, loved gifts, while they preached poverty, and acted in such a manner that they were a terror to all men, and were beloved by none.<sup>2</sup> If the

<sup>1</sup> Id. id., v. 16: "Episcoporum nomen et officium venerabile est, si tanta impleretur sollicitudine quanta interdum petitur ambitione. . . . Et quidem nescio quomodo notam et penam omnem evadant qui exactionem et totius calumpniosi questus sibi ad minus bessem vindicant. Nam aut solidum assem usurpant sibi, ut multum, trientem dumtaxat archidiaconis et aliis officialibus (ne dicam cum populo ministris iniquitatis) cedunt. Sed nec legati Sedis apostolicæ manus suas excutiunt ab omni munere, qui interdum in provinciis ita debaccantur ac si ad Ecclesiam flagellandam egressus sit Sathan a facie Domini. Concutiunt angulos domus ut prosternant filios et filias eius qui languores et dolores animarum curavit in cruce. Commovent et conturbant terram ut videantur habere quod sanari oporteat. Hic tamen non de omnibus sermo est, sed de his qui Patris voluntate contempta serviunt eæ."

<sup>2</sup> Id. id., viii. 17: "Michi vero indignari non debent sacerdotes, si et in eis fateor inveniri posse tyrannos. . . .

"Qui vero sic inhiant lucris ut quæ Christi sunt universa contempnant, etsi nec heresin doceant nec contentionibus Ecclesiam scindant, nec pas-

toris nec mercennarii digni sunt nec honore nec nomine. Non loquor de legatis. Ecclesiam Romanam, quæ parens auctore Deo et nutricula fidei et morum est et non potest ab homine iudicari et argui celesti privilegio munita, relinquo intactam; nec enim credibile est quod ea committere præsumant vel dignentur, quæ de iure gentilium in præsidibus provinciarum et proconsulibus, id est legatis Cesaris, constat esse illicita. . . .

Quis ergo credet quod patres ecclesiæ, iudices orbis et, ut ita dicam, clarissima lumina mundi diligant munera, sequantur retributiones, provincias concutiant ut excutiant, oculos exinaniant alienos ut solident suos, verbis prædicent paupertatem et criminibus ad divitias properent, bonorum spiritualium dampnent commercia ut cum eis dumtaxat in talibus contrahere liceat, id agentes ut omnibus sint terrori, amentur a nullo, quietem doceant ut faciant rixus, humilitatem indicant et simulent ut vendicent fastum, alienam pulsantes et suam faventes avaritiam, dictantes largitatem, tenacitati insistentes; et, ut paucis loci huius amfractus et volumina spatiosa complectar, cum sceleratis et flagitiosis omnibus ponentes portionem aut flagitia vendicantes in

secular tyrant was under the divine and human law rightly destroyed, who could think that the tyrant in the priesthood was to be loved and revered? <sup>1</sup>

solidum, ut videatur concilium vanitatis, iniqua gerentium sinagoga, ecclesia malignantium, in quorum manibus iniquitates sunt et dextera eorum repleta est muneribus?"

<sup>1</sup> Id. id. id.: "Si enim tyrannus secularis iure divino et humano perimitur, quis tyrannum in sacerdotio diligendum censeat aut colendum?"

Quod si istud videtur acerbum, illum qui non nisi vera loquebatur et dulcia in patrocinium advoco beatum Gregorium, qui acerbius ista persequitur. Et, ut cetera taceam, hoc ipsius omnibus notum est, quia scire prælati debent, quod cum ipsi delinquant, tot mortibus digni sunt quot ad subditos perditionis exempla transmittunt."

## CHAPTER III.

## GERHOH OF REICHERSBERG.

THE most important writer, whose work serves to illustrate the contemporary judgment upon the questions raised by the renewed conflict between the Temporal and Spiritual powers, is Gerhoh of Reichersberg.

He was born in 1093 or 1094, and became Provost of the Collegiate Church of Reichersberg in 1132, and was one of the most eminent literary representatives of the reforming party among the German clergy, being especially concerned during the whole of his life with the question of the strict observance of their Rule by the canons of the cathedral and collegiate churches. He was a determined supporter of the papal cause during the last stages of the "investiture" controversy, and took an active part in all the Church affairs of the period which followed this down to the time of his death in 1169.

His literary work, so far as we are here concerned with it, falls into two groups. The earlier, that is the treatises written mainly before the outbreak of the conflict between Frederick Barbarossa and Alexander III., are interesting especially as illustrating the attitude of German Churchmen of his type to the Settlement of Worms, and its effect upon the position of the German bishops, and also his grave concern with regard to the secularising effect of the feudal jurisdictions and feudal obligations of the bishops as holding the "regalia." The later group of treatises were written after the beginning of the conflict, and are mainly concerned with questions arising out of this.

These writings are peculiarly important as illustrating the judgment of a man who, though he was a strict and severe reformer, was no mere partisan, but rather endeavoured to hold what he was convinced was a fair and just balance between the conflicting claims of the Temporal and Spiritual powers—a man who was a determined upholder of the freedom of the Church, but also condemned unsparingly all invasion by the Church of what he conceived to be the rights and independence of the Empire. It is indeed very noticeable that even in his last work, 'De Quarta Vigilia Noctis,' written when he was a fugitive from Reichersberg, on account of his fidelity to the cause of Alexander III., he still gravely and seriously insists upon the principle that each power should recognise and respect the rights of the other.<sup>1</sup>

It is in relation to the first aspect of the principles of Gerhoh that we may most conveniently notice the position of Arnold of Brescia. It is not within the scope of this work to deal with the whole significance of his principles and actions, for they have relation to many aspects of mediæval society. We must content ourselves with the observation of what we may reasonably judge to have been his views upon the question of the tenure by the Church of secular property and power. And, even with regard to this, we have to be very cautious, for of writings by himself, if indeed there were such, nothing has survived, and the reports of his opinions proceed from quarters in the main hostile, and are by no means always consistent with each other.<sup>2</sup>

The writers of the time give brief accounts of his opinions. Otto of Freising says that he was a violent critic of the bishops, an enemy of the monks, a flatterer only of the laity; and that he maintained that clergy holding property, bishops the "regalia," and monks possessions, could not be saved: that all these things belonged to the prince, and should

<sup>1</sup> See later, p. 377.

<sup>2</sup> For the whole position of Arnold compare especially R. Breyer, 'Arnold von Brescia,' in Raumer, 'Historisches

Taschenbuch, Sechste Folge, Achter Jahrgang,' to whom I wish to express my great obligations.

by him be granted only to the laity.<sup>1</sup> The 'Historia Pontificalis' is not so precise in its indications, but represents him as teaching that the Church of the cardinals was not the Church of God, and that he repudiated the Pope, because the cardinals and the Pope were proud, vicious, and violent men.<sup>2</sup>

The author of the 'Gesta di Federico' says that Arnold accused almost all the clergy of the time of being guilty of simony, and taught that the people should neither confess to them nor receive the sacraments from them, and attacked the Papacy for its avarice and the corruption of its courts.<sup>3</sup> The

<sup>1</sup> Otto of Freising, 'Gesta Fridrici,' ii. 20: "Clericorum ac episcoporum derogator, monachorum persecutor, laicis tantum adulans. Dicebat enim, nec clericos proprietates, nec episcopos regalia, nec monachos possessiones habentes, aliqua ratione salvari posse cuncta hæc principis esse, ab eiusque beneficentia in usum tantum laicorum cedere oportere."

<sup>2</sup> 'Historia Pontificalis,' 31: "Iam palam cardinalibus detrahebat, dicens conventum eorum ex causa superbie et avaricie, ypocrisis et multimode turpitudinis, non esse ecclesiam Dei, sed domum negociationis et speluncam latronum, qui scribarum et phariseorum vices exercent in populo christiano. Ipsum papam non esse, quod profitetur, apostolicum virum et animarum pastorem, sed virum sanguineum, qui incendiis et homicidiis prestat auctoritatem, tortorem ecclesiarum, innocentie concussorem, qui nichil aliud facit in mundo, quam carnem pascere et suos replere loculos et exhaurire alienos. Dicebat quod sic apostolicus est, ut non apostolorum doctrinam imitetur aut vitam, et ideo ei obedientiam aut reverentiam non deberi. Proterea non esse homines admittendos, qui sedem imperii fontem libertatis Romam, mundi dominam, volebant subicere servituti."

<sup>3</sup> Gesta di Federico I. (ed. Monaci): 781. "Namque sacerdotes reprobos Simonisque sequaces

Eius qui precio voluit divina tenere

Omnes censebat; vix paucos excipiebat

Nec debere illis populum delicta fateri,

Set, magis alterutrum, nec eorum sumere sacra.

Enormes penitus monachos dicebat et ipsos

Non monachos vero iam nomine posse vocari.

Pontifices rebus magnis inihiare caducis

Et pro terrenis celestia spernere; causas

Nocte, die, precio sumpto, trutinare forenses

Officiumque alii postponere pontificatus.

Pro quo dampnandos censebat morte perhemi;

Unoquoque homines vitiatos ordine cunctos

Firmabat, nec amare Deum nec amare propinquum.

Heu mala Romana presertim sede vigere,

Iusticie precium iam Rome prevaluisse

Atque locum iuris Rome precium obtinuisse,

author of the poem called "Ligurinus" reports that Arnold maintained that the clergy should receive the first-fruits and the freewill offerings of the people, and the tithes, but condemned the tenure of estates by the monks, and of the "fiscalia iura" by the pontiffs, and taught that all existing property was subject to the prince, and should be granted to the laity.<sup>1</sup>

We may gather from all this that Arnold attacked the secularisation of the clergy through their tenure of secular forms of property, and desired that the secular authority should reclaim these. His position so far would seem to be much the same as that of Paschal II. and Gerhoh. He went, however, further, and maintained apparently that so far as the Church was thus secularised it was not the Church at all, and that the faithful should withdraw themselves from its communion; his position was not unlike that of some of the severer reformers in the eleventh century, but went beyond the authority of the Church.

It is for this that he is censured by Gerhoh, and Gerhoh approves of the condemnation of his doctrine, while he was gravely concerned that the Roman Church had involved itself in responsibility for his death; he is evidently sceptical with regard to its attempt to evade this.<sup>2</sup>

A capite in corpus vitium fluxisse malignum

Cunctaque membra sequi precium munusque benignum.

Omnia cum precio fieri divinaque vendi,

Quod precio careat despectum prorsus haberi."

<sup>1</sup> Gunther, 'Ligurinus,' iii. 273:—"Nil proprium cleri, fundos, et prædia nullo

Iure sequi monachos, nulli fiscalia iura Pontificum, nulli curæ (curiæ) popularis honorem

Abbatum sacros referens concedere leges,

Omnia Principibus terrenis subdita, tantum

Committenda viris popularibus, atque regenda.

Illis primitias, et quæ devotio plebis Offerat, et decimas castos in corporis usus,

Non ad luxuriam, sive oblectamenta carnis

Concedens, mollesque cibos, cultusque nitorem

Illicitosque iocos, lascivaque gaudia cleri,

Pontificum fastus, Abbatum denique laxos

Damnabat penitus mores, monachosque superbo."

<sup>2</sup> Gerhoh of Reichersberg, 'De Investigatione Antichristi,' i. 40: "At vero senarii hec mysterialis quantitas

The relation of Arnold to the attempt of the people of the city of Rome to establish a government independent of the Popes we shall have to consider in the next volume in connection with the development of civic and municipal liberties; while the claim of the citizens of Rome to control the election of the Emperor has little significance in the history of mediæval political theory. It is worth while to notice, however, that in a letter by a certain Wezel to Frederick Barbarossa, in which these claims are set out, the "Donation of Constantine" is contemptuously referred to as an obvious fabrication,<sup>1</sup> just as Otto III. in 1001 had spoken of it.<sup>2</sup>

in domo Dei, quo est ecclesia, non ad hoc proficit, ut domus Dei taliter ordinata (*ie.*, holding 'regalia,' &c.) domus Dei non sit, sed presules earum non sint episcopi, quemadmodum quidam nostro tempore, Arnoldus nomine, docematizare ausus est, plebes a talium episcoporum obedientia deortans. Pro qua etiam doctrina non solum ab ecclesia Dei anathematis mucrone separatim insuper etiam suspendio neci traditus, qui et post mortem incendio crematus atque in Tybrim fluvium proiectus est, ne videhæet Romanus populus, quem sua doctrina illexerat, sibi eum martyriam dedicaret. Quem ego vellum pro tali doctrina sua quamvis prava vel exilio vel carcere aut alia pena præter mortem punitum esse vel saltim taliter occisum, ut Romana ecclesia seu curia eius necis questione careret. Nam si, ut aiunt, absque ipsorum scientia et consensu a prefecto Urbis Romæ de sub eorum custodia, in qua tenebatur, ereptus ac pro speciali causa occisus ab eius servis est, maximam siquidem cladem ex occasione eiusdem doctrinæ idem prefectus a Romanis civibus perpressus fuerat—quare non saltem ab occisi crematione ac submersione eius occisores metuerunt, quatenus a domo sacerdotali sanguinis questio remota esset, sicut David quondam honestas

Abner exequias providit atque ante ipsas flevit, ut sanguinem fraudulenter effusum a domo ac throno suo removeret? Sed de his ipsi viderint. Nihil enim super his nostra interest, nisi cuperem matris nostre sancte Romanæ ecclesiæ id quod bonum, iustum et honestum est. Sane de doctrina et nece Arnoldi ideo inserere presentis loco volui, ne vel doctrine eius prave, que etsi zelo forte bono, sed minori scientia prolata est, vel neci eius perperam acte videar assensum prebere."

<sup>1</sup> 'Monumenta Corbeiensia,' 404  
"Mendacium vero illud et fabula heretica, in qua refertur Constantinum Silvestro imperialia symoniace concessisse, in Urbe ita detecta est, ut etiam mercennarii et mulerculæ quolibet etiam doctissimos super hoc concludant, et dictus apostolicus cum suis cardinalibus in civitate præ pudore apparere non audeat."

<sup>2</sup> M G H, Leg, Sect IV, Const, vol 1 26 "Contusus vero papaticis legibus et iam abiecta ecclesia Romana, in tantum quidam pontificum irruerunt, ut maximam partem imperii nostri apostolatus suo conungerent, iam non querentes quæ et quanta suis culpibus perdidderunt, non curantes quanta ex voluntaria vanitate effuderunt. sed sua propria, utpote ab illis ipsis dilapidata, dimittentes, quasi culpam

Gerhoh's earlier treatises are important, as we have just said, first as illustrating his attitude to the Settlement of Worms and its effect upon the Church, but they are also very interesting in their relation to the question raised by Paschal II.'s proposal to surrender the "regalia" if the emperor would surrender his claim to "investiture." In the first treatise with which we are concerned, written between 1126 and 1132, he expresses his grave concern with the conditions under which the "regalia" were granted and held. He is seriously disturbed that bishops, abbots, and abbesses after their election should have to go to the royal court to receive the "regalia" and to do homage or fealty for them.<sup>1</sup> He repeats the same complaint in another treatise, written in the year 1142-43. He admits, indeed, that there was a papal command that the bishops should do "iustitia" to the king, but he maintains that this did not mean that they were to do homage and swear fidelity.<sup>2</sup> The importance of the matter is not really confined to the question of doing homage, it is clear that what concerns Gerhoh most is the nature of the obligations in which the tenure of the "regalia" involved the bishops,

suam in imperium nostrum retorquentes, ad aliena, id est, ad nostra et nostri imperii maximo migraverunt. Hec sunt enim commenta ab illis ipsis inventa, quibus Iohannes diaconus cognomento Digitorum Mutulus preceptum aureis litteris scripsit et sub titulo magni Constantini longi mendacium tempora finxit."

The genuineness of the document has been doubted, but apparently on insufficient ground. Cf. Ed in M G H

<sup>1</sup> Gerhoh of Reichersberg—'De edificio Dei,' 12. "Sed adhuc arca inter fines ac terminos Philistinorum tenetur, dum episcopi, abbates, abbatissæ facta electione ad palatium ire compelluntur, quatenus a rege nescio quæ regalia suscipiant, de quibus regi vel homini vel fidelitatis sacramentum faciant. Adhuc ergo principes consilio salubriori

utantur, ut episcopis, abbatibus, abbatissis plenam libertatem dimittant, nec in spiritualibus dignitatibus sanctam Dei æcclesiam ulterius angariare presumant."

<sup>2</sup> Id, 'De Ordine donorum Sancti Spiritus' (p 283) "Veruntamen 'fex erus adhuc non est exinanita bibuntque illam fecem peccatores terræ' quasi licenter ac libere, quia libenter et ultro faciunt hominum et iuramentum regibus episcopi quidam non habendo pre manibus ullam sedis apostolicæ sententiam specialem tale hominum taleque sacramentum prohibentem. Immo habent quædam scripta, quibus ut aiunt, precipitur a sede apostolica, ut episcopi regibus faciant iusticias, quas iusticias ita impio atque iniuste interpretantur, ut episcopi regibus per hominum et iuramentum subdantur."



and especially the rendering of feudal military service, and he contends vehemently in the treatise first cited that it is wholly unlawful for the bishops to use the revenues of the Church in maintaining soldiers.<sup>1</sup> This leads him to a discussion of the nature of the property of the Church, and of the purposes which it was to serve: one part was to maintain the clergy, the second to build and repair the churches, the third to support widows and others who were in need, and the fourth was to go to the bishop to be spent upon the needs of himself and his household, and on the strangers and wayfarers to whom his doors should always be open.<sup>2</sup> He distinguishes three forms of Church property—tithes, estates, and “regales aut publicas functiones.” He is clear that the first and second

<sup>1</sup> Id., ‘De edificio Dei,’ 13 “Species, ergo Jacob in episcopo exprimitur, ita ut, quomodo ille fecit, libentius fugiat, et si necesse fuerit, exilium patiat, quam milites armatos de pauperum stipendius pascat et ministros, quos Christus in terra habere noluit, ipse habens regnum de hoc mundo æsciscat. Si regnum Christi de hoc mundo fuisset, ministri utique sui decertassent, ut non traderetur Iudeis. Sed quia regnum suum non erat de hoc mundo, non habuit in hoc milites ministratores, sed passus est eos vestium suarum divisores et corporis sui crucifixores.

Quos etiam usque hodie patitur, dum facultas ecclesiastica per milites distribuitur et ecclesia, quæ corpus ipsius est, non solum corporali egestate in viduis, pupillis, peregrinis ceterisque pauperibus per hoc affigitur, sed et in perfectorum mentibus zelum Dei habentibus miro modo crucifigitur, non tantum a militibus corporaliter eum nudat, bus et clavibus tribulationum confingentibus, quantum a pontificibus ipsum per facultates ecclesiæ in manus militum tradentibus.”

Id. id., 14. “Quis ergo hanc licentiam, quam iste non habuit, modernis episcopis dedit? Qui non solum villas

Deo in sacrificium oblatas, sed ipsas quoque decimas divino cultui tam veteris quam novi testamenti auctoritate sanctificatas sic militibus traderunt, quasi fas esse cepit, quod beatus Ambrosius fas esse nequivit? Ille nefas credidit res pauperum non pauperibus erogare. moderni episcopi non hoc nefarium, sed necessarium putant esse, ut militibus ex lege beneficiaria suam de bonis ecclesiæ recognoscant iusticiam, Christi vero ideo negligant iusticiam, quod iusticia militum nimis est insolita, iusticia autem Christi nostro tempore videtur insolita. Sic etenim confusa sunt regalia et ecclesiastica, ut iam videtur episcopus regnum spoliare, et ecclesiæ facultates militibus vellet denegare.”

<sup>2</sup> Id. id., 17: “Debetur enim pars una clericis, altera ecclesiarum edificationibus et reparationibus, tertia viduis ac ceteris in hoc mundo consolationem non habentibus, quarta episcopo, non ut inde cum militibus convivetur, sed peregrinis et hospitibus quod sibi susque cubicularis superesse poterit ita largus dispensator impendat, ut omni viatori ostium suum pateat.”

cannot be taken from the Church without sacrilege and injustice, but as to the third he says that the Church is not greatly concerned to defend their possession, it would indeed be better that the Church should lack them, rather than that it should be involved in secular affairs.<sup>1</sup>

Here is a significant conception which may perhaps help to throw some light on the motives which may have lain behind Paschal II.'s proposal to surrender the “regalia.” Gerhof evidently made a very sharp distinction between those forms of property which were rightly and inalienably possessed by the Church, and those which were at best of doubtful advantage, might involve the Church in affairs alien to its proper functions, and with which it might dispense. He does not indeed dogmatically maintain that they should be given up, but he goes very near to this. These duchies, countships, &c., belong to the world, while tithes and other freewill offerings belong to God; and while he does not wish to offend those who maintained that it would be sacrilege to take them away from the Church when they have once been given to it, he affirms that these royal and military functions cannot be administered by the bishops without a certain apostasy from their order.<sup>2</sup>

<sup>1</sup> Id. id., 25. “Quæ cum ita se habeant, patet ecclesiarum facultates trifariam esse distinctas, in decimarum videlicet oblationes, et agrorum possessiones, necnon regales ac publicas functiones. Et de decimis quidem nulla est contradictio, quin eas laici possideant cum sacrilegio. Agros autem semel in usus pauperum oblatos docuit superior assertio ab ecclesia sub caritatis operamento defendi, ne ab aliquo persecutores ruse possant auferri. Publicas autem functiones non curat ecclesia multum defendere, non curat Rachel vestem suam ad eas tegendas extendere, quoniam spirituales viri malunt carere talibus, quam ex eorum occasione implicari negotiis sæcularibus.”

<sup>2</sup> Id. id., 22. “Ducatus, comitatus,

thelonea, moneta pertinent ad sæculum. Decimæ, primitiæ ceteræque oblationes pertinent ad Deum. Illa per mundi principes, ista per pontifices antiquitus tractabantur, ea videlicet cautione ac distinctione, ut neque pontifex in his, quæ erant ad sæculum, neque princeps in his, quæ erant ad Deum præcisset; sed uterque suo iure contentus, modum divinitus ordinatum non excedent.

23. . . . .  
Hec dicens non illud intendo persuadere, ut episcopus theloneum ac cetera sine dubio ad regem pertinentia sic abnuat, ut illis offendiculum ponat, qui tala semel ecclesiæ donata quacunque occasione ab illis auferentes dicunt sacrilegium committere,

The temper which is illustrated in this treatise is interesting and important, for it shows that there was in the minds of some at least a feeling that it might have been better for the Church had the proposal of Paschal II. taken effect. Gerhoh continued for many years to be gravely occupied with the matter, though it would appear that his judgment fluctuated to some extent from time to time.

The treatise written in 1142-43, which we have already cited, is in a large measure occupied with the same subject. He begins by remarking that he had been attacked as an enemy both of bishops and of kings, because he had maintained that men should render to God what was God's, and to Cæsar what was Cæsar's, for neither were content to remain within their own limits; but kings usurped the rights of bishops, and the bishops the "regalia," which belonged to the king.<sup>1</sup> He denounces with great energy those bishops who conducted campaigns and spent the substance of the Church on military operations; and he contends that the Church is reduced to serve the world when the bishops do homage and take the oath of fealty to the king.<sup>2</sup> It would seem, however, that he was not at this time prepared to maintain that the "regalia" should be surrendered, but that they should be

quoniam ecclesia rem semel acceptam et diutina possessione mancipatam non potest amittere. Quibus ego ad proesens non respondeo, sed illud simpliciter affirmo, quod sicut laici nullo iusticiæ vel falso colore decimarum possessionem sibi poterent licitam affirmare, quoniam decima ecclesiastica res esse non dubitatur, sic illæ regales et militares administrationes ab episcopis sine certa sui ordinis apostasia gubernari non possunt."

<sup>1</sup> Id., 'De Ordine donorum Sancti Spiritus' (p. 274) "Ego autem, quomodo dixi aliquando quæ Dei sunt Deo et quæ cesaris cesari reddenda, ita sum notatus tanquam pontificum et regum adversarius, quia neuter ordo suo iure susque terminibus vult esse contentus, dum et reges ponti-

ficalia et pontifices usurpant sibi regalia atque inter has concertationes fides periclitatur"

<sup>2</sup> Id. id. (pp. 276, 277): "Sed quia sunt episcopi, qui exercitus more ducis ducunt, negocia sanguinis tractant et agunt in obsidionibus castrorum, in vastationibus hostilium terrarum, cum per incendia et rapinas insanunt atque in his exequendis ecclesiasticas facultates expendunt, salva pace religiosorum episcoporum, qui paucissimi sunt contra pseudoepiscopos, moveor, . . . Nonne tale quid agitur, quando episcopi regibus hominum facientes et illud sacramento firmantes libertatem ecclesiæ compellunt huic mundo servire, cum potius reges debeant ecclesiæ servire."

wisely administered by the bishops.<sup>1</sup> He gives an account of the negotiations between Paschal II. and Henry V., and reports that Paschal had been induced to offer to surrender the "regalia," but he mentions this without signifying any approval, and also reports what he understands to have been a retraction of the offer.<sup>2</sup>

He also in this treatise makes an important statement with regard to the provisions of the settlement of Worms, and the actual conditions of his own time. He relates that the provisions of the settlement that the German bishops were to be elected in the presence of the king, and to receive the "regalia" "per sceptrum" had been heard at the Council of the Lateran with doubt and indignation, and he expresses his joy that the first provision had fallen into disuse, and his hope that the evil custom of homage and oath might be abolished.<sup>3</sup> The treatise concludes with that repudiation of the interpretation of the Worms agreement, as imposing homage and the oath of fealty on the bishops, which we have already cited.<sup>4</sup>

<sup>1</sup> Id. id. (pp. 278, 279): "Si quid enim de regalibus pertinentis donatum est ecclesis a regibus piis et catholicis, non licet ab ecclesis denuo abalienari, sed hoc ab ecclesiarum rectoribus convent sapienter dispensari."

<sup>2</sup> Id. id. (p. 279) "Hoc magis ac magis considerantibus illud placebit, quod super hac ipsa questione beatæ recordationis papa Paschalis II. constituit, qui cum ad tempus ad hoc fuisset inductus annuendum, ut facultates ac dignitates a regibus et regnis ad ecclesias collatas regibus redderentur, et hanc ipsam concessionem domini pape constitueret multis fidelibus displicuisse, ipse postmodum semetipsum corrigens in audientia publica concilii Lateranensis ab ipso collecti locutus est in hunc modum 'Sancta ecclesia tribulationibus ac persecutionibus non de crescere, sed crescere consuevit.

. . . Habeat ergo ecclesia que sibi sunt collata et dispenset ea filius suis, prout scit et vult.'"

<sup>3</sup> Id. id. (p. 280) "Sicut autem ecclesia in sui primordio crescebat et confortabatur ambulans in timorem Dei, sic et nunc per Dei gratiam ecclesia crescente atque confortata illa propter pacem obtinenda extorta concessio partim est annihilata, quia Deo gratias absque regis presentia fiunt electiones episcoporum. In proximo tuturum speramus, ut et illud malum de medio fiat, ne pro regalibus, immo iam non regalibus, sed ecclesiasticis dicendis facultatibus ab episcopis hominum fiat vel sacramentum, sed sit episcopis liberum res ecclesiarum possidere de iure concessionis antiquæ, sicut mater ecclesiarum Romana ecclesia possidet quæ de iure oblationis vel traditionis antiquæ tenet."

<sup>4</sup> See p. 347.

In another treatise, entitled 'De Novitatibus huius Temporis,' written in 1155-56, he appears as having moved still further from his original judgment. It had been disputed, he says, whether the "regalia" might be taken away from the Church, and he seems to contend that this should not be done. He admits that this tenure implied obligations which the bishop must discharge, and that it was therefore legitimate that the bishop should take the oath of fidelity to the king, "salvo sui ordinis officio," and that if the bishop violated this oath he might lawfully be deprived both of his spiritual and temporal dignity by his spiritual judge, and by the authority from whom he held the "regalia."<sup>1</sup> From another passage in the same treatise it is clear that he at this time admitted that among these obligations was included the military service of the knights, to whom the bishops had enfeoffed the lands which they held as "regalia." He only desires that they should

<sup>1</sup> Id., 'De Novitatibus huius Temporis,' 12: "De his enim (i.e., the Regalia) cum alii contendunt ecclesiis eadem occasione talium periclitantibus auferenda, alii vero ea semel ecclesiis collata in usus earum tenenda, posterior magis placet sententia, quia sic ipsa regalia bona ecclesiasticis interserta sunt, ut vix ab invicem discerni valeant. . . . Dicis itaque mihi: 'Si non debent ecclesiis auferri ipsa regalia, ex quibus episcopi habentes ea debent cesari quæ cesaris sunt, sicut ex ecclesiasticis facultatibus Deo quæ Dei sunt, quomodo puniri poterunt episcopi vel abbates nolentes reddere cesari quæ cesaris sunt, cum eadem auferri eis non poterunt, ne sicut oblatio talium in sanctuario fuit devota, sic oblatio eorum a sanctuario fiat sacrilega?' Respondeo plano mihi placere, ut reddantur quæ sunt cesaris cesari, et quæ Dei Deo, sed sub ea cautela, ut non vastetur ecclesia vel nudetur saltem veste alba, si nimis incaute abstrahitur ei purpura. . . . Veruntamen ut insolentia non crescat ultra modum contra imperium, ex

necessitate iusiurandum—licet hoc ipsum sit a malo—interponitur, ut sibi fidem servant mutuo pontifices et reges, quemadmodum patriarcha fidelis Abraham contentione orta, pro eadem sapienda et in posterum cavenda, iuravit regi Abimelec et ille sibi secus puteum iuramenti. Ergo sicut illi sibi mutuo iuraverunt, sic adhuc reges iurant iusticiam ecclesie, cum consecrantur et coronantur, et episcopi quoque regalia tenentes regibus iurant fidelitatem salvo sui ordinis officio. Si ergo fuerit violatum iusiurandi sacramentum, violator, licet sit abbas aut episcopus, iure utroque spoliatur honore coram suo iudice sacerdotali scilicet et illo quem de regalibus habet. Si enim periurus episcopus tenens episcopatum, spoliandus regalibus exponatur multibus, inde consequetur confusio magna, qua invalescente minuuntur et vastantur ecclesiastica bona, dum nimis incaute abstrahentur ipsa regalia et ita scindetur pallium Samuelis, quo scisso scindetur et regnum et periclitabitur sacerdotium."

not create new fiefs, and especially that they should not make such a use of tithes and freewill offerings.<sup>1</sup>

The change in Gerhoh's attitude, as represented in these two treatises, is clear, but from an examination of his next important treatise it becomes evident that his mind was still greatly troubled about the whole matter. In the treatise 'De Investigatione Antichristi,' written in 1161-62, he gives another detailed account of the negotiations between Henry V. and Paschal II. for the surrender of the "regalia" if the emperor would surrender the "investiture."<sup>2</sup> He seems to represent the suggestion as coming from Henry V., but as being made in bad faith, for he knew that the German and Gallican bishops would not consent to it.<sup>3</sup> Paschal accepted the proposal, but it was at once indignantly repudiated by the bishops. It is very noteworthy that Gerhoh, in giving an account of what followed, represents Henry's object in seizing Paschal as being to extort either the recognition of the imperial right to

<sup>1</sup> Id. id., 19: "Nos vero, his malis crebrescentibus, non versificando, sed orando pulsamus ad ostium gratiæ divinæ, ut Petrus inter hæc dormiens a Domino excitetur, quatenus per illum bene vigilantem sacrilegiis episcoporum simulque clericorum cathedralium de rebus ecclesiæ milites sibi multiplicantium rationabiliter obvietur, ita ut contenti sint episcopi de solis regalibus antiquitus infeudatos milites et principes conservare in defensionem ecclesiæ qualemcunque, desinantque novos de novis beneficiis multiplicare, maxime de decimis ac ceteris oblationibus ecclesiastico iussu collatis, ut fiat secundum verbum Christi dicentis: 'Reddite quæ sunt cesaris cesari, et quæ sunt Dei Deo,' dum et Christo servitur de decimis et liberis oblationibus fidelium, et regi sive et imperatori de regalibus et imperialibus obsequium persolvitur in consiliis bonis et competentibus auxiliis ecclesiæ simul et regno utilibus atque ante omnia

honori et timori divino competentibus."

<sup>2</sup> Id., 'De Investigatione Antichristi,' 24: "Dumque ad eum (Henry V.) Paschalis papa paterna monita dirigeret, quibus eum ad viam revocabat, quatenus iusticia regni sui contentus pontificalia sibi non usurparet, ecclesie Dei, matri videlicet suæ, honorem deferret, libertatem eius, quam in eligendis sacerdotibus habere deberet, non temeraret, bona verba et que rationabilia videri poterant reddidit, nisi sub lingua eius labor et dolor latuissent. Dixit namque et scripsit ad electionis episcopalis concedendam libertatem, ad investituras etiam resignandas, ad decimas quoque remittendas ecclesiis paratum se esse, siquidem dominus apostolicus omnia regalia, videlicet ducatus, marchias, comitatus, hominia cum beneficiis, monetas, teloneas, munitiones per universum regnum imperio reddere voluisset."

<sup>3</sup> Id. id. id.

"investiture," or the cession of the "regalia," and he represents Paschal as having conceded the latter point.<sup>1</sup> He represents Henry V. as continuing, after Paschal II's death, to maintain the same position—namely, that either the Church should surrender the "regalia," or the emperor should retain the right of appointing the bishops.<sup>2</sup>

Gerhoh puts together an interesting summary of the arguments which were used or, as he says, might have been used on either side. The ecclesiastical party argued that it was right and proper that the Church should enjoy the wealth and dignity conferred by the "regalia"; the imperial party recognised that tithes and freewill offerings rightly belonged to the Church, and involved no obligation of service to the emperor, but contended that the case of the "regalia" was quite different. If the Church was to hold these, the bishops must render to the emperor homage and service, and if it was not lawful for the clergy to take part in secular and military matters, the remedy was obvious—namely, that they should surrender the "regalia" which involved them in such obligations. If the bishops said that they could render these services to the emperor, and also carry out their spiritual duties, the imperialists contended that it was then right that the emperor should have the first place in their appointment, for it was not reasonable that any one should be made a prince of the kingdom except by the emperor with the advice of the other princes.<sup>3</sup> The emperor then was determined not to grant

<sup>1</sup> Id id, 25 "Ea sane intentione a rege ducebatur captivus, quatenus captivitatis frena benedictionem ei imperialem extorqueret sicque una cum benedictione vel investituram episcopatum obtineret vel regalia omnia ad imperium retraheret. . . . Et obtinuerat quidem in ipsis tentoris privilegium de retrahendis omnibus regalibus ad imperium, quæ voluit ab ipso, quem mirantibus seculis et indignantibus secum ducebat, papa, quasi suum captivum, ipso nimirum domno papa optime calido ac sciente privilegium, quod in tentoris a

captivo daretur, nullas vires habiturum"

<sup>2</sup> Id id, 27: "E contra vero imperator insistebat dicens aut velle se omnia regalia ad imperium retrahere, aut in episcopis constituendis consuetudinem antiquam retinere Quod si placeret ecclesiæ libera episcopos eligendi facultas, imperio que sua sunt redderent et sic libera electione poterentur"

<sup>3</sup> Id id. id "Igitur, aiunt, sicut in premissis vetere instrumenti profulsit imaginibus indecens videri non debet, immo vero dignum et iustum

the Church the right of free election, and the bishops were equally determined not to surrender the "regalia," but were ready to discharge their customary services to the emperor.<sup>1</sup>

Gerhoh says that it was not for him to judge the actions of the bishops, and to determine how far the homage and oath of fidelity to the king involved them in those secular cares which St Paul condemns; they may indeed, he says, even though they are thus hampered, find some leisure for prayer and study, and thus in spite of their obligations may be almost free. God will judge how far the possession of the "regalia"

sanctam ecclesiam pro consolatione laboris ignominiarumque preteritarum non solum sumptibus adjuvari necessarius, sed regalibus quoque insuper honoribus atque divitiis honorumque insignibus decorari. Hec etsi tunc temporis omnia forte ab episcopis aliisque ex clero in defensionem ecclesiasticæ sublimitatis (dicta) non sunt, tamen secundum scripturæ sanctæ auctoritatem dici potuerunt. At vero, qui pro parte erant regis sufficere aiebant ecclesis debere decimas et oblationes liberas, id est nullo regali vel imperiali servitio obnoxias. Eas vero, que sic ecclesis ab imperatoribus collate sint, ut regibus ab episcopis easdem possidentibus famulatus debeatur, oportere aut imperio restitui aut ab eorum possessoribus episcopis consueta hominum ac servitia regibus exhiberi, maxime precipiente hoc Domino ac dicente 'Reddito que sunt cesaris cesari et que sunt Dei Deo.' Dum vero et apostolus Paulus, in quo Christus loquebatur, dicat 'Nemo militans Deo implicat se negotiis secularibus, ut ei placeat cui se probant,' satis, inquit, apparet sacerdotes regibus se per hominum obligantes Deo pro sui officii gradu sufficienter placere non posse, unde ut ei placeant, cui se probaverunt, miliciam et cetera, pro quibus hominum regibus debentur, regno libera relinquunt, et ipsi vacent

orationibus ovibusque Christi pascentis invigilent, ad quod instituti sunt.

'Aut si episcopi' aiunt, 'retentis regalibus Deo simul et imperio militare satagunt seque ad utrumque posse sufficere arbitrantur, oportet,' aiunt, 'imperatores in ipsis quoque episcopis ordinandis ac substituendis primum habere locum. Non enim,' aiunt, 'imperio condccet, ut aliquis in principem regni nisi ab ipso imperatore ex consilio aliorum principum assumatur.'

Hec et his similia, que in illa contentione huic inde ad alterius utriusque partis confirmationem vel infirmationem dicta sunt vel dici potuerunt, longum esset retexere vel que nunc medi tulerunt ac retulerunt."

<sup>1</sup> Id. id. id. "Hoc ad presens negotium scire satis est, imperatorem tunc temporis obdurasse cor suum, ne dimitteret ecclesis electiones liberas, episcopos quoque faciem suam obfirmasse, ne imperio regalia remitterent.

Pro ipsis sane regalibus imperio fatebantur consueta se debita recognoscere regique servare ad defensionem coronæ suæ paratos esse, quantum cum integritate et observatione sui officii possibile foret, sicque se cesari reddituos esse que cesaris sunt et Deo que Dei sunt."

helps or hinders the Church. May He at last give his Church that liberty which befits it.<sup>1</sup>

A little further on in the same treatise Gerhoh comes back again to the subject under somewhat different terms. The possession of the "regalia," he evidently felt, involved a grave danger of confusion between the functions of the Temporal and Spiritual powers, and he emphatically asserts the distinction between them, under the terms of the two swords. The Lord himself in the Gospel had distinguished the two powers; when in answer to his disciples, who said, "Behold there are here two swords," he replied, "It is enough." But now, Gerhoh says, we have a third power which is compounded of both; and he finds a telling illustration of this in the fact that at times not only the Cross, which was the emblem of the episcopal office and of Christian humility, was borne before the bishop, but also the standard of a duke, which the king had conferred upon him as the symbol of authority to punish criminals. This seems to Gerhoh monstrous and irrational; the Jewish priesthood was indeed permitted to use the temporal sword, but Christian priests are not allowed to do this.<sup>2</sup> If, he says,

<sup>1</sup> Id id id: "Utrumnam vero per hominia et iuramenta regibus obligari id secularibus implicari sit negotium, quod in apostoli Pauli verbis reprehensum in sacerdotibus est, ipsi Domini sacerdotes et episcopi viderint, de quorum factis iudicare supra nos est. Possunt autem etiam sic implicari nunquam tempus ad vacandum orationibus et lectionibus peruenire redimere, ut quamvis implicati fere liberi sint. Utrum vero etiam talis implicatio et regaliu possessio ac pro ipsis regalis servitii obligatio eiusdem servitii reddito vel redemptio ecclesiam Dei plus levet an gravet, Dominus viderit et tandem ecclesie sue sanctae congruam libertatem provideat."

<sup>2</sup> Id. id., 35. "Regalia vero laboris ut curarum temporalium plena sunt, que requiem spirituales vix aut nullatenus admittunt. Unde et curia

regum a curis vel a cruore dicti sunt. . . . Dominus quoque in evangelio easdem ab alterutrum potestates distinguens dicentibus discipulis 'Ecce gladii duo hic,' respondit 'Satis est.' In harum siquidem figuram etiam in principio duo magna luminaria condidit: 'Luminare manus ut preesset diei, luminare minus ut preesset nocti.' . . . At nunc videmus quiddam tertium ex duarum potestatum permixtione confectum, dum quibusdam episcopis solo iudici residentibus crux dominica, pontificatus vel christianae humilitatis insigne, ac simul vexillum duces videlicet ad vindictam malefactorum a rege missi signum preferuntur. Quod mihi pro mea estimatione monstruosum potius videtur, quam, ut putens, ratione subnixum posse demonstrari. . . . Nam antea Domini sacerdotibus in

it was urged that the pious liberality of kings had endowed the bishops with the revenues of duchies or other similar offices, and had given them the authority of the administration of justice which belonged to these, and that it was therefore right that the symbols of this authority should be carried before the bishops, he would reply that, while he praised the kings for their liberality, it would have been in his judgment better that they should have kept for themselves the authority of administering justice, while they bestowed upon the bishops the revenues.<sup>1</sup> He contrasts what he conceived to be the wise arrangement in Rome with the deplorable custom in the kingdoms of the "Franks." In Rome, he says, the prefect of the city received from the Pope his authority for dealing with civil cases, but his criminal jurisdiction from the emperor, while in these kingdoms the bishops appointed their representatives (*vicarias potestates*), who administered both civil and criminal jurisdiction, and thus made themselves respon-

gladio percutere licitum fuerat, quando adhuc gens illa Iudaica, velut arbor, ex qua fructus vitae sperabatur, a gentibus inimicis defensanda fuerat. At nunc, ex quo fructus vitae ex eadem gente Iesum Christum in carne venientem suscepimus, sacerdotibus Christi in gladio percutere licitum non est. Quod et signanter Dominus expressit: 'Sinite,' inquit, 'usque huc.' Quasi dixisset, 'usque huc' sacerdotibus Domini gladio materiali pugnare licet, at nunc 'sinite,' morem illum pugnandi mundo relinquite vos pro me in gladio tantum oris et linguae pugnat.

<sup>1</sup> Id id., 36: "Sed dicitur mihi, quoniam ex pietatis consilio placuit regibus, quatuor milerum ex ducatus vel marchae aut comitatus redditibus episcopatum instituerent vel ampharent iam dictis potestatibus in dicionem et ius episcopale translatis, ita ut episcopi potestatem habeant per minores sub se et a se ordinatas potestates ipsarum, quas diximus, potestatum trac-

tare iudicia ac perinde ad huius rei conservandam noticiam, aiant, presto esse oportere coram episcopo iudicia sinodalia tractante utriusque potestatis insignia. At ego existimaverim melius et rectius horum memoriam in instrumentis ac scribis conservandam et ad posteritatis noticiam transmittendam, quam ut in unum personam potestates tam oppositas convenisse insignia tam contraria non sine scandalo intuentium loquerentur maxime in sinodo, que ad ecclesiasticas causas tractandas convocata est. Addo etiam laudandos esse reges pro tante pietatis gratia, qua taliter ecclesiam Dei sublimare illis complacuit, sed maiori eos laude et coram Dei remuneratione ampliore dignos putaverim, si quemadmodum recte obtulerunt, ita etiam recte divisissent, retenta nimirum sibi vindictarum, que sanguinis effusionem poscunt, potestate, quando eis de impendis ducatus vel comitatus ecclesias quasdam fundare vel ampliare pie complacuit."

sible for the shedding of blood, a thing unlawful for the clergy.<sup>1</sup> There were some, he continues, who argued that this was after all the same thing as was done when the priests appointed kings, but he repudiates this conception with great energy, and in terms which are very significant. Bishops, he says, do not create or appoint kings, but only bestow upon them their blessing, and place the crown upon the heads of those who have been created by the election of the princes and the peoples, or succeed by hereditary right. Kings are not created by the priestly benediction, but, according to the divine ordinance, are created by human election and acclamation.<sup>2</sup>

<sup>1</sup> Id id, 37: "Hucus namque divi- sions laudande forman sumere a sancta Romana ecclesia in promptu est Siquidem et ipsam multa et magna regalia ex donatione regum possidere manifestum est Ibi etenim prefectus Urbis accepta a Romano pontifice super causas civiles iudicandi potestate simul cum beneficio vel stipendio eidem potestati pertinente, vindictarum, que sanguinis dumtaxat effusionem poscunt, faciendarum potestatem ab imperatore per gladium evaginatum accipit, quod suum est utriusque potestati recognoscens At in regnis Francorum, ubi hac distinctione non servata episcopus a rege per sceptrum regaliibus acceptis ipse continuo sub se vicarias potestates ordinat, que mox ordinate in differenter iudicia etiam sanguinis tractant exercentque vindictas Videant ipsi iam dicti vicarii, a quo potestatem vindictas in sanguine faciendi acceperint. Nam si eas a semetipsis usurpant rei sanguinis etiam noxiorum effusi efficiuntur Si vero eiusmodi potestatem a dominis suis episcopis se dixerint accepisse, sciant idem gravem se dominis suis episcopis inferre calumpniam, quos vel noxiorum sanguinis effusi auctores suo arbitratu constituunt. Episcopalis namque vel sacerdotalis manus divinis sacramentis conficiendis sanctificata potestatem sanguinis

effundendi legitime capax non est, nam et sanguine respersa reproba ad eadem celestia sacramenta conficienda efficitur, dicente Domino ad David 'Non edificabis mihi domum, quia vir bellator es et plurimum sanguinum effudisti,' apostolo quoque percussorem episcopum reprobante Sed et canones sacri eum qui militaverit vel postulaverit aut minister sanguinis effusi extiterit a sacerdotio repellent"

Cf Gerhoh, 'Comm. in Psalmum,' lxxiv. (p 440)

<sup>2</sup> Id id, 38 "Sed nec illud ad excusationem huius facti proficit, quod dicunt aliqui. sic a sacerdote posse minorem potestatem legitime ordinari. quæ in vita et sanguine puniat nocentes, sicut reges quoque a sacerdotibus ordiantur et novi milites non sine sacerdotali benedictione ense precinguntur, nec tamen sanguis a rege vel militibus effusus sacerdotibus imputatur Hoc inquam, ad causam non facit Nam neque episcopi reges creant vel ordinant, sed principum ac populi electione et acclamatione creati aut ex genere prodeuntibus episcopi benedicunt et cum benedictione coronam capitibus eorum imponant . . . . . Unde et apostolus reges et duces non Dei vel dcorum—quod intelligi posset sacerdotum—sed hominum creaturam

Gerhoh indeed repudiates what he represents as the doctrine of Arnold of Brescia, that a Church which had thus involved itself in secular matters had ceased to be the Church of God, though he was evidently gravely concerned about the share of the Roman Church in the execution of Arnold which he strongly condemns. He concludes the discussion of the subject by saying that he does not condemn the possession of the "regalia" by the prelates of the Church, if they used them lawfully and modestly; but when the clergy or bishops abandon their proper work, and immerse themselves in secular affairs, when they use the temporal sword to avenge themselves upon those whom they consider to be their enemies, when they use the tithes and oblations of the faithful to arm themselves with chariots and horses, it is as though they set up the abomination of desolation in the sacred place, for such actions belong not to the likeness of Christ, but to that of antichrist.<sup>1</sup>

appellat dicens 'Sibiecti estoti omni humanæ creature propter Deum' Nam quod creaturam appellat humanam evidenter expressit continuo subiungens 'Sive regi quasi precolenti sive ducibus tamquam ab eo missis ad vindictam malefactorum, laudem vero bonorum' Ex quibus verbis apparet, reges ac duces per sacerdotum benedictionem non creari, sed ex divina ordinatione per humanam electionem et acclamationem creatis, ut predictum est, sacerdotes Domini benedicunt, ut officium, ad quod divina ordinatione assumpti sunt, sacerdotali benedictione prosequente congruentius exequantur"

<sup>1</sup> Id id, 40. "At vero senarii hec mysterialis quantitas in domo Dei, que est ecclesia, non ad hoc proficit, ut domus Dei taliter ordinata domus Dei non sit, sed presules earum non sint episcopi, quemadmodum quidam nostro tempore, Arnoldus nomine, doctrinam ausus est, plebes a talium episcoporum obedientia deortans Pro qua etiam doctrina non solum ab ecclesia Dei anathematis mucrone

separatus insuper etiam suspendio neci traditus, quin et post mortem incendio crematus atque in Tybrim fluvium proiectus est, ne videlicet Romanus populus, quem sua doctrina illexerat, sibi eum martyrem diceret. Quem ego vellem pro tali doctrina sua quamvis prava vel exilio vel carcere aut alia pena propter mortem punitum esse vel saltim taliter occisum, ut Romane ecclesia seu cura eius necis questione careret. Nam si, ut aiunt, absque ipsorum scientia et consensu a prefecto urbis Romæ de sub eorum custodia, in qua tenebatur, ereptus ac pro speciali causa occisus ab eis servus est, maximam siquidem cladem ex occasione eiusdem doctrinæ idem prefectus a Romanis civibus perpeusus fuerat—quare non saltim ab occisi crematione ac submersione eius occisores metuerent, quatenus a domo sacerdotali sanguinis questio remotus esset, sicut David quondam honestas Abner exequias providit atque ante ipsas flevit, ut sanguinem fraudulentè effusum a domo ac throno suo re-

We have dealt with the question of Gerhoh's attitude to the tenure of the "regalia" by the bishops at some length, for it throws a good deal of light on the significance of Paschal's proposal to surrender them. It is clear that there were at least some among the eminent members of the reforming party who felt that the tenure of these political authorities did involve the Church in great difficulties, did tend to secularise it, and to divert the bishops and clergy from their proper functions. Gerhoh was evidently greatly troubled and perplexed: in his earlier days he had evidently been inclined to think that the "regalia" might with advantage be surrendered, in his later writings he seems to think on the whole that they should be retained; but he felt acutely the dangers which resulted from them—the danger of the secularisation of the Church, and, as we have just seen, the danger of a confusion between the functions proper respectively to the Spiritual and the Temporal powers. He had been a convinced and zealous defender of the papal position in the "investiture" controversy, of the principle of the independence of the Spiritual power, but he was clear about the intrinsic distinction between the two powers: we have seen how sharply he distinguishes between the "Two Swords."

moveret. Sed de his ipsi viderint. Nihil enim super his nostra interest, nisi euperem matri nostre sancte Romanæ æcclesiæ id quod bonum, iustum et honestum est. Sane de doctrina et nece Arnol'di idcirco inserere presenti loco volui, ne vel doctrinæ eius pravæ, que etsi zelo forte bono, sed minori scientia prolata est, vel neci eius perperam actum videam assensum præbere.

Non enim condempno ecclesiam Dei vel ecclesiarum prosules regalia possidentes et eis licite ac modeste utentes, licet laboriosas eorum curas et occupationes molestas sexagenario illi domus Dei celsitudini assimilare mihi visum est. Quid vero plerique sacerdotes vel episcopi toto se studio secularibus negotiis vel actibus im-

pendunt, oblitæ que sacerdotii sunt, quod deposito gladio spirituali proprias gladio materiali ultum iri parant iniurias, quod vindicantes se lesiones in corporibus aut rebus eis quos inimicos existimant præter legitimas potestates machinantur, quod currus sibi et equites ex decimis aliisque fidelium oblationibus multiplicant, ut terribiliores adversariis sint, quodque equitatus numero sublevati populum seculariter vivendo in Egyptum reducant: hic et cetera his similia vel deteriora ad desolationis abominationem in loco sancto stantem pertinere non dubitem. Quanto enim Christi patientiæ et mansuetudini dissimilia sunt, tanto ad similitudinem Antichristi accedunt."

We have thus arrived at a point where we find a natural transition to the second important aspect of Gerhoh's position, that which is concerned with the relation of the Temporal and Spiritual powers. His conceptions on this matter were developed mainly with reference to the violent conflict between Frederick Barbarossa and the Papacy which began with the election of Pope Alexander III. Before entering upon this we must, however, briefly notice some observations of Gerhoh in an earlier treatise. In his commentary on Psalm lxiv., which is attributed to the year 1151, he affirms that the Popes had both excommunicated and deposed certain kings or princes on account of their incapacity or wickedness, and had created others in their place, that they might with the sword attack those who were enemies of the Church and kingdom; but he warns the officers of the Church that they must be careful lest they should make themselves responsible for the death of their enemies.<sup>1</sup> He denounces those bishops who confounded in their own persons the dignities of the episcopal office and of the count, and made wars, and caused the slaughter even of innocent persons, and he expresses his earnest longing that spiritual matters should be dealt with by spiritual persons, and secular by secular, and that the proper limits of each authority should be maintained.<sup>2</sup> Gerhoh clearly does not

<sup>1</sup> Id., 'Comm. on Ps. lxiv.' (p. 454): "Sic enim legimus a pontificibus Romanis quosdam regum seu principum pro inutilitate vel nequicia sua excommunicatos et destitutos, aliosque pro illis constitutos, ut hi quos provexerunt non solum ex instituto, sed etiam ex precepto eorum gladio vindicæ persequerentur hostes æcclesiæ vel regni. Sane in talibus bellis movendis pro defensione patriæ seu æcclesiæ, sacerdotali quoque tuba cum principis edicto consonante, sic se lingua sacerdotalis debet cohibere, ne se videantur moribus etiam hostium commiscere."

<sup>2</sup> Id. id. (p. 454): "Audiant hæc episcopi, qui ultro et contra iustitiam plerumque bella movent, gwerras ex-

citant et plerumque innocentes etiam personas truncari et morte tenus male tractari precipiunt officiumque militis et sacerdotis in una persona confundunt, comitis et pontificis dignitatem simul administrant, hostibus non tyrannizantibus, verum ea quæ pacis et gratiæ sunt humiliter querentibus, gladios intentant et eos occidi vel truncari precipiunt: quos utinam vivos capi precipierent et a mortibus eorum sibi caverent. Qui si capi se non permittentes a militibus episcoporum occiderentur, qualicumque pallio excusationis verecunda patrum tegerentur, ne homicidæ viderentur. Nunc autem, quia episcopi quidam sic tyrannizant, ut etiam innocentes personas et spirituales militum suorum

intend to condemn the excommunication and deposition of kings or princes who were enemies of the Church; a little further on he clearly states that in his judgment this was justifiable and right.<sup>1</sup> He even suggests a principle which found a very important development in the claim of Innocent III. to intervene in the international relations of various countries, with which we shall deal in the next volume. He suggests that both in the internal disputes of any one country, and in quarrels between different countries, it is right that the Church should declare which was the just cause, and should support the defenders of this with its ministrations; and he mentions with approbation the fact that when recently the King of Hungary had meditated making war upon the Greeks, he had first held a council with his bishops, and when they declared that it was Hungary which had broken the treaty of peace, he desisted from his purpose. He urges that if the bishops of the Church were to decide upon the justice or injustice of the disputes which produced wars, and especially if their judgment was confirmed by the Pope, no king would be able to resist, for the Pope is set over the kingdoms, and has power to set up and to put down.<sup>2</sup>

gladiis interdum exponant, esurimus et sitimus hanc iustitiam, ut iudicia et negocia spiritalia per spiritaes et secularia per seculares ita peragantur, ne termini a patribus constituti negligantur."

<sup>1</sup> Id. id. (p. 462): "Ea videlicet cautione servata in castris Domini, ut clericus vel etiam episcopus non recte docens deponeretur et episcopatum eius acciperet alius; atque miles vel etiam princeps recte doctrinæ inobediens et acquiescere nolens ut Saul, anathematis iaculo percuteretur aliusque illi subrogaretur ut David."

Id. id. (p. 467): "Notandum, quod subvertendum prophetat solum regnorum, priusquam substituat duces sibi dilectum et electum. Eodem modo, si quis rex aut princeps imperio

sacerdotali quasi per Samuelem communitus ferire impios, vastare Amalechitas, percutere Agag regem populo Israel inimicum, talibus contra mandatum sacerdotale pepererit, aut, quod peius est, inimicos Dei fovere atque amicos Dei persequi ausus fuerit, iure hic talis potestate quæ male utitur, privatur, ita ut regnum ab eo seindatur: maximo si et ipse seindere audet pallium sacerdotale vel prophetale, minuendo ius et decus ecclesie."

<sup>2</sup> Id. id. (p. 462): "Denique in omni militum vel civium guerra et discordia vel pars altera iusta et altera iniusta, vel utraque invenitur iniusta. Cuius rei veritatem patefacere debet sacerdotalis doctrina, sine cuius censura nulla bella sunt movenda. Sic ergo manifestata iusticia, pars iusta

It seems to be clear that at that time Gerhof was prepared to accept the general principles of what we may call the Hildebrandine position with regard to the authority of the Popes in deposing impious and excommunicated rulers: he does not indeed directly mention Hildebrand or Henry IV.,

sacerdotalibus tubis animanda, et etiam communiõe dominici corporis ante bellum et ad bellum roboranda est; qua panis iste cor hominis confirmat, quando pro defensione iusticiæ vel ecclesiæ aliquis ad pugnam se preparat; cui pars iniqua resistens et pacto iustitiæ pacis acquiescere nolens, anathematizanda et etiam negata sibi sepultura christiana humilianda est. Nunc autem civitate contra civitatem, regno adversus regnum, principe adversus principem non iusta bella moventibus, ambabus partibus absque cunctatione seu causarum ventilatione datur corpus Domini, tanquam divisus sit Christus et possit esse in tam divisus et contrariis partibus. Qui certe vel alteri vel ambabus est negandus, nec alicui aperte contra iusticiam pugnantem aliquatenus dandus, ne forte per incuriam sacerdotum sic traditus in manus evidenter peccatorum, iusta ira moveatur contra sacerdotes denuo ipsum cum Iuda tradentes. In talis tam magnæ iusticiæ magna siti et esurie, micæ licet modicæ lambere fames ipsa compellit.

Unde refero factum iustum et honestum, quod in terra Ungarica et barbarica vix nomine tenus christianorum principum dominio subdita laudabiliter accidit. Nam cum rex illius terræ anno plusquam preterito se ad bellum preparavit contra regem Grecorum, ante procinctum cum episcopis illius terræ habuit consilium: qui tanquam viri literati cautissime discutientes causam pugne, atque invenientes pactum pacis ex parte Ungarorum primo violatam, recordati sunt pro-

phetias dicentes: 'Qui dissolvit pactum, numquid effugiet?' Qua prophetia instructi prophetaverunt regem, si pugnaret contra ius pacti et fedus pacis, minime triumphaturum et auxilio Dei cariturum. Quo audito rex, licet immitis ac barbarus, tamen procinctum relaxavit et sua ex parte ruptum fedus reparavit. Quanto magis ergo in ecclesia sanctorum refrenaretur animositas principum vel capitaneorum contra se in Romano imperio tumultuantium et ecclesias multas desolantium, si episcoporum scientium reprobare malum et eligere bonum sententia concordaret in unum? Enimvero ut non sit vel esse possit scisma inter eos, unus omnibus est prepositus, cui dictum est: 'Confirma fratres tuos.' Quo nimium confirmante quamlibet episcoporum sententiam iusticiæ regni Dei consentaneam, licet regibus mundi huius contrariam, non esset in ecclesia rex qui auderet, vel si auderet, posset repellere illam. Porro, si is qui ceteros confirmandi habet potestatem et auctoritatem, peccentur fieret in qualibet (iusta) sententia episcopis per epistolas directa, quis eam repellere posset, cum sit velut alter Hieremias constitutus non solum super ecclesias, sed etiam super regna, ut evellat et destruat et disperdat et dissipet, edificeat, et plantet. Sic reges profanos et symoniacos invenimus evulsos auctoritate apostolica, cooperante gratia Dei, quæ per mundi huius infirma sepe confundit fortia, eligens ignobilia et contemptibilia, ut magna vel instruat et destruat."

Cf. id., 'De Ordine donorum Spiritus Sancti' (pp. 277 and 280).



but the reference to them seems fairly evident, and certainly the assertion of the principle of the papal authority to act in such cases is clear. We must, however, be careful to notice that Gerhoh does not conceive of this as contrary to his principle of the distinction between the functions of the two powers. A little further on in the same work he again insists that the clergy must keep themselves clear of all criminal judgments, and must confine themselves to their office of teaching the secular authorities what is right and just, and he sums up his position by quoting, as from the letter of Pope Nicholas I. to the Emperor Michael, the words of Pope Gelasius, in which Christ is said to have separated the two powers and given to each its own function.<sup>1</sup> In order, however, to arrive at a more complete judgment of Gerhoh's position we must turn to the treatises written after the outbreak of the new conflict.

The treatise 'De Investigatione Antichristi,' from which we have already made many citations, was, as we said, written in 1161-62, about two years after the disputed Papal election, and Gerhoh suggests that this calamity was in part a judgment of God upon the Church. In other schisms, he says, it was easy to decide which was the Catholic Church, but in this case it was not easy for any but those who were prudent and

<sup>1</sup> Id id, p. 465. "Preceptis huiusmodi salutaribus moniti et apostolica institutione informati, optamus episcopos et reliquos altaris ministros a iudicio et negotio sanguinis esse alienos, nisi quantum officium docendi et precipiendi requirit, quomodo instruendi et constringendi sunt seculares iudices a spiritualibus omnia iudicantibus, ut recte iudicent suamque potestatem exerceant ad vindictam malefactorum, laudem vero bonorum. . . . De quibus cum plura possemus ponere, sufficiant ad presens unum decretum Nikolae pape dicentis inter cetera. 'Fuerunt hæc ante adventum Christi . . . quatinus spiritualis actio carnalibus distaret incursibus

et ideo militans Deo minime se negotiis secularibus implicaret, ac vicissim non ille rebus divinis presidere videretur' (Gelasius I., Tractatus IV., 11, as quoted by Nicholas I., Ep. 9). . . . Hæc dicente papa Nicolao, nos eidem consona dicendo affirmamus, eum qui presidere debet rebus terrenis in administratione tantummodo negotiorum secularium, non se debere implicare negotiis spiritualibus; et e converso iudicem spiritalem vacare oportere divinis, et tamen sine sui spiritus implicamento etiam per doctrinam regere ipsos quoque reges et imperatores, quanto magis minores potestates?"

sincere lovers of the truth to come to a decision.<sup>1</sup> He gives a detailed account of the actual election, and concludes that it was so far clear that the case of Alexander was the better one,<sup>2</sup> but he then goes on to relate how the adversaries of Alexander raised against him that charge which we have already mentioned—namely, that Alexander and the Cardinals of his party had during the lifetime of Hadrian IV. entered into a conspiracy with the King of Sicily and the Milanese against the emperor, and had bound themselves by an oath that they would not elect any one to the Papacy who was not a member of the conspiracy, and that they had been bribed by the Sicilians and Milanese to promise that they would excommunicate Frederick, and would not absolve him without their counsel.<sup>3</sup> They also, he relates, urged the difference between the conduct of Victor and that of Alexander, the former appearing at Pavia and submitting his claim to the Council, while Alexander haughtily refused to do this.<sup>4</sup>

Gerhoh was, it would seem, much moved by these considerations, and as it appeared to him the judgment of the Church was so much divided that he found it difficult to arrive at any conclusion. The supporters of Alexander urged that the apostolic sees of Antioch and Jerusalem acknowledged him, but the supporters of Victor urged that the judgment of other Churches must also be considered, especially as these Oriental sees were but little informed.<sup>5</sup> Gerhoh was evidently much perplexed with regard to the action of Alexander in refusing to vindicate his position to the Council at Pavia. The Lord himself, he urges, had condescended to show himself to his disciples when they doubted his resurrection, and St Peter submitted to be rebuked by St Paul.<sup>6</sup> He had been inclining to decide for Victor when he had received news of a Council held at Toulouse attended by one hundred bishops, the Kings of France, England, and Spain, and the envoys of Victor, Alexander, and the Emperor, and that the Council

<sup>1</sup> Id id, 53.

<sup>2</sup> Id id id

<sup>3</sup> Id. id. id., cf p 321.

<sup>4</sup> Id id id.

<sup>5</sup> Id id, 55.

<sup>6</sup> Id. id. id.

had decided for Alexander and had excommunicated Victor.<sup>1</sup> He was not, however, convinced, for the Council had apparently not considered the charge of conspiracy, and he felt that this was the most serious question, and that the truth or falsehood of the charge could only be determined by a General Council.<sup>2</sup>

Gerhoh's mind was mainly occupied with the two questions, whether the charge of conspiracy was true, and whether it was right that Alexander III. should refuse to submit the charges against him to a General Council. He is unsparing in his condemnation of the conspiracy against the emperor, if the charge were true,<sup>3</sup> and he does not see his way out of the difficulty except by the judgment of a General Council.<sup>4</sup> He examines at some length the question whether

<sup>1</sup> Id. id., 56

<sup>2</sup> Id. id. id. "Sed huius questionis nodus et absolutio in eo maxime consistit, si plene cognoverimus Alexandri causa iniusta iustane sit. Iustitia vero causæ illius vel iniusticia in eo versatur, si, cum cetera sana vel potiora circa eius electionem et ordinationem sint, etiam de conspiratione illa mala contra imperium, que eius electioni appingitur, ipsa eius electio, si possibile est, pura demonstretur. Quis vero est qui sibi hoc assumere possit vel audeat, ut istud mysterium iniquitatis exquirendo in lucem perducatur, vel innocentiam eiusdem facti inveniat nisi generali concilio illud fiat?"

<sup>3</sup> Id. id. id.: "Scindunt vero ecclesiam, que est corpus Christi, sitamen ita est, ut dicitur, qui pro accepta pecunia dominum imperatorem, quem multitudinem sequi dubium non est, excommunicatos se sacramenti firmitudine promiserint et, ut eadem excommunicatio in futurum firma permaneret, ex eorundem compromissionem cetum papam sibi pro eadem compromissione seismatica ac simoniacam elegerunt. Hos ego, si qui

tales sunt, scindere vel scidisse iudico ecclesiam nec Iudæ proditori paulominus sceleratores, maxime cum dominus imperator ad omnem iusticiam legum vel, certe si domino pape placuisset, ad consilium electarum hinc inde personarum stare paratus fuit de his omnibus, super quibus impetebatur vel iam adhuc stare in eodem paratus sit, si sint qui nunc illud recipere debeant ac velint. Nam his qui eius christianitatem pro pecunia Siculi ac Mediolanensium vendidisse dicuntur, nisi super hoc verbo expurgatis, non se facile credere poterit"

<sup>4</sup> Id. id., 57 "Propter hoc enim desiderat electorum ecclesia generale concilium, in quo revelent celi iniquitatem Iudæ ac terra adversus eum consurgat, quisquis e duobus ille est et manifestum fiat peccatum illius. Non solum namque Deus vel angeli celum illud esse existimandum est, cui sedes illa beati Petri debeat innocentiam, sed et sanctorum hominum spiritualium et maxime ecclesie presidentium ecclesiam ego existimem illud esse celum, cui quilibet, etiam summus mortalium, debeat innocentiam,

and under what term the Pope might clear himself of the charge brought against him. He points out that St Paul conferred with the Apostles at Jerusalem lest he should cause scandal by differing in any respect from their doctrine; and he relates how Pope Marcellus, who had sacrificed to idols, while the Fathers recognised that he could not be judged by any one, yet because he could not clear himself before the Church, passed against himself the sentence of deposition and excommunication; and how Pope Leo III., publicly and in the presence of Charlemagne and the people, cleared himself of the charges made against him.<sup>1</sup> Gerhoh, indeed, accepts the principle that no one could judge the Pope; <sup>2</sup> he does not,

dicente vase electionis de se suisque similibus apostolis ac viris apostolicis, quoniam 'spectaculum facti sumus' huic 'mundo et angelis et hominibus'"

<sup>1</sup> Id. id. id. "Propter hoc sane scandalum scilicet precavendum ascendit Paulus Ierosolimam ad apostolos et contulit cum illis evangelium Christi, ne forte in vacuum curret aut cucurrisset, si ab aliorum apostolorum doctrina ipso in aliquo discordante scandalum super hoc pateretur ecclesia Christi . . . . Sane Marcellus papa, quoniam sacrificando ydolis peccaverat in celum, scandalizando ecclesiam, que nimirum celum ac sedes Dei est, dictum est ei ab eodem celo, id est sanctorum patrum in urbe et ad urbem super hoc ipso collectorum unanimi concilio 'Tu qui summus pontifex es a nemine debes iudicari Tu collige causam tuam in sinu tuo, veruntamen presentibus hoc facias.' Et ipse cum peccatum suum, super quo infamatus erat, excusare non potuisset coram ecclesia, que super eodem exacerbata fuerat, in semet depositionis atque excommunicationis sententiam dictavit, unde et misericordiam a Deo consecutus de catalogo Romanorum pontificum deletus non est, sed quoniam pro fide postmodum

illustre martyrium duxit, etiam in sanctorum martyrum cetu digne connumeratus est. Leo quoque iniuste infamatus, ne super eo scandalum pateretur ecclesia Dei, cui tamquam rationali celo debebat innocentiam, publice consensu ambone coram rege ac principibus omnique frequentia populi cum XII astipulatoribus episcopis famam suam iuramento purgavit."

<sup>2</sup> Id. id. id. "Et quid, ait quis, placuit dicere patribus beati Petri vicarium tantum celo debere innocentiam? Sic enim ait Simmachus papa: 'Ahorum hominum causas Deus voluit per homines terminare, sacrosanctam vero sedis Romane presulem suo sine questione reservavit arbitrio. Voluit beati Petri successores celo tantum debere innocentiam et subtilissimi discussoris indagari inviolatam exhibere conscientiam' . . . . Ad quod audiat, qui super his dubitat vel querendum putat, quoniam Simmacho maior est qui ait: 'Sine offensione estote Iudeis et Grecis et ecclesie Dei' Item 'Oportet episcopum bonum habere testimonium apud eos qui foris sunt.' Et dominus Iesus adhuc maior ambobus his, plus enim quam Salomon hic, immo et maior omnibus. 'Qui scandalizaverit,' inquit, 'unum de pusillis istis, qui in

however, admit that this principle applied to the circumstances of a disputed election : in that case he thinks that the claimants should present themselves to the brethren and set out their claims so that the Church of God might resist the evil and accept the good.<sup>1</sup> He reaffirms his horror at the conspiracy which, on the evidence of Victor and of two of the cardinals who supported him, and had themselves been parties to it, had been formed against the emperor, and demands that those who were accused should clear themselves of it, and break off their alliance with the enemies of the Empire, especially as the emperor was prepared to do justice with regard to all matters of which they complained.<sup>2</sup> Gerhoh concludes the chapter, as he had begun it, by urging that the only remedy for these troubles would be the summoning of a General Council, which

me credunt, expedit ei' et cetera quæ dicere perhorreo. At enim ipse. 'Si oculus tuus dexter scandalizat te, erue eum et proice abs te.' Item. 'Necesse est,' inquit, 'ut veniant scandala, ve autem homini, per quem scandalum venit,' nec magnum ex cipiens nec minorem. Quibus manifestissimis dictis Salvatoris et apostolicis Simachum papam nequaquam crediderim sensisse contraria, sed id solum, quod nulli hominum fas est, in Romanum pontificem ferre condemnationis iudicium vel ad expurgationem sui cogere, sicut Marcellus a nemine iudicio condemnationis iudicatus est, dicentibus ei fidelibus. 'Tu collige causam tuam in sinu tuo,' ipse in eo iudicium tulit dampnationis. Similiter et Leo a nemine ad expurgationem sui coactus est, sed summum celum ac celi habitator Deus, subtilissimus videlicet discussor et indagator, hoc in eius corde locutus est."

<sup>1</sup> Id id id "Sed et illud Simachi pape aliaque eiusmodi sciendum de his solum Romanis pontificibus agere, qui et soli tenent cathedram et quorum introitus questione caret. Nam cum de duobus quasi cathedram tenentibus

disceptatur, quis eorum apostolicus, quisve apostolicus sit, bene debent introitus suum ecclesie Dei exponere seque inter confiatres et discipulos videndos ac palpandos exhibere, ut omni scandalo ac dubitatione sublatis noverit ecclesia Dei reprobare malum et eligere bonum."

<sup>2</sup> Id id id : "Quem sane tale piaculum non scandalizaret? Quod utique si perpetratum constaret Iude traditoris crimine paulominus sceleratus esset. Nam illic discipulus magistrum, hic pater filium ecclesie veste nudatum hostibus tradidisset, aut quia tantum faenus de tam sapientibus credi difficile est, quamvis et munera corda excecant sapientium, si liberam super hac infamia retinent conscientiam, ostendant etiam ecclesie Dei suam innocentiam piaculum idem competenter negando et ab hostibus imperii soluto pacti federe auxilium et favorem suum longe faciendo, maxime cum dominus imperator super omnibus quæ postulantur iusticie seu consilio stare paratus fuerit, semper et adhuc Deo annuente, ut speramus, paratus erit, sicut esse debet, maxime si expiatis his piaculis de Romanorum erga imperium fidelitate constitit."

might decide between the claimants, and might restore peace between the "sacerdotium" and the "imperium."<sup>1</sup>

It is very noteworthy that Gerhoh was so deeply stirred by the whole situation that he continues his treatise with a violent denunciation of the whole policy of the papal Court (*Romani*). He accuses them above all of pride and covetousness, and contemptuously suggests that they may ultimately abolish all separate bishoprics, and bring all parts of the Church under the immediate government of Rome; that they will interfere in the political relations of rulers and subjects, and excommunicate those who do not obey them, and that they will do all this for money.<sup>2</sup> He attributes the existing conflict and schism to the avarice of the Romans, who had been corrupted by the gold of the Sicilian King and the

<sup>1</sup> Id id id : "Propter hoc igitur a fidelibus ecclesie et imperii generale desideratur concilium, ubi omnibus his in medium prolatis ac, Deo favento, expiatis, unoque, ad ultimum videlicet, palmitate exciso et alio purgato, unitas fiat et pax inter regnum et sacerdotium, pax quoque reformaretur ecclesie scandalis ablatis et excluso scismate."

<sup>2</sup> Id id, 58. "Quod si dedignantur Romani, ut suam ecclesie innocentiam super iam dictis criminationibus exhibeant, utpote quorum sit de omnibus iudicare et a nemine, quequid fecerint aut divulgatum de eis fuerit, iudicari, ita ut nemo eis dicat vel dicere debeat. 'Cur ita facitis?' parum vel nichil de scandalis ecclesie curantes, utpote qui bus sit licitum quodlibet fuerit libitum, quid ultra expectabimus, nisi ut, si et hoc libuerit quoquid adhuc fastus et avaricia, duo scilicet mali consilium, suggesserint, qui raro in Urbe defuerunt, compleant etiam novas leges veteribus abditis, ad placitum condant terminos episcopatum, iam olim antiquatos omnes a medio tollant et nova pro consilio philargiarum limites statuunt, de archiepiscopatibus omnibus suffraganeas

et de suffraganeis archiepiscopatus constituent inter hec omnia pinguora et meliora sibi reservantes, cetera vero ad libre pondera statucentes, immo vero et si placuerit et mali illi consilium suggesserint, reliqua ovilia omnia in unum conducant, ut sit solum unum ovile et unus pastor solus Romanus pontifex: aut, si hoc difficile ac laboriosum visum fuerit, episcopos visitationes, quales volent, sibi iurare faciant, reges quoque a subiciendis sibi rebellibus et ecclesiarum ac civitatum vastatoribus prohibeant, dicentes: 'Huc usque venies et non procedes amplius,' aut hec sua procepta transgredientes excommunicent, medios quoque se inter reges ac tyrannos, inter civitates alterutrum infestantes interponant et quorum eis pecunia plus ponderaverit eorum adversarios excommunicent eandemque excommunicationem dato precio absolutionis absolvant, iam vero et aliarum civitatum presules et quique ecclesie presidentes videntes libertatem ipsorum, in omnibus his libere etiam ipsi pro sua possibilitate vel loco ipsorum sequantur errores, turpe enim Romanis arguere in aliis quod ipsi fecerint."

Milanese, and he ascribes the continued resistance of Milan to the imperial authority to the support of the Romans.<sup>1</sup> He was indeed conscious that he might be censured for allowing his zeal to carry him too far, but contended that he was not directing his arguments against any one personally, but was only anxious to point out the dangerous consequences which might flow from these evils, for there was a real danger, if these scandals were neglected, of such a departure from the obedience of the Roman Church as had been made by the Greeks.<sup>2</sup>

Once again he restates the arguments for and against the legitimacy of Alexander's election, and says that actually the Church was divided into three parts, one accepting Alexander,

<sup>1</sup> Id id id. "Iuste enim laxantur ora subditorum quantumcunque brutorum seu mutorum ad increpationem eiusmodi presidentium avaricia cecatorum atque apertis oculis cadentium benedictionesque ac maledictiones venditancium, sicut totus iam mundus conqueritur de avaricia Romanorum estimans et, fama divulgante, certum habens de auro et argento Siculi (et) Mediolanensium hoc presens scisma pullulasse, quod ecclesia inter duos illos Romanos vocatos pontifices errabunda discussa est. Sed nec Mediolanenses legibus dampnati atque proscripti tanta pertinacia Augustali imperio se opponere, ut creditur, audent, nisi Romanorum favore id facerent. Nam dum foris eos gladius imperialis et intus pavor excommunicationis vastaret, quomodo duobus illis gladius in unum consentientibus non cederunt?"

<sup>2</sup> Id. id. id. "Sed quousque duos illos pessimos consiliarios avariciam et superbiam prosequendo prolabor? Quousque me impetus spiritus contra factum et questum loquentem impulit? Demittenda iam vela sunt ne forte et in aspera loca incidamus, si ultra progressi fuerimus. Arguemur enim forte etiam super his, que dicta

sunt, os in celum possuisse. . . . Nos autem contra neminem personam aliter sermonem direximus, sed consequentias quasdam causarum malarum precedentium et effectuum pessimorum contexamus, quos partim vidimus, partim quoque adhuc futuras formidamus. Semel namque posito his, qui in ecclesia Dei episcopi vel episcoporum magistri ac patres positi sunt, de scandalis ecclesie non curare altum sapere nec humilibus consentire ac non secundum Iesum Christum dubitantibus et scandalizatis fratribus ac discipulis latus, manus ac pedes innocentie videndas ac palpandas demonstrare, cum et hi duo consilium pessimi, superbia et avaricia, penitus admissi fuerint, nichil malorum, que diximus, sequi dubitandum non est. Immo vero et discessionem de sub Romane ecclesie obedientia per talem contemptum scandalorum parturiri timendum est, sicut a Grecis quoque iam olim discessum est atque ita revelatum iri filium perditionis, si tamen hec vel talis est discessio, quam significat apostolus, dicens 'Nisi venerit discessio primum' et cetera."

Cf id id, 4, 8, 50, 52, 63, 68, and 72.

the other Victor, while a third neither accepted nor rejected either, but hoped for such a more complete and adequate consideration of the circumstances as could only be obtained in a General Council summoned with the consent of the kings. He felt himself unable to come to any decision, but inclined to the third party.<sup>1</sup>

The treatise concludes with a very emphatic condemnation of the tendency, which he attributes to the Papal party, to claim a political authority over the emperor. When they represented in pictures and letters that the emperor owed homage to the Pope—referring no doubt to the angry correspondence of Hadrian IV. and Frederick Barbarossa, with which we have already dealt,<sup>2</sup>—when they interposed between the emperor and those who had rebelled against him, they made the Pope lord over the Emperors, and reduced the emperor to the position of a vassal. This was really to destroy the power which had been created by God, to resist God's ordinance, and to confound the nature of the two swords. Each power must be content with its own place and function.<sup>3</sup> The emperor or king must not assume to

<sup>1</sup> Id id, 68. "Quod quia nondum est factum, non solum bifariam, sed et trifariam scinditur ecclesia Dei, alius, ut dictum est, Alexandro, alius Victori faventibus, tertius vero neutrum accipientibus vel constanter reprobantibus, sed pleniorum adhuc causa utriusque discussionem sperantibus, quam absque concilio generali ex regum conviventia convocato fieri non posse arbitrantur.

Quod si querat quis a me, que istarum trium partium animo meo magis complereat seu tutior mihi videatur minusque habere periculi, sciat me in rebus dubis atque adhuc pendentibus diffinitivam nolle ferre sententiam. Verum si urgere non desinit, noverit tutius mihi interim videri mediocrium illorum desiderium discussionem adhuc pleniorum partis utriusque expectantium, eo quod a

scismatis periculo pars illa tertia remotior sit."

<sup>2</sup> Cf p 313.

<sup>3</sup> Id. id, 72: "Quin etiam, sicut aliquando cesares quedam pontificalia et ecclesiastica presumebant, ita isti de contra cum sacerdotio quoddam in se cesareum ac supercesareum imaginantur. Nam dum cesares hominibus sibi obligari pingunt, locuntur et scribunt, dum eorum processus quousque veniant et ubi subsistant, quas contra civitates veniant, a quibus etiam imperio rebellibus abstineant prescribunt, quid nisi se imperatores et imperatorum dominos, porro imperatores suos vassallos constituunt? Hoc autem quid est aliud, quam potestatem a Deo constitutam destruere et ordinationem Dei resistere? Quomodo vero imperium destructum non erit, si civitas quilibet aliarum

himself that which belongs to the priest, and the bishops must render to Cæsar that which is Cæsar's, and if they wish to hold the "regalia" they must render to the king a just and suitable honour. Once again he urges that it is not proper that the bishop should do homage: the king should be satisfied that the bishop should swear fidelity, and that he would defend the crown, "saving his office."<sup>1</sup>

The treatise throws a great deal of light upon the state of opinion in Germany, both with regard to the actual controversy of the moment about the election to the Papacy, and also with respect to the state of mind of religious men about the relations of the two powers. For it is noticeable that it is the very depth of his religious feeling which makes Gerhoh alarmed lest the Church should be involved in secular matters. He represented the tradition of the necessity of freedom for the Church, he had no doubt about the justice and the necessity of the struggle against lay "investiture," but, as he felt it, the problem of the day was not so much how the Church was to be protected against the aggression of the secular power,

*ovitatum vastatrix, iusticie atque imperio rebellis, tuitione domni pape, mirum si et absque interventu pecunie, manus imperatoris et omnem iusticie satisfactionem evadet? Ubi erunt duo illi evangelici gladii, si vel omnia apostolicus vel omnia cesar erit? Quasi enim unum de magnis luminaribus e mundo tuleris, si vel imperium suo vel sacerdotium suo vigore ac decore caruerit. Unam quoque de magnis duabus columnis a facie templi tulisti, si vel sacerdotio in spiritualibus vel regno in temporalibus sua iura negaveris. Melius utraque potestas suis erit terminis contenta, ne aliena presumens de suo perdere mereatur."*

<sup>1</sup> Id. id. id. "Metuat quoque imperator aut rex sacerdotalia sibi vendicare, ne lepra Ozie percussatur in fronte et extorris non solum a sacerdotio, sed etiam a regno fiat. Audiant pontifices precipientem sibi

*Domnum: 'Reddite que sunt cesaris cesari et que sunt Dei Deo,' ut, si regalia ecclesie a regibus tradita tenere volunt, regibus inde iustum ac decentem honorem exhibeant. Audiant item apostolem. 'Dum timete, regem honorificate' Sane dum iustum ac decentem honorem regibus exhibendum a sacerdotibus regalia tenentibus censemus, homini obligationem in illa honoris exhibitione numerandam non putamus, videlicet ne apostolo contraria sentimus dicenti: 'Nemo militans Deo implicat se negotiis secularibus, ut ei placeat, cui se probavit.' Novæ sunt istæ consuetudines et ab institutionibus canonum alienæ, nec a sanctis patribus exemplat nec ratione fultæ nec auctoritate Sufficere poterat ac debent regibus ab episcopis munitiones tenentibus sacramentum fidelitatis et coronæ suæ iustæ defensionis, salvo videlicet ipsorum officio, suscipere."*

but rather how it should free itself from the entanglement in secular matters in which its own success had tended to involve it.

All this is again brought out very clearly in some of his later works. It was in 1166-67 that he addressed a little treatise to the Cardinals of the Roman Church. The conditions had indeed greatly changed since he wrote the 'De Investigatione Antichristi.' The Antipope Victor had died, and Paschal had been elected to succeed him. His election was described in an encyclical letter of the German princes of May 1165, as having been made by the bishops and Cardinals of the Roman Church, in the presence of the bishops of Lombardy and Tuscany, the Prefect and many nobles of Rome, and as having been recognised by the Church and princes of the Empire.<sup>1</sup> Gerhoh, however, was clear and emphatic in his repudiation of him, alleging that no Cardinal-Bishop had taken part in his consecration, and he now definitely recognised Alexander III. as the legitimate Pope,<sup>2</sup> but he also urged the great difficulty which was caused to his supporters by the fact that the charge of conspiracy with the King of Sicily and the Milanese had not been disproved, and by the assumption on the part of some of the supporters of Alexander that the action of Hadrian

<sup>1</sup> M. G. H., Leg., Sect. IV., Const., vol. 1, 223 "Denique beatissimo papa Victore ad paradisi gaudia feliciter assumpto et in eius locum ab episcopis ac cardinalibus almo sedis apostolice domno Paschali, viro christianissimo, in presentia episcoporum et religiosorum Lombardiæ ac Tusciæ, illustris quoque prefecti urbis Romæ ac multorum nobilium Romanorum catholice substituto, ipsum etiam domnum Pascalem ex ecclesiæ ac principum imperii iudicio atque consilio in papam et patrem catholicum solempniter recepimus debitoque honore venerari semper intendimus"

<sup>2</sup> Gerhoh, 'Opusculum ad Cardinales' (p. 401): "Cum igitur iusta sit causa

pape Alexandri, quantum ad formam promotionis, quam nos tuemur contra Guidonis erectionem"

(P. 406) "Longe melius me nostis, quam sit utile propalari veritatem contra mendaciam longe lateque disseminatam, quæ licet nobis in obedientia pape Alexandri stabilitis nullam faciunt nobilium dubietatis"

(P. 408): "Ego eundem papam suum (the Emperor's) sic repudiavi, ut Dei gratia me confortante dicerem nunquam me illi obediturum, qui a nullo cardinali episcopo esset consecratus, sed ab extraneo execratus et in cuius parte non esset corpus Domini, quod constat extra unitatem in scismate confici non posse."

IV. could not be condemned.<sup>1</sup> He argued that Alexander and his supporters should recognise that while it was true that the Pope and his actions were not subject to any human judgment, this applied only to his spiritual character and office, but not to his relations to secular matters: with regard to these his actions were open to amendment,<sup>2</sup> and he brought forward a number of illustrations to show that the Popes themselves had recognised this, and had cleared themselves of charges related to such matters; he included the purgation of Leo IV.<sup>3</sup> If, therefore, it was complained that the Pope and Cardinals had committed some action which troubled the kingdom and divided the Church, this should either be denied or proved to have been just.<sup>4</sup> If it should prove that the Pope had really done wrong, this could be changed and amended—there were numerous examples of this having been done—and he cites a number of

<sup>1</sup> Id. id. (p. 401): "Cum igitur iusta sit causa pape Alexandri, quantum ad formam promotionis, quam nos tuemur contra Guidonis (Paschal) erectionem, attamen, si non est bona quantum ad illam eius propositionem, qua, ut dicitur, regni honorem destruere proposuit iuxta cesaris querelam, piget multos pro eo certare, qui pro eo vellent usque ad sanguinem pugnare, si eis constaret ipsa causa tam bona in materia, quam iusta in forma. Pertinacem vero dicunt animositatem, qua de malis opinabiliter vulgatis nulla offertur negatio, tamquam debeat sine questione haberi pro iusto, quicquid collaudatum fuit a domno Adriano I. (IV), eo quod Romanus pontifex nullus hominum iudicio subiaceat."

<sup>2</sup> Id. id. (p. 401) "Quod quidem (2 e, 'quod Romanus pontifex nullus hominum iudicio subiaceat') nos verum fatemur, ubi de his causis agitur, quae tangunt eius personam et officium, sed ubi de agris limitandis, vel dignitatibus huius mundi seculariter

ordinandis agitur, alienum est a Romano vel quocunque pontifice de talibus ita velle iudicare, ut eius iudicio nemini liceat contradicere, quoniam, si in talibus eius iudicio aliquis gravatur contra legem sancti evangelii et contra leges etiam seculares, iuste quod contra leges presumptum cognoscitur, per leges dissolvi meretur, etiamsi a Romano pontifice per surreptionem fuerit aliquid actum, quod iustis legibus contrarium deprehenditur."

<sup>3</sup> Id. id. (pp 401, 402, 410).

<sup>4</sup> Id. id. (p. 402): "Igitur si cum regni hostibus a Romano pontifice, assentientibus domnis cardinalibus, factum est quaecunque laudamentum, quia inde permutum est regnum et scissa est ecclesia, iustum est, congruum est, necessarium est ad medicinam tanti mali, ut aut negetur factum aut iustum demonstratur, ne de opinione ambigua in ecclesia Dei non solum scandalizentur pusilli, sed et, si fieri potest, in errorem inducantur electi."

instances, including St Peter, Boniface II., Paschal II., and Calixtus II.<sup>1</sup> He suggests that it was possible that the alleged agreement with the King of Sicily, about which there had been so much trouble, had been made by Pope Hadrian IV. under constraint, and he begs the Cardinals publicly to prove that it had never been made, or to justify it, or to amend it.<sup>2</sup>

Gerhof warned the Pope and the Cardinals that their continued silence might cause the quarrel to grow to such a point that the "regnum" and "sacerdotium" would destroy each other, and he reminds them of the words of Gelasius (he quotes them as from the letter of Pope Nicholas I. to the Emperor Michael), in which it was laid down that it was Christ himself who

<sup>1</sup> Id. id. (p. 405) "Porro si aliquid est inter ea, quod non potest veraciter excusari, nonne potest veraciter mutari et emendari secundum scriptum Leonis pape superius intextum, ut offendiculis hinc inde complanatis fiat unum ovile et unus pastor. Neque vero exemplo caret, si Romanus pontifex aliqua de suis vel dictis vel factis retractet. Nam beatus Petrus de sua simulatione, qua non recte ambulavit, ad veritatem evangelii redargutus a coapostolo suo Paulo correxit factum suum."

Bonifacius papa II<sup>s</sup> legitur ex decreto constituisse Vigilium diaconum sibi in pontificatu succedere, quod, quia Romano clero visum est canonicis adversari, presente clero ab eodem subpositum est igni ante confessionem beati Petri apostoli. Recentiori quoque tempore beate memorie papa Paschalis dederat Hainrico imperatori quoddam privilegium, quod, ut cognovit ecclesie displicere, ipse damnavit. Similiter Calixtus papa dederat quoddam privilegium Pisanis, quod, quia Romanis displicuit, ipse in Lateranensi concilio cassavit."

<sup>2</sup> Id. id. (p. 405) "Quid igitur

mirum, si Romanus pontifex Adrianus assentientibus sibi domnis cardinalibus angustatus apud Beneventum promissit aliqua non promittenda illi Siculo, sub cuius gladio tunc erant et fortasse aliter exire non poterant, sicut et predicto imperatori Hainrico, ut predictum est, Paschalis papa quaedam non promittenda promissit, quia de tentoris eius, in quibus tenebatur, aliter exire non potuit. Sed quia de tali promissione iam scisma exortum vexat ecclesiam, vos domni cardinales, qui laudamento illi, quaecunque fuit, si tamen fuit, interfustis et nunc sive de facto sive de facto illo pacto mala multa exorta vidistis, unde adhuc maiora formidantur eventura, dignamini apostolo commoneante vosmetipsos iudicare, ne iudicimini a Domino et sive negando sive iustificando sive mutando factum illud providete nobis angustatis aliquid solatum, quos illud maxime turbat, quod de pacto illo nichil certi nobis constat. Quo si vel iustum vel nullum esse constaret aut si non bene gestum discretio apostolica mutaret causaeque totius veritatem litteris vel nuncis publicaret, multum faceret pro nobis vel pacem reformando vel ad passiones confortando."

had allotted their distinctive functions to the Temporal and Spiritual powers. If this principle, he says, had been remembered, the present conflict would not have arisen between the two powers, which must both continue until Christ himself should come to His final victory.<sup>1</sup> He therefore besought the Cardinals, if indeed they desired to unite the divided members of the Church, to make it known that they did not, as was alleged, desire to destroy the kingdom.<sup>2</sup>

In another passage he urged that the temporal rulers, if they should desire to rule unjustly, should be instructed but not destroyed; and he reported that in frequent conversations the emperor had made it plain to him that he

<sup>1</sup> Id id (p 402) "Caveat igitur dominus papa, cavete vos quoque domni cardinales ne per vestram taciturnitatem scandalum veniat, immo quia iam venit, ne diu maneat nullo ex vobis negante aut iustificante illud compromissionis pactum vel per nuntios idoneos vel per epistolas certas, cuius divulgatio peperit et dilatavit imminens scisma, quo et sacerdotium gravatur et regnum quassatur, quasi alterum per alterum sit destruendum, cum potius alterum altero sit fulciendum et neutrum alteri permiscendum Unde Nicolaus papa Michaeli Augusto scribens dicit inter cetera 'Cum ad verum ventum est eundem regem atque pontificem ultra sibi nec imperator iura pontificatus arripuit, nec pontifex nomen imperatorum usurpavit, quoniam idem mediator Dei et hominum, homo Iesus Christus, sic actibus propriis et dignitatibus distinctis officia potestatis utriusque discrevit propria volens medicinali humilitate sursum efferris, non humana superbia rursus in inferno demergi, ut et christiani imperatores pro æterna vita pontificibus indigerent et pontifices pro cursu temporalium tantummodo rerum imperialibus legibus uterentur, quatinus spiritalis actio carnalibus distaret incurvisus et ideo militans Deo se minime negocis secularibus impli

caret, ac vicissim non ille rebus divinis providere videretur' Si hec regula in sede apostolica deprompta et apostoli Pauli testimonio roborata servaretur, nunc in sede apostolica et in tota ecclesia sacerdotio et regno suis terminis contento pax esset, quam ecclesiam nunc turbat imminens scisma contentione crudeli, quasi vel sacerdotium a regno vel a sacerdotio regnum destrui vel obprimi valeat, ita ut alterum sine altero dominetur Quod non ita erit, quia utrumque usque in finem seculi permanebit illo pontifice ac rege utrumque moderante ac servante, qui linum fumigans non extinguet et calamum quassatum non conteret, donec eiciat ad victoriam rudicium Stabunt ambo hec rerum culmina, donec eiciat dominus ad victoriam iudicium supremum et extremum, nec est in beneplacito Dei, ut alterum destruat ab altero"

<sup>2</sup> Id id (p 403) "Cum hec ita se habeant, opere precum est, o domni cardinales ut, si vultis ecclesie membra divisa coadunare, notum faciatis regno et ecclesie, quod non, sicut vulgatum est, intenditis ad destructionem regni vel imperii, pro cuius honore integraliter servando principes regni usque ad mortem certare decreverunt."

did not desire to go beyond his just rights, that he desired to support the Pope if he were willing to admit these, but that he was determined with all his power to resist any one who attempted to interfere with them, being confident that no one could be a true successor of Peter who attempted in the name of the Papacy to be lord not only of the clergy, but also of the kingdom.<sup>1</sup> Gerhof, as he says, had hoped that these troubles might have been settled by a General Council or by private negotiations, and the Emperor had been advised by his counsellors to agree to this, but the counsellors of the Pope had advised him against these proposals. He therefore suggests that the best course would be that the Pope should deal with the charges which had been brought against him in a letter addressed to the principal men of the Church and kingdom.<sup>2</sup>

The last work of Gerhof, 'De Quarta Vigilia Noctis,' was written in 1167, two years before his death. He had, for his fidelity to Alexander III., been driven from Reichers-

<sup>1</sup> Id id (p 408) "Qui, si non iuste dominari volunt, instruendi sunt, non destruendi, ut iure suo contenti nichil amplius faciant, quam constitutum illis, et iuxta doctrinam Iohannis baptiste neminem conculcant neque calumpniam faciant, sed contenti sint stipendium suum, ne si prætergressi fuerint suum ius, manu Dei conterantur, ut de predicto legitur Mauricio per Focam cesarem interfecto, non hoc optante, sed pro salute illius orante beato Gregorio

Talia me secretius non semel tractante cum domno imperatore, firmis sine contestatus est iure suo libentissime se contentum esse velle atque Romano pontifici hoc sibi non dimittenti humiliter favere ad regimen ecclesie, suum vero ius dimittenti modis omnibus ac totius regni viribus obtuli velle maxime hac fiducia, quod non, sicut aiebat, sit vere successor Petri dicentis Deum timete, regem

honorificate, vel imitator Christi dicentis 'Reddite quæ sunt cesaris cesari, et quæ sunt Dei, Deo, quicumque sub nomine papali vellet non solum in clero sed et in regno dominari questu fastuoso et fastu questuoso

<sup>2</sup> Id id (p 404) "Putabamus tamen conciliis universalibus vel consiliis familiaribus hanc terminandam et ob hoc ipsi domno imperatori suggestum est a multis prudentibus, ut se committeret conciliorum vel consiliorum dispensationi Quod cum fuisset ei persuasum a suis, domno papæ dissuasum est a suis, et ita diversis hinc inde consiliis manet periculum scismatis quod vel minui vel omnino auferri adhuc speramus per officinulorum quæ presentis scripto in sinuavimus, vel minorationem qualem cunque vel omnimodam, quod melius est, excusationem litteris comprehensam et eminentioribus in ecclesia et regno personis mittendam"

berg, and the work is a very interesting and even moving expression of the temper of a man who, while true to his conviction of the injustice and iniquity of the interference of the emperor in the affairs of the Church, was yet also a sincere and candid critic of the faults of the Church, and of what seemed to him to be the dangerous tendencies of the Papal party, of a man who was devoted in his obedience to Rome, but also a loyal subject of the Empire. In his old age, as he says, he found himself driven from his "nest," and exposed to the enemies who thirsted for his destruction and devastated his habitation, and all this because he was faithful to the Pope, and would not recognise the pretenders, Victor and Paschal.<sup>1</sup> And yet he retained that sincere and impartial judgment which is reflected in his whole work, and maintains that the lamentable characteristic of this fourth and last watch of the night was not so much the distress of the Church and the aggression of the Temporal power as the growth of avarice in the Church.<sup>2</sup>

<sup>1</sup> Id., 'De Quarta Vigilia Noctis,' 2: "Precipuum gravamen est mihi anxietas conscientiae in eo, quod, cum du laboraverim in servicio Dei, tamen adhuc repleta est anima mea illusionibus et non est sanitas in carne mea. Unde cogor timere, ne sit labor meus inanis, quia cum fuerim in laboribus a iuventute mea, sperans, quod senectute mea electus de nidulo meo, de regulari videlicet claustro mihi commisso, compellor declinare universale periculum scismatis, cui si consentire voluissem, pacem qualemcunque habere potuissem. Verum quia 'pacem et veritatem diligite' ait Dominus omnipotens, que Deus conunxit, ego non ausus fui separare, ita ut relicta veritate pacem tenerem, recipiendo ac defendendo illum papam, qui falso dictus est papa sive Octavianus (Victor) sive

in errore successor eius Guido Cremensis (Paschal). Ob hoc traditus in manus inimicorum sanguinem meum sitiendum et nocturnis latrociniis atque incendiis loca nostra vastantium non possum non esse tristis."

<sup>2</sup> Id. id., 10. "Non mireris de mundo immundo, quod in periculo, immo in pernicie versatur, quia pro salute mundi se Patri offerens Dei filius hunc mundum immundum excepit, dicens 'Non pro mundo rogo, sed pro his, quos dedisti mihi de mundo.' Magis hoc est mirandum et miserandum, quod hic ipse mundus, pro quo Salvator mundi est immolatus, ecclesia videlicet sancta et immaculata Dei sponsa, refrigescens iam caritate, non querente que sua sunt et habundante iniquitate, avaricia scilicet querente que sua sunt, ita periclitatur, ut nobis imminere videatur quarta vigilia noctis, in qua discipulis Christi navigantibus erat ventus adeo contrarius, ut periclitaretur pro ceteris discipulis

He is indeed very direct and unsparing in his censure of the Church for this great fault. He defends firmly the lawful position of the Pope and Cardinals, but he charges the Church with extortion and corruption. Payment was demanded for its judgments, even when they were just, and sometimes they were unjust and obtained by bribes.<sup>1</sup> He laments over the fact that since the outbreak of the conflict between Gregory VII. and Henry IV. the Popes had been compelled to obtain the support of the Roman people by the payment of large sums of money, and had been forced to raise these in every quarter in order to satisfy the avarice of the Romans.<sup>2</sup>

princeps apostolorum. Videns enim ventum validum timuit ac mergi cepit fuisseque omnino mersus, nisi manum suam extendendo subvenisset illi dominus Iesus."

Cf. c. 17, 18.

<sup>1</sup> Id. id., 7. "Hinc est, quod nos Romanum pontificem et dominos cardinales, licet non valeamus excusare de avaricia vel pagana vel iudaica ubique in toto mundo ita vulgata et adeo dilatata, ut pallo filiali eius verecunda non valeant operiri, tamen pro nostro modulo defendimus et excusamus ecclesiam Romanam a pravitate scismatica, dum in illa recognoscimus unum papam, non duos, unum plane legitimum, sive ut eius emuli dicunt avarum, sive ut nos libentius credimus non avarum, qui a legitimis electoribus electus, a legitimis consecratoribus consecratus et a sedibus apostolicis ac patriarchalibus receptus est."

Id. id., 8. "In ipso regno Christi per mysterium iniquitatis regnat avaricia tam pagana quam iudaica, pagana, quae est idolorum servitus manifesta, quando contra iusticiam fabricantur consilia vel iudicia iniqua pro luero aliquo terreno, iudaica vero est avaricia, quando vel iurisperitus recte consulendo vel iudex recte iudicando facit quidem pro iusticia, sed

non gratis expectando scilicet vel expectando inde indebita obsequia et lucra, non Dei sed sua.

Quod si hæc satisfactio requiritur ab avaris huius mundi volentibus ad Deum converti maxime recognoscentibus ipsorum studio vel innocentes oppressos vel nocentes iniuste liberatos, quanto magis in ecclesia Dei, precipua in ecclesia Romana cavenda est huicemodi avaricia, in qua deprehenditur paganismus, quando nullum habet colorem iusticiæ sicut servitus idolorum, iudaismus vero, quando habet velamen iusticiæ, sicut literalis cultus Iudeorum creatori pro creatura servientium, quos imitantur christiani bona facientes, ut exinde vel humanam gratiam vel nummum favoris aut lucri alicuius temporalis optineant, quoniam tam taliter, quod foris ostenditur intus a mercede vacuatur."

<sup>2</sup> Id. id., 11. "Ex tunc (the conflict between Gregory VII and Henry IV), ut apparet, magis periculosa tempora ceperunt, quia ex tunc cepit avaricia nova in urbe Roma. Nam antehac Romanus populus pastori suo fidelitatem gratitiam solitus fuit servare cum debito obedientia, sed tunc oborta contentione inter sacerdotium et regnum Romani cives, adherentes pontifici suo, noluerunt gratis in tali guerra laborare, sed multam pecuniam exo-



He censures also very gravely the arrogance and greed of some of the Cardinals.<sup>1</sup>

He had no hesitation in maintaining the propriety of the action of the Pope in urging the Catholics to fight against the schismatics,<sup>2</sup> and he relates how the judgment of God had recently fallen upon the emperor and his army, when they had come to Rome with the schismatic antipope Paschal, and many of them had been struck down and slain with the pestilence.<sup>3</sup> On the other hand, he very solemnly warns the Pope against claiming a secular authority to which he had no right. He bids the Pope beware lest he should pretend to have the right to grant temporal dignities as though they were fiefs, and while he admits that the Donation of Constantine might seem to have granted to him the right to administer secular affairs in the city of Rome, he urges that the emperors had ruled both in Rome and in the world.<sup>4</sup>

gerunt quasi debitum stipendium suæ militiæ, quod etiam tali militia cessante in pace quoque velut sibi suisque filius hereditarium tumultuaria contentione sibi vendiderunt, atque per hoc Romanos pontifices compulerunt undecunque argentum et aurum colligere, quo eorum satisfaceret avaritiæ, que similis est igni, qui numquam dicit: 'Sufficit.' Sic a capite usque ad plantam totus corporis ecclesiæ cupiditate questus dilatata regnat avaricia in hac vigilia quarta, de qua elegans quidam versificator ait.

'Romam vexat adhuc amor immoderatus, habendi

Quam non extinguunt nisi iudicis ira tremendi.'"

Cf. Id., 'De Investigatione Antichristi,' 1 19.

<sup>1</sup> Id. id., 12

<sup>2</sup> Id. id., 15. "Unde qui domnum papalem vel domnum nostrum Salzbürgensem propter hoc blasphemavit, quod eorum hortatu milites catholici contra scismaticos pugnant, non distinguendo, quod aliud est pugnas iniquas excitare, quod sanctus Gregorius num-

quam fecit, aliud pugnis iniquis iam contra iusticiam suscitatis ecclesiam defendere, quod maxime deest per rudices ordinatos fieri, qui non sine causa gladium portant.

Puto quod iste sanctus (St Ambrose) experimento doctus fuit, iustum esse contra legitimas etiam potestates iniuste principantes vel potius tyrannizantes aliquando a fidelibus defendi infirmos. Sic enim ipse cum regina Iustina fautrix Arrianorum quasi per legitimam potestatem persequeretur ipsum, volens eum in exilium relegare, defensus a civibus Mediolanensibus in hoc ipso laudabilibus non prohibuit se defendi, orans et pro suis defensoribus et pro suis persecutoribus, illis cupiens victoriam, istis penitentiam."

<sup>3</sup> Id. id., 19

<sup>4</sup> Id. id., 17. "Caveat ergo sibi domnus papa, ne sit alienorum nimis appetitor, appetendus scilicet, ut mundanas dignitates quasi beneficia sua pro velle suo distribuat, vel officia seu negotia secularia suo nomini aliena per se gerat, quæ anti-

He censures with great severity the desire to compel the emperor to render to the Pope such signs of honour as might be dishonourable to himself. He admits that Constantine had in his humility once acted as "strator" to Pope Silvester, but Silvester had never called him his "marshal," nor represented him as such in a picture; and no emperor since had been called by such a name. On the contrary, the Roman Pontiffs and emperors had mutually honoured and aided each other, and he expresses his astonishment that the Romans should now venture to set up such a picture, and he bids them hearken to St Peter, who said, "Fear God; honour the king."<sup>1</sup>

Gerhof, it is evident, had not forgotten the scandal which had arisen over the phrases and circumstances of Hadrian IV.'s

quos antecessores suos gessisse non legitur, quanquam hoc illis videatur indultum in privilegio Constantini, cuius utique multi successores habuerunt potestatem in urbe dominandi, quamquam ille deat in privilegio suo, quod 'ubi principatus sacerdotum et christianæ religionis caput ab imperatore celesti constitutum est, iustum non sit, ut illic terrenus imperator habeat potestatem.' At tamen quam potestative imperatores catholici, ut hereticos et tyrannos pretermittam, dominati sunt in urbe simul et in orbe, sive monarchiam inter se dividentes sive indivisam tenentes, gesta regum et epistola Romanorum pontificum testantur, quæ tamen pontificali sedis apostolicæ dignitati minime adversantur, cum imperatores et Romani pontifices invicem se honore prevenirent, neque sese dissensionibus mutuo impedirent."

<sup>1</sup> Id. id., 12. "Et ut ad novam Babyloniam Romam respiciamus, beatus papa Silvester ab augusto Constantino regalis magnificentiæ honoribus preditus, non se honorantem inhonoravit et quamvis ei, pro sui humilitate semel stratoris officium exhibuerit,

non tamen eum suum esse mareschalcum vel dixit vel scripsit vel pinxit. Sed et multi post ipsum catholici leguntur imperatores monarchiam tenentes fuisse, quorum quis fuerit mareschalcus dictus domni pape non invenimus. Immo certum tenemus, quod Romani pontifices et imperatores invicem se honore prevenientes pacifice vixerunt, et mutuo ab invicem quosierunt adiutoria suis dignitatibus decentia, sicut testantur epistola Romanorum pontificum Deum timentium, regem honorantium iuxta illud Petri: 'Deum time, regem honorificate.' Cum ergo invenimus in antiquis epistolis, quod Romani pontifices humiliter scribendo imperatoribus vocaverunt eos 'dominos' aut 'filios carissimos,' quin etiam se ipsos dixerunt 'servos servorum Dei,' valde miramur, unde nova pictura hec emerit, qua Romanorum pingitur mareschalcus.

O igitur vos, discipuli Christi, qui estis in ecclesia Romana, invocate ad vos Christum imperatorem venti et maris pariterque cum illo discipulos eius Petrum et Paulum. Audite vobis Petrum dicentem. 'Deum time, regem honorificate.'

letter to Frederick,<sup>1</sup> and was determined to make it clear that he and the loyal subjects of the Roman See in Germany were not prepared to tolerate any attempt on the part of the Pope to claim a secular authority which did not belong to him. On the other hand, he warned the emperor not to claim a power which was not his, and to pretend to a right to make and unmake bishops, which was wholly alien to him.<sup>2</sup>

He sums up the principles of the immediate source of the authority, both of the Temporal and the Spiritual powers, in a short but pregnant passage. As Adam, he says, was formed by God from the dust of the earth, and then God breathed into him the spirit of life, and thus set him over all living creatures, so the emperor or king was to be created by the people or the army; and, when the princes or the best of them had recognised his rule, he was to receive as it were the spirit of life by the priestly benediction. Thus also the Pope or bishop was first, by the election of the clergy and by consecration "in spiritu promovendus," and then "tamquam formandus in corpore" was, with the assent of the chief men, to be honoured by the emperor or king, and to hold the "regalia" by his "conniventia."<sup>3</sup>

There are phrases in the passage which may suggest some ambiguities, but its general tenor makes it clear that, while Gerhoh recognised an important place as belonging to the Pope or clergy in the "benediction" of the temporal ruler, and a place of importance as belonging to the secular

<sup>1</sup> Cf. p. 313.

<sup>2</sup> Id. id., 17. "Iterum opto, ut imperator terrenus caveat sibi, ne et ipse sit alienorum appetitor: ponendi seu deponendi episcopos affectando potestatem, quod omnino est alienum ab illo."

<sup>3</sup> Id. id., 17. "Sicut enim primus Adam primo de limo terræ legitur formatus et postea, Deo insufflante illi spiraculum vitæ animatus atque armantibus cunctis ad dominandum prelati. sic imperator vel rex primo est a populo vel exercitu creandus tanquam de limo terræ, ac postea

principibus vel omnibus vel melioribus in eius principatu coadunatis per benedictionem sacerdotalem quasi per spiraculum vitæ animandus, vivificandus et sanctificandus est. . . . Sic et Romanus pontifex vel quilibet episcopus primus est in spiritu promovendus per cleri electionem ac legitimam consecrationem, postea tanquam formandus in corpore cum assensu honoratorum honoretur ab imperatore vel rege, per eius conniventiam tenens regalia suæ pridem ecclesiæ collata."

authority with relation to the bishop's tenure of the "regalia," he yet firmly maintained that it was neither the emperor nor the king who made the Pope or bishop, nor the bishop or Pope who made the emperor or king, but that in each case their authority was drawn from those who had the right of electing them.

If only each would be content with his own power, and cease to claim that which belonged to the other, there might even in the fourth watch of the night be a true peace; and Gerhoh quotes some verses of a poem written, as some think, in 1091:—

"Quert apostolicus regem depellere regno;  
Rex furit e contra papatum tollere papæ.  
Si foret in medio, qui litem tollere posset  
Sic, ut rex regnum, papatum papa teneat,  
Inter utrumque malum fierit discretio magna."

But who, he exclaims, can end this dispute unless the Lord Jesus comes into the ship of Peter and subdues the tempest of avarice, of avarice which is the last Antichrist? <sup>1</sup>

He concludes the treatise with the prayer that the Lord would come to his Church, which in this fourth watch was in the greatest danger, and would subdue those false priests who were trading and plundering in his house, and those princes who were playing the tyrant under the pretence of religion—that the Lord would come and save the world and the Church by making peace between the "regnum" and the "sacerdotium."<sup>2</sup>

<sup>1</sup> Id. id., 17. "Quis est autem qui hanc litem rumpere posset, nisi dominus Iesus in navicula Petri veniat, et mare totum per ventum avariciæ commotum suo imperio compescens hunc ultimum Antichristum suæ presentis illustratione destruat, qui non incongrue dicitur avarus"

<sup>2</sup> Id. id., 21. "Hinc omnes et singuli, dicamus. 'Veni, domine Iesu,

veni ad naviculam tuam sanctam ecclesiam in hac vigilia quarta gravissime periclitantem. Veni, Domine, dominans in medio inimicorum tuorum pseudosacerdotum in domo tua negotiantium et latrocinantium, atque principum sub nomine christiano tyrannizantium. Veni salvator Iesu, salutem operans in medio terræ, in medio scilicet ecclesiæ, inter regnum et sacerdotium faciens pacem."

## CHAPTER IV.

## CONCLUSION.

WE have endeavoured in this volume to set out the development of the theory of the relation of the Temporal and Spiritual powers from the beginning of the tenth century till the latter part of the twelfth. We have brought this study to a close before the accession of Innocent III., because we think that his actions and principles will be better discussed in immediate relation to the circumstances and theories of the thirteenth century, with which we hope to deal in the next volume. We have endeavoured to set out both the actions and theories as objectively as possible, to allow them so far as possible to speak for themselves; and if we now attempt to draw some general conclusions, we hope that these will be clearly distinguished from our statement of the facts.

We would venture to urge as a preliminary, that if any trustworthy conclusions are to be reached we must be careful to put the history of these centuries into connection with the whole history of the relations of the ecclesiastical and secular authorities in the West from the time of the conversion of Constantine. Nothing but confusion can arise, and indeed much confusion has arisen, from the attempt to isolate the great conflicts of the eleventh and twelve centuries. And especially is it necessary to take careful account of the complex character of the relations of the two authorities in the ninth century, if we are to understand the later conflict.

The truth is that the most distinctive element in the

traditional political theory of the Middle Ages lay in the theory of a dualism in the structure of human society, that dualism of the spiritual and the temporal aspects of life, which was clearly expressed in the words of St Peter to the Jewish authorities, "We must obey God rather than men" (Acts v. 29). It is no doubt possible that there may have been a momentary hesitation when the Empire became Christian, but in the West at least, if there was any hesitation, it was only momentary, and the normal principle was apprehended and expressed, especially by St Ambrose in the fourth century and by Gelasius I. in the fifth—that is, the principle that human society is governed by two powers, not by one, by the Temporal and the Spiritual, and that these are embodied in two authorities, the secular and the ecclesiastical, two authorities which are each divine in their origin, and are, each within its own sphere, independent of the other. This principle is clearly and emphatically restated in the ninth century, and was always present to the minds of men in the eleventh and twelfth.

That this was substantially a new principle in the Western world is not doubtful. We would, however, venture to suggest that the movement of thought and feeling, both in countries of the Hellenic and Roman civilisations, and among the Jews in the centuries immediately preceding the Christian era, deserves a more full and precise treatment than it has yet received. The importance of the new conception hardly requires any explanation, the importance that is of the conception that life on its spiritual side is not subject to the temporal authority, but independent of it. It is one aspect, and not the least important, of a new development of the significance of individual personality, of a new conception of liberty.

If, however, the conception was significant and its consequences far-reaching, the attempt to carry it out in the practical organisation of human society was, and is to this day, immensely difficult. It is easy to see, or to think that we see, the distinction between the spiritual and the temporal, when we think of them in general terms or in abstraction from the concrete realities of life; but it is a very different

thing when we endeavour to apply the distinction to these. We have endeavoured in the first volume to illustrate some aspects of this from the circumstances of the ninth century, and the practical difficulties were greatly increased in the course of the tenth and eleventh centuries by the feudalisation of the position of the bishops and abbots, and their growing political importance ; but, apart from this, the question of the relative authority of the two powers presented immense difficulties, and the Middle Ages arrived at no final solution of them, nor, for that matter, have we achieved this to-day.

The subject which we have been considering in this volume is the question how far, in the eleventh and twelfth centuries, the dualistic conception was tending to be replaced by a theory of the unity of authority, of the supremacy of one power over the other. If we are to attempt to arrive at some conclusion we must be careful to distinguish three aspects of the question : first, how far in actual fact one power interfered with or exercised authority over the other ; second, how far there was developed a theory or principle of this ; and third, how far what may have happened, or the theories which men formed, had any real importance in the actual character of mediæval political life and thought.

The first question is in our view of very great importance, for it seems to us clear that, whatever theoretical judgments may have been asserted in the period which we are considering, they were not for the most part the results of abstract speculation, or the expression of systematic thinking, but rather arose out of certain practical difficulties and demands. And the first thing that must be observed is that behind all the actions and theories with which we have dealt there lay that great movement of religious reform which grew up in the later part of the tenth century, the revolt against the degraded conditions of the Church and the Papacy, the movement of which the Clunia reform was one expression, and of which for a time Cluny was the centre. It is clear that the great authority which the emperors, from Otto I. to Henry III., exercised over the Papacy and the ecclesiastical organisation,

was due in the first place to the fact that the whole system of the Church was disorganised and degraded, and in the second place to the political importance of the great ecclesiastical officers. It is no doubt impossible to distinguish clearly between the influence of political ambitions and of religious principles as determining the action of Otto I. with regard to the Papacy, but it is true to say that the authority exercised by him and his immediate successors was justified by its results. And this is even more obviously true of the action of Henry III.

It is evident that so long as the imperial action coincided with and represented the reforming spirit, many of the most eminent and most zealous of the reforming Churchmen took little offence. This is, we think, clearly evident from the attitude of men like Peter Damian and Cardinal Humbert, though there were some who even then doubted or denied the propriety of the imperial action—men like Thietmar of Merseburg and Wazo of Liège, and the author of the tract ‘*De Ordinando Pontifice*,’—but they seem to have been exceptions. The justification of the action of the secular authority in the tenth and eleventh centuries rested then not so much upon theory as on the practical conditions, and it must be observed that the action of Frederick Barbarossa with respect to the disputed election of Alexander III. was formally justified by similar considerations—that is, upon the contention that if the order of the ecclesiastical system was imperilled by its own officers, it was the duty of the head of the Temporal power to intervene, not to determine ecclesiastical matters by his own authority, but to set the proper ecclesiastical machinery in movement.

The authority claimed by kings and emperors in the appointment of bishops and abbots, while it may have been partly justified by similar conditions, was actually the result of the political position of the greater clergy, under the condition of that feudal system which had grown up in the tenth century ; and, as it proved, it was impossible to set it aside entirely. Until the death of Henry III. the reforming party, while asserting the rights of the electors, did not on

the whole dispute the propriety of an important place in appointment belonging to the political head of the community.

If, then, it is the truth that the exercise of authority in ecclesiastical matters by the secular power had its reasonable justification in the actual circumstances of these centuries, it is also true that the revolt against this arose out of and was justified by new conditions, and these new conditions are on the whole clear. With the death of Henry III. the Empire ceased to represent the movement of reform, and indeed soon appeared to be the very centre of degradation, and it was this which brought about the conflict against lay "investiture," that is, appointment by the secular authority. It was thus that the conflict presented itself to the reforming party as a conflict for the freedom of the Church. It is no doubt true that other considerations and other ambitions may have entered into it, but it seems to us quite unreasonable to suggest that the demand for freedom was unreal: freedom to the reforming Churchmen had become the necessary condition of reform. It is this which gives a real significance to the first serious attempt to find a solution—that is, the revolutionary proposal of Paschal II. to surrender the "regalia" that is the political position and powers of the greater clergy. And when it proved impossible to persuade Churchmen to accept so radical a proposal, it became evident that the only possible solution lay in compromise, and that is the real nature of the settlement of Worms in 1122.

If we now look at the other side of the question, and ask how, and how far the ecclesiastical power came to claim and to exercise authority over the secular, it would seem that we are again dealing with objective facts and their results. It was the failure of the reforming spirit in the imperial authority which led to the demand for liberty, and it was the judgment of Gregory VII. that the secular authority in the Empire and also in France was not only the enemy of reform but also the real centre of corruption, and especially of simony, which moved him to attack not merely ecclesiastical offenders, but the secular authorities themselves. No doubt this was a new policy, for here as in all history the originative or

creative force of individual personality played an important or even determining part, but the policy itself was intelligible and relevant to the actual circumstances. It was no doubt, if not an entirely new thing, yet in that time an almost revolutionary action to excommunicate the king or emperor, but the action represented after all both the fundamental principles of ecclesiastical authority, and the actual circumstances of the time. The action was reasonable, but it involved consequences which went far beyond itself, for in the judgment of Gregory the right to excommunicate involved the right to depose.

There is no reason to think that in claiming the right to depose a king who had forfeited his place as a member of the Christian Church Gregory intended to assert any theoretical authority over the Temporal power in temporal matters; but in and through Gregory's action the Spiritual power was in fact claiming a vast and indeterminate authority over the Temporal; and while the Popes between Gregory VII. and Innocent III., at any rate after the death of Henry IV., made no very serious attempt to assert it, the fact remained that the authority had been claimed and the claim had not been surrendered.

We have arrived at the point where we must clearly turn to our second question, the question how far in these times there did grow up a theory of the supremacy of the one power over the other. If we are to avoid falling into confusion we must here be careful to make some distinctions. It might be asserted that one power was superior in intrinsic dignity and importance to the other; or it might be meant that the nature of one power was so much superior to the other, that, if any question arose between them, the judgment of the superior authority must prevail; or it might be meant that one of the two powers was the source of the authority of the other, and continued in principle to possess a superior authority over it even in its own sphere.

Of these conceptions the first would have been generally admitted. It would generally have been assumed by

mediæval thinkers that the matters with which the spiritual authority was concerned were of greater significance than those which belonged to the temporal, and that the dignity of the ecclesiastical office was greater than that of the secular. This is the position represented by Hugh of Fleury, and in spite of some of the phrases used by writers like Gregory of Catino and the author of the York Tractates, would hardly have been disputed.

The second raises a much more difficult question, for the general assumption of the Middle Ages was that each authority had its separate sphere, and in principle the case could not arise. It is of course true that all secular as well as all ecclesiastical authority was thought of as being subject to the law of God and the law of nature, and that all laws, ecclesiastical or secular, contrary to these were null and void. But the law of God and nature must not be confused with the law of the Church, with ecclesiastical law. We have dealt with this matter at some length in the second volume of this work,<sup>1</sup> and we there showed that there is little evidence that it was maintained that the ecclesiastical authority had a final judgment in cases of conflict between these laws.

The truth is no doubt that it is very difficult for us to interpret the mediæval temper: we are still in a large measure under the influence of a conception of sovereignty as representing some absolute and even arbitrary authority in the State or the Church which was unknown to the Middle Ages. The only sovereignty they recognised was that of the law, and even that was subject to the law of God or nature. To them the question of a collision between the two systems of law was very different from what it is to us. A collision could only properly speaking occur if one authority intruded into the sphere of the other.

What are we then to say with regard to the third conception? It is in truth clear from the literature which we have examined, that if there was in the eleventh and twelfth centuries any theory of the supremacy of the Spiritual over the Temporal power in its own sphere, it can only be found in the

<sup>1</sup> Cf. vol. ii., especially pp. 227-233.

claims set out in some of Gregory VII.'s letters, or in Honorius of Augsburg and John of Salisbury, and possibly in the canonist Rufinus, for in no other of those writers whom we have examined can it be clearly found. We must therefore in the first place ask, Is a theory of this kind implied in Gregory VII.'s writings? On the whole we think not.

These claims were indeed in practice almost revolutionary; but we must, if we are to understand them, ask what they were in principle, and we think that the principle is sufficiently clear. Gregory claimed the same spiritual jurisdiction over kings and emperors as over any other laymen: for due cause he had the right to excommunicate them, that is, to cut them off from the society of the faithful. And he drew from this the conclusion that he had the right, for due spiritual cause, and for this alone, to declare them deposed as well as excommunicated, to pronounce the oaths of allegiance which had been taken to them null and void. It is true that he nowhere really discusses the rationale of this, and does little more than cite some doubtful precedents, but it would seem to be reasonable to think that in his view the position of an excommunicated ruler of a Christian society was an impossible one.

This is not the same theory as a claim that the Spiritual power, as represented by the Pope, had a supreme authority in temporal matters. Indeed it appears to us plain that his conduct from 1076 to 1080 is clear evidence that he made no such claim and held no such theory. For him the position of Henry and of Rudolph, once Henry had been absolved at Canossa, was a matter to be decided by the German people. If he proposed that he or his representative should take part in the decision, it was because he had been invited to do so. We do not mean that Gregory VII. had quite such a clear view of the circumstances as that which we have tried to put into words, but we think that something of this kind is implied in his conduct. The action and the words of Gregory undoubtedly implied a theory, but it was the theory that the spiritual authority was as complete with regard to spiritual matters, over those who held temporal

authority, as over all other men, and that excommunication rendered them incapable of holding authority; it was not the theory that temporal authority was derived from the spiritual, or was subject to it in temporal matters.

It is not till we come to Honorius of Augsburg that we find anything of this kind. Here at last we do find something of it. Here at last we seem to find a theory which was formally inconsistent with the Gelasian principle, with the dualistic theory. For he seems to assert that the ecclesiastical authority was the true and only representative of Christ, and that the authority of the secular power was derived from it. It is true that this conception is confused to a certain extent by his reference to the Donation of Constantine. Honorius and Placidus of Nonantula are the first writers of whom we can say with any confidence that they interpreted the Donation as meaning that Constantine handed over to the Pope the whole imperial authority in the West; later in the century the same interpretation was set out by the canonist Pancapalea,<sup>1</sup> and Honorius even seems to interpret it as meaning that Constantine surrendered his whole authority in all parts of the empire. This conception was, however, not really quite consistent with Honorius's more revolutionary conception, that intrinsically all political as well as ecclesiastical authority belonged to the Spiritual power, and that the secular ruler derived his authority from it.

John of Salisbury seems to imply a similar theory, for he maintains that the two swords both belong to the Spiritual power, and that it is from it that the prince receives his sword, that the prince is the "minister" or servant of the "sacerdotium," and administers that part of the "sacred offices" which are unworthy to be discharged by the priest. This statement of John is, however, isolated in his work, and it must remain a little uncertain whether he really intended to assert all that it might imply.

The similar phrases of Bernard, which may have been in John of Salisbury's mind, are so incidental and casual that we cannot interpret them as meaning that he held this view, and

<sup>1</sup> Cf. vol. II. p. 211.

the phrases of Hugh of St Victor are too vague to enable us to form any judgment. There is, as far as we know, only one other writer of the twelfth century whose treatment of the relation of the two powers may seem to tend in this direction, and that is the canonist Rufinus in his work on Gratian's 'Decretum.' We have discussed the passage at length in our second volume, and we can only say again that while he seems to interpret the phrase in Gratian's 'Decretum,' D. xxii. 1, "clavigero (*i.e.*, Petro), terreni simul et celestis imperii iura commisit," as meaning that in some sense the Pope had authority in secular matters as well as spiritual, his words also suggest that he did not understand this to mean much more than that it was for the Pope to confirm the election of emperor, and to correct him and other secular rulers if they misused their authority.<sup>1</sup>

These contentions of Honorius, of John of Salisbury, and of Rufinus are important, for they seem to mark the first appearance of a new theory, a theory which, in contradiction to the traditional view of the Church, would have reduced the conception of authority in the Church to one. In the next volume we shall have to consider the history and significance of this conception in the thirteenth century. There is no evidence that it had been put forward by any writer in the tenth or eleventh centuries; in the twelfth it appears in Honorius, perhaps in John of Salisbury and Rufinus, but, it should be carefully observed, in them alone.

It may possibly be suggested that we should connect with this the curious episode of the letter of Hadrian IV. to Frederick Barbarossa, in which he was suspected of having intended to imply that the Empire was a fief of the Papacy, and the emperor the vassal of the Pope. If we are to think that Hadrian IV. meant to assert this, it would no doubt be significant of the papal policy; but it must be remembered that Hadrian explicitly withdrew such a claim, or rather emphatically repudiated such a construction of his words.<sup>2</sup> And, in any case, a claim to feudal superiority would have been a totally different thing from a claim

<sup>1</sup> Cf. vol. II. p. 206.

<sup>2</sup> Cf. p. 317.

to the intrinsic supremacy of the Spiritual over the Temporal power.

The theory therefore that the authority of the Temporal power was derived from and subject to the Spiritual, so far as it existed in the twelfth century, was a merely private opinion set out by one or perhaps three important writers; it must not be represented as having any official authority in the Church, and as being generally or widely held. It received no sanction from any Council or from any Pope.

We must finally ask how far the actions and theories which we have been considering had any really important place in the actual public life of the eleventh and twelfth centuries. In endeavouring to answer this question, we must distinguish rather sharply between the significance of the principles and actions of Gregory VII. and that of the theories of those twelfth-century writers which we have just been considering.

The action of Gregory VII. contributed to produce a storm which raged at least till the death of Henry IV., and the principle that the Popes had authority not only to excommunicate but also to depose the secular ruler for spiritual offences continued to be held by the Popes for many centuries. That, however, is not the same as to say that the power of deposition was generally recognised; the power of excommunication was probably not seriously questioned, but the power of deposition was another matter, and it was emphatically denied by many, even in the time of Henry IV. The truth is that, except when there was discontent and revolt against a king or emperor for other reasons, it generally had little significance. We shall have to consider the matter much more fully in the next volume, when we deal with the thirteenth century. As far as the twelfth century is concerned the matter had little importance.

The theories of Honorius, of John of Salisbury, and of Rufinus, as far as the twelfth century was concerned, were merely the theories of individuals, and had no relation to the actual facts and conditions of life; they did not themselves draw any practical conclusions from them, and there is no

reason to think that they had any important place even in the thought of the time. It was indeed just at this time that in the hands of the great administrators of England and of France the powers and authority of the State were being organised and extended, and it is absurd to think that the great kings and ministers would have recognised that they held an authority delegated to them by the Pope. The truth is that the difficulty of distinguishing clearly the precise border-line of the authority of the two powers was great, but the distinction was still generally held, and assumed as part of the divine order.

The principle of the relation between the two authorities as it was generally accepted throughout the time of which we are speaking is nowhere better expressed than in the words of the canonist Stephen of Tournai, writing in the latter part of the twelfth century. In the one commonwealth and under the one king there are two peoples, two modes of life, two authorities, and a twofold jurisdiction. The commonwealth is the Church; the two peoples are the two orders in the Church—that is, the clergy and the laity; the two modes of life are the spiritual and the carnal; the two authorities are the priesthood and the kingship; the twofold jurisdiction is the divine law and the human. Give to each its due, and all things will be brought into agreement.<sup>1</sup>

<sup>1</sup> Stephen of Tournai, 'Summa Decreti,' Introduction: "In eadem civitate sub eodem rege duo populi sunt, et secundum duos populos duæ vitæ, secundum duas vitas duo principatus, secundum duos principatus duplex jurisdictionis ordo procedit. Civitas ecclesia, civitatis rex Christus;

duo populi duo in ecclesia ordines, clericorum et laicorum; duæ vitæ, spiritualis et carnalis; duo principatus, sacerdotium et regnum; duplex jurisdictio, divinum ius et humanum. Redde singula singulis et conveniet universa."



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