The Saints

SAINT NICHOLAS I

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BY

JULES ROY

TRANSLATED BY

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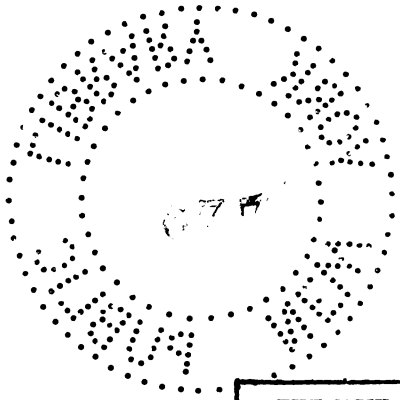

THE Publishers regret that circumstances have made it necessary for the Rev. Father Tyrrell, S.J., to discontinue for the present the editing of this Series.

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INTRODUCTION

THE studies summarised in the present volume have extended over several years, and I hope shortly to develop their results more fully, in a larger work, under the title of "Church and State under the Pontifical Government of Nicholas I."

In the present abridgment (which is to find its place in a series of biographies that have been remarkably well received), I have aimed at putting before the reader ideas personally acquired in studying a great and glorious pontificate, which has, nevertheless, been the subject of much controversy. These personal reflections I have made it my endeavour to lay before the reader as clearly as I could; and if I have introduced somewhat copious notes, I have done so unwillingly; not simply to develop my own opinions, but to enable the candid reader to check my conclusions, perhaps to dispute them, and also to put him into possession of material to carry his studies further, should he be interested in doing so. The addition of two appendices to the volume is, I hope, justified by the relation they bear to the main purpose which I have kept in view—and which I may thus describe:

Among five or six mediæval popes, in whom the conviction was strong that, as St Peter's successors,

it was their inherited duty to guide the whole Church, Nicholas I. stands out, approved or reprobated, in a controversy in which even Catholics take opposing sides. The reproach under which he rests, is that of having built his claims on a lying foundation; that is, upon the documents known as the False Decretals, or in other words, upon so-called papal decisions, some of which were altogether fabricated, others not pronounced by any occupant of the chair of Peter in the form in which the Decretals reproduce them. My aim has been to relieve the name of Nicholas I. from this reproach, by showing that, even where his teaching and the False Decretals coincide, he always derived his doctrine from sure and original sources. If I have succeeded in establishing this point, it will be apparent that the authority which has been attributed to the False Decretals, never really belonged to them, more especially as regards the Church's liberties and independence, and the preponderating influence of Her Head. These are both matters of the very essence of ecclesiastical discipline, and, in respect to them, the False Decretals introduced no changes. They did but express opinions which an uninterrupted tradition had handed down and which were to be perpetually continued.

To form a just idea of the greatness and utility of the work accomplished by Pope Nicholas I., it is absolutely necessary to know in what position the Church stood at the period; the study of that position is the purpose of the present introduction. We shall not cross the boundary line of the pontificate of Gregory the Great in seeking our materials;

the history of that pontiff is shortly to appear in this series, and to this publication we may look for all requisite information in regard to the period to which it relates.

From its original birth-place on Roman soil, the Christian religion had spread, east and west, to the remotest limits of the Empire. In the fourth century, it flourished in Persia, in Armenia, in Abyssinia, whence shortly it was to be carried into Nubia. Italy, Spain, Gaul—which at that time extended to the Rhine, Great Britain,—where the faith had penetrated into localities inaccessible to the Roman invaders,—all possessed numerous and renowned Churches. Episcopal sees were perpetually multiplying, the prevailing practice being to establish one in each city of the empire. These sees, in course of time, were grouped under the local jurisdiction of the bishop of the provincial capital, who was called the Metropolitan; but the primacy of the Bishop of Rome was regarded as the very condition of the Church's Unity, the Roman Bishop as the visible representative of that Unity, as the guardian and defender of the Church's faith and laws, as the legitimate Superior and Patriarch of all other Patriarchs. So early as 347, the Council of Sardica recognised that the deposition of any other bishop, rested finally with the Bishop of Rome.

From the close of the fourth century to the beginning of the sixth, invasions of barbarian races were laying the foundations of future nations, bringing into the empire the peoples who were to form the Europe of to-day; or, if not all those peoples, those

at least, who have impressed distinct characteristics upon the mind, morals, literature of modern Europe. Goths peopled Southern Gaul and overflowed the Iberian frontier, Franks intermingled with Gallo-Romans, Saxons pushed into Britain; other Germans and Scandinavians, not leaving the countries of their birth, remained there to hand them down to descendants who still inhabit them; Slavs and Hungarians began the movement which led them, at last, to the region between the Oder, the Danube and the Volga, where they would eventually fall under the educating influences of the West.

To Christian enterprise, these new peoples presented fresh fields of labour. Devoted men went among the pagans and taught them that they too must become members of the great Christian community.

The first German people to whom the Gospel was preached were the Goths, and this, because, preceding kindred races in their migration, they settled as early as the third century, on the left bank of the Danube. One of their bishops, Theophilus by name, sat in the Council of Nicæa.

The Arian heresy, which infected one after another of these young kingdoms, introduced religious dissensions which had disastrous results. The Ostrogoth kingdom, only twenty years after the death of its founder, Theodoric, was seized by the Byzantine Emperor; and a like fate seemed to be hanging over the Visigoths, when Recared their king, by an open declaration of Catholic orthodoxy, in presence of a mixed council of Catholic and Arian bishops,

averted the catastrophe. Two years later, the Council of Toledo sounded the death-knell of Arianism among the Goths; and, under the influence of such model bishops as Isidore, Archbishop of Seville (d. 636), and Ildefonso, the younger, Archbishop of Toledo, political and religious unity revived.

The Burgundians, who settled and founded a kingdom on the banks of the Rhone and Saône, were converted to the Catholic faith, but afterwards, under Gondebaud, they fell into Arianism. Under Sigismund, (Gondebaud's son) they returned to orthodoxy, and, with their subjugation by the Franks, the last traces of the heresy died out among them. The Vandals became Arians before they made their descent on Spain and N. Africa, but when Justinian, conquered them, their heretical violence was cut short.

Dr Funk, himself a German, thinks that the destiny reserved for the Franks outshone that of any other German people. They became Christians by the simple process of settling in Catholic territory, and the conversion of Clovis, in the event, decided the religious fate of all the peoples of kindred race; for "in a little while, he extended his rule over the Salian and Ripuarian territories, that had till then remained independent of other Franks, thus uniting all the tribes in one kingdom. The baptism of the Franks, the conversion of that great German people to the faith of the Greco-Roman world, was a momentous event which decided the final triumph of Christianity over Arianism; and if, in the sixth century, three of the German tribes forsook the

heresy, the cause that produced that effect was certainly the conversion of the Franks to the Catholic Faith." [1] The Franks exerted this religious influence over every people, successively, with whom they came in contact.

In Great Britain, the Christian religion lost some ground when Romans fled before invading Scots and Picts. But, on the other hand, there was a corresponding gain in Ireland, where St Patrick, accompanied by Gallic missionaries, no less devoted than himself, converted many of the people, trained a large body of clergy, founded schools and monasteries, and laid the foundations of that future reputation which the "Island of Saints"—afterwards to become an important factor in Christianising the Continent—was everywhere to enjoy.

Columba, an Irish monk, evangelised Scotland, and spent thirty-four years in that country (d. 597). England was converted by Augustine, an abbot whom, with forty monks, Gregory the Great had sent from Rome. Within fifty years of the arrival of this mission in Great Britain, five kingdoms of the Heptarchy had professed Christianity, the remaining two within fifty more.

Before long, England as well as Ireland sent forth missionaries, instead of only receiving them—and to these evangelists, Germany owes the foundation of her Church, the Franks the restoration of theirs. In the seventh century, Columban, an Irish monk, founded a monastery at Luxeuil in Burgundy, and evangelised the Alemanni. Two of his disciples,

[1] Funk. History of the Church, vol. i. 189, 190.

continuing and expanding the work he had begun, built monasteries at St Gall and Reichenau. From Luxeuil went out a band of monks who began the conversion of Bavaria, a work that Ruprecht, Bishop of Worms, brought to completion. Another colony of monks, this time direct from Ireland, converted the Thuringians; Willibrord, an Anglo-Saxon, the Frisians settled in the Low Countries.

But among all these evangelists, the Anglo-Saxon Winifrid, or Boniface, stands pre-eminent. The latter name, that by which he is better known, was probably bestowed upon him by Gregory II., the pope who sent him to convert the German peoples. He began his mission with no other protector than the pope, but Charles Martel, Pepin, Carloman all afterwards befriended him, and as he advanced the Christian horizon widened. Frisia and Thuringia, where, in remote recesses, paganism still lingered, were converted. Abuses had sprung up in districts evangelised by former missionaries, and to root these out, as well as to give a lasting character to his own work, Boniface founded monasteries and peopled them with monks and nuns from England. He had the genius of organisation, and he assembled frequent councils, into all of which he infused his own spirit. At his suggestion, the pope instituted the Archbishopric of Mayence, with jurisdiction over thirteen other bishoprics.

From England also, came, in the eighth century, the first missionaries who visited those Saxons whom Charlemagne had intended to convert by force rather than persuasion, and from England also

came Alcuin, the wisest scholar of his day, the great Emperor's friend and counsellor, under whose directing influence a graduated scheme of education took definite shape.

The Gospel reached Scandinavia through Saxon lands, particularly from the Bishopric of Bremen. The Danes were converted in the ninth century, Norwegians and Icelanders in the tenth, Swedes and Greenlanders in the eleventh. The Normans became Christianised in different places where their roving habits led them; as when Rollo, in 912, obtaining a grant of that portion of Neustria now called Normandy, was baptised with all his followers, and took the name of Robert.

"The expansion of Frank rule was the original cause of the conversion to Christianity, not only of the Northern, but of the Sclavonic peoples, in whose conversion, effected mainly in the period covered between the pontificates of Gregory I. and Nicholas I., the Greeks co-operated. The Croats of Dalmatia were baptised by Roman priests in 670, the Carinthians by Bavarian in the eighth century. The Moravians who, after 803, were tributaries of the Franks, were evangelised by missionaries from Passau and Salzburg. Cyril and Methodius, two Greek priests, continued the evangelisation of the Slavs. The Bohemians, whom the Franks first conquered (805) and afterwards Christianised, had been converted before the pontificate of Nicholas I. began. The Servian people were at that time pagan and Christian turn about; but the Bulgarians had settled down into Christianity, and their King

Bogoris, or, as he was named at his baptism, Michael, asked the pope to send Latin priests to join the Greek priests who were evangelising his country. It was on this occasion that Nicholas sent the famous *consultatio* to which reference will again be made. The Polish, Hungarian and Russian peoples did not form part of the great religious society of Christian Europe until the eleventh century."[1]

We have now a tolerably accurate idea of the domain, vast already, over which a pope of the eleventh century, capable of exerting his rights of primacy, had to extend his authority. But it must be remembered that while widely conquering in the West, the Gospel had encountered a formidable foe in the East, and that the coasts of Arabia, Persia, Palestine, Syria and Egypt, Carthage and the surrounding country, Barbary and Western Africa, had all been wrested from its influence. From this vantage ground, the Mussulman power was continually spreading. With the exception of one small, and perpetually threatened kingdom, the whole of Spain was under the domination of Islam. Sicily had been captured in the ninth century, and Mussulmans occupied fortified ports in Provence and Southern Italy. The Christian religion was, indeed, not utterly proscribed in the subjugated regions, and, save for Arabia,—where neither Jew nor Christian was allowed to dwell,—Christian worship was tolerated under certain restrictions. But the loss to Christianity was, nevertheless, very serious. Ecclesiastical disputes had weakened the faith of

[1] Funk, i. 346 *et seq.*

Christians before the conquerors arrived to make unsparing use of inducements to apostatize, or, not succeeding in this, to lay hold of every opportunity to be vexatious. Certain laws of the Caliphs were framed expressly to seduce Christians into apostasy, —renegades were, for instance, exempted from the poll tax, serfs and slaves on embracing Islamism were freed. Under these conditions, Christians often failed in perseverance, and, as time went on, the whole of North-West Africa became Mahomedan.

"The Church of Carthage had most vitality, but it also disappeared about 1160. Nor could the Church recoup her losses by conversions, for desertion from Islamism was a capital offence, and this penalty proved an insuperable barrier to the propagation of the Gospel. The constancy of the Christians was tested now and then by persecution. That of 850, the severest they ever underwent, they were not wholly innocent of provoking. Some of them had insulted the Prophet publicly, a crime the law punished by death; others had gone out of their way to court martyrdom. The Council of Cordova, two years later, commanded Christians not to go before magistrates to make profession of their faith, unless summoned. But the prohibition was at first only reluctantly obeyed. Eulogius of Cordova, afterwards Archbishop of Toledo, and his friend Alvar, did all they could to keep alive the spirit of rash zeal, and only when Eulogius himself died a martyr's death, did the storm begin to calm down on either side.[1]

[1] Funk, i. 195, 196, 357, 358.

The word conversion, so often used in these pages, must not be understood in a misleading sense. The change was not a transformation of life and habits; it was generally only one of faith or religious beliefs. The neophytes, albeit Christian, were still barbarian, and this state of things lasted for a very long period. Debauch and strife were, in the Merovingian family, for instance, rampant, and those who depended for their very existence on the Church, did not hesitate to rob her of her worldly goods, and to respond to the censures of her bishops by exile. But in spite of this, and of every loathsome detail of cruelty, and other vice, recorded by old chroniclers, a moral improvement had set in: it was slowly and surely making its way, and, at last, the change for the better became a palpable fact that must always be reckoned among the Church's triumphs. With marvellous adaptation to each and every situation, she taught, supported, raised her rude converts, making them better men by encouraging the good that was in them and punishing the evil; and, such was the success of her mission, that, in her, the nations were comforted. But she wisely recognised the difficulties of her task. The society she had to mould to Christian morality was composed of ignorant barbarians and corrupt Romans; and it would have been folly to expect that men such as these, should at once, and for ever, forsake every savage or pagan habit, every superstitious usage, their vindictiveness and cruelty, their brutal instincts and sensuality, and their predilection for robbery and pillage. She set in

motion every means at her disposal to win her victories, she sent out preachers, taught penance, instituted the religious life, established new festivals with solemn pomp, and surrounded her worship with majesty.

The idea of religion enters essentially into the composition of the German intellect; but, although predisposed by this tendency to receive Christian teaching, the German peoples were far from being able, at first, to grasp more than elementary notions of what the Gospel teaches. They could, to some extent, understand about God, about man's duty to his neighbour, about the immortality of the soul, and eternal happiness in heaven, or eternal misery in hell. But the doctrines that are of the very core and essence of Christian teaching, justification in Jesus Christ, grace, these were doctrines above their comprehension. The plan usually adopted was, not to abolish national customs, but to give them a Christian direction. Thus, hymns that had been sung hitherto in honour of heroes belonging to the era of national mythology, were not done away with; they were only transformed by substituting the names of Christ, the Virgin, St Martin, for those of the divinities of the place. It was sought to give a Christianising tendency to pagan prejudice, and even to idolatrous customs; as, for instance, in adding the tests of Communion and the Cross to the judicial ordeals of fire and water. But divination, fortune telling, amulets, philtres, conjuration, magic, sorcery, belief in were-wolves and in witches that devoured men alive, were perpetually condemned in

the synods that were held in every direction. These condemnations were enforced in the short sermon during Mass, which, even then, was always part of the Sunday morning office; and additional weight was sometimes given to them by their embodiment in laws formulated by the civil power.[1]

A moral reformation had to be effected that required for its agents men of skill and learning, but, first of all, of austere life. The deficiency of the eighth century clergy may be estimated by the fact that it had been found necessary to reduce the standard of qualifications for the priesthood to ability to recite the Apostles' Creed, the Pater, and the forms of administering the Sacraments; these

[1] "The Church at first tolerated ordeals, but not without seeking to surround them with guarantees. Some ten Provincial Synods, from the eighth to the twelfth centuries, formally approved the ordeals of red-hot iron and water. In the ninth century, ordeals were vigorously attacked by Agobard of Lyons, but Hincmar of Rheims opposed him. The papacy made no formal pronouncement against all and every kind of ordeal, until the twelfth century.

"Judicial duels never were sanctioned by the Church; and in the ninth century they were condemned by councils, popes, and the most distinguished doctors and bishops. In 855, the Council of Valence pronounced canonical penalties against that particular form of ordeal. In 867, Nicholas I., and twenty years later Stephen V. (or VI.), and, still later, Alexander II., each in turn protested against it. But it was not absolutely prohibited until the twelfth century, and then it fell altogether into disrepute.

"Nicholas I. had to contend against superstition that dated back to paganism, and he reproved the Bulgarians severely for the use of torture (c. 86). Gregory VII., writing to the King of Denmark, with like energy, denounces trials for witchcraft."

Krauss. History of the Church, vol. ii. 192, 193.

formularies the candidate had also to be able to translate into, and explain in, the vernacular.

But three remarkable men lived in the same century whose ideal for the clergy was that they should be the "salt of the earth," the "light of the world"; and who laboured for the fulfilment of this ideal. These were Pope Gregory I., Chrodegand, Bishop of Metz, and the Emperor Charlemagne.

The first of them, Pope Gregory, turned his palace into a seminary. Here he surrounded himself with youths and older ecclesiastics; the latter, priests who spent their declining years in devotion and study, and in educating the former to be their successors in the priesthood. Augustine and Mellitus, both trained in this seminary, took it for the model of similar institutions they afterwards founded in Great Britain. Gaul, Spain and Germany, all also copied it. The Bishop of Metz, Chrodegand, made Augustine, the Apostle of England, his model, and gathered his clergy round him, superintended their studies and gave them a worthier cast; and besides this, subjected them to the discipline of a common life and rule, in order to train them in the virtues of their state. His priests were the first called canons. They recited the canonical office together, and studied, slept, eat, in common halls.

Through the Church, the only civilising agency ready to his hand, Charlemagne proposed to raise the standards of learning and morality among the peoples of his vast Empire. But, in order to accomplish this gigantic task, he set to work first, to im-

prove the clergy which afterwards were to influence the world. He interfered in ecclesiastical matters, with an energy unprecedented in any layman. He convoked some forty councils (or assemblies to which that name may conveniently be given) for the decision of certain dogmatic questions, and for the restoration of discipline. In these assemblies were discussed the then burning questions of the worship of images, and the heresy of the Adoptiani (who held that Jesus Christ, as man, is only the adopted Son of God His Father). The capitularies of Charlemagne contain somewhere about 1100 articles, 500 of which concern religion. In that of Worms, a particularly grand one, he exhibits in reference to the reformation of the clergy, a great anxiety to keep them within the limits of their proper sphere. One custom, in particular, which often led to vicious consequences, he vigorously attacks. Bishops and abbots were in the habit of putting themselves, year by year, at the head of military bands, composed of their vassals and tenants, whom they led into battle:

"Taught by the sacred canons, and correcting ourselves, we desire that no priest march against the enemy, except it be two or three bishops chosen by the rest. . . . But these may not be armed, nor shed blood, nor spread disorder. . . . Let there be, in short, a difference betwixt priest and layman. The nations and kings, who have permitted priests to fight in their ranks, have not been victorious, for priests may not fight."

He kept a very strong hand over his clergy, and

insisted that besides the Creed, Pater and Mass Prayers, they should know the Penitentiary off by heart, understand the Homilies of the Fathers, be able to administer the Sacrament of Baptism in the proper form, and sing the Divine Office, according to the Roman rite. He held preaching to be an indispensable function of the Priestly Office, and by his command, Paul the Deacon drew up a collection of sermons for the use of those priests who could not compose their own. He did not deprive Episcopal sees, or monasteries, of the privilege of electing their bishops or abbots, because he liked to show his respect for canon law. But he often enough suggested his own nominees to clerical suffrages. On such occasions, he was influenced neither by birth, fortune, family interest nor intrigue. He cared only to put learned and good men into high positions—and when he was called upon to make choice between the lazy, ignorant son of a noble, and the virtuous, studious son of a freed man or serf, his preference was invariably for the better man. He travelled almost continually, and availed himself of his royal privilege to lodge with his followers, in Episcopal palaces or monasteries, not for the sake of free quarters, for he paid liberally for whatever was consumed, but to become familiar with the character of his host. He was very particular in requiring his bishops to comply with an ancient rule, that obliged them to visit their dioceses annually. To promote the fulfilment of this duty, he provided the necessary funds; thus making himself to some extent, answerable for the bishops and

their safety, and giving himself a kind of right to control their acts.

The monastic orders were another powerful engine in educating the world: the sons of St Benedict, in particular, by whose example men were again taught to respect the manual toil to which these learned and studious religious did not disdain to devote a fixed proportion of their own lives. Nor must Cassiodorus be forgotten, the senator who forsook all his dignities in the Ostrogoth Empire, and founded a monastery in his Calabrian birth-place (538), and whose monks were also learned men. They studied the sciences and transcribed a vast number of books. In these respects the sons of St Benedict were, indeed, only their imitators. The cultivation of wild land ceased, about this time, to be the exclusive occupation of the inhabitants of monasteries. Manual toil and prayer still entered largely into their lives; but they began to be also the guardians of the treasures of literary antiquity and the instructors of youth. Branching out from their original homes, they carried with them, wherever they went, the light of the Gospel and the magnificent literature of the past, and became educators of the human race. The decadent period of the religious orders that began in the eighth century, was due to the excessive wealth of some of them, and to the custom, introduced by Charles Martel, of appointing lay abbots, men of worldly life and habit, to rich benefices. Early in the ninth century, however, a better state of things was inaugurated by Benedict Anianinus, an ardent saintly

man, who, with the help of Louis the Pious, reformed his own convent, and made it the model religious house of the Franks. It is to be regretted that this reformation did not spread farther; but it was not until a century later that a St Bernard of Cluny arose to restore monastic life to its original fervour.

Penance was another valuable agent in elevating the infant peoples of the empire; but, under the influence of German customs, the system of penance underwent great modification. The primitive Church had excluded sinners guilty of either of the three crimes of adultery or fornication, idolatry, homicide. But this discipline, proving too rigorous, was relaxed. The sinner, having confessed his fault and done long penance, was shut out no longer from Christian fellowship. Confession was either public or private, this depending on which the crime had been; and, sometimes, on whether scandal was likely to be given by public avowal. Not until about 400 did it become part of monastic rule that sins of thought were to be confessed before the community. Until then, sins of this sort do not seem to have been thus confessed. It was towards the close of the same century that, under the Patriarch Nectarius, the practice of public penance was discontinued in the East, on account of a grave scandal that occurred; a lady, who was doing public penance, having made avowals that affected the reputation of a certain Deacon. In the West, the practice did not die out so soon; for, so late as the eighth century, it continues to be mentioned. Sins revealed privately

to a priest, the penitent expiated in secret. But, as time went on, the list of sins that were, when of public notoriety, to be expiated by public penance, was considerably augmented. The additions were abduction of virgins or widows, usury, perjury, false witness, theft, arson, incest or marriage within the prohibited degrees, and superstitious dealings, such as the casting of spells, auguries, philtres, incantations. Many of these were common practices among barbarians, and some were forbidden even by their own laws, notably by the Salic and Ripuarian. Penitents were the bishop's special charge, but, from the time of the Decian persecution, the function was exercised through a proxy known as a penitentiary. To this priest-penitentiary, penitents went to make their confessions, and it was he who appointed the kind and degree of penance they were to do; he had also to watch over their conduct, and on his decision depended their admission to Communion. Penitentiaries were instituted in the Roman Churches of St Peter, St Paul and St Lawrence by Pope Simplicius (468-483). From the ninth to the twelfth centuries, the office was non-existent in the Frank empire: but the same functions were exercised by ecclesiastics called *Missi*, who were invested with similar attributes. The office of Episcopal Penitentiary was, however, revived in the twelfth century; and it was this functionary who dealt with all reserved cases.

The power appertaining to canonical penance was not limited to an invitation to the sinner to make voluntary submission. It had reserved powers which,

especially in recently converted kingdoms, were brought to bear on recalcitrants. Such persons were visited with ecclesiastical censures, which, in cases where attempted evasion seemed probable, the lay power was invoked to enforce. Those who violated the Church's prohibitions were punished by excommunication—that is, were shut out from all intercourse with the Christian world. Interdicts were introduced in the sixth century; and, under these, whole districts, within fixed limits, were deprived of every kind of religious service. In virtue of capitularies of Pepin the Short, excommunicated persons were excluded even from civil society. To guide priests in the imposition of canonical penances, and that there might be a proper uniformity of administration, different doctors of the Church drew up, at first epistles, or canonical instructions, on the subject, and afterwards *Penitential Books*, of which the most celebrated in the seventh century were in the East, those of John the Faster and of Theodore, Archbishop of Canterbury, in the West. These books, it is to be remarked, sanctioned an innovation which had far-reaching consequences in future times, and which was altogether derived from German influence.

Under the penal law of that nation the principle of fines was very extensively applied. Every crime had its corresponding *compositio*, the rate of pecuniary redemption being fixed in every case by a tariff. It was this system that penetrated into the Church's courts; the sinner, who under earlier discipline must have undergone a penalty for his fault, was now

able to buy himself off for a pecuniary consideration, graduated according to the gravity of his sin. The money thus obtained was, indeed, only to be applied to pious uses; but the system led to abuses which different councils, notably those of Chalons-sur-Saône (813) and Mayence (847), severely condemned. Both these councils issued orders for the destruction of the *Penitential Books*, but ineffectually. The condemnation was re-echoed in other places, the Church raising her voice to warn her children against the false ideas of penance such a system was calculated to propagate; and reminding them that it was still the same grave, solemn obligation that it had been in the early days of penitential discipline. The Synod of Tribur laid down certain defined conditions for the redemption of penance, and restricted it to certain peculiar cases, declaring that pecuniary compensation could never be anything more than a minor part of the essential duty. Long prayers, severe fasts, almsgiving, the liberation of captives, exile, distant journeyings, pilgrimages, scourging, entrance into cloistered life, were among the more usual forms of penance practised at this period.

The Church had to adapt herself to the uncultured, sensual peoples, just emerged from barbarism, whom she had to train and mould. Noise, pomp, were attractive to the German temperament; and, to captivate her converts through their senses, she added to the splendour of her offices and the majesty of her ceremonies. The rude intellect, yet too unformed to meditate on the finer mysteries of religion and morality, learnt the restraint of

animal instincts, the abandonment of savage customs, through the awakenment of new emotions; the dissolute rites of other days were forgotten in the majestic solemnity of religious ceremonies that brought home to the soul some glimmering perception of teaching that was to follow. The growth of this external pomp had been progressive ever since the age of Constantine. The Church had issued from the Catacombs to clothe herself with a splendour for which her annals afforded no precedent. Soon she held in her hands the wealth that could buy the arts, and then she pressed them all into her service, and in adorning her priests' vestments and liturgical utensils, and in the interior decorations of her temples for her feasts they surpassed themselves. Her hymns breathed an inspiration, a kindling sentiment that seems to have laid hold of, and subjugated our stern forefathers.

"Primitive melody, which was of such extreme simplicity as to be hardly more than a recitative, had slowly made room for more scientific modulation; but this was still limited to unison, and very rarely supported by any instrumental accompaniment. In the West, especially in Italy, the land of harmony, was religious song chiefly cultivated. Pope Sylvester, in 330, founded a school of song in Rome, and was followed by St Ambrose, who inaugurated a new era in Church music. The Ambrosian chant was so remarkable for its rhythmic modulation and melodious movement, that St Augustine was alarmed lest its beauty should become a source of distraction

at the expense of the words. By the sixth century, the Ambrosian chant had lost its simplicity and become mundane in character. St Gregory was then its reformer"[1] It was this reformed chant, grandiose in its simplicity, which Charlemagne introduced into Gaul, together with the Roman liturgy; and, that nothing might be wanting to its proper execution, he had chaunters brought from Rome; for, as yet, according to the Deacon John, the German throat was too rough, too savage to execute the noble Roman melodies. "And indeed," adds Alzog, "the Roman chaunters thought the German singing very like the howling of beasts." With the help of these Roman musicians, Charlemagne founded schools of song in Metz and Soissons, schools where organs, similar to those given formerly to his father, Pepin le Bref, by the Emperor Constantine Copronymus, were used for accompaniment.

The solemnities of Sunday, of Easter and Pentecost, instituted in the age of the apostles, had been uninterruptedly celebrated ever since as great feasts. The Feast of the Ascension, we have good authority for believing to have been celebrated so early as the fourth century; the three days of prayer preceding this solemnity were instituted, in very early times, by Mamert, Bishop of Vienne, and then as now, were called Rogation Days;—this devotion was one that quickly spread. The Epiphany—the Theophany of the East—was very generally observed in the West in the fourth century. In the same century, Christmas,

[1] Krauss, i. 348.

a feast of Western origin, spread over the East. Palm Sunday, Holy Thursday, Good Friday, were already observed as special solemnities. Four Feasts of the Virgin were instituted between the fifth and seventh centuries: these were the Annunciation, Purification, Assumption and Nativity; and, during the same period of time, four new Feasts of the Redeemer were instituted, the Circumcision, the Presentation in the Temple, the Transfiguration, the Exaltation of the Cross. The feasts of certain martyrs began also to be universally observed; as those of St Stephen, St Peter, St Paul; that also of St Michael, instituted to commemorate the archangel's apparition in one of the Roman Churches. This latter devotion, with its indication of a protecting Heavenly Host, corresponded with the warlike temperament of the Germans, and soon became very popular among them. The Saints, to whom particular honour was rendered at this period, were in France, St Remigius of Rheims, St Martin of Tours, St Denis; in Spain, St James the greater, whose body was said to have been recovered at Compostella. Such was the fervour of devotion to the Saints by the eighth century, that we find the royal capitularies of 794 and 805, prescribing the limits within which it is to be contained; the honour due to the Saints is to be paid only to personages of whose sanctity there can be no doubt. Another capitulary, that of 789, makes the celebration of every feast of the Church strictly obligatory, and ordains that all courts of justice shall, on such days, be closed. Not long after this, in the following

century, the Feast of All Saints (which Boniface IV. had instituted) was introduced to the German peoples; and to this feast, in 998, Odo, Abbot of Cluny, joined that of the Commemoration of the Dead, a devotion which was very soon generally adopted, as expressive of the Catholic dogma of purgatory, and of the intimate union existing between the faithful living and departed. "The institution of new Saints' Days, which, according to Charlemagne's capitularies, had hitherto depended on bishops, was henceforward reserved to the Sovereign Pontiff. The first instance of a canonisation, in regular form, by the pope, was that of Ulrich of Augsburg decreed by John XV. (993).[1]

The Germans, and most of the other barbarian peoples who embraced the Christian faith, in the period at which we have just been glancing, remained loyal all through the Middle Ages. In the combined form, known under the name of Christendom, they became that brave and valiant army, on which, led by their temporal rulers, the pope could count for the defence of every great cause.

And the pope himself, what was he in the ninth century?

He was at once the spiritual Head of Christendom and the temporal Head of the Roman State.

In the former of these two capacities, he was held in respect by every people; bishops, priests obeyed him with as much docility, as did the mass of the faithful; certain metropolitans only, in both East and West, manifesting a contrary tendency.

[1] Alzog, ii. 212.

As a temporal ruler, the pope's position was different. In spite of all the services the popes had rendered to the Roman people, whom they had delivered from many dangers, and for whom they had secured autonomy, the Romans were with difficulty kept tranquil and orderly.

But to explain this twofold situation a little more fully. In very early times, when the Church's converts were nearly all either Grecians or Romans, her whole future destiny seemed to lie in the hands of these two peoples. But, with the advent of the Middle Ages, an influx of new converts transferred this prerogative to other hands. At the very moment when the Eastern Church withdrew from allegiance to the Roman See, the papacy touched the apogee of its political power, and this entirely owing to the preponderance of the German and Latin nationalities.

No pope, at any earlier stage of the Middle Ages, had ever enjoyed such widely extended and uncontested spiritual authority as did Gregory the Great. In his pontificate there was no serious outbreak of heresy, such as, in almost every age, has rent the Church; and the heresies that had survived from other days, seemed to have fallen into decrepitude. Nations, like the Lombards and Visigoths, that had been lost to Catholic orthodoxy, were either reclaimed, or, having previously returned to the Unity of Faith, quickened into new vitality; and in Great Britain, which after the Saxon invasion had lapsed into heathen darkness, the lamp of faith was rekindled. The Union of East and West, which

was re-established and confirmed at the accession of Justin I., seemed to rest on a lasting basis; and, as yet, exhibited no symptoms of the discord that had once prevailed, and was to reappear. In this plenitude of papal power, Gregory exhibited all the tact requisite in dealing with the temporal power, to which he never failed to render a due measure of homage. As legate at Constantinople, as Deacon of the Roman Church, or as Sovereign Pontiff, under the most critical circumstances, or the most dramatic, under Phocas or Maurice, he was never betrayed into speech, or deed, that could be construed into an intentional disavowal of the full extent of the temporal power in the Emperor, its representative. His, also, was the merit of inventing the title, which alone, according to the teaching of Christ, became his high dignity. *He that will be first among you, shall be your servant.* No distinctive, no characteristic title had before been thought of to describe the Roman Primate's position; *Papa, Apostolus, apostolicus, Vicarius Christi, Summus sacerdos, Summus Pontifex*, were appellations applied to all bishops indiscriminately. Ennodius, Bishop of Pavia, and Cassiodorus, set the example that was gradually followed, of giving the Bishop of Rome the title of *Papa* in preference to any other bishop. Later on, a controversy arose, John the Faster, Patriarch of Constantinople, having assumed the title of *Universal Bishop*; it was in protest against this presumption that Gregory called himself, "Servant of the servants of God." *Servus servorum Dei.*

This title the successors of this great pontiff

have carefully preserved. They have been equally tenacious in defending the twofold principle of the pre-eminence of the Roman See, and the independence of the Sovereign Pontiff; a principle that is an integral part of the inheritance bequeathed to them by their great predecessor. Under the twenty-six successive pontiffs from Gregory I. to Zacharias, the primacy of the Roman See was day by day more fully, more unanimously, recognised in the West; and in proof of this we need only to remember that the missionaries who evangelised Germany, either came straight from the pope, or with authority from him; he gave them their credentials and they never broke their connection with him. The field of their missionary labours was, for the most part, parcelled out under Vicars Apostolic, whose jurisdiction was supreme. Under this system, the German peoples were reared in the belief that the Bishop of Rome was the supreme Head of the Christian Church; and, by the seventh or eighth century, this supremacy had become a patent fact, proclaimed by the voice of kings and peoples, and supported by the written testimony of popes and of the most enlightened men.

The correspondence between Boniface V. on the one hand, and Edwin King of Northumbria and Queen Ethelburga on the other, was carried on from the point of view of this supremacy. Honorius I. kept up the connection with the Anglo-Saxon Church, and appointed an English Primate, another Honorius, who went from Rome to become Archbishop of Canterbury. Vitalian appointed a suc-

cessor to the Archbishop in the person of Theodore, a Greek monk. St Agathon took Wilfrid, a Northumbrian bishop, under his protection, sheltered him in persecution, and, in the event, restored him to his see. This latter pope presided over a Roman council, composed of Western bishops, in which a symbol in opposition to the Monothelite heresy, was drawn up; this symbol, in the following year, was adopted by the Ecumenical Council held at Constantinople, in which the Monothelite heresy was finally condemned. Kilian, the Irish missionary, who, somewhere about 685, was at Wurzburg, and baptised Gosbert, Duke of Thuringia, had previously been consecrated by Conon. In 689, Pope Sergius received Ceadwalla, King of Sussex, in Rome and baptised him. Willibrord, the great evangelist of the Frisians, came also to this pope and received episcopal consecration at his hands, taking the name of Clement. Utrecht was made the headquarters of his mission. St Boniface, feeling himself called to go forth and convert the heathen, followed the example of other Anglo-Saxon missionaries, and came to Rome to seek authorisation from the pope; this was in the pontificate of Gregory II. Five years later (723), Boniface returned to renew his profession of faith, and take the oath of fidelity to the Roman Church, and was consecrated as a bishop and given jurisdiction over every country he should evangelise. In a council, held in Germany in 743, all the bishops present took an oath of canonical obedience to the pope. In Frank capitularies, the pope's right to try the

decrees of Provincial Councils twice over, was recognised. Boniface submitted to his approval every decree of every council he assembled. The pope sent the pallium, not only to every metropolitan of the Greco-Roman empire, but to those of barbarian countries; this was the accepted token of communion and dependence, a symbol of the sheep lost and found again and brought home on the shoulders of the Good Shepherd. It is unnecessary here to quote the passages from the Venerable Bede and Alcuin, the councils and capitularies, which bear testimony to the acknowledged primacy of the Bishop of Rome; nor will it be necessary to adduce facts to prove that bishops oppressed by their metropolitans, and priests oppressed by their bishops, all looked to Rome for justice. A single instance will suffice to prove that the pope enjoyed sovereign authority in the West. In the revolution that took place in 752, Burghard, Bishop of Wurzburg, and Fulrad, Priest of St Denis, writing to Pope Zacharias, asks him this question, in regard to Pepin, Mayor of the Palace and the Merovingian king, Childeric III. "Is it not just that he, who has the royal power, should also have the title?" Taking into consideration the political rights accorded by German custom to great men, and the *de facto* position Pepin held, and long had held, among the Franks, the pope decided in his favour; and, to give the change of dynasty a religious sanction, commissioned Boniface to crown and annoint the new king at Soissons. Another pope, Stephen II., coming to implore the Franks to help

him to repel the Lombards, annointed Pepin over again, this time with his queen, Bertrade, and his sons, Charles and Carloman. Stephen also conferred on Pepin the title of Roman Patrician, appointed him guardian of the Church and anathematised anyone who should ever dispossess him, or his descendants, of the crown. No contemporary writer finds fault with the pope for these proceedings; no one made any protest against them.

In the East, matters did not go quite so smoothly. When Odoacer suppressed the Imperial dignity in the West (476), the Romans, in common with all other subjects of the empire, looked upon the emperor in the East as their legitimate sovereign, and refused to admit themselves bound to show any kind of obedience to a barbarian. The reigns of Clovis and his sons afford a somewhat parallel instance. For some time, at least, they certainly looked upon themselves as the Eastern emperor's delegates. The emperor did, therefore retain a nominal sovereignty in the West, and continued to exercise his right of confirming papal elections, either immediately, or through the Exarch of Ravenna, his representative in Italy. After the time of Justinian, this confirmation became a mere formality; but the popes continued to maintain a respectful attitude towards the Imperial power. Boniface made sure of the approval of Phocas before he dedicated the Pantheon to Christian worship, and put the newly consecrated temple under the invocation of the Mother of Christ. Honorius I. showed a leniency, bordering on culpability, towards the

Patriarch Sergius, in regard to the Monothelite heresy; Vitalian, Leo II., Benedict II., all evinced anxiety throughout the discussions that took place in reference to the same heresy, to keep on good terms with Constantine Pogonatus. But this conciliatory behaviour elicited no response. The Orientals provoked constant discontent by their exacting fiscal measures; they heaped heresy upon heresy, and tried to make the Westerns accept all of them one after another. They deserted the Romans whenever they were threatened with invasion; or, when they manifested any concern for their fate, it was only to make the defenceless Pontiff feel afterwards the weight of their oppressive force. The pontificate of Martin I. offers a remarkable instance of this tyranny. The pontiff, having condemned the Monothelite heresy in the Lateran Council (649), was seized, maltreated, sent into exile, and finally died of the suffering inflicted on him by his Oriental persecutors. This chronic ill-will took an aggravated form in Leo the Isaurian, who, despot and iconoclast that he was, found Popes Gregory II. and III. not afraid to defy him when he ordered the destruction of all images in East and West alike (715-741). The remnant of this emperor's power was spent in the attempted subjugation of the Roman Church. But he had overrated his strength, and the popes, ridding themselves of a yoke that had become intolerable and of the no less detestable tyranny of the Lombards, laid the foundation of their future independence on the solid basis of the temporal power. This independence was necessary

to the fulfilment of their mission, and, from the time of its establishment, papal influence—at first under the tutelary protection of Pepin and Charlemagne—became daily a stronger power. It was an influence that all through the Carlovingian wars and family quarrels, made for the political rights of states, the individual rights of men. By the middle of the ninth century, such was the moral ascendency of the papacy, that Nicholas I., as its representative, could claim for it justly, that it was the pivot of the Christian world.

The chief difficulty with which the Pontiff had henceforward to deal, lay in the metropolitans. Their authority was based on no recognised standard, their rights having never been clearly defined. In the improved political state of the world, it seemed to the popes that the time for this recognition had arrived; but the subject was one upon which the views of the temporal princes and metropolitans were, as might be expected, widely divergent. The former, in their own interest, desired to diminish the number of metropolitan sees, and so to augment the prerogatives of this reduced number that, in case of need, the whole direction of religious matters might rest in the hands of a primate. This primate would be the nominee of the prince, in whose service, under such conditions, he might naturally be expected to use all his influence. The abuses this system foreshadowed were patent; and the papacy, accordingly, set to work to arrest the extension of metropolitan powers, prevent the creation of primatial sees, and oppose the growth of tendencies

which threatened to find their natural development in the establishment of national Churches. In this conflict, John, Bishop of Ravenna, Hincmar, Bishop of Rheims, and Photius,[1] the patriarch of Constantinople, signalised themselves by their opposition to the Pope.

I shall bring this introduction to a close with a few remarks on the Temporal Power, and on the difficulties in which it for some time involved the popes.

The Roman State was built up under conditions that stand apart in the world's history. Its architects were a succession of remarkable men; the influences they brought to bear on their work were moral influences. "The temporal power of the popes has its origin, not in cunning and double-dealing, but in a tradition of services, in great designs brought to completion—in Leo's embassy to Attila, in the treaties of Gregory and his successors with the Lombards, in the defence of the City and of Italian soil, in bread lavished on the poor, in the straightforwardness of pontiffs, in their simple consistent policy, in the majesty of Peter's successor. The Apostle merits well of his City. But for the fisherman who built his Episcopal See on the barren rock of the Capitol, the world's Metropolis, despised by her decadent emperors, had been to-day, spite the fates' prophecy of eternity, a fever haunted ruin."[2] This at least ought freely to be acknowledged. To stigmatise the growth of the temporal power as the work of ambitious popes,

[1] *Cf.* Alzog, ii. 40, 50-53; Krauss, ii. 150.

[2] Lavisse. *Revue des deux Mondes*, 15th May 1888.

skilled in the politician's arts, is an injustice. It was with no ulterior motive that Gregory II. waged war against the Iconoclasts. It was a war of political and religious necessity, a conflict of gradual growth, the natural development of the state of things in Italy and the Christian world, when the Imperial authority—towards which only the popes continued to manifest respect when it became scarcely more than an empty name or party badge—had succumbed to Lombard ambition and vanished from the Peninsula. Nor should the fact be ignored that, for a long time, the state the popes had created was only an onerous burden, this phase lasting much longer than it generally has in the case of newly-formed states. There was no bland enjoyment of wealth and ease for the Head of the Roman government; the position was productive of every kind of difficulty. These difficulties, as Monsieur l'Abbé Duchesne has very lucidly explained, date back to causes anterior to the formation of the temporal power.[1] Let us briefly sketch the situation.

The Rome of the seventh century was subject to the action of two currents of influence; that of the *Exercitus Romanus* and that of the Pope and clergy. The *Exercitus* formed a local aristocracy, comprising the *Duke*, or commander-in-chief, of Rome, subordinate commandants who governed the different localities over which the duke's authority extended, a city prefect, and numerous other civil officers. The numerical strength of this body, with the staff

[1] *Les Premiers Temps de l'État Pontifical.* Paris, Thorin, 1898. 8vo.

attached to it, was very considerable. It had its own peculiar position, its own distinctly marked influence in all city affairs, notably in every papal election, an influence which was increased in the eighth century when the Exarchate of Ravenna became extinct. Henceforth the election of the duke was entirely in the hands of the *Exercitus*, and subject to no superior control. Had there been no mightier influence to counterbalance that of the dukes, had they proved equal to the task of repelling the Lombard hordes, it may well be questioned whether Rome, under their rule, might not have become a state of the same description as Venice or Naples.

But another influence, one that was felt not in Rome alone, but in all Italy and the whole world, an influence more widely accredited and of superior authority, that of the Pope and his clergy, was actively at work. I have spoken already of the Pope's widespread moral ascendency, and have shown that his voice commanded the attention of Visigoths, Franks, Lombards, Anglo-Saxons, and of all the German peoples from Elbe to Rhine; and this same ascendency made itself no less felt in its action upon the civic life and secular affairs of Rome and the surrounding country. "In matters relating to the edileship, military defence, provisioning and road making, the Pope's good offices as well as his finances were drawn upon. While keeping aloof from personal action, through his staff of clergy, he interested himself in such mundane matters as keeping aqueducts and ramparts in proper repair and in the direction of military expeditions. The

nomination of many functionaries was left to him, although the right may have been vested in other hands. This ascendency, which is to be ascribed only to the loyal disinterestedness of the popes, Gregory II. and III. used to render signal services."[1]

In the time of Stephen II., when the Carlovingian dynasty was just beginning to appear on the world's scene, matters stood thus in Rome. There were in the city two active rival influences, Duke and Pope, a military influence and an ecclesiastical, and had not events determined which of these two should take precedence of the other, they must sooner or later have come into collision, and have disputed the supremacy. Autonomy was, however, established in such a manner, that it was the triumph of the ecclesiastical party: "All the Franks did, they did for the sake of the Pope, not to please the military aristocracy."[2] Irritated by the loss of their leader, and by their lowered status, the military party punished the dominant party by making every papal election an occasion of strife. So long as a sovereign, the heir of Charlemagne, was both able and willing to make the weight of his hand felt, the ecclesiastical aristocracy always had the advantage. But, from the foundation of the temporal power down to the fifteenth century, the rivalry of the two parties is a characteristic feature of Roman history; and not until popes like the Viscontis, the Sforzas, the Medicis succeeded in creating a strong personal government, did it disappear to give place to order.

[1] Duchesne, i. c. pp. 5, 6, 9.

[2] *Ibid.* p. 10.

PART I

GENERAL HISTORY OF THE PONTIFICATE

SAINT NICHOLAS I

CHAPTER I

ACCESSION OF NICHOLAS I.—RESPECTIVE SITUATIONS OF POPE AND EMPEROR IN THE NINTH CENTURY

NICHOLAS I. is one of the great figures of the Middle Ages. Beginning his pontificate with a scrupulous respect for existing conditions sanctioned by precedent or circumstances, he succeeded in reconciling this principle with a very high ideal of his duty as occupant of the Chair of Peter: an ideal that prompted him—at a time when the empire of Charlemagne was undergoing the process of disintegration—to seek for the papacy the first rank in the new order, a rank founded on absolute supremacy in the Church, a supremacy that would be guaranteed when the papacy was lifted to a plane above the reach of the secular power. The efforts of Nicholas were not immediately crowned with success, for popes who came after him had again to submit to the secular yoke. But still the place he occupies in mediæval history is so important, that it will not be a fruitless task to try and ascertain in what the greatness of Nicholas consisted, what his ideal of the papacy was, what was the part he played in building up the Church's discipline, what the

principles that produced that growth of canon law of which he was the author, what were his titles to the admiration of his contemporaries, and to his place in the Calendar of Saints.

Fifteen days after the death of Benedict III., that is on the 24th of April 858, the clergy, chief personages and people of Rome, assembled to elect his successor, and a conference that lasted some hours resulted in the unanimous election of the deacon Nicholas, son of Theodore, the *Defensor*. Nicholas, not thinking himself worthy to be Pope, had meantime escaped, and lay hidden in St Peter's; but the crowd, following him there, dragged him out and forcibly carried him to the Lateran Palace, where he was enthroned.

In his very minute account of this election, the biographer of Nicholas does not omit to notice the presence in Rome of the Emperor, Louis II. He even mentions that, having only just left the city, the Emperor had hurriedly returned on hearing that Benedict was dead. The import of this return is, however, to be understood only in the light of somewhat earlier history, and by some knowledge of what took place at the elections of other of the later popes.[1]

Just as the Pope is Supreme Head of the Church, so was the Emperor, at that period, the more or less universally acknowledged Chief of Christian Princes. The papacy and the empire are the double hinge on which hangs the whole history of the West. But

[1] Vita Nicolai. Migne, Patrol. lat., vol. cxxviii., Nos. 580, 612. Vita Hadriani, No. 620. Regino, anno 868.

what were the respective positions of these two powers? What their ideas of their reciprocal relations? These are questions that have been freely asked, and studied by historians; but no one, I think, has ever solved them in a manner at once so scientific and free from preconceived opinions as Monsieur l'Abbé Duchesne, in *L'État Pontifical*, a work to which I shall have recourse for convincing proofs and conclusive facts, in this renewed attempt to answer questions that have been put and answered so often before.

Charlemagne, Eginhard tells us, came away discontented from that celebrated Christmas Mass, from which he brought the quality of Roman Emperor. He had, perhaps, desired some other ceremony; it may have been that the improvised coronation savoured more of papal initiative than accorded with his notions of the transmission of power. It is, at least, certain that towards the close of his life, he himself crowned and proclaimed Louis, his son, as his successor in the Imperial dignity.

But the precedent had been created.

The Pope had crowned the Emperor, and the incident was indelibly impressed on the Roman mind.

But had the situation been simplified by the transformation of the Patrician into an Emperor? "No one exactly knew what rights belonged to the title *Patricius Romanus*, invented by Stephen II. and his advisers. On the other hand, everyone knew what that of *Imperator* meant. History, tradition, law all defined it in a manner that left no possibility of

obscurity. The Emperor was the Sovereign of Rome; everyone in Rome, the Pope as well as the rest, stood to him in the relation of subject. He was the administrator of government, the Judge, the military Head; his authority extended everywhere, except over the domain of religion, towards which, hitherto, the Western Emperors had all maintained a respectful attitude, or one that did duty for such."

The Romans of that period had not, however, our definite ideas of Imperial rights. Theirs were tempered by a traditional sense of the extremely important part played locally, by the Pope in politics. Memories of Gregory the Great, of Honorius, of Gregory II., of Zachary, Paul and Adrian, eclipsed the code of Justinian, so far as they were concerned, just as the ceremony of the consecration excluded from their recollection the causes of Charles' visit to Rome in 800. They only saw him on his knees before the Pope, receiving his crown at the Pope's hands, a significant picture which reflected lustre on the papacy as an institution. No resuscitation of old documents of Roman law would wipe out the picture that lived in the popular imagination; there, the Basilica of St Peter figured as the cradle of the Empire; the Pope, as author of its existence. Such was the sequel of Charlemagne's coronation.

The pseudo-donation of Constantine, a fabrication that issued from the Lateran, somewhere about 774, clothes with shape and form the idea of the new Imperial régime, that all the Roman people, particularly the clergy, held in common at that time,

and still more, afterwards. The ideal emperor was a beneficent, kind-hearted protector; he was to live a long way off, as far away as he could in fact; he was to leave Rome entirely to the Pope, and, indeed, was never to interfere in Italy at all, except when his help was wanted, and he was asked to interfere.

Besides this typical constitution, the donation furnished later on a satisfactory legal authority for papal intervention in the temporal domain of the Emperor. In process of time, the rights of the latter were supposed to be co-extensive with the Western world, rights acquired by the Emperor from the Pope, at his consecration. Now these rights the popes disposed of in virtue of the donation of Constantine, according to the wording of which *Omnes Italiæ seu occidentalium regionum provincias loca et civitates*, were ceded to St Sylvester. Not, indeed, that it is to be supposed that Leo III. evolved his right to restore the empire, and plan its constitution, from the pseudo-donation. But, at the time of Charlemagne's coronation (800), the views held by him and those about him, in regard to the relations to be desired between the papal and imperial powers, have much in common with those expressed in that famous document; and if (as seems probable) it was compiled at the Lateran in the very year (774) that Leo went there as Master of the Wardrobe (Vestiarium), the coincidence is, we may suppose, due, at least, to some common inspiration.

Charlemagne's ideas were not of a nature to harmonise with those of the Pope. In the first place, his notion of ancient Imperial power was

most likely of a hazy description. The times also were changed. The Emperor had now to reckon with a strong military aristocracy, and could no longer pretend to the absolute authority of a Trajan or Constantine.

In this ill-defined situation, lurked the germ of future conflict; nor were the courteous forms that were adopted, long efficacious in delaying the outbreak. The Frank princes refused to allow themselves emperors by grace of the Pope. The popes, on the other hand, clung tenaciously to the privilege of consecrating the emperors. Charlemagne did, it is true, in September 813, with his own hands, and without seeking the Pope's intervention, crown his son Louis. But, three years later, the successor of Leo III. met Louis at Rheims, and crowned him and Ermengarde his Queen, with a golden crown he brought with him for the purpose. "A twofold precedent was thus established; it was, to use a feudal term, another act of papal *manucaptio* on the Imperial institution." The retaliatory act took place in 817, when, following his father's example, the Emperor Louis crowned his son, Lothaire, as his successor; the ceremony taking place at Aix-la-Chapelle, before a great company. But this move was not the final one on the board. Lothaire came, presently, to Italy to take possession of the kingdom, of which, on account of rebellious conduct, his father had deprived his brother Bernard; and this opportunity, Pope Pascal I. laid hold of, to bring Louis to Rome, where his consecration took place on the 5th April 823.

The Pope consecrated Lothaire again, although the Emperor, his father, had raised him to the Imperial dignity and made him the partner of his throne. From the time of this latter event, there resided in Italy a living representative of the Emperor, and this comparative proximity, facilitated Imperial interference in Roman affairs.

From the above statements, it will be evident to the reader, that up to the time of Nicholas I., the transmission of Imperial authority was not regulated by any written law. Further, emperors received their crowns first from their fathers' hands, and afterwards from the Pope—the sovereign, through the rest of the Middle Ages, not being looked upon, in fact, as properly invested with the Imperial dignity, until crowned by the Pope.

And the Pope himself, what was the order of transmission of the papal power, from the time of Charlemagne down to Nicholas I.? The Council held in 769, decided that the Pope should be elected by the clergy, and by them alone. But, from the moment Charlemagne began to take an active part in Italian affairs down to the close of his reign, the only election in which he had no hand, was that of Leo III. Louis the Pious continued his father's policy towards the papacy—one of confidence and union. Stephen IV., a pope chosen by the clergy, responded to this policy by frankly accepting Imperial protection; beginning his reign by making the Romans renew their oath of fidelity to the Emperor, and by notifying his accession to the Frank court. Pascal I., another freely elected and

consecrated pontiff, also notified his election to Louis, and sent a special envoy to ask him to renew officially the compact formerly made between the papacy and the Carlovingian emperors. This Louis did without demur or difficulty. The Emperor undertook on his side, by this compact, to leave the Pope free in the exercise of his sovereignty, except where pontifical agents were guilty of violence or oppression; to abstain from all interference in papal elections, which, on the Pope's side, it was promised should, in conformity with the canons, be by unanimous consent; the Pope also promised that his successors should, after due election and consecration, renew the same friendly compact with the King of the Franks.

The election of Eugenius IV. took place in tumult and disorder, and was followed by a distressing conflict between nobles and clergy, and even between the clergy among themselves. In view of this deplorable state of things, the secular power attempted measures which would, it was hoped, quell disorder and be a permanent guarantee against the recurrence of scenes of bloodshed and disorder, of which the Eternal City had been too often the theatre. The Emperor decided to lay on the shoulders of a delegate the task of rendering Imperial protection effective. For this work he chose his son Lothaire; who, in 824, drew up a constitution plainly intended to sap the independence of the Holy See. The Pope was to retain his executive power as sovereign; but the control of justice was to be vested in the Emperor. He was to supervise the acts of papal functionaries,

and overrule their judgments; certain privileged individuals were to be tried by him only. Besides all this, he arrogated to himself a right of co-operation in papal elections. The electors were, indeed, to be all Romans, lay and clerical; but their nominee, before he was consecrated, was to take an oath of prescribed form, in presence of the Emperor's representative and the people. This was, of course, directly intended to make papal elections subject henceforth to Imperial ratification.

And, in point of fact, in virtue of this stipulation, the emperors presently claimed the confirmation of papal elections as a right. The Pope, by way of compensation, was to crown the emperors.

Subsequent history shows that Lothaire's constitutions were always the Imperial ideal for the elections of the popes. Three years after they were drawn up (827), the election of Gregory IV. was *verified* by the Imperial legate before the Pope's consecration took place. Sergius II. was elected in 844; and the Emperor, not having this time been consulted, proceeded to vindicate his right of ratification. He sent an army to Rome under his son Louis (afterwards the Emperor Louis II.), who, as his representative, refused to recognise the election—although the Pope had been consecrated and installed at St Peter's—until he had subjected it to strict examination. But this did not prevent the Romans from dispensing with Lothaire's sanction—though they went through a form of reference—before Leo IV. was consecrated (847). They contented themselves with sending, after the event, more or less satis-

factory explanations, and with not protesting against the Emperor's claims. But, somewhat later (855), another election furnished them with an opportunity of manifesting their sentiments in an unmistakable manner. The party adverse to the augmented powers conferred on the protectorate by Lothaire's constitutions, elected a candidate of their own, Benedict III., in opposition to Anastasius, the candidate of the Imperialist party. The Emperor's legates protested, and the election was annulled. Another election was held at Sta. Maria Maggiore, and again the lots were in favour of Benedict; but he was not consecrated until the Emperor's *Missi* gave their approval.

From this cursory review of papal elections and Imperial coronations subsequent to the reign of Charlemagne, we shall be able now to form some idea of the situation as regards the papacy, vague, ambiguous in outline, bequeathed by that monarch to his successors.

Ascending the pontifical throne, his mind graven with memories of the past, the attitude assumed from the very first by Nicholas, will also be intelligible to us. From the outset his firm resolve seems to have been to do away with the uncertainty, the vagueness, of which he was painfully conscious in the existing situation. The mere circumstances of his accession perhaps hardly prove this resolve, but they, at least, present unusual features, they strike the keynote of future enfranchisement.

The Emperor, we have said, who had but just left Rome hurried back; the reason of this hasty return

we can now understand. He meant to give himself the satisfaction of asserting his rights by exercising them. The Pope was elected, consecrated and enthroned, all in the Imperial presence. Not that Louis tampered with the rights of the clergy and people, but, while he left the Romans free, it was his influence that decided the election. The *Liber Pontificalis* graphically depicts the independent attitude, that of a superior, at once assumed by the newly-elected Pontiff. The city was wreathed with garlands of flowers, the people, the clergy rejoiced; the Mass at St Peter's was celebrated with the utmost pomp, and the Pope, on his passage afterwards to the Lateran, was thronged with eager crowds, who greeted him with hymns and canticles. Congratulations followed, after which the Pontiff admitted the Emperor to private conference by inviting him to partake of dinner with him. In this privacy, he is said to have lavished marks of affection on the Emperor, and to have embraced him with a father's love for a son.[1]

The past was set aside; the new order, the new

[1] "It is not to be inferred from all this that Nicholas I. was the first pope who caused himself to be crowned, although it is true that he attached an importance to the ceremony that his predecessors had not. The fundamental principle that directed his policy was a sentiment of lofty independence. He did not lean for support on either the Emperor or on the King of the Franks, whose weakness was patent to all; he disdained to trust himself to the Roman nobility with its secret sympathies for the French. The people were to be his bulwark, he meant to fill them with the enthusiasm of the great idea of St Peter's universal monarchy." Baxmann, l. c. p. 3.

Baxmann, with much sagacity, explains the reason why Nicholas

relationship had begun. To-day, it is not vassal and suzerain who meet; or, if vassal there be, it is the Emperor. The dinner over, the Emperor withdraws to his camp, but the Pope, in his affection, quickly follows to pay him a visit. Louis receives him with the utmost friendship, loads him with gifts; and, not only goes out to meet him when he arrives, but holds his horse's bridle and accompanies him as far as the flight of an arrow, both when he arrives and when he departs. No pope since Adrian I. has been so honoured by an emperor. All the nobility of Rome witness the scene; all understand that the Pope, "beautiful of face, tall of stature, severe of life, generous of custom,"[1] has assumed the rank he means to hold in the world. The proclamation of pontifical independence has been solemnly made in deeds not words—not in presence of Imperial legates, but in that of the Emperor himself. These are things that never will drop into oblivion.

The Emperor's legates, although actually in the city, will not even be invited to be present when the time comes to elect a successor to Nicholas I.

has been supposed to have been the first crowned pope. Muratori's punctuation has led to this erroneous supposition. He punctuates thus: "*Cum hymnis et canticis spiritaliter in patriarchum iterum Lateranum perductus est. Coronatur denique, urbs exultat, clerus lætatur, senatus et populi plenitudo magnifice gratulabatur.*" But instead of adopting this reading with Baronius, we should read thus, with Dümmler and Giesebrecht: "*Coronatur denique urbs, exultat clerus, lætatur senatus,*" as in the analogous passage referring to Pope Benedict (Muratori, III. i. p. 247), "*lætatur propterea urbs, exultat ecclesia, congaudent senes.*" Baxmann, *id.*

[1] Vita. Nic.; Migne, l. c. No. 580.

CHAPTER II

THE FIRST ACTS OF NICHOLAS—HIS RELATIONS TO THE EASTERN CHURCH—PHOTIUS

ONE of the first official acts of Nicholas was to amalgamate the See of Bremen with the Archbishopric of Hamburg; it had previously belonged to the Province of Cologne. Almost directly after his consecration, began, also, that contention with Constantinople, which was to be protracted beyond the term of his own life, but which has had no small share in making his name and reign famous. A year before his elevation to the Holy See, Bardas, an uncle of Michael III.—an Emperor who had assumed the title of Cæsar—had not only deposed Ignatius from the Patriarchate of Constantinople, but had illegally made Photius Patriarch in his place. The latter, a man of great learning, was the Emperor's private secretary, and a statesman and soldier, but only a layman, as astute as he was ambitious. This iniquitous transaction had caused a schism among the Eastern bishops, some of whom acknowledged the intruder as Patriarch, while others refused to do so. In this unhappy state of affairs, it occurred to the Byzantine Court, that to get the Pope to acknowledge Photius, would be the shortest way to end the schism. Accordingly an imposing

embassy laden with gifts and letters, appeared in Rome, and was honourably welcomed by His Holiness, as evidence of a sincere desire on the part of the Byzantine Court, to obtain, through the intermediary of papal legates, the cessation of a distressing scandal, the eradication of a schism and the destruction of the Iconoclast heresy. A synod was held and two legates *a latere* [1] were appointed, both bishops; they were Radoald of Porto and Zacharias of Anagni. They left Rome carrying letters to the Emperor and Photius,[2] and charged to make careful examination into the dispute, every particular of which they were to report to the Holy See.

Bardas gave them an honourable reception on their arrival in Constantinople; and Photius took precautions to keep them from falling under influences adverse to his interests. He went even farther than this, for he threatened them with exile. The legates proved unfaithful to their trust. At a synod held in May 861, they permitted the Pope's letter to be tampered with, and agreed to the deposition of Ignatius. By the following spring they were in Rome again, and everywhere declaring that they had performed their mission with admirable success.

Only two days after their return, Leo, the Imperial secretary, also arrived in Rome bringing letters from the Emperor and Photius, and a copy of the acts of the synod, held the previous year in Constantinople. The Emperor's letter was to request Nicholas to ratify the decisions of his legates, whom the Pope

[1] This is the first time the expression *a latere* is used.

[2] Jaffé, l. c. No. 2022.

now discovered had exceeded their powers by consenting to the deposition of Ignatius, a matter in which he had reserved the final judgment to himself.

A council was hastily summoned,[1] and Nicholas wrote letters to the Patriarchs of the East, to Photius and to the Emperor, protesting in all three against the deposition of Ignatius, the intrusion of Photius, the mutilation of his former letters and the dishonourable treatment of his legates. These letters bear the dates of March 18 and 19, 862.

In the following year (April 863) the Pope held another council, first at St Peter's, and afterwards at St John Lateran, in which Zacharias of Anagni, who was present, was deposed from his see; judgment being suspended in the case of Radoald of Porto, who was in Lorraine. Other acts of this council, were the restoration of the Patriarch Ignatius and the deposition of Photius, both decisions being accompanied by the most solemn anathemas.[2] To these decisions, the Emperor replied by a letter breathing contempt for pontifical authority, insulting the Pope's person and government, scoffing at the Latin tongue as a language for barbarians and Scythians, and threatening Rome with conquest and destruction, as a fallen and doomed city.

This letter arrived to find Nicholas, on his side, composing a conciliatory one to the Emperor, which was now withheld. But another was sent in its place which history has enshrined as a model of

[1] Jaffé, Nos. 2029-2031. [2] Jaffé, No. 2111.

prudence and dignity:[1] a letter which remains to this day, an invaluable source of canon law, and which, as a statement of the Church's privileges, has never been surpassed in noble beauty. The Pope justifies his previous action in regard to Constantinople, and summons both Ignatius and Photius to Rome for the revision of their cause.

The acts of the different pontiffs are all, no doubt, revelations of character; but, where the individual character has been especially noble, as in the case of Nicholas, this personal revelation may be greatly supplemented by acquaintance with the terms in which their acts are couched. We shall not therefore hesitate to quote those passages from the letter of Nicholas that urge considerations, which should, he thinks, tell in favour of the cause he represents. His language is sometimes that of caustic raillery, sometimes of tender emotion, now and then it reveals the penetrating acumen of historical genius, but always it breathes the writer's lofty conception of his mission.

"We had already drawn up a letter to you, one such as a most illustrious son receives from an affectionate Father, and Priest of God; one such as bishops of the Holy See are accustomed to send to the emperors, when your legate, the glorious Protospathaire Michael, brought us the letter of your Magnificence. This letter, being full of blasphemies, and insults, our joy was changed into sadness, tears choked our voice. We looked for grapes from a good vine and have received wild

[1] Nicolai epistolæ, Migne, Patrol. Lat., vol. cxix. Ep. 86, col. 926 *seq.*

fruits. Our style has been sensibly affected by this change, for we have believed it our duty to apply the right remedies to the sore that has been laid bare."

The Pope then addresses a prayer to Him by whom all kings reign, asking to be inspired to say the right things on this occasion, and for the Emperor, that he may have the required docility to profit by them. He continues in the following terms: "You have begun your letter with insults, we begin ours with prayers. You first of all overwhelm with invectives, not merely our person, but even the First and Mistress of all the Churches; as for us we open our mouths to sound your praises, and to ask the Lord to grant you the increase of your power. We see indeed the Philistine giant, filled with fury against the holy youth, the young harp-player David, and vomiting out blasphemies that terrify the people of God at first. But wait only a little while, and presently you shall behold him struck down in the name of the Lord, pierced by his own sword in the hand of the young musician, who humbly offered praises and prayers to the Divine Majesty. We, then, bear willingly the insults addressed to us personally, more especially when they are caused by our ardour for justice, and when their authors are the foes of that justice. For, are not we, in very deed, the disciple of Him of whom the Prince of the Apostles has said: '*Who, when He was reviled did not revile: when He suffered, He threatened not,*' 1 Peter ii. 23? He who has the testimony of conscience and of God for him, may hope for every kind of blessing; nor must he be

afraid of insults born of lies. Let us, therefore, patiently bear invectives launched against us by those who do not speak the truth. But, on your side, it behoves you to show respect to all priests, be they what they may, for the sake of Him, whose servants they are."

The Pope then quotes the example of Constantine, who, when certain bishops were accused to him, summoned them to his presence and burnt the paper of written accusations before them, saying: "You are gods, established by the true God; go, regulate your causes among yourselves, for it is not meet that we should judge gods." Even the pagans, Nicholas adds, respect their priests, though they are idolators. The thing to be enquired into is not how worthy the ministers of God are, but what they tell us in the Name of God. "As for us," he goes on, "we are a sinner and unworthy; but we have a better hope in the mercy of God than in your piety. In many cases men mistake God's judgments; what you praise, He perhaps will blame; what you blame, praise. You ought not to ask who the priests of the Lord are, but what they say in His Name. You have nothing to do with finding out what the Vicars, who sit on the throne of Peter, are; but are concerned only to know what they are trying to do to reform Churches, and for your salvation. At least you will not say they are inferior to the scribes and pharisees who sat in the Chair of Moses: and this is what our Lord said of them: *Whatsoever they shall say to you, observe and do:* but *according to their works, do ye not.* Consider this, then, O Emperor; if those who

sat in the Chair of Moses were to be obeyed, how much more those who sit in the Chair of Peter?

"We know we shall be calumniated; but after the example of the Saviour, Who when the Jews accused Him of being possessed by the devil, answered: *I have not a devil*, we shall content ourselves with rebutting calumnies by a simple and truthful negation.

"But, as regards the insults you have directed against the Roman Church, tending to the diminution of its privileges, and the abasement of the authority of the bishops of the Apostolic See, these we must with all our energy refute, not allowing ourselves to be shaken by any fear, nor by your threats.

"You say: 'Since the sixth synod, no Pope has received such an honour from the Emperor,' alluding to your letter.

"If your predecessors have never addressed themselves to the See of Rome, the dishonour is not ours but theirs; for they have not tried to apply the remedy to those heresies that have arisen; rather have they refused those remedies when they were offered to them. And in two ways have they attacked the life of the servants who were bearers of them; this they have done by causing those servants to perish spiritually, by inculcation of their errors, as happened in Conon's time: or, as under Gregory, when they put them indeed to death, when they resisted being corrupted.

"It is true that, since those times, there have been few Catholic emperors; but such as have been, like Constantine and Irene, have indeed addressed themselves to Rome."

The Pope complains next, that the Emperor transmits orders to him, whereas his predecessors were content with addressing prayers and exhortations to the Sovereign Pontiffs. Valentinian, Marcian, Justinian, Constantine, Irene, all wrote in the same strain: We ask you, beg you, invite you; "You on the contrary, as if you were heir only of their empire, and in no wise of their goodwill and respect, you give orders, you command as to one of your subjects."

He observes to the Emperor that this style was not adopted in his earlier letters, and adds: "Your fury is excited to such a pitch, that it vents itself even on the Latin tongue: you call it *barbarian*, *Scythian*, and in so doing, insult its Creator—for he who blames the work, blames the artisan. O fury that spares not even a language, which yet, among all others, was, with Hebrew and Greek, honoured in the inscription on the Cross of Christ! . . . If you call it barbarian because you do not understand it, see how ridiculous it is, that calling yourself Emperor of the Romans, you do not know the Roman language.

"And indeed, at the beginning of your letter, you style yourself Emperor of the Romans, yet you are not afraid to call the Latin tongue barbarous. Cease then to call yourself Emperor of the Romans: for if you are to be believed in this matter, those whose Emperor you are, are barbarians, since they use a language you call barbarian and Scythian. Banish, then, from your Palace this detested tongue, drive it out of your Churches. For it is said that

at Constantinople, at the Stations, the Epistle and Gospel are read in Latin before they are read in Greek. . . .

"You said you did not send to us to have Ignatius judged a second time; yet what happened, proves that such was indeed your intention. As for us, we desired only that the affair should be examined into carefully, and the particulars afterwards reported to us, that we might found our judgment on them."

He had sent his legates, he goes on to say, not to judge the case: judgment was reserved to the Holy See; but to obtain information, and then render an account to him.

"If, as you say, Ignatius had already been judged, why then did you make him to be again judged contrary to what is written in the Scriptures: *Non judicabit bis in idipsum?* But no; you made him to be again judged, because you regarded the first judgment as *nil.* You asked for legates, that the condemnation might have more authority."

The Pope then proves the nullity of the later judgment. The judges, he says, were either declared enemies of the accused, or excommunicate persons, or deposed bishops, all were his inferiors. Those belonging to anyone of these categories, are incapable of bringing so much as an accusation against a bishop. Then he enters into minute detail on this subject, reproduces the popes' decretals, the canons of councils, and even the civil laws of Justinian, and shows that every one of these rules has been violated by the judgment pronounced against Ignatius. He then protests against the Emperor's

presence in the council, and against the solemnity, with which his person was surrounded there. "Tell me," he asks, "where you have ever read of the emperors, your predecessors, having been present in councils, except on occasions when the questions treated had reference to the Faith, which is universal and common to all Christians, cleric or lay. Nor were you," he continues, "satisfied with being present yourself at a council, held to judge a bishop; you brought with you thousands of secular persons, to be spectators of his opprobrium. In this you were very different from the Emperor Constantine, who said he should like to hide under his mantle any priest whom he saw committing a fault. But, what that emperor did is allowed to fall into oblivion, and the Priest of God is given up to the derision of clowns and actors. . . . Contrary to ecclesiastical rite, in opposition to every law, accusers have been brought from your Palace, under orders to bear false witness. The judges appointed were mercenaries and men of suspicious character, wolves in the guise of shepherds. The superior was submitted to the judgment of his inferiors, and this in despite of the holy canons, and the example of the Fathers, which prove to us that recourse should invariably be had to the highest authority, and that in all such disputes judgment should be placed in the hands of him who holds the highest See of all. This is indeed a rule that not only Catholics, but the very heretics themselves, have always observed. Moreover, the council, in which this affair was treated, was one without

authority; for even the cause of the least of clerics against the bishops, may not be judged by the bishop only. There must, according to the Canon of Chalcedon, be a council. . . .

"We felt an inclination to laugh when, in order to give greater authority to the council assembled against Ignatius, you say, that in numbers it equalled that of Nicæa. Call it then the seventh or (perhaps) eighth council.

". . . Of what avail to you is it to have borrowed from that Holy Synod only the numbers of the persons who were present there, when in your doctrines you were furiously in opposition to it? The smallness of numbers is an insignificant matter, where great is the piety—and many in number avail nothing where impiety reigns. More than this; the greater the number where the wicked meet, the stronger evil is to triumph."

The Pope then reverts to the subject of his legates and says that, having been asked to send them for the ostensible purpose of defeating Iconoclasm, they were really wanted to be made partners in an unjust and cruel act, to give it the apparent sanction of the Apostolic See.

"Thus far we have answered the first part of your letter; not, indeed, as we might have answered it, but in the manner we have thought would suffice to prove the folly of those who wrote what in your letter has been countersigned with your signet. For we do not allow ourselves to believe that thoughts, so profane, so perverse, have come out of your heart, which is pious.

"As to the rest of your letter, we have not been able to answer it; first of all, because God has afflicted us with an illness that did not permit of our doing so . . . , next because, so impatient was your envoy, that even before our health was somewhat restored, he left Rome without waiting.

"The only reason he gave for this hurried departure was that winter was coming on, and he was afraid of it for himself and the soldiers who accompanied him. It was even with difficulty that we could obtain from him to wait at Ostia—for nothing would induce him to come back to Rome—until this letter was finished.

"Finally, and above all, we have not answered the rest of your letter, because it is filled with malice and blasphemies, and infected with venom against the divine ordinance, which has given to the Roman Church privileges over all the other Churches. This it is that has made us believe that this is no work of yours, and that you were incapable of writing things so false. . . . Yet, if you be the author of these contemptuous words addressed to Blessed Peter, Prince of the Apostles—and consequently to God Himself Whose ordinance you resist—words aiming at the diminution of the Holy Roman Church's privileges—then we declare you to have read neither the holy rules nor canons of the venerable Synods, nor the laws of the pious emperors, nor the truth-speaking works of the wise; and that in vain you strive, in your incompetence and defiance of propriety, to remind us of them as tending to abase so great a Church. But we pray to God the All-

powerful, who has already unveiled to you the mystery of the knowledge of Himself, that He may also grant you to know in all the fulness of His designs, and discover to you the nature, number, magnitude of the privileges of the Roman Church, as well as Him Who is their Author, and Who has given them all their so great authority.

"Would you know what these privileges are through us, as the Minister of Christ and Dispenser of His mysteries, we will prove them to you in most certain manner. But, if you care but little to know them, if your efforts are directed only against the Roman Church's privileges, take care lest they turn upon you. It is dangerous to fight against the current of a river, to kick against the goad. For if you do not listen to us, we shall regard you as Our Lord has ordered us to regard those who do not hear the Church.

"The privileges of this See are perpetual: they were planted and rooted in by God Himself. They may be beaten against, but not changed; they may be attacked but not destroyed. Before your accession to the empire, they were, and they still, thanks be to God, are intact. They will be when you are not, and while the name of Christ is preached, they will never cease to be immutable.

"These privileges were established by the very mouth of Jesus Christ Himself. It was not councils that accorded them; they only have honoured and preserved them. St Peter and St Paul were not brought here by the authority of princes, after they were dead, in order to augment the authority of

the Holy Roman Church's privileges, as has been done among you contrary to reason and by violence; since from other Churches have been snatched the (bodies of) their protectors to enrich Constantinople with their remains and their wealth, but these Apostles (SS. Peter and Paul) came to Rome while yet they were alive, preached here the Word of Life, destroyed error, enlightened souls with the light of truth, and, consummating their martyrdom for their Faith, on the same day and together, consecrated the Holy Roman Church by their blood. . . .

"The Church of Alexandria they acquired through St Mark, son and disciple of one of them. For the son's inheritance is the father's, the glory of the disciple should always be referred to the Master. The Church of Antioch Blessed Peter already had acquired by his own presence. . . . It was through these three principal Churches that the solicitude of the Prince of the Apostles expected to govern all the other Churches. . . . It must be remarked, besides, that neither the Council of Nicæa, nor any other synod ever gave a single privilege to the Church of Rome. This was because they knew that in Peter, this See had obtained the plenitude of all power, and received the direction of all the sheep of Christ. This is what the Blessed Bishop Boniface attests when writing to all the bishops established in Thessaly. 'The universal institution of the new-born Church had its source in the honour accorded to Blessed Peter, to whom were given its direction and the Sovereign Power. . . .' The Synod of Nicæa was satisfied to accord to the

Church of Alexandria, a privilege similar to that enjoyed by the Roman Church.

"Such are some of the reasons among others of the same order, which make us interest ourselves in the fate of all the Churches: reasons that vehemently urge us to be indefatigable in our care of the Church of Constantinople, and oblige us to help, as a brother, the Patriarch Ignatius, dispossessed of his See against all law and every canonical rule. It is these privileges of our Church, which, under Divine inspiration, have also commanded us that, Ignatius being still alive, we must remove Photius—who has unjustly introduced himself into the Lord's sheepfold, driven out the Shepherd and scattered the sheep—from the honourable See he has usurped unjustly, and must exclude him from the communion of Christians.

"We did not charge our legates to inquire into, or give judgment on, the promotion or elevation of Ignatius to the Patriarchal See; we sent them only to inquire into the circumstances of his expulsion, and to report to us the truth on all the facts. This our letter proves, of which we had three copies made, one to send to you, one to keep ourselves, one to give our legates. . . .

"Again, you write to us to send you Theognostos, whom our brother and fellow bishop Ignatius, made Exarch of the monasteries of several provinces; you also ask for other monks, under the pretext of their having offended your Majesty. As they have never done this, we know very well that your only object in asking for them is to make them undergo

penalties and torments such as you have inflicted on all belonging to the party of Ignatius, who have fallen into your power.

" . . . Some among them have served in Rome from youth, and we do not think it would be just to send them away to be handed over to torments. As for Theognostos, we affirm him never to have spoken ill of you to us, but rather what was good. We know not why you demand him to be given up, unless it be that he, like many other Christians, has found this a place of some repose.

" Do you then really believe that, in justice, we can hand over any of those of whom we have just spoken, to the princes whose favours, honours, dignities they have despised, and whose indignation they have incurred, or by whom they have been persecuted? Far from us be such a thought. For, with God's help, we do not intend to be found like the traitor Judas, nor to surpass in perfidy the pagans. Pagans would not do such a thing, and you urge us to do it. . . . Thanks be to God, since the Blessed Apostles Peter and Paul, ours has been the power and the right, to call to us, not monks alone, but clerics from every diocese, when it is for the good of the Church. . . .

" If, by chance, you think Theognostos harms the cause of Photius in our minds by what he says of him, and that, on the other hand, he recommends to us that of Ignatius, be it known to you that, in truth, he says nothing at all to us of either of these personages, except what is public already, and what all the world knows, what the whole Church proclaims,

and what innumerable persons come to Rome from Alexandria, Jerusalem, Constantinople and the neighbourhood, Mount Olympus and other parts of the world, repeat. He says nothing to us, in short, that your envoys, and your own letters had not made us understand. What sin, then, does he commit when he says only what you have said? . . .

"Finally, if we do not change our mind, that is if we do not carry out your plans and become like you . . ., you seem to terrify us by threatening our country and our city with ruin. But we put our trust in the keeping and protection of Christ, because He has said: 'Unless the Lord keep the city he watcheth in vain that keepeth it.' And as hitherto we have had no fear, so now do we fear nothing, believing that angels guard our walls. And more, we know that the Saviour Himself has established our wall and our rampart. . . .

"Do you think we have forgotten the threats of Sennacherib, King of Assyria, and his servants, against the city and people of Jerusalem, threats no less redoubtable than are yours? We also remember the mercy of the Lord: we recall to mind how 195,000 Assyrians perished, and how the city was saved. We therefore render thanks to God, we fortify ourselves in hope; and, filled with confidence, remain stedfast in driving out from the Saviour's Temple—if He Himself give us strength to do it—the worship of Baal. For God is the same God Who is, and ever shall be. His mercy knows no limits, His power no boundaries. Dust and worm may threaten, but it is written: 'what

can dust and ashes do?' In vain swells the drop in the midst of the torrent of waters, for soon it disappears. Why do those whose strength is in iniquity, take pride in their ill-doing? What can they do? Kill a man? This only can they do, even as can a poison-fungus. O Emperor, the malice of the man strong for iniquity, is reduced then to this, he is comparable only to an evil fungus! what futile power, what vain glory!

"But you being wise, will glorify yourself rather in the Lord, will boast only in His goodness, exalt yourself in His Justice, not threaten, not terrify, us. Between us and you is a wide distance, occupied by those who are your foes, and it were better to take vengeance on them than us. We have done your Majesty no harm. We have done you no injury. While yet we live, we shall honour your Ministry; we shall do our duty following in the footsteps of our predecessors,—we shall extend our solicitude over all the Churches, with God's help. Why do men rise up against us? What evil have we done? It is not we, assuredly, who have invaded Crete; not we who have ravaged Sicily and conquered an infinite number of provinces that had submitted to the Greeks; not we who have set fire to the Churches of the Saints, causing many victims to perish; not we who have burnt down the outskirts of Constantinople almost adjoining the city. And no vengeance is taken on those who have committed these crimes, who are pagans, who have other beliefs than ours, who are enemies of Christ, adversaries of the ministers of truth. It is to us, on the contrary, who, by

God's grace, are Christians, born of Christian and Catholic parents, who believe in the dogmas of the one and same Faith, who have been called to be the servants of Christ, and desire to the utmost of our possibility to be the ministers of the truth, it is to us, who are to be terrified, who are called worthy of chastisements that threats are made! Is it possible to praise an order of things, a reversal of parts such as this? Those who have committed innumerable crimes remain unpunished, and those who have done nothing wrong at all, are attacked in their place; those who blaspheme Christ go scatheless, those who honour Him are overwhelmed with threats. But we have One Model to follow, we know where to go for consolation. The Jews also behaved in this manner, loosing him who was a thief and holding the Saviour, sparing the assassin and condemning the Author of life, delivering Barabbas and putting Christ to death."

But in the spirit of meekness and condescension, the Pope is willing to accord a fresh inquiry. He asks that both Ignatius and Photius should come to Rome; there the matter can be judged in an atmosphere free from all intrigue: "But this," he adds, "we grant solely out of indulgence towards you, and by no means to please, be it whom it may."

If Ignatius and Photius cannot come in person, let them make their reasons known to the Pope by letter, and send deputies. Nicholas specifies certain bishops and monks who should be sent to represent Ignatius, and adds: "If these be not sent, you will be acting in a suspicious manner; for these are men

who can make known to us what the truth is. On his side, let Photius send to us whom he pleases, persons capable, if this be possible, of proving his election to have been irreproachable and canonical. Let your Majesty also, if you will, send some of your advisers who, being themselves witnesses of facts, and cognizant of every decision either party shall take, whether honesty and justice be its mainspring, can render account to you accordingly. But, above all, see that the persons you send be men who fear God, know the traditions of the Church, and are capable of readily and obediently acquiescing in the truth."

The Emperor will, the Pope adds, furnish the necessary funds for the voyage to those whose own are inadequate. He asks also that the letters he had sent by Radoald and Zacharias, may be returned in the originals, that he may see whether they have been altered. Besides this, he asks for the authentic text of the acts of the first deposition of Ignatius, as well as for those that Leo, the Imperial Secretary, had brought. Finally, he exhorts the Emperor not to separate himself from the Unity of the Church: "If you follow our counsels, if you do your best to carry out what we ask, then, by authority of the Holy Prince of the Apostles, we grant to your most Christian and most Benevolent Majesty, liberty to be admitted to the communion of the Holy Catholic and Apostolic Church, especially to ours and that of our colleague in the priesthood, Ignatius, and to those of his party; only the Communion of Gregory and his sectarians being prohibited to you. But, if

what we have offered you, in regard to sending deputies, displease you, know we have been unable to think of any better or more advantageous course to pursue. Even this is accorded to you out of affection for your person, and that you may not suppose us unwilling to grant you any satisfaction. Do not go on thinking that we are less careful now for the peace of the Church than in the past. . . . God, the Almighty, is our witness, that there is in our mind no other thought, nor desire, than to seek and find what equity demands on either side, what belongs to the Church's interests now and in time to come. Put far from you the idea that we wish to favour Ignatius in despite of justice, or attack Photius, if he have on his side the canons of the Church. . . .

"We have faith in the Lord, Who has said that truth shall shine in the darkness, and Who has endowed man with wisdom. If both parties will come to the threshold of Him who caused Ananias and Saphira, who had lied, to perish by the sword of the Holy Spirit; we have, we say, confidence, that if there be hidden and uncertain facts, they will be revealed and made manifest. We have always the same desire, and this, with ardour, we pursue. It is that without partiality to either side, we may, with God's help, decide what the holy canons prescribe and equity demands, without wrong intention, and, consequently, without fear of any peril. . . . Neither enmity nor hatred have impelled us to oppose those who have joined the party of Gregory of Syracuse, but zeal for the House of the Lord, zeal for our ancestors' traditions, for ecclesiastical order and

ancient customs, and that solicitude which we extend to all the Churches of God. Finally, we have said it before, it is also those privileges of Our Apostolic See, privileges divinely given to Peter and transmitted to the Roman Church, whom the Church Universal celebrates and venerates, which inflame us and make it impossible for us to keep silence or remain indifferent.

"This is the truth, and had we time we might bring forward a thousand testimonies from the writings and decisions of the most competent men, to prove the exactitude of our statements. Do not then be angry, do not attempt vain discussions with us; keep yourself aloof from the discourses of the perverse, listen rather to our voice. Do not scatter yourself in threats uttered against us; for with God's help, we fear them not, and they will serve not at all in making us obey your orders, unless they agree with the Divine law. We are ready to shed our blood in the defence of truth and we shall never deliver either to you, or any of yours, the people God has confided to us.

"It rests now with you to consider what you have to do. Think of the times that are past, think of eternity, and search into what has become of those emperors who persecuted the Church of God, especially the Roman Church. Look at Nero, Diocletian, Constantine V., Anastasius, and at others who imitated them, ask yourself where they are to-day, and remember how execrated are their names in the Church of God. Think, on the contrary, of the glory of those emperors who have served

God, who have exalted His Church, and chiefly the Roman Church; that is of Constantine and Constans, Theodosius the Great and Valentinian, and all those others whose praises the Church sings; everywhere their panegyric is pronounced: their name is remembered in our Holy Mysteries. Be satisfied then with following their example and listen to our voice. For we are your Father by the grace of Christ, and we love you as a most dear son. We can only show you the way of truth: our one desire is, through Divine favour, to increase your terrestrial power. What fault do we commit when we ask for you, that eternal glory may be yours?

"Consider what were the love and respect of those pious emperors, your predecessors, in regard to the Apostolic See. See, what privileges of every sort they granted to it, how they enriched it with gifts and covered it with benefits, how they honoured it by their letters, their discourses, by their decrees according to the Faith. Examine the laws they promulgated to unite the Churches to the Apostolic See and to assemble councils; without giving orders concerning the decisions to be taken. They were satisfied with prayer and exhortation, they recognised what the councils decreed, condemned what they condemned. Let not your Sublimity, then, most dear son, take its stand among the ungrateful, the disobedient: but, let it imitate the emperors who have honoured God, and obediently receive whatever we have decided in regard to the Church of Constantinople. We require of you this obedience, having before our eyes those words of our

Lord: *He that heareth you, heareth me: and he that despiseth you, despiseth me.* But if you do judge us worthy to be despised, we, for our part, cannot despise, nor neglect that which is of God, and all the more as we watch for your salvation . . . and have received it as our mission to sow the heavenly seed. Woe to us, if we do not this, Woe to us if we be silent! . . .

"We beseech you to do nothing to harm the Church of God; the Church does none to your empire, since she prays for its stability, for your safety and for your eternal salvation. Do not usurp what belongs to God: do not try to take what has been confided to the Church. You are aware that he who administers worldly matters, should have nothing to do with the ordering of sacred things; and that he who is a cleric, a soldier of God, should in like manner, take no part in secular matters. We are unable to understand how those to whom it is permitted only to interfere in human affairs, are so presumptuous as to pronounce judgment on those who govern matters that belong to God.

"Before the advent of Jesus Christ, there were kings who were also priests, like Melchisedech. The devil imitated this in the persons of the heathen emperors, who were sovereign pontiffs. But since Jesus Christ, who is the true King and Pontiff, came into the world, the Emperor has never attributed to himself the rights of the Pontiff; nor has the Pontiff usurped the name of Emperor. Jesus Christ separated the two powers, so that Christian emperors might require pontiffs for the

life eternal, and the pontiffs make use of the laws of the emperors in temporal matters."

This independence of these respective powers, the Pope proceeds to insist upon, and upon the necessity of each remaining within the proper limits of their rights: "It is more than evident," he says, "that the Pope can neither be bound nor loosed by any secular power." He quotes words that the young Theodosius wrote to the Fathers of the Council of Ephesus. "We have sent our Count of the Palace, Candidian, to be present at your most Holy Council; but not that in any manner he should mix himself up in questions of faith or dogma. For it is not allowed that he who is not of the episcopal order, should meddle in ecclesiastical affairs."

In a few words the Pope again shows that the sentence against Ignatius was both iniquitous and illegal; then he winds up his letter thus: "We ask you, then, to listen to us in this present life, rather than meet us as your accuser at the last judgment. Do not be angry that we have for you so great an affection, that our wish is to make eternal the throne you possess only temporally, and that you who rule in this world may reign forever with Christ. For what confidence can you have in asking God's graces above, if here below you in nowise hinder the evil done to His Church! Act in such manner that the charges brought against your eternal salvation, be not too grave. You know what is written: *Better are the wounds of a friend, than the kisses of an enemy.* May God Almighty, O most dear son, mercifully open your heart to understand what we say; may

He give you grace to obey both what we write and His own inspirations."

The appeal was in vain: but, in 866, the Pope followed it up by writing other letters to Constantinople, charging with their delivery in that city, messengers he was despatching to Bulgaria. To the Emperor he wrote reminding him of the illegalities he had pointed out to him before; to Photius, he wrote in a tone of censure: to Bardas[1] kindly, evidently in the hope of winning him over to a better mind; the Empresses Theodora and Eudoxia and certain senators he addressed in the hope of persuading them to use their influence in obtaining the removal of Photius; and, besides these letters, he wrote also to the clergy of Constantinople, and an Encyclical to the clergy and faithful, of Asia and Libya. There are in all eight letters, and all under one date (13th November 866).[2]

But these efforts, baffled by Photius, were as void of success as the last. The Pope's envoys were stopped on the frontier, and were sent back to Bulgaria, carrying their letters with them.

Nicholas made another attempt to send messengers to Constantinople, and wrote on the subject of the disputed Patriarchate to France;[3] but he had not the satisfaction of seeing the conflict between East and West terminate, as it eventually did. In 867, Photius convoked all the Oriental bishops to Con-

[1] Bardas was dead, but of this Nicholas was in ignorance. He had fallen into disgrace and was put to death, April 20th, 866.

[2] Jaffé, 2124-2132.

[3] Jaffé, No. 2179.

stantinople, and in a synod made them pronounce the deposition of Nicholas. But this triumph of audacity was short-lived. In that same year, Basil the Macedonian, took possession of the throne, and one of his first acts as Emperor, was to send Photius into confinement in a convent, and re-instate Ignatius in his patriarchal rights.

To Adrian II., the successor of Nicholas, was confided the task of settling the dispute in its details. He annulled the acts of the synod that had been held at Constantinople in 867, and sent his legates there with authority to convoke an Œcumenical Council—the eighth in numerical order. In this council, ample reparation was made to the memory of Nicholas, and to the cause he had defended so ably in his support of Ignatius.

But, in spite of all this, when Ignatius died, Basil appointed Photius to succeed him. His motive was that of restoring peace, and Pope John VIII. approved this choice for a similar reason, and also because it paved the way for obtaining the independence of the Bulgarians from the Patriarchate of Constantinople and their incorporation with that of Rome. This pope also exacted certain other conditions, all of which were more or less in justification of the policy and proceedings of Nicholas his predecessor.

CHAPTER III

THE POPE AND THE FRANKS—NICHOLAS AND HINCMAR —LOTHAIRE'S DIVORCE—ENGELTRUDA—CONFLICT BETWEEN ROTHADE AND HINCMAR—WULFAD AND OTHER CLERICS ORDAINED BY ARCHBISHOP EBBO

WHILE Nicholas was defending the cause of justice in the East, by supporting the rights of Ignatius, he was also engaged in defending it in the West, where he was strenuously upholding the sanctity of marriage.[1] Lothaire, the King of Lorraine, had repudiated his wife, Theutberga, a daughter of Boso, Count of Burgundy, in order to marry Valdrada, his former mistress. The plea on which the repudiation was based, was that of incest, which, it was alleged, Theutberga had committed with her brother Hucbert, Abbot of St Maurice, before her marriage. On the strength of this accusation, a Council of Lorraine nobles sentenced her to be tried by ordeal. The *judgment of God* proved favourable to her innocence; but, nevertheless, in the following year, 860, she was brought before a Provincial Council, held at Aix-la-Chapelle,[2] on the same charge; and a confession

[1] This Lothaire was the second son of the Emperor Lothaire I. and grandson of Louis le Débonnaire. The Emperor Louis was his brother, Charles the Bald and Louis the German, his uncles.

[2] The Council held two distinct sessions, and was in fact not one, but two councils. The synod that two years later (862) pronounced the divorce, was held at Aix-la-Chapelle also.

of having been violated in her youth by her brother, was extorted from her by means of stratagem and force. She was sentenced to separation from her husband, and imprisonment in a religious house.[1] Two years later (862) a synod pronounced a divorce, and this decision was communicated to Rome; but before an answer could be received, Valdrada had been crowned.

The divorce was, however, far from receiving the sanction of public opinion, and consequently, the bishops, and chief personages of the kingdom, drew up a list of thirty questions on the subject, which they submitted to Hincmar, the Archbishop of Rheims. The archbishop's answers are embodied in a very remarkable tract, called *De divortio Lotharii et Theutberga*. He shows that, for separation, the case in question offered no legitimate grounds, and that divorce is impossible. Meantime Lothaire and Theutberga had both been making their own appeals to the Pope, whose judgment exactly coincided with that of Hincmar. He censured all the proceedings that had been already

[1] Two bishops, Günther of Cologne, and Thietgaud of Trêves, were docile instruments in Lothaire's hands. The latter seems to have been a man of simple parts; and Günther, a bishop who ruled his diocese with zeal, appears to have been too superficial to grasp the full meaning of the action he was countenancing. He seems also to have been influenced in some degree by the hope that one of his own nieces might become Lothaire's wife. *Cf.* Regino, a. 847-864 (Pertz, ser. i., 571). Lothaire ill-used Günther's niece and then dismissed her, an object of raillery to his Court, and went back to Valdrada. Regino, 864. *Cf.* Baxmann, l. c. p. 19, 20.

taken, and gave orders for the equitable and impartial revision of the case by a synod, to be held at Metz; the letters, six in number, in which these instructions are contained are all dated 23rd November 862.[1] He further sent two legates to Metz who were to preside over the synod. These legates, however, having been suborned, acquiesced in the confirmation of the Aix-la-Chapelle decisions.

Two archbishops, Günther and Thietgaud, were now appointed to go to Rome, carrying with them the Synodal Acts to submit them to the Pope for approbation.[2] A lull followed their arrival, which it was fondly hoped presaged the Pope's favourable decision; but these hopes were rudely dispelled by his suddenly qualifying the Metz Synod as a den of robbers. He then assembled a council in Rome itself, in which the decisions of the synod were pronounced null and void; and he thereupon deposed the archbishops, Günther and Thietgaud, as chief agents in the divorce. At their instance, the Emperor Louis II. now undertook to defend his brother's cause by force of arms. Rome was blockaded; but the Pope, nothing daunted by this measure, persisted in refusing to revoke the decisions of the Roman Council, when, on behalf of Lothaire, Thietgaud made overtures to him to that effect. His answer to these overtures was a renewed confirmation of the decisions, and of the depositions of the two archbishops, and an order to Lothaire to

[1] Jaffé, No. 2035 *seqq.*

[2] The Annales Xantenses, 864, assert that it was Nicholas who summoned the archbishops to Rome.

restore his wife to her rights and send away Valdrada.[1]

The Pope did, at last, succeed in obtaining the reinstatement of Theutberga, but only for a little while. This temporary restoration was effected by the legate Arsenius, who brought Valdrada to Rome. She soon, however, made good her escape to Pavia, and from there rejoined the King. With her return, the Queen's position became so intolerable, that she herself besought the Pope to recognise the divorce. But this Nicholas would never do, and, to the close of his life, he upheld her rights. On her behalf, he wrote to every prince of the Carlovingian race, to every bishop in the kingdom of the Franks, and he always maintained the same firm attitude towards her husband.[2]

[1] See, with regard to these very protracted proceedings, The Letters of Nicholas, especially Jaffé's, Nos. 2035, 2042, 2092, 2093, 2103, 2104, 2108, 2119, 2172 *seq.*, 2183. Hincmar, De divortio Lotharii; Migne, vol. cxxv. p. 623; Héfélé, l. c. v. pp. 433-463, 462-465, 472-481. Annales Bertin ad annum, 858; Pertz, ser. i. 452. Regino, chronicon; ad annum, 864; Pertz, i. 572, 574, 580. Hincmari annales, ad annos, 863, 864, 869; Pertz, i. pp. 460, 463, 466, 467, 468, 474-477, 481, 482. Ruodolfi Fuldensis Annales; Pertz, ser. i. 375, 377-380. Annales Xantenses, ad annos, 864, 865, 866, 867-869; Pertz, ser. ii. pp. 231, 232. Erchemperti historia Langobardorum; Pertz, ser. iii. p. 253; Baxmann, l. c. ii. pp. 19-25.

[2] Nicholas was on the verge of excommunicating Lothaire. A rumour of this reaching Adventius, Bishop of Metz, he wrote to Atto, Bishop of Verdun, begging him "in his quality of the King's private counsellor, to advise the King to confess his wrongdoing to the Pope and so avert the blow. Lothaire upon this did go through a feint of reconciliation with Theutberga, he sat at table with her, and appeared at church with her; he also wrote to

But the fruits of these efforts were gathered, not by Nicholas, but by his successor. It was to Adrian II. that Lothaire, at last, made his submission at Monte Cassino. His uncles, Charles the Bald and Louis the German, eager to divide his kingdom between them, hoped the Pope would excommunicate him. But Adrian had no desire to see their power augmented. He consented to Lothaire's coming to Rome, and not only did not excommunicate him, but admitted him to the Holy Table. He even absolved Valdrada from excommunication. These favours were accorded on the strength of the king's oaths and promises; he swore he had had no intercourse with Valdrada, since her excommunication; he promised he would never see her again.

A few days later, he died at Piacenza, punished by God, it was commonly supposed, for perjury. His uncles were no less ready to profit by his death, than by his excommunication. They seized his kingdom, in defiance of a treaty under which the Emperor Louis II. became his brother's heir, and divided it between them.

Adrian, thereupon, instead of waiting for the Emperor to take action on his own behalf, declared himself guarantor and arbitrator of the respective rights of the three princes. In this capacity he adjudged the states lately ruled by Lothaire to his

Rome in a tone of humility and repentance; but all the time he was keeping up his intercourse with Valdrada. In the very last weeks of his life Nicholas complained to Louis the German of the contempt shown for his commands." Valdrada was excommunicated three times.—Baxmann, l. c. pp. 24, 25.

brother the Emperor, and summoned Charles the Bald and Louis the German, under pain of ecclesiastical anathemas, to rescind their unjust partition. He also pronounced anathemas against such bishops and nobles as should support the usurpation. This unsolicited monition passed unheeded both in France and Germany; or rather, it was treated with open scorn. The Archbishop of Rheims addressed a letter to the Pope, in which, speaking for the nation, he told him that the Bishop of Rome was not the dispenser of European crowns; that France would never consent to receive her rulers from the Pope; that unreasonable anathemas, pronounced for political motives, would never frighten any French king; that before the time of Nicholas, French princes had always been accustomed to receive respectful letters from the popes; and in a word, that with all respect for the spiritual ministry of the Roman Pontiff, every attempt on his part to make himself king as well as pope, would be effectually resisted.[1]

But to return to Nicholas. Lothaire's were not the only conjugal difficulties in the Carlovingian family, in which he had to intervene, nor which led to the Convocation of Councils.

Engeltruda, wife of Boso, Count of Burgundy, and daughter of the Franc-Count Matfrid, left her husband to roam about France, and indulge her passions. In vain Boso urged her to come back and promised complete forgiveness of the past. His generosity found her obdurate and in his discourage-

[1] Bossuet quotes this letter with commendation. *Defensio cler: Gall.*

ment he at last appealed to the Pope, in a letter which arrived in Rome, just after the death of Benedict III., and to which it became the duty of Nicholas to reply. He wrote to Engeltruda, not once but several times, exhorting her to mend her ways; then he summoned her to Milan to appear before the council that was sitting there (860). This summons produced no effect, and Engeltruda was anathematised, the Pope pursuing her with his authority into the dioceses of Trêves and of Cologne, where she sought refuge. The condemnation pronounced at Milan was also communicated to Günther and Thietgaud, with orders to publish it. Günther, at a council held in Gaul,[1] put the question whether supposing Engeltruda to become converted, he might allow her to stay in his diocese, on condition of his imposing some penance upon her. Hincmar's reply was that he had no right to impose penance on a woman who did not belong to his diocese, and that all he could do was to interpose to prevent Boson from putting his wife to death. As regarded Lothaire, it was his duty to drive Engeltruda out of his kingdom.

While this dispute was going on, a conflict, the consequences of which reached all over Gaul, was taking place between Hincmar and one of his bishops. Rothade, Bishop of Soissons, on the charges of having unfairly deposed a priest, and of

[1] Neither the date of this council, nor the name of the town where it was held are known. With reference to Engeltruda's matrimonial affairs, see: Mansi, xv. 326 and 366. Hincmari opera, Migne, vol. cxxvi. p. 154, ep. 24, and in Mansi, xv. 590. Nicholas I., ep. 155. Héfélé, v. 436, 437.

having misused the funds of his diocese, had been deposed from his See by Hincmar, in a Provincial Council held at Soissons in 861.[1] The Synod of Pistes-sur-Seine,[2] convoked by Charles the Bald,[3] seeming disposed to ratify the judgment passed at Soissons, the deposed bishop proposed to go to Rome and appeal in person. To this, Hincmar having assented, Rothade proceeded to write certain letters in preparation for his departure; to the king and Hincmar he wrote commending his Church to them; to the priest he was accused of having wronged, he wrote, inviting him to go to Rome too and plead his own cause; he wrote also to a bishop, one of his friends, and exhorted him, and some of his colleagues who also had not acquiesced in his disgrace, to continue to defend and support him as they had at Pistes.

It was the last of these letters which Hincmar laid hold of as implying a withdrawal of the appeal to Rome; an allegation warmly denied by Rothade in the *Libellus proclamationis*[4] which he sent to the Pope. Hincmar now prevailed on Charles the Bald to prevent his going to Rome; and he was summoned to appear before another council at Soissons. Upon his refusing to do this, his deposition was confirmed, a bishop was appointed to

[1] Hincmari, ep. 2, ad Nicolaum, Migne, vol. cxxvi. pp. 29, 32. Annales de S. Bertin contin: par Hincmar. Pertz, ser i. pp. 455-457.

[2] 1st June 862.

[3] Annales Bertin, continued by Hincmar; ad ann. 862. Pertz, i. 457.

[4] Mansi, xv. 682. Hard, v. 580.

succeed him, he was excommunicated and shut up in a monastery.[1]

A very protracted controversy ensued between the Pope and Hincmar, details of which are to be found in the letters that passed between them. The Pope's contention was that Rothade, having appealed to Rome, ought not to have been judged by another tribunal before the Holy See had pronounced upon his case. He adds that even had Rothade not invoked papal jurisdiction, the matter was one to be referred to the Holy See, and he urges the bishops not to acquiesce in that which is an arbitrary extension of metropolitan jurisdiction on the part of the Archbishop of Rheims. "How can you know," he asks, "that what is happening to-day to Rothade, may not happen to any one of you to-morrow? And in such a case, where would you find refuge or protection?" Hincmar, on his side, maintained, first, that Rothade had been judged according to the canons of the Church; secondly, that conformably to such canons, differences between bishops and priests ought to be decided in Provincial Councils, and referred to the Pope only in cases of doubt; thirdly, that if the condemned bishop made an appeal, the Pope should appoint *Judices in partibus*, and not require the cause to be judged in Rome; fourthly, that it is only metropolitans who may not be judged without the Pope's assent; other bishops may. These arguments had no deterrent effect on Nicholas. He

[1] Ep. Nicolaï ad Hincmarum et Carolum Calvum; Mansi, vol. xv. Nos. 29, 31, 28, 32, 33, 30. Migne, ep. Nicolaï, Nos. 34, 37, 33, 35, 38, 36.

formally refused to consent, at Charles the Bald's suggestion, to let the case drop; and he succeeded in getting the synod, held at Verberie (25th October 863), to decree that Rothade and certain authorised agents should be sent to Rome.

The re-examination in Rome resulted in the Pope's annulling the decisions of the Soissons Council;[1] and, on Christmas Eve 864, he announced his judgment in a famous sermon, from which I shall draw deductions as to the principles he thought essential in ecclesiastical discipline. Hincmar he ordered not only to reinstate Rothade, but to proclaim at the Council of Troyes that neither an archbishop nor bishop may be deposed without consent of the Holy See.[2]

Simultaneously with this case, another of equal importance was pending. In 835, Ebbo, Archbishop of Rheims, on the charge of being accessory to the downfall of Louis le Débonnaire (834), was deposed[3] from his See by a synod held at Thionville. In the following year, he was, however, reinstated by the Emperor Lothaire I., and ordained certain clerics. A few months later, Charles the Bald deposed him again, and in 845 Hincmar was raised to the

[1] Migne, ep. Nicolaï, ep. 71. col. 890.

[2] *Cf.* Migne, Opera Hincmari, vol. cxxvi. ep. ad Nicolaum, 25-46. Héfélé, Histoire des Conciles, vol. v. 465, 491-508. The Bertin Annals express the resentment of Hincmar. *Cf.* ad ann. 865. Pertz, scrip. i. 468. "Rothadum canonice dejectum, et a Nicolao papa, non regulariter, sed potentialiter, restituum."

[3] Hincmar, his last written accusation of Gotteschalk; Migne, vol. cxxv. col. 389; Mansi, xiv. 658-982. Flodoard, Historia Remensis, l. ii. c. 20.

Metropolitan See. In 853, the clerics Ebbo had ordained, were, through Hincmar's influence on the Council of Soissons, interdicted from exercising their ecclesiastical functions, and this interdiction Hincmar proceeded to despatch to Rome for confirmation. Leo IV. refused the ratification; but, in 855, Benedict III.[1] consented to grant it, and in 863 Nicholas, at the request of Hincmar, renewed it, with the proviso that the decisions were confirmed, only if the Archbishop of Rheims had, in no point, transgressed any order of the Holy See.[2]

Among the more important clerics affected by the decisions was Wulfad, who made a vigorous appeal against them to the Pope. In response, Nicholas, wrote to Hincmar, offering him the alternative course of reinstating the clerics in their functions, or of laying their case before the Council at Soissons, which was to be reassembled, and at which certain bishops, designated by the Pope, were to assist. Hincmar chose the latter course; the council met and decided upon the reinstatement of the clerics; but, with the approval of the Holy See, as a favour, not as a right; Hincmar, it was also declared, was incapable of reinstating the clerics, since, not by him, but by a great council, had they been deprived of their faculties.[3]

This was not a decision that satisfied the Pope.

[1] Mansi, xv. 110. Baronius, ad annum 855.

[2] Ep. 32; Migne, col. 822: "Si in nullo negatio apostolicæ sedis Romanæ jussionibus inventus fueris inobediens." *Cf.* Baronius, ad annum 863.

[3] *Cf.* the letter of the council to the Pope: Mansi, xv. 728. Héfélé, v. 534.

He wrote demanding that all documents relating to Ebbo and the clerics, should be sent to him; he reprimanded Hincmar who had, he said, falsified the acts of the Soissons Council,[1] and by underhand methods gained the decision that he desired; and finally he ordered the convocation of another council to be held at Troyes in 867.

This council restricted its action to the preparation of a general report of the case, on which the Pope was to base his final decision. But this report never reached Nicholas. Charles the Bald,—into disgrace with whom the archbishop had, in the interval, fallen,—took possession of it and replaced it by another less favourable to Hincmar.[2] The latter, cognizant of what had been done to prejudice the Pope, sent emissaries of his own to explain matters and justify him; but before his messengers arrived in Rome Nicholas was dead. The succeeding pope, Adrian II., terminated the dispute by exculpating Hincmar from the charges brought against him, and by recognising Wulfad as Archbishop of Bourges.[3]

To appreciate the merits of this dispute we can hardly do better than read the following unpublished comments of Dom Coustant, on the letter addressed to Nicholas by the third council of Soissons.

"The letter is a skilful piece of workmanship. The Fathers kept in view a triple purpose: they

[1] *Cf.* ep. Nicolai, Migne, Nos. 107-110.

[2] Hincmari annales; Pertz, ser. i. pp. 474-477. *Cf.* Héfélé, v. 528 *seq.*, 542 *seq.*

[3] Mansi, xv. 709-754, 824-827.

wanted to imperil neither their own authority, nor the interests of the deposed clerics; they wanted to do nothing that would displease Nicholas. Although they reinstate the clerics, they manage to do this without in any way discrediting the council of the five provinces, by which the clerics were deposed; they only soften its decisions by an act of indulgent favour towards them. In this manner they safeguard their own authority without sacrificing the clerics. As regards the Pope, they attempt to propitiate him by reserving to him the gratification of reinstating the clerics.

"But all this did not satisfy Nicholas. He wanted them to abrogate the second Council of Soissons, because he saw this would redound to the glory of the Holy See. The bishops, on their side, were unwilling to do this. They foresaw it would lead to the gradual disappearance of their authority, that it would weaken that of national councils, and would tend to the enervation of discipline.

"By the middle course the Fathers adopted, they preserved the authority of the second council intact: they only introduced a new element of leniency into its censures. But to adopt a middle course in arbitration, is to succeed only in satisfying neither side. The Pope and Hincmar were alike dissatisfied with the judgment pronounced."

CHAPTER IV

THE POPE AND ITALY—JOHN, ARCHBISHOP OF RAVENNA —SEUFRED, BISHOP OF PIACENZA, AND PAUL THE DEACON—PEPO THE DEACON—SARDINIAN MARRIAGES—THE POPE'S ACTIVITY AND CHARITY; HIS KINDNESS

HINCMAR'S defeat in Gaul had its counterpart in Italy, where John, archbishop of Ravenna, had the temerity to measure his strength against that of the Holy See. He was the oppressor of his clergy and people; he hindered them from going to Rome, excommunicated them on frivolous pretexts, deposed priests and deacons (those depending directly on Rome as well as his own), without canonical judgment, extorted from them confessions of crimes never committed, and then, on the testimony of their own mouths, threw them into prison; he fraudulently appropriated civil property, he laid violent hands on lands belonging to the Roman Church, and he always refused to take his seat in the Roman Councils. He seems, in short, to have treated the laws of God and man, with a proud contempt which Nicholas determined to crush. His first measure to this effect, was to summons John three times, by letter, to attend a council.

The archbishop's answer to this triple summons was his customary refusal: whereupon the Pope excommunicated him. This sent the Archbishop flying to the Emperor Louis II., at Pavia, for protection, which, so far as mere promises went, was readily accorded, but proved to be of small practical value. In company with Imperial delegates, John went to Rome, to find that the Pope received the delegates only to remind them mildly of the sin they were committing in holding intercourse of any kind with an excommunicate person; and all their representations of the archbishop's case elicited nothing further. As for John himself, he was ordered again to appear before a council to render an account of his conduct: and a council was convoked for the 1st November 861. Crestfallen, he withdrew from Rome, where shortly afterwards a deputation arrived from Ravenna and the Æmilia, to beseech the Pope to visit those districts in person, that he might see for himself what the grievances were, and how they were to be remedied. He did what he was asked; he went amongst the tyrannised populations, listened to all their complaints, and administered justice to them. Properties that John and his brother Gregory had seized, were restored to their rightful owners, governmental reforms were introduced; and, in all cases where it seemed necessary, new officials were substituted for the old.

Meantime John was beginning to lose courage. At Pavia his reception was frigid, the Emperor's partisanship was evidently half-hearted. Submission, John began to see, was becoming inevitable, and, in

fact, when three successive councils had met in Rome and pronounced his condemnation, he accepted the situation, and submitted to the conditions imposed upon him. For a little while after this, he gave no more trouble; but only two years later we find him figuring again in opposition to the Holy See as the champion of Thietgaud and Günther. He was, in fact, finally subdued only by the Lateran Council in which he and certain other bishops were deposed, Radoald of Porto,[1] who richly deserved it, being among them.

The *Liber Pontificalis* mentions other ecclesiastics who met with stern treatment at the hands of Nicholas: "Seufred, Bishop of Piacenza," it tells us, "was, in those days, driven out of his see by the perfidy of one of his deacons, who caused himself to be elected in his place. But the Blessed Pontiff sent legates to Piacenza at once, who restored the lawful bishop to his church, and carried the ambitious Paul away to stand before the Apostolic Tribunal. He and his accomplices were subjected to canonical penance; and the Pope decreed that never, even when Seufred should be dead, should the Deacon Paul be promoted to the see he had temerariously usurped.

"It was also in those same times, that the Blessed Pope had to judge the cause of a deacon named Pepo, who had appealed to the Holy See against a sentence of deposition pronounced upon him by his bishop. And indeed, the deacon had

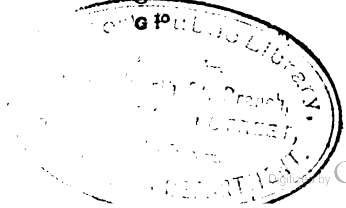
[1] *Cf.* Migne, ep. Nicolai, col. 757, 758, 759, 760, 763. Mansi, xv. 147 *seq.* Jaffé, Nos. 2025, 2028, 2035.

been condemned unjustly. The Pontiff restored him to his office, and every canonical formality having been omitted in the bishop's sentence, it was made null and void. The Pontiff laid hold of this occasion to remind all bishops of the obligation of conforming all their judgments to the rules laid down by the church. Justice was, indeed, it may with truth be said, the dominant virtue of this illustrious Pope. When any new scandal broke out in the bosom of Christianity, he knew not a moment's repose until, whether by letters or special legates, he had restored order, reformed the abuses and led back to God the erring consciences.

"The Blessed Pontiff's reputation for holiness and learning was so widely spread over the whole world, that from every province came either verbal or written solicitations for his advice. Since the time of Gregory the Great, none could remember to have seen so many of these requests arrive in Rome. The Blessed Pope personally received the great crowd of Christians, all so eager to hear what he should speak. He unfolded the meaning of the canonical precepts, the spirit of the Scriptures and ecclesiastical institutions; and the pilgrims, taught by his words, and blessed by his paternal hand, would joyfully go home to their own countries again. When he was consulted in writing, he answered by letters full of learning and eloquence. When he heard that in some part or other of Catholic Christendom, abuses or disorders were committed he besought the Lord with prayers mingled with tears, to have pity on His Church to the extirpation

of error and scandal. It was on this wise, that one day, receiving in audience certain islanders from Sardinia, and learning from them that in that country the canonical laws, relating to the prohibited degrees of marriage, were not observed, and that consequently the greater number of unions were incestuous, he drew up an apostolic letter, in which, now with the indignation of a prophet, now with the entreaties, the tenderness of a father, he exhorted the Sardinian people to return to the observation of the Church's rules. Two legates, Paul, Bishop of Populonia, and the venerable Saxu, Abbot of the Monastery of SS. John and Paul, were charged to go to Sardinia to fight against a disorder so pernicious. At first these legates were met with violent resistance. But, following out the instructions the Holy Pontiff had given them, after they had exhausted all persuasive methods, they fulminated excommunication and anathema against all who should refuse to submit to the ecclesiastical law and put their lives into proper order by a sincere repentance. This vigour had its effect. The evil that had existed, ceased; and of this Nicholas was informed by his legates in a letter which may be found in the *regestum* of the Holy Pontiff."

Nicholas had not the satisfaction of bringing to so successful a close all the great campaigns he undertook. He died (13th November 867), as we have said, before Lothaire made his submission; nor was it till two years after his death that an Œcumenical Council justified his condemnation of Photius, in a manner glorious to his reputation.



But he had other satisfactions. He was the recipient of tokens of submission to the Holy See, from different quarters of the civilised and barbarian world; he laid the foundations of the future conversion of Denmark; he sent missionaries to the Bulgarians, and in answer to their questions on certain matters of faith and morals, he wrote that famous letter[1] under 106 heads, which, according to Neander, proves that "it was not only the Church of Rome, that is the papacy and the exterior forms of Christian worship, which Nicholas had it at heart to introduce among the Bulgarian people, but he wanted also to make them careful in the practice of their Christian duties. And this allowance being made for the peculiarities of the situation (the people having been but recently converted) he accomplished in a manner which does honour to his pastoral prudence."[2]

The Bulgarians were only one among the nations who consulted Nicholas. From every quarter of the Christian world, questions came showering in upon him in such numbers that, in spite of all his energy, he sometimes found it impossible to avoid delay in his replies. This delay we find him regretting, especially in his letters to Roland,[3] Archbishop of Arles, Ado, Archbishop of Vienne, and Lothaire.

The greatest monarchs recognized his power and

[1] Nicol, Ep. 97.

[2] Neander, the German theologian (d. 1850). His most important work is his "General History of the Christian Religion and Church."

[3] Nicol, Ep. 17, 59, 158; Migne, col. 798, 869, 1180.

submitted to it. Abbeys claimed the privilege of depending directly upon him, or begged him to confirm immunities already enjoyed, by apostolic letters.[1] Nor must we omit to add, that in Nicholas energy and firmness were allied to gentleness and charity. For the sake of the poor[2] pilgrims who flocked to St Peter's, he had the aqueduct that brought water there repaired[3]; and, when the number of the poor was augmented by such causes as the invasion of Saracen hordes, or inundations and consequent famines, his charity increased proportionately.

To these details, I will add Baxmann's[4] remarks on another aspect of the Pope's character: "Nicholas," he says, "evidently always preserved the love of learning and art which he inherited from his father. In his reign, a great deal of care and labour was, as in Greece, expended on the illumination and embellishment of beautiful copies of the Scriptures. Rothaire, Abbot of Monte Cassino, may be especially mentioned in his pontificate as the author of works on the Old and New Testaments, and on grammar and medicine.

Some details of these characteristics that the author of the *Liber Pontificalis* gives in his life of Nicholas are interesting enough to be worth reproduction:

"In the very first year of his pontificate he had an opportunity of showing in a very signal manner how much he loved his people. On the 30th October,

[1] Nicol, Ep. 2, 29, 30, col. 770, 815, 819.
[2] Vita Nicolai; Migne, l. c. No. 600.
[3] *Ib.* No. 607.
[4] L. c. p. 3.

ninth indiction[1] (858), the Tiber overflowed the Campagna; and the waters, swollen by heavy rains, rushing into Rome through the gate known as that of St Agatha, in one hour the whole city was flooded. The Basilica of St Lawrence was inundated; and the liquid sheet, rapidly spreading, poured into the Monastery of St Sylvester, and the Basilica of St Denis (of which the exterior steps were completely submerged), and through the Via Lata into the Basilica of Holy Mary, Mother of God, which is there situated. The water rose till at last it was higher than the top of the doors of this latter church; every street, every square, as far as the Clivus Argentarii,[2] was inundated; and the water, mounting still higher and higher, at last dashed through the great door of the Church of St Mark, and poured itself in impetuous torrents into the Cloaca Pallacini, under the Monastery of St Lawrence. After that the torrent abated, and, having worked great havoc retired, little by little, to the bed of the river. But a second inundation followed quickly upon the first, and, on the following 27th December, the Feast of St John, the same horrors were renewed both in the city of Rome and in the neighbouring country. Houses fell, fields were devastated, trees were torn up by the roots, all cultivation was destroyed. The Blessed Pontiff's charity, his devotion, were, however, equal to the need; everywhere he caused ruins to be rebuilt, everywhere he administered consolation

[1] 30th October 860.

[2] The old name for the Via di Marforio; *cf.* Duchesne, Liber Pontificalis, ii. 149.

to the unfortunate. Near the Church of Holy Mary, he opened a large and spacious shelter, in which, from the first moment, all victims of the scourge were received."[1]

In later times this shelter was turned into a hospice for the use of foreign bishops who came as pilgrims *ad limina*, and who, with their retinues, were hospitably entertained there. It will be seen from the above quotations that the Pope's apostolic labours did not make him forgetful of the poor; on the contrary, the poor were the special objects of his predilection as the suffering members of his Lord.

"He caused to be drawn up," says the *Liber Pontificalis*, "a list of all blind, lame, and paralysed persons, whose infirmities prevented their attending the different institutions where provisions and alms were doled out; and, in every region of the town, persons appointed by him carried alms and other succour to these poor people in their own homes. For the poor who could walk, he devised a method for regular distribution of food among them, so that none should be forgotten. He divided them into seven categories, corresponding to the seven days of the week. He caused to be struck certain tokens with the Pontiff's name and head on one side, and, on the other, the name of the day of the week for which it was good. The first series of these tokens, that is the Sunday ones, were distinguished by one single point that jutted out in the middle, the second by two points, and so on, till the Saturday. All those, therefore, who were bearers

[1] Liber Pontificalis, No. 583.

of these tokens, knew just which day to come to receive, either in kind or money, their weekly dole; so that in the whole city there was not a single poor person who did not live by the benefits of the Holy Pontiff.[1] The pious solicitude of the Holy Pontiff extended over all the churches of the universe and everywhere for the protection of the weak, the defence of the oppressed, the consolation of every misery. The town of Ostia, which the Blessed Pope Gregory IV., of holy memory, had reconstructed, appeared to be insufficiently fortified. That the Saracens would some day surprise it was therefore a thing to be feared. The ramparts accordingly were renewed and furnished with impregnable towers. The great Pope also furnished the town with engines of war and he established there a numerous and valiant garrison, so that the city became to all the neighbouring country a safe refuge against every hostile attack.[2]

Nicholas only reigned nine years and seven months, but all the features that have distinguished the greater popes, and made them eminent historical characters, are compressed into his comparatively short pontificate. His energy carried everything before it with the irresistible force of a mighty torrent that leaves behind it indelible traces of its passage.

[1] Liber Pontificalis, No. 600.
[2] *Ibid.*, No. 607.

PART II

CHAPTER I

NICHOLAS' CONCEPTION OF THE PAPACY

THE temporal power of the Holy See was not the issue, we all know, of any sudden, unforeseen revolution. Its organisation was gradual, it grew under fostering circumstances, many causes contributed to its development. The spiritual power, also, has developed, and in somewhat the same manner. The principle on which it rests was laid down, no doubt, by Jesus Christ Himself; is, in fact, the fundamental rule on which He built His Church; but still the Pope's spiritual authority, his pontifical sovereignty, have certainly not been equally recognised in all ages. The gradual expansion of this recognition is nowhere more clearly illustrated than in the official acts of the more remarkable popes, for they cover the whole history of papal rights. The study is an interesting one, and we shall therefore try to gather from the letters of Nicholas what he conceived his own authority to be.

His was the highest conception of that authority to which the Middle Ages had attained. He saw, he made others see, the triple primacy that resides, not only in the Roman Church, but in the papacy; a primacy of priesthood, of doctrinal authority, of royalty. His generous defence of persecuted inno-

cence in Theutberga, his calm solution of all the Bulgarian questions, his unravelling of the wily Hincmar's arguments, his authoritative reminders to kings and bishops of the duties of their state, are all in the same tone. He speaks as one whose inmost conviction is that he is God's chief Representative on earth, as one who believes in himself, as holding the office of supreme priest, doctor, ruler.

It will not be difficult to prove this: for, in almost all his letters, sometimes in the preamble preceding the main subject, Nicholas alludes to the triple primacy, either as a whole or in part. He likes to remind those to whom he writes, of what he is, and of what they are in relation to him, and of the consideration and obedience they owe him. He is as careful to congratulate those who have shown proper respect for his sovereign authority, as to reprove those who have seemed to doubt it.

And first, as to his sacerdotal primacy. This, the controversy with Constantinople furnished him with a befittingly solemn opportunity to affirm. We have several of his letters to Michael, Photius and Ignatius; and, just because the rights of the Holy See were often attacked from the East, in a manner indicative of a tendency towards independence, in these letters, he explains his rights in an emphatic manner.

"When Jesus Christ," he tells Photius, "gave St Peter power to lose and bind in heaven and on earth, and to open the Gates of the Kingdom of Heaven, He deigned to establish His Holy Church on the firmness of the apostle's faith, according to

these, His own most true words: *And I say to thee, 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.* In fulfilment of this promise, and by grace of the cement of this Holy Apostolic See, the foundations of the Church, resting on precious stones, began to develop; and, through the blessing of the divine clemency and the zeal of those who laboured for the Lord, the edifice was reared to the solicitude of the apostolic authority, to the roof without interruption, and shall stand eternally, nor be shaken by any hostile breeze. The primacy of this Church, as every orthodox Christian is convinced, and as I have just superabundantly established, Blessed Peter, Prince of the Apostles, and guardian of the heavenly kingdom, justly merited to obtain."[1]

This is a very significant passage, because all canonists agree that the text Nicholas quotes from the Gospel, is the one that confers the sovereign pontificate on Peter and his successors. And here I may as well call attention to the mode of argument Nicholas generally adopts. Whenever he claims any papal right, he first supports his claim by quoting some text from the Gospel, then deduces from the text every argument it contains. This was the very best method he could possibly have adopted in dealing with a trained intellect such as that of Photius, a man able thoroughly to grasp his arguments in favour of the sacerdotal primacy of the Bishop of Rome.

[1] Ep. to Photius. Migne, l. c. c. 785.

He is equally explicit when addressing Western bishops: "The Pope," he says, "holds the place of Jesus Christ in the universal Church;[1] Divine Providence has put him at the head of the universal Church and has made his apostolate, as it were, the corner stone of the Church. The Roman Church is the mother of all the Churches."

I do not think I need further insist on this first aspect of the triple Primacy; it was not a novelty. With the exception of some few partisans of Photius, all bishops in both East and West bear testimony to its general acknowledgment, by their manner of addressing the Pope as well as by other tokens of respect and deference; and Nicholas himself, though he often alludes to it, does so, generally, not to argue about it, but simply in support of any measures he may be taking. But he is tenacious of the respect due to him, and even in such minor matters as forms of address; for we find him reprimanding Festinian, the Bishop of Dol, and Solomon, King of Brittany, because they had presumed to put their own names before his in writing to him.[2]

The second aspect of the primacy, that of authority in doctrine, Nicholas defines even more clearly in his letters. He refers to it perpetually, and to people of all conditions, and by this insistence, he no doubt did much to advance the development, and

[1] Ad Odonem, Migne, L. c. c. 813. Ad Hincmarum, Migne, l. c. c. 821. Ad Rotbertum, Migne, l. c. c. 864. *Cf. id.* c. 909, 915.

[2] *Cf.* Migne, l. c.; Ep. 91, col. 969; Ep. 92, col. 970.

diffuse the recognition of a prerogative, which, before his time, seems not to have been so widely recognised as the sacerdotal primacy. This, I think, is proved by the three following instances. For ten years synod after synod discussed the monk Gottschalk's startling propositions on the subject of predestination; council contradicted council, controversial writers disagreed, bishops—among them such prominent men as Hincmar, Raban Maur, Amolo, Prudentius and Wenilon—differed, but to no one, all this time, does it seem to have occurred to appeal to the Pope for an authoritative decision. He was, indeed, at last appealed to; but only by Gottschalk, from his prison at Hautvilliers, who hoped, through his intervention, to obtain some amelioration of his lot. The matter being thus brought within his cognizance, Nicholas did what he could to justify Gottschalk; that is, he ordered him to be brought before his legates, to defend his own cause, in Hincmar's presence. He also sent a statement of Catholic doctrine on the points in dispute between the monk and his metropolitan, to define what they ought to believe.

Hincmar did not, however, appear before the legates. All he did was to write secretly to Egilo, Archbishop of Sens, who was preparing to go to Rome (866), to ask him to make the Pope believe that Gottschalk was being treated with every consideration, and that his doctrines were dangerous. How the matter ended is not exactly known.[1]

[1] *Cf.* H. Littér.; the long article on Gottschalk, vol. v., principally pp. 355, 356.

The two other instances I have referred to, are both connected with the controversy on the worship of images. The decisions of the council of Nicæa Pope Adrian I. had ratified; but he found it impossible to prevail on the Frank bishops to accept them. On the contrary, the great council of the Western Church, held at Frankfort in 794, rejected and condemned them. The controversy was not prolonged, at the time, by further remonstrance from Adrian; but his opinions were brought forward thirty years later in the Paris Synod (824), and, after receiving very unceremonious treatment at the hands of the assembled bishops, were rejected.[1]

The opinion I have just expressed in regard to the recognition of the Pope's doctrinal authority, is supported by the very earliest letter of Nicholas that we possess. It is to Wenilon, Archbishop of Sens and his suffragans, and is dated 858. The archbishop had appealed to the Pope as to what he was to do in the case of Heriman, Bishop of Nevers, whose infirmities incapacitated him from performing his functions. Nicholas expresses much approval of the archbishop's confidence in his authority, and deplores the unfortunate state of those who recognise neither the doctrine, nor instructions, of the Holy See.[2] All this is in a lengthy prologue, which terminates in an exhortation to the archbishop to continue in the path he has entered, and always to walk in the light emitted from the Roman Pharos.

Even in this earliest letter, Nicholas speaks with

[1] Migne, Dict. of the Councils, i. 929, ii. 228.

[2] Ep. i.; Migne, i. c. col. 769.

no uncertain voice; but it is when he comes to treat the same momentous question with the Eastern Church, that we find him putting forth all the energy of his strength, and proclaiming in the penetrating accents of his own intense conviction, that, as the supreme Doctor of the Church, it is his right to decide all questions of faith and discipline, his to judge all matters of faith, morals and the Church's order. "It is certain," he wrote, in 862, to Photius, "that the Holy Roman Church is—through Blessed Peter, chief apostle, who merited to receive the primacy over the Churches, from the Saviour Himself—the Head of all the Churches. To her come all the Churches to seek, in order to conform to it, that perfect rule, those dispositions regarding ecclesiastical institutions, of which she is the inviolable guardian, according to the decisions of canons, synods, and the holy Fathers. From this doctrine, the natural conclusion is, that no decision, taken with full authority by those governing this Holy See, should be in anywise departed from, no matter what pretext and opposition be furnished by a custom issuing from one single and particular will." [1]

This is a lesson Nicholas never wearies of repeating; the Emperor Michael, the clergy of Constantinople, the Western Churches, are one and all reminded, whenever he addresses any of them, of the duty of receiving Rome's decisions obediently. In 864 he wrote to Ado, Archbishop of Vienna, on the subject of the conformity the Churches owe to

[1] Ep. 12; Migne, l. c. col. 786.

Roman constitutions, and one particular passage of this letter is worth quoting: "The bishops," he says, "ought to conform to every tradition of which the Roman Church is the depository; from her the traditions no doubt derive, and the bishops ought not therefore to go wandering among strange ideas, at the risk of losing sight of the very source of every institution. If, hitherto, your predecessors have not been so thoroughly attached as they ought, to those traditions, or, if in any manner they have modified them, we answer you now, not for your own instruction, but that you may with the greater authority instruct your flock; or should there be amongst it any who have abandoned the institutions of the Roman Church, that you may, without delay, be able to warn them or bring them to judgment. By such means shall we be able the better to know who have introduced novelties, who they are who think that any custom than that of the Roman Church, should be observed." [1]

Again, in 865, we find him writing in the same authoritative tone of supreme Doctor to Harduic, Archbishop of Besançon, who had consulted him about the election of bishops, the powers of *chorepiscopi* and certain cases of marriage and of homicide; and he tells him that, while he remains submissive to the teaching of the Holy See, he may always securely count on Divine protection.[2]

In 867 he wrote to Charles the Bald, desiring

[1] Ep. 98; Migne, l. c. 1019; Ep. 12, 788; Ep. 75, 901; Ep. 69, 889, 890.

[2] Ep. 82; Migne, l. c. col. 918.

him to send him the Latin translation of Dionysius the Areopagite, that had been made by Scotus Erigenus, expressing himself in a manner that shows he thinks new books ought all to be similarly submitted to him. "It should," he says, "in accordance with the usual custom, have been sent to us and submitted to our approval."

(*Quod, juxta morem, nobis mitti, et nostro debuit judicio approbari.*)[1]

Finally, at a council held in Rome in 863, Nicholas set the last seal on papal authority in matters of doctrine. He pronounced an anathema upon all who disregard any doctrine or any order to which the Sovereign Pontiff gives expression. "If any one shall despise the dogmatic decisions, prescriptions, interdictions, sanctions, or decrees wisely promulgated by the Pontiff of the Apostolic See, relating to the Catholic Faith, or to ecclesiastical discipline, in order to prevent misfortunes now or in the future, let him be anathema."[2]

We have now come to the third aspect of the Pope's Primacy. The Sovereign Pontiff, the Supreme Doctor, has also a royal prerogative in the government of the human race. To understand this prerogative as Nicholas understood it, we must again have recourse to his correspondence with Constantinople, in which he knows he is addressing men of great erudition, and that some of them are hostile to the Roman Church; he is careful there-

[1] Ep. 115; Migne, l. c. col. 1119.
[2] Hardouin, Councils, vol. v. col. 594.

fore to justify what he says by quotations that support his claims. These quotations are from the Gospels, the Councils, the Fathers; but those from the Gospels always hold the chief place and are the foundation on which the others are based.

It was in 866 that he made his first attack on the Oriental Court, always famous for wiles and subtleties, and eager, at that time, for independence of the Holy See. The letters he addressed to members of the imperial family, senators, the clergy of Constantinople and the whole Christian world, were as logical as they were powerful. He three times quotes the *Pasce oves meas* in justification of his energetic intervention,—that text which every Roman Pontiff quotes in turn, in support of his right to a supreme power of government. He devotes the whole prologue of the letter to Ignatius, to the development of this divine injunction, referring to it over and over again in defence and explanation of the position he has assumed.[1]

But enough has now been said of the abstract theory that Nicholas entertained of his own powers. His letters show, in the most convincing manner, that his conception of those powers was one with which the world was not, as yet, familiar. He is, as it were, the connecting link between Gregory the Great and Gregory VII. He proclaimed in the most solemn manner that the Pope was divinely invested with the triple primacy; of his pontificate, of his right to teach with authority, of his right to

[1] *Cf.* Migne, l. c.; Ep. 106, col. 1091; Ep. 104, 1068; Ep. 98, 1019; Ep. 101, 1058.

govern men. He insisted also on the indivisible character of this threefold office, an indivisibility which is its strength, and though in explaining this threefold character I have spoken separately of the three Powers he claimed for the Papacy, it is not to be supposed that Nicholas himself treats them as separable. Everyone of his letters embodies the same idea; above and superior to the Pope there is only the God, who has conferred on him, in Peter's person, the indefectible Faith, the power to confirm his brethren in that Faith, the royal sceptre whose sway is so extensive with the Church.

We have now to see how Nicholas gave practical effect to this great idea, how he set to work to vindicate the rights he claimed for the papacy, how he obtained respect for his decisions. He was not the man to be satisfied with theories, to be content with laying down principles. He applied them to society, civil and ecclesiastical, and claimed for his office the legislative, judicial and executive powers which are the distinctive attributes of sovereignty.

CHAPTER II

NICHOLAS AND THE LEGISLATIVE POWER OF THE PAPACY

THE questions we shall have to touch upon in this chapter are of even more delicate nature than those dealt with in the last. They are questions that have, for many ages, stirred men's minds to the depths, and roused their most passionate feelings. Let me therefore say, at once, that I have no intention of discussing theological opinions; such discussion lies neither within the scope of this study, nor my own powers. Ours is essentially a study of history and legislative faculty, and these self-imposed limits we shall be careful not to transgress. I shall only make a statement of principles, trace the deductions drawn from them, show their development in facts.

What the legislative power of the papacy was in the hands of Nicholas, we shall best understand from his own letters. As pope, he claims all the prerogatives of a legislator, and seizes opportunities to bring forward his claims. He presses them upon East and West alike. "Read the Holy Canons," he writes to Rudolph, Archbishop of Bourges, "peruse the acts of councils, and see that the Holy See, by a special prerogative, has the right to make laws,

establish decrees, and promulgate sentences in the Universal Christian Church." [1]

We are already acquainted with one, and that the most important, development of this principle. It will be remembered that, at a council held in Rome in 863, Nicholas pronounced an anathema upon all who should refuse to recognise, and accept any dogma or decree, in matters of faith or discipline, promulgated by the Pope. The obligation he imposed on all bishops, of publishing his letters in every parish, and of scrupulous conformity to the prescriptions contained in them, if of less importance, had nevertheless great practical value in bringing his power home to men's minds: "Make known to all the faithful, in all your parishes, this Act of our Pontificate," he writes, "and to this effect, preach to others conformably to the definition of the Apostolic See; and you, yourself, hold to it invariably; this we command you by our paternal authority." [2]

Here is a firm statement of the claim to legislate; let us see how it worked in the enactment of laws and rules.

Pronouncing upon the relative values of ecclesiastical constitutions and civil laws, Nicholas declares the former superior to the latter. He defines the value of customs peculiar to local churches, as subordinate to the canons.[3]

Where the discipline of monastic rule has been

[1] Ep. 12, col. 786; Ep. 75, col. 901. Privilegium Corbeiense, col. 815.

[2] Migne, Ep. 11, col. 785. *Cf.* Ep. 93, col. 973.

[3] Gratiani decretum, Dist. 10, 12, 8, 22. Migne, Ep. 35, col. 828.

relaxed, he introduces reforms; in some cases he makes the rule itself stricter. He exhibits great zeal in shutting out from the priesthood those whose worldly entanglements, or past lives, unfit them for it.[1] He strives to banish secular ambition from the sanctuary, and, to this effect, often quotes the ancient canons that forbid the conferring of different ecclesiastical orders at the same time.[2]

He will not allow a clerk who has been an assassin to be ordained. He forbids marriage to sub-deacons, and to widows who have made profession of religious faith. He makes monastic vows perpetual, but requires them to be freely taken, and will have no one forced into the monastic state. He absolved from his vows, a child of between eight and ten years of age, who had been forced into religion by his father.[3]

But it was above all, in regard to bishops, and especially in the rules affecting them that he either made or emended, that Nicholas showed himself most stern as a disciplinarian. The only durable moral ascendency being, of course, that of virtue, he made a point of charging bishops to become living sermons, to preach by the good example they set their flocks. "Let archbishops and bishops put a restraint on their own cupidity, that, with the more freedom, they may resist illicit lay usurpations."[4]

[1] Ep. 4, col. 776.

[2] Ep. 4, col. 774; Ep. 11, 784; Ep. 99, 1051.

[3] Ep. 59, col. 870; Ep. 26, col. 811; *cf.* Ep. 125, col. 1125; Ep. 134, col. 1129; Ep. 138, col. 1131. Ad Bulgaros, ch. 87. Migne, l. c. col. 1011; Ep. 26, 117, 125.

[4] Ep. 118, col. 1122.

It was his great desire that the higher functions of the sacred ministry, might be committed only to men worthy of fulfilling them, eminent for their moral virtues, exempt from worldly ambition. And how were such men to be found? Who was to choose, who nominate them? The clergy, the lay members of each local church were to do this for themselves. This is what Nicholas told Photius and Michael,[1] John of Ravenna and Harduic, Archbishop of Besançon[2] and those Frank bishops whom he pressed to urge on Lothaire the duty of dethroning Hilduin, who had seized the Archiepiscopal See of Cambrai; the people, said the Pope, ought, of right, to have been allowed to elect their own archbishop.[3] From these injunctions, it follows that a bishop, to be properly elected, must be chosen by people and clergy, and be of exemplary conduct. When Lothaire sought to intrude into vacant sees men on whose partisanship he might rely, Nicholas sharply rebuked him, and reserved to himself the right of ratifying nominations emanating from Trêves and Cologne. There were two other points on which he constantly insisted. The bishop ought to be chosen from the ranks of the clergy. Laymen had, in exceptional instances, been elected, and the reasons why these exceptional elections — that for instance of St Ambrose — were legitimate, Nicholas carefully explains. The clergy from which the bishop is chosen, should also be that of the diocese he is to rule; not to observe this custom is, Nicholas says, to show a

[1] Ep. 12, 13, A.D. 860. [2] Ep. 144; Ep. 82.
[3] Ep. 41.

want of proper respect for canons and decretals, a contempt for clerics whose lives have grown in virtue and wisdom in the Church concerned. He did, indeed, confirm the election of Egilo, who was brought out of the Monastery of Flavigny to become Archbishop of Sens, but he warned Charles the Bald that the experiment was not to be repeated.[1]

Nicholas was not satisfied with measures that ensured the election of good bishops. He kept a zealous watch over the bishops themselves, he instructed them in their duties, urged on them that they ought to be models to the faithful, and so live that their lives might become their rule and standard. "Let your life be the rule for your sons," he writes in 860 to Adelowinus, Archbishop of Salzburg, in a noble letter that deserves to be meditated upon; "let your life be a rule for theirs, and if it inspire them with courage, let them behold it as a model, that, reflecting on themselves, and having found in your life the cause of their own progress, they may, after God, owe it to you to have lived well."[2]

He writes in a similar strain to Ansgar and Rimbert, who were successive Archbishops of Hamburg.[3] "A bishop," he tells them, summing up all he desires to say, "a bishop must be without reproach." He is fond of recommending the manly virtue of courage to bishops; he tells them they

[1] Ep. 94, col. 973; Ep. 95, col. 975. [2] Ep. 3, col. 772.

[3] Ep. 62, col. 878; Ep. 87, col. 962; Oportet Episcopum irreprehensibilem esse. Ep. 3; Migne, l. c. col. 772; Ep. 9, col. 782.

ought never to leave their own diocese, even should it be invaded: they are to stay at their posts, and when the danger is past, reassemble their flock and restore it to hope and order.

Bishops, he says, are carefully to avoid everything that lowers them in the eyes of others, such as familiarities with their female relations, the pleasures of the chase,[1] everything in fact, and above all war, that withdraws them from the duties of their state and tends to the diminution of their dignity. Charlemagne, solicited by all his peoples, had already forbidden bishops to go out to battle, except to bless armies or act as peacemakers. But the prohibition was very soon disregarded; and Charles the Bald actually wrote to Nicholas, excusing himself from sending any bishops to attend the Roman Councils, because they had nearly all of them gone out to fight the pirates; an excuse which Nicholas hastened to let him know was excessively displeasing to him.

The rules concerning marriage laid down by Nicholas remain to be quoted among his legislative measures. They are to be found in his letters to bishops, many of whom appear to have consulted him on this important matter.

First. To contract marriage, only the consent of the man and woman is necessary; and without their mutual consent there can be no marriage at all, even where there has been union of persons.[2]

As a consequence of this principle, Nicholas

[1] Ep. 127, col. 1126; Labbé, 7, cop. 4, p. 1165; Ep. 56, Ep. 83.

[2] Gratiani decretum, 27, 9, 2, sufficiat; Ep. ad Bulg. 3; Pithou Codex Cannonum, i. p. 375.

declared marriages imposed by parents on children of tender age null; unless, having reached the age of discretion, the children themselves should consent freely to the marriage.

Second. Marriage is indissoluble. This principle, we have already seen Nicholas so firm in upholding in the case of Lothaire, that we need not dwell upon it here. I shall only remark that such was his respect for the indissolubility of the marriage bond, that, even in cases where some invalidating impediment was discovered subsequently, he would not permit marriage to be dissolved.[1]

Third. While the husband and wife were both alive, he would allow dissolution only in cases where both parties promised continence. Madness, or any other accident, were not causes of separation: the woman's adultery might be a cause of separation, but the husband had no right to kill the woman; he could not even leave her, except after judgment, and no judgment could be pronounced until such time as the woman had been put into possession of her rights.[2]

Fourth. Marriages, in common with other festivities, were not to be tolerated during Lent.[3]

Fifth. The celebration of marriage was to be surrounded with solemn, and public, ceremonies.[4]

[1] Ep. 66, col. 885; *cf.* Ep. 132, col. 1128. In the cases referred to in both these letters, the civil law permitted dissolution. *Cf.* Capitul. Pip. 757, No. 15, Pertz, iii. 28.

[2] Ep. 83, col. 924; Ep. 149, col. 1148; Ep. 26, col. 811; Ep. 148, col. 1145.

[3] Ad Bulgar. 48; Gratiani decretum, 33, 9, 4.

[4] Ad Bulgar. 3; Grat. decret. 30, 9, 5.

With regard to impediments to marriage, he formulates the following rules:—

First. Marriages between relations to the seventh degree (the fourteenth according to Roman calculation) are prohibited, and even when any degree of relationship can be recognised. It is not lawful to have a concubine as well as a legitimate spouse.[1]

Second. Sponsorship in baptism or confirmation, constitutes a spiritual paternity and maternity, which, so far as regards marriage, have the same effect as natural paternity and maternity, whether as regards the godfather and godmother themselves, or their descendants and relations.[2]

Third. A similar rule holds good in adoption; that is to say, the adopting and adopted parties, may not contract marriage.[3]

Fourth. Every man who has killed his wife, except in the case of adultery, or some analogous crime, is to be regarded as a homicide and may not be allowed to contract marriage.[4]

Fifth. It is not allowed to those who have been separated on account of relationship to marry again.[5]

Sixth. The man who has married two sisters, or the woman who has married two brothers, may not contract a third marriage.[6]

We are now acquainted with the chief features of the legislative work of Nicholas—a work that

[1] Ad Bulgar. 39; Grat. 35, 9, 2; Ep. 26, col. 810.
[2] Ep. 130, col. 1128; Ep. 132, col. 1128; Ep. 66 col. 885.
[3] Ad Bulgar. 2.
[4] Ep. 66, col. 885.
[5] Ep. 82, c. 2, col. 919.
[6] Ep. 82, col. 919.

bears the impress of his own character, and is resolute, austere, but fired with a generous ardour to improve the world. To accomplish this noble work, he aimed at the purification of society, civil and ecclesiastical; in order to guarantee stability to the reign of faith, he tried to spread the rule of order, by teaching men to respect themselves and one another. Moved to sorrow, or stirred to wrath, by the moral evil that he saw everywhere, he allowed himself no repose. But this activity I need not further insist upon, for we already know enough of it.

CHAPTER III

NICHOLAS AND THE JUDICIARY POWER OF THE PAPACY

WE have learnt, from the preceding chapter, that the primacy was, to Nicholas, not an honorary distinction, entailing no obligations; but a mighty burden, an onerous charge, that made him responsible for the whole world. Nothing was to escape his eyes, his ears, his vigilance. All the oppressed were to turn to him, as their defender, his arm was to reach wherever help was needed.

Such was the ruling motive of his legislation, such also the mainspring of a jurisdiction, which, convinced that it was not merely his right, but his duty, to extend his pastoral solicitude everywhere, he exercised with resolute mind and fearless independence.

"It is our rigorous duty, on account of the solicitude of our pastoral office; it is incumbent on us, because Divine Providence has set us over all His Household to guard it, to regard our sublime Apostolate—that Corner Stone, established in the Church after the Pattern of the true Corner Stone (which is Christ)—as intended to offer to the faithful and the humble, an assured and immovable Refuge, against which beat in vain the angry waves of the enemy."[1]

[1] Ep. 32; Migne, l. c. col. 821; *cf.* Ep. 79, col. 913.

He expressed this idea in very clear and vivid terms in the letter he wrote to the bishops of Gaul, asking them to prepare themselves to receive Rothad —whom he had just reinstated—in a friendly spirit. Nothing gives so good an idea as this letter, of exactly what Nicholas conceived his own jurisdiction and prerogatives to be.[1] In another, addressed to the nobles of Aquitaine, who had unjustly detained property belonging to the Church, a letter written in a tone of very sharp rebuke, he develops the same principles, especially in the prologue.[2]

We know how inflexible John of Ravenna found him; when, after having defied the admonitions of the Roman Court, he fled to the Emperor, to discover to his cost, that the guilty could no longer escape the consequences of their misdeeds, even under the highest protection.

To punitive measures Nicholas did not hesitate to have recourse, if counsel and warning proved ineffectual. We have seen him excommunicate Günther and Thietgaud, and,[3] not satisfied with this, informing the German bishops and Rudolf of Bourges and his suffragans, of their degradation.[4] To the very end of his life, the two culpable archbishops were made, in various ways, to feel how serious a matter it was to incur the Pope's anger; and when the Emperor Louis took up their cause, it was only to draw a rebuke upon himself. Nor would Nicholas consent to pardon the confederates of the

[1] Ep. 75, col. 904.
[2] Ep. 111, col. 1114.
[3] Ep. 83, col. 922.
[4] Ep. 65.

archbishops, until they had made their submission to him.[1]

His idea of his jurisdiction was, that it was to be protective. He was to defend peoples and clergy. "We must," he says, "succour those of our brethren who have suffered any injustice. . . . We must be the successors of our predecessors, not only in the honour of their pontificate, but also in their labours."[2]

His intervention extended, therefore, to abuses of the temporal, as well as of the spiritual power. It was enough for him to know of injustice; he exhorted, warned, punished wherever it reigned. He defended Ignatius against Photius and Michael, Theutberga against Lothaire and Valdrada, Ravenna against its archbishop, Rothad, Wulfad against Hincmar.

Let us attempt to define the jurisdiction he claimed. His own letters on the subject are very remarkable; and, taken collectively, very clearly show what the influence and jurisdiction he actually exercised were.

"This Holy and supreme See," he says, "to which is entrusted the solicitude and charge of the Lord's flock, by a salutary disposition of His justice, and, leaning on Him for aid, occupies itself in ruling all things, deciding all things, in all parts of the universe."[3]

He governed the whole Church in fact, and accepted all the burdens of the position. He superintended the order of divine worship[4] all

[1] Ep. 68, col. 877; Ep. 154, col. 1161.

[2] Ep. 104; Migne, l. c. col. 1084.

[3] Ep. 18, col. 799.

[4] The *Vita Nicolai* gives many details of his donations to churches.

over the world, and added to its beauty by embellishing sanctuaries with his gifts.[1] He conferred all the chief ecclesiastical dignities;[2] he reserved to himself the right of appointing metropolitans and vicars apostolic in places where there had been neither; he bestowed the pallium[3] on archbishops, and made it a rule that they were not to exercise their functions until they received it,[4] and not to receive it until, either by oath or letter, they had promised allegiance to the faith of the Roman Church.[5] He controlled the building of churches;[6] he fixed and regulated the honours that were to be paid to those servants of God, whose lives were proposed to the faithful as models.[7]

When exercising this jurisdiction, Nicholas always maintained the same inflexible front, the same jealousy of the Sovereign Pontiff's rights, the same equable dignity in asserting his claims. He explains to bishops that it is for the general well-being of the Church, that they should always keep him informed of the state of their respective provinces,[8] and consult him in doubtful cases; especially those that affect grave ecclesiastical interests.[9] It is upon the same grounds that he claims the right to

[1] Letter 61, col. 874, 84; *cf.* Ep. 62, 25, 85, 91, 92, 3, 15.
[2] Ep. 61, 62; Ep. ad Bulgar, c. 73.
[3] *Cf.* Ep. 3, col. 772; Ep. 15, col. 796; Ep. 95, col. 976.
[4] Ep. ad Bulgar, c. 73, col. 1007.
[5] Ep. 15, col. 796; Ep. 87, col. 964; Ep. 94, col. 974.
[6] Ep. 135, col. 1130.
[7] Dom Coustant, l. c. vol. v. p. 240.
[8] Ep. 75, col. 901.
[9] Ep. 32; Ep. 35; Ep. 84.

summon to Rome any witnesses, no matter to what diocese they may belong, nor what their ecclesiastical status, who may be required in the drawing up of cases of importance.[1] He claims the right of sending his legates and his letters all over the world, in order to teach the faithful, whom distance may prevent from approaching his person.

The share he gave to papal authority, in the convocation and ordering of councils, as well as in the judgment of ecclesiastical cases, was so important, that certain theologians have tried to shelter their own attacks upon episcopal authority, under the cover of his name. It will be well therefore to define what it was he really claimed.

He reserved to the papacy the right of convoking, directing, ratifying National Councils. "This Holy See," he writes to Charles the Bald, when he announces to him that he has just convoked the Council of Metz, "often decides to define, judge, condemn and punish, with the consent of a large number of prelates,[2] acts that are contrary to rules and laws."

This passage is followed by an order to the King to send two bishops to attend the council. The principle expressed in this letter is confirmed in letters 17, col. 798; 19, col. 799; 83, col. 922; but above all in 71, col. 901, where we find these very significant words: "National councils are to be

[1] Ep. 86, col. 952.

[2] Ep. 12; Migne, l. c. col. 786; *cf.* Ep. 98, col. 1019; Ep. 104, col. 1068; Ep. 106, col. 1091.

convoked by no one without order of the Holy See."[1]

The councils thus convoked, were to be conducted on analogous lines. The Annals of Baronius for 863, of Bertin for 865, mention councils held on the Lothaire affair, over which the Pope's legates *presided*. The 59th epistle which orders Hincmar to assemble a council at Soissons, makes it clear that the Pope had arranged that a particular bishop was to be present to watch the proceedings, and report on them to him.

Again, when writing to the bishops attending the Council of Metz, to urge them to decide Theutberga's fate, the Pope says: "In order to settle and finally judge this matter, we desire, as we already have warned your fraternity by our Apostolic Letters, that, in virtue of a papal decision you be present; you will hold this council, supported by our Apostolic authority, aided by our legates *a latere*, who will take their seats among your fraternity; and, together with them, you will watch with great care that your loyalty be above suspicion, and that you take precautions against those sentiments of hatred or jealousy, which are so calculated to keep men aloof from the way of truth."[2]

In the face of evidence such as all this, I do not think there can be any doubt that Nicholas made a point of controlling all councils of the slightest importance.

[1] Facto consilio generali, quod, sine apostolicæ sedis præcepto, nulli fas est vocandi.

[2] Ep. 21; Migne, l. c. col. 801; *cf.* Ep. 107, col. 1094.

He insisted also on their requiring papal approbation: "Do not say then," he writes, "that you have no need of the solicitude of the Roman Church in your case. It is she who by her authority, confirms councils, by her direction gives them the value they possess. And, for this reason, some not having had the consent of the Roman Pontiff, have lost all their force." [1]

But, although Nicholas did claim for the papacy the power of convoking, controlling, confirming national councils, he has nowhere asserted that every council must have papal approbation—to say that he did so is an invention of modern days.

This pseudo-Isidorian principle is not to be found in any of his letters. He never hindered the holding of provincial councils; in nowise did he attempt to bring them under the discretionary power of the Roman Court; he claimed no right to approve their decisions, except in so far as they were meant to have general effect, and become laws in the Universal Church. "What force," he says, "can your councils have, if the Apostolic See have lost its power, for history bears witness that no council has ever been received without its consent." [2]

I see no departure from ancient discipline in the principles Nicholas held in regard to councils. Parallel ideas may be found in the eighty-four chapters Adrian I. sent to Engelran, Bishop of Metz, in one of the letters of Theodore of Studion, in

[1] Ep. 806, col. 947; *cf.* Ep. 32, col. 821, 822; Ep. 86, col. 933.

[2] Ep. 65. col. 882.

Socrates, and Zosimus, in Ennodius and Pope Gelasius.

I notice only one novel point. The Pope evidently aims at freeing the Church from the interference of the temporal power in the convoking of councils. Kings had often convoked them, and, for some time past, their decrees had not been submitted to papal approbation. Some rather curious details[1] upon this subject may be gathered from the acts of the Carlovingian Councils. Canon I. of the Council of Frankfort, says the Fathers have been convoked "by the apostolic authority and the order of the King."[2] But, when the Fathers, assembled at Soissons, wrote to Nicholas, they said: "The synod held at Soissons, by the order and authority of your most holy apostolate."[3] There is no mention of the King here; and the same omission is noticeable in other cases, showing the progress of pontifical authority under Nicholas. I shall have more of these examples to bring forward in reference to judgments of ecclesiastical cases.

There are two points to be considered in ecclesiastical tribunals; the persons, the procedure. The persons are first those that form the court itself, then the complainants, the witnesses, the accused. Nicholas desired the presence of a certain number of judges, who should afford special guarantees of impartiality, and without whom he considered the

[1] Thomassin, Discip. Eccl. i. 94, 118, ii. 1549-1556, 1580-1582.

[2] Auctoritate apostolica et jussione regia.

[3] Synodus Suessionis habita jussu et auctoritate sanctissimi apostolatus vestri.

competence of the court imperfect. The number of these judges was to be regulated by the quality of the accused. There would be twelve bishops to judge a bishop,[1] ten, or at least six, for an abbot,[2] and six for a priest.[3]

The judges were to come free from all preconceived opinion.[4] No person of suspicious character, or known to be the enemy of the accused, was to be allowed to be one.[5] The judges were in all cases to be of superior rank[6] to the accused, and, where practicable, were to be his own immediate superiors.[7] In this manner, a layman or a priest would be judged by his bishop, and might appeal to the primate[8]; a bishop would have for his judge, the primate, or metropolitan, surrounded by the canonical[9] number of bishops; a metropolitan, a primate, a patriarch could be judged only by the Pope.[10] An abbot's judges would be the bishops of the neighbourhood, over whom would preside his own diocesan.[11] Violators of monastic privileges,

[1] Ep. 25, col. 807; Ep. 91, col. 970.
[2] Privilegium monast. Gall. Migne, Ep. Nicolai, col. 845; *cf.* 849.
[3] Ep. 139, col. 1131.
[4] *Cf.* Ep. 86, col. 961; Ep. 98, col. 1029; Ep. 104, col. 1080; Ep. 108, col. 1102.
[5] Ep. 86, col. 933.
[6] Ep. 86, col. 944; Ep. 100, col. 1056; Ep. 101, col. 1059; Ep. 104, col. 1070.
[7] Ep. 66, col. 2; Ep. 84.
[8] Ep. 66, col. 2.
[9] Ep. 84; Ep. 25, col. 807.
[10] Ep. 32, col. 822; Ep. 65, col. 882; Ep. 75, col. 904.
[11] Ep. 44, col. 845; Ep. 45, col. 849.

would be judged by the bishop of the diocese, or, by virtue of a special papal Indult, the metropolitan might be their judge.[1] The Pope could judge all members of the clergy. "It belongs to the Apostolic See," writes Nicholas, "to judge, not metropolitans only, whose cause should always be reserved to its judgment; but it is the custom that patriarchs also, should be condemned or absolved by the Holy See; and it has ever been of positive and divine right that all priests should be judged by it; for, by a special prerogative, the Holy See may, throughout the whole Church of Christ, make laws, establish decrees and promulgate sentences." [2]

Nicholas lays down no special rules in regard either to the accusers or witnesses, except that he says, in a general way, they must be what was called in the Middle Ages, *idoines* [3] and they must also swear on the Gospel to speak only the truth.[4] He refuses, consequently, to admit in either of these capacities, persons whose station makes them liable to exterior influences, and, in the case of bishops, he excludes heretics.[5] He makes no mention of how many witnesses there are to be, except in the case of a bishop, when he says the number is to be seventy.[6] For priests and deacons, he only says

[1] Ep. 29, col. 818; Ep. 45, col. 849.

[2] Ep. 65, col. 882; Ep. 68, col. 889; Ep. 74, col. 898; Ep. 75, col. 904; Ep. 98, col. 1032; Ep. 104, col. 1084.

[3] *Idoine* is from the Latin *idoneus*, and here would mean *credible* or *substantial*.—Translator.

[4] Ep. 25, col. 807.

[5] Ep. 86, col. 994; Ep. 86, col. 935.

[6] Ep. 25, col. 807.

there must be the canonical number, but does not further particularise.[1]

His one constant anxiety evidently is, that everything be arranged in the way that will give the accused the best chance of fair judgment. He takes pains to secure him freedom of self-defence. He will not have him suspended from the exercise of his functions before his condemnation; and, where this has been done, he insists on his reinstatement before the trial begins.[2]

The day being come for the trial to take place, both parties are to appear[3] and be heard, but, should one of them be absent of his own free will, the trial may proceed without him; for, by the fact of not appearing to defend himself, he may be supposed to acknowledge his guilt.[4]

The proofs of culpability required are the evidence of those who accuse; that of substantial witnesses, or the spontaneous confession of the accused himself.[5] But, should the latter seem to be acting under the influence of any sort of terror, then his confession is not to be taken as sufficient evidence.[6] In contradiction of the prevailing civil custom, Nicholas absolutely forbade the employment of any kind of ordeal.[7]

[1] Ep. 129, col. 1127.
[2] *Cf.* Ep. 104, col. 1069; Ep. 108, col. 1110.
[3] Ep. 70, col. 890; Ep. 120, col. 1123.
[4] Ep. 104, col. 1073.
[5] Ep. 129, col. 1127.
[6] Ep. 25, col. 827.
[7] Ep. 148, col. 1144; *cf.* Capitul. Langob. a. 779. c. 11; a. 813. c. 12. Cap. Aquisgran. a. 817. c. 10 and 15.

Some writers, among them M. Thiel, say that, in regard to appeals, Nicholas made rules in conformity with canonical customs, but in many cases refused to allow any intermediary to act between him and the bishops. Others go farther, and say he suppressed, annihilated the jurisdiction of metropolitans altogether, that he centralised everything in Rome. Both these assertions are, in my opinion, only partial truths.

In the first place, a distinction, which these writers do not appear to have taken into consideration, has to be made. The judgment of an abbot is one thing, that of a bishop another. Abbeys, it must not be forgotten, generally enjoyed privileges and immunities, which made their position in ecclesiastical courts one apart. They directly depended on the Holy See, and, from first to last, the Holy See only could be their judge. Nicholas himself expresses this in formal terms, in the Bull of Immunity, sent in 859 to the Monastery of St Fulda.[1] He may, in certain cases, have deputed to a particular bishop or archbishop the duty of pronouncing judgment on peccant religious, but this does not in any way prove that he handed over to them the jurisdiction of any abbey. One has only to read the privileges accorded to Corbie and St Calais to perceive this.[2] The religious of these two houses were forbidden to appeal to Rome, except when both the bishop of the diocese and the metropolitan refused to pronounce judgment on their delinquents; or when the latter,

[1] Migne, Ep. Nicolai, col. 770.
[2] Migne, Ep. Nicolai, col. 818, 850.

after being sentenced, persisted in their evil ways. These rules are mentioned, in fact, just because of their exceptional character,—they refer to an exceptional privilege of jurisdiction, freely accorded by the Pope, freely acquiesced in by the bishop and metropolitan. But they by no means prove that this practice was one commonly observed by Nicholas, in matters of appeal. He was, on the contrary, let me repeat, the sole judge of any abbey enjoying immunity, and could confer jurisdiction on any delegate he pleased, without regard to their order of hierarchical rank.

But when it comes to appeals from the secular clergy the case is different. Here traditions and various canons, confirmed by long use, had established a certain order. The secular clergy were to appeal, in the first place, from the bishop to the metropolitan, and in the last, from the metropolitan to the Pope.

This is the theory held by Nicholas, in regard to appeals; it is also that of the Church of France. But there are, in the present day, certain Italian and French theologians (the latter servile imitators of the former, though they believe in themselves as canonists), whose teaching differs very much from this theory. Nicholas never did what these theologians say he did. He never attempted to suppress episcopal jurisdiction, the jurisdiction of the Ordinary. On the contrary, he was fond of claiming defence of the episcopate as one of the chief privileges of the Apostolic See. He had no ambition to pronounce judgment first and last, *omisso medio*, in all ecclesiastical cases; nor to

summon them to his own immediate court. He simply claimed the right to be the Judge of Appeal, and, should anyone wish to convince themselves of this, they need only study the trials of Rothad and Wulfad. In these important cases, the one and only contention of Nicholas is, that the accused should have been allowed to appeal to him against their sentences.

Monsieur Thiel[1] adduces five passages to prove that Nicholas permitted the first appeal from a sentence, to be addressed to him. But, of these extracts, not one really proves this. The first is from one of the Pope's letters to Robert, Bishop of Mans, the point in question being a dispute between the Abbey of St Calais and the bishop, who, on the strength of certain forged titles, claimed jurisdiction over the abbey. Here, however, we have a case between the Pope and an abbot, which, as already explained, does not belong to the same order, as one between him and a bishop.

The three next extracts that M. Thiel quotes, are from letters Nicholas wrote, either annulling or commenting on, sentences passed by metropolitans. But metropolitans have no superior but the Pope, consequently no one who can intervene between him and them; and in these three cases Nicholas only exercised his right as Judge of Appeal.

[1] Thiel, Diss. i. p. 21, note 1: "Ep. 51, ad Rotbert; Cenoman." Epp., Migne, col. 865; Ep. 70, ad Gallion, Senens, arch. col. 890; Ep. 89, ad Hincmar, Rhem., col. 965; Ep. 121, ad Herard. Turon, Epp., col. 1123; Ep. 110, ad Wulfad, col. 1114.

In the fifth and last extract, the Pope assures Wulfad, to whom the letter is addressed, that *in every opportune circumstance he will have the right of appeal to the Pope.* And was not that right his? Why put any forced meaning on the passage, why interpret it otherwise than in the light of the whole story of Wulfad's trial?

I think we have now before us plenty of evidence to prove that, amid the agitations that shook the religious world during his pontificate, Nicholas neither sought the destruction of episcopal and metropolitan powers, nor did he, to accomplish this, try to make Rome the one and only tribunal to which all ecclesiastical cases were to be brought. He claimed only the rights that belonged to the Pope as Judge of Appeal, rights that time, the authority of councils, and the unbroken tradition of the Church all sanctioned.

Still, it must be admitted that, in enforcing these rights, Nicholas expressed principles for which the times were hardly ripe, and which inevitably aroused the susceptibilities of some of the more important ecclesiastical dignitaries who were jealous of their own independence; and especially of certain metropolitans accustomed to rule with the absolutism of despots. It will be as well to state some of these principles:

"1. The causes of bishops being of major importance may be judged at Rome, even in the first instance.[1]

[1] Ep. 71; Migne, col. 892.; *Cf.* Ep. 49, col. 863; Ep. 73, col. 893; Ep. 75, col. 901.

"2. The Pope shall judge every one and be judged by none.[1]

"3. The Pope's decretals are of themselves obligatory."[2]

But though Nicholas laid these principles down, he did not apply them arbitrarily in deciding cases that were submitted to him. He invoked them, but only after he had proved that the right he claimed for the Holy See was sanctioned by tradition, or, when he wanted to explain the lengths to which his power extended in virtue of that right. He adduces his principles in support of his doctrine, but they are not the only foundation on which his doctrine rests. He does not bring them forward at all until he has brought forward plenty of other arguments of a decisive kind; then he states them as a final, convincing, supreme argument, as evidence of a superior grade, that establishes his right to dispense with any other proofs than his own authority, should he be pleased to do so. Nor must it be imagined that these principles were invented in the ninth century. They were in existence long before either Nicholas or the False Decretals came into the world. Their history is by no means hard to trace, but this task we propose to undertake in our Appendix. We have now to consider the executive power of the papacy in the hands of Nicholas.

[1] Ep. 74, col. 898; Ep. 86, col. 954; Ep. 152, col. 1158; Ep. 148, col. 1144; Ep. 12, col. 786; Ep. 149, col. 1148; Ep. 86, col. 940.

[2] Ep. 75, col. 902; Ep. 12, col. 786; Ep. 11, col. 785; Ep. 93, col. 973.

CHAPTER IV

NICHOLAS AND THE EXECUTIVE POWER OF THE PAPACY

DID Nicholas exercise an executive power in the Universal Church? And, if so, what use did he make of it? In answering these two questions, our study of his principles will be complete.

The first of them, at any rate, sounds almost idle after the two foregoing chapters. But I put it because I find that Dr Döllinger, who is quoted so often as an authority, says in his "Pope and Council":[1]

"The popes (before the Middle Ages) possessed neither of the three faculties, that are the attributes of sovereign power. They had neither supreme legislative power, executive power, nor judiciary power."

We already know the worth of this statement so far as the legislative and judiciary powers are concerned; the executive will be easy to deal with summarily.

The Church's chief prerogatives, in the executive power, are, the right of enforcing respect for religious principles, and for canons and decisions of General Councils; and the right of administering rewards and punishments.

[1] P. 90, "Pope and Council."

Now, there can be no doubt that to attack and punish the crime of adultery, to bring it under the ban of councils, was to enforce respect for religious principle; that to prevent Photius from usurping the See of Constantinople, and Ado that of Clermont,[1] was to enforce respect for the decisions of councils and of the Fathers; that to confirm all the privileges of the Abbeys of St Calais, St Denis, and Corbie, nay, more, of all the monasteries in France[2]—privileges be it remembered conferring immunities, as much sought after in the Middle Ages, as are the most envied religious favours in the present day—was to administer rewards; and finally, that to excommunicate Waldrada and her accomplices,[3] to impose public penance on the guilty of every rank and station, and in all lands, was to administer punishments. I might multiply examples, but enough have been quoted, I think, to prove that, long before the Middle Ages closed, the popes had an executive power that was both supreme and general, and which Nicholas abundantly exercised. All that will be necessary to verify this fact, will be to read over what has been already said.

Strength and patience are the notes of Nicholas' exercise of his executive power. He warned long before he struck, reminded the culpable of their duties, threatened them with God's judgments hereafter, and with anathema and excommunication; but to these latter measures he had recourse only where

[1] Ep. 24, col. 805. [2] *Cf.* Ep. 45, 30, 31, 29, 44. [3] Ep. 93.

persuasion failed. Of the rash, inconsiderate use of such a weapon as excommunication, he totally disapproved; but the sentence once pronounced, he meant that it should fall on the culprit with all the fulness of its weight. He would not allow the excommunicated to be absolved, nor anyone to hold intercourse with them. Venerable Bede has laid it down as a rule, in his "Remedies for Sin," that public penance is to be imposed only where the sin has been one of public scandal and notoriety: "If any priest, deacon or monk, have married to the knowledge of the people, let him be driven out of the Church, and let him do penance among the laity for the rest of his life." In the first chapter of the same book, where the confessor is taught how penance should be imposed, he is told to take particular heed to the notoriety of the crime; the intention being that crimes publicly known were to be punished in public; whereas crimes committed in secret were to be expiated privately. This rule, the sixth Council of Arles, 813, confirmed (Canon 23), as did that of Chalon-sur-Saône held in the same year. The following canon was formulated at the Council of Nantes, and was afterwards inserted in the Capitularies of Louis le Débonnaire (bk. vi. c. 96), and reaffirmed in the Assembly held at Crécy in 857. Its object was the punishment of those who had seized property that did not belong to them. "If this has been publicly done, let the offender do public penance, conformably to the Holy Canons; if privately, let him do penance as the priests may advise." This principle once ad-

mitted, the bishops became very zealous in seeing that it was respected; and in cases of open and capital crime, they insisted on public expiation. But what was their resource if the offender refused to submit to their authority? This question is answered in the Roman Penitential (Title I.). In such a case the offender was shut out from all intercourse, spiritual or civil, with the body of the faithful, until such time as, having made his submission, he performed his penance publicly. Where these measures failed, the aid of the secular power was, at last, invoked, and thus was originated the practice, afterwards so strongly deprecated by St Louis, of handing ecclesiastical sentences over to the civil power to be put into execution. At first only a custom, this practice, under Charles the Bald, took shape in a Royal Statute, couched in these terms: "Let our envoys (*missi*) constrain to submit themselves to do penance and make satisfaction, those whom, by excommunication, the bishops have not been able to bring to such submission."[1] Now what was this penance, that spiritual and secular powers joined hands in enforcing, what form did it take? It had three stages. In the first, the penitent, for a fixed period of time, was allowed to enter no church; he was to stay at the door, and pray; in the second, he was solemnly introduced into the church, but was kept apart from the rest of the faithful, and obliged to remain in a corner, near the door, where all could see him; in the third,

[1] *Cf.* Council of Soissons. Recueil des Conciles des Gaules, t. iii. ad ann. 853.

he was allowed to mingle with the faithful in the church, but still clad in the garb reserved to penitents.

There are indications of these degrees of penance, in some of Nicholas' letters. In one, to Bishop Rivoladre, he says of Wimar,[1] who had murdered his children: "We have commanded that for three years, he be kept at the door of the church to pray; that for four more, he remain among the auditors, and that he spend seven years without receiving the Body and Blood of our Lord." In another of his letters, one to Frotaire,[2] Archbishop of Bordeaux, the same order of penance is prescribed for Burgandus, who had stolen sacred vessels from a church; but, in this case, there is a slight variation; the first stage of the penance is to be made, not *ante fores* (before the door), but *extra Ecclesiam* (outside the church), to mark the sacrilege of the crime committed: "We command that he stay one year outside the church, from which, after the manner of the heathen, he has not feared to carry away the Sacred Vessels." In one case, where a priest, one of the St Riquier monks, was murdered, the Pope imposed a penance, extending over twelve years, on the murderer, who went to Rome for absolution. The guilty man, who was a monk, was for the first three years to stand weeping at the door of the church; for the next two he might enter the church, but not go to Communion; for the last seven he might go to Communion on great Feasts. For the whole twelve years he was to fast as in Lent, except

[1] Ep. 131, col. 1130. [2] Ep. 122, col. 1124.

on Sundays and Feast Days, and he was never to travel except on foot.[1]

There are other notices of canonical penances in the Pope's letters to Rudolf, Bishop of Strasbourg, and to Stephen, Count of Auvergne.[2] In some cases he prohibited marriage to penitents.[3] But, with all his severity, it will be remarked that the penances Nicholas imposes, are mitigated forms of earlier usages. Thus, as we have just seen, he permits a homicide to receive Holy Communion for seven out of his twelve years of canonical penance. He lays stress on this concession in the letter he wrote about Eriath: "He ought indeed," he says, "to have done penance until he died; but, taking into consideration the faith and devotion that have brought him to seek the suffrages of the Holy Apostles, we have treated him with a greater mildness." The permission to receive Communion, constitutes a very important difference between the public penance of the middle of the ninth century, and that of earlier times.

There is one other difference that we must not omit to notice. Military service is not absolutely prohibited to those who are undergoing public penance. "Penitents," Nicholas writes to Rudolf, Archbishop of Bourges,[4] "who return to the service of arms, transgress the rules; but, as you tell us that this prohibition causes some to fall into despair, and

[1] Ep. 119, col. 1122; *cf.* Flodoard, iii. c. 13.
[2] Ep. 24, col. 805; Ep. 132, col. 1129.
[3] Ep. 131, col. 1128; Ep. 140, col. 1132.
[4] Ep. 66, col. 884; *cf.* Ep. 26, 27, 119, 113, 116.

makes others take refuge among the heathen, we leave you free in this matter to act in whatever way may seem best to you, according to individual circumstances."

Similar motives induced him to relax this rule in the case of Wimar, of whom I have already spoken; against the heathen, but only against them, might he again carry arms. This leniency was pushed to much greater length by the council at Rheims in 924 (twenty-five years after Nicholas died). There, it was settled that military service should constitute a sufficient dispensation from public penance (Labbe, ix. 581). Gregory VII. did all he could to maintain the ancient discipline, as mitigated by Nicholas I. But his efforts were unsuccessful in preventing the growing disuse of the practice, and it became more and more customary to make satisfaction for sin, by such means as almsgiving, pilgrimages and corporal flagellation.[1]

[1] *Cf.* Pouvoir du Pape au Moyen âge, par M..., Directeur au Séminaire St Sulpice. Paris, Périsse, 1845, 1 vol.

CHAPTER V

NICHOLAS AND THE MUTUAL RELATIONS OF THE SPIRITUAL AND TEMPORAL POWERS

NICHOLAS is one of the popes who have taken the most independent view of the relationship that the spiritual and temporal powers should bear to one another, and has expressed his views of that relationship in the noblest language.

Louis the Pious had been three years dead when Nithard wrote the following severe and melancholy words: "In the time of great Charles, men walked in the path that was pleasing to God; but nowadays, on the contrary, every man goes the way of his own passions and disorders. In those days, abundance and joy everywhere reigned; now distress and poverty are everywhere. Then, the very elements bent before the human will; now, they are contrary to man, for it is written: *the earth shall rise up against the wicked.*"[1]

And every year the horizon was growing darker and darker, the times worse and worse. All annals of the reigns of the sons of Louis the Pious reflect the confusion that prevailed in every quarter. Kingdoms were dismembered, princes reigned only in name, the chief nobles were in revolt, the right of possession had become a mere uncertain hazard.

[1] Nithard, iv. 7.

Bishops, priests and monks were at war among themselves. Councils were distracted by disputes, barbarians invaded, wide districts were laid waste, holy places were pillaged. On every side there was the same sad scene of distress and suffering, everywhere the same attendant train of vice.

Such was the picture Nicholas had always before his eyes; and confident that, with the reins of government in his hands, instead of in those of incompetent leaders, he could do much to relieve suffering humanity, he felt that to him belonged the responsible task of governing the whole of society, with an active ceaseless government, that should extend over men's bodies as well as their souls to repress disorder and restrain injustice. And from this government none were to be exempted. Bishops and princes, priests and nobles, the greatest monarchs, as well as their spiritual advisers, were called upon to submit to it.

These last, Nicholas so moulded in fact to their priestly office, so imbued them with the spirit of obedience to the Holy See, that it was his own influence that reached the kings they influenced. The bishops, many of whom were very ignorant men,[1] he reformed: and this reformation reacting on Charlemagne's weak-kneed descendants, the Church's tyrants, they became aware that there was a sovereignty above theirs, a spiritual power above the temporal, a pope who was greater than kings.

[1] Charles the Bald, in a letter to Nicholas, says that Ebbo's predecessor knew: "*aliquatenus legere, nihil tamen textus evangelici intelligere.*" D. Bouquet, vii. 552 *seq.*

This was the greatest revolution effected in an era that was made up of revolutions. It was the reversal of parts, the founding of the pontifical theocracy.

A different kind of impression is, however, left on the mind by two passages in the Pope's writings. He never, of course, went to the length of anticipating what we talk of now, as separation of Church and State; but he seems, at least at one time, to have entertained ideas of a somewhat kindred nature. He does not say that Church and State could get on equally well without one another; but, in speaking of the mutual advantages they derive from alliance, he says distinctly that neither should encroach on the other's province.

"You ought to know," he writes, "that, just as he on whom is laid the charge of worldly government, should keep carefully aloof from sacred matters, so should those whose names are inscribed in the roll of clerics, or of the divine army, keep themselves free from entanglement in human matters. Finally, how can he whose privilege it is to be at the head of human interests, have the presumption to sit as judge, upon the ministers of things divine? For our part we know not."[1] A little farther on, in the same

[1] "Nolite quæ sua sunt usurpare: nolite quæ ipsi soli commissa sunt velle surripere: scientes quia tanto nimirum a sacris debet omnis mundanarum rerum administrator esse remotus, quanto quemlibet ex catalogo clericorum et militantium Deo nullis convenit negotiis secularibus implicari. Denique hi, quibus tantum humanis rebus et non divinis præesse permissum est, quomodo de his, per quos divina ministrantur, judicare præsumant, penitus ignoramus." (Migne, Patrol. lat., vol. cxix. Ep. 86, col. 960.)

letter, he says: "It has been the will of the same mediator between God and men, of Christ Jesus made man, to separate the offices of the two powers by acts appropriated to each, distinct dignities for either; desiring that steeped in the medicine of His own humility, they might rise without risk of falling again into the lowest depths, under the inspiration of human pride. This is why Christian emperors need pontiffs in order that they may obtain eternal life; and pontiffs, in their turn,—but in the conduct of temporal matters only,—need to have recourse to the Imperial laws. This necessary line of demarcation safeguards the spiritual domain from exposure to incursions of the flesh.

"Let him, therefore, who is of the Army of God, entangle himself very little in secular business: and, on the other hand, let not him who is already so entangled, be seen presiding over divine matters. That each being careful, with all modesty, to keep his own order, and neither vaunting himself over the other, both be able, by the quality of their actions, to attain the profession which is his especially." [1]

There is no mistaking the meaning of this. The two powers are mutually to respect each other's freedom of development, and though occasions may arise when one may be indispensable to the other, each has its own particular province, within whose

[1] "Quoniam idem Mediator Dei et hominum, Homo Christus Jesus, sic actibus propriis et dignitatibus distinctis, officia potestatis utriusque discrevit, propria volens medicinali humilitatem sursum efferri, non humana superbia rursus in inferna demergi, ut et Christiani Imperatores pro eterna vita pontificibus indigerent, et pontifices, pro cursu temporalium tantum modo

limits it ought always to remain. But these limits, what are they? It is here that Nicholas ceases to be explicit; and when, from principle, he passes to action, we quickly perceive that the mutual relations of the two powers, are still on as indefinite a footing as in Charlemagne's time. But, with this difference: it was the Emperor then who made the laws; it is the Pope now. And how had this change been effected? History answers the question.

In 864, Louis II., as defender of the empire's temporal interests, undertook to support certain deposed bishops (the Archbishops of Ravenna, Trêves and Cologne, who were in league with Photius, among them), and attempted to force the Pope's hand. He invested Rome, it will be remembered, with an army. But his invasion of the spiritual domain was something more than a failure. Nicholas, calm and unperturbed, employed no weapons of defence, except prayer, fasting and Litany processions; and, even when himself attacked, while taking part in a procession, he awaited the issue of events in confidence.

And what was that issue? Louis, it will be remembered, fell suddenly ill of a dangerous sickness, and Engelberga, his terrified wife, came hurrying

rerum, imperialibus legibus uterentur, quatenus spiritalis actio carnalibus distaret incursibus.

"Et ideo militans Deo minimè se negotiis sæcularibus implicaret, ac vicissim, non ille rebus divinis præsidere videretur, qui esset negotiis sæcularibus implicatus, ut et modestia utriusque ordinis curaretur, nec extolleretur utroque suffultus, et competens qualitatibus actionum, specialiter professio captaretur." (Migne, Patrol. lat., vol. cxix. Ep. 86. col. 960.)

to Rome, to implore the Pope to come and save him. A reconciliation naturally followed; and, when the recovered Emperor was well enough to return to North Italy, whence he had come, it was to leave Nicholas confirmed in power by the episode.[1]

Nicholas always starts from the same standpoint: the spiritual power is incapable of subordination to the temporal. The Emperor Michael's intemperate letter to him, after the Roman Synod (of 863) had deposed Photius, will not be forgotten; nor his reply, that nobly simple letter, much of which we have already read, in which he so admirably describes his own views of his character as Pope.[2] Barely deigning to notice the Emperor's insults to his person, he fastens on his depreciatory remarks about the Holy See and the Fathers. The studied intention of the letter had been to humble him, and make him feel his inferiority in relation to Constantinople; but he lets the Emperor know that he will not brook his issuing, what he has had the temerity to call, his "orders" to him. He reminds him that the word is one he has never used before in addressing him; he compares his conduct with that of previous occupants of the Imperial throne; he rallies him, with a refinement of sarcasm, on his contempt for the Latin language, as a *barbarous tongue*; and tells him that to call himself Roman Emperor, and not know the language the Romans speak, is ridiculous. So, step by step, he takes the letter to pieces, with the magnificent intrepidity that

[1] Duchesne, L'État Pontifical, p. 121 *seq.*

[2] Ep. 86, col. 926.

is his characteristic; and he closes his criticisms with a reaffirmation of his own independence, worded in terms with which use has familiarised him. "It is plainly proved," he says, "that the secular power can neither bind nor loose the Roman Pontiff; whom, as is well known, the pious Emperor Constantine, as we have said before, called God; and, that God cannot be judged of men, is manifest."[1]

Other of his letters to Constantinople, are written in a milder strain; but they one and all breathe the same unshackled liberty, the same independence of thought and speech. He felt the East was slipping from his grasp; and, just in proportion to his exceeding desire to recover it, he insisted upon his superiority, and took pains to show how immeasureably above the temporal power he felt himself to be. And this in the West as well as in the East. There is great significance in the following canon, from the Council of Rome.

"If anyone dare to dispute the right of the bishops, principal personages, and all the clergy of the Roman Church, to elect the Sovereign Pontiff, let him be anathema, conformably to the decisions of the Council held by Blessed Stephen."[2]

This, it will be acknowledged, was a pregnant warning to the emperors, that the papacy was no

[1] Satis evidenter ostenditur a sæculari potestate nec ligari prorsus, nec solvi posse Pontificem, quem constat a pio Principe Constantino, quod longe superius memoravimus, Deum appellatum, nec posse Deum ab hominibus judicari manifestum est." (Ep. 86, col. 960.)

[2] "Si quis sacerdotibus, seu Primatibus, nobilibus, seu cuncto clero, ejus Sanctæ Romanæ Ecclesiæ, electionem Romani Pontificis

longer dependent upon them, and that they would do well to abstain for the future, from interference in papal elections.

There can be no clearer proof of papal independence, than the very remarkable authority Nicholas wielded over contemporary sovereigns, and in temporal matters generally.

The Lothaire case, in which he made a more than ordinarily formal demonstration of that authority, exemplifies this. The dispute between the Pope and King had no precedent in history; no Roman pontiff had before used such firm, imperative language in addressing a king,—royalty had never been so abased before the spiritual power. Year by year, while the contest continued, the Pope's authority grew in strength. This growth may be traced in the tone of his letters to the bishops and kings he addresses on the subject, until at last we ask ourselves whether centuries have not intervened between the reigns of Charlemagne and Lothaire. Were there no grave scandals in the great Emperor's palace in his later years? Had not the Emperor himself ended his days in the midst of every kind of disorder?[1] Were not his daughters disreputable in their lives?[2] But what remonstrances had Rome made? How had the

contradicere præsumpserit, sicut in concilio beatissimi Stephani statutum est, anathema sit." Ep. xiv. col. 795. *Cf.* Muratori, in nota ad supplementa concilii Romani an, 863; Migne, Ep. Nicolai, col. 795 notes *b* and *c*. It was at the council held in 862, that Nicholas quoted the decretal of Stephen's Council. This decretal had been promulgated by the council Stephen IV. held in Rome in 816.

[1] Eginh. Vita, c. 18.

[2] Eginh. Vita, c. 19.

Pope interfered? Had he threatened Charlemagne with excommunication, or his shameless daughters with anathemas? Had he convoked any councils, sent any legates, taken any kind of measures to reform the dissolute Court? He had done none of these things, simply because the power to strike effectually was, as yet, not his. His hour had not come. Charlemagne held him in chains. But forty years later, which of the two powers was in the ascendant? We can best judge of this by glancing at events.

It was to the Pope that Helletruda, Count Boso's widow, appealed to defend her when Lothaire robbed her of her property. It was the Pope who incited Charles the Bald, and his brother Louis, to put pressure on Lothaire, and force him to make restitution. "It is right," he says, in writing to them, "that you should restrain his culpable cupidity, either by sending an envoy to him, or by writing him a letter. You will order him, in virtue of our decision, to restore what he has taken; this you will require of him in your own name, or else will warn him by invoking the authority of the laws." [1]

It was the Pope again who reproved Bernard, Count of Barcelona, for devastating territory that belonged to Charles the Bald (865).[2]

And when Charles the Bald's own sons, Charles

[1] "Vos a talibus, illum decet coercere illicitis, super his per vestrum missum, aut epistolam, tam ex nostra sanctione jubendo quam ex vestra parte rogando, seu legum auctoritate monendo." (Ep. 112, col. 1115, 1116.)

[2] Ep. 88, col. 964.

and Louis, rebelled against him, the Pope was only forestalled in remonstrating with them, by learning from the Bishop of Beauvais that they had already repented. And in spite of their repentance, he wrote to them, to warn them not to repeat the crime of which they had been guilty, and ordered them to present themselves humbly before a Synod, over which his legates were to preside, and submit themselves to the canonical laws.[1]

Nicholas interfered very actively, also, to prevent the outbreak of hostilities between the Emperor Louis II. and Charles the Bald. To the latter he wrote urging him not to break the peace; and, at the same time, he wrote to the bishops of Charles' kingdom, telling them to use their influence with their king to the same effect. Finally, he sent his legate, Arsenius, to act as peace-maker in the dispute.[2] In his letter to Charles he says, "Leave your nephew in peaceable possession of the empire, as well as of his brother's kingdom."[3] This, in plain language, meant that Louis, not his uncle, was to have the disputed territory. It was, in fact, an anticipation of that disposal of crowns which would follow. Besides this, Arsenius was invested with powers, little short of plenary, in regard to the dispute he was commissioned to settle. He was to require every detail to be submitted to him, and to pronounce judgment on them

[1] Ep. 39, col. 839.

[2] *Cf.* Annales Fuldeneses, ad ann. 865.

[3] Liceat vestro nepoti imperium suum cum regno proprii germani quietâ possidere tranquillitate. (Ep. 78, Migne, l. c. col. 912.)

all, save any very knotty points where he doubted his own capacity, and these he was to refer to Rome.[1]

The two letters Nicholas wrote about this affair, reveal, not only a deep sense of the weight papal authority ought to carry, but a most laudable desire to prevent the abuse of warfare. This was a point on which he often dwelt. He forbade the Bulgarians to go to war in Lent;[2] he cited the examples of Solomon and Charlemagne to prove[3] to the Emperor (Louis II.) that, for the sake of their own people, Christian rulers might enter into treaties with barbarians; and he refrained from excommunicating Lothaire to avoid causing bloodshed.[4]

So much for facts; let us now turn for further confirmation, to the Pope's utterances: "By the grace of God, we have been constituted," he says, "in His Household, Princes over the whole Earth."[5] These words were addressed to Rudolf, Archbishop of Bourges, and were substantially repeated to Michael, an emperor who fondly believed the mantle of Theodosius had fallen upon him, and that he might succeed in founding a Universal Supremacy. To him therefore the Pope explained the significance of the martyrdoms of SS. Peter and Paul in the Eternal City; and his own powers as their successor,

[1] Ep. 78 and 79, col. 911 and 915.

[2] Or at any time, except in case of necessity. (Ep. ad Bulgar. c. xlvi. col. 998.)

[3] Ep. 114, col. 1118.

[4] "Vindictam in eum, ne sangius effunderetur, et ne bella excitarentur, propalare distulimus." (Ep. 83, col. 924.)

[5] "Dei sumus gratia constitui in domo ipsius principes supe omnem terram." (Ep. 65, Migne, l. c. col. 882.)

powers limited only by the limits of the world itself: "We were born their sons, and though very inferior to them in merits, have been established as Princes over all the Earth; that is, over all the Church, for the Earth is the Church."[1]

Then to show why princes, who themselves hold their power from God, should respect the Church's prerogatives, he says: "Secular princes ought to render to God an honour they expect from Him; that is to say, desiring of Him that it may please Him to preserve to them the royal honour He has conferred on them, so also should they not disdain to respect the prerogatives of the Church of Christ."[2]

Nor is this enough. Christian princes ought not only to respect the Church, but protect and defend it; and that, because the Church is their Shield; because from the Church all the glory, all the might of kings flow. "For," he goes on to say, "how do you think we shall be able in time of need, to lend any support to your government, your efforts, or to the Churches of your realm, how offer you the shield of our protection against your enemies, if, so far as

[1] "Nati sumus filii et constitui, licet eis longe meritis impares, Principes super omnem terram, id est, super universam Ecclesiam; terra enim Ecclesia." (Migne, l. c.; Ep. 86, col. 949; Ep. 29, col. 815.)

[2] "Debent enim mundi Principes honorem præstare Deo, quem sibi volunt præstari a Deo, videlicet ut quemadmodum cupiunt a Deo sibi collatum regni honorem conservari, sic Ecclesiæ Christi suam non dedignentur servare legem." (Ep. 29, col. 817.)

I think *legem* is here best translated by *prerogative*. A careful examination of the passages that follow and precede the paragraph, will, I think, convince the reader that what we understand by prerogative is the proper sense to put upon the word.

it may depend on you (for, after all, things of this kind may at any time be destroyed), you permit, up to a certain point the lessening of that power, to which your fathers had recourse, to find in it all the increase of their dignities and glory."[1]

There is one passage which is so remarkable that I cannot refrain from quoting it; it is from one of his letters to Charles the Bald.

"Let not Charles force the Emperor to use against Christians, *that sword, which he has received from Peter* to use against infidels; let him leave him to govern, in peace, the empire he has received as his inheritance, *the possession of which has been confirmed to him by the authority of the Holy See*, and *the glory of which has been enhanced by the crown the Pope has put upon his head.* Let him be allowed for the greater honour of the Church, to govern his empire under God's protection, the empire which *he has received*, with blessings and unctions, through the *intermediary* of *the Superior Apostolic Pontiff.* Whoso shall fight against the Emperor will have God and the Holy See for his enemies."[2]

The facts and words I have just been quoting, may seem to make any further evidence of the

[1] "Nam quomodo putatis, si opportunitas exegerit, ut vestro regno, vestris nisibus, vestri regni Ecclesiis, aliquod præstemus solatium, aut contra adversarios protectionis clypæum conferimus, si quantum in regni vestri partibus est, quoniam illa omnino scindi possunt, ea vos aliquatenus minorari sinatis, quibus usi patres vestri, omne suarum dignitatum incrementum omnemque gloriam perceperunt?" (Ep. 36, col. 836; *cf.* Ep. 42, col. 842; Ep. ad Bulg. c. xviii. col. 990.)

[2] Ep. 79, col. 914, 915.

dominant authority exercised by Nicholas superfluous. I should, however, like to quote what I may call the other side, I mean the language used by monarchs and powerful nobles in addressing the Pope. No words of my own could carry the same convincing weight. The epithets they employ are more than respectful, they are magniloquent in their excess of humility:

"To the most Blessed and most Holy Father Nicholas, Universal Pope, and Pontiff of the whole Church of God,—which Christ, our pious King, has redeemed with His Blood,—from Louis the Great and Lothaire, Kings by the grace of God.

"Eternal peace and glory in the abode of highest felicity, that is in Christ, the *Prince of Pastors.*

"None more warmly than we desire to see your Pontificate strengthened and developed, we who, with one mind, bear towards you a common affection; and, as your spiritual and most devoted sons, embrace, with the whole affection of our heart, your beneficent Paternity . . . and, from our most inmost heart and body, commit ourselves humbly to your holy Paternity . . . for, as the Apostle has said: *There is no* power *but from God.*"[1]

Baronius quotes another of Lothaire's letters

[1] "Domino vere beatissimo ac sanctissimo, totiusque Sanctæ Dei Ecclesiæ, roseo pii Regis Christi sanguine acquisitæ, Pontifici et universali Papæ Nicolao, Ludovicus magnus et Lotharius, divina præveniente gratiâ, reges in Prinicipe Pastorum Christo sempiternam summæ felicitatis pacem et gloriam.

"Nullus mortalium sanctissimi Apostolatus vestri sospitatem largius audire et uberius videre desiderat quam nostra unanimis affectio, et sicut spiritales et devotissimi filii, almifluam paternitatem vestram toto cordis affectu amplexamur . . . immo mente

written in 864, quite as humble, quite as submissive.[1] The following extract is also taken from one of the same king's letters.

"The most agreeable, the most precious gift we hold from your sacred promises, is that you have determined to prefer, or put before, our Clemency none, clothed, as are we, with royal state and name: save only Him, in whose hands are all the powers, all the rights of kings; and, after Him, our most august brother. In return for all which, we desire in every manner, to show the most ready and faithful submission towards the Holy See."[2]

I shall not quote Charles the Bald. His submissive attitude towards the Pope, may be imagined from the fact of his having declared before the council, that sat at Savonnières in 859, that he held his crown by election of bishops and faithful, and submitted to their judgment. His humility was, indeed, so extraordinary that it astonished Nicholas himself, an astonishment he divulged in his commendations.[3]

Enough has now been said to enable us to

et corpore vestræ sanctæ paternitati nos humiliter committimus . . . cum Apostolus dicat: *Non est enim potestas nisi a Deo.*" Baronius, ad ann. 860. *Cf.* D. Coustant, Bib. Nat. M.S. 16, 987, fol. 60.

[1] *Cf.* D. Coustant, Bib. Nat. M.S. 16, 987, fol. 153.

[2] "Vestræ siquidem sanctissimæ pollicitationis gratissimum atque carissimum nobis munus exstitit, quod nullum regiæ dignitatis et nominis consimilem proferre aut præponere nostræ mansuetudini decernatis, nisi illum in cujus manu sunt omnes potestates et omnia jura regnorum, et germanum nostrum augustissimum. Pro quibus omnibus, in obsequio reverendæ sedis vestræ alacriores ac fideliores, esse omnimodis desideramus." D. Coustant, l. c. fol. 205. Baronius, ad annum, 864.

[3] Prologue to Ep. 36. col. 834.

appreciate what it was Nicholas intended to do, and what he did; we can understand now how it was that the sovereign power culminated in the ninth century, and in the hands of the papacy.

Disorder had everywhere prevailed; brutality, corruption were rampant; the strong oppressed the weak, the religious world itself seethed with insubordination, the caprice of individuals had superseded discipline. Provoked by this wide-spread licence, which he traced to the worthlessness of the monarchs who ruled the world, Nicholas imagined a general reformation; it was to begin in the heart of the Church and to expand into a kingdom that should rise on the ruins of Charlemagne's empire, and have religion for its sovereign; and it was through the hands of the Roman Pontiff that this sovereignty was to be transmitted to the human race. It was not against spiritual abuses only, that his crusade was directed; he fought also against temporal abuses. He told the world he was dependent on no man, he made it recognise his independence and his triple primacy as priest, teacher, ruler. In the nine years his pontificate lasted, he made councils and rebellious local churches, primates, metropolitans, archbishops, bishops, kings themselves, humbly submit to his authority, made them acknowledge the Pope as interpreter of the faith, and head of the Universal Church, as superior of all episcopal assemblies and of every kind of governing body. The tangible form with which he clothed his ideas, gave them the lasting coherency they retain and will always retain.

His contemporaries were not slow in perceiving his greatness, they thought of him as the greatest pontiff the world had ever seen. After rehearsing all his conquests, the *Liber Pontificalis* says of him, that he was a "truly Catholic Pope," that "he waged the spiritual wars of the Lord, displaying admirable wisdom," that he "warned as a father, those prelates who oppressed the Faithful," that he "governed the Apostolic See as a true Athlete of God." [1]

Reginon uses less stilted, and more impressive, language in describing him:

"Since the time of Blessed Gregory, no bishop raised, in the City of Rome, to the Pontifical Chair, is to be compared to him. He reigned over kings and tyrants, he brought them into subjection to his authority, as one who was the world's master. He showed himself humble, gentle, pious, and benevolent towards all religious bishops and priests, all who observed the precepts of the Lord; he was so terrible and rigorous towards the irreligious, towards those who left the right path, that he might have been another Elias called from the dead in this our day, by the voice of God; and, if not raised in the body, then in spirit and virtue." [2]

Was the work he achieved a lasting one? The doubt this question implies was sorrowfully entertained by some of his immediate survivors. "I have very sad tidings to impart to you," wrote Anastasius to Ado, Archbishop of Vienna. "Our Father, of venerable memory, Nicholas, passed into a better

[1] Anast., Vita Nicol.; Migne, l. c. No. 612.
[2] Chron. Reginon; ad ann. 868.

life on the ides of November, leaving us very desolate. Alas! late in his life the Church merited so great a Pontiff, and soon has she lost him! . . .

"All whom he reproved for their adulteries, or other crimes, are now eagerly employed in undoing all he did, in destroying all he wrote; and, with the Emperor's support, as we are falsely told, or at least hope, falsely. Warn, then, our brethren, and do for the Church of God whatever you think likely to be successful: for if they destroy the acts of this so great Pope, what will they not do to yours?

"We have a Pope called Adrian, a man zealous for good morals; but, as yet, we know not whether he will assume the whole, or only part, of the burden of ecclesiastical affairs. . . .

"I conjure you to warn all the Gallican Metropolitans, if they hold a Council, not to asperse the deceased Pope's memory, on the pretext of recovering their own authority; none having so accused him, and he being no longer here to be his own defender. He never consented, as some have pretended, to any heresy. All he did was out of pure zeal. Therefore, in God's Name, do you resist every attack upon him; for these attacks are attempts to destroy the authority of the Church itself."[1]

There were very real grounds for these apprehensions. A reaction in the West, followed almost immediately upon the death of Nicholas. The great ecclesiastical dignitaries, momentarily subdued by the imposing character of his Pontificate, lost no time in setting to work to reconquer their independ-

[1] Labbe, Concil. viii. p. 568.

ence, and, with all the more success, because the papacy itself lapsed into a torpid languor, out of which all the efforts of such popes as Gregory V. and Sylvester II. were powerless to rouse it.

But the seed Nicholas had sown, was but dormant not dead, all this time. Fortunate in its successive exponents, the idea which owed its coherent shape to his persevering efforts, became, when he had been two centuries dead, once more a living force in the world's economy, a force mightier than it had ever been in his own hands. Nicholas I. had prepared the way for Gregory VII.

APPENDIXES

I

THE TRIAL OF BISHOPS BEFORE THE TIME OF NICHOLAS

FROM time immemorial, all *major causes*, that is cases of grave, important, doubtful or difficult nature, had come within the competence of the Roman Court. Innocent I. (Ep. ii. ad. Victricium c. 3), and Marca (Concord. i. 10. n. 6, and vii. 13, n. 6 *seq.*), both assert that the Council of Nicæa mentioned this competence in their statutes. But, however that may be, it is a great deal more certain that the Council of Sardica made the following declaration to Pope Julius: Hoc optimum et valde congruentissimum esse videbitur, si ad caput, *i.e.* ad Petri apostolici sedem, de singulis quibusque provinciis Domini referant sacerdotes.[1]

What kind of cases were these that were referred to Rome? They were cases qualified by Innocent I. and Leo I. as *majores*: "Si majores causæ in medium fuerint devolutæ ad S. A., sicut Synodus statuit et beata consuetudo exigit, post judicium episcopale referantur."[2] "Si qua vero causæ graviores vel appellationes emerserint, eas sub ipsius (sc. vicarii aplici) relatione ad nos mitti debere

[1] Hard. i. 653.

[2] Innocentius ad Victricium. Ep. ii. c. 3. ap. Hard. i. 1000.

decrevimus, ut nostra secundum ecclesiasticum morem, sententia finiantur."[1]

Cyril, the patriarch of Constantinople, wrote thus to Pope Celestine: "Τὰ μακρὰ τῶν ἐκκλησιῶν ἐθη πείθουσι ἀνακοινοῦσθαι τῇ σου ὁσιοτητι."[2]

The Emperor Justinian uses language no less clear. "Neque patimur ut quicquam eorum, quæ ad ecclesiasticum spectant statum, non etiam ad Papam veteris Romæ referatur, quum sit caput omnium sanctissimorum Dei sacerdotum."[3] Early in the sixth century, Ennodius invokes the same principle; "Legite, insanissimi, aliquando in Conciliis præter aplici apicis sanctionem aliquid constitutum, et non de majoribus[4] negotiis præfatæ sedis arbitrio fuisse servatum?"

But, if the tradition of submitting *causæ majores* to the Roman Court be more or less easily traceable, is it possible to prove that proceedings, taken against bishops, came under that head? That they did, we are prepared to show: in that category they are classed in two imperial constitutions.

The first is a constitution of Gratian, A.D. 379: "Causa metropolitani necessario semper Romam, vel ad eos, quos Romanus Episcopus Judices dedisset, deferretur . . ."[5]

[1] Leo, i. Ep. v. c. 6; *cf.* ejd. Papæ, Ep. vi. ad Anast. Thessal. c. 5; Ep. 12, ad Eppos; Afric. Maurit. c. 13; Ep. xiv. ad Anast. Thessal. c. 1, 7, 11 (ed. Ballerini, opp. Leo, vol. i.).

[2] Mansi, iv. 1012.

[3] C. 7. pr. c. i. 1.

[4] Lib. apologetic. pro syn. Rom., Max. Biblioth. Patrum, ed. Lugdun, 1677, vol. ix. p. 380, B. *Cf.* Liber. Carol, i. 6.

[5] Rescript. Grati. ad Aquil. Vic. urb. Hard. i. 843.

The second is of Valentinian III. A.D. 445; "Hoc illis (scilicet Episcopis Gallicanis et aliarum provinciarum) omnibusque pro lege sit quidquid sanxit vel sanxerit A. S. auctoritas, ita ut quisquis Episcoporum ad judicium Romani Antistitis evocatus venire neglexerit, per moderatorem, ejusdem provincia adesse cogatur."[1]

There are equally explicit ecclesiastical texts to which Nicholas himself appealed, with more than a fair show of reason, when asking what causes were *causæ majores*, if not those that concerned bishops? The authorities he quotes are:

The second Canon of the Council of Chalcedon.

The letter from the Council of Sardica to Pope Julius.

The letter from Pope Innocent to Victricius.

He also quotes Pope Leo the Great, on the dignity of bishops.

And to the papacy itself, what it was and what it was intended to be, he appeals, as one of his arguments.[2]

Here we have a sequence of independent evidence, which, if dissected and collated, will be found to establish, beyond a doubt, that the causes of bishops ranked among greater causes; and, as such, fell within the province of papal judgment. It is, however, a somewhat strange fact, that in spite of all this evidence, Nicholas, in the pitilessly logical letter to the Gallican bishops in which he quotes it,

[1] Nov. constitit. imp. Theod. ii. etc. ed. Hænel, tit. xvi.

[2] *Cf.* Nicolai, Ep. 75, ad universos Episcopos Galliæ. Migne, l. c. col. 900.

does not seem to claim the plenitude of his rights, as established by these authorities. He says first that Rothade, even had he made no appeal, ought never to have been deposed without authorisation of the Pope, who is the sole judge of major causes. Then he again explains, that he reserves to himself only the final judgment of such causes: "Unde tam illorum (scilicet Episcoporum) quam istorum (scilicet Metropolit.) negotiorum nobis *exitus* reservari merito volumus et jure decrevimus." This, if sifted, will be found to mean, as we have just said, that the only rights Nicholas claimed in such causes, were those belonging to a judge of appeal.

This, at anyrate, is a plausible construction to put on what he says; and one that I think a certain fragment that remains of a letter he wrote to the Emperor Louis II. bears out. In this fragment he says, alluding to the manner in which bishops are to be tried, that when the case is either a doubtful one or has provoked controversy, it should be brought to Rome; otherwise, the primate is a competent judge.[1]

There is a decision of the Council of Troyes (867), which makes it impossible to doubt that Nicholas was standing well within his rights, in asserting that a bishop could not be deposed without consent of the Pope.

This council, at which Hincmar himself was present—and at which six provinces were represented by their bishops—petitioned Nicholas to let no bishop be deposed without the Pope's consent.

[1] Migne, Ep. Nicolai, 85, col. 925.

Now, it is hardly possible to suppose that all these bishops, with a man like Hincmar at their head, would have put their signatures to such a petition, had not the Pope had some better grounds than the False Decretals, for claiming and exercising such a right. Hincmar, to begin with, had repudiated the authority of the forged decretals, and could hardly have contradicted himself in so flagrant a manner.

A similar form of discipline prevailed at that time in the East, had, indeed, been formally established by Canon 26 of the fourth council of C. P. (869). According to this canon the patriarch is to be the judge of bishops, but I have yet to learn that it has been discovered that the False Decretals had any influence among the Greeks.[1]

In regard to the Pope's right, in matters of religion, to judge the whole world, and be judged of no man, this principle had been proclaimed by Gelasius at the third Roman Council; Charlemagne, too, had proclaimed it; and that Nicholas was making no innovation in asserting it, can be satisfactorily proved by written evidence.

What Charlemagne's own idea of papal dignity was, his quoting the famous 20th Canon of St Sylvester's *Constitutum* in one of his capitularies shows clearly enough (Labbe, vol. vii. p. 1181). "Neque sumus præsul a quoquam judicabitur, quoniam scriptum est: *Non est discipulus super magistrum* . . . Sic datur mystica veritas" (Labbe, vol. i. p. 1555).

In the celebrated trial held on Pope Symmachus,

[1] *Cf.* Ps. Isid. ed. Migne: dissertatio Denzinger, p. xv.

the third Synod of Rome pronounced him "out of cause, the accusation null, and non-receivable against him to whom the canons entrust the appeals of all bishops"; and it "notes expressly, as a thing new and unexampled, that the Pontiff of this See should appear before the bishops."

The famous letter that, in the name of the Gallican Church, Avitus wrote to the Roman Senate, is in the same volume, and will be found to justify the preceding explanation.

To the bishops of Dardania, Pope Gelasius wrote: "The Church, throughout the whole world, knows, that what any bishops have bound, the Holy See of Blessed Peter has the right to loose, as having authority to pronounce upon the whole Church. Whilst to no one, whatsoever, is it permitted to pronounce judgment after it has judged; since in every part of the world exists the faculty of appealing to this See against canons; and from this See it is permitted to none to appeal" (Labbe, iv.; Gelasius, Ep. xiii. ad Eppos: Dardaniæ, p. 1203).

Pope Leo the Great (440-461) wrote to the Italian bishops, that the decretals of his predecessors were to be observed, following his then injunction; and that, should anyone fail to observe them, he would remain no longer in Communion with the Pope; and that for him there would be no pardon (Labbe, iii.; Leonis, Ep. i. ad Eppos: per Campaniam).

This passage is reproduced word for word in the Aix-la-Chapelle capitulary (A.D. 789).

But there is another point to consider. Is Nicholas answerable for bestowing on papal decretals a value

they never had before? Was he the first pope who tried to make them binding upon the Church?

I can understand that the suggestion this question raises, has put a considerable number of distinguished French and German writers upon a false track; for I, myself, at one time, either through prejudice, or because I had not examined into the matter very critically, was disposed to agree with those who think the principle concerned, suggestive of the False Decretals. The arguments, moreover, employed by some of the contemporaries of Nicholas, are of a nature to cast doubts on the sincerity of the Pope, who is their opponent,[1] as well as upon the authenticity of the sources to which he went for his proofs. The controversy began about Rothad's case. Nicholas, upon the authority of certain decretals, said that to the Pope belonged the judgment of a bishop. To which Hincmar retorted, that the decretals quoted were not to be found among the canons of western use. I do not know whether he meant by this, that, in his opinion, no other decretals were valid, or that he disbelieved in the existence of the decretals the Pope quoted. But it matters little which he meant. What does matter is, that this vague objection has become a pitfall to modern canonists, who either have not read the whole answer of Nicholas, or else have not traced the course of ecclesiastical law.

[1] I am indebted to M. Andreas Thiel for a better appreciation of this point of ecclesiastical discipline. See especially his Appendix i. p. 30. He writes with great discrimination and quotes unanswerable proofs.

Nicholas answered that the objection of Hincmar and his friends was absurd; because, on the same principle, they would have to reject all the decretals of St Gregory, as well as the Old and New Testaments, none of which are included in the collection of Dionysius the Lesser. Then he quotes authorities of very much earlier times than his own, who lend support to his claim: *e.g.* St Leo, who says that submission is due to every decretal that issues from the Holy See; Gelasius, who revived this precept at one of the Roman councils.[1] He might have multiplied his quotations.[2] Popes Siricius, Zosimus and Hilary, had each in turn, declared, in clear and solemn terms, that obedience to decretals emanating from the Pope, was of obligation upon the whole Church. He might even have quoted the civil law; as in the following decree of Valentinian III.[3]

"Nequid præter auctoritatem sedis aplicæ illicita præsumptio attentare nitatur. . . . Sed hoc illis omnibus pro lege sit quidquid sanxit vel sanxerit aplicæ sedis auctoritas." He might also have quoted the following passage from one of Charlemagne's capitularies: "Si quis sacerdotum contra constituta decretalia præsumptiose ageret et corrigi nolens, ab officio suo submoveretur."[4]

[1] Migne, l. c.; Ep. 75, col. 902, 903.

[2] Siric., Ep. i. ad Himer. Tarracon, c. 15. (Hard. i. 851.) Zosimus, Ep. ad Hesych. Salon, c. 4. (Hard. i. 1234.) Greg. iv. ann. 832, c. 5 D. 19. Hil. in Syn. Rom. ann. 465, c. 1. Hard. ii. 799.

[3] Nov. constitit. imp. Theod. ii., etc., ed Hænel title xvi.

[4] Cap. a. 789, c. 58. Pertz, l. c. iii. 62; *cf.* Thiel, dissertatio i. 30 *seq.*

In the face of all this evidence, what astonishes me most is, not that there should, in the present day, be found men who write and say that Nicholas was the first pope who ever gave the authority of law, to the decretals of the sovereign pontiffs; but that Hincmar and his party, should not have been able to find any more plausible grounds for their refusal to submit, than the easily refuted objection they actually made. Neither council nor pope have ever declared Dionysius the Lesser to be the one standard of reference in ecclesiastical law. His collection, the work of an individual hand, has in fact no value, except that of containing authentic decretals and canons. But it is these decretals and canons that give the collection its value, not the collection that gives them theirs. The same rule holds good with canons and decretals not included in the collection, many of which are quite as authentic as those it contains, and not at all the less trustworthy because they are not to be found systematically classed there.

To sum up: I think it has been satisfactorily shown that, before the time of Nicholas, it was accepted in principle that the causes of bishops were *causæ majores*, and as such belonged to the pope; that the pope had a right to judge all the world, and be judged of no man; that the pope's decrees, whether in matters of faith or discipline, were obligatory upon the whole Church. Here we have, in a word, the three principles which so often have been adduced to prove that Nicholas fabricated his canon law on the basis of the False Decretals. It

would hardly be over-straining the point, were I, without further sifting the matter, to say here that the evidence already quoted, proves clearly enough that Nicholas was not a pseudo-Isidorian. But the matter is too serious to be dismissed without being what I may perhaps call, scientifically solved. I shall therefore now examine into it very minutely, while doing my utmost to condense my references as much as possible.

II

SOURCES FROM WHICH THE DOCTRINE OF NICHOLAS WAS DERIVED

The collection of Dionysius the Lesser, which, at that time, was looked upon as the Church's official code (Ep. 75, 901), was one of the sources from which the doctrine of Nicholas was derived. His quotation of numbered decretals tallies, both textually and numerically, with the Dionysian collection in the Justellius edition. (Biblioth. of anc. can. law, i. p. 101-249.) Ex., Ep. 4, 775.

Other sources are:—

Leonis I. decretalium, cap. 33; Justellius, p. 233.

Gelasii decretalium, cap. 3; Justellius, p. 240; Ep. 66, No. 6, 885.

Leonis XXV. decretalium regulam; Justellius p. 230; Ep. 75, 902, capit. v. decretalium Leonis; Justellius, p. 223.

He was cognizant also of a collection of canons, divided under fifty titles, attributed by Justellius to John of Antioch, which he quotes: Ep. 99, p. 1051.

He quotes other authorities that are not included in any collection, and this frequently in his letters. Ex.:

Bonifacii, Ep. ad Eppos. Thessaliæ; in Ep. 75, p. 906; in Ep. 86, p. 949; in Ep. 152, p. 1157; *cf.* Coustant., Ep. Rom. Pont. i. 1037.

Bonifacii, Ep. ad Rufum; Ep. 75, p. 907; Ep. 86, p. 955; Coustant., 1043 et 1042.

Félix III., Ep. Synod; Ep. 46. p. 857; *cf.* Hardouin, ii. 855.

He found these documents in the Roman archives; they were all as Dom Coustant has proved, authentic documents, but had not, at that time, been inserted in the law records. He frequently quotes his archives[1] and refers other bishops to theirs.[2]

But the evidence he quotes that finds no place in any collection, is not all authentic. Ex.:

St Clementis, Ep. i. ad S. Jacobum; citatur in Ep. 147, p. 1141.

Marcellini, verba in Synodo; Ep. 86, ad Michael. Imper., p. 940.

S. Sylvestri Acta et Constituta; Ep. 25, p. 807; Ep. 86, p. 938 et 940.

Sixti III. processum; Ep. 86, p. 938 et 940.

What must we then conclude in regard to the false or pseudo-Isidorian Decretals; did Nicholas make use of them or not? The passages just referred to as not authentic are certainly not very suggestive

[1] Ep. 25, p. 806; 89, p. 964; 91, p. 970.
[2] Ep. 65, p. 882; Ep. 91, p. 970.

of the False Decretals. Out of the four mentioned, one only, the letter of St Clement, figures at all in the pseudo-Isidore. (Migne, vol. 130, pseudo-Isidor., p. 22.) But, as Dom Coustant points out, this letter, which was a fabrication of the fourth century, had become very well known, and was in general use by the ninth.[1] *Cf.* Coustant, append. i.

The *verba Marcellini* and the *processum Sixti III.* do not figure in the pseudo-Isidor., and the same remark applies to the *Acta et Constituta* of St Sylvester.

Nicholas certainly does quote these last (Ep. 25, p. 807) in reference to papal judgment; but he does so in exactly the same words as his predecessor, Leo. IV. (*cf.* Migne, vol. cxv. p. 667).

And besides these, he quotes St Sylvester's speech, before the Roman Synod (Ep. 86), in the words of the Saint's own Constitutions, (chap. iii. 20, *cf.* Coustant, App. 52 and 47; Hardouin, i. 293 and 291), not in those of the Isidorian version of the speech, which is less full.

It certainly does not then follow that because Nicholas used unauthenticated documents, he used the pseudo-Isidorian collection.

But it may perhaps be asked, was he not alluding to the pseudo-Isidorian when he spoke of *tot et tanta decretalia* as authorities that supported the reference of episcopal trials to Rome?

I think myself that, just at first, the words do produce that impression, especially when taken in

[1] Laudata est anno, 442, a Concilio Vasensi, i. Can. 16.

connection with the reply of the bishops of Gaul. The bishops tell him that these decretals, which he calls "so numerous and important," are not in the *Corpus Canonicum* (Migne, 901).

What they meant by this was one of two things; either that they admitted as authentic no decretals that were not included in the Dionysian collection; or, that they altogether doubted the existence of the decretals referred to by the Pope. I have already said all I have to say about the first of these hypotheses; and the second does not in the least affect our present argument; for the simple reason that the Pope, having himself enumerated the authorities he used, we know he rightly described them as "numerous and important."

Here is his list:—

Ep. 35, p. 828, ss.; Leonis, Ep. ad Flavian.; Innoc. Ep. ad Alex.; ejd., ad Macedones; Gregorii, ad Theoctistam Patriciam; Syn. Sard. c. 4 and 8.

Ep. 73, p. 893, ss.; Syn. Chalc., c. 9; Julii, Ep. ad Orientales; Innoc., ad Victric.

Ep. 75, p. 900, ss.; Leonis, ad Anastas. Thessalonic; ejd., ad eppos Camp.; Syn. sard.; ad Jul.; Gelasii, De scriptis canonicis; ejd., ad eppos Dard.; Innoc., ad Victric.; ejd., ad Alex. Ant.; Syn. Nic., De Privilegiis ecclesiis servandis; Boniface, ad Eppos Thessaliæ.

Now, these *tot et tanta decretalia*, being everyone of them included in the Dionysian collection, the Pope had not to go to pseudo-Isidore for them; and neither need we for exactly the same reason. As to why it was that the bishops with the Dionysian

collection in their hands, persisted in disputing the authority of the *tot et tanta decretalia*, I can offer no explanation. I can only suggest for what it is worth, that Rothade and his friends, who knew of the False Decretals, may have used them as weapons against their adversaries, who, for that reason, may have supposed that the decretals, *tot et tanta* that Nicholas quoted, came from the same source. This, in fact, would account for the Pope's having thought it necessary to enumerate categorically, the source whence each decretal he quoted was derived; as he does in Letter 75, col. 900-901, ss.

Now to draw our conclusion. The limits of episcopal jurisdiction were fixed in the course of Rothade's momentous trial. It would, therefore, have been quite unnecessary for Nicholas to seek the support of the False Decretals, in regard to the supreme right he claimed for the Holy See.

But we may go farther than this; we can say that he attributed no value to the False Decretals; why otherwise, should he have taken the trouble to make researches in his own archives, and in the *Corpus Canonicum*? His task would have been a far less laborious one, had he dipped into the pseudo-Isidore and copied extracts from the apocryphal letters of Evaristus, Sixtus I., Eleutherius, Victor, Zephyrinus, Sixtus II., Marcellus, Melchiades, Julius, Felix. He had here a mine of wealth under his hand, a host of ready-made arguments to put forward in favour of his claim to be the judge of bishops, and in support of his assertion of the obligatory character of decretals emanating from the Holy See. But

he had not recourse to the False Decretals for his arguments; perhaps because he had his doubts of their authenticity. He chose rather to ground his arguments on decretals whose authenticity no one had ever disputed, decretals he found in his own archives, and which, though very likely they had never been published before, were genuine documents; the other authority to which he had recourse, was the universally accepted *Corpus Canonicum*. But he kindles to his subject as he interprets the meaning of his primacy, and at last he uses the very primacy he claims as the one supreme and final argument on which he bases all his claims, all his privileges. He thus describes it:

"Unde, tam Episcoporum quam Metropolitanorum negotiorum exitus nobis reservari merito volumus et jure decrevimus. Totius enim Ecclesiæ, Deo Auctore, generaliter sollicitudinem gerimus et omnium utique, qui ecclesiam faciunt, cura constringimur, atque omnium, quorum nos maxima cura exspectat, nostrum præcipui debent promereri judicium."[1]

But there is further confirmatory evidence. The author of the pseudo-Isidore interpolated his fabrication with genuine texts, some of which he falsely attributed to popes who never wrote them. Now, whenever Nicholas happens to quote one of these same texts, he invariably does so with the correct name of the author, and quotes the words exactly as the author wrote them. There, therefore, can be no doubt he took them from the original text, not from the pseudo-Isidore. He twice quotes[2] a

[1] Ep. 75, p. 904. [2] Ep. 73, p. 894; Ep. 86, p. 955.

letter from his predecessor Julius to the Orientals, and neither time does he quote it in the pseudo-Isidorian form (which for the sake of his argument it would have been very convenient for him to have adopted); but he quotes it in a form now lost, and of which we only know through Theodoret.[1] Nicholas probably found the letter in his archives.

Again, the celebrated passage upon distinction among the apostles and among bishops, which the pseudo-Isidore[2] falsely ascribes to Anacletus, Melchiades, Julius or Vigilius, Nicholas correctly ascribes to Leo.[3]

On the subject of the *causæ majores* that should be brought to Rome, he quotes neither the pseudo-Sixtus[4] nor pseudo-Julius of the Isidorian Decretals, but Pope Leo.[5]

He says that the tribunal that pronounces judgment on a bishop, should be composed of twelve bishops, but he quotes the Acts of St Sylvester,[6] not the pseudo-Isidor., as his authority for this requirement.[7]

To add other similar instances:

[1] Theodoret, a Greek ecclesiastical author, b. 386 or 393, d. 457 or 458. He wrote an Ecclesiastical History extending from 384-429. This history, together with Eusebius and other ecclesiastical works, has been published by Valois. *Cf.* this Hist. ii. 4.

[2] *Cf.* Ep. Migne, col. 78, 238, 622, 627, 1078.

[3] Ep. 68, p. 888; Ep. 75, p. 900, *cf.* Leo; Ep. 88, ad Anast. Thessal.

[4] *Cf.* Ps. Isid. 186-634.

[5] Ep. 75, p. 903.

[6] Ep. 25, col. 807.

[7] Anaclet., Ep. i. p. 67. Zephyrin., Ep. i. p. 126. Pelasgius II., Ep. i. p. 1093.

Where Nicholas quotes:	Pseudo-Isidore quotes:
Innocent, Ep. 35, p. 831; Ep. 68, p. 889; Ep. 75, p. 904.	Damasus, Ep. 5, p. 675. The Egyptians, Ep. ad Felic., ii. p. 643; Marcel., Ep. ad Felic., ii. p. 219.
Zosimus, Ep. 73, p. 894.	Damasus, Ep. 5. p. 675.
Boniface, Ep. 73, p. 895; Ep. 104, p. 1073.	Julius, Ep. 2, pp. 626 and 627.
Cælestin, Ep. ad Bulgar., p. 1001, No. 55.	Fabian, Ep. 2, p. 155.
Gregory, Ep. 98, p. 1037.	Evarist., Ep. 2, p. 86.

I think there are grounds for supposing that Nicholas was not unacquainted with the pseudo-Isidorian collection; but if he knew it, he never made any use of it. I also think that he firmly accepted every consequence of the threefold primacy for which he claimed universal recognition; that he made every effort to raise and augment the authority of the Holy See, and that he employed every weapon in his arsenal, all the laws and statutes of the Church, which were at all likely to serve his purpose.

Thus, for instance, he would have liked to apply to the whole Church one of the decrees promulgated by Pope Gelasius, and intended by that Pontiff to be binding only on his own immediate suffragans; a decree which prohibited the consecration of a church without leave from the Pope.

I also remark that Nicholas and the author of the pseudo-Isidore, coincide in their decisions of certain questions; such, for example, as the judg-

ment of bishops, the convocation of councils, the number of bishops required to form a proper tribunal for the trial of a bishop; from all which I conclude that the development ecclesiastical law was undergoing in Gaul, a development to which the pseudo-Isidore gave the first impetus, had its effect on ecclesiastical law in Rome; and this without the existence of any mutual understanding between the respective Councils of Rome and Gaul.

One thing at any rate is certain. The ninth century was, in regard to ecclesiastical law, a period of stir and agitation; and this stir, this agitation had certainly the effect of dissipating the nebulous atmosphere that hitherto had rested in peace over a variety of questions into which no one had cared to inquire seriously.

The extraordinary contradictions into which the greatest experts were betrayed prove this. Nicholas himself, for instance, puts two different constructions on the famous ninth Canon of the Council of Chalcedon.[1] Clerics are forbidden, by this canon, from bringing any mutual business they may have to transact before the secular courts; they are to bring it before the bishop or some one appointed by him, whose arbitration they agree to accept, and all this under pain of canonical penalties. The same canon ordains that disputes between clerics and their bishop shall be dealt with by the metropolitan, differences between bishop and metropolitan by the exarch of the department, or the See of Constantinople.

[1] Dict. of the councils. Migne, vol. i. c. 419.

In writing to Charles the Bald,[1] to urge upon him to reinstate Rothade (865), Nicholas quoted the canon just in the sense the council intended. "Ad primatem diœceseos, aut sedem regiæ urbis Constantinopolitanam," are the words of the canon referring to appeals; and in quoting them Nicholas remarks that, in Rothade's case, Rome would naturally take the place of Constantinople.

But he puts altogether another construction on the same canon, in his famous letter (86) to the Emperor Michael (Migne, col. 944, 945, Ep. 86). *Primatem diœceseon* is, he says, the right reading, and that these words in effect open the Roman Court of Appeal to all the clergy of East and West, in the very widest possible sense, and constitute the Pope the one supreme judge of every bishop and cleric in the world.

There are instances of this curious elasticity of interpretation in Hincmar also; and the Pope comments upon it severely[2] both in writing to him and to the bishops who met at the Council of Soissons in 866. Hincmar, moreover, who in concert with other western bishops, had complained of not finding the authorities on which Nicholas grounded his claims, in any ancient collection of canons, was not at all above using the False Decretals himself when it suited him to do so. When he wrote to the Pope[3] to explain his own conduct in the Rothade case, he said: "Quem ut Alexander Papa in decretis suis ostendit, metus aut vis vel

[1] Ep. 73, col. 893. [2] Ep. 108, col. 1105.
[3] Hincmari opera. ed. Migne, vol. cxxvi. p. 80.

fraus, qua a nemine pertulit, innoxium vel excusabilem reddere nequiverunt."

This is all from the pseudo-Isidore,[1] and Nicholas in writing to the bishops of Gaul in 865, rather sarcastically remarks that they too could quote canons not to be found in the ancient collections.[2]

Contradictions of this kind, proceeding from men of such very distinguished character, force us to conclude that the law of the period rested on precedent, rather than on firm constitutional grounds. And Nicholas in no way showed the remarkable originality of his genius more than in the energetic manner he set to work to define the situation and do away with the series of inconsistent interpretations of canonical jurisprudence, to which century after century had contributed its quota. He says often that he set to work to accomplish this task, by making researches into the Roman archives, by gathering together, and mastering the sense of, all documents that were of a nature to help him in establishing the principles he held, and in maintaining the unity of religious government.

I wrote the above Appendixes, before I had seen Father Charles de Smedt's Memorandum on the "*False Decretals, the Frank Episcopate, and the Court of Rome*," which Father Lapôtre has kindly shown me since. Father Smedt goes deeply into his subject, but he says nothing that makes me see any reason to change my conclusions. He affirms more positively than I have, that Nicholas knew the

[1] Isidore Mercator. Migne, vol. cxxx. col. 89.
[2] Ep. 75, col. 901 (end), and 902 (beginning).

False Decretals, and is no less sure they had no kind of influence on his teaching.

"Nicholas," he says, "never thought of approving the decretals, never borrowed a quotation from them. More than this, when he wrote to Hincmar in 863 he mentioned the popes by name, whose Constitutions ought to be the rule of a bishop's trial. He quotes no earlier pope than Siricius, whose letters are perfectly authentic, and makes no sort of mention of the letter of Melchiades contained in the pseudo-Isidorian collection, which, were it genuine, would be so strong a plea in favour of the papal claim to authority. But this omission was not because he did not know of the existence of the pseudo-Isidorian Decretals; for they had been brought under his notice five years previously by the Abbot of Ferrières.

"Another point is perhaps equally noteworthy. In a not inconsiderable number of his letters, written after Rothade's reinstatement, that is at a time when he must have had the whole pseudo-collection in his hands, he quoted phrases in almost the same words as does pseudo-Isidor; but quotes them, not as utterances of the very early popes to whom pseudo-Isidor imputes them, but as those of the much later popes to whom they really belong. This remark applies to his letters to Charles the Bald, and the Frank bishops, written in 865; to the reply to the Bulgarians, sent in 866, and to the letters written also in 866, to the Emperor Michael and the Constantinople clergy. A great many of the texts he quotes in favour of his claims, are to be found in

the pseudo-Isidorian Decretals, but when Nicholas quotes them, he gives their authors as St Zosimus, St Boniface, St Leo the Great, St Innocent I., St Celestine I. and St Gregory the Great, whilst the author of the False Decretals attributes them to SS. Damasus, Julian I., Anacletus, Melchiades, Marcel, Fabian, Evaristus."

Two of these letters of Nicholas are occupied with charges against Photius; and the difficulties the Pope had to fight against in dealing with this daring and wily opponent, would very sufficiently account for his having made use of the new collection of decretals, had he believed documents that laid claim to such venerable antiquity to be genuine. He could, in that case, hardly have helped regarding them in the light of a powerful weapon, providentially put into his hands to ward off the schism that seemed imminent.

But not one of the letters he wrote to Constantinople upon the Photius affair, "letters written after 854 and full of quotations from the fathers, and the Roman pontiffs in particular, contain a single extract from the False Decretals, or appeal to them, in any way, as an authority. Could Nicholas have marked his mistrust of these inventions in any clearer manner?

"But, some one may object, why was he satisfied with this tacit mistrust, which however significant, could not have prevented the success of the imposture? Why did he not go a step farther, and formally protest against such an abuse of the names of the early popes? why did he not hold the forger

up to the contempt of the whole Christian world?" This is a question no man of learning would ever ask; and one very easy to answer. It never would have entered the mind of a man living, as did Nicholas in the ninth century, to undertake the immense labour that a contemporary research of this kind must have entailed; that is, if it were to be brought to a successful issue, and the imposture irrefutably exposed. It would be very unfair to reproach St Nicholas, or his successors, for not having undertaken a task that neither Hincmar nor Gerbert, men much better situated, and with more leisure at their command for it, never thought of undertaking.

TABLE OF REFERENCES

I. THE LETTERS OF NICHOLAS I[1]

THESE letters will be found in various Latin manuscripts in the Bibliothèque Nationale, Paris.

MS. 1458. This is one of the most valuable and one that has suffered most from the effects of time. It contains one letter at folio 159, and forty-four more in the older part of the MS., that is from folio 162 to folio 200. There is in the same MS. a recent collection entitled *Epistolæ. Ex Bibliotheca Rothomagensi.* This collection consists of copies of letters from MS. 3854, which also may be found in MS. 1458. It is in four styles of caligraphy, that of the ninth, tenth, eleventh and fourteenth centuries.

MS. 3854 seems to be of the twelfth century, and contains from folio 194 to folio 218, sixteen letters of Nicholas.

MS. 1557 is of the tenth century. It contains forty-five letters of Nicholas, the forty-three first from folio 37 to folio 78, then come some letters of Adrian II., and the MS. terminates with two more of Nicholas.

[1] Lists of all the letters contained in the MSS. I quote, identified by the first word of each, may be found in the *Analecta Juris Pontificii*, pub. Palme, Paris, 1868, 84th No. p. 53.

MS. 3859 A. is of the sixteenth century, and contains forty-two letters from folio 64 to folio 190.

MS. 2864 is of the tenth century. It consists of works by Æneas Sylvius, preceded by two letters of Nicholas.

MS. 5537, of the eleventh and twelfth centuries, contains no letter of Nicholas.

MS. by Josaphat, 13656. This is a valuable collection of the canons of councils and popes' decretals. It contains forty-one decrees, or fragments, by Nicholas, among the latter a fragment which no larger collection gives, and which I have made use of in chapter ii.

Every one of the letters of Nicholas has been published. They will be found scattered in the writings of Baronius, Muratori, Bouquet, Pertz; or, almost a complete collection in Sirmond, Labbe, Hardouin, Mansi. An analysis of these letters, or at any rate of the more important among them, will be found in Héfélé's "History of the Councils," vol. v. But no collection is so nearly complete as Migne's in his "Latin Patrology," vol. cxix.; and to this must be added the three *privileges* which are omitted in that vol. and given in vol. cxxix. of the same collection (col. 1011). In his "Regesta Romanorum Pontificum" Jaffé gives summaries of all the existing letters, as well as of some others which are now lost but are either summarised or otherwise mentioned in certain chronicles. These latter will be found under Nos. 2018, 2019, 2025, 2028, 2033, 2055, 2042, 2068, 2080, 2088, 2094, 2116, 2177, 2180, 2181, 2186. I have followed Migne's edition of the letters;

but, as he reproduces Mansi's version *verbatim* without correction, and without any explanation of the chief difficulties of the text, I have also had recourse to the work of Dom Coustant and his successors. It may be consulted at the Bibliothèque Nationale. The volume I consulted (No. 5, MS. L. 16987) contains a short life of Nicholas, a learned dissertation that fixes the chronological order of his letters, a notice of the letters lost, the classification, by indiction, of all the letters, and a collated summary of all the MSS. consulted, among which are all those I have mentioned already, and those of Rheims and Laon besides. Dom Coustant not only succeeded in correcting the text, but prepared the way for an edition of the letters, incontestably superior to any that preceded it, and which he has enriched with comments and explanations. His historical criticisms are all very judicious and correct, but he errs occasionally on the subject of Canon Law; he also exaggerates the Influence of the False Decretals. Dom Coustant does not confine himself to the study of the Pope's own letters; he reproduces, comments upon, and compares with them, those addressed to Nicholas by kings, bishops, and other members of the civil and religious worlds. Besides this, he makes good use of annals and other contemporary writings, and at the head of each important item, he puts *monita* that are gems of erudition. Some idea of the magnitude of his task may be gathered from fragments given in the section of the "Analecta Juris Pontificii," from which I have made quotations. No one who studies the correspondence of the popes of

the first thousand years, should omit to read this valuable work.

What are the merits of the letters of Nicholas? Anastasius says: "Whoever may wish to know what his holy zeal was, will find its record in the letters he scattered all over the world." This is quite true, but not the whole truth. The letters reveal a noble, straightforward nature, an energetic soul, an elevated character, a pure heart. It is Nicholas, as he really was, whom we find in these letters, a man filled with ambition; not indeed the paltry ambition which seeks to rule for the sake of ruling, but an ambition that made him try to become a ruler of men for their sakes, in order to humanise them. Now and then a strange note of liberalism can be heard below the authoritative tone he is wont to adopt; as, for instance, when he tells the Bulgars they must never use violence to make anyone accept the Faith, that torture is contrary to the law of God, or again, that the penalty of death should never be abused. His style is generally clear and easy, flowing with the movement of his thoughts; his prologues are sometimes, however, rather involved. He reasons closely, incisively.

If his letters are a personal revelation, they are also one of the age he lived in. They show us the violence, the brutality, the corruption that existed in every class of society. Property was not respected, personal dignity was rare. Sovereigns were destitute of the elementary notion of morality, they were mean spirited and incapable, weak, cowardly in their policy. Never has there been

an epoch in the world's history, when kings were less their own masters, or more the slaves of others.

The letters of Nicholas are also very interesting as a study of canon law. The action he took in regard to that law, his efforts to give it stability, show that it had until then rested upon precedents rather than fixed constitutions, upon principles rather than codes. His letters are also of great value in relation to the False Decretals, for they make it possible for us to decide whether those documents played any real part in the progress that papal authority made in the ninth century.

The letters have also a certain diplomatic interest. Nicholas addresses his correspondents in the second person plural when writing to emperors, empresses, and patriarchs—the act of Photius' deposition, is an exception to this rule. Kings and queens he addresses in the same form, except when administering sharp rebukes. In writing to Bardas, he uses sometimes the second person plural, sometimes the singular, and to bishops also sometimes the one, sometimes the other. Ordinarily it is the plural form that he uses when on good terms with the bishop he is addressing, the singular when not.

His name always came first in the superscriptions of letters, and this custom the popes have ever since observed.

The custom of promulgating decrees in virtue of the authority of the apostles, SS. Peter and Paul, has also been observed by the popes since the time of Nicholas.[1]

[1] *Cf.* Nouv. Traité de diplomatique, vol. v. pp. 171-186.

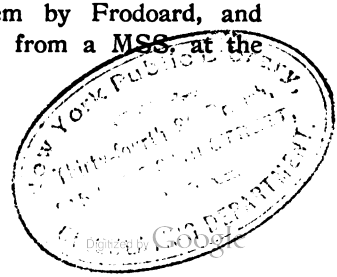
The decrees Gratian attributes to Nicholas have been collected, and Migne assigns them a place among the Pope's writings (p. 1184). But all these decrees cannot, I think, be accepted as having emanated from Nicholas I. Some were promulgated by Nicholas II., others express and summarise points developed by Nicholas, but have no right to a place among the decrees he actually promulgated. I have used them, therefore, with a certain reticence and have checked them by his letters.

II

LIVES

The oldest Life of Nicholas is that in the "Liber Pontificalis." It was written by Anastasius, his secretary and librarian. It is valuable because it gives details of the Pope's early life, of his accession, of his charity and zeal. It tells of his relations with Constantinople, with John of Ravenna, Lothaire, Hincmar, the Bulgarians, etc. The Annals of Baronius complete this Life, and for its careful exactitude in reporting facts small and great connected with him it must ever keep its place in regard to the Pope's history.

The second part of the third volume of Muratori's work, "De Rerum Italicarum Scriptores," p. 297, has also furnished me with data for comparisons. He gives an account of Nicholas taken from Amalricus Augerius, a poem by Frodoard, and finally a short notice taken from a MSS. at the



Vatican supposed to have been written by Pandulphus of Pisa.

III

I have studied other annals, both to be able to compare with them the documents I have already mentioned, and to familiarise myself with the period, the better to understand the important part played by Nicholas. I would especially mention: The Chronicles of Reginon, the Annals of Prudentius, and those of Hincmar (the latter being in fact Part III. of what are commonly known in France as the Annals of St Bertin): the Annals of St Fulda, and others of less importance. Where I have quoted these records, I have followed the Pertz edition: Monumenta H. G.

IV

Finally, besides various collections of the councils, besides D. Bouquet's "Histoire litteraire des Bénédictins," and other works that must have great weight with any student accustomed to critical examination of the Church history of the Middle Ages, I subjoin a list of other works I have consulted, some of which, it will be noticed, are the product of modern science.

ALZOG. *Histoire de l'Église*; pub. by Lecoffre, 1849. 3 vols.

BAXMANN. *Die Politik der Päpste von Gregor I. bis Gregor VII.*, Elberfeld 1868. Zweiter Theil, 1-28.

DAVID BLONDELLUS. *Pseudo Isidorus et Turrianus vapulantes.* Genevæ, 1628.

DUPIN (Ellies). *De antiqua Ecclesiæ disciplina.* (xviii. century).

DUCHESNE (L'Abbé L.). *Étude sur le Liber Pontificalis*, 1877.

Le Liber Pontificalis, 1892. 2 vols.

Les premiers Temps de l'État pontifical (754-1073), 1898.

DUMONT. *Les fausses décrétales* (*Révue des questions historiques*, 1866).

FOURNIER (Paul). *La question des fausses décrétales*, 1887.

HINSCHIUS (Paulus). *Décrétales Pseudo Isidorianæ.* Lipsiæ, 1863.

FÖSTE (Doctor Carl Hermann). *Die reception pseudo-isidors unter Nicolaus I. und Hadrian II. ein beitrag zur geschichte der falschen dekretalen.* Leipzig, 1881.

FUNK and HEMMER. *Hist. de l'Église*, translated from the German of Dr Funk, by M. l'Abbé Hemmer, licencié en théologie de l'Institut Catholique de Paris, avec une Préface de M. l'Abbé Duchesne, Membre de l'Institut. Paris, Colin. 2 vols.

JAFFÉ (Philippus). *Regesta Pontificum Romanorum ab condita Ecclesia ad annum post Christum natum* MCXCVIII. Edit. 2., vol. i. Lipsiæ, 1885.

LAMMER (Hugo). *Päpst Nicolaus und die Byzantinische Staatskirche Seiner Zeit.* Berlin, 1857.

LEGER (Louis). *Cyrille et Méthode.* Étude historique sur la conversion des Slaves au Christianisme. Paris, 1868.

LAPÔTRE (A.) S. J. *L'Europe et le Saint Siège à l'époque Carolingienne.* 1st Part: Pope John VIII. (872-882). Paris, 1893.

De Anastasio Bibliothecario. Paris, 1885.

Mémoires de l'Académie de Dijon, 1861-1862. Étude historico-littéraire sur le divorce de Lothaire.

MARCA. *De concordantia sacerdotii et imperii.* Paris, 1704.

NOORDEN (von). *Hinkmar.* Bonn. 1863.

PHILIPPS. *Du droit ecclesiastique dans ses principes généraux,* pub., Lecôffre, Paris, 1855. 3 vols.

ROSSTEUSCHER (Ernest). *De Rothado episcopo suessionensi particula prior et particula posterior.* Marburgi, 1845.

SCHRŒRS. *Hinkmar, sein Leben und seine schriften.* Fribourg-en-B., 1884.

SMEDT (le R. P. Ch. de). *Les fausses décrétales, l'épiscopat franc et la Cour de Rome du IX^e^ au XI^e^ siecle,* 1870.

SDRALEK (Maximilianus). *De S. Nicolai, P. P. I. epistolarum codicibus quibusdam manuscriptis dissertatio.* Wrateslaviæ, 1882.

THIEL (Andreas). *De Nicolao Papa I. commentationes duæ historico-canonicæ.* Brunsbergæ, 1859.

TIZZANI. *Les conciles généraux.* Trad. de l'Italien par Droussot. Rome, 1868. 4 vols.

WALTER. *Leçons de droit canon.* Bonn. 1822. 14th edit. 1871. Trans. into French, 1840.

ZACCARIA. *L'anti-Fabronius, ou la primauté du Pape justifiée par le raisonnement et par l'histoire.* Paris Victor Sarlit, 1858-1860. 4 vols.

TURNBULL AND SPEARS, PRINTERS, EDINBURGH.