

CHAPTER 5

THE PAPACY

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THE thirteenth century holds a significant place in the history of papal monarchy.¹ This period saw the papacy reach the peak of the effectiveness towards which it had been moving throughout the twelfth century. However, it also saw the beginnings of the decline of that effectiveness, which was to gather momentum in the later Middle Ages.

The papacy was a unique sort of monarchy in that it claimed jurisdiction in both spiritual and temporal affairs. It claimed primacy of jurisdiction as 'monarch of all Churches', headship of the ecclesiastical world. It did not claim a comparable jurisdiction over the secular world because it did not doubt that a division of spiritual and temporal powers had been decreed by God himself. But it did claim a right to judge lay rulers and, at its own assessment of need, otherwise to intervene authoritatively in the temporal order. In addition to these two types of jurisdiction, spiritual and temporal, it laid claim to a third: over a state of its own. By virtue of the Patrimony of St Peter, it possessed in its own right territorial jurisdiction over a central Italian state, wherein the pope ruled like any other European monarch.

During the thirteenth century, each of these three types of papal jurisdiction underwent important change. In the opening decades of the century, especially in the pontificates of Innocent III (1198–1216), Honorius III (1216–27) and Gregory IX (1227–41), the papacy either initiated, or very quickly associated itself with, the new religious and intellectual movements of the age.² Papal government extended its range and improved its quality to an extent unprecedented in earlier papal history. In the political sphere, similarly, it was involved more deeply and widely than previously. It sought to expand and effectively to control the Papal State with a vigour which was new.

Increasingly enmeshed in local Italian affairs, however, the papacy appeared

¹ Stimulating summary in Ullmann (1972), pp. 201–26, 251–78.

² Some important aspects of which are treated elsewhere in this volume (see chs. 9 and 10).



Map 2 The Papal States

by the end of the century to have lost much of its capacity for creating and encouraging innovative forces. Its political claims were spectacularly rebuffed by kings strong in the support of their Church and nation. As to the success of its policies in the Papal State and Italy, the withdrawal to Avignon in the fourteenth century is commentary enough.

How popes understood the nature of papal authority, how they exercised it and how it was challenged, particularly in the political sphere, must form the main theme of this chapter. But the papacy was an elective monarchy in this period. The electoral college, the College of Cardinals, was also the papal equivalent of the councils of contemporary kings, the body of ministers and senior officials concerned with the day-to-day conduct of government. The corporate body of pope and cardinals formed the Roman Church; there were oligarchic tendencies in the working of the papal monarchy.

Problems arise in presenting in outline form a theme of such variety and complexity over so long a period. This chapter has as its organising principle a characteristic feature of thirteenth-century papal government: the use of general councils as a major instrument of policy. There were three of them: Lateran IV (1215); Lyons I (1245); Lyons II (1274). In these assemblies of the bishops of the universal Church, reinforced by other clerical estates and by representatives of lay powers, the papacy confronted crisis, articulated and publicised what it expected of clergy and laity and sought to win minds and hearts to the support of its policies. To assess the nature and implementation of the programmes initiated at these assemblies is to delineate much of the fortune and misfortune of the papal monarchy in our period.

THE MAKING OF POPES IN THE THIRTEENTH CENTURY

Between the accession of Innocent III in January 1198 and the death of Boniface VIII in October 1303, eighteen popes ruled the Church.³ Thirteen were Italian, four were French and one was Portuguese. This mixture of nationalities itself indicates that a variety of routes led to the papacy in this period. Rise to the headship of the Church could be meteoric: after the death of his wife, Gui Foulques (Clement IV) was priest, bishop, archbishop, cardinal and pope all within a decade (1255–65). It could be even more unexpected: Tedaldo Visconti (Gregory X), archdeacon of Liège, though not a priest, was serving with the crusaders in the Holy Land when elected in 1271. It could be more unpredictable still: Pietro Morrone, a hermit-monk with a reputation for miraculous healing, was well advanced into his eighties when brought down from his cave in the Abruzzi mountains and installed as Celestine V in 1294.

³ Seppelt (1931–6), III, pp. 317–587, IV, pp. 9–61; Kelly (1986), pp. 186–210.

The electoral system, then, could spring surprises. For the most part, however, it ran true to form. It was service in the Sacred College (as the College of Cardinals came to be called in this period) that counted for most in the choice of popes in this century. The cardinals formed what, from the eleventh century, had been commonly described as the Senate of the Roman Church.⁴ Its role as senate was to counsel and assist the pope in running the affairs of the universal Church. It was aided by this Senate that the popes ordinarily exercised their legislative, judicial and administrative authority. As the Roman senators had been described as part of the body of the emperor, so it became commonplace to describe the College as a member of the pope's body, sharing his universal pastoral charge, participating in the exercise of the plenitude of his governmental power.⁵ The thirteenth-century cardinals were full-time curial officials. The College was always a relatively small body (some 130 promotions only in the century as a whole; 77 in the period 1198–1268).⁶ The cardinals were worked hard in a wide variety of roles. Corporately, they acted with the pope for the despatch of business in consistory. Individually, they might hold the top ministerial posts, treasurer, penitentiary, vice-chancellor; be commissioned as legates to carry the apostolic authority all over Christendom; be appointed *ad hoc* to hear legal cases, serve on committees of investigation (of candidates for canonisation, for example), govern provinces of the Papal State, act as protectors of religious orders. They were true sharers in the burden of the papal office (to echo another contemporary description of their role). Convention and common sense dictated that the cardinal-electors should look first for popes from their own ranks, from those with most experience of papal government.

In fact, only three of the eighteen popes of this century had not been cardinals (Urban IV as well as Gregory X and Celestine V). The remaining fifteen had between them amassed an impressive tally of service in the papal curia as cardinals. Nicholas III had been one for thirty-three years, Gregory IX for twenty-nine, Adrian V for twenty-five, Honorius IV for twenty-four, Honorius III for twenty-three, Martin IV for twenty. Five more had between ten and sixteen years. Only four had less than ten years (Innocent III, Clement IV, Innocent V, John XXI). Such figures would lead us to expect an essential continuity of papal policies in this century.

While lengthy membership of the College was the strongest predisposing factor in the making of popes in this period, it was not the only factor at work. There was a distinct dynastic element in the composition of the College of

⁴ Ullmann (1955), pp. 319–25; Alberigo (1969), pp. 39–49; Robinson (1990), pp. 33–120.

⁵ Lecler (1964); Watt (1980).

⁶ Details for the century as a whole, Eubel (1913), pp. 3–17. Important for more limited periods, Bagliani (1972); Maleczek (1984).

Cardinals. There was nepotism, if not on any grand scale. Twelve of the eighteen popes were to create cardinals; eight of them appointed one or two relatives. Innocent III appointed three, as did Boniface VIII. Several of these family creations were to become popes. Innocent III created cardinal the future Gregory IX who promoted the future Alexander IV; all Conti relatives. Innocent IV of the Genoese Fieschi made his brother's son a cardinal and he was to become Hadrian V. Each of those made cardinal by a relative and subsequently elected pope had proved himself worthy of the office in long curial service. The prominence in the Sacred College throughout the century of families of the city and Papal State – Conti, Savelli, Orsini, Capocci, Annibaldi, Caetani⁷ – was not due simply to popes promoting their own relatives. Among the cardinals created by the French pope Urban IV was an Orsini, a Savelli and an Annibaldi. It was recognised that such families could be of powerful assistance in the papacy's endemic local problems: the achievement and maintenance of papal security in Rome, the establishment of the authority of the central government in the Papal State.

That there were dangers in these local associations is evident enough. Popes could be tempted to a dynastic policy, subjecting the general good to family aggrandisement. Such, most conspicuously, was the charge against the Orsini, Nicholas III, given its classical form in Dante's *Inferno* xix.⁸ More insidious still was the danger of family rivalries springing from purely local and dynastic considerations, escalating into the heart of papal government. Such rivalries would explain electoral delays and no doubt influenced many papal decisions about Italian affairs. The most overt and damaging example of such escalation of family feuding into the papacy itself can be seen, at the end of the century, when Caetani–Colonna quarrels led to the expulsion of the two Colonna cardinals from the Sacred College and their becoming Boniface VIII's dedicated and ruthless enemies, challenging the legality of his election and even, through a Colonna relative, seriously threatening to take his life.

Nevertheless, despite the importance of family influences within the Sacred College, it can be said with some confidence that no pope in this period was elected as the pawn of any self-interest group or individual. For better or for worse, though the cardinals were rarely totally free from external pressures, occasionally of a severe kind, the real choices were made by the College as a whole and reflect quite closely the composition of the College itself. With the major exception of Celestine V, who abdicated five months after election, they chose men whose quality of life and competence in papal affairs had been well attested in practical experience.

⁷ Well portrayed by Brentano (1974).

⁸ '... veramente fui figliuol dell'orsa, / cupido sì per avvanzar li orsatti, / che su l'avere, e qui me misi in borsa,' *Inferno*, Canto XIX, lines 71–2.

This is not to say that the College, in its capacity as elector of popes, always did its work well. More often than it should have been, it was dilatory in choosing a new pope. There were perhaps extenuating circumstances for the delay of twenty months in finding a successor to Celestine IV (d. 1241), because Frederick II was holding two cardinals captive. There were none, however, for the longest vacancy in papal history – nearly three years between the death of Clement IV in 1268 and the election of Gregory X in 1271. Nor for the vacancy of over two years before finding a successor to Nicholas IV (1292–4). On two other occasions, on the deaths of John XXI (1277) and of Nicholas III (1280), the vacancies lasted six months. These delays, particularly that of 1268–71, led to widespread criticism of the cardinals and a demand for electoral reform which, when introduced in 1274, the cardinals vigorously opposed, thwarting its immediate implementation.

There is one other factor to be considered when examining the making of popes in the thirteenth century: the importance of the accidental. An unusually high proportion of the pontificates of this period were extremely short. Celestine IV died in 1241 before his enthronement, as did Hadrian V in 1276 (even before there was a chance to ordain him priest). Indeed, in the year 1276, no less than four popes held office. Six more popes had reigns of less than four years and a seventh barely achieved a four-year pontificate. Only four pontificates stretched to ten years or more; and all of these fell in the first half of the century.

The most recent law regulating papal elections had been promulgated in general council, Lateran III (1179). *Licet de vitanda* decreed that if there were no unanimity among the electors, a two-thirds majority of the cardinals present would suffice for a valid election.⁹ The constitution had nothing to say about the actual conduct of the election itself. But essentially, a papal election was an episcopal election like any other. The procedure at such elections was standardised at Lateran IV.¹⁰ Electors could make up their minds by way of any of three procedures.

The College of Cardinals might make its choice quite spontaneously when, without the formality of recording votes, all in unison spontaneously acclaimed someone as pope. This method can be described as choice ‘through inspiration’¹¹ ‘as though divinely inspired’ as Gregory IX, the only pope to be so chosen in this period, was to express it in his letter announcing his election to the Church.¹² The normal way envisaged was that by formal voting procedure,

⁹ *Decretales* 1.6.6. ¹⁰ *Decretales* 1.6.42. Aberigo (1969), pp. 246–7.

¹¹ ‘... ab omnibus quasi per inspirationem divinam’.

¹² ‘... et in crastino iuxta mortem eius [Honorius III] celebratis exsequiis et ipsius corpore ad tumulum deportato, una cum fratribus ad eligendum convenimus successorem, et missa, ut moris est, in honore sancti spiritus devote ac sollempniter celebrata post aliquantulum tractatur de substitutione

supervised by canonically appointed scrutineers: election *per formam scrutinii*. Voting could go on until a candidate received the necessary two-thirds majority. Whether the two-thirds could be achieved with the inclusion of the elect's own vote was often discussed by canonists without a decisive ruling being made on the point. The method of scrutiny could of course be a lengthy business. But there was an alternative method available to help to break any impasse which use of the scrutiny procedure had encountered. This was the method of delegation (*per formam compromissi*), whereby the electors entrusted their authority to elect to a small group chosen from among themselves and bound themselves to abide by its choice. The precise size of the group had not in this period been officially regulated. The decision to proceed by delegation had to be unanimous, as had its choice of elect. It was used three times in the thirteenth century (at the elections of Honorius III, Clement IV and Gregory X).

It was expected that elections would be completed quickly. The *ordo Romanus*, updated by the future Honorius III in the last decade of the twelfth century, specified that the election should take place on the third day after the death of a pope, with consecration following on the next Sunday. In fact, the elections of Innocent III, Honorius III¹³ and Gregory IX were even quicker. One feature of the election of Honorius III, however, suggests that there was no very general confidence that the cardinals could be trusted to go about their business with alacrity. It had long been axiomatic that papal elections should proceed without lay interference. But in 1216 the Perugians, following a procedure not uncommon in Italian city elections, 'enclosed' the cardinals, thus encouraging them to an early decision. The Perugians were to do the same in 1265 for the election of Clement IV. The senator of Rome took it on himself to enclose the cardinals in 1241 (with unfortunate results; the cardinals were physically abused), as did the *podestà* of Naples more helpfully in 1254 for the election of Alexander IV. Thus the substance of what the new electoral decree *Ubi periculum*, introduced in 1274, would call a 'conclave' had appeared informally, and technically uncanonically, much earlier.¹⁴ Protection of the electors slid easily into pressurising them to act speedily with a firm if usually fairly mild

pontificis, omnes pariter ad imbecillitatem nostram, quasi divinitus inspirati, oculos direxerunt'. *Reg. Greg. IX* n. 1. The *Vita Greg. IX* recorded the election: '... de communi et impremeditata fratrum concordia, non minus electione canonica quam inspiratione divina'. *Liber censuum*, ed. Fabre and Duchesne, I, p. 19. ¹³ Taylor (1991).

¹⁴ As the canonists noted. Cf. Bernard of Parma in the *glossa ordinaria* to the *Decretales*: 'Quid ergo fiet si nullo modo duae partes consentiant? Tunc brachium seculare se interponere debet, argum. xvii. distinct. nec licuit [*Decretum Gratiani* D.17.c.4] et xxiii. questio v. Liguribus [*ibid.*, C.23.q.5.c.42], ita ut cardinales includantur in aliquo loco de quo exire non valeant donec consenserint. Ita dicitur factum fuisse in electione Honorii iii. apud Perusium et idem fuit factum post mortem Gregorii ix. et in electione Celestini, et Innocentii iiiii. temporibus nostris.' 1.6.6 *s.v. nullatenus*. On the election of Celestine IV in 1241, Hampe (1913); Wenck (1926).

form of confinement. No doubt it also allowed interested parties to offer their views as to who might be elected.

POPE INNOCENT III AND THE CONCEPT OF PAPAL PRIMACY

Popes were elected to succeed St Peter. They were heirs to all that authority which Christ had assigned to the leader of the Apostles when he appointed him as head of his newly founded Church. Such was the basic principle of papal authority, as the papacy itself saw it, already many centuries old before our period. It had of course received more extensive formulation, with explanations of its precise scriptural origins and explorations of its precise implications in ecclesiastical government.¹⁵ Successive papal generations had evolved a self-understanding of the nature of the papal office and a terminology in which to express it which had become classical. The popes of our period adopted these traditional expressions but they did not simply echo them unreflectingly. Innocent III, for example, preached frequently on the theme of papal primacy. Honorius III, less often, did the same. Innocent IV, continuing his *Commentary* on the canon law during his pontificate, wrote illuminatingly on his understanding of the concept of papal authority, especially in temporal affairs.¹⁶ The papal chancery itself fashioned a conventional terminology concerning the papal office, appropriate for use in its correspondence. And backing up these formulations was the work of the scholastics, theologians and canonists alike, who in considering the nature of the Church and its hierarchy shaped a concept of what might be best called apostolic sovereignty.

It was Innocent III, of all the popes of the thirteenth century, who contributed most to the evolving theory of papal monarchy.¹⁷ Not that he ever wrote a single comprehensive treatise on the subject. The logic of his vision of papal primacy has to be reconstructed from a variety of sources. These are of two main types. The first is made up of his personal writings: parts of his treatise *On the sacred mystery of the altar* (discussing the ecclesiastical hierarchy)¹⁸ and *On the four kinds of marriage* (in the context of the spiritual marriage of the episcopate to the universal Church)¹⁹ and especially in his sermons. In these latter, he returned

¹⁵ Especially influentially by Leo I (440–61), Battifol (1924), pp. 417–32; Ullmann (1960); Congar (1970), pp. 26–31.

¹⁶ Pacaut (1960); Cantini (1961); Tierney (1965); Watt (1965a), pp. 61–73, 97–105.

¹⁷ Pennington (1984), pp. 13, 33; ‘Pope Innocent III (1198–1216) transformed the theory of papal monarchy and, to a lesser extent, changed the practice of papal government during his pontificate. . . . The early thirteenth century was a key period in the language of papal power. Prodded by a pope of genius and their own growing sophistication, the canonists shaped a description of papal authority that lasted to the end of the Middle Ages and beyond’; Morris (1989), pp. 413–51.

¹⁸ *De sacro altaris mysterio* I. c.viii. *De primatu Romani pontificis*, PL 217.778–9.

¹⁹ *De quadripartita specie nuptiarum*, PL 217.933, 965–8.

repeatedly to the concept of papal primacy: sometimes when he marked the anniversary of his consecration as pope,²⁰ sometimes to celebrate the feast days which had a particular relevance to the papacy, such as feasts of the Apostles or of the great saint-popes of the past.²¹ The second type is composed of the letters issued by the papal chancery, the personal element of which is less discernible, but they were official letters, underwritten by papal authority. Very many of these make reference to the concept of papal primacy, seeking to clarify it in application to specific situations. For example, letters concerning the translation of a bishop from one diocese to another, or other occasions when the spiritual bond between the bishop and his see had to be severed, afforded an especially important occasion to assert an exclusively papal prerogative.²² Some letters were concerned with the primacy as such. Two of these are of particular interest: one was a reply to certain objections to the papal view of Peter's primacy put to Innocent by the patriarch of Constantinople, John X Kamateros.²³ In the other Innocent III instructed the Catholicos of Armenia in the papal view of the relationship between his patriarchate and the Roman see.²⁴ This variety of sources – treatises, sermons, letters polemical, didactic, routine – yields as comprehensive a statement of how the thirteenth-century papacy conceptualised itself as can be found in any purely papal writings in this period.²⁵

Innocent III saw in the papacy the fulfilment of a divine plan for the government of God's people.²⁶ Prefigured in the Old Testament in the rulership of the first Chosen People, it achieved its consummation in the second, the Christian Church. Christ himself was the first and especial foundation of the Church (1 Cor. 3:11). The Apostles collectively were the secondary foundation in the sense of which St Paul wrote about the Church as 'built upon the foundation of the Apostles and prophets, Jesus Christ himself being the chief cornerstone' (Eph. 2:19–20).²⁷ It was to the 'apostolic order' and its successor, the universal episcopate, that Christ had committed the government of his Church.²⁸ But to Peter, as first among the Apostles and their leader, had been committed so special a position as to make him individually the secondary foundation on which Christ founded his Church.²⁹

²⁰ Four in all, *PL* 217.653–72.

²¹ *PL* 217.481–4 (St Sylvester), 513–22 (St Gregory), 543–8 (St Peter), 547–55, 555–8 (SS Peter and Paul). ²² In particular, *Quanto personam* (*Decretales* 1.7.3), the especial focus of Pennington (1984).

²³ *PL* 216.1186–91 (the collection of Innocentian decretals compiled by Rainer of Pomposa).

²⁴ *PL* 214.776–8. ²⁵ Analysed in full ecclesiological context, Imkamp (1983). ²⁶ Congar (1957).

²⁷ 'Sane licet Christus sit primum et praecipuum fundamentum ecclesiae, de quo dicit Apostolus: "Fundamentum positum est, praeter quod aliud poni non potest, quod est Christus Jesus" [1 Cor. 3.11], apostoli tamen sunt secunda et secundaria fundamenta, de quibus dicit Psalmista: "Fundamentum eius in montibus sanctis..." [Ps. 86.1]. *PL* 217.602.

²⁸ '... apostolicus ordo, qui sponsam Christi, scilicet sanctam ecclesiam regendam suscepit...'. *De quod. Spec. nupt.*, *PL* 217.961. ²⁹ *PL* 216.1186.

The Gospels recorded how Christ at regular intervals through his ministry had singled out Peter as pre-eminent. The Acts of the Apostles then recorded how his leadership was manifested in the practice of the primitive Church, assumed by him as of right and acknowledged as such by the Apostles. There followed the consecration of Rome as the apostolic see invested with Peter's primacy, through the merits of Peter's martyrdom.³⁰

Innocent III marshalled the title-deeds of the primacy under three headings: Christ's major pronouncements before, during and after his Passion.³¹ *Before*: when he said, 'Thou art Peter and upon this rock I will build my church and the gates of hell shall not prevail against it. And I will give to thee the keys of the kingdom of heaven. And whatsoever thou shalt bind on earth shall be bound in heaven and whatsoever thou shalt loose on earth shall be loosed also in heaven' (Matt. 16: 18,19). For Innocent, this text demonstrated in particular Peter's 'height of power' (*sublimitas potestatis*) and requires further examination later. *At the time of the Passion*: when Christ stated, 'Simon, behold, Satan hath desired to have you, that he may sift you as wheat', he was speaking to the Apostles collectively. But in continuing with an express command, he was addressing Peter personally: 'But I have prayed for thee, that thy faith fail not', adding immediately, 'and thou, being once converted, confirm thy brethren.' This text, Innocent commented, demonstrated Peter's 'immutability of faith' (*constantia fidei*). It was his faith which had made him the foundation of the Church. It followed, in Innocent's view, that his successors would never at any time stray from the path of the true faith; they would recall the strayed and strengthen the doubting.³² The teaching authority of the apostolic see (*apostolicae sedis magisterium*) settled doubts about the faith. This teaching authority lay in the papal office as such. Innocent III repeatedly made clear that a pope as an individual could lapse into heresy and deserve to be deposed.³³ *After the Passion*: when Christ said a third

³⁰ PL 216.1188.

³¹ Most fully, *De sacr. altaris myster.* I. c.viii. 778–9. Summary form, *Sermo III, in consecrat. pont. max.*: 'Ad hoc autem est *super familiam* constitutus, ut *det illi cibum in tempore* [Matt. 24:45]. Primatum Petri Dominus Jesus Christus et ante passionem, et circa passionem, et post passionem constituit. Ante passionem cum dixit: "Tu es Petrus, et super hanc petram aedificabo ecclesiam meam, et quodcunque ligaveris super terram, erit ligatum et in coelis: et quodcunque solveris super terram, erit solutum et in coelis" [Matt. 16. 19]. Circa passionem cum ait: "Simon, Satanas expetivit vos, ut cribraret sicut triticum: ego autem rogavi pro te, ut non deficiat fides tua: et tu aliquando conversus, confirma fratres tuos" [Luke 22:31–2]. Post passionem vero, cum tertio praecepit: "Si diligis me, pasce oves meas" [cf. John 21:15–17]. In primo sublimitas potestatis, in secundo constantia fidei et in tertio pastura gregis exprimitur: quae circa Petrum in hoc loco manifestissime declarantur. Constantia fidei, cum dicitur *constituit super familiam*. Pastura gregis, cum dicitur: *ut det illi cibum*.' PL 217.658–9.

³² [Luke 22:31–2] ex hoc innuens manifeste quod successores ipsius a fide catholica nullo unquam tempore deviant, sed revocarent magis alios, et confirmarent etiam haesitantes'. PL 216.1187.

³³ 'In tantum enim fides mihi necessaria est, ut cum de ceteris peccatis solum Deum iudicem habeam, propter solum peccatum quod in fide committitur possem ab ecclesia iudicari. Nam *qui non credit, iam indicatus est* [John 3:18]'. PL 217.656. See also, PL 217.665, 670.

time to Peter, 'If you love me, feed my sheep', adding 'Follow me' (John 21:15–17, 19). Thus was demonstrated Peter's pastorate (*pastura gregis*), his headship over the whole of Christ's flock. This too Innocent linked with the papal teaching office (*ordo magisterii*). He linked it especially to the maintenance of unity; Peter's headship and his teaching office preserved the flock from division.³⁴

These then were the three key scriptural passages. Innocent added further instances where he argued that the Gospels showed Peter responding to the Lord as spokesman of the Twelve or taking the initiative in action. To these texts he added the evidence of Peter's special role of leadership in the first Christian community. His martyrdom in Rome transformed that 'headship of error' to 'teacher of truth'.³⁵

Innocent III's chosen term to express the papal 'height of power' was 'fullness of power' (*plenitudo potestatis*). It recurs again and again throughout all his writing, personal and chancery alike, and is central to the understanding of his concept of the primacy.³⁶ He did not invent it. Its history as a term in the papal vocabulary begins in the fifth century.³⁷ It was not an assertion that all power in both spiritual and temporal affairs had been granted to the pope (nor did Innocent III think it had). By mid-twelfth century it was established in theological writing (notably in St Bernard's and in Gratian's *Decretum*) as the term which expressed the universality of papal jurisdiction as contrasted with episcopal jurisdiction limited to a single diocese. It contrasted that care of all the churches committed to the pope with the restricted authority of a bishop, called to a share in the universal pastoral responsibility. Characteristically, Innocent III favoured an anthropomorphic image. Accepting a known if minority interpretation of 'Cephas' in John 1:42 as 'head', so that the text could be read as the Lord saying to Peter, 'thou shalt be called head', he could argue that 'just as the head contains the fullness of the senses and the remaining members of the body receive a part of that fullness, so other priests are called to a share in the pastorate, but the pope has plenitude of power'.³⁸

Detached from this contrast of universal and particular jurisdictions, the term 'plenitude of power' meant simply the supreme ruling authority in the Church. It could be more juridically formulated and this Innocent III did

³⁴ '... ne post ascensionem eius seicaretur (ecclesia) in partes et ne unitum in eius fide divideretur ovile, uni commisit apostolorum principi gubernandum, quem solum sibi Dominus et in officio vicarium et in magisterio constituit successorem'. *PL* 214.777.

³⁵ *Sermo XXII, in festo SS Petri et Pauli* (*PL* 217.555–8) is dedicated particularly to this theme.

³⁶ Watt (1965a); Schatz (1970); Imkamp (1983), pp. 252–63, 278–9; Pennington (1984), pp. 43–74.

³⁷ Benson (1967).

³⁸ 'Sicut enim plenitudo sensuum abundat in capite, in ceteris autem pars est aliqua plenitudinis; ita ceteri vocati sunt in partem sollicitudinis; solus autem Petrus assumptus est in plenitudinem potestatis, ut illius ostendatur esse vicarius, qui de se dicit in evangelio: "Data est mihi omnis potestas in coelo et in terra" [Matt. 28:18]'. *PL* 217.395. On cephas = head, Congar (1952).

often by associating it with another term, ‘universal ordinary’ (*iudex ordinarius*; ‘ordinary judge’ of all the faithful or of all the Churches). The term expressed the immediacy of papal jurisdiction – immediate in the sense that it could be exercised without need of intermediary jurisdictions. It was with this term that Innocent III chose to make his most authoritative statements of papal jurisdictional primacy, that of the Fourth Lateran Council: ‘God disposed that the Roman Church holds the pre-eminence of ordinary power over all other churches, as being mother and teacher of all Christ’s faithful.’³⁹ Or otherwise expressed, the Roman Church holds plenitude of power.⁴⁰

There was another term which under Innocent III’s impetus became, in the thirteenth century, part of the standard defining terminology of papal primacy: ‘vicar of Christ’ (*vicarius Christi*).⁴¹ Innocent III used it in different contexts of which the common element was his wish to give especial emphasis to the uniqueness of papal authority. The pope, he claimed in a characteristic phrase, ‘acted not in the place of mere man but of the true God on earth’⁴² positioned ‘as mediator between God and man, beneath God, but above man: less than God but greater than man’.⁴³ In dealing with the patriarch of Constantinople and the Catholicos of Armenia he associated the vicariate of Christ with the teaching authority of Peter: ‘it was Peter alone whom the Lord established as his own substitute both in the office of vicar and as his successor in teaching’.⁴⁴ In his decretals, he had recourse to the term when he wished to make it clear that he was exercising a prerogative reserved for Christ himself (and consequently for his legal deputy). The classic example of this usage was in divorcing a bishop from his spiritual marriage to his diocese when, for example, translating him to another see. The claim to the vicariate of Christ had especial relevance to papal authority over bishops. It will be seen later how with Innocent IV, developing certain hints offered by Innocent III, it had come to have an especial relevance also to papal authority over emperors and kings.

³⁹ C.5: ‘Antiqua patriarchalium sedium privilegia renovantes, sacra universali synodo approbante sancimus, ut post Romanam ecclesiam, quae disponente Domino super omnes alias ordinariae potestatis obtinet principatum, utpote mater universorum Christi fidelium et magistra.’ *COD*, p. 236; *Decretales* 5.33.23. On *iudex ordinarius*, Maitland (1898), pp. 100–31; Watt (1965a), pp. 92–7.

⁴⁰ ‘Praeterea cum sedes apostolica caput omnium ecclesiarum existat, et Romanus pontifex iudex sit ordinarius singulorum, quando de ipsa quis assumitur in praelatum alterius, ei obici posse non videtur, propter capitis privilegium quod obtinet plenitudinem potestatis.’ *PL* 216.1192.

⁴¹ Maccarrone (1952), pp. 109–40.

⁴² ‘... quo non puri hominis, sed veri Dei vicem gerit in terris.’ *Quanto personam* (*Decretales* 1.7.3).

⁴³ ‘... inter Deum et hominem medius constitutus, citra Deum, sed ultra hominem: minor Deo, sed maior homine...’. *Sermo III, in consec. pont. max.*, *PL* 217.658.

⁴⁴ ‘... solum Petrum substituit sibi Dominus et in officio vicarium et in magisterio successorem’. *PL* 216.

THE FOURTH LATERAN COUNCIL (1215)

Innocent III was no mere theorist of papal leadership.⁴⁵ He was also its leading thirteenth-century exponent. The nature and purposes of the leadership to which he aspired were never better exemplified than at the Fourth Lateran Council which met throughout the month of November in 1215. This was the best-attended medieval general council, the most ambitious in its programme and the most influential in its effects. Historians have been unanimous in seeing it as the culmination of Innocent III's pontificate. It might also be seen as the most comprehensive expression of the classical policies of the medieval papacy in its heyday, at once typifying its major aspirations and identifying its goals.

In his letter of summons to the Council, *Vineam Domini*, the pope called on God to witness 'that of all the longings of our heart in this life, we strive especially after two, the successful recovery of the Holy Land and the reform of the universal Church'.⁴⁶ Crusade and reform, then, were to be the substance of the work of the great assembly Innocent had in mind when he called it 'according to ancient custom'. By this reference to the practice of the Fathers, he was remembering those councils of the past which had met specifically to redefine and defend the true faith against the assaults of contemporary heretics. But Lateran IV had also more specifically Roman roots. It marked the final term in an evolution which had seen the local, Roman synod, renovated to advance the Gregorian reform movement which had expanded to embrace the consultation of the whole Latin episcopate over the whole range of papal government. A century and more of experience had made the papally directed council a major instrument of reform endeavour.

In its composition and procedure, there is much about the Council analogous to the kings' parliaments which developed in later thirteenth-century Europe. At the heart of the Council, its core and essence, was the pope assisted by his nineteen cardinals. They had drawn up the agenda, arranged the order of business, scrutinised the submissions requested by Innocent in preparation for the Council and prepared the draft legislation which was later to be promulgated in the name of the pope personally. Summoned *ex officio* was the episcopate, 'part of the pope's body', his natural advisers in the government of the universal Church: some 369 bishops drawn from 81 provinces, stretching across Christendom from Tuam in the west of Ireland to Gniezno in Poland, including the Latin patriarchs of Constantinople, Antioch and Jerusalem and

⁴⁵ Sources: Richard of S. Germano, ed. Garufi (1936–8); Anon. of Giessen, ed. Kuttner and García (1965); García (ed.), *Constitutiones; COD*, pp. 227–71; literature: Luchaire (1908); Maccarrone (1961); Foreville (1965); Cheney (1976), pp. 43–9; Bolton (1991).

⁴⁶ Cheney and Semple (1953), n. 51, pp. 144–7.

the missionary sees of Livonia and Estonia. Also summoned were the heads of the major religious orders. A new feature was the attendance of representatives of cathedral chapters, summoned rather as were to be the commons of Edward I's parliaments: all in all, a conciliar body of some 1,200 churchmen. There was also a modest but significant lay attendance, representatives of civil authorities. This was because there were important political decisions to be finalised and promulgated – concerning the succession to the Holy Roman Empire, the disposition of the county of Toulouse in the wake of the Albigensian Crusade, and the protection of King John against rebel barons and French invaders of England – partly also because there was to be legislation concerning violations of ecclesiastical liberty, specially by Italian towns, and partly to gather support, especially financial support, for the crusade.

The Council's day of decision was 30 November 1215 when, in the third and last solemn session, Innocent pronounced on the three major political issues affecting the empire, Toulouse and England. This political dimension of the Council will be considered later in a broader context. At the same time, Innocent III promulgated seventy-one decrees, one concerning the new crusade project, the remainder constituting Innocent's reform programme, the provisions whereby he hoped 'to uproot vices and to implant virtues [Jer. 1:10], to correct abuses and reform morals, to eliminate heresies and to strengthen faith'.

In implanting virtues and strengthening the faith, Innocent III saw the crusade as playing a crucial part. Along with *Vineam Domini*, the summons to the Council, he had despatched *Quia maior*, a call for general participation in a new, mighty effort to liberate the Holy Land from the shameful disgrace of continuing Saracen occupation. *Quia maior* is the classical papal document of crusading exhortation. Its distinctive note is its emphasis on the crusade as an instrument of spiritual renewal: 'the ancient expedient of Jesus Christ for the salvation of his faithful which he has designed to renew in these days'. These were days, it was urged, when wickedness superabounded and love in the hearts of many had gone cold. Christ now offered them the crusade to awaken them from the sleep of death in sin to a life of repentance. The crusade was a test of faith, a hope of salvation, an act of charity to those brothers in Christ enslaved by the followers of 'the son of perdition, the false prophet Muhammad'. Those who spurned this opportunity to win salvation would fully deserve to be damned at the Last Judgement.

Quia maior was not simply an emotive attempt to touch hearts grown cold and ungrateful. It looked to practicalities. Crusade preachers were to be appointed, financial arrangements set in hand, prayers for success ordered, to be said at every Mass, monthly penitential processions organised. Those who could only contribute towards expenses could fully share in the indulgence.

Crusader privileges were systematised. *Quia maior* is a nice blend, surely bearing the stamp of Innocent III himself, of passionate preaching of the crusade as a way to repentance, along with legal precision and detailed practical administrative arrangements; the whole realistically conceived – except perhaps when the rulers of Christendom, the better to gird themselves for the fray, were ordered to keep the peace for at least four years. A distillation of *Quia maior*, appropriately updated, was to form c. 71, *Ad liberandam*, of the Council's legislation.

Vineam Domini referred to the destruction of the Lord's vineyard by 'many kinds of wild animal', so that the vines had become diseased and capable of producing only wild grapes (see Is. 5:2). It is certain that among the ravaging beasts, he numbered especially heretics. A major part of the work of Lateran IV was concerned with heresy which was attacked from a number of angles. One, the consequence of the Albigensian Crusade, was to bring the destiny of the county of Toulouse before the Council. Another, given pride of place at the head of the canons, was the drawing-up of a new Profession of Faith, a summary of basic Christian belief, restated in a way which explicitly rejected current heretical opinions. Thus against the Cathar, dualist doctrine of creation, it reaffirmed 'the one principle of the universe' God creator of all things, spiritual and material, and the traditional doctrine of how sin came into the world. It went on to reaffirm traditional ecclesiology and sacramental theology – the whole logic of how God has provided the means of salvation to fallen mankind – to which the Cathars were seeking to present an alternative. It was a creed manifestly framed for testing the orthodoxy of those suspected of heresy and for removing any confusion from the minds of those at risk of conversion to heresy. A third approach adopted by the Council brought the condemnation of specific doctrines – Joachim of Fiore's doctrine of the Trinity, and those of the sect which followed the pantheistic teaching of Amaury of Bène. Then in c. 3 *Excommunicamus* there was drawn up a compendium of anti-heretical measures covering episcopal obligations in supervising dioceses, Church–state co-operation and a penal code for those found guilty of heresy, favouring heretics or for being negligent in pursuit of heretics. On a more positive note, the Council sought to strengthen the faith by its emphasis on the doctrine of the presence of Christ in the Eucharist (the term 'transubstantiation' made its first appearance in an official statement of doctrine) and by its insistence on an annual minimum reception of Holy Communion and the sacrament of Penance. Innocent's personal encouragement of Dominic and his embryonic Order of Preachers, soon to emerge as the leaders of the anti-heretical campaign, should also be included as one of the Council's initiatives in this context of dealing with heresy.

When it came to reform, it is not difficult to discover what Innocent thought was wrong with the contemporary Church and his explanation for the growth

of heresy and other evils. He spoke his mind very emphatically in the sermon with which he opened the Council. Referring to the general corruption of the people of Israel denounced by Hosea (see especially Hos. 4:1–11), he declared that ‘all corruption begins chiefly with the clergy’. Like the prophet, he laid the responsibility for evils on unworthy priests, ‘the source of all evils in the Christian people’. Reform, then, for Innocent, meant especially the achievement and maintenance of clerical discipline. It is no surprise that his reform measures began with the episcopate, for many a letter in Innocent’s *Register* demonstrates that this pope never pulled his punches when denunciation of episcopal negligence or incompetence was called for.

‘Nothing is more injurious to God’s Church than the appointment of unworthy prelates for the direction of souls’ he declared in c. 26 of Lateran IV. Hence the procedure for electing bishops was to be overhauled and standardised. It was to be by majority vote of the cathedral chapter, with ballot, delegation and inspiration as the permitted procedures. No one was to be elected by abuse of the secular power’s right and anyone seeking advancement by such means made himself ineligible for future promotion; there were penalties too for those electors who co-operated with an illegal election. Of particular importance was the vigilance of the metropolitan whose duty it was to examine both the process of the election to ensure it had not violated any canonical rule and the suitability of the elect to hold his key office. Those charged with this scrutiny were to be punished if through their negligence unworthy bishops were appointed. If the electors themselves were negligent and left their diocese without a bishop for longer than three months, the right to appoint devolved on the immediate superior (normally, the metropolitan, or in the case of a metropolitan, the pope).

The Council laid special stress on the responsibility of bishops for the selection and training of ordinands and for refusing ordination to unworthy and ignorant candidates. Better, it was urged, to ordain the few who would make good priests than the many who would not. Episcopal responsibility for clerical discipline continued after ordination: the annual provincial synod, commanded by the Council, was an especially appropriate occasion for removing unsuitable priests and suspending from office those guilty of conferring benefices on such men. Unchaste clergy were not to be supported nor promoted nor allowed to pass on their benefices to their sons. Bishops were required to provide for the education of those preparing for the priesthood and for in-service clerical training by appointing appropriate teachers and theologians in cathedral schools. Chapters were to co-operate in making financial provision for such appointments.

There followed a disciplinary code detailing the life style and conduct required of the clergy. They were to be celibate, sober, free of secular encum-

brances, forbidden taverns and other resorts of potential dissipation, hunting, fowling and gambling, careful to keep their churches, sacred vessels and vestments seemly and the consecrated bread and the chrism secure under lock and key lest they be put to 'impious and blasphemous uses', dressed and tonsured as clergymen, avoiding lay fashions, attentive to their liturgical duties, scrupulous about maintaining the secrecy of the confessional. They were not to shed blood by being associated with legal procedures or surgery involving blood. The veto on their participation in judicial ordeals was to lead to significant change towards more rational procedures in the civil courts of medieval Europe. They were to be severely punished for simony and greed – exacting payment for funerals, weddings and administration of the sacraments was particularly condemned. On the other hand, the Council tried to ensure that parish clergy were adequately funded, accepting the realistic argument that when clergy were badly paid, their quality was poor. Hence parish clergy were to receive the tithes that were their due from bishops, patrons and religious orders who were helping themselves to the entitlement of the local clergy.

Among the decrees condemning different types of simony was one which forbade monks and nuns demanding a fee for reception of novices into their ranks. The Council looked to reform of religious orders in other directions. One was of considerable importance: those congregations which had not been in the habit of holding general chapters of abbots and priors to regulate the discipline of constituent monasteries were now required to set them up. A visitatorial system was also to be introduced. Cistercian monks, among whom the holding of chapters was long established, were to advise on the implementation of this decree. A further regulation put a brake on the proliferation of religious rules: all new entrants to the religious life and those wishing to found a new religious house must choose among the existing approved orders.

Reforms of the clergy in all its varied ranks would redound to the spiritual good of the laity. But the laity figured specifically in a number of ways. One, the annual sacramental participation, has already been mentioned. There were important decrees about marriage. The rules of kinship disqualification for marriage were made less severe. A determined effort was made to bring the making of the marriage contract under ecclesiastical supervision and subject to uniform rules of canon law: clandestine marriages were forbidden, banns were to be called. The effect of some decrees, notably those concerning simony, was to protect the laity against exploitation by the clergy. A similar intention lay behind the decree against the sale of bogus relics and fraudulent alms-seekers.

One group of canons was devoted to an issue of particular importance to all clergy: liberty of the Church, or freedom from lay intervention in ecclesiastical affairs. The decrees in this category laid down canonical punishments for laymen abusing their offices and powers in the areas of ecclesiastical property

and jurisdiction. One decree was of special future significance; it sought to remove arbitrariness from lay taxation of the clergy. It was permitted for clergy to pay taxes to the civil authority on a voluntary basis where there was perceived to be genuine need for the good of the community. But first, the pope, 'on whom falls responsibility to make provision for the common good', must be consulted. The Council also legislated against abuse of the principle of liberty of the Church. It forbade clergy, under the pretext of legitimate defence of clerical immunity, to seek to usurp lay jurisdiction. The clergy were required 'to render to Caesar the things that are Caesar's and to God the things that are God's' (Matt. 22:21).

This was not the only occasion that the Council drew attention to the need to respect the boundaries of jurisdiction. It did so in favour of bishops against infringement of their jurisdiction by abbots. It strengthened the jurisdiction of metropolitans of provinces, particularly in respect of episcopal elections. It confirmed that the Latin patriarchs of eastern sees had the right, saving that of the papacy, of hearing appeals within their jurisdiction. These definitions were one aspect of an important part of the Council's work: the clarification and improvement of the ecclesiastical juridical order. Another aspect saw it amending and unifying the procedures which gave bishops, often required by their office to make unpopular decisions, better protection against malicious complaints, and offered protection to those vulnerable in other ways through changes in the procedures governing appeals, excommunication and proceedings by judges-delegate.

Crusade; reform of the Church, understood particularly as improvement of the pastoral ministry ('the guidance of souls is the art of arts'); defence of the faith against heretics, teachers of false doctrine in the schools, schismatics (Greeks who show contempt for Latin rites and Roman authority) and Jews ('blasphemers of Christ'); liberty of the Church; servicing of the ecclesiastical legal machinery, made up the Council's agenda. They established the policy priorities for the thirteenth-century papacy. Innocent III held the mastery of Lateran IV. But it would be wrong to see the conciliar programme as simply an imposition from above. It was an amalgam of the policy objectives and decrees of Lateran III and subsequent legislation, of the teaching of the schools and of the experience of the universal episcopate. The priorities systematised by Innocent III and Lateran IV were established by the Latin Church itself.

How far the papacy was able to maintain the impetus in each of the priority areas indicated by Lateran IV is the very stuff of the history of the institution throughout the thirteenth century. One major policy objective came early to full fruition: reform and reorganisation of the law of the Church.⁴⁷

⁴⁷ Van Hove (1945), pp. 349–61; Stickler (1950), pp. 217–51; Le Bras (1959), pp. 45–85; Le Bras, Lefebvre and Rambaud (1965).

Important as was the legislation of Lateran IV, it constituted but a small collection of laws relative to the legal decisions issuing from the papal curia since the pontificate of Alexander III (1159–81) or even relative to legislation promulgated by Innocent III. Already in 1209–10, Innocent had ordered a collection of his decretals to be received as officially approved legislation for use in the ecclesiastical courts and law schools. This collection (*Compilatio IIIa*) contained no less than 482 responses to requests put to him for decision on doubtful points of ecclesiastical law. Lateran IV has to be seen in the context of this sort of evolving systematisation of the law of the Church; the efficacy of its programme is only fully realised from its incorporation into the totality of canon law. That process of systematisation reached its most recent and decisive phase when canon lawyers began to collect decretals as supplementary to Gratian's *Decretum*. Five collections of decretals (*Quinque compilationes antiquae*), assembled between c. 1191 and 1226 formed the high-points of this evolution (Lateran IV found its place as the substance of *Compilatio IVa*). The *Five collections* amassed a total of 2,139 laws and there were other collections, though of lesser importance, also in use. The impetus behind this growth was the interaction between local ecclesiastical authorities, especially the bishops, and the papal centre. The immense growth in consultation of the papal curia for settlement of doubts is evidence both of the growing maturity of local ecclesiastical government and of the perceived role of the papacy as the sovereign authority. Canon law was a papal creation but it was not a system imposed on the universal Church; it grew out of the necessities of the times and the role of the papacy itself was shaped by general demand for solutions to problems encountered in actual practice.

The *Five collections* soon came to outlive their usefulness. They had developed somewhat haphazardly. There were inevitably omissions, duplications, contradictions, textual uncertainties. It was Gregory IX in 1230 who decided to replace them with a single, authoritative text. He entrusted the work of codification to Ramon de Penyafort and on 5 September 1234 was able to promulgate the *Five books of the Decretals*, one of the great achievements of the thirteenth-century papacy. A sixth book was to be added by Boniface VIII in 1298, to form the basic code of canon law down to the nineteenth century.

The *Five collections* provided the bulk of the material for the Gregorian codex. Each of its five books was divided into subsections or titles, 185 in all, and the texts themselves, mostly of papal origin but including patristic and conciliar material, amounting to 1,971 laws altogether. The biggest single contributor was Innocent III with 596 texts.

The new compilation was prefaced by Gregory IX's bull of promulgation *Rex pacificus* which opened with a resounding declaration of the inseparability of law from morality and of that idea of justice which Roman imperial law had defined for Roman papal law, and which canon law sought to implement. It

closed with a severe warning that no one should use any new canon law collection without the special authority of the Roman see. The first book began with the Profession of Faith of Lateran IV, considered the nature of law, written and customary, before assembling the law governing various offices in the Church, especially the different jurisdictions, such as that of legates and judges-delegate. The important Lateran IV legislation concerning episcopal elections, responsibility for ordinands and for correction of episcopal negligence all find their appropriate place in this book. Book II was concerned especially with judicial procedure and pleading in the ecclesiastical courts; all to do with the conduct of cases in those courts. Book III, where Lateran IV made its largest contribution, treated of the discipline and conduct of the diocesan clergy and the religious orders, of the administration of sacraments, of the law of ecclesiastical buildings, clerical income and property. Book IV was dedicated to marriage and related questions. The subject of Book V was ecclesiastical crime (such as heresy and simony) and its punishment. The law of excommunication was a major title in this book.⁴⁸

Thus, in all its detail of principle and practice, was formed a universal uniform law for the right ordering of ecclesiastical society and its hierarchy. It was at once the most effective single act for the realisation of Roman unity and the basis of the new academic discipline of canonical jurisprudence which provided the intellectual formation of ecclesiastical leadership; 'the most important volume ever produced for the government of the Church'.⁴⁹

POPES AND POLITICS, 1215-45

Lateran IV was not least a major political occasion. Three important decisions taken then serve well to introduce the subject of papal involvement in secular politics.

The counts of Toulouse and Foix appeared before the Council to plead, on their knees, for the restitution of their lands, currently held in wardship, on papal instructions, by the leader of the Albigensian Crusade, Simon de Montfort. After fierce debate, Raymond VI was adjudged guilty of harbouring heretics and highway robbers (*routiers*) and sentenced to forfeiture of his lands; Simon de Montfort was pronounced count of Toulouse. Decision on Foix was deferred; Count Raymond-Roger was soon to repossess his territory. There was a clear link between the Toulouse decision and c. 3 *Excommunicamus* of the Council which enacted that if a ruler, after due admonition, continued to

⁴⁸ The *glossa ordinaria* summarised the distribution of topics: 'Unde versus: Pars prior officia parat ecclesiaeque ministros. Altera dat testes, et cetera iudiciorum. Tertia de rebus et vita presbyterorum. Quarta docet quales sint nexus coniugiorum. Ultima de vitiiis et penis tractat eorum. Vel sic, et brevis: Iudex, iudicium, clerus, sponsalia, crimen.' ⁴⁹ Southern (1970), p. 203.

neglect to act against heretics in his territory he was to be excommunicated. If after a year, he still had not acted, he was to be reported to the pope who might, with the proviso of safeguarding the rights of any suzerain, 'declare the ruler's vassals absolved from their allegiance and offer the territory to be ruled by one orthodox in faith'. In other words, a ruler who persistently failed to act against heretics could be punished by deposition.

Loss of temporal office was also at issue in a second major political decision of Lateran IV: succession to the Holy Roman Empire. The German princes in September 1211 had repudiated Emperor Otto IV who had been under papal excommunication since 1210 for violation of his oath to the Roman Church, and had elected the young Hohenstaufen Frederick, king of Sicily, to succeed him. Ambassadors of Otto, citizens of Milan, were allowed to plead his case before the Council. They read a letter of Otto repenting of his offences, supplicating the lifting of his excommunication and declaring his willingness to be obedient to the pope in future. Innocent III, however, recognised Frederick as emperor-elect and with that recognition, Otto's cause was effectively irretrievable.

Deposition of rulers, arbitration between contending rulers, protection of a ruler against rebellious subjects: these were indeed major interventions into secular politics. They were not, however, the only issues involving the relations of the civil and ecclesiastical authorities in which the Council was concerned. Within the conciliar decrees themselves, three more areas can be identified which, though less dramatic than the three already noted, raised important principles about that relationship and how the papacy viewed its authority in the temporal sphere.

Several canons of Lateran IV show the papacy claiming to set limits to the operation of lay authority. Secular rulers were expected to observe 'the immunity of ecclesiastical liberty', and there were ecclesiastical sanctions if they did not. Where lay rulers arbitrarily seized ecclesiastical properties or financial rights, usurped ecclesiastical jurisdiction or imposed taxation on the clergy without appropriate papal authorisation, those responsible were to be excommunicated (cc. 44, 46). C. 25 decreed that, were a bishop to be elected by abuse of the lay power, the appointment was *ipso iure* void. That the canon did not specifically lay down any penalty for the ruler who had exerted undue pressure on the electors should not be taken to mean that none must apply. The celebrated Canterbury election case when King John's refusal to accept Stephen Langton as archbishop led to his excommunication in 1206 and six years of interdict for the kingdom of England⁵⁰ proves that the omission did not signify that ecclesiastical sanctions were ruled out.

⁵⁰ Cheney (1976), pp. 294–325.

The assumption underlying these canons was that the spiritual power had the right to define the limits of lay intervention in the ecclesiastical sphere. By extension, there was also the claim, though it was not asserted in this particular context, that the ecclesiastical power had the deciding voice in any dispute about the border-line dividing the respective jurisdictions.

A different assumption lay behind c. 41. This canon was concerned with prescription, that is, with title to property acquired by long use or possession. The Council ruled that anyone holding property by prescriptive right must do so in good faith, that is without knowledge that another person had legitimate title. To maintain prescriptive right in bad faith was mortally sinful and a sinful act should not be upheld by the law. Hence any civil law which permitted prescription in bad faith should be accounted invalid and withdrawn. It was for the Church to rule in matters of sin and for the civil authority to abandon a law contrary to Christian morality.

The Council's legislation concerning Jews also contained principles about the relationship of ecclesiastical authority to the secular order. Canon 69 commanded under pain of excommunication that lay rulers should cease to allow Jews to hold public office (Spain and Languedoc were the main offending regions), 'for it is just too incongruous that a blasphemer of Christ should exercise the force of power over Christians'. Canon 67 claimed what canonists called indirect jurisdiction over Jews. Since Jews were not members of the Church, they could hardly suffer the penalty of loss of membership which was what excommunication meant. But they could be pressured indirectly. If Jews were found to be extorting immoderate usury or refusing to pay tithes or other dues payable to the clergy on properties now held by Jews, they should be subjected to boycott by Christians. Christians themselves, under penalty of excommunication, would be forbidden commercial or personal contacts with Jews in order to force them to obey the canons. It was assumed that the lay power would co-operate in enforcing any ecclesiastical decree ordering the isolation of Jewish communities adjudged guilty of violating the canon law.⁵¹

It was, however, c. 3 *Excommunicamus* which most strikingly laid down the obligation of the lay power to co-operate with the ecclesiastical power when its assistance was required. The context was the crucial matter of heresy; its suppression could not be achieved without the police action of the secular arm. Secular powers were required under pain of excommunication to take an oath that they would strive their utmost to prosecute heretics in the lands or cities subject to them whenever the ecclesiastical authorities should call on

⁵¹ Watt (1992), pp. 101–2.

them. Should they persist in refusing this request they were to be excommunicated. The co-operation of the lay power was not voluntary; refusal meant that the culpable were not to be 'esteemed and numbered among the faithful'.

The most important political decision of the Fourth Lateran Council was to go disastrously wrong for the papacy. It had accepted Frederick II as emperor-designate. Thirty years later, another general council was to reject him. The First Council of Lyons summoned by Innocent IV in 1245 put Frederick on trial, declared him guilty as charged and ordered him to be replaced in both his office as emperor and his kingship of Sicily. The deposition of Frederick II was the most drastic of all the thirteenth-century papacy's political acts; how he regressed from papal choice as emperor in 1215 to deposition in 1245, and the consequences of that decision, must therefore be accorded the central position in any account of the papacy's involvement in politics. For in the making and breaking of Frederick II as Holy Roman Emperor and king of Sicily, and in the search to replace him in each of these offices, there came together virtually all the principles, policies and prejudices which formed the papacy's own conception of its authority in the temporal sphere and how it tried to translate them into practice.

When Innocent III put himself forward as arbitrator in the disputed imperial election, Frederick was far from being his preferred choice.⁵² It was not merely that Frederick was still an infant. More importantly, his membership of the Hohenstaufen family was itself a disqualification. For Innocent, the Hohenstaufen were persecutors of the Church whose misdeeds through the generations he could list at length. Hohenstaufen imperial rule had shown itself at every step as a rejection of the papacy's own view of the empire–papacy relationship and a major threat to its territorial interests in central and southern Italy.

The most recent Hohenstaufen imperial career, that of Frederick's father Henry VI, had caused especial alarm to the papal curia.⁵³ When in 1194, Tancred king of Sicily and his eldest son Roger both died suddenly, Henry had secured the succession and coronation in Palermo. A personal union of empire and kingdom had been accomplished by one who had never hesitated from ruthless rule in the papal Patrimony. He had also shown himself aggressively hostile to the exercise of papal ecclesiastical authority in the Sicilian kingdom. Tancred had agreed to a relaxation of the traditionally tight control of the

⁵² Innocent III and the empire: Carlyle and Carlyle (1938), pp. 187–234; Maccarrone (1940), pp. 126–53; Kempf (1954) and (1985); Hampe (1973), pp. 232–50; Tillmann (1980), ch. 5.

⁵³ Henry VI and the papacy: Hampe (1973), pp. 220–31; Robinson (1990), pp. 503–22. On the career of Frederick II, Hampe (1973), pp. 251–306; van Cleve (1972); Abulafia (1988). On his clash with the papacy, Carlyle and Carlyle (1938), pp. 234–317; Ullmann (1960); Seegrün (1968).

Sicilian Church by the Norman kings as the price for papal recognition of his kingship. Henry VI paid no such price and made his intentions clear by countermanding the privilege by which Tancred had ordered the relaxation.

On Henry VI's death, his widow Constance had persuaded Innocent in his capacity as suzerain of Sicily to agree to the succession of Frederick to the Sicilian kingship. The substance of Tancred's privilege having been conceded, Frederick was crowned on 17 May 1198. When Constance herself died in November 1198, Frederick, aged four, became ward of the papacy. In these circumstances, potentially so favourable for the future papal position in Italy, allowing Frederick to become emperor was no part of Innocent's thinking. He put his case against Frederick's candidature succinctly enough:

That it was not expedient for him to obtain the empire is clear from the fact that thereby the kingdom of Sicily would be united to the empire and by this union the church would be brought to disorder. For not to mention other dangers, he would refuse fidelity and homage to the Church for the kingdom of Sicily on account of the dignity of the empire, just as his father had done.⁵⁴

The union was feared, then, because it would weaken papal political control of southern Italy. There was the further danger that control of the Papal State, the enlargement and consolidation of which was one of Innocent's most cherished objectives, would be imperilled. The autonomy of that territory seemed a necessary precondition of the papacy's independence and the essential material basis of its rule. Among the other dangers which Innocent chose not to specify on this occasion was no doubt the threat to the liberty of the Sicilian Church, not least to freedom of episcopal elections in the kingdom – no small matter in a Church whose episcopate approached 150 members.

Fear of Hohenstaufen domination of Italy by way of the union of empire and kingdom made it obvious also to Innocent that the candidature of a more serious Hohenstaufen aspirant to the imperial throne must be opposed. Of Frederick's uncle, his father's brother, Philip of Swabia, Innocent declared: 'Since he was a persecutor of the Church, sprung from a dynasty of persecutors, if we did not oppose him, it would seem that we were arming a mad man against ourselves and giving him a sword to put to our heads.'⁵⁵ Philip's

⁵⁴ 'Quod non expediat ipsum imperium obtinere patet ex eo quod per hoc regnum Siciliae uniretur imperio, et ex ipsa unione confunderetur ecclesia. Nam, ut cetera pericula taceamus, ipse propter dignitatem imperii nollet ecclesie de regno Siciliae fidelitatem et hominum exhibere, sicut noluit pater eius'. *Deliberatio domini pape Innocentii super facto imperii de tribus electis*, in *Regestum Innocentii III papae super negotio Romani imperii*, ed. F. Kempf, Rome (1947), no. 29, p. 79.

⁵⁵ 'Quod autem expediat opponere nos Philippo liquet omnibus manifeste. Cum enim persecutor sit et de genere persecutorum fuerit oriundus, si non opponeremus nos ei, uideremur contra nos armare furentem et ei gladium in capita nostra dare.' *Deliberatio*, in *Reg. neg. Rom. imp.*, ed. Kempf, no. 29, p. 83.

claims, however, could not be ignored because of the relative lack of support attracted in Germany by Innocent's own candidate, the Welf Otto of Brunswick. Despite his preference, the pope might well have been forced to acknowledge the Hohenstaufen's success, had not chance, so prominent a feature of papal political history in these decades, supervened with the assassination of Philip of Swabia in June 1208, a crime quite unconnected with the disputed imperial succession. Innocent III was then very content to put all his influence into encouraging the swing of support to Otto and to crown him emperor in St Peter's on 21 October 1209. With Otto IV as emperor and Frederick, his ward, as king of Sicily, now deemed to have come of age, the curia had some reason for thinking the crisis over the imperial succession had been resolved in its favour, that the prospects for harmony between empire and papacy, on papal terms, were favourable and that the union of empire and kingdom had been avoided.

Any such expectations were to be disappointed. In violation of the obligations into which he had entered both before and at his imperial coronation, Otto IV invaded the Papal State and set about planning to conquer Sicily in order to make himself king. Innocent excommunicated him and released his subjects from their oaths of obedience. Otto's support in Germany melted away. With Innocent's weight behind him, Frederick found himself elected and crowned king of the Romans. Lateran IV formally completed the process of Otto's deposition and endorsed the emergence of Frederick as the final victor in the protracted struggle for the imperial office.

The emperor-elect, 'nourished as the son of the Roman Church' in papal language, was left in no doubt as to what was expected of him. In a succession of solemn undertakings, Frederick was required to swear to preserve and advance all the papacy's major ecclesiastical and territorial interests. These were spelled out in detail: first in Messina in February 1212, then in Rome to the pope personally in the following April, then in most solemn form, with the supporting oaths of the leading German princes in the Golden Bull of Eger (1213).⁵⁶ To the end, Innocent was exacting sworn guarantees from Frederick; there were two more in the month of the pope's death, July 1216.

Frederick was binding himself to the papal view of an emperor's place in the Italian political order. Territorially, this meant acknowledgement of the autonomy of the Papal State (generally unrecognised by the Hohenstaufen), as enhanced by the 'restitutions' of provinces (notably the duchy of Spoleto and the March of Ancona) whose rule, the curia had begun to argue recently, had been conceded to the papacy by imperial grants in remoter days.⁵⁷ It meant, too, acknowledgement of papal suzerainty over the kingdom of Sicily.

⁵⁶ *MGHLeg.* iv *Const.*, II, no. 48.

⁵⁷ Waley (1961), pp. 1–67; Robinson (1990), pp. 3–32.

And not least, it meant no union of empire and kingdom. Ecclesiastically, it meant respect for 'liberty of the Church', more specifically defined as unimpeded access to the papacy's appellate jurisdiction and to free and canonical episcopal elections. That these freedoms were to apply in Germany is clear from their inclusion in the promises required of Otto IV. But they had even more relevance to Sicily where the papacy had been successfully loosening the grip established long previously by the Norman kings. Politically, it meant acceptance of the papal view of empire, a view which made of the Holy Roman Empire a papally created office, and of the emperor, the pope's advocate or special defender. In the course of the succession crisis Innocent III had articulated this papal view with a new clarity. He had spelled out the special relationship of emperor to pope as comprehended within the Translation of Empire theory.⁵⁸ Essentially, this was an interpretation of the coronation of Charlemagne by Leo III on Christmas Day, 800. By this act, it was argued, the papacy had translated the Roman Empire from the ineffectual hands of the Greeks to the Germans, investing the electoral princes with their right to choose an emperor-elect. It was the pope's right to crown the proffered candidate. But, on the analogy of an episcopal election, it was for the one who did the consecrating to examine the validity of the election and the suitability of the elect, with authority, where appropriate, to quash the one and reject the other.⁵⁹ It was on this principle that Innocent had based his intervention throughout the succession dispute. Now that it had been resolved, it was time to bring into play the functional aspect of emperorship. It was specifically for the defence of the Roman Church that the Translation had taken place. In the obligations asked of Frederick, this defensive role had particular reference to the maintenance of, and where necessary to the achievement of, the papacy's rights in the Papal State, in the kingdom of Sicily, in Corsica and Sardinia. And there was the additional obligation to act as the police arm in combating heresy.

It is clear that of all the demands laid on Frederick by Innocent III that of renouncing the union of the empire with Sicily was the single most important one, after the guarantee of the autonomy of the Papal State. In Strasbourg on 1 July 1216 an imperial Golden Bull articulated exactly what the pope had in

⁵⁸ 'Nouimus etenim, et uos [the German princes] nostis quod eius provisio principaliter et finaliter nos contingit: principaliter quidem, quia per ecclesiam de Graecia pro ipsius specialiter fuit defensione translatum; finaliter autem, quoniam, etsi alibi coronam regni recipiat, a nobis tamen imperator imperii recipit diadema in plenitudinem potestatis.' *Reg. neg. Rom. imp.*, ed. Kempf, no. 33, p. 102. Further references to the Translation theory, nos. 18, 29, 30, 31, 62, 79.

⁵⁹ 'Sed et principes recognoscere debent, et utique recognoscunt quod ius et auctoritas examinandi personam electam in regem et promovendam ad imperium ad nos spectat, qui eam iniungimus, consecramus et coronamus.' *Reg. neg. Rom. imp.*, ed. Kempf, no. 62, pp. 168–9. This text became *Decretales* 1.6.4 (*Venerabilem*).

mind. Frederick agreed that on being crowned emperor he would immediately relinquish his Sicilian kingship in favour of his son Henry, already crowned king of Sicily at papal command. He would hold the kingdom as fief of the Roman Church and from that time, Frederick would not be king of Sicily. Until Henry came of age, there would be a regent, appointed with papal approval. Government of the kingdom should be in accord with the rights of the Roman Church, to whom alone lordship of that kingdom belonged, and of service to it.⁶⁰

This transfer of power never took place. The curia did not insist on the literal fulfilment of the Strasbourg pledge. The reason for this failure was not due, as so often suggested, to the indulgence of Honorius III's weak paternalism towards Frederick. Nor to any departure from the priorities for Italy established by his predecessor. Honorius III did his best to keep Frederick II moving along the lines Innocent III had marked out, repeatedly demanding renewal of his sworn obligations.⁶¹ But there was another factor in the diplomatic situation, not less an Innocentian legacy, which at least in the short term was given over-riding priority: the crusade. It had been no doing of the papacy (or so Gregory IX was to state categorically later)⁶² that Frederick had taken the cross on the occasion of his German coronation at Aachen (25 July 1215). Once he had taken the vow, however, Honorius III insisted he honour it.⁶³ Frederick seemed its one hope of rescue from disaster. For the sake of the crusade, the curia was prepared apparently to soft-pedal the Strasbourg undertaking. When Honorius III crowned Frederick as Holy Roman Emperor in November 1220 there was no question of Frederick's renouncing the kingship of Sicily. He was held to formal acknowledgement of the status of Sicily as a fief of the Roman Church and not an intrinsic part of the empire. There was to be no union of administrations; the governments of the empire and of the kingdom were to be kept separate.⁶⁴ In addition, there was papal assent to the election of Frederick's son Henry, still a minor, as *rex Romanorum*, an act the German princes had performed, Frederick claimed, without his knowledge. So much then for Innocent III's plan for separate rulership of empire and kingdom. Within four years of his death, not merely was Frederick II both emperor and king of Sicily; his son Henry who had already been crowned king of Sicily was now emperor-designate. All with papal acquiescence.

Papal pressure on Frederick to depart on crusade, fairly persistent before the

⁶⁰ *MGH Leg. IV Const.*, II, no. 58.

⁶¹ *MGH Leg. IV Const.*, II, nos. 65, 66, 70, 85 (on the occasion of his imperial coronation), 90.

⁶² *MGH Epp. s. XIII*, no. 368.

⁶³ The first time Honorius threatened Frederick with excommunication for non-fulfilment of his vow seems to have been in February 1219, *MGH Epp. s. XIII*, no. 95.

⁶⁴ *MGH Leg. IV Const.*, II, no. 84 (Nov. 1220).

imperial coronation, increased after he had then renewed his vow and even more so as the Fifth Crusade headed increasingly towards disaster (Damietta was lost in September 1221). Frederick's governmental problems in Germany and Sicily were more than adequate excuse for his continuing to delay the departure. Nevertheless, the papacy continued to press and Frederick finally bound himself to leave in August 1227 and to suffer excommunication if he failed so to do.⁶⁵

In early September 1227, Frederick made to set out on crusade but disembarked, pleading serious illness and declaring his departure postponed until the following May. Gregory IX, declining to give him the benefit of any doubt or indeed even apparently to listen dispassionately to his excuse, held him to the very letter of his commitment and excommunicated him on 29 September 1227.⁶⁶ There was to follow the extraordinary spectacle of an excommunicate emperor, denounced and boycotted by the clergy, accomplishing a resounding diplomatic success for the crusaders with the sultan of Egypt which was condemned by the pope, while open war between papal and imperial forces broke out in the Papal State and the kingdom of Sicily. When peace was eventually achieved in July 1230 – the Treaty of San Germano had Frederick reiterating the usual guarantees of the autonomy of the Papal State and the liberty of the Church in Sicily in return for the lifting of excommunication⁶⁷ – it seemed highly probable that any chance of genuine mutual trust between the papal curia and Frederick II had gone for good.

Yet for some years after the treaty of peace, relations were relatively harmonious. Pope and emperor collaborated in the suppression of heresy; Frederick protected Gregory when the citizens forced him to leave Rome; Gregory supported Frederick when the emperor was faced with the rebellion of his son Henry; the pope facilitated Frederick's marriage to Isabella, sister of Henry III, king of England.

This accord, however, was not to last. The deterioration of the relationship began to show itself in 1236.⁶⁸ It was then that Frederick was first accused by Gregory of the charges⁶⁹ which were to be finalised when Frederick was again

⁶⁵ *MGH Leg. IV Const.*, II, nos. 102, 103 (July 1225).

⁶⁶ The *Vita Gregorii* recorded the event: 'ibique [Anagni] sequente proximo festo Michaelis archangeli, in maiori ecclesia pontificalibus indutus, ex more assistentibus venerabilibus fratribus cardinalibus, archiepiscopis, et aliis ecclesiarum prelati sermonem exortus huiusmodi: *Necesse est ut veniant scandala* [Matt. 18:7], *Cum archangelus de dracone triumphans*, Fredericum imperatorem frequenti monitione premissa, votum exequi recusantem excommunicatum publice nuntiavit. Qui sententiam excommunicationis a felicitis memorie domino papa III latam cui sponte se subiecit, incurerat, pro eo quod voluntarie signo crucis assumpto in Terre Sancte subsidium termino . . . non transivit.' *Liber censuum*, ed. Fabre and Duchesne, pp. 19–20. Promulgation of the sentence, *MGH Epp. s. XIII*, nos. 367, 368. ⁶⁷ Relevant documentation, *MGH Leg. IV Const.*, II, nos. 126–49.

⁶⁸ *MGH Epp. s. XIII*, no. 676 (29 Feb. 1236). ⁶⁹ *MGH Epp. s. XIII*, nos. 695 (17 Aug. 1236), 700.

excommunicated in March 1239. Frederick had complained that the papal legate in Lombardy, far from observing the impartiality required of an arbitrator, was supporting rebellion against imperial authority. Gregory replied with an assault on Frederick as an oppressor of the Church, especially in Sicily, 'where no one can move hand or foot without your command', and accusing him of stirring up anti-papal factions in Rome. A significant part of the letter was its recourse to the Donation of Constantine, linked by Gregory to the Translation of Empire theory to provide a historical account of how popes had come to be superior to emperors. The reference to Constantine's alleged grant to the papacy when he transferred the seat of empire to Constantinople was designed to remind Frederick that authority in Rome and its surrounding territory had been made over to the pope – as also authority over all of Italy, now made subject to 'apostolic direction'. It was not for an emperor to challenge what the papacy ruled as right for the peace of Italy; the emperor must accept papal arbitration of the conflict between the Lombard League and the emperor.⁷⁰

Gregory was to continue to assert that it was Frederick's misdeeds in Sicily 'the special Patrimony of Peter', reduced by him 'as if to embers and ashes' according to the pope, which was the nub of Frederick's offence. In Frederick's eyes, however, it was Gregory's alleged encouragement of the Lombard League to resist him which motivated his growing hostility to the pope. There was some history to fuel Frederick's suspicions. Lombardy was no new bone of contention between the curia and the Hohenstaufen. The Lombard League had been formed first to withstand Frederick I and had received the wholehearted support of Alexander III. Innocent III had consistently linked Hohenstaufen oppression of the Church with their oppression of the Lombard towns. If for the popes the Hohenstaufen were traditionally oppressors of the Church, for the Hohenstaufen, popes were traditionally supporters of Lombard rebels.

When Frederick's attempt to reassert imperial authority in northern Italy escalated into open war with the Lombard League, his cause at first prospered. He inflicted a crushing defeat on the League at Cortenuova (27 November 1237). His subsequent flamboyant letters addressed to the city of Rome promising to make it again the heart of the imperial universe formed a counterblast to Gregory's resort to the Donation of Constantine. Such promises, however, lacked conviction as Frederick began to lose ground militarily in Lombardy. But he had alarmed the curia and had again pushed Gregory beyond his limited toleration of Frederick's Italian policies and attitudes.

What proved to be the final breakdown of the relationship was signalled by a

⁷⁰ *MGHEpp. s. XIII*, no. 703 (23 Oct. 1236).

resounding exchange of broadsides in March 1239. First, Frederick addressed himself to the College of Cardinals, claiming in a novel and unsound constitutional doctrine that as successors of the Apostles they were equal participants in the exercise of papal authority. He urged them to use that authority to stop 'sentence of deposition' being passed on him and to prevent 'the spiritual sword' from being wielded on behalf of the Lombard 'rebels'.⁷¹ Ten days later, Gregory IX excommunicated Frederick for the second time.

There were sixteen charges. Eleven of them related to Frederick's alleged misconduct towards the Sicilian Church. The other five were a mixed bag: impeding a cardinal-legate from proceeding on his way to Albigensian territory; preventing the nephew of the king of Tunis from going to the papal curia to be baptised; occupation of church lands in violation of his treaty obligations; obstruction of the Holy Land crusade and aid to the Latin empire of Constantinople. Heading the list was the charge that 'he had stirred up revolt in Rome against the Roman Church with the intention of driving out the pope and cardinals'. The decree ended with the release of the emperor's subjects from their oaths of allegiance, an admonition that he should desist forthwith from oppressing his Sicilian subjects and the threat of a further investigation into the orthodoxy of the emperor's Christian belief.⁷²

This charge sheet was not an examination of the fundamental issue at stake between emperor and pope, nor was it meant to be. The real issue came down to this: whether in Sicily, the city of Rome, the Papal State or in Lombardy, Frederick had come to be seen as the enemy of the Roman Church: the inexorable enemy as it was to prove, for when Frederick died in 1250 he was still unreconciled to the papacy.

Frederick was as little daunted by his second excommunication in 1239 as he had been by his first in 1227. He moved to the offensive against Gregory, now his declared enemy. He frankly adopted a policy of reannexing to the empire the duchy of Spoleto and the March of Ancona (essential corridor territories to link the imperial north with the kingdom of Sicily) 'and the other lands which had long belonged to the empire and had been stolen from it'. In other words, he was threatening to take over the Papal State. He set particular store on gaining general European sympathy and even support in his anti-papal stance, denouncing Gregory as personally unfitted for his high apostolic office while declaring his respect for that office in itself. Gregory responded in kind. Blast and counter-blast shared common features: each reviewed the history of imperial-papal relations to demonstrate the treachery and double-dealing of the other party; each condemned the other's fitness for the office he held; both claimed God was on their side; each plundered the colourful language of the

⁷¹ *MGH Leg. IV Const.*, II, no. 214.

⁷² Huillard-Bréholles, *Historia diplomatica*, v, pp. 286–7.

Apocalypse's images of Antichrist to denounce the other.⁷³ If Christendom was impressed, it was not sufficiently moved to intervene decisively on one side or the other.

Both parties apparently agreed, however, that there was one possible way out of the impasse. That the dispute should be adjudicated by a general council was first mooted by Frederick himself. In April 1239 he called on the College of Cardinals to summon 'a general council of prelates and others of Christ's faithful' before whom he was prepared to prove his own innocence and Gregory's guilt.⁷⁴ This attempt to drive a wedge between the College and the pope came to nothing. But when in August 1240 Gregory himself convoked a general council to be held in Rome the Easter following, Frederick opposed it, issuing instructions to all his subjects to prevent it assembling.⁷⁵ With land access to Rome from France thus made dangerous, two cardinals and numerous bishops attempted the sea route, only to fall into Frederick's hands and find themselves imprisoned. Gregory's council was thus still-born. There could be no early attempt at resumption because the papal vacancy that followed Gregory's death (22 August 1241) effectively lasted until the election of Innocent IV (25 June 1243), for Celestine IV reigned only from 25 October to 10 November 1241.

THE FIRST COUNCIL OF LYONS 1245

Innocent IV (1243–54) was very much Gregory IX's man. He had served in his curia throughout his working life, rising steadily through the ranks of the papal judiciary, becoming one of Gregory IX's first promotions to the cardinalate in 1227, acting as rector of the March of Ancona (1235–40). With this background it was not to be expected that he would readily compromise with an excommunicate emperor who had virtually taken over the Papal State, made frequent public profession of his contempt both for Gregory personally and for his sentence of excommunication, used two captured cardinals in an attempt to influence papal elections, continued to hold clerical hostages and enjoyed, in the eyes of curial officials, a long record of broken promises.⁷⁶

Nevertheless, serious negotiations did take place, culminating in Rome on Maundy Thursday, 1244. Frederick's chief ministers, Piero della Vigna and Taddeo da Suessa, acting with the emperor's full authority, achieved an agreed peace which was affirmed publicly in the presence of the pope and cardinals

⁷³ Graefe (1909). The tone of this propaganda war can be caught in two of its principal products: Frederick's *Levate*, *MGH Leg. IV Const.*, II, no. 215 (20 Apr. 1239) and Gregory's *Triplex doloris aculeus*, *MGH Epp. s. XIII*, no. 224 (16 Mar. 1240). ⁷⁴ *MGH Leg. IV Const.*, II, no. 214.

⁷⁵ *MGH Leg. IV Const.*, II, no. 233 (13 Sept. 1240).

⁷⁶ Excellent short account, with bibliography, Wolter and Holstein (1966), pp. 51–128, 295–9.

and a throng of Roman notables and distinguished visitors in Rome for the Holy Week ceremonies.⁷⁷ It came to nothing. Both pope and emperor were later to give their own versions of why it failed. Frederick claimed it was because the pope would not allow him his legitimate imperial jurisdiction in settling the conflict with the Lombard League. Innocent claimed that Frederick had simply failed to honour the agreement and had never had any intention of doing so.⁷⁸

With this failure, the curia's distrust of Frederick became insuperable. Innocent IV gave dramatic proof that his suspicions and fears of Frederick had reached panic proportions when at dead of night he slipped away from Rome in strictest secrecy, accompanied only by a few relatives, attendants and bodyguards. Reaching the west coast by a circuitous route he took ship to his native Genoa, arriving there on 7 July 1244. There he fell seriously ill and for a time his life was despaired of. In the autumn, however, he slowly and painfully crossed the Alps to take refuge in Lyons, where from early December 1244, with his curia reassembled in full working order, he was to remain until he felt that the death of Frederick (13 December 1250) made it safe for him to return to Italy (April 1251).

The security black-out surrounding the pope's flight from Rome means there is a shortage of hard information about what exactly precipitated it, especially as to whether it was long-planned or suddenly decided, giving rise to much speculation both among contemporaries and modern historians. One who actually accompanied Innocent when he left Rome was his chaplain and confessor, the Franciscan Nicola da Calvi, later bishop of Assisi and the pope's biographer. His account of Innocent's hurried departure from Rome is the principal source for its route, timing and much personal detail about the pope's fragile health. As for the reason for the flight, Nicola stated simply that it was necessary because Frederick was plotting to seize the pope and cardinals.⁷⁹ That fear of capture drove Innocent to flee does not strain belief. Whether his fear was justified and there was in fact an imperial plot to seize the curia cannot be determined.

In a sermon delivered in Lyons cathedral on 27 December 1244, Innocent IV announced his intention of summoning a general council for the following June. The formal invitations to attend followed in early January. Both in the

⁷⁷ '... in die cene Domini in platea Lateranensi coram domino papa et fratribus suis, presentibus clarissimo Constantinopolitano imperatore, cetu non modico prelatorum, senatoribus etiam populoque romano et maxima multitudine aliorum, qui ea die propter instantem Pasche sollempnitatem de diversis mundi partibus convenierant ad apostolorum limina visitanda, ipsius domini pape ecclesieque mandatis se plenius parituum per predictos nuntios, ab ipso super hoc speciale mandatum habentes, in anima sua iuramento promisit'. 'Vita Innocentii IV', ed. Panotti, pp. 84–5.

⁷⁸ *MGH Leg. IV Const.*, II, no. 252; *MGH Epp. s. XIII*, II, no. 63.

⁷⁹ '... tendens insidias, ipsosque capere machinans'. 'Vita Innocentii IV', ed. Panotti, p. 86.

letters of summons and in the sermon with which he opened the Council (28 June 1245), Innocent presented a picture of the Church in crisis, identifying the dangers that threatened: the depravity of clergy and laity; the parlous state of the Latin kingdom of Jerusalem and of the Latin empire of Constantinople; the incursion of the Mongols into eastern and central Europe; the persecution of the Church by Frederick II. In the event it was this last which was the Council's main preoccupation. The other issues were raised in the Council but little was accomplished in these areas. The cause of the Holy Land crusade was indeed to be given new life; but that was Louis IX's doing. Constantinople continued to be in imminent danger of recapture by the Greeks. The lifting of the Mongol threat was due entirely to decisions taken in the Mongolian world. The conciliar reform legislation, measured by the standards of Lateran IV, was unambitious and largely limited to technical adjustments of the ecclesiastical juridical machinery. It is symptomatic of the lack of impact of the Council's handling of these issues that Nicola da Calvi, Innocent's biographer, made no mention of it in his account of the Council. What did make an impact, and that resoundingly throughout Christendom, not just in Nicola's biography, were the proceedings against Frederick II.

These proceedings figured prominently in all three of the formal sessions of Lyons I. The official papal chancery *Relatio* of the Council (the title *Brevis nota* is used by some historians) provides a clear if all-too-brief account of how Innocent IV went about the condemnation and deposition of Frederick II.⁸⁰ In the sermon with which he opened the first session of the Council, Innocent itemised 'the sorrows in my heart' (cf. Ps. 93:19)⁸¹ which had brought the Church into crisis and commented on each of the five. Turning to the 'persecution' of the Church by the emperor, he referred to Frederick's contention, made in his open letters to the Christian world, that his hostility had not been to the Church generally but to Gregory IX personally; the pope charged that the falsity of the claim had been demonstrated when he had stepped up the persecution during the papal vacancy. He referred also to the numerous occasions when Frederick had acknowledged that he held Sicily, 'the special Patrimony of St Peter', as a fief of the Roman Church, pledging himself to observe the liberties of the Sicilian Church, especially in episcopal elections and clerical fiscal immunity. He had also acknowledged the papal definition of the territories and boundaries of the Papal State and guaranteed its autonomy. He had made and likewise broken other promises. Innocent apparently enumerated them, though the *Relatio* left them unspecified. The pope was

⁸⁰ *Relatio de concilio Lugdunensi, MGH Leg. IV Const.*, II, no. 401.

⁸¹ 'Primus erat de deformitate prelatorum et subditorum, secundus de insolentia Sarracenorum, tertius de scismate Graecorum, quartus de sevitia Tartarorum, quintus de persecutione Frederici imperatoris.' *Relatio*, p. 513.

better able to give chapter and verse of the documents in question because he had caused to be drawn up at the Council a codification (*Transsumpta*) of the privileges and deeds granted by European rulers to the Roman Church.⁸² This stock-taking comprised ninety-one grants, some two-thirds of which had been issued by German kings and emperors, of which over half had been granted by Frederick II. The session closed with Frederick's counsel, Taddeo da Suessa, challenging various contentions just made against the emperor by the pope who, according to the *Relatio*, replied well to each point made, but without giving any detail as to the precise objections made.

The second formal session of the Council (5 July 1245) was devoted entirely to the matter of Frederick II. A Sicilian bishop was allowed a diatribe against Frederick, denouncing him as one who had led an evil life from his very boyhood and as one whose declared intention was to return the clergy to that poverty which had been the clerical lot in the primitive Church. Taddeo da Suessa discredited this witness as one whose brother and nephew had been hanged for treason in Sicily. But the senior Spanish bishop rose to urge Innocent to proceed against Frederick as a despoiler of the Church,⁸³ promising the support of all the numerous Spanish bishops present. Taddeo asked for a postponement of the third session of the Council so as to allow Frederick to appear in person, particularly since, as to the charge of heresy, no one was in a position to represent him. The *Relatio* stated that Innocent agreed to the postponement in the face of considerable opposition from the prelates. Matthew Paris, not an eye-witness, reported the pope as receiving this request with dismay: 'I fear snares that cannot be avoided. If he were to come, I would leave immediately. I do not desire, nor do I feel prepared for, martyrdom or prison custody.'⁸⁴ The English and French lay representatives were said to have overcome his fears; he allowed the postponement.

Frederick, however, did not manage to appear. The Council resumed its formal sessions on the agreed rearranged date of 17 July 1245. Taddeo interjected an appeal to a future pope and general council. Innocent replied that such an appeal was inadmissible because the present Council was a lawful general council. If it was deficient in numbers, this was because all those bishops within the emperor's jurisdiction had been prevented from attending. The pope then protested that such was his love for Frederick, both before and after he became pope, and even after summoning the Council, that some people would find it hard to believe that he could ever bring himself to pass

⁸² Wolter and Holstein (1966), pp. 71–2.

⁸³ Claiming of Frederick, that 'tota sua fuerat intentio ut deprimeret ecclesiam iuxta posse'. *Relatio*, p. 515.

⁸⁴ 'Absit hoc. Timeo laqueos, quos vix euasi. Si enim veniret, statim recederem. Non adhuc opto, sanguinis nec me sentio aptum aut paratum martirio vel custodiam carcerali.' *Chron. maior*. RS 57.4, p. 437.

sentence against him.⁸⁵ But pass sentence he did; first orally, then by a formal reading of the decree of deposition. Matthew Paris had it that this was accompanied by all the prelates extinguishing and reversing candles in ritual disapprobation of the excommunicate and deposed Frederick.

Innocent IV was later to defend himself against the charge that he had acted precipitately and without advice. He claimed that he could not recall a case weighed more carefully, first among the cardinals who had divided among themselves to conduct a university-style disputation from which, Innocent claimed, truth had emerged.⁸⁶ The *Relatio* recounted how at the Council itself the opinion of each prelate was sought individually as to whether the pope had power to depose emperors, and if he did, whether Frederick as charged merited deposition and as to whether a sentence of deposition would be expedient. There is independent evidence from the bishop who was later to become cardinal-bishop of Ostia, the great canonist Hostiensis, that this was done.⁸⁷ 'All agreed on deposition', continued the *Relatio* (echoed by Nicola da Calvi), 'and each put his seal to a written form of the sentence', so that at its promulgation about 150 seals were attached to the document.⁸⁸

In its strictly juridical aspect, the deposition decree *Ad apostolice dignitatis*,⁸⁹ held Frederick to be guilty on four charges, chosen, it was asserted, from his (unspecified) longer catalogue of crimes: perjury, violation of the peace, sacrilege and suspicion of heresy. Because of his sinfulness on these counts, God had rejected him from acting as emperor or king of Sicily. The successor of Peter, commissioned by Christ to bind and loose upon earth and in heaven (Matt. 18:19) and vicar of Christ, with the advice of the Council, was simply making formal public declaration of that divine repudiation. No one in future was to hold Frederick as either emperor or king or obey him as such under pain of excommunication. The imperial electors were called on to proceed to appoint a successor to Frederick as Holy Roman Emperor. The pope as suzerain of Sicily would himself find a successor to be its king.

The decree was also a manifesto, an apologia for this most drastic of political actions, laid before Christendom. It took the form of a compendium, arranged under the headings of the four charges, of Frederick's acts from hostility to or defiance of the authority of the Roman Church, beginning with the breaking of his oath of fidelity to Innocent III at Messina and Rome in 1212 and continuing to his failure to honour the peace agreed in Rome on Maundy Thursday 1244.

The charge of perjury referred particularly to his non-observance of the

⁸⁵ '... et eum super verbis mirabiliter honorabit, ita quod vix credebatur ab aliquibus, quod aliquam deberet ferre sententiam contra eum'. *Relatio*, p. 516. ⁸⁶ Matthew Paris, *Chron. maior*, 4, p. 480.

⁸⁷ Watt (1965b). ⁸⁸ *Relatio*, p. 516; 'Vita Innocenti IV', ed. Panotti, p. 96.

⁸⁹ *MGH Leg. IV Const.*, II, no. 400. Abridged version in the *Corpus iuris canonici*, v10 2.14.2.

1212 oaths and his imperial coronation oath of 1220. He had sworn to protect to the utmost of his ability the honours, laws and possessions of the Roman Church. His defamation of Gregory IX, capture of two cardinals, contempt for the papal sentence of excommunication, attacks on the Papal State and his forcing subjects of the Roman Church to abjure the fidelity they owed it, all demonstrated his signal failure to honour his solemn obligations, obligations which so far as the papacy was concerned were of the essence of the imperial office. The charge of violation of the peace was simply a continuation of this theme of oath-breaking – under this heading, the Peace of San Germano agreed in 1230 after Frederick's return from the Holy Land. Particular emphasis was given to the violation of its terms relating to the liberties of the Sicilian clergy, namely, free canonical episcopal elections, clerical privileged exemptions from lay jurisdiction and taxation, spoliation of church properties. The charge of sacrilege related to the capture and imprisonment of the clergy en route for Gregory IX's Council, some of whom, the decree asserted, had died as a result of their maltreatment. The suspicion that Frederick was a heretic was attributed to a wide variety of actions which allegedly proved his hostility to the Roman Church: contempt for its sentence of excommunication; over-familiar and over-indulgent relations with Saracens, in Sicily, at his court and especially demonstrated by his making a treaty with al-Kamil at the time of his crusade which allowed Islamic worship on the Temple Mount; marriage of his daughter to the Greek emperor of Nicaea, schismatic and excommunicate enemy of the Roman Church; alleged conspiracy to have the duke of Austria, well known for his loyalty to the papacy, assassinated. Further ground for suspicion of heresy was his failure to promote those charitable works by which a Christian prince gave witness to his faith: protection of the poor; patronage of churches, religious houses and hospitals. Finally, there was added, in effect, a fifth charge: the tyranny of his rule over the kingdom of Sicily. He had reduced it to slavery and poverty, driving its most honourable men into exile.

In passing sentence, Innocent made reference to his authority as vicar of Christ and his power of universal jurisdiction as deduced from Matt. 16:19 ('binding and loosing'). There was no attempt at any more detailed exposition of the grounds on which the deposing power was based. There is no shortage of evidence, however, for a more detailed scrutiny of these grounds in sources directly related to the sentence passed at Lyons I. Of especial relevance are the *consultatio* from the Council which Hostiensis preserved and the commentary which Innocent IV himself wrote, as a private doctor, on his own deposition decree.⁹⁰

⁹⁰ Carlyle and Carlyle (1938), p. 314; Watt (1965b). See also the curial pamphlet *Aeger cui lenia*, Herde (1967).

Fundamental to the whole logic of the papal deposing power was an interpretation of the power of binding and loosing which Christ had granted to Peter and hence, it was argued, to his successors. It could be easily conceded, and Frederick II in his response to *Ad apostolice dignitatis* did so concede,⁹¹ that Christ had intended to give Peter full power in spiritual matters to punish sinners, spiritually, by infliction of penances. But it was another matter altogether, Frederick argued, no doubt with the full support of the European rulers to whom he was continually appealing, to claim that this power gave him authority to punish rulers, temporally, by deposing them from their thrones. Innocent IV was not the first pope to make such a claim. Gregory VII in seeking to justify his deposition of Henry IV had called rhetorically on Saints Peter and Paul: 'if you can bind and loose in heaven, you can on earth when so deserved take away empires, kingdoms, principalities, dukedoms, marches, counties, the possessions of all men, and grant them to another'. Innocent III's anti-heretical legislation and particularly the action of Lateran IV with its deprivation of the count of Toulouse and the transfer of the lordship of his territory to Simon de Montfort had been of crucial importance in consolidating the Gregorian view. So too, in a different way, had been Innocent III's adoption of the Translation of Empire theory and its acceptance in practice, again at Lateran IV, with the transfer of imperial authority from Otto IV to Frederick II. If the office of emperor in the logic of the Translation theory was essentially a papal creation, how could it be denied that it should be withdrawn from one who had conspicuously failed to fulfil the role allocated to him? But the decisive argument remained the interpretation of the power of the keys given to Peter.⁹² That power allowed the pope to excommunicate, to exclude from membership of the Christian community. Deposition was inextricably linked to excommunication. Excommunication in itself went close to deposition, as Gregory IX had made abundantly clear in his second excommunication of Frederick in 1239. This sentence had explicitly released Frederick's subjects from their oaths of allegiance to him and had forbidden them to show him fidelity so long as he remained excommunicate. Exclusion from the Christian community, then, did not simply exclude the private individual from participation in the sacramental and ritual life of the Church; it meant also loss of his public function in the community. Perhaps the essential difference was this: excommunication was to be a temporary form of deposition; temporary in the sense that the excommunication and therefore the suspension from public office would be lifted on repentance. A sentence of deposition was permanent

⁹¹ *MGH Leg. IV Const.*, ii, no. 262.

⁹² There was also approved the appointment of the brother of the king of Portugal as 'coadiutor et conservator regni' because of the inadequacy of the king himself, 'Vita Innocentii IV', ed. Panotti, p. 96; Peters (1970).

and irrevocable, even if the guilty party came to repentance. Hence Innocent IV's instruction to the electors to proceed immediately to choosing another emperor-elect.

Finding successors to Frederick's two monarchies proved lengthy and complex. In the choice of king of the Romans, the papacy at first supported the candidatures of ambitious princelings: Henry Raspe (d. 1247) and then William of Holland (d. 1256). Thereafter the European powers began to involve themselves: Alfonso X, king of Castile, and Richard of Cornwall, brother of the king of England, both managed to have themselves elected king of the Romans in 1256 and 1257 respectively. The interregnum came to an end with the uncontested recognition of Rudolf of Habsburg (1273–91) in that office, vigorously backed by Gregory X. But no king of the Romans was to leave Germany for Rome and imperial coronation for the rest of the thirteenth century.

This in itself did not remove the danger which haunted the papacy and lay at the root of the clash with Frederick II, ultimately making any *modus vivendi* impossible. This was the union of empire and kingdom of Sicily, dreaded as a threat to papal ecclesiastical and territorial autonomy when both northern and southern Italy were controlled by the same ruler, considered hostile and untrustworthy. Each of Frederick's surviving sons, Conrad IV (d. 1254) and Manfred (d. 1266) and even a young grandson, Conradin (d. 1268), kept alive the hopes of their dynasty. Most threatening was Manfred, crowned in Palermo in August 1258 and as his power in the south grew, extending his ambitions into the city of Rome, Tuscany and Lombardy and expressing claims over imperial lands. The papacy excommunicated him and adapted the recruiting attractions and techniques of the Holy Land crusade to raise soldiers and money to combat him. Manfred became the especial target of the 'political' or 'Italian' crusades, themselves a logical application of the papacy's view of the crusade as any holy war it authorised as such.⁹³ The really urgent need, however, was to find a credible and effective opponent to Manfred.

For its choice as king of Sicily the papacy had cast its net widely. In 1255 it enfeoffed Edmund, second son of Henry III. Since he was still a boy, it was scarcely an immediate solution to the problem and foundered when it proved ruinous to the finances of the king of England and the political stability of his country. It was not until 1264 that Urban IV found a champion who was to prove successful against Manfred. This was Charles of Anjou, brother of Louis IX. It was quite a coup to secure the backing of the most powerful royal dynasty in Europe. Charles of Anjou, his Italian crusade largely financed by taxation of the French Church, soon put paid to the Hohenstaufen. But there were risks in adopting as Sicilian client a man as strong and ambitious as Charles. The papacy did its best to minimise them by insisting on Charles

⁹³ Housley (1982).

accepting strict conditions of tenure before investiture as king of Sicily.⁹⁴ The terms of the agreement negotiated dealt first with matters of the timing, finance and logistics of his future campaign in Italy. But there were weightier matters to be settled. Those papal Italian interests which the Hohenstaufen had so endangered had to be spelled out anew, and respect for them guaranteed, to constitute the terms on which the Sicilian kingship was to be held.

First, there had to be acknowledgement of the territories and boundaries of the Papal State as the papacy defined them. Charles was to be totally excluded from holding any office or possessing any territory therein. Then he had to recognise the pope as his suzerain to whom he owed liege homage for his kingship. An annual census was owed; penalty for failure to pay it within two months was excommunication. Further, the Sicilian Church was to have all its liberties – in episcopal elections, operation of the ecclesiastical courts, clerical privileges. The laws of Frederick, Conrad and Manfred that appeared to challenge ecclesiastical liberty were to be repealed. Above all, there must be no union of empire and kingdom. Neither Charles nor his heirs might ever be candidates for the empire or German kingship or lordship of Tuscany or Lombardy under pain of forfeiture of the kingship of Sicily. Finally, the king of Sicily would act as the papal secular arm, providing an army for papal service at need. His oath of fidelity would bind him to act as the pope's particular protector in maintaining and defending all papal rights, helping to recover them if lost. All those undertakings were to apply to the Angevin dynasty as a whole. Penalty for breach of contract was loss of the throne.

Crowned king of Sicily in January 1266, Charles of Anjou quickly disposed of Manfred in February 1266 and had removed any danger from Conradin by August 1268. Thereafter, his reign, combined with the absence of any German intervention, ensured a relatively crisis-free period for the papacy in Italy. This was to last until revolt against Charles of Anjou in March 1282 brought the invasion of the island of Sicily by the crown of Aragon and the inauguration of a new period of papal entanglement in the affairs of southern Italy.

THE SECOND COUNCIL OF LYONS (1274) AND ITS AFTERMATH⁹⁵

The death of Clement IV in Viterbo (29 November 1268) was followed by a vacancy of two years nine months, almost certainly the longest in papal history.

⁹⁴ Text in Jordan (1909), pp. 20–6, apt comment by Runciman (1958), p. 77: 'Charles himself had no qualms, even at the exorbitant terms demanded by the Papacy. He knew he could adjust them later to suit his convenience.'

⁹⁵ Overall view of the period 1271–94: Seppelt (1931–6), III, pp. 521–87. On Gregory X: Gatto (1959). For the Council itself, Vernet (1926) and especially Wolter and Holstein (1966). Outstanding coverage of the Union issue: Grumel (1926); Geanakoplos (1959); Nicol (1961), (1962) and (1971); Roberg (1964); Gill (1974) and (1979); Hussey (1986), pp. 220–49.

None of the participating cardinals offered any explanation for the long delay. Among the many conjectures put forward, we might perhaps settle for that which puts the emphasis on personal and dynastic rivalries, probably compounded by external pressures, especially from Charles of Anjou, rather than any major clash of principle, whether political or ecclesiastical. Whatever the precise explanation, there is no good reason for acquitting the cardinals of gross irresponsibility. Only virtual imprisonment by the Viterbese at long last forced a decision out of them. Using the delegation procedure, they elected on 1 September 1271 from outside their own ranks Tedaldo Visconti of Piacenza, archdeacon of Liège, a man of proven value in the middle rank of curial service. He was consecrated and crowned Gregory X on 27 March 1272. The reason for the further delay, between election and consecration, was that at the time he was chosen he was in the Holy Land. He left this region promising to do his utmost as pope for the beleaguered Christians there.

Gregory X sought to return the papacy to its classic thirteenth-century policy. His personal enthusiasm for the recovery of the holy places, which had its origins in his earlier close contacts with both the Capetian and Plantagenet courts, put the crusade back to the head of the papal agenda. Within days of his consecration, he announced to his astonished and unenthusiastic cardinals his intention of calling a general council whose primary purpose would be to organise a new initiative to restore the fortunes of the Latin kingdom and repossess Jerusalem. Union of the Latin and Greek Churches would be sought, certainly as an end in itself, but also because it held out the hope of Byzantine co-operation in the crusade. Moral reform of clergy and laity was also to be the Council's concern. When on 7 May 1274 Gregory X formally opened his Council, and chose the same text for his inaugural sermon as had Innocent III in the Lateran in 1215, he was making clear the source of his inspiration. When Gregory chose Lyons for the Council rather than Rome, it was not, as it had been for Innocent IV, as refuge from a hostile emperor but because it seemed more advantageous to the cause of the crusade to hold it closer to where he expected the bulk of his support. He was looking particularly to three kings who had already seen active service as crusaders: Charles of Anjou, Philip III of France and especially Edward I, with whom he had served in the Latin kingdom.

At the opening of the Council, Gregory reiterated its triple aim: relief to the Holy Land, union with the Greeks, reform of the Church.⁹⁶ His own deep commitment to the crusade shone through *Zelus fidei*, the Council's compendium of crusading preparations promulgated in the second session (18 May

⁹⁶ Primary sources: *Brevis nota*, in G.D. Mansi, *Sacrorum conciliorum nova at amplissima collectio*, 31 vols., Paris (1900–), xxiv, cols. 61–8; Franchi (1965); constitutions, *COD*, pp. 285–307.

1274). The decree in its specific instructions was largely based on Lateran IV's *Ad liberandam*, but Gregory X vivified its tone with his personal testimony to the sufferings of Christians, the insults to Christianity which he had witnessed; crying out for vengeance he called urgently for the liberation of that land which Christ had consecrated with His blood in the cause of mankind's redemption. Much of the decree was concerned with finance. No more than Innocent III was Gregory X seeking to rouse any mass exodus of unsoldierly pilgrims from Europe to Jerusalem. Christendom as a whole participated by prayer and cash: the manner and style of crusading was undergoing significant changes. The money was to go to provide the means whereby a specialist task force would do the actual fighting. To this end some financial arrangements had already been carefully secured. Between the first and second sessions of the Council, the pope and cardinals systematically obtained from representatives of each ecclesiastical province agreement to a crusading tenth to be levied on all clerical revenues for each of six consecutive years.

The task of persuading Europe's kings and aristocracies to launch themselves against Islam yet again had still to bear fruit. One ruler, however, was quick to promise troops, money and supplies for the crusade. This was the eastern emperor, Michael VIII Palaiologos.⁹⁷ His decision was remarkable in that the Greeks had never shared the western European concept of the holy war; nor had their experiences of crusading armies been such as to persuade them to do so. But it was not so much Michael VIII's commitment to the crusade which was remarkable, as the very presence at Lyons of an official Greek delegation, a delegation moreover mandated to accept Roman terms for the healing of the schism between the Latin and Greek Churches. For the Greeks were still recovering from almost sixty years of western occupation, with the empire parcelled out among the Latin invaders, its glorious capital ransacked and a usurping Latin patriarch and emperor until recently established therein. With this traumatic humiliation the papacy was fully identified.⁹⁸ The diversion of the Fourth Crusade to Constantinople in 1204 had not been made on papal orders nor even with tacit papal connivance. But the papacy had warmly welcomed the results of the diversion: 'the work of God, wonderful to our eyes', claimed Innocent III. For Innocent believed, and his view remained the characteristic standpoint of the curia, that it was the Greeks who bore the responsibility for the schism between the Churches – they had left the unity of the apostolic see to make another Church for themselves. It was the Greeks who had rent the seamless garment of Christ. And now with the seizure of Constantinople and the establishment of a Latin empire and a Latin hierarchy, they had been given the opportunity to return to unity 'like a daughter to her mother'.

⁹⁷ Geanakoplos (1959), p. 287.

⁹⁸ Gill (1973) and (1979), pp. 27–32.

It had not of course worked out like that. The existence of the Latin empire and patriarchate of Constantinople widened rather than bridged the gulf dividing the eastern and western Churches. But the Latin empire proved feeble, inefficient and inadequately supported by the west. It must have fallen long before July 1261 had the Greeks been able to present a united front against it. The papacy was reluctant to acknowledge the finality of the loss of Constantinople. Its initial reaction was to preach a crusade for its recovery. Nothing came of this. But Michael VIII was alert to the potential threat from the west; and, recognising the importance of the papacy as launcher of crusades, he responded immediately with a first version of what became his policy towards the papacy for the rest of his reign: to hold out the prospect of union between the Churches in return for the recognition of the restored Byzantine empire and a papal veto on any attempts to reinstate a Latin emperor.

The military threat from the west became suddenly more real with the consolidation of Angevin power in Italy and the rapid consequence of it: the steady build-up of Charles of Anjou's ambitions to reimpose Latin rule in Constantinople.⁹⁹ Fifteen months after the defeat of Manfred, his intentions were made clear beyond doubt. He reached an agreement with the dispossessed Latin Emperor Baldwin, his son and heir Philip of Courtenay and William of Villehardouin, still clinging to his principedom of Achaëa against the attempts of Michael VIII to drive the Latins completely from the empire.¹⁰⁰ They declared themselves ready 'to take on the sacred work of restoring the noble limb cut off by the schismatics from the body of our common mother, the Holy Roman Church'. The resultant treaties, underwritten by Pope Clement IV and actually signed in the papal palace at Viterbo in May 1267, would have made Charles of Anjou the effective controller of a restored Latin emperor, had the plans come to fruition.

At the same time as Clement IV was supporting Charles of Anjou, he was offering Michael VIII an escape route.¹⁰¹ Already in March 1267, responding to Michael's overtures, he was offering terms. He held out the prospect of political understanding but insisted that union of the Churches must precede it. Union could only be said to exist when both Churches were at one in the faith they professed. Hence he despatched the text of a profession of faith, adherence to which by the emperor, the Byzantine Church and people was the necessary precondition of political negotiation. The bulk of the articles of this profession concerned shared dogma and was uncontroversial. But the document was notable for its emphatic assertion of the Roman position on issues long considered to be points of difference between Rome and Constantinople:

⁹⁹ Excellent coverage of the rivalry of Charles and Michael, Geanakoplos (1959), pp. 189–237.

¹⁰⁰ Geanakoplos (1959), pp. 197–9.

¹⁰¹ On Clement IV's attitude to the Greeks, Gill (1979), pp. 112–19.

the theology of the Trinity with particular reference to the procession of the Holy Spirit from the Father and the Son; the doctrine of Purgatory; the use of unleavened bread in the Eucharist; and papal primacy. It was clear from both the text and from Clement IV's covering letter that here was no creed agreed by two equal Churches having searched together for a basis of agreement. Rather it was 'the mother and mistress of all Churches' articulating the faith for an errant daughter whose return to obedience was being demanded. The profession contained a succinct summary of the doctrine of papal primacy as it had come to be formalised by thirteenth-century popes and their theologians and canonists. Characteristically juridical in formulation, its essence lay in the term 'fullness of power' (*plenitudo potestatis*), applied at the same time to the general concept of papal headship and to its more restricted application as an expression of papal jurisdiction relative to other episcopal sees; in this case, we see asserted the claim that the Roman Church was the source of the jurisdiction and privileges of all other episcopal, including patriarchal, sees. This concept carried with it the authority to decide disputed articles of faith, and, in the ecclesiastical order, to act as a universal court of appeal. There is no thirteenth-century text that states more clearly how the papacy understood its own jurisdiction in this period:

This holy Roman Church possesses highest and fullest primacy and authority over the whole universal Church, acknowledging in truth and humility that it has received it with fullness of power from the Lord himself in St Peter, chief and head of the Apostles, of whom the Roman pontiff is successor. And just as the duty of defending the truth of the faith lies more heavily on it than on others, so if any doubts about the faith should arise, they must be referred to its judgement for settlement. Anyone who is oppressed may appeal to it in those matters which belong to the ecclesiastical forum and recourse may be had to its judgement in all cases where ecclesiastical judgement is appropriate, and all Churches are subject to it and their prelates give it obedience and reverence. In this respect fullness of power means that it admits other Churches to a share in the pastoral charge; many of which, and especially the patriarchal Churches, the Roman Church has honoured with various privileges, saving always its own prerogatives as established both in general councils and otherwise.¹⁰²

¹⁰² 'Ipsa sancta Romana ecclesia summum et plenum primatum et principatum super universam ecclesiam catholicam obtinet; quem se ab ipso Domino in beato Petro apostolorum principe sive vertice, cuius Romanus pontifex est successor, cum potestatis plenitudine recepisse veraciter et humiliter recognoscit. Et sicut prae ceteris tenetur fidei veritatem defendere: sic et si quae de fide subortae fuerint quaestiones, suo debent iudicio definiri. Ad quam potest gravatus quilibet super negotiis ad ecclesiasticum forum pertinentibus appellare: et in omnibus causis ad examen ecclesiasticum spectantibus ad ipsius potest iudicium recurri: et eidem omnes ecclesiae sunt subiectae, ipsarum praelati obedientiam et reverentiam sibi dant. Ad hanc autem sic potestatis plenitudo consistit, quod ecclesias ceteras ad sollicitudinem partem admittit; quarum multas et patriarchales praecipue diversis privilegiis eadem Romana ecclesia honoravit, sua tamen observata praerogativa tum in generalibus conciliis, tum in aliquibus aliis semper salva.' Denzinger (1911), p. 204.

It was fear of Charles of Anjou and his unbounded ambition that stopped Michael VIII winning easy popularity with his subjects by rejecting out of hand so emphatic a Latin position on the disputed doctrines and so uncompromising a statement of papal primacy. Following the Viterbo treaties of 1267, Charles lost no opportunity to press ahead with preparations for an attack on Byzantium: consolidation of territories across the Adriatic, alliance with western powers with something to gain from a restored Latin Empire, agreements with Balkan powers to encircle the Byzantines, even reaching out to the Mongols. He had his best opportunities during the protracted vacancy following Clement IV's death. The accession of Gregory X, however, with his determination both to achieve union with the Greeks and obtain their cooperation in a new crusade, checked his plans. Michael VIII now had his chance to make the temporary check permanent. Hence his support for the crusade. Hence the presence at Lyons of a Greek delegation briefed to communicate the emperor's acceptance of Clement IV's profession of faith and the Greek Church's acceptance of Roman primacy. 'It was clear that the emperor sought union only for fear of Charles', wrote the well-positioned contemporary Greek observer, Pachymeres, 'otherwise it would never have entered his mind.'

Michael VIII did not find it easy to persuade his clergy and people to share his conviction that defence against the Angevin threat was worth the price being demanded. He argued that union involved only three concessions, none of which would matter very much in practice: recognition of papal primacy in principle (phrased in very general terminology); of the papacy's appellate jurisdiction (which distance would nullify); commemoration of the pope in the liturgy (hardly an affront to Orthodoxy). But this was too pragmatic an approach for the majority of Greek churchmen. Compromises with the faith, no matter how politically expedient, were unacceptable. To agree even to Michael's minimalist concessions would still amount to tolerating heresy (the matter of *filioque*) and blasphemy (the Latins adding it to their creed), while to accept papal primacy, however vague the formulation of the principle, ran the grave risk of the introduction of Latinising innovations into the deeply cherished practices in worship and discipline of the Orthodox Church. And there was, of course, always the memory of the humiliations inflicted by Latin conquest and occupation to influence emotion. The opposition was strong enough to force Michael VIII to resort to the imprisonment and public humiliation of its leading spokesmen. By February 1274 he concluded he had mustered enough support from his bishops – at most some 40 out of 144 – to confirm to Gregory X that a Greek delegation would be going to Lyons.

It arrived there on 24 June to be greeted in ceremonial friendship by the

whole body of the Council and the kiss of peace from Gregory X.¹⁰³ On the feast of Saints Peter and Paul (29 June) Gregory X celebrated High Mass at which the creed was sung in Latin and Greek with the controversial phrase and addition *qui ex patre filioque procedit* sung three times by all present, including the two leading Greek prelates, the former patriarch Germanos and Theophanes, metropolitan of Nicaea.¹⁰⁴ On 6 July Gregory opened the Council's fourth session with an address welcoming the Greeks and the union about to be accomplished. He allowed himself a note of personal satisfaction that he had confounded the sceptics ('just about everybody') who had doubted whether the Greeks would ever put in an appearance. He did not, however, change sceptical opinion when he averred that the Greeks came from purely spiritual reasons, without ulterior reasons in mind.¹⁰⁵

The Greek delegation had brought three letters, acceptance of which by Gregory X after they had been read in Council in Latin translation constituted the making of the union. The first was from the emperor himself and endorsed his unqualified acceptance of the profession of faith first sent to him by Clement IV and thereafter by Gregory X. He went on to make a request which even the pro-unionist minority of his bishops had made a condition of their co-operation – that the Orthodox Church should be allowed to continue to recite the creed as it had always done, and that it should retain all its other long-established rites and usages, none being against the faith. A second letter communicated the agreement of Michael's son, the future Emperor Andronikos II, with his father's position. The third was the letter of the unionist Greek bishops. Even they apparently could not bring themselves to accept the profession of faith in its entirety; their letter ignored it and made no reference to Trinitarian theology, nor to any of the other points of difference between the Churches to which the papacy had been requiring adherence. They did, however, acknowledge their acceptance of the

¹⁰³ 'Omnes prelati qui erant in concilio cum familiaribus suis, camerarius cum tota familia pape, vice-cancellarius et omnes notarii, et omnis familia cardinalium, exiverunt eis obviam, et eos usque ad palatium domini pape honorifice conduxerunt: qui ab eodem domino papa stante in aula eiusdem palatii cum omnibus cardinalibus, et multis prelatiis, ad pacis osculum honorifice recepti: et eis representaverunt litteras imperatoris Graecorum bullatas bulla aurea, et alias litteras prelatorum, et dixerunt in praesentia domini pape, quod veniebant ad omnimodam obedientiam sancte Romane ecclesie, et ad recognitionem fidei, quam ipsa ecclesia tenet, et primatum ipsius, etc.' *Brevis nota*, col. 64.

¹⁰⁴ '... et quando ventum est ad illum articulum, *Qui a Patre, Filioque procedit*, solemniter, et devote ter cantaverunt'. *Brevis nota*, p. 65.

¹⁰⁵ '... post cuius sermonem dominus papa allocutus est concilium, narrans predictas tres causas vocationis concilii, et dicens qualiter contra opinionem quasi omnium, Graeci libere veniebant ad obedientiam Romane ecclesie, profitendo fidem, et recognoscendo primatum ipsius, nihilque temporale petendo: de quo multum dubitatur'. *Brevis nota*, col. 65.

concept of papal primacy, though in a minimalist and very general form – conceding only ‘whatever our fathers showed to those who ruled the Apostolic see before the schism’ and not the doctrine of plenitude of power enunciated in the profession of faith. But it satisfied Gregory X (though not his successors). The session included the singing once again of the creed in Latin and Greek, with repetition of the controversial *filioque* phrase. The last stage of the union proceedings took place at the sixth and final session (17 July 1274) when a definition of the doctrine of the Trinity was promulgated. It may well have been formulated in consultation with the Greeks, informally between sessions, but there is no evidence for this. But the text can be read as an attempt to allay Greek suspicion that the Latins argued for a *double* procession of the Holy Spirit when they used the expression *ex patre filioque*, which would have been heretical. The text made it clear that the Roman Church, like the Orthodox Church, adhered unambiguously to a single spiration and thus to the unity of the Trinity.

At this last session, Gregory closed the Council. He declared himself satisfied with progress made towards the organisation of the crusade and again gave heartfelt welcome to the healing of the schism. He was less satisfied, however, with what had been achieved in reforming the Church. He declared his intention of returning to this area of concern at a later date. He was severe (again, we may detect an echo of Innocent III) on the shortcomings of bishops.

Like Innocent III, Gregory X had asked the Council in advance for advice about issues needing its attention. The decrees to a certain extent reflect this general consultation, though the last word was very decisively that of the curia. The legislation was issued in batches at different sessions of the Council, to be later tidied up at the curia and promulgated, with some additions, in final form on 1 November 1274.¹⁰⁶ The most important canons were: the Trinitarian definition already mentioned; a radical reform of the law and procedure of papal elections (*Ubi periculum*, to be considered below); and a decree designed to stop the proliferation of small, ill-organised religious groupings by limiting the number of orders of mendicants to four (Franciscan, Dominican, Carmelite, Augustinian). The bulk of the canons reflected one of Gregory’s primary pastoral concerns (as it had been Innocent III’s), that of improving the quality of the episcopate by way of improving the law governing episcopal elections and with the standards of public conduct required of bishops. There was further legislation regulating the conduct of other office holders: members of cathedral chapters, parish priests, ecclesiastical lawyers. There was also legislation on moral matters, with particular reference to usury:

¹⁰⁶ Kuttner (1949).

all in all, legislation on the pattern of Lateran IV without achieving quite the range of that reforming Council, but certainly more impressive than that of Lyons I.

The last quarter of the century did not go well for the papacy. The high expectations of Gregory X and Lyons II were to be disappointed. The planned crusade was never launched and time ran out for the remaining Christian outposts in Islamic territory: Tripoli in 1289, Acre in 1291. The union between Rome and Constantinople collapsed in a failure so abject that it could only widen the gulf between them. Gregory X's death within eighteen months of the closing of the Council followed by a succession of frustratingly short pontificates took the impetus from the revived reform programme. Mention must be made, however, in this context, of the promulgation by Boniface VIII in 1298 of the 359 decrees of a volume additional to the code of canon law (*Liber Sextus*). It formed a significant contribution to the reform process.

The union of Lyons failed because it did not command the support of the Greek Church and people. It was seen in Byzantium, intellectually, as a betrayal of Orthodoxy and, emotionally, as a sell-out to the Latin aggressor. The more Michael VIII resorted to imprisonment, torture and mutilation to enforce it, the more the Greeks were steeled to reject it. Opposition to the union, present in the imperial family itself, commanded the support of the majority of the Greek bishops and parochial clergy and the whole body of the monks, the most powerful propagandists for its rejection. In the face of such widespread hostility, it is difficult to see how Michael's appeasement policy could have succeeded, even if the papacy had handled his situation with imagination and sensitivity. But it did not. The sceptics, those in the curia who had always distrusted Michael, momentarily silenced by Gregory X's apparent success at the Lyons Council, dictated policy after his death.¹⁰⁷ Papal policy now was to exert continuous pressure on Michael to complete the union by securing the sworn adherence to it of the whole of the Greek clergy. In urging this, the curia was asking more than had Gregory X. There were further demands of which that requiring the addition of *filioque* to the creed in Greek use was the most resented and resisted. It was a demand guaranteed to confirm all earlier Greek fears that they were being asked to be Latinised in an accommodation with heresy and blasphemy.

Of the popes, it was perhaps Martin IV (1281–5) who did most to frustrate the union and crusade plans of Lyons II. A former keeper of the seals (chancellor) of Louis IX, elected pope in circumstances noteworthy for the vigorous lobbying of Charles of Anjou, his Angevin sympathies were soon in evidence.

¹⁰⁷ On the post-Lyons period to the death of Michael VIII (1282), Geanakoplos (1959), pp. 277–371; Gill (1979), pp. 160–81.

Within months of Martin's election, Charles of Anjou together with the titular Latin emperor of Constantinople (his son-in-law, Philip of Courtenay) and Venice had concluded an alliance to repossess Constantinople. Their pact was signed in the papal curia, then at Orvieto (3 July 1281). This was to be followed by the excommunication of Michael VIII by Martin IV on 18 October 1281 (sentence renewed, 7 May and 18 November 1282), as a supporter of schismatics and, thus, of heretics. In March 1282 Martin authorised the diversion of crusading finance for the use of the Angevin–Venetian attack on Constantinople. On 11 December 1282, Michael VIII died, still under the papal ban. He was buried hastily by his son and successor Andronikos without the customary imperial ceremony. His rejection by the authorities of both Churches is sufficient symbol of the failure of Gregory X to heal the schism.

It is no doubt going too far to blame Martin IV solely for Christendom's failure to launch a Holy Land Crusade. Nevertheless, decisions taken by his curia made it very much less likely that the *passagium generale* would come about. The refusal to allow Edmund, the English king's brother, to function as an alternative leader to Edward I himself seems, in hindsight, to have significantly reduced the likelihood of any English participation.¹⁰⁸ The possibility of Capetian participation was killed off by decisions owing much to Martin IV, in circumstances that had consequences for future papal policy in Italy.

In March 1282, even as Martin IV was increasing his support for the restoration of Latin rule in Constantinople, insurrection in Sicily against Angevin rule was making this impossible. Street rioting in Palermo escalated into island-wide massacres of the French, and general revolt. The papacy was now faced with a wholly new power shift in Italian politics.

Peter III, king of Aragon, was married to a Hohenstaufen, Constance, daughter of Manfred, which ensured his long-standing interest in Sicily, an interest which Michael VIII had taken care to encourage as part of his anti-Angevin diplomacy. The Sicilian rebels had hoped to secure the support of their papal suzerain, but when Martin IV indignantly rebuffed them, they turned to Aragon. And not in vain. On 30 August 1282, King Peter landed at Trapani. Two months later Martin IV excommunicated him and in January 1283 elevated the war to eject the Aragonese from Sicily into a crusade. He went further. On 21 March 1283 he declared Peter deposed from the throne of Aragon.¹⁰⁹ Charles of Anjou, meanwhile, abetted by the pope, had been negotiating for the support of his nephew Philip III to regain the island. Following Peter's deposition, Philip was persuaded to accept the crown of Aragon for his youngest son, Charles of Valois. The expedition to implement his claim was declared a crusade by Martin IV, who agreed to finance it. The Aragonese

¹⁰⁸ Lloyd (1988), p. 234.

¹⁰⁹ Martin IV, *Reg.*

crusade proved a disaster for the Franco-papal cause. A reign which had begun with Philip III bringing back the body of his father Louis IX from one crusading fiasco ended with his own death in abject defeat on another. Both crusades had been at the other end of the Mediterranean from the Holy Land. It was not for such ventures that Innocent III and Gregory X had dreamed and planned.

The failure of Philip III's crusade was also the failure of the papacy's response to the challenge to its Italian policy posed by the Aragonese occupation of the island of Sicily. Honorius IV (1285–7) was the first pope to face this new situation. Should he recognise the *de facto* position and acknowledge the legitimacy of the rule as king of Aragon of the excommunicated Alfonso III who had succeeded his father in Peter's Spanish lands, and that of his brother, James, who had succeeded as king of Sicily? Honorius chose the Angevin option by refusing to lift the excommunication of Alfonso and by excommunicating James in turn when he had himself crowned king in Palermo in February 1286. Charles of Anjou had died in 1285. His heir was a prisoner in Aragon. When, in return for his freedom, he recognised James's claim to Sicily, the pope rejected the agreement.¹¹⁰

The curia persisted in its support for an Angevin reconquest of the island, even despite the disinclination of the Angevins themselves. It obstinately refused to tolerate any seizure of power in what it always considered to be the special Patrimony of St Peter and stuck tenaciously to its anti-Aragonese policy through thick and thin. It was to be left to Boniface VIII to bring himself to acknowledge the inevitable, and by the Treaty of Caltabellotta in 1302 to recognise Frederick of Aragon as ruler of the island of Sicily. For sixteen years the papacy had tried to restore the territory to the Angevin Charles II. The consequences of this obstinacy can be read in the papal registers. This policy dominated papal attention, a major distraction from other aspects of papal government, in a way that even in the most hectic days of the struggles with the Hohenstaufen had not happened.

There is one further setback to the Lyons II programme which must be noticed, because its non-implementation affected the history of the papacy for much of the remainder of the century. As has been seen, Gregory X's election had come only after an inordinately long vacancy for which there was no explanation other than the shortcomings of the College of Cardinals. That some reform of the electoral system was necessary to avoid any repetition of the leadership vacuum of 1268–71 had begun to be acknowledged, not least by some of the papacy's most loyal supporters: Hostiensis, senior cardinal and leading academic canonist for one, the former master-general of the Dominicans, Humbert of Romans, for another.

¹¹⁰ Runciman (1958), pp. 262–3.

At Lyons, Gregory X introduced a constitution designed to minimise delay in electing a new pope.¹¹¹ *Ubi periculum* presented itself as merely a supplement to *Licet de vitanda*. It remedied certain procedural defects which recent experience had shown up, clarifying ambiguities about absentee voters, where an election should take place, how long should be allowed to lapse before the electors settled down to business. These matters had their importance but were secondary to the main content of the new decree, the introduction of regulations designed to discourage the cardinals from taking too leisurely an approach to the matter of choosing a new pope.

The election was to take place, normally, in the palace in which the pope had been living. Within this building, the cardinals accompanied in ordinary circumstances by only one servant must come together in a single locked room (*unum conclave*), undivided by any partition or curtain. The room was to be sealed off so that no one could pass in or out. No one should have access to the cardinals nor were they allowed to receive any letters. Severance from the outside world was to be complete and automatic excommunication the penalty for anyone who sought to breach it. A small window was to be left in the sealed room through which food could be passed; it was not to be large enough for anyone to gain admittance through it. The cardinals were thus consigned to a period of uncomfortable communal living.

There followed a draconian regulation. If after three days the cardinals had reached no decision, their food was to be rationed, one dish only at each of two meals being allowed. After five days of this restricted diet, if there were still no pope elected, the cardinals would have to make do on bread, water and wine until they made up their minds. *Ubi periculum* adopted the view that the way to electing a new pope might lie through the cardinals' stomachs.

Or through their pockets. The constitution proceeded to forbid the cardinals to receive any revenue from the curial camera or from any other source. The cardinals too must refrain from concerning themselves with any business other than the election, unless some urgent matter imperilling the Church should arise which all the cardinals agreed should be attended to.

Ubi periculum frankly acknowledged that the regime of isolation and dietary restriction it envisaged required careful policing and that this could only happen if the lay power were trusted to act without taking advantage of the position of strength accorded it. The rulers of the town in which the election was to take place were to take an oath before the clergy and people of the town that they would honourably implement the constitution and that they would not coerce the cardinals beyond the limits laid down in it. There were drastic penalties for violation: the guilty would be excommunicated, declared infa-

¹¹¹ COD, pp. 240–4; *Decretales* VI 0 1.6.3.

mous, excluded from holding any public office and deprived of any lands they held of the Church. The city itself would be placed under interdict and deprived of its bishopric.

All this was too much for the cardinals. When at Lyons they were presented with the text of *Ubi periculum* (it would seem that Gregory X had not taken them into his confidence when drawing it up) they rejected it and began intensive lobbying of the bishops at the Council to persuade them to combine in opposition. But Gregory X was a match for them. Calling before him the bishops by turn in their national hierarchies, he explained what he was about and secured their support, their seals affixed to the text being evidence of it.¹¹²

Ubi periculum thus became the law of the Church, though the College of Cardinals had not reconciled itself to acceptance of it. On the death of Gregory X, the new electoral rules were applied and Innocent V was elected within the day. But he suspended the constitution on grounds of its severity, declaring his intention of replacing it with a more acceptable reform decree. He died before this could be done and his successor, John XXI, renewed the suspension.

Within the eighteen-year period when *Ubi periculum* was in abeyance, there were seven papal elections. For some four years of that period, the papacy was vacant. This included a vacancy of twenty-seven months (4 April 1292 – 5 July 1294) marked by infighting among the cardinals of a particularly irresponsible kind, and was concluded by the most patently unsuitable appointment made in the thirteenth century. The election of Celestine V proved that for a head of the Church, personal sanctity was not enough. It needed to be matched by qualities appropriate for rulership, which (despite some attempts to ascribe political sense to him) most historians insist Celestine sorely lacked. Incapable through old age and inexperience in the world of affairs, a pawn in the hands of the Angevins, he spent his pontificate immured in Naples; but after five months of mounting personal anguish and approaching chaos in papal

¹¹² ‘... dominus papa ostendit cardinalibus constitutionem quam fecerat super electione Romani pontificis, per quam orta est dissensio inter eum et cardinales in privato, que postmodum venit in publico. Nam dominus papa vocavit prelatos sine cardinalibus et vocavit prelatos [Mansi reads ‘cardinales’] per nationes et cardinales in consistorio. Omni die conveniebant sine papa, et similiter allocuti sunt aliquos prelatos super constitutione prefata in consistorio: et rogaverunt, quod si dominus papa eorum assensus requireret super ipsa constitutione, quod non darent diffinitivum consilium, vel consensum, donec rationes ipsorum audirent, et similiter multi ex cardinalibus per nationes vocarunt prelatos in domibus suis, petentes ab eis consilium quid esset super hoc faciendum, et auxilium si necesse esset, modo predicto. Et dominus papa similiter vocatis prelati, ut supra dictum est, et exposita intentione sua, prius iniunxit eis in virtute sancte obedientie sub excommunicationis poena, quod nemini revelarent illa que audirent, et viderent, et facerent tunc ibi cum eo. Et fecit eos consentire illi constitutioni, et mandavit, quod singuli sua sigilla apponerent constitutioni predictae, quod et fecerunt. Nam facte sunt schedule per regna et provincias, quibus omnes prelati sua sigilla apposuerunt.’ *Brevis nota*, cols. 66–7.

government, he had the strength to abdicate, insisting that *Ubi periculum* be enforced in the election of his successor.

THE ATTACK ON POPE BONIFACE VIII, 1297–1303

That successor was Boniface VIII, chosen within twenty-four hours of the conclave being organised in the Castel Nuovo of Naples. He brought to his appointment a lifetime of varied curial service – since the 1260s with thirteen years' membership of the College of Cardinals – and a reputation of being its outstanding canonist. His experience of the whole range of papal government, his strong personality and independence of mind were needed by a papacy whose continuity and quality of leadership had suffered much by the unusually high number of short pontificates of recent decades: eight in eighteen years between the death of Gregory X (10 January 1276) and Boniface's own election (24 December 1294), compounded by the cardinals' too frequent failures to ensure quick succession and by the disastrous pontificate of Celestine V. Any such hopes of a revival of Innocentian-style papal government, however, were doomed to bitter disappointment.

The use of general councils as a major instrument of policy was a characteristic feature of thirteenth-century papal government, as has been seen. In the course of the century, however, an alternative view of the role of the general council had made its appearance. As already mentioned, in April 1239 Frederick II responded to his second sentence of excommunication by calling on the College of Cardinals to summon a general council before which he claimed he would establish Gregory IX's unworthiness to continue as pope. The idea that appeal against the fitness of a pope to rule lay to a general council was no novel and bizarre constitutional theory.¹¹³ Innocent III himself had acknowledged that a pope in heresy had disqualified himself from office. But whereas he had been silent as to how such a pope could be removed, the academics who taught in the university faculties of canon law were not. It was orthodoxy with them that a heretical or incorrigibly scandalous pope should be deposed, and that the appropriate place for his unsuitability to rule to be established and publicly declared was in general council, the College of Cardinals being the logical choice of institution to initiate the procedures necessary for the summoning of the council. Frederick II's gambit was unsuccessful. But the constitutional doctrine on which it was based had not been discredited.

Boniface VIII raised such enmities against himself that the forces seeking to arraign him before a general council had no precedent in papal history. The strength of these attacks overshadows all else in a pontificate which for all its

¹¹³ Von Schulte (1871); Martin (1937); Tierney (1955); Sieben (1984).

diplomatic failures was otherwise conventional enough, not least in the quality of his legal work, epitomised in the admirable *Liber Sextus*. What made these extraordinary assaults on his credibility as pope even more remarkable was that they came from sources where normally the papacy could look for its strongest support: from within the College of Cardinals, which had elected him and from the established champion of the Roman Church against heresy and in crusading endeavour, the Capetian monarchy.

The first demand for a general council to bring him down came from Cardinals Giacomo and Pietro Colonna.¹¹⁴ The structure of the Roman Church had always harboured a potential danger, now actualised. So long as cardinals were created and popes chosen from Roman families with an eye to the government of the City and the Papal State, there was always the possibility that the dynastic feuds and territorial rivalries of these families would be fought out in the papal curia itself, charging papal affairs with the bitterness of petty personal hates. There can be little doubt that such enmities had played their part in prolonging vacancies in the papacy in the second half of the century. But it was in the pontificate of Boniface VIII that the danger was most fully manifested.

Cardinal Benedetto Caetani had already taken the lead in improving the standing of his family before he became pope. His pursuit of territorial aggrandisement, necessarily at the expense of even grander families, inevitably aroused their hostility. Colonna opposition, long-smouldering, blazed in early May 1297 when Stefano Colonna seized a consignment of Caetani money, the purchase price of another estate.

Boniface chose to regard what was essentially a clash of family interests as an attack on himself as pope, on the papacy itself. Holding the two Colonna cardinals primarily responsible for the conduct of the whole family he threatened them with expulsion from the College of Cardinals if Stefano Colonna and the chief of Colonna towns were not surrendered. This ultimatum was rejected. The Colonna cardinals responded with a denial of the validity of the abdication of Celestine V and thus of the election of Boniface VIII. They called for the suspension of Boniface as pope until a general council could be assembled and the election issue decided. The appeal to a general council was renewed in a second manifesto (16 May 1297) which added the accusation that Boniface had so ill-treated the former Celestine V as to cause his death.

The College of Cardinals rallied to Boniface, testifying that the abdication had been voluntary, the election of Boniface canonical, that the Colonna cardinals had agreed with the choice and exchanged the kiss of peace with the new

¹¹⁴ Texts of the Colonna manifestos and related documentation, Denifle (1889). Detailed examination of Colonna–Caetani clash, Boase (1933), pp. 159–85, 252–3.

pope. They associated themselves with the sentence expelling them from the College and the excommunication of all the Colonna. Before the end of 1297 papal legates throughout Italy were preaching a crusade against them.

The Colonna communicated their accusation against Boniface and their demand for a general council to France: to the University of Paris by open manifesto, to Philip IV by confidential letter. The Manifesto (15 June 1297) made a clear bid for the support of the lay power by playing on French political sensitivities, and by accusing Boniface of boasting that kings and kingdoms were subject to him even in temporal matters. But for the present, after Boniface had been forced to back down in a dispute with Philip IV over his taxation of the clergy, there was peace between France and the papacy, an accord solemnised by the canonisation of Louis IX on 11 August 1297.

This peace did not last. In July 1301 after the arrest of Bernard Saisset, the bishop of Pamiers accused of treason, Boniface sought to bring to bear on Philip IV the full coercive force of the sacerdotal power for what he saw as a gross violation of ecclesiastical liberty. *Ausculat fili* (5 December 1301) listed the violations of ecclesiastical liberty, beginning with the arrest and incarceration of Saisset of which Philip was accused, asserted the papal right as head of the Church to judge the conduct of rulers and summoned the French bishops and prominent churchmen to a Council in Rome which would discuss and advise on 'what would seem to us profitable to the honour of God, of the apostolic see, to the promotion of the Catholic faith, the preservation of ecclesiastical liberty, the reform of the king and kingdom, the correction of abuses and the good government of the kingdom'.¹¹⁵

It was an imprudent challenge.¹¹⁶ Boniface's case was far from strong. Philip IV released Saisset and sent him off to Rome. To the remaining charges of violations of ecclesiastical liberty which covered numerous issues concerning royal jurisdiction over clerical persons, courts and property, the king could and did reply, quite fairly, that in principle he was doing no more than conform to established usages as they were understood by his saintly grandfather whose example he was following. If it were found that royal officials had overstepped the agreed limits of royal jurisdiction he would correct them. But the weakness of Boniface's position went further than the ground on which he had elected to challenge the French king. Papal success in bringing Philip to account depended on the French Church, or at least a substantial part of it, putting obedience to the pope before fidelity to the king.

¹¹⁵ '... que ad honorem Dei et apostolice sedis, augmentum catholice fidei, conservationem ecclesiastice libertatis, ac reformationem regis et regni, correctionem preteritorum excessuum, et bonum regimen regni eiusdem viderimus expedire'. *Reg. Bonif. VIII*, no. 4226.

¹¹⁶ On the clash between Philip IV and Boniface VIII, the collection of documents (Preuves) in Dupuy (1655), Rivière (1926) and Digard (1936), remain indispensable. See also Favier (1978), pp. 250–88, 316–93; Strayer (1980), pp. 237–9; Watt (1988), pp. 399–410.

The pope commanded the French higher clergy to come to Rome to attend the Council. The king forbade their attendance. The French bishops urged Boniface to abandon his project, pleading its inopportuneness at a time when lay hostility to the clergy was so intense. Boniface denounced their pusillanimity and stuck to his plan. Compromise was far from his mind. In a speech to French ambassadors in consistory at Anagni (24 June 1302), he made a violent personal attack on Pierre Flotte, whom he saw as the evil genius poisoning the king's mind against himself, asserted papal supreme jurisdiction over every Christian by 'reason of sin' (*ratione peccati*), making its political relevance clear with the menacing warning that just as his predecessors had deposed three kings of France, so a king guilty of as much as they had been, and more, might be deposed 'like a stable-boy' (*sicut garcionem*).¹¹⁷

In the event the Rome Council which met in early November 1302 was an anti-climax. The French bishops, by far the majority, whose *temporalia* could be sequestered by royal officials and otherwise readily be pressurised in the king's interest, conspicuously absented themselves. The attendance was virtually confined to bishops in the southern regions, distanced from royal control – thirty-nine bishops (including six already in Rome) out of a total of seventy-nine. If there was any examination of Philip's conduct at the Council or any move towards his excommunication, nothing was made public. What was promulgated later in the month (18 November 1302) was a document, *Unam sanctam*, into which Boniface had distilled the totality of his understanding of papal prerogatives, especially in relation to the lay power.¹¹⁸

For each of its individual propositions, Boniface could claim respectable intellectual ancestry: Hugh of St Victor, Bernard of Clairvaux, Thomas Aquinas and much of the antecedent canonist tradition had all contributed to its formulation. But in its totality, it was an unqualified extreme statement of papal monarchy, fashioned to overawe the disobedient by sheer weight of sacerdotal authority. This it was to do especially with its climactic declaration: 'Moreover we declare, state, determine and pronounce that it is wholly necessary for salvation for every human creature to be subject to the Roman pontiff.' In other words, he who disobeys the pope risks eternal damnation. The bull began with ecclesiology, positing the essential unity of the Church, 'outside of which there is neither salvation nor forgiveness of sins', one body whose head was 'Christ and his vicar Peter and Peter's successor'. The premise was thus established from which the conclusion was to follow. The logic was pursued through more directly political argumentation. The 'two swords' allegory was used to establish the principles of the relationship of the spiritual and temporal

¹¹⁷ Dupuy (1655), pp. 77–9.

¹¹⁸ Text: *Reg. Bonif. VIII*, no. 5382; *Decretales, extravagantes communes*, 1.8.1. Analysis: Rivière (1926), pp. 79–91.

powers. Using the formula of Bernard and Aquinas, the bull argued that both swords were

In the power of the Church, namely the spiritual and the temporal. But the one ought to be exercised for the benefit of the Church, the other by the Church; the one by the hand of the priest, the other by the hand of kings and soldiers but at the command of, and with the permission of, the priest. It is necessary for one sword to be subject to the other and the temporal to be subject to the spiritual authority.

This relationship of superior–inferior introduced a strong reiteration of what Boniface had been telling Philip IV continuously and vehemently: the spiritual power has authority to judge the temporal. The bull added, no doubt with Colonna propaganda in mind, that the temporal had no reciprocal authority to judge the spiritual.

Far from reducing the French to obedience, *Unam sanctam* incensed them, confirming them in their conviction that Boniface was trying to foist on them a new and wholly unacceptable view of the relationship of the papacy and the French crown. Their response was an offensive of a ferocity unmatched by any previous opponent of papal jurisdiction over rulers.

The storm broke over Boniface at a Louvre assembly in March 1303, when Guillaume de Nogaret denounced him as a criminal – a heretic, simoniac, usurper of the papal office – called for his immediate suspension and for Philip to summon a general council to condemn him and provide the Church with a legitimate pastor. At a second Louvre assembly held in June, Guillaume de Plaisians repeated the demand for a general council to end Boniface's reign, further blackening his name with a concoction of twenty-nine crimes of which he was held to be guilty.

That the French were in earnest about a general council was soon made manifest. Before the end of June, the bishops in Paris for the assembly, the University of Paris, the chapter of Notre-Dame, the Franciscan and Dominican houses in Paris and the city itself had endorsed the appeal to a general council. Royal agents then toured the country systematically gathering signatures to the petition they had prepared calling on the king to act against Boniface.¹¹⁹ There were few refusals. Philip IV could claim the French Church and nation were solidly behind him. For the first time in European history a national Church in virtual unanimity had toed the line of its royal master in opposition to the head of the universal Church.

Common cause could now be made with the Colonna. Their help in Italy was necessary if Boniface were to be arrested and brought to trial. During the night of 7–8 September 1303, possibly in anticipation of a forthcoming excommunication of Philip, a force of miscellaneous Colonna allies, led by

¹¹⁹ In addition to Dupuy (1655), see also Picot (1901), pp. 289–480; Dondaine (1952).

Nogaret and Sciarra Colonna, brother of Cardinal Pietro Colonna, broke into the papal residence at Anagni and captured the pope.¹²⁰ Boniface resisted with dignity their demands, with threats of death, that he should abdicate. He was eventually liberated and escorted safely back to Rome. His death, no doubt hastened by shock, followed shortly, on 12 October 1303. We may perhaps allow ourselves to see in the contrast between Innocent III in the authoritative splendour of Lateran IV and the bitter humiliation of Boniface VIII, the measure of the decline of the papacy in the thirteenth century: a decline the popes at Avignon did little to halt.

¹²⁰ Beck (1947); Fawtier (1948); Melville (1950).

ABBREVIATIONS

<i>Annales ESC</i>	<i>Annales: économies, sociétés, civilisations</i>
BEFAR	Bibliothèque des Ecoles françaises d'Athènes de Rome
BIHR	<i>Bulletin of the Institute of Historical Research</i>
BN	Bibliothèque Nationale, Paris
BSOAS	<i>Bulletin of the School of Oriental and African Studies</i>
CAJ	<i>Central Asiatic Journal</i>
'CLI'	'Chronique latine inédite des rois de Castille (1236)', ed. G. Cirot, <i>Bulletin hispanique</i> 14-15 (1912-13)
COD	<i>Conciliorum oecumenicorum decreta</i> , ed. G. Alberigo, et al. (1962)
DA	<i>Deutsches Archiv für Erforschung des Mittelalters</i>
DOP	<i>Dumbarton Oaks Papers</i>
DRH	Rodrigo Ximénez de Rada, <i>Historia de rebus hispanie sive historia gothica</i> , ed. J. Fernández Valverde, in <i>Corpus christianorum continuatio mediaevalis</i> , Turnhout (1966-), LXXII
EcHR	<i>Economic History Review</i>
EHR	<i>English Historical Review</i>
EI	<i>Encyclopaedia Iranica</i>
JA	<i>Journal asiatique</i>
JEH	<i>Journal of Economic History</i>
JMH	<i>Journal of Medieval History</i>
MGH	<i>Monumenta Germaniae historica</i>
<i>Epp. XIII</i>	<i>Epistolae saeculi XIII e regestis pontificum romanorum selectae</i> , 3 vols.
<i>Leg. IV Const.</i>	<i>MGH Leges, part IV. Constitutiones et acta publica imperatorum et regum</i> , 9 vols.
SS	<i>Scriptores</i> , 32 vols.
PL	<i>Patrologiae cursus completus, series latina</i> , ed. J.-P. Migne, 221 vols., Paris (1844-)
P&P	<i>Past and Present</i>

PRO	Public Record Office, London
Reg. [with name of pope]	<i>Bibliothèque des Ecoles françaises d'Athènes et de Rome</i> , 2nd and 3rd series. <i>Registres et lettres des papes du XIIIe et XIVe siècles</i> , Paris (1884–)
RISS	<i>Rerum italicarum scriptores</i> , ed. L.A. Muratori, 28 vols., Milan (1723–51)
RISS ²	<i>Rerum italicarum scriptores</i> , 2nd series, Città di Castello and Bologna (1900–)
ROL	<i>Revue de l'Orient latin</i>
RS	Rolls Series
TCE	<i>Thirteenth-century England</i> , 7 vols.: I–V: <i>Proceedings of the Newcastle upon Tyne conference, 1985 to 1993</i> , ed. P.R. Coss and S.D. Lloyd, Woodbridge (1986–95); V–VII: <i>Proceedings of the Durham conference 1995/1997</i> , ed. M. Prestwich, R.H. Britnell and S.D. Lloyd, Woodbridge (1997–8)
TRHS	<i>Transactions of the Royal Historical Society</i>

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