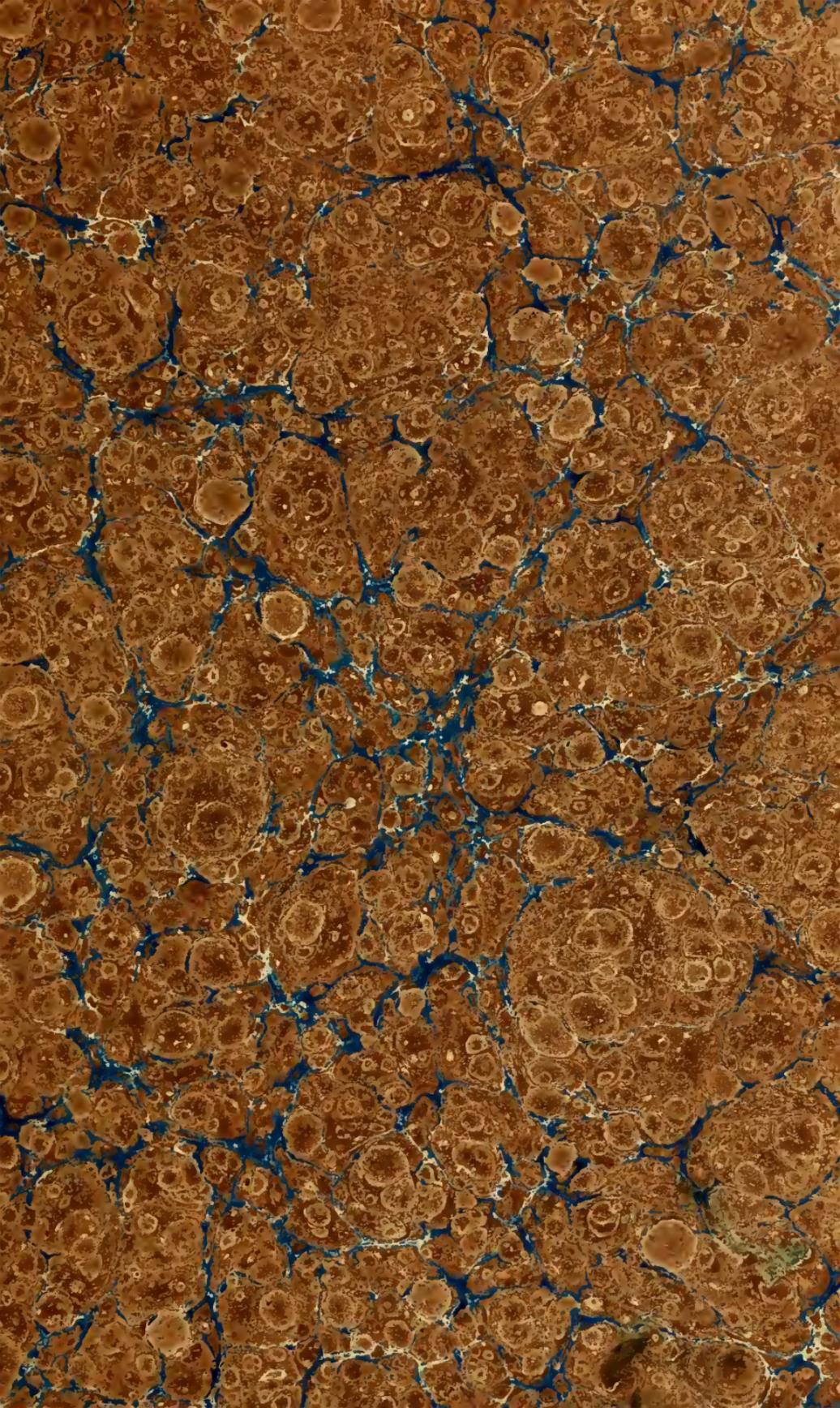


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Cathedra Petri









# CATHEDRA PETRI.

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Political History

OF THE

GREAT LATIN PATRIARCHATE.

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BOOKS IX. X. & XI.

FROM THE CLOSE OF THE TENTH CENTURY TO THE  
CONCORDAT OF WORMS (A.D. 1122).

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BY

THOMAS GREENWOOD,

M.A. CAMB. AND DURH., F.R.S.L., BARRISTER-AT-LAW.

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## P R E F A C E.

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THE Fourth Volume of this Work is now presented to the public. The writer entertains no misgivings about the success of his labours, because, when he set about the work, he troubled himself, perhaps, too little to inquire how it would be received. In respect of the *political power* of the Papacy, and its connection with European civilisation and government, he was persuaded that the public was very superficially informed. He thought he could present the subject to the world in a more complete and authentic form; but he did not flatter himself that he could, either by the charm of style, or the brilliancy of picture-writing, awaken an interest for it not generally felt. There are, however, persons in the world who are not quite satisfied with the sciolism of newspapers and periodicals,—persons who will look for solid information wherever there is any prospect of finding it. The writer thinks he has afforded such a prospect, and looks for no more favour than he may derive from the fulfilment of the expectations of those who really want to know something more about the matter than may be collected from the ordinary sources of information.

It will be noticed, by those who may think it worth their while to look into the work, that the present Volume carries on the history of the Papacy to a period of thirty-seven years beyond the limit indicated in the Preface to the Third Volume (p. xii.). This extension arose from a desire to bring the narrative down to a more *definite* historical period than the death of Gregory VII. afforded. The Concordat concluded at Worms in the year 1122 offered such a period. Besides this, an accumulation of materials lay before the writer which threatened to swell the work to a far greater bulk than he had ever contemplated. A great deal of collateral matter was therefore laid on one side, and it was determined to admit nothing that should

in any way divert, or interfere with the main current of the narrative. This change of plan involved the sacrifice of the labours of many months; but, as a fifth volume was the utmost extent the author could look forward to, it became necessary to lop off all collateral branches, and to speed the growth of the work to the stature originally designed for it, viz. the culminating point of the political power and influence of the Papacy, as displayed in the illustrious pontificate of Innocent III. (A.D. 1198 to 1216).

The author thinks this a fit opportunity to recall the attention of his readers to the *real* objects of the work before them. He finds that it has been treated by more than one of his reviewers as a *theological* treatise. This, he presumes to say, is not its true character. He contends that his work is essentially a *political* history, composed with a view to exhibit as fully as possible the origin and growth of the temporal power of the Roman pontificate, embracing an account of its territorial and secular expansion, as well as of that mighty political influence it was enabled to exercise under favour of its religious claims and pretensions. With this view, it was of course essential that those claims and pretensions should be fully stated, at least as far as they were directly instrumental in, or serviceable for, the extension of its political influence. It therefore became necessary to touch upon those theological theories and controversies from which the power of the Roman sacerdotium over the minds and consciences of the Christian world was derived, and to submit the Roman canon law, grounded, as it was, upon the idea of an institution legitimately descended from the Mosaic priesthood, to a more particular examination. It was requisite to state the more important of the theological demands of the chair of Peter upon the allegiance of government and people, and to dwell with some detail upon the doctrines and forms in which the sacerdotal army was disciplined and arrayed. Occasional incursions upon the domain of ecclesiastical history were therefore unavoidable. But, if the author has not mistaken his own object, it will be found that the references to purely religious topics have relation only to the political desigus imputed, rightly or wrongly, to the papal system; and that these topics are discussed in close connection with those external events of which they were the causes or the provocatives; as, for instance,

with social institutions, dynastic changes and revolutions, popular disturbances, ignorance and barbarism, and, generally, the mutual attrition and conflict of sacerdotal and political rights and pretensions,—all of them topics which enter into the history of every kind of polity, nation, or community within the limits of the papal atmosphere.

When it is considered that the papal scheme was founded upon a theocratic basis, the reader will perceive at a glance that the principal characteristics of that theocracy could not be overlooked. The external operation could not be accounted for otherwise than by laying bare the internal moving forces by which the whole machinery was propelled. This, though an essential element, was not the principal object of his task. That task was to trace out the origin and elaboration of the papal scheme as a material ingredient in the history of European civilisation; to show how it affected the progress of public liberty; how it operated in moulding and modifying political institutions; how it assisted or impeded the advances of civil and constitutional law; how it often involved the overthrow of social organisms, changes of dynasties, the transfer of civil, social, and religious rights; the life or the death of that freedom of thought and action which lies at the basis of all genuine liberty, all durable national life.

Under this view of the object of his work, the writer thought he had a right to call upon his reviewers to abstain from classing him with those who write professedly upon religious or ecclesiastical history. With what justice his censor of the *Saturday Review* has drawn his work into parallel with that of the Dean of St. Paul's, upon the *History of Latin Christianity*, he is hardly in a position to determine, not having read beyond the title-page of that work.\* He thinks, however that his ignorance of the

\* Some apology may be due to the reader for the writer's neglect of a work from which, there is every reason to believe, he might have derived the most important advantages—probably the most solid information. The *Cathedra Petri* was, however, in a great part written (though not prepared for the press) many years before the appearance of the Dean's work. The volumes he has published are the work of a *layman*; and the writer desired that they should sustain that character: the danger, therefore, of falling into the views of any theological school was to be avoided, even at the risk of those errors which so often attend upon the neglect of some of the ordinary means of information.

contents of that work admits of an apology. On the other hand, he submits that an apology is due *to him* from his censor in the *Literary Churchman*\* for the strange misconstruction in which he has indulged of a passage in the first volume of the *Cathedra Petri*, in which it is observed, that "the Roman Church dated her *birth* from the palmy days of the universal empire." A little attention to the professed object of the work might have convinced the reviewer that the observation could have reference only to the *political*, not to the religious birth of the Church of Rome as a Christian church. All the world knows that the establishment of the religion at Rome was one of the earliest events of Christian history. Taken in the sense of a religious *birth*, the statement would *not* be a "platitide," as it is politely termed, but a blunder, which it was not creditable to the reviewer to impute to the writer.

\* Of April 2, 1860.

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# CONTENTS.

## BOOK IX.

### CHAPTER I.

#### THE EMPEROR ST. HENRY (II.).

	PAGE
RELATION OF THE CHURCH TO THE STATE at the close of the tenth century :	
—Grants of regal crowns—Gerbert as Pope—Ineffectual defence of ecclesiastical privilege—Henry II.—Character and disposition of Henry II.—Promotions and appointments of Henry II.—Grounds and nature of his promotions and appointments—Secularisation of the clergy—Reforms of Henry II.—Synod of Dortmund—Failure of his project of matrimonial reform—Henry II. devotes himself to celibacy notwithstanding his marriage—Relation of the sovereigns to the people of Italy—Self-emancipation of the Lombards—Election of Ardoin—Crescentius—The Tusculan faction—John XVII., John XVIII., and Sergius IV., popes—Expedition and coronation of Henry II. as king of Italy—Destruction of Pavia—Retreat of Henry II. from Italy—Henry II. receives the Italian crown, and is crowned emperor—Ceremony of the coronation—Observations on the imperial coronations—Roman views of the right to the imperial crown—infirmary of the claims of the Germanic princes—extent of the papal right practically admitted—Henry II. at Rome—His ecclesiastical reforms—Abeyance of the sovereign power in Italy—Anticipation—Foundation of the bishopric of Bamberg—opposition and success—consecration of the new see by Pope Benedict VIII.—The spurious <i>pactum</i> or charter of Henry II.—Its probable intent—Danger of Italy—Expedition of Henry II. against the Greeks and Saracens—Deliverance of Italy and death of Henry II. . . . .	1

### CHAPTER II.

#### CONRAD II. EMPEROR. IMPERIAL SUPREMACY IN ITALY.

Character of papal history—Anarchical state of Italy—Disposition of the Italians towards the German invaders—Mutual hatred and distrust of Germans and Italians—Italians and Germans—Germany, how affected

by the Italian connection—Period A.D. 1024-1046—Election of Conrad II.—Insurrection of the Pavians—Invasion and coronation of Conrad II.—Conrad II. in the south of Italy—grants ecclesiastical precedence to the archbishop of Milan—Imperio-pontifical synod—Annexation of Lodi to Milan—Ravenna—Cupidity and tyranny of Heribert of Milan—The feudal compact—Original character and quality of the “Feudum”—it assumes the hereditary character—State of the Vavasors, or rear-vassals of Lombardy—Insurrection of the Vavasors of the see of Milan—Interference of the Emperor Conrad II.—Feudal parties and pretensions in Italy—Diet of Pavia—So-called Salic law of Conrad II.—Object of the statute—Rigorous administration of justice—Germanic customs as applied to the secular offences of the clergy—contrasted with the canon law—Carolingian law for the trial of a bishop—Archbishop Heribert escapes from custody—Insurrection—Italian campaign of Conrad II., 1038—Pestilence—Retreat and death of Conrad II.—Henry III. and Heribert of Milan—Faction in Italy—Subsidence—Death of Heribert—Henry III. imposes an archbishop on the Milanese . . . . . 31

### CHAPTER III.

#### HENRY III. EMPEROR. ECCLESIASTICAL REFORMS CONTEMPLATED.

The period—its character—Moral state of the clergy—Simony—Profligacy of the Latin clergy—Benedict IX. pope—Sylvester III. pope—Gregory VI. pope—State of Rome under Gregory VI.—Reformers—their appeal to Henry III.—Vices of the clergy—Sale of ecclesiastical patronage—Sale of benefices in Germany—The ring and crosier—Delivery of ring and crosier—its canonical import—General sale of church preferment—consequences of the practice—Henry III. favourable to reform—Penitential synod of Henry III.—The king’s rebuke and vow against simony—Expedition of Henry III. to Italy—Boniface of Tuscany—Henry’s jealousy—Diet of Pavia against simony—Henry’s summons to Pope Gregory VI.—Synod of Sutri—Proceeding against Gregory VI.—Confession of Gregory VI.—his self-deposition and abdication—Legal character of the proceeding against Gregory VI.—Clergy and people resign the right of election to Henry—he seats Sudger of Bamberg (Clement II.) upon the throne—Peter Damiani—Reformers and reforms—First enactment against simony—Dissatisfaction—The Patriciate—Jealousy of the political reformers . . . 59

### CHAPTER IV.

#### HENRY III. EMPEROR. EARLIER REFORM MOVEMENTS.

Rise of Hildebrand—Death of Gregory VI. and Clement II.—Appointment of Poppo bishop of Brixen—Wazo’s opinion—Damasus II.—his death—Election of Bruno bishop of Toul—Leo IX. pope—Object of the fictitious narrative of the journey of Bruno (Leo IX.) to Rome—Hildebrand and the decretalists repudiate lay interference—Views of the political reformers—Advantage of the political scheme—Synod at Rome—Indiscreet

zeal of the decretalists—Alarm of the priesthood—The synod supposed to have prohibited clerical matrimony—Failure of the scheme—Hildebrand seeks for preselytes abroad—Hildebrand and Leo IX. in France—Synod at Rheims—Reforms proposed to the synod—Inquest and its results—Leo IX. excommunicates the French prelates for non-attendance—Celibacy of the clergy not yet mooted—Synod of Mainz—Sacerdotal marriage condemned—Dispositions of the Italian hierarchy—Struggle of the monastic party against simony and clerical matrimony—The two great issues—The history of sacerdotal celibacy—its origin—its progress—Monastic view of the nature of marriage—Peter Damiani on celibacy—he defends orders conferred by simoniacal bishops—Policy of the defence—Inveteracy of the Italian prelatey—Riotous synod of Mantua—Henry III. withholds his support—Unfortunate campaign of Leo IX. against the Normans—Settlement of the Normans in Italy—Release and death of Leo IX. . . . . 86

## CHAPTER V.

## INFLUENCE OF ROME IN THE NORTH. PASCHASIAN CONTROVERSY.

Influence of Rome among the Northern nations—Poles and Bohemians at the court of Rome—Benedict IX. in the cause of Prince Casimir—Reverence of the Northern nations for Rome—*Digression*—The doctrine of Transubstantiation as held in the eleventh century—Paschasius Radbertus “De corpore et sanguine J. C.”—his doctrine—The work of Johannes Scotus Erigena on the Eucharist—Points of difference between Paschasius and Scotus—Progress of the Paschasian opinion; encountered by Berengarius of Tours—Berengar’s opinions examined by Leo IX.—Alleged condemnation of Berengar and Scotus—Lanfranc the opponent of Berengar—Synod of Paris—Condemnation and decree—Alarm of the decretalists—Lull and revival of the controversy—Synod of 1054—Berengar at Rome—Concessions of Berengar—Amount and value of these concessions—Roman divines desire a compromise—Decree of Nicolas II.—Controversy revived by Lanfranc—Vehemence of Lanfranc—Reply of Berengar—Rejoinder of Lanfranc—Real intent of the supporters of the corporeal presence—Synod of Poitiers—Visit of Berengar to Rome—Easy position of Berengar—Investigation of the Berengarian doctrine—and compromise—Imperfect success of the Paschasians—Regard of Gregory VII. for Berengar—he is unmolested till his death in 1088 . . . 117

## BOOK X.

## CHAPTER I.

## HILDEBRANDINE REFORM.

Connection of church and state at the beginning of the eleventh century—Evils and their remedies—Motives of the reformers—Special intent of the

	PAGE
political reformers—The scheme of Hildebrand—Theory of the disciplinarians—Application of the theory by Hildebrand and Damiani respectively—Discrepant accounts of the election of Victor II.—Bonizo and Leo of Ostia—Benzo's account—Hermann's (Contractus) account—Probable views of Hildebrand—Probable character of the election of Victor II.—Boniface of Tuscany—Godfrey duke of Lorraine marries Beatrix widow of Boniface—Jealousy of Henry III.—Cardinal Frederic of Lorraine—Henry III. and Godfrey of Tuscany—Interview of Beatrix with Henry III.—Detention of Beatrix—Vigorous policy of Henry III. in Italy—Abduction of Beatrix and Mathilda—Development of the views of the extreme sacerdotal party—The empress Agnes, guardian of Henry IV.—Death of Victor II.—Election of Frederic of Lorraine; Stephen IX.—Hildebrand in Germany—his success—Activity and death of Stephen IX.—The rival popes Benedict X. and Nicolas II.—Election of Nicolas II.—he deposes his rival Benedict X.—Great synod at Rome, A.D. 1059—Election-law of Nicolas II. <i>The Saving-clause</i> —Provision for extraneous election—Decree and anathema—Explanation of the decree of election—Probable drift of the decree—how it affected the imperial prerogative of participation—Provision against simonians and lay investiture—Decree against clerical marriage—Policy of the priesthood regarding marriage—Decree concerning lay marriage—Progress of the Normans in Southern Italy—Hildebrand and the pope in alliance with the Normans—Pontifical enfeoffment and investiture to the Normans—its consequences—Legal character of the investiture—Legal effect of the conveyance—The pope gives an absolute investiture—and incurs a forfeiture of his own rights . . . . .	139

## CHAPTER II.

### HILDEBRAND AND DAMIANI.

Disposition of the clergy of Milan—Organised sale of spiritual offices—First movement against the married clergy at Milan—Anselm, Ariald, and Landulph—Homily of Landulph—rebuked by the archbishop—Riots in Milan—Citation of the ringleaders—Censures upon Ariald and his accomplices—The *Paterini* of Lombardy—Commission of Nicolas II. against simony, &c.—Hildebrand in France—Pretensions of Damiani repelled by the Milanese—Courageous harangue of Damiani—His declaration of papal omnipotence—affirms Rome to be the spiritual mother of Milan—His victory and discreet management—is satisfied with a written renunciation, &c.—The renunciation adopted—Aversion of clergy and people of Lombardy against the canons of the Lateran, A.D. 1059—Labours of the commissioners in France and Germany—Cardinal-legate Stephen in France—Decree of the council of Tours against incestuous marriage—Anarchical state of Rome—Objections of the Germans to the law of election—Imperialist movement in Rome and Lombardy—Election of Alexander II.; his installation—Imperial nomination; Cadalo of Parma (Honorius II.) pope—Interview of Benzo of Albi and Alexander II.—Declaration in favour of Honorius II. and the imperial prerogative—Honorius II. before Rome—Intervention of Godfrey of Tuscany—Com-

	PAGE
promise—Indignation of Damiani—Secret history of the compromise— Position of the regent Agnes in Germany—Perplexity of the govern- ment—Conspiracy and abduction of Henry IV.—Henry in the custody of Hanno of Cologne—Adalbert, archbishop of Bremen, tutor to Henry; his indulgence, misgovernment, and corruption—How Hildebrand won the day—The Disceptatio of Damiani—Object of the work—Declaration of the papal prerogative generally—as to the “Patriciate”—The utility of the church controls all law, human and divine—Invective—Censure of the “Disceptatio”—Insolent epistle of Damiani to Henry IV.—Limited scope of his suggestions . . . . .	174

## CHAPTER III.

## DEVELOPMENT OF THE HILDEBRANDINE SCHEME.

The court of Germany supports Honorius II. (Cadalous)—Civil war in Rome—Anselm (Alexander II.) and Cadalous (Honorius II.)—Honorius expelled—Compromise of archbishop Hanno—Hanno at Rome—Alexander II. acknowledged—Synod of Mantua, and installation of Alexander II.—Death of Honorius II.—Godfrey expels his late allies the Normans—Hildebrand and Damiani—Council against the “Incestuous”—Canonical computation of consanguinity—Ill success of the prohibition to marry within the canonical degrees—Lamentation of Damiani—Monastic conception of the religious character of matrimony; how strengthened and perpetuated—Hildebrand’s motive for restricting marriages—Fate of Damiani’s compromise at Milan; it is repudiated by all parties—Military commission of the pope to Herlimbald of Milan—Resistance and riot at Milan—Civil war, and murder of Ariald—Papal commission—Ordinance of pacification—Qualifying clause; leaves matters in the same state—Herlimbald urges the deposition of archbishop Guido—His resignation, and appointment of Godfrey—Rejection of Godfrey—Civil war—Jealousy of the Milanese for the independence of their church—Election of Atto—Schism among the reformers—Conference—Argument of the wived clergy—Argument of the reformers—Basis of the arguments on both sides—The decretal doctrine as worked out by Damiani—Defect in the argument of the wived clergy—Papal deposition of Godfrey, and confirmation of Atto—Abbot Gualbert and the Florentine agitators—Remonstrance of Damiani—Violence of Peter bishop of Florence—Ordeal, and triumph of the agitators—Reversal of the judgment by the pope—Contrasted *modus operandi* of Hildebrand and Damiani—Decrees of the synod of 1063—Character of the Hildebrandine scheme; distinguished from that of Damiani—Controversy on simony—Damiani on the purchase of temporalities—Damiani’s pedigree of church property—Amalgamation of the temporal and spiritual status of the clergy—Advantage of the theory of Damiani to the scheme of Hildebrand . . . . .

## CHAPTER IV.

## HENRY IV. AND GREGORY VII.

	PAGE
Merits of Hildebrand—he is proclaimed pope—his irregular election—Gregory VII.—Humility of Gregory—History of his confirmation—Improbability of the Italian account—Alarms created by the elevation of Hildebrand—Career of Gregory VII.—Preliminary inquiries—Corrupt administration; simony and oppression in Germany—Hostile disposition of the Saxon princes—Disgrace of Adalbert of Bremen—Captivity of the king—Henry's marriage and contemplated divorce—He is betrayed by Archbishop Siegfried of Mainz—Commission of Damiani against the divorce—Success of Damiani—Adalbert stimulates the hatred of Henry for the Saxons—Illegal conviction of duke Otto of Nordheim—Defeat and captivity of the Saxon princes—Alarm of the estates of the empire—Supposed scheme of Henry IV. for the subjugation of the Saxons—Affair of the Thuringian tithes—Threatening aspect of affairs in Germany—Henry IV. and Gregory VII.—Education and character of Henry IV.—Accusations against Henry IV.—The policy of slander . . . . .	247

## CHAPTER V.

## NATURE AND INCIDENTS OF CHURCH-ESTATE.

Nature of church-estate in land—Of three kinds: 1. <i>Tithes</i> —To whom payable—Division of tithes by bishops, &c.—Attempts at restitution—2. <i>Freeholds in perpetuity</i> —Tenure of church lands under the Carolingian princes—Accumulation of church-estate under the Saxon princes—The ecclesiastical proprietary and the crown—3. <i>Lay estate or fief</i> granted to spiritual persons and bodies—Incidental alliance of church and state; transfers the powers of the secular state to the clergy—Right of appointment in the crown—Antagonism of the church—Mode of election in Germany—the <i>ring and staff</i> —Direct nomination by the crown—Clerical holders liable to the temporal judicatures—Prevalence of simony in Germany . . . . .	267
--	-----

## CHAPTER VI.

## THE SCHEME OF POPE GREGORY VII.

Dispositions of Gregory VII.—State of the European world—Gregory VII. claims Spain as a dependency of the holy see—Scheme for reducing Spain under the dominion of the holy see—His letter against Henry IV.—Denunciation against the king—the same to the countesses Beatrix and Mathilda of Tuscany—Plans of Gregory VII. in Italy—His violent denunciations of archbishop Godfrey—Progress of his policy in Italy—in Germany—Rebellion, and message of the rebels to the king—Henry defies the insurgents—Negotiation—Guileful designs of the king's enemies—Challenge of Reginger—Assembling and dispersion of the conven-

	PAGE
tion at Maintz against the king—Convention of Gerstungen—Infraction of the treaty by the Saxons—Henry appeals to the pope—Commission of pacification proposed by Gregory—Terms to be imposed upon the king—Advantageous treaty with the Normans—Attachment of Beatrix and Mathilda to Gregory VII.—The countess Mathilda; her character and pursuits—Boundless influence of Gregory over Mathilda—Position of Gregory VII. at the outset of his pontificate—His principles of government—General drift of the scheme of Gregory VII.: 1. Improvement of the discipline of the ecclesiastical body—Itinerant legates introduced—2. Universal moral and religious superintendence asserted—The pope or his commands to be judged by no man—Gregory's opinion of his own mission—rebukes Henry IV.—and Philip I. of France—threatens him with anathema and dethronement—His glowing censures of the king, the people, and the church of France—threatens the king with <i>deposition</i> and the realm with <i>interdict</i> —Doctrine of <i>sacerdotal responsibility</i> to God, &c.—The censorship of lay marriage—Proceeding against uncanonical marriages—Gregory VII. meddles with civil rights, &c.—The <i>regimen universale</i> of the pope asserted—Illimitable powers of the holy see—"The greater and the lesser light"—Gregory assumes the right to put a stop to warfare, and to dictate terms of peace, &c.—Questionable purity of pope Gregory's motives—His ambitious pretensions to secular power—Gregory's scheme of ecclesiastical government—Means for the accomplishment of this scheme: 1. Annual synods at Rome—2. Evocation of ecclesiastical causes to Rome—3. Repression and punishment of ecclesiastical irregularities—4. Identity of ritual; zealous effort to establish the Roman canon law—5. Protection to the conventual bodies . . . . .	283

## CHAPTER VII.

## PRELUDE TO THE CONTROVERSY OF INVESTITURES.

Ordinance of 1074 against clerical marriage—Progress of the Gregorian scheme of celibacy—Encyclical letters against the married clergy—Position of Gregory—Resistance of the clergy—in France and Spain—in England and Hungary—Agitation in Germany—Language and intent of Gregory—Abortive efforts of Archbishop Siegfried to extort obedience from the Thuringian clergy—Persecution of the wived clergy in Germany—Pope Gregory's precept for a diet of pacification—Preparatory monition—The German church declines the presidency of the legates—*Ad interim* abandonment of the proposed diet—Pacific letter to the king—The blame of failure cast upon Liemar of Bremen—King Henry in favour with the pope—Investiture—Papal idea of investiture—Censure of Gregory VII. on lay investiture—His decree against lay investiture—Execution of the decree deferred by the revulsion of public feeling in Germany—Battle of Hohenberg, and defeat of the Saxons—Repentance of the army, and decline of Henry's influence—The dukes refuse further service against the Saxons—Motives of refusal—Submission of the Saxon princes—Ceremony of submission—Obscure negotiations and intrigues—Complaint of Gregory—Procrastination of Henry rebuked—Audacity of pope Gregory—The pope takes the usurper Geisa of Hungary under his

protection—and claims Hungary as a fief of the holy see—Universality of the papal government and jurisdiction—Disregard of the papal claims—Henry IV. nominates and invests bishops of Liege and Milan—Insurrection at Milan, and death of Herlimbald—Triple schism in the church of Milan—Henry appoints a bishop of Bamberg—Citation of archbishop Tedaldus—Gregory VII. admonishes the bishops of Lombardy against Tedaldus—Irremediable misunderstanding between the king and the pope—Henry's appointments—Exasperation of pope Gregory—Letters of admonition to king Henry—Temper of the parties to the struggle—Discordant views—*Citation of the pope to king Henry* to appear and answer before himself at Rome—Reasons for this step—Henry resolves to depose the pope . . . . .

PAGE

328

## CHAPTER VIII.

## REBELLION.—HUMILIATION OF CANOSSA.

Domestic difficulties of Gregory VII.—Intrigues of Hugo Candidus and the Cenci—Quarrel, and demonstration of Gregory against the Normans—Hostility and intrigues of the Cenci—Personal attack upon the pontiff—His mock degradation and captivity—His deliverance—Demeanour of Gregory after his victory—Diet of Worms for the deposition of Gregory—Emperor and bishops renounce obedience to Hildebrand—Articles of impeachment against pope Gregory—Character and object of the articles—The bishops excuse themselves to the pope—Henry's exhortation to the Romans—Vituperative letter of Henry—his insolent address and message to the pope—Dignified demeanour of Gregory—Discussion, and decree of anathema and deposition against Henry IV.—Gregory curses the bishops and ministers of the king—he exhorts all his subjects to renounce their allegiance—Remonstrance of the moderate papists—Reply of Gregory—relies on the false decretals and fabulous legends of the Roman church—Kings and princes not excepted from the Petrine commission—Temporal power of the pope asserted—Henry to be absolved by no one but the pope himself—or by his warrant in case of submission—If impenitent, the states commanded to choose another king—Political theory of pope Gregory—Arbitrary proceedings of Henry—he retorts the anathema upon Gregory—Civil discord in Italy and Germany—Henry's vindictive operations against the Saxons—Growing disaffection of the estates of the empire—Meeting at Oppenheim—Motives of the confederates of Oppenheim—Insurrection in Saxony—Otto of Nordheim in the king's service—his reply to the address of his countrymen—The feudal oath of allegiance—Treachery of Otto of Nordheim—Henry liberates his Saxon prisoners—his failure against the insurgents—Political effect of the papal ban—Convention of Tribur—Papal purification—Articles of impeachment against the king—Fruitless humiliation of Henry IV.—Solemn renunciation of allegiance—Renewal of negotiation—Henry places his cause in the hands of the pope—Policy of pope Gregory—Latent difficulties and scruples among the German prelates—Critical position of Henry—his policy—Message of the confederates to the pope—Evasive reply of Gregory—Journey of Henry into Italy—Henry's welcome in Italy—Rage of the papal party—The pope at

	PAGE
Canossa—Gregory absolves the penitent companions and ministers of the king—The pope's dereliction of his confederates—Change of policy—Motive—Able diplomacy of Gregory—Pleading of the king's advocates—Terms of submission—Penance of Henry at Canossa—Condition of absolution—Act of absolution—Address of Gregory to the king—The sacramental purgation declined by the king—Gregory dispenses with the purgation, and communicates with the king . . . . .	370
APPENDICES TO BOOK X. . . . .	423

---

## BOOK XI.

### CHAPTER I.

#### RUPTURE AND CONFLICT BETWEEN HENRY IV. AND GREGORY VII.

The problem of the papacy—Pope Gregory's view of the relation of the church to the world—The church a visible divinity—Italian complaint of the capitulation of Canossa—Dilemma of Henry IV.—Impolitic harshness of Gregory—Henry attempts to negotiate with the pope—Mutual schemes and suspicions—Alarm and gathering in Germany—Case of the confederates against Gregory—his explanations—The confederates dissatisfied with the pope's explanations—Defection of Henry IV.—Revived popularity of Henry in Italy—Instructions of Gregory to his legates, &c.—The confederates propose to dethrone Henry—Equivocal reply of the pope—Convention of Forchheim—Message of the legates—Reply—Proceedings of the convention for the election of a new king—Election of Rodolf of Swabia—Capitulation—Unpopularity of Rodolf—Popular insurrection in favour of the married clergy—Ascendency of Gregory in Rome—King Henry puts the sincerity of Gregory to the test—Henry again in Germany—Defections from Rodolf's cause—Gregory interposes as arbiter between the rival kings—His commission to his legates—The pope the judge of princes—Groundless pretensions of Gregory—Insidious character of his proposals—The civil war in Germany—The papal legate excommunicates and formally deposes king Henry—Ambiguous policy of the pope—Embarrassing position of Gregory—Remonstrance of the Saxons—Gregory stands upon the act of reference of both parties—Great synod at Rome—Indecision of the pope—Adjudication and decree of pacification—Questionable impartiality of Gregory—Solemn decree against lay investiture—Equivocal conduct of Henry IV.—Renewal of the civil war in Germany—The Saxons challenge the pope to ratify the deposition of Henry—The remonstrances of the Saxon party—Indignation of the Saxons, and conduct of the papal emissaries—November synod of 1078—Reiterated decree against lay investiture . . . . .

## CHAPTER II.

## FINAL EXCOMMUNICATION AND DEPOSITION OF HENRY IV. BY GREGORY VII.

	PAGE
Censure of pope Gregory's policy—he demands unreasoning confidence—	
Exhaustion of the parties, and revived scheme for a congress of pacification—He excommunicates the king's friends—Preliminary demands for the congress—Insincerity of the parties—Negotiation with the Saxons—	
The case of Henry against the confederates—Case of Gregory against Henry—Merits of the case on behalf of the pope—Papal demand for the restoration of the rebel prelates—ignored by the legates—Equivocal conduct of the legates—King Rodolf proposes a prolongation of the existing truce—General agreement for a truce—Gregory suspects the integrity of his legates—Henry takes the field against the Saxons; and is defeated at Flarchheim—His position after the battle—General state of parties in Germany and Italy—The judgment of God—State of papal affairs at the beginning of the year 1080—Last remonstrance against the papal vacillations—Moral merits of the memorial—Gregory adopts a more decided policy—Impeachment of king Henry IV. before the pope in council—Treatment of the king's envoys to the council—Object of this treatment—Second excommunication and final deposition of Henry—Superb declaration of papal prerogative—Diplomatic character of the act of excommunication, &c.—Severe decree against lay investiture—Ordinance for the election of bishops, &c.—Moral aspect of pope Gregory's policy—Probable intent of pope Gregory—Character and position of king Henry IV. . . . .	484

## CHAPTER III.

## FINAL EFFORTS AND DEATH OF GREGORY VII.

Results of the excommunication as to the prospects of Gregory VII.—Pope Gregory and the Normans—Dangerous extension of the Norman conquests—Treaty of Aquino between the pope and the Normans—Advantages of the treaty—Impressions of the excommunication in Germany—Deposition of pope Gregory proposed—Invective of Egilbert of Treves, and of Henry of Speyer—Manifesto of the Germanic synod—Impeachment of Gregory VII.—Synod of Breseia—Henry deposes Gregory, and elects Clement III. (Wibert of Ravenna)—Henry returns to Germany—Defeat of the king, and death of Rodolf in battle—Effects of the defeat—Critical state of pope Gregory's affairs—Plan of Gregory to encounter the crisis—Energy of Gregory VII.—His instructions for the election of a rival king of Germany—Papal oath to be taken by the new king—he is to be *the vassal of the holy see*—Object of his instructions, &c.—Henry in Italy—Gregory's quarrel with the Capuans—Fidelity of the countess Mathilda—Embarrassment of Henry—relieved by a Byzantine subsidy—He operates a diversion in favour of the Byzantines—Robert Guiscard evacuates Epirus—Prudent policy of Henry—Fortitude of Gregory—Henry's treaty with the Romans—Falsehood of Gregory—he endeavours

to pack a synod against Henry—Improved aspect of papal affairs—Ter-  
giversation of the Romans—they desert the cause of Gregory, and intro-  
duce Henry into Rome—he is crowned emperor by pope Clement III.—  
Title of Henry to the empire—The pope delivered by the Normans—  
Rome plundered and burnt—The pope evacuates the city—he retires to  
Monte Cassino—Illness of Gregory—his last injunctions, and death—  
Panegyric of Bernold of Constance upon Gregory VII.—his unbounded  
self-reliance—his views as to his successor—and solicitude for the perpe-  
tuation of the pontifical policy . . . . . 513

## CHAPTER IV.

## URBAN II. AGAINST PHILIP I. OF FRANCE.—THE CRUSADES.

Election of Victor III.—Opposition—Decrees of Victor III.—Death of Vic-  
tor—Election of Urban II.—Character of Urban—his first measures—his  
moderation—Affairs of the papacy—Marriage of the countess Mathilda  
—Expulsion of pope Urban from Rome—Danger and heroism of the  
countess Mathilda—Arrogance and defeat of Henry IV.—Defeat of Bia-  
nello—The “truce of God”—Consequences of the defeat of Bianello—  
Prince Conrad—his rebellion—his coronation as king of Italy—Exul-  
tation of the papal party—Story of the empress Praxidis—Motives of  
Conrad’s defection—Forlorn position of Henry IV.—Measures of his  
enemies—The crusading mania—Synod of Piacenza; its objects—The  
empress Praxidis rehearses her own shame—Acts of the council of Pia-  
cenza—Homage of king Conrad to pope Urban—Divorce and marriage  
of Philip I. king of France—Urban II. in France—Council of Clermont  
—Acts of the council—Sermon of Urban II. on behalf of the crusade—  
General absolution of sins—Use of the “truce of God” by pope Urban—  
Encroachments of the clerical judicature—Activity of pope Urban—  
Statutory exemption of the clergy from the lay judicature—Advantage  
to the clergy from the crusades—Dealing of pope Urban with Philip of  
France—Submission of Philip I.—Labours of pope Urban in France—  
his return to Italy and Rome . . . . . 547

## CHAPTER V.

## LAST STRUGGLE AND DEATH OF HENRY IV.

The Crusades—Return of Henry IV. to Germany—Popular measures of Henry  
IV.—Resentment of the papal party—Henry IV. causes his son Henry  
to be crowned king—Deaths of king Conrad, Urban II., and Clement III.  
—Schism; Sylvester IV. antipope—Pope Pascal II. and Robert of Flan-  
ders—Papal theory of persecution, as applied to the clergy of Liège—  
Remonstrance of Siegebert of Gemblours—Reforms of Henry IV., and  
consequent discontents—Complaints of the nobles—The emperor excom-  
municated by pope Pascal II.—Decree against indifference—Position  
of Henry, and pontifical intrigue—Popular excesses, how improved by  
the conspirators—Murder of earl Sigehard—The emperor’s projected

	PAGE
crusade—how treated by the papal party—Seduction of the young king Henry—Pascal absolves Henry the younger from his oath, &c.—Convention of Nordhausen—Hypocrisy of Henry the younger—Treason of Henry the younger—Dispersion of the two armies on the Regen—Consequences of the dispersion—Betrayal of the emperor by his son—Imprisonment of the emperor—Diet of Maintz adjourned to Ingelheim—Resignation of Henry IV.—Henry's confession—Escape of the emperor—Exultation and bigotry of the papal party—Improved prospects of the emperor—Battle and victory of Viset—The emperor proposes a congress of reconciliation—Henry's proposal rejected by the papists—their counter-proposal—Insulting message—Death of Henry IV.—Popular mourning for the death of the emperor—Burial and exhumation of the body of Henry—Removal of the body to Speyer—Second disinterment of the remains of Henry IV.—Reaction in the public mind . . .	576

## CHAPTER VI.

### SEQUEL OF THE PONTIFICATE OF POPE PASCAL II.

<p>Donation of the countess Mathilda—Political state of Rome—Disaffection of the Romans; its causes—Antipopes Theoderick, Albert, Maginulph—Mutual suspicions of Pascal and Henry V.—Synod of Guastalla—Pascal consecrates bishops without election or license—Indignation of the Germans—Pope Pascal in France—Rupture between Henry V. and pope Pascal—Pope Pascal against investiture—Council of Troyes—Anarchical state of Rome—Henry V. claims the imperial crown—Expedition of Henry V. into Italy—his proclamation to the Romans—Negotiation—Mutual renunciations proposed—Treaty upon the basis of these renunciations—Crafty policy of Henry V.—Insolence of pope Pascal—Henry's reception in the church of St. Peter—Rejection of the treaty—Pope Pascal a prisoner—Henry retreats with his prisoners—Pope Pascal renounces the treaty—New treaty of Ponte-Mammolo—Coronation of Henry—The Gregorians repudiate the treaty of Ponte-Mammolo—Pascal apologises for the treaty—Insufficiency of pope Pascal's excuses—His correspondence with the emperor—Synod of Vienne, and excommunication of the emperor—Objection of the moderate party in France—untenable—Their remonstrance rejected—Henry V. performs the obsequies of his father—his dangerous policy—Conspiracy—Outbreak of the conspiracy—Civil war—Efforts of the papal party to give effect to their excommunications—Albert archbishop of Maintz; his imprisonment, and release—Henry again in Italy—Synod of Rome—Pascal <i>directly</i> implicated in the acts of his legates—The anathema proclaimed—Domestic troubles—Pacific dispositions—Mysterious correspondence between the pope and the emperor—The emperor in Rome—His management of the Romans—Retreat of the emperor—Restoration and death of pope Pascal . . .</p>	609
--	-----

## CHAPTER VII.

## GELASIUS II.—CALIXTUS II.—CONCORDAT OF WORMS.

	PAGE
Parties in Rome—Election of cardinal John of Gaëta as Gelasius II.—The emperor at Rome; evasion of Gelasius—The emperor cites Gelasius before himself at Rome—Papal reply—Indignation of the people of Rome—Maurice of Braga pope as Gregory VIII.—his character—how described by his opponent—Gelasius deserted by the Normans—he quits Rome, and goes into France—and dies there—Guido archbishop of Vienne pope as Calixtus II.—Reported application to the Romans for confirmation—Calixtus holds a council at Toulouse—Emancipation of church-estate, &c.—The council of Rheims—Negotiation with the emperor—Preliminaries of a treaty, &c.—Misunderstanding of the preliminaries—The emperor requests time to consult, &c.—Rupture of the conferences—Resistance of the French to the pontifical scheme—Solemnity of excommunication, &c.—Rome not the home of the papacy—Advantages of France as a fulcrum of papal power—Character and influence of pope Calixtus II. in France—Advantages and activity of Calixtus in France and elsewhere—Return of pope Calixtus to Rome—Capture of Gregory VIII.—his treatment, and death—State of Germany—Position of Henry V. in Germany—Approximation of parties—Jealousies—Pacification—Diet of Würzburg—Statutory repeal of the excommunications—Position of pope Calixtus—Intent of the estates of Germany—Effect of the cessation of the civil war—Pope Calixtus withdraws his opposition, &c.— <i>Treaty or concordat of Worms</i> —on the <i>papal part</i> —on the <i>part of the emperor</i> —Remarks on the treaty—Ambiguity of the treaty as to what is <i>simony</i> —as to <i>freedom of election</i> —as to the pretended supremacy of the pontifical power—General ambiguities—Open question as to whether consecration was to precede or follow investiture—The convention of Worms a temporary <i>compromise</i> , &c.—a <i>personal compact</i> . . . . .	647

CHRONOLOGICAL INDEX . . . . .	679
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# CATHEDRA PETRI:

A

POLITICAL HISTORY

OF THE

GREAT LATIN PATRIARCHATE.

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BOOK IX. CHAPTER I.

THE EMPEROR ST. HENRY (II.).

RELATION OF THE CHURCH TO THE STATE at the close of the tenth century :—  
Grants of regal crowns—Gerbert as Pope—Ineffectual defence of ecclesiastical privilege—Henry II.—Character and disposition of Henry II.—Promotions and appointments of Henry II.—Grounds and nature of his promotions and appointments—Secularisation of the clergy—Reforms of Henry II.—Synod of Dortmund—Failure of his project of matrimonial reform—Henry II. devotes himself to celibacy notwithstanding his marriage—Relation of the sovereigns to the people of Italy—Self-emancipation of the Lombards—Election of Ardoïn—Crescentius—The Tusculan faction—John XVII., John XVIII., and Sergius IV., popes—Expedition and coronation of Henry II. as king of Italy—Destruction of Pavia—Retreat of Henry II. from Italy—Henry II. receives the Italian crown, and is crowned emperor—Ceremony of the coronation—Observations on the imperial coronations—Roman views of the right to the imperial crown—infirmary of the claims of the Germanic princes—extent of the papal right practically admitted—Henry II. at Rome—His ecclesiastical reforms—Abeyance of the sovereign power in Italy—Anticipation—Foundation of the bishopric of Bamberg—opposition and success—consecration of the new see by Pope Benedict VIII.—The spurious *pactum* or charter of Henry II.—Its probable intent—Danger of Italy—Expedition of Henry II. against the Greeks and Saracens—Deliverance of Italy and death of Henry II.

At the death of the last emperor of the Saxon line, the papacy had, to outward appearance, become merged in the state. The acts of the Pope on all occasions of importance seemed to flow rather from imperial than from pontifical prerogative. The arbitrary erection of archbishoprics, bishoprics, and ecclesiastical foundations, and the uncontradicted power of appointment to the highest dignities of the church by the monarch, and, in many instances, by the influential laity, point to a more intimate fusion of the two powers than appears to have taken place since the dissolution of the empire of the West in the year 476. Yet neither in this combination, nor in the analogous state of things under Charlemagne,<sup>a</sup> do we discover any deliberate intention to encroach upon ecclesiastical privilege. The idea of the alliance of church and state was *practically* denoted by a reciprocity of patronage. The church had partaken largely of the advantages at the disposal of the secular powers, and the state had as frequently aspired to a large participation in ecclesiastical emoluments and appointments. Yet neither party had any clear idea of the relation thus introduced, or of any definite limit to their respective claims against each other. It may indeed be reasonably doubted whether, in the Latin scheme, there had not at all times lurked a secret protest against any limit whatever, or that it ever contemplated any equitable adjustment of the powers of church and state in ecclesiastical affairs. Neither the papacy nor, at heart, the prelacy of Latin Christendom fairly admitted the idea of temporal reciprocity, or manifested any enduring sense of obligation to the state in return for the boundless sacrifices it was perpetually called upon to make to the cupidity and ambition of the clergy. The latter indeed desired it to be understood, that for all this liberality their spiritual services were an ample equivalent; and in this light those services might have continued to be regarded as long as the laity could be dissuaded from counting the cost. To prevent so serious an inquiry concessions might frequently

<sup>a</sup> Conf. Book VI. c. ii. p. 60, and c. iii. p. 90.

be requisite, and in such cases a temporary departure from the rigid demands of ecclesiastical immunity might be submitted to without danger to the principle, provided no binding stipulations, no express conditions, were introduced into the compact. Charlemagne and the Othos were satisfied with the patronage there was no one to dispute with them, and therefore never thought of reducing the terms of their alliance with the church to a formal treaty or concordat. Thus the idea of any definite limit of competency was kept as indistinct as ever in men's minds, and the church was left at liberty to reassert the principle of immunity in the broadest terms, as soon as the temporary pressure which weighed upon it was withdrawn.

But in this temporary combination there was enough to show that both parties felt their dependence upon each other. In every instance the arbitrary interposition of the Saxon emperors in the affairs of the church was habitually affirmed and approved by the popes of their appointment; while the participation of the latter in matters of a nature altogether secular and political was as earnestly solicited, or as freely admitted. Thus it happened, that when Bolislas, the newly converted prince of Poland, was ambitious of a royal crown, he applied, in the first instance, to Pope Sylvester. The pope, with the assent of his master, entertained the petition, and despatched the required crown with the envoys who brought the request. It is remarkable that exactly at the same moment Stephen, duke or prince of the Hungarians, preferred a similar request to Pope Sylvester, and the latter in like manner sent a consecrated crown from the altar of St. Peter to the petitioner, with the privilege of assuming the royal style and title.<sup>b</sup>

<sup>b</sup> *Cartuius*, Vit. S. Stephani, ap. *Baron. A. 1000*, § 12, p. 404; *Fleury*, xii. p. 356. The Polish annalist affirms that the crown of Bolislas was granted by the Emperor himself. The grant of crowns-royal was in fact always deemed the peculiar prerogative of the imperial dignity, and was conceived to

be vested in the "Roman Emperor" as long as the title survived. When Napoleon I. revived the empire of Charlemagne, he professed to grant the royal dignity to his vassal princes by virtue of the Imperium vested in him. The papal writers, however, assure us that the ceremony of sending a crown-royal with the

These acts of high prerogative were beyond doubt the concurrent acts of emperor and pontiff. Neither Gerbert as pope. Otho nor Sylvester could be willing to endanger the existing harmony by setting up exclusive pretensions. The emperor could entertain no jealousy of a pontiff raised to the throne by his favour, and supported upon it by his arms alone. Little reflection could be requisite to convince a man of Gerbert's penetration that for a long time past Rome had ceased to be the seat of life to the pontificate, and that *that* life now resided far away from the centre of her political existence. His views for the present must have been confined to the task of securing an asylum for the papacy where it could be found; and, under present circumstances, it was clearly to be found only under the wing of a power strong enough to check its domestic enemies, and to fix the yoke firmly upon the neck of its own subjects. The time had not yet arrived for casting off the chain which anchored the papacy to the empire. Two serious impediments to independent action still remained to be overcome, viz. the factious anti-papalism of the Romans, and the dangerous resistance to the decretal scheme which had manifested itself in France and elsewhere. Gerbert, as pope, could not feel himself safe against a scrutiny like that of St. Basolus, if that profane curiosity by which he had himself been led astray from the true path should continue to spread. With his own suspicions fully awakened, he could not but tremble for the safety of a scheme founded upon ignorance, and sustained by forgery.

But, whatever his secret opinion of the fabrications produced at St. Basolus under the names of Damiasus and Eusebius, Sylvester II. was no longer the humble and obsequious Gerbert, and, in his new position as patron of the scheme he had once himself assailed, little likely to divulge it. The

Ineffectual  
defence of  
ecclesiastical  
privilege.

pontifical consecration is equivalent to a coronation by the Pope in person, and makes the crown to move from the papal grant as fully and absolutely as if he had placed it on the head of the candidate with his own sacred hand.

*Baron.* ubi sup. Conf. *Mascon*, Comment. c. i. p. 106; and *Pertz*, Monum. Germ. iv. p. 129. To avoid any such inference, Napoleon I. took care to place the imperial crown upon his head with his own hands. *Alison*, viii. p. 381.

decretals were as yet safe. The Gallic prelates had, it is true, slipped round them, but had failed in exposing the cheat. Gerbert was now pope, and the voice of Arnulph of Orleans was never again heard. The truths he had uttered within the walls of St. Basolus were soon forgotten, inasmuch as the church of France, though she had for the moment vindicated her liberties, had grounded her defence less upon principles of ecclesiastical law than upon political motives and present expediency. As soon therefore as, by the aid of their temporal protector, the pontiffs should have shaken off the trammels of domestic faction, there was nothing in the actual state of the religious world to prevent them from resuming the lofty station they had occupied under Nicolas I. and Hadrian II.

The sudden death of Otho III. again cast loose all the bonds of civil society in Italy. The princes of Germany had elected Henry duke of Bava-  
Henry II.  
A.D. 1002.  
 ria to the throne of that kingdom. The new king was a collateral of the house of Saxony, and recommended to the suffrages of his constituents by the possession of the virtues most in esteem in that stage of civilisation. But from the moment of his accession he found himself involved in domestic broils, which detained him in Germany for a period of eleven years, and disabled him from bestowing more than a passing attention to the affairs of the Italian dependencies of the empire. Postponing, therefore, for the present what occurred upon occasion of his two earlier visits to Italy, we draw attention to a few particulars of domestic policy, more immediately connected with the subject of this work; especially the mode of dealing with the ecclesiastical constitution, and the religious interests of the Germanic realm, adopted by king Henry II.

The prevailing idea of civil government in the mind of the new king was in most respects the same as that of his predecessors the Othos. His conduct was directed by the rigorous principle of identity of interests and strict communion,

Character  
and dispo-  
sition of  
Henry II.

religious and political, between church and state. Henry himself was, in a high degree, susceptible of religious impressions, and strove to administer a practical rebuke to the license of the times by those personal austerities which stood out in the strongest contrast to the vices he desired to correct. In this disposition he renounced every pleasure of the senses; he is even said to have declined intercourse with his consort; he submitted to rigid penances and frequent flagellations for the subjugation of the flesh; and spent his hours of recreation in cordial converse with the learned divines of his court, and his special spiritual directors.<sup>c</sup> Within a reign of twenty-two years he founded and endowed three new bishoprics, and added greatly to the territorial wealth of the clergy. His merits in this respect were much enhanced by the personal attentions and honours bestowed upon churchmen of all ranks, but more especially by the humility with which he accepted instruction or rebuke, and the rigour with which he adopted the favourite devotional practices of the age. But this deferential habit did not, in his case, degenerate into blind submission or spiritual servitude. He aspired to the character of a reformer of manners and morals among all classes of his subjects; and applied his rule of personal purity with impartial severity both to the clergy and the laity of his realms. In this reign the bishops of Germany were selected for their learning, zeal, and integrity. The primate Aribo of Maintz, the archbishops Peregrinus of Cologne and Poppo of Treves, Unwin bishop of Bremen, the venerable Everhard, the first bishop of Bamberg; the able and learned Meinwerek of Paderborn, the great promoter of clerical education; Adelbold of Utrecht, the first mathematical scholar of his age; the learned Bruno of Augsburg, and Burchardt of Worms, the compiler of the most esteemed collection of canon law,<sup>d</sup> gave a character of dignity and a weight to his court and councils

<sup>c</sup> A sermon preached before him at Prague by the saintly bishop Godeschalk of Freisingen moved him to that degree that he released on the spot his capital enemy Markgrave Henry of

Schweinfurth, who was then a prisoner in his hands. *Baron. A.* 1005, § 3, p. 443.

<sup>d</sup> *Conf. Book VI. c. viii. p. 216 of this work.*

worthy of comparison with the glories of the reign of Charlemagne.

In return for so much favour, and for the identification of his temporal interests with those of his churches, the clergy spontaneously relinquished to him the selection of candidates for the ministry. And, in fact, throughout the work of bishop Thietmar or Ditmar of Merseburg—the historian of Henry II.—extending over a period of eighteen out of the twenty-two years of this reign—we do not meet with a single instance of resistance or contradiction to his right of appointment whenever he thought proper to exercise it. The course usually followed in the institution and induction of bishops was either that of a direct nomination by the crown, or of a humble recommendation of a fit person by the chapter, accompanied with a request that the king would confirm their selection. Solicitations, or even remonstrances, were not resented; but the king did not hold himself bound by any capitular or purely clerical nomination, unless it agreed with his own wishes, or was consistent with the interests of his government.

Promotions  
and appoint-  
ments of  
Henry II.

And for this mode of dealing with the great dignitaries of the church there existed a political necessity so urgent as to leave no reasonable alternative to the sovereign of a body constituted like that of Germany. It is just possible that so pious a prince as Henry II. may have felt the difficulty of his position between the imperative interests of his government on the one hand, and the equally imperative rules of canonical discipline on the other. But this antagonism was in his case kept out of public view by the personal character of the king, and the absence of any special provocation which might have called forth opposition. The pontiffs of Rome—as we shall presently find—had, for the present, fallen back into the dependent position from which they had been rescued by the Othos; and at home nothing occurred to suggest to the mind of Henry any serious doubt as to the legitimacy of his ecclesiastical policy. The

Grounds and  
nature of  
his promo-  
tions and ap-  
pointments.  
A.D. 1002  
to  
A.D. 1013.

superior clergy of his realms—Italian as well as German—had become in all material respects temporal princes; they were at the same time the representatives and executive officers of the crown within their dioceses and abbey-lands, and in that capacity invested with the judicial and administrative powers of government. Like the princes and free-barons of the empire, they were tenants in capite of the crown, and bound in respect of their fiefs to attend the diets of the realm, to wait upon the person of the sovereign, and, upon occasion of the accustomed musters or of the general array, to bring with them their undertenants and the armaments of their baronies, for the sovereign's state and personal defence, and the execution of the ulterior measures of government; such as the suppression of rebellion, and the carrying on of his foreign wars and military enterprises. The effect of the severance of so important a part of the national force as that of the ecclesiastical baronies from the control of the central government cannot be fully comprehended until we shall have contemplated this important subject more in detail. For the present we only observe that up to this moment no suspicion had arisen in the minds of the clergy that their duties as subjects were in any respect at variance with their spiritual rights, or with their obligations towards the head of their church. This view of their duties was indeed not likely to be disturbed as long as the character of the reigning prince was in harmony with the religious temper of the times, and with the interests of the prelacy itself. And after all, an attentive perusal of the annalists of that age leaves the impression that the interference of the crown in the government of the churches was in its nature incidental and customary, rather than theoretical or legal; so that one might easily conceive how that, even in this saintly reign, if the king had set up a peremptory or dogmatic claim of right on behalf of his crown to nominate to vacant prelacies, abbeys, or ecclesiastical benefices, the demand might not have passed without contradiction.<sup>e</sup>

<sup>e</sup> These impressions respecting the earlier years of the reign of Henry II.

have been gathered from the contemporary annalist Ditmar or Thietmar of

As a religious reformer, Henry II. was in some respects in advance of his age. He sincerely professed to regard secular affairs as subsidiary to his spiritual duties; he observed with unfeigned distress of mind the bishops of his kingdom so overburdened with worldly occupations as to be withdrawn, or even alienated, from their sacred functions. Besides the ordinary attendance on his court and person, and their services in the array of the empire, they were charged with the defence of their baronies and estates against the frequent encroachments of the laity, and became often involved in sanguinary feuds with their more powerful neighbours. In this position they were compelled to increase the numbers of their dependents, and to purchase support by multiplied subinfeudations, to the serious impoverishment of their sees; they were put to great expenses in building castles, and in surrounding their towns and residences with defensive works. With such absorbing occupations, we are not surprised that they should have, in a great degree, divested themselves of the sanctity and decorum of the clerical character, and that they should have adopted a mode of life closely resembling that of the lay princes and nobles.

Within the first years of his reign, this desertion of duty by the dignified clergy seemed to call for a remedy at his hands. To that end he assembled a general synod at Dortmund in Westphalia for the purification of the church from the manifold scandals and abuses that had crept in. In the year 1005 he opened the session in person. He arraigned the prelates of Lorraine and Germany of general and culpable neglect of their spiritual powers and duties; but the abuse which excited his liveliest indignation was the facility with which licenses were granted to powerful persons to marry within the prohibited degrees of consanguinity. "The bishops," he said, "had, with the effrontery of Jews and pagans, united in holy matrimony

Merseburg, books v.-viii., in all twenty-one passages. See the whole work, ap. Pertz, Mon. Germ. iii. pp. 723-871. The version of *Ursinus* (Dresden, 1790) has

also been used. Conf. *Fleury*, tom. xii. pp. 453 et sqq.; and *Schmidt*, *Gesch. der Deutsch.* ii. pp. 81 et sqq.

Secularisation of the clergy.

Reforms of Henry II.: Synod of Dortmund, A.D. 1005.

persons who stood to each other within the third degree of consanguinity,—they had permitted the line of demarcation which, according to the sacred canons, ought to be regarded as inviolate even to the seventh generation, to be nefariously overstepped,—dumb dogs they were, that would not bark,—time-servers, who pandered to the vices of the great, and connived at the overthrow of all religion! There,” he exclaimed, “there stands Conrad duke of Lorraine, our own near kinsman, and others with him, the noblest of the land, who have taken unto themselves wives so near in blood, that we tremble lest the wrath of God should instantly fall upon and crush them,—nay, not only upon them, but upon ourselves and our kingdom, for that we have hitherto abstained from bringing their guilt to the light of day!”

This passionate harangue took the meeting by surprise. Few of those who heard it had probably any knowledge of the canons appealed to by the king; and the majority shrunk from the perils of so violent an attack upon the interests and affections of the all-powerful laymen present. Conrad and his friends did not refrain from expressing their indignation by threats and execrations; some of the bishops openly espoused their cause; and the meeting adjourned amid the coarsest display of anger and disgust.<sup>f</sup> But the public mind was not yet prepared for the ruder experiments of ecclesiastical despotism, and the attempt of the pious monarch to remove the scandal of uncanonical marriages fell

<sup>f</sup> *Thietm. Chron. lib. vi. c. 13, ap. Pertz, iii.*; but principally *Vita S. Adalberoni, ap. Pertz, iv. pp. 653, 658. Conf. Pagi Crit. ad Baron. An. 1005, § 4.* The holy Adalberon, bishop of Metz, was the champion of canonism at the synod of Dortmund. He thus explains the charge against Conrad of Lorraine: his father Otho was son of a daughter of the Emperor Otho the Great, whose sister Gerberga, wife of Louis IV. of France, had married her daughter to Conrad king of Transjurane Burgundy: now Mathilde, the issue of this marriage, had married Conrad of Lorraine: thus, said the zealous bishop, Conrad and his wife are grandchildren of brother and sister: to make the matter worse,

the bishop rejects the brother and sister from the computation, and brings them down to the *second* degree of consanguinity. But this was a manifest exaggeration: his computation is at variance at least with the later rule of the Latins, which deduces collateral consanguinity from the common ancestor, and which would bring it down in this case to the third degree, even admitting the absurd rejection of the brother and sister from the pedigree. Inserting this link, it would be brought down to the fourth degree. *Conf. Greg. IX. Decret. lib. iv. tit. xiv. c. 7, 8, 9, ap. Richter, Corp. Jur. Canon. ii. pp. 673, 678, 679.*

to the ground. But the stern formalism of the king was not openly disputed by any but those whom it personally touched, or who foresaw and dreaded the difficulty or the danger of carrying it into practice. In the following year (1006) Henry assembled a diet and synod at Frankfort-on-the-Mayne, and there announced his intention to found a new bishopric at Bamberg. At the opening of the session he bowed himself to the earth before the bench of bishops, and continued in that posture of devout self-humiliation till the primate Willigis raised him from the ground. After this ceremony he Henry II. de-announced to the assembly that, having votes himself abandoned the natural means of progeny, he had to celibacy, declared Christ his heir, and had therefore notwithstanding resolved to devote all he possessed, and all he ing his might thereafter acquire, to the service of God and His church; and as an earnest of this his deliberate purpose, he had determined, with the permission of the archbishop of the province, to found and endow a new bishopric at Bamberg.<sup>s</sup>

Though formally announced at this diet, the project of Henry was delayed by a variety of unforeseen impediments. Up to this point of time no portion of his revenue could be diverted from the demands of the public service. Domestic disturbance incident to the existing state of the Germanic constituency, and the revolt of the Italian dependencies of the empire, absorbed all the resources of the crown; and it was not till some years afterwards that he found himself in a condition to execute a project probably dearer to him than any accession of worldly power or dominion.

As in all subsequent ages, the Italians, as a people, were averse from the German yoke; and, had the government which they substituted for it Relation of the sovereigns to the people of Italy. been of a less tumultuous and selfish character, our sympathies would more pleasurably follow the national desire. After the death of Otho III., in the year 1002, the princes and prelates of Lombardy has-

<sup>s</sup> *Thietm. Chron. lib. vi. c. 23; Pertz, iii. p. 814; Baron. An. 1006, § 3.*

tened to renounce their dependence upon the empire, and to resume that freedom of election to which their neighbours of France and Germany laid claim. The state-practice of this age clearly shows that whatever prestige might attach to reigning families, no right of succession, analogous to the modern idea of legitimacy, had as yet made any way in the public mind. In the succession to feudal estate the legal incidents of homage and allegiance might be tolerably well defined; but it does not appear that the incidental performance of that ceremony by the prince or sovereign of an independent state to a foreign power necessarily created such a relation of permanent dependence as to divest the subjects of that state of the right to fill the vacant throne upon the demise or the forfeiture of the sovereign; that, in short, it did not bind them servilely to wait upon the choice of a strange constituency, with which they had neither interest nor sympathy in common.<sup>h</sup>

Availing themselves of their liberation from the superintendence of the empire by the death of the last emperor of the Saxon line, the Italians un-animously elected Ardoin Markgrave of Ivrea, or Piedmont, at a diet held at Pavia in the year 1002. But the motive which prompted the movement had little of a patriotic spirit about it. The feudal constituency—princes and prelates—were anxious to throw off the checks which the strong hand of their foreign masters had imposed upon their ambition and rapacity; probably, too, to avenge the losses and insults they had been compelled to put up with from the rude horde so long quartered upon them. With all this they had no serious desire to create a strong government capable of making head against the imminent danger of a renewal of Germanic pretension. The powers conferred upon Ardoin

Self-emancipation of the Italians, A.D. 1002.

<sup>h</sup> If any such rule had been agreeable to the practice of the age, the Germanic Cæsars might as reasonably have set up a claim to France as a feudal dependency of the empire, grounding the claim upon the homage of Odo or Eudes of Paris to the Emperor Arnulph. See Book VIII. c. ii. p. 441.

The oath of allegiance of Berengar I. (Id. p. 443) did not prevent the Italians from electing successively Louis the Blind, Rodolph of Burgundy, Hugh of Provence, and Lothar and Adalbert, without a thought of any feudal dependence upon Germany.

were limited by the same fatal restrictions as those which had proved so detrimental to Italian independence during the whole course of the tenth century. But though his dominion extended but little to the south of the Po, and was not felt at all in the central districts of Italy, yet the reëstablishment of an independent Lombard kingdom had the important consequence of cutting off the communication between Rome and the empire; reawakening, indeed, the spirit of liberty, but at the same time unchaining the demon of faction which had hitherto thwarted every effort to cast off the yoke of the empire or the papacy.

We are told that Otho III., in the ardour of his attachment to the beautiful widow of his victim Crescentius, had appointed her son John Cenci or Crescentius imperial prefect of the city of Rome and governor of the adjoining region.

Whether the tale be true or false, it is certain that immediately after the death of Otho the civil government devolved in a great measure upon Crescentius the younger, supported by the party attached to his father. The Tusculan faction, however, held the balance of power pretty evenly. Encouraged by the establishment of Ardoin upon the throne of Lombardy, and the cessation of intercourse with Germany, the prefect acted without reference to any interests but those of his supporters. He embraced his father's policy, and dropping the title of Prefect, assumed those of Senator and Patrician, under which Alberic, Octavian, and, after them, his own parent, had exercised supreme power in the republic. Meanwhile the Tusculan faction was strong enough to carry the election of two successive popes, John XVII. and John XVIII.<sup>i</sup> But after the decease of the latter, in the year 1009, the popular party, in the interest of the Patrician, took the lead, and enthroned Sergius IV. But this pontiff, of whom nothing of historical importance is recorded, occupied the papal throne for the short period of two years, nine months, and twelve days.<sup>j</sup> His death once

<sup>i</sup> A.D. 1003 to 1009.

<sup>j</sup> *Ciaccone*, i. p. 765.

more opened the lists to the two factions; the nobles elected Benedict VIII., a member of the family of the counts of Tusculum,<sup>k</sup> while Crescentius and his friends enthroned a pope of their own by the name of Gregory. Finding the popular party in Rome too strong for him, Benedict retired to the court of Henry II., then residing for the Christmas holidays at Pölden in Westphalia, and committed his cause to the hands of the emperor, from whom he obtained a promise speedily to set matters right, and shortly to visit Rome for that purpose.<sup>l</sup>

The history of Lombardy, between the election of Ardoïn in the year 1002, and the re-conquest by Henry II. in 1014, is enlivened only by an event of a nature lamentable indeed, yet so inexplicable as to leave us at a loss how to suggest any plausible cause. Between the years 1002 and 1004, it seems, the Lombards had seen reason to regret the choice they had made. Ardoïn had managed to forfeit so entirely the affections of his subjects that King Henry was encouraged to reclaim the crown of Italy. In the latter year he accordingly invaded Lombardy with a considerable army; Ardoïn was driven back into the mountains of Piedmont and Savoy; and Henry II. was, by acclamation, saluted and crowned King of Italy at Pavia. At that moment his popularity does not appear to have suffered any check; no symptom of disaffection from any quarter had occurred to awaken suspicion, and no precautions had been taken for the

<sup>k</sup> *Ciacone*, i. p. 767.

<sup>l</sup> *Thietmar*, Chron. lib. vi. c. 61; ap. *Pertz*, iii. p. 835. The passage is ambiguous: "Hujus (Papæ) crucem rex in suam suscepit custodiam, et a cæteris (?) abstinere præcepit, promittens sibi (illi, viz. Papæ), cum ipse adhuc veniret, hæc secundum morem Romanum diligenter finiri." This may mean either that the king took the pope's crossier into his custody, with a view to its safe deposit, till he should determine by appeal to the law and custom of the Romans which of the

two popes had a right to it; or that he took the cause of Benedict into his own hands, admonishing him not to stir personally in the matter till he should arrive in Rome to settle him upon the papal throne. The *Annalista Saxo* (A. 1012, *ibid.* tom. vi. p. 662) copies Ditmar, but commits the blunder of bringing Gregory instead of Benedict to the court of Henry II. The promise to be guided by the law or custom of the Romans, seems to indicate a hesitation as to the title of the applicant.

safety of the king, or the maintenance of the public peace during the festivities that were to follow the coronation. On the evening of the ceremony Henry had retired with the nobility and principal officers of his court to the banqueting hall of his palace. While sitting at table in social converse, suddenly a vast concourse of the armed populace surrounded the building on all sides, and furiously assailed the gates with yells and execrations. The attendants of the king, and a small party of his body-guard, whom he had introduced rather for the purposes of state than with a view to his personal safety, with great difficulty maintained possession of the palace till daylight. Meanwhile rumours of the insurrection and of the danger of the king reached the several detachments of the army, quartered in the villages and forts at some distance from the city. Not a moment was lost in hastening to the rescue. The gates were burst open, the walls scaled, and in the alarm or fury of the onset the houses were fired in several quarters at once. The king and his brave defenders were indeed saved from imminent peril; but it was no longer possible to check the savage fury of the soldiery; fire and sword raged for many hours in the unfortunate city, till scarcely a dwelling remained unconsumed. The total destruction of Pavia, and the slaughter of the inhabitants, wrung the heart of the king, and he quitted the ruins of the once-flourishing capital of Lombardy with undissembled horror and compunction. It is probable that the civic population, perceiving the defenceless state of the king, and his distance from the outlying detachments, had been suddenly fired with the hope of ridding themselves of their unwelcome guests by a bold stroke at the chief. But their measures had been badly concerted, and the gallant defence of the castle had given time for the news to reach the camp; the promptitude of the succour, and the neglected defence of the walls, insured the ruin of the assailants and their city. Yet, singularly enough, the victory remained with the vanquished. The Germans had, it seems, followed Henry into Lombardy with reluctance; many of them,

indeed, had deserted him in his advance, and many more quitted the ranks after the catastrophe of Pavia. The rest were neither numerous nor bold enough to encounter the storm of hatred and revenge which the massacre of the citizens and the destruction of the city had kindled in the breast of the Italians. With such a prospect before him, the chances of a peaceable settlement of the kingdom were not worth the risks to be run in the attempt; and not many weeks after the ruin of the capital Henry withdrew into Germany, laden with the curses of the people who had but lately invited him to rescue them from a domestic tyrant.<sup>m</sup>

The period of nearly nine years following the tragedy of Pavia is singularly barren of events. Ardoin, it is true, was recalled to the throne; but we have no sufficient information as to the character of his government, or the dispositions of the rising cities and the turbulent nobles of the kingdom. After his retreat from Lombardy, king Henry II. was, during the whole of that period, detained at home by a variety of important affairs. His attention was divided between frontier warfare, the repression of his rebellious vassals, and overcoming the reluctance of the prelacy to the establishment of the new episcopal see, upon which he had set his heart. In the year 1013, however, his troubles appear to have come to an end; and Benedict VIII. found him at liberty once more to take an active part in the affairs of Italy and the holy see. In the spring of the year 1014 he accordingly recrossed the Alps with a powerful force; Ardoin was a second time driven from the throne to his mountain lair; the fickle feudatories of the kingdom to a man abandoned his banners, and did homage to Henry. After restoring tranquillity in Lombardy, the king continued his progress to Rome; passing through Ravenna, he deposed the Archbishop Ethelbert for some unspecified offence, and in his place instituted and inducted

<sup>m</sup> *Thietm. Chron. lib. vi. c. 4-7*; ap. *Gesch. d. Deutsch., vol. vii. pp. 375-377.*  
*Pertz, iii. p. 804-807. Conf. Luden,*

his own brother Arnulph.<sup>n</sup> Meanwhile Pope Gregory, alarmed by the advance of the Germans, had hastily abandoned the city; and Benedict hurried forward to receive the homage of the versatile republicans, and to be in time to give solemn reception to his friend and benefactor. Henry arrived before Rome between the 14th and 26th of February,<sup>o</sup> and a day or two afterwards he and his consort Cunegunda received the imperial crown and unction from the hands of the restored pontiff.

and is  
crowned  
emperor.

Every opportunity afforded us for determining the mind and intent of the pontiffs who conferred, and of the princes who received, the imperial crown is of importance. That intent can only be collected from the acts of the parties to those solemnities, and from the scanty and often partial accounts of the contemporary annalists. The coronation of Henry II. by Pope Benedict VIII. is thus described by the bishop of Merseburg, who appears to have been present upon the occasion: "On Sunday the vi<sup>th</sup> (or xvi<sup>th</sup>) of the calends of March, in the year of our Lord 1014, in the thirteenth year of his reign, our gracious lord King Henry, with his illustrious consort, Queen Cunegunda, appeared beneath the porch of the church of St. Peter, where the pope was waiting to receive him. He (the pope) was accompanied by twelve senators, six of whom were smoothly shaven, the other six wore long bushy beards; all the twelve carried wands and staves of office. Before the king was introduced into the church, the pontiff put to him the following solemn interrogatories: 'Art thou, O king, firmly of purpose to be henceforward a faithful patron and defender of the Roman church? Art thou resolved to be in all things faithful to us and our successors?' The king, having devoutly replied to these

<sup>n</sup> The presence of Benedict VIII. may lead to the presumption that the Pope approved the transaction: he was not, indeed, likely to disapprove. Yet no mention is made, either of the offence charged, or of any trial or proceeding resembling what was canonically requisite to found a legal sentence upon.

<sup>o</sup> A various reading of the Chronicle of Ditmar leaves a choice between the vi. Cal. Mart. and the xvi. Cal. Mart. Conf. *Pertz*, ad loc. iii. p. 836, note (e) The German version of Ursinus adopts the latter reading; *Luden* (xii. p. 412), the former.

questions, both he and his consort were introduced into the body of the church, and then solemnly anointed and crowned by the pope with the imperial crown; after which the king commanded his prior (or royal) crown to be suspended over the altar of St. Peter, the prince of the apostles. On that same day the pontiff entertained the emperor and empress at a sumptuous banquet in the palace of the Lateran."<sup>p</sup>

In this ceremony, as in all those which preceded it, we observe the same spirit of caution, lest the imperial crown should appear to the world to move from any other source than the spontaneous act or bounty of the holy see. The popes, on all these occasions, were anxious to discountenance the notion that the *right* to the imperial crown was in any respect unconditional, or discharged from the duties which they might think fit to attach to it. Conditions were accordingly always appended; promises were exacted; and all the symbolical acts accompanying the several ceremonies were so contrived as to point significantly to the source from which they desired it to be considered as flowing, and sensibly to lead the mind, both of the recipient and the witnesses, up to the pontiff of the holy see as the patron and bestower.<sup>q</sup> Though there are in the scanty narrative of the coronation of Henry II. no very special circumstances differing from those attending the consecration of his predecessors, yet we perceive the same anxiety to impose conditions, and the same unreflecting submission to the pretension, as on

<sup>p</sup> *Thietm. Chron. lib. vii. ; Pertz, iii. p. 836.*

<sup>q</sup> The reader is referred back to the following passages: 1. The coronations of Pippin and Louis, sons of Charlemagne, Book VI. c. iii. p. 88. 2. The coronation of Charlemagne himself, *ibid.* c. iv. pp. 109, 110. 3. That of Louis the Pious, by his father, *ibid.* p. 113. 4. Coronation of the same, by Pope Stephen IV., *ibid.* pp. 117, 118. 5. That of Lothar I., *ibid.* c. v. p. 129. 6. That of Louis II. as king of the Lombards, Book VII. c. i. p. 234. 7. That of Charles the Bald, by P. John VIII., *ibid.* c. iii. p. 289. It may be

observed that popes and churchmen in general were desirous of encouraging the impression, that no title to crowns, whether imperial or royal, could be complete or definitively binding upon the subject without the solemn adoption and sanction of the church. Though not formally adjudged to be sacraments, these acts were always regarded by the clergy as partaking of a sacramental character, that is, as imparting a special grace to the recipient, and thereby completing the prior inchoate title. To this opinion of ours we think the reader will be irresistibly brought to assent by circumstances hereafter to be noticed.

former occasions. Connected with the later imperial coronations, there is a circumstance which is worthy of observation. We notice, namely, that since the discontinuance of the empire in the line of Charlemagne, the popes had, on several occasions, bestowed the imperial crown upon strangers to the legitimate succession. They had thereby ostensibly laid open the field of competition for that supreme dignity to the princes of the world, and thereby—as far as the implication could carry it—practically negatived any exclusive claims of the Germanic monarchs as the political heirs and successors of Charlemagne. To such a claim the pontiffs might now reply that, in the choice of her temporal advocate and protector, the church had simply vindicated her right to select him from any quarter whence the requisite support might be expected; in every such instance she had taken no notice of any claim of right; she had, in fact, by her acts disowned such claim, and frequently chosen her protectors and patricians from those who were nearest at hand, or best able to perform the duty; it was, in truth, the physical ability and the faithful will, and not the *right* to the protectorate, which constituted the meritorious title to the crown; and of those qualifications the Roman pontiff was to be the sole judge and arbiter.<sup>f</sup>

The exclusive right of the Germanic sovereigns to the imperial crown was further impaired by the long abeyance of that dignity occurring between the death of Beringar I. in the year 922 and its revival by Otho the Great in 962. During the whole of that period Rome had kept the sacred symbol of empire safe under her lock and key. Again, from the death of Arnulph (A.D. 899), the last king of Germany who had worn the crown of empire, to the accession of Otho the Great, a period of sixty-three years had elapsed

Roman view  
of the right  
to the imperial  
crown.

Infirmity of  
the claim of  
the German  
princes.

<sup>f</sup> Both Sergius II. and John VIII. —the former at the coronation of Louis II., the latter at that of Charles the Bald—had repelled the obligation of political dependence upon the empire, and maintained that the connection was absolutely spontaneous on the

part of the papacy, and implying no sort of reciprocal duty, except that of spiritual service and support, and *that* only upon condition of a strict performance of all the obligations the pontiffs might think fit to impose.

without any claim on the part of the Germanic princes; while during forty out of these sixty-three years that dignity had been wholly in abeyance. The pertinacity, in fact, with which the German Cæsars maintained their derivative right as the representatives of Charlemagne is not easily accounted for. They could lay no claim to lineal or family descent from that prince, nor could they pretend to be in any other respect his successors than as the rulers of the largest fragment of his vast dominions. Since the death of Charles the Fat the crown of Germany had passed first into an illegitimate branch of the Carolingian family; and thence, through an absolute stranger in blood, to the first prince who asserted the title. Three of these princes<sup>s</sup> had never advanced any such claim; they had not even set foot upon the Italian side of the Alps or put in a pretension to the crown of Italy. But the pontiffs of Rome had all along affected to treat the possession of that crown as an indispensable qualification for the imperial dignity, and upon that ground alone they believed themselves justified by the current of prepossession and precedent in excluding those who had no standing-ground in the original residence and domicile of the imperial power, and were thereby incapacitated from performing the duties connected with it.

While thus, in the usual course of things, the claim of the Germanic princes to the imperial crown could be affirmed upon no intelligible ground of prescriptive or hereditary right, that of the pontiff of Rome to the absolute disposal of that splendid boon was fortified by all but uninterrupted exercise,<sup>t</sup> and by public declarations and precedents which had been encountered by no direct contradiction or resistance on the part of those most affected by them. The absolute right to confer a benefit implies, indeed, an equally unfettered right to withhold it; yet the pontiffs wisely

Extent of  
the right  
practically  
admitted.

<sup>s</sup> Louis surnamed the Child, son of Arnulph, Conrad I. of Franconia, and Henry the Fowler of Saxony—though the latter is said, in the last year of his life, to have projected an expedition into Italy with a view to the imperial crown, but died before he could put his plan

into execution. *Mascou*, *Comm. &c.* i. p. 22, quoting *Witkind* the Saxon annalist, lib. i. ad fin., and *Otto* of Freisingen, *Chron.* lib. vi. c. 18.

<sup>t</sup> The only exception we can point to is that of the coronation of Louis the Pious by his father Charlemagne.

threw this inference into the shade in dealing with the powers of the world, and were for the present contented to be regarded as the sole channel through which the imperium could pass to the claimant. And in this view of their function they were not likely to meet with any material opposition. The Germans regarded Rome as the sacred capital of empire; and the pope as the authorised minister through whose hands the crown of empire must pass to the rightful candidate; though in such wise that, when their sovereign appeared in his capital to demand it as heir and successor of Charlemagne, the pontiff could not lawfully withhold it.

On the eighth day after the coronation of Henry II. at Rome, a serious affray arose between the German soldiery and the populace. After some bloodshed on both sides, night parted the combatants. The arrest of the ringleaders, probably persons of condition,<sup>u</sup> put an end to the disturbance, and the emperor became absorbed in the arduous task of reforming the manifold abuses which had crept into the Roman church. The deposition of Ethelbert, archbishop of Ravenna, has been already adverted to. That prelate, it seems, had obtained the see by usurpation upon the rights of a prior occupant. Henry at first insisted upon his degradation from the priesthood, but was prevailed upon to commute the punishment for banishment to the minor bishopric of Arezzo. At the same time he directed<sup>v</sup> his brother Arnulph to be solemnly enthroned and consecrated by the pope in person. The state of the priesthood inspired him with serious disgust; he therefore insisted strenuously upon the observance of the canonical rules, especially in the dispensation of holy orders. He found that many unfit, and often very young and inexperienced, persons had been, in direct contradiction to all canonical ordinance; consecrated to bishoprics; presbyters and deacons were ordained at ages of

<sup>u</sup> Ditmar names three brothers, Hugo, Hecil, and Eccelin, as the principal offenders. Henry caused them to be transported to Germany as state pri-

soners.

<sup>v</sup> "Præcepit" is the expression used by Ditmar to describe the act.

Henry II.  
at Rome.  
A.D. 1014.

his ecclesias-  
tical reforms.

preposterous immaturity both of body and mind; and a general neglect of all canonical regulations seemed to threaten the overthrow of ecclesiastical discipline.<sup>w</sup> The language of the writer who describes these attempts at reformation sounds as if the emperor and the pope had for the moment changed places. The spiritual powers were, it seems, allowed to flow into the hands of the prince, and his pretensions as a religious reformer were no less submissively recognised in Rome than in his native realm.

Though tranquillity was for the present restored in Rome, the state of Lombardy was less promising. After a few weeks' residence in the capital, the emperor's presence in Germany became—  
Abeyance of the sovereign power in Italy. as usual after an Italian expedition—imperative upon him. At Pavia he was this time received with marks of attachment, and even of affection.<sup>x</sup> Neither assurances of favour nor substantial bounties, on his part, were spared to confirm the Lombards in their allegiance; yet a few rigorous acts of justice sufficed to cancel all obligations, and Henry had scarcely turned his back upon Italy before Ardoin once more descended from his mountains and possessed himself of the strong town of Vercelli. The conquest, however, proved of little value. The crown of Italy was by this time almost divested of the last remnant of constitutional power, nor was the royal name of any virtue but as an instrument in the hands of princes, barons, and prelates, for the promotion of their own selfish purposes. The first acts of sovereign authority drove away his ephemeral supporters from his standard; the town of Vercelli fell back into their hands; and king Ardoin, broken in health, and disgusted by the treachery of all around him, retired heart-broken to his monastery of Fructuaria; where he solemnly deposited his crown and sceptre upon the altar, shaved his beard, and assumed the monastic cowl. And here he finished his unhappy career on the 30th of October 1015.<sup>y</sup> For

<sup>w</sup> *Thietm. Chron. lib. vii. cc. 1, 2;*  
*Pertz, iii. pp. 836, 837.*

<sup>x</sup> That is, if we may credit the assurances of *Ditmar*. See his *Chron.*

*ubi sup. lib. vii. c. 2, ibid. p. 937.*

<sup>y</sup> *Thietm. Chron. lib. vii. c. 17; ubi sup. p. 844. Conf. Luden, vol. vii. p. 430.*

a term of ten years from his death the Italians consented to recognise the kingship of Henry II., but divested of all the attributes of sovereignty. More important affairs in Germany deprived him of the time and the means of restoring the prerogative of the crown in Italy, and thus a fairer opportunity was afforded for the chaotic elements of Italian society to mould themselves into those more definite forms in which we shall hereafter have to contemplate them.

After his retreat from Italy, in the year 1014, Henry was for some years detained at home by repeated disturbances on his military frontiers, both in <sup>Anticipation.</sup> the East and West. The settlement of the affairs of Transjurane Burgundy, as an appendage of the empire, and the doubtful loyalty of the unsuccessful candidates who had originally disputed the kingdom with him, gave him much trouble and anxiety; nor can we desire a clearer proof of the real weakness of the central power, even in Germany, than in the almost insuperable difficulties he had to encounter in carrying his plan for the establishment of the new bishopric of Bamberg into execution. From a short review of this transaction we may acquire some notion of the degree in which the power of the prelacy balanced that of the crown, and perhaps indulge in an anticipatory conjecture of what might be the result of a rupture of that loose union which, for the present, held together the ecclesiastical and political elements of the Germanic empire. If history may be properly regarded as a digested register of human experience, it cannot be unimportant to mark even the faintest shadows of coming events as they pass across the stage of the world's business. As, in the midst of the profoundest calm, the groundswell often warns the discerning mariner of the direction and force of the coming gale, so a like warning may be afforded to the political pilot from the heavings of popular or class-aspirations and passions in the affairs of the world. A familiar knowledge of the normal direction of the political hurricane may at least enable him to steer for the calm, though he may not altogether escape the dangers of the first blast.

Shortly after his accession to the throne of Germany Henry II. had commenced building a church at a spot called Babenberg or Bamberg, situated on the river Regnitz, in Franconia, with the intention of erecting it into an independent episcopal see. But for many years he had to encounter the most determined opposition on the part of the estates of Bavaria and Franconia, who supported the bishop of Würzburg in his resistance to the dismemberment of his diocese, from which the new bishopric was to be carved out. But opposition served only to inflame still more the pious ardour of the monarch in favour of an undertaking involving, as he believed, his honour and reputation in this world, no less than the salvation of his soul in the next. On the 1st of November in the year 1007, he had convoked an assembly of the prelates of the empire at Frankfurt-on-the-Mayne, with a view to overcome the reluctance of the bishop of Würzburg through the united intercession of his episcopal colleagues. The primate Willigis presided, and the king opened the synod in person. But observing with alarm that the bishop of Würzburg was not in his place, Henry threw himself at the feet of the fathers, and remained in the posture of anxious supplication till raised from the ground by the archbishop president. Thus comforted, he addressed the assembly in a few earnest words: "Illustrious fathers and lords," he said, "so sensible am I of my own unworthiness, that I have placed myself and my design in your sacred hands. Listen, therefore, with indulgence to that which I may say, and give your sanction to the purpose which, by the grace of God, and from fervent love I bear to my Saviour Christ, I have conceived in my heart. For inasmuch as I have renounced the hope of an heir of my body, and look only for my recompense in the life to come, I have constituted the Lord Jesus Christ my heir, and have for many years past devoted myself, my body and soul, and all I have, either in possession or expectation, to the service of God. Now it is my purpose to found a bishopric upon my lands at Bamberg; and this I have hitherto striven in vain to accomplish by friendly negotiation with

Foundation  
of the  
bishopric of  
Bamberg.  
A.D. 1007.

my bishop, Henry of Würzburg. I therefore come before you in the full determination to leave no means untried to succeed in this the desire of my heart. I implore your piety to permit neither his disloyal absence from this meeting, nor his unreasonable behests, to stand in the way of my will and pleasure on that behalf. Behold, here I produce before you his pastoral staff, which he hath pledged to me in token of his acquiescence, and as a manifest proof that he has failed in his attendance here, not from motives of duty to God, but because he cannot extort from me that undue increase of dignity he craves.<sup>2</sup> Let it, I pray you, come home to your understandings that by these insolent pretensions he hath thrust his own ambition in the way of the interests of holy church. Behold, again, here by my side, my own consort, and my only brother and coheir,<sup>a</sup> who have cordially assented to my wishes, knowing that I shall be ever ready to compensate them richly for any sacrifice they may make in compliance with my purpose. Finally, if the bishop of Würzburg shall be pleased to attend here, and to accept my proposals, he shall find me ready to perform all you may think right and proper concerning the same."

The chaplain and advocate of the bishop of Würzburg protested against the severance of any <sup>Opposition</sup> portion of the diocese of his master, and <sup>and success.</sup> ex- hibited the charter of privilege and endowment, which secured the integrity of his rights. The members, each equally jealous of encroachments upon his own jurisdictions, hesitated to sanction the infraction of such solemn guarantees. Observing these symptoms of uneasiness, the king again fell upon his face before the fathers, and repeated the same imploring gesture as often as he observed similar indications of hesitation. Overcome at length by the importunity of Henry, the archbishop put the question to the vote, and the synod resolved that the royal purpose, not being contrary to law, ought to be

<sup>2</sup> The bishop had demanded that his see of Würzburg should be erected into an archbishopric, and that Bamberg should be held as a suffragan of his church; a scheme which would pro-

bably have involved the king in greater difficulties than that he had now to encounter.

<sup>a</sup> Bruno, bishop of Augsburg.

carried into effect. Henry, determined to afford no time for retractation, immediately nominated his chancellor Eberhard to be the first bishop of Bamberg; and on the very same day he caused him to be consecrated by Archbishop Willigis.<sup>b</sup>

Amid all the vicissitudes and cares of public life, the mind of the emperor clung to this favourite foundation with undiminished affection. He regarded it as the child of his age, and the pledge of his dearest hopes in this world and the world to come. But he was not without apprehension that a birth, attended by so many painful throes, might, after all, be of no long life; and when, in the year 1020, Pope Benedict VIII. once more appeared in Germany to lay before the emperor the perilous state of Southern Italy, and to crave his aid against the banded Saracens and Greeks, who were then threatening the estate of the church with imminent peril, his first care was to prevail upon the pontiff to adopt his spiritual offspring into the great family of the Latin episcopacy, by a solemn dedication of the church of Bamberg, and its endowments, to the Apostle Peter; with a reservation of the sole protectorate to the holy see, to be in future denoted by the render of the annual fee of a white palfrey, with caparisons complete, to be delivered to the pope at Rome.<sup>c</sup>

Benedict arrived at Bamberg on the 14th of April 1020, and on the 17th of the same month he solemnised the ceremony of dedication with all the pomp and circumstance that might most effectually engage the attention of the witnesses and fix the act in the memory of future ages. The emperor, in person, conducted the pontiff to his throne in the church, after which the service proceeded under the ministry of twelve archbishops and bishops, accompanied by an innumerable

<sup>b</sup> *Thietm.* lib. vi. c. 23, u. s. iii. p. 814.

<sup>c</sup> "Et apostolico præsulī ex tunc et semper dependendum commendavit, &c." *Adalberti Vita St. Henri II.* c. 25; ap. *Pertz*, iv. p. 807. This dedi-

cation was, in fact, in the nature of an enfeoffment from the emperor to the pope of the new bishopric, so that the bishop should therefore hold the see of the pope as his immediate superior.

choir of singers, the princes and people in countless multitudes expressing their exultation with loud Hosannas.<sup>d</sup>

Upon occasion of this visit of Benedict VIII. to Germany a document is in a subsequent age produced to us, purporting to be a compact or charter of confirmation from Henry II. to that pontiff of "all the cities, towns, territories, receipts, rents, and renders theretofore given and granted to the holy see by the donations of Pippin, Charlemagne, *Louis the Pious, and Otho I.*" A glance at the extant document, however, proves that it is almost a literal copy of the spurious charter which passes under the name of Otho the Great, an instrument itself now known to be equally fictitious with that of Louis the Pious. The intent of the forgery, as well as it may now be ascertained, was to invest the pontiffs with *the absolute sovereignty* of every atom of territory comprised in all prior documents of the like nature, genuine or fictitious ;<sup>e</sup> with a simple reserve of the temporal protectorate, and the obligations incident to it. The renunciation of the *dominium supremum* on the part of the emperor over the regions enumerated was, by the words of the transfer put into the mouth of the emperor, as broadly implied as it well could be.<sup>f</sup> This charter, moreover, assumes the tone of a simple confirmation of all prior donations: it recites, indeed, the ordinances of Lothar and Pope Eugenius II.<sup>g</sup> for the regulation of the papal elections, but makes no allusion to the obligation of allegiance to the emperor professed by that pontiff; nor does it provide any security to the protecting power, excepting a vague stipulation that the choice shall be made in the presence of the imperial commissioners, yet with an absolute ex-

The spurious  
pactum or  
charter of  
Henry II.

<sup>d</sup> *Adalb. Vit.*, &c. ubi s ; *Annalista Saxo*, an. 1020; *Pertz*, vi. p. 674.

<sup>e</sup> "Eo modo confirmamus (viz. the possession of the said territories) ut in suo (Papæ) detineant *jure, principatu, atque ditione.*"

<sup>f</sup> See the entire charter, ap. *Pertz*, *Legum*, tom. ii. Capit. *Spuria*, &c. p. 174. This document made its first appearance at the Great Council held at

Lyons in the year 1245; i.e. two hundred and twenty-five years after its supposed execution. It is without a date, and appears to be a mere transcript of the spurious *Pactum Ottonis* (see Book VIII. c. iii. p. 473), and republished under the name of Henry II.

<sup>g</sup> A.D. 824. Conf. Book VI. c. v. pp. 131, 132 of this work.

clusion of all vote, interference, or veto on their part.<sup>b</sup> These indications point, we think, clearly enough to the [Its probable secret intent of the forgery to get rid of that intent. reciprocity of obligation which had always weighed so uncomfortably upon the mind of the papacy; so that, while securing the largest extent of territorial acquisition that could be claimed under any title, no matter whether genuine or fictitious, the pontiffs could hold themselves up to the world as the sovereign disposers of the whole, and by the same mode of action bring their temporal possessions under the same guarantees, and invest them with the same character as their religious pretensions.

The state of Southern Italy, and the danger of the papal states from the advances of the combined Saracens and Greeks, called the imperial protector to arms. Benedict VIII. readily procured the promise of active assistance as soon as certain pressing affairs at home would permit, and the necessary forces could be collected. For some years past the state of Southern Italy had gone from bad to worse, until no hope remained of salvation from the degrading yoke of the Byzantines, and the more dreaded slavery of the Saracens, but in the ever-unwelcome protection of the rude warriors of the north. The people of Apulia and Calabria had, with the assistance of a small squadron of about two hundred and fifty Norman adventurers, made head against the enemy for some time; but in the end had suffered a total defeat on the ever-memorable field of Cannæ. Pandulph, the Lombard prince of Capua, surrendered to the Greeks, and was permitted to govern his principality as a dependency of the Byzantine empire. The Greeks, after this success, carried their incursions almost to the gates of Rome, and the pontiff hastened into Germany to claim the covenanted protection of the emperor. The obligation was too clear and sacred to admit of hesitation: the pagan foe was at the gates of the holy city,

<sup>b</sup> "Insuper etiam, ut nullus missorum nostrorum cujuscunque impediti-

onis argumentum componere audeat in præfatam electionem prohibemus."

ready to seize upon the capital of the faith,—the sacred seat of the empire whose crown he wore; and that enemy the ally of a foe who impugned his orthodoxy as a Christian, and with supercilious insolence thrust him back among the bevy of vassal princes with which the vain imagination of the Byzantines delighted to surround the gaudy throne of their Cæsars.

Nearly a year and a half elapsed before Henry's preparations were completed. But in the autumn of the year 1021 he passed the Alps with a formidable army, and arrived upon the scene of action without accident or impediment. He then divided his army into two bodies, one of which was detached against the Greeks of Camerino and the rebel prince of Capua, while the emperor in person marched against the strong fortress of Troja, a town about thirty English miles to the eastward of Beneventum, into which the Greeks had thrown a strong garrison. Henry lay before Troja for a period of three months, after which the garrison yielded to pestilence and famine rather than to the besieging tactics of the assailants. Meanwhile the people of Capua had joyfully surrendered to the invader, and delivered their prince a captive into the emperor's hands. Beneventum, Salerno, Naples, and other places in the vicinity, were reduced to submission, and Henry was every where hailed by the people of the land as their deliverer from present servitude, and the still greater evils in store for them from banded infidels and heretics.

The dangers which threatened the holy city were thus dissipated for the moment. The Greeks, after this unusual exertion to recover their dominion in Italy, fell back once more into their accustomed inactivity; the Capuans accepted a new prince in whom the emperor believed he could place implicit confidence; and the remnant of the Norman adventurers who had survived the defeat of Cannæ received permanent settlements in Campania and Apulia. But the army, after its exposure to the hardships of a summer campaign in the pestilential atmosphere of the

Expedition  
of Henry II.  
against the  
Greeks and  
Saracens.  
A. D. 1021.

Deliverance  
of Italy, and  
death of  
Henry II.

Capitanata, had suffered severely from the ordinary effects of the Italian climate upon the northern constitution. The emperor retired to Monte Cassino; and thence, after a flying visit of devotion to Rome, he hastened to withdraw the sickly remnant of his forces into their native

a. d. 1022. air. In the autumn of the year 1022 we find him again in Germany. Dividing his time be-

tween pious exercises, devotional practices, enriching his churches, and adjudicating the disputes of his turbulent subjects, he passed the remainder of his life in comparative peace. Henry II.—called in the Germanic

a. d. 1024. calendar St. Henry—died on the 10th of July 1024 at Grona, an insignificant town in north-

ern Germany, in the fifty-third year of his age and the twenty-third of his reign. The body of the pious and amiable prince was buried without parade at Bamberg; a spot he delighted to honour during life, and where he desired to await the resurrection of the just.<sup>i</sup>

<sup>i</sup> A more particular narrative of the last expedition of Henry II. into Italy may be collected from *Leo Ostiensis*, Chron. Casson. ap. *Murat*. iv. p. 362; *Hermannus Contractus* Chron. an. 1020, ap. *Pertz*, v. pp. 119, 120; *Annal. Sax.*

an. 1022; *ibid.* vi. p. 675. And conf. *Mascou*, Comm. &c. i. pp. 119 et sqq.; *Sismondi* Rep. Ital. &c. vol. i.; and *Luden's* amplifications, vol. vii. pp. 468 et seq.

## CHAPTER II.

### CONRAD II. EMPEROR. IMPERIAL SUPREMACY IN ITALY.

Character of papal history—Anarchical state of Italy—Disposition of the Italians towards the German invaders—Mutual hatred and distrust of Germans and Italians—Italians and Germans—Germany, how affected by the Italian connection—Period A.D. 1024-1046—Election of Conrad II.—Insurrection of the Pavians—Invasion and coronation of Conrad II.—Conrad II. in the south of Italy—grants ecclesiastical precedence to the archbishop of Milan—Imperio-pontifical synod—Annexation of Lodi to Milan—Ravenna—Cupidity and tyranny of Heribert of Milan—The feudal compact—Original character and quality of the “Feudum”—it assumes the hereditary character—State of the Vavasors, or rear-vassals of Lombardy—Insurrection of the Vavasors of the see of Milan—Interference of the Emperor Conrad II.—Feudal parties and pretensions in Italy—Diet of Pavia—So-called Salic law of Conrad II.—Object of the statute—Rigorous administration of justice—Germanic customs as applied to the secular offences of the clergy—contrasted with the canon law—Carolingian law for the trial of a bishop—Archbishop Heribert escapes from custody—Insurrection—Italian campaign of Conrad II., 1038—Pestilence—Retreat and death of Conrad II.—Henry III. and Heribert of Milan—Faction in Italy—Subsidence—Death of Heribert—Henry III. imposes an archbishop on the Milanese.

THE political history of the papacy is essentially digressive; it branches out over so many and such various fields of inquiry, that we hardly know how much of any of them is absolutely required for the proper illustration of the principal subject. Not only the general political condition of the countries and nations with which Rome had to deal, but the particular colours and shades of popular opinion and passion have to be considered, with a view, if possible, to get at the hidden springs of the spell which for so many ages bound the nations and kindreds of Europe to her chariot-wheels. Purely religious prepossession, powerful and enduring as the world's history shows it to be, will not of itself account for the progress and enduring vitality of

Character  
of papal  
history.

the papal scheme.<sup>a</sup> We must look, therefore, for the solution of the great problem in the intimate interlacing of interests, opinions, passions, and ever-changing aspects of the European world, with those of the dominant priesthood and its chief; a process which of necessity involves many fugitive glances at matters often lying apparently far away from the proper subject of the narrative.

The topic, however, which lies immediately before us Anarchical state of Italy. comes nearer home than others it may be hereafter necessary to advert to. The relations between the foreign intruders and the native population introduced by the Germanic interposition in the affairs of Italy cannot escape attention; because, if we are not greatly in error, it will be found that the very being of the papacy became in a great degree dependent upon the whole movement of political life which arose out of that interference. The most fugitive retrospect of Italian affairs suffices to point out the cause of the frequency of foreign inroads upon the independence of the Italian polity. The prelates and barons had eagerly followed the example of Rome in the acquisition of lands, territories, jurisdictions, and royalties. The secular lords had in no respect lagged behind their spiritual peers in the race of ambition; both classes had eagerly grasped at whatever portions of the royal domain and prerogative might come within their reach; and to both a foreign master

<sup>a</sup> Most of the ethnic religions exhibit a fixity of outward form, which proves, we think, that they were, for the most part, less affected by political revolutions than the great Christian body. The history of Hindûism, or Buddhism, or Mohammedanism, flows much more smoothly in one broad channel than that of Christianity. The connection between the social or political and the religious life among the European nations was always of a character to admit of a greater latitude of adaptation, and of course of change, than is observable in the Asiatic religions. So it was among the Greeks and Romans, probably also among the Germans and the Celts. Political revolutions, changes of dynasty, military ascendancy, contact with different forms

of religious opinion, often brought about gradual changes, which in the East could be effected only by fire and sword, or by the overwhelming torrent of popular migration; so that when the transplanted creed had once taken root in the conquered soil, it continued unchanged until another of those rarely occurring floods and hurricanes should again tear it up by the roots. Hence it is, we think, that the history of European religion brings us far more frequently and familiarly into contact with the changes and revolutions of the times, and calls for a more vigilant observation of the reciprocal action of the political condition and of the religious polity of the peoples we have to deal with.

whose interest it should be to obtain their support at any price, without being near enough to check their encroachments, was equally desirable. For their own special purposes, and at the sole solicitation of the popes of Rome, Peppin and Charlemagne had been lured into Italy; while, again, the invasion of Otho the Great is ascribable to the joint invitation of the pontiffs of Rome, the prelates, and the lords of Lombardy. The motive was in all these cases essentially anti-patriotic. In the minds of the Italian dynasts selfishness or pusillanimity had supplanted all regard for the general interests. Encouraged by the success of this dishonest policy, and under the dangerous impression that the sturdy barbarians of the north might be persuaded to set no higher value upon the crowns they had to bestow than they themselves were inclined to attach to them, they flashed the glittering baubles in the eyes of the kings and princes as occasion suggested, believing that when they had answered the purpose of the moment they might without more trouble be laid by for future service. Such accurately had been the use which hitherto the pontiffs of Rome had made of the imperial diadem, and such also were the intents with which the lords and prelates of Lombardy had disposed of the crown of Italy.

These delusive views, however, were in the end productive of numberless and long-enduring calamities both to the Italians and their invaders. The ideas of the latter as to their own interest in the affairs of that country ran in a very different channel. From Charlemagne downwards the Frankish and Germanic princes believed in an empire hallowed by the highest sanctions of religion and antiquity, and subject only to the same immutable laws to which it was indebted for its own origin. In this spirit Charlemagne and Louis, Arnulph and Otho the Great, entered upon the possession, and maintained it by the military means at their command; relaxing their hold only as those means failed, yet with as little thought of abandoning the right as of relinquishing any other essential prerogative of imperial sovereignty. In that

Disposition  
of the Italians  
towards the  
German  
invaders.

spirit they had found it necessary to support their pretensions by the most powerful armaments at their command. The numbers of the rude soldiery which poured across the Alps in their retinues, the burdens thrown upon the country for their maintenance, and the excesses incident to such quarterings, inflamed the aversion which difference of national character and habits always bring with them. The provision of stores for a campaign, which, by the terms of feudal service, each vassal was bound to bring with them into the field, was soon expended; the expedition always lasted longer than was anticipated, and plunder was resorted to, to supply those necessaries which they had neither the money to pay for, nor the credit to procure without payment. No nation in Europe was less fitted to endure privation and hunger than the Germans; nor perhaps any people less disposed to part with what they possessed than the Italians. Then, again, the amount of purveyances to the sovereign and his retinue settled by law or custom was wholly insufficient for the maintenance of man and beast, and no alternative remained but to take by force the supplies required for the nourishment and health of the troops. In an age unacquainted with those systematic requisitions whereby in modern times the miseries of war are so materially alleviated, more is always taken than is required; and thus a field of alternate rapine and waste is laid open which brings with it a tenfold aggravation of the evils complained of. Hence resistance and riot on the one part, plunder and violence on the other; deadly hatred on both; and thus it frequently happened that the Italian faction, which had evoked the German from his forests to serve its own momentary purpose, hastened to compound with all domestic opponents for no other object than to get rid of its detested patrons.

The German soldiery were quick enough in perceiving, and ready enough in requiting, these sentiments of disgust and dislike. Repeated acts of treachery had warned them to put no confidence in the appearances of submission with which the Italians had so often cloaked their deadliest assaults.

Mutual  
hatred and  
distrust.

While at Rome, Otho the Great reposed so little trust in these outward signs of loyalty, that he enjoined his body-guard to remain close to his person even when he visited the holy places.<sup>b</sup> Contempt and insolence on the part of their foreign visitors were resented by treachery and conspiracy—by sudden explosions of popular passion—unexpected insurrections—capricious combinations of factions and parties—unaccountable quarrels and reconciliations without apparent motive or object. But for all the injuries the Italians had to endure there was an ever-ready avenger at hand. Their climate accomplished for them that retribution which they wanted energy or courage to take for themselves. There is no instance on record among the numerous expeditions of Franks and Germans into Italy in which the northern armies did not suffer—in some cases almost to extermination—from the maladies incident to the relaxing atmosphere of the south. It is beyond doubt that the Saxon emperors sacrificed their lives, and hastened the extinction of their race, by exposing themselves to the blighting effects of the Italian sun.

Even under the most favourable circumstances, a cordial alliance between two nations differing so <sup>Italians and</sup> widely in manners and habits, as well as in <sup>Germans.</sup> thought and sentiment, was hardly to be expected. And such, indeed, was the settled opinion of discerning persons even in those times: “Neither the climate nor the people,” says the historian Ditmar, “suit our countrymen. Both in Rome and Lombardy treason is always at work. Strangers who visit Italy expect no hospitality: every thing they require must be paid for on the instant; and even then they must submit to be overreached and cheated, and not unfrequently to be poisoned after all.”<sup>c</sup> The ever-wakeful suspicion, which this state of occult warfare nourished in the breasts of the Germans, induced the emperors to take up their quarters, and to build their palaces, for the most part outside the walled towns. It was, besides, expedient to avoid quartering their soldiery

<sup>b</sup> *Thietm. Chron. lib. iv. c. 22, ubi*

<sup>c</sup> *Ib. lib. vii. c. 3, ubi sup. p. 837.*

sup. p. 777.

upon the inhabitants, and to provide against surprise while scattered in detached houses and buildings. The neglect of this precaution had, it will be remembered, nearly led to the destruction of the emperor Henry and his attendants. In general, the invaders felt themselves in possession of no spot on the surface of the land but that upon which they stood, or where their garrisons were posted. When king or emperor turned his back, and the Italians felt themselves relieved from the temporary pressure, all their professions of loyalty melted away, and they returned with unabated zest to the enjoyment of that anarchical liberty which shut out the idea of national union, and prepared them for a repetition of all those calamities they professed most to dread. Still, a people so disposed is not easily subdued. Italy then, as now, could only be kept in a state of subjection by the judicious distribution of garrisons in many commanding stations; a measure which the conditions of feudal service, and, indeed, the whole civil and military institutions of that age, rendered almost impracticable.

But from this state of things the Germans suffered hardly less inconvenience than the Italians.

Germany;  
how affected  
by the Italian  
connection.

Irrespective of the vast expenses incurred by the expeditionary armies, without any return of profit, or even of military glory, and the still more serious loss of life which attended them, the absence of the sovereign from his native realms always brought with it a host of disorders and complications at home, which years of patient toil could hardly vanquish. Such opportunities as those which relief from the pressure of the central power afforded to the ever-turbulent and ambitious constituency of Germany were never neglected; and when the sovereign again set foot upon German ground, rebellion and disorder glared upon him from every quarter; and all his energies were taxed to compound the incessant jealousies and private quarrels of his riotous lieges. With all this, no prepossession was more firmly rooted in the mind of the nation and its rulers than that they were the imperial people; and that to them belonged of right the whole inheritance of Charle-

magne, his crown and dignity. It may be indeed stated almost as a matter of historical fact that this conception of their sovereign prerogative was never in abeyance in the heart of the German constituency. The emperors of the house of Saxony cherished this pretension with peculiar tenacity and affection. Otho the Great entertained larger views than his two successors; but the latter sacrificed every consideration of domestic policy to their infatuated delight in the Italian connection, and gratified that predilection not only at the expense of their own family estates, but also at that of the national domains they were, from time to time, permitted to alienate. The younger Otho is believed to have entertained the project of taking up his residence in Rome, and making it the capital of the empire; a scheme which, if life had been afforded him for the experiment, could only have ended in the loss of both realms and his own ruin.<sup>d</sup>

The period of papal history which lies immediately before us embraces the interval of time between the election of the emperor Conrad II. (the Salic) and the first appearance upon the stage of that extraordinary man whose career raised the papal pretensions to a loftier eminence than they had ever yet aspired to, and laid the foundation of a religious despotism partaking of an Asiatic rather than a European character, yet so skilfully adapted to the wants, the prejudices, the tempers of the unlettered and trusting nations of the North, as to resist for nearly five centuries the moderating powers of advancing civilisation and knowledge. Taking the actual connection of the empire and the papacy for our theme, we confine our attention in this chapter to the period of time limited by the coronation of Conrad II. in the year 1024, and the great council for the reformation of the Latin church held at Sutri and Rome by his son and successor Henry III. in the year 1046.

Period  
A.D. 1024—  
1046.

<sup>d</sup> With the German annalists by our side, we have, in the foregoing remarks on the relations subsisting between the emperors and their Italian subjects, in

a great measure adopted the stern yet homely views of the excellent German historian *Ignatius Schmidt* (*Gesch. d. Deutsch. B. ii. pp. 158-163*).

On the 8th of September, following the death of Henry II., the princes and barons of Germany elected Conrad Duke of Franconia to fill the vacant throne; and on the same day the new king and emperor elect was anointed and enthroned by the archbishop primate of Maintz.<sup>c</sup> Conrad was detained at home for more than a twelvemonth by the hostile movements of the disappointed party among the great vassals of the crown. In Italy his interests were supported by the powerful Archbishop Heribert of Milan. This great prelate had been indebted for his elevation to the favour of Henry II., and still felt his dependence upon foreign aid to maintain him against the preponderant disaffection of the princes and prelates of Lombardy. So great was the dread of the Germanic yoke at this point of time, that no sooner had the death of Henry II. become known to the citizens of Pavia than they flew to arms, and stormed and demolished the fortified palace he had reared within their walls. These pernicious rebellions upon a small scale served only to bring down upon the Italians the punishment which ever attends, and ought to attend, bad management in national struggles, even for the most justifiable ends. Under no circumstance can self-seeking ambition, or partial and passionate explosions, become good substitutes for patriotism; and the best cause is frequently degraded to the level of the worst by the corrupt or intemperate motives which actuate its supporters. The miserable demonstration of the Pavians hastened the preparations of Conrad for the reconquest of Lombardy. In the spring of the year 1026 he crossed the Alps with an army to which there was no reasonable prospect of resistance, and was crowned king of Italy at Milan by his political ally, Archbishop Heribert. The rebellious Pavians hastened to propitiate the wrath of the offended monarch, and purchased pardon for the outrage they had committed, by rebuilding, at their own expense, the demolished fortress, and maintaining an imperial garrison within their

Election of  
Conrad II.  
A.D. 1024.

Insurrection  
of the  
Pavians.

Invasion and  
coronation of  
Conrad II.  
A.D. 1026.

<sup>c</sup> Wippo, Vit. Conr. II. c. 4.

walls. Tranquillity was thus for the present restored; the rear of the army was sufficiently secured; and Conrad hastened forward to Rome, where, on Easter-day of the year 1027, he was crowned emperor by Pope John XIX.<sup>f</sup>

The festivities upon the occasion of the coronation were interrupted by one of those bloody broils in the streets of Rome, between the German soldiery and the populace, which seem by this time to have become the stereotyped expression of the international animosity. A similar scene had occurred at Ravenna during the advance of Conrad; but in both cases the valour and discipline of the invaders prevailed over the irregular impetuosity of the assailants; and order was enforced at the point of the sword. Still the position of Conrad in Rome was not free from danger. The princes of Ivrea and Susa, of Este and Tuscany, who had opposed his election, were still in strength to interrupt his communications with his friends in Lombardy. As long, however, as no accident occurred to affect his actual military ascendancy, Conrad resolved not to leave his work in the South unfinished. Prince Pandulph of Capua, whom Henry II. had deposed, had, with the assistance of Guimar of Salerno, recovered possession of his forfeited principality. The emperor marched against the rebel prince, and the equally offending Duke of Beneventum. Both were speedily reduced to submission, and the vagrant Normans—by this time reinforced by fresh troops of adventurers from the North—were firmly settled in their new possessions as a dependent military colony, charged with the defence of the Calabrian and Apulian frontier against the Greeks and Saracens of the South. Rainulph, the captain of the band, soon afterwards selected the town of Aversa, between Naples and Capua, for the capital of his government; and here he laid the foundation of a power destined in a future age to exercise a predominant influence in the affairs of the papacy and of Italy.<sup>g</sup>

<sup>f</sup> *Wippo*, Vit. Con. II. c. 13, 14; ap. *Pistorium*, Is. Rr. Germ. iii. pp. 469-473. *Arnulph*. Mediol. lib. ii. c. 1-3, ap. *Murat*, iv. pp. 14, 15. Conf. *Stenzel*,

Gesch. d. Fränk. Kaiser. i. pp. 24-28.

<sup>g</sup> *Ibid.* ubi sup. p. 473. *Gulielm.* Apulus, lib. i. p. 255.

The government of the Saxon emperors, and their successors, Henry and Conrad, at Rome, responded closely enough with that they were accustomed to exercise at home. In matters appertaining to external order,—for example, the appointment of bishops and the settlement of rank and precedence in the hierarchy,—they appear to have freely introduced such regulations as accorded best with their own views and interests. Hand in hand with the pontiffs, they convoked and presided at ecclesiastical synods assembled for the purpose rather of registering than discussing their own decrees. After settling affairs in the South, Conrad requited the services of his friend Heribert of Milan, by assigning to him ecclesiastical precedence among the metropolitans of Italy. Hitherto the patriarch of Ravenna had aspired to—and immemorial custom had, it seems, conceded to him—the first rank among the bishops of Italy; and that rank he had boldly challenged at the coronation of Conrad himself. On that occasion, we are told, Heribert, though claiming precedence in right of the see of St. Ambrose, had drawn back to avoid any unseemly altercation upon so solemn an occasion. But after the close of the campaign in Calabria, Conrad took the controversy into his own hands, and in a numerous assembly of German and Italian prelates, and with the assent of the pope, he adjudged the privilege of precedence to the archbishop of Milan; “for,” said the emperor, “inasmuch as it is the undoubted privilege of the chair of Peter to consecrate the emperor of the Romans, so also is it the unquestionable right of the see of St. Ambrose to crown and anoint the king of Italy; therefore, it being the duty of that prelate to present the crowned king of Italy to the vicar of St. Peter, to be by him exalted to the imperial dignity, it is manifest that the first place is due to the bishop intrusted with so lofty a prerogative.”<sup>h</sup>

The synod at which this matter was transacted presents some peculiarities which cannot escape observation. The meeting consisted of forty-

<sup>h</sup> *Arnulph. Mediol. lib. ii. c. 3-5; ap. Murat. iv. p. 15.*

eight archbishops and bishops, and eighteen abbots and priors from Italy, France, and Germany. The affairs with which it dealt were exclusively ecclesiastical; *e. g.* a schism in the ancient church of Aqueleia, determined in favour of the reigning patriarch; and the transfer of the bishopric of Zeitz, in Saxony, to the town of Naumburg. But it is to be observed that all petitions and applications were addressed jointly to the emperor and the pope, and all adjudications were published in their joint names.<sup>i</sup>

Such a participation by the secular power in the enactment of ecclesiastical laws, or the regulation of ecclesiastical discipline, was repugnant to the spirit—and almost to the letter—of the decretal scheme.<sup>j</sup>

An emperor and a pope enthroned side by side, presiding together over a spiritual body, taking at least an equal share in the proceedings, jointly entertaining suits and petitions addressed to both, and jointly adjudicating upon purely ecclesiastical questions, would have been an anomaly in the ninth, and a sacrilege in the eleventh, century. Yet it should be remembered that throughout this whole period the papacy was in a state of transition from the lowest depth of disgrace and degradation; that, like convalescent fever-patients, the pontiffs were as yet unable to walk without support; and that the state of the outer world as yet held out little encouragement for those experimental trips of prerogative by which the temper of the weapons, and the good practice of the church-militant, might be proved. But the papal armoury was well furnished, and the anomalous protection under which Rome was still condemned to labour was not allowed to pass away without profit.

In the demeanour of the emperor Conrad we observe indeed no disposition to set bounds to his liberty of dealing with the ecclesiastical bodies but such as might square with the interests of his government. In administering to the unlimited an-

Annexation  
of Lodi to  
Milan.

<sup>i</sup> See *Concil.* ed. *Colet.* Supplem. tom. i. pp. 1247-1250. And see other particulars, *ap. Petri de Rubeis.* Antiq. Eccles. Aquileiens. tom. i. p. 553

<sup>j</sup> Conf. Book VI. c. viii. of this work *passim*; but particularly pp. 222 et sqq.

bition of his temporary ally Heribert of Milan, Conrad had taken upon himself to annex the see of Lodi to the primacy, and with it the temporal principality of that important city. The citizens and clergy resented this invasion of their rights, and resolutely refused to sink to the condition of vassalage under their ancient neighbour and rival. After the death of the incumbent bishop in the year 1026, Heribert proceeded to nominate a successor. The citizens of Lodi barred out the pretender, and Heribert laid siege to the refractory city. How long they might have defended their walls, may be uncertain; but the citizens could not make up their minds to witness the scene of plunder and devastation to which, under the ruthless orders of the episcopal marauder, their rich and fertile territory was exposed. They therefore consented to redeem houses and lands from total ruin by accepting the new bishop Ambrosius, but with the rankling determination to seize the first favourable chance of retrieving their independence.<sup>k</sup>

While the citizens of Lodi were asserting their liberties with so little success, the archbishop of Ravenna; cupidity and tyranny of Heribert. Ravenna was hardly less active in vindicating the honour of his see. Exasperated by the imperial decision, which divested them of the proud rank which their city and church had enjoyed from the time when Ravenna was the seat of empire, the citizens flew to arms, and fell upon the Milanese with a fury hitherto unexampled in the party warfare of the Italians. But their antagonists met them with coolness and courage, and drove them from the field with the loss of camp and equipage. The return of Conrad from the south put an end to these disgraceful feuds, and restored peace at the expense of that balance of power among the feudatories of Lombardy, which might have saved much future trouble to his government. But the posture of affairs in the south had left the emperor almost at the mercy of the archbishop of Milan for the maintenance of his communications with Germany, and the means of retreat in case of a reverse. These services had been repaid with a

<sup>k</sup> *Arnulph. Mediol. ubi sup. p. 16.*

liberality which served rather to stimulate than to satiate his cupidity, and to engender bitter jealousies among his rivals for the imperial favour. For the moment, the influence of Heribert in Lombardy overbore all adverse interests; in act and demeanour he set himself up as the arbiter of Italian affairs, and acted in all respects as sovereign of the territories and dependencies of his church. "His behaviour," says the otherwise friendly annalist Arnulph, "was marked by intolerable arrogance; and in that spirit he took no heed of aught but his own headstrong will, despising the rights of all the world besides."<sup>1</sup>

The eleventh century may be regarded as the period at which the feudal polity arrived at maturity. That scheme of social organisation had originated in convenience, and was fashioned by growing and often fluctuating usage. Under Charlemagne and his successors it had been the subject of occasional legislation, embracing rather its incidents than its principle. As to that principle, the only point that may be considered as firmly settled, was, that the fief was a conditional tenure, and that the right of the holder depended upon the render of military service to the lord of the soil; but the nature and duration of the right, as well as of the duty, had been hitherto left to the determination of local or fluctuating usage. No time can be assigned as that at which fiefs became hereditary in the families of the holder. The right and the power to hold on were probably for some ages identical. The practice of granting out land in conditional tenure was the offspring of necessity, in times when the land was the only fund by which services could be purchased, armies could be paid, and public officers could be remunerated. The land was, in those ages, in many respects treated as a substitute for capital or transferable wealth. But as the value of land consists more in its permanent than its exchangeable character, possession necessarily tended towards the acquisition of the right to transmit and to dis-

<sup>1</sup> *Arnulph. Mediol. ubi sup. p. 16.*

pose of it. Against such a tendency the power of the original grantor could not struggle with success. The consideration paid by the sovereign to his chief-tenant, for his own purposes, was in like manner dealt out by the latter, to enable him to purchase the means of performing his part of the contract. The nature and value of the consideration was the same in both cases; and in both the tenants strove *pari passu* to convert possession into property.

Thus the aboriginal "beneficium" grew into the "feudum" or proper fief—that is, a customary tenure of inheritance, reverting to the lord of the soil only upon failure of heirs, nonperformance of the stipulated service, or breach of fealty. For ages after the birth of feudalism, the succession to the fief had depended mainly upon the personal capacity of the tenant to perform the required service. The strongest hand and the stoutest heart in a family carried off the prize against the unsupported claims of descent; or a stranger often stepped in, where the heir was found to be incompetent by reason of infancy or infirmity to do the active duty of the tenure. The very nature of the duty lay in action, and the idea of the right followed naturally that of the duty; that is, the right to have and to hold lay in the power to do and to act; and no substitute had as yet been hit upon for those simply personal qualifications which formed the original consideration of the grant. But before the expiration of the eleventh century the difficulties arising out of this embarrassing state of things had for the most part given way to the general interest of families and of society. The fixity or certainty of possession is one of the most marked results, as it is one of the strongest proofs, of an advance in civilisation; and in the age of Conrad II., surnamed the Salic, the tenure of land, as distinguished from that of office or franchise,<sup>m</sup> had almost universally assumed the here-

<sup>m</sup> It should be remembered, however, that in the growth of feudalism, almost every kind of public office, or duty, had become the subject of feoffment. Offices and honours, though mere matters of state and ceremony,—any public func-

tion which carried with it weight, influence, or emolument of any kind,—were granted out like land; and, in the case of the great offices of state, had frequently been allowed to become hereditary in the family of the holder.

ditary character. Still the terms of the tenure were involved in serious obscurity; they had been allowed to rest upon uncertain custom, and the duties required were still, for the most part, undefined by positive ordinance. At the outset of his reign Conrad II. had taken measures to determine by law the exact amount of service to be rendered by tenants *in capite*, and all under-tenants or vavasors for their respective lands, principally with a view to protect the latter class against the extortionate demands of their superiors; and thereby to secure a more regular and willing attendance to the military service, with a special regard to his expeditions into Italy. The new regulations deprived the lord of the fee of the strongest motive to eject or to harass his under-tenant. More was not now to be gained by ejecting him than by continuing him in possession; and the transition from a precarious to a certain and permanent interest in the vavasor was quietly accomplished.

It assumes the hereditary character.

In Italy the same struggle, attended with the same uncertainty as to the issue, had been long in progress. The archbishop of Milan, in the too eager pursuit of wealth and territorial aggrandisement, had wholly disregarded the customary privileges of the tenantry of his church, probably by the resumption of former grants and the imposition of unaccustomed and burthensome services upon the lands, as well of the chief tenants of the see as of their rear-vassals. The latter, however, formed a numerous and important class among the urban residents of the episcopal cities of Italy. They were regarded as a species of civic noblesse, supposed to be in attendance upon the ecclesiastical suzeraine, and enjoying rank and privilege in his court and councils.<sup>n</sup>

State of the vavasors or rear-vassals of Lombardy.

In reliance upon the imperial countenance, Heribert had ventured upon innovations and encroachments upon

<sup>n</sup> This class consisted of the greater and minor vassals of the see; all, in short, who were raised from among the free citizens into the rank of vassals or rear-vassals, by becoming possessed of

fiefs either in chief or as sub-tenants. The first class was frequently designated by the title of "capitani." See *Ducange*, Gloss. voc. "Capitani," p. 256.

Insurrection  
of the vava-  
sors of the  
see of  
Milan.
 
 the privileges of their tenures, which excited  
vehement discontent; and, after the departure  
of Conrad, led to open insurrection. The arch-  
bishop, however, was prepared for the outbreak;  
the citizens in general were quiescent, and the nobility  
suffered severe defeats in the street-fights which en-  
sued. Retiring in a body from the city, they took  
refuge in their rural domains and castles, and threw  
themselves into the arms of the citizens of Lodi, who  
were vigilantly watching their opportunity to revenge  
upon the archbishop the disgrace they had so lately  
been compelled to submit to. The malcontents were  
speedily reinforced by many of their own class, who,  
like themselves, had suffered under prelatical tyranny,  
and soon found themselves in a position to attempt the  
vindication of their rights and their restoration to their  
homes by force of arms. Mindful of ancient rivalry,  
and in resentment of the rebellion of the Lodese, the  
citizens of Milan now flew to the aid of their archbishop,  
and encountered the advancing enemy at a spot between  
the two cities, since known as the "Campo Malo." After  
a sanguinary engagement, in which the loss on both sides  
was pretty equal, Heribert, disconcerted by the death  
of his suffragan the bishop of Asti in the thickest of  
the fight, withdrew his troops. Wearied with mutual  
slaughter, both parties abandoned the bloody field, still  
nourishing in their hearts feelings of resentment which  
left no room for concession or compromise on either side.<sup>o</sup>

Interference  
of the  
Emperor  
Conrad II.  
A.D. 1037.
 
 Day by day the spirit of resistance to the extra-  
vagant pretensions and tyranny of the bishops  
gathered strength throughout the length and  
breadth of Lombardy. It was reported to the  
emperor that the vassals and rear-vassals, in  
conjunction with the rural population, had come to the  
resolution, that unless the emperor should very shortly  
appear among them and enact proper laws for their pro-  
tection, they were determined to make laws for themselves.  
The state of the alliance with Heribert and the prelates  
of his party was not at the moment very promising.

<sup>o</sup> *Arnulph. Mediol. lib. ii. c. 2; Murat. ubi sup. p. 17.*

Conrad, not best pleased with the intimation, sent word with Germanic bluntness, that "if the Italians were so enamoured of law, they should not have long to wait for a bellyful."<sup>p</sup> Later intelligence imparted a more important aspect to the complaints of the malcontents; and in the year 1037 the emperor appeared in Lombardy, well disposed to inquire into the real merits of the disputes between the archbishop of Milan and his insurgent subjects.

In explanation of the results of this memorable visit of Conrad II. to his Italian dominions, it should be remembered that the irregular and lawless habits of the age extended over all classes who had any thing to lose or to gain. Princes, bishops, and tenants-in-chief of the crown, were all equally averse from any law that should relieve their rear-vassals from that uncertainty of tenure which left open a door for so much abuse and oppression. The rear-vassals, on the other hand, looked with jealousy to any regulation which might define too minutely their claims upon the free tenantry and occupants of their estates, or which might exclude them from any share in the municipal government of the cities where they resided, they might be inclined to demand. The free citizens, again, were fully aware of the little regard for their privileges to be expected from the civic noblesse unless they were armed with the means of checking their lawless encroachments. The sense of insecurity, arising out of aristocratic pretension, drew the commonalty closer to their bishops; nor were the latter insensible to the importance of their attachment to support them under the resentments which their own infractions of the rights of their vassals so often provoked. The civic population, therefore,—probably to some extent likewise the free rural proprietors—were led to identify their liberties and their honour with those of their bishops.<sup>q</sup> The latter was thus enabled to command the services of the city

<sup>p</sup> *Wippo*, Vit. Conr. II. c. 35, ap. *Pistor*. iii. p. 480.

<sup>q</sup> Hence the zealous services afforded to the bishops by the citizens of Milan,

Lodi, and Ravenna, in the wars these cities undertook in support of their respective prelates.

militia to uphold their authority; while, on their part, the nobles looked anxiously to the crown to protect them in the enjoyment of their equally ill-defined and abusive immunities.

The task of reconciling pretensions so adverse, and for the most part so unjust in themselves, was <sup>Diet of Pavia.</sup> beyond the reach of the legislative ingenuity of the age. In the main, however, it was agreed that some legal provision—though no one knew precisely what—was necessary to afford a chance of relief from the intolerable evils which fretted the spirits of the community, and produced a desire for any palliative that might vary, if it might not relieve, the monotony of discontent or suffering. The approach of the Emperor Conrad was preceded by a rumour that it was his intention to interfere between Heribert and his insurgent subjects; that he was well inclined to entertain the complaints of the aggrieved nobles; and that he had it in contemplation to rescind the annexation of the bishopric of Lodi to the see of Milan. These rumours, which were probably not far from the truth, gave the archbishop reason to fear that his influence at the imperial court was on the decline, and that Conrad was about to act under the impression that the present juncture might be made use of so as to dispense with his services, and put a check upon his ambition. Heribert, however, dissembled his suspicions, and received the emperor at Milan with all imaginable magnificence. But on the following days symptoms of popular agitation were allowed to appear. A tumultuous concourse of the citizens besieged the palace-gates, and vociferously demanded to be informed “whether the emperor approved or condemned the late conspiracy of the rear-vassals against the rights of their archbishop?” Without vouchsafing a reply to this insolent demand, Conrad—mindful, perhaps, of the catastrophe of Pavia on a like occasion—withdrew from the city, and issued a peremptory summons to the estates of Lombardy to meet him in general diet at Pavia. On the appointed day the archbishop, with the bishops of Vercelli, Cremona, Piacenza, and others, surrounded by their military retinues, appeared

in formidable numbers. On the other part came the malcontent nobility in force, loudly demanding justice against their tyrants. The list of complaints on both sides grew apace; numberless and grave, indeed, were the crimes to be punished, the injuries to be redressed, the grievances to be inquired into; yet no one could lay his finger upon any certain rule of law, any well-defined and recognised custom, upon which the imperial adjudication could proceed. In this dilemma Conrad became the legislator for the occasion, and took upon himself confidently to declare the law applicable to the position in which the several parties stood to each other and to the crown, and by which he announced that he would himself be strictly guided in his decision of all matters affecting the present and the future relations of lords and vassals.

The ordinance was published in the form of a declaratory rather than of an original statute. The principles it adopted were already in operation <sup>So-called</sup> "Salic" law of <sup>Conrad II.</sup> in the Germanic portion of the empire, and were in tolerable conformity, as far as any positive law could be so, with the general customs of France and Italy. The *first* article provided "that all tenants *in capite*, whether ecclesiastical or lay,—to wit, archbishops, bishops, abbots, dukes, markgraves, and barons, together with their rear-vassals of every grade,—that is, all persons holding imperial or ecclesiastical fief or grant, should freely have, hold, and enjoy the same until therefrom evicted by lawful judgment of their peers." This he declared to be law, and to be in conformity with the constitutional practice recognised by his predecessors in the kingdom. The *second* article provided that if any vassal, vavator, or proprietor should be adjudged by *the jury of his peers* to lose his fief, he should be at liberty to appeal to the emperor in person upon giving six weeks' notice of his intention to his opponent. In the *last* place, he directed that for the future the father's estate should descend to his sons; and failing sons, to the lineal descendants, direct or collateral, of the original grantee.

The principal intent of this enactment was to provide a remedy against arbitrary resumptions of grants and estates of long standing, and those vexatious interruptions of ancient possession which have always proved so fatal to the peace of the world. The interposition of a jury of peers was simply pointed out as the traditionary and constitutional mode of dealing with disputes concerning estate in land. The right of appeal from the peers to the emperor was intended, on the one hand, to uphold the supreme jurisdiction of the lord paramount, and on the other, to correct any injustice or illegality on the part of the ordinary tribunal. The third article, however, was in many respects the most important. Though that ordinance was probably in conformity with the prevailing usage as to inheritance in land, yet the practical irregularities incident to the disturbed state of society required the sustaining hand of positive law. It was, therefore, in general terms laid down as law, that the fief or estate should descend to the heirs male of the last lawful tenant. Who these heirs were, was left to be determined by the custom of the country, though the sons of the deceased holder were, in most parts of Europe, entitled to succeed their parent, and singly or jointly to perform the duties of the fief. The superior lord in this way secured a supply of able-bodied men to serve him in his wars, and at the same time provided against those discontinuances of the service which might arise out of disputes among the persons who were to perform it.<sup>r</sup>

After the promulgation of this important statute, ostensibly to the satisfaction of the diet, the emperor ad-

<sup>r</sup> We have met with no precise information as to why the title of "The Salic" should have been attached to the name of the Emperor Conrad II. It is true his Italian ordinance followed strictly that of the Salic land, "Terra Salica," of Germany and France; namely, that the land should descend to the male heirs of the person last seized, *to the absolute exclusion of females*; a rule so indispensable to the due performance of feudal service that it was no doubt the prevailing law in all

countries where that system subsisted. The Anglican rule, derived from the Saxon, differs from the Salic law by restricting the heirship to the eldest lineal male descendant, and his issue; failing males, then to females, and so on in the direct line till exhausted; then failing all issue, male or female, in the direct line, to brothers and their issue by the same rule of transmission. As to the "Salica terra," conf. *Ducange*, sub voc. "Lex."

dressed himself to the critical duty of punishing the crimes, and adjudicating upon the complaints submitted to him. The principal offender called to the imperial bar was Archbishop Heribert himself. At the suit of the vavasors of his church he was arraigned of many acts of oppression and violence, more especially in the cause of one Hugo, who now appeared as the prosecutor in the cause. After such proof as was considered in the first instance sufficient, Heribert was commanded by the emperor to repair the injury done, and do justice to the complainant. The prelate indignantly declined to make answer to the charge, and demanded delay. The emperor ordered him into arrest, and, to the dismay of all the Italians present, the command was immediately carried into execution by the rude hands of the German body-guard. The archbishop was then given into the custody of the patriarch of Aquileia and the duke of Carinthia, and conveyed to Piacenza. On the same day the bishop of that city, with those of Vercelli and Cremona, were committed to prison for offences of the like nature. But by this bold stroke of imperial policy the diet was broken up as if by the shock of an earthquake. Consternation spread throughout the cities of Lombardy; the free burgesses regarded the imprisonment of their bishops as a blow aimed at the privileges they had enjoyed under prelatial government; general indignation and desire for revenge upon their Germanic tyrant put an end for the moment to subsisting feuds and rivalries, and united all in one common resolution to shake off the yoke of the foreigner and to liberate their incarcerated pastors.<sup>s</sup>

The panegyrist of the Emperor Conrad himself does not venture fully to justify this rigorous proceeding. Admitting that after a valid canonical sentence a bishop might forfeit his personal immunities and honours, yet he intimates that before such proceeding he could not be treated with too profound a rever-

Rigorous administration of justice.

Germanic law as applied to the secular offences of the clergy.

<sup>s</sup> *Wippo*, Vit. Conr. II. c. 36, 37, pp. 105-108. *Arnulph*. Mediol. lib. ii. c. 12-14; *Murat*. iv. pp. 17, 18; *Landulph*. Sen. Mediol. Hist. lib. ii. c. 20-22; *ibid*.

iv. p. 83. Conf. *Sismondi*, Rep. Ital. &c. i. pp. 115, 116; *Luden*, Gesch. d. Deutsch. viii. pp. 114, 115.

ence and forbearance. In the prosecution of the Lombard prelates the emperor had proceeded under a purely political view of their several cases. High crimes and misdemeanours of a wholly secular character had been proved against them before their lawful judge. He had treated Heribert, not as archbishop of Milan, but as a vassal declining the jurisdiction of his liege lord. It was very generally held by the lay estate that a trial before the *emperor in person* superseded all other judicature; the German Cæsars had never yet admitted any difference in this respect between their lay and their ecclesiastical subjects; and Conrad presiding at a general diet of the kingdom could imagine no higher court, nor take notice of any immunity that could arrest the course of criminal justice in a case which in its nature fell within the sphere of secular cognizance. But at this point the canon law, as understood in that age, stepped in to take the ecclesiastical offender out of the purview of state law, and to impart the privilege of a trial by his spiritual peers before he could be convicted of crime, or be made amenable to punishment of any kind. Though in the case of ordinary criminals the imperial presence might supersede the trial by the peers of the accused, it was the general impression that no lay tribunal was competent to condemn or punish a bishop. Accusers, tryers, judges, must be of his own order; the punishment could be no other than that awarded by his own law, and might be passed by no other tribunal than one composed of his spiritual peers.<sup>†</sup> The clergy, in fact, laid claim to a separate nationality; the decretal immunities of the bishop raised him above all temporal jurisdiction, and he

<sup>†</sup> In the earlier part of the middle age, it was, so to speak, the common-law right of every freeman to invoke the law under which he chose to live. The Roman chose the Roman law, the Frank the German, the Burgundian the several laws respectively current among those nations. In strict analogy, the clergy chose the canon law as their rule of life, and claimed to be judged by it. But as the laity were not supposed to be acquainted with that "*more perfect*"

rule, the ordinary tribunals were pronounced incapable of applying it. The clergy, therefore, pretended that they ought to be their own judges as well as their own legislators. What that law would turn out to be, and how it would be applied, might be easily conjectured, as soon as the decretal principles of clerical immunity should come into full play. The reader is referred back to Book VI. c. vii. pp. 195-198.

could have no peers but those who were so constituted by the law under which he claimed to live.

The Emperor Conrad may be excused for remaining in ignorance of this transcendental pretension. But it is less easy to justify his abandonment of the perspicuous laws of his Carolingian predecessors, by which he might have been saved from the mortifications and difficulties his hasty proceedings drew down upon him. Those laws point out with sufficient clearness the tribunals competent to try and punish the civil and political offences of the clergy. The synod of the province was the ordinary court for the trial of a bishop, and from that court an appeal lay to the king, or rather to the diet of the kingdom, composed of lay and ecclesiastical peers, over which the king always presided.<sup>a</sup> The illegality of the commitment of the archbishop of Milan, however, was not the most active cause of the universal disapprobation it excited. The attachment of the citizens to their bishops, and the jealous fears which this unheard-of outrage upon the persons of their spiritual colleagues awakened in the breasts of the prelates and estates of Lombardy, deprived the imperial authority of all the support it might have derived from the sympathies of the most loyal among them. All became equally alarmed for their liberties, and suspicious of the power which, in the cause of order, seemed disposed to disregard the rights of all. It soon indeed appeared that the warders to whose custody the arch-  
Carolingian law for the trial of a bishop.  
The archbishop escapes from custody. Insurrection.  
 bishop had been committed had no heart to detain him; and a very few days after his arrest he was permitted to depart, and was received by the Milanese with the most enthusiastic demonstrations of loyalty and devotion. The civic population flew to arms; they closed their gates against the emperor, and by resolute resistance

<sup>a</sup> *Eichhorn*, Deutsche Staats- und Rechts-Geschichte, b. i. s. 436. Such at least seems to have been the course of proceeding at the time of the first appearance of the Isidorian decretals; i. e., as we believe, about the middle of the ninth century. The interposition of the appeal to Rome to stop the proceedings of the constitutional court was

an innovation of the decretalists, which, had his proceedings been in other respects regular, the emperor might have passed over without reproach. But in the case of Heribert the process was wrong from beginning to end; for by the law as it stood, neither Conrad nor the Diet had any *original* jurisdiction in the cause.

thwarted all his attempts to reëstablish his authority in the city. The approach of the sultry season as usual compelled him to postpone military operations till the autumn; and he withdrew to the cooler highlands, to await his reinforcements from Germany.

But this outburst of apprehension and jealousy appears to have subsided almost as quickly as it arose. The season of inactivity gave time for reflection, while the judicious distribution of the imperial force in hand prevented combination.

Italian cam-  
paign of  
Conrad II.  
A.D. 1038.

The party of the vavasors remained faithful to the imperial standard; the secular princes stood aloof; and a daring attempt of Heribert to set up a pretender to the throne of Italy, in the person of Earl Odo of Champagne, was signally defeated. The Germanic vassals, for whom these Italian campaigns generally possessed a singular attraction, poured across the Alps to the aid of their sovereign; and in the course of the summer of the year 1038 the emperor found himself in a position to mask the Milanese and to pursue his plans for the pacification of Rome and southern Italy. At Parma, where he had taken up his summer-quarters, the usual excesses of his barbaric soldiery provoked sanguinary affrays in the streets of the city;<sup>v</sup> and Conrad, stimulated as much probably by the difficulty of restraining his followers as by his own impatience, pushed on towards Rome in the hottest of the summer months. At the little town of Spella, between Perugia and Assisi, he encountered Pope Benedict IX., whom the Romans had recently driven out of their city. Heribert, whom the emperor had proclaimed a traitor, was, with the consent of the pontiff and a synod of Italian and German prelates, solemnly attainted and deposed; and Ambrose, a cardinal priest of the church of Milan, was consecrated to the vacant see. Proceeding upon his march, the emperor reinstated the complaisant pontiff upon the throne of Rome, and pursued his route to the south; where, among other operations, he punished the refractory Pandulph of Capua for the crimes of rebellion and robbery by the forfeiture of his fiefs.

<sup>v</sup> *Wippo*, Vit. Conr. II. c. xxxvii. p. 109.

But Conrad was doomed to pay the usual penalty of a summer campaign in southern Italy. The autumn fevers, which always more or less afflict the climates of Campania and Apulia, so enfeebled the army that a hasty retreat to the north seemed the only mode of saving the healthy remnant of his troops. On his march the pestilence carried off great numbers; among them some of the noblest and most gallant of his followers. Among the victims of the climate he numbered the consort of his son Henry, and his stepson Herman duke of Swabia. Slowly and heartsore the emperor quitted the graves of his devoted lieges, and retraced his steps across the Alps. Late in the year 1038 he once more set his foot upon German ground, but carried with him the seeds of the disease which put an end to his career in the month of May in the following year, 1039.<sup>w</sup>

The retreat and death of Conrad produced less serious effects upon the imperial interests in Italy than might have been expected. Yet his son and successor Henry III., surnamed the Black,<sup>x</sup> was unable to strengthen them by his personal presence for a period of eight years. Though detained at home during all that time by continuous warfare upon his Sclavic and Hungarian frontiers, by the destructive pestilence which for three successive years ravaged the continent of Europe, and by the imperative duty of checking the perhaps still more pernicious prevalence of private war among his own subjects;<sup>y</sup> yet his wise policy enabled him to support his friends in the South, and to hold so effectual a balance to the influence of Heribert, that before the lapse of two years from the death of Conrad, the rebel prelate was compelled to tender his submission. The emperor accepted his apologies, and the archbishop appeared before his superior at Ingelheim on the Rhine; and after ample amends for his late offences, was permitted to renew his

Pestilence.  
Retreat and  
death of  
Conrad II.  
A.D. 1038.

Henry III.  
and Heribert  
of Milan.  
A.D. 1040.

<sup>w</sup> *Arnulph. Mediol. c. xiv. ap. Murat. ubi sup. p. 18; Annal. Saxo, ap. Pertz, vi. p. 680.*

<sup>x</sup> It is said, from the colour of his

beard.

<sup>y</sup> By the establishment of the so-called "Treuzza Dei," Truce of God.

oath of allegiance, and was received into favour.<sup>2</sup> But the ambitious churchman returned to face all those embarrassments, all that fatigue of mind which falls to the lot of the leaders of a community infected with the spurious liberty of faction, boiling with discontents, and torn by the fury of irreconcilable party interests. In the cities and republics of Italy the fermentation of the popular spirit, that should have subsided into the clear and generous aliment of liberty, was always too violent to have any better result than a draught of gall and bitterness, extinguishing brotherly love, and deadening patriotism by imprisoning it within the narrow precinct in which each generation was bred and nurtured. Rome, Milan, Pavia, and Lodi, were the nation to the Roman or the Lombard citizen. A few intervening miles, an insulting phrase, a trespass across the narrow border, an offensive pretension, converted next-door neighbours into enemies thirsting for each other's blood as ruthlessly as if they were not nourished by the same soil, breathing the same air, conversing in the same tongue, governed by the same social habits, professing the same religion. Every tie which God and nature had woven around them was wantonly torn asunder; and when success widened the frontier of the stronger, it was not to enlarge the domain of liberty, but to extinguish the political life of an adversary. Within the six following years the city of Milan suffered all the vicissitudes of civil war. Heribert was powerless to assuage the evil spirit which his policy had evoked. Stricken in years and feeling the reins of government falling from his hands, he withdrew at length from the noise and bustle of public life. Retiring to Monza, he devoted the last three years of his life to the performance of those spiritual duties to which the whole ought to have been dedicated. Shortly before his death, in the year 1045, the civil broils of the Milanese were brought to a close by an equitable compromise between the contending parties: time had softened old animosities; the nobles were readmitted to the freedom of the city, and allowed once

Retirement  
and death of  
Heribert.  
A.D. 1045.

<sup>2</sup> *Annal. Saxo*, a. 1040; ap. *Pertz*, vi. p. 684.

more to occupy their deserted mansions within the walls; established law and ancient custom were thenceforth to be the arbiters of their respective rights; and their several privileges were placed under the constitutional warranty of the imperial authority.<sup>a</sup>

The incidents attendant upon the election of an archbishop to fill the chair vacated by the death of Heribert sufficiently prove the state of torpid exhaustion to which these civil broils had reduced the citizens of Milan. Instead of boldly exercising the right of choosing their own archbishop, and, according to custom, sending him to the king or emperor for confirmation, they selected four candidates from among the cardinal clergy of Milan, all equally qualified for the appointment by birth and character. A deputation from the municipality accompanied the candidates, and the king was petitioned to select one of these persons for the metropolitan dignity. But Henry had other views; and he deliberately set aside the proposal of the deputies in favour of a humble servant of his own named Guido, an obsequious agent of the late archbishop during the negotiations which led to the recent adjustment of the differences between him and the court. Overwhelmed with consternation and alarm, the deputation ventured a timid remonstrance against this outrageous contempt of their privilege. They objected that Guido was a person of obscure birth, unknown to the citizens of Milan: he had come with them to the court without any recognised character; and had put forth no pretensions to that high station. Henry replied, bluntly, that neither birth nor station were necessary qualifications for ecclesiastical rank; and he peremptorily commanded them to accept and install "Guido, the good man and true," as their archbishop. The crest-fallen deputies retired from the imperial presence in company with the humble companion of their outward journey, now their lord and metropolitan. Whatever may have been their disposition to resist this arbitrary mandate, they had seen enough

Henry III.  
imposes an  
archbishop  
on the  
Milanese.

<sup>a</sup> *Landulph. Mediol. Hist. ap. Pertz, Episcop. Mediol. ibid. pp. 16, 17.*  
viii. p. 65. *Arnulph. Mediol. Gest.*

during their sojourn in Germany to convince them that the king was prepared to enforce submission. On their return to Milan the archbishop elect was consecrated and inducted without contradiction from any party; and King Henry III. thus placed a fast friend in the post of all others the most important to secure his communications during his contemplated expedition to Rome to receive the imperial crown.<sup>b</sup>

<sup>b</sup> *Landulph. ubi sup. pp. 74, 75. Arnulph. ubi sup. p. 17.* It might perhaps be suggested by way of apology for Henry, that the Milanese, by departing from the custom of election, had virtually placed the choice in the hands of the king. Henry, we are told, inquired of them whether they really wished him to nominate an archbishop? The reply was that such was their wish. "Well, then," said the king, "I will not be bound by your selection, but will

rather exercise my own discretion than countenance your irregularities"—so, at least, we think the narrative of Landulph may be construed. Whether Henry can be justified in interpreting the irregularity as an abandonment of their franchise, and a remission of the whole into his hands, does not seem so clear. But the opportunity was too good to be lost; and the Milanese were justly punished for their pusillanimity.

## CHAPTER III.

### HENRY III. EMPEROR. ECCLESIASTICAL REFORMS CONTEMPLATED.

The period—its character—Moral state of the clergy—Simony—Profligacy of the Latin clergy—Benedict IX. pope—Sylvester III. pope—Gregory VI. pope—State of Rome under Gregory VI.—Reformers—their appeal to Henry III.—Vices of the clergy—Sale of ecclesiastical patronage—Sale of benefices in Germany—The ring and crosier—Delivery of ring and crosier—its canonical import—General sale of church preferment—consequences of the practice—Henry III. favourable to reform—Penitential synod of Henry III.—The king's rebuke and vow against simony—Expedition of Henry III. to Italy—Boniface of Tuscany—Henry's jealousy—Diet of Pavia against simony—Henry's summons to Pope Gregory VI.—Synod of Sutri—Proceeding against Gregory VI.—Confession of Gregory VI.—his self-deposition and abdication—Legal character of the proceeding against Gregory VI.—Clergy and people resign the right of election to Henry—he seats Bruno of Bamberg (Clement II.) upon the throne—Peter Damiani—Reformers and reforms—First enactment against simony—Dissatisfaction—The Patriciate—Jealousy of the political reformers.

WE arrive at a point of time which possesses more than ordinary interest in the history of the papacy, <sup>The period;</sup> a period from which it is our purpose to trace <sup>its character.</sup> the origin, and to mark the direction, of those new moral and religious forces which were about to change the outward aspect, and to revive the indwelling powers, of Latinism. We have observed how, after a death-sleep of nearly a century, the Saxon emperors had, for their own purposes, relieved the Roman pontiffs from that domestic pressure which was fast absorbing the sacerdotal in the political state. When the chief magistrate of the Roman commonwealth took refuge in the pontifical chair, and threw himself, though but for a moment, into the arms of a foreign protector, the spell which had called the ephemeral republic into existence was broken; republican Rome fell back into papal Rome, and by the same process became part and portion of a foreign state, following its fortunes, and partaking in a great degree of its

vicissitudes, under every disadvantage of an outlying dependency; leaving her a prey to almost all the evils of unenlightened self-government, without even the equivocal benefit of political independence. Yet with all this, the sacerdotal state was rescued; the incubus of domestic servitude was exchanged for an association of interests with a power to which the pontificate was essentially useful. There could be no emperor without a pope; and the latter might readily understand how difficult it was to be pope without an emperor to support him in his seat.

Such was the external position of the papacy at the moment when Henry III. first planted his foot upon the Italian soil. The internal state was of a still darker character. Stained with the manifold corruptions of a century and a half of licentious self-indulgence, the pontifical clergy had well-nigh forfeited their spiritual character. Religion had become a cloak for immorality, and religious office the subject of unblushing venality. But in this foul practice lay the master vice of Latin Christendom in general. It was a matter of notoriety in the world that France and Germany were, almost in an equal degree with Italy, addicted to a shameless traffic in ecclesiastical offices and preferments; a traffic which inspired no scruples, and asked for neither concealment nor apology. Thus, to begin with the head of the Latin priesthood, we find that Benedict VIII., the friend of the sainted emperor Henry II., and his successor John XIX. who crowned his son, Conrad II., were both indebted for their elevation to open and acknowledged bribery. In the case of the latter the scandal was enhanced by his being a layman at the moment of his election, and by his passing in one day through all the degrees of the clericate up to the highest dignity of the church.<sup>a</sup> These two pontiffs were sons of Gregory Count of Tusculum, the chief of the party of the Capitani in Rome. At the death of John XIX. in the year 1033, the same party

<sup>a</sup> *Glab. Rudolph. ap. D. Bouq. x. p. 44; Romuald. Salernitan. Chron. ap. Murat. vii. p. 167; Baron. an. 1024, § 4; with Pagi Crit. ad loc. p. 542.*

placed Theophylact, the nephew of his two predecessors and grandson of Count Gregory, then a child only ten years of age, upon the papal throne, by the name of Benedict IX. His election was a pure money-bargain between the Tusculan family on the one hand, and the venal clergy, gentry, and populace of Rome on the other.<sup>b</sup> When the boy-pontiff came of age to act for himself, his demeanour in the holy see was no better than the means used to place him there. Few pontiffs have left a fouler reputation behind them. As his election was infamous, so he is reported to have used the powers of the pontificate for equally infamous purposes. Yet this election did not stand higher in the scale of impurity than that of all the superior appointments in the church; all owed their elevation in a far greater degree to money than to merit.<sup>c</sup>

Desiderius, abbot of Monte Cassino, subsequently pope under the name of Victor III., writing about forty years after Glaber, thus fills up <sup>Profligacy</sup> and colours his sketch of papal and sacerdotal <sup>of the</sup> <sup>Latin</sup> clergy. <sup>clergy.</sup> profligacy at this period: "The Italian priesthood," he says, "and among them most conspicuously the Roman pontiffs, were in the habit of defying all law and all authority; thus utterly confounding together things sacred and profane. During all this time," he adds, "the Italian priesthood, and none more conspicuously than the Roman pontiffs, set at naught all ecclesiastical law and authority. The people sold their suffrages for money to the highest bidder; the priesthood, moved and seduced by avarice and ambition, bought and sold the sacred rights of ordination, and carried on a gainful traffic with the gifts of the Holy Ghost. Few prelates remained untainted with the vile pollution of simony; few, very few, kept the commandments of God, or served him with upright hearts; following their chiefs to do evil, the great sacerdotal herd rushed headlong down the precipice into the quagmire of licentiousness and profligacy: priests and deacons, whose duty it was to serve God with clean

<sup>b</sup> *Glab. Rud.* ubi sup. p. 50; *Vit. Pontiff.* ap. *Murat.* iii. pt. ii. pp. 340 et sqq.

<sup>c</sup> Report of *Glaber Rudolphus*, ubi sup.

hands, and with chaste bodies to administer the sacraments of the Lord, took to themselves wives after the manner of the laity; they left families behind them, and bequeathed their ill-gotten wealth to their children; yea, even bishops, in contempt of all shame and decency, dwelt with their wives under the same roof—a nefarious and execrable custom, prevailing, alas! most commonly in that city where the laws, thus shamefully set at naught, first issued from the sacred lips of the prince of the apostles and his holy successors.<sup>d</sup> And there too it occurred that, after several persons had of late usurped the pontifical throne, one Benedict (IX.), the son of a Roman consul, following in the footsteps of Simon Magus rather than of Simon Peter, did, by profligate largesses of money profusely scattered among the people, take upon himself the supreme priesthood: truly do I shudder when I call to mind the life which this man led after he assumed the pontificate. Oh, the scene of baseness, obscenity, and profligacy it presented! . . . for that after he had for a time proceeded in a career of rapine, murder, and every species of felony, the people of Rome at length became weary of his iniquities; they drove him from the throne, and expelled him from their city. Yet, no wiser grown, they selected John Sylvester III. bishop of Sabina (Sylvester III.), and for a price paid down, and in contempt of the canons, seated him in the place of the exile: but this son of Satan had scarcely occupied the chair for the space of three months, when Benedict, supported by all the powers of his kindred, again drove him (John) back to his own bishopric; and Benedict, resuming all his vices, persevered in the perpetration of every crime. Perceiving at length that he had, by his enormities, fallen into universal obloquy among the clergy and the people; seeing, moreover, that he had always preferred the life of a sot to the demeanour of a pontiff, he at length contrived to sell the pontificate

<sup>d</sup> It would, however, be difficult to find a prohibition of sacerdotal marriage in any law or decretal of the first four centuries. Even in the Isidorian forgeries nothing of the sort is to be

found. It is notorious that Peter himself was a married man; and the fabricators could hardly venture to extract from his lips a censure upon the marriage of the priesthood.

for a large sum of money to the archpriest John, a man who, upon the whole, enjoyed a better reputation for religion than the rest of the Roman clergy. This Gregory VI. John assumed the name of Gregory (VI.), and pope. administered the holy see for two years and eight months, until King Henry III., the German, arrived to claim the imperial crown.<sup>e</sup>

This indignant description introduces to our notice three contemporary pontiffs,—Theophylact, or Benedict IX., who sold out in favour of John State of Rome under Gregory VI. bishop of Sabina as Sylvester III., but broke his bargain, and a second time disposed of the pontificate to John Gratianus, or Gregory VI. This last discovered upon his accession that he had made a barren purchase; for that his predecessor had emptied the treasury of the church of every farthing of money and all articles of value; so that, with the exception of the revenues derived from a few farms, villages, and towns in the immediate neighbourhood, and the occasional oblations of the faithful, Gregory found small provision on hand for the support of himself or his household; and absolutely nothing to supply the wants of his government, or funds to provide protection to his people against that system of extortion and plunder which had by this time grown into the normal condition of the pontifical states. Yet it was the fate of the new pontiff, from the first hour of his reign, to fight for the possession of his late purchase. His endeavours to wrest a portion of the church patrimony from the hands of the robbers who held it against him became the signal of civil war. Clergy, gentry, people—all who had filched a scrap of the pontifical domain—rose in arms to defend their ill-gotten gains. Gregory exhorted, preached,

<sup>e</sup> *Desiderius*, Mon. Cassin. ap. *Murat* iv. p. 396. Conf. *Bonizo*, Ad Amicum, ap. *Æfeliū* Rr. Boicar. Ss. tom. ii. p. 801. Of this Bonizo it may here be remarked, once for all, that his testimony extends over this entire period down to the close of the pontificate of Gregory VII. As to all the antecedents of the great controversy between the church and the empire, which occurred in the second half of the eleventh century, he

is ill-informed, confused, and inaccurate. When he speaks as an eye-witness, he may be, with caution, trusted; yet in his testimony we must not look for a spark of liberality or candour. In this respect, however, he does not differ from the witnesses whom we shall have to call on the other side. *Bonizo* imputes the resignation of Benedict IX. to another, yet equally corrupt, motive. The difference is unimportant.

excommunicated in vain. He wielded, however, the secular arm with rather more success. A horde of depredators who held out against him in the basilica of St. Peter was driven out, not without bloodshed; something was recovered; the roads were opened for the approach of pious pilgrims; and their oblations, now an important source of income to the pauperised pontiff, flowed into the papal treasury. The military achievements of the pope incensed the Romans; he was now a homicide, a man of blood, an accomplice of murderers; all who had ever profited by the plunder of the church, be he count or cardinal, gentleman or priest, joined in the cry of pious indignation. All classes in Rome seemed bent upon the perpetuation of anarchy, each for its own interests. This condition, however, was but an epitome of the state of Italy itself. All the highroads were so infested with robbers and cutthroats that few pilgrims now resorted to the holy places; and those who still had the courage to travel found safety only in their numbers, their discipline, and the serviceable state of their weapons. The streets of Rome swarmed with highwaymen and hired assassins. Even in the churches swords were drawn, and blood was shed upon the very tombs of the apostles, it might be, to carry off the oblations of the pious, to be spent in festivities and the entertainment of lewd women.<sup>1</sup>

Wherever a principle of religion—it may be of superstition—lingers in the breast of individuals or  
 Reformers. nations, it is most commonly called into action by calamity. Nor was there ever wanting a remnant of the pious, a true seed of Abraham, to awaken the slumbering spirit, and to lead it in the shortest, if not the safest, path of reform. Human passions both stimulate and deface religious aspirations, and the holy man in choosing his road to heaven is too often seduced into the same path which the children of Satan pursue in their downward career. This godly remnant beheld with passionate disgust the unutterable abominations of the age in which they lived; they regarded the boundless rapacity and lewdness of the times with indiscriminating ab-

<sup>1</sup> *Gulielm. Malmsb.*, as quoted by *Fleury*, xii. p. 546.

horrence; it was not so much the decay of religion as the love of gain and of sensual pleasure that loomed in their vision as the giant sins to be conquered and extirpated. They assailed the symptoms rather than the cause of the disorder; they applied the knife and the cautery rather to the external blains and sores of religious society than to the constitutional derangement that caused them. In this spirit the reformation of the Latin church was planned; in this spirit it was pursued; and it succeeded in altering the outward aspect of social religion, and imparting to forms the power that of right belonged to the spirit, as it dwelt in Him who brought it into the world.

But there was no Baptist among them to preach *repentance* to a reprobate generation. The preacher <sup>Their appeal</sup> began, not with an effort to awaken conscience <sup>to Henry III.</sup> in the multitude of the sinners, but in proclaiming rebellion against the man whom they regarded as the principal offender. Gregory VI. was a criminal in form; he had given money for the pontificate, though it were to rid the church of a monster; his anomalous position, and not his vices, was his crime. Peter, the archdeacon of the Roman church, inspired with holy horror at the name of simony, and justly indignant at the prevailing corruptions, collected around him those among the bishops, priests, deacons, and monks, who beheld with equal dismay the degradation of their order. With these he associated some few among the laity who were like-minded with himself; and the whole party publicly and formally renounced communion with the simoniacal pontiff. Peter took upon himself the task of excusing the proceeding to the emperor; he departed for Germany to lay the whole state of the fallen church before him, and to invoke his speedy aid to rescue her from the satanic yoke under which she had fallen.

But before we follow the Roman ecclesiastic upon his mission to the court of Henry III., it is expedient to collect and bring into a focus the notices to be met with

in the writers of that age which seem to reveal the causes, the scope, and the amplitude of that simoniacal pravity which to the piety of the eleventh century appeared as the one all-comprehensive expression of every vice and every heresy under the sun.

Abstractedly from the generally disorganised state of Vices of the society, and the vices springing up out of such clergy. a state among all classes, it is incontestable that the special corruptions clinging to the church—those which engrossed the attention of the more rigid churchmen—arose out of the secular occupations, more especially, of the superior orders of the clergy. The greater sees were for the most part endowed with sovereign rights and royalties within their respective provinces. The kings had for ages past been accustomed to regard bishops and clerks as their ablest and most trustworthy ministers. Bishoprics and abbeyes had, under such auspices, grown into principalities and governments; and to these ecclesiastical princes the largest share in the offices and councils of the state had been intrusted, and the most liberal assignments upon the revenues and patronage of the crown had been dispensed. The prelates had thus become immersed in worldly occupations, in all the business, pleasures, and amusements of lay nobility. The ordinances of pious emperors, the sacred canons of the church, the deeper interests of religion, were sacrificed on the altar of worldly ambition; and the morals of the churchmen were vulgarised and corrupted by worldly associations. Bishops and abbots rode forth to the chase with hound and horn, with spear and falcon; they followed the sovereign to his wars at the head of vassals and rear-vassals clad in glittering armour; at court their retinues were the most numerous, their equipments the most splendid; and they outshone the lay princes and nobles as much by the greater polish and decorum of their demeanour as by the superiority of their display.

But the expenditure requisite to supply the means for Sale of ecclesiastical patronage. all this show and magnificence gradually impoverished both giver and receiver. In France the house of Hugo Capet was engaged in an

arduous struggle to sustain itself against a preponderant vassalage. In Germany and Italy the emperors had so exhausted the estate of the crown by their inconsiderate alienations that nothing remained to give; expectation grew cold, and the loyalty of the vassals was sustained only by the frail morality, and the still more frail religion, of the age. Yet as long as church patronage remained in the disposal of the sovereign, the rich benefices of the national churches offered a tempting source of supply to the indigent court. The noble and the wealthy were in all such cases the best customers; and thus it came to pass that in both countries the richer and most important bishoprics and abbeys were disposed of among the junior branches of the great houses who could afford to pay for them. Conrad II. carried the practice of bartering away the greater benefices to the most exorbitant excess. The habit began, we are told, in the reign of Otho II.; it certainly continued to gain strength down to the accession of Henry III.

In Germany the traffic may be traced to the custom of introducing all petitions and personal applications to the sovereign by the presentation of a gift in money or other valuable. When a bishop or abbot died, it was usual in the first place to report the vacancy to the court. A deputation from the chapter then waited upon the sovereign, and formally delivered into his hands the ring and the crosier of the deceased prelate or abbot; sometimes, though not often, with a request that he would confirm a foregone election of their own by the redelivery of those symbols to the favoured candidate. But in general the transaction assumed the character of a bargain and sale. The newly-appointed bishop or abbot was bound by the custom to present a gift or acknowledgment; this necessarily led to an antecedent negotiation as to the proper amount of the present; and thus what before was a mere acknowledgment or gratuity, took the shape of a valuable consideration; the giver and the receiver were converted into buyer and seller. The transition was no doubt gradual; and the less likely to alarm the public conscience, as, after

all, the thing really bargained and paid for was of a purely secular nature.

Inquiring rather more closely into what it was that <sup>The ring</sup> was transferred by the delivery of ring and <sup>and crosier.</sup> crosier, it is abundantly clear that nothing more was conveyed than lay properly within the prerogative of the sovereign; fiefs, lands, and secular endowments, with the franchises, jurisdictions, and royalties annexed to the benefice by ancient grant of the crown. No thought was entertained that by the delivery of ring and crosier any of those gifts were imparted that could only proceed from a spiritual source. Yet by a species of political necessity the designation of the person who should exercise *both* functions was thereby placed in the hands of the temporal sovereign; possibly the episcopacy might ordain a bishop; but no one could introduce him into the ranks of the hierarchy but he who had the disposal of the location and the temporalities. The prelate, once inducted, was in virtue of his tenure as much the officer, soldier, and servant of the crown as the lay vassal, and bound, with certain personal exemptions, to perform the same duties. No one as yet foresaw the dilemma in which this untoward fusion of powers and functions might ultimately involve both church and state; a dilemma from which no human ingenuity could extricate them. The prince sold what he might plausibly regard as his own; the churchman passed in general thoughtlessly, sometimes perhaps with a kind of mental reservation, along the only avenue which led to the highest honours and dignities of his profession.

It may, however, be easily conceived that, as soon as <sup>Delivery of</sup> the case of investiture came to be submitted to <sup>ring and cro-</sup> the scrutiny of the rigid canonist, its secular <sup>sier, its cano-</sup> aspect should vanish altogether out of view; <sup>nical import.</sup> or if taken into account at all, should fall back so far behind the spiritual as to be wholly discharged from his estimate of relative importance. In his view the delivery of ring and crosier might assume the odious features of a simoniacal compact—a bargain and sale of a spiritual office—a sacrilegious traffic with the gifts of the

Holy Ghost. The character of the symbols themselves might confirm this impression. The ring and pastoral staff were, beyond question, the emblems of spiritual office, and in that character incapable of transmission through any but spiritual hands. In this view, therefore, the temporal sovereign would find himself, the moment the question should be raised, in a dilemma from which there was no escape. The various aspects of the controversy which arose out of this natural antagonism, in this and the following century, are subjects of the most prominent interest to our narrative.

Following the impulse of the times, the superior clergy lagged in no respect behind the laity in the corrupt dispensation of the spiritual offices within their patronage. Bishops and abbots sold their churches without shame or remorse. Pointing to a particular period, we are told that in the reign of Otho III. archbishops were in the habit of taking money for the consecration of bishops; and that the latter, in their turn, sold holy orders to the inferior priesthood.<sup>g</sup> Conrad II., whose indigence drove him to resort to any device for raising money, could do no other than connive at the like irregularities on the part of his clergy to enable them to indemnify themselves for the outlay incurred in the purchase of their own offices. No spiritual post or function could be obtained without an equivalent in money to the patron who had himself paid dearly for the right to appoint. In Milan this practice had grown into an established usage, so that regulation-prices were affixed to each grade in the clericate, and not an individual was to be found in the cathedral body or the diocese who had not conformed to the custom.

To such a practice the censure of Desiderius of Monte Cassino<sup>h</sup> attaches without qualification, or a single mitigating circumstance. Here *holy orders*, always regarded by the churches as a special grace of the Holy Spirit, were publicly and shamelessly bartered for money, and were treated as at

<sup>g</sup> *Donizo* in Vit. Mathild. lib. i. c. ; ap. *Murat.* v. p. 357.

<sup>h</sup> ee p. 61 of this chapter.

the buyer's disposal, like lands, goods, and chattels. They were bought with a price, therefore to be used and enjoyed, like other worldly property, for the profit of the purchaser. The lives of bishops and abbots and superior clergy corresponded with this conception of their offices; luxury, neglect of duty, secular pursuits, concubinage, even the grossest licentiousness, polluted the palaces, the dwellings, and colleges of the clergy. Though for a long time past isolated efforts had been made, especially by the monastic bodies, for the reformation of these abuses, yet up to the period at which we have arrived, no material impression had been produced upon the mass of corruption which tainted the ecclesiastical system in every part of Latin Christendom.<sup>i</sup>

We revert now to the mission of the Roman reformers to the court of Henry III. of Germany.

When Archdeacon Peter arrived at the royal residence with the petition of his brethren in his hand, he found the monarch in a disposition favourable to reform. Henry III. favourable to reform. The mantle of his saintly namesake Henry II. appears to have suddenly fallen upon him. The prostrate supplications, the sighs and tears of the petitioner, produced a profound impression upon a mind cast in a nobler mould than that of his father. Besides this, his political position was safer, and he could better afford to despise the alliance of venality and corruption. The successors to thrones are as often inclined to depart from the vices as from the virtues of their predecessors; and it appears that at an early period of his reign Henry III. had openly expressed his disapprobation of his father's policy in the disposal of ecclesiastical benefices.<sup>j</sup> Throughout

<sup>i</sup> See extracts from *Mabillon, Act. Sanct. Ord. S. Ben. ap. Stenzel, Gesch. d. Fränk. Kais. vol. i. p. 111.*

<sup>j</sup> *Glaber Rudolphus* (ubi sup. p. 71) tells us that one day an abbot had presented him with a valuable horse. Sometime afterwards it turned out that the giver had either stolen or taken it by violence from a person of inferior rank. While the king was on his back, the

owner approached him, and boldly reclaimed his property, complaining at the same time of the wrong that had been done to him. Henry immediately dismounted, and restored the animal to the owner, with ample amends for the privation of his services and the inconvenience he had suffered while it was out of his possession. The felonious abbot was summoned to answer the

his reign he resisted every temptation to enrich himself by the sale of church patronage, and chose his personal friends among that class of persons, clergy or laity, that was least tainted with the prevalent abuses. He strove zealously to restore decayed discipline, and coöperated honestly with every effort to reform the morals of the clergy. But he thought that the church must be purified by and through herself. In this view he coincided—as may be easily understood—with the reformers themselves; and upon that principle he proceeded with the work of reform, moved as much by a desire to satisfy his own conscientious scruples as to gratify the anxious wishes of the indignant friends of religion.

Animated by these sentiments, Henry prepared for his coronation at Rome; but before his de-  
 parture (A.D. 1046) he convoked a numerous <sup>Penitential synod of Henry III.</sup> synod, attended by all the archbishops and bishops of the realm.<sup>k</sup> In his opening speech he expressed his opinions upon the state of the Catholic church with uncompromising severity. “With a heavy heart,” he said, “I address you: I speak to you who stand in the place of Christ in that holy church which He hath taken for his bride, and bought with the price of his blood. As He of his own free grace came forth from the bosom of the Father, through the Holy Virgin, for our redemption; so likewise gave He commandment to his disciples, sending them into the world, saying, ‘Freely have ye received, freely give.’ But you have corrupted yourselves by avarice and cupidity; you, whose duty it is to dis-

complaint of the owner, and for the deception practised upon the sovereign. The delinquent appeared, and was duly convicted; after which Henry commanded him to lay down his pastoral staff. “Cast aside,” he said, “that staff, which you have received as the gift of a mere mortal like yourself.” The abbot obeyed, and the king taking it up, placed it in the right hand of an image of the Saviour. “Now,” said he to the sinner, “take back thy staff from the hand of the King Omnipotent, nor hold it in future from any mortal hand; but use it freely, as be-

cometh the servant of the Almighty giver.”

<sup>k</sup> The report of this meeting by Glaber Rudolphus is entitled “De extirpatione simoniaca.” *Pertz*, tom. vii. p. 71. *Stenzel* (ubi sup. p. 117) believes this council to have been held after the return of Henry from his Italian expedition in 1047. But see contra *Pertz*, ad loc. cit. Glaber’s chronology is very imperfect; we therefore follow the learned editor of the *Mon. Germ.*, who dates the synod in the summer or autumn of 1046.

pense freely the gifts of the Holy Ghost by the laying on of hands, have polluted yourselves with the vile lust of gain; you have broken the holy laws of the church, and have thereby drawn down the curse of the law upon your own heads. And he, too,—my own father,—for whose soul's salvation I stand in daily care and anxious fear, was in his lifetime but too much given to this same damnable lust of gain. Let, therefore, every man among you, who in his conscience feels the plague-spot blackening his soul, remove himself from the ministry. For we live in apprehension that it is by reason of this great offence that divers disorders, slaughters, famines, and sundry kinds of death by the sword and otherwise, have come upon the sons of men. And do we not know of a truth, that all ecclesiastical degrees and orders, from the supreme pontiff himself down to the meanest door-keeper in the house of the Lord, are already sinking under the load of that damnation which they carry within themselves? Are they not all fattening for the slaughter upon the fruits of this their spiritual felony?"

"The king spoke," says the narrator, "with a stern and gloomy countenance; the conscience-stricken prelates held their peace; and well they might, for they trembled for their ill-gotten dignities; and, in truth, not only did this iniquity abound in the Germanic and Frankish churches, but in a greater degree in those of Italy; where, at this very time, the priesthood and its offices were openly and publicly sold like goods in the market-places." The bishops attempted no defence; but at once confessed their sin and craved pardon. In the multitude of the offenders there was safety for the particular sinner. The king, we are told, was touched with compassion for the penitents, and dismissed them with the comfortable words: "Go, and that which you have badly gained expend well; and in your prayers forget not to intercede for the soul of my father, who was your fellow-worker in this iniquity, if so be that you may still obtain for him indulgence from God for the sin he hath committed." After this general confession a solemn edict and declaration was adopted and published,

The king's  
rebuke and  
vow.

purporting that thenceforward no order of clergy or ecclesiastical ministry should be obtained for money; and that if any one should presume to give or to take any such order or preferment for a price in money or any other valuable consideration or commodity, he should forfeit all his worldly goods and honours, and fall under the curse of the anathema. "Then arose the king from his throne, and with much fervour pronounced this vow: 'Inasmuch,' said he, 'as the Lord hath of his free mercy and loving-kindness placed this royal diadem upon my head, so will I to the utmost of my power, in all that concerns His religion, dispense and cause to be dispensed and freely given that which proceedeth from Him, without money and without price. Such is my vow and steadfast resolution;—an' it please you, be it yours likewise.'"

Having recorded this solemn obligation, king Henry prepared himself for the great work in hand by spiritual exercises of the severest kind. He <sup>Expedition of Henry III. to Italy. A.D. 1046.</sup> performed, we are told,<sup>1</sup> very rigorous penances, and often appeared in public arrayed in all the pomp of royalty while still smarting under the cruel flagellations he had inflicted upon his own flesh. In the autumn of the year 1046 he had collected a numerous army on the Alpine frontier. Here he was joined by many princes of the empire, and a numerous retinue of clergy; among the latter, the archbishops Halinard of Lyons and Adalbert of Hamburg, the bishop Suidger of Bamberg, and other prelates. At Mantua he was received by Markgrave Boniface of Tuscany, lord of Mantua, Modena, and Ferrara, with a <sup>Boniface of Tuscany; Henry's jealousy.</sup> haughty and inauspicious submission. With jealous misgiving the indigent monarch of Germany marked the immense value of the jewelry and wealth displayed at this public reception: as he passed through the territory subject to his powerful vassal, he counted the number and strength of his castles; he surveyed the lofty battlements of the proud Canossa, the impregnable residence of the Markgrave; and he weighed

<sup>1</sup> *Vit. S. Annonis*, lib. i. c. 6; ap. *Stenzel*, i. p. 112.

in his mind the enormous influence and the widely extended family alliances of the house of Tuscany. It is more than probable that Henry suspected his great vassal of an intent to impose on him by a display of wealth the monarch could not rival, and to disparage his sovereign by figuring as the hero of the pageant. Henry took the alarm; and his bearing so strongly indicated the offence he had taken as to give countenance to a report current in Italy that, during his temporary residence in Tuscany, he twice attempted, by force or treachery, to get the person of the Markgrave into his power.<sup>m</sup> Indeed, the extent, the resources, the wealth of the principality of Tuscany, unbalanced by any counterpoise in its vicinity, were of themselves serious enough to create alarm; and the reflection that this wide and flourishing principality lay upon the direct line of communication between Rome and Lombardy inspired a reasonable apprehension for the safety of himself and his army while slowly traversing the intervening distance.<sup>n</sup>

From Mantua Henry hastened to Pavia, whither he had summoned a great diet and synod of the Italian kingdom. Thirty-nine bishops from Germany, France, Transjurane Burgundy, and Italy obeyed the command. The king lost no time in announcing his intentions; he called upon the prelates to point out the canonical mode of proceeding against simonians, and more especially to advise him as to the course to be pursued in dealing with the inveterate disorders of the church of Rome. In answer to this important question, the bishops shortly declared the law to be that no bishop, much less a pontiff of the holy see, could be accused or judged in his absence, or without the fullest opportunity and facility of defence. A message was accordingly sent to Pope Gregory VI. requesting him to attend upon the king, as soon as possible, at Piacenza.

The pontiff—a simple-minded and by no means ill-

<sup>m</sup> *Donizo*, Vit. Mathild. lib. i. c. 13; ap. *Murat*. iv. p. 256.

<sup>n</sup> Neither were these apprehensions vain, though verified at a more distant

period. Tuscany, under the celebrated Countess Mathilda, became the *point d'appui* of the papacy in the great war of investitures.

disposed person, probably not very intimately acquainted with the rigid rules of technical purity, and perhaps falling too much in with the loose notions of his age and education—presented himself without fear before the sovereign at the appointed rendezvous, and was received by him with all the honours due to the representative of St. Peter; and on this familiar footing he travelled with Henry as far as Sutri, a small town about twenty-five miles north of Rome. Here the king halted, and requested the pope to call a council, to consult on the best means of reforming the church in its head and members. The council was accordingly summoned, and within a very short space of time a great concourse of superior ecclesiastics—among them the archbishops of Aquileia and Arles, the bishop of Augsburg, and many others from all parts of Italy, France, and Germany, assembled at Sutri. The first subject proposed for the consideration of the meeting was the state of the Roman church, and the claims of the three rival pontiffs, Benedict IX., Sylvester III., and Gregory VI. Of these, the case of Sylvester was easily disposed of; he was adjudged to be a mere intruder without a pretence of title. The case of Benedict IX. was rather more knotty; but it was at length decided that, inasmuch as he had twice voluntarily resigned the chair, he had thereby adjudicated against himself and abdicated the throne; and that he could not, after he ceased to be pope, by any act of his own revive his title to the pontificate. Benedict and Sylvester being thus disposed of, the more delicate task remained behind of dealing with the canonical title of the pontiff from whom the judges themselves derived, and professed to derive, their own powers to sit and deliberate. Individually the prelates entertained no doubt of the simoniacal pravity of Gregory's election; they felt that his continuance in the pontificate was a blot upon the church that must not only stand as a stinging proof of their own pusillanimity, but afford direct encouragement and countenance to the very crime they were assembled to condemn and to punish. With what face could they expect

Henry III.'s summons to Pope Gregory VI.

Synod of Sutri.

to open out a pure stream from so polluted a source? As long as the fountain-head of all sacerdotal authority should be contaminated by simony, must not the derivative streams pour the like poison into every vein and artery of the ecclesiastical body?

It was determined, therefore, that Pope Gregory VI. should depose himself. A preliminary resolution was entered upon record, that no human tribunal was competent to try or to depose a pontiff of the holy see; that he was the sole judge in his own cause, and that unless he could be prevailed upon to pronounce sentence upon himself, there was no court that could take cognizance of the cause. The fathers therefore humbly besought the pope, then sitting and presiding over the assembly, that he would take his own cause in hand. "Gregory," says our informant Bonizo, "being a person of surprising *simplicity*, upon this intimation, entered upon his own defence, though indeed he made but a sorry story of it." He urged that he had hitherto, by the grace of God, sustained the reputation of a priest of unblemished life and conversation; and that so great was the credit he had thereby gained, that he was regarded by the Romans as a person of almost angelic purity: that he had by that course of conduct so gained the confidence of his fellow-citizens that he had been enabled to collect large funds, the whole of which he had conscientiously expended, more especially in the repair of the churches, in the emancipation of the clergy from the tyranny of patricians and nobles, and the reinstatement of the priesthood and people of Rome in the enjoyment of their electoral rights.<sup>o</sup>

The fathers, however, reverently reminded his holiness that these intentions, however laudable in themselves, might in his case turn out to have been, after all, the mere suggestions of Satan wherewith to hoodwink his conscience: he might, they said, have detected in them the wiles of the old enemy, since nothing that was base and venal in its origin could be called holy. Gregory, who seems to have honestly persuaded himself

<sup>o</sup> *Bonizo*, ad *Amic. lib. v. pp. 801, 802, ubi sup.*

that the expenditure of the funds he had collected and expended in a good cause could not be misconstrued by those who, like himself, had been earnestly intent upon putting an end to the existing abuses, was thunderstruck by the figure he cut in the mirror thus held up to him by the holy fathers. "He opened his eyes," says our informant, "to the truth without delay; he candidly confessed that he had yielded to the promptings of a zeal without knowledge—that the devil had deceived him into the belief that he had been acting for the glory of God; but that now that his eyes were opened, he clearly discerned the snare that had been laid for his unsuspecting soul, and desired the fathers to advise him as to the course he ought to pursue in so perplexing an emergency."

Whether this request was preferred with an honest desire for counsel under difficulty, or simply to perplex the fathers, and to entrap them into a violation of their own principle, the latter evaded it with some dexterity. They could not advise the pope to condemn himself, and to abdicate his illicit power, for then the act would be theirs and not his; they could not decline to speak, lest he should construe their silence as implying impotency, and retain it. But they knew their man, and thus shaped their reply: "Revolve," said they, "your case in your own breast, always remembering that it would be better for you, after the example of the blessed Peter, for the love of whom you say you have done these things, to live a life of poverty and obscurity in this world, and be rich with him in eternity, than while on earth to glitter with the sorcerer Simon Magus in the enjoyments of earthly power and wealth, and with him to perish irretrievably." This advice left the alternative pretty fairly in the hands of the pontiff, though clothed with the terrors most likely to impress a timid and burdened conscience. It left him, indeed, with little room to misunderstand the course he was expected to pursue; he therefore yielded to the suggestion without demur, and pronounced sentence upon himself in these words: "I, Gregory, bishop, servant of

the servants of God, do hereby adjudge myself to be removed from the pontificate of the holy Roman church, because of the enormous error which, by and through simoniacal impurity, hath crept into and vitiated my election thereunto." After this he addressed the fathers: "Is it," he asked, "your pleasure that so it shall be?" They replied unanimously, "Your pleasure is our pleasure; therefore so let it be." It is added, that as soon as the humble-minded pontiff had pronounced his own sentence, he descended from the throne, divested himself of the pontifical vestures, and sinking upon his knees, implored pardon for the usurpation of which he had been guilty.<sup>p</sup>

If it had been the general opinion of this age that ecclesiastical rank or order obtained by the payment of money voided the appointment *ab initio*, the fathers of Sutri could have had as little scruple in quashing the election of Gregory VI. as they felt in annulling that of Sylvester III. But in order to constitute themselves, they were compelled to resort to one or other of the three pontiffs—one or other must be acknowledged as pope *de facto*, in order to qualify them to determine whether there was a pope *de jure* or not. With this view Henry III. and his advisers pitched upon Gregory as a proper instrument for clearing the church of all the three, and for sweeping a clean path for their projected reforms. Though there were persons who held that bribery avoided all orders or appointments in the church, it is probable that the fathers of Sutri were not blind to the serious inconveniences of that doctrine, if followed to its remoter consequences. If simony had been held *per se* to vitiate an election from its origin, there would have been a vacancy of the holy see, and an incurable discontinuance of its powers for nearly one hundred and fifty years; scarcely a pope of the tenth century, or the earlier half of the eleventh, but must have been struck out of the lists of

<sup>p</sup> *Leo Ostiens.* Chron. Cassin. lib. ii. c. 79; ap. *Murat.* iv. p. 395. The principal authority we have followed for

this transaction is *Bonizo*, ad Amic. ap. *Æsel.* Rr. Boic. Ss. tom. ii. p. 803.

legitimate pontiffs.<sup>9</sup> The sounder view of the opinion upon which the fathers of Sutri acted as to the effect of bribery or venality upon the validity of ecclesiastical offices, was that it made them voidable by legal prosecution and sentence, but that it did not render them so retrospectively void as to annul the title of the persons elected, or vitiate their official acts from the beginning. If such had been their idea of the legal effect of simony, they could not have acknowledged either of the three rival pretenders; there would have been no pope to preside over the synod; and they would doubtless have regarded themselves as a simple convention, whose only duty it would have been to take the measures requisite to procure a valid election.<sup>r</sup>

The delicate task of deposing a legitimate pope and removing a crying scandal from the see of Peter having been successfully accomplished, King Henry adjourned

<sup>9</sup> *Baronius*, looking no further back than the election of Gregory VI., slips aside from the difficulty by denying that he was indebted to bribery for the see. He relied upon the testimony of Otto bishop of Freysingen, a writer of the twelfth century, who says that Gregory owed his election to the free suffrages of the Roman people, admitting, however, that he bought off Benedict IX. by a grant for life of the papal revenue of England (Peterpence). *Baronius*, moreover, quotes two letters to Gregory from St. Peter Damiani, congratulating him upon the prospect his election held out to the Christian world of the speedy extinction of simony, and consulting him upon other ecclesiastical matters. In the last place he urges the notorious recognition of Gregory VI. by Hildebrand (Gregory VII.), who, when himself elected to the papal chair, adopted his pontifical name in honour of his memory. *Pagi*, however, takes the good cardinal to task for this very questionable apology. The guilt of Gregory, he says, was known to all the world; it was admitted and reprobated by all contemporary writers; it was only less enormous than that of his rivals, inasmuch as the motive was less impure: Leo of Ostia, Glaber Rudolphus, Desiderius of Monte Cassino, and Bonizo, all concur in condemning

his election, as notoriously tainted with simony; and with these Hermann the Cripple (*Contractus*), a writer of a somewhat later age, fully agrees: the bishop of Freysingen's report is, besides, inaccurate in several particulars, and *Baronius* adopts his errors: then again, *Bonizo* was not only a contemporary but an eye-witness, he having been actually present at the council. On these grounds, *Pagi* concludes, no rational doubt can exist that Gregory VI. bought the papacy, and that, if simony could vitiate an election, there had been no need of more trouble about his case than about that of *Sylvester III.* See *Baron.* an. 1044. tom. xvi. p. 658 et sqq. with *Pagi's* notes, §§ 1-12.

<sup>r</sup> The fathers, however, did not enter at all into the question of what were the canonical effects of simony on the prior acts of the guilty parties. In the following age the more zealous reformers held that it not only vitiated the orders of the delinquent, but that it annulled all his official acts. On these matters, however, the age of Gregory VI. had not yet made up its mind. *Benzo*, a devoted partisan of the imperial faction, whose writings we shall hereafter have occasion to notice, treats the acts of Sutri and the deposition of the rival popes as the single acts of king Henry III.

Clergy and people resign the right of election to Henry.

the meeting to Rome, and assembled them in the church of the Prince of the Apostles for the purpose of electing a pontiff to fill the vacant chair. The king ascended a throne placed for him amidst the assembled prelates and cardinals of the Roman church; on his right hand and on his left were arrayed in due order the Italian and the Roman nobles of every rank, among whom stood foremost the Markgrave Boniface of Tuscany. Rising from his seat he addressed the meeting in a short harangue: "Hitherto," said he, "O senators and citizens of Rome, you have not made a judicious use of the great franchise intrusted to you; nevertheless, in conformity with ancient law and usage, you are now called together freely to choose from among the congregation of the priests of the Lord here present him whom you may desire to be your bishop." But here a difficulty presented itself fatal to a strictly canonical election. The king introduced the proceeding by rehearsing to the assembly all that had been done at Sutri, and exhorted the electors to look around and to point out some one whom, in strict accordance with the rules of canonical purity, they could conscientiously recommend. After some discussion it was ascertained that among the Roman clergy no such person was to be found; all, all were so polluted by "simony and fornication,"<sup>s</sup> as to be unworthy of such exalted dignity: the king, they said, was therefore, in virtue of his office, entitled to direct their suffrages, and they besought him upon their knees to establish such regulations for the election of the Roman pontiff as should now and for ever insure a succession of men who, by the excellence of their doctrine, and the purity of their lives, might lead back a perishing world into the paths of righteousness; and that thus the pestilence which had brought the church to the brink of ruin might be stayed. After this public confession and voluntary abdication of the franchise, the assembly resolved that King Henry, emperor-elect, and his successors, were hereditary patricians of Rome; and amid the loud acclamations of the meeting they clothed him with the

<sup>s</sup> Priests married, or addicted to concubinage.

green mantle of the patriciate, and placed the ring upon his finger, and the golden circlet on his brow. Invested thus with the plenary authority of the electors, King Henry descended from his throne, and taking Bruno bishop of Bamberg by the hand, he seated him on the vacant throne of the pontificate, all persons present signifying their concurrence by loud and repeated Hosannas. The new pope assumed the name of Clement II., and on the day of his nomination he placed the imperial crown upon the head of his patron.<sup>t</sup>

He seats  
Bruno of  
Bamberg on  
the throne.

Clement II.  
pope.

Among the reformers of the age Peter Damiani, prior of the convent of the Holy Cross at Avellano, near Eugubium in Umbria, stood foremost. The emperor was anxious to secure his aid in the great work of rooting out simony, and restoring the discipline of the church. By his desire the new pontiff wrote to the prior intimating the emperor's wishes. The latter, however, had no stomach for the occupation cut out for him. "I see no good purpose," said he in reply, "to be answered by running to and fro between you and the emperor. My duties lie nearer home, and here I have indeed my hands full. I am sick at heart when I reflect upon the utter confusion prevailing in these parts from the conduct of wicked bishops and abbots. What is it to us here to be told that the holy see hath turned from darkness unto light, if we here are doomed still to dwell in the shadow of death? What availeth it us to be informed that there is plenty of good food close at hand, if it be kept locked up in the granary, and *we* be doomed to die of famine? Or, how are *we* the better for the good sword by your side, if you are forbidden to pluck it from its scabbard?"

<sup>t</sup> *Leo Ostiens.* in Chron. Cassin. ubi sup. Conf. *Benzonis* Panegy. Hen. III. ap. *Mencken*, Ss. Rr. Germ. tom. i. p. 957. The work of this writer must be used with great caution. His narrative is so disfigured by exaggeration and party spirit that it is difficult to separate what may be true from what is obviously false. We have endeavoured to reconcile his account of the election of Clement II. with that of the

far more authentic, but extremely laconic, story of Leo of Ostia. In this story we think we perceive a reluctance to come out with all the facts; while in that of Benzo we detect a strong desire to exaggerate the imperial share in the transaction, and to impute to Henry an extravagance of prerogative which it is very unlikely the Romans should acknowledge.

We know that things cannot be taking a right course when we see the robber (bishop) of Fano, whom even the false popes put out of communion for his numberless atrocities, or him of Ossimo, dyed equally deep in villany, with many other criminals of the like cast, returning joyously from your presence. Must not the sight of such things convert our hope into mourning, and cause us to wring our hands in despair? There was a time when we trusted that you would have redeemed our Israel; and we do now earnestly beseech your holiness to set righteousness upon its feet again. Bring to your aid all the rigour of ecclesiastical discipline, so that the proud may be confounded and the humble man be edified and encouraged.”<sup>u</sup>

Peter Damiani belonged to that school of eager reformers which looks for the fruit almost as soon as the good seed is planted, and before time has been allowed for it to germinate. As we shall have frequent occasion to speak of this school, we may at once conveniently designate them as the *Disciplinarian*, in contradistinction to another and widely different class, who may with equal propriety be distinguished as the *Political reformers*. The complaint of Damiani was not without foundation. For some time no definite steps were taken against the delinquencies of which all were ashamed, and few were honest or bold enough to grapple with. But in the January following his coronation Henry convoked a second synod at Rome for the suppression of simony, though unaccompanied with the severity of punishment which the zealous abbot of Avellano demanded. At this convocation the anathema was pronounced against all persons who should by purchase acquire, or dispose of by bargain and sale, any spiritual office; and it was ordered that if any one should accept holy orders from a bishop whom he should, at the time of receiving them, know to have been himself simoniacally ordained, he should be deemed guilty of a grave offence,<sup>v</sup> and should for the same undergo

<sup>u</sup> Ep. Pet. Dam. ap. Fleury, xii. p. 552.

<sup>v</sup> A sort of misprision of simony.

a penance of forty days.<sup>w</sup> But so moderate a measure did not answer the demands of the eager disciplinarians. The course of bit-by-bit reform was <sup>Dissatisfac-</sup> equally displeasing to the party of the *political* churchmen, who soon began to exhibit an ominous aversion from that control and management which the emergency of the times had thrown into the hands of the secular power. The zealots of the party complained bitterly of the arbitrary demeanour of the emperor during the late transactions at Sutri and at Rome. "The elevation of that prince to the imperial throne," they said, "had, it is true, the effect of emancipating the clergy and people from the oppressions of their domestic patricians, who had indeed always been chosen from among the petty tyrants of the city and its environs; but he had hastened to undo all the good he had done for church and people by unlawfully assuming to himself the same tyrannous power."

Little information exists respecting the office of the patriciate since the age of Charlemagne. All <sup>The patrici-</sup> that is known amounts to no more than that <sup>ate.</sup> certain officers, either appointed by the emperors and kings of Italy, or assuming to have been so appointed, had from time to time exercised in their names a protecting, or—what in that age was pretty much the same thing—a governing power, which they had frequently abused. The name of patrician came at length to be connected with those official tyrannies under which the Romans had suffered for a long time past. The delegation of that imperial function to inferior officers had obliterated from the minds of the commonalty all recollection of its original import and dignity.<sup>x</sup> It was open, therefore, to the ill-informed to confound the office of protector with that tyranny which the name denoted in the popular acceptance. Thus Bonizo of Sutri might take the

<sup>w</sup> Concil. *Hard.* vi. p. 926; or in the edit. of *Colet*, tom. xi. pp. 1313, 1314, and *Supplem.* tom. i. p. 1277. This council is only known from a letter of Peter Damiani to Henry archbishop of Ravenna. The *Art de Vérif.* &c. i. p.

176, says that it was moreover enacted at this synod that no bishops of Rome should be elected or consecrated without the consent of the emperor.

<sup>x</sup> Conf. Book VI. c. iv. pp. 107, 108, and c. v. p. 132, of this work.

emperor to task for assuming a title odious to the people, derogatory to his own character, and degrading to the imperial dignity. The emperor, he urged, was too high and mighty a personage to condescend to so disreputable a station. "To what end," he asked, "could the Emperor Henry have assumed the inferior title of patrician, except it were that he might step the more easily into the place of the tyrants who had hitherto disgraced and vexed the church? What more cruel mockery, than that he who but a few days before had condemned and punished those lay oppressors<sup>y</sup> should avowedly set himself up as their successor, even to the very name and title of office? What other object could he have in view but, by taking the title, to snatch the right to which the lay tyrants had always aspired, of electing and ordaining the Roman pontiffs?"<sup>z</sup>

Thus early in the progress of church-reform had that jealousy of the power to which the reformers were indebted for the possibility of a successful termination of their labours arisen to disturb the movement, and to direct it into that channel which political churchmen never lose sight of—an absolute independence of all lay government. The real grievance of this party is clearly revealed in the complaint of the bishop of Sutri. He conceived the patriciate, or desired it to be conceived by the public, as a naked tyranny—the usurpation of a governing power never before exercised by emperor or king—consequently illegal and tyrannous in its origin. Accordingly he chose to see in the bearer of the imperial title no other than the covenanted advocate and temporal protector—an office with no reciprocal duty attached to it—a profitable barter of

<sup>y</sup> Namely, the patricians—in the plural. It is probable that the persons in question consisted of upstart nobles who had, perhaps in imitation of the forms of the ancient republic, assumed the rank of patricians, and exercised powers they might ignorantly conceive to attach to that rank.

<sup>z</sup> *Bonizo*, ad *Amic. lib. v. c. 2*, ap. *Cefel. Ss. Rr. Boic. ii. p. 802*. The ignorance of *Bonizo* would surprise us if

we did not suspect that it was intentional. Neither *Charlemagne*, he tells us, nor his son *Louis the Pious* ever were patricians of Rome (!). As to *Charlemagne*, he never was even emperor; his son *Louis the Pious* was the *first* emperor—neither of them could, he says, have ever thought of degrading the superior title by assuming the lesser (!).

spiritual wares for hard services, personal risks, and enormous expenditure of life and treasure.<sup>a</sup> The common sense of mankind suggests that there can be no binding bargain without a reciprocity of advantage. Where there is a burdensome office, there must be the power to perform its duties, and a right to command obedience to its legitimate dictates. It was, however, the aim and object of the party of political reformers to bind down their officer to all his rigorous obligations, while divesting him of every corresponding duty he might claim as against themselves. They repudiated subordination, under the plea that the demand originated from an illegal and tyrannical usurpation; they called upon their covenanted advocate and protector to exhaust himself and his subjects in the performance of his duty to the church, without the means of commanding the support of pope, clergy, or people. We shall find hereafter that the objections taken to the assumption of the patriciate were little more than a subterfuge to cover the designs of the leaders of the party. Independence was but the first step to ascendancy; Hildebrand of Saona and Anselm of Lucca had already appeared upon the stage; and under the animating suggestions of these men the energetic body called into life by the unsuspecting piety of the northern monarch was preparing to contend with him for the sceptre of the world.

<sup>a</sup> On the patriciate, see chap. iv. of Book VI. On the political powers exercised by the emperors in Rome and

Italy, see the same passages, and conf. chap. v. of the same Book, pp. 131 et sqq.

## CHAPTER IV.

### HENRY III. EMPEROR. EARLIER REFORM MOVEMENTS.

Rise of Hildebrand—Death of Gregory VI. and Clement II.—Appointment of Poppo bishop of Brixen—Wazo's opinion—Damasus II.—his death—Election of Bruno bishop of Toul—Leo IX. pope—Object of the fictitious narrative of the journey of Bruno (Leo IX.) to Rome—Hildebrand and the decretalists repudiate lay interference—Views of the political reformers—Advantage of the political scheme—Synod at Rome—Indiscreet zeal of the decretalists—Alarm of the priesthood—The synod supposed to have prohibited clerical matrimony—Failure of the scheme—Hildebrand seeks for proselytes abroad—Hildebrand and Leo IX. in France—Synod at Rheims—Reforms proposed to the synod—Inquest and its results—Leo IX. excommunicates the French prelates for non-attendance—Celibacy of the clergy not yet mooted—Synod of Mainz—Sacerdotal marriage condemned—Dispositions of the Italian hierarchy—Struggle of the monastic party against simony and clerical matrimony—The two great issues—The history of sacerdotal celibacy—its origin—its progress—Monastic view of the nature of marriage—Peter Damiani on celibacy—he defends orders conferred by simoniacal bishops—Policy of the defence—Inveteracy of the Italian prelacy—Riotous synod of Mantua—Henry III. withholds his support—Unfortunate campaign of Leo IX. against the Normans—Settlement of the Normans in Italy—Release and death of Leo IX.

UNDER the belief that the main objects of his expedition to Italy had been successfully accomplished, Hildebrand. the emperor returned to Germany, carrying with him the deposed pope Gregory VI. The exile was accompanied on his journey by his faithful friend and chaplain Hildebrand, the son of a carpenter of Saona in Tuscany, who in early youth had migrated to Rome, and soon attracted the attention of persons of rank and influence, more especially that of Lawrence archbishop of Amalfi, by whom he was introduced to the notice, first of the profligate Benedict IX., and afterwards of the erring but amiable pontiff, to whom he adhered to the last hour of his life, with all the tenacity of purpose which distinguished his daring and brilliant career. Hildebrand derided the pleas upon which the presumptuous

layman Henry had dared to set aside the free election of the church and people of Rome, and sacrilegiously to set up a pontiff of his own. He maintained both the purity and the legitimacy of Gregory VI., and refused to acknowledge his successor in any other character than that of an uncanonical intruder. Upon the death of his patron, which occurred a few months after his arrival at his place of banishment, Hildebrand retired to the monastery of Cluny in Burgundy, where he entered the order of St. Benedict, and soon distinguished himself among that fraternity as a learned canonist and divine.<sup>a</sup>

Death of  
Gregory VI.  
and  
Clement II.

The events which followed the death of Gregory were of a nature to deepen the impression and to stimulate the hopes of the ambitious monk. Clement II. had died a few days before his unfortunate rival.<sup>b</sup> The Romans reported the decease of the pontiff to the emperor, and recommended to him Halinard archbishop of Lyons, as the person best qualified to fill the vacant throne. But for some reason of his own Henry preferred Poppo bishop of Brixen, and designated him as successor to Clement. It appears, however, that the emperor wished to avoid offending against established custom; and, entertaining some doubt whether he was justified in causing an election to be made at a distance from Rome, and without the personal concurrence of the electoral body, he submitted the question to Wazo bishop of Liege, one of the most highly reputed canonists of the age. In Germany the schools of canon law had survived and flourished throughout the worst periods of ecclesiastical decline. Rhegino abbot of Prume, and after him Burchard bishop of Worms, had kept alive the knowledge of canon—or rather pontifical—law<sup>c</sup> in that country and the neighbouring provinces of France. Wazo was a pupil of that school. He had, we are told, devoted much of his time to the study and arrangement of “the acts of the Roman pontiffs, their decrees and the

Appointment  
of Poppo of  
Brixen.

<sup>a</sup> *Bonizo*, ad Am. lib. vi. ; ubi sup. pp. 802, 803

<sup>b</sup> Oct. 9th, A.D. 1047.

<sup>c</sup> See Book VI. c. viii. pp. 214, 215 of this work.

authentic canons of the church," and he had arrived at the conviction that the supreme pontiff, whatever his manner of life, was, by divine decree, exempted from all human jurisdiction or responsibility.<sup>d</sup> Wazo was besides a man of unimpeached integrity and undaunted courage. No doubt suggested itself to his mind as to what his answer to the imperial inquiry should be. At this moment he was uninformed of the death of Gregory VI., whom he still regarded as legitimate pontiff. His answer, therefore, was framed upon the supposition that he was still alive; consequently that there could be no question as to the election of a successor, or the propriety of any proposed mode of filling a nonexistent vacancy. Wazo boldly condemned all the late proceedings of the emperor at Rome, and denounced the deposition of Gregory VI. as uncanonical and irregular: "Your majesty," he said, "should reflect that the pope whom you have ejected is still living; and that he whom you substituted being now dead, the papacy survives in him whom you have deposed; for if there be a doctrine more clearly inculcated in the traditions of the church than another, it is that a supreme pontiff cannot be arraigned, judged, or deposed, by any human being."<sup>e</sup>

But by the death of Gregory the question had really arisen; and to that question the answer of Wazo had no application. Bishop Poppo, the designated candidate, treated the advice tendered with contempt; and the emperor persevered in his earlier intention. The pope-elect took the name of Damasus II., and was escorted to Rome by Markgrave Boniface of Tuscany. The Romans welcomed him cheerfully as their protector against domestic tyranny. The high church reform party among the clergy, on the other hand, beheld with indignation this fresh instance of sacrilegious meddling with holy things. "All this was done," says the zealous Bonizo, "in the exercise of the tyrannical power of the patriciate which the emperor had usurped. But,"

<sup>d</sup> *Anselmi Gest. Episcop. Leodiens.* ap. *Pertz*, vii. pp. 228, 229.

<sup>e</sup> *Anselm. Gest. &c. ubi sup.* He

therefore dissented from the doctrine of self-deposition, or doubted the voluntary character of the act.

he adds, “before twice ten days had passed over the head of that man, filled with all pride, whom he had obtruded upon the holy see—this Damasus—sickened and died, and perished body and soul.” But though a matter of self-congratulation to the zealots, the sudden death of the new pope was a subject of serious alarm to the Romans. That imperial patriciate which gave such umbrage to the Roman nobles, and their friends the radical reformers, appeared as a matter of life and death to the citizens. Swift messengers were sent off to the emperor to apprise him of the calamity that had befallen them, and a deputation followed, with a humble request that he would lose no time in naming a successor. We are, however, assured that the Germanic prelacy regarded the sudden death of their colleague as a mark of the Divine displeasure, and declined not only to offer themselves as candidates, but even to throw themselves in the way of the emperor’s choice. Perplexed by this unexampled reluctance, Henry summoned Bruno bishop of Toul to his presence; and, after much entreaty, obtained from him a conditional acceptance of the pontifical throne.<sup>f</sup>

The biographer of Bruno says, that when he was summoned to the council, he was ignorant of the emperor’s intention; but that the moment he appeared he was unanimously—as it were by an impulse of inspiration—pointed out as the fittest person to bear the burden of the apostolic office. The Roman envoys joined in the general entreaty; and he yielded at length to the wishes of the assembly, but solely upon the condition that he should be allowed to satisfy himself beyond doubt that he was the free choice of the clergy and people of Rome. Meanwhile he returned to his diocese; he declined the robes and ornaments usually assumed by a pope-elect, and refused to take a pontifical name until he should have assured himself of the canonical regularity of his election. After this, avoiding all distinctive apparel, and

Death of  
Damasus II.  
Election of  
Bruno bishop  
of Toul  
(Leo IX.).

<sup>f</sup> *Bonizo*, ubi sup. p. 803. *Wibert*, tom. iii. pp. 291, 292.  
in *Vit. Leon. IX.* lib. ii. c. 2, ap. *Murat*.

demeaning himself as an ordinary pilgrim to the holy places, he set forth on his journey to Rome. Upon his arrival he called together the clergy and people, and told them that, in compliance with the petition of their envoys, the emperor had recommended him to their choice; but he warned them that the election must be the result of their unsolicited and unbought suffrages; and he assured them that no election could have any validity that proceeded from external command, influence, or solicitation. "And," he added, "of this thing be sure, that unless I am detained by your free and united votes, I shall joyfully retrace my steps to my own country and my own beloved people." In the end, however, the decision of the electoral body satisfied him that the imperial choice was in all respects agreeable to the constituency, and he was accordingly enthroned and consecrated by the title of Leo IX.<sup>g</sup>

Though compelled to admit the canonical validity of the election of Leo IX., the political party in the Roman church adhered to their charge of impiety against the emperor. Suppressing the fact, that Bruno was ignorant of his destiny when summoned to the imperial council, and that his acceptance of the pontificate was conditional only, they imputed his return to the right path to the pungent remonstrances of their hero Hildebrand. Bruno, they assert, was from the first apprised of the purpose for which he was summoned; and that when the pious Odilo of Cluny heard of his arrival at Besançon, on his way to Rome, to assume the pontifical crown, he determined to confront him by the way; that when Hildebrand was informed on the journey of the object of the intended visit, he earnestly besought the abbot to desist, and to turn back: "For," said he, "if Bruno shall have dared to assume the pontificate at the command of the emperor, he is an apostate, and not an apostolic pope."<sup>h</sup> The abbot, it is further said, listened in silence, but continued his journey. On his arrival he waited upon Bruno, and earnestly pressed upon him the

<sup>g</sup> See his life by his friend and arch-deacon, Wibert apud *Murat.* tom. iii.

ubi sup.

<sup>h</sup> "Apostaticus, et non apostolicus."

argument of Hildebrand; he convinced him of the fatal error he was about to commit; Bruno thereupon *divested himself of the papal vesture*, and proceeded to Rome in the garb of a simple pilgrim, where he presented himself to the church and people, and placed himself at their disposal, carefully avoiding all mention of the imperial recommendation. These veracious historians add, that thereupon the cardinal-bishops and clergy present assured him *that they had sent for him*, that they might choose him for their pontiff; that the usual proclamation was made; that the people confirmed the election by acclamation, and that the pope-elect was then formally and canonically enthroned in the chair of the prince of the apostles.<sup>1</sup>

Though little credit is due to this account of the transaction where it departs from that of Wibert, it is instructive to observe the anxiety of the party to fix the blot of usurpation and impiety upon the secular state. That the election of Damasus II. was in some respects irregular may be believed; neither is it clear that that of Leo IX. would bear a rigid canonical investigation. A presentation, or even a suggestion from so powerful a patron, may be reasonably enough supposed to detract something from the freedom of the electors; undue influence may be surmised, though it may not be conclusively affirmed. Yet in this instance it is manifest that the emperor stood clear of any intention to infringe the privileges or bias the will of the electors; and that, on the contrary, he was willing in a great measure to forego the influence which his predecessors, when they had the power, invariably exercised over the choice of the Romans. The doubt on his mind was not whether he had a right to use that influence, but whether he could do so in this initiatory stage, and while he was himself residing at a

<sup>1</sup> *Bonizo*, ad Amic. lib. vi. ap. Cefel. ii. p. 808. *Brunonis Vit. Leonis IX.* ap. *Murat.* iii. P. ii. p. 348. Wibert, it should be remembered, was the familiar priest and companion of Leo IX., not only throughout his journey from

Liege to Rome, but both before and after his nomination to the papacy by Henry III. The accounts of Bonizo and Bruno were written between thirty and forty years later, during a period of bitter political and religious strife.

distance from the place of election. But it lay in the ground-plan and principle of the decretal scheme, that lay influence, in any form or shape, was nothing less than a sacrilegious impiety; and if it suited their policy to acknowledge Leo IX. as legitimate pope, it was of the utmost importance to show that he had unequivocally renounced the imperial nomination, and thrown himself upon the naked suffrages of the electoral body. And it is with this view that we believe the mythic incidents connected with the journey and election of Leo to have been inserted by the Hildebrandine writers.

We take it for granted, therefore, that Henry III. Hildebrand was ready to admit the principle, that the free and the decretalists repudiate lay interference. concurrence of the clergy and people of Rome was requisite to give effect to the imperial nomination. It may indeed be assumed that, upon that particular point, there was no difference of opinion between the electoral body and the secular state. To the rigid decretalists, however, this view of the relative position of the parties was more especially offensive, because it implied and justified secular interposition—because it introduced the unhallowed hand of the “lay enemy” into the sanctuary—because it subjected the children of light to the “kingdom of darkness”—because it was a sacrilegious profanation of the temple of God, and a robbery of the honour due to Him in the persons of his servants and representatives.<sup>j</sup> And with these opinions deeply graven in their minds, the political reform party, with Hildebrand at their head, followed in the wake of Leo IX. to Rome, and speedily insinuated themselves into the confidence of the new pontiff. Hildebrand himself was shortly afterwards raised to the dignity of cardinal sub-deacon, steward and treasurer of the holy see. From this moment to his death, forty years later, he is ever present on the stage of papal history.

This appointment established the obscure monk of

<sup>j</sup> See Book VI. c. vii. pp. 199, 200 of this work. We anticipate our authorities; but the sequel will amply

confirm this statement of the opinions and projects of the political reform party.

Cluny as the minister of the new pope, and brought him into communication with Peter Damiani, the distinguished leader of the disciplinary school. Both parties were anxious to loosen the grasp which the laity had obtained upon the offices and possessions of the clergy. But while the political reformers looked forward to the final separation of the church from the state, and the ultimate political ascendancy of the spiritual powers, the disciplinarians carried their views no further than the purification of the clergy, and their protection from the contaminating influence of worldly interests and occupations. The giant adversary against whom both parties were disposed to combine their forces with equal zeal was the crime of *simony*. That term, in its original signification, denoted a corrupt sale and purchase of the gifts of the Holy Ghost, as conveyed to the candidate for ecclesiastical office through the imposition of hands. The bare presentation of the person imparted no gift, and gave no authority; consequently in this definition of simony there was nothing repugnant to the exercise of lay patronage, provided the presentment was unaccompanied by a money bargain or valuable consideration. The political reformers, however, agreed to regard presentation, ordination, and institution as parts of one and the same transaction; so that lay participation, whether gratuitous or corrupt, in any way entering into and taking part in the sacred act, vitiated the whole, and imparted to it the essential character of simony. They regarded the laity as concluded under the carnal law, and denounced all communion between the kingdom of God as represented by the priesthood, and the kingdoms of the darkness of this world, as essentially corrupt and unholy. Can it be conceived, they asked, that the carnal man, the lay enemy, whom it was the duty of the church to subdue and to reduce to obedience to the law spiritual, should hold the keys of the sanctuary—should open or shut its gates at their pleasure—should introduce his emissaries into the bosom of the church, and with them all the fleshly elements that had hitherto so utterly polluted and disgraced her? What,

Views of the  
political re-  
formers.

they inquired, were this but wholesale simony, involving both church and state in the same guilt? True, indeed, Simon Magus offered money for the gifts of the Holy Ghost; but was sycophancy, ambition, fear, affection, or any other motive tending to divert the gifts of God out of the only pure and holy channel of transmission, less the subject to the prohibition, less justly amenable to the like condemnation?

From the moment of their birth there could be little doubt which of these two opinions, touching the participation of the laity in the distribution of ecclesiastical office, would prevail. The former laboured under the serious objection of moderation and practicability. The views of its promoters were confined to moral and religious improvement, and afforded little scope for further expansion. The latter was broad and indiscriminate: it opened an unlimited prospect of power and dominion; it reposed upon the now consolidated foundation of decretal law, and was thence supplied with a store of precepts and instructions sufficient to answer every demand of the most unbounded ambition.

Though struggling against poverty, which often reduced him to great difficulties, Leo IX. and his zealous friend Hildebrand wrought indefatigably for the extirpation of simony. Compelled to draw upon his private resources for the subsistence of his household, and deserted by fair-weather friends, he persevered with honest solicitude in the path marked out for him; and at as early a period as practicable he assembled a synod at Rome to advise him upon the best mode of putting an end to the disgraceful traffic in spiritual graces, which had now, once for all, awakened the zeal and indignation of Christendom. Some time was requisite to bring together the bishops of Italy, France, and Germany; and it was not till the month of April, in the year 1049, that the pope succeeded in collecting around him numbers sufficient to give weight to his decisions. With more zeal than discretion, the ultra-reformers proposed to annul all orders conferred by bishops who had purchased

Advantage  
of the poli-  
tical scheme.

Synod at  
Rome. In-  
discreet zeal  
of the  
decretalists.  
A.D. 1049.

their sees. The effect produced upon the assembly by this proposal affords the strongest evidence of the extent to which simoniacal practices had been carried. The bare statement raised a storm of agitation and alarm among the members, more especially among the Roman ecclesiastics. They clamorously affirmed that such a measure would operate to suspend almost every priest, and to empty almost every church in Italy: that the people would be deprived of all the ordinances of religion: mass would be discontinued; piety extinguished; and the faithful throughout the land driven to despair. These remonstrances—more probably, perhaps, the danger of a schism in the church—drove the pontiff and his advisers from their ground; and they consented, for the present, to abide by the decree of Pope Clement II., imposing a canonical penance and abstinence from sacred ministration for a term of forty days upon all ecclesiastics who had knowingly accepted holy orders from a simoniacal bishop; but with the proviso, however, that all such offenders should be incapable of further promotion in the church.<sup>k</sup>

If this bold experiment upon the penitential feelings of the Italian churches had been even partially successful, a very important share of the church's patronage of Rome and all Italy would have fallen into the hands of the political reform party; to be distributed, of course, among the disciples of the extreme school. The Roman clergy perceived at a glance that the success of the proposed measure would be their ruin. Many of this class had heartily joined in the reform movement; but they knew that if required to prove the purity of the source from which they derived their orders, not one in a hundred could clear his title from the simoniacal taint. They comprehended at once the full scope of the measure proposed: they perceived that the zealots had followed up their principle to its extreme consequences; that they had settled in their own minds all

<sup>k</sup> *Hard.* Concil. tom. vi. pp. 991, 992; edit. *Colet.* tom. xi. pp. 1395, 1396. *Wibert.* Vit. Leon. IX., ap. *Murat.* ubi sup. *Hermannii Contracti* Chron. an. 1049, ap. *Pistorium*, Rr. Germ. Ss., tom. i. p. 291. *Fleury*, xii. pp. 358, 359.

the results, past, present, and future, of the charge of simony; that they had set it down as *the sin against the Holy Ghost*,—a heresy of so dark a hue as to be beyond the reach of pardon; operating to the extinction of all ecclesiastical office, to whatever stage in the course of transmission that taint might attach. It was perceived that to them it was a trivial matter that the principle cast the most painful and embarrassing suspicions upon the efficacy of all ecclesiastical ministrations for unnumbered years bygone; that it encouraged the most harassing and vexatious inquisition; that it alienated friends, exasperated opponents, and must in the end impel its authors into the path of inexorable scrutiny and merciless punishment. And in fact the ultra reformers were prepared for all these consequences, if they had been able to achieve even a partial success in this their first bold step. But here they found the religion or the superstition of the masses running hand in hand with the vital interests both of religion and its ministers; and Hildebrand wisely withdrew from the encounter with impediments which must bid defiance even to his strategical ability.

But no failure operated to relax the efforts of the reformers for the abolition of admitted abuses. In the first instance they turned their attention to the prosecution and punishment of bishops guilty of the "heresy of simony." All offenders of this kind within their reach were condemned and deposed. They prevailed upon the pope to declare void all wedlock within the prohibited degrees of consanguinity or affinity; and even to dissolve the marriages of several persons of distinction for cause of "incest."<sup>1</sup> Another writer assures us that the council of 1049 made a decree that "from thenceforth neither priests nor deacons should marry wives; which thing," he adds, "caused the old serpent to rage furiously: for the bishops accepted the ordinance in moody silence; and at the suggestion of the great enemy of mankind sullenly determined to disregard it altogether."<sup>m</sup> Nor, in fact, can

<sup>1</sup> *Wibert*. Vit. S. Leon. ap. *Murat*. iii. ubi sup.

<sup>m</sup> *Bonizo*, ad *Amic*. ubi sup. It is not, however, certain that the first

any state of circumstances be imagined more unfavourable to the scheme of the ultra-reformers at home than that they were doomed to encounter. The bonds of civil society had been torn asunder by long-continued habits of rapine, oppression, and injustice, against which the papal government was altogether impotent. The city of Rome was encompassed by a predatory nobility, who possessed garrisoned castles and fortified posts or palaces within and without the walls. Robber hordes haunted the streets and high-ways, and snatched the offerings of the faithful, who had escaped the dangers of the road, from the very altars on which they were deposited. Among these persons the irregular clergy found countenance and protection; and the simoniacal bishops, under the banners of the lawless capitani and suburban nobility, might safely defy the censures of the pontiff and his puritanical advisers.

But no one knew better than Hildebrand that the strength of the reformers did not reside in Rome or Italy. Rome was not, in fact, and rarely had been, the proper domicile of Romanism. The stream of popular religion had more generally flowed to than from her; and the great reformer now resolved to transfer his labours to the more promising field open to him in Germany, France, and Burgundy. In the course of his varied and intelligent career, he had observed among the clergy of those countries a richer fund of piety; a larger and more earnest conception of their pastoral duties; a more familiar acquaintance with ecclesiastical law; a more honest aversion from abuses of all kinds, and a more stern determination to apply the remedy, than could be found among the corrupt, the trimming, and time-serving Italians. With this knowledge of his ground, Hildebrand com-

Hildebrand  
seeks for  
proselytes  
abroad.

move in the two great questions of lay and clerical matrimony was made at the council of 1049. Damiani, the great disciplinarian reformer of the age, referring to this synod, does not mention any attempt to meddle with the question of marriage. It is also observable that the biographer Wibert

did not notice the question of clerical marriage as a subject of deliberation at this meeting. It is therefore possible that Bonizo attributed to the Roman council a resolution which was actually passed at Maintz a few months afterwards.

bined a personal acquaintance with the men he had to deal with. With all his dislike of secular interference, he was far from entertaining any objection to secular instrumentality. The indiscriminating zeal of the emperor and the most distinguished ecclesiastics of Germany, offered a prospect of coöperation of the highest value to his scheme for overcoming the resistance of the corrupt prelacy of Rome and Italy; and he never lost sight of that personal influence he had established at court, and the connections he had been careful to cultivate among the French and German hierarchy during his residence in those countries.

Accordingly Hildebrand and his friend Leo IX. withdrew from Rome, and sojourned for a short time at the imperial court then resident in Saxony. From Saxony the pope removed to Cologne, and thence to Toul in Lorraine, from which city he issued his precept to all the bishops and prelates of France and Germany to meet him in council at Rheims in Champagne on the first day of the ensuing month of October (1049). It was proposed to open the council by an act of piety and devotion, to which, in that age, much importance was attached. The abbot of St. Remigius at Rheims had recently built a sumptuous church in honour of his patron saint. This temple was to be solemnly dedicated by the pope in person; and the nobility, clergy, and people of France, with the king, Henry I., at their head, were earnestly solicited to be present at the ceremony, and to attend the deliberations by which it was to be followed. But long before the appointed day the objects of the meeting had transpired, and proved equally unpalatable to the king and the leaders of the French aristocracy and the clergy. "The devil," says a contemporary writer, "tempted certain powerful men among the laity, who, by incestuous marriages and other iniquities, had made themselves amenable to ecclesiastical censures, as also many bishops and abbots who had slunk into the fold, not through the door, but over the wall, and had both themselves committed, and suffered others to commit, many grievous breaches of the ordinances of the

Hildebrand  
and Leo IX.  
in France.

Catholic fathers ; all which they knew were about to be laid bare and visited with condign punishment at the great inquest then about to be held : all these persons, I say, at the suggestion of Satan, whispered in the ear of the king (Henry I.) that it would be a disgrace to his crown if a pope were permitted to play the monarch within his dominions : that if he were allowed to assail the established laws and usages of the realm, there would be an end of their liberties : besides, there was no precedent for opening the gates of the cities of France to any pope coming upon such an errand : the state of affairs, too, was unfavourable to the holding of councils ; they had other and more important affairs on their hands at that moment : there were rebellions to be put down, civil disorders to be suppressed, and a variety of work to be done, which required the personal attendance and services of the bishops and abbots who had the disposal of the largest portion of the national forces. These suggestions," the writer observes, "finally prevailed with the king. He gave formal notice to the pope that he could not attend the proposed council, and requested him to postpone it to a more convenient place and season."<sup>n</sup>

In defiance of this notification, the pope refused to change the place or to postpone the meeting of the intended council ; and the king, with a view to prevent his prelates and abbots from attendance on the council, took the field against certain rebellious vassals, followed by the whole ecclesiastical constituency of the kingdom. Pope Leo IX. arrived at Rheims on the Michaelmas-day of the year 1049, accompanied by the archbishops of Treves, Lyons, and Besançon, the bishop of Portus, Peter prefect of Rome, but, of the whole French hierarchy, by the bishops of Senlis, Angers, and Nevers only. But that which gave some degree of brilliancy and weight to the assembly was the multitude of pious visitors who travelled from far and near in anxious hope and expectation of a happy change in their religious prospects. So vast indeed was the concourse, and so importunate

Synod at  
Rheims.  
A.D. 1049.

<sup>n</sup> *Anselmi Itinerarium ; Pugi Crit. ad Baron. an. 1049, tom. xvi. p. 26.*

their desire to give a joyful welcome to the spiritual father, that the pope was obliged to retire to the convent of St. Remigius outside the city walls, where he could move and breathe more freely. Here the ceremony of the dedication was performed, with all that religious display which might leave a lasting impression upon the heart and memory of the devout, and engage the imagination of the merely curious or superstitious spectator; and on the third day of October the pope presided in person at the first session of the synod.

The voluntary or compulsory absence of the French clergy reduced the numbers to about twenty <sup>Reforms proposed at the synod.</sup> bishops, fifty abbots, and a few other superior ecclesiastics. But though not imposing in point of numbers, the meeting were of one mind with the pope and the managers; and, what was of greater importance, carried with them the public sympathy. On this occasion Hildebrand prudently avoided the shoal upon which the vessel of reform had heretofore run aground; he kept out of sight for the present the dangerous *ultima ratio* of the decretalists, and abstained from impugning the validity of orders conferred by simoniacal bishops. The attention of the fathers was called principally to the detection and correction of corrupt practice, and those moral impurities and breaches of discipline which prevailed to so lamentable an extent in the churches of Italy, France, and Germany. In the first place, the pope directed that inquiry should be made into all cases of simony; next, he called upon the synod to mark by their censures all unlawful intrusions, and usurpations of ecclesiastical offices and benefices; and to put a stop to the extortions of the laity, more especially the imposts they were in the habit of levying at the church-doors; "incestuous marriages" were denounced; and the common practice among the laity of deserting their lawful wives, and marrying strange women was censured. In like manner, inquiry into the prevalence of the crime of "apostasy," or renunciation of monastic vows and holy orders, was called for; and the secular habits of the clergy, especially the custom of bearing arms and doing personal

service in the field, were severely rebuked. These and a few minor irregularities formed the principal subjects of discussion. Every bishop and abbot present was summoned (without regard to consequences) <sup>Inquest and its results.</sup> to declare, each for his own person, truly and upon pain of the anathema, whether he had himself received, or conferred upon others, any ecclesiastical order or function by way of purchase. Five out of the twenty bishops present were unable to give satisfactory answers to the interrogatory addressed to them. The bishops of Langres and Nantes were degraded on their own depositions; those of Coutances and Nevers were allowed to purge themselves upon oath; the former deposing that though he knew his election to have been impure, yet he had been compelled by force to accept consecration; the latter declaring that his parents had purchased for him the see of Nevers without his knowledge or consent. The fifth of the number of delinquents thus impugned was no less a person than the archbishop of Rheims himself. When the question was put to him, he claimed privilege of rank; and his case was adjourned, "dignitatis causa," to a future synod to be held at Rome.

The resolutions of the council upon these topics were epitomised in twelve canons, by which the abuses and errors enumerated in the pontifical programme were severally condemned. After <sup>Leo IX. excommunicates the French prelates for non-attendance.</sup> this, the council proceeded to deal out the appropriate penalties upon individual delinquents, prefacing their judgments by the ostentatious declaration that all these judgments were passed by the sole authority of the holy pontiff, "besides whom there was no other primate of the universal church." "This acknowledgment was founded," says our reporter, Anselm, "upon the opinions of the ancient fathers of the faith, now publicly read before the synod; and it was by them decreed that the pope of Rome is sole primate, and exclusively entitled to be called 'Apostolic bishop ('Apostolicus')." Sentence of excommunication was then denounced against all *bishops and prelates* who had, under whatever pretence, disobeyed the papal summons to that council; an exer-

cise of prerogative, of which, in all probability, the preceding declaration of spiritual supremacy was intended as a justification.<sup>o</sup> The French bishops might, consistently with national usage, have denied the competency of the pope to call a general council of the kingdom within the realm of France without the king's sanction. They might, on the like grounds, have objected that he had no right to set the ecclesiastical judicature in motion, and to command the attendance of the king's lieges, to the prejudice of the public service, without his permission. They might have argued that the unsupported authority of the pontiff did not discharge them from the duty of obedience to the temporal prince, or cancel their obligations as vassals of the crown. The pope could only encounter these pleas by placing the duties due to himself so far above those claimed by the temporal prince as to leave no alternative to his spiritual subjects. How could the worldly ruler of a limited dominion, by any command of his, supersede the obedience due to the monarch of the universal church? Obedience to the prince was therefore treason to the church; and the offender was no longer entitled to be numbered among the subjects of the ecclesiastical monarch. The principal delinquents selected for punishment were the archbishop of Sens, and the bishops of Beauvais and Amiens; and with them the abbot of St. Medard was excommunicated for quitting the synod without the license of the pope. After this, the like sentence was passed upon certain lay lords for marrying wives within the prohibited degrees; another was punished for bigamy; William duke of Normandy was forbidden to marry the daughter of the earl of Flanders, on the ground of the affinity of the parties; and some others were cited before a future council to answer for divers acts of personal impurity, and for offences against the immunities of the church.<sup>p</sup>

<sup>o</sup> As, under feudal law, the temporal prince was entitled to visit the vassal disobeying the summons of his superior to court or array on lawful occasions with forfeiture of his fiefs, so here the spiritual monarch inflicts punishment on his

spiritual vassals for disobedience to his summons to his ecclesiastical Heriban.

<sup>p</sup> See the diffuse yet meagre narrative of Anselm at length, ap. *Hard. Conc.* tom. vi. pp. 994-1010; the same ap. *Colet. Conc.* tom. xi. pp. 1398-1414.

It has been stated upon the authority of Ordericus Vitalis, a writer who flourished about twenty-five or thirty years afterwards, that Pope Leo IX. at this meeting "treated of the *chastity* and righteousness of the sacerdotal character, and that he revived certain salutary decrees, of which the prelates and presbyters present were ignorant."<sup>q</sup> It is not indeed unlikely that the subject of sacerdotal wedlock was mentioned at this synod in terms of reprobation, as it had been in the council held at Rome in the same year. About a century later indeed, Alberic, prior of the convent of Trois-fontaines, assures us that the synod of Rheims, upon the motion of the holy abbot Hugo of Cluny, excommunicated and deposed all wived priests.<sup>r</sup> But it is incredible that, if any such ordinance had been then adopted, Anselm, the reporter of the synod, should have omitted all mention of the matter. It seems, however, tolerably clear that the reformers were cautiously approaching a subject from which they may be reasonably supposed to have apprehended important consequences.

From Rheims the pope transferred his migratory throne to the city of Maintz in Germany. He had previously summoned thither the entire hierarchy of the kingdom; and on the appointed day the emperor, accompanied by forty archbishops and bishops—among the number, the primate and the metropolitans of Cologne, Treves, Hamburg, and Magdeburg—were collected around the pontifical throne. But the extant account of the transactions is short and defective. Though several writers of this and the following ages make mention of this council, no particulars of importance have transpired, except that the fathers unanimously, and each for himself, under his own holograph, condemned and anathematised the damnable heresy of simony, and *the unspeakable abomination of sacerdotal marriage*. "Our archbishop Adalbert," says Adam, the historian of the church of Hamburg, "as soon as he got back to his dio-

Celibacy of  
the clergy not  
yet mooted.

Synod of  
Maintz.  
A.D. 1049.

Sacerdotal  
marriage  
condemned.

<sup>q</sup> See the extract from *Ord. Vit.* ap. *D. Bouq.* xi. p. 222.

<sup>r</sup> See *D. Bouq.* ubi sup. p. 354.

cese, did not permit these statutes to sleep: as concerning women, he revived the ordinances of his predecessors Libentius and Alibrand, and banished all females from the college of the cathedral, and even from the precincts of the church of Hamburg.”<sup>s</sup> The object of the archbishop, however, was, perhaps as a first step, to remove temptation as far as possible out of the way of his clergy. He exhorted, indeed, and commanded them to disengage themselves from the pestiferous allurements of female association; “but if,” he added, “you cannot be persuaded or driven into a more perfect state of life, at least take care to observe and keep the ties of marriage with demure modesty, so that if you cannot live in chastity, yet live with circumspection.”<sup>t</sup> The pope nominated Bardo archbishop of Mainz to be the legate of the holy see in Germany; and among other regulations of discipline, prohibited the clergy from keeping hounds and following the chase; from engaging in trades, and other secular occupations for the lucre of gain.”

The prospects of church-reformation in Italy were less promising. On his homeward journey the Dispositions of the Italian hierarchy. pope presided over a provincial synod held at Augsburg. Some time before this, Humphrey archbishop of Ravenna had incurred the penalty of excommunication and suspension for encroachment on the estates and revenues of the Petrine patrimony. The archbishop desired the removal of the censure; and after formal submission and reparation, he appeared before the pontiff and craved absolution. Moved, we are told, by

<sup>s</sup> *Adam. Brem. Gest. Eccl. Hamb. Pontiff. lib. iii. c. 29, ap. Pertz, vii. p. 346.* The words by themselves imply that he banished all women from the “city of Hamburg;” but the absurdity of such a proceeding would have been too much for the most bigoted of monks, which Adalbert certainly was not.

<sup>t</sup> “*Si non caste, tamen caute.*” Perhaps we might render this advice thus: “If you cannot live without your women, take care not to be found out.”

<sup>u</sup> *Hartzh. Conc. Germ. tom. iii. pp. 112 et sqq.* The precise date of this council is doubtful. The synod of Rheims was held in the beginning of

October; and unless the precept for the council of Mainz had been issued before the breaking-up of the council of Rheims (a fact which does not appear), it would have been impossible to bring together so large a number of prelates before the end of the year; if, indeed, travelling in winter were in that age at all practicable. The year, however, ended on the 25th of March, and on that supposition there would be time enough, at all events, to assemble at Mainz in any numbers before its expiration. We therefore retain the usual date of 1049.

the entreaties of the assembled clergy, the pope granted the petition; the archbishop bent the knee to receive his pardon; but the words of absolution had hardly passed the lips of the pontiff than the haughty penitent resumed his erect posture, and with a smile of derision abruptly quitted the papal presence. In public Leo IX. grieved over the impenitent sinner; in his private reflections the incident could not but suggest many an anxious anticipation of the difficulties to be encountered from the recalcitrant spirit of the Italian hierarchy.<sup>v</sup>

From Augsburg the pontiff returned to Rome; and there he spared no labour to breathe into the lethargic body of the Roman clergy the breath of religious life. He held frequent assemblies of the parochial and cardinal priesthood; and examined minutely into their manner of life, and the mode in which they had obtained their titles. All who, upon inquiry, proved to have been irregularly or simoniacally ordained were removed from the ministry. He preached frequently to the people, and sent out missionaries to all quarters to exhort the flock daily, in his name, to walk uprightly before the Lord.<sup>w</sup> With a view to purify the sources of ecclesiastical preferment, Leo earnestly strove to improve the moral and religious condition of all classes. But to grapple with all the abuses of the age surpassed the power of man; and his attention was chiefly directed to the extermination of simony, and the abolition of sacerdotal marriage. Every quality having in it any spiritual vigour or value in the church was concentrated in the monastic bodies. It is difficult to say where else in the church of the eleventh century we are to look for that strength of character, or a spark of that purity of life, which alone can qualify the reformer for his task, or obtain credit for the sincerity of his motives. But the monastic orders knew of no rule of life but that which came to them recommended by their deified founders; there, and there alone, they discerned the perfection of the religious vocation; and of that state of

Struggle of  
the monastic  
party against  
simony and  
clerical ma-  
trimony.

<sup>v</sup> *Wibert. Vit. S. Leon. IX. lib. ii. c.*  
7, ap. *Murat. iii. p. 295.*

<sup>w</sup> *Desid. de Mont. Cas. Dialog. ap.*  
*Baron. an. 1049, § 25, p. 42.*

perfection the first condition involved a direct violation of the law of their Maker.

From this point of time the two questions of simoniacal orders and clerical celibacy grew up together in the minds of the reformers of all parties. The disciplinarians,—or, as we may with equal propriety denominate them, the monastic party,—under their zealous and active chief Peter Damiani, devoted themselves with incredible energy to the task of dissolving the matrimonial engagements which the clergy of all ranks and orders had hitherto been permitted to contract. The reformers regarded this practice as a fatal relaxation of primitive discipline; and they ransacked the repertoires of canon and decretal law to help them to some positive precepts in support of their opposition.

We may therefore be allowed in this place shortly to advert to the growth and progress of ecclesiastical opinion upon the important subject of *clerical matrimony*.

In a previous section of this work<sup>x</sup> will be found some observations upon the origin of that opinion. Referring the reader to that portion of our narrative, we add here the remark that, in the days of distress and persecution, the Christian churches were accustomed to regard with gratitude and admiration the sacrifice of those earthly ties to the service of God which, under other circumstances, there would have been sin, rather than merit, in renouncing.<sup>y</sup> There is no doubt that, in conformity with this impression, the practice of celibacy prevailed in many Christian churches; and among the rest, most probably in that of Rome, where the original motive had operated with the greatest strength. But when a practice becomes habitual and traditional, it often survives its cause, and reasons for retaining it are eagerly sought for when the circumstances out of which it arose no longer exist. From the beginning of the fourth century,—that is, when the difficulties of the church had passed away, and with it the necessity for that self-devotion which cast itself loose from every tie or obli-

The history of sacerdotal celibacy; its origin.

<sup>x</sup> Book II. c. i. pp. 261 et sqq.

<sup>y</sup> The law of England justly regards

a general prohibition to marry as “contra bonos mores,” and therefore void.

gation inconsistent with the duties of the soldier of Christ, —a different reason for objecting to the marriage of the clergy found its way into the minds of some of the most distinguished churchmen. It was held that those who devoted themselves to the service of Him whose essence is purity must abstain from all gratifications which might carry with them the remotest taint of impurity. Thus, from the earliest mention of the subject in any Christian council,<sup>2</sup> there appears a marked disposition to restrict the clergy in the article of marriage. In some churches they were forbidden to marry at all; in others, the bishops only were required to renounce intercourse with their wives; in others again, priests could not marry after ordination; or, as in the Greek church in our days, were allowed to have but a single wife during their whole lifetime, and she to be a virgin at the time of marriage. In the Roman church, it is believed, that the more rigorous of these rules was originally observed; yet among the Latins generally no universal regulation to that effect existed; nor does it appear that, until the eleventh century, the popes of Rome had made it a condition of communion, or, indeed, that they ever made any sustained effort to enforce uniformity of observance in this particular.

The origin of the more rigid rule is, we think, unmistakably traceable to the prevalence of the monastic spirit, which had by this time overspread <sup>Its progress.</sup> all Christendom, and gathered into itself every formal idea of Christian perfection. Under monkish tuition the laity were taught to regard continence as the acmé of Christian attainment; as *the one* virtue which secured all the rest; as the great conquest over the flesh, which disarmed the tempter, and placed the evil world at the feet of the conqueror. In this attainment the monks discerned the true distinction between the spiritual and the carnal man—between the *religious* clerk and the un-sanctified layman. Celibacy was exalted into the badge and symbol of the sacerdotal character; and the married

<sup>2</sup> That of Elvira (Illiberis, probably the year 300. Grenada, in southern Spain), held about

priest who declined to adopt it might be made to blush at the contrast between his own practice and that of the holy self-denying recluse.

But in the absence of general positive precept and uniformity of practice, a rule of life so abhorrent from the laws of God and nature could not be expected to withstand the shock of human passions. Without pronouncing the observance of perfect abstinence to be beyond the range of possible attainment, it is clear that its rigid maintenance is inconsistent with any state of human association. It was, therefore, *a fortiori*, lost sight of in that age of universal moral decrepitude which the world was destined to pass through in the ninth and tenth centuries of the Christian era. The decay of discipline affected every order in the church, from the supreme pontiff down to the meanest doorkeeper in the house of the Lord; and even taking it for granted that celibacy was an article of canonical discipline in the Roman church, the priesthood had repudiated the obligation. The custom to marry wives had become so frequent among them that the act incurred neither censure nor disgrace. Not only priests and deacons, but popes and bishops, openly took unto themselves wives without shame or scruple. When the light of reform broke in upon this anomalous state of things, its first rays fell upon that great enormity. The monastic orders, among whom all of religion or morality that still lingered in the world had taken refuge, fixed upon this capital abuse as only inferior to simony in the catalogue of mortal diseases affecting the body of the church. They taught, in season and out of season, that the clergy, secular as well as regular, were bound by their vow to present themselves in living contrast to the lives of the laity. Hesitating, indeed, to pronounce the matrimonial connection to be in itself unholy and impure, they held it, in the case of a priest, to be a sinful pollution. In the laity themselves they looked upon marriage in the light of a necessary condescension to the lamentable consequences of the fall of man, and to be indulged only under the strict superintendence of those who—exempt themselves from that

Monastic  
view of the  
nature of  
marriage.

necessity—were alone in a position to impart imputed purity to the connection, by the laying on of unpolluted hands. And, in fact, all who felt the spiritual vocation strong within them, whether clerks or laymen, were encouraged to regard marriage as inconsistent with that angelic perfection which distinguishes the spiritual from the carnal man. But the shepherds, they said, whose duty it was to cast off all mortal imperfections, in order that *they*, at least, might stand within the pale of the spiritual church, were bound to take their station at as great a distance as possible from the borders of sin; that they must shun the indulgences, the engrossing affections, the distracting cares of marriage; for how otherwise could they qualify themselves to determine accurately the limits between the licit and the illicit indulgence of the like passion in others?

A class of men so prepared could not but lend a ready ear to any scheme which might have the effect of narrowing the circle of lawful connubium, or of involving the law of matrimony in all the intricacies of form and ordinance, in such wise that every such connection could be legitimatised only by the license of the priest, because he alone could impart to it that spiritual validity which lay out of the contract itself, and could only be imported into it by the sacerdotal blessing. This doctrine, indeed, pervaded the whole scheme of instruction adopted by the disciplinarian school, but stood out most prominently in the lessons of their leader Peter Damiani. This distinguished man was abbot of the monastery of Fonte-Avellano, near Eugubium in Umbria. Born at Ravenna in the year 1007, he joined at an early age the ascetic association of the "Eremites," and soon outshone his brethren in the austerity of his practice and the intensity of his studies. He afterwards wandered from place to place as an itinerant preacher, and occasionally occupied himself in reforming the convents he visited. In the year 1046 he was elected abbot of Fonte-Avellano, and there he introduced his peculiar discipline with good success.<sup>a</sup> From this period of his life his active

Peter Damiani on  
celibacy.

<sup>a</sup> *Fleury*, xii. pp. 545, 546; *Stenzel*, Fränk. Kais. i. p. 127.

career as a reformer commenced. He raised his voice in an eloquent address to pope Gregory VI. against simony. A year or two afterwards he published a work against clerical lewdness. In his strictures on the delinquencies of churchmen in their intercourse with women, he makes no distinction between marriage and harlotry; so that it is often difficult to determine whether his invectives are levelled against the married clerk or the common fornicator. He complained to pope Leo IX. that the incontinent clergy never declined the penances imposed upon them, yet never renounced the evil practice nor resigned their benefices; that the bishops were slack in enforcing the penalties affixed to the crime by the canon law: and he proposed that every person convicted of such offence should, if a candidate for holy orders, be peremptorily turned back; if an ordained clerk, that he be immediately degraded to the state of a layman. False canons, he said, were often appealed to, to justify inadequate punishments; and he referred the pope to the more authentic and severer ordinances of the *primitive* councils; whereby, as he alleged, a penance of ten years' suspension was decreed against a priest who should commit marriage, or, in his language, fornication; and three years' seclusion from the church against the layman guilty of incontinence. These penances he urged upon the pontiff as the proper penalties, and the best mode of preventing a repetition of the crime.<sup>b</sup>

The pope, in his reply, recommended caution to the ardent reformer; he thought the time was not yet come for driving matters to extremity against the numberless delinquents to be dealt with. But both the pope and Damiani were aware of the alarm which the imprudent zeal of the ultra-reformers had raised among the great body of the clergy. It had gone abroad that the validity of all orders was to be made dependent upon the title of the ordaining bishop; so that if his election or ordination was tainted

<sup>b</sup> *Fleury*, xii. pp 600-602. It would be difficult to find in the church of the first five or six centuries any canons directed against the marriage of the

clergy, except some obscure regulations of outlying churches, such as those of Elvira, and perhaps of one or two Asiatic congregations.

with simony, the orders conferred by him were void. Damiani perceived that if that doctrine were to hold good against the Italian priesthood in its actual condition, infinite confusion and perplexity would be the result; that the great majority of the clergy would be disqualified; that in most places divine services would be suspended; and that distressing doubts would be infused into the minds of the laity as to the efficacy of every act of religious ministration, from which they had derived comfort in this life, and reassuring hopes for that which was to come. With a view to quiet these alarms, Damiani addressed an eloquent letter to the archbishop of Ravenna; stating it to be his settled opinion that gratuitous orders, though conferred by simoniacal bishops, were perfectly good. He maintained that the validity of orders was in no manner dependent upon the personal or functional demerits of the ordainer. Thus, he said, the ordinations of such popes as Liberius and Vigilius—the former, a heretic; the latter, a notorious malefactor<sup>c</sup>—had never been disputed: as baptism could not be impeached by reason of the heresy of the baptiser, so neither could holy orders be set aside or reiterated because of the heresy of the ordainer. As to the powers of a simoniacal bishop to confer valid orders, he seems to have taken the distinction, familiar to modern jurists, between a function void *ab initio*, and that which is only voidable by the act of some competent authority; so that the ministerial powers of bishops irregularly ordained might be effectually exercised until those powers were judicially cancelled.

This view of the subject saved the mass of the priesthood from the peril which had, naturally enough, indisposed them to adopt the principle of the <sup>Policy of</sup> ultra-reformers. A large number—probably a majority <sup>the measure.</sup>—of the working clergy were well disposed to the introduction of a stricter discipline into their churches; and by these persons the tract of Damiani was hailed with unbounded gratitude. Though the fiery zeal of Hildebrand may have given countenance to the alarming

<sup>c</sup> It is strange that he did not come down a little nearer to his own times.

movement thus happily soothed, pope Leo IX. was not less pleased to find himself supported in that course of firmness and forbearance to which the good pontiff trusted for the ultimate purification of the Augean stable he had undertaken to cleanse. The epistle of Damiani restored confidence to that portion of the prelacy and priesthood who did not fear to encounter the charge of personal venality; and inspired the mass of the inferior orders with a hope that their numbers, their obscurity, and the necessity for their daily ministrations might enable them to escape too searching an inquiry into the merits of their appointments.<sup>d</sup>

But this "most welcome" publication left a numerous and far more powerful class of offenders without a hope of mercy. In that class we may number the majority of the bishops of Italy. These prelates were almost to a man chargeable with open and direct purchase; and from the first publication of the decrees against simony and clerical matrimony they had expressed the most violent resentment against the pope and his advisers. The bishops of Lombardy declared their determination to resist the obnoxious measures and to compass the ruin of the authors by every means in their power. Nizo, a German prelate, resident at Ravenna as imperial commissioner, threatened in public that he would accomplish the destruction of his enemy the pope, or perish in the attempt. The archbishop of Ravenna echoed the denunciation of the German prelate; and almost all the bishops and superior clergy of Lombardy joined in reprobation of the insolence of the Tuscan monk and his helpers.<sup>e</sup>

These menaces, however, did not deter the bold and conscientious pontiff from carrying the war into the enemy's quarters. In the year 1053 he convoked a synod at Mantua, with a view to a general publication and rigorous execution of the de-

Riotous  
synod of  
Mantua.

<sup>d</sup> *Baron. an. 1052, tom. xvii. p. 64; Fleury, tom. xiii. pp. 600-604.* This epistle is known by the name of "Epistola gratissima," on account of the joyful relief it administered to the appre-

hension of those whose position was threatened by the over-zeal of the ultra-reformers.

<sup>e</sup> *Wibert, Vit. S. Leon. lib. ii. c. 8, ap. Murat. iii. p. 296.*

crees against simony and sacerdotal marriage. The bishops of Lombardy attended the papal summons as usual, but came accompanied by armed retinues. The soldiery easily managed to pick a quarrel with the guards and attendants of the pope; from words the two parties came to blows; the populace sided with their bishops, and compelled the pope and his friends to take refuge in the great church. Hither they were pursued by their adversaries. The pope himself, at the first alarm of the tumult, hastened to meet the advancing mob. Nothing daunted by the pontifical presence, the assailants plied their retreating opponents with stones and arrows, and even wounded them through the papal robes. Finding the rioters deaf to remonstrance, and averse from bloodshed, the pope dissolved the synod; the tumult ceased in an instant, and the pontiff returned to Rome disappointed but not discouraged.<sup>f</sup>

The inauspicious synod of Mantua was held by Leo IX. on his return from Germany, after a journey undertaken with the benevolent intention of preventing a war between Henry III. and Andrew king of Hungary. He found the emperor disinclined to go all lengths in the prosecution of the papal measures against simony and clerical marriage. He was averse from any attempt to compel the married clergy to dismiss their wives. His piety, though perhaps in his way sincere, was not of so severe a character as to deter him personally from the fullest enjoyment of the pleasures of life. The churchmen burden his memory with the sad imputation of too strong a predilection for female society, and *that* society not always of the most reputable kind.<sup>g</sup> Yet hitherto he had not shrunk from any services the church could demand towards the suppression of simony, the restoration of discipline among his clergy, and the suppression of heresy throughout his dominions. He may therefore be reasonably supposed to have set his face against the project of the zealots in

Henry III.  
withholds  
his support.

<sup>f</sup> *Wibert*, in *Vit. S. Leon.* ubi sup.  
*Hermann*, *Contract. Chron.* an 1052, ap.  
*Pistor. Ss. Rr. Germ.* tom. i. p. 296.

<sup>g</sup> *Glab. Rud. lib. v. c. i.* ap. *Pertz*, vii.  
p. 70.

the matter of clerical celibacy rather from a sense of its impracticable and mischievous tendency, than from any sympathy with a congenial immorality. Henry may have by this time perceived that the reform movement had passed in a great degree out of his hands; that it had fallen almost wholly into those of the churchmen; and he may readily be surmised not to have felt the same interest in its progress. At all events no further steps were taken in Germany to carry into execution the decrees of the council of Mainz against either of the two capital abuses in question; and the event of the synod of Mantua, combined with the incidents about to occupy public attention in the south, might serve to convince the reformers that the time had not yet arrived for throwing off the irksome support of the secular arm, much less for converting it into the *passive* instrument of sacerdotal objects.

Soon after the pope's return from Mantua, death deprived him of the assistance of one of his most estimable counsellors, Halinard archbishop of Lyons. That prelate had stood by him in all his labours and travels since the Roman synod of 1049;<sup>h</sup> and his death occurred at a period when, if at any time, the honest pontiff stood in need of faithful and dispassionate advisers. The incursions of the predatory Norman hordes, to whom the emperor Henry II. had assigned settlements in Apulia and Campania,<sup>i</sup> had become so alarming, that the pope, pushed on by his more sanguine ministers, rashly proclaimed a holy war against these Christian brigands; he called all Italians to arms in defence of their country and religion, and swelled his levies by mercenaries from Germany, and even from among the Greek schismatics. Surrounded by a motley multitude of undisciplined adventurers, he rashly published sentence of excommunication against these formidable freebooters, and declared that he would accept no terms of reconciliation but such as should once for all rid Italy of their presence. Thus equipped with thunders spiritual and carnal, the pope took the field in person. Encamped

<sup>h</sup> *Fleury*, xiii. p. 609.

<sup>i</sup> A. D. 1022. Conf. c. i. p. 29 of this Book.

at Civitella, a town of the modern province of Capitanata, his tumultuary levies were attacked and totally routed by the hardy and compact squadrons of the Normans under their chiefs Humphrey and Robert Guiscard. Leo himself fell into the hands of the victors; and, though personally treated with profound respect by his pious captors, they did not scruple to detain him in vigilant custody until he had consented, not only to reverse the anathema, but to ratify all their encroachments upon the neighbouring principalities. The pontiff, however, felt the less difficulty in agreeing to the latter condition, as the subject of Norman usurpation had never formed any part of the productive estate of the church. Neither is it improbable that he might, in virtue of the various genuine or spurious donations, to the benefit of which the pontiffs of Rome never ceased to lay claim,<sup>j</sup> regard himself as lord-paramount of the totality of the Greek and Saracenic territories in Southern Italy and Sicily. To his Greek allies it would, after the ill success of the campaign, be a matter of indifference by what title the Normans might hold the acquisitions obtained at their expense. And indeed alliances for merely specific and selfish objects rarely survive defeat; and Leo IX. without scruple gave investiture of the duchies of Apulia, Calabria, and Sicily to the Norman captain Robert Guiscard as vassal of the holy see.<sup>k</sup>

Settlement  
of the Nor-  
mans in  
Italy.

But the negotiations which ended in this notable disposal of what had never belonged to him or his see protracted the captivity of the pope to nearly a twelvemonth. During all that time the Nor-

Release and  
death of  
Leo IX.

<sup>j</sup> See c. i. p. 27 of this Book.

<sup>k</sup> *Gualfrid. Malaterra*, lib. i. cc. 14, 15, apud *Murat*. v. p. 553. Gualfrid wrote his history of the Normans in the reign of Roger, the brother of Robert Guiscard. But this writer does not clearly set out the limits of the papal investiture. After mentioning the revocation of the papal censures, he says: "Et omnem terram quam ulterius versus Calabriam et Siciliam lucrari possint, de Sancto Petro, hereditali feudo, tibi (illi) et heredibus suis possidendam concessit." These words might imply either that the pope gave him leave to

plunder his neighbours to any extent within the territories mentioned, provided he consented to hold his acquisitions in fief of the holy see; or they might be construed to convey an absolute right so to hold the provinces extending from their actual possessions over the whole of Calabria and Sicily, as soon as they should have reduced them into possession. Conf. *Hermann. Contract. Chron.* ap. *Mencken*, tom. i. pp. 295-297; *Wibert. Vit. S. Leon.* ubi sup. p. 297; *Chron. Cassin.* lib. ii. c. 87, ap. *Murat*. iv. pp. 302, 303; *Mascou, Comm. &c.* i. p. 218.

mans had detained him a close prisoner at Beneventum. At length, in the month of March 1054; he was formally set at liberty, and escorted by his captors—now his reverential vassals—as far as Capua on his return to Rome. But chagrin and imprisonment had irreparably impaired his constitution, and pope Leo IX. died a few days after his restoration, having occupied the throne for a period of five years, two months, and nine days.<sup>1</sup>

<sup>1</sup> The learned annalist Hermann the Cripple (Contractus) died in the same year. His Chronicle comes down to the year 1054.

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## CHAPTER V.

### INFLUENCE OF ROME IN THE NORTH. PASCHASIAN CONTROVERSY.

Influence of Rome among the Northern nations—Poles and Bohemians at the court of Rome—Benedict IX. in the cause of Prince Casimir—Reverence of the Northern nations for Rome—*Digression*—The doctrine of Transubstantiation as held in the eleventh century—Paschasius Radbertus “De corpore et sanguine J. C.”—his doctrine—The work of Johannes Scotus Erigena on the Eucharist—Points of difference between Paschasius and Scotus—Progress of the Paschasian opinion; encountered by Berengarius of Tours—Berengar’s opinions examined by Leo IX.—Alleged condemnation of Berengar and Scotus—Lanfranc the opponent of Berengar—Synod of Paris—Condemnation and decree—Alarm of the decretalists—Lull and revival of the controversy—Synod of 1054—Berengar at Rome—Concessions of Berengar—Amount and value of these concessions—Roman divines desire a compromise—Decree of Nicolas II.—Controversy revived by Lanfranc—Vehemence of Lanfranc—Reply of Berengar—Rejoinder of Lanfranc—Real intent of the supporters of the corporeal presence—Synod of Poitiers—Visit of Berengar to Rome—Easy position of Berengar—Investigation of the Berengarian doctrine—and compromise—Imperfect success of the Paschasians—Regard of Gregory VII. for Berengar—he is unmolested till his death in 1088.

WITHIN the period upon which we are now engaged Christianity was fast gaining ground among the nations of Northern Europe. While the distinguishing virtues of the religion of Christ were languishing in their earlier home, its forms were spreading themselves far and wide over the Scandinavian, the Sclavonic, and Sarmatian wilds. In the course of the tenth and eleventh centuries, Saxons, Normans, Danes, Swedes, Poles, Sclavi, Hungarians, had accepted baptism administered by missionaries who had visited them in the name of the bishop of Rome, and taught them to look up to him as the fountain-head of their new-born faith and hope. It is not to be supposed that any intimation of the deep degradation which had, within that period, befallen the pontificate had reached those distant regions. The teachers themselves

Influence of  
Rome among  
the Northern  
nations.

—generally self-devoted religionists—were probably as ignorant as their pupils of the degraded position of the great hierarch in whose name they preached to the heathen; and might honestly teach their catechumens to believe in and serve him, the vicegerent of God upon earth, with all the faith or credulity with which they themselves believed in and served him. In this faith teachers and pupils might transfer to that unapproachable divinity all the religious reverence they had before their conversion bestowed upon the visible objects of their ignorant adoration.

Thus it happened that while the influence of the papacy in Italy, France, and Germany had declined under a too familiar acquaintance with the corruptions of Rome and the weakness of the papal government, the name of Rome was still the living symbol of an unseen mysterious power in the remoter regions of the North. With the undistinguishing zeal of new converts, the kings of the North solicited temporal honours from the hands of the spiritual prince; and Boleslas of Poland and Stephen of Hungary appeared before the throne of Sylvester II. as humble suppliants for the outward insignia of that sovereignty of which they already possessed the substance.<sup>a</sup> Not even the obscene life and conversation of the boy-pope Benedict IX. could avert the regards of those distant tribes. Thus that pontiff became the chosen arbiter of a dispute between the Bohemians and the Poles touching the right to certain relics of extraordinary virtue and sanctity. In the course of a raid or incursion of the Bohemians in the year 1039, they had plundered the church of Gnesen in Poland; and, among other booty, carried away the relics in question. The Poles complained to the pope; and the archbishop of Prague, to whom the sacred plunder had been consigned, was summoned to Rome to answer the charge of a misprision of sacrilege. The archbishop obeyed the citation, and in defence of his right to the prize-relics, alleged that in carrying them away his countrymen had been actuated by the most pious motives, and that accord-

Poles and  
Bohemians  
at the court  
of Rome.

<sup>a</sup> See c. i. p. 3 of this Book.

ing to the laws of war, they were quite as much entitled to the benefit to be derived from the possession of these precious pledges, as they were to the enjoyment of the ordinary spoils of a successful campaign. The pope, however, adjudged that holy relics could not be removed from the place of their original deposit without the express license of the holy see; the capture was therefore unlawful, and the relics returnable to the church of Gnesen. But by a bribe judiciously administered, the archbishop obtained a release from the censures he might incur by disobedience, and departed fully determined to avail himself of the purchased impunity.<sup>b</sup>

A short time after this transaction the distant Poles themselves appeared as suppliants at the footstool of this worthless pontiff. It had happened that, after the expulsion of their king Mieceslaus II., the nation had become weary of the intestine broils arising out of a disputed succession. The prince Casimir, son of the deposed king, had found an asylum in the convent of Cluny under the holy abbot Odilo, and had there taken the vows of the order. The Polish people were now agreed that Casimir was the rightful heir to the crown, and despatched envoys to the abbot claiming him as their legitimate king. The abbot replied that he had no power to absolve the monk from his vows, and referred them to the Roman pontiff as the only competent authority. The disappointed deputies accordingly set forward upon the difficult journey to Rome. After enduring many hardships by the way, they arrived there in a sorry plight; without money in their purses, or even decent clothes on their backs. It was obvious to the pope that no immediate profit was to be made out of persons so equipped. A bargain, however, was on the cards, and Benedict IX. proposed as the price of compliance with their request, that the Polish people should engage through their envoys to pay a poll-tax to St. Peter and his successors for ever; and that, as a memorial of the extraordinary condescension of the holy see in granting them a monk for their king, every native male

Benedict IX.  
in the cause  
of prince  
Casimir.

<sup>b</sup> *Baron. an.* 1039, §§ 3, 4, tom. xvi. p. 637.

should assume the Latin tonsure ; and that, at all festivals of the Saviour and his Virgin Mother, they should wear a short stole or surplice over their ordinary garments. These terms were, it appears, accepted ; the required absolution was pronounced, and Odilo delivered the royal monk into the hands of the deputies.\*

Some eight or nine years before this (A.D. 1030) the most powerful prince of the North—Knut, or Canute, king of England and Norway—had flung himself as a humble pilgrim at the feet of a pontiff who, in the severer judgment of a subsequent age, is stigmatised as a genuine disciple of Simon Magus. There was no doubt that this pope (John XIX.) had obtained the pontificate by the most shameless bribery ; yet he had crowned an emperor (Conrad II.), and received the reverential homage of the greatest sovereign of Northern Europe. But Rome, like many a great city of the East, loomed fair through the softening distance of time and space ; there was no one to take account of that sepulchral corruption which reigned within ; and Rome, the tomb of all holiness, was transformed by the lurid light of ignorance and superstition into a sacred shrine to receive the worship and register the vows of the Christian world.

It might in some respects be advantageous to present in this place a sketch of the progress of papal influence among the Anglo-Saxons, Danes, Norwegians, and Swedes, in the course of the ninth and tenth centuries. As it regards the Anglo-Saxon church, the importance we attach to her annals arises not so much from the national interest they inspire, as from their necessity to the completeness of our narrative. But in consideration of the many even more important topics which, during the whole course of these centuries, lie nearer home, it will be more convenient for the present to dismiss the unquestionable claims of the Northern na-

\* *Baron. an. 1041, §§ 3-11, ubi sup. p. 647 ; on the authority of the Polish historian Longinus. Fleury doubts this story, because he finds no mention of it*

*in the official biography of St. Odilo of Cluny, nor in any of the extant records of the monastery.*

tions to our attention; always, however, with a view to resume them when, in the progress of events, they shall naturally press themselves upon us, by their growing tendency to promote or to obstruct the progress of the papal power. The few particulars above noticed serve merely to show that the hierarchical scheme of the Latin church might sustain itself by its own constitutional strength, or perhaps rather by its adaptation to the religious requirements of an age of barbaric ignorance and spurious or misdirected learning, while the nominal head was labouring under that chronic malady we have so lately contemplated. Under hierarchical patronage the outward machinery of Romanism had during all this time undergone very little change. But, on the other hand, it had received a considerable increase of internal solidity by the publication and very general adoption of decretal legislation. The Isidorian forgeries and the palmary doctrine of *Transubstantiation* were twin births of the same conception of the ecclesiastical mind. They are parts of one general plan of sacerdotal polity, and have from the beginning worked together to complete the scheme of spiritual government. Our attention is therefore unavoidably called to the origin and development of that doctrine as it shaped itself in the earlier period of its history.

The doctrine of transubstantiation as held in the eleventh century.

Although many isolated speculations and dicta upon the nature of the eucharistic sacrifice, as well as upon the specific change wrought in the elements of bread and wine by the act of consecration, may be collected from the writings of the Christian Fathers—in particular from Cyprian, Ambrose, Hilary, Augustine, Jerome, Gregory, Hesychius, Bede, and others—it may be safely affirmed that up to the age of Paschasius Radbertus and the Isidorian forgeries, the dogma, “that by the imposition of the hands of the priest there ensued an actual reproduction of the natural human body of Christ in hypostatical union with the soul and divinity of the Son of God,” had never before been dogmatically affirmed as an article of faith by any

*Paschasius Radbertus*  
“De corpore et sanguine,”  
&c.

council, congregation of divines, or concurrent opinion in the Christian church. But not many years after the exhibition of the false decretals on the Field of Lies (A.D. 833) a work appeared under the name of Paschasius Radbertus, one of the associates of the rebel princes on that occasion, entitled "De corpore et sanguine Christi,"<sup>d</sup> in which the author for the first time reduced the statement to dogmatic form, and published it to the world as an established article of the Christian faith. It is to be observed that throughout the Isidorian fictions the actual reproduction of the body and blood of the Saviour in the Eucharist by the laying on of the hands of the priest is assumed as a matter of religious notoriety,<sup>e</sup> and that those fictions appeared within two years after Paschasius

had begun to teach the same doctrine in its accomplished form. In that work the author maintained, on the one hand, that in the Eucharist is reproduced, and substantially contained, the *material* body of Jesus Christ, that is, the identical body which was born of the Virgin, which lived and suffered and died and rose again for the salvation of mankind; and, on the other, that it contained the *spiritual* body, that is, the human and divine soul which dwelt in the material body of Christ.<sup>f</sup>

Admitting that the question of the nature of the Eucharist was not in all its elements new, it is affirmed only that it came into the world in that precise form from the pen of an accomplice in the publication, and one of the presumed authors, of the Isidorian decretals. More than half a century before the appearance of the work of Paschasius, an Irishman, Johannes Scotus, surnamed Erigena, had

<sup>d</sup> "Upon the body and blood of Christ."

<sup>e</sup> Conf. Book VI. c. vii. pp. 192, 193. The work of Paschasius was written in the year 831, for the use of his disciples in the monastery of Corvey in Westphalia; but it does not appear to have been given to the world till many years afterwards, probably about the year 859.

<sup>f</sup> Cf. Abstract of the work of Paschasius, ap. *Fleury*, x. p. 340. See also *Cent.*

*Magdeb.* cent. ix. pp. 212-215. Comp. this enunciation of the doctrine with that of the council of Trent: "Si quis negaverit in ss. Eucharistiæ sacramento sacrum contineri vere, realiter et substantialiter corpus et sanguinem Dom. nostr. Jes. Christi, ac proinde totum Christum; sed dixerit tantummodo esse in eo ut in signo vel figura aut virtute, anathema sit." *Conc Trident* sess. xiii. c. i. can. i. pp. 112, 118.

published a treatise upon the Eucharist.<sup>g</sup> This treatise is supposed to be still extant under the name of Bertram or Ratram, a monk of the same convent, and a contemporary of Paschasius. Though it may be questionable whether the work of Scotus and that of Ratram were identical, no doubt is entertained that they agreed in substance, and that they differed in some material respects from that of Paschasius. It is, however, pretty clear that the controversy between the two doc-  
 tors did not turn upon the *reality*, but only upon the corporeity or materiality of Christ's presence in the Eucharist. It was not disputed that Christ was in some occult and virtual, though mysterious, manner present to the worthy communicant. But it was asserted, upon the one part, that *that* reality was both a spiritual and corporeal reality amounting to identity with that body which was born of the Virgin and suffered on the cross, in hypostatical union with the spirit which dwelt therein; and, on the other, that the reality was spiritual and mystical only, and consequently that no material change took place in the elements themselves by the act of consecration. Waxing warm in their opposition to this view of the question, the Paschasians went a step further, and maintained that not only was that identical change actually produced, but that the preëxisting substance of the bread and wine was, by the act of consecration, absolutely eliminated, so as to leave no other substance behind it but the true substantial and identical body of the Lord as it existed during his abode upon earth.<sup>h</sup>

Points of  
 difference  
 between Pas-  
 chasius and  
 Scotus.

This important controversy, in its earlier stages, had made less noise in the theological world than from its exciting nature might have been expected. For a period of nearly two centuries after the publication of the works of Paschasius and Ratram we hear of no revival of the dispute. But the doctrine of the former had by that time found its way, in intimate association with the false decretals,

Progress of  
 the Pascha-  
 sian opinion  
 encountered  
 by Berenga-  
 rius of Tours.

<sup>g</sup> In the lifetime of Charlemagne. Ep. *Berengarii* ad Richardum amicum. Conc. *Colet.* tom. ix. pp. 1438-1440.

*chasius* and of *Ratram*, ap. *Fleury*, x. p. 649; and the *Magd. Cent.* ad cent. ix. c. 4, pp. 150-152.

<sup>h</sup> See Abstracts of the works of *Pas-*

into the doctrinal and canon law of the Western churches ; and when it was resumed in the middle of the eleventh century, his opinion had manifestly gained ground both in the numbers of its patrons and the rigour of its definitions. About the year 1049 or 1050, Berengarius archdeacon of the church of Tours, taking his stand upon the work of Erigena, maintained both in his published writings and his scholastic instructions to the theological students of the diocese, that no substantial or corporeal change took place in the eucharistic elements after consecration. The doctrine of Berengar created much interest, but little excitement, among his auditors and readers. The question was at first discussed with calmness and good humour ; but, in the ordinary habit of disputants, intemperate words on one or both sides soon disturbed the delicate equilibrium of controversy ; and in the year 1050 the new heresy was officially brought under the cognisance of pope Leo IX. A synod was assembled at Rome to inquire into the charge ; but it does not appear that Berengar was cited, or that he was present either in person or by deputy to defend his doctrine. His adversaries therefore might impute to him what they pleased ; and in this way, we are told, they procured an unqualified condemnation of his opinions, or what they might have chosen to describe as such. Berengar himself meanwhile, whether driven from Tours by persecution, or with a view to the dissemination of his doctrine in a safer quarter, had betaken himself into Normandy under the protection of duke William, and taught publicly in the schools of the duchy. Thither, however, he was after a time pursued by his adversaries, and entangled in a public disputation at a town called Briene. On this occasion, we are assured, he suffered a signal defeat, and withdrew from the contest ; or, as his opponents affirm, retracted his error. By his own account, however, he had been misunderstood and misrepresented throughout the conferences ; and he distinctly denied that he had yielded any of the points in difference, as his enemies had reported of him.<sup>1</sup>

<sup>1</sup> In a letter to a former friend at Bæc in Normandy. *Fleury*, xii. pp. 584-586.

This theological "passage of arms" was, it seems, proceeding while the examination of Berengar's doctrines was going on before Pope Leo IX. ; Berengar's opinions examined by Leo IX. A.D. 1050. and in the month of September 1050 he was summoned to a council to meet at Vercelli, there to defend his opinions respecting the eucharistic sacrifice before the pontiff himself. Berengar did not appear in person, but intrusted his defence to two advocates, Fruard and Waldo, as his representatives. These persons relied chiefly upon the authority of Scotus (Erigena); the work of that writer was accordingly examined, and pronounced to be unsound and heretical, and was consigned to the flames; Berengar and his advocates were solemnly condemned, and the latter were, "after the fullest confutation,"<sup>j</sup> committed to prison. Nothing, however, is known of what passed at Rome or Vercelli in the cause of Berengar but what proceeds from the pen of his envenomed adversary Lanfranc,<sup>k</sup> prior of the convent of Bec in Normandy, afterwards archbishop of Canterbury. Alleged condemnation of Berengar and Scotus. Whatever doubt may attach to the testimony of a person more than commonly animated with the spiteful spirit which distinguished the controversialists of that age, the papal sentence against the archdeacon of Tours appears to have had a very limited circulation, and indeed to have fallen altogether to the ground in the country where the controversy arose. The decisions against him procured in Italy gave him no serious disturbance in France, where, in fact, the battle was to be fought out.

The Italian monk Lanfranc of Bec had before this been in the habit of familiar association with Berengar, and had been suspected of partaking his sentiments on the subject of the Eucharist. Lanfranc the opponent of Berengar. With a view, it is said, to clear himself of this imputation, he made a journey to Rome, and appeared at Vercelli as the accuser of his former friend. On his return he spread a general alarm among the Paschasian canonists of France and Burgundy for the safety of the sacred

<sup>j</sup> "Confutatis maledictis."

<sup>k</sup> See *Hard. Concil.* tom. vi. pp. 1015-1018.

banner under which they had enlisted; the hand of the priest was no longer to work the daily, the hourly miracle of the reproduction of the Christ living in the flesh; a blow had been aimed at the sacerdotal character, which, if permitted to take effect, must end in the levelling of that lofty platform upon which for two centuries past the decretalists of 833 had taken their stand. No time was to be lost; and king Henry I. of France was prevailed upon to convoke a general council at Paris<sup>1</sup> to inquire into the nature and progress of the Berengarian errors. The more rigid Paschasians of Germany, however, objected that the time for inquiry was passed, and that nothing remained to be done but to confirm and execute the sentences against Berengar already in operation. As a further objection to the proposed inquiry, they urged that it must be ineffective until all the delinquents were before the council; and that inasmuch as Bruno bishop of Angers was implicated in the heresy of Berengar, no proceedings could be taken against him without the previous license of the pope, to whom alone it belonged to condemn and depose a bishop.<sup>m</sup> The French prelates yielded to this argument, and on the day of meeting contented themselves with simply arraigining Berengar as a convicted heretic,<sup>n</sup> and reiterating the condemnation of the work of Ratram.

For the more speedy and effectual execution of the sentence, it was resolved that Berengar and his disciples should be hunted down by the king's troops under the direction of the clergy, until they should either be driven

<sup>1</sup> For the 16th October 1050.

<sup>m</sup> An opinion which had by this time become a standing article of the decretal creed.

<sup>n</sup> Conf. the statement of *Hard.* (Concil. tom. vi. pp. 1021-1026) with the letters of Theoduin bishop of Liege and Berengar. An anecdote connected with this synod may show the animus with which these proceedings were conducted. The bishop of Orleans produced to the assembled fathers of Paris

a letter from Berengar to a confidential friend, of which he (the bishop) with astonishing effrontery avowed that he had robbed the bearer by main force with a view to obtain evidence against Berengar. This letter he laid before the meeting as conclusive proof of the heresy imputed to the writer. The letter, we are told, was read, and drew forth groans of horror as each successive sentence disclosed fresh proofs of his perverted mind, &c.

back into the bosom of the Catholic faith, or exterminated from the face of the earth.<sup>o</sup>

The council of Paris in 1050 is, however, more remarkable for the indications it furnishes of the <sup>Alarm of the</sup>growing influence of decretalism, than for the <sup>decretalists.</sup>effect it produced upon the great controversy in hand. The immunity claimed for the heretical bishop of Angers marks an abandonment of the privileges of the national church, which had not been contemplated as late as the close of the tenth century.<sup>p</sup> But the eucharistic doctrine of Paschasius was too flattering to the sacerdotal aspirations to be relinquished without a vigorous struggle. The transcendentalism of the decretalists had crept silently into the heart and viscera of the sacerdotal body; and now no novelty could come upon them with a more alarming aspect than the doctrine which divested them of the superhuman dignity of their office—the power, by the laying on of their hands, to reproduce the living body of the Lord. The corporeity and materiality of the victim was too necessary to sustain the character of a sacrificing and mediatorial priesthood to be impugned without exciting a storm of fear and anger; and in fact it had the effect of uniting them in one combined effort to expel the traitors from their ranks. Berengar was condemned and outlawed; and if Bruno of Angers was allowed to escape for the present, it was only that they might not, in the heedless pursuit of present resentments, endanger a cherished principle of episcopal privilege.

Notwithstanding, however, the proclaimed outlawry of the Berengarian heretics, nothing further is heard about them till four years after the council of Paris. But in the year 1054 the clergy <sup>Lull and re-</sup>of Touraine obtained permission from pope <sup>ival of the</sup>Victor II. to resume the proceedings against the anti-Paschasians. Lanfranc again stood forth as prosecutor before a synod assembled at Tours. This council was <sup>controversy-</sup><sup>synod of 1054.</sup>

<sup>o</sup> *Hard. Conc.* ubi sup.; and conf. *Fleury*, xii. pp. 588, 589, and xiii. pp. 163-172.

<sup>p</sup> The fathers of St. Basolus (A.D. 991), it will be remembered, had condemned and deposed Archbp Arnulph

without regard to the alleged privilege. They had expressly rejected the plea, and repudiated the interposition of an appeal to the pope between them and the delinquent. See Book VIII. c. vi. pp. 541 et sqq. of this work.

attended by two cardinal-legates, Gerard and Hildebrand, the latter afterwards pope by the title of Gregory VII. It may appear strange that the legates of the holy see should be ignorant of what had taken place under the eye of Leo IX. at Rome and Vercelli; if it be indeed true that the Berengarian heresy had been definitively condemned at both those synods. The Parisian divines urged the decree of the council of 1050 as conclusive, and pressed the immediate execution of the sentence of that assembly without further inquiry. The legates were, however, of a different opinion. It is pretty clear that they knew of no definitive sentence of the holy see against Berengar or his imputed heresy. They therefore insisted upon going into the whole question *de novo*, and gave him leave to defend his doctrine with all freedom. He is, however, reproached by Lanfranc with not having had the courage to avail himself of the privilege. We are further assured that a full retraction of his errors was extorted from him by the superior controversial skill of his opponents. In his extant writings, however, Berengar frequently complains of the captious and insidious artifices resorted to to obstruct his defence; he denied the confession imputed to him, though he freely admitted the inferiority of his own powers as a controversialist; an incapacity which he believed had often betrayed him into the snares of his antagonists. We

Probable  
compromise. are therefore at liberty to conjecture either that the alleged retraction never passed his lips, or that the more liberal legates prevailed upon him to accept a compromise which, without wounding his own convictions, might be susceptible of a construction to which his opponents, if it so pleased them, might affix the character of a retraction.<sup>9</sup>

It is to be regretted that the extant accounts of the controversy up to this period do not disclose to us the real points in dispute between the parties. Berengar at Rome. A. D. 1059. Lanfranc is merely vituperative, as far as his argument has come down to us; and no other advocate steps in to supply the hiatus. Whether Berengar re-

<sup>9</sup> Conf. the very meagre article in the Conc. ed. *Hard.* vi. pp. 1041, 1042.

canted or not, it is admitted that he continued for a period of five years following his alleged retractation publicly to teach the eucharistic doctrine of his master Erigena, probably as contained in the work of Ratram. In the year 1059, however, we find him of his own accord at Rome before pope Nicolas II., for the purpose of defending or explaining his opinions. The report of the conference is again to be sought nowhere but in the works of his enemy Lanfranc, who again assures us that he subscribed a full and specific recantation of all his errors, but without disclosing a single argument or reason to which he may be supposed to have yielded. A document, however, lies before us which borders upon a confession of error, though it does not necessarily imply a recantation of any of the points in dispute between him and his opponent Lanfranc. In this confession he renounces "all the heresies imputed to him," more especially that of maintaining that, after consecra-  
Concessions of Berengar.  
 tion, the bread and wine are nothing more than sacramental symbols, and not the pure body and blood of Jesus Christ, in such wise that it may be handled and broken by the hand of the priest, and masticated by the teeth of the faithful, and *that* in a real and not merely a sacramental sense.<sup>r</sup>

This confession purports to have been drawn up by Humbert, a cardinal-priest of the Roman church, and was signed, we are informed, by Berengar without scruple. But it is not im-  
Amount and value of these concessions.  
 puted to him that he ever denied the *real*—perhaps not even the corporeal—presence of Christ in the sacrament. The real difficulty, we believe, lay in the assertion of his adversaries, that the body reproduced in the sacrament

<sup>r</sup> "Ego Berengarius diaconus indignus ecclesiæ S. Mauriti Andegavensis etc. anathematizo omnem hæresim: præcipue, de qua hæcenus infamatus sum: quæ adstruere conatur, panem et vinum quæ in altari ponuntur, post consecrationem solummodo sacramentum, et non verum corpus et sanguinem Dom. nos. J. C. esse; non posse sensualiter, nisi in solo sacramento, manibus sacerdotum tractari, vel frangi, vel fidelium dentibus atteri. Consentio autem S.

Rom. sedi . . . de sacramento Dominicæ mensæ . . . scilicet panem et vinum quæ in altari ponuntur, post consecrationem non solum sacramentum, sed etiam verum corpus et sanguinem Dom. nos. J. C. esse: et sensualiter, non solum sacramento, sed in veritate manibus sacerdotum tractari et frangi, et fidelium dentibus atteri," &c. See the entire document apud *Hard.* Conc. vi. p. 1064.

was the human body consisting of that identical flesh and blood which might have been sensibly touched and handled while He lived on earth. Berengar does not by this confession bind himself to any such proposition; but consents only that the real body of the Saviour is present in the Eucharist, leaving open the question what that body is. Again, inasmuch as the confession does not affirm the elimination of the substance of the bread and wine after consecration, it was open to him to admit that as long as that substance remained, it might be handled and broken by the priest, and masticated by the teeth of the faithful. Thus the two points most shocking to the Berengarians—namely, the identity of the body of Christ in the Eucharist with his human body, and the elimination of the original elements after consecration—were tacitly yielded. They might even admit a corporeity, though of a higher nature—a body analogous to that of the glorified saints as described by St. Paul.<sup>s</sup> So that while he denied against the Paschasians the presence of the earthly body, he might still avow and believe in the presence of the celestial or spiritual body, which, in combination with the elements of bread and wine, became both tangible and frangible in the hand of the priest, and capable of mastication by the teeth of the faithful.<sup>t</sup>

At this hearing, as at that of Tours in the year 1054, there appears on the part of the Roman divines an obvious flinching from the extremes of the Paschasian doctrine. On both occasions we think that they were anxious for a compromise that might, on the one hand, satisfy their good friends the decretalists of France and Germany, and, on the other, disembarass them of a perplexing and irritating discussion at a moment when Rome had her hands full

<sup>s</sup> "There is a natural body, and there is a spiritual body," &c. 1 *Cor.* xv. 44. The glorified body of the Saviour can hardly be conceived to be different from that of his companions in that home to which He promised to be with them to eternity,—“that where I am, there ye may be also.”

<sup>t</sup> The last clause suggests a third open question as between Berengar and his opponents, that is, whether there be any sacrament at all where the recipient is an “infidelis” or unworthy communicant. But we think this question was not raised.

of affairs more immediately touching both her spiritual and temporal interests. The Paschasians were permitted to raise their song of triumph. The confession left room for their extreme deductions; and they of course contended that it established them. Pope Nicolas II. was satisfied by the result; he sent copies of the Decree of Nicolas II. document to all the churches of Italy, France, and Germany, in the belief that he had poured oil upon the waters of strife. The Berengarians, however, took a different view, and continued with unabated courage to inculcate their doctrine of the eucharistic sacrifice, and to inveigh against that of their opponents.

Berengar lived and preached in peace for the space of seven years from his ordeal at Rome. But in the year 1066 the controversy was once more revived by the indefatigable Lanfranc, Controversy revived by Lanfranc. A.D. 1066. in a work published shortly before that time.

In that production he charged his opponent with clandestinely propagating opinions he had publicly condemned and renounced. Berengar had, it appears, within that period secured himself from the personal attacks of his enraged adversaries<sup>a</sup> under the protection of certain powerful friends. Lanfranc took advantage of this natural precaution on the part of his adversary to taunt him with deceit and cowardice. "He had," Vehemence of Lanfranc. he said, "evaded a combat which, if he had been a sincere lover of truth, he ought to have courted, though it might have led him even unto death. If he really believed in the creed he had so long and so obstinately professed and taught, why had he not preferred closing his career by the glorious death of a martyr, to prolonging his miserable life by deceit and perjury?"<sup>v</sup> "But," said his accuser, "the arch-heretic has on many occasions spoken maliciously against the church and

<sup>a</sup> To what lengths these persons were disposed to go in their hostilities may be judged by the proceeding of the bishop of Orleans and the decree of the council of Paris in 1054. See p. 126 of this chapter, note (a).

<sup>v</sup> The *death* would have been certain enough at the hands of his furious an-

tagonist; the *martyrdom*, very hypothetical. It is not the custom of triumphant fanatics to allow the halo of martyrdom to rest upon the brows of their victims. Supposing all the charges against Berengar were proved, which was the greater hypocrite, he or his enemy?

court of Rome; he hath described that church as ‘a conventicle of the reprobate’—‘the see of Satan rather than of Peter:’ such blasphemies had never yet issued from the mouth of the worst of heretics or schismatics; not even such outcasts as those had ever failed in reverence for the chair of Peter: what wonder that he who could thus slander the church should, in the like spirit, trample upon her doctrine,—the doctrine which had been the uniform and uninterrupted tradition of that church of which Rome was the head and the representative?”

Berengar replied to the argument, not to the invective. He affirmed that the fathers of the church were not agreed upon the nature of the eucharistic sacrifice: some of the most learned among them, he said, had treated it as “species, similitude, figure, symbol, mystery, sacrament;” but had come to no decision in words, on which all, or even the most eminent among them, could be said to agree. The rejoinder of Lanfranc. Lanfranc is remarkable: it was, he affirmed, sign and reality in one; for, if it be true that the consecrated elements are a simple commemoration, and not a repetition of the great sacrifice of the cross, it would follow that the Jewish sacrifices were far more excellent than the Christian;” for surely the manna which came down from heaven, and the animals which were sacrificed day by day upon the altar of the temple, were of greater value than a mouthful of bread and wine.

Without troubling ourselves with the logical value of the suggestion, or its real bearing upon the merits of the controversy, it concerns us to mark the solicitude with which the parallel between the Christian Eucharist and the Mosaic sacrifice of blood upon the altar of atonement—the former as the proper sequel and continuance of the latter, even to its daily repetition—is preserved.\* Yet though of the same general character of an atonement for sin, the Christian sacrifice must, they contended, stand as far

\* Availing himself with much dexterity of Berengar’s use of the term “sacrifice,” which he probably meant

in the sense of a eucharistic sacrifice, or sacrifice of thanksgiving.

\* Conf. Book VI. c. vii. p. 193.

above the Jewish as the dignity of the Son of God stands above that of the representative victim which bled upon the Mosaic altar. By this reasoning the decretalists obtained a substantial and tangible victim, above all human comprehension superior in excellence to that of the older dispensation—a victim which they, as a true mediatorial and sacrificing priesthood, might, in like manner, immolate day by day on their own altars. And inasmuch as their sacrifice was real and not symbolical or figurative, so also their altar was to be conceived as a real and not a symbolical or figurative altar. It is hardly possible to overrate the prospects which the establishment of this doctrine opened to its contrivers, more especially to the high-priest from whom the power to perform this miraculous atonement was made to flow as the fountain-head of all spiritual power.<sup>y</sup>

After the example of Lanfranc, many a champion stepped forth to do battle to the death on behalf of the Paschasian doctrine. In that day men proved their sincerity by deed rather than by speech; and the literary soldier who would hesitate to shed his own or his adversary's blood in the cause, exposed himself to the cutting reproof cast by Lanfranc upon his opponent.<sup>z</sup> But Berengar saw no particular advantage to his cause in the honour of martyrdom, so liberally offered to him by his adversary. His choice turned out rather fortunate than otherwise. He lived in peace from the year 1066 to the year 1075. In the latter year his doctrine was once more drawn into discussion at a provincial council held at Poitiers under the auspices of Gerald cardinal-bishop of Ostia, the active agent of pope Gregory VII. (Hildebrand) in France. Other meetings appear to have been held about the same

Synod of  
Poitiers.  
A.D. 1075.

<sup>y</sup> For some account of the gradual development of this idea of the Christian priesthood in its connection with the eucharistic sacrifice, we refer the reader to the following passages in this work: 1. Book I. c. iii. pp. 56, 57. 2. Ibid. c. iii. pp. 73, 74. 3. Ibid. c. iv. p. 90, on Christian symbolism. 4. Ibid. c. vi. pp. 147, 148-151; the sacrificing priesthood. 5. Ibid. p. 56; Apostolical

constitutions and canons. 6. Book III. c. i. p. 3; remark on the representative forms. 7. Book VI. c. vii. pp. 192-195.

<sup>z</sup> Among the opponents of Berengar *Fleury* names Guitmund, a disciple of Lanfranc; Alger, a monk of Cluny; Alberic, a deacon of Monte Cassino; and the saintly abbot Worphemius. H. E. xiii. pp. 287-294.

time in the Aquitanian provinces upon the Berengarian heresy;<sup>a</sup> but at these meetings the controversy was conducted in so intemperate a spirit as to lead to no practical result. In this state these disputes lingered on till the year 1079, when the subject was again taken in hand by pope Gregory VII. himself.

Visit of  
Berengar  
to Rome.  
A.D. 1079.

In that year Berengar once more visited Rome, for any thing that appears to the contrary, without fear for his personal safety, and in the expectation of an impartial hearing. For the authenticity of this passage in his history we are enabled to appeal to his own account of the transaction in parallel with that of an opponent, Hugo abbot of Flavigny,<sup>b</sup> who flourished towards the close of the eleventh century. It has been already observed that Hildebrand had become acquainted with Berengar at the conferences held at Tours in 1054.<sup>c</sup> By the admission of Lanfranc himself, the latter was a person of great learning and engaging manners; and it is not improbable that the pontiff remembered him with a respect which had improved into friendship during his year's residence in Rome, pending the inquiry of 1059 under pope Nicolas II.<sup>d</sup>

At Rome Berengar, therefore, found himself in a position of comparative liberty and personal safety; and he defended himself with courage and moderation. He acknowledged that on the former occasion he had admitted the real presence of a true body of Christ in the eucharistic bread; his adversaries replied that he had in that confession omitted the essential word "substantially" (*substantialiter*), so as to evade the true point which made all the difference between orthodoxy and heresy;<sup>e</sup> thereby virtually repu-

<sup>a</sup> Conc. ed. *Colet.* xii. pp. 585, 586.

<sup>b</sup> Flavigny was a monastery in the diocese of Autun and the modern department of the Côte d'Or. See *Hugonis Flaviniacensis Chron. ap. Pertz*, tom. viii. p. 443; Concil. ed. *Colet.* xii. pp. 629 et sqq.; *Martene et Durand*, Thes. Anecd. tom. iv. p. 103. Conf. *Fleury*, xiii. pp. 385, 386. It is to be

noticed that Hugo, though described as an adversary of Berengar, was only fourteen years old at the period in question. He was therefore not strictly a contemporary writer.

<sup>c</sup> See p. 127 of this chap.

<sup>d</sup> Supplem. Concil. ed. *Colet.* tom. ii. p. 29.

<sup>e</sup> They intended, namely, to drive

diating the elimination of the substance of the bread and wine, and its *transubstantiation* into the human body of the Saviour. But that confession, such as it stood upon the records of the Roman church, appears to have satisfied the pope and the majority of the learned prelates who attended this conference; and among the rest, the very orthodox and erudite Peter Damiani. But his opponents clamorously demanded a further inquiry; and in the end prevailed upon the pope to reserve the cause for more solemn investigation at the semestral council to be held in the Lent of the following year. When that time arrived, Berengar consented, for the sake of peace, to add the word *substantialiter* to his prior confession. His adversaries, however, by their unseemly triumph drew from him an explanation of the term, which left the question pretty much where it was before. By the word *substantialiter*, he replied, he must not be understood to admit either the elimination of the natural elements, or their transmutation into the substance of the natural body and blood of the Saviour; neither ought he, by using the words "substantially present," to be taken to admit a natural and earthly, rather than a spiritual and heavenly, substance; which latter substance he verily believed was really present in the Eucharist to every faithful communicant. Thus by the interposition of a non-natural sense he put the controversy on its legs again, and fairly puzzled his opponents. Both parties confessed the *reality* of Christ's presence in the sacrament; but the question still remained behind, whether that reality amounted to an absolute corporeal identity, excluding the presence of any extraneous matter or substance,—that is, an unqualified miraculous transmutation of the elements into the natural body and blood of the Lord solely and exclusively,—or whether it was no more than a spiritual and representative identity, such as might require no substantial change in the natural character and substance of the

him into the admission that in the consecrated bread there was really and substantially present the whole natural body, soul, and divinity of Jesus Christ,

as he was born of the Virgin Mary, suffered on the cross, and ascended into heaven.

elements, and offer no contradiction to the evidence of the senses.

Though the appropriate name for their special doctrine of the Eucharist had not been uttered by the Paschasians, it was in all its parts identical with the doctrine of *Transubstantiation*, as first authoritatively promulgated at the general council of the Lateran (A.D. 1215) in the pontificate of Innocent III. But on the occasion now before us their success was far from complete. The turn which the inquiry took, and the circumstances attending it, show clearly that the mind of the Latin church was not as yet so thoroughly habituated to a view of the ordinance which involved the renunciation of the evidence of their senses, and called for a subtlety of discrimination requiring time and inculcation to instil it into the vulgar mind. The fathers of Rome were surprised; they hesitated and took refuge in compromise, and ended by abandoning the parties to their respective expositions with no precise decision to guide them. There is, indeed, every reason to believe that if the Paschasians had insisted upon such a decision—if they had pressed for an express declaration in conformity with the essential doctrine, that in the sacrament the elements of bread and wine no longer existed, but were transformed into the veritable, substantial, and terrestrial body of Christ, appearing indeed to the deluded senses as bread and wine, but being in fact and reality nothing less than the whole Christ, and nothing beside,—they would not have prevailed upon Gregory VII. or Damiani, or a majority of the synod, to side with them. Berengar affirms that he signed his second confession at the earnest request of the pope, who was anxious to avoid a disturbance of the peace of the church, during his arduous contest with the Emperor Henry IV. Every circumstance attending these conferences shows that the pope had conceived a great regard for Berengar, and that he was solicitous to protect him against the violence of his adversaries.<sup>f</sup> Up to

Imperfect success of the Paschasians.

Regard of Gregory VII. for Berengar.

<sup>f</sup> His personal respect for the heresiarch seems to have drawn upon him

the reproach of being a Berengarian. The charge was certainly propagated

the end of his residence in Rome, Gregory treated him with distinguished kindness, and dismissed him with an autograph safe-conduct in the amplest and most cordial terms; threatening all persons who should molest him on his homeward journey, or thereafter presume to call him heretic, with the anathema of the church. He sent with him a chamberlain of his own household to signify the favour of the holy see, and wrote to the archbishop of Tours, the bishop of Angers, and the Earl Fulk of Anjou, to insure him against all further molestation on the score of his opinions.

His adversaries allege that as soon as he set foot on his native soil he hastened to repudiate his late retractation, and continued as before to propagate the eucharistic heresy. This might be true enough in their acceptation of the terms of the confession; but upon that topic Berengar had not left them in the dark, though it might suit them to heap the sins of their superiors on his back. In the year 1080 we find him again present at a synod assembled at Bordeaux to give an account of his faith before two papal legates and several bishops; but with what result is unknown. But by this time he was an aged man, and the remaining eight years of his life were spent, for aught we know to the contrary, in the enjoyment of the reverence and respect of his superiors and disciples. He died in the year 1088, in the communion of the faithful, and was interred in the church of St. Martin at Tours. Cenotaphs and panegyrics by surviving friends bear witness to the general regret for his loss.<sup>g</sup>

Berengar  
unmolested  
till his death.  
A.D. 1088.

by the imperialist party with some success. The fiery *Baronius* lavishes his indignation against the insolent disseminators of this atrocious slander. An. 1079, § 6, tom. xvii. p. 483.

<sup>g</sup> *Fleury*, xiii. pp. 497, 498. The Paschasians affirm that the peaceful conclusion of his life was to be ascribed to

his having ultimately repented and renounced his errors; of which repentance and renunciation there is not a shadow of evidence, except the fact that he actually, much to their disgust, ended his life in peace. *Cent. Magd.* cent. xi. p. 658.



# BOOK X.

## CHAPTER I.

### HILDEBRANDINE REFORM.

Connection of church and state at the beginning of the eleventh century—Evils and their remedies—Motives of the reformers—Special intent of the political reformers—The scheme of Hildebrand—Theory of the disciplinarians—Application of the theory by Hildebrand and Damiani respectively—Discrepant accounts of the election of Victor II.—Bonizo and Leo of Ostia—Benzo's account—Hermann's (Contractus) account—Probable views of Hildebrand—Probable character of the election of Victor II.—Boniface of Tuscany—Godfrey duke of Lorraine marries Beatrix widow of Boniface—Jealousy of Henry III.—Cardinal Frederic of Lorraine—Henry III. and Godfrey of Tuscany—Interview of Beatrix with Henry III.—Detention of Beatrix—Vigorous policy of Henry III. in Italy—Abduction of Beatrix and Mathilda—Development of the views of the extreme sacerdotal party—The empress Agnes, guardian of Henry IV.—Death of Victor II.—Election of Frederic of Lorraine; Stephen IX.—Hildebrand in Germany—his success—Activity and death of Stephen IX.—The rival popes Benedict X. and Nicolas II.—Election of Nicolas II.—he deposes his rival Benedict X.—Great synod at Rome, A.D. 1059—Election-law of Nicolas II. *The Saving-clause*—Provision for extraneous election—Decree and anathema—Explanation of the decree of election—Probable drift of the decree—how it affected the imperial prerogative of participation—Provision against simonians and lay investiture—Decree against clerical marriage—Policy of the priesthood regarding marriage—Decree concerning lay marriage—Progress of the Normans in Southern Italy—Hildebrand and the pope in alliance with the Normans—Pontifical enfeoffment and investiture to the Normans—its consequences—Legal character of the investiture—Legal effect of the conveyance—The pope gives an absolute investiture—and incurs a forfeiture of his own rights.

It was observed in the introductory chapter of the preceding Book, that, "at the death of the last emperor of the Saxon line, the papacy had to outward appearance merged in the empire; and that the acts of the popes on all occasions of importance seemed to flow rather from the imperial than from the pontifical prerogative."<sup>a</sup> It was at

<sup>a</sup> Book IX. c. i. p. 2 of this work.

the same time remarked that no such intimate fusion of the two powers had taken place as to lead to any definite adjustment of their respective competency, or to the establishment of any line of demarcation within which their claims as against each other might be constitutionally restricted; and that, as soon as the pressure from without which had driven them into the alliance should be removed, there was nothing to prevent the repulsive forces inherent in their nature from operating to the dissolution of the accidental union.

That outward pressure has been traced to three distinct causes: (1) the decay of ecclesiastical organisation and discipline; (2) the disruption of the bonds of society, and the confusion of political interests in Italy and Europe generally; (3) the increasing power and activity of the Germanic sovereigns. To these causes of paralysing constraint on the vital powers of the church of Rome we may add that of a *social demoralisation* inconsistent with any scheme of ecclesiastical government founded, however remotely, on Christian principles. To the *first* of these causes we ascribed the relaxation of the grasp upon the public conscience which had been enjoyed by the pontiffs of Rome during the vigorous administrations of Nicolas I. and Hadrian II.; to the *second* we traced the suspension of those powers of government—that political sovereignty—which, in the then existing state of society, was essential to the maintenance of the vast spiritual prerogative claimed by the holy see; to the *third* we imputed the substantial transfer of the papal elections to the Germanic dynasty, and the reduction of the papacy to an item of imperial patronage. Then, in the *fourth* place, it may be added, that the pestilential immorality which polluted alike every element of society—that the prevalence of incontinence, perjury, venality, rapine, and crimes of violence—had infected the church to its heart's core, and produced a looseness and a rottenness of trunk and branches which, until the removal of the canker, could bring forth nothing but sour and unwholesome fruit. And to this radical disease the attention of every honest reformer of the age was directed.

The great object of their exertions was first to awaken the public conscience, by a vigorous assault upon the capital vice of the age—sexual incontinence. To that end they made the celibacy of the clergy, and the restriction of the laity within the canonical degrees of consanguinity and affinity, the tests of the progress made in their warfare against the debilitating corruptions of the age. That the monks should have set about the gigantic task before them in their own way, that they should have looked for the remedy to be applied in their own moral pharmacopœia, is no just cause of censure. The path of reformation was marked out beforehand for them, by the rule prescribed in the institutes of their beatified oracles. They cannot therefore be fairly made responsible for the contingent mischief they may have done, as long as they laboured honestly in the cause of moral improvement. The benumbing pressure of two particular vices upon the vital interests of society was universally felt and deplored: venality and faithlessness in clergy and laity were to be encountered by severe laws against simony: a delicate touchstone was to be applied to try the consciences of both in the matter of the distribution of ecclesiastical patronage; just as the laws against sacerdotal marriage and lay incest were designed to awaken the public indignation against voluptuous incontinence in both.

If these had been the leading motives of the reformers, and as far as they really were so; if they had not entertained ulterior and selfish <sup>Motives of</sup> the reformers. objects; if personal or corporate ambition had had no share in their mode of warfare against the vices of society; we might perhaps lament the narrow and presumptuous grounds upon which they acted, but must applaud their zeal, and respect their self-denying uprightness of purpose, as observed in the language and demeanour of Damiani, Ariald, Anselm of Lucca, Frederic of Lorraine, and the primitive leaders of the disciplinarian school. These good men, however, did not trouble themselves to inquire whether they were throwing open the gate to vices which, if not more shocking to the moral

sense of mankind, were not less injurious to the religious interests of society. Were they, it may be asked, unconscious that continence in their mouths might mean servitude under monastic rule,—the conversion of the religious world into one vast convent, with a pontiff of Rome for its universal abbot? Were they so blind as not to perceive that their idea of simony might, with a little expansion, be made to include every kind of lay patronage; to embrace every scrap of land, every description of property which, through any kind of conveyance, might pass into the possession of church or churchmen; and so to cast one-half, or even two-thirds, of the productive means of the community into the flesh-pots of the church, for her and her ministers to fatten upon?

We believe that this was the case; and that such was in no respect the intent of the honest section of the reformers of the Hildebrandine age. But there was *one* among them who not only intended all this, but much more; one who had estimated at their just value the moving powers which his unconscious coadjutors had put in action, with the determined purpose of not permitting them to rust for want of use. The first object of Hildebrand and his party was to restore a self-existent, independent papacy; and with that view to emancipate the pontificate from imperial control. But for that purpose it was above all requisite to restore discipline, and to reform immoral practice upon a plan and principle which should transfer the custody of the public conscience from the hands of the state to those of the church. It was moreover necessary to repress civil disorder, and to lay the foundation of a solid political interest in Italy; and upon a basis thus secured to place themselves at the head of a combined moral, religious, and political system which should balance the merely military preponderance of the empire, and place them in a position to take advantage of any accidental circumstances which might occur to favour the unlimited expansion of the ecclesiastical monarchy.

These hopes and expectations were founded upon

Special in-  
tent of the  
political  
reformers.

shrewd observation of the signs of the times. Many of the chances reckoned upon were of probable occurrence; others were such as unexpectedly to open out prospects of advantage that might have been looked for in vain in the ordinary course of political events. Thus, the premature death of Henry III., in the year 1056, riddled the reformers at once of a master who might have baffled their tactics for many a year to come, and made room for the thousand contingencies of a weak and stormy minority. The collapse of the imperial power in Italy, which followed that event, enabled them to turn their attention to an object of vital interest at home. The election of a pontiff had hitherto rested, in a great measure, with the urban and rural nobility of Rome, controlled, on occasions, either by the imperial mandate, or the irregular interference of the populace under the stimulus of domestic faction. Hildebrand felt the necessity of narrowing a franchise which interfered with the unity of action so essential to the success of his plan of church-government. His success cleared from his path the most obstructive impediment to that absolutism which distinguished the political from the disciplinarian school of reform. The latter regarded the powers of the church as illimitable The scheme of Hildebrand. *for the reformation* of an evil world; Hildebrand regarded them as equally so for the purpose of *political* aggrandisement. Unwittingly, Damiani himself became the instrument of the worldly policy of his colleague, and furnished him with a principle equally serviceable for the promotion of secular conquest and of spiritual reformation. He taught that all temporal compacts and obligations must give way to the welfare of the church; that *that* spiritual imperium which was vested in the body of the church was as little susceptible of confinement within the narrow bounds of human laws as the divine power from which it emanated; that the church was the proper interpreter of the divine will, and consequently that human enactments could be binding no longer than while they were in accordance with that will so expounded: circumstances, events, necessities, colli-

sions of conflicting duty, and other independent considerations, might at any time operate to dissolve the most solemn engagements: as the purposes of the Almighty were inscrutable, so likewise those of His church: as His will appeared sometimes to adopt one course, sometimes precisely its opposite, so likewise His church was empowered to overleap all merely human considerations for the accomplishment of the divine decrees.<sup>b</sup>

True to the monastic principle, Damiani believed the single path of salvation lay in unreasoning obedience to the divine will: but in order to sustain the duty of obedience there must be somewhere an authority to command; that authority he believed to be vested in the church, and her earthly chief the Roman pontiff. But he was anxious that *his* church should speak the will of God; Hildebrand, that she should be the pliant interpreter of his own designs. With the power in his hands, there was no real difficulty in obtaining the desired responses. Armed with a principle so manageable, and endowed with the ability and the determination to draw from it all the advantage it was capable of yielding, Hildebrand launched boldly upon the ocean of worldly interests and passions, in the confident hope of constraining a reprobate world to exchange the servitude of Satan for that of the pope of Rome.<sup>c</sup> The instrumentality by which he proposed to accomplish this grand project was fully prepared, and laid ready to his hand, within the eighteen years which intervened between the death of Leo IX. in 1055 and his own accession to the papacy, by the name of Gregory VII., in the year 1073. The mode and manner of the operation is in some respects obscure; but we hope to present them in such a shape as to convey a correct notion both of the scheme itself and of the ability with which it was worked out. The most important difficulty we have to encounter is the questionable character of the testimony we are compelled to rely upon. Almost all our wit-

<sup>b</sup> See the principle as laid down by Damiani in the work entitled "Disceptatio Synodalis inter Regis defensorem et sanc. Rom. Eccles. Defensorem," in

*Appendix I.* to this chapter.

<sup>c</sup> Damiani would have said, as we doubt not he thought, "to the service of God."

nesses are so deeply tainted with ignorance, dishonesty, and party spirit, that it is difficult to verify many important facts, and still more so to satisfy ourselves that we have hit upon the right interpretation. The task, however, is not impracticable. Certain leading incidents stand uncontradicted; and fortunately the current of *opinion* flows forth so clearly and rapidly under our eye, that if we lose it or mistake the direction, the fault must be ours.

The first transaction which followed the death of Leo IX. (A.D. 1055) presents us with a remarkable instance of the kind of difficulty which meets us at almost every step of this period of our narrative. One witness<sup>d</sup> assures us that after that event the Roman clergy and people pressed Hildebrand to accept the papacy; but that he resolutely declined the honour, and prevailed upon them to send him as their deputy into Germany, to persuade the emperor to grant them full and perfect liberty to choose their own bishop. A second witness<sup>e</sup> assigns a different motive for the mission. No person, he tells us, being to be found among the Roman clergy qualified for so exalted a station in the church, Hildebrand was sent into Germany to search among the prelates of that distant country for an eligible person to fill the vacant throne. Again, the first of these writers states that Hildebrand was received and entertained by the emperor with great cordiality; that he was honoured with many private interviews, and that he succeeded in convincing Henry of the guilt he would incur by conferring the pontificate as of his imperial prerogative: that by his persuasive eloquence the emperor was prevailed upon to renounce the tyrannous patriciate,<sup>f</sup> and to restore to the clergy and people of Rome their undoubted right to elect their own bishop; and that thereupon Hildebrand, as their representative, selected Gebhardt bishop of Eichstädt, the high-steward of the imperial household,—a prelate, he adds,

Discrepant  
accounts of  
the election  
of Victor II.  
A.D. 1055.

Bonizo and  
Leo of Ostia.

<sup>d</sup> *Bonizo* bishop of Sutri, a determined advocate of Hildebrandine principles.

<sup>e</sup> *Leo* cardinal-bishop of Ostia.  
<sup>f</sup> Conf. Book IX. c. iii. p. 83.

personally disagreeable to the court,—and carried him away, against the inclinations of the emperor, to Rome, where he was at once elected and consecrated pope by the name of Victor II.<sup>g</sup>

A third witness,<sup>h</sup> however, favours us with a totally different version of the same transaction. After Benzo's account. the death of Leo IX., he says, there appeared at the imperial court three vagabond monks<sup>i</sup> from Rome, pretending to be deputies from the clergy and people of that city; that Hildebrand was one of these; and that, at the instance of Hermann archbishop of Cologne, they were all three committed to prison: that soon afterwards a genuine deputation arrived at court, with a humble request to the emperor to appoint a pope; that upon learning the deception that had been attempted by the impostors, he was so incensed that he refused to release them until they had taken a solemn oath that they would not, either on their own behalf, or that of any other person, intermeddle in the election of a pontiff; that Gebhardt of Eichstädt was then elected by the emperor, and accepted by the Romans with alacrity; that, however, the vagabond Hildebrand stuck so closely to the new pontiff, and became so useful to him, more especially in the raising of money, that Victor II. was led to believe that he could not do without him; and that he at length became so insolent as to obtrude himself into his master's presence whenever he liked, whether with or without permission.<sup>j</sup>

A fourth witness drily informs us that in the year Hermann's (Contractus) account. 1055 the emperor assembled a diet and synod at Maintz, where Gebhardt bishop of Eichstädt was elected pope *by the bishops then present*; and that he was soon afterwards consecrated at Rome by the name of Victor II.<sup>k</sup> Adopting as unquestioned fact

<sup>g</sup> *Bonizo*, ad Amic. ap. *Cefel*. Rr. Boic. Ss. tom. ii. p. 804; *Leo Ostiens*. Chron. Cass. lib. ii. c. 89, ap. *Murat*. iv. p. 403.

<sup>h</sup> *Benzo* bishop of Albi, a devout opponent of the reformers.

<sup>i</sup> "Sarabaitæ."

<sup>j</sup> *Benzon*. Panegy. Hen IV. lib. iv. c. 2, ap. *Mencken*, Rr. Germ. Ss. tom. i.

pp. 1062 et sqq.

<sup>k</sup> *Hermann* Contract. Chron. Contin. an. 1054, ap. *Pistor*. Rr. Germ. Ss. tom. i. p. 297. Conf. Conc. *Hard*. vi. p. 1037. There is an error in the date of this synod. It is said by the continuator to have been held on the 19th of April 1054, instead of 1055.

this laconic statement, we are at liberty to regard the conflicting accounts of Leo of Ostia, Bonizo, and Benzo, as the expression of the party feelings of the writers, apart from any accurate knowledge of the facts, or any desire to reveal, if they knew, them. That Hildebrand declined the papacy, and that he undertook the mission to the court for the promotion of his ultimate designs, scarcely admits of a doubt. It is conceivable that at the moment there was really no candidate to be found in Rome so free from the imputation of simoniacal pravity as to satisfy the demands of the disciplinarians. It must have been a matter of equal importance to himself to sustain his influence at the imperial court, and to avoid exciting the suspicions or wounding the pride of the emperor, against whose will he must have been conscious that neither he nor his church could at that time contend with any prospect of success. But he was perhaps actuated by a third motive, more powerfully than by either of the former; the danger, namely, to the very basis of his plans, which must arise from a recurrence to popular election, while destitute of the means of stemming the torrent of sedition and corruption which had hitherto signalled each successive exercise of the elective franchise in its original form. We may therefore presume his intention to have been so to balance the imperial pretensions against those of the electoral body as to keep alive the claim to a free election, without foregoing the protective or corrective power of the crown. Thus, for the present he was content to advocate the right of the clergy and people of Rome, without affording them the opportunity to exercise it; with a view, we doubt not, to the time when he might safely make good the exclusive pretensions of a closer body of electors against both.<sup>1</sup>

The fact, however, stands fast, that German annalists were wholly ignorant of any participation of the Romans, clergy or laity, in the election of Victor II.<sup>m</sup> Nevertheless we do not believe that the appearance of Hildebrand at

Probable views of Hildebrand.

Probable character of the nomination of Victor II.

<sup>1</sup> Allusion is made here prospectively to the celebrated ordinance of Nicolas

II. in 1059.

<sup>m</sup> *Lambert of Aschaffenburg* tells us,

court on behalf of his fellow-citizens was treated as an act of unauthorised and gratuitous impertinence. Yet it appears certain that the election was substantially a simple nomination by the emperor in council. Neither is it credible that Henry III., a prince still in the prime of life, enterprising, fortunate and persistent, should have yielded up so important a prerogative to the persuasions of the Italian monk; or that the latter saw any chances of success to encourage the attempt to extort such a concession. Again, Henry III. had established for himself the reputation of a reformer, and it might have appeared difficult at the moment to organise any important body of contradiction to the claims of a prince so favourably disposed to the cause, for his patronage of which the honester party in the church had so loudly applauded him. The difficulties which we discern even at this distance of time could not have escaped the penetrating glance of Hildebrand; and he was contented to await patiently the opportunities which time, and, what is humanly called, the chapter of accidents, might throw in his way for the further advancement of his all-absorbing scheme of church-government.

In the year 1053 the princely Boniface of Tuscany died suddenly, probably by the hand of assassins. His power and wealth so far exceeded the proportions of a subject as to inspire the emperor Henry III. with alarm, while his haughty demeanour had suggested well-grounded doubts of his fidelity. His friends affirm that he was a staunch adherent of the papacy; that he loved and cherished the clergy, more especially the monks; that to them he was always open-handed; that he was diligent at confession, and that he performed the penances they prescribed with extraordinary punctuality. But all this time it is admitted that he was exceedingly slack in the performance of his duties as a vassal of the empire; his authority within his hereditary states was that of a monarch, and his wealth so

under the date of 1054, that the emperor having been solicited by the Romans to provide a bishop for their

church, he sent them Gebhardt bishop of Eichstädt. *Lamb. Schaffn. an.* 1054, ap. *Periz*, v. p. 156.

considerable as to enable him to eclipse his imperial suzerain in the magnificence of his court.<sup>n</sup> At his death Markgrave Boniface left a widow, Beatrix, a daughter of Frederic duke of Upper Lorraine,<sup>o</sup> with an infant son and daughter. Shortly before his death, Godfrey duke of Lower Lorraine had been deposed and exiled by the emperor for a breach of allegiance; and he, with his brother Frederic, archdeacon of the church of Liege, retired to the court of pope Leo IX. An opportunity to retrieve his fortunes presented itself in the person of the widowed marchioness. In that age, and more especially in Italy, no condition was more full of peril than that of widowhood. The great family connections and personal merits of Godfrey recommended him to Beatrix as a husband and protector; and a few months after the death of Boniface, Godfrey became her husband. This fortunate match put him in possession of the rights of guardianship over the infant children of the deceased markgrave, and the absolute, though terminable, administration of his immense estate and treasure. Meanwhile his brother, the archdeacon Frederic, entered into all the schemes of the reformers at Rome, and became one of the most zealous and distinguished leaders of the party.<sup>p</sup>

Marries  
Beatrix,  
widow of  
Boniface.

The establishment of the two disaffected princes in the very heart of his Italian dominions naturally disquieted the emperor. He could hardly admit a hope that Godfrey, with the vast resources of the Tuscan principality at his command, would turn out a more tractable subject in Italy than he had already proved himself in Germany. Strict orders were therefore transmitted to his lieutenants and adherents in Lombardy to keep a vigilant eye upon his movements, announcing at the same time that in the following year

Jealousy of  
Henry III.

<sup>n</sup> *Hermann. Contr. Chr. an. 1053, ap. Pistor. i. p. 294.* This writer imputes his death to assassins. He describes him as "ditissimus marchio, immo tyrannus." Conf. *Bernold. Costant. Chron. an. 1052; ap. Pertz, v. p. 426.* An anonymous life of Mathilda, countess or marchioness of Tuscany, affirms that Henry III. made several

attempts to take away his life by assassination. *Anonym. Vit. Mathild. ap. Murat. v. p. 392.* But he is unconfirmed by any subsequent writer. Conf. *Donizo, Vit. Mathild. Com. c. 15, ap. Murat. v. p. 357.*

<sup>o</sup> *Donizo, ubi sup. p. 353.*

<sup>p</sup> *Herm. Contr. Contin. ap. Pistor. i. p. 297.*

he should pay them a visit to take counsel with them as to the best measures for securing the public peace.<sup>1</sup> An additional cause of anxiety to Henry may have been the circumstance, that soon after his arrival in Rome the archdeacon Frederic of Lorraine had been raised by Leo IX. to the dignity of a cardinal-priest of the holy Roman church, and in that capacity had connected himself with a party which made no secret of its hostility to the influence hitherto exercised by the crown in the affairs of the church. But during the absence of the new cardinal upon a secret mission to Constantinople, Leo IX. died, and that event dissolved for a time the ties which connected him with the pontifical court. Frederic accordingly retired to the monastery of Monte Cassino, which then was, as it long afterwards continued to be, the head-quarters of the Hildebrandine tactics.

Meanwhile the reports of the increasing power and intrigues of Godfrey in Italy became daily more alarming. Henry hastened to pass the Alps, to examine on the spot into the state of the peninsula. The aspect of affairs, however, was less critical than he had been led to believe. If Godfrey had ever entertained the designs imputed to him, he was not as yet prepared for a rupture. Instead of a hostile meeting, the emperor found a vassal as submissive in profession as the most loyal subject. The envoys of the duke tendered his duty to his liege-lord in all humility; they protested in his name against the false imputations cast upon him by his enemies; they testified his readiness to serve the emperor with heart and hand; and they implored him not to refuse a poor exile from his native land a becoming maintenance out of the revenues of a wife, whom he had won by honourable suit, and married with her own affectionate consent and the approbation of the church. But Godfrey's transgression was too clear, both to himself and his suzerain, to admit of any sudden restoration of confidence. Besides former delinquencies, for which he was at that very time paying the appro-

<sup>1</sup> *Lamb. Schaffn.* an. 1053, 1054, ap. *Pertz*, v. p. 156.

appropriate penalty, he had married the widow of a tenant *in capite*, and assumed the wardship of the heir, without the license of the lord-paramount. Under such circumstances, his personal appearance at the imperial court to vouch the sincerity of his professions was out of the question. The duchess Beatrix, however, <sup>Interview of Beatrix with Henry III.</sup> dissembled her apprehensions; she presented herself boldly before the emperor, and demanded an audience to vindicate her personal rights and those of her children. The emperor granted the request without hesitation; and Beatrix urged that in marrying Godfrey she had exercised her lawful right to dispose of her own person as she might think best for her own happiness,—a right which, in her unprotected position, she was bound to exercise in order to provide a warranty for her own safety and that of her infant children; that in taking this course she had entertained no design inconsistent with her allegiance to the emperor; that as herself a free woman, she had married a free man, and that the emperor could not object to the union, or attempt to dissolve a connection which it was lawful for every noble lady in his kingdoms to contract, without a manifest infraction of law and justice.<sup>r</sup>

The defence of Beatrix, though it may, for <sup>Detention of Beatrix.</sup> aught we know of the strict principle and ac-

<sup>r</sup> The feudal law of Germany vested the guardianship of infants in the next of kin. But the legal guardian could not act without suing for investiture, and doing homage in that character. He then obtained possession of the person and property, and served for the fee in the name and on behalf of the ward until he arrived at an age to sue out investiture and do homage for himself. *Eichhorn*, *Deutsche Rechts- u. Staats-geschichte*, book ii. § 365, p. 579. But the feudal customs of Italy made a distinction between patrimonial and feudal estate. Beatrix was possessed of both kinds of estate as guardian of her children: for the former she was liable only to fealty; for the latter she was bound to do homage. But I doubt whether a woman could be admitted to homage, because, by reason of her sex, incapable of doing

the service of the fee. Nor could she, consistently with the spirit of the feudal law (at least as it respects feudal estate), choose a husband without the consent of the superior lord, who had a right to see that a proper person was selected to do the service on behalf of the ward. In Germany the nearest relative (Agnat) was intrusted with that duty. In the case of Beatrix, it is presumed, the husband would be legally entitled. Conf. *Heineccius*, *Jus German. lib. i. tit. xv. § 318*. In her case, however, the husband was the enemy of the superior lord; and though the feudal law of Italy differed in many points from that of Germany, it is hardly conceivable that the superior lord should be bound to accept such a person as a qualified representative of the estate and its liabilities.

tual state of feudal law in Italy, have been legally sustainable, involved a political anomaly the emperor could not allow to pass. The duchess and her daughter were not permitted to depart the court, on the special ground that by her marriage with Godfrey she had betrayed Italy into the hands of an enemy of the empire.<sup>3</sup> About this time the infant son and heir of Boniface died, and the emperor at once resumed all the male fiefs of the house of Tuscany into his own hands, reserving only to Mathilda, now sole heiress of her father, those lands which were legally transmissible in the female line.<sup>4</sup> This proceeding convinced duke Godfrey that all hope of reconciliation with the emperor must be vain; and he retired to the court of his friend Baldwin earl of Flanders, to await the turn of the tide. His brother the cardinal of Lorraine meanwhile fared no better. Bereft of the papal protection, he was compelled to quit his asylum at Monte Cassino; wandering from convent to convent, in the hope of better times.<sup>5</sup> The promptitude of the emperor had thus driven his enemies from the field; the storm that had been fast gathering in Italy was dispersed; and if life had been granted him to place his relations to church and state in Italy upon a more solid foundation, and to educate his son in the principles of state-craft that had proved so successful in his own hands, it is probable that no firm basis would have been left for the political reformers to build upon, and that the far-sighted scheme of Hildebrand would have fallen to the ground. The friendship of pope Victor II., the capture of Beatrix and her daughter, and

Vigorous  
policy of  
Henry III.  
in Italy.

<sup>3</sup> The continuator of *Hermann. Contr.* says that Henry did not get possession of the person of the infant heir of Boniface. *Chron. ubi sup. an. 1055, pp. 297, 298.* The same writer charges Henry with having broken his safe-conduct in detaining Beatrix and her daughter. *Berthold* (*Annal. ad an. 1055, Pertz, v. p. 269*) repeats the charge. *Bonizo* (*ad Amic. lib. vi. ubi sup. tom. ii. p. 805*) assures us that he obtained possession of the persons of the duchess and her daughter by a stratagem.

<sup>4</sup> What those lands were, it is very difficult to ascertain. The Roman law,

which was at that time gaining ground in Italy, was generally applicable to all private estate excepting feudal possessions; consequently the resumption would extend only to the duchy of Tuscany and other fiefs held with it by Markgrave Boniface. Both Beatrix and her daughter, it is not doubted, possessed heritable estates in Lombardy and in Lorraine, probably equally extensive with that of Tuscany. See *Eichhorn, ubi sup. § 237 note (a), vol. ii. p. 91.*

<sup>5</sup> *Leo Ostiens. Chron. Cassin. lib. ii. c. 89, ubi sup.*

the flight of Godfrey and his brother Frederic, for the present dissipated all fear of injury from the hostility or intrigues of that party. Yet the care thus bestowed upon the maintenance of his prerogative was not allowed to interfere with those essential reforms to which Henry had pledged himself at his accession. Before his return to Germany he convened the bishops of Lombardy at Florence under the presidency of pope Victor II., and enacted or republished ordinances against the alienation of church estate, and against the twin-heresies of simony and clerical concubinage.<sup>v</sup> Many bishops, we are told, were deposed for cause of fornication (marriage); among them, the bishop of the city of Florence itself.

Regarding the countess Mathilda as a ward of the crown, and her mother as the wife of an enemy of the state, Henry resolved not to lose sight of either, and carried both away with him into Germany. In the following year pope Victor followed him across the Alps, in obedience to the imperial summons, to deliberate upon certain weighty affairs relating to church and state in that country.<sup>w</sup> The pontiff was received at the imperial residence with extraordinary honours. Festivities, amusements, banquetings, and hunting-parties followed, and all things announced a happy present and a cheerful future. But in the midst of these social enjoyments the report of the total overthrow of a formidable army lately despatched against the Lusatian and Pomeranian Sclavi (Lutitzes) alarmed the court. At the same moment the hitherto robust health of the emperor suddenly gave way. In his infirmity, disappointment and mortification preyed upon his spirits and inflamed his disorder; and, on the 13th of October 1056, he was consigned to a premature grave, after a reign of seventeen years, during ten of which he had worthily worn the imperial crown.<sup>x</sup>

<sup>v</sup> Concil. *Hard.* tom. vi. p. 1039; *Bonizo*, ad *Amic.* lib. vi. ubi sup. tom. ii. p. 805. *Bonizo* ascribes these ordinances to his hero Hildebrand.

<sup>w</sup> *Berthold.* *Annal.* an. 1056, ap. *Pertz*, v. p. 270. Some cause of jealousy is hinted at as the motive for this sum-

mons. The emperor, it is said, did not like to separate himself for any long time from his pope.

<sup>x</sup> That is, from the date of his coronation by pope Clement II. *Lamb. Schaffn.* an. 1056, ap. *Pertz*, v. p. 157.

During his lifetime Henry III. had been a consistent friend of reform in all matters of discipline. He had steadily kept in view the moral improvement of his subjects through that of their instructors; and had thus animated the hopes and fixed the regards of the great religious party which desired no more than a return to that which they believed to be the standard of Christian piety in spiritual and practical religion. But this section, though perhaps the more numerous, was the feebler party in the church. Under the impulse of the general reform movement, Hildebrand and his friends had instilled a principle different in its character, yet easily connected with the common purpose as its safeguard and complement. These men acknowledged no country but the church, nor any allegiance but to the sovereign of the church. That which in the layman was rebellion, was in their contemplation loyalty to God and his earthly representative. They presented themselves to the outer world as the subjects of God's kingdom, and living under the law-spiritual, to which all things were to be made subject, as in heaven to Christ, so on earth to Christ's minister. In accordance with this view, the interposition of the lay hand in any matter touching the spiritual or material interests of the clergy was a sacrilegious invasion of the kingdom of God by strangers and foreigners to his realm. Their definition of simony was expanded so as to repel the remotest claim of the "lay enemy" to set a foot within the sacred domain. Lay or state patronage was viewed as a profane traffic with the gifts of the Holy Spirit,—gifts which could flow in their purity through the one appointed channel alone; and the absolute seclusion of the clergy, as the only mode of marking the boundary between the outer world, the dominion of Satan, and the realm of the kingdom of God and his saints. Her ministers must, they maintained, be brought within the close fold of the church; and (in the true spirit of the Isidorian precepts) they must be lifted out of, and placed upon an eminence as much above the civil state, as the law by which they were governed transcended in excel-

Development  
of the views  
of the ex-  
treme sacer-  
dotal party.

lence all human enactments.<sup>y</sup> Henceforth the clergy were to have but one master; and it became essential to that singleness of duty and purpose, that an insurmountable barrier should be erected against the irruption of those social affections which must distract their attention and bewray their loyalty. The two measures were therefore parts of one sacred scheme; they completed the type and image of that realm where all were subject to Christ alone, and where "there was neither marrying nor giving in marriage, but all were as the angels of God in heaven."<sup>z</sup> Such was the sacerdotal polyobion; our duty will be to trace its progress, and to ascertain, as far as existing materials permit, what was lost or gained to mankind by its success.

By his empress Agnes, Henry III. had left an only son Henry, whom at the age of three years the states of Germany had elected as their future king. At the death of his father, Henry IV. was only six years of age, and fell by the law of the land under the guardianship of his mother. Agnes was a woman of sense and piety, but unendowed with that masculine spirit which could alone have enabled her to contend with the rude and turbulent aristocracy that surrounded the throne of the infant sovereign. Her first great political error was the release of Beatrix and her daughter Mathilda, and the reception of duke Godfrey into her favour, at the solicitation of pope Victor.<sup>a</sup> The pope himself set forward on his return to Italy shortly after Christmas in the year 1056; but he got no farther than Florence, and died there suddenly on the 26th of the following July.<sup>b</sup>

In the interim, Godfrey of Lorraine and his consort Beatrix had resumed peaceable possession of the entire inheritance of Markgrave Boniface;

Death of  
Victor II.

<sup>y</sup> Conf. Book VI. c. vii. pp. 198-201.

<sup>z</sup> As in *Matth.* xxii. 30. This singular application of the text is not uncommon in the mouths of the disputants in the course of the great struggle against sacerdotal marriage.

<sup>a</sup> *Siegb. Gemblac.* ap. *Pertz*, vi. p. 360. *Bonizo* (ad *Amic.* ubi sup.). The slippery Italian assures us that Henry III.

upon his death-bed sent for duke Godfrey, and restored to him his wife and her daughter, with all the territories that ever belonged to her, &c. But of this the German annalists are ignorant; nor is the fact probable in any view of it.

<sup>b</sup> *Lamb. Schaffn.* an. 1056, 1057; *Pertz*, v. pp. 155-158.

territories which comprised the whole of Central Italy, some large districts of Lombardy, and the capital city of Mantua. The administrator of this wide and productive estate had many wrongs to redress, and many claims to urge against the empress-regent, which it might at any time be convenient to revive. Meanwhile his brother Frederic of Lorraine, as soon as he found the field clear by the retreat of Henry, had returned to Monte Cassino. In the following year (1056) he was unanimously elected abbot of that important community; after which ceremony he repaired to Florence, where pope Victor confirmed the election and advanced him by the title of cardinal-priest of St. Chrysogonus. Frederic made good speed back to Rome to take possession of his new dignity, and was about to return to Monte Cassino, when Boniface bishop of Albi arrived in Rome with the intelligence of the sudden death of pope Victor. The news spread through the city; clergy and laity thronged around the cardinal abbot. A whole day and night were spent in anxious deliberation as to the person to be put in nomination for the papal throne.

The suggestion that the preliminary question ought to be submitted to the German court was discussed; but, as there was now no longer any doubt as to the possibility of finding a fit candidate in the Roman church, the motion was negatived. Five names were proposed, that of Hildebrand being the fifth on the list; and it was thought by some that they ought to wait for his return from Florence, where he was still unaccountably lingering.<sup>c</sup> But the opinion of the majority decided *that delay might be dangerous*, and that it was desirable to proceed to an immediate election.<sup>d</sup> The choice of the meeting accordingly fell upon Frederic himself. But he had disappeared from the assembly; the fathers therefore pursued him to his residence, whence they drew him forth by gentle violence, and in the church of St. Peter-ad-Vincula completed the process of election amid the acclamations of the multitude. On the following day he was

<sup>c</sup> Not improbably detained by important consultations with Godfrey and

Beatrice.

<sup>d</sup> "Moras nequaquam esse congruas."

enthroned in the church of St. Peter by the name of Stephen IX.<sup>e</sup>

By this stroke of policy the political-reform party had lifted itself to the head of affairs. The Hildebrand first act of the new pope was to raise Hildebrand in Germany. to the dignity of cardinal-archdeacon of the holy see, and to send him and the zealous Anselm da Baggio as his envoys into Germany, to satisfy the regent of the urgent necessity for promptitude in filling the vacant see, and to excuse the inevitable departure which had taken place from the customary deference due to the imperial court. For this course Hildebrand could be at no loss for plausible reasons. The shortest delay in choosing a pope, after the death of Victor became known, would have enabled the gentry of Rome and its vicinity, mostly the devoted advocates of all the old abuses, to collect their strength, and to arrest the progress of reform *in limine*. Again, it might be no difficult task to persuade the empress that without the coöperation of Godfrey of Tuscany nothing could be attempted south of the Po by way of military intervention, consequently that the rights of the infant sovereign in Rome could now be protected only by the joint influence of the pope and the duke. On the other hand, with the support of the Tuscan prince, the powerful counts of Tusculum and Galera might be deterred from any violent attempt to disturb the existing state of things. Though it was felt that the time had not yet arrived for an open rupture with the court, yet the success of the mission must at all events secure the advantages of overawing domestic enemies, securing the papal throne to a devoted partisan, and of weakening the claim of the sovereign to a prior nomination in the election of a supreme pontiff. The task of Hildebrand was for the present restricted to the maintenance of the imperial connection, without compromising the ultimate views of his party. He was materially assisted in his negotiations by the intimacies he had, at

<sup>e</sup> From the circumstance of the election having taken place on St. Stephen's Day. *Leo Ostiens. Chron. Cass.*

lib. ii. cc. 116, 117; *Murat. iv. pp. 408, 409.*

various times in the course of his active life, formed among the German prelates and clergy.<sup>f</sup> Though no definite intimation of the result of his embassy has come down to us, there is no doubt that he met with no serious contradiction or censure; and that he at least succeeded in preventing any inconvenient outbreak of ill-humour on the part of the proud and jealous aristocracy and prelacy of Germany.

While Hildebrand was engaged in Germany, pope Stephen exerted himself to the utmost in denouncing simony, the marriage of priests, and the connubium of the laity within the prohibited degrees. For these purposes he engaged the services of Peter Damiani, and, much against the inclinations of the modest cenobite, advanced him to the honours of cardinal and bishop of Ostia. Numerous decrees were passed for the prevention and punishment of the presumed irregularities during the first four months of this short pontificate. The pope afterwards removed to Florence; but distrusting the state of his own health, he assembled the clergy and laity of the city, and obtained from them a solemn engagement that, in case of his death, no step should be taken to fill the vacant see in the absence of Hildebrand from Rome. The motive for the retirement of the pontiff to Florence is not indicated; but his residence there scarcely exceeded four months. He died in that city on the 4th of April 1058.<sup>g</sup>

The declining health of the pope had given ample notice of an approaching vacancy, and encouraged the hopes of the enemies of the late reformers, in conjunction with the turbulent gentry of Rome and the vicinity, of recovering their lost ascendancy. As soon as the news of the death of Stephen reached Rome, Gregory of Tusculum, titular count of the Lateran, and Count Gerald of Galera,

<sup>f</sup> *Lambert* of Aschaffenburg (an. 1058; *Pertz*, v. p. 160) says that "the (infant) king celebrated his Christmas at Merseburg (Saxony); and that there was there present with him Hildebrand abbot of St. Paul, engaged in the affairs

of the holy see; a man of wonderful eloquence and knowledge of holy Scripture."

<sup>g</sup> *Leo Ost.* lib. iii. c. 9; ubi sup. iv. p. 418.

Activity and  
death of  
Stephen IX.  
A.D. 1058.

The rival  
popes—Bene-  
dict X. and  
Nicolas II.

collected their satellites, and in the dead of the night they surprised the city-guard, and took possession of the Lateran. With the zealous aid of a large party among the disaffected clergy, they lost no time in electing a pope, and forthwith installed John bishop of Velletri in the papal chair, by the name of Benedict X. The protestations and anathemas of Damiani and his party were treated with contempt, and every friend of reform was driven from the city. The exiles retired to the convent of Monte Cassino; where, under the protection of the powerful Norman chieftain Robert Guiscard, they might defy the malice of their enemies. And here Desiderius, who had been elected abbot of that house in the lifetime of pope Stephen IX., was solemnly inaugurated in the abbot's chair by two cardinals and several bishops and clergy of their party.<sup>b</sup>

The intrusion of Benedict X. had, however, for the moment deranged the plan of the reformers. In pursuance with their engagement to the de-  
Election of  
Nicolas II.  
 ceased pope, they could do nothing without the concurrence of Hildebrand. The German annalist affirms that the Romans—or, more probably, a party attached to the imperial interests—sent a deputation to assure the young king of their fidelity to the engagements entered into with his father, and to request him to name a successor to Stephen; his interference having been rendered necessary by the crimes of the usurper. In compliance with this request, the king, or the regent, nominated Gerhard bishop of Florence, a person equally acceptable to Germans and Italians, and sent him to Rome under the escort of duke Godfrey.<sup>i</sup> The Italian version of the transaction is less specific. Hildebrand, we are told, appeared promptly at Florence, where he was joined by his friends from Monte Cassino, Rome, and other parts of Italy, and soon collected around him an attendance of clergy numerous enough to be deemed a fair representation of the electoral college. By their suffrages, and with the consent of the empress, the meeting raised Gerhard bishop of Florence to the holy see by the title of Nicolas II.

<sup>b</sup> *Leo Ost.* ubi sup. pp. 409, 410.

<sup>i</sup> *Lamb. Schaffn.* an. 1059; *Pertz*, v. p. 160.

The new pontiff immediately issued letters missive, addressed to all the bishops of Italy, as well as to duke Godfrey and the imperial viceroy count Guibert of Parma, for a great council to be held at Sutri as soon as tranquillity should be restored. With Hildebrand by his side, and under the armed escort of Godfrey, he marched in triumph to Rome. The Tusculan rebels speedily evacuated the city, after which pope Benedict flung himself at the feet of his rival, confessed his sins, and submitted to degradation and confinement within the precincts of St. Maria Maggiore for the term of his natural life.<sup>j</sup> The new pope was received by the Romans with the usual honours, and installed in the accustomed form. Peace seemed to be restored as if by enchantment; all opposition had suddenly vanished; yet none knew better than the pope and his minister that much still remained to be done to secure the advantages gained.

But the time and the opportunity had, it seems, arrived for the publication of the new scheme of church-government. That scheme was to embrace all the more material principles of decretal law, and to provide for uniformity of practice by the concentration of power. The restoration of peace enabled the pope to remove the great council, which was to meet at Sutri, to the capital; and in the month of April 1059, one hundred and thirteen bishops, many abbots, and a vast concourse of priests and deacons assembled in the great basilica of the Lateran. Nicolas II. opened the session by a concise statement of the objects for which the council was called, assigning at the same time the reasons upon which the propositions to be laid before them were founded. From the tone and manner of the address we collect that no discussion—at least of principle—was expected; least of all, that opposition or objection would be tolerated. The pope reminded the

<sup>j</sup> *Leo Ost.* lib. iii. c. 13, ubi sup. pp. 421, 422; *Bonizo*, lib. vi. ubi sup. p. 806. We think that Gerhard was the nominee of the court, but at the suggestion of Hildebrand. The German

annalist may have mistaken his embassy on the election of Stephen IX. for a deputation from the Romans after his death, down to which time we know that Hildebrand was in Germany.

meeting of the dangers which the church had incurred by reason of the usurpation of the simoniacal heretic who had so lately intruded himself into the pontifical chair.<sup>k</sup> He impressed upon them the sacred duty of providing against a recurrence of the like calamity; and he informed them that, in conformity with the Election-law of Nicolas II. practice of his predecessors, and the precepts of the fathers of the church, he had decreed, and did now affirm and decree, that, after the decease of a Roman pontiff, the *cardinal-bishops* should deliberate separately as to the election of the future pope; that, after such deliberation and discussion, they should call in the *cardinal-clergy*; and then, in like manner, the *inferior clergy and people*, to give their consent. The pope assigned, as the canonical reason for throwing the *designatio personæ* upon the cardinal-bishops, that, inasmuch as every new bishop must be confirmed by his metropolitan, the pontiff of the Roman church having no superior to perform that duty for him, it must of necessity devolve upon the cardinal-bishops.<sup>1</sup> In the last place, he enacted that the new pontiff be chosen from the bosom of the Roman church, if a properly-qualified person be to be found therein; if otherwise, that he may be elected from any other church. Then follows the remarkable clause: "*Saving in these matters all due reverence and respect for our beloved son Henry, the now king, and, as it may be hoped, with the divine permission,* The saving-clause. *emperor that is to be, according to our grant and con-*

<sup>k</sup> Damiani imputes simony to Benedict X. because he suffered himself to be enthroned against the consent of the cardinal-clergy, in a tumultuous manner, and in the dead of the night. None of these objections, however, come within any usual definition of simony. But he adds what is more to the purpose. After his instalment, he says his friends and relatives (the counts of Tusculum and Galera) distributed great sums of money among the people, and that they exhausted the treasury of St. Peter to enrich these sons of Simon Magus. Epp *Damian.* ep. 4, ap. *Fleury*, tom. xiii.

p. 61. But neither *Bonizo* nor *Leo of Ostia* speaks of bribery.

<sup>1</sup> If the fathers of the council had had any discretion in the matter, we must give them credit for a very small amount of intelligence or of knowledge to induce them to accept this miserable sophism. In ordinary cases the confirmation by the metropolitan followed the election; it gave no power to nominate the candidate or to interfere with the election in any way. The utmost that could be claimed for it was a subsequent veto.

*cession made to him and his successors, as soon as they shall in person (personaliter) solicit this privilege at our hands.*"<sup>m</sup>

But, as experience had proved that perfect freedom and purity of election could not always be secured in Rome itself, the pope further ordained that in every such case it should be lawful for the cardinal-bishops, in conjunction with the religious clergy and catholic laity, though they be ever so few in numbers, to fix the place of election wherever they may think best; and if the person elected by them be prevented from resorting to the capital for his consecration, he should nevertheless be at full liberty to exercise all the powers of the pontificate, and to enjoy all its prerogatives in as ample a manner as if he had been enthroned in the usual place, and with the accustomed forms.

The decree concluded with a pontifical malediction upon all who should resist or impugn this "decretal sentence" of the holy see. "Let him," saith the holy pontiff—"let him be damned by anathema and excommunication, and be counted among the impious in the resurrection of condemnation; may the wrath of Father, Son, and Holy Ghost, and the fury of the apostles Peter and Paul, whose church they shall dare to disturb, be poured out upon them in this life and in the life to come; may their habitation be made desolate, so that there may be none to inhabit their tents; may their children be made orphans, and their wives be widows; may the disturbers be themselves disquieted; they and their sons; and may they beg their bread, and be driven out of their habitations; may the

<sup>m</sup> The *Farfensian* chronicle (ap. *Murat.* tom. ii. part ii. p. 645) inserts an important clause (if genuine) into the papal decree of election. The former part of the ordinance stands substantially as in the text, adding only that the "grant and concession" was obtained "mediante ejus (regis) nuntio Longobardiæ Cancellario W. (Wiberto);" then, in continuation of the sentence, "ad consensum novæ electionis accedant;" namely, that the

future emperors should, after their coronation in the terms of the supposed *grant*, be admitted to the election of the Roman pontiff. And in further explanation the chronicle adds, "nimirum præcaventis, ne venalitatís morbus qualibet occasione subrepat, religiosi viri (cardinals and clergy) cum serenissimo filio nostro rege Henrico præduces sint in promovendo pontificis electionem; reliqui autem sequaces," &c.

usurer consume their substance, and the stranger reap the fruit of their labours; may the world be at war with them, and all the elements array themselves against them; and may the merits of all the saints at rest confound them, and even in this life hold the sword of vengeance suspended over them."

Having harkened for an instant to the distant voice of the storm that was soon to rouse the world from its slumbers, we ask for an explanation of the Explanation of the decree of election. indefinite and somewhat ambiguous terms of this decree. We think we find it in the more precise language of the first of the thirteen canons enacted by the council of 1059. The election of a Roman pontiff, it directs, shall be in the power (*potestate*)<sup>n</sup> of the cardinal-bishops; so that if any one hereafter shall be raised to the apostolical throne without a prevenient, canonical, and unanimous election by them, and without the thereupon following consent of the religious orders, clergy as well as laity, in their respective turns, he shall be regarded not as "apostolic but as apostatic."<sup>o</sup> We are here given clearly to understand that there can be no pope of Rome without a *unanimous* nomination by the cardinal-bishops:<sup>p</sup> the candidate proposed by them was afterwards to be approved by the different orders of the clergy, cardinal and ordinary; and lastly, the election was to be ratified by the suffrages of the people, but without any reserve on behalf of the imperial prerogative at any stage of the proceeding. It would occur to any ordinary understanding that the terms of the canon gave a veto to the two latter members of the electoral body upon the initiative act of the cardinal-bishops; and that, in case of dissent, they would come under the obligation to propose a more acceptable candidate. But there is so little in the later practice

<sup>n</sup> The term obviously means something more than mere control or order or direction. We think it properly designates a direct power of appointment, though it might be only preliminary, and subject to a veto from some other authority, *e. g.* the cardinal clergy, the people, or the emperor.

<sup>o</sup> "Apostaticus et non apostolicus."

<sup>p</sup> Seven in number, viz. the bishops of Ostia, Portus, St. Rufina Sylvæ Candidæ, Albano, Sabinum, Tusculum, and Præneste. These seven bishops were attached to the immediate service of the church of the Lateran, where (excepting the pope) no other priest was entitled to officiate. *Dcmiani Epp.* lib. i. ep. i. and ii.

of the Roman church to throw light on the intention of the legislator, that we hesitate to go beyond the limited inference that the ordinance was designed mainly to deprive the laity—more especially the capitani, nobles, gentry, and populace of Rome—of that irregular initiative in the choice of a pope which had been productive of such manifold and distressing disturbances in the church; an interference which, if allowed to subsist, must thwart every measure of the Hildebrandine party for the accomplishment of that ascendancy which was becoming every day more clearly apparent in the whole course of their policy.

The tendency of that policy is ingenuously disclosed in the terms in which the imperial prerogative is touched upon. The imperial representative, Guibert or Wibert of Parma, could hardly overlook the light treatment of his master's hitherto unopposed prerogative. It is not improbable that the saving clause, such as it was, owed its insertion to his vigilance. Yet upon a closer consideration of the clause it is difficult to say what it was that had been reserved on behalf of that prerogative. The "due honour" stipulated for might, for any thing that appears, have amounted to no more than that *personal* respect<sup>a</sup> to which the emperor might be entitled as official protector of the Roman church, or perhaps to a certain honorary right to be represented at the ceremony of election. But it was no longer a secret to the world that the objection of the Hildebrandine party extended to the interference of all and every rank and degree of the laity in the appointment to ecclesiastical office; and great care was taken that the terms in which any right or participation of the crown in the election of a pope, whatever it may have amounted to, should imply that it was yielded, *not as a matter of right*, but out of indulgent regard and spontaneous benevolence, proceeding solely from the free grant and concession of the holy see, and claimable only when personally solicited by the sovereign

<sup>a</sup> That is, if the words of the Farfensian version, "cum filio nostro serenissimo rege Henrico," are omitted,

as in the official report of the proceedings of the council they appear to have been.

as of the mere grace and favour of the holy see. The terms, however, extended beyond this slight to the election prerogative of the crown. That right, whatever it might amount to, was annexed to, and to be enjoyed in virtue of, the imperial dignity; consequently the solicitation required to impart to the emperor any elective faculty extended to the imperial title itself. The words used in describing that title imply an option in the holy see to grant or to withhold the right,<sup>r</sup> so as at least to disconnect the patriciate from the office, and to transfer it to the pontiff, to be yielded or withheld by him at his convenience.<sup>s</sup>

As one of a series of measures for cutting off all communion of right or interest in the lay estate, this was perhaps the most important. The head must be free before the limbs can have free play. The next in the series was the expansion of the idea of simony, so as to exclude the lay hand from all participation in the distribution of ecclesiastical appointments. The council, in the first instance, condemned and doomed to eternal perdition all clerks who should be convicted of obtaining any kind of order or preferment by bribe or purchase. A similar sentence was passed upon all who should knowingly accept ordination from simoniacal bishops; yet, by way of indulgence, and solely from considerations of expediency, the council exempted from the incapacitations of simony those who had ignorantly resorted to such polluted sources. But it was at the same time carefully provided that this act of merciful condescension to the weakness of the ecclesiastical body, after the long and deadly malady from which it was but slowly recovering, should never be drawn into precedent. In few and simple words the council then announced the crowning principle of the Hildebrandine scheme: "*No clerk in orders shall hereafter on any pretence whatever accept church or benefice from or by the procurement of any lay person; no clerk in orders shall be amenable to lay jurisdiction.*"<sup>t</sup>

Provision  
against  
simonians  
and lay  
vestiture.

<sup>r</sup> "Ut speratur," &c.

<sup>s</sup> This is the view taken by Stenzel (vol. i. p. 200) in his history of the

Franconian emperors.

<sup>t</sup> See the vi<sup>th</sup> and x<sup>th</sup> canons, as below.

In the further prosecution of the like train of thought and intent, the next topic of importance embraced the social condition of the clerical estate. It is a matter of certainty that a very large portion, perhaps a majority, of the beneficed priesthood of Italy, France, and Germany were formally and, as they believed, legally married. There is equally little doubt that of the unmarried, a great number—again, probably a majority—lived in a state of unrebuked, if not of licensed, concubinage. But in the case of a clerk in orders, the decretalists admitted no distinction—not even in name—between the one condition and the other. In their vocabulary wives and concubines stood in the same category,—marriage and concubinage were pure harlotry. Hence the council decreed that no Christian man should presume to hear mass sung by any priest who, to his certain knowledge, entertained a concubine or held clandestine<sup>n</sup> intercourse with a woman: moreover, that “if from the date of pope Leo IX.’s ordinance,<sup>v</sup> any priest, deacon, or subdeacon, shall be convicted of keeping a concubine, or of having married, and refusing to abandon his wife, he shall be suspended from saying mass, or taking any part in the services of the church, until judgment be given in his case by the holy see.” By way of security for the future chastity of the priesthood, it was enacted,<sup>w</sup> “that all priests who would be considered chaste, should live, eat, drink, and sleep, under the same roof; and that all the revenues of their churches should be enjoyed in common; in order that by so doing they might attain to a truly apostolical habit of life.”<sup>x</sup>

The legislation of marriage involves the most important interests of the human family. It governs and controls affections, feelings, tempers, appetites. Marriage has its own religion and its own superstitions; and these sentiments invariably mix themselves up with all the spiritual hopes

<sup>n</sup> Policy of the priesthood regarding marriage.  
<sup>v</sup> “Concubinam aut subintroductam mulierem.”

<sup>v</sup> Conf. Book IX. c. iv. p. 103, et sqq.

<sup>w</sup> By canon iv.

<sup>x</sup> Conf. Book VI. c. vii. pp. 196-200.

and aspirations of man and woman, and run into every outward relation of life. No great sagacity was requisite to discern the advantage to be derived from the mastery and direction of this great moving power in the human breast. The priest who should propose to himself to establish a right of legislating for the connubial affections of mankind, and all the interests they involve, could scarcely contemplate a more commanding station for the government of the world. The secret influence of monasticism had affixed a taint upon the religion of marriage in the public mind, which could only be washed out by artificial restrictions and unnatural regulations, excluding all connections likely to draw closer the family ties that might form a barrier to the interposition of the priesthood. Marriage in families, however remote the relationship, had turned out a serious impediment to sacerdotal influence; both because it combined too many interests against it, and because, in consequence of the family connections and involvements it introduced, it tended to entangle the priesthood itself in pursuits foreign from, and inconsistent with, their exclusive devotion to the exaltation of their own order. A society divided into separate unconnected sections could be more easily managed than if organised and cemented by family ties and affections, family prospects and interests.

With views such as these the council of 1059 dealt with the subject of lay marriage. The eleventh canon directs that “no man shall take to wife a woman from among his own blood-relations within the seventh (canonical) degree of kindred, nor in any degree whatever of traceable consanguinity.” The twelfth canon denounces excommunication against every married man who shall keep a concubine. But as this subject must hereafter come under review, we do no more in this place than point the attention of the reader to a matter which constitutes one of the most interesting topics in the history of Latin priestcraft.<sup>y</sup>

Decree concerning lay marriage.

<sup>y</sup> Our notices of the council of 1059 are extracted from the *Concilia of Har- duin*, tom. vi. pp. 1061-1068. At this council, as already mentioned, Beren-

gar appeared in defence of his eucharistic doctrine. See Book IX. c. v. p. 129.

We turn for a while to the external position of the papacy under the administration of Hildebrand. Since the treaty of Beneventum between the Norman princes and pope Leo IX. (A.D. 1054), duke Humphrey had made himself master of the entire province of Apulia,<sup>2</sup> including probably the whole of Southern Italy, exclusive only of the ancient Iapygia, or Calabrian peninsula. About the same time his brother, Robert Guiscard, had conquered the more southern districts, and divided out the newly-acquired territory among his followers. The death of Humphrey occurring soon after the acquisition of these extensive provinces, Robert was left the guardian of Humphrey's sons, and in that character took upon himself the regency of the Apulian principality. His government was administered in a more enlightened spirit than might have been expected from his prior career. He protected the native population against the oppression of his own lawless companions, and proved himself as wise and discerning a prince as he had been a bold adventurer, an expert general, a perfidious enemy, and an ambitious conqueror.

In so commanding a position he might become either a useful friend or a dangerous enemy to the holy see. Hildebrand resolved that he should enact the former character. No friend was in fact at hand but the Norman chief who could help him to encounter the lawless assaults of his domestic enemies, the counts of Tusculum and Galera, or to subdue the formidable robber-hordes which encompassed the city on all sides, and still partially maintained their footing within the walls. Besides this, it was essential to prevent the malcontent clergy, irritated as they were to madness by the late ordinances against simony and clerical marriage, from building any hopes upon the support of the powerful lords of Apulia. In another view of his

<sup>2</sup> Comprehending that part of the modern kingdom of Naples lying between the Roman States and the boundaries of Calabria. The province or

region of Apulia was never very clearly defined by geographers, ancient or modern. See *Smith, Gr. and Rom. Geog.*, art. "Apulia."

interests, it was a matter of the highest expediency to provide against the necessity of resorting again to that imperial protection which he feared more than anarchy itself, and for which the prevailing disorders in the Roman states might easily afford a pretext as soon as Henry IV. should be of age to take the government into his own hands; if not at an earlier period, through the importunities of that numerous body among the prelacy, clergy, and nobility of Italy, who felt the sting of the late ordinances. To secure the alliance of the Normans, and at the same time make them serviceable to his ulterior plans, pope Nicolas II. visited Robert Guiscard at Amalfi, with a view to engage him in his interests for the suppression of clerical marriage, then a general practice among the clergy of Southern Italy. Upon this occasion the pontiff, assuming to be the supreme lord of those countries, gave feudal investiture of all the territory acquired under the treaty with Leo IX. to the Norman chieftains. He thus warranted to Richard the Norman the principality of Capua, and to Robert the duchies of Apulia, *Calabria, and Sicily*, by oath of fidelity to the church, and upon covenant to pay an annual rent of twelve denarii for every oxgang of productive land within the grant.<sup>a</sup> The oath of allegiance converted these powerful princes into the vassals of the holy see, and created an interest in the south that might, upon occasion, be used to balance, or repel, the imperial prerogative. But the more important advantage was that it deprived the mutinous capitani and nobility of the papal states of all countenance from the Normans, and in an equal degree saved the pontiff from the domestic perils to which he had been hitherto exposed. "For," says our informant, "not only did they (the Normans) trample upon the pride of Tusculum, Præneste, Nomentanum, and other hostile towns, but, passing through Rome itself, they ravaged Galera, and destroyed all the castles of count Gerard<sup>b</sup> as far as Sutri;

<sup>a</sup> *Leo Ostiens.* Chron. Cass. lib. iii. c. xvii. p. 423. *Bonizo* (ad Amic. ubi sup.), with his usual ignorance of all that

occurred before his own times, confounds this treaty with that of Leo IX.

<sup>b</sup> The patron of Benedict X.

by which achievements the city of Rome was delivered from the tyranny of the capitani.”<sup>c</sup> There are few inquiries in papal history more interesting than the origin of this claim of the holy see to give sovereign investiture of lands to which she had no better title than the presumed grant of a foreign power which itself never held possession of the territories in question. The question arises, what it was that she herself acquired by that grant? Rome could not give more than that power could give. The position of the papal possessions relatively either to the Byzantine, or afterwards to the revived Latin empire, was never that of a sovereign state. The pontiffs of Rome at no period of their history down to the eleventh century—and, it may be said, till long subsequently—were ever treated by the lay sovereign as an independent, self-existent power—as sovereigns in the secular acceptation, whatever they may have thought of them as spiritual princes. All the estate and endowment of the holy see—like that of almost every great ecclesiastical establishment in Christendom—was derived from the voluntary liberality of emperors, kings, or private donors. What, we ask, was the kind of dominion these potentates intended to convey? If it be affirmed that they intended to confer a sovereign property in the estate granted, we reply that the whole course of history contradicts the assumption. There is neither word nor sign in any of the several deeds of donation, genuine or fictitious, to denote an intent on the part of the donors to abdicate in favour of the Roman pontiff, or to yield up any of those rights over the soil and its inhabitants which, at the date of the documents, were regarded as essential attributes of the *dominium supremum*, or sovereignty; neither had these donations any thing in them resembling a cession of territory by one independent power to another.<sup>d</sup> The popes, on more than one occasion, took

<sup>c</sup> *Bonizo*, lib. vi. ubi sup. p. 806.

<sup>d</sup> To avoid repetition, the reader is referred to Book IV. c. vi. pp. 386-391. There is reason to believe that pope Stephen intended to acquire a sovereignty coextensive with that the Byzantine Cæsars possessed, in the terri-

tories ceded to him by Pippin. But neither the latter nor his successors intended any such cession. See *Ibid.* c. vii. pp. 414-418 passim. See also Book VI. c. iv. pp. 101, 102; *ibid.* c. v. pp. 130-134.

oaths of fidelity to the emperors; the latter appointed judges, confirmed or reversed judgments, were invested with the command of the military forces of the republic, reformed abuses, maintained resident commissioners at Rome, as in other parts of their dominions; they nominated popes, they frequently took up their residence in Rome as sovereigns, and, like their great predecessor Charlemagne, the Saxon emperors were in the habit of regarding and designating that city as the capital of the empire.

Though, therefore, the whole usufructuary, or, as we should term it, beneficial interest, in the estate of the church inured to the pontiff, there is no sufficient reason to believe that the donors intended to dispense with the ordinary duties of fidelity, allegiance, and military service, when required, from the tenants or subfeudatories of the Petrine patrimony. The emperor remained supreme judge in the last resort in civil and criminal causes. His right to occupy the estate of the church by his troops when needful, though occasionally resisted, was never denied; and it is remarkable, that whatever objections may have been started to the *personal* allegiance of the pontiffs, the imperial claim to the obedience of their subjects was never repudiated. Though, therefore, the administrative powers remained with the pope or the republic (as the case might be), yet as a temporal prince the bishop of Rome did not at any time occupy a much more lofty station than any of those powerful subject-princes, lay and ecclesiastical, who divided France, Germany, and Italy among them, with no other real dependence upon the sovereign than that which he could enforce by the vigour and activity of his military superintendence.

The pontiffs, though fully aware of this defect in their title, were not the less resolute in asserting an absolute sovereign tenure, and for that purpose they had recourse to the noted fiction of pope Hadrian I., to which he gave the whimsical name of the *Patriciate of St. Peter*.<sup>c</sup> The

Legal effect  
of the  
conveyance.

The pope  
gives an ab-  
solute in-  
vestiture.

<sup>c</sup> Conf. Book VI. c. iv. pp. 108, 109.

temporal patriciate could not indeed be shaken off or repudiated; but the efforts of all the more vigorous popes were invariably directed to the disconnection of the idea of sovereign authority from that of the patriciate, or, as the latter pontiffs chose to call it, the *protectorate* of the empire. The Petrine prerogative was exalted by the ingenious fiction of Hadrian I. as much above the protectorate as the office of the vicar of Christ rose above that of the earthly sovereign. The apostle Peter was constituted lord paramount; with him no terms could be made; that which was given to him, or, what was the same thing, to his church, must be absolute and unconditional in its nature. Regarding himself as standing in the shoes of Peter, pope Nicolas II. relieved himself from the difficulty which the temporal rights of the empire might have interposed; and in this assurance he granted out, in the character of lord paramount, feoffment and investiture of the territories in question to the Norman chiefs, as tenants *in capite* of the holy see, to have and to hold them by homage and fealty to himself personally, and by the reservation of a quit-rent and military service, without respect to the rights of the original donors or presumed donors of the estate granted.

There was no rule of the feudal law better known than that to give investiture and warranty of lands to hold *immediately* of a vassal, discharged of the duties due to the superior lord, operated a forfeiture of the estate.<sup>f</sup> Now, whatever the rights of the empire over the Calabrian districts conquered from the Greeks by the Normans may have been, there is no question that the principalities of Beneventum, Capua, Gaeta, and Salerno, all included in the papal infeudation, were imperial feoffs. Regarding, therefore, the transaction in a strictly legal point of view, it is clear that, whatever the claim of the popes upon those principalities might amount to, it was absolutely forfeited by the alienation to the Normans.<sup>g</sup> It was a

<sup>f</sup> *Eichhorn*, Deutsch. Staats- und Rechts-Gesch. § 364, p. 575, vol. ii.

<sup>g</sup> Cf. *Giannoni*, Stor. Civil. di Napoli,

lib. x. introd. This vigorous writer rejects all donations, genuine or fictitious, as of legal authority to give any

fortunate circumstance for the papacy that there was at the moment no power extant to gainsay this wholly arbitrary and illegal transaction. Nicolas II. may have acted in the firm persuasion, that by the several deeds of donation he stepped at once into all the rights of sovereignty—rights which we believe were never conceded by the donors, nor sustainable upon any grounds of public law then known to the world. There are few transactions which afford a more striking illustration of the irreconcilable repugnance that subsisted between ecclesiastical pretension and civil law. The infeudations of Leo IX. and Nicolas II. laid the foundation of as many calamities to the peoples whose interests they touched as any occurrence in the history of Italy.

right to the pontiffs over the Neapolitan and Sicilian territory. He stigmatises their pretensions as simple usurpations, and their powers as the

results of a series of trick, intrigue, and deceit, unparalleled in the history of political fraud.

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## CHAPTER II.

### HILDEBRAND AND DAMIANI.

Disposition of the clergy of Milan—Organised sale of spiritual offices—First movement against the married clergy at Milan—Anselm, Ariald, and Landulph—Homily of Landulph—rebuked by the archbishop—Riots in Milan—Citation of the ringleaders—Censures upon Ariald and his accomplices—The *Paterini* of Lombardy—Commission of Nicolas II. against simony, &c.—Hildebrand in France—Pretensions of Damiani repelled by the Milanese—Courageous harangue of Damiani—His declaration of papal omnipotence—affirms Rome to be the spiritual mother of Milan—His victory and discreet management—is satisfied with a written renunciation, &c.—The renunciation adopted—Aversion of clergy and people of Lombardy against the canons of the Lateran, A.D. 1059—Labours of the commissioners in France and Germany—Cardinal-legate Stephen in France—Decree of the council of Tours against incestuous marriage—Anarchical state of Rome—Objections of the Germans to the law of election—Imperialist movement in Rome and Lombardy—Election of Alexander II.; his installation—Imperial nomination; Cadalo of Parma (Honorius II.) pope—Interview of Benzo of Albi and Alexander II.—Declaration in favour of Honorius II. and the imperial prerogative—Honorius II. before Rome—Intervention of Godfrey of Tuscany—Compromise—Indignation of Damiani—Secret history of the compromise—Position of the regent Agnes in Germany—Perplexity of the government—Conspiracy and abduction of Henry IV.—Henry in the custody of Hanno of Cologne—Adalbert, archbishop of Bremen, tutor to Henry; his indulgence, misgovernment, and corruption—How Hildebrand won the day—The *Disceptatio* of Damiani—Object of the work—Declaration of the papal prerogative generally—as to the “*Patriciate*”—The utility of the church controls all law, human and divine—Invective—Censure of the “*Disceptatio*”—Insolent epistle of Damiani to Henry IV.—Limited scope of his suggestions.

THE unanimity of the great council of the year 1059 was simply apparent. The Lombard prelates retired from the meeting in exceeding disgust and ill humour, and, it is affirmed, with the purpose of interposing every difficulty they could invent to the execution of the reformatory decrees, more especially those relating to the suppression of simony and sacerdotal marriage. It should be noticed in this place, that though till now the peace between the great churches

of Rome and Milan had been tolerably well kept, yet that this circumstance was due rather to an accidental concurrence of interests than to any relaxation of claim on the part of the former, or any more docile spirit on that of the Milanese clergy than that which the pontiffs had met with among the constituencies of Ravenna or Rheims. The pretensions of the metropolitan bishops of the Ambrosian see were never less absolute than those of their colleagues of Ravenna or Aquileia. Quiescence was no proof of submission; and they were now disposed to dispute the right of the see of Rome to interfere with the traditional practice of their church, and to resent any change in the customary modes of conferring orders and regulating their private life, with as little scruple as if they had entered the most energetic protest against the late ordinances the moment they came to their knowledge.

In the Milanese church the sale of spiritual offices had, as already observed,<sup>h</sup> been reduced to a regulated scale. Laity and clergy alike regarded their rights of advowson and presentation as money's worth, and to be dealt with precisely as any other kind of property. The clergy took to themselves wives; the noblest, from the noblest families; the rest, according to their rank in the social scale. Thus clergy and laity had become connected by every tie of affection, interest, and kindred. Now, however, all these sources of wealth and power were to be dried up—these affections and attachments were to be inexorably torn asunder. Such a work could not be accomplished without a struggle; and we have now to trace the process from the first active movement of the reformers in Milan, which may be dated back to the year 1056, that of the death of the emperor Henry III.

Organised  
sale of  
spiritual  
offices.

Archbishop Guido, whom, it will be remembered,<sup>i</sup> Henry III. had raised to the see of Milan after the death of Heribert, had taken into favour Anselm da Baggio, one of the collegiate priests of his church; and at his request the emperor appointed the latter bishop of Lucca. An-

First move-  
ment against  
the married  
clergy at  
Milan.

<sup>h</sup> Book IX. c. iii. p. 69.

<sup>i</sup> See Book IX. c. ii. p. 57.

selm, however, was a reformer of the modern school, and soon became the chosen correspondent and associate of Hildebrand and Damiani. His friends at Rome regarded the election of the archbishop as tainted with the worst kind of simony; the appointment had been *by lay nomination*, and in derogation of the rights of the canonical electors. Guido was classed by them among the disciples of Simon Magus; and Anselm was charged to keep a strict watch upon him, and avail himself of every opportunity of abating his influence among the

Anselm,  
Ariald, and  
Landulph.

people, and weakening his powers of resistance to the plans of the reformers. A proper instrument for this purpose was soon found in

the person of Ariald, a deacon of the church of Milan, a canonist of the decretal school. The bishop of Lucca took Ariald, and one Landulph, also a clerk in orders, into his confidence. The latter was a man of good birth and education, fluent of speech, and possessed of stentorian lungs; all which endowments he turned to good account for the indulgence of his intense thirst for popularity.<sup>1</sup> These persons bound themselves by a solemn oath not to rest till they should have constrained every married priest and deacon to dismiss his wife; nor until they should have pledged the whole body of the clergy, by a like oath, to renounce marriage for themselves, and to labour together with them for the total extinction of the accursed connection. Availing themselves of the mass of discontent existing among the inferior clergy of the diocese, and the small respect entertained by the commonalty for their superiors, the confederates soon collected around them a numerous party consisting chiefly of hedge-priests and rabble. Anselm, finding that the work prospered in the hands of his underlings, quitted Milan, leaving the rough work to be done by his roistering associates.

Landulph began operations by collecting crowds in the streets and public places, and haranguing them in terms of the bitterest and coarsest scorn against the metropolitan clergy. "They were,"

<sup>1</sup> *Arnulph. Mediol. Hist. lib. iii. c. 8.* *Mediol. Hist. lib. iii. c. iv. ibid. p. 98.*  
ap. *Murat. iv. p. 23.* Conf. *Landulph.*

he said, “ ‘dumb dogs,’ ‘blind guides,’ ‘wretches polluted with the twin heresies of simony and harlotry,’— ‘Simonians and Nicolaitans<sup>k</sup> in a lump,’—unclean conduits through which the waters of life could not flow, in whose hands the sacraments were as worthless as the dung of dogs, their churches no better than filthy cattle-pounds, animals who should no longer be permitted to pollute the sanctuary. Let, therefore, no heed be given to their ministrations; let their wealth be impounded, their property be put up to auction; and, if they should resist, let their houses be given up to pillage, and they and their bastards be hounded out of the city.”<sup>1</sup>

While Landulph was agitating the rabble of the city, Ariald was busy goading on the rustic population against the country clergy. Milan was <sup>rebuked by the archbishop.</sup> in commotion from end to end, and the wives, families, persons, and property of the married clergy were placed in the most serious jeopardy. The archbishop, a mild and courteous person, sent for the demagogues, and exhorted them to seek their remedy rather in a legal way than by sedition and riot. He represented to them that the practice of marrying was at least an ancient and immemorial custom in the church of Milan; that abuse and violence tended rather to harden sinners than to correct them; that the married clergy were not, as they pretended, mere whoremongers and adulterers, but had always respected the apostolic precept, that they should be “the husbands of one wife;” that there was therefore no ground for objecting to their ministrations; and that, besides this, the gift of abstinence was a special grace not imparted to every one, and therefore not imposed upon every one by the divine law.<sup>m</sup>

<sup>k</sup> From Nicolaus, the supposed originator of an obscene sect of Gnostics, in the second century of the Christian era, who are believed to have maintained the lawfulness of promiscuous whoredom. The legendary history of this Nicolaus seems a mere tissue of fables. By some he is identified with the Nicolaus mentioned in *Acts* vi. 5, and his sect with the Nicolaitans of *Rev.* ii. 6. See *Hoffmann*, *Lex. Univ.*

in voc. “Nicolaitani;” and *Moreri*, s. v. “Nicolas.”

<sup>1</sup> *Arnulph.* *Mediol.* lib. iii. c. 9, ubi sup. pp. 23, 24. Muratori suspects Arnulph of inventing this oration. There may be exaggeration; but the advice was acted upon; and it is quite in character with the common language of mischievous demagogues.

<sup>m</sup> *Landulph.* lib. iii. c. 6, ubi sup. pp. 99, 100.

The mob-leaders, emboldened rather than softened by this timid remonstrance, turned their backs upon the archbishop with every mark of scorn, and rejoined their confederates in the streets. A festival in honour of St. Nazarius, the protomartyr of Milan, had collected an unusual concourse of the poorer classes within the walls. The orators took advantage of the occasion to renew their invectives against the wived clergy with increased energy and venom.<sup>a</sup> One person, less prudent than the rest, stood forth in defence of the objects of the public resentment; he was assaulted by the mob, and an affray commenced, which ended in numberless outrages upon the persons and families of the married priesthood; their houses were speedily attacked and pillaged, and their wives and children turned into the streets. The victors then, as usual, retired to spend their plunder in riot and debauchery.<sup>o</sup>

After this first trial of strength, Landulph and Ariald again divided their forces. The former remained in Milan to perpetuate the terror he had inspired, while Ariald resumed his operations against the suburban and rural clergy. Regarding, for the present, resistance as useless, many of the nobles and wealthier citizens—most of whom were connected by blood or marriage with the wived clergy—fled from the city; others barricaded themselves in their houses, where they might await the abatement of the paroxysm of sedition in safety. By degrees the panic among the victims subsided, communication was restored, and some protection was afforded to those who had escaped the first outbreak of the popular fury. At the request of the sufferers, archbishop Guido convened the bishops of the province at Fontanetum, near Novara, to inquire into the causes

<sup>a</sup> They made good use of the artifice, common to demagogues, of thrusting forward a strange name or word, utterly unintelligible to the auditors, and therefore supposed to convey something unspeakably horrible; a practice not unlike that of a late Irish mob-orator, who silenced the worst tongue in all Dublin by accusing her of keep-

ing a "trapezium" in her garret. The Milanese demagogues produced a similar effect by branding the objects of their persecution with the name of *Nicolaitans*.

<sup>o</sup> *Land.* lib. iii. cc. 6, 7, 8; ubi sup. pp. 99-101. *Arnulph.* lib. iii. c. 10; *ibid.* p. 24.

of the late seditions, and, if need be, to punish the ring-leaders. Landulph, Ariald, and other persons implicated in the riots, were cited to appear and defend their proceedings; but they treated the summons as a jest, and returned it with a scoff; and the synod proceeded to depose and excommunicate them.<sup>p</sup>

The censures of Fontanetum operated as a sedative of the popular excitement, and cast upon its authors the burden of justifying their measures to those who sent them. Until those censures should be reversed by superior authority, the occupation of the demagogues was suspended. Accordingly, not long after the accession of Stephen IX. (A.D. 1057), Ariald and his friends repaired to Rome; where at first they met with a cool reception; and persons were found more ready to censure their unlicensed violence, than to approve their zeal.<sup>q</sup> But by dint of exaggerated descriptions of the abuses prevalent in the church of Milan,—but chiefly by dwelling upon the independent, or, as they would have it, the rebellious, spirit of the clergy,—they managed speedily to turn the tide in their own favour. Whatever suspicion may have attached to their justification was wiped out by this well-founded charge. “For,” says the annalist, “the Milanese were fully informed *that the church of Rome demands universal dominion*, and works incessantly to reduce all other churches under her sceptre, in contempt of the Lord’s saying, ‘the kings of the Gentiles exercise lordship over them . . . but ye shall not be so; but he that is greatest among you, let him be as the younger; and he that is chief, as he that doth serve.’”<sup>r</sup> But all attempts of the Roman agitators to reduce the recusant clergy of Milan to obedience were suspended by the troubles which followed upon the death of Stephen IX. His successor Nicolas II. was detained at Florence for nearly a twelve-

Censures  
upon Ariald  
and his  
accomplices.

<sup>p</sup> Landulph. cc. 9, 10; ubi sup. pp. 101, 102. Arnulph. c. 10; ubi sup. p. 24.

<sup>q</sup> Cardinal Desiderius of Monte Cassino reproached Ariald in public with all the calamities and bloodshed which

his seditious violence had brought upon his fellow-citizens. Landulph. lib. iii. c. 11, ubi sup. p. 102.

<sup>r</sup> Arnulph. lib. iii. c. 11, ubi sup. quoting Luke xxii. 25, 26.

month after his election by the intrusion of Benedict X.<sup>s</sup> But in the mean while the Milanese demagogues had not been altogether idle; for by the time that the new pope was firmly seated on the throne, we find not only Milan but all Lombardy in a state of violent effervescence either for or against the wived clergy.

Within the year of respite—if such it was—a new The Paterini sect of puritan reformers had arisen among of Lombardy. the populace of the Lombard cities. When a passionate sense of prevailing corruption and abuses springs up in the minds of the commonalty, it usually ripens into a spirit of violence, not to be restrained within any bounds of political expediency or religious propriety. 'The new party became known by the name of Paterini.' The object of the association was the reform of abuses generally; but they do not appear to have entertained any definite idea of the steps necessary to effect that object, beyond the expedient of brutal violence. Yet, as matters stood, they became useful and active instruments in the hands of the reformers. As their association increased in numbers, they formed themselves into organised bodies in opposition to the married priesthood. They prevailed upon the majority of the population, either by intimidation or by exhortation, to reject the ministrations of the wived or concubinate clergy; the latter thus found themselves deprived of the religious confidence of their flocks, and obnoxious to the contempt of their fellow-citizens; and we are assured that every bishop and priest who had taken part in the doings at Fontanetum was from that time forward regarded as a patron of the twin heresies of simony and incontinence.<sup>u</sup>

<sup>s</sup> Stephen died on the 4th of April 1058; but it was not till the month of March of the following year that Nicolas was in a condition to take the field against his rival.

<sup>t</sup> According to *Ducange* (ad voc.), from a quarter of the city of Milan called Pataria, where they assembled for their separate services to avoid contact or communion with the wived or simonian clergy. The same name was, in after ages, used to designate a variety of re-

ligions parties generally regarded as heretics by the church of Rome. Thus, the Cathari, Publicani, Albigenses, Bergardi, and many other sects, were often comprehended under the general name of Paterini.

<sup>u</sup> *Bonizo*, ad Amic. ubi sup. But in this there may be over-statement. Bonizo is hardly to be trusted where the slightest colouring might be of service to his party.

But this state of affairs in Milan and Lombardy generally was disagreeable to pope Nicolas II.

He disapproved the intemperate proceedings of his emissaries, and was anxious to allay popular disturbance, without forfeiting any of the advantages hitherto derived from it. His view at the same time embraced a larger field of operations. The warfare against the twin heresies was as yet unorganised in France and elsewhere. It was essential that a general and regulated momentum should be imparted to the movement; and for that purpose, almost the first act of his administration was the appointment of a special commission consisting of the cardinals Hildebrand and Damiani, Anselm bishop of Lucca, and Ariald the leader of the Milanese reformers. These persons were instructed to repair in the first instance to Milan, to put down all civil disturbance; to reduce the metropolitan clergy to submission and obedience to the holy see; and generally to purify the church of all simoniacal and Nicolaitan abuses. For a while Hildebrand displayed his zeal by preaching in all the churches of Milan against the twin heresies. Leaving, then, the further work to be prosecuted by his colleagues, he pursued his journey to France and Burgundy. At Lyons he opened his commission as legate *à latere*, in a great council against the prevalent impurities and heretical pravities of the age, "persecuting them," saith our zealous informant Bonizo, from the Pyrenean mountains even unto the British seas; and here many miracles attested the divine approbation of his labours; and verily great ground was gained against the powers of darkness.<sup>v</sup>

A larger share of the labour was allotted to his colleague Damiani. Shortly before the arrival of the commissioners, archbishop Guido had abandoned the city, and left the two factions engaged in bloody warfare. Damiani succeeded at length in appeasing these tumults, and inducing the archbishop to resume his station. A numerous synod from all par-

Commission  
of Nicolas II.  
against  
simony, &c.

Hildebrand  
in France.

Pretensions  
of Damiani  
repelled by  
the Milanese.

<sup>v</sup> *Bonizo*, lib. vi. ubi sup. p. 805, col.      and *Landolph*. ubi sup.  
2. *Conf. Arnulph*. lib. iii. c. 13, p. 29;

ties was assembled, and the legate flattered himself with the prospect of a speedy and successful conclusion of his labours. But his hopes were doomed to disappointment at the outset. Though prepared for war to the knife against the special objects of their animosity, the people of Milan were uninformed of the fate to which their church was doomed by the papal commission. The assembly was indeed startled by the bold assumption of the presidential chair by the legate, in manifest derogation of the archiepiscopal privilege; but when Damiani proceeded to read the instructions which disclosed the pretensions of the holy see in all their nakedness, the cry arose among the congregation that the Ambrosian church ought not to take her laws from Rome: "the pontiff of that city," they exclaimed, "hath no jurisdiction over the see of Milan: God forbid that the church which our fathers have intrusted to us free and self-governed, should, to our eternal disgrace, become the bondmaid of the stranger!" The rumour spread; crowds flowed tumultuously from every quarter of the city towards the palace of the archbishop; the bells from every steeple and tower rang peals of alarm; the friends of the persecuted clergy mingled with the crowd, urging them to violence and uproar; and for a moment the lives of the commissioners and their associates were in no little peril.

But in this emergency archbishop Guido himself threw the mantle of protection over the legates, and forfeited the fairest opportunity of asserting the independence of his church. Weakened by age and suffering, harassed by the persecutions of the reformers, and feebly supported by his own dispirited clergy, he had thrown himself unreservedly into the arms of the commissioners. The revival of zeal for the liberties of their church so suddenly called into action remained unimproved; and when the mob broke into the hall of the synod, they found the archbishop humbly seated at the feet of the legate.\* Taking advantage of the consternation which this absolute surrender inspired, Damiani boldly ascended the pulpit; and having with some

\* *Arnulph.* lib. iii. c. 12, ubi sup. 25-29.

difficulty obtained a hearing, he began his address by adroitly disclaiming any intention to extend unduly the prerogative of the holy see: "For," he said, "even if I were so minded, I should be attempting an impossibility. What need hath Rome of the praises of insignificant man—she who derives her place and her honours from the mouth of the Saviour of the world himself? For what region or kingdom is there within the wide domain of earth that lieth beyond the rule and empire of her by whose word heaven itself is bound and loosed? Patriarchates, and metropolitan sees, and bishoprics, and abbeys, and parishes, have indeed been founded and endowed with special rights and privileges by emperors and kings, and godfearing men of all ranks, at their *human will and pleasure*. But the Roman church was founded and settled upon the rock of the newborn faith by Him *who gave to the blessed key-bearer of eternal life, by one and the same act, every right, both of earthly and of heavenly dominion.*<sup>x</sup> The Roman church therefore was founded, not by the will of man, but by that 'Word' which called heaven and earth and the elements thereof into existence. And verily she wieldeth His prerogative. She reposes upon His authority alone. We grant that he who withholdeth its rights from any church doeth a grievous wrong; but whoso striveth against the privileges of the Roman church,—the privilege of Him who is the head and chief of all churches,—*he, without doubt, falleth into heresy*; and while the former is called only an unrighteous man, the latter shall be branded as a *heretic*. For he who doth despite to the mother and mistress of the faith, doth despite to the faith itself; and verily whoso denieth her to be the chief of all churches shall be adjudged a hardened heretic."

Damiani clenched the argument by putting in a special claim to the obedience of the church of Milan on behalf of the holy see. Carrying his audience along with him through a long legendary pedigree of their church, he proved—

Affirms  
Rome to be  
the spiritual  
mother of  
Milan.

<sup>x</sup> "Romanam autem ecclesiam solus ipse fundavit, et super Petram fidei mox nascentis erexit, qui beato vitæ æternæ clavifero terreni simul et cœ-

apparently to their satisfaction—that the church of Rome was in fact the *spiritual mother* of that of Milan. He boldly challenged them to search their own records, and then, “if they did not there find all he had affirmed, they might call him liar; but if they did so find the fact to be, was it not plain that there must be an end of all resistance,—that they must forthwith desist from their unnatural rebellion against their spiritual progenitrix?”

The reader need hardly be reminded that the legend <sup>His victory</sup> in question was fabulous from beginning to end. <sup>and</sup> That it existed in the shape assigned is hardly to be doubted; and that it may have derived countenance from documents deposited among the records of the cathedral. The uncontradicted relation of maternity came home to the bosoms of his audience. The claim of Rome was, after all, but that of duty from the fair daughter to the fairest of mothers. The whole assembly, with one voice, promised obedience to her injunctions; and the cardinal proceeded to the business of the meeting, while the minds of his auditors retained the warmth and the pliancy his eloquence had called forth. The searching question—how had they obtained their orders?—was put to every bishop, priest, and clerk present; and on the replies, it appeared that not one of the whole number had obtained them without purchase: more than this, it appeared that in the church of Milan—and probably in most other churches of Lombardy—a scale of prices or fees was established for every grade of the clericature, from that of the bishop to the lowest subdeacon; extending, not to holy orders only, but to presentations and inductions to every kind of ecclesiastical preferment. Damiani was <sup>discreet</sup> at no loss to perceive that if this irregularity <sup>management.</sup> were permitted to operate a disqualification, the measure would amount to the absolute spiritual incapacitation of all classes of the clergy throughout the kingdom. The law indeed was positive; but the power, or the discretion, of the see of Peter was greater than the law. As a canonist of no mean attainments, Damiani disco-

lestis imperii jura concessit.” *Fleury's* version is incorrect:—“Donnant à S.

Pierre les clefs de la vie éternelle au ciel et sur la terre.” *H. E.* xiii. p. 73.

vered that the universality of an evil practice had been admitted on many occasions, at least as a reason for relaxing the penalties attached to the violation even of the most rigorous regulations of discipline: those bright and shining lights, Leo and Gregory, had held that in such extreme cases a departure from canonical ordinances was justifiable on the ground of expediency.<sup>y</sup> With these precedents in view, Damiani restricted his correctives to the simple suppression of simoniacal practice; and to that end directed that every bishop and patron should give in a written engagement that he would not for the future accept any valuable consideration from candidates for holy orders, or for consecration, institution, or presentation to benefice or ecclesiastical preferment of any kind. By the same formula, the subscriber was made to condemn and renounce the so-called heresy of the Nicolaitans (advocacy of sacerdotal matrimony), and to engage further that he would spare no effort to withdraw all priests, deacons, and subdeacons within his jurisdiction from association with wives and concubines.

The single cloud which had dimmed the lustre of his victory was thus happily dissipated. The formula of renunciation was signed in the first place by the archbishop and cardinal clergy of the church of Milan. The primate flung himself at the feet of the commissioners, craving due penance for the crime of permitting the damnable errors of the Simonians and Nicolaitans to pullulate in his church. For this offence the legate imposed a penance of one hundred years, *redeemable by the payment of a heavy annual fine* to the holy see.<sup>z</sup> This ceremony concluded, the

<sup>y</sup> The late pope Leo IX. had very recently condescended to the like indulgence in favour of the Roman clergy. The researches of Damiani in ecclesiastical history could not fail to help him to many such exceptive ordinances: e. g. the case of the older Novatian heretics, and that of the reconciled Monophysites under Leo the Great. Gregory I. had, it was said, relaxed the ordinances respecting clerical marriage, out

of compassion to the weakness of the newly-converted Anglo-Saxons. Nay, he thought that the apostles themselves had on some occasions dispensed with the rigour of discipline from condescension to the prejudices of their Gentile converts.

<sup>z</sup> To whom else? But it is not said to whom it was to be paid, or how applied. Money might be made out of the offence, though not by the offender.

assembly marched in procession to the cathedral church; the archbishop and his clergy swore upon the gospels to strive their life long to extirpate the twin heresies, and to suffer no clerk in orders to continue in the ministry and retain his wife. All the clergy present took the like oath; and after their example, the entire congregation, both within the church and without, by acclamation.<sup>a</sup>

Such was the position to which the metropolitan church of Lombardy was reduced, when summoned to attend the great council of the Lateran convoked by Nicolas II. in the year 1059. "The bishops of northern Italy," says Bonizo, "were driven like a herd of cattle to Rome;" there, we may add, to set the seal to the degradation of their churches, and the disgrace and misery of their clergy. That, indeed, which the prelates most regretted was the loss of income sustained by the abrogation of the customary dues upon ecclesiastical promotions; but the indignation of the married priests and deacons at the prospect of violent divorcement from their wives, and the dishonour of their offspring, knew no bounds. The bishops of Turin, Asti, Albi, Vercelli, Novaro, and Lodi, declined, on their return to their dioceses, to publish the decrees of the Lateran; and the bishop of Brescia narrowly escaped being torn to pieces by the clergy and people of that city for incautiously divulging the ordinance against the wived clergy.<sup>b</sup>

While these events were passing in Italy, the papal emissaries in France and Germany were busily engaged in putting down simony, and harassing the married priesthood. The purchase and sale of ecclesiastical offices was not so

This was, perhaps, after all, only a mode of extracting an acknowledgment of tributary subjection to the holy see.

<sup>a</sup> *Bonizo* (ad *Amic.* ubi sup.) wishes it to be believed that Damiani did not readmit the simoniacally ordained priesthood to the ministry, but that he simply admitted them to communion (lay communion), and that he intrusted

the government of the church to certain select clergy belonging to the class exempted from the penalties of simony by the ordinance of Leo IX. We regard this statement as a mere invention to get over any canonical inconsistency in the dealings of Damiani with the *heretical* clergy of Milan.

<sup>b</sup> *Bonizo*, lib. vi. p. 806.

common in either of those countries as in Italy; and though the custom of marrying was very general among the clergy, there was a feeling in the public mind less favourable to a wived priesthood than in the warmer latitude of the south. On the other hand, the looseness of the matrimonial habits of the laity struck the rigid churchmen with dismay. The nobility and landed gentry took no account of the canonical ordinances for the regulation of marriage. The feudal law favoured the partition of the land among the male descendants of the person last seised; and family alliances presented themselves as the only expedient for preventing the indefinite subdivision of feoffs, and maintaining the powers and distinctions of the noble families. To this cause we trace that frequency of marriage between near blood-relations which had excited the indignation of the pious emperor Henry II.<sup>c</sup> It was, on other grounds, of importance to the church to bring back the laity within the limbo of canonical ordinance;<sup>d</sup> and in this enterprise the priesthood was materially assisted by the higher tone of morality, the stronger sense of duty, and the more familiar acquaintance with ecclesiastical law, than were to be found among the Italian clergy.

We find no notice of the doings or the successes of Hildebrand after his departure from Italy, leaving affairs there in charge of his colleague Damiani. But in the year 1060 we hear of a cardinal-legate named Stephen perambulating France upon a similar errand. Two councils were assembled at Vienne and Tours for the suppression of simony, the prevention of the sale and dilapidation of ecclesiastical estate, and for compelling the married clergy to put away their wives. Against these offences the penalties prescribed by the council of the Lateran (1059) were denounced; and by the ninth canon of the synod of Tours it was decreed that, "If any man and woman shall, with previous knowledge or notice of consanguinity, come together in wedlock, or shall, after marriage, come to the know-

Cardinal-  
legate  
Stephen in  
France.

Decree of the  
synod of  
Tours against  
incestuous  
marriage.

<sup>c</sup> See Book IX. c. i. p. 9.

<sup>d</sup> See ch. i. p. 167 of this Book.

ledge of such relationship, and shall not, in either of these cases, immediately separate themselves from each other, they shall be deemed guilty of incest; and if any one shall abduct the wife of another, or shall divorce himself from his legitimate wife and marry another woman without the judicial sentence of his bishop, all these several delinquents shall be deemed rotten limbs, and shall be cut off from the communion of the faithful until they shall have performed due satisfaction and penance.”<sup>e</sup>

The history of the last two centuries must have convinced the sagacious agents of the papacy that  
 Anarchical state of Rome. a solid substructure of the pontifical scheme was not to be laid in Rome. While those able persons were labouring with admirable persistency and success in the more promising fields of France and Germany, the popes themselves were surrounded by enemies equally insensible to political obligation and religious censure. By the aid of the Normans, Nicolas II. had for the time humbled the pretensions of the Roman barons. But the counts and nobles of Tusculum, Galera, Præneste, Nomentanum, and numerous other chiefs of towns and rural districts in the vicinity, were jealously watching their opportunity to resume that irregular control over the pontificate of which the new law of election threatened to deprive them. The maintenance of the public peace; the necessary measures for encountering the vexatious forays and incursions of the rural nobility, and for coercing the turbulent proprietors of the castelated houses and forts within the walls, reduced the papal treasury to penury; and without money the aid of the Normans, as that of the Swiss in more modern times, was not to be obtained.<sup>f</sup> As long, however, as Nicolas II. lived, the operations of the faction were limited to occasional affrays in the streets, and depredations upon the estates of the church and the friends of the new order of things. The proper history of the papacy

<sup>e</sup> Conc. *Hard.* tom. vi. pp. 1071-1074. 45, 46; ap. *Murat.* iii. p. 328.

<sup>f</sup> *Paul Bernried*, Vit. Greg. VII. cc.

wanders to a distance from the capital—to realms where men acted less under the exclusive influence of the selfish passions; and where principles of political and religious duty, however desultory and conflicting, still retained some hold upon the public mind.

In Germany the Hildebrandine policy had, however, greatly outstripped the tardy pace of the national apprehension. Murmurs of displeasure were heard at the late electoral ordinance. Objections of the Germans to the law of election. Neither the empress-regent nor the people were prepared to abandon the right of presenting a candidate for the papal throne; nor could they easily be brought to put up with the disparagement of the imperial crown so obviously implied in the decree of 1059.<sup>g</sup> The German people habitually connected the crown of the empire with their own electoral franchise. The king of their choice was emperor by right divine and human. His title comprehended the temporal sovereignty of Italy from the Alps to the Straits of Messina; and by the same right they claimed for him the temporal allegiance of Rome and her citizens, and an initiatory vote in the election of her pontiff. It could not escape their notice that the saving clause in favour of the royal prerogative was inoperative in its juxtaposition with a positive enactment vesting that prerogative in another body. They had indeed at an earlier period begun to suspect a conspiracy to defraud their infant sovereign of his rights. “While,” said they, “the people of Rome set up an idol of their own in the person of Benedict X., duke Godfrey and his confederate Hildebrand put forward their puppets in the persons of Frederic (Stephen IX.) and Gerard (Nicolas II.), without the concurrence of the imperial court. Neither would they have been brought to a sense of their duty if they had not been admonished by the vigorous remonstrance of (the imperial envoy) Hanno archbishop of Cologne; for it was not till then that a respectful deputation waited upon the king, and in token of submission laid at his feet the robe, the ring, and the diadem of the patrician.”<sup>h</sup>

<sup>g</sup> See chap. i. p. 161 of this Book.

<sup>h</sup> This incident is not mentioned by

any papal writer. But it is not improbable, when we take into considera-

Affairs were, in fact, ripening to an open rupture between the malcontent clergy and the crown on the one part, and the reformers on the other. At this juncture pope Nicolas II. died, after a short pontificate of rather more than two years and a half.<sup>i</sup> His death became the signal for a revival of the conflicts which had been for the moment suppressed by his vigorous hand. A combined movement of the discontented clergy of Rome and the nobles of Tusculum and Galera was set on foot under the direction of cardinal Hugo, an Alsatian German, and a person of enterprise and talent. At his suggestion the anti-reform party in Rome adopted the resentments of the imperial court, and threw themselves upon the protection of the regent. A deputation representing the clergy and people of Rome, and carrying with them the diadem and insignia of the patriciate, was commissioned to wait upon the young king, to salute him as the sovereign protector of the city and church of Rome, and to request him to take immediate steps for the election of a pontiff in the room of the deceased Nicolas II.<sup>j</sup> Almost at the same moment, the imperial viceroy in Italy, Guibert of Parma, convened the dissidents of Lombardy to a synod, in which

tion the importance of a good understanding with the German court at the period of difficulty and uncertainty intervening between the captivity of Leo IX. and the council of 1059. But the mission of Hanno is taken from a writer in whom little confidence can be placed. *Benzo* bishop of Albi, a devoted imperialist, wrote a panegyrical life of the emperor Henry IV.; and his work is the sole organ of the party he represented, open to us. It only remains to make the best of this tiresome coxcomb; and remembering that he was an actor in the scenes he describes, he may be safely trusted, if not for facts, yet for the opinions and feelings of his party, with large allowance for exaggeration and rhetorical flourish. He takes occasion, in season and out of season, to pour out unmeasured abuse upon his enemy Hildebrand, and relates some curious anecdotes of that person and others. In the following account of the coronation of Nicolas II. we have a

glimpse of the earliest use of two of the three circlets of the papal tiara. He tells us that at the inauguration of Stephen IX. and Nicolas II. he (Hildebrand) crowned his pope with a *royal crown*, upon the lower circle of which were written the words "Corona regni de manu Dei;" and on the second circle the words "Diadema imperii de manu Petri." A similar crown, he says, was used at the coronation of Alexander II. Be the story true or false, there is no doubt but that the Hildebrandine scheme expressly maintained that all crowns moved originally from the throne of Peter, in virtue of the potential principality of that throne over all earthly powers. See *Benzon*. Panegy. ad Henry IV., lib. ii. c. 7, ap. *Mencken*, Ss. Rr. Germ. tom. i. p. 1064.

<sup>i</sup> Nicolas' death is dated by Ciacone on the 3d July 1061.

<sup>j</sup> *Bertholdi*, *Annal. an.* 1061; ap. *Pertz*, v. p. 271.

it was unanimously resolved, that the new pope ought to be chosen from their own body, "for that no one could be found elsewhere who would act with the *requisite regard to the human infirmities of the clergy.*" Envoys were deputed to lay this resolution at the foot of the imperial throne. The two deputations arrived at court at the same moment, and as if by previous arrangement. They urged upon the regent that the patriciate was of right annexed to the crown of Germany; that the decree of the late pope Nicolas II. was an insolent infraction of the imperial prerogative; and that if it were allowed to stand uncontradicted, the election of a pontiff must fall into the hands of the enemies of the empire, to the total extinction of the imperial right and influence.<sup>k</sup>

But before an answer could be obtained, or any effectual step taken to bring the imperial influence <sup>Election of</sup> into play for the election of a pope, the Hilde-<sup>Alexander II.</sup>brandine party had collected their strength, and boldly anticipated the imperial nomination by raising their champion, Anselm de Baggio bishop of Lucca, to the pontifical throne by the name of Alexander II. Cardinal Stephen, one of the most active and intelligent agents of the reform party, was accredited to the court to apologise for the election of a pontiff, without waiting for powers from Germany, and to request the royal confirmation on behalf of the pope of their choice. In the interim, however, the empress-regent had convoked a diet of the empire at Basle; the Romano-Lombard deputies were there presented to the young king, and he was by them saluted and crowned sovereign patrician of the city and church of Rome. Thus it happened that, when cardinal Stephen arrived at court, he found that the news of the unauthorised election of Alexander II. had preceded him; and after waiting five days in vain at the palace-gates for an audience, he was compelled to return to his employers with their unopened letters in his hand.<sup>l</sup> But

<sup>k</sup> *Pet. Damiani*, in *Conc. Colet.* tom. xii. pp. 113, 114; *Bonizo*, lib. vi. ubi sup. p. 806; *Benzo*, Panegy. lib. vii. c. 2, ubi sup.; *Leo Ostiens.* lib. iii. c. 21, ubi sup. p. 431.

<sup>l</sup> *Hermann. Contr. Contin.* an. 1061, ap. *Pistor.* i. p. 299; *Petri Dam.* Disceptatio, &c.; *Conc. Colet.* xii. pp. 117 et sqq. *Conf. Fleury*, xii. p. 88.

the measures of Hildebrand to encounter the storm were promptly and judiciously taken. The imperialists at Rome succeeded for a time in barring out the new pope; but in consideration of a sufficient gratuity, the Norman princes were prevailed upon to come to the rescue of the reform <sup>his</sup> party. A bloody engagement ensued between <sup>installation.</sup> these mercenaries and the conservative party in the streets of the city; in the first assault the Normans were beaten back; but in the night-time the active count Richard changed the point of attack, and succeeded in dispersing his opponents; after which he conducted the new pontiff in triumph to the Lateran, and with bloody hand installed him in the pontifical throne.<sup>m</sup>

Whether in ignorance or in contempt of the proceedings of the reformers, the imperial court had in the mean time gratified the Lombard prelates by the nomination of Cadalo bishop of Parma to the vacant see of Rome, by the title of Honorius II. An unusually hard winter retarded the journey of the new pope to Italy. In the interim, Benzo bishop of Albi was sent forward to ascertain the state of parties, and to announce to his Roman supporters the speedy arrival of their pontiff. He found his friends in better plight than might have been expected after their late defeat. A numerous and well-armed body of men met him at some distance from Rome, and lodged him safely in the so-called palace of Octavian, within the walls.<sup>n</sup> The retreat of the Normans after the performance of their engagement had left Alexander II. without the means of keeping possession of the whole area of the city; under these circumstances, he agreed to a suspension of hostilities, and to present himself before a general assembly of the senate and people to hear the imperial message, of which Benzo was the bearer. The meeting took place on the day after the arrival of the latter; and as soon as silence could be obtained, he addressed Alexander in no very courteous phrase, reminding him of the oath he, among others, had taken to the emperor

Imperial nomination—  
Cadalo of  
Parma  
(Honorius II.)  
pope.

Interview of  
Benzo of  
Albi and  
Alexander II.

<sup>m</sup> *Benzo*, lib. vii. c. 2, ubi sup.

<sup>n</sup> *Ibid.* lib. ii. c. 1, pp. 981, 982.

Henry III. and his son the young king, to be faithful to them, and to maintain the rights of the empire. He reproached him with deserting his bishopric of Lucca, and usurping the papacy without the license of his sovereign; by which act he had violated his oath, and treasonably invaded the rights he had sworn to defend: he had, moreover, for the same treasonable purpose, leagued himself with the king's enemies (the Normans); and by their aid alone, and not by the free election of the senate, clergy, and people of Rome, he had unlawfully ascended the papal throne: and all this he had done, not in the face of day, but in the dead of night, without the knowledge of his lawful constituents, and by the bloody hands of a gang of robbers and cut-throats. In the name of the king, therefore, he commanded him to descend from the usurped throne, to evacuate the pontifical palace, and to retire to his bishopric of Lucca; whence, after a proper period of penance, he recommended him to throw himself at the feet of his offended sovereign, and purge himself as he best might from the foul crimes of which he had been guilty.

But pope Alexander had come to the meeting rather to fathom the tactics of his opponents than to reply to their invectives. He therefore contented himself by flatly denying the perjury, and expressing his conviction that, as soon as it should be in his power to offer the proper explanations, the king would be fully satisfied of the validity of his election, and the perfect rectitude of his acts and intentions. Strongly escorted by the Leos, the Cenci, the Frangipani, and numerous partisans among the chiefs of the pontifical faction, he turned away from the assembly, followed by the groans and execrations of his opponents.° On the following day Benzo, as imperial commissioner, called a meeting of the capitani and nobility, and addressed them as the legitimate senate of the republic, to whom it belonged to declare and support the rights of the sovereign protector. He informed them that he was instructed by the king to be in all

Declaration  
in favour of  
Honorius II.  
and the  
imperial  
prerogative.

° *Benzo, ubi sup.* pp. 983, 984.

things guided by their counsels; and he required them freely to express their opinions as to the prerogative of the crown, and the best mode of suppressing the present disorders. The meeting, through their president Nicolas, the master of the sacred palace, returned thanks for the confidence reposed in them, and declared that it had been from all times understood that the proper mode of electing a pope had been, for the senate, clergy, and people of the capital to report the vacancy to the king, and to request him, in conjunction with their deputies, to nominate an eligible person to be elected pope: this course, they declared, had been pursued in the case of the bishop of Parma; that that prelate had been so nominated, and had been approved by a council of all the Catholic bishops of Italy, Germany, and Burgundy;<sup>p</sup> that his election was therefore strictly legal and canonical; while, on the other hand, that of his rival was begun in open bribery, and consummated in bloodshed. In conclusion, the orator recommended that a special messenger should be sent to hasten the arrival of the legitimate pontiff at Rome.<sup>q</sup>

Both parties after this prepared to maintain their pre-tensions in the field. Cadalo, or Honorius II., before Rome. on his arrival, had brought with him some mercenaries from Germany. To these he added the armed tenantry of the see of Parma, augmented by those of the malcontent bishops of Lombardy.<sup>r</sup> With the forces in hand, he easily made himself master of the city of Bologna; he was there reinforced from other quarters; but, what was of greater importance, he obtained considerable supplies of money, which enabled him without delay to continue his march to Rome. Arriving at Sutri on the 25th of March 1062, he was saluted pope by the senate of Rome, who had advanced thus far to meet him, under the escort of the nobles whom, in the preceding pontificate, the Normans had so grievously ha-

<sup>p</sup> At the diet of Basle. See p. 192 of this chapter. Conf. *Bonizo*, lib. vi. ubi sup.

<sup>q</sup> *Benzo*, ubi sup.

<sup>r</sup> "Then," says the inspired *Bonizo*, "did the Simonians rejoice and triumph; and the whoring priests did exult with great joy."

passed and plundered.<sup>s</sup> But Anselm, or Alexander II., had been hardly less active than his rival. Hildebrand had been all the while diligently engaged in collecting troops, and raising money among his adherents. The two armies encountered each other at no great distance from the city; Hildebrand was driven back with some loss; but the victors did not consider the advantage so decisive as to warrant an assault, or sufficient to maintain possession if obtained. For some days they took up a position on the "meadows of Nero," before the walls; whence shortly afterwards they drew off towards Tusculum, whither, we are told, the capitani of Rome and their adherents flocked to them in great numbers.<sup>t</sup>

Meanwhile the attitude of Godfrey of Tuscany had given grave offence and alarm to the reformers. It was manifest that, if he had interposed, Intervention of Godfrey of Tuscany. Honorius could not have advanced a step on his march; the zealots of the party averted their countenances, and condemned him as the friend of the sinners whom he had had it in his power to punish. Their resentment was in no degree mitigated, when, instead of throwing his whole weight into their scale, he appeared at Rome as an ostensible mediator, and the friend of both parties. He admitted to Honorius that he had the king's commands to conduct him to Rome, and gently reproved him for his want of confidence in his power and will to do his duty; but he advised that both claimants should leave their case in his hands; that Alexander should return to his bishopric of Lucca, and Honorius retrace his steps to Parma. On these terms he expressed his willingness to lay their respective claims fairly before the king; they engaging, on their parts, that the candidate in whose favour the court decided should be regarded as lawful pope.<sup>u</sup>

Without further information, we should feel some surprise at the ready assent of both parties to the proposal of Godfrey. Indeed, the compromise excited the bitter indignation of Damiani: "Like the Jews of old, who had

<sup>s</sup> *Benzo*, ubi sup. p. 984.

<sup>t</sup> *Benzo* and *Bonizo*, ubi sup.

<sup>u</sup> *Benzo*, c. xiii. ubi sup. pp. 989, 990.

chosen the son of perdition and rejected the Son of God, so now the Romans had determined to have Cadalo rather than Alexander. He, Godfrey, had lent himself to this sacrilegious act—he had become the accomplice of a nefarious compromise—he had communicated with Cadalo the accursed—he had embraced the adversary of God—he had betrayed the cause of Him who had raised him to wealth, dominion, and renown. What but speedy repentance remained between him and certain damnation!<sup>v</sup> But honest Damiani was in the secret neither of Godfrey nor Hildebrand. The latter was glad to avail himself of the pen of his confederate, but was too well aware of the unworldly temper of the man to let him unreservedly into his confidence upon matters touching rather the political than the religious policy of the party.

If, at this point of time, the archdeacon was in possession of the information of what was then going on in Germany, and which it was in the power of Godfrey to impart, there would be no difficulty in accounting for his readiness in postponing for the moment the claims of Alexander. If, on the other hand, the friends of Honorius were ignorant of the actual state of things on the other side of the Alps, they could have no misgiving as to the resolution of the court to abide by the solemn election and recognition of the great council of Basle in the preceding year. Regarding the advice of Godfrey as the voice of the court, Honorius retreated to Parma; his competitor, there is good reason to believe, quitted Rome; not, however, in virtue of the compromise, but because—as was given out among his party—he was under apprehension for his personal safety.<sup>w</sup>

Having by this able management succeeded in pacifying the combatants for the present, and in binding over both parties to keep the peace during his absence, Godfrey hastened into Germany, and became an active participator in the

<sup>v</sup> *Baron. an.* 1064, § 4-7; xvii. pp. 257. 258.

<sup>w</sup> We take the retirement of Alex-

ander II. upon the credit of *Luden, Gesch. d. Deutsch.* viii. p. 347.

scheme of treasonable violence then contemplated against the person of the youthful sovereign of that country. Casting a hasty glance upon the state of affairs in Germany since the death of Henry III., the reader is reminded that that prince left his son Henry IV., then a child only six years of age, under the guardianship of his mother Agnes of Poitou. She had hardly entered upon her regency before she had to encounter a formidable conspiracy of the Saxon princes to dethrone the minor king, and bring back the crown to the Saxon line, which, after the death of Henry II. in 1024, had been dispossessed by the election of Conrad duke of Franconia. The insurrection was suppressed; but the regent could not reconcile herself to the stern policy of her late husband. For the strong hand of power she substituted the arts of gentleness and conciliation, and strove to bind a proud and ambitious aristocracy to her throne by that gratitude for past favours which expectants rarely entertain, or by those hopes of future advantage it might not be in her power to gratify. In this spirit she had restored Godfrey of Lorraine to his forfeited inheritance; she had granted the duchy of Bavaria to the ambitious Otto of Nordheim: in the former instance her beneficence was requited by the unauthorised countenance afforded to the elevation of an enemy of the empire, Frederic of Lorraine,<sup>x</sup> to the papacy; in the latter, by persevering efforts to inflame the jealousies and discontents which were slowly undermining the credit of her government in Germany.

Other complications, both at home and abroad, tended to render the task of government more difficult to Agnes and her favoured minister, Henry Perplexity of the government. bishop of Augsberg, a person of mean origin, but of courtly manners, jealous of power, and impatient of control. The imperial influence in Italy, though ably sustained by the viceroy Guibert of Parma, was declining. The law of papal election (A.D. 1059) appeared to the haughty nobility and prelacy of Germany in the light of an outrage upon the prerogative of the national crown. The rigorous ordinances against the purchase and sale of

<sup>x</sup> See chap. i. p. 156 of this Book.

ecclesiastical preferment, the undisguised attack upon lay patronage, the proscription of clerical marriage, and the attempt to enlarge indefinitely the jurisdiction of the church in causes matrimonial, excited a host of vague apprehensions, which unsettled the public mind, and perplexed the regent and her ministers. The bishops, and a large party among the laity of Lombardy, waged open war against the complex scheme of the reformers; while in the south the avowed alliance of Nicolas II. with the Normans—unlicensed intruders as they were upon the imperial territories—gave mortal offence to the Germans, and occasioned serious uneasiness to the court.

Again, the death of Nicolas in the year 1061, and the election of Anselm of Lucca, had introduced fresh complications into the affairs of Italy. Conspiracy, and abduction of Henry IV. Anselm was a notorious promoter of the obnoxious measures just enumerated; and there is little reason to doubt that, whether with or without a full knowledge of the intentions of the reformers in elevating Alexander II. to the papal throne, the states of Germany assembled at Basle were unanimous in their approval of the election of Honorius II. Yet by that act the difficulties of the regent were greatly increased. She had now a civil war on her hands, and it was doubtful whether, in their actual temper, her great barons would not avail themselves of her difficulties to decry her capacity for government, to tamper with her enemies, and to undermine her power. The earliest symptom of such a disposition came in the shape of a slanderous report affecting her personal honour. Her confidential intercourse with her minister, Henry of Augsburg, gave colour to malicious suggestions; and it was now seriously debated whether the young king ought to remain under such questionable tuition. The “wish was father to the thought;” and Hanno archbishop of Cologne, a rigid disciplinarian, the unscrupulous Otto duke of Bavaria, Ecbert earl of Brunswick, and Godfrey duke of Lorraine and Tuscany, in concert with other barons and lords, entered into a conspiracy to withdraw the young king from the guardianship of his mother, and to place

him under the safer custody of the archbishop. The reports brought back from Italy by Godfrey in 1062 disclosed all the weakness of the regent's government, and determined the conspirators to depose her. At the moment of the execution of their project, their hands were strengthened by the accession of the metropolitan Siegfried of Mainz; and on the feast of Pentecost of that year, the young king—then a boy of about twelve years of age—was enticed on board a ship on the Rhine at Kaiserswerth, carried off to Cologne, and placed under the custody of archbishop Hanno.<sup>y</sup>

The regent suppressed her indignation at this outrage. She committed her cause to that natural revulsion of public feeling which steps in, sooner or later, to vindicate the cause of public law. And in fact the reaction began almost as soon as the crime of the conspirators became generally known. The people were irritated at the danger to which their youthful monarch had been exposed; many of the great vassals, who had not been drawn into the councils of the traitors, were displeased to see the king; and the powers of government transferred into the hands of a small number of their own equals. Neither favours nor promises availed to conciliate a majority of the great barons; and the conduct of the conspirators themselves speedily revealed the sordid motives which led to the contrivance and execution of their criminal design. In the name of the king they now exercised all the powers of the regency, and proceeded to distribute among themselves the whole patronage of the crown; to the disgust as much of the honest patriot as of the eager expectant. The archbishop-guardian was soon made aware that unless he could assuage these discontents his reign would be of short duration. The young king himself entertained a strong resentment against the men who had so rudely torn him away from his natural home, and had from the first moment imbibed a violent dislike of his formal and

<sup>y</sup> The resolute youth no sooner perceived the intentions of those about him than he sprang overboard, and was

only rescued from drowning by the courage and skill of one of the conspirators, Ecbert of Brunswick.

morose preceptor. His public life began in the gall of bitterness; and those passions which so fatally affected his future career were awakened by the treason and unkindness of those to whom he was entitled to look for sympathy and support. Hanno and his confederates were soon convinced that they must either plunge more deeply into crime, or find the means of reconciling the resolute and vindictive youth they had to deal with to his temporary captivity. With this view they selected Adalbert archbishop of Bremen, a man of great personal accomplishments, of captivating manners, and magnificent tastes, to be the companion and instructor of the young king.

But Adalbert of Bremen had not been implicated in the conspiracy, to which he now consented to become, in some sort, an accessory after the fact. He accepted without scruple the favours lavished upon him by the confederates to secure his services; but while he agreed for the moment to do their work, he was pursuing for himself a project of ecclesiastical aggrandisement which lay beyond the limits of ordinary ambition, if not beyond the reach of practicability. He had indulged his imagination in the vision of a northern papacy, of which his see was to be the independent centre, with uncontrolled jurisdiction over the widely-dispersed churches of the newly-converted Danish, Scandinavian, and Sclavic tribes. Hitherto his success had been but small; his quarrels with the Saxon barons had reduced him to the brink of ruin; and the patronage of the confederates came just in time to save him from the worst consequences of their hostility.

In the main Adalbert successfully pursued the career laid open to him by his new confederates. His agreeable manners and indulgent temper soon made him the friend and confidant of his royal pupil. To ingratiate himself still more, he introduced to his society the young earl Werner, a companion and playfellow of Henry while under the charge of his mother. The choice was unfortunate. The wild passions of this youth contributed to the early de-

Adalbert  
archbishop  
of Bremen  
tutor to  
Henry.

His indul-  
gence, mis-  
government,  
and corrup-  
tion.

velopment of that impetuous temper, which became the source of so much misery to Henry himself, and of such mischievous results to the welfare of his subjects. Meanwhile the regents continued to indulge in the most scandalous embezzlement of public property. They enriched themselves by extortions, forced sales, and confiscations. Bishoprics, abbeys, and every description of ecclesiastical preferment were put up to public auction. Adalbert and Werner appropriated the more important favours of the crown; every avenue to advancement was closed to un-influential or indigent merit, and thrown wide open to all who came with money in their hands; no one, we are assured, escaped the rapacity of these public robbers, but those who were prepared to defend themselves sword in hand. The archbishop of Bremen obtained for his own share the highly-endowed abbeys of Corvey and Lorsch; archbishop Hanno took to himself the rich conventual houses of Malmedy and St. Cornelius; the primate of Mainz laid his hands upon the great abbey of Seligenstadt; and the dukes of Bavaria and Swabia were permitted to carry off in the scramble whatever fell in their way.<sup>z</sup>

But of all the participators in this sordid and mischievous treason, none profited more largely by its results than Godfrey of Lorraine. The entire administration of the empire in Italy fell into his hands. The faithful Guibert of Parma was dismissed from the vice-royalty, and Gregory bishop of Vercelli was colourably substituted. But Godfrey was the *de facto* sovereign; and now the true drift of the late compromise between the rival popes became apparent to the world. Though Honorius was permitted to remain unmolested in Parma, the very first act of Godfrey after his return from Germany was to escort Alexander II. back to Rome, and to reinstate him in the papal chair as the pontiff approved by the court, in apparent conformity with the terms of the compromise.<sup>a</sup> The game of Hildebrand was won; and the reformers

<sup>z</sup> *Lamb. Schaffn.* an. 1064, ap. *Pertz*, v. pp. 166, 167.

<sup>a</sup> *Benzo*, Panegyri. lib. vi. c. 15, ubi sup. p. 992.

gave vent to their exultation in the ignorant or wilful misstatement of the facts and events which led to their success. They affected to take it for granted that the pious archbishop Hanno and the court of Germany had definitively rejected Honorius, and that the title of Alexander was now cleared of all doubt. The report was spread abroad that Damiani himself had been deputed to the court of Germany to confer with the bishops of that realm upon the merits of the two elections; that a council had been convoked at Augsburg for that purpose; and that Honorius had there been unanimously rejected. This rumour, though altogether groundless, either arose out of, or was accredited by, a work of Damiani, published not long after the restoration of Alexander II., in the form of a scholastic disputation, in which the arguments in favour of the claim of his hero on the one part, and the replies of the advocate of the imperial prerogative on the other, are stated and discussed.<sup>b</sup>

Without attaching any credit to the supposed conference, the work of Damiani contains nevertheless so pregnant an intimation of the views of the ultra-reform party respecting the relation of the papacy to the empire, as to recommend it to our attention. The motive of the publication is sufficiently apparent. Though Alexander II. was in possession of the holy see, Honorius still held his court at Parma, supported by the recusant bishops of Lombardy; and was even now busily engaged in collecting his resources for a fresh attempt upon Rome itself. His party in the capital had abandoned neither hope nor courage, and were now kept in check only by the Normans, whom Godfrey had again introduced into the city; this time in the character of friends and allies of the empire.<sup>c</sup> The times were, therefore, critical enough to induce Damiani

<sup>b</sup> Some modern historians have attached credit to this supposititious council. But the greater number, however, reject it altogether; and believe only that Damiani threw his remarks into the form of a disputation, such as

might have taken place at some place in Germany, as perhaps originally contemplated. See Appendix I., *infra*.

<sup>c</sup> *Bonizo*, lib. iii. ubi sup. *Benzo*, lib. vi. c. xv. p. 992.

to put forth all his powers to strengthen the impression which the late successes of his party might have produced in Germany. With this view he indited an admonitory letter to king Henry, and enforced it by a treatise thrown into the form of a discussion, such as might have passed at a solemn public debate or disputation. He entitles his work a "Disceptatio," <sup>Object of the</sup> and supposes it to have taken place at a con- <sup>work.</sup>ference or council held somewhere in Germany.<sup>d</sup> The object of the work was to overthrow the imperial initiative in the nomination of a pope, and to explain away the saving-clause in the late decree of the Lateran (1059). His principal proposition is, that every infringement of the sole prerogative of the Roman church is heresy. He maintains that that prerogative is in its nature indefinite, and susceptible of any expansion which the circumstances of the time and the interests of the <sup>Declaration</sup> holy see may demand; he denies the imperial <sup>of papal pre-</sup>right of participation, either in law, precedent, <sup>rogative</sup> or practice; admitting that occasional interferences of that <sup>generally.</sup> nature may have occurred, he explains them as altogether exceptional and irregular; he imputes them to corrupt management, to wars and civil confusions—they are crimes rather than assertions of right; if it be alleged that, inasmuch as the popes are the spiritual monarchs of Christendom, the princes and nations of Christendom are his proper and lawful electors, he replies that, if that had been the course to be pursued, there never had been a true pope; St. Peter himself was an impostor, and thus the title of his successors must have fallen to the ground; but, he adds, triumphantly, this question had been for ever set at rest by the *donation of the pious emperor Constantine the Great*; for that godfearing prince had executed an absolute and unconditional conveyance of the crowns royal and pontifical to the sainted pope

<sup>d</sup> He calls it "Concilium Osboriense, autoritate S. Annonis Colon. Archiep. congregatum, quo in presentia regis, post habitam disputationem quæ infra scribitur, Cadalous pseudopapa omnium acclamatione est condemnatus, et Alex-

andri legitima facta electio est confirmata, A.D. MLXII., ipso festo SS. Simonis et Judæ." By Osbor or Osborium he is supposed to intend the imperial city of Augsburg. Concil. *Colet.* xii. p. 117 et sqq.

Sylvester, and expressly renounced, for himself and his successors, all power and authority, temporal as well as spiritual, within that holy demesne in which the *Emperor of Heaven* had vouchsafed to establish the seat of His empire. This constitution, he further maintains, had been confirmed and reënacted by the emperors Theodosius and Honorius; by all which it is indisputably proved that no worldly emperor or prince hath, or ought to have, any power or principality whatever in or over the church of Rome.

But as appertaining to the rights which emperor or king might deduce from the office of patrician, As to the "patriciate." no question could, he said, arise in this case: the king was an infant, and incapable of exercising any power of government, much less a spiritual right like that of the patriciate, for such rights cannot be exercised by deputy like temporal powers; whenever the possessor is incapacitated from exercising them in person, they revert to the original donor or patron—that is, in this case, to the church; besides this, as in temporals his mother in the flesh is his true representative, so likewise is his spiritual mother, the church, his proper tutor in respect of his spiritual inheritance:° but neither patriciate nor any other prerogative could be permitted to step in between the holy see and the exigencies of the times, or be suffered to interfere with or impede the exercise of her spiritual powers: the election of Alexander II. was a measure of imperative necessity as to the time when, and the mode in which, it was effected: on all such occasions the church is the only judge of the degree of urgency as it may arise, and therefore fully authorised to change her purpose, and vary her obligations to suit her outward position—even, to set aside all law; yea, even the law of God himself,—when the observance of the letter might prejudice the spirit, which must always centre in the welfare and preservation of His heritage: if it be objected,

° "This is not an exposition, but an imposition," as was said some years ago by an able prelate of our church in reference to a papal sophism of the

like character. The patriciate was a strictly temporal office, without a colour of spiritual privilege.

that no such urgent necessity existed in the case of the election of Alexander II., and that there had been time enough between the decease of Nicolas II. and his elevation to apply for the imperial confirmation; the reply was, that such application had been made by the mission of cardinal Stephen, but that it was shamefully rejected; an act of such baseness and malignity that, but for the youth and ignorance of the young king, it might be properly construed into a forfeiture of all his rights: neither state-law nor custom, neither example nor precedent, could be adduced for so flagrant a breach of the divine law; for even the divine law itself bends to the requirements of the church and her ministers; how much more easily, then, shall human laws, good and excellent as they may be for their own special use and purpose, be made to bend to the like reasons?

The utility of the church controls all law, human and divine.

“We are told lastly,” adds the advocate of the church, “that the election of Cadalo is defensible upon the ground that it was demanded and sanctioned by a deputation from the nobility, clergy, and people of Rome. But who,” he asks, “were these deputies? Who were they but a gang of miscreants, murderers, and robbers, who had every man of them been driven out of the church, and at that very time lay under the curse for their enormities: wretches like these are incapable of conveying any authority, or fulfilling any duty whatever: for, verily, to permit Gerard of Galera and his accomplices to choose a pope were no better than to give a power to Satan to fill the chair of Peter!”

Invective.

To the reader of our own day this manifesto, short as the specimen is we have been able to present to him, must appear more like the wanderings of a fever-patient than the production of a healthy mind. It is hard to conceive how the common artifice of begging the question could be carried to greater lengths; or how a more flippant display of ignorance or disingenuousness could have been passed off for argument. But we have here to deal only with the principles enounced; and they may in fact be summed up in the

Censure of the “Disceptatio.”

† See p. 191 of this chapter.

single phrase, "*The papacy has no law:*" as God is bound by no rule but His own inscrutable will, so neither is His representative the pope of Rome bound to any course of conduct but such as he, in the place of God, may deem conducive to the interests of his dominion. The whole gist of Damiani's reasoning, if it may be so called, lay in the insolent assumption that he and his party constituted "*the church.*" All opponents are miscreants, robbers, murderers; they are tongue-tied, not only by reason of their crimes, but by reason of the curse prospectively launched against them by their adversaries. We believe Damiani to have been the dupe of his spurious logic, as much as of his monastic ignorance and credulity. The "*Disceptatio*" is a lamentable instance of the extent to which scholastic quibble, perverted exposition, and obstinate credulity may delude men, in the main honest and sincere, into the adoption of the most unjustifiable and dishonest conclusions.<sup>g</sup>

The admonitory epistle to the young king which was written about the same time as the "*Disceptatio*," adopts a tone of solemn insolence, even in those uncourtly times, hardly excusable in the mouth of a subject. But the section to which Damiani belonged measured state-law and civil subordination wholly by their accordance with canons, decretals, and legendary lore. They lived under a law which lifted them above carnal ordinances,<sup>h</sup> and exempted them from legal observances. The churchman spoke from the *bema* of the sanctuary; his tone was oracular, his language was as the voice of the trumpet; the crowd beneath listened, and, unless deafened by passion or interest, obeyed in fear and trembling. The letter, we presume, was written about the time that archbishop Adalbert had gained the ascendancy at court, and thereby the prospect of a speedy renunciation of the cause of Honorius had become more faint. The epistle opens with a menace: "If," said the priest, "you permit the church, which is the vesture of

<sup>g</sup> The "*Disceptatio*" may be read at length in *Conc. Colet.* xii. pp. 117 et seq.; and in *Baronius*: we have given

a somewhat more expanded extract in Appendix I, *infra*.

<sup>h</sup> *Conf. Book VI. c. vii. pp. 196-198.*

Christ, to be rent, must you not expect that the empire will be wrested from you? . . . . And what, though this may not happen in your day?—surely the judgment shall fall upon your posterity. For I make it known unto you that the two principalities, the royal and the sacerdotal, stand together in a sacramental union in Christ; and all men couple them together in a mutual covenant of service and advantage; so that while the priesthood is protected by the right arm of the kingdom, the kingdom is upheld by the sanctity of the priesthood: for the king is girt with the sword, *that he may go forth to fight the battles of the church*; while the priest *watches and prays*, that God may be propitious unto his arms. In so doing you shall have honour and worship . . . . for then only is honour (obedience) to be rendered to the king, *when the king renders honour (obedience) to the great founder of kingdoms*: but if he withstand *the divine commands*, *he shall then be lawfully dishonoured and disobeyed by his subjects*; for then is he no longer God's king; he goeth not forth from the camp of the church, but standeth up for himself, and shall surely be confounded. Be you therefore like another Constantine; cast down this modern Arius, the vile heretic Cadalo; promote the peace of the church; and then may God exalt you to imperial eminence and give you to triumph over all your enemies! But if you dissemble—if with the power in your hands you hesitate to redress the errors of a perishing world—I refrain from uttering the Spirit's suggestion—I shudder to contemplate the results! Be they upon your head, and upon that of all to whom these letters may come!"<sup>i</sup>

But although Damiani adopted in the fullest extent the decretal principles that no ordinances of man adverse to the church are binding upon the faithful,<sup>j</sup> he had stopped short of the important corollary at which the political reformers had beyond a doubt already arrived. The theory of the connubial union of church and empire stood in his way; and even his wild logic must have suggested to him the impropriety

Limited  
scope of his  
suggestions.

<sup>i</sup> *Baron. an. 1064, §§ 3-7, tom. xvii.*  
pp. 257, 258.

<sup>j</sup> See Book VI. c. vii. p. 191.

of maintaining the right of the church to dissolve the union as soon as any domestic uneasiness should occur to render the connection inconvenient. Though, therefore, he thought that a breach of the covenant on the part of the state might be visited with the privation of the rights of sovereignty, and of the allegiance of the subjects, yet he hesitated to name the tribunal from which the judgment should of right proceed. It may have occurred to him that the next step in the deduction involved a dissolution of that sacramental union upon which the mutual obligations of church and empire were founded, and consequently the total abrogation, not only of those obligations, but of the ordinance of God himself. We think, therefore, that he did not contemplate the extreme theory of the ultra-reformers; a theory which reduced the civil state to a mere ancillary position; for which, learned as he was, not even the Isidorian code could furnish him with a satisfactory authority. Yet, up to this point, Damiani rendered invaluable services to his allies. Through him his party engaged the attention of the public; against him no writer of eminence kept the balance of public opinion. Anti-papal literature had yet to be called into being; and for many years to come not a voice was lifted in the interests of the political state but the ribald production of the Lombard Benzo of Albi.

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## CHAPTER III.

### DEVELOPMENT OF THE HILDEBRANDINE SCHEME.

The court of Germany supports Honorius II. (Cadalous)—Civil war in Rome—Anselm (Alexander II.) and Cadalous (Honorius II.)—Honorius expelled—Compromise of archbishop Hanno—Hanno at Rome—Alexander II. acknowledged—Synod of Mantua, and installation of Alexander II.—Death of Honorius II.—Godfrey expels his late allies the Normans—Hildebrand and Damiani—Council against the “Incestuous”—Canonical computation of consanguinity—Ill success of the prohibition to marry within the canonical degrees—Lamentation of Damiani—Monastic conception of the religious character of matrimony; how strengthened and perpetuated—Hildebrand’s motive for restricting marriages—Fate of Damiani’s compromise at Milan; it is repudiated by all parties—Military commission of the pope to Herlimbald of Milan—Resistance and riot at Milan—Civil war, and murder of Ariald—Papal commission—Ordinance of pacification—Qualifying clause; leaves matters in the same state—Herlimbald urges the deposition of archbishop Guido—His resignation, and appointment of Godfrey—Rejection of Godfrey—Civil war—Jealousy of the Milanese for the independence of their church—Election of Atto—Schism among the reformers—Conference—Argument of the wived clergy—Argument of the reformers—Basis of the arguments on both sides—The decretal doctrine as worked out by Damiani—Defect in the argument of the wived clergy—Papal deposition of Godfrey, and confirmation of Atto—Abbot Gualbert and the Florentine agitators—Remonstrance of Damiani—Violence of Peter bishop of Florence—Ordeal, and triumph of the agitators—Reversal of the judgment by the pope—Contrasted *modus operandi* of Hildebrand and Damiani—Decrees of the synod of 1063—Character of the Hildebrandine scheme; distinguished from that of Damiani—Controversy on simony—Damiani on the purchase of temporalities—Damiani’s pedigree of church property—Amalgamation of the temporal and spiritual status of the clergy—Advantage of the theory of Damiani to the scheme of Hildebrand.

ARCHBISHOP Adalbert of Bremen was little affected by the menaces of the Italian reformers. At court he was all-powerful; his influence over the young king increased daily, while that of the co-regents as visibly declined. Henry was indulged in the society of his mother, the empress Agnes; the policy of the government in relation to the rival pon-

The court of Germany supports Honorius.

tiffs meanwhile undergoing no visible change.<sup>a</sup> Neither the conspirators of 1062 nor the archbishop of Bremen had manifested any inclination to desert the cause of Honorius, or to put up with the violation of the rights of the imperial crown. The latter continued, in fact, to receive from the German court all the encouragement and assistance that could be afforded, consistently with the weakness of a minority, and the scanty military force available to balance the influence of Godfrey of Tuscany, who appears by this time as the declared protector of Alexander II., and the ally of the Norman enemies of the empire. The Romans of the imperial party, however, remained faithful to their engagements with Honorius; and at their solicitation the German court promised military aid to enable them to put him in possession of the city.<sup>b</sup> Honorius, however, hesitated, and desired to wait until the Normans, upon whose support alone his rival maintained his position, should—as they were wont to do—exhaust his funds, and then desert him. But the active partisan Benzo had meanwhile visited Germany, and brought back with him the funds requisite for raising an adequate force, with positive orders to move forward. The principal difficulty which retarded the expedition being thus removed, Honorius marched to Rome, and upon his arrival was put in possession of the Leonine city, with the church of St. Peter and the castle of St. Angelo.<sup>c</sup>

For a period of nearly two months the hostile parties amused themselves with daily skirmishes in the streets of the city. Hildebrand found it no easy task to keep his Norman auxiliaries in good humour, and, with a view to gain time, pro-

Civil war in  
Rome.  
Anselm and  
Cadalous.

<sup>a</sup> There is so much confusion in the accounts of the Italian writers of what took place, both in Germany and Italy, in the causes of Alexander and Honorius, that they are not to be relied upon for details. *Bonizo* (lib. iii.) tells us that archbishop Hanno went to Rome, and that in an interview with Alexander II. he reproved the pope for his contempt of the imperial prerogative. *Benzo* (ubi sup. c. xxv. xxvi.) says that before his departure for Italy, Hanno

assembled a synod of German bishops, and that it was agreed that Alexander should be treated as true pope till a general synod, to be assembled at Mantua, should decide upon the merits of the two elections. But we cannot help suspecting that these intimations really refer to what occurred three or four years afterwards.

<sup>b</sup> *Benzo*, ubi sup. c. xv. p. 992.

<sup>c</sup> *Bonizo*, ubi sup.; *Benzo*, ubi sup. c. xvi. pp. 993, 994.

posed a truce to his opponents. But the proposal was rejected; and the capitani and nobility, more confident than ever in their strength, collected their forces from all parts around their head-quarters at St. Peter's; a sanguinary conflict took place between the rival factions; the Normans were worsted, and compelled to purchase an ignominious retreat by solemnly swearing never again to bear arms against pope Honorius. But the results of this success, though important, were not decisive. Several quarters of the city were still held by Hildebrand; and Godfrey of Tuscany now stepped in boldly to the rescue. A fresh body of Normans was engaged, and with their aid the quarters of the Honorians were confined to the Leonine city. Thus the contest lingered on for the space of two years; Honorius could not possess himself of the Lateran, nor did he ever pass the bridge of the Tiber; his pressing messages to the imperial court for further aid were answered by vague promises, and liberal exhortations to persevere in his loyal defence of the privileges of the empire. These disappointments damped the zeal of the capitani. Disgusted at length by the unprofitable labours they were called upon to undergo, they made the best terms they could for themselves with Hildebrand; Honorius was permitted to quit the city without molestation, and all the treasure or disposable wealth he might still possess passed into the hands of his late friends the capitani and nobles of Rome.<sup>d</sup>

Honorius had in the mean time found his way, not without difficulty, back to his see of Parma; and here, with the support of the malcontents of Lombardy, he continued for some time longer to exercise the pontifical powers. The chronology of the period is, however, so confused, that we cannot assign with certainty the date of his retirement from Rome; but within the two following years a revulsion of party

<sup>d</sup> Vit. Alexand. II. ap. *Murat.* iii. p. 302; *Baron.* an. 1062, § xvii. p. 204; and *Pagi* ad loc. We have in vain attempted to reconcile the narrative (if it may be so called) in *Benzo* with the

accounts of the same transactions in the German and Italian annalists.

<sup>e</sup> It seems most probable that his expulsion took place in the year 1065.

politics in Germany deprived him of the support of his earlier friends in that country, and warned him of the approaching downfall of his cause. It is most probable that the approximation of the Germanic prelacy to the Hildebrandines was caused by the jealousy they entertained of the overbearing influence of Adalbert of Bremen. Howbeit, late in the year 1066 or early in 1067, archbishop Hanno of Cologne appeared at the court of Godfrey of Tuscany with a military escort, and at once convoked a synod of Tuscan and German bishops, with a view to put an end to the existing schism. The resolution arrived at destroyed the balance of parties; Alexander II. was acknowledged as pontiff *de facto*, until his claims should be finally decided upon by a general council. Notices of this resolution were sent to Honorius at Parma, and to Alexander at Rome, and a day was named for a general synod to be held at Mantua, the capital of Godfrey and Beatrix, to put an end to the scandalous divisions which had hitherto distracted the church and impeded the course of reformation.

But Hanno and his friends were not as yet disposed  
 Hanno at Rome. frankly to adopt the Hildebrandine policy, or to abandon the rights of the empire in compliment to the rhetoric of Damiani. We are informed that after the late convention he proceeded to Rome, and that, in conference with the pope and his minister Hildebrand, he sharply rebuked the former for his contempt of the imperial prerogative in causing himself to be inaugurated without waiting for the imperial assent and confirmation. The archdeacon replied for his master, that the holy canons and traditions of the fathers gave no authority to kings to interfere in the election of a pontiff of the holy see. Hanno rejoined, that the king derived that authority from his office as patrician: his opponent rebutted the pretension by references to the canon of the Roman council held in the year 502, under pope Symmachus,<sup>f</sup> whereby, he contended, it had become absolutely unlawful for a layman of any rank or condition to have or exer-

<sup>f</sup> See Book III. c. ii. p. 78, of this work, with the remarks in the preceding page.

cise any influence or authority in ecclesiastical affairs : they whose duty it was to obey could have no right to command ; and besides, the duty of electing a pontiff was, since the decree of 1059, vested exclusively in the cardinal clergy.<sup>g</sup> The archbishop, who was, it seems, not very unwilling to be convinced, so far yielded to the importunities, if not to the reasons, of Hildebrand as to consent that the synod should be convoked in the name of Alexander, and should be presided over by him. Such a stipulation could be regarded in no other light than as an abandonment of the cause of Honorius, as well as of the understanding upon which the synod was originally proposed. It was no longer possible to make the title of Alexander to the chair yielded to him as pope the subject of judicial inquiry before himself ; and the remonstrants were put off with a promise that at the meeting he would establish the integrity of his election upon incontrovertible grounds, even though such a condescension might be deemed not altogether consistent with the dignity of a supreme pontiff.<sup>h</sup>

Alexander II. repaired to Mantua on the day appointed. It was signified at the same time to Honorius that he would not be permitted to present himself. The forsaken pontiff made no attempt to interrupt the meeting, and archbishop Hanno finally abandoned his cause. He conducted Alexander to the presidential throne as pope, and nothing remained but to accept his oath of purification, and to pronounce him legitimate pontiff of the holy see.<sup>i</sup> But of the numbers or character of the persons who attended this synod we have no intimation. That it was got up under the influence of the German conspirators Hanno and Godfrey, and was composed of persons wholly devoted to them, appears too plainly to admit of doubt. By the very terms of the arrangement the claims of Honorius were excluded from consideration ; the decision was pronounced in his absence, the

Alexander II.  
acknowledged.

Synod of  
Mantua, and  
installation of  
Alexander II.

<sup>g</sup> Conf. c. i. p. 161 of this Book.

§ 25, 26, tom. xvii. p. 262.

<sup>h</sup> *Bonizo*, lib. iii. Vit. Alexand. II. ap. *Murat.* ubi sup. *Baron.* an. 1064,

<sup>i</sup> *Siegeb. Gemblac.* Chron. ap. *Pertz*, vi. pp. 361, 362.

meeting was held in the capital of his enemies, Godfrey and Beatrix, and even the right to vindicate his honour was studiously and insultingly denied.<sup>j</sup> Nothing, how-

ever, appears to induce a belief that he was de-  
Death of Honorius II.serted by his Lombard adherents; or that his enemies entertained any confident hope of disturbing him at Parma. He himself never discontinued his pontifical functions, or did any act intimating a doubt of the legitimacy of his claim to the see of Peter. But his death, which occurred shortly after the dissolution of the packed tribunal by which he had been virtually dethroned, for a time put an end to the schism, and set his rival at liberty to reëstablish his authority in the capital, for which the state of affairs there now offered unusual facilities.<sup>k</sup>

The taste for faction-fights in Rome appears by this time to have expended itself. Both parties felt  
Godfrey expels his allies the Normans.themselves equally aggrieved by the extortions of the Normans under Richard of Aversa, whom Godfrey had introduced into the city. Richard was, in fact, suspected of a project for procuring his own elevation to the patriciate, and under that title of retaining military possession of Rome. But duke Godfrey, after the successful vindication of the right of Alexander II. to the pontificate, determined not to leave his work incomplete. Without delay he collected a body of

<sup>j</sup> *Benzo*, Panegy. &c. lib. iii. c. xvii. xviii. ubi sup. pp. 1017, 1018.

<sup>k</sup> A formal discussion of the rival claims of Alexander II. and Honorius II. would be a very useless task. The papal advocates have endeavoured to cut the knot by standing upon the decree of 1059. Yet that decree presented an awkward objection to the title of Alexander himself. That of Honorius, it must be confessed, laboured under infirmities not easily explained away. The elections in both cases were, after all, simple party manoeuvres; there was no well-disposed or competent electoral body in either case; and, in point of fact, the question was discussed wholly upon a different ground, namely, that of the competency of lay interference in the nomination of a Roman pontiff. Upon this point the papal advocates seem to have felt

that the weight of argument was in favour of Honorius. In a subsequent age they did not scruple to resort to fable to strengthen their case. Thus the cardinal of Arragon, in his *Life of Alexander II.*, assures us that Cadalo (Honorius II.) died in great distress only a few days after the close of the council of Mantua, and that in the depth of his remorse he made an ample confession of his sin, and renunciation of his wicked pretensions. This life, however, was written nearly two centuries after the event; while no contemporary writer knows any thing more than that Honorius II. died a natural death at Parma a short time after the breaking up of the Mantuan synod. Conf. *Murat.* iii. preface to the *Life of Alexander II.* p. 274. See also *Chron. Cassin.* lib. iii. c. 21, ubi sup. p. 431.

troops against which the freebooters could entertain no hopes of success, and marched with his pope to Rome. The Normans beat a prudent retreat, and after some negotiation agreed to accept a sum of money in discharge of the arrears of pay due to them for their past services, and thereafter to abstain from all attempts to molest the pontiff or his allies.<sup>1</sup>

The indefatigable reformers had now, to all appearance, a clear field before them. It may be Hildebrand said of Hildebrand and Damiani that both had and Damiani. declared war against the outer world. The difference, however, between them was, that the former drew the sword in support of a scheme essentially political. He desired to subjugate the world to the yoke of his church and its ministers. Damiani was far more solicitous to inure the whole Christian flock to the yoke of the Master whom he honestly, though ignorantly, served. To him nothing was gained until he should have reduced the inner as well as the outer world under the spiritual standard he had set up for himself. But the only measure of perfect moral and religious purity which presented itself to his mind was that which he found in the monastic discipline. He looked for no better means of stemming the tide of human vice and passion but those cloistral restrictions which should bring down all, pastors as well as flock, to the like dead level of obedience to ecclesiastical rule and government; and thus to confine the outer and inner world within the frigid circle of monastic merit. Hildebrand was glad of a coadjutor whose unselfish zeal might serve to cover the nakedness of his more worldly policy. In Damiani, religious abstraction from worldly things had degenerated into aversion; and he, therefore, was disinclined to listen to any compromise with the wants or the weaknesses of society. He knew of no rule to direct him in applying the laws of God and the church to the state and condition of man in the world, but such as he found in the regulations and practice of an association which professed to have nothing to do with the

<sup>1</sup> *Leo Ost.* lib. iii. c. 25, ap. *Murat.* iv. pp. 434, 435.

world; and in this disposition he had been for some time past urging the pope to declare against all matrimonial connections in which any traceable degree of consanguinity could be detected.

In the year 1066 a council was assembled at Rome for the extirpation of a new heresy, to which Damiani stood godfather by the odious name—there was much in a name in that age—of the “*heresy of the incestuous.*” The council decreed that all persons who should maintain the damnable doctrine, that the Roman civil law regarding the degrees within which matrimony could be contracted might overrule or vary the canon law on that subject, or that matrimony within the limits disallowed by the canon law, though allowed by the civil law, was lawful, were to be pronounced heretics. The church, they declared, had always holden that *any traceable degree of consanguinity was a bar to marriage*; and although the canons did not require the excluding proof to be carried beyond the seventh degree, yet that the degrees themselves were to be computed by generations, and not, as in the civil law, by persons; so that in the canonical order two civil degrees form but a single canonical degree; thus, brother and sister, instead of being, as the civil law ranks them, in the second degree, stand to one another in the first degree; the children of brothers and sisters, instead of the fourth, are to be ranked in the second degree; their children again, instead of the sixth, come to stand in the third degree; and, in the same way, those who by the civil computation would stand in the eighth, tenth, and twelfth, are by the canons placed in the fourth, fifth, and sixth degrees. But though the church declined to press the proofs to exclude the presumption beyond the seventh degree, the council carefully guarded itself against the inference that marriage was lawful within any degree of consanguinity to which record or authenticated tradition should extend; for, said they, the seven degrees include the entire nomenclature familiarly known and used among men to designate blood relationship, thus making it improbable

Council  
against the  
*incestuous.*  
A.D. 1066.

Canonical  
computation  
of consan-  
guinity.

that any of the ordinary proofs could be reasonably expected to carry the inquiry any further, or that human memory could extend beyond that limit; that, therefore, actual consanguinity must *primâ facie* be presumed to end where the popular nomenclature failed. The decree furthermore declared that such had been the doctrine of the Catholic church from the beginning; and that all who should presume to infringe that rule be, for a first offence, excluded from communion, and for any subsequent contravention, be slain with the sword—of the Anathema.<sup>m</sup>

To avoid prolixity, we do not in this place enter into the history or the merits, legal or ecclesiastical, of this decree. We observe only that in the earlier ages of the church a diversity of opinion and practice prevailed upon the subject. But in the age of Alexander II. a “development,” or supplementary revelation, seems to have been vouchsafed to the Roman divines, of whom Peter Damiani stands up as the inspired organ. It appears that, up to the moment at which his work upon the “Degrees of Consanguinity”<sup>n</sup> was written, a strong difference of opinion existed among the canonists themselves as to the proper mode of computing these degrees. Upon the whole, however, the monastic view of the question had by this time gained the upper hand; and pope Alexander II. was encouraged to stamp it with the seal of the papal approbation.<sup>o</sup> But the very indifferent success of the measure soon produced the impatient complaint of Damiani: “Surely the devil had so hardened the hearts of the incestuous couples that not even the imminent peril of eternal damnation could tear

<sup>m</sup> Conc. *Colet.* tom. xii. pp. 147, 148. Conf. *Decret. Gratiani*, pt. ii. c. xxxv. q. v. c. ii. ap. *Richter*, Corp. Jur. Can. tom. i. pp. 1110-1113.

<sup>n</sup> “De Parentelæ Gradibus.” The term “parentela” is used both for consanguinity and affinity, or sometimes for the one, and sometimes for the other. See *Du Cange*, ad voc.

<sup>o</sup> To the end of this Book we ap-

pend a short historical account of the growth of the canonical principle by which the monks succeeded in extending their control over the matrimonial engagements of the laity. The inquiry seems a necessary step to a fuller appreciation of the spirit and tendency of the papal scheme. See App. II. at the end of this Book.

them asunder.”<sup>p</sup> A second council was therefore convoked in the same year, for the same purpose, but with no better success. “In this very year,” says the apostle of abstinence, “the pontiff of the holy see hath assembled two synods, in which the ‘incestuous’ have been twice sentenced to exclusion from the communion of the church; and now, I ask, hath a single individual among so many thousand criminals been withdrawn from the accursed conjunction? Hath any one among them all abstained from visiting the churches? Or, hath a single offender been avoided and cast out by his companions or associates? Nay, truly, the contagion rather spreads the more through all classes! For whosoever prideth himself upon the illustrious title and noble birth of his concubine—whosoever is attracted by the vicious allurements of beauty—whosoever is seduced by the prospect of a rich dowry, the love of children, or the hope of begetting offspring—all, all prefer to defy God openly rather than to make an effort to disengage themselves from the foul bonds of agreeable or profitable vice! Then, again, when the reverse of these allurements steps in—when men begin to perceive the natural inconveniences of marriage, and desire to disengage themselves from its trammels, the husband frequently produces a spurious pedigree in order to establish a fictitious consanguinity or affinity; he foists in false names, sustains them by false testimony; nay, sometimes he brings forward perjured witnesses to personate individuals whom he knows to have died long ago: he thus becomes his own accuser; he aggravates his crime; he profits by his own wickedness, and hypocritically craves the aid of the church to help him to the shipwreck of his own soul.”<sup>q</sup>

We add here a few obvious remarks on the progress of that state of opinion upon which the views of Damiani and the monastic party were founded. Though in its origin the movement against the marriage of near blood-relatives, or persons closely connected by the ties of affinity, sprang from the

<sup>p</sup> The passage occurs in his work “De Contemptu Sæculi.”

<sup>q</sup> Conc. Colet. tom. xii. pp. 147-150. See also *Baron. an.* 1065.

natural exigencies of social life, and was in its nature purely conscientious, it was a difficult matter to fix the limits and regulations by which it was to be governed. The state undertook the task with a view to social expediency; the church took it in hand as a matter closely touching the religious conscience. Up to a certain point the church might claim the authority of custom and state-law on behalf of her scheme of limitation. But this non-spiritual ground was uncongenial to the sacerdotal mind; and in looking back to the earliest views of the churchmen on the nature of the matrimonial connection, we shall find that they had uniformly built upon an exaggerated opinion of the merit of total abstinence from the indulgence of the carnal appetites. In the progress of ascetic opinion, chastity came to be regarded as that lofty stage of spiritual perfection to which the Christian man was bound at every sacrifice to aspire: it was his chosen battle-field—the impregnable position of the spiritual man in his internecine warfare with the flesh. The charge of Jerome against Jovinian, of maintaining “the horrible proposition, that a virgin was no better than a married woman,” is the epitome of ecclesiastical opinion in his age and that of Ambrose on the subject of chastity, or rather, of total abstinence from connubial intercourse; and since that time the opinion had become more deeply rooted by the vast expansion which the monastic system had undergone.<sup>r</sup> The triumph of monachism was in some sort the apotheosis of celibacy. Under the form of the Virgin Mother of God, chastity had become, as it were, incarnate; and prophets, and apostles, and saints, were popularly endowed with it, as that quality without which all other spiritual acquirements were to be regarded as worthless. Denying both in precept and in practice the merit of the purest and most faithful connubium, the monks desired it to be understood that marriage stood

<sup>r</sup> In confirmation of these views, the reader is referred to the following passages in this work: (1) Remarks on primitive asceticism, Book I. c. iv. pp. 96-98. (2) Opinion of the merits of chastity entertained in the age of Jerome and Ambrose, Book II. c. i. pp. 262,

263. (3) The opinions of pope Gregory the Great, Book III. c. vi. p. 224. (4) The scandal of married priests in Germany rebuked by Boniface, Book IV. c. v. p. 368. (5) Observations on the divorce cause of Lothar II., Book VII. c. iv. pp. 321, 322.

upon the very verge and threshold of mortal sin ; that it was in itself a temptation and a snare, from which, without the aid of the church to purify and guard it, there was no escape ; and that, until the whole subject should be brought within the compass of ecclesiastical control and superintendence, as the only power by which its natural tendencies could be corrected, it must ever remain a stronghold of the enemy of men's souls.

These ideas of the religious character of marriage were materially strengthened by the extravagant vices of society in the ninth and tenth centuries. Where every institution and habit of men in the world was tainted with impurity, even reflecting men could not be expected to regard regulated practice in any other light than as an exception to the normal condition of society ; they would not trouble themselves to separate the chaff from the wheat ; they would condemn the world, its interests, its wants, its pleasures—reasonable or unreasonable—in the mass ; for all appeared to them alike “ concluded under sin.”<sup>s</sup> Renouncing for his own person the privileges of matrimony, the monk regarded the institution itself, contaminated as it was in common practice by adultery and sensuality, with more aversion than any other worldly indulgence. The only conclusion he could arrive at was, that the temple of marriage must be cleansed, reconsecrated, and dedicated by and to the church : the institution must acquire a derivative purity from her sanctions ; and, for that purpose, be brought as much as possible within the spirit, though it might not fall within the letter, of monastic ordinance. Celibacy was the law of spiritual perfection ; matrimony was the exception—a recognised exception indeed, but admitted only on the low ground of natural or carnal necessity, and to be tolerated only under restrictions which should place it in all its relations beneath the vigilant guardianship of the church and her ministers.

These were in substance the opinions of Damiani in the matter of the matrimonial connection. As the oracle

<sup>s</sup> *Gal.* iii. 22.

of the spiritual policy of the reform party, he believed and preached that so desperate a disease required a sharp and decisive remedy; he used the knife and the cautery with the confidence inspired by the partial view of the subject his monastic position commanded. The objects of Damiani were as limited as his ideas of human nature and human requirements. Hildebrand was in all these respects the reverse of his friend and colleague. His view ranged over the wide world of present and contingent advantage. But for the present the path of these remarkable men lay in the same direction. Damiani desired in his own way to make men wiser and better; and the wisdom and virtue of Damiani fell in admirably with the policy of Hildebrand. It had not escaped the discernment of that vigilant observer, that, from several causes, the royal, princely, and wealthy families of the Latin communion were falling fast into a state of clanship, which might prove dangerous to the pretensions of his church. Intermarriages between powerful houses had become too common. Men married sisters of deceased wives; widows, the brothers of deceased husbands; the marriage of uncles with nieces, of first cousins among themselves, were familiarly resorted to for the purpose of counterworking the dividing tendency of the feudal law of inheritance, and keeping together the family estate and influence. Hildebrand must have profited little by the history of the past not to have perceived that as long as the power of the laity continued to work in harmony, the church was weak, that the "lay enemy" was then too strong for her; and that in such a state of things there was no alternative but that the church must either remain under bondage to the world, or the world be reduced to bondage under the church.<sup>†</sup>

Hildebrand's  
motive for  
restricting  
marriage.

The fate that attends almost all attempts at compromise in religious matters befell the accommodation effected by Damiani at Milan in the year 1059. The admission of the clergy

Fate of  
Damiani's  
compromise  
at Milan.

<sup>†</sup> The reader is referred for the leading facts, on which these observations

are founded, to Appendix II. at the end of this Book.

who had purchased their orders to the celebration of divine service, recommended under the pressure of absolute necessity, was highly unsatisfactory to the puritanical zealots of the opposite faction. The established clergy, supported by the magistracy, the nobility, and the party attached to the honour and independence of their church, the ancient customs of the province, and the privilege of marriage, came into frequent, and sometimes sanguinary, collision with the rural priesthood, supported by the country people and the fanatical Paterini. They clamorously repudiated the compromise of Damiani; they urged the notorious fact that the orders of all the beneficed and cathedral clergy had been bought with money; that every bishop of the province was a simonian heretic; that such a bishop was no bishop at all; and that he who took nothing by his own ordination could impart nothing to others: they were, in short, in a lump, a mere rabble of spiritual rebels and heretics, to whom the godfearing people could not be expected to resort for the offices and consolations of religion.

The compromise was in no respect more palatable to the clergy and their advocates than to their adversaries. In adopting it they had yielded only to the pressure of the juncture, with no intention to abide by it any longer than that pressure existed. They resented bitterly the subjugation of the glorious church of St. Ambrose under the pontiff of Rome; and they were fully aware that even the most conscientious fulfilment of their engagements to the pope would bring them no relief from the persecutions of their enemies; they recoiled from the frightful task of consigning their wives and children to infamy and beggary; they entertained little respect for engagements extorted from them by fear and bodily peril—engagements which their new master was without the power to keep on his part; and they knew that if they suffered themselves to be disarmed, their total ruin could not long be delayed."

This state of party warfare subsisted with balanced advantage for a period of nearly six years.<sup>v</sup> Aerial and

<sup>u</sup> *Arnulph.* lib. iii. c. 12 and 14, ubi sup. tom. iv. pp. 25-30.

<sup>v</sup> From the year 1059 to 1065.

Landulph continued at the head of the country party, but destitute of all support except that which they could derive from their indomitable zeal. At the close of that interval, Landulph sank under ill health; and Ariald availed himself of the services of Herlimbald, an honest fanatic, brother to the retired champion of the party, and a soldier of reputation. He was a person of austere piety, of imposing presence; deliberate in forming his plans, and inflexible in their execution. With military freedom from scruples which might stand in the way of his advancement, he regarded himself, from the moment he enlisted under the banner of the church, as her devoted soldier and servant; bound, therefore, to perform his duty in a soldierlike manner. But then, as a soldier, he could not make up his mind to act excepting under a regular commission from the master whom he had engaged to serve. His friends accordingly expedited him to Rome; pope Alexander, at the solicitation of Ariald and Hildebrand, received him with open arms, and, "on behalf of God and St. Peter," invested him with the office of "Defender and Standard-bearer of the church, in order that, in virtue of his said office, all who should array themselves under that sacred banner might wage *defensive war* with greater security to themselves, and be enabled the more speedily to reduce to obedience the rebellious subjects of the holy see."<sup>w</sup> A consecrated banner was solemnly delivered to Herlimbald, with full authority from the pope to take all such steps as he might deem requisite for the performance of the duty imposed upon him.

A military commission under the seal of Peter was a surprise to all parties at Milan. Herlimbald was eager

<sup>w</sup> The petition to the pope ran thus: "A Dei parte, et B. Petri et vestri munitum (auctoritate) ipsum mihi (Ariald) attribuens defensorem, et vexillam victoriæ accipiat; ut securius militans nos possit defendere, et tuas olim rebelles humiliare." *Landulph*, Hist. lib. iii c. 14, ubi sup. p. 104. Alexander, at first view, hardly relished the military form of the petition; it seemed to him to smell too strongly of blood. But while

he deliberated, the impatient confederates resorted to Hildebrand, to whom the war department of the holy see was intrusted: "qui," says Landulph, "residens in palatio, militiam Romanam quasi *imperator* regebat." No such scruple occurred to the cardinal commander-in-chief, and the commission was made out in the terms of the petition.

Resistance and riots at Milan. to unfurl the apostolic banner in the field of carnal warfare; he proclaimed himself the soldier of the church, and announced his determination to drive her enemies back into the fold at the point of the sword: "a horrible blasphemy," says the indignant historian, "and moreover an impudent falsehood; for who ever heard of any other standard of Peter than the standard of the cross, which he bore according to the command of the Lord his master!"<sup>x</sup> The persecution of the wived clergy was resumed with fresh vigour. Wherever they were found in the performance of their religious duties, they were dragged from the altar and hounded out of the churches. Archbishop Guido was reviled as a simonian and a heretic; and the government of church and city seemed on the point of falling into the hands of a bloodthirsty mob. Guido was averse from the violent measures now absolutely necessary for the reëstablishment of the public peace; he therefore summoned the insurgents and the rebel clergy of the province to a synod to be holden at Novara, to answer for their misdeeds. It is probable that pope Alexander was not altogether satisfied with the violent proceedings of his emissaries, and that he was not sorry to see a check put upon their inconsiderate zeal.<sup>y</sup> The associated leaders of the rebels, however, paid no attention to the citation; and they and their accomplices were declared in contumacy, and put out of communion. Watching their opportunity to avenge this insult upon their leaders, the rabble of Milan burst into the cathedral while the archbishop was officiating; they dragged him from the altar, and left him for dead upon the floor of the church; they broke into and plundered the archiepiscopal palace, and perambulated the city, ransacking and robbing the houses of the married clergy. But these disorders awakened their opponents from the lethargy into which the scruples of Guido had thrown them. The

<sup>x</sup> *Arnulph.* lib. iii. c. 15, ubi sup. p. 30.

<sup>y</sup> The historian *Landulph* (*Hist. Mediol.* lib. iii. c. 15, ubi sup. pp. 104, 105) positively states that the synod of Novara was approved by the pope. And so it must have been if he entertained any desire that Damiani's compromise

should be maintained. But his wishes were probably of little avail against the overbearing influence of Hildebrand, to whom the means were a matter of indifference, if they led by the shortest cut to the attainment of his ends.

magistracy and the wealthier classes flew to arms; they attacked the dispersed marauders and drove them out of the city. Not content with their first success, they pursued the objects of their vengeance with unrelenting animosity. Ariald, the most obnoxious of their opponents, was hunted from one lurking place to another, till, abandoned or betrayed by his associates, he fell into their hands and was put to death with every imaginable circumstance of outrage and cruelty.<sup>z</sup>

Civil war,  
and murder  
of Ariald.

This inhuman act produced a revulsion of the popular feeling in favour of the insurgents. Herlimbald rallied and brought back his exasperated bands to the charge. Under favour of the populace, he once more penetrated into the city, and immediately proclaimed the archbishop an accomplice in the murder of his friend. The magistrates and clergy were reduced to the defensive, and every street and public place in Milan was defiled by rapine and bloodshed.<sup>a</sup> We have no positive information as to how long this state of disorder was permitted to last. But in the summer or autumn of the year 1066<sup>b</sup> two papal legates appeared at Milan with a pontifical commission to inquire into the death of Ariald, and in the mean time to enjoin both parties to abstain from further hostilities.

Papal  
commission.

Though the public instructions of the legates were plain enough, there is reason to believe that they were intrusted with discretionary powers beyond their ostensible commission. The ordinances of Damiani of the year 1059 were taken as the basis of a permanent settlement of existing disputes. The clergy were strictly forbidden to eat, drink, or associate with women, or even to speak with any of the hostile sex except in the presence of two or more witnesses of good repute: they were enjoined to quit their separate dwellings, and to take up their abode under the same roof,

Ordinance of  
pacification.

<sup>z</sup> Arnulph tells us that they first cut off his nose and ears, and put out his eyes; that they afterwards tore out his tongue, and then despatched him with their daggers.

<sup>a</sup> *Arnulph.* lib. iii. c. xviii. ubi sup. p. 31; *Landulph.* lib. iii. c. xvii. ubi sup. pp. 106, 107.

<sup>b</sup> See *Murator's* observations on the Hist. of *Arnulph.* p. 30.

and, if possible, in some one building adjoining to the church in which their duties lay. But whatever penalties might have been incurred by the irregular clergy, it was strictly determined that they should not be amenable to lay prosecution or punishment of any kind, but that the archbishop should make frequent visitations of his province, and take canonical cognisance of all offences against discipline. The document, as we understand it, administered a just rebuke to the confederates for the crimes committed in their precipitate attempts to withdraw the simoniacal and incontinent priests from the evil of their ways: such violences were not to be repeated, but their zeal was for the future to be restricted to a watchful diligence in bringing all such delinquents under the notice of the canonical authorities, in order that they might be dealt with according to the laws and statutes of the church. The ordinance concluded with an act of mutual oblivion for all injuries reciprocally inflicted by the parties upon each other in the course of these unhappy disputes.

But a settlement upon these terms was unsuited to the views of the political reformers. There was, Qualifying clause. in fact, little prospect of a sincere concurrence either on the part of Guido or the recusant clergy; and, under such circumstances, it was in vain to hope either that Herlimbald would lay down his commission, or that his followers would acquiesce in the state of inaction to which the pontifical ordinance, if it stopped there, would have condemned them. It is equally unlikely that Hildebrand should have consented to the disarming of his Milanese militia at the time when they were most wanted, or that the latter would renounce the advantages won with their blood and that of their cherished leader. A clause was accordingly tacked on to the ordinance, which neutralised its effect, and opened to Herlimbald and his faction a wide field of activity for the future. The clause provided that when either the archbishop or the ordinaries of the province should be detected in conniving at any offence prohibited by that ordinance; or if, after such offence should be brought to their knowledge, they

should refuse or neglect to punish, it should in such cases be lawful for every layman, be he who he might, to prevent such offender from performing any spiritual duty, holding any ecclesiastical benefice, or taking the benefit of church fund or endowment, until he should have repented and given due satisfaction for his offence. Yet in the performance of this duty the actors were to acquire no advantage to themselves, and were commanded to abstain from taking or injuring the person or property of the offender; but simply to sequester him from his benefice, and to turn him out of the possession of any church-property of which he might be in the enjoyment; all such funds being to be expended in the maintenance of qualified priests only, and to be restored as soon as the incumbent should be reconciled, or another appointed in his place.

It would be a poor compliment to the discernment of those who placed such a power as this in such hands to suppose that the latter would pay any regard to the restraints annexed to its exercise.

Leaves mat-  
ters in the  
same state.

As long as the banner of Rome waved at the head of the faction she had created, she could not reprove her faithful soldiers; she could no more repudiate their acts than dispense with their services; and although, for the satisfaction of the severer canonists, it was necessary to administer a colourable reproof, the Hildebrandine party took care not to bind their hands for the work they had given them to do. Guido and his refractory clergy escaped further animadversions for the present: the murder of Ariald remained unavenged, because it could not be punished without visiting alike the crimes committed and the blood spilt by both parties; and thus the state of things was left pretty much in the same position as that in which the legates found it on their arrival at Milan.<sup>c</sup>

The zealots had looked forward confidently to the advent of the legates as the signal for the deposition of archbishop Guido and the expulsion of the cathedral clergy; and Her-

Herlimbald  
urges the de-  
position of  
archbishop  
Guido.

<sup>c</sup> See Concil. *Colet.* xii. pp. 76-79.

limbald now proceeded to Rome, to urge the necessity of that step to complete the work of reformation. But the serious objection occurred to the minds of the pope and his minister, that such a measure might throw the election into the hands of king Henry, and thus revive the highly objectionable pretensions of the imperial court. Herlimbald in vain protested that the restoration of peace in the church of Milan depended wholly upon the appointment of a canonical pastor, to be freely elected by the clergy and people, and ratified by the papal confirmation.<sup>d</sup> Though, for the present, there was no valid pretence for any violent proceeding against archbishop Guido, yet Herlimbald had fully ascertained the inclinations of his friends at Rome, and returned to Milan with the resolution to seize the earliest opportunity to push matters to extremity. But in the interim, the archbishop, exhausted by age and anxieties, determined to save his persecutors any further trouble by a voluntary resignation. In compliance with established custom, and probably with the wishes of his clergy, he presented to the chapter Godfrey, a cardinal-priest of his church, as his destined successor, and in that character he delivered to him the pastoral ring and crosier, admitting him at the same time into possession of the temporalities of the see. Godfrey hastened into Germany and laid the insignia of his new dignity at the foot of the imperial throne. The appointment was formally confirmed by the king, by the redelivery of the symbols, and the new archbishop was consecrated by the bishops of his province at Novara.<sup>e</sup>

But the resignation of Guido was a step in the wrong direction for the interests of his party. The people of Milan unanimously rejected their new pastor,<sup>f</sup> and barred him out of the city. Hildebrand hastened to embrace the opportunity to claim the right of confirmation on behalf of the holy see. He affected to regard Milan as a dependency of the chair of Peter,

<sup>d</sup> *Arnulph.* lib. iii. c. xix. ubi sup. pp. 31, 33.

<sup>e</sup> *Land.* lib. iii. c. xviii. ubi sup. p.

106; *Arn.* lib. iii. c. xx. ubi sup. p. 33.

<sup>f</sup> Though on what precise grounds we are left in ignorance.

and despatched the cardinal-legate Bernard to declare the election void, and to inhibit the installation of Godfrey. On his arrival, Bernard published sentence of excommunication against the archbishop elect; Herlimbald once more let loose his bands of marauders to plunder the houses and ill-treat the persons of the recusant clergy within the city, while he himself made the circuit of the towns and villages of the diocese, administering oaths of abjuration, and exciting the country people to acts of violence and rapine against the adherents of the new prelate. Finding no rest for the sole of his foot in town or open country, Godfrey shut himself up in the strong convent of Varese. Here he was quickly Civil war. besieged by Herlimbald. The assault, however, was gallantly repelled; this success put Godfrey in possession of the castle of Castillione, a strong post within view of the walls of Milan; here, again, he was assailed by the urban militia under his indefatigable opponent. But the siege had hardly begun before a destructive fire broke out within the walls, and the besiegers hurried back to the rescue of their houses and property. Herlimbald was compelled to follow, and Godfrey was released from present peril.

These failures in the field produced, as usual, a division of councils in the city. The legate and the standard-bearer thought it essential to the success of their scheme, that the see of Milan should be at once filled by a canonical election. Jealousy of the Milanese for the independence of their church. On the other hand, it was whispered—not improbably by the adverse party—that Herlimbald and Bernard had it in contemplation to abrogate the privileges of the Ambrosian church, and to reduce her to bondage under Rome. Damiani, as we have seen, had found it no easy task to lull to sleep the apprehensions of the Milanese on this delicate topic;<sup>g</sup> and now the urgency of the legate and his friends was regarded as a prelude to the threatened overthrow of their independence. Herlimbald, however, counting upon the support of the fanatical rabble and the adversaries of the empire, assembled the citizens, and,

<sup>g</sup> See chap. ii. pp. 182 et sqq. of this Book.

after a long harangue, proposed Atto, a youth of noble birth, though as yet only in deacon's orders, for their new archbishop. The assembly listened in sullen silence; the legate and the clergy of his faction approved the election, and Atto was presented to the people as their archbishop. The crowd meanwhile retired in suppressed disgust; the new prelate and the leaders of his party adjourned from the church to the archiepiscopal palace to indulge in the congratulations and feastings usual on such occasions. But in the midst of the revels the indignant populace surrounded the banqueting-hall; the doors were burst open, and the archbishop was compelled to save his life by abjuring his new dignity. The legate and his friends fled at the first alarm; the former with his robes hanging in tatters from his back. The discomfiture of the papal party was decisive, and Bernard appeared no more upon the stage at Milan.<sup>h</sup>

This singular schism produced a momentary balance of parties favourable to a calmer consideration of the questions at issue between the more moderate reformers on the one hand, and the recusant clergy on the other. The rival prelates retired from the contest, and both were impartially excluded from the duties and emoluments of the church; Godfrey as the representative of the imperial and heretical clergy; Atto as the creature of a foreign power. In this disposition, an approximation between the extreme parties became possible, and it was agreed that the whole question of clerical marriage should be freely and fairly debated between appointed advocates on both sides. In pursuance of this understanding, four persons were chosen by the wived clergy, and three by their op-

<sup>h</sup> *Muratori*, strangely enough, denies the participation of Herlimbald in the election of Atto. But combining the circumstances,—the late journey of Herlimbald to Rome, his well-known connection with Hildebrand, the mission of Bernard, and the fact that Atto was ever afterwards supported by Hildebrand, and more than once confirmed

by him in the see,—we cannot doubt but that his election was part of a previously-concerted scheme between the Roman archdeacon and his two emissaries for the subjugation of the metropolitan church of Milan. But conf. *Arnulph.* lib. iii. c. xxiii. and *Murat.* iv. p. 34, with notes 100-103.

ponents. The discussion was conducted with forbearance and good humour.<sup>1</sup>

The advocates of the married clergy relied upon reason and Scripture: the prohibition to marry, they said, was against the law of God and nature: neither the word of God nor the established order of the world made any distinction in this respect between clergy and laity; what was lawful in the latter was equally so in the former. Chastity, they contended, was *not a gift of nature, but of grace*; it was a peculiar power not imparted to every one, nor more so to the priest than to the worldling. Marriage, they urged, was instituted for a remedy against sin; and consequently that he who takes away the remedy ordained by God, is himself an accomplice in the sin committed. Then again, the "forbidding to marry" is a plain breach of the great law of charity: men cannot be driven into chastity; for marriage is a natural necessity of our nature; and it is the duty of the church not to forbid it, but to purify it, and to maintain chastity in marriage: the authorities are against the practice of clerical celibacy; the most distinguished fathers of the church upheld the marriage of the priesthood, lest, by prohibiting it altogether, they should give occasion for sin: Ambrose, after the example of Paul, held that an elder should be the husband of one wife; they (the advocates) fully adopted that advice, and therefore maintained that a priest could not take a second wife; and that, if unmarried before ordination, he ought not to marry afterwards; but, if he be married, he shall not be separated from his wife; for those whom God hath joined man shall not put asunder. And so all the fathers of the church,—though acknowledging always the greater merit of chastity,—had declared in favour of marriage, because they foresaw that the prohibition must be attended with the most awful calamities to the church and to society; and that, do what you will, if lawful marriage be forbidden, the door to every species of impurity is thrown wide open.

Conference  
and argu-  
ment of the  
wived clergy.

<sup>1</sup> The curious in this matter may see a fuller abstract of the argument on

both sides in Appendix III. at the end of this Book.

It should be observed, that this argument contained Argument of the reformers. three important admissions: *First*, that the clergy were, *as men*, under the carnal law; *secondly*, that, *as priests*, they were subject to a spiritual law; *thirdly*, that the married state was not chastity *per se*, but only a licensed compromise between the flesh and the spirit. In the religious history of this age, however, we find that chastity was universally regarded as the rule, and the indispensable condition of the higher grades of spiritual perfection: marriage was looked upon as a deviation from that rule—as a condescension to the carnal character of man. This opinion was favoured by a very early prepossession of the Christian church,<sup>j</sup> and the prevalence of the monastic theory and practice had converted it into a law of spiritual life. When, therefore, it was contended in reply, that the priesthood was *wholly* and exclusively *spiritual*, the ground was struck from beneath the feet of the advocates of marriage: the carnal condition of the priest as man was swallowed up in his transcendental status as a subject of the law spiritual: the clergy were the peculiar, the chosen people, set apart from the foundation of the world that they should live in *righteousness and true holiness*—using these terms in a sense to which both parties attached the same signification. But the most popular answer to the apologists was suggested by the theory of the corporeal presence of the Lord's body in the Eucharist. It was, said they, a thing too shocking for contemplation, that the same hand which had just served the work of conjugal intercourse should be permitted to hold between its unclean fingers the immaculate sacrifice of the body and blood of Christ, and thus polluted to offer it up to the God of all holiness and purity. Therefore, they concluded, the priest must be pure and spotless; he must live in a state of uninterrupted chastity, because if stained by any kind of uncleanness he cannot rightly offer up the holocaust unto God.<sup>k</sup>

<sup>j</sup> See, among other passages in this work, Book I. c. iv. pp. 96, 97, and Book II. c. i. p. 262.

<sup>k</sup> See the argument as put by *Damiani*, ap. *Baron.* an. 1065.

The popular idea of *chastity* was, in fact, the basis of the argument on both sides; and it is obvious that, as long as the connubial state could not be mentally divested of its carnal and imperfect character, the divine ordinances in its favour would extend only to the carnal and the imperfect man, that is, to the layman; and in his case, only as the appointed means of exempting him from the penalty of that which, without it, would be a crime. Now the layman required this condescension, because he lived under the law of the flesh; whereas the priesthood, being a spiritual people, were to be wholly emancipated and shut out from that law: on their part, every bargain or compliance with that law was treason against God and his people; their normal state was one of perpetual, irreconcilable warfare with the law carnal and its subjects; and in the prosecution of the war they were to "look neither to the right hand nor to the left," to claim no indulgence, to enter into no compromise, like that granted to the laity in compassion for the infirmities of their natural character.<sup>1</sup>

In the fervour of his zeal for technical purity Damiani affirmed that no council or statute of the church herself could justify a similar indulgence to the clergy. "Call your council," said he, "by what name you please, I will not receive it, if it does not accord with the decrees of the Roman pontiff."<sup>m</sup> . . . If it be contended that the precept of St. Paul<sup>n</sup> be construed as licensing *clerical incontinence*, the like liberty ought not to be denied to bishops, abbots, monks, and—inasmuch as there cannot be one law for the male and another for the female sex—likewise to sacred virgins, to marry whenever they please, and whom they please. But what ears would listen to so enormous a blasphemy, so

<sup>1</sup> The discussion is given at length in *Landulph*, Hist. &c. lib. iii. cc. xxii.-xxvi. ubi sup. pp. 109-114. We do not think that that branch of the argument which ranges the clergy and laity under the two contradictory laws respectively can be traced further back than the

Isidorian decretals. See Book VI. c. vii. p. 197.

<sup>m</sup> The Isidorian decretals, to wit.

<sup>n</sup> "A bishop then must be blameless, the husband of one wife." 1 *Tim.* iii. 2. "Let the deacons be the husbands of one wife," &c. *Ibid.* 12.

grievous an outrage on the laws of the church, without being transfixed with horror!"<sup>o</sup>

No man of his age bore within him a more clear and lively testimony against the inherent sinfulness of the matrimonial connection than Peter Damiani. And we may readily conceive with what triumph he put forth an argument convicting his opponents out of their own mouths, and showing that their cause was lost in the very statement of their own case. They did but pay the penalty due to those who upon any terms consent to arbitrary restrictions upon the laws of God and nature. They left the decretal distinction between the carnal and the spiritual people—the priesthood and the laity—uncontradicted. They declined to affirm the inherent holiness of the married state; they admitted that distinctive restrictions were requisite to bring the clergy nearer to the standard of technical purity,—then, said their opponents, why not adopt that standard itself in its whole extent? If it was necessary to ordain that priests and deacons could not marry more than once in their lives, nor at all after ordination,—if bishops, priests, and nuns were to be incapable of contracting marriage, there was an end of the argument. In all these cases the law of the carnal man was set at defiance in deference to the law of purity; and if that law was to be obeyed at all, it was to be obeyed to the utmost extent and in all its severity.<sup>p</sup>

The polemical victory in this, as in most other cases of the same kind, produced no approach to an accommodation between the wived clergy and their opponents. Hildebrand, whose influence was now in the ascendant at Rome, procured a papal brief absolving archbishop Atto from his oath of renunciation, and assembled a synod at which, without

<sup>o</sup> See extracts from the works of Damiani, ap. *Baron. an.* 1065, §§ 2, 3, 5, pp. 271, 272.

<sup>p</sup> The apologists might perhaps have derived some advantage from the variety of customs observed at different times and in different churches in the permis-

sion to marry accorded to the clergy. Damiani saw that some difficulty might arise on this point, and with happy audacity denied the validity of all rule but that of the Roman church as established by the papal decretals.

further inquiry, his election was declared to be regular and canonical, and his rival Godfrey was deposed and smitten with the anathema. Intelligence of these proceedings was quickly conveyed to Herlimbald at Milan, with promises of all the support in men and money that the holy see could afford him.<sup>9</sup> On the other part, the prelates of Lombardy faithfully adhered to the cause of Godfrey. Herlimbald, indeed, succeeded in maintaining the city against the latter; but a few castles and strongholds in the vicinity fell into his hands; and the war was carried on with spirit, though with fluctuating success, until the death of Alexander II. in the year 1073.<sup>r</sup>

While the convulsions in the church of Milan, to which we have just adverted, were increasing in malignity and violence, the city of Florence had been agitated by a spiritual warfare of the like character, fomented by the same agency, and carried on by popular insurrection under monastic management. The powerful reaction which had followed the period of moral and religious prostration of the ninth and tenth centuries had multiplied monasteries and convents in every part of Italy. The cenobitic society of Valombroso was one of that swarm of ascetic associations which had sprung up under the prevailing religious excitement. Gualbert, the abbot or prior of the settlement of Valombroso, a name since honoured with a niche in the Roman Pantheon, was one of those zealots who aspired to spiritual perfection through the renunciation of every bodily comfort and the desertion of every social duty. He was the friend and fellow-labourer of St. Dominic the cuirassier, Rodolph and Peter of Eugubium, and other frantic ascetics, who believed that the diligent castigation of their own bodies entitled them to regard with the like indifference the pain they inflicted upon others. The secular clergy were the favourite objects of their censures. Their popularity enabled them to propose themselves as the censors and guardians of

Abbot Gualbert and the Florentine agitators.

<sup>9</sup> *Arnulph.* lib. iv. c. ii. p. 36.

<sup>r</sup> *Idem*, ubi sup. c. iii. with *Muratori's* notes.

ecclesiastical purity, and occasionally to take the rectification of clerical abuses in hand, without regard to any form of law, civil or canonical. A rumour, whether originating with them, or with their confederates, the mob of Florence, was put in circulation, that the father of Peter, bishop of that city, had purchased the see for his son by the payment of a large sum of money to the court of Germany. The zealous monks of Valombroso were upon the alert, not to probe, but to adopt the report as the basis of their contemplated operations against their bishop. They proclaimed him in the streets of the city as a simonian and a heretic. Under the patronage of the rabble, they marked every one who should associate with him, or accept any religious ministration at his hands, as an accomplice of the principal sinner; and by this process the bishop in a short time found himself shunned by his flock, insulted by the populace, and deserted by the more timid members of his own cathedral clergy.

Damiani was shocked at this irregular mode of de-  
Remonstrance of Damiani. posing a bishop, and took upon him to administer a sharp rebuke to the monks. The fanatics in reply accused him as the abettor of the simonian heresy, and drew from him a remonstrance creditable to his sense of justice and sound discipline. "As yet," said he to the rioters, "you have given no proof of bishop Peter's guilt. . . . Some say one thing against him, some say another; . . . but with whom does the decision rest? Not surely with you, but with the pontiff of Rome in his ordinary council. Let his accusers appear there, and make good their charge by manifest proofs. And as to you monks, you have no ground to stand upon. . . . A bishop's ministrations are both lawful and effectual until he is lawfully evicted: till then no member of his flock can resort elsewhere without incurring the guilt of spiritual adultery and sacrilege."<sup>s</sup>

But bishop Peter was not disposed to await the decision from which he probably had little reason to expect justice or mercy. He hoped meanwhile to get his

<sup>s</sup> See the epistle, ap. *Baron. an.* 1063, § 7-21, tom. xvii. p. 259.

enemy Gualbert of Valombroso into his power.

With that view he and his armed attendants surprised the convent St. Salvi, not far from Florence, where Gualbert was then supposed to be residing. But the prior was accidentally absent, and the satellites of the bishop indemnified themselves for their disappointment by pillaging and burning the convent, including the church, slaying a few of the monks, and turning out the rest to find food or shelter where they might. Their friends at Florence made them all the amends they could; they supplied their wants, and inscribed their names upon the sacred roll of martyrs and confessors. Gualbert, as soon as he heard of the outrage, hastened, we are told, to the scene, in the pious hope of sharing the honours of martyrdom with his slaughtered brethren; but, disappointed in this devout intention, he warmly congratulated them upon their sufferings in the cause of righteousness; he praised their zeal, and envied them the glory they had acquired; but he approved the advice of Damiani, and repaired to Rome to impeach bishop Peter of simony before the pontifical synod assembled there in 1063.

Violence of  
Peter bishop  
of Florence.  
A.D. 1063.

But the martyrs of St. Salvi were not disposed to wear their honours meekly. No secular priest could now appear in the streets of the city without imminent peril of personal injury. The monks had challenged their adversary to try his cause by the ordeal of fire; the clergy deemed the proposal unexceptionable, and urged the bishop to embrace the ordeal in vindication of his innocence. Peter, however, derided the proposal, and was deserted by many of his remaining friends. He resented their desertion by driving them out of the cathedral, where they had assembled for their ordinary duties on the eve of the Lord's-day. The confusion in the city increased from hour to hour; mobs, consisting principally of women, paraded the streets, proclaiming amid lamentations and howlings, that "Simon Magus had driven out Simon Peter;" and calling upon God and the Prince of the Apostles to take pity on their afflicted and forsaken flock. The clergy, at their wits'

Ordeal and  
triumph of  
the agitators.

end, between their duty to their superiors and their fear of the populace, took refuge in the convent of Septimum, some distance from the city, and agreed with the monks to stake their obedience to the bishop upon the issue of the proposed ordeal. Multitudes of both sexes flocked to the spot to witness the solemn ceremony, or farce. Two parallel hedges of dry faggots, each hedge ten feet three inches in length, five feet in breadth, and four in height, were arranged at the distance of one cubit, or fifteen inches, from each other, leaving thus a narrow passage of that width between the two piles; the passage itself being strewed with highly combustible wood. The torch was applied; and while the inflammable mass exhibited one blaze of fire, the devoted champions, commending themselves to the protection of Christ, the Virgin, and St. Peter, plunged into the flames, and—emerged unharmed. This result decided the question; the clergy reported the event to the pope; and in their new-born conviction earnestly implored him to take up arms, to call out the hosts of his church, and, summoning forth all his powers, to set free the Lord's flock from their captivity under "that son of Simon Magus," their bishop.<sup>†</sup>

But the doubts of the clergy and people of Florence were more easily solved than those of Damiani and the disciplinarians of his school. A synod <sup>Reversal of the judgment by the pope.</sup> was called to decide upon the guilt or innocence of bishop Peter. No satisfactory proofs were proffered; the council, at the suggestion of Damiani, rejected the ordeal by fire; no such *primâ facie* evidence of simony having been produced against him as would warrant an appeal to the judgment of God. Notwithstanding the zealous support of Hildebrand, the monks retired discomfited, and the council passed to other matters connected with the late measures for the abolition and punishment of simoniacal practices.<sup>‡</sup> Pope Alexander II. was much displeased with the irregularities of the Florentine monks. A severe ordinance was published

<sup>†</sup> Extr. from the Life of St. John Gualbert, ap. *Baron.* an. 1063, § 57.

<sup>‡</sup> *Binius* in Not. ad Concil. *Colet.*

tom. xii. p. 146. Vit. S. Joh. Gualb. ap. *Baron.* ubi sup.

against their vagabond habits, and riotous meddling with matters with which they had no concern, and consigning them back to their convents under strict prohibition to wander about the country preaching riot and disturbance, to the overthrow of order, and in breach of their conventual vows.\*

The deposition of bishop Peter of Florence, and the substitution of a Hildebrandine nominee, might have been of advantage to the prospects of the political reform party in Rome. But the stiffer principles of the disciplinarians repudiated the summary methods the former were disposed to employ. The dauntless spirit of Hildebrand prompted him on most occasions to drive his enemies to extremity, and to profit by the errors into which rage or despair was sure to plunge them. The leader of the disciplinarians, on the other hand, was averse from all irregular or violent steps; the weapon of his warfare was the sword of the spirit; and he held up the shield of the law—as he understood it—impartially against opponents and over-zealous admirers. To his coadjutor Hildebrand the spiritual and the carnal weapon was equally serviceable, where he saw an opportunity of dealing a home-thrust with either. The speculative energies of Damiani were less easily stimulated into action than the practical talent of his colleague. The former of these remarkable men could not be driven far enough nor fast enough for the latter. Thus the archdeacon, reversing the more cautious policy of the abbot at Milan, stationed a soldier where the latter would have established a preacher.<sup>w</sup> Damiani could not bring himself to regard popular sedition, tumult, and bloodshed as proper instruments of reform; while Hildebrand extended his patronage to such champions as Herlimbald, Ariald, Landulph, Gualbert; persons profoundly indifferent to the means resorted to, provided they led by the shortest cut to the success of their operations. With these differences of feeling and opinion, it is not surprising that Damiani should have viewed with some jealousy the in-

\* *Baron.* ubi sup. § 61; and conf. *Gratian.* Decret. caus. xvi. q. 1. c. xi.

ap. *Richter*, Corp. Jur. Canon. i. p. 654.  
<sup>w</sup> Conf. p. 223 of this chapter.

fluence Hildebrand had obtained over the mind of pope Alexander II. ;\* nor perhaps more so that the latter should have often pushed matters too far, with a view to hasten the tardy movements of his coadjutor. But, notwithstanding these differences of views and character, each of them felt that he could not do without the other. Hildebrand owed to Damiani a moral and polemical support, which neither his own character nor his attainments could command ; while, if deserted by the superabundant energy of Hildebrand, Damiani might have sunk under the weight of an opposition for which his peculiar mode of warfare was hardly a match.

It was observed that, after disposing of the affair of bishop Peter of Florence, the council of 1063 proceeded to the consideration of other matters of general interest. These matters touched chiefly upon the further prosecution of the decrees of the council of 1059 against simony, clerical marriage, and lay incest. In regard to simony, nothing more was done than to republish the decree of the latter council. As to the second topic, it was provided, by way of security against the temptation to marry, that all secular priests who desired to maintain their chastity should thenceforward dwell under the same roof, and “ have all things in common,” in order, it is added, “ that they may be enabled thereby to approach to that apostolical community of life and conversation *whereby alone spiritual perfection may be attained,*” &c. At the instance of Damiani, it was further reënacted that no one should take to wife any woman falling within a traceable degree of consanguinity ; the computation to be limited to the seventh

\* The following sarcastic epigram, addressed to Hildebrand, is ascribed to the pen of Damiani:

“ Papam rite colo; sed te prostratus adoro:  
Tu facis hunc dominum, te facit ille Deum.”

*Art de vér. les Dates*, vol. i. p. 279. Soon after the council of Mantua (A.D. 1067 or 1070) an altercation had arisen between Hildebrand and Damiani, in which the former charged the latter with having spoken disrespectfully of

the pope. In his explanation Damiani addresses Hildebrand as his “ Satanias” (adversary or chastener), and sarcastically entreats him not to rage so furiously against him, and not for the future to permit his very reverend pride (veneranda superbia) to beat him black and blue. “ Spare me,” he exclaims; “ spare your very humble servant, for his shoulders are already livid with your thwacks, and his flesh is furrowed with your many stripes.” *Baron. an.* 1064, § 27, 28.

degree from the common ancestor, numbered not by persons, but by generations.<sup>y</sup>

It is remarkable that, notwithstanding the influence of Hildebrand, the genius of Damiani should have been, throughout the pontificate of Alexander II., the loadstar of the papal government. Nor can we pass a higher encomium upon the sagacity of Hildebrand himself, than that he allowed it so to be. The principles of ecclesiastical policy were, in fact, in many material respects, the same in the minds of both these eminent men: the difference lay chiefly in the means and instrumentality by which those principles were to be realised in practice. In the theory of Damiani we discern, indeed, many of the elements of the great struggle which convulsed the world during the remainder of the eleventh, and the first twenty-two years of the twelfth centuries: in the *practice* of Hildebrand we perceive an abnormal principle at work, originating wholly in the mind of one man, and having neither relation nor sympathy with the natural or the moral bases of spiritual government. However broad and comprehensive the abstract theory of Damiani, it was useful to Hildebrand only as a theory. But when stereotyped in the minds of men by the indefatigable industry, talent, and perseverance of the former, the path of Hildebrand lay before him in a great degree cleared of theoretic obstruction; the object to be attained was delineated in his own mind with admirable perspicuity and distinctness, and the means of execution were laid open to selection from any and every contingency in the life of men and nations that might be conducive to success.

This feature of the scheme of his fellow-labourer, however, had no place in the contemplation of Damiani. He objected to the indiscriminate infliction even of spiritual penalties. He found

Character  
of the Hil-  
debrandine  
scheme

distinguished  
from that of  
Damiani.

<sup>y</sup> See Conc. *Hard.* tom. vi. pp. 1137-1140; also particularly con. iv. Conf. the original epistle of Damiani, ap. *Baron.* an. 1063, § 37. The cardinal thinks that the writer did not intend that all the secular clergy should observe the

'*vita communis*,' but only those afterwards known as '*canonici*' (canons or prebendaries). But we see no good reason for such restriction upon the wording of the canon.

fault with the *frequency of excommunications* and anathemas, and desired that those general censures by which the best Christians might inadvertently incur spiritual damage, without personal knowledge or fault of their own, or for merely trivial errors, should be avoided. He censured the carelessness of the canonists in affixing the same punishments to the smallest and the greatest offences. Such, he said, was not the practice of the primitive church; *the pontiffs of the purer age had never annexed the greater penalties to any but offences against articles of Catholic faith.* With all his zeal for the independence of the church, and the exemption of the priesthood from lay jurisdiction, he gave the go-by to the decretal directing that “the accusation of a bishop should be made as difficult as possible;”<sup>z</sup> and derided the opinion that an inferior clerk was incompetent to bring any charge against his bishop. “For thus,” said he, “the bishops are rendered careless; they think they may live as they like, for that there is none to reprove them . . . . Therefore let this false opinion be for ever cast aside, and let every man who hath any complaint to make against his bishop *freely resort to his metropolitan*,—nay, let the door to complaint be thrown wide open; and let even him who wields the rod himself feel that the rigour of ecclesiastical law may visit his offences in like manner with the meanest.”

This disposition to economise spiritual penalties and Controversy on simony. terrors, combined with an anti-decretal deference for metropolitan authority, could not but be distasteful to the fiery spirit of Hildebrand. But in another direction Damiani did a service to the political reformers which could not be too gratefully acknowledged. A curious altercation is said to have occurred between two of duke Godfrey of Tuscany’s chaplains and the acute abbot of Fonte Avellano, in which the proposition was started that “one who should purchase the temporalities of a see or benefice, but gave nothing for consecration, was not a simonian.” The honours and sacramental functions, said these persons, cannot be bought with money;

<sup>z</sup> Conf. Book VI. c. vii. p. 203.

the purchaser buys, in fact, nothing but that which is the proper subject of barter; he gives money for that which adds indeed to his wealth, but which imparts nothing that could make him a bishop; for his bishopric he receives altogether gratis.

The argument, Damiani replied, is a subtle snare of Satan to entrap the souls of men. The purchase of the temporalities is the instrument by the means of which the spiritual powers are upheld; the purchaser makes his title to the latter through the former; in buying the temporalities, therefore, he in effect buys the office and function of a bishop; without consecration he can take nothing by his contract; after consecration he becomes at once a simonian heretic. Thus, though before consecration it be a mere bargain for so much land or revenue; after that, it is as criminal an act of simony as if he had paid money for consecration *eo nomine*. Nay, it is even more odious; for it is a false and hypocritical subterfuge. Again, inasmuch as *the possessions of the church cannot be severed from the church, the spiritual and temporal endowments are indivisible constituents of the one inheritance*; he that obtains the latter without the former is a mere robber; and the very act of purchase converts the buyer into a heretic, whom no imposition of hands can transform into a bishop. Such a purchase is therefore an antecedent disqualification; for thereby a severance of the sacred inheritance is effected, and the act of sacrilege is complete before consecration. The man, therefore, who buys the temporalities buys the church, by buying that which procures him his entrance into the church.

But the theory of Damiani extends to render church property not only inalienably attached to the spiritual office, but to place it beyond all secular liability or supervision. He maintained it to have been in its origin altogether made "holy unto the Lord;" for, said he, at the birth of the church it was the habit of the devout Christian to sell all he had, and to lay the price at the feet of apostles and apostolic men, to form a fund for the relief of the poorer

Damiani on  
the purchase  
of tempo-  
ralities.

Damiani's  
pedigree of  
church  
property.

members of the primitive community ; but in after ages it pleased the successors of the apostles to direct that those who were converted to the Lord, instead of selling, should transfer the lands themselves to the churches, not for temporary use, but for a perpetual possession and provision for the poor :<sup>a</sup> and so it was under the old dispensation ; as said Moses in the law, “ No devoted thing that a man shall devote to the Lord of all that he hath, both man and beast, and of the field of his possession, shall be sold or redeemed : every devoted thing is most holy unto the Lord.”<sup>b</sup> This precept, he maintained, precluded every possible alterant dealing with the thing once devoted to holy uses ; it could not be lawfully either bought or sold : consequently, to buy or to sell the temporalities of see or benefice was a crime in itself, without reference to the consecration or ordination of the purchaser :<sup>c</sup> all persons, therefore, who maintain that the episcopate may in this way be bought with money must be pronounced heretics ; and those who merely raise the question, without supporting it, are simply—fools.<sup>d</sup>

Since the publication of the false decretals we observe a persevering struggle on the part of the clergy to identify as much as possible their spiritual status with their personal privileges and temporal possessions. It was clearly intended that the pastor, the privilege, and the possession, should constitute the one composite idea of the church ; so that an injury to either was an injury to the whole, consequently falling within the definition of sacrilege. Offences against the laws or canons enacted for the maintenance of this one and indivisible inheritance were offences against the whole body of the church catholic. And inasmuch as that body was, *as a whole*, lifted out of, and placed on, an eminence above the civil state, so

<sup>a</sup> See the decretal ascribed to bishop Urban I., as in note 1, p. 199 of Book VI. of this work.

<sup>b</sup> *Lev.* xxvii. 28.

<sup>c</sup> Besides these general arguments, Damiani relied upon the false decretals ; particularly a dictum ascribed to bishop Boniface I. (A.D. 418) and the decretals

of Anacletus and Lucius (conf. passages of Book VI. c. vii. pp. 195-199 of this work). He referred also to a canon of the council of Meaux (A.D. 847) prohibiting the purchase of spiritual offices. This canon is adopted by *Gratian. Decret. caus. i. q. vii. c. 3.*

<sup>d</sup> *Baron. an.* 1065, §§ 36-49.

every constituent element must in like manner be raised above and beyond all external disposal or control.<sup>e</sup> The inference, therefore, lay close at hand, that neither king, prince, nor patron, could claim such a property in the estate of the church as to entitle him to deal with it for his own profit, or for the benefit of his government. The lay patron might as reasonably pretend to confer orders or impart consecration, as to invest the ordained priest or the consecrated bishop with those endowments which, by the act of ordination, became part and parcel of the new being—the priest or the bishop. Investiture implied a power and a choice in the investor; but the principle repudiated both. All such right, power, or choice, is determined and put an end to by the original dedication, and the estate becomes vested in perpetuity by the mere act of ordination or consecration.

Hildebrand could not be too grateful for so sweeping and serviceable an exposition of the law <sup>Advantage of</sup> of church estate. It might, he clearly dis- <sup>the theory of</sup> cerned, be turned to account, not only for the <sup>Damiani to</sup> overthrow of lay patronage, but to promote the <sup>the scheme of</sup> transfer of that patronage to the holy see. <sup>Hildebrand.</sup> The theory of Damiani was never absent from his contemplation. The *unity of person, privilege, and property*, was all he could desire for the emancipation of the clergy from secular governance, the final divorce of church and state, and the ultimate centralisation of spiritual and temporal government in the single hand of God's representative upon earth. Whether the master intended to go the length of the pupil may be questioned. It may strike some readers that Damiani put forward this extreme view of the clerical status, rather because it furnished a plausible answer to the argument of the chaplains than with intent to threaten the lay patron with the loss of his accustomed rights. His historical deduction of the origin and destination of church property is almost too extravagant to lead us to believe that it imposed upon himself; and it is tolerably clear to us that he spoke with

<sup>e</sup> We make free to refer the reader to remarks in Book VI. c. vii. pp. 195-197 of this work.

reference rather to *original endowments* than to that kind of property which, at this period, formed the great bulk of the domains enjoyed by the superior orders of the Latin clergy. We shall, however, have hereafter to examine more attentively the character of the vast accumulation of landed wealth acquired by the churches, with a view to ascertain whether it can fairly be brought within the description of spiritual endowment, and so become entitled to that exemption from temporal control and liability which theoretically attached to all original gifts or grants for pious uses.

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## CHAPTER IV.

### HENRY IV. AND GREGORY VII.

Merits of Hildebrand—he is proclaimed pope—his irregular election—Gregory VII.—Humility of Gregory—History of his confirmation—Improbability of the Italian account—Alarms created by the elevation of Hildebrand—Career of Gregory VII.—Preliminary inquiries—Corrupt administration; simony and oppression in Germany—Hostile disposition of the Saxon princes—Disgrace of Adalbert of Bremen—Captivity of the king—Henry's marriage and contemplated divorce—He is betrayed by Archbishop Siegfried of Mainz—Commission of Damiani against the divorce—Success of Damiani—Adalbert stimulates the hatred of Henry for the Saxons—Illegal conviction of duke Otto of Nordheim—Defeat and captivity of the Saxon princes—Alarm of the estates of the empire—Supposed scheme of Henry IV. for the subjugation of the Saxons—Affair of the Thuringian tithes—Threatening aspect of affairs in Germany—Henry IV. and Gregory VII.—Education and character of Henry IV.—Accusations against Henry IV.—The policy of slander.

WITHIN the five preceding pontificates the archdeacon Hildebrand had introduced or suggested measures, all tending to the derogation of the imperial influence, the reduction of adverse ecclesiastical privilege, and the suppression of domestic faction. Yet he was respected by the self-willed emperor Henry III., and regarded by many of the most considerable canonists and prelates of Germany as the champion of spiritual prerogative. The authority of Henry III. in Italy hardly survived him; and during the minority of his son it dwindled almost to a shadow. The refractory prelates of Lombardy were still smarting under the lash of Hildebrand; the seditious nobles of Rome had acknowledged the hand of a master; and the dangerous Norman hordes of the south had been converted into vassals and allies of the holy see. Every blow he dealt, every shaft he aimed, had found some vulnerable spot in the panoply of his opponents. Though there is reason to believe that,

at each succeeding vacancy of the papal chair, the supreme power had been within his reach, yet he waited with admirable patience until he had matured his scheme, collected his forces, and so far mastered all the more powerful springs of sacerdotal action, as to secure the support of a numerous band of adherents, who, in serving him, sincerely believed they were serving the cause of God and His church.

At the death of pope Alexander II., the emperor-Hildebrand elect, Henry IV., was in the twenty-fourth Hildebrand pope. year of his age and the eighteenth of his reign; and the moment had arrived when the advantages already gained must be secured or lost. It was time for Hildebrand to assume the supreme direction of the machinery he had prepared, and to place himself upon that eminence which had long since been awarded to him by the unanimous suffrage of his friends and fellow-labourers. With all this, however, there was hardly a point of time at which caution was more necessary. Any ill-calculated or precipitate step might engender an alliance between the imperialists and the discontented prelates of Lombardy, who still possessed no lack of well-wishers in Rome itself. The archdeacon, therefore, took no ostensible steps to secure his election. In performance of the ordinary duties of his office, he superintended the obsequies of his predecessor, and attended the funereal procession to the church of St. Saviour of the Lateran. While engaged in this solemn duty, a sudden cry arose among the attendant populace, "Hildebrand is our bishop!" Disconcerted by this precipitate movement, the archdeacon ascended a kind of stage or pulpit which stood by the way-side, and endeavoured to address the multitude; but his voice was drowned amid their acclamations, and at that moment cardinal Hugo Candidus proclaimed him the only proper person to fill the vacant chair. "He had been," he said, "for more than a quarter of a century the champion of the Roman church, the restorer of domestic tranquillity, the protector of the His irregular election. poor and the oppressed, the terror of tyrants." Without a moment's delay the assembled people

rushed upon him, and, in defiance of resistance and protestations, carried him off by force, and installed him in the pontifical chair. The forms of a canonical election were afterwards hastily gone through, and Hildebrand consented without further remonstrance to assume the government of the church by the style and title of Gregory VII.<sup>a</sup>

It is not improbable that the tumultuary character of his election was displeasing to him. It is Gregory VII. to be supposed that he was seriously impressed A.D. 1073. with the difficulties of his new position, and anxious to avoid any dangerous objections at the threshold of his career.<sup>b</sup> He, therefore, delayed his consecration till he should have ascertained with some certainty the disposition of the court of Germany, and the state of public opinion in that country and in northern Italy. The news of his election, in fact, produced no trifling sensation in both countries. The past conduct of Hildebrand had given a sufficient warning to the delinquent clergy of the kind of treatment they were likely to meet with at the hands of the new pope. They, therefore, addressed a clamorous petition to the king to declare the election void, on the ground that his license had not been obtained; and they admonished him that, unless he steadfastly resisted such contempts of his prerogative from a person of Hildebrand's character and pretensions, *he would shortly find himself the greatest sufferer by his supineness.*

This advice was followed; and earl Eberhard of Nellenburg was sent as imperial commissioner to Humility of Gregory. Rome, with instructions to inquire into the circumstances of the late election, and with powers to reprove the movers of the late unlicensed proceeding; and, if need be, to compel Hildebrand to descend from the usurped throne. The latter received the envoy with submissive courtesy, and listened to the imperial message without change of countenance. In reply, he called God to witness that he had accepted the throne with the

<sup>a</sup> See the *Registrum Greg. VII.* Conc. ed. *Colet.* tom. xii. p. 234—among the Epistles, lib. i., ep. 1 and 3, pp. 235, 236; in *Harduin's* ed. tom. vi. p. 1195

et sqq.

<sup>b</sup> See the letter quoted from in the preceding note.

utmost reluctance; that he had no motives of personal or selfish ambition to gratify; that the government had been thrust upon him by the unanimous voice of the Roman people, and that he had religiously withstood consecration until he should have ascertained, through some safe channel, that his election was agreeable to the king and princes of the empire. At the same time he signified his intention to delay his inauguration until the king's pleasure should be officially communicated. The king, says the German annalist, when he received this humble and dutiful reply, was so charmed that he sent immediate orders to Rome for the consecration and enthronement of the new pope.<sup>c</sup>

The Italian friends of Hildebrand, however, thought fit to give a different colour to the transaction. History of his confirmation. The new pope, say they, seeing no mode of escaping an elevation he so greatly dreaded, determined to make the king himself the instrument for divesting him of a burden he was unable to bear: to that end he despatched two successive letters to Henry, in one of which he announced the death of Alexander II., and in the other notified his own election, intimating that if the king should be so ill-advised as to give his assent to the unlicensed act of the Roman people, he would assuredly not put up with his (the king's) irregularities. The menace, we are told, had precisely the contrary effect to that which the pope had expected; so far from resenting the spiritual freedom of Gregory, he immediately despatched the bishop of Vercelli, his chancellor for Italy, to Rome, with orders to confirm the election and to be present as his representative at the consecration.<sup>d</sup>

As to facts, there is little room for choice between these two accounts. Gregory himself, who pre- Improbability of the Italian account. sents us with an almost complete autobiography, in the collection called his "Registrum," gives no hint of any such letters. Neither is it at all probable

<sup>c</sup> *Lamb. Schaffn.* an. 1073, ap. *Pertz.* tom. v. p. 194. Lambert is in error as to the date of the consecration. He tells us that it was performed at the feast of the Purification in the following

year (1074); but, in fact, it took place on the 29th of June in the same year (1073).

<sup>d</sup> *Bonizo*, ad *Amic. lib. vii. ap. Æfæl.* ii. p. 811.

that a prince of Henry's temper would have remained indifferent under so gross an insult. There were indeed serious grounds for impeaching the regularity of the election. The election-law of Nicolas II. (1059)<sup>e</sup> cast the initiative (at least) upon the cardinal-bishops. In the case of Gregory VII. no fact is more certain than that this office was usurped by the populace without any previous proceeding on the part of the clergy, or any members of that body,—the very danger the election-law was intended to obviate.<sup>f</sup> The defect could not be cured by the imperial assent; and the objection to the title of the new pope was still open to the Catholic world, even though king Henry may have waved his right to avail himself of it.<sup>g</sup>

The elevation of Hildebrand inspired the party of political church-reform both in Germany and Italy with the most extravagant hopes and expectations; while among the great majority of the clergy in both countries it produced intense alarm and apprehension. It was well known that the principles of the new pope embraced every branch of church-government and discipline, and that there was no limit to the powers he claimed for their practical application. His more sanguine friends, therefore, looked forward to a revolution which was to seat them by his side upon the throne of "God's inheritance;"<sup>h</sup> while his adversaries, still writhing under the insults and injuries he had so recently heaped upon them, were fully assured that

Alarms created by the elevation of Hildebrand.

<sup>e</sup> See c. i. p. 161 of this Book.

<sup>f</sup> *Bonizo*, it seems, felt the pinch of the objection, and passes over the violence of the populace without notice. But the evidence of Hildebrand himself is conclusive upon the point. See *Regist. &c.*, ep. 1 and 3, ubi sup.

<sup>g</sup> Gregory himself—if he be the author of the record of election prefixed to his "Registrum"—does not appear to have satisfied the terms of the edict of Nicolas II.; for, though he assigns the initiative to the body of cardinals, he makes no mention of the *cardinal-bishops*, with whom, in conformity with the decree, the nomination in the first instance rested. Nothing, indeed, is

more striking in the history of the papacy than the difficulty of determining what was a true canonical election. Scarcely any two such proceedings are precisely alike in form; indeed, those instances in which no discernible rule at all was observed are by far the more numerous: hence the difficulty of distinguishing between *popes* and *antipopes*. Conf. the preamble to the "Registrum" Greg. VII. Concil. ubi sup. xii. p. 234.

<sup>h</sup> Conf. Book VI. c. vi. p. 181. *Ibid.* c. viii. pp. 216-225, 'The throne of God's inheritance meant, of course, the sceptre of the world; as in *Ps.* l. 12, "The world is mine, and the fulness thereof."

neither relaxation nor mercy was to be expected at his hands. The laity, and among them more especially persons of rank and position in society, felt their most material interests compromised, and their dearest affections violated, by the vitiation of marriages, and the revival of obsolete canons embracing so wide a circle that, without the aid of the clerical genealogist, it was difficult to distinguish between lawful and unlawful matrimony, and, of course, between legitimate and illegitimate offspring.<sup>1</sup> Meanwhile the court and clergy of Germany were agitated by vague apprehensions of a design upon the customary rights as well as upon the illegal revenues they had hitherto derived from church property and patronage. All these various hopes and fears spread uncertainty and uneasiness among all the classes affected by the late reforms; and the confusion they introduced into men's minds opened a wide field for the exercise of the peculiar talents of the new pope.

But, inasmuch as we shall have to advert at some length to the policy of Gregory VII., both in principle and practice, it will be expedient in this place to map out the field chosen for their display, and in some degree at least to disentangle the complicated state of political interests and events he had to grapple with, or to direct. To that end it will be necessary to take a somewhat larger survey of the state of the empire in its relations to the church, and to inform ourselves, as well as we may, from the partial and contradictory accounts of friends and foes, of the character, talents, and capacities of the prince with whom he was about to involve himself in a lifelong struggle of irreconcilable principle and deadly personal hostility. It will be equally necessary to advert shortly to the nature and actual relations of ecclesiastical estate and endowment to the rights of the crown and private proprietors in respect of territorial or landed property. It will then be open to us to place before the reader a fuller and more intelligible view of the principles upon which Gregory

Career of  
Gregory  
VII.; pre-  
liminary  
inquiries.

<sup>1</sup> Conf. c. iii. p. 216 et sqq. of this Book.

VII. proposed to deal with lay as well as ecclesiastical persons and bodies, with a view to impel them into the channel he had marked out for them from the outset of his extraordinary career.

It was a fortunate circumstance for Gregory that his adversary was one upon whom his favourite Corrupt ad- weapons of attack might be expected to tell ministrations with effect. The neglected education of king Henry IV. has been already adverted to.<sup>j</sup> Archbishop Adalbert of Bremen, though a man of talent and external polish, was an unfit preceptor for a youth of strong emotions and unbridled passions, goaded into premature activity by cruel violence and injustice at his entrance into life. Henry's attachment to his tutor was affectionate and sincere; but this ascendancy had been gained by unbounded indulgence, and liberty to choose his companions among the deserving or the worthless at his pleasure. It may be easily conceived that little discrimination was exercised in the choice; but Adalbert, relying upon his own mental and personal advantages, was contented to share the powers and emoluments of government with the vain and dissolute favourites who surrounded the young king. The minority of the king was, however, an obstacle to the full enjoyment of the ascendancy thus acquired; and in the year 1065 Adalbert declared him—though he had but just completed his seventeenth year—of full age, and begirt him with the sword of empire. Earl Wernher, a clever but vain and insolent youth, stood at the right hand of king Henry; and he and the archbishop proceeded jointly and amicably to fill their purses and increase the numbers of their dependents by the profuse appropriation of state patronage; Simony more especially by the sale of bishoprics, abbey, and ecclesiastical preferment of all kinds. The offices of government were put up to auction; merit and public services were overlooked; and every chance of advancement was cut off from all but those who came prepared to disburse freely to the hangers-on and minions of the court. Arbitrary sequestrations and colourable resump-

<sup>j</sup> See c. ii. pp. 198-201 of this Book.

and oppres-  
sion in  
Germany. tions of ancient crown-grants formed in their hands a profitable source of revenue. The infection of venality spread; and the more powerful barons and prelates, though themselves beyond the reach of court extortion, hastened to participate in the plunder of church and state, and to plunge so blindly into the prevailing peculation, that not a thought was entertained, a word uttered, or an arm uplifted for the relief of the sufferers or the protection of the public interests.<sup>k</sup>

In the first year of his majority the king retired with his ministers to the remote chase or forest of Goslar in the Hartz-wald, with a view, as it is charged against him, to withdraw himself from the inconvenient observation of the estates of the empire. The position of Goslar was, besides, favourable for keeping an eye upon the movements of the princes of the house of Saxony, who were regarded by Henry as the hereditary enemies of his family, and cordially hated by the archbishop for their recent inroads and depredations upon the lands belonging to his church. In fact these great vassals had neither forgotten nor forgiven the transfer of the sovereignty from the ancient race of Billung to the comparatively recent Franconian family. The vigorous arm of Henry III. had, during his lifetime, repressed every dangerous movement among the disaffected descendants of the rival house; but when it was withdrawn, the haughty Saxon chiefs were at no pains to disguise their contempt for his infant successor; and watched their opportunity to revenge the severities of the father upon the son.<sup>l</sup> A conspiracy among them to that end, in the year 1057, was detected and defeated by the promptitude of earls Bruno and Ecbert of Brunswick. Though overborne for the present, the Saxons watched the court and the ministers with the most malignant vigilance. Exaggerated reports to the disparagement of the young king's life and habits were eagerly circulated and devoutly believed. It was whispered that Adalbert secretly connived at the crapulous habits of his pupil,

<sup>k</sup> *Lamb. Schaffn.* an. 1063, ap. *Pertz*,  
tom. v.

<sup>l</sup> *Ibid.* an. 1057.

with a view to reduce him to a state of imbecile dependence upon the ministers of his pleasures. Every rumour that the credit of the archbishop was on the decline encouraged them to renew their incursions upon the territory of his see; and to withhold those services and purveyances to which they were bound by allegiance and tenure, and from which, in that age, the erratic court of Germany derived the means of government and subsistence. Adalbert improved the opportunity which these repeated vexations afforded to instil into the mind of the king the same vindictive hatred of the whole Saxon race which rankled in his own breast.

The archbishop of Bremen was not more fortunate in his foreign than his domestic management. After the abduction of the young king from the guardianship of the empress Agnes in the year 1062, the archbishop-regent Hanno of Cologne, as long as he held the reins of power, kept the balance pretty evenly between the rival popes, Alexander and Honorius. Finding himself supplanted by the influence of Adalbert, he drew over to the party of Alexander, and surrendered himself to the influence of Damiani and the Italian reformers.<sup>m</sup> Adalbert meanwhile extended an inefficient support to the cause of Honorius; the ill-success of the latter threw further discredit upon his administration, filled up the measure of error or misfortune, and encouraged his enemies to play a bold game for the recovery of power. Counting upon the general dissatisfaction of the country, the two archbishops, Siegfried of Mainz and Hanno of Cologne, of their own authority assembled a convention of the estates of the empire at Tribur on the Rhine, and put to the king the short alternative of dismissing his minister or resigning the crown. His first thought upon the receipt of this treasonable message was to resist it in arms; but the mis-

Disgrace of  
Adalbert of  
Bremen.

<sup>m</sup> Before the year 1065 Hanno had been in correspondence with Damiani. The celebrated "Disceptatio" (see c. ii. p. 202 of this Book), and several extant letters of the latter, are addressed to him. Before that time Hanno had cer-

tainly paid one, probably two, visits to his confederate Godfrey of Tuscany. It may be therefore conjectured that mortification at the loss of power was the secret of the holy man's conversion.

conduct of the favourite Wernher,<sup>a</sup> and of his own followers, deprived him of the sympathy now so necessary to his interests; and before he could strike a blow, his cause was lost. No course remained but to lend his name and authority to an assemblage which the public law of the empire pronounced an act of rebellion. He mounted the throne as sovereign and president, but found every face among the lieges present averted from him. For a moment he meditated resistance; he attempted flight, and found himself a helpless prisoner in his own palace. In this dilemma Adalbert saved him from his most serious difficulty by a voluntary retirement, and the king sullenly submitted to the terms dictated by the victorious opposition.

In the hope, perhaps, of weaning him from the dissolute habits he had contracted under the loose  
 Henry's marriage, and contemplated divorce. superintendence of Adalbert, the two archbishops now insisted upon his fulfilment of a contract of marriage his father had entered into for him with Bertha, the daughter of Markgrave Otto of Susa. Henry offered no resistance, but transferred all the dislike he entertained for the proposers to the innocent bride they had forced upon him. The nuptials were duly solemnised; but the young queen, though accomplished and affectionate, was from the moment of her marriage regarded by Henry with undisguised aversion. They continued, however, to live for a period of two years under the same roof; and in that interval the king assumed his proper position in the state, and filled it with credit, yet without losing sight of his project of emancipation from the matrimonial yoke imposed upon him by his enemies. With a perfect knowledge of the rapacious character of the primate of Maintz, the king had hoped to make him instrumental in procuring the divorce he contemplated. The bargain was, in fact, struck between them; but political impediments disabled Henry from performing his part of the contract;

<sup>a</sup> He was slain in an affray with the inhabitants of Ingelheim, whom he had brutally plundered and ill used.

and the primate, unwilling, unless sure of his reward, to incur the odium of assisting him to put away his innocent consort, sent secret information of the king's project to pope Alexander II. Meanwhile the king, in ignorance of the treachery of his accomplice, hastened to prosecute his suit before a high commission-court, or synod, assembled by archbishop Siegfried at Maintz to hear the cause. But while on the road Henry learnt, to his dismay, that a legate had arrived from Rome with peremptory instructions to inhibit the proceeding.<sup>o</sup>

He is betrayed by archbishop Siegfried of Maintz.

That legate was no less important a person than Peter Damiani, the most rigid moral censor of his age, and disagreeably known to the king by the austere rebuke addressed to his friend and favourite Adalbert for the support he had afforded to pope Honorius II. Henry was with difficulty persuaded to meet the legate. By his command the court was transferred from Maintz to Frankfort-on-the-Mayne. The prelates and princes summoned repaired to that city, and were followed by Damiani into the king's presence. The swaggering and restless manner of Henry contrasted disadvantageously with the calm demeanour and venerable aspect of the churchman; and the first address of the latter put an end to all hope of success. Before the proposal of a divorce could be propounded, Damiani declared the object of the commission of divorce to be contrary to the laws of God and man, repugnant to the Christian profession, and derogatory to the honour of the crown. "If," said he, "the king may not be deterred by man's law, let him at least show some regard for his own reputation; let him beware lest the poison of evil example, beginning with the loftiest in station, pollute the whole mass of his people; lest he, the avenger of crime, become himself the ring-leader in vicious indulgence. But if, after all, the king shall not incline his ear to purer counsels, it will be the

Commission of Damiani against the divorce.

<sup>o</sup> *Lamb. Schaffn.* an. 1069. See archbishop Siegfried's letter to the pope, inserted in the *Concil.* ed. *Colet.* tom. xii.

pp. 179, 180; *Pagi, Crit.* ad *Baron.* an. 1069, No. i. to No. v.

duty of the pope, not as a matter of choice, but of dire necessity, to prevent the intended crime by force of law and of the ecclesiastical powers intrusted to him. And, of a truth, the holy father will not by any means be prevailed upon to confer the imperial crown upon one who shall, by so pestilent an example, bring disgrace upon himself and the whole Christian profession."

The preliminary objection of the legate was adopted by  
Success of  
Damiani. acclamation, and Henry abandoned all further attempt to prosecute his suit. "If," he said, "such be your pleasure, I will strive to bear as well as I may the burden I am unable to cast off." After this declaration he sullenly turned his back upon the assembly; and without honouring the legate even with a passing salute, he set forward upon his return to Goslar, attended by a slender bodyguard of scarcely forty knights. Thither he was, by his orders, followed by his amiable and insulted queen. Henry received her with his accustomed courtesy of manner. But the rooted aversion with which he regarded the authors of his humiliation still clung to the person of Bertha; and though they lived under the same roof, no further intercourse took place till years of patient and loving endurance had overcome the unreasonable personal dislike of Henry. Bertha afterwards bore him several children, and continued to the end of her days his tender and faithful companion under every vicissitude of his changeful fortunes.<sup>p</sup>

After his resignation, in the year 1066, archbishop  
Adalbert  
stimulates  
the hatred of  
Henry (or  
the Saxons. Adalbert had resided at Bremen, watching the movements and repelling the repeated inroads of his enemies the duke Magnus of Saxony and the princes of the house of Billung. The luckless issue of the divorce-cause in 1069, however, brought with it his recall to the court and councils of the king. After his retreat from Frankfort, Henry cast off all show of deference for the authors of the mortifications he had endured; and their accomplice and enemy Adalbert at once resumed all his former influence over the mind of the monarch. He brought back to the me-

<sup>p</sup> *Lamb. Schaffn.* an. 1069; *Pertz*, v. 174, 175.

mory of Henry the ancient feud of his house with the race of Billung, and stimulated him to the adoption of measures that could lead to no other result than a destructive civil war.<sup>a</sup> By forced requisitions and compulsory labour, the numerous royal castles erected within the Saxon lordships were strengthened and stored with provisions, and several new forts were erected in various commanding positions. The Saxons beheld with dismay these preparations for their subjugation. But their remonstrances were repelled by the court, and no alternative remained but to submit, or to combine for their defence.

Duke Otto of Nordheim, issue of a princely race, and the possessor of extensive fiefs and demesnes within the Saxon circles, was regarded as the natural chief of the malcontents, and fell, of course, under suspicion of a conspiracy to combine the threatened dynasts against the crown. The intention or the deed, either or both, were regarded as overt acts of treason. At the instigation of Adalbert, Egino, a person of noble birth, but of evil reputation, denounced the duke as author of a plot to murder the king, and pledged himself to make good the charge upon the body of the traitor. In reply to the challenge, Duke Otto reasonably protested against the legality of a summons to defend life, honour, and estate, against an accusation unsupported by any proof of criminality, but the simple deposition of a man of inferior rank, bankrupt in character, and in every respect disqualified to call a prince of the empire into the lists. The king peremptorily overruled the plea, and the gallant duke consented to wave his privilege upon the king's safe-conduct to and from the place of combat. But this proper request was refused; the king would make no terms with a subject under charge of treason; and the duke was informed that except he appeared on the appointed day and place, and there committed his cause to the judgment of God and his peers, he would be dealt with as a convicted rebel and traitor. The denial of the legal inquest preliminary

<sup>a</sup> *Adam. Bremens.* lib. iii. c. 58. ap. 1072, *ibid.* v. p. 189.  
*Pertz*, vii. p. 359. *Lamb. Schaffn.* an.

to the wager of battle, but, above all, the refusal of the safe-conduct, convinced the duke that his cause was prejudged, and that, whatever the result, no reliance could be placed upon the justice of the court. He and his fellow-sufferers, therefore, resolved rather to commit life and honour to the keeping of their own good swords than to the doubtful faith of either king or courtier. In that age, however, the rejection of the "judgment of God" was almost equivalent to a confession of guilt; and upon the day appointed for the ordeal the assembled court of peers saw no alternative but to pronounce a verdict of "guilty," and to condemn the culprit to the forfeiture of life, honour, and estate.

Thoroughly prepared to take advantage of this mockery of justice, the executive forces of the court spread themselves over the Saxon principalities. For nearly a twelvemonth the Saxons continued to oppose a gallant resistance to the invaders; but either the absence of the needful preparation, or the want of combination among themselves, rendered their efforts unavailing. Dukes Otto of Nordheim and Magnus of Saxony fell into the hands of their enemy, and were committed to close custody, to await their fate at the pleasure of the king and their mortal foe Adalbert. But at the close of the war men stood aghast at the terrible amount of misery and devastation which the unbridled passions of their master and his minion had entailed upon some of the most flourishing and fertile districts of the empire. A burning thirst for revenge smouldered in every Saxon breast, and the princes of the empire beheld with misgiving the anomalous composition of the armies with which Henry had achieved the humiliation of their colleagues. It was suspected, that if he should, by dint of forfeitures and confiscations, be enabled to amass the funds necessary to maintain a mercenary army, independent of the constitutional militia of the empire, their honours and possessions would not long survive his success. After what had befallen duke Otto, attendance upon the court of the sovereign, to which they were bound by their duty as

Defeat and  
captivity of  
the Saxon  
princes.

Alarm of  
the princes  
of the  
empire.

vassals, appeared fraught with danger; and the two powerful princes, dukes Rodolph of Swabia and Berthold of Carinthia, declined the imperial summons to court and council. Berthold was peremptorily declared guilty of treason, and deposed from his dukedom; Rodolph for the moment escaped the like sentence, only through the intercession of the empress-mother.

Murmurs, however, were now heard from many quarters it might be dangerous to overlook. In the year 1072 death deprived the king of his favourite minister, Adalbert of Bremen. Yielding coldly and reluctantly to the loudly-expressed wishes of the estates, Henry once more called the archbishop of Cologne to the head of affairs. But that prelate soon found his counsels slighted, and his measures thwarted by the undisguised opposition of the king and his favourites. Foreseeing the storms gathering in the horizon, he resigned in disgust; every check to the execution of the wildest schemes of Henry against the liberties of his Saxon enemies was removed; the hill-forts and castles intended as the basis of operations against the principalities were strengthened to the utmost, and new ones were constructed where most serviceable for overawing the disaffected districts. For all these works the forced labour of the townsfolk and peasantry was put in requisition, and the king's garrisons were permitted to plunder the surrounding country without stint, in order to provide supplies and stores for the defence of their posts. It was rumoured, and believed at the time, that the king intended to expel the whole resident population of Saxony, and to repeople that country with Swabians, in whose loyalty he thought he could place a firmer reliance. It was whispered abroad that the intolerable exactions of the garrisons were intended to answer the purpose of goading the people into revolt, and thus to furnish the king with a pretext for his tyrannical design. But the Saxons, says the historian of the period, by their admirable patience under oppression, disappointed the hopes of the king, and compelled him to seek some more plausible mode of entrapping them into rebellion.

To that end he is believed to have renewed the negotiation some time before entered into with the venal archbishop Siegfried of Maintz, to recover for him the tithes of the Thuringian lordships,<sup>r</sup> making it a condition of the compact, that, if successful, one-half the sums received should be paid into the royal treasury. The primate eagerly fell in with the proposal, and, by way of giving colour to his usurpation, convoked a packed synod at Erfurth for the 3d of March 1073, to be held in the presence of the king.<sup>s</sup> Among the members of this convocation two only, the abbots of Fulda and Hersfeld, dared to make any stand for the ancient rights of the threatened proprietors. But their proofs were rejected; their defences were repelled with insolence by the archbishop; and in the last resort the two abbots declared their intention of appealing to the pope against the contemplated robbery. This resolution had hardly passed their lips, when the king, who had up to that moment taken no part in the discussion, leaped from the throne in a paroxysm of rage, and swore a round oath that "if priest or parson among them should dare to breathe a word in the ear of the pope, he should pay for it with his life; nay, that he would so utterly root out and destroy him, and all that he could call his own, that the terrors of his vengeance should resound in the ears of posterity for ages to come." Resistance for the present seemed hopeless; the abbots abandoned a portion of their tithes, to save the rest. The abbot of Hersfeld was let off upon making over to the archbishop one-third of the tithes accruing upon the demesne lands of his convent, and one-half of those leviabie upon the other parishes and benefices appropriate to the abbey. Fulda fared somewhat better; the abbot obtained exemption for his demesne, but gave up a moiety of his appropriate or parochial tithes to the archbishop.<sup>t</sup>

<sup>r</sup> The stipulated price of the archbishop's acquiescence in the divorce of Henry, but which he was at the moment unable to comply with, and which non-compliance had induced the archbishop to betray his design to the pope.

<sup>s</sup> Lambert names only the bishops of

Bamberg, Hildersheim, Zeitz, and Osna-brück, the abbots of Fulda, Hersfeld, and some other heads of great conventual houses.

<sup>t</sup> After some consideration, we think the account of the contemporary historian Lambert runs as stated in the text.

The submission of the two great abbeys, it appears, intimidated the other holders of appropriate tithes, and they meekly submitted to the forfeiture. The country remained undisturbed, and, if there be truth in the motive imputed to the king, he failed in driving his Saxon subjects into rebellion. But he succeeded in heaping up an abundant store of discontent and hatred against the day of retribution. "He knew," says the historian, "that what he had done would draw upon him the displeasure of the holy see; and such was his dread of an appeal, that, before the dispersion of the synod, he again threatened the two abbots with his vengeance, if, by their act or connivance, or if in any manner, complaint against the decision of the synod should reach the ears of the pope." These apprehensions were not without foundation; and it would have been well for him if at that moment he had had an adviser at his elbow who could have instructed him how to encounter the shafts of the formidable monitor who, but a few days after the completion of this nefarious job, mounted the papal throne.

Threatening aspect of affairs in Germany.

The character and capacities displayed by king Henry IV. up to the moment he appears upon the stage in the presence, as it were, of his great opponent, become of importance to the progress of the narrative. All the conflicting interests of church and state were, so to speak, represented in the

Henry IV.  
and  
Gregory VII.

The terms "curtes dominicales" are used to denote demesne lands, *i.e.* lordships, farms, or lands, held by the convent *proprio jure*, and corresponding in their nature with our tenure in Frank-almoigne. The "ecclesie" spoken of as attached to the convents were probably "appropriations;" that is, cures of souls annexed to and supplied from the convents. It appears that in this case the archbishop set up a more ancient appropriation to his see of all tithes, both lay and ecclesiastical, within his province; overriding, therefore, all prescription or custom to the contrary. It is possible that Siegfried founded his claim upon some perverted construction of the capitularies of Charlemagne,

which gave to the archbishop the right of superintendence over the application of tithes according to the then subsisting rules of canon law. See *Cap. Longob.* an. 803, § 19, ap. *Pertz*, Leg. i. p. 111; *Car. Mag.* Capet. an. 779, § 7, *ibid.* p. 36. *Gratian.* Decret. q. xvi. cc. 44, 45, 46, 56, 57, ap. *Richter*, C. J. C. i. pp. 664-668. Upon the subject of "appropriations," see *Blacks. Com.* ed. Stephen. vol. iii. p. 70.

<sup>a</sup> *Lamb. Schaffn.* an. 1073, ubi sup. We have avoided encumbering our footnotes with the citation of particular passages from the Annals of Lambert, the only thoroughly trustworthy authority for the ecclesiastical history of Germany within this period.

persons of these two actors. Opportunity has already occurred of taking some measure of the talents and designs of the champion of ecclesiastical privilege; we may therefore, in this place, advantageously introduce to the reader the contemporary estimate of the qualifications of him on whose shoulders the whole burden of a defensive warfare of vast difficulty and danger was about to devolve. Excepting in the qualities of courage and intensity of purpose, there is no single point of similarity in the two characters; yet their fitness for the several parts assigned to them in the great drama was pretty evenly balanced, and the weapons of their warfare, though of different form and temper, were wielded with no more scrupulous regard for truth and honesty on the one side than on the other.

Henry was possessed of natural abilities beyond mediocrity; but it is difficult to imagine any kind of education better adapted to give them a wrong direction than that of which he was the subject and the victim. Petted and indulged

Education  
and cha-  
racter of  
Henry IV.

by the empress-mother up to the thirteenth year of his age, all his boyish passions were suddenly called into violent action by the treasonable abduction which tore him from her arms. His desperate leap from the deck of the conspirators' vessel into the broad and rapid Rhine<sup>v</sup> might have taught his jailors that they had no acquiescent character to deal with. The habits of the morose prelate, to whose custody he was consigned, inspired him with unmitigated disgust, and taught him the first lessons of dissimulation. The incongruous mixture of ascetic pietism with the most vulgar motives of worldly cupidity in his tutor could hardly escape the attention of the shrewd and observant youth. He submitted with apparent resignation to a state of bondage he had no power to change; but he learnt to suppress feeling, to cherish resentments, to mistake license for liberty, and to regard moral and constitutional restraints upon his arbitrary will as treason to his state and person. Adalbert of Bremen was the person of all others best

<sup>v</sup> *Lamb. Schaffn.* an. 1062.

qualified to bring these dispositions to maturity. He had undertaken to retrieve, for the benefit of the conspirators of 1062, those affections which they had forfeited; but he betrayed the betrayers, and diverted to his personal profit the power which his fascinating manners soon established over the mind of his pupil. Adalbert was the only person in the world, except his mother, Agnes, whom Henry had ever loved. Under his superintendence the boy-king enjoyed the most perfect freedom from all those restraints which the austerity of Hanno had so rigidly enforced; and he surrendered himself to pleasures and indulgences which, if we were to believe the hostile reports of his early habits, must have altogether broken down and ruined a mental, as well as a bodily constitution of a less substantial cast. Associated from his fourteenth year with lawless, voluptuous, and insolent boon companions, with the daily example of plottings, treasons, plunderings, jobbings, venalities, and corruptions of every shade before his eyes, the wonder is that his mental and bodily health should not have broken down together. And yet his boyish debaucheries do not appear to have materially injured either.

But in these youthful extravagances there was ground enough for slanderous tongues to heap up a mountain of inculpation. Every error, every <sup>Accusations</sup> crime or mistake, whether his own or those of <sup>against</sup> Henry IV. his guardians, companions, or ministers, was, with ruthless severity, and often with malignant falsehood or exaggeration, written down to his account. If one-half the items in the black catalogue of crimes imputed to him by the envenomed pen of priest Bruno of Merseburg had been true, it is inconceivable how such a miscreant should have found a friend in the world.<sup>w</sup> Yet he did

<sup>w</sup> For these libels see the first fourteen or fifteen chapters of the work of Bruno of Merseburg, entitled "De Bello Saxonico," ap. *Pertz*, v. pp. 330-335. Bruno accuses Henry of lewdness, incest, adulteries, murders, rapes, seductions, poisonings, unnatural lusts, &c. &c., for each of which peccadilloes he has an anecdote in the shape of a depo-

sition or a hearsay. The only modern German historian of any eminence who has accepted the story of Bruno is Prof. Leo, in his "Geschichte v. Italien," vol. i. p. 440. The rest reject Bruno's catalogue of Henry's youthful misdeeds, as either provably untrue, or so disfigured by the malignity of the writer as to be altogether unworthy of credit.

find friends, who adhered to him with exemplary affection and fidelity—among them his own slighted and injured wife—throughout the most desperate crises of his adventurous life,—friends, even among those whom, if we were to believe his slanderers, he had most unpardonably injured.

But the emperor Henry IV. only shared the fate of <sup>The policy</sup> all upon whom the wrath of the church of Rome <sup>of slander.</sup> has fallen. The accursed enemy of God and His church was an outlaw from the realms of candour, justice, and mercy. It is a fact of no mean importance, that, from the date of the great controversy of the eleventh and twelfth centuries to that in which the mouth of Rome was gagged by the progress of the Reformation of the sixteenth, she revelled in cursings and slanders, which the better spirit of some among her own most devoted sons was prompt to rebuke. But she knew that an enemy once divested of his good name was more than half conquered; that an operative calumny paralyses defence; that the curse of the church, in most minds, deprived her victim of all right to a living character among men; and therefore she made it her business, by repeated blows, to crush the last remains of social sympathy in which it lives and breathes. There is no crime against which history is bound to raise her voice with more inexorable severity than this.

*Stenzel*, in his "Hist. of the Franconian Emperors" (vol. ii. p. 55), points out the inconsistencies and self-contradictions abounding in the work of Bruno, and the improbability that any material portion of his criminations—all of them

having reference exclusively to boyhood and youth—should be true. *Luden* (Gesch. d. Deutsch. vol. viii. p. 690, note 2) indignantly rejects them as worthless slander.

## CHAPTER V.

### NATURE AND INCIDENTS OF CHURCH-ESTATE.

Nature of church-estate in land—Of three kinds: 1. *Tithes*—To whom payable—Division of tithes by bishops, &c.—Attempts at restitution—2. *Freeholds in perpetuity*—Tenure of church-lands under the Carolingian princes—Accumulation of church-estate under the Saxon princes—The ecclesiastical proprietary and the crown—3. *Lay estate or fief* granted to spiritual persons and bodies—Incidental alliance of church and state; transfers the powers of the secular state to the clergy—Right of appointment in the crown—Antagonism of the church—Mode of election in Germany—the *ring and staff*—Direct nomination by the crown—Clerical holders liable to the temporal judicatures—Prevalence of simony in Germany.

WE cannot conveniently approach the history of the great controversy which sprung up towards the close of the eleventh century, without some acquaintance with the character and tenure of the landed estate attached to or enjoyed by the church, and of the kind of relation thereby introduced between the political and ecclesiastical government. It must always be a critical task to establish any firm basis of law upon which to rest our judgment respecting the merits of the adverse claims advanced by either against the other. Yet where the law that might otherwise govern our decision is uncertain or contradictory, we must endeavour, from custom and usage, from ancient practice and the indispensable requirements of civil government, to arrive at some conclusion as to the moral and political expediency, if not of the justice, of such adverse claims and pretensions. We have already alluded to the pontifical theory of church-estate,<sup>a</sup> and it is requisite in this place to inquire whether any, and what, portion of that vast mass of landed wealth acquired by the church “can be fairly

<sup>a</sup> Chap. iii. p. 244 of this Book.

brought within the description of spiritual endowment, and be entitled to that exemption from temporal liabilities which theoretically attached to all original grants or gifts for pious uses."<sup>b</sup>

The estate and interest in lands appurtenant to <sup>Of three kinds.</sup> churches in the reign of Henry IV. and his predecessors from the age of Charlemagne was of three different kinds: (1) *Tithes*; (2) *Freeholds in perpetuity*; and (3) *Lay estate*, or fief held by spiritual persons or bodies-corporate, and therefore in their nature liable to all the incidents, duties, and services they were subject to in lay hands. To this latter species of estate, besides lands and other corporeal tenements, we may reckon a variety of civil and military offices and honours often conferred upon ecclesiastics; and in some cases annexed to the spiritual office by special grant or by right of succession.<sup>c</sup>

1. With reference to tithes it must be observed, that the <sup>1. *Tithes*; properly legislative introduction of this charge to whom payable.</sup> on the land is very generally ascribed to Charlemagne. Before his time, the charge was either wholly voluntary, or leviable only by stress of spiritual censures. That prince, it is said, brought tithes into legal existence, and directed them to be received by "the priests of the people."<sup>d</sup> It was at no time doubted that tithes were in their origin and destination a specific provision for the support of religious worship and the cure of souls; and that they were exclusively appropriated to that purpose. Charlemagne directed them to be divided into four parts, of which one only was to go to the bishop of the diocese; the other three were assigned in undefined proportions to the maintenance and repair of the churches,

<sup>b</sup> See ubi sup. p. 246.

<sup>c</sup> "The bishop of Würzburg," says *Adam of Bremen* (l. iv. c. 162, ubi sup.), "was before this the only prelate (in Germany) who possessed the whole civil, criminal, and military jurisdiction within his diocese. After his example, our archbishop (of Bremen) so managed matters that the same county jurisdiction (the right of civil and criminal jus-

tic) within his province was annexed to his church." Conf. *Schmidt, Gesch. d. Deutsch. ii. pp. 473, 474.*

<sup>d</sup> "Sacerdotes; populi"—terms understood to mean those priests who had the immediate cure of souls within the parish or tithable district. See *Van Espen, Op tom. ii. p. 36*: "De jure parochorum decimis, et cui parochiæ debeantur." See also note (a) at the foot of the page.

the support of the working clergy, and the relief of the poor of the tithed district or parish.<sup>e</sup>

In the next following ages, however, we frequently find the bishop in possession of a much larger share, sometimes of the entire tithe of the province or diocese. The general management and distribution of tithe had, in fact, been intrusted by Charlemagne to the bishops;<sup>f</sup> a provision of law which might be construed so as to make the bishops the collectors and receivers, as well as the distributors, of the tithes, and thus hold out an irresistible temptation to retain at least the largest share of the proceeds for their own use. To this vicious construction of the law we may perhaps trace the claim of archbishop Siegfried to the whole tithe of Thuringia, as appropriate to his see.<sup>g</sup> But, in fact, throughout this and the following ages, the practice of appropriating to conventual and collegiate bodies, parishes, and churches, with cure of souls within the districts or dioceses over which their jurisdiction extended, and even elsewhere, became very general. The tithes collected and received by them were thus frequently transferred to bishops and abbots, who applied them without scruple to their own use, and with little regard to the duties to be performed in respect of them. In this way tithes soon became the subject of bargain and sale, exchange and feoffment, like any other kind of property. They were sometimes even granted out, mortgaged, or pledged to laymen; and instances occur of imperial donations of tithes to bishops over districts lying far away from their own dioceses.<sup>h</sup> In this way it came to pass that in the eleventh and twelfth centuries the cathedral chapters and conventual bodies had possessed them-

<sup>e</sup> *Cap. Episcop.* an. 801, ap. *Pertz*, *Mon. Germ. Leg.* i. p. 81. *Cap. Francic.* an. 779, *ibid.* p. 36. *Cap. Francof.* an. 791, *ibid.* p. 73. *Cap. de Villis*, an. 812, *ibid.* p. 181. *Cap. de Miss. Domin.* an. 802, *ibid.* p. 98. *Cap. Longob.* an. 802, *ibid.* p. 104.

<sup>f</sup> "Ut decimæ in potestate episcopi sint, qualiter a presbyteris dispensentur." *Belar. Capitt. Reg. Franc.* i. pp.

730 et 834. And later — "Ut decimæ quæ singulis dabuntur ecclesiis, per consulta episcoporum, a presbyteris ad usum ecclesiæ et pauperum summâ diligentia dispensentur." *Id.* *ibid.* p. 1172.

<sup>g</sup> See chap. iv. p. 262 of this Book.

<sup>h</sup> *Schmidt*, i. p. 630. The pontiffs of Rome, we suspect, were among the most conspicuous delinquents in this respect.

selves of almost all the parochial tithes, and that the working clergy were compelled to live upon occasional dues and oblations,—any thing they could pick up or extort,—to the great cost of the people, and injury to the parochial poor.<sup>i</sup>

Throughout this period, indeed, tithes seem to have been regarded and dealt with in most respects as secular estate. Thus they were granted by popes to lay princes upon pretence of some special spiritual merits towards the holy see. Princes enfeoffed them to churches, and even to lay vassals, without scruple: kings, nobles, bishops, and abbots claimed exemption from the payment on the pleas of grants and prescriptions of all kinds, and, when possessed of them, dealt with them precisely as they did with their own demesne lands. Of this state of things it might be said, without any serious exaggeration, that it presented the spectacle of a general conspiracy, involving alike churchmen and statesmen, to plunder the working clergy of the maintenance to which they were entitled under the most unequivocal provision of the law. It may be said, to the credit of the Hildebrandine reformers, that they were not slow in taking advantage of this flagrant abuse in their articles of impeachment against lay patrons.<sup>j</sup>

2. *Freeholds in perpetuity* were possessed by the churches of the eleventh and twelfth centuries to a very great extent. In the first fervour of conversion, the Germanic conquerors had bestowed a large share of the newly-acquired lands upon monasteries and churches. Bishops and abbots thus became free tenants,

<sup>i</sup> *Van Espen*, Op. ii. p. 38. The rule of the Roman canon law as to tithes is clear enough: laymen are incapable of holding tithes; as it respects monastic and capitular bodies holding or withholding them upon the pleas of prescription or grant, those pleas are to be construed with the utmost strictness and to the letter. See also *Id.* c. iv. § 9, giving an extract from the works of Thomas à Becket (A.D. 1162-1170)—“Quod debitus decimarum ad solos clericos habentes curam animarum pertinent,” &c.

<sup>j</sup> A long series of synodal resolu-

tions and papal decretals, extending from Greg. VII. to Alexander III., inculcated upon all Christians the imperative duty of restoring the tithes to their original uses. But no one of these pontiffs could afford to forfeit the support of their friends by insisting too rigidly upon obedience to this precept. They were, therefore, satisfied with holding out such ordinances as a rod to chastise the doubtful or the refractory. See *Eichhorn*, ii. p. 443 of his D. R. u. St. Gesch.

with all the powers and rights of lay proprietors. These acquisitions, however, were placed under the warranty and protection of the kings; a state of things which afterwards led to great inconvenience and abuse. In the earlier portion of the Merovingian period all such estates were burdened with the duties and renders of lay domain, more especially with the levy of the heriban or military array of the kingdom; and inasmuch as they were, with few exceptions, regarded as royal donatives—granted “beneficio regis”—and in that character closely analogous to the like grants to lay ministerials and leudes, the richer abbeys and bishoprics thus endowed were often granted out to lay barons as a reward for past, or as a retainer for their future services.<sup>k</sup>

But in process of time the perseverance of the clergy in reclaiming their rights was very generally rewarded by the restoration of the church-lands to the right owners, discharged from most of the burdens which rested upon them in the hands of the lay occupants. Subsequently rights of mint and market were added; and in time most of the bishops and abbots of the greater monasteries acquired the civil and criminal jurisdiction over all freemen and non-freemen resident upon the estate of their churches, to the exclusion of the royal judges,<sup>l</sup> and with absolute exemption from all lay control over the management and application of land and revenue. With all these privileges there was connected the single reserve of military service, and the payments or purveyances requisite to its due performance. These obligations remained unalterably attached to all kinds of tenure of land, without exception,<sup>m</sup> and in this respect the churches could claim no exemption. Though, therefore, the Carolingian princes were great benefactors to the churches, yet the military burdens imposed by Charles Martel remained unaltered throughout the reign of his successors till the death of Charlemagne, and even to a later period. Thus it hap-

<sup>k</sup> The most notorious offenders in this malpractice were Chilperic of Soissons and Charles Martel. See Hist. of the Germ. vol. ii. p. 685.

<sup>l</sup> See the diplomas of Charlemagne and Louis the Pious, ap. *Eichhorn*, loc. cit. p. 407.

<sup>m</sup> *Schmidt*, vol. i. pp. 371-374.

pened that, besides the active duties of the heriban, a variety of other renders and payments were exacted from the ecclesiastical holders, ostensibly for military purposes, but in reality for the benefit of the royal treasury.<sup>n</sup> In this way the lands of the churches, excepting only as to personal services and the incident of forfeiture for treason, fell by degrees into much the same position towards the state as those of the lay vassals; a position, indeed, which almost necessarily resulted from their disproportionate magnitude, and the political importance of the tenants.

But the rate at which church-property accumulated under the Merovingian and Carolingian dynasties was moderate compared with its advances under the emperors of the house of Saxony.<sup>o</sup> The bishops and abbots were enriched, not, as heretofore, by gifts of single plots of ground or farms, but by grants of whole cities and towns, by cantons and counties. Thus Otho I. gave to the monastery of Magdeburg several boroughs with their purlieus, and the rural districts appertaining thereto. Otho II. granted three boroughs out of the imperial domain to the church of Aschaffenburg, with all the lands appurtenant.<sup>p</sup> The

<sup>n</sup> See *Schmidt*, ubi sup.

<sup>o</sup> Bishop Ditmar of Merseburg observes, that the excessive piety of Otho III. carried him much too far in his liberalities to the churches. "Largitusque plurima pietatis opera absque temperamento." *Schmidt*, ii. p. 183. The saintly emperor Henry II. was sensible of the inconveniences resulting from the great increase of lands in mortmain. The bishops, however, were too well aware of his anxiety to "lay up for himself treasures in heaven" to miss the opportunity of enriching their churches. They plied him diligently with importunities for grants of land and immunity. Among the most pressing of these applicants was the saintly bishop Meinwerck of Paderborn. Once, and once only, the patience of the canonised monarch gave way under the stress of solicitation—"May God and all his saints confound thee," said he to the bishop, "for that thou never ceasest to

pluck at my estate, to my serious loss, and the great detriment of the empire!"—"Nay," the bishop replied, "blessed rather art thou therein, that thy liberality to the church shall surely throw wide open unto thee the gates of everlasting bliss." Vit. S. Meinwerck, c. 79, ap. *Leibnitz*, Rr. Brunsw. Ss. tom. i. p. 554.

<sup>p</sup> The grant ran exactly in the words of our feoffments in fee-simple, thus—"We give and grant to the church of A. the boroughs or towns of B. C. and D., with the lands thereunto appurtenant, together with all serfs, male and female, buildings, cultivated and uncultivated lands, meadows, pastures, fields, woods, waters, watercourses, vineyards, forests, fisheries, mills, movables and immovables of what nature and kind soever, to have and to hold, assured, and to be assured, to the said church together with all things thereunto belonging." *Schmidt*, ubi sup. pp. 185, 186.

terms of the conveyance do not appear to have differed at all from those used in secular grants of the like nature. And in practice, notwithstanding the different character and calling of the grantees, the same ideas of the nature and requirements of the grant appear to have been entertained by the spiritual as by the lay vassal. Thus bishops and abbots buckled on armour, mounted their chargers, and marched to the field at the head of their sub-vassals and tenants, in discharge of the feudal duties incumbent upon their lands; nor could the latter be easily persuaded to move at all till led into action by their lawful chiefs.<sup>a</sup>

Within the period of the Saxon and Franconian emperors we find the bishops and great conventual houses in possession of the best and most productive lands in the empire; and it becomes obvious to us that, if this important portion of the public force was to be withdrawn from the service of the state, the whole fabric must soon fall to pieces. The great ecclesiastics, indeed, so far from objecting to these unprofessional demands, entered heartily into the sport of war, and bore themselves in the field with a degree of martial prowess which might become the bravest of the lay chivalry. In their dealings with their own vassals, and with their neighbours, they closely imitated the lay barons; and if, in the private feuds and quarrels which arose out of this state of things, the churchmen were frequently the losers, they had at least the ear of the age, and they indemnified themselves by filling the welkin with complaints of the rapacity and injustice of the laity. Meanwhile, however, they applied themselves diligently to the improvement of their military position; they multiplied vassals and increased a war-like dependency by a profuse distribution or subinfeudation of church-lands to lay followers, upon the usual conditions of lay tenure, more especially of military service to themselves and their successors. By these means the princes of the church were enabled to assemble round

The ecclesiastical proprietary and the crown.

<sup>a</sup> See *Ditmar*, ap. *Schmidt*, ii. p. 212

them a force superior in numbers, and even more gaily and efficiently equipped than the most powerful of the lay barons. At the same time, the envy which this vain-glorious display excited among the latter served to draw them into closer connection with the court, where all their hopes of advancement centered. At the court, indeed, they had become, by their territorial wealth, the superiority of their attainments, and the influence of their character and calling, the fittest and most trustworthy counsellors of the monarch, and his natural allies against an overbearing and lawless aristocracy. The strength derived from this community of interest enabled the crown to contend successfully against the encroachments of the lay estates of the realm; the prerogative of the monarch, and the privileges of the clergy, afforded to each other mutual support against the common adversary; and a compactness was thus imparted to the government capable, as long as it lasted, of resisting external encroachment, and preventing that reciprocal attrition which so often disturbs the harmony of coordinate powers in the state. The dissolution of this alliance was the great triumph of the pontificate of Gregory VII.; the errors which led to it were the greatest of Henry IV.'s political life.<sup>r</sup>

3. In virtue of this alliance, a third species of estate became vested in the hands of the clergy; an estate of a wholly secular character, exclusively conversant with mundane interests, and standing in so intimate a relation to the secular government, that the dissolution of the resulting connection almost implied a dissolution of the bonds of political society. The estate in question consisted in civil and military jurisdictions, and lucrative powers of administration which in process of time had been annexed in fee to prelaties and abbeys by the liberality or the necessities of successive sovereigns.

The advances of the clergy to temporal power in

<sup>r</sup> See *Ditmar*, ap. *Schmidt*, ii. p. 191. 5; ap. *Pertz*, vii. pp. 322, 323, and 337. *Adam. Brem.* lib. ii. c. 45, and lib. iii. c.

France and Italy during the decline of the Carolingian dynasty has been already adverted to.<sup>5</sup> The same process, though at a slower rate and to a mitigated extent, had been steadily proceeding in the Germanic division of the great Frankish empire. The Christian hierarchy had, as heretofore observed, supplied the model upon which the plan of administrative government had to a great extent been framed. The idea, therefore, of employing its ministers as the managers of that scheme lay so close at hand, that we cannot wonder that the sovereign should have adopted it; or that the clergy should have stepped out of their professional character to embrace an opportunity so tempting to their ambition, and so conducive to the security and improvement of the position they had already won for themselves. So great, indeed, was the confusion in men's minds in that age as to the limits between temporal and spiritual duties, that few occupations seemed to lie very clearly beyond the competency either of clerk or layman. As it was no uncommon thing to see princes and barons wielding the pastoral staff as bishops and abbots, it is the less surprising to behold bishops and abbots fighting in the van of contending armies, or sitting in judgment upon the causes of the laity, trying and sentencing criminals, imposing fines and forfeitures, and collecting tolls and civil dues of every kind.

Incidental  
alliance of  
church and  
state

Thus in Italy, France, and Germany, many of the powers of government had flowed into the hands of the superior clergy. County and cantonal judicature had become absorbed in the episcopal jurisdictions. The ignorance and the pride of the lay barons at once disinclined and disqualified them for the duties of the council and the cabinet. Their influence, when felt, was that of brute force merely; and when plan and principle were wanted, they were to be found in the church, and there only. The sovereign, therefore, was anxious to strengthen the hands of his clergy for his defence against the insolence of the lay estate; with

transfers the  
powers of the  
secular state  
to the clergy.

<sup>5</sup> See Book VIII. c. i. pp. 431 et seq.

the simple precaution of selecting, as far as possible, the objects of his bounty from among his own relatives, familiars, or dependents. All bishops and abbots of royal foundation were endowed with county jurisdiction, and exercised almost all the administrative powers within their respective dioceses and dependencies. In some cases we find the bishops in possession of the ducal or military power of the circle; it is uncertain whether by positive grant, or by immemorial usage.<sup>t</sup> Upon the whole it may be said of the superior clergy, that they formed the privy council of the sovereign; that they were his ministers and judges at home, his ambassadors abroad, his guardians during minority, and his viceroys in the foreign dependencies of the empire. From simple pastors subsisting and operating upon religious impressions alone, they had been forced by the stress of circumstances into a position which no ingenuity could reconcile with their primitive character. Bishops and abbots had swelled into dukes, earls, and barons; they had transformed themselves into a constituent estate in the great council of the realm; and had become possessed of an amount of power which, if deducted from the sum-total of the national force, must leave but a slender fortune to the nation and its chief.<sup>u</sup>

It cannot escape observation, that in this incongruous combination of temporal and spiritual powers in the clergy there lurked the seeds of serious mischief, if not of absolute ruin, to the commonwealth. The most striking aspect in the whole scheme is, that there was but a single bond which united the interests of the hierarchy with those of the civil government, namely, *the right or usage, on the part of the crown, of nominating and appointing to the greater ecclesiastical dignities and benefices.* It may, indeed, be said of the prelates of Italy and Germany, that little remained to be

<sup>t</sup> Thus the bishop of Würzburg possessed both the civil judicature and the military command within the Franconian circle. So, likewise, Adalbert of Bremen obtained the ducal powers or command-in-chief on the West Saxon

Marches. See *Adam. Brem.* lib. iv. c. 5; *Eichhorn*, vol. ii. §§ 222, 224, pp. 32, 43.

<sup>u</sup> Conf. *Raumer*, *Gesch. der Hohenstauffen*, vol. vi. pp. 14, 15.

done to place them beyond the reach of the civil government, but to deprive the sovereign of the right of *investiture*, with which the law and custom of the realm had armed him. It is a well-established fact in history, that, from the age of Clovis down to that now under review, the sovereign had always claimed and exercised the right of nominating the bishops, or, what was nearly the same thing, confirming canonical elections, without taking any special notice of the distinction between the office itself and the temporalities attached to it. The Merovingian princes had assumed that power without stint or discretion.<sup>v</sup> The Carolingians conducted themselves in this respect with greater circumspection. A show of election was generally yielded to clergy and people; but the proceeding was always so conducted as to fall out in conformity with the expressed wish or designation of the sovereign, in whom the power to grant investiture resided. But it was during the reign of the imperial house of Saxony that the principle of royal nomination was asserted to an extent, and with a clearness of practical comment, unknown to any former age. For more than half a century the bishops of Rome themselves had been, in most instances, the simple nominees of the emperors of that time. In virtue of their supreme patriciate the pontiffs were inducted and installed by their precept.<sup>w</sup> At the same time their arbitrary appointments to episcopal sees, and other ecclesiastical promotions, had met with no opposition within the boundaries of the empire. The succeeding dynasty pursued the same course. Conrad II. openly put up bishoprics and abbeys for sale; but this undisguised simony, and the flagrant venality of the prelates of his nomination, awakened the slumbering scruples of his German, and even of his Italian subjects. The canonists searched their armory, and drew forth weapons not less serviceable for the defence of decretal principles than for their meditated assault upon the customary rights of the laity.<sup>x</sup> Their case was strengthened by the

<sup>v</sup> See Hist. of the Germans, vol. ii. pp. 484, 485.

<sup>w</sup> See Book VIII. cc. iii. and iv.; Book IX. c. i.

<sup>x</sup> See the comments of *Bonizo* of Sutri upon the conduct of Henry III. at the election of Pope Clement II. Book IX. c. iii. p. 83 et seqq.

unreflecting zeal of Henry III. against the notorious simony of his father and his father's prelates. Yet not even that religious prince entertained a suspicion that the principles of reform he had adopted with such perfect sincerity could be pleaded in bar of his customary prerogative to appoint to prelacies and abbeys of imperial foundation. As patrician of the holy see, he had seated his friend Sudger, bishop of Bamberg, upon the chair of Peter. In virtue of the same strictly temporal power, grievous as it was to the rigid decretalists,<sup>y</sup> Henry, some few months afterwards, elevated Poppo, bishop of Brixen, to the pontificate; and after his sudden death, he replaced him by the nomination of Bruno, bishop of Toul (Leo IX.). But throughout these transactions, doubts as <sup>Antagonism</sup> <sub>of the church.</sub> to the lawfulness of the imperial nominations were beginning to agitate the public mind. Henry III. himself professed deference for the elective rights of the clergy and people of Rome; and the latest of his nominees, Leo IX., officially declared his spiritual title to be derived simply and purely from that source. But although the Hildebrandine principle operated with equal force against any, even the remotest, claim of vote or veto on the part of the laity in spiritual appointments, the emperors continued to regard that claim as the most precious prerogative of their crown. And, indeed, it seems by this time to have been pretty clearly understood on both sides, that no alternative remained between its steady maintenance and the absorption of the temporal in the ecclesiastical element—the reduction, in short, of the crown to a state of subordination or servitude under the mitre. The battle-field was, in a manner, hedged in, and the position of the combatants finally determined, by the necessity of the case, fully as much as by the direct and irreconcilable antagonism of their respective pretensions.

With reference to the future progress of our narrative, we here bestow a moment's consideration on the mode of proceeding in the election and appointment of bishops in Germany. When a

Mode of election in Germany; the ring and staff.

<sup>y</sup> See Book IX. c. iii. p. 83.

vacancy of a bishopric or great abbey was declared, the canons regular of the church or monastery, together with the principal clergy, the lay vassals, and ministerial officers of the church or conventual domain, assembled to deliberate upon the choice of a successor. When the meeting had come to a decision, it was communicated to the minor clergy and people. A deputation was then appointed to convey the ring and pastoral staff of the deceased prelate to the hands of the emperor, and to petition him to confirm the choice of the church, and to instal the prelate-elect by the re-delivery of the ring and crosier, in token of investiture of the temporalities of the benefice. If the person chosen was agreeable to the sovereign, the symbols were placed in his hands, and he then became qualified to receive consecration and institution. If the candidate was disapproved, the emperor intimated his dissatisfaction to the deputation, and generally designated the person whom he preferred; in which case the chapters never failed to adopt the imperial choice.

But this mode of appointment seems, upon the whole, to have been less usual than that of a simple no-<sup>Direct nomi-</sup>mination by the crown. Thus Adam of Bre-<sup>nation by the</sup>men, throughout his detailed ecclesiastical his-<sup>crown.</sup>tory of the great northern province, never notices any other than the latter form of election. Bishop Ditmar of Merseburg often speaks of crown appointments as matters of course; yet in all contemporary writers both modes go by the name of "elections." For the most part, indeed, it appears that the churches abstained from recommending any particular person, more especially if they had reason to believe a candidate at hand more agreeable to the court than any they could select. The church of Magdeburg, and probably a few others, claimed a right of independent election, but upon grounds which rather confirm than impugn the general prerogative of the crown. Magdeburg relied upon a special charter of privilege, granted by its founder, the emperor Otho the Great; yet even the saintly Henry II. did not scruple to set aside the election of the chapter to make way for a

friend of his own; and when, after the death of the latter, the chapter assembled to choose a successor, bishop Ditmar of Merseburg was afraid to do more towards the maintenance of the charter than to put in such a protest as was necessary to keep alive the claim, without contradicting or opposing the imperial dictation. In the same peremptory manner the canonised monarch set aside the choice of the church of Treves, and seated his own candidate in the vacant chair. Few princes, in short, committed more flagrant offences against the strict canonical rules of election than St. Henry of Germany. It is hardly to be believed that, if his reign had fallen twenty years later, his name would have found its way into the Roman calendar.<sup>z</sup>

Nor do we find in the annals of this period any claim on the part of the Germanic hierarchy to be exempt from the imperial judicature in respect of their temporalities. They hardly appear to have apprehended any distinction between lay and spiritual tenure in its relation to the state; and in all causes or disputes relating to their lands and endowments they submitted to be governed by the same laws and usages as those which governed the suits of the laity. When prelates or abbots had incurred penalties, or fallen into disgrace at court, they were visited with the same fines, imprisonments, and penalties, as those imposed upon lay offenders. Abbeys and minor benefices were treated by the court with very little ceremony. The crown frequently bestowed, or resumed, or alienated them, precisely as other portions of the royal domain, though not so frequently to laymen as in the preceding century. The most ordinary pretext for these transfers was found in the alleged poverty of the minor conventual bodies, which disabled them from performing the services due to the state for their lands, either in money or men.<sup>a</sup>

<sup>z</sup> The authority for this and the preceding paragraph is to be found in the works of *Ditmar* and *Adam of Bremen*; the former, in *Pertz*, tom. iii. pp. 585-

603; the latter, *ibid.* tom. vii. pp. 267-389.

<sup>a</sup> *Schmidt*, ii. pp. 264 et seq.

After the death of the emperor Conrad II., the practice of buying and selling spiritual benefices became of much rarer occurrence. Henry III. <sup>Prevalence of simony in Germany.</sup> was averse from simoniacal dealings. And although his son Henry IV. is accused by his enemies of having been a great offender in this respect,<sup>b</sup> the error is in fairness imputable rather to his ministers and favourites, who reaped the benefit of these corrupt bargains, than to the direct procurement or participation of that prince himself. During his minority, and the earlier years of his reign, it is notorious that these persons filled their purses by the barefaced sale of ecclesiastical preferment. And at a later period, when he became involved in expensive and exhausting wars with the popes and his own subjects, he cannot be altogether absolved from the charge of resorting more frequently to that mode of raising revenue.<sup>c</sup> But whatever may have been the amount or enormity of Henry's delinquencies, it was surpassed by the shocking venality of the bishops themselves in the bestowal of the church patronage in their hands. When Peter Damiani was in Germany upon the affair of the divorce of Henry IV.,<sup>d</sup> his vigilant eye detected and exposed this foul traffic. In the year 1070 Hermann bishop of Bamberg, and Carl bishop of Coustance, with the archbishops of Maintz and Cologne, were cited to Rome to answer to pope Alexander II. for their many misdemeanors in the disposal of the preferment in their gifts, more especially for taking money from candidates for holy orders. The bishop of Bamberg, though accused of having obtained his dignity by direct purchase, managed to deprecate the wrath of the holy see by persuasive gifts and presents; and was confirmed by the pope.<sup>e</sup> And, in fact, the direct buying and selling of church preferment, or even of holy orders, was less offensive to the Hildebrandine party than the constructive simony they discovered in the practice of *lay investiture*. Gregory VII. was at no loss to perceive that this right

<sup>b</sup> *Bruno*, De Bell. Sax., lib. xv. ap. *Pertz*, v. p. 334.

<sup>c</sup> *Stenzel*, Fränk. Kais., ii. p. 59.

<sup>d</sup> See ch. iv. p. 257 of this Book.

<sup>e</sup> *Lamb. Schaffn.* an. 1070; *Pertz*, v. p. 76.

was the key to the position of the state against the church, as he proposed to establish it; and that, unless he could dislodge his adversary from that vantage-ground, his scheme of sacerdotal supremacy would have to contend with insuperable difficulty.

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## CHAPTER VI.

### THE SCHEME OF POPE GREGORY VII.

Dispositions of Gregory VII.—State of the European world—Gregory VII. claims Spain as a dependency of the holy see—Scheme for reducing Spain under the dominion of the holy see—His letter against Henry IV.—Denunciation against the king—the same to the countesses Beatrix and Mathilda of Tuscany—Plans of Gregory VII. in Italy—His violent denunciations of archbishop Godfrey—Progress of his policy in Italy—in Germany—Rebellion, and message of the rebels to the king—Henry defies the insurgents—Negotiation—Guileful designs of the king's enemies—Challenge of Reginger—Assembling and dispersion of the convention at Maintz against the king—Convention of Gerstungen—Infraction of the treaty by the Saxons—Henry appeals to the pope—Commission of pacification proposed by Gregory—Terms to be imposed upon the king—Advantageous treaty with the Normans—Attachment of Beatrix and Mathilda to Gregory VII.—The countess Mathilda; her character and pursuits—Boundless influence of Gregory over Mathilda—Position of Gregory VII. at the outset of his pontificate—His principles of government—General drift of the scheme of Gregory VII.: 1. Improvement of the discipline of the ecclesiastical body—Itinerant legates introduced—2. Universal moral and religious superintendence asserted—The pope or his commands to be judged by no man—Gregory's opinion of his own mission—rebukes Henry IV.—and Philip I. of France—threatens him with anathema and dethronement—His glowing censures of the king, the people, and the church of France—threatens the king with *deposition* and the realm with *interdict*—Doctrine of *sacerdotal responsibility* to God, &c.—The censorship of lay marriage—Proceeding against uncanonical marriages—Gregory VII. meddles with civil rights, &c.—The *regimen universale* of the pope asserted—Illimitable powers of the holy see—"The greater and the lesser light"—Gregory assumes the right to put a stop to warfare, and to dictate terms of peace, &c.—Questionable purity of pope Gregory's motives—His ambitious pretensions to secular power—Gregory's scheme of ecclesiastical government—Means for the accomplishment of this scheme: 1. Annual synods at Rome—2. Evocation of ecclesiastical causes to Rome—3. Repression and punishment of ecclesiastical irregularities—4. Identity of ritual; zealous effort to establish the Roman canon law—5. Protection to the conventual bodies.

THE ample extant collection of the public letters and decretals of Gregory VII. affords a key to his designs, and the best testimony to his personal character. There is a frankness in his corre-

Dispositions  
of Gre-  
gory VII.

spondence which rarely leaves us in the dark as to his real opinions or intentions. The secret of his policy, if so simple a plan deserve the name, lay in the audacity of the conception and execution.<sup>a</sup> His unbounded confidence in himself, his contempt for the mass of mankind, his reliance upon the power of his fervid rhetoric over a world immersed in ignorance and enfeebled by violence and vice, led him to undervalue those precautions and concealments which perhaps as often lead to premature detection and disgrace as they conduce to success, and which were in their nature repugnant to the lofty impetuosity of his temper.<sup>b</sup>

But genius or talent without opportunity does not often attract the attention of mankind; more especially among an unlearned and incurious generation. The state of the world in the Hildebrandine age was, however, as favourable to the projects of the ambitious priest as he could have desired. The government of the most powerful state of the Christian constituency was in the hands of an ill-educated and headstrong youth. France was ruled by a vicious, faithless, and rapacious tyrant, hated and despised by his subjects and his neighbours. Spain was a prey to intestine divisions; shared by Saracens and Christians of miscellaneous descent and habits, living under different dynasties and polities; ignorant, superstitious, barbarous, and unlearned. The nations of the North,—Danes, Norwegians, Swedes, and Selavi,—then but lately converted to the Christian faith, were in a high degree susceptible of religious impressions, and accessible to the voice of persuasion and authority. Poles, Bohemians, Hungarians, were suffering under intestine divisions, and afflicted with all the vices engendered between tyranny and servility.

<sup>a</sup> "Quid in rebus civilibus plus prodest? Audacia. Quid secundum? Audacia. Quid tertium? Audacia. In promptu ratio est; inest enim humanæ naturæ plerumque plus stulti quam sapientis; unde et facultates eæ quibus capitur pars illa in animis mortalium stulta, sunt omnium potentissimæ. At tamen utcunque ignorantia et sordidi ingenii proles est audacia, nihilominus

fascinat, et captivos ducit eos qui vel ingenio infirmiores sunt, vel animo timidiores; tales autem sunt hominum pars maxima." *Bacon*, Works, vol. x. p. 32.

<sup>b</sup> The correspondence in question is entitled "Registrum Gregorii VII.," and is printed in all the collections of the councils. The edition used here is that of *Colet*, tom. xii. pp. 234-538.

Such a state of worldly affairs, when surveyed by the discerning eye of the vigilant pontiff, disclosed a feebleness of moral and political life, which presented the most encouraging opportunities to the master and mover of so powerful a machinery as that of the reformed and renovated system, of which he was himself in a great degree the author and contriver.

The first year of his pontificate was distinguished by an increase of activity in every department of religious superintendence.<sup>c</sup> After notifying his election to the princes and superior prelates of the Christendom, in letters abounding in protestations of his profound sense of his own unworthiness and insufficiency for the discharge of the awful and distressing duties cast upon him,<sup>d</sup> he directed the attention of his agents in the first instance to the state of Spain. That country had been for some time past the scene of chivalrous adventure to the restless and roving nobles of central and southern France against the Saracen principalities. Pope Alexander II., probably at the suggestion of the Hildebrandine party, had encouraged this species of crusade, and, in return for his patronage and pontifical benediction upon their undertaking, had obtained from the adventurers a promise *to hold all the lands and territories they might conquer from the heathen as fiefs of the holy see.* The rapid succession of these expeditions, and their success, opened a prospect of territorial gain to the holy see not to be neglected. Gregory VII. therefore sent instructions to his legates in the south of France to demand of each new swarm of adventurers the same engagement as that obtained from their predecessors.<sup>e</sup> The promises and agreements required were obtained without difficulty; and in furtherance of the interests of his new vassals, Gregory wrote to the princes of the Spanish peninsula, informing them that he had instructed his legate, the cardinal Hugo Candidus, to inform them of the mode of dealing with the countries

Gregory VII. claims Spain as a dependency of the holy see.

Scheme for reducing Spain under the dominion of the holy see.

<sup>c</sup> See his letters to his legates Hubert and Albert, dated the 29th April 1073. Ep. viii. ubi sup. p. 239.

<sup>d</sup> *Regist.* c. pp. i.-iv. pp. 234-237.  
<sup>e</sup> *Ibid.* ep. vi. ubi sup. p. 237.

to be recovered from the heathen, agreed upon between him and the Christian adventurers. In the first place, he reminded them that *the whole kingdom of Spain was, and had been from the olden time, part and parcel of the patrimony of St. Peter*;<sup>f</sup> and that no lapse of time, no adverse possession, nor any of the contingencies of this transitory world, could extinguish the rights of the apostle; "because," he said, "*no territories once annexed to the church could be withdrawn from her by any act of human authority, or any pressure of external circumstances.*" He further desired them to take notice, that the chief of the auxiliary force then in motion against the Saracens was under strict engagement to hold all the lands he might recover from the pagan enemy as tributary dependencies of the holy see; and that although he should not object to the Christian princes of the land making independent conquests from the same enemy, yet that, if they did so, he should bind them to hold all such conquests on the same terms of subjection; inasmuch as, if he were to act otherwise, the church, instead of deriving advantage, would suffer detriment from the countenance vouchsafed to such enterprises.<sup>g</sup>

After this fugitive survey of his chances of acquisition in the remoter regions of Spain, the industrious pontiff became absorbed in the affairs of Italy. Here he stepped forth in the full panoply of spiritual warfare; he sounded the trumpet; he pointed out the enemy to be encountered, and strove by all the

<sup>f</sup> "Ab antiquo proprii juris S. Petri fuisse."

<sup>g</sup> Gregory names the leader of the crusade; and Prof. Stenzel (vol. i. p. 283) identifies him with Evolus, count of Roucy, near Rheims. It is difficult to conjecture upon what ground Gregory VII. founded his claim to the suzerainty of the Spanish peninsula. On this subject see passage in Book II. c. vi. p. 443 of this work. Conf. Book III. c. vi. pp. 181-183; and *ibid.* c. vii. p. 226; more especially, Book IV. c. ii. p. 274-6. *Baronius*, ad an. 701, § 11, affirms, upon the authority of Lucas of Tuy, that King Wetitza was the first to prohibit his subjects from giving obedience to

the Roman pontiff; from which the modest cardinal confidently infers that before that time *they did obey him* (1). Admitting the fact, Lucas of Tuy probably meant no more than that spiritual deference which united the Catholics of Spain to the chief of their confession. But — *valeat quantum* — Gregory VII. clearly intimates, in the epistle above quoted, that all countries conquered from infidels or heathen belonged, *jure divino*, to the holy see, because, being acquired for the benefit of the souls of the conquerors, the church, through whom that benefit flowed, had the first claim upon them. See *Regist.* ep. vii. p. 239.

powers of rhetoric and authority to encourage his friends, and to intimidate his enemies; at the same time offering the strongest pledges of his inexorable determination to support the former, and to punish the latter to the utmost. A remarkable letter to his ally, Godfrey of Tuscany, represents the whole world as dead in trespasses and sins; the personal character of the churchmen of the age standing on no higher level than that of the laity. "All," he declared, "were alike absorbed by selfish pursuits; all were equally intent upon their private advantage, without regard to religion or duty; but that of all the causes of apprehension springing from this universal corruption, there was none that gave him so much trouble as the sinister disposition of Henry king of the Germans."

These strictures were addressed to Godfrey at the moment when that prince's friends and con-<sup>Denunciation</sup>federates in Germany were in a state of all but <sup>against the</sup> open rebellion against their king. Though the <sup>king.</sup> pope did not think it expedient, pending the negotiation with the court for the confirmation of his election, to indulge in open menace, he did not scruple to apprise the enemies of the king of the terms upon which he proposed thereafter to deal with him. He therefore informed Godfrey, that "in all matters touching the interests of the church, and *the due maintenance of the royal dignity,*" he should require implicit obedience, on Henry's part, to his commands: "which commands," he continues, "if the king shall observe and keep, we shall rejoice as much in his prosperity as if our own welfare were therein involved; but if—which God in His mercy avert!—he shall render unto us hatred for love, and shall, to the dishonour of Almighty God, requite Him for the great dignities bestowed upon him, by despising His love, then will we take excellent care that by our supineness we do not load upon ourselves the malediction pronounced against the servant that doeth the work of the Lord deceitfully, or *that holdeth back his sword from blood.*"<sup>h</sup>

<sup>h</sup> Quoting *Jerem.* xlvi. 10. See *Regist.* lib. i. ep. ix. p. 240.

In the same strain of preparatory monition he wrote to his devout pupils, the countesses Beatrix and Mathilda of Tuscany. It was, he told them, his firm purpose to send pious persons to the king of Tuscany to restore him to the love and affection of his holy mother the Roman church, and to instruct, and, as it were, to polish him into a state that should make him a fit recipient of the imperial crown: "but," he adds, with ill-disguised bitterness, "if he refuse to hear us, we shall upon no consideration be induced to desert our duties to the church, or to *abandon a single hair's breadth of her rights*; for it were better for us to resist him, *even unto the shedding of blood*, than by conniving at his iniquities to perish with him."<sup>i</sup>

The first object of pope Gregory was, in plain language, the overthrow of the imperial influence in Italy. One serious obstacle to this design lay in the recalcitrant disposition of the church of Milan. The claim of self-government, which the "Ambrosian see" had for ages past asserted, still lived in the hearts and affections of the Milanese clergy and laity; a claim which, if successfully maintained, would have been as prejudicial to the ecumenical supremacy of Rome, as the like claim set up in a former age by the church of Ravenna.<sup>j</sup> Gregory therefore grappled boldly with this dangerous pretension. The juncture was not unfavourable. By the expulsion of the rival prelates—the one for opposing, the other for embracing, the views of Rome<sup>k</sup>—the church of Milan was *de facto* without a pastor. The people were divided between attachment to the privileges of their church, and their jealousy of foreign interference; add to this, that both the imperial and the papal parties were destitute of a leader to direct and give effect to their movements. The wived clergy, however, notwithstanding their late polemical defeat, were not inclined to quit the field; nor was the great majority of the clergy of Milan, any more than the Lombard bishops and their chapters, better disposed to renounce

<sup>i</sup> *Regist.* lib. i. ep. xi. p. 242.

<sup>j</sup> See Book V. c. ii. p. 448.

<sup>k</sup> See c. iii. p. 229 of this Book.

without a struggle the revenues and emoluments they had hitherto derived from ecclesiastical patronage or corruption.

Though the election of archbishop Godfrey was in point of canonical form in all respects unobjectionable, it laboured, in the mind of Gregory, <sup>His violent denunciations of archbishop Godfrey.</sup> under several incurable defects: it was destitute of the papal confirmation; it *had* received the royal approval; and, worse than all, *the archbishop had accepted investiture* by the delivery of ring and crosier. For these reasons the election had been cancelled by the pope, and Godfrey himself had been excommunicated. The substitution of Atto, though wanting in every canonical form and authority, was ratified by Rome; and the new prelate was absolved from the oath of renunciation, which he had taken, no doubt, to save himself from the violence of the infuriated mob. But about this time the archbishop of Ravenna was more than suspected of disaffection towards the holy see,<sup>1</sup> and nearly all the bishops in Lombardy were strongly inclined to support the cause of archbishop Godfrey. The pope therefore wrote to the duke of Tuscany, and to the countesses Beatrix and Mathilda, complaining that by the intrusion of Godfrey at Milan all Lombardy had been converted into a hot-bed of heresy and schism; and insinuating that king Henry of Germany was at the bottom of all these enormities.<sup>m</sup> At the same time he exhorted the "faithful of Lombardy" to give no countenance to the excommunicated heretic Godfrey: "'Cry aloud,'" he said, "'and spare not; exalt your voices like a trumpet, and proclaim unto my people their iniquities: and if ye speak not to warn the wicked from his way, his blood will I require at your hands, saith the Lord.' As also saith the prophet Jeremiah: 'Cursed be he that keepeth back his sword from blood.'<sup>n</sup> For it is notorious that this Godfrey, in the lifetime of Guido, prostituted the ever-glorious and immaculate church of Milan to Satan by foul purchase, and that even now he striveth

<sup>1</sup> *Regist.* lib. i. ep. x. p. 241.

<sup>m</sup> *Ibid.* lib. i. ep. xi. p. 242.

<sup>n</sup> Quoting *Isai.* lviii. 1; *Ezek.* xxxiii. 6; *Jerem.* xlvi. 10.

to withdraw her from the Catholic faith by polluting her with the simoniacal heresy. All, therefore, who afford him countenance or support are the accomplices of his crimes; they load upon themselves the guilt of rebellion against the holy Trinity and the blessed apostles Peter and Paul; and verily they are apostates from the faith of Christ.”<sup>o</sup>

The progress of the policy of pope Gregory VII., however, connects itself at almost every step with events occurring beyond the Alps; we are therefore constantly obliged to follow it thither, with regard to the unity of time rather than of place. Thus it happened that the ultimate success of the pope in reducing the church of Milan to a temporary subjection resulted immediately from the state of public affairs in Germany, and the crimes and errors of the youthful sovereign of that powerful monarchy.

The people of Thuringia and Saxony looked upon the appropriation of the tithes of the province as a first step to the abrogation of their independence. It is possible that the intemperate menaces of Henry at the synod of Erfurth against appellants to Rome may have reached the ears of the pope, and been set down in the black catalogue of offences, to which every little addition might be useful to swell the account, and justify the more rigorous retribution. In this process the Saxon clergy saved him a great deal of trouble. It may not be doubted that the garrisons of the king's castles continued their depredations without check; reports were industriously circulated that Henry had agreed with the king of Denmark and the Sclavic princes of the northern marches for a joint and simultaneous invasion of the Saxon principalities. The king had, it was reported, filled his court with Swabians—a class

<sup>o</sup> We do not find any other specific charge against Godfrey but this constructive simony of accepting investiture from lay hands. The abdication of Guido was quite canonical; and no specific accusation is charged against his successor of giving money either for

the investiture or for consecration. We may, therefore, reasonably impute the charges of usurpation, heresy, simony, and what not, to that mendacious rhetoric to which party spirit has, in all ages, resorted for the purpose of producing an effect.

of needy adventurers, to whom he had confided all the posts of honour and profit at the court, and about his own person, to the exclusion of the honourable and meritorious men to whom such appointments belonged by law and custom. It was moreover reported, and believed, that he had been heard publicly to express his hatred and contempt of his Saxon subjects, and his intention to reduce them to a state of abject sub-vassalage. In this state of the public mind, he appointed the ban of the empire to assemble on the Saxon frontier at the feast of the Assumption next ensuing, for an expedition against the Poles and Sclavic borderers. But by this time the king had wholly forfeited the confidence of his subjects; and all the world believed that the convocation was a part of the plot for the subjugation of the Saxons. Princes and people flew to arms to anticipate the presumed design against their liberties. At the head of the malcontents stood Otto, the deposed duke of Bavaria. Bishops and abbots, princes, nobles, and freemen, grasped sword and lance, and within a few days no fewer than 60,000 armed men advanced against the royal castle and residence of Goslar. Trusting in their numbers, the insurgents intimated to the king that they were disposed to lay down their arms, upon condition, in the first place, that the proposed expedition against the Poles was countermanded; next, that the hill-forts should be razed and the garrisons withdrawn; that he should quit Saxony, dismiss his boon companions and evil counsellors, send away the bevy of concubines and lewd women to whom he had so shamefully abandoned himself, and thenceforth live in honour with the lawful partner of his bed and throne; but that, if these terms were rejected, they were determined to keep no measures with one who, by boundless indulgence in the coarsest vices, had proclaimed himself an irreclaimable apostate from the Christian faith.<sup>p</sup>

Henry requited this insolent message with scorn; he dismissed the messengers of the states with contempt, and

<sup>p</sup> *Lamb. Schaffn.* an. 1073, ap. *Pertz*, v. pp. 192-196.

Henry defies  
the insur-  
gents.

retired to the Hartzburg, and from thence to Hersfeld, whither he had summoned the array of the empire for his projected expedition against the Poles. Some ineffectual attempts were made to bring about a reconciliation between the king and the Saxon insurgents; but the latter declined to place any confidence in the word of one who, as they affirmed, was altogether immersed in the slough of iniquity, and declared their unalterable resolution to rid the land from the pestilent example of crimes hitherto unheard of in any Christian land—crimes not to be whispered in Christian ears. In the absence, however, of any specific charges, these general imputations are evidences only of some such misconduct or imprudence as sufficed to give colour to the accusations of envenomed enemies. The personal vices of the king were not likely in that age to be selected by the laity as a serious ground of complaint. The crime of perfidy had never yet been laid to his charge, nor could it be justly inferred from mere looseness of moral conduct. But, by mixing up his public acts with exaggerated descriptions of his private vices, the Saxon clergy might, with Bruno of Merseburg at their head, hope to give effect to their coloured report to the papal court; they might succeed in driving their enemy out of the pale of religious and social sympathy; they might brand him as a traitor to the Christian faith, and at once divest him of all claim to credit as a man or a prince. The bitter language of their spokesman gives us clearly to understand that, whatever the disposition of the laity, the Saxon clergy were bent upon his destruction. Unfortunately for Henry, the candid pages of Lambert of Aschaffenburg furnish but too serious grounds of charge; and though we may set our faces against the unsupported imputations of Bruno, there is reason to believe him guilty of offences against God and His people, for which he was about to suffer merited chastisement.

The disaffected clergy had by this time created a very general impression that king Henry was an irreclaimable reprobate; and when he arrived at Hersfeld he found the countenance of

Defection of  
the royal  
army.

his lieges averted from him. Loyalty had fled, and confidence was extinct in the breasts of king and people. Princes, nobility, and clergy either declared openly against him, or entered into a secret understanding with his enemies. The Saxons and Thuringians drew closer the bonds of their confederacy, and pressed upon the irresolute estates the necessity of pronouncing the deposition of the enemy of God and man. Rodolph duke of Swabia was already in the field; a known, though as yet unavowed, candidate for the throne. The king's castles fell one by one into the hands of the insurgents; nor could his most humble solicitations prevail upon his vassals to make an effort for their relief. In this state of affairs, the Saxon leaders and the greater princes and barons of the kingdom met in convention, for the ostensible purpose of settling terms of accommodation with the king. Henry was compelled to submit to negotiation, and he was betrayed by the men <sup>Negotiation.</sup> to whom he had intrusted his cause. It was resolved in secret committee that no measure but his deposition could heal the wounds of the commonwealth, and that a competent person ought to be selected to fill the throne; but that, considering the numerous friends the king might still count upon on the spot where he had for the present taken up his residence, it was expedient to defer the publication of the resolution until he should have removed to some remoter part of the realm, where the means of resistance might be less ready to his hand. Certain terms were then proposed to the king as the ultimatum of the insurgents; Henry adopted them without hesitation, and prepared to remove his court to Ratisbon. Suddenly one Reginger, a knight of the king's body-guard, was heard publicly to declare that he and certain of his companions had been suborned by the king to set upon and murder the dukes of Swabia and Carinthia, the two most formidable of his opponents. For the truth of this imputation he <sup>Challenge of</sup> put himself upon the judgment of God by his own <sup>Reginger.</sup> good sword. With his ordinary impetuosity, Henry repudiated the foul charge, and chivalrously insisted upon

Guileful  
designs of  
the king's  
enemies.

making good his denial upon the body of the slanderer. His friends, however, with difficulty prevailed upon him to forego the unbecoming resolution; and the knight Ulrich of Costheim, a nobleman of the king's household, whom Reginer had implicated in the charge, accepted the combat on the king's behalf, his own, and that of his slandered friends. But the contrivers of the stratagem, with a view to derive all possible advantage from the public credulity, were in no hurry to bring the cause to trial. Duke Rodolph cunningly referred Costheim's challenge to a meeting of his own friends; and delays were interposed, in the hope that, before the terms of the ordeal could be arranged, means might be found of placing their quarrel upon a less precarious issue.

The task of bringing the catastrophe to pass fell into the hands of archbishop Siegfried of Maintz, lately the king's accomplice, now among the bitterest of his enemies. The primate, reckoning upon the effect of recent defamation and the general unpopularity of the king, assembled a convention of the states at Maintz, with the avowed object of dethroning him, and electing Rodolph duke of Swabia to fill the vacant throne. But the character of Henry, now in the twenty-fourth year of his age, unfolded itself rapidly in the school of adversity. At the earliest report of the treasonable convention, he quitted his retreat in Bavaria, and flung himself upon the enemy's quarters. The loyal city of Worms on the Rhine, not forty miles distant from Maintz, received him with open arms, the citizens pledging themselves to a man to stake life and fortune in his service. This close proximity of the king, whom they believed to be tarrying in supine resignation in a distant spot, alarmed the confederates. Many of the most important among them absented themselves, and those who found their way to the place of meeting excused themselves from proceeding further in so important a matter in the absence of their peers. Thus the convention melted away without entering upon the business for which it had been convoked; and Henry was

Assembling  
and disper-  
sion of the  
convention  
of Maintz  
against the  
king.

delivered from the most imminent of the many perils which beset him.

In other respects his prospects had not greatly improved. The murderous charges preferred by Reginger were still pending. It was even reported that Henry had declined the challenge; and at a conference held at Oppenheim with the disaffected barons, he replied to this new calumny by peremptorily fixing on his own part the time and place of combat.<sup>a</sup> But before that time arrived he was delivered from further trouble in the matter by the death of Reginger, not many days before the term had expired.<sup>r</sup> The plot for dethroning the king was laid aside for the present, and Henry found the means, though with an insufficient force, to prosecute a winter campaign for the relief of his beleaguered forts in Saxony. But though he failed in his immediate object, he was fortunate enough to draw the Saxon chiefs into a separate convention, which, however hard the terms, sufficed to break the confederacy, and set his hands free to deal with the more formidable of the rebels. It was agreed that duke Otto of Nordheim should be restored to his dukedom of Bavaria; that the privileges of the Saxon province should be maintained; that the alienated tithes of Thuringia should be restored to their right owners; and that all the king's forts and castles should be surrendered into the hands of the Saxons, to be by them razed to the ground and destroyed, with all their contents and munitions, excepting only the church of the Hartzburg and the buildings attached to it, where the remains of his brother and nephew were deposited, and certain very precious relics were enshrined.

This treaty, known by the name of the Convention of Gerstungen, was scrupulously executed on the king's part. With the stipulated exception, the castles were delivered up to the Saxons, and every vestige of their late peril speedily disappeared from

<sup>a</sup> The place was to be Mainau, an island on the Rhine, not far from the junction of that river with the Main. The day was to be the Christmas-day

of the year 1073.

<sup>r</sup> Lambert says that the accuser died in a phrenzy of despair.

the land. There were, however, two parties to whom the convention was displeasing. The return of the Saxons to their allegiance disappointed the scheme of the pretender Rodolph. The inhabitants of the province who had suffered most from the garrison of the Hartzburg regarded the partial demolition of the fortress with suspicion and disgust. Indignant at the existence of a trace of their late oppressors upon their soil, they tumultuously assailed the castle, burnt the church to the ground, robbed the treasury, broke down the altars, and desecrated the royal sepulchres. It is not probable that this outrage was committed with the knowledge and consent of the chiefs, or of a majority of the Saxon insurgents. They could not, however, but be sensible of the isolated position in which the separate treaty with the king had placed them, or of the indignation it must awaken in the breasts of their confederates. They were therefore inexpressibly alarmed by the destruction of the Hartzburg, and hastened to offer the most humble apologies to the king for what had taken place, as they protested, without their privity and against their will. But Henry, whose irritable spirit had been exacerbated by calumny, rendered suspicious by perfidy, and wounded to the quick by the late outrage upon his family honour, refused to accept the apologies of his repentant vassals. "It is plain," he said, "that you are to be bound by no human laws; and now, when too late, I fathom your design, first to rob me of the power to punish your treasons, and then to break your engagements with impunity. Henceforth I must no longer rely upon you; *I must invoke against you the laws of the church*. . . . The help of man is denied to me; I therefore call in the divine aid to my rescue."<sup>s</sup>

Henry ap-  
peals to the  
pope.  
Hurried onwards by passionate resentment, Henry now committed himself to the grossest error of his political life. Messengers were immediately despatched to Rome to inform the pope of the sacrilegious desecration of the sacred structure, and to call down the sternest censures of the church upon the

<sup>s</sup> In this narrative of events in Germany we have followed the text of *Lambert of Aschaffenburg*, an. 1073, ap. *Pertz*, ubi sup.

authors and perpetrators. Though the extant letter purporting to have been addressed by the king to the pope is a manifest forgery,<sup>t</sup> there can be little doubt that the genuine document intimated an earnest desire for the interference of the pontiff between himself and his faithless subjects, with promises of dutiful deference to the wishes of the pope in all matters involving the government both of church and empire. But his fortunes had not as yet fallen so low as to justify us in believing him reduced to that state of servile and cowardly submission implied in the document produced against him from the papal archives. Whatever may have been the real contents of the king's letter, there is no doubt that they gave that satisfaction with which appeals of this nature were always received at Rome.

Meanwhile the distresses of Henry in Germany had strengthened the hands of the pope's friends in Italy. While Gregory, from his station in Capua, was watching the movements of the troublesome Normans of Apulia, he encouraged his friends in Lombardy by the earliest communications of the favourable prospects which the declining state of the king's affairs in Germany had opened to him.<sup>u</sup> He had, in fact, established a channel of communication with the rebel duke Rodolph of Swabia; and now he proposed to the estates of Germany, through him, to appoint a papal commission consisting of pious and learned ecclesiastics, who, by favour of the empress-mother and the countesses Beatrix and Mathilda, should proceed to Germany, and there hold an independent synod, with a view to place the future union of church and empire upon a more desirable footing.<sup>v</sup> To prepare the way for the proposed congress, Rainald bishop of Como was sent into Germany to urge the personal attendance of duke Rodolph at Rome, there to receive his instructions from the pope. The legate was desired to impress the duke and his party with the

<sup>t</sup> We set it out in Appendix IV., with the reasons for rejecting it. The document is placed in the *Registrum*, but without number or date, between

Epistles xxix. and xxx. of the First Book.

<sup>u</sup> *Regist.* lib. i. ep. xxv. p. 256.

<sup>v</sup> *Ibid.* ep. xix. p. 250.

Terms of, to be proposed to the king. unalterable resolution of Gregory to accept of no compromise or composition with Henry unless accompanied by a demonstrable moral and religious reformation on his part; and he added, by way of explanation, that it was indispensable that "he who is king and chief of all the laity of Christendom, the future emperor of the Romans, should go before all the rest *in devotion to the church*; that, discarding all evil counsellors, he should attach himself exclusively to persons devoted to her advancement, and to *the augmentation and defence of her rights.*"<sup>w</sup>

In Lombardy the papal champion Herlimbald, supported by accurate intelligence and ample supplies of money from Rome, successfully maintained his position, and held possession of Milan for the pope.<sup>x</sup> By his patient and persevering policy Gregory had succeeded in drawing over the Norman prince Richard of Capua to the pontifical interests, and inducing him to bind himself to the holy see by an oath of civil allegiance, *irrespective of the supremacy of the empire*, over the territories he occupied. He agreed at the same time to pay an annual tribute to the holy see, and to place all the churches of his principality at the disposal of the pontiff without reserve of right of presentation; on his own part, he engaged to hold his allegiance to king or emperor in conditional subordination to his duty to the holy see, and to be bound on all occasions to be helpful to the pope and his successors, as his superior lords, in reducing into possession whatever lands or territories they might claim as belonging to the patrimony of St. Peter.<sup>y</sup>

In Central Italy pope Gregory had, through the devoted attachment of the countesses Beatrix and Mathilda of Tuscany, established an influence which terminated only with his life, and even survived him for the benefit of his successors.

Attachment of Beatrix and Mathilda to Gregory VII.

<sup>w</sup> *Regist.* lib. i. ep. xx. p. 231.

<sup>x</sup> *Arnulph. Mediol. Hist.*, lib. iv. c. 5; *Murat.* iv. p. 37, cum not.

<sup>y</sup> See the oath in *Regist.* lib. i. ep. xxi. p. 252. The unmeaning reservation of the rights of the empire in this

oath runs thus: "To king Henry, I will, when required by you (the pope) and your successors, swear fealty, but saving always the fealty I owe to the holy Roman church." The oath was sworn on the 24th Sept. 1073.

Beatrix and her daughter held at his disposal the resources of the most extensive and the richest region of Italy. He had imbued them with his spirit and principles: they looked upon his scheme of spiritual government as the immediate result of divine inspiration; a scheme, therefore, which, without reference to any worldly interests of their own, was entitled to implicit obedience, and uncompromising support. Without uncharitably questioning the sincerity of these pious women, it may be doubted whether the difficulty of accurately discriminating between the mixed motives which actuate the conduct of men was not enhanced by the accident of sex. It is not easy to suppose that either of them had discarded from her mind, all recollection or resentment of the treatment both had received at the hands of their imperial superior,<sup>z</sup> or that aversion from dependence upon the empire was not at least as powerful a motive as attachment to the cause of religion.

Mathilda had at an early age united herself in marriage to Gozelo, duke of Lower Lorraine; but The countess Mathilda. their interests and pursuits in life were so wide of each other, that they soon parted by mutual consent. Gozelo returned to Germany, and zealously attached himself to the imperial court; while his consort, with truly feminine fervour, devoted all her faculties to the service of the pope. The separation left Mathilda sole and undisputed mistress of the rich regions of Parma, Mantua, Modena, Reggio, Piacenza, Verona, and the principal cities of modern Tuscany. Her influence and property in the territories of Spoleto, Ancona, and Ferrara, amounted to little less than sovereignty. Her personal character and attainments were in advance of her Her character and pursuits. age. Delighting in the society and conversation of men of learning, she had qualified herself for the enjoyment of such intercourse by the acquisition of accomplishments and knowledge very unusual in her sex and station. She had collected a numerous library; she wrote and conversed fluently in the Italian, German, and French languages, and corresponded frequently in all of

<sup>z</sup> See chap. i. pp. 149, 150, of this Book.

them with popes and with foreign courts. Her domestic affairs were conducted with indefatigable assiduity and virile intelligence. She even superintended the discipline of her soldiery, and regularly inspected her arsenals and fortresses. She presided in her own courts, in a spirit of impartial justice of rare example in that age and state of society. To the poor, the helpless, and the exile she was a generous benefactress; to the church she was munificent beyond a rival, more especially in the articles of pious foundations and hospitals, but above all in the building and endowment of churches and monasteries. In the exercises of private devotion no worldly occupations were permitted to distract or interrupt her; even amid the distresses and turmoils of war she found courage and consolation in prayer and the reading of the Scriptures, with which she is said to have been more profoundly acquainted than many bishops of her court. In the choice of her ministers and counsellors she always leaned to men who combined firmness of character with the devotional spirit she encouraged in herself.

Gregory VII. could not but feel the charm of a character which had thus grown up under his eye, and almost under his superintendence. He might point with exultation to his pupil as the perfect fruit of his labours in the vineyard of the Lord, and triumphantly contrast it with the vicious variety brought forth in the wilderness of the world, as exhibited in the wild career of his adversary Henry. A mind so determined yet so humble, so active yet so docile, could not but prove an invaluable instrument in the hands of so discreet and able a manager as pope Gregory VII. Mathilda had reflected as little upon the proper limits or balance between the powers of temporal and spiritual government as any of her contemporaries. The tendencies of the papal scheme to confound or to obliterate them stood in no danger of detection from her acuteness. The natural feelings of the amiable and cultivated woman widened the breach, originally opened by injustice and ill-usage, between her and a world sunk in ignorance and barbarism, and agitated by those wild and sordid passions

which were strangers to her own bosom; while all these circumstances drew her into closer intimacy with the self-denying virtues of men who appeared to her as dead to the world, or living only for the purpose of leading—or, it might be, driving—mankind back into the paths of peace and righteousness. The veil which concealed the baser motives of personal or corporate ambition in these objects of her devout admiration was impenetrable to her limited experience. We are therefore more inclined to admire than to wonder at the fervent expressions of attachment to her spiritual friend and director which fell from her lips, when in the words of the inspired text she declared, that “neither tribulation nor anguish, nor hunger nor nakedness, nor danger, nor persecution, nor sword; that neither death nor life, nor angels nor principalities, nor powers, nor things present, nor things to come, nor height, nor depth, nor any other creature, should separate her from the *love of Peter*, through Jesus Christ her Lord.”<sup>a</sup>

Up to this point of time, the events we have endeavoured to lay before the reader may be considered as introductory to the public appearance of Gregory VII. upon the field of action he had so carefully selected and entrenched. His state-craft had been successful at all points; his spiritual position no one had dared to assail; his enemies were dispirited by failure, and his friends exulted in the anticipation of certain victory. His weapons of spiritual warfare lay burnished and sharpened by his side; and his own spirit was wound up to the perfect achievement of that plan of dominion over the powers of the world which had long floated rudely, but not obscurely, before the mind’s eye of more than one of his enterprising predecessors.

We may here with propriety venture to inquire into the scope and character of that scheme as it is unfolded in the acts and writings of its champion and accomplisher. In the search we shall take it for granted that the motives and inten-

Position of  
Gregory VII.  
at the outset  
of his pon-  
tificate.

Gregory VII.,  
his principles  
of govern-  
ment.

<sup>a</sup> Quoting *Rom.* viii. 35, 38, 39. See *Schaffn.* an. 1077. *Baron.* an. 1074, § x. p. 381; *Lamb.*

tions of men may be most safely gathered from declarations and professions accompanying their acts, and published in the course of the transactions to which they relate. For this purpose the collection of letters and documents which passes under the name of the "Register of Gregory VII." is of inestimable value. All the writings it contains are of an official character, and were written with reference to some special branch of the general plan of papal government. The pope protests at the outset that no motive but the hope and expectation of performing some *signal service* to the church of God in his own day could reconcile him to the dangers, spiritual and temporal, to which, for the last twenty years of his life, he had exposed himself by continued contact with a world sunk in sin and misery.<sup>b</sup> The nature of the service he proposed to render transpires in almost every page of his official correspondence. In his own language, it was to establish *the supremacy of ecclesiastical law*. When we ask what that law was, we find it to be almost wholly based upon the spurious maxims and fictions of the Isidorian fabrications.<sup>c</sup> Almost every appeal to canons, councils, and ordinances, is traceable to some one or other of these forgeries. Without imputing to pope Gregory a conscious intent to confound the laws of the church with decretal fiction, the unalterable fact remains, that his exposition of that law is derived from the same impure source. In all matters touching, however remotely, the alleged rights of the Petrine see, no matter whether in things of a merely temporal or of a purely religious character, he identifies the papal with the divine prerogative; he places the ordinances of the holy see,

<sup>b</sup> Ep. ad Hugonem Abbatem Cluniac. lib. ii. ep. ii. p. 334.

<sup>c</sup> We give here some general references: e.g. *Regist.* lib. iv. p. 379, "Ad Herimann. Episc. Mettens.," in which he establishes the power of the pope to depose princes upon the Clementine forgeries; quoting the current papal version of the deposition of Chalderic III. by pope Zachary; the fictitious privilege of St. Medardus, said to have been granted by Gregory the Great to that monastery; the excommunication of the

Emp. Theodosius the Great by St. Ambrose; and the exploded fable about Constantine the Great and the Council of Niceæ. Again, *Regist.* lib. ix. ep. xxii. p. 522; repeating the most offensive of the decretal pretensions, and the duty of passive obedience and non-resistance even to the unjust sentences of a bishop. Again, lib. vi. ep. xxv. p. 451; lib. viii. ep. ii. p. 456. With these passages in the *Registrum* compare the remarks and citations in Book VI. c. vi. pp. 181 et seq. of this work.

without doubt or misgiving, upon a level with the laws of God, and claims for both the same unhesitating, unreasoning submission. Thus he broadly affirmed it as the law of the church *from the beginning*, that, as all the powers of Christ on earth and in heaven were, through Peter, transferred to the see of Peter, whatever was decreed by his successors, or whatever cause they might espouse, must be of God, and be regarded as the result of direct inspiration. The judgments and decisions of the Roman pontiff, acting in the name and under the authority of Peter, must furnish a universal inviolable rule of conduct; and in this view he never permitted the remotest doubt to rest upon the proposition, that "*the commands of the pope were in every respect equivalent with the commands of God.*" He that resisted him resisted the God whose representative he was; he that was not for him was against him; neutrality was inadmissible, disobedience was as the sin of idolatry; it was self-worship, a bowing down to the self-will of the creature instead of the Creator. He demanded the same confidence in the promises of a pope as in those of God himself, and the same fear of his threatenings as that which was due to the divine denunciations.<sup>d</sup> The extravagance of these pretensions renders it somewhat difficult to believe in the sincerity of the profession; yet the hypocrisy, we think, lay rather in the system than in the individual.<sup>e</sup> We have assigned ample grounds for believing that Gregory was not the inventor of the great scheme of ecclesiastical polity treated of in this work. The materials lay before him in abundance; his master-hand reduced them only to more systematic form and

<sup>d</sup> On these several topics of papal pretension, see the following passages: *Regist. lib. iii. ep. viii. p. 365, Ad Tedaldum cler. Mediol. e.g.* "Si in his, quæ Dei sunt, nostris monitis, immo divine voluntati ad justitiam te acquiescere cognoverimus," &c. Tedald is reminded that the utmost power of kings and emperors, yea even the united efforts of the whole human race, are as chaff and ashes against the rights of the apostolic see, and the omnipotence of almighty God. Again, in *Regist. lib. vi. ep. xvi.*

p. 439, we meet with a daring intent to ascribe to the papal denunciations the same temporal punishments as those assigned in the Old Testament to disobedience of the divine commands. He even desired it to be believed that the curse of the holy see brought with it its own fulfilment as surely as that of God himself.

<sup>e</sup> See a remarkable instance of this kind of hypocrisy in *Regist. lib. iii. ep. x. p. 367.*

General drift  
of the scheme  
of Gregory.

order; it imparted a more definite direction and a more vigorous impulse. In the hands of Gregory VII. the scheme embraced two principal objects: the *first*, so to improve or remodel the discipline of the church as to render it a perfectly pliable and manageable instrument in his hands; the *second*, to reduce all secular princes and rulers to the condition of responsible stewards or office-bearers of the holy see, and of the pope, as the sovereign depositary and administrator of the divine powers of government upon earth.<sup>f</sup> Devoting our attention to those measures in the first instance which were alike applicable to both objects, we point *first* to the means adopted for improving his communications with all parts of Christendom, and the acceleration of intelligence by means of nuntii and legates *a latere*; and *secondly*, to the establishment of a universal moral censorship in the holy see, embracing every class of persons, without distinction of rank, privilege, or profession.

1. The *introduction of the legatine power* had been at all times an operation of great delicacy. The difficulties hitherto encountered had proceeded in a minor degree from secular opposition; but the churches in general had always regarded these officers as the natural enemies of their privileges, or as unwelcome visitors of the abuses which had crept in under the name of privilege, and had neglected no favourable opportunity of throwing obstacles in the way of their operations. Thus they frequently succeeded in disgusting the legates themselves with their task, bribing or intimidating them; or, by intrigue at the venal court of Rome, disarming them of the powers they dared not directly to impugn. But the character of pope Gregory VII. offered the best security that no such game could for the future be carried on with impunity. Hitherto the legatine powers had either been conferred for occasional purposes, or had been vested permanently in certain stationary officers, such as bishops or archbishops of the more eminent

<sup>f</sup> The syllogism was simple enough. All worldly power proceeds from God; the pope is God in the world; therefore

all worldly power proceeds from the pope.

sees. Gregory introduced a different system of agency. To every principal church of France, Spain, Germany, and Italy, he attached an itinerant legate, with ample powers of supervision, and large promises of support in the fearless execution of his duty; though not without serious warnings against the transgression or abuse of his delegated authority.<sup>g</sup> He took special care, at the same time, to inform the Christian world that these legations were no novelty, but an ordinary, constitutional, and canonical mode of exercising the powers of the holy see; and that their late unfrequency was not to be attributed to any doubt about the right to exercise those powers, but partly to the negligence of preceding pontiffs, and partly to the obstructions thrown in their way by bishops and princes.<sup>h</sup> All these persons, he said, had been alike forgetful of the solemn words of the Lord to his disciples, "He that receiveth you, receiveth me; and he that despiseth you, despiseth me." Every such delegation, therefore, within its defined limits, was to be regarded as an emanation of the divine authority which resided in the see of Peter.<sup>i</sup> The pope consequently refused to admit, that inferiority of rank in the church disqualified his legates from representing the majesty, and exercising the full powers, of the holy see, in pronouncing judgment upon the most exalted offenders in church or state.<sup>j</sup> After the example of his predecessors, Gregory VII. regarded his legates as the eyes and ears, the arms and hands, of the holy see; the viceroys and satraps of the great spiritual monarchy he desired to establish.

2. A no less important step towards the accomplishment of the general plan was, to impress the minds of laity and clergy alike with a profound sense of that *universal moral and religious censorship* presumed to reside in the chair of Peter. The opinion he was most solicitous to inculcate was, that

<sup>g</sup> *Regist.* lib. i. ep. viii. p. 239; ep. xxi. p. 246; lib. ii. ep. xl. p. 327.

<sup>h</sup> *Ibid.* lib. i. ep. xvii. p. 247; and ep. xlv. p. 269.

<sup>i</sup> *Conf.* Book VI. c. vii. pp. 187, 190.

<sup>j</sup> *Regist.* lib. vii. ep. xii. p. 465, "Ad Manassem, Archep. Rhem.," repeating the fabulous tale of papal legates having presided over the council of Nicæa, and all other ecumenical synods.

the moral conduct of all men, more especially of all persons bearing rule or office either in church or state, was the proper subject of his corrective authority. He rested this proposition upon the broadest maxims of spiritual supremacy: the flesh, he maintained, must ever be subject to the spirit; the state to the church; the natural to the spiritual man. The considerations from which this jurisdiction sprang at once defined its character and indicated its boundless scope. The pontiff undauntedly loaded upon his own shoulders a general responsibility for the salvation of all men in authority, and claimed from them a dutiful obedience corresponding with the magnitude of the charge resting upon himself. "For," says he to his lay correspondents, "to this end is honour, dignity, and power granted to you from on high, that it be expended in the service of Him who gave it, and of His ministers; so that by willingly imparting to them of your carnal things, you may merit to be made partakers of their spiritual things."<sup>k</sup> His demands upon the possessors of "worldly things," we are incidentally informed, included life and substance, armed services and military aids under the pressure of external danger, or whenever the interests of the holy see might appear to require them.<sup>l</sup>

The great charge of men's salvation he held to entitle him to an absolute right of superintendence over the moral conduct in general of those for whom his own soul was pledged. In the execution of this charge, he peremptorily repudiated all human censure or control. "I know," he said, "that I am blamed in many quarters, and for many things; but to such cavillers I give no other reply than that of the apostle: 'With me it is a very small matter that I should be judged of you or of man's judgment.'" In passages too numerous for quotation, he declares that he would not, for all that this world could give or inflict, swerve one hair's-breadth from the demand of implicit obedience

<sup>k</sup> *Regist.* lib. i. ep. xxxvii. p. 265: "Ad Adelasiam comitissam." Conf. lib. vii. epp. xxiii. and xxv., ad Gulielm. reg. Anglor.

<sup>l</sup> *Ibid.* lib. i. ep. lxxii. p. 288. The

contingency is generally defined to be, "ad honorem et subsidium Sancti Petri." And Conf. ep. xlvi. p. 271, ad Gulielm. Burg. Comit.

to the precepts of St. Peter. "If any one," said he to his Germanic confederates, Rodolph of Swabia and Berthold of Carinthia,—“if any one shall prattle against you for your obedience to the commands of God, or object to you that you meddle with matters that do not concern you, make answer thus: ‘Stand not in the way of our own and our people’s salvation; but if you object to our obedience to the apostolic mandates, go to the pope, and discuss your objections with him.’”<sup>m</sup>

The necessity for this general moral superintendence Gregory deduced from the utterly corrupt state of the world. And indeed, even if he had not <sup>Gregory’s opinion of his own mission.</sup> measured the vices of mankind by the severer standard of monastic purity, there was still more than enough of positive moral evil in the world to offend and alarm a far less scrupulous monitor. “In the church,” he protested, “whatever direction my eye pursues, I find scarcely a bishop qualified for his office, either in respect of spiritual title or way of life: in the world, scarcely a prince or ruler who does not prefer his own sordid interests to the honour of God and the paths of righteousness. Romans, Lombards, Normans, behave worse than Jews and pagans: and if, amid all these corruptions, I had not been supported by the hope of my eternal reward, I should have preferred death to my abode in Rome for the last twenty years. But, having taken upon myself the task of reforming the church, I am bound to adopt all measures necessary to ascertain who are my friends, and who my enemies, both among clergy and laity.”<sup>n</sup>

The object of pope Gregory, as collected from these and other expressions of the like import, was <sup>Rebukes Henry IV.</sup> to apply the tests best adapted to disclose to him the numbers and enable him to calculate the strength of the parties, ecclesiastical or civil, who were prepared to accept or reject the measures by which he proposed to eradicate the inveterate evils of society. The pope had adopted, or affected to adopt, the extreme views

<sup>m</sup> *Regist.* lib. ii. ep. xlv. p. 330.

<sup>n</sup> *Ibid.* lib. ii. ep. xlix. p. 334; ep. xlii. p. 268. The former of these is a pri-

vate and confidential letter to his friend Hugo abbot of Cluny.

of the decretalists as to the proper seat of satanic government in the world;° and he was profuse in the protestations of his unswerving resolution to assail the realm of Satan in its strongholds—the persons and the courts of the princes of the world. He began his operations with a sharp invective addressed to Henry IV. of Germany against the youthful vices, the inconsistencies and shiftings of that prince's conduct.¶ He admonished him to do public penance for his past offences; to bring his conduct into harmony with his professions; to accept the precepts of the holy see as the commands of God; and to submit himself to the pope as to God in Christ.

Some time before this a greater offender than even and Philip I. of France. Henry IV. had drawn upon himself the fiercest denunciations of the pontifical monitor. Of king Philip I. he writes to Roderic bishop of Chalons, that among all the princes of Christendom there was none who, by cupidity, violence, and venality, had done more to ruin the church of God, and to bring her into bondage under the world. . . . “The just abhorrence with which we regard his conduct, no less than a proper sense of our own duty, and of compassion for the fallen churches, would have goaded us into immediate action, if we had not been induced, in consideration of his late promises of amendment, to put his sincerity to the test, and, as a first trial of his obedience, to command him without delay, and without gift or reward, to put the bishop-elect of Macon into possession of his church and diocese. If, however, after this he shall defer or refuse, then without doubt we will, by the authority of St. Peter and St. Paul, visit his obduracy with the utmost canonical severity; for this is the alternative: either the king shall Threatens him with anathema and dethronement. repent him of his greed of simoniacal pelf, and permit qualified persons to occupy their proper sees without obstruction, or he shall surely be smitten by the stroke of a general anathema, and the French nation, except it prefer altogether to abjure the

° *Regist.* lib. ii. ep. xii. p. 310. And work.

*Conf.* Book VI. c. viii. p. 200 of this

¶ *Ibid.* lib. iii. ep. x. ad Hen. reg.

Christian faith, shall refuse to serve him any longer as their king."<sup>9</sup>

Philip's promises of amendment had been so frequently forfeited, that the pope thought it necessary to remind him that his future welfare must depend upon a far more thorough reformation than that of which he had hitherto given proof: the higher the station of the sinner, the sterner the duty of rebuke, the louder should the trumpet-voice of warning sound in his ears.<sup>†</sup>

His glowing censures upon the king, the people, and the church of France.

The king, however, did not mend his manners; and in the month of November of the year 1073, Gregory wrote to the archbishops and bishops of France, describing in glowing terms the utter demoralisation of the king and people, the dissolution of the bonds of religion and government, and even of the natural affections which hold society together: the royal authority was degraded and despised; private wars, assassinations, and fire-raising abounded over the face of the land: private morals partook of the general corruption: perjuries, sacrilege, incest, frauds, and perfidies, were so common as to excite little attention, and to draw after them no punishment: pilgrims to the holy places were seized and put to ransom: merchants were robbed and pillaged on the highways:—and all this in consequence of the criminal relaxation of the reins of government; for by such negligence the king had not only given encouragement to crime, but by his own wicked example had seduced his subjects into the paths of lawlessness and impiety; and thus he, whose great duty it was to maintain law and order, had, in his own person, become the foremost among the law-breakers. The bishops, he said, had made themselves accomplices in the crimes of the king by their silence: they were dumb dogs that bark not, nor give the signal of alarm when they see the wolf in the fold. “But if,” said he, at the conclusion of the letter, “you should imagine that your efforts to arrest him in the career of guilt would be contrary to your allegiance as his subjects, you are greatly in error: for surely he that

<sup>9</sup> *Regist.* lib. i. ep. xxxv. p. 263.

<sup>†</sup> *Ibid.* lib. i. ep. lxxv. p. 289.

plucketh back his brother from the shipwreck of his soul is more faithful to his pledge than he who stands supinely by, and suffers him to be engulfed in the whirlpool of destruction."

Setting aside the plea of danger, or even of death, in the execution of their duty, the pope directed them to present themselves in a body before the king; to lay bare the evil of his ways before him; to exhort him to make compensation to all whom he had wronged or robbed; to abandon his dissolute pursuits; and, as he would constrain others to do what is right, to begin by reforming his own practice. "But if," said Gregory, "after this he shall continue obdurate, you shall, in the due performance of your duty to the holy see, without more *renounce your allegiance to him; you shall cut him off from your communion, and interdict the celebration of the divine services throughout the kingdom*: and should all this fail to bring him to his senses, we have determined to exert all our powers to *deprive him of the kingdom*. And if in this matter you shall appear cold or slack, be assured that you shall, without fail, be degraded from the episcopate; and, as associates and accomplices of the evil-doer, be smitten by the like anathema."<sup>s</sup>

A power so incurably corrupt as that of Philip of France would not be difficult to overthrow. The observation which strikes us most strongly in this transaction is, the curious expansion of the doctrine of *sacerdotal responsibility*. As the warrantors to God for the salvation of men's souls, the pope and clergy are to regard themselves as acting strictly in self-defence, to whatever length of disobedience and treason it may be necessary to resort. Rebellion is a solemn duty, a delivery of their own souls, a death-struggle for their own salvation. In his official capacity of keeper and guardian of the souls of men, the priest could only satisfy this obligation by the sacrifice of all earthly bonds, and the disregard of all civil duties that might stand in the way of the fullest and speediest execu-

<sup>s</sup> *Regist. lib. ii. ep. v. p. 302. Conf. ep. xviii. p. 313, ad Guliel. Pictav. Comit.*

tion of the pontifical commands. With the progress of the quarrel between Philip of France and pope Gregory we are not materially concerned. It may suffice to observe, that at this moment the attention of the pope was diverted by matters of more pressing urgency; and that thus the extreme measures contemplated against king Philip—and perhaps others against the conqueror of England, William of Normandy—were laid aside for the present. Gregory had just now his hands full in watching the progress of events in Germany, and counterworking the intrigues of the disaffected clergy of Lombardy.

But among the subjects of moral censorship of importance to the success of the pontifical scheme, there were few of greater moment than <sup>Censorship of lay marriage.</sup> that of lay matrimony. Under the auspices of Peter Damiani, the Roman church had sanctioned the opinion that the purification of marriage from the taint of sin, which naturally clung to it, was the proper work of the church, and therefore that she was entitled to place it under such terms and restrictions as should be best adapted to eliminate its carnal nature, and impart to it a spiritual character, thereby transferring it from the category of civil contracts to the domain of sacramental ordinance. The natural aversion of mankind from connubial intercourse between the nearer grades of kindred furnished a plausible ground for the extension of restrictive law to every traceable degree of consanguinity, or even of mere affinity. The decretalists regarded the sin as the same in all cases; every marriage within the prohibited degrees was, without distinction, stamped with the odious name of *incest*; nor would they presume the danger to cease until the proof of propinquity should by its remoteness escape the detection of the church and her ministers.<sup>t</sup>

Gregory VII. bestowed great pains in maintaining this important outpost of the papal position. The interest he took in the integrity of the law of marriage, as it

<sup>t</sup> See the account of the Milan controversy, c. iii. pp. 225 et sqq. of this

Book. And conf. *ibid.* pp. 210-215.

Proceeding against un-canonical marriage. stood upon the statute-book of Rome, was such as to induce him to spare neither friend nor foe. When, therefore, the pope learnt that his pupil the countess Mathilda had contracted to marry her cousin in the fourth canonical degree, the markgrave Azzo of Este, he summoned the latter to Rome to answer on alligation of pedigree, which disclosed a bar to the marriage,<sup>u</sup> and severely admonished Mathilda herself to abstain from all communication with her relative until he should have adjudicated upon the cause.<sup>v</sup> Some years afterwards it was reported to him that Alphonso king of Castile had contracted a marriage within the prohibited degrees. The pope sternly commanded him instantly to cast from him the incestuous connection, and in this matter, as in all others, to be guided by the directions of the papal legate at his court, by whom he would be taught to walk in the paths of righteousness. "For," said he, "woman causeth even the wise man to backslide: Solomon, the wisest of mankind, fell by incest with women, and the kingdom departed from his posterity. Beware, therefore, lest you compel us to unsheath the sword of the church against your iniquities."<sup>w</sup>

But the powers of the church in matrimonial causes were not to be restricted to the prevention of illicit marriages. The whole contract, both in its origin and in its consequences, collateral or direct, was taken under the jurisdiction of the church. The settlement of civil rights, incidentally involved in the dissolution of illicit marriages, was regarded by pope Gregory VII. as falling within his cognizance.<sup>x</sup> And, indeed, in his mode of dealing with temporal estate, whenever its destination might be determined or altered by the operation of canon law, we trace a disposition to treat it as properly belonging to

<sup>u</sup> *Regist.* lib. i. ep. lvii. p. 278.

<sup>v</sup> *Ibid.* lib. ii. ep. xxxvi. p. 325. It seems that Gregory treated the mere project or design as a sin on her part, and therefore commanded her to do penance for having contemplated the sinful conjunction.

<sup>w</sup> *Ibid.* lib. viii. ep. iii. p. 483.

<sup>x</sup> Thus, in lib. i. ep. v. p. 237, he decrees, in a divorce cause, that if, on inquiry, certain facts should turn up, the deed of endowment should be cancelled, and her dowry given back to the wife.

the spirituality, and to dispose of it without regard to its secular character, or the civil rights of parties interested.<sup>y</sup> Nor was he less intent upon maintaining his character as the conservator of the integrity of marriages sanctified by the church. The resistance of the court of Rome to the divorce of Henry IV. corresponds so closely with the policy of Hildebrand after he became pope, that we have no difficulty in putting down that measure to his credit, fully as much as to that of his coadjutor Damiani. Thus, shortly after his accession to the papacy, we find him issuing general orders for the prevention of illicit marriages, and threatening all persons who should impede or resist the course of ecclesiastical justice with the curse of the anathema.<sup>z</sup> In the character of supreme censor of public morals, he assumed the right not merely to regulate the social conduct of men, but to set aside the law, and to restrict civil rights whenever they clashed with the divine law, or—in the sense in which he understood the term—the decrees of the holy see. He appears even to have held that civil crimes, or even criminal accusation, might disqualify, or at least suspend, the right of the layman to contract matrimony.<sup>a</sup>

Turning our attention for a moment to the general visitatorial powers claimed by Gregory VII. over the moral and political demeanour of princes and rulers, we notice a prudent reserve in the public enunciation of the broad principle upon which he rested his pretensions. Instead of alarming the contiguous and more powerful princes by a declaration of prerogative manifestly inconsistent with the independence and dignity of their crowns, he suffered his meaning to creep out in occasional addresses to the more distant and less important powers of Christendom. To

*The regimen universale asserted.*

<sup>y</sup> Thus in *Regist.* lib. ii. ep. xxiv. p. 316, we find him disposing of the "justitiæ" and the "administratio" of the bishop of Poitiers. But these "justitiæ" were strictly secular rights granted by the lay lords to the churches within the lands appurtenant to or held with their sees. The "administratio" was the right of managing church-estate during vacancy, which the feudal law as-

signed, together with the "justitiæ," or rights of civil and criminal jurisdiction, to the lord of the fee. In the case here noticed, therefore, the pope gave away, under an ecclesiastical adjudication, what did not belong to the church.

<sup>z</sup> *Regist.* lib. i. ep. xlvi. p. 273.

<sup>a</sup> *Ibid.* lib. ii. ep. xlvi. p. 333. Ad Gepitium et Maurum abbates.

Swen, king of Denmark, he might without danger affirm roundly that his superintending authority extended not only to kings and princes, but to the whole body of Christian people in the world; and that by force of the *regimen universale*, committed to him by God himself,<sup>b</sup> it was his undoubted right, as also his bounden duty, to exhort and bind all Christian princes to govern their people in righteousness, remembering the great account that he and they all must one day give to God.<sup>c</sup> Still more explicitly he observes, in a subsequent letter to the same prince, that "it had been the custom and the right among his predecessors, by affectionate legations and embassies, to teach the law of the Lord to all nations; to rebuke kings and rulers in all such things as should require animadversion; and by canonical discipline to invite all to lay hold upon eternal life: for, indeed, in ancient days the laws of the Roman pontiffs were of higher authority over the whole world than the laws of the emperors; for their renown had gone forth over all lands, and Christ reigned wherever the Cæsars ruled."<sup>d</sup>

Pope Gregory's vision of a golden age of sacerdotal supremacy was doubtless equally inspiring with the Eldorados of poets, painters, politicians, mythologists, and enthusiasts of all ages. Indeed, such dreams, however unreal, give a wonderful impulse to the spirits and hopes of the dreamers; they impart a subjective reality to their prospects, which, by the vividness of the expression, never fail to react upon their associates and friends; and no one among the supporters of Gregory was inclined to doubt that this *regimen universale* included of right a general power of coercive censorship over the whole political and moral state of princes and peoples, extending to all the requirements of the Petrine commission, whatever the extent of jurisdiction he might think fit to assign to it. No attentive reader of the works of Gregory VII. can fail to perceive that in his mouth the phrases "glory of God,"

<sup>b</sup> *Regist.* lib. i. ep. ix. p. 240.

<sup>c</sup> *Ibid.* lib. ii. ep. li. p. 336. Ad Sueonem reg. Dan.

<sup>d</sup> *Ibid.* lib. ii. ep. lxxv. p. 355. Ad Sueon. reg. etc.; and see the like declaration in lib. iii. ep. viii. p. 365.

"honour of Christ," "honour of St. Peter," are but convertible terms for the pleasure of the pope,—the profit, prerogative, power of the holy see. All external objects present themselves to his mind's eye in the mirror of decretal law; no light reaches him but from that distorting superficies. We can give no better illustration of the arrogant spirit thus engendered than that which he himself was fond of presenting to the world. Thus he writes to William king of England: "Like the two great luminaries fixed by the Creator in the firmament of the heavens to give light to his creatures, so also <sup>The greater</sup> hath He ordained two great powers on earth <sup>and the lesser</sup> by which all men are to be governed and pre- <sup>light."</sup> served from error. These powers are the pontifical and the royal; but the former is the greater, the latter the lesser light. Yet under both the religion of Christ is so ordered, that, by God's assistance, *the apostolical power shall govern the royal*; and *Scripture teacheth* that the apostolical and pontifical dignity is ordained to be responsible for all Christian kings, nay, for all men, before the divine tribunal, and to render an account to God for their sins. If, therefore, I be answerable before the dreadful judgment-seat, judge ye whether you are not bound upon the peril of your soul, and as you desire to possess your kingdom in peace, to yield unto me unconditional obedience; for that is no more than to prefer the *honour of God* to your own honour, and to love Him in a pure mind, with all your heart and with all your strength."<sup>e</sup>

The responsibility, therefore, and the power were commensurate and coextensive; neither was susceptible of any limitation but the divine law, and that law the pope carefully identified with the law of Rome. He acted upon this principle, from the outset to the close of his career, with a perseverance and consistency which leave no doubt of his sincerity. He always interfered in the affairs of foreign governments as a master invested with the amplest powers to regulate the conduct of public affairs, and to give them the direction most conducive to the advantage of

Assumes  
a right to  
put an end  
to warfare,

<sup>e</sup> Ad Gulielm. reg. Angl. lib. i. epp. xxiii. and xxv. pp. 473, 476.

the church. In this spirit he issued his commands to king Henry IV. and the insurgent barons, during the destructive civil wars of the years 1073 and 1074, to abstain from all further hostilities until his legates <sup>and to dictate terms of peace, &c.</sup> should have made due inquiry into the causes of quarrel, and dictated equitable terms of peace. All who should impede the settlement were threatened with eternal perdition: "for," he said, "to dissemble with me is sacrilege; it is very shipwreck of the soul." He permitted no doubt to rest upon his right to take in hand the settlement of national differences, and he graciously promised that whichever party should be found to have suffered wrong should find ample shelter under the wing of the apostolic power.<sup>f</sup> In a letter to Geisa king of Hungary he wrote, in the year 1075, "If it be our duty to *defend the rights of all men*, and to establish peace throughout all the world, there is the more urgent reason, the more manifest utility, in establishing concord among the great ones of the earth; for it is of the utmost importance to the multitudes that peace should be maintained among princes."<sup>g</sup> Again, by a mandate addressed to Olaf king of Norway, he inhibits him from interfering in the quarrel between the king of Denmark and his rebellious brothers.<sup>h</sup> A little while afterwards he wrote to the bishop of Gerona in Catalonia, directing him to convoke a synod to restore peace between the sons of the deceased Raymond Berengar, earl of Toulouse and Barcelona, who had quarrelled about the division of their father's inheritance.<sup>i</sup>

This masterful interposition in secular affairs was obviously susceptible of every expansion the pontiff might desire to impart to it. And if pope Gregory had honestly confined it to the reëstablishment of peace and goodwill among mankind, the world would have had little reason to complain of his interferences, though conveyed in the language of religious rebuke or menace. Such language, indeed, was suitable to a state of society in which coarse and vulgar

<sup>f</sup> *Regist.* lib. i. ep. xxxix. p. 266.

<sup>g</sup> *Ibid.* lib. ii. ep. lxx. p. 351.

<sup>h</sup> *Ibid.* lib. vi. ep. xiii. p. 436.

<sup>i</sup> *Ibid.* lib. vi. ep. xvi. p. 439.

feelings could only be acted upon by harsh and imperious modes of address. But it must be left to the course of the narrative to determine whether the motive of action was as pure as the expression was clear in the mouth of Gregory VII. In regard to the interposition of the pope in the affairs of Hungary just adverted to, we find that it was based upon the unjustifiable pretence that the *kingdom of Hungary was a fief of the holy see*. Geisa was himself a usurper; but had been approved by the pope, because the exiled king Solomon had done homage for his kingdom to the crown of Germany instead of to the pope. A transaction of an equally worldly and selfish complexion, occurring not long afterwards, throws some further light upon the uses to which he proposed to apply the principle of the *regimen universale*. Ysiaslaff, the exiled grand-duke of Muscovy, had taken refuge at the court of the king of Poland, and, while residing with him as his guest, had been robbed by him of the treasures he had saved from the wreck of his fortunes. Ysiaslaff now applied to the pope to procure from his treacherous friend the restoration of his property, and for that purpose had sent his son to Rome. Without a moment's hesitation Gregory adjudged the crown of Muscovy to belong to the father, and the son was prevailed upon to do homage for the principality to the see of Peter, in his father's name and behalf.<sup>j</sup>

The parallel pretensions at various times put forward by Gregory to the temporal suzerainty of England, Spain, Naples, Corsica, Poland, Hungary, Dalmatia, and Croatia, as feudal appendages of the Petrine patrimony,<sup>k</sup> indicate clearly enough that his anxiety for the maintenance of Christian dispositions among the princes of the world was subordinate to a scheme of a far more worldly and expansive character than any that had ever come under the contemplation of his predecessors. Meditating upon this transcendental

<sup>j</sup> *Regist.* lib. ii. ep. lxxiv. p. 355. See *Karamsin*, *Hist. de Russie* (French translation), and the historian's indignant comments upon this impudent usurpa-

tion.

<sup>k</sup> *Ibid.* lib. v. ep. ii. p. 407; lib. vi. ep. xii. 435; lib. vii. ep. iv. p. 458.

plan, he writes to Alphonso king of Castile: "We render thanks to almighty God for that He hath visited you by His grace in faith and devotion to St. Peter, prince of the apostles; unto whom He hath subjected all principalities and powers on the surface of the whole earth, and given authority to bind and to loose in heaven and on earth; who hath also given you to know that he who continues in the faith and doctrine of the holy see hath certain assurance of eternal life, and that he who swerveth therefrom is doomed to inevitable ruin."<sup>1</sup> In his anxious desire to impress the princes of Christendom with the conviction that the executive powers of the holy see were amply sufficient to enforce its precepts, he was lavish of his denunciations of the divine wrath against the disobedient: at one time he threatened them with excommunications; at another with interdicts, depositions, suspensions, privations. He cast out the refractory as rotten limbs; he absolved subjects from their allegiance; set aside oaths and promises and engagements; and delivered over the whole frame of human society to dissolution, rather than a single contempt of the authority of the chair of Peter should go unpunished. By such means it was no difficult task to keep the wayward and vulnerable consciences of the laity in a state of constant alarm and agitation. At the same time, prospects of worldly advantage were held out to the obedient sons of the church at the expense of her adversaries; and a lively expectation of future gains was thrown in, to stimulate the pious zeal of her friends.

Adverting now to the principles involved in the *regimen universale* of pope Gregory VII., as applicable to his scheme of *ecclesiastical government*, we observe that the restoration and maintenance of discipline, and the introduction of a severer system of subordination among the hierarchy, had engaged his thoughts from the earliest period of his public life. Without an organised staff, and a well-drilled and zealous ecclesiastical army, an aggressive policy like

Gregory's  
scheme of  
ecclesiastical  
government.

<sup>1</sup> *Regist.* lib. vii. ep. vi. p. 459.

his could have little chance of success. The foundation upon which he proposed to build was the *perfect centralisation of all spiritual powers in the hands of the pope*. This principle he enounced with his accustomed boldness and perspicuity. He took it for granted as a fact notorious to all the world, that the apostolic see, by the direct instructions of the Holy Spirit, had of its own mere motion framed and instituted the entire hierarchical scheme: that she had, in imitation of the celestial hierarchy, appointed primates, metropolitans, archbishops, and bishops, to preside over provinces and dioceses and parishes; that all these different orders, in strict analogy with the divine government of the universe, had been ranged by the apostolic founders under *one chief*, to whom all might freely resort; that it was with a view to this harmonious distribution of powers among a diversity of persons under one supreme head, that the provinces and divisions of the empire, which some time before the advent of Christ had been marked out and defined by the civil state, were adopted by the apostles themselves, under the special auspices of the blessed Clemens;<sup>m</sup> and that thus in every region, province, and district of the empire, a gradation of ecclesiastical officers, from patriarch to archbishop and bishop, had been introduced, to provide, *under the superintendence of the holy see*, for the maintenance of the divine law, and the strict administration of ecclesiastical justice.<sup>n</sup>

The means he proposed for the accomplishment of the general scheme of concentration, and the more perfect discipline of the ecclesiastical host, were principally the following:

Means for the accomplishment of this scheme.

1. Periodical, if possible annual, visits to Rome and attendance upon the papal councils; two such councils being appointed to be held, the first in the early spring, the second in the late autumn.

2. The systematic evocation of all suits and contro-

<sup>m</sup> See analysis of the Isidorian forgeries, Book VI. c. vii. pp. 185-188.

<sup>n</sup> Ad Rothom. Turon. et Senonens. archiep., dated the 20th of April 1079; *Regist. lib. vi. ep. xxv. p. 451*. The

specific object of this letter appears to have had reference to the disputed claim of the see of Lyons to the patriarchal primacy of France.

versies arising between the greater prelates and conventual bodies, now almost of daily occurrence, to the tribunal of the pope.

3. The vigilant repression and punishment of all ecclesiastical irregularities, by citations, suspensions, excommunications, and degradations.

4. The establishment of uniformity of ritual and ceremonial usages in the public worship, and a stricter regulation of rank, jurisdiction, and precedency among the ecclesiastical orders.

5. Protection to the monastic bodies against episcopal intrusion; and such an extension of the privileges of these associations as might furnish a check upon the bishops, and secure an obedient and well-drilled body of recruits for the service of the pontificate.

1. Gregory VII. revived or perpetuated by positive precept the ancient canonical practice<sup>o</sup> of holding two annual councils of an ecumenical character, at which every prelate of Christendom was required to appear at least once in the course of his official life. When, however, any extraordinary occasion arose, he summoned general synods, at which every bishop, abbot, or priest, who might be specially named, was bound to be present, without regard to expense, distance, or personal inconvenience.<sup>p</sup> On these occasions none but so-called canonical excuses were to be allowed; neither infirmity, remoteness, nor poverty was to be admitted, unless it should amount to absolute incapacity; and even in such cases no apology was accepted unless it was transmitted by proper *nuntii*, or persons specially sent and accredited by sufficient testimonials.<sup>q</sup> Upon every promotion to a higher spiritual office, Gregory ordained that the new prelate should make it his first duty to wait upon the spiritual monarch at Rome, *to do homage* in person for his see or abbey: a demand offensive to the patron from whom the preferment originated, and often attended with prejudice to the churches, which were thereby always for

<sup>o</sup> Conc. Nicæn can. v. ap. *Harduin*,  
Concil. tom. i. p. 325.

<sup>p</sup> *Regist.* lib. i. ep. xlii. p. 268; lib. ii.

ep xxix. p. 319.

<sup>q</sup> *Ibid.* lib. i. ep. xxx. p. 260. Ad  
Gebeardum, ep Salzburgens.

many months, frequently the whole year round, deprived of their pastors; the business of the diocese or abbey was suspended, and great expenses incurred, which the prelates uniformly managed to extract from the purses of the chapter or the monastery.<sup>f</sup>

2. In all ecclesiastical disputes of any importance, or charges of irregularity brought to his knowledge, it was the invariable practice of the pope either peremptorily to cite the parties, accusers and witnesses, to appear before himself at Rome, or to order them to abide the decision of his special legates *a latere*; granting, however, a last appeal to himself, if they should be dissatisfied with the legatine adjudication.<sup>g</sup> For the determination of merely local causes, we find him, on some occasions, delegating the powers of the holy see to one or more neighbouring ecclesiastics.<sup>h</sup> But the ordinary course was, without more, to summon litigants and delinquents alike to Rome to prosecute their suits before himself in person, on pain of judgment by default, or for contumacy in case of actual refusal.<sup>i</sup> In the latter case, the guilt of the defendant or accused party was always taken *pro confesso*, with the single chance of obtaining a reversal of the decree by throwing himself promptly on the mercy of the holy see. In all these cases there appears to be a total departure from every properly canonical principle of trial. The superabundant or extraordinary powers more modestly claimed by the earlier pontiffs—powers professedly conferred to meet extreme cases, or to obviate extraordinary

<sup>f</sup> *Regist.* lib. vi. ep. xxx. p. 448; lib. ix. ep. xx. p. 520. William of Normandy was averse from these expensive journeys of his prelates to Rome. Archbp. Lanfranc incurred a severe rebuke from the pope for preferring the wishes of his temporal to the commands of his spiritual sovereign. William was at that moment in very bad odour at Rome, for his backwardness in the payment of Peter's pence, and his refusal to do homage to the pope for the throne of England. He had gone the length of commanding that no new pontiff should be recognised by his subjects until he should himself have approved of his elec-

tion, and that no papal bull should be published in the kingdom until he should have perused and approved it. He even prohibited his own bishops from issuing any spiritual ordinances without his special permission; and insisted that no Norman should be excommunicated without his knowledge and consent. *Conf. Regist.* lib. vii. ep. i. p. 455.

<sup>g</sup> *Regist.* lib. i. epp. lv. lvi. pp. 277, 278; *ibid.* ep. lxxv. p. 284; lib. ii. ep. xxi. p. 315.

<sup>h</sup> *Ibid.* lib. ii. ep. x p. 308; ep. xix. p. 314; ep. xxv. p. 317.

<sup>i</sup> *Ibid.* lib. i. epp. li. lii. p. 275; epp. xliv. and xlv. pp. 269, 270.

dangers—had become, in the hands of Gregory VII. and the decretalists, the ordinary rule of pontifical government. The permanent dictator—the spiritual emperor—had superseded senate and people.<sup>v</sup>

3. Adopting to the utmost the forms and principles of the decretals, he pushed the prosecution of ecclesiastical offences and irregularities to the verge of tyranny. The object he proposed to himself by these severities was to keep alive an ever-present sense of his vigilance, and of the dependence of the ecclesiastical body upon himself. He regarded as one of the most serious of clerical delinquencies every resistance, hesitation, or delay, in obedience to the pontifical citations. He treated all such contempts as conclusive proof of guilt, and a just ground of condemnation. For this class of offences, the bishops of France, Germany, England, and Italy, fell by turns under his severest displeasure. Thus Manasseh, archbishop of Rheims, incurred censure, at one time for delaying to appoint an abbot to a monastery, with a view to the enjoyment of the revenues during the vacancy;<sup>w</sup> at another, for general neglect of duty;<sup>x</sup> and on a third occasion, for repudiating the jurisdiction of the papal legates, on the highly offensive ground that a metropolitan bishop was amenable to no tribunal but that of the pope in person. This plea Gregory rejected with indignation. “It was absurd,” he said, “to pretend that any subordinate in the hierarchy was not answerable to the pontifical legate, whoever he might be, when it was notorious that the pope’s legates had presided over the whole body of Christian pastors at the holy councils of Nicæa and Chalcedon.”<sup>y</sup> For a similar resistance to the authority of the papal legates, in a long-pending dispute between the archbishop of Prague and the bishop of Moravia, the pontiff threatened the former with the heaviest spiritual censures.<sup>z</sup> In France the instances of

<sup>v</sup> On the principles of canonical trial, see Book III. c. i. pp. 32-34 of this work.

<sup>w</sup> *Regist.* lib. i. ep. xiii. p. 244.

<sup>x</sup> *Ibid.* lib. ii. ep. lvi. p. 341.

<sup>y</sup> *Ibid.* lib. vii. ep. xii. p. 465. As to the alleged presidency, see Book I. c. viii. p. 183, and Book II. c. v. p. 583.

<sup>z</sup> *Ibid.* lib. i. ep. xvii. p. 247; ep. xlv. p. 269.

citations to Rome to answer charges of insubordination, extortion, violence, and usurpation, are extremely numerous.<sup>a</sup> In Germany, Siegfried, archbishop of Mainz, and Gebhard of Salzburg, fell under censure for their supineness in the great work of extirpating the so-called Simonian and Nicolaitan heresies, embezzling ecclesiastical funds, and unlawfully detaining tithes from the rightful owners.<sup>b</sup> So also Liemar, archbishop of Bremen, was suspended for disputing the authority of the pope's legates to preside over a national synod: the bishops of Bamberg and Toul were deposed for simoniacal practices and other offences.<sup>c</sup> The injunctions to bishops for the effectual suppression of simony, and denunciations of punishment against all who should, by neglect or criminal participation, give countenance to simoniacal practices, are too numerous for citation.<sup>d</sup> In Italy he assailed the Lombard prelates for the open or clandestine encouragement afforded to the excommunicated heretic Godfrey of Milan;<sup>e</sup> and at a subsequent period he denounced the anathema against the suffragans of that see, if they should dare to consecrate the pretender Tedaldus.<sup>f</sup> But besides these active measures for the suppression and punishment of offences directly affecting the general policy and discipline of the church, we find, in the collection of his letters, many instances of interference to put a stop to local and occasional irregularities, and to punish transgressions against the strict subordination of rank and order in the hierarchy. In this respect, the principle upon which he acted was, that whatever measure of obedience he claimed for himself as against the whole body of the church, must be rigorously exacted from all its members to their superiors in their respective ranks, and within their peculiar jurisdictions.

4. The solicitude of pope Gregory VII. for the introduction of the strictest uniformity of ceremonial

<sup>a</sup> *Regist.* lib. i. ep. li. p. 275; ep. lvi. p. 278; ep. lxxiii. p. 284; ep. lxxviii. p. 285; lib. ii. ep. ii. p. 299; ep. xxiii. p. 316.

<sup>b</sup> *Ibid.* lib. i. ep. xxx. p. 260.

<sup>c</sup> *Ibid.* lib. ii. ep. lxxvi. p. 356; lib. iii.

ep. i. p. 358.

<sup>d</sup> See, among others, *Regist.* lib. ii. ep. lxxii. p. 347; ep. lxxvi. p. 347; ep. lxxvii. p. 348; ep. lxxviii. p. 349.

<sup>e</sup> *Ibid.* lib. i. ep. xv. p. 245.

<sup>f</sup> *Ibid.* lib. iii. ep. ix. p. 366.

4. Identity of ritual. usages in the conduct of public worship is not the least remarkable feature of his policy. His language upon this point is always rigorous and imperative. Thus he commanded the kings of Aragon and Castile, by their allegiance to God and the holy see, to set aside without delay all those ceremonial usages of the national church that were not in strict conformity with the Roman ritual; and, from and after the receipt of that his mandate, to introduce, and for ever maintain throughout their realms, the customs and observances of their holy progenetrix, the mother and mistress of all churches.<sup>g</sup> Taking for his guide the policy of his most energetic predecessors, Gregory regarded the uniformity of ritualistic observance as of vital importance to that platform of religious subordination upon which his whole scheme of ecclesiastical polity was based. He manifested on all occasions the utmost solicitude to extend not only the Roman practice and ceremonial, but the entire decretal code of the pontiffs, to the outermost verge of his spiritual empire. To countries, from their remoteness or barbarism, inaccessible to this method of legatine or missionary management, he sent letters exhorting the princes and great men to send their select youths to Rome to be nurtured, "under the wing of the apostles Peter and Paul, in all sacred and divine law," in order that on their return to their homes they might disseminate the knowledge of the apostolic canons and decretals, and thereby prepare the minds of their people to receive and hold fast the mandates of the holy see, with that spirit of submission in which he placed the whole merit of the religious profession.<sup>h</sup>

While engaged in inculcating the uniformity of religious form and practice abroad, he was equally Zealous efforts to establish the anxious to prevent any departure from recog-

<sup>g</sup> *Regist.* lib. i. epp. lxxiii. lxxiv. pp. 282, 283. It is not easy in reading these letters to suppress a feeling of impatience at the false rhetoric, and still more groundless deductions, in which this singular man at every step indulges. Very few of the facts he alleges are entitled to any historical credit; and,

without charging him with deliberate or conscious mendacity, the extravagance of the fictions he adopts makes it no easy matter to shake off the suspicion of guilty knowledge.

<sup>h</sup> *Regist.* lib. vi. ep. xliii. p. 436; lib. vii. ep. v., and lib. v. ep. x. p. 414.

nised or canonical ritual at home. His atten- Roman canon law. tion was directed to the most minute obser- vances prevailing in the spiritual metropolis itself. In order that no reproach might rest upon his domestic government, and no pretext be afforded for alleging want of uniformity at home in excuse for the like diversity abroad, he abolished all practical departures from his own domestic model of religious ritual. In all ecclesiastical practice he desired that Rome should be the cynosure of all eyes; that in the minutest, as well as the most important affairs of the church, Roman law and custom should form the sole criterion of legality; and that, when that law was once dogmatically promulgated from the chair of Peter, no allegation of varying custom or usage should be set up to remove the anomaly from the list of abuses.<sup>1</sup>

5. Adverting, in the last place, to the protection extended by Gregory VII. to the monastic bodies,<sup>5.</sup> Protection of conventual bodies. it must be observed that in his age the desire of the regular clergy and monks to be delivered from the visitations of the bishops and ordinaries had become all but universal, and had produced an obstinate spirit of resistance to their interferences in the government of the conventual bodies, more especially in the administration of their estate and revenue. Those establishments, we are told, whether it were on account of their wealth or their poverty, were equally exposed to the vexations and extortions of the bishop or his chapter, or of the lay tenants of the episcopal sees. The more wealthy houses were in a condition to appeal to Rome; and sometimes, under their wing, the poorer succeeded in obtaining a hearing against the lawless acts of their superiors: and in these cases they rarely failed of such redress as the pope might be enabled to procure for them. But in the pontificate of Gregory VII. we do not as yet meet with those frequent manumissions by papal rescript which became so common in the next following period. There was, however, in the mind of this pontiff a very

<sup>1</sup> Conf. the letter to the canons of St. Hilary of Poitiers. *Regist.* lib. i. ep. liv. p. 277.

perceptible inclination to regard the monasteries as self-governed bodies, under the special guardianship of the holy see. In many instances, indeed, these bodies already claimed to be their own ordinaries; and others occur in which the right of exemption from the visitation of the bishop of the diocese was coeval with their foundation.<sup>j</sup> The knowledge of Gregory VII. in relation to monastic affairs was very large, and his experience of the advantages derivable from their favourable dispositions could never be absent from his mind. He, therefore, in all cases, took care to lay the broadest foundation for the pontifical interference for their protection. In this spirit, when Cunibert bishop of Turin was accused of violence and extortion practised upon the fraternity of the convent of St. Michael within his diocese, the pope promptly reminded him that *all monastic bodies stood under the special protection of the holy see*; and that the pontiff possessed full powers, not only to punish episcopal vexations, but to provide against a recurrence of the like annoyances, by exempting the sufferers altogether from the jurisdiction of the offending prelates. "Are you," said he, "indeed ignorant that many sovereign pontiffs have not only taken convents out of the jurisdiction of their bishops, but have even detached bishoprics from their metropolitan provinces because of oppression; thereby emancipating them altogether, *and annexing them to the holy see as immediate members of the family of the One spiritual head?* Read but the several privileges granted by those holy fathers, and you will find that even archbishops have been prohibited from exercising office or jurisdiction in a variety of monasteries, except with the consent of the superior. And this course we shall be compelled to pursue in the case of the monastery of St. Michael, unless you confine yourself to the lawful exercise of your rights as ordinary." And in conclusion he threatens that, unless the bishop shall come to an understanding with the prior, or appear at Rome to answer his complaint, abstaining meanwhile

<sup>j</sup> See the learned and elaborate articles, ap. *Ducange*, Gloss. voc. "Monas-

teria," "Regalia," "Fiscalia," and "Liberia."

from further molestation, he should beyond question withdraw the convent from his control, and take the fraternity under the immediate superiority of the holy Roman church.<sup>k</sup>

<sup>k</sup> *Regist.* lib. ii. ep. lxix. pp. 350, 351.

## CHAPTER VII.

### PRELUDE TO THE CONTROVERSY OF INVESTITURES.

Ordinance of 1074 against clerical marriage—Progress of the Gregorian scheme of celibacy—Encyclical letters against the married clergy—Position of Gregory—Resistance of the clergy—in France and Spain—in England and Hungary—Agitation in Germany—Language and intent of Gregory—Abortive efforts of Archbishop Siegfried to extort obedience from the Thuringian clergy—Persecution of the wived clergy in Germany—Pope Gregory's precept for a diet of pacification—Preparatory monition—The German church declines the presidency of the legates—*Ad interim* abandonment of the proposed diet—Pacific letter to the king—The blame of failure cast upon Liemar of Bremen—King Henry in favour with the pope—Investiture—Papal idea of investiture—Censure of Gregory VII. on lay investiture—His decree against lay investiture—Execution of the decree deferred by the revulsion of public feeling in Germany—Battle of Hohenberg, and defeat of the Saxons—Repentance of the army, and decline of Henry's influence—The dukes refuse further service against the Saxons—Motives of refusal—Submission of the Saxon princes—Ceremony of submission—Obscure negotiations and intrigues—Complaint of Gregory—Procrastination of Henry rebuked—Audacity of pope Gregory—The pope takes the usurper Geisa of Hungary under his protection—and claims Hungary as a fief of the holy see—Universality of the papal government and jurisdiction—Disregard of the papal claims—Henry IV. nominates and invests bishops of Liege and Milan—Insurrection at Milan, and death of Herlimbald—Triple schism in the church of Milan—Henry appoints a bishop of Bamberg—Citation of archbishop Tedaldus—Gregory VII. admonishes the bishops of Lombardy against Tedaldus—Irremediable misunderstanding between the king and the pope—Henry's appointments—Exasperation of pope Gregory—Letters of admonition to king Henry—Temper of the parties to the struggle—Discordant views—*Citation of the pope to king Henry* to appear and answer before himself at Rome—Reasons for this step—Henry resolves to depose the pope.

WHILE the consequences of his own errors continued to embarrass Henry IV., the enterprising pontiff had nothing to fear from the interference of that prince with the advances of the papacy in Italy. Gregory VII. therefore took advantage of the crisis to push forward his measures against the recusant clergy of Lombardy with augmented vigour.

Ordinance of 1074 against clerical marriage.

In the first week of Lent in the year 1074, he summoned the bishops to a special synod at Rome. The prelacy obeyed the citation;<sup>a</sup> and it was resolved without contradiction: 1. that priests should not marry wives; 2. that those who were married should put away their wives, or renounce the priesthood: 3. that for the future no one should be admitted to holy orders who should not profess inviolable continence.<sup>b</sup>

It may be observed here that the practical adoption of this ordinance was essential to the success of the theocratic scheme of Gregory VII. The first move in furtherance of this object dates from his earliest appearance upon the stage of ecclesiastical history. The distant sound of the trumpet was first heard from Maintz in the year 1049; it was repeated at Mantua in 1053, but was drowned in a general cry of aversion and indignation.<sup>c</sup> The rational and gentle Leo IX. shrunk from the conflict. Even Damiani, the Boanerges of monastic chastity, fell, perhaps unconsciously, under the same benign influence; and for a period of ten years the decrees against clerical marriage were suffered to slumber. But while these good men still did homage in their hearts to the cause of peace and goodwill among men, the Messiah of another law stood by their side—one to whom the peace of God was treason to His church—one to whom the feelings and affections of humanity were as stumbling-blocks in his path—to whom the voice of the Lord was distinguishable only in the storm-wind “that rent the mountains and broke to pieces the rocks; in the earthquake and the fire”—to whom the trumpet-sound of God’s vengeance was

Progress of the Gregorian scheme of celibacy.

<sup>a</sup> *Jaffé*, Reg. Pont. Rom. p. 409.  
<sup>b</sup> *Lamb. Schaffn.* ap. *Pertz*, v. p. 217, and note ad loc. *Conc.* xii. p. 547. Lambert affirms these ordinances to have been in conformity with “the ancient canons.” But it would be difficult to point out any “ancient canons” against the practice. The council of Nicæa had repelled the proposal to prohibit sacerdotal marriage. Some churches, indeed, had adopted continence as the rule of clerical life; and there is no doubt that it had been advocated by

that of Rome for many ages past, but practically without success. It is certain that the secular clergy of France, England, Germany, and (at least) Northern Italy, were almost all married men; and it seems equally certain that down to the year 1049 (see Book IX. c. iv. p. 93) no pontiff had ventured to publish any general law against the marriage of the clergy.  
<sup>c</sup> See Book IX. c. iv. p. 93; *ibid.* p. 112.

soothing music, and who caught the note of war from the softest accents of the Redeemer's voice. For he had set up in his heart a colossal image of himself, and had fallen down before it and worshiped; and in this spirit he wrought with untiring and ruthless energy to bend the outer world under his yoke. His emissaries had, as we have seen,<sup>d</sup> zealously seconded his plan of clerical celibacy in France and Germany; his friend Stephen IX., in the course of his eight months' pontificate, revived the edicts of Maintz and Rheims (A.D. 1049); and in the year 1059 Nicolas II. found the minds of the Italian prelacy so far subdued as to give a silent and sullen assent to the obnoxious ordinance. Little indeed had been practically effected towards the execution of these decrees; but the principle had received the ostensible sanction of three successive synods; and in the year 1066, all the preceding canons upon this, and the kindred topic of lay matrimony, had been repeated and republished with additional sanctions and penalties.<sup>e</sup>

In this state the question remained till the year 1074.

But the decrees of this last synod were not allowed to become a dead letter upon the statute-book of Rome. Gregory spared neither threats nor promises, neither flatteries nor censures, to push them into the promptest and most vigorous operation. Letters were circulated throughout Latin Christendom, legates were despatched commanding all archbishops and bishops, princes, potentates, and lay officers of every degree, upon pain of eternal perdition, to cast out and depose without mercy all married priests or deacons, and to repel their contaminating ministrations. The tone of these addresses was intended to impress upon the readers that no means they might resort to for the fulfilment of the papal commands could be deemed amiss.<sup>f</sup> He im-

<sup>d</sup> See chap. iii. p. 183 of this Book.

<sup>e</sup> See chap. iii. p. 210 of this Book.

<sup>f</sup> See, especially, *Regist.* lib. ii. ep. lv. p. 340; ep. lxii. p. 345; ep. lxvi. p. 347; ep. lxxvii. p. 348; ep. lxxviii. p. 348. The last three letters are all dated on the same day, and are obviously the originals of three series of circulars issued

for the same purpose. In his letter addressed to the rebel dukes Rodolph of Swabia and Berthold of Carinthia, he advises them to prevent the simoniacal and concubinate (married) clergy from exercising their offices, whether at the king's court or elsewhere, *by force of arms*, or even to the shedding of blood;

putes resistance to these ordinances to purely carnal and sordid motives. "All men," he says, "naturally prefer the favour of princes to the service of God; promotion and honours and wealth to their eternal interests; earth to heaven; the king to the pontiff. . . . How," he asks, "shall *they* obtain pardon for their sins who despise him who openeth and closeth the gates of heaven *to whom he pleaseth*? Let all such beware how they call down the divine wrath upon their own heads; . . . how they incur the apostolic malediction, instead of earning that grace and blessing so abundantly poured out upon them by the blessed Peter! Let them be assured that neither prince nor prelate shall escape the doom of the sinner who shall omit to drive out and repel, with inexorable rigour, all simoniacal and fornicating (married) priests; and all who shall listen to the call of carnal sympathy or affection, or shall from any worldly motive 'withhold the sword from the shedding of blood' in the holy cause of God and His church; or shall stand aloof while those damning heresies are gnawing at the vitals of religion, violating and enslaving the chaste spouse of Christ: surely, the lukewarm and the indifferent shall be regarded indiscriminately as accomplices of the heretics, as counterfeits and cheats."<sup>8</sup>

Such was the position assumed by Pope Gregory VII. against a world which he described—and probably believed to be—sunk in trespasses and sins; alive only to the terrors of religion; writhing under a mean and fruitless attrition; trembling at the penalties of transgression, yet anxious only to elude them at the least possible sacrifice of its darling vices. But whether this wicked world was the better or the worse for his rude monitions, can hardly affect the moral merits of the questions at issue between the sinners and the saints of the day. The cause of the married clergy was indeed capable of a statement clear of all the subtleties

and if they should be reproached for the violence or illegality of their proceedings, to shelter themselves under the pontifical commands.

<sup>8</sup> And conf. *Lamb. Schaffn. ap. Pertz*, v. pp. 217, 218. The contents of these letters seem to have been well known to this writer.

which obscured and complicated the controversies of the age. Their defenders might fearlessly have taken their stand upon the word of God and the law of his providence against the prerogative of Peter, if they had had either the intelligence or the boldness to distinguish between the two principles. Pope Gregory provided against that danger by never permitting a doubt to rest upon the identity of these several sources of revelation. His opponents slunk away baffled from the key of his position, and thus fairly lost the fight.

Nevertheless, the decrees of 1074 for the expulsion of the wived clergy stirred up a tempest of wrath and indignation in all quarters. The storm, of course, began and raged with the greatest fury among that class of ecclesiastics who had sullied their cause by notorious lewdness and irregularity of life. These persons appealed vociferously to Scripture and the course of nature. The sounder portion avowed their resolution rather to abandon their functions than forfeit their sacred engagements to their wives and families. "This man," they said, "would compel mere mortals to live as the angels in heaven; but in refusing to nature her free and lawful course, he throws open the flood-gates of whoredom, and of every kind of impurity. If he persist, let him, *who thinks mankind too bad for him*, look to it where to find his angels to rule the nations and the church of God."<sup>h</sup> It was, in fact, from this class of men that the most serious opposition to the decrees was to be apprehended. There were among them many persons of blameless lives, simple and conscientious habits, equipped for the battle with sounder knowledge, and capable of wielding the sword of Scripture and reason with effect,<sup>i</sup> if they had discerned and ventured to assail the real point of attack; if they had dogmatically defied the chair of Peter to alter, to add to, to modify, or to annul the natural and the revealed law of God.

The first open resistance to the recent ordinances pro-

<sup>h</sup> *Lamb. Schaffn.* loc. mod. cit.

<sup>i</sup> e.g. such men as *Siegebert* of Gemblours, *Theodorich* of Verdun, and *Wal-*

*tram* of Naumburg, to whose writings we shall hereafter have occasion to refer.

ceeded from a synod held at Paris in the same year. The majority of the meeting came to a resolution that no obedience should be given to the decree against the wived clergy. In opposition to this decision, Walter, abbot of Pont-Isère, insisted that the commands of the pope, right or wrong, ought to be obeyed. Incensed beyond control, the multitude dragged the recusant from the hall of meeting, and beat him unmercifully before he could be rescued from their hands by his friends. The archbishop of Rouen, while engaged in expelling the married priests from his diocese, was assailed by showers of stones and missiles, and compelled to fly for his life. In Normandy, the marriage of the clergy was sanctioned by the positive law of the province; the sons of priests often succeeded to the livings of their fathers, and it was no unusual practice to settle a benefice, by way of jointure, upon the daughters of the clergy. So late even as the twelfth century, it was the custom, when a priest married, to give security to the parents of the wife not to forsake her.<sup>j</sup> At Burgos, in Spain, the papal legate, Richard of Marseilles, suffered personal injury while presiding at a synod for compelling the priests of the diocese to part with their wives. So persevering was the resistance in this quarter, that in the year 1104 Pope Paschal II. saw no mode of avoiding a schism but by relaxing the decrees of 1074 and 1080, and permitting the Spanish clergy who had married before the promulgation of the last decree to retain their wives, pronouncing, at the same time, their children capable of spiritual office and of succession to temporal estate.<sup>k</sup> Even the zealous Lanfranc of Canterbury declined to publish the decree in England;<sup>l</sup> and later on, no greater progress was made in that country towards its execution than to make it a condition for all who applied for holy orders to

<sup>j</sup> *Stenzel*, i. p. 356, quoting from the *Act. Sanct.* 8 April, c. 2, in *Actis Gualterii*. See also *Orderic. Vital.* lib. iv. p. 587, ap. *Duchesne*, *Rr. Norm.* Ss. *Gaufrid. Grossus*, in *Vit. Bernhard.* Ab.

*Tironens.* c. vi. ap. *Pagi, Crit.* ad *Baron.* an. 1108.

<sup>k</sup> *Concil.* xii. p. 987.

<sup>l</sup> A. D. 1075.

be, and remain, unmarried. The same compromise was adopted in Hungary.<sup>m</sup>

But the agitation produced in Germany by the promulgation of the decree of 1074 greatly exceeded in intensity all that had occurred in other countries. The pope had taken care that copies of the edict should be transmitted simultaneously to all the prelates of the kingdom; and all of them shrunk back in dismay from the task imposed upon them. Archbishop Siegfried of Mainz, with a view to put off the evil day, gave his clergy six months to get rid of their wives and families. Following his example, even the most zealous of the papal prelates, as, for instance, Sicard of Aquileia, Hanno of Cologne, Burckhard of Halberstadt, and Wezelin of Magdeburg, procrastinated, gave time, exhorted their clergy to voluntary submission, and from time to time reiterated the papal commands,—but all to no purpose. None but the most disreputable among the clergy availed themselves of the opportunity to shake off ties which operated as a check upon vicious indulgences. It was obvious that physical force alone could separate those whom God and man had joined together.

But the more vehement the opposition, the more imperious the denunciations of the pontiff against any delay in the plenary execution of his commands. He stigmatised the reserves of his friends in Germany as cowardly half-measures; though it might be dangerous to *name* the expedient which could alone content him, he might hint at and point to it; so that if his words should be taken literally, he might avoid the danger of exhibiting himself to the world as the counsellor of bloodshed. “ ‘ He that withholdeth the corn,’ ” said the pope to his dilatory ministers, “ ‘ the people shall curse him;’ ”<sup>n</sup> how much more him that withholdeth the pure spiritual food! ‘ Cursed be he that keepeth back his sword from blood.’<sup>o</sup> ‘ Behold, to obey is better than sacrifice.’<sup>p</sup>

<sup>m</sup> *Stenzel*, ubi sup., quoting *Mansi*, xx. p. 454; *Conc. Winton.* 1076; and the Hungarian Concilium Szabulchense, ap. *Mansi*, *ibid.* p. 760, § 3.

<sup>n</sup> *Prov.* xi. 26.

<sup>o</sup> *Jerem.* xlviii. 10.

<sup>p</sup> 1 *Sam.* xv. 22.

‘ See, I have this day set thee over the nations and over the kingdoms, to root out and to pull down, and to destroy and to throw down, to build and to plant.’<sup>q</sup> The decrees of the fathers, the authority of the canons, demand prompt, unhesitating obedience. . . . He whom flesh and blood moveth to doubt or delay is carnal; he is condemned already; he hath no share in the work of the Lord; he is a rotten branch, a dumb dog, a cankered limb, a faithless servant, a timeserver, and a hypocrite.”<sup>r</sup>

Archbishop Siegfried of Maintz would gladly have held a middle course; but the unmistakable urgency of Gregory’s letters convinced him that no delay would be tolerated; and in the month of October 1074 he called together the clergy of his province at Erfurth: he laid before them the papal command to dismiss their

Abortive effort of archbishop Siegfried to extort obedience from the Thuringian clergy.

wives, and either to renounce their marriage-vows or to resign their cures. The clergy exhausted their whole stock of reason and eloquence to prove the pope’s mandate to be both unlawful and inhuman. The archbishop sheltered himself alike against reason and humanity under the orders of the pope; against which he assured them neither entreaties nor arguments could be of any avail. The clergy broke away from the synod in anger and dismay, and came to a general resolution not to obey the archbishop. Some of the wilder spirits among them suggested that it would be the better course to turn upon him, to expel him from his see, and to degrade him from the episcopate before he could have time to excommunicate them. It was not obscurely hinted that it might be necessary to put him to the death he deserved, as an example to any successor who might dare to inflict so bitter an insult upon the clergy of his province. The archbishop was not slow to perceive that, in the excited state of men’s minds, perseverance in urging the immediate fulfilment of the papal mandate was both useless and dangerous. He therefore sent pressing messages to the seceders, urging them to return to the meeting, and pro-

<sup>q</sup> *Jerem.* i. 10.

<sup>r</sup> *Regist.* lib. ii. ep. lxii. p. 343; ep.

lxvi. p. 347; ep. lxvii. p. 348; ep. lxviii. p. 349.

missing that he would seize every favourable opportunity to move the pope to mitigate the rigour of the decree. Meanwhile the clergy were to be permitted to retain their wives and their cures; and the good-humour of the meeting was so far restored, that the archbishop thought he might take occasion to extort, from their hopes or their fears, the concession of the Thuringian tithes, for which he had so long negotiated and intrigued. But the clergy were as little disposed to yield to an attack upon their purses as upon their affections, and broke out in open uproar. The archbishop was with difficulty rescued by his retinue from personal violence; he retreated in all haste to Heiligenstadt, from whence he issued, on behalf of his avarice, that curse which neither his professed obedience to the pope, nor the welfare of religion, could draw from him.<sup>5</sup>

The Saxons had at all times proved themselves staunch defenders of violated or endangered rights. In other parts of Germany the efforts of the monks and papal emissaries had been more successful. As in Italy, so in Germany, these men had shown a quicker apprehension of their master's commands. They forthwith sounded the trumpet of persecution: they inhibited the laity, upon pain of the curse, from attendance upon the ministrations of the wived clergy; they frightened away their parishioners from intercourse with them, and encouraged them in acts of contumely or violence against their persons, their families, and their property. Princes and prelates came to an agreement to drive them out of their churches, to asperse their characters, to deprive them of all credit and every means of livelihood; in short, to eject them from human society as an infection and a curse; to make life a burden, and death a blessing—except upon conditions which none but the most worthless among them could accept.<sup>6</sup> “The hearts of men,” says a modern writer of

<sup>5</sup> *Lamb. Schaffn.* an. 1074, ap. *Pertz*, v. p. 218.

<sup>6</sup> See the letter attributed to *Wenric*, a canon of the church of Treves, ap. *Martene and Durand*, Coll. Ampliss.

tom. i. p. 449. Comp. the letter of *Theodorich* bishop of Verdun to pope Greg. VII., ap. *Martene and Durand*, Thesaur. Anecd. tom. i. p. 214.

eminence upon this period of German history, “were shaken to the core by the wild lamentations of forsaken women and children; by the indignant clamour of mothers degraded from the honourable position of wives to that of deserted concubines and harlots; by the disappointed hopes of thousands of maidens, who had looked forward to creditable establishments under the roofs of the most reputable class in society. But it was not only those whose immediate interests were thus ruthlessly sacrificed, but the most venerable and virtuous among the clergy, from the highest to the lowest rank in the church; men who had devoted themselves to voluntary celibacy, whose reputation was unsullied, the genuine denizens of the kingdom of God: these men it was who most acutely shared the general indignation against this cruel and wanton infraction of the divine law. And to this feeling we attribute the hesitation and procrastination of so many bishops; the little or no notice taken of the decrees by some, and the total rejection of them by others, having themselves no personal interest to serve, but acting from the simple conviction that the decrees were contrary to the law of God and nature, subversive of His providential dispensation, destructive of the best feelings of the human heart, irreconcilable with the Gospel, the doctrine of the fathers, and the universal practice of human society since the world began.”<sup>u</sup>

It has been already observed, that, towards the close of the year 1073, pope Gregory had proposed, through the intervention of the rebel duke Rodolph of Swabia, to assemble a general diet, lay and ecclesiastical, in Germany, with a view to settle the future union of church and empire upon a more permanent footing; but upon terms to be dictated

Pope Gregory's precept for a diet of pacification.

<sup>u</sup> *Luden*, Gesch. des Deutsch. Volks, viii. p. 563. Yet this writer apologises for the author of these enormous crimes, by speculating upon the contingent benefits accruing to the world from the institution of clerical celibacy. He ventures to weigh out so much crime and misery against so much prospective advantage to society. We think, however,

that the load of guilt for this great sin does not weigh one grain the less upon the authors, on the score of any speculative advantages of the nature alluded to by this writer. Such advantages form no apology for the crimes committed in their achievement. Conf. *Luden*, *ibid.* pp. 565-567.

by the pontiff himself. These terms were to embrace three principal objects: 1. the abolition of simony, in the pontifical sense of the word; 2. the forcible introduction of clerical celibacy; and 3. the settlement of all differences between the king and the insurgent Saxons. The papal representation was to consist of the cardinals of Ostia and Præneste, and the bishops of Chur and Como, as legates of the holy see: they were to be accompanied by the empress Agnes, from whose attachment to the Roman church the pope expected no little advantage. The legates were instructed to assemble a general synod, carefully guarding against the intrusion of any persons who might have incurred spiritual censures, or whose devotion to the holy see was at all questionable; and having thus packed the meeting after the strict model of a Roman synod, to take their stand upon the fullness of the papal authority as to all matters that might be brought before them.

With a view to prepare the way for the proposed Preparatory monition. pacification, Gregory admonished both the king and his insurgent subjects to lay down their arms, and to submit their quarrel to the pontifical arbitration. To the bishops of Magdeburg and Halberstadt, the markgrave Dedi of Lusatia, and the other Saxon chiefs, he wrote in a tone of profound commiseration for the sufferings the civil war had brought upon their country; he notified to them that he had, by apostolic authority, commanded the king to abstain from all hostilities *until the legates of the holy see should have examined into and decided upon the merits of the whole cause*; and now, by the like authority, he commanded them, the princes and prelates of Saxony, to suspend all warlike enterprise, and without dissimulation to give their aid and attendance at the proposed diet; inasmuch as they must know full well, that to lie to the pope "was sacrilege and shipwreck of the soul." He closed his address by cautioning them against allowing any doubt to arise in their minds, *either of his right to interfere, or of the justice of the award he might think fit to pronounce.*<sup>v</sup>

<sup>v</sup> *Regist. lib. i. ep. xxxix. p. 266. c. 64, ap. Murat. iii. p. 332.*  
*Conf. Paul. Bernried. Vit. Greg. VII.*

A similar monition was at the same time addressed to the king, with the intent to impress both parties with the feeling that no alternative but implicit submission to the pontifical will was open to either.<sup>w</sup> Henry was at this moment better prepared to receive the papal mandate with resignation than at any former period of his life. His affairs were in a deplorable state of depression, and all his faculties were absorbed by projects of revenge against his insurgent subjects for their wanton breach of the convention of Gerstungen. Blinded by passion, he was incapable of discerning the perils which threatened him in every act, and in every word that proceeded out of the mouth of pope Gregory. In the month of April 1074, he went to meet the empress-mother and the papal legates at Nuremberg. In the very first interview, the legates applied a rude touchstone to the sincerity of his late professions of submission to the corrective authority of the holy see. Before entering upon the business of their mission, the legates informed the king that they could hold no further communication with him until he should have irrevocably dismissed and renounced five of his principal ministers—viz. the bishops of Lausanne, Ratisbon, and Constance, and the earls Eberhard and Ulrich, all these persons still labouring under the anathema of the late pope, Alexander II., for alleged simoniacal practices,\* nor until the king himself should have done due penance, and received absolution from the censures attaching to all persons who should at any time have held intercourse or communion with these heretics.<sup>y</sup> It appears that this humiliating stipulation was accepted by the king without apparent reluctance. What passed in private between him, his mother, and the legates, cannot be conjectured. Certain it is that he took the utmost care that no mark of respect or deference should be wanting on his part to keep them in good

Formal submission of Henry IV. to the papal precept.

<sup>w</sup> Thus *Bonizo* (ad Amic. *Æfel.* ii. p. 811), "Venerabilis pontifex nil melius esse deliberavit quam ex primordio (negotii) regem admonere ut . . . sese subjectum esse S. Rom. ecclesiæ recognosceret."

\* These censures had been but little noticed at the time, having been issued only very shortly before the death of Alexander. *Stenzel*, vol. i. p. 354.

<sup>y</sup> *Paul. Bernried.* Vit. Greg. VII. c. lxii. ap. *Murat.* iii. p. 332.

humour, and to procure a favourable report of his dispositions to the pope. Against himself personally no charge of participation in the illicit projects of his proscribed ministers was insinuated; and it can hardly be doubted that the penance imposed was formal only, the absolution plenary and immediate, and both so private as to attract as little observation as possible. But the precedent was cheaply purchased at the price of this indulgence. Henry, king of the Germans—the future emperor of the Romans—had practically admitted that a Christian prince might not lawfully retain minister or adviser labouring under the censure of the holy see!

This point gained against the monarch, it remained for the legates to obtain the like ascendancy over the national church. They required the king to convoke a general synod of the Germanic churches, to be composed of all the *orthodox* princes and prelates of the realm, and to be presided over by themselves as legates of the holy see. But, to their dismay and disappointment, the latter proposal was utterly repudiated by the Germanic hierarchy. The bishops declared that such a pretension was unprecedented, and contrary to the immemorial rights and privileges of the national church. Liemar, archbishop of Bremen, a prelate esteemed for eloquence, learning, and piety, protested that, in the personal absence of the pope, the right of presidency devolved upon the archbishop primate of Maintz, as hereditary legate of the holy see in Germany, and that no delegation for that purpose was canonically admissible.<sup>2</sup> While this dispute was pending, the king stood aloof; and the legates condemned archbishop Liemar to suspension for contumacious resistance

<sup>2</sup> *Bonizo* (ad Amic. *Æfel.* ii. p. 811) observes, that this error could only have arisen from the archbishop's ignorance of the decretal of pope Leo the Great, addressed to the archbishop of Thessalonica, which established that, though the pope delegates his vicariate to all primates, it is only as partakers of his solicitude, not as sharers of his powers. The meaning of the writer seems to be, that this usual delegation only extends

to the *ordinary* powers of the holy see, without prejudice to the *superabundant* powers as defined by pope Leo (conf. Book II. c. iv. pp. 348-350 of this work); consequently, that as the extraordinary must supersede the ordinary, the holy see cannot be divested of her right to delegate the former power to any persons, and as often as may be thought expedient.

to the authority of the holy see. Meanwhile, Henry had consented to the deposition of his late ministers, the bishops of Bamberg and Constance; and, in the hope of directing the tempest of the papal displeasure upon the heads of those prelates whom he most hated for their share in the late insurrections, he entered heartily into the views of the legates. Anxious to involve those persons—among them more especially his personal enemy the bishop of Worms—<sup>*Ad interim*</sup> in the charge of simony, he cast about for the <sup>abandonment</sup> <sup>of the pro-</sup> <sup>posed diet, &c.</sup> like evidence against them as had led to the condemnation of his late ministers. Many bishops, whose consciences were not altogether clear on this point, exerted all their influence to defeat the proposed congress; and they managed so well as to make it apparent, both to the king and the legates, that, in the actual disposition of the Germanic clergy, no further progress could be made for the present. The legates were dismissed by Henry with every honour he could bestow upon them; he gratified them with munificent presents, and furnished them with autograph letters, professing, on his part, boundless submission and devotion to the holy see. But the king had, for the time, succeeded in evading the papal scheme of pacification, and found himself at liberty to pursue his vindictive projects against the rebels.<sup>a</sup> The pope, though not altogether dissatisfied with the result of his experiment upon the dispositions of king Henry, found that he had a formidable obstacle to overcome in the contumacy of the Germanic hierarchy; and he now turned his thoughts to the best mode of making the submission of the king available for the suppression of this spiritual rebellion.

With these views, he wrote to the king, expressing his lively satisfaction at the reception his legates had met with at his court, and the great gratification he had derived from his assurances, as well as from those of the empress-mother and the legates themselves, of the integrity of his intentions; but he had been more especially pleased by the firm resolution the king

<sup>a</sup> *Lamb. Schaffn.* an. 1074, ap. *Pertz*, v. p. 216; *Bonizo*, ubi sup.

had expressed to root out from his dominions that *damnable heresy of simony*, as well as to cast out the inveterate malady of sacerdotal fornication: calling God to witness of the sincerity of his professions of attachment, he nevertheless solemnly warned the king against the fatal error of choosing for his ministers persons who might have an interest adverse to that of the holy see.<sup>b</sup>

Against the German recusants little could, with any chance of success, for the moment be attempted. Gregory therefore satisfied the insulted majesty of the holy see by casting the guilt of obstructing the pacification of Germany upon the head of archbishop Liemar. He conveyed to him in terms of bitter reproach the papal confirmation of the sentence of suspension, and commanded him to appear without delay at Rome, to answer for his contumacy;<sup>c</sup> but he postponed all further proceedings in favour of the great project with which his brain had long been labouring, and for which he now believed a favourable opportunity to be within his reach.

The main object of the pope was the abolition of the right of *lay investiture* in every form and under all its aspects. Though we cannot believe King Henry in favour with the pope. pope Gregory VII. to have been sincere in his exaggerated expressions of esteem and affection for a prince whom he had so lately accused of almost every vice in the catalogue of human depravity, yet he had seen enough in the critical position of Henry's affairs to encourage a reasonable hope of his future subserviency. Narrow or merely personal resentments were not among the defects of Gregory's character. His dislikes and his suspicions were the results of observation and calculation, rather than of weakness or caprice. Love and hatred were nicely balanced in his mind by the interests of his lofty ambition. Those who obeyed, he flattered and caressed; upon those who resisted, or hesitated to postpone every duty and every interest to his behests, he ruthlessly placed his heel. Yet when "the wicked

<sup>b</sup> *Regist.* lib. ii. epp. xxx. xxxi. pp. 320, 321, Dec. 1074.

<sup>c</sup> *Ibid* lib. ii. ep. xxviii. p. 318.

man turned away from his wickedness," he was generally ready to forget rather than to forgive; and—whenever the severity of the system, of which he was himself the unconscious slave, was susceptible of relaxation—to remit the penalties incurred, and to restore the truant to his favour. Gregory, in truth, interpreted the late submissions of Henry as a covenant of unreserved and unconditional subserviency to the holy see, and held him as firmly tied to surrender himself to the pontifical management as the most formal treaty could have bound him.<sup>d</sup>

This, therefore, appeared to the pope to be a favourable moment to allow the whole pontifical doctrine respecting the "damnable crime of <sup>Investiture.</sup> simony" to transpire. The king had promised to obey; and that promise was now to be exacted, in the sense in which Gregory himself understood it. In his view, the covenant was construed to embrace the renunciation of all lay agency or participation in the transmission, possession, or management of ecclesiastical estate, endowments, honours, dignities, and emoluments. The conveyance of the temporalities to the spiritual holder *by investiture* was therefore in the first instance to be abandoned, so as to give to the possessor, by the mere act of consecration, an absolute interest in the land, discharged of all obligations to the lord of the fee, excepting only the general duty of allegiance, and *that* only as far as such duty might be reconcilable with the paramount claims of the church and its supreme head.

Looking back to what has been advanced in the first chapter of this book,<sup>e</sup> with regard to the state of ecclesiastical powers and endowments, it cannot <sup>Papal idea of investiture.</sup> admit of a doubt that the Hildebrandine scheme, in this its naked form, was irreconcilable with the independent existence of a civil state, except as a dependency of the sacerdotal empire. In estimating the merits of the scheme, we are put to our election between two abso-

<sup>d</sup> "To lie to the pope was to lie to God." See p. 338 of this chapter.

particularly the remarks in pp. 142, 143.

<sup>e</sup> See generally chap. i., and more

lutely incompatible systems of government; and should find ourselves at a loss to arrive at a satisfactory conclusion, but for that preponderant moral preference which any form of government arising out of the necessities and requirements of civil society must always command over a code founded upon forgeries and fictions, and contrived for the benefit of a particular class, whose temporal interests were never altogether identical with those of the lay community, more especially at a moment when that class was about to be absolutely cut off from the strongest, and now the last remaining, sympathies which had hitherto connected it with civil society.

There is no reason to doubt that the plan for compelling the surrender of lay rights of presentation and investiture had been maturing in the mind of Hildebrand and his school from the earliest period of his career, certainly for some time prior to the death of Alexander II. That pontiff had sent Anselm, the bishop-elect of Lucca, to the imperial court to receive investiture of the temporalities of his see; but, at the suggestion of Hildebrand, the new prelate refused to accept the ring and crosier from the hand of the king. When Hildebrand had ascended the pontifical throne, he made it one of his first duties to thank his friend for the bold stand he had made on behalf of the privileges of the church against a prince contaminated by foul communion with persons labouring under the censures of his predecessor.<sup>f</sup> At the same time Hugo, bishop-elect of Die in the Dauphiné, had, at the like suggestion, refused investiture, and had accompanied Anselm on his return to Italy. Early in the year 1074 a royal commission arrived at Rome, requiring the pope to withhold consecration until the recusants should qualify themselves in the usual legal form. At that moment, however, it did not appear convenient to provoke the controversy; Gregory laid the case before the consistory of the holy see, who reported that the public law was as insisted upon by the commissioners. The consecration was accordingly deferred, the bishops still declining to

Censure of  
Gregory VII.  
upon lay  
investiture.

<sup>f</sup> *Regist. lib. i. ep. xxi. p. 252.*

accept investiture; nor were they consecrated until a change of circumstances enabled Gregory to set the royal prerogative at defiance. With what boiling and chafing of spirit the pope submitted to this postponement of this his most cherished plan, is apparent from many incidental expressions in his extant letters of this period. "The church," he complained, "was reduced to bondage under the world . . . she was the slave, the bondswoman of the state . . . she was brought to shame and confusion of face by the wasting usurpations of the laity and the time-serving cupidity of the clergy."<sup>g</sup> He forbade the consecration of churches until they should have been withdrawn from the control of the lay patrons;<sup>h</sup> he proclaimed to the world that the princes and great men of the earth were in conspiracy against God and his church;<sup>i</sup> hence their never-ending meddling with the liberties of the churches, and the incessant disturbances and pillagings of ecclesiastical estate.<sup>j</sup> All these evils he imputed to the direct or indirect operation of lay patronage. The unmistakable object of these complaints was to instil into the minds of his correspondents the like aversion from the existing relations of church and state, awaiting the more fortunate juncture that should enable him to break the chains which so sorely galled and chafed him.

But in the beginning of the year 1075, the mists which had hitherto veiled the future from his view were dispersed. King Henry's fortunes were at the lowest; his humiliation appeared imminent, if not complete; and the pope sallied forth to remove all remaining obstacles and difficulties with a strong hand. In the month of February in that year, he assembled a numerous synod at Rome. Many bishops of France, England, Germany, and Italy were cited to answer before him for a variety of ecclesiastical offences. The more numerous of these delinquents were the German bishops under prosecution for simony, more particularly the archbishops of Maintz and Bremen, the

<sup>g</sup> *Regist.* lib. i. ep. xlii. p. 268.

<sup>h</sup> *Ibid.* lib. i. . . lxi. p. 286.

<sup>i</sup> *Ibid.* lib. ii. ep. xii. p. 310.

<sup>j</sup> *Ibid.* lib. ii. ep. xviii. p. 313.

His decree  
against lay  
investiture.

bishops of Bamberg, Speyer, Strasburg, Würzburg, Constance, and Augsburg. Nothing daunted by the contemptuous non-appearance of the accused prelates, he proceeded to confirm and republish the earlier decrees against the simonian and *Nicolaitan* heretics: "their ministrations were void—their blessings were a curse." He excommunicated the archbishop of Bremen,<sup>k</sup> and the bishops of Speyer and Strasburg; he gave sentence of deposition against the bishops of Pavia, Piacenza, and Turin; he cursed Robert of Apulia for breach of allegiance to the holy see, and for plunderings committed upon the patrimony of St. Peter; Philip of France was threatened with the interdict unless he should give good security for the performance of the penances imposed upon him for his manifold church-robberies and private vices; he repeated the excommunication pronounced by his legates against the ministers of Henry IV.; lastly, he obtained the sanction of the council to the following decree: "*If henceforward any one shall take or accept from any lay person any bishopric or abbey, he shall in no wise be numbered among bishops or abbots, nor shall he be heard in the churches as bishop or abbot; moreover, we interdict and exclude all such persons from the grace of the blessed Peter, and from performing divine service until they shall have renounced all office they have obtained by the double crime of ambition and disobedience, which is idolatry.*"<sup>1</sup>

<sup>k</sup> For his bold defence of the liberties of the Germanic church, see p. 340 of this chapter.

<sup>1</sup> *Pagi* and *Bar.* an. 1075, No. 31. *Hugo Flaviniacens.* ap. *Pertz*, viii. p. 412. *Conf. Regist.* lib. iii. ep. x. p. 367. The abbot of Flavigny (born 1065, and a contemporary of Greg. VII.) justifies this decree upon several grounds. 1. The second council of Nicæa decreed that every election of bishop, priest, or deacon, by order of the prince shall be void, &c. 2. The eighth general council enacted that all promotions and consecrations of bishops shall be by election of the bishops themselves, and that no lay person or prince shall in any way meddle with or interfere in

the same . . . yet if a layman be invited by the church to consult and cooperate with the electors, he shall reverently obey the call . . . every unauthorised interference to be punished by the anathema (see Book VII. c. vi. p. 390 of this work). 3. The Nicene council decreed that no one ordained against the will of the patriarch should be bishop. (*Conf. Fleury*, H. E. iii. p. 145.) 4. The council of Antioch decides that if any presbyter or deacon shall obtain a church through secular procurement, he shall be deemed a simonian, and be cut off from communion, as was Simon Magus by Simon Peter. But this canon is not to be found in those of the orthodox council of Antioch

Notice of this decree was simultaneously conveyed to all the bishops of the empire. The pope wrote to the archbishops of Maintz, Cologne, and Magdeburg, with the most urgent injunctions to see it carried into immediate execution.<sup>m</sup> He admonished his friends the dukes of Swabia and Carinthia to urge-on the reluctant or dilatory bishops, and to inhibit all clerks suspected of simony or concubinage from performing service in the churches; assuring them that, if opposed in the zealous execution of their duty, his injunctions should be their sufficient warrant for *any measures* that might be necessary for carrying them into effect.<sup>n</sup> Beyond these preliminary steps the pope did not for the present venture. No notices of the like nature were sent to the court or the lay nobility. Gregory did not at that moment expect any immediate or general effect from the late ordinance; the aspect of his affairs in Germany was otherwise unpromising; the censures upon the champion of the national church, the archbishop of Bremen, coupled with the despotic and wholly uncanonical deposition of two prince-bishops of the empire, aggravated the alarm inspired by the late offensive pretensions of the papal legates. At the same time the resentment for the separate peace concluded by the Saxons at Gerstungen had thrown their late allies back into the arms of their adversary; and the king, partly by promises of plunder, and partly by persuasion, had, by the month of June 1075, managed to collect a large army on the borders of the rebel duchies. Before a blow was struck, discord and mutual jealousies had broken up the Saxon confederacy. Many of the inferior gentry and nobility had made their separate peace with Henry, and now stood by his side, ready to wash out the recollection of their treason in the blood of their former associates. The dukes Gozelo of Lorraine, Rodolph of Swabia, and Welf of Bavaria, earnestly besought the king to lose no time in inflicting due punishment upon the rebels who

held in 341. There were several councils of Antioch, most of them Arian or heretical; consequently not likely to be quoted. See *Hug. Flavin. Chron. lib.*

ii. ap. *Pertz*, viii. pp. 411, 412.

<sup>m</sup> *Regist. lib. ii. ep. lxxvi. p. 347; ep. lxxvii. p. 348; ep. lxxviii. p. 349.*

<sup>n</sup> *Ibid. lib. ii. ep. xlv. p. 330.*

Execution of the decree deferred by the revulsion of public feeling in Germany.

still stood out: Gozelo advised immediate action, because he believed the time at hand for striking a decisive blow in the king's service; Rodolph, because he believed himself cheated and betrayed by his late associates, and now thirsted for revenge; Welf, because he apprehended that if by any chance the convention of Gerstungen were allowed to stand good, his duchy of Bavaria might fall back into the hands of his rival, Otto of Nordheim. These chiefs, though from different motives, concurred in repudiating every attempt on the part of the Saxons to negotiate with the court. In the camp of the confederates disorder and dismay had almost dissolved all appearance of discipline; and in this sorry plight Henry came upon them by a forced march in the vicinity of the convent of Hohenberg.

The surprise was so complete, that they had no time to array themselves in order of battle; duke Otto fought with desperate valour in front of their disordered ranks, and for some time kept the hosts of Swabians and Bavarians at bay; but as different divisions of the king's forces came into action, the diminished ranks of the Saxons, now assailed upon both flanks at once, gave way, and fled in utter panic and confusion. In the heat of pursuit no mercy was shown, no quarter was given; and the king returned to the camp late in the evening to enjoy his dreary and short-lived triumph.<sup>o</sup>

But the aspect of the field on the following morning brought with it sorrow and repentance. The rage of battle was succeeded by the anguish of regret and the tortures of remorse. On the king's side it happened that many noble warriors had fallen, while on that of the Saxons only a single person of distinction had perished. The leaders of the insurgents had all escaped from the field; and Henry knew by experience, that as long as they were at liberty, no great progress was made towards the pacification of Saxony. The self-reproaches of his victorious supporters

<sup>o</sup> *Lamb. Schaffn.* an. 1075, ap. *Pertz*, v. pp. 226 et sqq. Lambert computes the numbers which fell in this battle on

the part of the Saxons at 8000, and on that of the king at 5000 men.

for the butchery of their countrymen was of evil augury to his cause; and he feared that these dispositions would furnish a plea for withdrawing from a warfare, to persist in which must bring with it an aggravation of their guilt, and, as they now fully believed, draw down the divine vengeance upon their heads. But in this emergency the remorseless primate Siegfried stepped in to the assistance of the king. He fulminated sentence of excommunication against the Thuringian rebels for refusing to pay their tithes to him, and thus deprived them of much of that sympathy which might have spared them some, at least, of the miseries of civil war. Expecting no mercy from their vindictive adversary, the Saxons retired to their swamps and forests, and turned a deaf ear to the king's repeated summonses to surrender. Henry pursued them as far as Halberstadt; but here the supply of provisions, occasioned by the ruthless devastations of his wild host, compelled him to halt. The army became clamorous for leisure, to enjoy the enormous plunder they had collected; and the king was obliged to dismiss them, on a promise to rejoin their standards on the 20th of September at Gerstungen, on the Thuringian frontier.

The suspension of hostilities proved in the highest degree detrimental to the king's interests. The merciless cruelties perpetrated during the con-<sup>The dukes</sup>tinuance of the civil war had made a profound <sup>refuse further</sup>impression upon the public mind; every day <sup>service</sup>seemed to add strength to the general regrets. These <sup>against the</sup>humane sentiments yielded indeed to the sense of military <sup>Saxons.</sup>duty; the greater number of the crown vassals appeared at Gerstungen on the appointed day; but the dukes Rodolph, Berthold, and Welf, sent their excuses in terms of unbecoming comment upon the king's measures during the late campaign. "They could not," they declared, "reflect without remorse upon the blood that had been shed in vain in this last expedition; they were shocked at the harsh and inexorable disposition of the king towards the vanquished; it seemed to them that neither tears nor supplications could extinguish the flame of his wrath, nor that he could be propitiated by the

rivers of blood that had been shed on the Thuringian plains for the gratification of his vindictive passions." They therefore declined to lend him any further aid in his sanguinary plan for the total ruin of their fellow-subjects.<sup>p</sup>

This sudden change of purpose on the part of persons Motives of refusal. who, during the late warfare, had urged-on the king in his career of devastation and bloodshed, with a ferocity in no respect inferior to that which animated his own heart, might raise a presumption of some external influence at work to arrest his progress, or to enfeeble the prestige which victory had thrown around his arms. But, irrespective of their broken promise, the three magnates had good political grounds for declining to become parties to the elimination of so important a portion of the national constituency. All the legitimate purposes of the campaign had been already accomplished; the king's enemies had been subdued and punished, and would now listen to moderate, even to humiliating, terms of accommodation; the honour of the crown was vindicated; punishment enough had been inflicted. The determination of the king to carry on the war, therefore, appeared to them indicative of a criminal ambition, dangerous to themselves and to the liberties of the empire, of which they were the constitutional guardians. The desertion of the three magnates, however, inclined the king to negotiation. The Saxons, broken in spirit, Submission of the Saxon princes. and without confidence in their chiefs, could not be drawn out of their places of refuge, even to save their princes from ruin. Deserted by their followers, and unable to bring into the field a force capable of resisting the royal army, reduced as it was, they accepted the mediation of duke Gozelo of Lorraine and the prelates of the king's party; and, after long and stormy debates, were at length prevailed upon to make their humble submission to the king, with the understanding, confirmed by the corporal oath of the warrantors, that they should not suffer loss or damage in respect of life or liberty, estate, fief, or personalty; but that having

<sup>p</sup> *Lamb. Schaffn. an. 1075; Pertz, ubi sup. p. 234.*

publicly, and before the king himself, rendered all due satisfaction to him, and to the majesty of the empire, they should go free from all further penalties, and be immediately restored to land and liberty, without disparagement of rank, state, or condition.<sup>9</sup>

In their helpless position, the grant of terms involving no greater sacrifice than that of a momentary and inconsequential humiliation might have awakened a suspicion of the king's intentions. Ceremony of humiliation and submission. The princes, however, fulfilled their part of the engagement to the letter. They appeared before the king unarmed and barefooted, in penitential guise; and in the presence of the whole army, drawn up to witness their humiliation, craved pardon for their late rebellion. Thus the most illustrious of the Saxon and Thuringian magnates—archbishop Werner of Magdeburg, bishop Burchard of Halberstadt, the dukes Otto of Nordheim and Magnus of Saxony, with his uncle earl Hermann, the earl-palatine Frederic of Saxony, and other nobles of prominent rank among the insurgents—were presented successively to the king to go through the mortifying ceremony; after which, we are assured, they were upon the instant committed to the custody of the king's vassals, and conveyed as close prisoners to distant parts of Franconia, Swabia, Bavaria, Italy, and Burgundy; their fiefs were treated as forfeitures, and distributed among the more zealous and serviceable of the king's friends and favourites.<sup>r</sup>

<sup>9</sup> *Lamb. Schaff'n. ap. Pertz, v. p. 235.* The terms are thus stated by the historian: The mediators "jurejurando confirmantes non salutis, non libertatis, non prædiorum, non beneficiorum, non ceteræ suppellectilis suæ ullam eos jacuram sensuros; sed postquam faciem regis et regni majestatem momentaneâ satisfactione magnificassent, statim deditionis absolvendos, et patriæ libertatique, in nullis imminuto sibi conditionis suæ statu, restituendos esse."

<sup>r</sup> We cannot avoid suspecting some error in the statement of Lambert of Aschaffenburg. We cannot find that, either at the time or ever afterwards, any protest against this monstrous per-

fidy was entered on behalf of the sufferers, or that the warrantors of the treaty ever insisted upon any relaxation of the punishment. Gozelo of Lorraine was in his day respected as a person of spotless integrity; and it is improbable that he would have allowed such a foul blot to rest upon his honour with impunity. It is singular, too, that the Saxon historian Bruno, who was ever on the watch for occasions to asperse the character of the enemy of his people, simply tells us that it had been rumoured that the king had promised, upon condition of immediate surrender, that the captivity of the Saxon chiefs should be of short duration; but that he after-

The surrender of the Saxons, though, as we are assured, made under the strongest impression that the king's engagements were not to be relied upon, shows how deeply they had fallen; or it may suggest a doubt whether those engagements were of so positive a character as that ascribed to them by the historian. At all events, both the king and the warrantors appear to have dismissed the treaty from their recollection as soon as the echo of their oaths had passed away. Giving credit to this statement, we can regard no visitation as too severe a retribution upon the heads of the perpetrators of so foul a treachery. Be this as it may, the conduct and bearing of Henry throughout this memorable conflict was so deeply dyed with unconstitutional ambition and vindictive passion, that we cease to wonder at the rapid decline of his popularity the moment leisure was afforded for reflection upon the obvious tendency of his conduct. A cause upheld by such means must fall as soon as the moral and religious feelings of mankind, in whatever form, and under whatever guidance they may array themselves, can be brought to bear upon it. This task now fell into the hands of pope Gregory VII.; and it is remarkable that, at the very moment of the king's highest exultation over his prostrate enemies, every engine and instrument for his ruin was already brought into working order.

The Saxon war was brought to a close in the month of November 1075. We must here advert for an instant to some incidents which, in point of time, run parallel with the transactions just adverted to. It has been observed that the edict against investitures was published in the month of February this year, therefore nine months prior to the termination of the Saxon war. But, almost from the first days of his pontificate, Gregory had kept up a correspondence with the Germanic magnates; and he had shown himself especially solicitous to secure the friendship of the dukes Rodolph, Berthold, and Welf. With the first of these we find

wards chose to forget his promise, and detained them in prison for a great length of time. *Bruno, de Bell. Saxon. c. 54, 55, ap. Pertz, v. p. 348.*

him in communication as early as the month of August 1073, and about a year afterwards with all the three.<sup>s</sup> He appears to have made sure of the attachment of Rodolf, and expressed himself in sanguine terms of the advantage to be derived both to church and state from the establishment of a good understanding between them. With regard to king Henry, the pope assured his correspondent that he felt the sincerest regard for him, both *because he had elected him king*, and because his father, the pious emperor *Henry III.*, had, upon his deathbed, commended him especially to the guardianship of the holy see, through pope Victor, who was at that time residing at his court. But it is remarkable that Gregory should have built his scheme of a "solid union of church and state" upon the friendship of persons whom he knew to have been, but a few months before, engaged in active hostilities against the head of that state. Every circumstance leads us to believe that the terms of the union, whatever they may have been, were discussed between the pope and duke Rodolf at a personal interview; that the latter had visited Italy; that he there met the empress Agnes, the countess Mathilda, and the bishop of Como; and that these three, with duke Rodolf, formed a secret committee for the management of affairs in Germany. What hopes the duke may have brought back with him are unknown; yet it is certain that the separate peace concluded between the king and the insurgent Saxons at Gerstungen must have disappointed them. Rodolf, therefore, suddenly changed his policy; he became for the moment the zealous friend of the king, and contributed mainly to the overthrow of his enemies at the battle of Hohenberg. The Saxon war had deranged the plans of Gregory in Germany, and led to a series of private communications between him and the king, the drift of which does not very clearly appear. The latter requested that they should be kept secret from all but the empress-mother, and the countesses Beatrix and Mathilda, promising that, when he should have brought the war to a close, he would furnish the pope with the most convincing

<sup>s</sup> *Regist.* lib. i. ep. xix. p. 250, and lib. ii. ep. xlv. p. 330.

proofs of his dutiful devotion to the holy see, and to the pontiff personally.

Gregory had not forgotten his disappointment at the Complaint of conferences of Nürnberg; and complained with Gregory. some bitterness that the explanations promised by the king had been too long delayed; that he had neglected to give the pope the required confidential explanation of his views and intentions; and that now he had so far changed his mind as to make what was intended to be private the subject of public discussion. It seems probable that, during the depressed state of the king's fortunes, Gregory had hoped to obtain from him such assurances as might have the twofold effect of binding him down to the measures the pope had most at heart, and of compromising him with the recusant prelacy of Germany; but that, as affairs began to wear a fairer aspect, the king thought himself sure enough of the support of the estates to take them into his counsels, and to make the papal demands, more particularly that which touched the question of investitures, the subject of public deliberation. The pope had desired to carry his point without noise or discussion, and therefore protested strongly against this change of plan. He had hoped to accomplish his purpose by a private understanding with the king, and by separate negotiation with the primates and princes of Germany; and with that view, he affected to regard the abandonment of investitures as simply a matter of personal and religious obligation on the part of Henry, having no necessary connection with the interests of civil government.<sup>†</sup>

The king, however, could not be got to pledge himself more deeply to the projects of the pope; and Gregory was compelled for the moment to suppress Procrastina-  
tion of Henry  
rebuked. his resentment. Adopting the tone of a parental monitor, he reminded the king how important it was that the "peace of God" should be established between church and empire, and deplored the obstacles which stood in the way of the accommodation. There were persons, he said, who he knew would, in the dread of retribution for their offences, throw every impediment in the way of that

<sup>†</sup> Ad Beatricem et Mathildam, ap. *Regist.* lib. iii. p. 362.

indispensable union: for his own part, however, he was still disposed to rely upon the king's professions, and to place himself in communication with those pious and religious men to whose wisdom he understood him to have referred all questions between him and the holy see: with their aid, he had no doubt he should be enabled to clasp him to the bosom of holy church, to receive him as his good lord and dear son, demanding nothing in return, but that he should reverently incline his ear to *the message of salvation*, thereby rendering *due honour and glory to his Creator and Redeemer*. He even congratulated the king upon his victory over his rebellious subjects, though he deeply deplored the torrents of blood that had been shed, and hinted that this great success ought in gratitude to incline his heart in all things to prefer *the honour of God and His righteousness* above every other worldly interest.<sup>u</sup>

The least observant reader can hardly have failed by this time to perceive the drift of these phrases as they fell from the lips of pope Gregory VII. The "name of God," the "peace of God," the "commands of God," the "righteousness of God," the "admonitions of salvation," and many others of the like character, stand but for the name, the approbation, the commands, the righteousness, the admonitions of the pope of Rome. These were, so to speak, the manacles with which he proposed to "bind their kings with chains, and their nobles with fetters of iron."<sup>v</sup> No pontiff had hitherto ventured upon so audacious an identification of himself with the divine Majesty; no monarch upon earth had ever so devoutly worshiped at the shrine of self. That king Henry IV. should have begun darkly to apprehend the scope of the papal projects, cannot surprise us. The pontificate floated before him like an ominous phantom, misty and ill-defined in form, but with threatening gestures. He knew of no formula of exorcism by which the spirit might be laid, or forced to assume a shape and substance that might be grappled with. He had by this

Audacity  
of pope  
Gregory.

<sup>u</sup> *Regist.* lib. iii. ep. vii. p. 363.

<sup>v</sup> *Ps.* cxlix. 8. A quotation not unusual in his mouth.

time perceived that the promises of submission and obedience made in the hour of trouble and distress were intended to bear a signification he had never attached to them. The letter was against him ; there was no expositor or arbiter at hand to interpret between him and the representative of Deity ; and the hesitations, delays, and inconsistencies thus engendered, enabled his skilful adversary at every step to deprive him of some portion of that moral sympathy which might have assisted him in dissolving the spell.

While the decree against investiture was thus practically suspended in Germany, our attention is drawn to an incident which throws a strong light on the kind of influence upon which that, and every other pretension of the papacy, was to be based. Solomon, the brother-in-law of king Henry, had been driven from the throne of Hungary (A.D. 1075) by his cousin Geisa, and had taken refuge at the court of Germany. As the price of Henry's support for the recovery of his crown, Solomon had done homage to the empire for the kingdom of Hungary. The rival princes laid their respective cases before the pope, and each claimed his advocacy on behalf of his pretensions. Geisa was the first in the field : he justified his usurpation by alleging private grievances and the tyranny of his competitor ; but more especially he impressed upon the pope, that the act of homage by the latter to a foreign prince was of itself an act of forfeiture. In his reply, pope Gregory assured him of his approval as long as he should continue loyal and obedient to the holy see, and promised that, if made certain of his *dutiful submission*, he would give no ear to the suggestions of his adversary.\* The pope had discovered that Solomon's addresses to the holy see were "reluctant," "dilatatory," indicative of "inattention and disrespect." The exiled king was informed, that, if he had taken the trouble to consult the learned prelates of his kingdom, he would have learnt from them that *Hungary was a domain of the holy Roman church*, irrevocably and de-

The pope takes the usurper Geisa of Hungary under his protection ;

and claims Hungary as a fief of the holy see.

\* *Regist. lib. i. ep. lviii. p. 279.*

voutly given and assigned by king Stephen to the blessed Peter in full right, and of his own demesne :<sup>x</sup> that moreover the emperor Henry (II.), after the conquest of that kingdom, had sent the crown and sacred lance of Hungary to be laid upon the shrine of St. Peter, committing thereby, as in duty bound, the insignia of dominion to the custody to which they of right belonged ; yet Solomon had done his best to rob St. Peter of his honours by accepting the kingdom as a fief of the king of the Germans : unless, therefore, he speedily corrected his error, and made due acknowledgment to hold his crown, not of the royal, but of the apostolical majesty, he could not expect to enjoy the grace of Peter, or the favour of his representative ; nor hope to reëstablish himself in the kingdom without falling under the censures of the apostolic see. “ For,” said Gregory, “ we have vowed that neither fear nor affection, nor any personal regards, shall move us to abate one jot of the honours of Him whose servant we are.”<sup>y</sup>

There is no ground to believe that the acts appealed to by the pope as acts of homage and surrender were meant to convey any right of suzerainty. Universality of papal government and jurisdiction. Every manifestation of outward reverence to the holy see was, however, open to any interpretation it might be convenient to attach to the symbols. The naive desire of barbarian princes to be admitted into the great Christian family might thus be construed into acknowledgments of a foreign sovereignty ; and kings might be made to surrender to a stranger that independence which no free people then or ever regarded as at the disposal of the sovereign. But Gregory had assigned to the chair of Peter a *dominium supremum* coextensive with the limits of the habitable globe ;<sup>z</sup> he had adopted the principle that St. Peter was territorial and temporal monarch of the earth : that his power to bind and to loose was equally applicable to the political and to the moral and spiritual condition of princes, states, and kingdoms : he took it for granted, on all occasions, that they were as

<sup>x</sup> Conf. Book IX. c. i. p. 3 of this vol.

<sup>y</sup> *Regist.* lib. ii. ep. xiii. p. 311.

<sup>z</sup> Conf. chap. vi. p. 305 of this Book.

intimately sensible of this state of dependency as himself; and that he was therefore at liberty to construe every outward act of reverence or respect for his spiritual character as the spontaneous expression and acknowledgment of the paramount sovereignty of St. Peter's chair. He attempted, it is true, to draw a distinction between that sovereignty and the vulgar dependence of temporal servitude. The kingdom of Hungary, he said, ought, like every other kingdom of the world, to be subject to the universal parent; a government differing totally from that of the world; for she did not, like them, hold her subjects as vassals, and serfs, and slaves, but as "dear children;"—hers was a parental, not a masterful, dominion. It is charitable, because not improbable, to believe that this distinction really dwelt in the mind of Gregory, veiling the sordid and vulgar aspect of his aspirations from his own view, and investing his position in the world with the beneficence and dignity of the divine government.<sup>a</sup> Indulging, perhaps, in the seductive dream of a paramount delegation of the divine powers to a succession of weak and erring mortals, we may cease to wonder that he should have claimed for himself the same instinctive acknowledgment, the same exemption from human scrutiny and censure, as that due from created beings to the Creator; he might even have ventured a step beyond his celebrated successor Innocent III., who modestly described the Roman pontiff as "greater than man, but less than God."<sup>b</sup> Gregory always professed to regard the reluctance of the world to admit the distinction between subjection to the holy see and dependence upon a foreign power as the strongest proof of a reprobate and carnal mind.

That this unregenerate spirit animated the Hungarian prince Geisa is pretty clear from his disregard of the papal claim. regard of the broad hint conveyed to him by the pope, that a humble application for the papal confirmation of his usurped power might be of

<sup>a</sup> *Regist.* lib. ii. ep. lxxiii. p. 334.

<sup>b</sup> As to the Hungarian affair, see *Lamb. Schaffn.* an. 1073, 1074. *Bon-*

*finius*, *Rer. Hung.* decad. ii. lib. iii. and iv. *Conf. Luden*, ix. note 8, p. 568.

advantage to his cause; and the demand of Rome upon the allegiance of the Hungarians remained in much the same state as the corresponding claims upon the crowns of England, Castile, Arragon, and Russia.<sup>c</sup> Elated by his late successes, Henry IV. of Germany was at this moment less disposed than ever to admit the parental relation as explained to him by the pope, or to listen complacently to the imperious urgency with which he pressed the execution of the decrees of the late synod of the Lateran; the patience of both parties was, in fact, waning fast, and incidents were even now in progress, both in Germany and Italy, which speedily led to an open rupture.

At the solicitation of his steady friend duke Gozelo of Lorraine, the emperor had given the bishopric of Liege to a cousin of the latter, and, without notice to the pope, had invested him with the temporalities of his see by the delivery of ring and crosier. In this, as in every other disposal of his ecclesiastical patronage since his accession, Henry had anxiously avoided the charge of simony. But in the mouths of king and pope the same word no longer meant the same thing. The former had not, as far as we are informed, taken any notice—certainly no public notice—of the decree of February 1075 against investitures, and it is improbable that a simply ecclesiastical ordinance could have the effect of cancelling so ancient and so momentous a prerogative of his crown. Gregory, however, construed the investiture of the bishop of Liege, not only as a clear contempt of ecclesiastical law, but as a faithless breach of that submission for which he professed to hold the king's autograph engagement. Events which occurred about the same time in the church of Milan confirmed this impression. At the close of the year 1073, Gregory had entertained the confident belief in the sincerity of the professions extorted from Henry IV., when, in the depth of his indignation and distress, he appealed to the pope against his faithless subjects.<sup>d</sup> He had apprised his confederate Herlimbald at Milan of

Henry IV.  
nominates  
and invests  
bishops of  
Liege and  
Milan.

<sup>c</sup> Conf. ch. vi. p. 317 of this Book.

<sup>d</sup> Conf. ch. vi. p. 296 of this Book.

the engagements entered into with the king. "He had," he said, "been assured by some of the best-informed persons about the court that the king would obey him faithfully in all matters touching the church of Milan."<sup>e</sup>

At that moment, indeed, the king was in no condition to interfere with the proceedings of Gregory <sup>Insurrection, and death of Herlimbald at Milan.</sup> in Lombardy; but the violence of his own faction disappointed the hopes of the pope. Herlimbald had continued to persecute the simoniacal and wived clergy with relentless cruelty. But it happened that in the year 1075 a large portion of the city was destroyed by fire. Irritated by calamity, and disgusted with the ferocity of the papal party, the populace of Milan laid the conflagration to the charge of Herlimbald and his fanatical militia, the Paterines. The gentry and substantial inhabitants retired in a body from the city, and at a general meeting came to the resolution no longer to bear with the excesses of the faction, or the degradation of the Ambrosian see to a dependency of Rome. With a view, therefore, to the emancipation of both church and people, they determined to accept an archbishop from no other hand but that of the king. On their return to the city, Herlimbald encountered them at the head of his party, but was killed in the affray; his satellites were dispersed; and peace was, for the moment, restored to the vexed community.

At this point of time the turn in the tide of the king's <sup>Triple schism in the church of Milan.</sup> affairs by the battle of Hohenberg enabled him to make an effort to recover some of the ground he had lost in Italy. He promptly despatched earl Eberhard of Nellenburg into Lombardy, to confirm the loyalty of the Milanese. The envoy proposed to the citizens to send a humble petition to the king to appoint them an archbishop without regard to the claims of the actual competitors, Godfrey and Atto; setting aside the former because he was obnoxious to the charge of simony, and the latter as the mere nominee of the pope. The advice was accepted, and the deputies of the Milanese,

<sup>e</sup> *Regist.* lib. i. epp. xxv. and xxvi. dated the 27th Sept. and the 9th Oct. p. 256. These letters are respectively 1073.

upon their arrival at the court, left the choice of the person to be accepted by their fellow-citizens unreservedly in the hands of the king. Henry, without delay, presented to them his chaplain, Tedaldus, a canon of the church of Milan, as their future archbishop. The new prelate was received with acclamation by the people, and willingly consecrated by the suffragans of the province.<sup>f</sup>

If any doubt had remained on the mind of the pope that Henry had either misinterpreted or wholly thrown aside his engagements with the holy see, the transaction which followed within two months of the installation of Tedaldus must have set his mind at rest. About the year 1058, Hermann, the dean of Bamberg, had openly and notoriously bought that see from the corrupt ministers of the empress-regent; and he was consecrated by archbishop Siegfried with full knowledge of his simoniacal intrusion. Though cited to Rome by pope Nicholas II. to answer the charge, and suspended for non-appearance, he continued to perform the duties and to enjoy the income of the see down to the year 1074. Meanwhile, however, a disagreement had arisen between him and his chapter upon a disputed right to certain lands and revenues, of which the bishop claimed the disposal. The exasperated clergy of Bamberg revived the old charge of simony against him, and called in the papal arbitration between them and the delinquent. But Gregory VII. had anticipated the information conveyed by the deputies of the chapter; and finding that the sentence of his predecessor still stood unreversed, he at once gave judgment of deposition and anathema against him.<sup>g</sup> Letters were sent to the clergy of Bamberg announcing the sentence, and instructing them to sequester the temporalities of the see, in order to prevent injury or dilapidation during the vacancy. Some months afterwards, the like intimation was sent to the king and the primate, commanding the latter to cause a proper person to be chosen in the room

Henry appoints to the see of Bamberg.

<sup>f</sup> *Arnulph. Mediol.* lib. v. c. 5; ap. *Murat.* iv. p. 51. *Conf. Bonizo,* ap. *Cesl.* ii. p. 813.

<sup>g</sup> *Regist.* lib. ii. ep. lxxvi. p. 356; 20th

April 1075; lib. iii. epp. i. ii. iii. pp. 358, 359; all three dated 20th July in the same year.

of the rejected "heretic," and admonishing the king to throw no obstacle in the way of a canonical election. Hermann had, in the mean time, yielded to the storm, and retired to a monastery; and Henry, without regard to any authority but the established custom of the realm, appointed Ruprecht, a canon of the church of Goslar, to the vacant see.<sup>h</sup>

The three appointments just adverted to were undisguisedly simple lay nominations, carried out in the form sanctioned by custom, and consummated by the ceremony of investiture by the transfer of the ring and crosier to the bishops-elect, whereby they were qualified to demand consecration from the prelates of the province.<sup>i</sup> It was hardly possible that pope Gregory should regard these doings in any other light than as deliberate contempts of the statutes of his church—a direct defiance of the prerogative of the holy see, and infractions of the engagements, as he interpreted them, so solemnly entered into by the king in the days of his adversity. He therefore brought the question between himself and Henry to an issue upon the case of Tedaldus of Milan. The new prelate was cited to appear without delay at Rome, to answer for his defiant intrusion into the see of Milan, and there to abide the papal judgment. "And if," said Gregory, "there be any persons about you so dead to the things that are of God as to attempt to seduce you into disobedience of our commands, or lead you to trust to the favour or support of the king, or of the populace of Milan, bear in mind, we beseech you, what the Scripture saith: 'Cursed be the man that trusteth in man, and maketh flesh his arm, and whose heart departeth from the Lord;'<sup>j</sup> . . . above all things, remember that all the majesty of emperors and kings, yea, the utmost stretches

<sup>h</sup> See the letters from the *Regist.* above quoted; and conf. *Lamb. Schaffn.* an. 1075, ap. *Pertz*, v. pp. 219 et sqq.

<sup>i</sup> The three elections, or nominations, occurred in the following order: Henry of Verdun was promoted to the see of Liege in July 1075; Tedaldus to that

of Milan some time in September; and Ruprecht to that of Bamberg on the 30th of November of the same year. Consequently all of them some months after the promulgation of the decree against lay nominations.

<sup>j</sup> *Jerem.* xvii. 5.

of human power, are as chaff and ashes against *the prerogative of the holy see, and the omnipotence of God.*"<sup>k</sup>

This monition was followed by a menacing prohibition to the suffragan bishops of the province to con-  
 secrate Tedaldus. "In direct breach of his Gregory VII. admonishes the bishops of Lombardy, &c. promise, the king, he told them, had put an intruder into the church of a canonically elected and consecrated bishop.<sup>1</sup> The offender had been duly cited to answer for his offence, and he threatened them with the anathema if they should dare to consecrate him before the papal judgment upon the case should be published; from their obedience to that precept, he should judge which of them were true pastors, and which of them were thieves and robbers. . . . Hard it might be to kick against the pricks, but harder still they should find it to withstand the power of the holy see."<sup>m</sup>

By this time the facts adverted to must lead us to a pretty sure conclusion as to the real ground Irremediable misunderstanding between the king and the pope. of the misunderstanding between the king and the pope. When Gregory poured out his thanks to king Henry for his professions of obedience to the holy see, and more especially of his zeal for the extirpation of simony,<sup>n</sup> he had given to those professions a latitude of which the king had entertained no suspicion. Henry believed that he had passed his word for the abolition of direct and palpable venality in the distribution of ecclesiastical patronage; the pope expanded the pledge into a positive engagement to relinquish that patronage altogether. The future of the king was to be the overthrow of simony; that of the pope was summed up in the decree against investiture. In

<sup>k</sup> *Regist.* lib. iii. ep. viii. p. 365, dated 7th Dec. 1075. In this letter Gregory surpasses himself in the audacity with which he identifies his own power with that of the Almighty. The terms of pardon held out to Tedaldus is thus worded: "Si in his quæ Dei sunt, nostris monitis, immo divinæ voluntati te acquiescere velle cognoverimus," &c.

<sup>1</sup> Atto, to wit. As to the character of this election, see chap. iii. pp. 224,

225, and chap. vi. p. 231, of this Book. Independently of the claims of Godfrey, there was scarcely a trace of canonical proceeding in the election of Atto. It was the act of a faction merely, and destitute of all the ordinary sanctions of suffrage or consent.

<sup>m</sup> *Regist.* lib. iii. ep. ix. p. 366, dated Dec. 8, 1075.

<sup>n</sup> *Conf.* chap. vi. p. 341, and p. 353 of this chap.

Henry's ap- Germany meanwhile the great abbeys of Fulda  
pointments. and Lorsch, and in Italy the sees of Spoleto  
and Fermo, had become vacant. On the day following  
the appointment of Ruprecht to the see of Bamberg, the  
king held a solemn council with the princes of the realm,  
to choose an abbot of Fulda. A great concourse of ab-  
bots and priors and monks had arrived at court to solicit  
the splendid preferment. "Then," says the historian of  
the age, "began a wager-race of unholy competition:  
one offered heaps of gold; another proposed to barter  
away the lands of the abbey; a third, to enhance his  
services to the empire; there was, in short, no limit to  
the bribes offered: it was as if the abomination of deso-  
lation had enthroned itself in the temple of God . . . .  
the king listened to these solicitations in contemptuous  
silence. When all had had their say, he looked around  
the assembled crowd of candidates, and singling out a  
humble monk who stood afar off among the concourse,  
he called him forward and delivered into his reluctant  
hand the pastoral staff in token of investiture." The  
king's choice—rather, perhaps, from its singularity than  
its merits—was adopted as an inspired act, and the  
astonished monk was saluted abbot by the council, and  
received the imperial mandate for delivery of the tempo-  
ralities of the abbey. Pleased with the result of the ex-  
periment, Henry adopted a similar proceeding in filling  
the abbey of Lorsch. He passed by the candidate pre-  
sented to him by the brotherhood; and selecting from  
among them an obscure monk named Adalbert, he pre-  
sented to him the insignia of investiture, and sent him  
away clothed with a dignity he had neither thought of  
nor wished for.°

It may be supposed that Henry intended this display  
of disinterested bounty to stand as the practical  
Exasperation of pope Gregory. exposition of his understanding of the engage-  
ments contracted with the pope. No suspicion  
of simony could, he thought, attach to his disposal of  
these magnificent articles of imperial patronage. The

° *Lamb. Schaffn. an. 1075, ap. Pertz, v. pp. 236, 237.*

recipients were obscure and humble men, known perhaps to the royal patron by character only; without money, without interest or influence in the state. Could he have given a more striking proof of his resolution to discountenance simony, and to raise up the humble and the meek from unmerited obscurity? Yet all this was but an aggravation of his offences in the eyes of the pontiff—it was hypocrisy and claptrap—it was mere mountebank trick, to throw dust in the eyes of the world, and to juggle the church out of her rights. About the same time the churches of Fermo and Spoleto were disposed of by Henry, with no greater deference for the decree against investitures. The measure of his offences was thus filled to overflowing; and the pontiff, exasperated beyond endurance by the cool contempt of his ordinance, determined to become the assailant. When the news of the arbitrary disposal of the two latter bishoprics reached his ears, his memory at once teemed with forgotten offences: he doubted whether he ought to address the sinner, or to send the apostolical benediction to one who still held communion with persons labouring under the censures of the holy see, and declined obedience to the blessed Peter, *as became a Christian king*: still, there might be room for repentance, if he should peradventure confess his sins and submit to the penance to be imposed by the pope. And thus he wrote: “In this wise do you fulfil your reiterated promises, your devout professions of filial attachment, your boasted submission in the faith, whereby with words of honied sweetness you commended yourself to our favour! How and in what sense, we ask, have you performed that which you promised by the mouth of your imperial mother, and of our episcopal brethren whom we sent unto you?<sup>p</sup> Wound upon wound have you inflicted on holy church, and now, by your late unlawful appointment to the sees of Fermo and Spoleto, have done open defiance to the lord of the church, the blessed apostle Peter. . . . . But think not that promises or engagements entered

<sup>p</sup> The legates, namely, at the conference of Nürnberg. See p. 339 of this chapter.

Letters of admonition to king Henry.

into with the key-bearer of the kingdom of heaven can be thus dealt with, or that they shall be allowed to pass away as empty sounds. For to promise and not to perform *is a contempt, not of the pope, but of God Himself*. Hath not Christ declared, 'He that despiseth you despiseth me'? Nor doth a true believer decline to obey the word spoken in the name of Peter with as cheerful a mind as if it had proceeded from the mouth of the apostle himself. . . . Yet perchance it may be said, that the ordinance promulgated at our late synod<sup>a</sup> imposed a burden and a grievance . . . . it may be that in your case some relaxation of the rigid law may be possible . . . . send therefore to us discreet and religious men of your realm, that we may consult with them upon this matter, remembering always how dangerous a thing it is, first to violate the decrees of the church, and then at last to consult the supreme pastor. . . . Take, therefore, upon you without delay the *yoke of Christ* . . . . prefer not your own to His honour. . . . Reflect upon the peril of infringing the liberties of that holy church, which He hath made free and declared to be His immaculate spouse."<sup>r</sup>

At the moment when Gregory despatched this epistle there is no doubt that he desired to leave an opening for negotiation. It may have struck him that the king's promises, whatever they may have amounted to, were made more than a twelvemonth before the decree of 1075, and that he had therefore no notice of what would be required of him when he made them. He may probably not have been wholly blind to the reasonable objections that might be raised to the sudden introduction of a state of things which had never before existed in the world. Hitherto he had only asked for the extirpation of simony, and the adoption of sacerdotal celibacy. The king had at least done nothing

Temper of  
the parties  
to the  
struggle.

<sup>a</sup> Probably a Roman semestral synod held in the Easter week 1075, reiterating the decree against investitures. We possess, however, no further account of this synod.

<sup>r</sup> *Regist.* lib. iii. ep. x. p. 367. This letter is dated in the "Register" as of

the vi. Id. Jan. 1076; but we agree with *Luden* (*Gesch. d. Deutsch.* vol. ix. p. 566, note 32) that it ought to be dated a month earlier, viz., vi. Id. Decemb. instead of Jan. The prior date is irreconcilable with that at which the king received it.

to thwart the papal project in either respect. But the sanguine mind of Gregory generally carried him beyond the literal meaning of his own words; and he expected that the minds of others should follow him as fast. But if he desired to take the broadest view of the king's engagements, Henry himself appears to have been too much inclined to reduce it to an unsubstantial minimum; and when he found himself involved in a net of professions and promises given to answer a momentary purpose, he had neither the candour to admit them, nor the tact to reduce them to their proper dimensions. Thus he deprived himself of the moral support which, in the kind of warfare he had to maintain, was of greater moment than the most showy political position. Henry, however, relied solely upon that position; and the same impulses which had committed him so perilously with his Saxon subjects were now allowed to govern him in his conflict with a power that could not be reached by the same weapons, or any others he had at his command.

After the celebration of the Christmas festival at Goslar in Saxony, king Henry held a great council of the realm for the nomination and investiture of a successor to his former tutor, archbishop Hanno of Cologne, then lately deceased. The bishops of the province and the chapter of the cathedral attended, and presented their candidate for the king's approval. Henry, however, rejected the person proposed, and set before them Hildulph, a canon of the church of Goslar, as their future archbishop. The church of Cologne unanimously refused to accept the king's nomination: the king, irritated by their contumacy, swore a great oath that they should take Hildulph, and no one else; and in this temper he rudely dismissed from his presence one of the most powerful ecclesiastical bodies in his realm.<sup>5</sup> The offended clergy had scarcely retired from court before the arrival of legates from Rome,

Discordant  
views.

*Citation of  
the pope to  
king Henry to  
appear and  
answer at  
Rome.*

<sup>5</sup> *Lamb. Schaffn.* an. 1076, ap. *Pertz*, v. p. 241. The character of archbishop Hanno is ably and affectionately sketched by Lambert. Hanno was

worshiped by his people as a saint. He appears to have been more free from the merely personal and selfish views of the clergy of that age than his

with a *special message* to the king, was announced. It is doubtful whether the threatening letter of the 8th of December had reached him or not. It is most probable, however, that the legates were the bearers both of the letter and the message, though it does not appear that the latter had any necessary connection with the former. Lambert of Aschaffenburg, the most reliable of our informants, assures us that the legates announced to king Henry a peremptory command "*to appear before pope Gregory at Rome on or before the second day of the second week of the ensuing Quadragesima, to make answer before the pope himself to all such matters as should be objected to him; whereof if he should make default, he would, on that same day, be cut off from the body of the Lord, and be smitten with the curse of the anathema.*"

The monk Bruno of Merseburg, himself a contemporary writer, however, knows nothing of the citation to Rome. The legates, he says, were instructed to convey to the king the commands of the pope to set the captive Saxon bishops at liberty, and to threaten him with excommunication if he should disobey the pope's orders.<sup>u</sup> Nor is it at all improbable that an order to that effect formed part of the message delivered by the legates. The immediate liberation of the captives might be selected as a touchstone by which the pope proposed to try the disposition of king Henry to "take upon him the yoke of Christ, to prefer His honour to his own," to restore the church to the "liberty with which He had made her free," &c.; in plain terms, to surrender the essential prerogatives of nomination and investiture. Presuming the letter of the 8th of December to have been placed by the legates in the hand of the king, we take the message to have been either verbal, or conveyed in a writing not now extant.<sup>v</sup> There is, however, no trifling probability that

contemporaries; not so from that corporate covetousness which was regarded as a virtue by the clergy, because to no class of men did the *end* furnish so ample an apology for the means used for its gratification.

<sup>t</sup> *Lamb. Schaffn.* ubi sup.

<sup>u</sup> *Bruno*, de Bell. Sax. c. lxiv. ap.

*Pertz*, v. p. 351.

<sup>v</sup> The letter of citation, if there was such a letter, is not found in the *Registrum Gregorii VII.* Neither Lambert nor Bruno makes any mention of the letter of the 8th Dec. Conf. *Stenzel*, i. p. 379, and *Luden*, ix. p. 49.

between the 8th of December and the departure of the legates from Rome, the pontiff had received the news of the king's dealings with the vacant abbeys and bishoprics in Germany; that those proceedings struck his mind as shutting out every prospect of an amicable termination of the contest; that under such circumstances there was no ground for negotiation; and that the shortest issue had become the safest and the best. To raise that issue, a specific demand was necessary; the cause of the Saxon bishops was the nearest at hand,—a cause touching the tenderest points of sacerdotal immunity, and beyond doubt strongly urged by the emissaries of the party at Rome, upon whose aid the pope might confidently rely in the pending struggle with the crown. Such was the position now taken up by Gregory VII.

This insolent and at the same time perplexing step on the part of the pope at once inflamed the mind of Henry beyond the restraints of moderation or reflection. He dismissed the legates as saucy mendicants from his presence; and announced a general diet and synod to assemble forthwith at Worms, to deliberate upon the necessary measures for deposing Gregory, and electing another pope in his place. He opened the meeting with a speech in which he declared his conviction, that either he or the pope must go to the wall, and that *as long as Hildebrand was bishop, he could not be king*. But before we advert to the proceedings of this meeting, it will be requisite to cast a glance back upon the state of Rome and Italy at this juncture, in order to obtain a clearer view of the political relations of the papacy and the empire at the commencement of the memorable struggle of investitures.

Henry resolves to depose the pope.

## CHAPTER VIII.

### REBELLION.—HUMILIATION OF CANOSSA.

Domestic difficulties of Gregory VII.—Intrigues of Hugo Candidus and the Cenci—Quarrel, and demonstration of Gregory against the Normans—Hostility and intrigues of the Cenci—Personal attack upon the pontiff—His mock degradation and captivity—His deliverance—Demeanour of Gregory after his victory—Diet of Worms for the deposition of Gregory—Emperor and bishops renounce obedience to Hildebrand—Articles of impeachment against pope Gregory—Character and object of the articles—The bishops excuse themselves to the pope—Henry's exhortation to the Romans—Vituperative letter of Henry—his insolent address and message to the pope—Dignified demeanour of Gregory—Discussion, and decree of anathema and deposition against Henry IV.—Gregory curses the bishops and ministers of the king—he exhorts all his subjects to renounce their allegiance—Remonstrance of the moderate papists—Reply of Gregory—relies on the false decretals and fabulous legends of the Roman church—Kings and princes not excepted from the Petrine commission—Temporal power of the pope asserted—Henry to be absolved by no one but the pope himself—or by his warrant in case of submission—If impenitent, the states commanded to choose another king—Political theory of pope Gregory—Arbitrary proceedings of Henry—he retorts the anathema upon Gregory—Civil discord in Italy and Germany—Henry's vindictive operations against the Saxons—Growing disaffection of the estates of the empire—Meeting at Oppenheim—Motives of the confederates of Oppenheim—Insurrection in Saxony—Otto of Nordheim in the king's service—his reply to the address of his countrymen—The feudal oath of allegiance—Treachery of Otto of Nordheim—Henry liberates his Saxon prisoners—his failure against the insurgents—Political effect of the papal ban—Convention of Tribur—Papal purification—Articles of impeachment against the king—Fruitless humiliation of Henry IV.—Solemn renunciation of allegiance—Renewal of negotiation—Henry places his cause in the hands of the pope—Policy of pope Gregory—Latent difficulties and scruples among the German prelates—Critical position of Henry—his policy—Message of the confederates to the pope—Evasive reply of Gregory—Journey of Henry into Italy—Henry's welcome in Italy—Rage of the papal party—The pope at Canossa—Gregory absolves the penitent companions and ministers of the king—The pope's dereliction of his confederates—Change of policy—Motive—Able diplomacy of Gregory—Pleading of the king's advocates—Terms of submission—Penance of Henry at Canossa—Condition of absolution—Act of absolution—Address of Gregory to the king—The sacramental purgation declined by the king—Gregory dispenses with the purgation, and communicates with the king.

THE rigorous reforms introduced by Gregory VII. into the Roman church had involved him in difficulty and danger at home. Those among the inferior clergy whom he had compelled to forsake their wives, or their concubines, bore him a deadly grudge; while they who, rather than abandon their duties as husbands and fathers, had submitted to the loss of station and livelihood, were upon the watch for opportunity to recover both, and ready to attach themselves to any party that promised them redress from these intolerable grievances. Besides these, all who were interested in the many lucrative abuses that had been detected and abolished by Gregory,<sup>a</sup> arrayed themselves in secret or open hostility to his government. Among all his reforms, however, there was none which earned for him more ill-will than the compulsory introduction of the collegiate life among the clergy attached to the churches in Rome. The effect of this innovation was to put them to the inconvenient alternative of bringing their private fortunes into the common fund, or of relinquishing all advantage from the endowments of the church.<sup>b</sup> Many of the inferior clergy, unwilling to forego their private property, were compelled to live more sparingly, and to submit to unaccustomed privations. Their discontent was of course shared by relatives and connections dependent upon them.

The general disaffection arising from these reforms had not escaped the observation of a party always on the watch to recover their lost influence in the government. The capitani and

Intrigues of  
Hugo Caudidus and  
the Cenci.

<sup>a</sup> See *Bonizo's* account of the "clerici mansionarii" of St. Peter's church, ap. *Cefel.* ii. p. 812. To that church there were attached under that name sixty persons, for the most part married men, who held watch and ward in the church, both day and night, by turns. All the altars excepting the high altar were in their keeping, and were hired out by them to devout persons for the purpose of having masses said at them. These mansionarii shaved their beards, wore mitres, and gave themselves out for cardinals, cheating the ignorant pilgrims into the belief that they were priests. These impostors the pope had

with some difficulty unkenneled and expelled.

<sup>b</sup> "Romanis clericis dedit optionem, ut aut *canonice* nihil proprium possidentes, secundum regulam sanctorum viverent, aut relictis bonis ecclesiæ seorsim domi manerent; quorum multi anteeligere privati vivere, quam suave jugum Domini ferre; qui incredibiliter erant papæ infensi; et non solum ii, sed et eorum propinqui." *Bonizo*, ubi sup. p. 812. The collegiate life—"vita communis"—was strongly insisted upon in the false decretals. Conf. Book VI. c. vii. p. 199.

principal nobles of the city, though humbled by the late pontiff and his Norman allies,<sup>c</sup> retained considerable influence among the populace, and the possession of several fortified stations within the walls. The most distinguished and active leaders of this faction were the Crescentian or Cenci family. With these were leagued all who, from motives of ambition or sense of wrong, desired to disturb the pope's government. Among the foremost of these were Wibert or Guibert, archbishop of Ravenna, and the cardinal Hugo Candidus, the person who had taken a prominent part in the elevation of Gregory himself to the papal throne. The cause of the hatred this person had conceived against his former friend remains unexplained. Wibert of Ravenna probably shared the dislike of the Lombard prelates for the sweeping reforms of Gregory; and as the prelate of a church always jealous of the Roman supremacy, hailed every chance of weakening the power of the papacy, and recovering that autocephaly which had been theretofore the pride and boast of the Ravennatine church.<sup>d</sup> Hugo Candidus had been excommunicated by the pope, and taken refuge at the court of Robert Guiscard duke of Apulia, who was at that moment at variance with his pontifical suzerain. While at Rome, upon pretence of a devout pilgrimage to the holy places, Wibert had established an understanding with the malcontents of the Tusculan party, more especially with their leader Cenci; and had found means, through the exiled cardinal, to ingratiate himself with the Norman chief. But the latter was at the moment averse from an open rupture with the pope; no inducements could prevail upon him to lend his aid for the expulsion and deposition of Gregory; and Hugo was compelled to resort to the protection of his confederate Wibert at Ravenna.

Within the last two years the relations between the pontiff and Robert Guiscard had been unsettled. The duke obstinately retained possession of certain districts of Campania, which the pope affirmed to belong to the patrimony of St. Peter.

Quarrel and demonstration of Gregory against the Normans.

<sup>c</sup> Chap. iii. pp. 211, 214 of this Book. Book VII. c. i. pp. 244 et sqq.

<sup>d</sup> See Book V. c. ii. pp. 449, 450;

For this offence sentence of excommunication had been pronounced against him. But the military obduracy of the Normans had on this, as on former occasions, turned the edge of the spiritual sword. The pope was driven to the awkward remedy of carnal warfare to bring him to his senses. A pressing requisition was despatched to the vassals and allies of the holy see to send all their military forces to the assistance of the pope; the latter protesting solemnly that in collecting together so great a multitude of armed men, *he had not the remotest intention of shedding one drop of Christian blood*; but that his only object was, that the enemy, seeing the great numbers of the armed host that might be directed against them, might be inspired with a salutary fear, and yield to the demands of justice.<sup>e</sup> In regard to the mere numbers of the Christian host thus assembled, the expectations of the pope had not been disappointed. The countesses Beatrix and Mathilda sent their contingents jointly with those of the Lombard prelates and nobles subject to their influence.<sup>f</sup> These were reinforced by the troops of the countess Adelaide of Susa and her provincial vassals; but, after all, the apostolic army could not be brought to face the fierce freebooters of the north. The Lombards, on their part, flatly refused to stir a step in advance, and the whole armament melted away and dispersed without beholding an enemy. Robert was not intimidated; but, contenting himself with retaining his conquests, he made no attempt either to deprecate the papal wrath, or to take any further advantage of this wretched demonstration.

Paul Bernried, the devoted friend and biographer of

<sup>e</sup> See *Regist.* lib. i. ep. xlvi. p. 1231; ep. xlix. p. 1234. The first of these letters was addressed to William of Burgundy on the 2d Feb. 1074; the second to "All Christians," under the date of the 1st March of the same year. The pope proposed that when the humiliation of the Normans should be accomplished, the whole armament should march, with himself at their head, to the aid of the suffering Christians of the East. This is the first intimation

we have of the state of the Christians of the East having attracted the attention of the Western nations. The progress of the Seljucide Turks had in fact alarmed all Europe; and about twenty-two years afterwards the effect of this revived interest may be traced in the departure of the first crusade under Peter the Hermit, A. D. 1096.

<sup>f</sup> But many who had promised did not appear, and incurred severe reprobation. *Regist.* lib. i. ep. lxxii. p. 1249.

Hostility and  
intrigues of  
the Cenci.

Gregory VII., furnishes us with a very lively portraiture of domestic affairs at Rome, from the pontificate of Alexander II. to the rupture with the court of Germany in 1075. Making allowance for colouring, the picture corresponds well enough with what has already come under our observation to entitle it to general credit. Cenci, the leader of the Tusculan party, is described as the prince of scoundrels and cut-throats. This person had built or fortified several stations of strength within the walls, for the purpose, it is said, of "pillage and depredation," more probably with a view to strengthen the political interests of the anti-sacerdotal party. Pope Alexander II. had in vain launched all the thunders of the church against him and his adherents, after which he flung himself into the arms of the imperial faction,<sup>§</sup> and helped to bring the arch-heretic Cadalo of Parma (Honorius II.) to Rome, where he entertained him in his houses, and caused the streets of the city to run with blood in his service. But after the death of Cadalo, Cenci compounded matters with the pope, and promised fidelity; but kept his oath only as long as he saw that the pontiff was too strong for him. Meanwhile he had stealthily run up a strong tower at the foot of the bridge of St. Peter (St. Angelo), and levied toll upon all persons passing from the city to the Leonine quarter. But one day the prefect of the city surprised and took him prisoner; this mishap compelled him to surrender the bridge and the toll to redeem himself from captivity. After his liberation, however, he found his interest in the city so weakened, that he thought it prudent to retire beyond the walls, hoping to recruit his forces abroad, and to return with overwhelming numbers. With that view he beat up for partisans in Apulia and Lucania; he frequented the lairs of duke Robert and other excommunicated heretics, and sought to draw them into a conspiracy against the throne and person of the pontiff. He despatched his son to concert measures

<sup>§</sup> *Bernried* says, "he flung himself into the arms of that *son of perdition* Henry IV. of Germany." But that

could hardly be, since Henry was at that moment a youth of thirteen or fourteen years only.

with archbishop Wibert of Ravenna, and afterwards sent him with hypocritical letters to the king, professing the profoundest devotion to his service. Having thus set his snares, he allowed a twelvemonth to pass over, and lay in wait at Rome watching for an opportunity to accomplish the diabolical project he had conceived in his heart. It was customary for the pontiff, on the eve of the Nativity, to repair to the church of <sup>Personal</sup> St. Mary-the-Greater, escorted by a retinue of <sup>attack upon</sup> the pontiff. clergy and laity, to celebrate the vigil of that most holy festival: it generally happened that the procession was accompanied by a concourse of people, who filled the church to suffocation; but on this particular night such torrents of rain fell, that, says the biographer, the Deluge seemed come again; no one ventured from his house, were it but to speak with his next-door neighbour, much less to visit a distant church. Cenci, learning from his spies that the pope was almost alone, and wholly unprepared for defence, so disposed his banditti as to make escape impossible; he then entered the church with his ruffians, and seized the person of Gregory, inflicting a slight wound in the scuffle. "Gregory," says his enamoured biographer, "remained all this while perfectly calm and collected; gentle as a lamb, answering never a word; neither struggling nor complaining, nor asking for mercy." After subjecting him to the mimic ceremony of a degradation by divesting him of his pallium and casula, his dalmatic and tunic, leaving him <sup>His mock</sup> only his camisium and stola, they placed him <sup>degradation</sup> on horseback, like a captured "thief, behind one of the <sup>and captivity.</sup> sacrilegious gang, and carried him off to one of the dungeons belonging to their leader. But before daylight the news of the pope's captivity had spread through the city; the altars of the churches were stripped of their ornaments in token of the grief and dismay of the faithful; divine service was suspended; consternation and mourning reigned in every street: but the sky had cleared; the elements had ceased from their warfare; the earth, as by a miracle, had drunk up the floods, and the roads and highways became in an instant dry and practicable. Not

knowing what had become of the pope, the people assembled at the Capitol, and watched every gate and postern to prevent his being privily conveyed away out of the city." This precaution disappointed the plan of the conspirators. The place of the pope's captivity was soon discovered. "Then," says Bernier, "the people, raising their united voices in prayer to God, at break of dawn, rushed in arms against the house of Antichrist: the garrison was speedily driven into the keep; machines and battering engines were quickly brought up; fire was applied to the gates; no man spared himself, no danger appalled him; the walls were at length broken down, and all within them became the Lord's prey by the arm of His deliverance. His people. While these things were passing without, a certain man and a noble matron had gained entrance into the tower, where they had dressed the wounds and clothed and warmed the suffering pontiff, thereby laying up for themselves an abundant store of merit; meanwhile the sister of Cenci overwhelmed him with reproaches, and a satellite of the traitor threatened him with instant death, when at that instant a javelin, launched from without, stretched the sacrilegious assailant lifeless at the feet of the pope. The chief conspirator, finding there was now no chance of holding out against the populace, flung himself at the feet of the pontiff, confessing the great sin he had committed, acknowledging that he had deserved death, and throwing himself upon the wonted mercy of the pope towards his fallen foes. Gregory, by way of penance, imposed upon him a pilgrimage to the Holy Land, and set him at liberty the same day. The people, after delivering the pope, carried him in triumph back to the church of St. Mary, where he deliberately finished the mass in which he had been interrupted by the conspirators on the preceding evening."<sup>h</sup>

After the overthrow of the party, the keeps and castles of the conspirators were broken down, and every article of property belonging to them was confiscated. The facts, however

Demeanour  
of Gregory  
after his  
victory.

<sup>h</sup> *Paul Bernr. Vit. Greg. VII. cc. 45-57, ap. Murat. tom. iii. p. 328.*

coloured by the narrator, seem to prove that the pope incurred almost as much danger from the headlong zeal of his deliverers as from the malignity of his persecutors. The probabilities of the case point to an ultimate design to deliver him up to the imperialists of Lombardy, who were at that moment in open rupture with the holy see. That the conspirators were encouraged by the hope of reëstablishing the dominion of the capitani, and restoring the lay magistracy, together with all the lucrative abuses which Gregory had abolished, more particularly the sale of ecclesiastical offices, and the right of the married clergy to live with their wives, and enjoy their property without forfeiting their stipends, can hardly admit of a doubt. But the victory of the pope had dissipated all these plans, and swept away every snare from his path. The moral ascendancy of his character had displayed itself in every part of this trying scene. Cool, collected, imperturbable in the very crisis of danger, he no doubt reflected, that if he refused Cenci's petition, the desperate conspirator might strike the death-blow, and perhaps after all succeed in fighting his way through the armed rabble by whom he was beset. Declining, therefore, to run any unnecessary risk for the sake of revenge upon the unmasked and powerless traitor, he contented himself with driving him from the home and seat of his power, without the means of further mischief, destitute of the credit which success must have gained for him from the pope's adversaries, and therefore incapable of adding to their means of future annoyance. The pope knew and felt that he was upon safe ground; he returned to the church in his torn and ensanguined vestures; he resumed the sacred service at the point where it had been sacrilegiously interrupted—a masterpiece of histrionic display; proclaiming a spirit that soared above the accidents of fortune and the vicissitudes of events, and affording a certain assurance to his supporters, that as long as he stood in the front of the battle no human efforts could eventually defeat his designs. Such is, in truth, the stuff of which great men are made. Danger is their element; difficulties are their

instruments or their playthings; and every transient success becomes in their hands a pledge of future victories.

That the Cenci conspiracy had been known to or encouraged by the German court was surmised from the fact that Cenci himself, with all the more notable of the pope's enemies in Rome, took refuge at the court of Henry IV. That some understanding subsisted between the baffled capitani and Wibert of Ravenna, Tedaldus of Milan, and the banished cardinal Hugo, is *a priori* very probable; and when, a short time afterwards, we find all these parties in confidential communication with Henry, and engaged with him in measures for the overthrow of the common enemy, the evidence of a previous intelligence is considerably strengthened. On the 24th of January, in the year 1076, Henry opened the diet and synod convoked at Worms for the deposition of Gregory VII. Upon this occasion the cardinal Hugo Candidus was the king's spokesman. He produced to the meeting numerous articles of impeachment against the pope; he dwelt upon his mean extraction, his uncanonical demeanour, the vulgar artifices by which he had prepared his way to the pontifical throne, and the many scandals he had since brought on religion and the church. The council adopted all the charges, and voted that a person so tainted with crime ought not to be pope, nor have power or authority to bind and to loose, or to exercise any ecclesiastical function. A document was drawn up in conformity with this resolution renouncing obedience to Hildebrand as pope. This instrument was signed by two archbishops and twenty-two out of the twenty-four bishops present. Two prelates only, Adalbero of Würzburg and Hermann of Metz, opposed an argumentative resistance: they urged that it was indecent in itself and contrary to the laws of the church to condemn a bishop in his absence; and they insisted that not even the meanest prelate, let alone the chief pastor of the church, could be legally put upon his trial without the attendance of a canonical accuser, and competent testimony to prove the charges brought against

Diet of  
Worms for  
the deposition  
of Gregory.

Emperor and  
bishops  
renounce  
obedience to  
Hildebrand.

him. Beyond all doubt the objection in law was fatal to the impeachment; but William bishop of Utrecht, the manager for the king, cut the matter short by putting the recusants to the option of relinquishing their sees or signing the act of deposition. Thus pressed, the two bishops yielded to the majority, and the deed bore upon its face an appearance of unanimity of vital importance to the king's cause.<sup>1</sup>

The document itself passed in review the whole of the past life and conversation of Gregory, and rested his condemnation upon crimes and of-  
The articles of impeachment against pope Gregory.  
 fences affecting every period of his ecclesiastical career, from his youth to the actual crisis.

Except by such an exposure it would be impossible, they alleged, to explain or excuse their past obedience to Hildebrand as the true head of the church: in no other way could they apologise to the Christian world for having so long connived at iniquities which, to their certain knowledge, had disqualified him for every ecclesiastical office. This unexampled forbearance they declared to have arisen from the hope that after his elevation he would have renounced the errors of his former life; and, in fact, it might be reasonably urged in their excuse that no earlier opportunity of testifying their disapprobation had occurred, and that, for perfect proof of his unfitness, it was necessary to wait till the measure of his iniquities was full to overflowing. All their hopes having been disappointed, and his whole life and conduct exhibiting a downward progress from bad to worse, they had determined to withdraw from his communion as an incorrigible evil-doer: they therefore now charged him, in the *first* place, with disturbing and distracting the church by *inordinate ambition and intolerable pride*, whereby he had, from Rome as a focus, spread the flames of dissension over the churches of Germany, Italy, France, and Spain: in the *second* place, with having done all that in him lay to *enfeble the authority of the prelacy*, by confounding and reversing the orders of ecclesiastical rank;

<sup>1</sup> Bruno of Merseburg has preserved copies of the letters of publication. De

Bell. Sax. cc. lxxv. et sqq.; Pertz, v. pp. 351 et sqq.

more especially by delegating the powers of the holy see to ecclesiastics of inferior degree, and giving them the presidency in the national councils, and imparting to them the right of sitting in judgment on prelates of the highest dignity: in the *third* place, with having, *by his vain-glorious pretensions, suffered the name of Christ to be altogether eclipsed by his own*; they had, they declared, been struck dumb with amazement at the enormity of the powers he had assumed; powers which must sweep away and swallow up all the rights of the ecclesiastical body; for that when any matter of accusation against a bishop was brought before him, though it were the simplest rumour, he snatched the power to bind and to loose<sup>j</sup> from the natural judges, and transferred it to himself, or to those to whom he chose to delegate it;—in this way he had encouraged lawless mobs to plunder the property and to ill-treat the persons of the clergy, so that they might be intimidated into obedience to no bishops but those who had basely begged their places from his “arrogance:” *fourthly*, with having, on two several occasions, sworn that he would not accept the papacy; how he had kept that oath was known to the world: *fifthly*, they impugned his election as irregular for inconsistency with the decree of pope Nicolas II.: *sixthly*, with having, by his want of circumspection, to say no worse of it, brought strange scandal upon the church in his commerce with certain females,<sup>k</sup> so that it was generally reported in the church that the judgments and decrees of the holy see were settled *in a little senate of women*:<sup>1</sup> *seventhly*, they charged that his tone in addressing the bishops had been as violent and unbecoming as his acts had been arbitrary, —some of them he had slandered as “sons of harlots,” and poured out upon others the most foul-mouthed abuse: *finally*, in consideration of these his treasons and perjuries, as well as of his reprobate life and conversation, they adjudged him unworthy of the chair he had usurped,

<sup>j</sup> The “power of the keys,” supposed to be vested in every bishop to hear and determine in causes spiritual.

<sup>k</sup> Among them, with the countess Mathilda, for whom he was suspected

of an undue partiality.

<sup>1</sup> To wit, the empress Agnes and the countesses Mathilda and Beatrix of Tuscany; probably also the countess or marchioness of Susa and Provence.

and they renounced all obedience to him as their apostolic head.<sup>m</sup>

This document, it should be observed, does not upon its face purport to be a sentence of deposition against pope Gregory VII. The subscribers, in the first instance, find certain articles of impeachment sufficiently substantiated to put him to answer them, and in the mean time to justify them in withdrawing from his communion as pope. It cannot be disguised, that with reference to the first, certainly to the second and third articles, they might have called before them some strong evidence. The allegation that he had on two several occasions abjured the papacy rests upon no solid foundation.<sup>n</sup> If indeed it were otherwise, Gregory might fairly regard himself as absolved by the act of Henry IV. himself, in whose favour the supposed oath was sworn. The king was equally little entitled to object to the regularity of the election of the pope, though it be not so plain that if the statute of Nicolas II. was infringed, the fathers of Worms were not justified in entertaining the objection when officially brought to their knowledge. The insinuation of incontinence, or female influence, had, we may be assured, no foundation but what might be gathered from his political regard, and probably personal friendship for the powerful princesses by whom he had been so faithfully supported.

But the weakness of this document as matter of charge was not its worst defect. The appearance of unanimity was but poorly maintained. It soon became apparent that, besides the two protesting bishops, others had affixed their signatures under similar reservations. These persons has-

Character and object of the articles.

The bishops excuse themselves to the pope.

<sup>m</sup> See the document at length, ap. *Pertz*, *Mon. de Legum.* tom. ii. pp. 44-46. It was signed by the archbishops Siegfried of Mainz, Udo of Treves, twenty German, and two Italian bishops.

<sup>n</sup> It was alleged—1. that he had bound himself by oath to the emperor Henry III. that neither during that emperor's lifetime, nor that of his son, he would aspire to the papal throne; 2. that

when certain cardinals had created disturbance by their ambitious intrigues, he had, with a view to extinguish the indecent competition, forsworn the throne on his own behalf, upon their taking the like oath on theirs. No further particulars are stated; and it is probable that both stories are either altogether fabulous, or may have arisen out of incidents misrepresented by party rancour.

tened to excuse themselves privately to the pope for the part they had been compelled to take, and to assure him of their continued attachment and obedience; calling upon him to accept their apology, despatched, as it was, as soon as they felt themselves out of the reach of the intimidating influence under which they had signed, as the best proof they could give of the sincerity of their confession and retractation.<sup>o</sup>

On the other hand, the king's letters to the prelates and cities of Lombardy notifying the decree of Henry's exhortation to the synod of Worms were received with universal approbation. Henry's chancellor for Italy hastened to take advantage of this favourable disposition: he assembled a numerous synod at Pavia, and procured a pledge upon oath from the prelates in attendance that they would *never in future* acknowledge or obey Gregory as pope.<sup>p</sup> The letters to the clergy and people of Rome more fully disclosed the king's intentions, and were accompanied by the kind of argument most familiar to that particular body of his subjects. Considerable sums of money were, we are assured, distributed among the most influential prelates and nobility, and promises redolent of future favours were lavishly scattered abroad. The faithful people of Rome were summoned to join their king, heart and hand, in expelling from their city and episcopal chair the "enemy of the empire," the "usurper of the holy see," the "false monk Hildebrand." The letter concluded with an earnest exhortation to labour together with him and the bishops of Italy, by every means in their power to compel him to descend from his usurped chair, and to concur with the king in the inauguration of the person whom he should send them; one who would be endowed both with the will and the power to heal the wounds which Hildebrand had dealt to the church.<sup>q</sup>

The most remarkable, however, of the documents issu-

<sup>o</sup> Bruno, de Bell. Sax. c. lxxv. ap. Pertz, v. p. 351.

<sup>p</sup> Paul Bernr. Vit. Greg. VII. c. lxxvii. ap. Murat. iii. p. 333. Bonizo says that this synod was held at Piacenza, and

not at Pavia; and that bishop Dionysius of Piacenza was the president.

<sup>q</sup> Bruno, de Bell. Sax. cc. lxxvi. lxxvii. ap. Pertz, p. 352.

ing from the pen of the king, or perhaps rather from that of his Italian managers, was a letter from Henry to Hildebrand himself, accompanying the proclamation to the Romans, and directed to be at the same time publicly read to the people. This production was addressed thus: "Henry, by divine ordinance king, to the false monk Hildebrand." . . . . "Such," he said, "is the merited salutation to one who, like you, hath dealt out confusion rather than peace, a curse instead of a blessing, to the catholic church. For you have trodden under your feet archbishops and bishops and presbyters, the anointed of the Lord, whom even to touch were sacrilege; you have looked down upon them as your slaves, who have not even the right to guess the will of their master; and, by their degradation, you have acquired for yourself a mob-popularity. . . . All this arrogance we have borne with for a time, from an earnest desire to save the honour of the apostolic see. But you have mistaken our meekness for fear, and blunderingly assailed the royal authority conferred upon us by God Himself. Of that authority you have insolently threatened to deprive us; as if we had received the kingdom from you, or that kingdoms and empires were in your hand, and not in that of God; or as if the Lord had not conferred upon us as good a title to our crown as you can claim to the holy see. Let us, then, see by what steps you have ascended the throne: first, there is vulgar knavery, the bane and vice of the monk; next, pelf; and, by means of pelf, mob-favour; by mob-favour the material of war, and by war you ascended the throne of peace to banish all peace; . . . arming the spiritual subjects against their bishops, . . . setting up the laity above the priesthood, hounding-on the people to cast down and persecute those whom God had set over them to be their pastors. Upon us too, the Lord's anointed, . . . upon us, who have no judge but God, . . . have you dared to lay your impious hand. But hath not he, the blessed, the true pope Peter, said, 'Fear God, honour the king'? But you dishonour us because you do not fear God. . . . Now, therefore, seeing that you are smitten by the anathema,

Vituperative  
letter of  
Henry to  
the pope.

and by our judgment and the unanimous verdict of our bishops condemned and deposed, descend now from the chair you have usurped, and let another mount the throne of Peter; one who shall teach as Peter taught, nor make religion a cloak for outrage. Therefore I, Henry, by the grace of God king, with all my bishops, do command you, Hildebrand, to come down,—and again, I say, ‘Come down!’”<sup>r</sup>

The mode of delivering the king’s letter to the pope was not less insulting than the contents. A bold ecclesiastic of an inferior order, disguised as a herald, was selected for the duty. The time chosen was that in which the pope was sitting in full council at the Lateran, surrounded by the assembled clergy of the church. The herald prefaced the delivery of the letters by an oral address: “My lord the king,” he said, “and the bishops of the empire, do by my mouth command you, Hildebrand, without delay to resign the chair of Peter, for it is unlawful for you to aspire to so lofty a place without the royal consent and investiture.” Turning next to the assembly, he said, “You, brethren, are hereby commanded that at the ensuing feast of Pentecost you present yourselves before the king, to accept a pope at his hands; for this Hildebrand is not pope, neither is he your shepherd, but a wolf in the fold of the Lord.” Incensed by this insolent address, the lay attendants of the prelates rushed with drawn swords upon the herald, and in another instant he would have fallen a sacrifice to their fury, if the pope, with great presence of mind, had not at the instant covered him with his mantle, and saved himself and the synod from the dangerous reproach of violating the heraldic tabard.<sup>s</sup>

When the tumult of indignation had somewhat subsided, Gregory addressed the assembly with that calmness and self-possession which, in moments of excitement, is best suited both to repress unbecoming or dangerous exuberance of feeling, and to divert the passions of the hearers into the channel

<sup>r</sup> *Bruno*, de Bell. Sax. ubi sup.

<sup>s</sup> *Paul. Bernr. Vit. Greg. VII. c. lxxviii., ap. Murat. iii. p. 334.*

in which they may be made to flow with a steadier and more useful current. "Let us not, brethren," he said, "disturb the church of God by noise and tumult. Doth not holy Scripture teach us to expect perilous times—seasons in which men shall be 'lovers of themselves, covetous, boasters, proud, blasphemers, disobedient to fathers, unthankful, unholy,'<sup>t</sup> not rendering obedience to their teachers? . . . The word of God calleth to us, 'It must needs be that offences come; but *no to that man* by whom the offence cometh.'" And unto us it is said, in order to instruct us how we ought to demean ourselves in the sight of our enemies: 'Behold, I send you forth as sheep in the midst of wolves; be ye therefore wise as serpents, and harmless as doves.'<sup>v</sup> And what though at this very time the forerunner of Antichrist hath risen up in the church, yet we, under the instructions of the Lord and of the holy fathers, have long since learned how duly to combine both these virtues . . . banishing all acrimony from our hearts, yet not discarding the wisdom of the serpent; for to entertain both is not an error, but the true resource of a righteous discretion. Thus we are bound not to persecute any one from anger or hatred, but to bear with those who from ignorance or imprudence do break the law of the Lord. And *now, brethren, is the accepted time*, now is the day of salvation . . . now once more the Lord walketh spiritually among men, crying aloud and saying, 'He that will come after me, let him deny himself and follow me.'<sup>w</sup>

It may be questioned whether the "wisdom of the serpent" was not more apparent in this address than the "innocence of the dove." But in those days the balance was not very nicely adjusted. The speech of the pope produced the desired effect, and the fathers vociferously besought him to pronounce upon the "usurper," the "blasphemer," the "tyrant," the "traitor," Henry of Germany, a sentence that should grind him to powder, and make him an example to all future ages. "Draw the sword,"

Discussion, and decree of anathema and deposition against Henry IV.

<sup>t</sup> 1 Tim. iii. 2.

<sup>u</sup> Matt. xviii. 7.

<sup>v</sup> Ibid. x. 16.

<sup>w</sup> Ibid. xvi. 24.

they exclaimed ; “ execute judgment, that the just may rejoice when they behold the vengeance of the Lord, and *wash their feet in the blood of the sinner.*”<sup>\*</sup> Gregory, however, with well-timed humility, left the mode and amount of the punishment to be inflicted to the discretion of the synod. After some discussion, it was resolved to recommend to the pope that the king should be deposed and deprived of all royal honours, and that he and all his accomplices should be bound in the fetters of the anathema. Gregory, then rising from his throne, and lifting up his eyes and hands to heaven, thus solemnly invoked the curse of God and St. Peter upon the head of his enemy : “ Thou, O blessed Peter, prince of the apostles, incline thy gracious ear unto our prayers, and hear me thy servant, whom thou hast brought up from my mother’s womb, and hast, even unto this day, delivered from the hand of the evil-doer, who hated and still hateth me for my faithfulness unto thee : for thou art my witness, and with thee, my sovereign mistress the mother of God, and the blessed Paul thy yoke-fellow among the saints, that I was constrained by the holy Roman church against my will and desire to ascend thy throne, and that rather than take thy place for the glory of this world I would have ended my life in exile : therefore I verily believe and hold that it is by thy grace alone, and not by my own merits, that it hath pleased, and still pleaseth thee, that the Christian people especially committed unto thee should be obedient unto me, who am thereunto expressly appointed that I should stand in thy place ; and that therefore unto me, by thy grace, is committed thy power, given by God, to bind and to loose in heaven and upon earth : now, therefore, relying upon that power, I do hereby, for the honour and defence of the church, on behalf and in the name of the Father, the Son, and the Holy Ghost, and by thy power and authority, inhibit and drive out Henry the king, son of Henry the emperor, from the crown, rule, and government of the kingdoms of Germany and Italy, and *do absolve all Christian men from the bond of the oath which they have sworn, or may*

<sup>\*</sup> Ps. lviii. 10.

*hereafter swear unto him*; and I do forbid all men from this time forward to serve or obey him as king: for it is right and just that he who striveth to abate the honour of the church should himself forfeit the honour he seemeth to have: and moreover, because he, as a Christian, hath disdained to obey us, neither hath returned unto the Lord whom he hath forsaken, by holding communion with the excommunicated, and by despising my admonitions bestowed upon him for his salvation—of all which thou, O Peter, art my witness—and hath committed many other iniquities; and by such contempts hath cut himself off from the church by endeavouring to rend it in pieces:—we do hereby bind him in the strong chain of the anathema, that all men may know and experience that ‘thou art Peter, and that upon thee, as upon a rock, the Son of God hath built his church, and that the gates of hell shall not prevail against her.’”<sup>y</sup>

But the spell could hardly be considered firm and good until the chief accomplices in the king’s transgressions should have shared his punishment. A supplementary curse was accordingly published against Siegfried archbishop of Mainz, William bishop of Utrecht, and Rupert bishop of Bamberg. It was thought unnecessary to republish the sentences against the ministers of Henry, who, like Otto of Ratisbon, Otto of Constance, Burkhard of Lausanne, and the earls Eberhard and Ulrich, were already labouring under the curse.<sup>z</sup> But some forbearance seemed due to those Germanic prelates who had apologised to the pope for their participation in the proceedings at Worms.<sup>a</sup> Their names were omitted from the list of the accursed; but a day was peremptorily given them<sup>b</sup> to appear personally at Rome, and to abide the sentence of the pope upon their “novel and unheard-of rebellion against the holy see;” or in default thereof to

<sup>y</sup> *Paul. Bernr.* cc. lxxv. lxxvii. ap. *Murat.* iii. p. 335.

<sup>z</sup> *Lamb. Schaffn.* an. 1076.

<sup>a</sup> These apologies were, it appears, received only on the day before the anathema was pronounced against the

king. *Bonizo*, lib. vii. p. 814.

<sup>b</sup> The day named was the feast of St. Peter next ensuing, that is, Thursday, 29th June 1077. *Bernold.* *Annal.* au. 1076, ap. *Pertz*, v. p. 433.

Gregory  
curses the  
bishops and  
ministers of  
the king.

fall under the like condemnation with the obdurate and impenitent.

Before the synod was prorogued Gregory addressed encyclical letters to "All Christians," enclosing copies of the acts of the council, and commanding all men, as they desired to be numbered among the flock of Peter, to accept and obey the orders therein contained; more especially those which related to the deposition and anathema against the king, his "false bishops, and reprobate ministers."<sup>c</sup> Some months afterwards a brief was addressed to both clergy and laity, with a view to detach them from their allegiance. The pope informed them, in the plainest terms, that the duty of fealty to the sovereign was conditional upon his obedience to the commands of the pope; that it was their business to prefer the advantage of the church (the pope) to all worldly duties or interests; that this obligation weighed upon the consciences of clergy and laity alike, but with greater stress upon the former, since they were "the elect people, the royal priesthood," upon whom was incumbent the special obligation to "obey God rather than man,"<sup>d</sup> the pope rather than a profligate king. Yet, desiring rather that he should repent and be saved, he exhorted them to give their best endeavours to bring him to a sense of his transgressions. "*But,*" said he, "*be careful to do this in such wise that he shall never again have it in his power to attack the church as heretofore.*" If he should still "choose the devil rather than Christ for his portion," they had but one course to pursue; for that, if any one, whether priest or layman, should, under the influence of human fear or affection, decline to withdraw himself altogether from his society and that of the excommunicated persons named, he must compromise his own soul as well as that of his patron: with such as these he commanded them therefore to hold no intercourse; for such were slayers of their own souls, as well as of the souls of those who should sympathise with them; they were

<sup>c</sup> *Regist.* lib. iii. ep. vi. p. 363.

<sup>d</sup> See the false decretals, as in Book

VI. chap. vii. pp. 192 et sqq. of this work.

sowers of confusion and ruin both in church and state. "For this reason," he continued, "we cry aloud, and spare not: as saith the prophet, 'If thou declare not unto the wicked his evil way, his blood will I require at thy hand;' and again: '*Cursed be he that withholdeth the sword from blood.*' God is herein our witness that we are not moved by any desire of temporal advantage, or by carnal respects of any kind, in reprov'ing wicked princes or impious priests; but that all we do is done from pure regard for our high office, and for the honour and prerogative of the apostolic see: for it were a hundredfold better that we should suffer the death of the body by the hand of the tyrant, than for our own profit, or from fear, to hold our peace, and therein consent to the overthrow of the '*Christian law*:' for we are clearly taught by the holy fathers, that he upon whom the duty resteth, yet neglecteth to resist the wicked man, in reality consenteth unto the evil; and himself commits the sin it was his duty to punish."<sup>e</sup>

But it was not so easy a matter to convince the more reflecting class of his supporters of the infeasible right of the Petrine chair to overthrow the civil constitutions of kingdoms and empires, and thus to dissolve the bonds of civil society at a blow. The more respectable names among those who had put in their protest against the decrees of Worms entertained serious doubts of the legality of the retaliatory edicts of the Lateran. The bishops of Treves, Metz, Toul, and Verdun, inquired how they were to distinguish between the persons affected by those edicts? Where, they asked, were the excommunications to have an end, if all who associated with the outcasts were doomed to the like condemnation? What warranty of ecclesiastical law could the pope produce for the late startling stretches of his spiritual prerogative? In answer to the first question Gregory replied, that the decree of excommunication applied to all who might be proved to have held any intercourse, religious or social, with king

Remon-  
strance of the  
moderate  
papists.

Reply of  
Gregory.

<sup>e</sup> Dated 25th July 1076: see *Regist. lib. iv. ep. i. p. 377.*

Henry,<sup>f</sup> because all such intercourse was an infallible token of a depraved preference of his favour to the “commands of God;” while at the same time it encouraged the criminal to persist in setting Him at defiance. The reply to the second question involved some delicate considerations. The theory of indefinite excommunication necessarily implied the severance of all the bonds of civil society:<sup>g</sup> it might therefore not be prudent to give a more precise answer to this question; and pope Gregory passed on to the third scruple—a topic in which he believed himself thoroughly at home. How, it was asked, could he justify the pretension to expel his temporal sovereign from the pale of human society, and to deprive him of those honours and powers which rested on the same basis of divine appointment as those of St. Peter himself? The pope’s reply is too characteristic of the delusion of which he was himself the dupe not to find a place in the narrative. “To those,” he said, “who deny our right to excommunicate the king, though they be foolish persons, yet, lest we be censured for passing over their folly too lightly, we reply by leading them to reflect upon the words and actions of the holy fathers. Let them but read the precepts of the holy Peter which he delivered to the Christian people at the ordination of St. Clement<sup>h</sup> concerning those who should incur the censures of the pontiff. Let them next inquire into the meaning of the words of the apostle Paul: ‘having it in readiness to avenge all disobedience;’ let them reflect of what manner of persons it is written, ‘with such an one, no not to eat;’ let them consider how that pope Zachary deposed the king of the Franks and absolved all the people of France from the bonds of

Relies on the false decretals and fabulous legends of the Roman church.

<sup>f</sup> “Qui excommunicato regi Henrico *communicare* cognoscerentur.” In this passage, as in a multitude of others, the word “communicare” is not confined to religious or sacramental communion.

<sup>g</sup> Thus: A is excommunicated; B for associating with A; C for communing with B; and so on to the end of the alphabet,—an endless series of forfeiture of civil and religious rights! Such a scheme would, perhaps, take

some time to work out the putrefaction of the whole mass of civil society, but it would very soon produce such uncertainty in all the relations of political life as the pope and his agents were alone competent to clear up. We think that *this* was precisely the result contemplated.

<sup>h</sup> See Book VI. c. vii. pp. 185, 186 of this work. The false decretals were Gregory’s text-book.

<sup>i</sup> 2 Cor. x. 6; 1 Cor. v. 11.

their allegiance;<sup>j</sup> let them inspect the decretals of the blessed pope Gregory (the Great), and they will find that in the charters of privilege he conferred on *several churches* he not only excommunicated all kings and princes who should impugn his grants, but condemned them to the forfeiture of their dignities and titles.<sup>k</sup> Nor will they dare to overlook the fact that the blessed Ambrose excommunicated an emperor (Theodosius the Great)—an emperor *indeed* both in mighty power and in manners—and cast him out of the sanctuary of the church.<sup>l</sup> But perhaps there are persons who will pretend that when God thrice committed his church to the blessed Peter by the words ‘Feed my sheep,’ He *excepted kings*. But let them reflect that when He gave to Peter, as supreme prince, the power to bind and to loose in heaven and on earth, He *excepted nothing out of that power*. He that denies that he may be bound by the chains of the church must go on to affirm that he cannot be absolved by the same authority. But whosoever affirms this separates himself from the body of Christ: *and verily, if the apostolic see, by virtue of the principality divinely conferred, adjudicates upon spiritual things, why should she not have power to adjudicate in temporal things also?* The kings and princes of this world, who prefer their own honour and temporal advantage to the *righteousness of God*, are, as you well know, the members of *him*<sup>m</sup> whom they serve; they, on the other hand, who prefer the will of God to their own will, and obey Him rather

Kings and emperors not excepted from the Petrine commission.

Temporal power of the pope asserted.

<sup>j</sup> It is almost needless to observe, that there is no ground for this allegation. See Book IV. c. vi. p. 375 of this work.

<sup>k</sup> One such document is still extant, viz., the notorious forgery entitled “Privilegium S. Medardi.” *Baronius* (an. 593, § 85) undertakes its defence. *Pagi* abandons it to the mercy of the critic. Nothing, indeed, could be more alien from the character of Gregory the Great than the idea of extending the Petrine commission to the excommunication or deposition of sovereigns or secular princes. Conf. Book III. c. vi. p. 234 of this work.

<sup>l</sup> The act of Ambrose was an impulsive, not a judicial act. “Polluted as you are with the blood of Christians wantonly shed, neither I nor my clergy shall communicate with you till you shall have convinced us of your repentance.” It was the simple exercise of the right of every Christian man to shun religious or social communion with notorious evil-doers. Ambrose—though a persecutor and a person of unbounded spiritual ambition—never pretended to a general power to depose or excommunicate emperors or kings.

<sup>m</sup> The devil, to wit.

than man, are members of Christ, just as the former are members of Antichrist. If, therefore, spiritual men (the clergy) are, when needful, themselves brought to judgment, why should they not have power to punish carnal men (the laity) for their evil lives? But perchance they imagine that the royal dignity is superior to the episcopal. Now let us try the two powers by their source and origin. The former was engendered *in human pride*, the latter *in divine religion*; the one is incessantly grasping at empty glory; the latter, always aspiring to celestial life.<sup>n</sup> And herein let them take note of what the holy pope Anastasius wrote to the emperor of the same name concerning the two dignities; as also the difference between them as commented upon by St. Ambrose: ‘If,’ saith the former, ‘we compare the honour and sublimity of the episcopacy with the tinsel glitter of the diadem, the latter shall surely fall as much below the former as the effulgence of pure gold surpasseth the dull sheen of lead.’<sup>o</sup> And it was from a deep sense of this great truth that the emperor Constantine the Great declined to preside at the council of Nicæa, and took the lowest place among the bishops.”<sup>p</sup>

Gregory was, however, apprehensive that, from some  
 Henry to be  
 absolved by  
 no one but the  
 pope himself,  
 misconstruction of his orders, Henry might obtain a surreptitious absolution; he therefore directed bishop Hermann of Metz, to whom these explanations were addressed, to make it universally known that the authority he had imparted to certain bishops to absolve those who might have incautiously held intercourse with the king, was in no case to extend to the release of Henry himself from the

<sup>n</sup> Conf. the Isidorian distinction between the carnal and the spiritual man, Book VI. c. vii. pp. 196, 197. The reasoning seems to be the following: If the church (the pope) is empowered to sit in judgment upon its own members, who are spiritual men, consequently superior to the laity, who are carnal men, it must have power to sit in judgment upon the inferior class of beings; and this power may *a fortiori* be exercised by bishops, because they stand as much above the temporal magistracy as

the kingdom of heaven is above the kingdoms of this nether world.

<sup>o</sup> It would be interesting to learn from which of the very few documents relating to the short pontificate of Anastasius I. the learned pope Gregory extracted this observation. All the letters we possess of that pope are set out in *Hard. Concil. ii. p. 947.* Conf. *Jaffé, Regist. &c. p. 60;* and see *Baron. ad an. 497, 498.*

<sup>p</sup> A well-known and often-repeated fable.

bonds of the anathema; he (the pope) *having reserved that power to himself exclusively*. In conclusion, he declared all religious rites or services performed in his presence to be of none effect; they were a “profanation and an execration; for they are idolatry in the sons of disobedience.”<sup>q</sup>

These explanatory observations were succeeded on the 3d of September following by more specific instructions to the German states how to deal with their reprobate sovereign. A general rescript was addressed to “all the bishops, dukes, earls, and the faithful generally dwelling within the kingdom of Germany:” *if the king should repent*, he advised gentle treatment,—they should not mete out to him the mere measure of justice, for that would thrust him out altogether from the government; let him therefore be treated with that charity which covereth the multitude of sins; still *they must begin by removing all his ministers* from his presence, and carefully choose others for him, who should have his real interests at heart—who should love him better than themselves—who should prefer *the honour of God* to their own honour; they should permit him no longer to imagine that holy church is subject to him as his bondsmaid, but that *she ruleth him as his mistress*,<sup>r</sup>—nor to imagine that he may still be allowed to maintain insolent customs adverse to her interests;<sup>s</sup> neither should they absolve the penitent without the fullest knowledge and authority of the holy see. Thus they were to deal with him if he should repent; but, if still impenitent, he commanded them *to elect another king*, who could and should give unquestionable security to the pontiff for the performance of all things he might require for the wellbeing of the Christian religion and the salvation of the empire. To that effect, and for that purpose, he imparted to them *the plenary apostolical authority*, and promised to confirm their choice, if they should at every step transmit to

or by his  
warrant, in  
case of  
submission.

If impenitent,  
the states  
commanded  
to choose another king;

<sup>q</sup> Dated 25th Aug. 1076; *Regist.* lib. iv. ep. ii. p. 379.

<sup>r</sup> “Sed prolatam ut dominam.”

<sup>s</sup> Alluding to investiture in any form. Gregory did not fight for forms.

him the earliest and minutest intelligence of their proceedings, comprising names, characters, opinions, and <sup>with papal consent.</sup> morals of the candidates, that he might judge of their fitness for the office, and be enabled to recommend them to the favour of God and of the prince of the apostles.<sup>4</sup>

The unmistakable effect—probably the direct object —of these censures was to drive their victim <sup>Political theory of Pope Gregory.</sup> out of society, to deprive him of human sympathy, and ultimately to render impossible any government but one that should be cast in the mould of the self-constituted theocracy, with a visible, instead of an invisible, Deity to preside over it. The sharpest feature in the papal instructions to his friends in Germany is the veto reserved by the pope to himself in the future nomination of the king's ministers: a prerogative which, if maintained, could have no other result than to transfer the regards of public men from the sovereign to the pope, and in the end to place all the essential powers of government and legislation at his disposal. It is difficult to believe that these measures of pope Gregory VII. were simply incidental or defensive. Every step he took was supported upon principles dogmatically stated and affirmed: a method which excludes the idea that they emanated from motives of a temporary nature, or that he regarded them as any other than the logical results of the theory of St. Peter's chair as it stood before his mind; nor do we find that his successors have ever in theory departed from those principles. If he admitted the concurrence of the emperor in the election of the pope, Gregory claimed also a reciprocal veto upon the election of the emperor; at the same time assuming the right to frame the government upon his own model, so as to elude any interposition of the civil state, when detrimental or dangerous to the supremacy of the state spiritual.

At no period of the history of the pontificate do we meet with an equally favourable concurrence of circum-

<sup>4</sup> Date, 3d Sept. 1076; *Regist.* lib. iv. ep. iii. p. 381.

stances for the development of the principles of government thus boldly advanced by Gregory VII. The impetuous character of the king afforded every possible advantage to his sagacious adversary. Accident threw into his hands opportunities, of which he was singularly careful and sagacious in availing himself. About this time the hand of an assassin deprived Henry of the services of the only capable adviser unimplicated in the sweeping anathema of Rome. Gozelo duke of Lorraine was stabbed to death by an emissary of his enemy the earl of Flanders at Antwerp. Henry, in whose character attachment to his friends was as conspicuous a feature as hatred of his enemies, had often in the course of his reign made many enemies in obliging a single friend. Thus in this very year<sup>u</sup> he inducted the unpopular Hildulph into the metropolitan see of Cologne; and with consent of only three members of the chapter, and a small number of the capitular tenants, caused him to be consecrated archbishop by bishop William of Utrecht in his own presence. For this service William received the promise of the bishopric of Paderborn for his nephew.<sup>v</sup> The dissentient members of the chapter were added to the ever-increasing numbers of the discontented; nor could the most moderate and loyal churchman, after this, see much to choose between the despotic pretensions of the king and those of the pope.

But Henry made light of all opposition. Relying upon the decrees of Worms and Pavia, he received the intelligence of the papal sentence of deposition with extreme indifference. By the advice of William of Utrecht and the bishops involved in the same censures with himself, he retorted the excommunication and anathema upon his adversary. The bishop of Utrecht pronounced the sentence; but on the eve of the day appointed for the ceremony Pibo of Toul and Theoderick of Verdun fled the court to avoid participation in this critical transaction.<sup>w</sup> On the

Arbitrary  
proceedings  
of Henry.

He retorts  
the anathema  
upon  
Gregory.

<sup>u</sup> On the 8th March 1076.

<sup>v</sup> *Lamb. Schaffn.* an. 1076.

<sup>w</sup> The only authority for this incident

is the monk *Hugo* of Flavigny, a violent partizan. He says that William of Utrecht pronounced the sentence; but

other hand, a synod of Lombard bishops, assembled at Pavia under the auspices of Wibert of Ravenna, and attended by all the pope's enemies in Lombardy, reiterated the anathema against Gregory with exceeding Civil discord in Italy and Germany. zest. These reciprocal cursings convulsed the religious world, and resolved all parties into papists and imperialists.\* In Germany civil society seemed on the eve of dissolution. All the isolated masses of ambition, fanaticism, or turbulence, joined the one or the other of the two factions, as humour or interest suggested; some embracing the cause of the king, whom it suited them to regard as foully insulted by the insolent Roman priest; others siding with the pope, in whom, for equally valid reasons, and with equal sincerity, they chose to worship the champion of religion and liberty. In such a state of phrensied excitement there was none to listen to that moderate party—always a numerical minority—who might have mitigated the extravagances of both, and pointed out a path to compromise. Like scheming speculators, every man of mettle rushed to make his market of the public confusion.

Of these parties, that of the king was the foremost in the race of malignant activity. After his return from the synod of Worms to his favourite residence at Goslar in Saxony, he commenced a series of harassing operations against the Saxons. The estates and property of the banished and imprisoned magnates were made over to his satellites and friends. Those who had not yet surrendered were threatened with the utmost visitations of the royal vengeance. The castles and hill-forts, which had been destroyed the year before in virtue of the treaty of Gerstungen, were hastily rebuilt, and the miserable population of the neighbourhood compelled to contribute their toil and their substance to rivet the yoke upon their own

that he died in the same year. See *Hugo Flavin*, Chron. an. 1081, ap. *Pertz*, tom. viii. p. 458. Conf. *Paul. Bernr.* c. lxxx. ap. *Murat.* iii. p. 338; and *Lamb. Schaffn.* an. 1076. Neither Paul, Lam-

bert, nor Bruno, knows anything about an excommunication of Gregory by the procurement of Henry IV.

\* *Bonizo*, lib. viii. ap. *Æfel.* ii. p. 815.

necks. Thus, we are—perhaps somewhat rhetorically—informed, every hill and vantage-ground in the land of the Saxons and Thuringians was converted into an imperial garrison; the soldiery subsisting upon the impoverished cultivators of the soil.

No facts or incidents in the personal history of Henry IV. furnish us with a satisfactory explanation of that unappeasable hatred and jealousy of the Saxon race, which appears to have haunted his mind almost from his infancy. A passionate conviction was impressed upon him, that either they or he must go to the wall. The effect of this impression resembled a perpetual nightmare, impelling him into violent action, as one struggling to shake off a frightful dream. Finding, however, that his vindictive measures had thrown a dark shade over his popularity, he endeavoured to supply its place by extending unlimited indulgence to a very limited body of personal friends and dependents, and by fomenting those divisions and separate interests among the estates of the empire which might tend to obviate any dangerous combination. But even the victory of Hohenberg had, in the end, turned to his disadvantage. The Saxons had been but half subdued, and the great aristocracy of the empire had conceived a strong suspicion that their privileges would not long survive those of their Saxon fellow-subjects. Thus, separate and personal interests began to give way to a general alarm for their liberties, and the magnates of Swabia, Bavaria, and the Hungarian marches, were soon on the alert to encounter the apprehended danger. But, besides these patriotic motives, the crisis opened alluring prospects to individual ambition. To a few among the eager list of waiters upon Providence an imperial crown was held out as the prize of rebellion. Pope Gregory had significantly pointed out the path to greatness; and his apprehension was, not that they would miss the way, but that they should rush into it with an impetuosity that might be prejudicial to his own special plans.

Growing disaffection of the estates of the empire.

In the Easter-week of the year 1076 the three dukes

Meeting at of Swabia, Bavaria, and Carinthia, with the  
 Oppenheim. two dissident bishops, Pibo and Theoderick,  
 and some other prelates, resenting the king's attack upon  
 the pope, held a meeting at Oppenheim on the Rhine, to  
 take into consideration the whole state of the empire,  
 and to inquire into the causes of the present discontents.  
 It was agreed on all hands that the blame rested with  
 Henry. "Since the peace with the Saxons, his measures  
 had undergone no change; he was still the same mercil-  
 less and wayward being: the same in vicious self-indul-  
 gence and association: his victory over the Saxons had  
 served to no better purpose than to place the lives and  
 fortunes of his subjects at his mercy, and to nurture all  
 the vices of his natural character. What hope, they  
 asked, remained to those who should for any cause fall  
 under his displeasure? Had he not already broken his  
 faith with the Saxons?" And was it likely that he would  
 be more observant of his obligations towards any of his  
 subjects?"

These apprehensions were not unfounded; yet it was  
 not true that the blame rested wholly upon the  
 king. The ill-treatment of the Saxons was, in  
 a great part, the act of the complainants them-  
 selves; and they were not at liberty to charge  
 the dangers resulting from their joint act upon their ac-  
 complice in the cruelties or perfidies consequent upon their  
 victory.<sup>2</sup> Nor could it be alleged on their behalf that  
 the danger to their liberties was greater at this period  
 than it had been at any former crisis of the king's affairs.  
 Rodolf of Swabia was known to have been once before  
 in the field as a candidate for the crown of his legitimate  
 sovereign, upon the same ground of complaint as that  
 now urged against him. His communications with pope

<sup>1</sup> An allusion, probably, to the im-  
 prisonment of the Saxon chiefs after  
 their submission. Conf. ch. vii. pp.  
 339-341 of this Book; but see note to  
 that passage, p. 352.

<sup>2</sup> If the capitulation with the Saxon  
 chiefs had been broken at all, one would  
 have expected some unequivocal pro-  
 test on the part of the warrantors—some

public vindication of their own honour.  
 Yet we read of no objection to this  
 transaction till it suited them to break  
 with the king; if, indeed, the obscure  
 allusion in the text has any reference  
 to what occurred after the surrender of  
 the Saxons. See p. 352 of the preced-  
 ing chapter.

Gregory on that occasion could hardly have been unknown to the king; and though cancelled by subsequent services, the treasonable design was not likely to have vanished from the memory of Henry. The truth seems to be, that accidental circumstances—more especially the secession of the Saxons by the treaty of Gerstungen—had disappointed the hopes of the confederates, and of Rodolf in particular. Now, however, a second opportunity presented itself, which, if vigorously pushed, promised not only to neutralise any danger which might threaten their constitutional rights, but to gratify the lust of ambitious competition. New proselytes flocked daily to the confederates at Oppenheim. “But,” says our informant, “*that which gave them the greatest encouragement was the intelligence which flowed in from Italy of the curse lately pronounced by the pope against the king.*”<sup>a</sup>

Meanwhile Henry’s affairs in Saxony had assumed an unpromising aspect. An apparently insignificant body of impoverished and desperate Insurrection in Saxony. men had collected under two Saxon gentlemen. These were soon joined by the nobles and gentry who had evaded the late capitulation, or escaped from the king’s wardens. Small incidental successes led to more daring enterprise; and a very general insurrection of the country folk favoured the progress of the confederates. Several outlying forts and garrisons fell into their hands by storm or capitulation; and the king’s friends were on all these occasions expelled, and their property sequestered to the use of the insurgents. While the attention of Henry was engaged by the state of the Rhenish provinces, nearly all the Saxon territory to the northward and eastward of the Hartz mountains had passed into the hands of the enemy. Still, the strong position of Goslar, protected by the stately Hartzburg, and other hill-forts of great strength, remained in the hands of the king’s officers. But, strange to say, the garrisons had

<sup>a</sup> *Lamb. Schaffn.*-an. 1076; probably through the encyclical letter of the latter part of February or the beginning of March 1076. See *Jaffé*, *Regist. Pont.*

*Rom.* p. 421. See *Regist.* Greg. VII. lib. iii. ep. vi. p. 363. *Conf.* p. 386 of this chapter.

been placed under the command of the same Otto of Nordheim, ex-duke of Bavaria, who, till within the last twelvemonth, had been regarded and dealt with as the most dangerous of the king's foes. In an access of capricious generosity, or more probably with a view to introduce jealousies and suspicions into the councils of his adversaries, Henry had released him from custody, and intrusted him with the command of his forts and forces in Saxony. But Otto was now the soldier of fortune. As long as the royal cause prospered, he was not unwilling to serve it faithfully. Without opposing the insurgents in the field, for which probably he deemed his forces insufficient, he strengthened the central position by new forts, and added to the defences of others. Meanwhile the insurrection continued to spread; and the news of the papal anathema had found its way to the remotest regions of the empire. Possibly the intentions of the confederates of Oppenheim were not unknown to Otto; nor could he be blind to the fact, that the king's fortunes were on the decline. At this juncture a passionate appeal from his Saxon countrymen to his honour and patriotism was placed in his hands. Otto received the document favourably, and returned a civil answer: he earnestly besought the memorialists to proceed with caution, to moderate their demands, and to abstain from further hostilities; promising that he would, without delay, communicate with the king on their behalf, and procure for them by peaceable means that redress which they had hitherto in vain demanded at the point of the sword. If the king should listen to his advice, they would effect their emancipation without peril or bloodshed; but if it should be rejected, no consideration, *not even his oath of fidelity*, should prevent him from defending the violated rights of his country to the last drop of his blood.

It should be borne in mind that the oath of fidelity or allegiance was, in its nature, a conditional oath, grounded on a personal compact between the free warrior and his self-elected chief. When

His reply to the address of his countrymen.

The feudal oath of allegiance.

the conditions were broken on either part, the oath was no longer binding. The *power* to uphold the obligation was, however, the only security against a capricious or dishonest exposition of the terms. As long as the sovereign retained that power, he was, within certain bounds, the master of the law, and might wage his action of treason: when it dropped from his hands, he had nothing to rely upon but the general persuasion that the feudal vinculum could not be broken without good and sufficient cause. The same reciprocity of right and duty ran through and riveted every link of the feudal chain, from the sovereign to the meanest subvassal, and the same pleas which would justify the tenant *in capite* against the sovereign might with equal force be urged by the vavassor against his immediate superior. To this extent, therefore, the conscience and the interests of the subject concurred in upholding the oath. But as long as it rested upon a merely secular basis, it remained an obstacle to the papal scheme. It was therefore requisite to remove it to ecclesiastical ground, where it might be dealt with at pleasure. Such was the task pope Gregory had imposed upon himself; the ultimate power to maintain or dissolve it must be transferred to the holy see, as judge in the last resort of all moral, religious, or political obligation.

Otto of Nordheim waited now only for a decent pretext to betray his master.<sup>b</sup> He began by tendering his public advice to the king to liberate his prisoners, to demolish his castles, and unconditionally to restore the rights and privileges of his Saxon subjects. But while he offered these counsels, he withdrew the royal garrisons from the castles of Hartzburg and Steinberg near Goslar, and entered into open communication with the rebels. The news of these defections in Saxony; the accounts received, about the same time, of meetings of malcontents in other quarters,

Treachery  
of Otto of  
Nordheim.

<sup>b</sup> It may be doubted whether the feudal law made any distinction between those who were in the immediate *service* of the crown, and therefore bound by a special obligation faithfully to perform their duty, and those who were bound only by general fealty and alle-

giance. It seems to have been sometimes held that to justify renunciation a relinquishment of the special office must have preceded it; and consequently that no consideration of wrong or injury to himself or others could justify a secession like that of Otto of Nordheim.

but chiefly of the evasion of many of the Saxon hostages, alarmed and perplexed the court. Two diets of the empire, the first at Whitsuntide, the second on the 29th of June, were so thinly attended, that it was not thought advisable to proceed to business. Archbishop Udo of Treves reconciled himself with the pope; other prelates followed his example; they seceded from the court, and refused to communicate with all who remained faithful to the king. In this extremity Henry assembled his prisoners at Maintz, under colour of treating for their ransom. Favoured by a popular outbreak, in which a large part of the city was burnt to the ground, many of the captives made their escape. Still the bishops of Magdeburg, Merseburg, and Meissen, the duke Magnus, the earl palatine Frederic, and other Saxons of princely rank remained in custody. All these Henry now admitted to his presence, and offered them a free pardon upon a renewal of their oaths and pledges of loyalty, and a promise to do their utmost to appease the existing discontents, and persuade their people to abstain from communication with the king's enemies.

These terms were gratefully accepted by the prisoners, and Henry felt, or affected to feel, full confidence in their future fidelity. With their assistance he hoped to put an end to the insurrection in Saxony. He had fulfilled the principal article of duke Otto's demands, and thought he might rest securely upon the influence of the liberated magnates to punish the rebels who still refused to lay down their arms. He therefore summoned them to meet him on a certain day with the array of their principalities in the March of Meissen. Otto was commanded to join the king's forces at the appointed time. He himself marched with the small force in hand; on his way through Bohemia he was reinforced by the militia of duke Wratisslaus, and entered Saxony through the passes of the Erzgebirge. Meanwhile duke Otto had dismissed the king's summoner with the laconic intimation, that by thus taking up arms for the destruction of his unoffending Christian subjects he had forfeited all claim

Henry  
liberates his  
Saxon pri-  
soners.

to obedience; the liberated princes replied to the king's summons, that, with every desire to redeem their promises, the frank refusal of their vassals to bear arms against their oppressed countrymen made it impossible to move a step in his service. In this state of helpless desertion, Henry found himself suddenly confronted by a body of seven thousand well-armed cavalry, under the command of the two ringleaders of the insurrection; and was only saved from captivity by the waters of the swollen river Mulde, which separated him from the assailants, and enabled him to make good his retreat into Bohemia.<sup>c</sup>

His failure  
against the  
insurgents.

By this time the papal briefs of the 25th of July, the 25th of August, and probably also that of the 3d of September, had reached their destination; and the conspiracy in the south and west of Germany was drawing to a head. The dukes of Swabia, Bavaria, and Carinthia, the bishops of Würzburg and some others, met again at Ulm, and agreed to convoke a general convention of the estates of the empire at Tribur on the Rhine for the 14th of the following October. Citations and letters were issued, in a tone of religious earnestness and pious urgency, to the magnates and nobles of the circles of Swabia, Bavaria, Saxony, Lorraine, and Franconia, corresponding accurately enough with the altered basis of public law as intoned by the papal pitchpipe. The controversy between the complainants and the king was shifted from the ground of individual and political grievance to that of religion. The primate Siegfried thought it high time to make his peace with the pope; other bishops followed in his wake: zeal for the interests of the church cast all moral obligations, oaths, promises, engagements, into the shade: the king's friends fled from him, as if loyalty were a crime, and association a pollution. The hostages which the liberated Saxon chiefs had left in his hands were allowed to escape by the king's wardens.<sup>d</sup> Every countenance was averted from him; every vassal

Political  
effect of the  
papal ban.

<sup>c</sup> This short narrative of events in Germany is abridged from *Lambert of Aschaffenburg*, an. 1076. *Bruno, de Bell. Sax.*, has been consulted.

<sup>d</sup> *Lamb. Schaffn.* an. 1076. See his interesting narrative of the escape of the sons of markgraves Uto and Dedi of Saxony.

of the empire stood aloof in consternation, or joined the ranks of his enemies. Still, a little knot of steady and faithful adherents clung to his fortunes; one great city of the empire held its sheltering gates ever open to him; above all, he was never deserted by his own sanguine and self-reliant spirit.

On the appointed day a full convention of the estates of the empire assembled at Tribur. Sigard patriarch of Aquileia, and Altmann bishop of Passau, accompanied by a dark retinue of monks, appeared as legates of the holy see. They were instructed to explain to the convention the grounds of the late censures upon "Henry of Franconia," and, in case of his continued impenitence, to impart the pontifical license to proceed to the election of a proper person to fill the vacant throne. But no public business was to be entered upon until the legates should have first purified the meeting from the pollutions contracted by communion or intercourse with the excommunicated schismatics and heretics, more especially with the king himself. Till then, they declined all conversation with any member of the convocation, whatever his rank or influence, who might by word or act have held commerce with Henry subsequently to the date of the anathema; or with married or concubinate priests; or lastly, with ecclesiastics labouring under the charge of simony. Bishop Altmann was specially appointed to receive the confessions, to impart the papal pardon for these and other irregularities, and to impose the penances appropriate to each class of offences. As soon as the process of purification was completed, the meeting occupied itself for seven days in discussing and settling articles of impeachment against the king. Beginning with the age of irresponsible infancy, they rehearsed every scandalous rumour regarding his irregular life before he reached the age of puberty: they recapitulated every real or reported act of tyranny and injustice committed in his riper years, charging that he had thereby infringed the rights and liberties of his subjects, oppressed and injured individuals, and disgraced the hon-

Convention  
of Tribur.

Papal  
purification.

Articles of  
impeachment  
against the  
king.

our and dignity of the crown: they accused him of excluding the magnates of the empire from his confidence; promoting worthless and incompetent persons, men of no note, character, or family, to the highest offices of the state; thereby compassing and contriving the total sequestration of the nobility from public affairs, and their final disgrace and ruin; this depraved appetite for civil broils, they said, "had withdrawn his attention from the foreign enemies of the empire; his mode of government had led to a general decay of public wealth and prosperity, and promoted the reign of violence and anarchy throughout the realm; more especially it had led to the destruction of churches and monasteries, the diversion of church estate, funds, and revenue to the payment of his mercenaries; the decay of godly zeal and reverence for sacred ministrations, whereby men's thoughts were diverted from holy things to the turbulent habits of war and pillage; and all this with a view to rob the country of the blessings of peace, and to fasten the yoke of bondage upon the necks of a free people: there was now no asylum left for the widow and the orphan, no refuge for the injured and the oppressed, no respect for law, no restraint of morality; the church had lost her authority, the empire had forfeited its dignity. . . . For evils such as these there was but one remedy—the extreme remedy of every desperate disease—the *removal of the cause* . . . . the king therefore must be deposed, and another chosen in his place who should possess the power and the capacity at once to arrest the progress of lawless immorality and flagrant irreligion."

While the confederates and their ghostly advisers from Rome were thus busy sweeping up the sins of the age, the king's iniquities, and their own, into one huge heap, and depositing them all at his door, Henry had mustered his small band of adherents at Oppenheim, a town on the Rhine directly opposite to Tribur, determined to play his last stake for life and crown. In the field, however, his chances were evanescent; and he at length consented to humble himself, even unto the dust, if he might thereby introduce

Fruitless humi-  
liation of  
Henry IV.

hesitation into the counsels of his adversaries, or, at the worst, rescue some shred or remnant of royalty from the wreck of his fortunes: he promised amendment, constitutional government, redress of wrongs,—nay, if nothing less would content them, he engaged to renounce the government and transfer it to the hands of the estates, provided he be still permitted to retain that royal name and title of which he could not be lawfully deprived. The confederates interpreted these proposals as a crafty device to gain time, or to divert them from the real purposes of the meeting. In their reply they stigmatised his promises as feather-light, his professions as cobwebs; his vices they pronounced to be incurable; his eagerness for the perpetration of wickedness like the snorting of the war-horse for the battle; forbearance were in his case treason to the church and the state: “as long,” said they, “as our own lives and worldly honours, our merely personal interests, were at stake, we bore with these evils for the sake of our oaths and our souls’ welfare: *Solemn renunciation of allegiance.* *but now that, for his iniquities, he (Henry) hath been cut off from the body of the church by the sword of the apostolic anathema, we can no longer hold any communication with him without forfeiting our own communion with holy church, and perilling our faith as Christians; seeing that now, by apostolic authority, the pope hath cancelled all our oaths, and released us from the allegiance by which we have been hitherto bound.*”

The confederates had by this time frankly enlisted under the papal banner, with the impression, *Renewal of negotiations.* no doubt, that the pope’s objects and their own were identical, and that by humouring his policy they had struck into the shortest path to the accomplishment of their revolutionary designs. Henry’s plight was by this time to all appearance desperate; but, true to himself to the last, he drew together his faithful band, with the resolution, before he perished, once more to dye his sword in the blood of his enemies. The confederates prepared to cross the river, and to put an end to the contest by his capture or death. But such a result would not have answered the purpose of pope Gregory. With-

out apparent cause, the insurgent forces halted on the banks of the river ; the negotiations so rudely broken off were revived, and it was proposed to Henry *that the question of forfeiture should be referred to the pope*: that the latter should be requested to meet the estates of the empire in solemn diet at Augsburg on the ensuing feast of the Purification; and that the pope should, after hearing both parties, give judgment of condemnation or acquittal: that if *within a year and a day of the date of the papal anathema* the king should not obtain absolution, he should *ipso facto* be deemed to have forfeited the crown: that in the mean time he should dismiss his excommunicated ministers and minions; that he should retire to the city of Speyer, with the bishop of Verdun for his *single* companion, and a small retinue of servants, ascertained to be beyond all liability to ecclesiastical censures, and there live as a private gentleman, not venturing to cross the threshold of any church or consecrated building; doing no act of government, disusing all court ceremonial, and laying aside every sign or symbol of royalty: that he should withdraw his garrison, and deliver up his city of Worms to the bishop of the see, and warrant him harmless against the violence of the citizens: and lastly, if he should fail well and truly to perform all and every of these articles, they (the confederates) should be free and absolved from all further regards towards him, and be at liberty to resort to all such measures as might be necessary for the public welfare, without waiting for the papal adjudication.

Here, then, we have the key to the policy of pope Gregory. We may now put our own interpretation upon his recommendation "to deal gently" with Henry—to extend to him "that charity which covereth the multitude of sins,"—not to proceed to the election of a new king until they should be well assured of his impenitence.\* Gregory had, in fact, no intention that matters should ever be brought to that

Henry places  
his cause in  
the hands of  
the pope.

\* See the letter of the 3d Sept., Ad Germanos, p. 393 of this chapter.

pass. The confederates, he foresaw, would not be more manageable than the depressed and humbled king. It was no part of his plan that the estates of Germany should succeed in placing another monarch on their throne; a prince unfettered by conditions, unshackled by opposition: the reins must then drop from his hands; the work would have to be begun over again; a position in most respects equivalent to a defeat. If the estates had stood firmly by their earlier resolution, the legates would have found no ground upon which to rest the ecclesiastical lever. But, with the full knowledge of the views and reciprocal dispositions of the leading members of the convention they had by this time obtained, they found no difficulty in directing matters as they thought most conducive to their master's plans. They were aware that the right to the dukedom of Bavaria was an open question between Otto of Nordheim and Welf; they knew that Rodolf had not forgotten the trick practised upon him at Gerstungen, and that Otto had never forgiven him the havoc committed among his countrymen at the battle of Hohenberg. Again, both these princes were acknowledged competitors for the expected vacancy; the former hoping to govern the election by the aid of the now powerful Saxon party; the latter relying upon the great body of the southern and western constituency. Under such circumstances, it was probably no very difficult matter to persuade both parties that they were not in a position to proceed to an immediate election, and that it would, at all events, be the wiser part to await the papal award, in which, no doubt, all would joyfully concur.<sup>f</sup>

Further inducements to delay were not wanting. Among the Germanic prelaty the legates had encountered unexpected differences of opinion as to the *powers of the holy see to depose a king of the Romans*. It was, it seems, objected that so extreme a measure was inadmissible without a due canonical inquiry, a positive term

Latent difficulties and scruples among the German prelates.

<sup>f</sup> And thus, perhaps, if after all a new election should be unavoidable, throw the election into the hands of the pope;

or at least enable him to make whatever terms he might think fit with the favoured candidate.

given, and every legal facility for defence afforded. Some were found even bold enough to affirm, that the pope was not justified in excluding the sovereign advocate and protector of the church of Rome from Christian communion. The doubts of the zealous and influential Hermann of Metz had been but lately removed;<sup>g</sup> nor can it, with reasonable probability, be supposed that all scruples upon these important topics had been swept from the minds even of the staunchest of the pope's friends. The legates, therefore, avoided the formal discussion of these delicate questions; they contented themselves with a general vindication of the papal prerogative, and rested their cause upon the special reference of the quarrel to the papal adjudication upon the grounds of impeachment suggested by the estates themselves.<sup>h</sup>

Up to this point the game of pope Gregory had been played with perfect success. The race was now between Henry and the confederates—which should be the first to gain the ear of the pontiff; the former, with a view to his absolution before the expiration of the fatal day; the latter, to prevent all communication before the term that was to emancipate them from all dependence, either upon pope or treaty, should arrive. Henry perceived that no alternative remained but to throw himself at all hazards into the arms of the pope, or to fall defenceless into the hands of enemies with whom no terms could be made, and from whom no mercy was to be expected. With a view to put himself straight with the court of Rome, he dismissed his ministers, discharged his retinue, surrendered the city of Worms to the bishop; he issued letters patent, cancelling every act he had committed or done against the pope; submitted implicitly to the decrees of the holy see, promised every satisfaction that should be demanded of him, and engaged for the like on the part of his excommunicated friends. The convention on their part bound

<sup>g</sup> By the pope's letter of the 25th Aug. 1076. See *Regist. lib. iv. ep. ii.* p. 379. See p. 392 of this chap.

<sup>h</sup> *Bonizo* of Sutri affirms that the

transmontane prelates had formally answered both propositions in the affirmative. *Ad Amic.* p. 815. The German annalists leave the contrary impression.

themselves, before they separated, by a solemn oath, that unless Henry should within the three months, between the end of October and the first day of the ensuing February, obtain the papal absolution, they would regard him as finally deposed, and from thenceforth pay him no manner of obedience as king.<sup>i</sup>

As soon, therefore, as Henry found himself safely domiciled at Speyer, he sent archbishop Udo of Treves to Rome with duplicate letters of submission, and a humble request to be permitted to visit the holy places, and to sue for pardon at the feet of the pontiff. To await the arrival of the pope in Germany appeared to him to be to await his doom at the hands of a hostile judge surrounded by implacable enemies. This, however, was the position in which those enemies were anxious to place him, and they sent off the most urgent messages to Gregory to hasten his arrival. To be beforehand with the king, the messengers of the latter had been detained by the bishop of Piacenza, with a view to allow the envoys of the confederates to get the start.<sup>j</sup> They urged upon the pope, that any attempt on the part of Henry to evade his trial, or to obtain an *ex parte* absolution, was a breach of his engagements; and that the message now on its way to Rome was no other than a deliberate attempt to overreach the pontiff, and, in the absence of accusers and witnesses, to shake himself loose from the conditions of his bond.

In reply to these remonstrances, Gregory contented himself by assuring the confederates<sup>k</sup> that he would allow no consideration to delay his journey, and that he proposed to arrive in Mantua on the 8th of January (1077), trusting that they would provide adequately for his reception and

<sup>i</sup> Throughout the whole of these transactions it is needless to say more than that we have followed the interesting narrative of Lambert of Aschaffenburg, with occasional references to the very inferior authority of the papal partizan, Bonizo of Sutri.

<sup>j</sup> *Bonizo*, lib. viii. p. 816 1.

<sup>k</sup> *Paul. Bernried*, Vit. Greg. VII. c. lxxxiii., ap. *Murat.* iii. p. 338. A copy of this letter (not in the *Registrum*) is extant in the "Codex Epistolaris" of Ulrich of Bamberg, No. 147, in *Eccard's Corp. Histor. Med. Ævi*, vol. ii. p. 149. Paul's was the earlier publication.

service, taking care that his escort should consist of persons in whom he could place the most implicit confidence, and giving all diligence to keep the peace in their own country, so that no disturbance might occur to prevent or delay his progress. "How many and how stormy the contentions we have had with the nuncios of the king," said Gregory in conclusion, "and by what arguments we repelled his instances, the bearers of these letters will more fully inform you."

The die was to all appearance cast, the staff was broken over him, and scarcely a ray of hope gleamed through the thick darkness of king Henry's prospects. A single chance remained — a personal interview with the pope was still within the verge of possibility. With excellent tact and courage, he embraced the suggestion. His intelligence of the movements of his adversaries was minute and accurate; the speed of the pope's journey from Rome might be calculated; and, the state of the weather and the roads taken into account, his own arrival in Italy might be so timed as to overtake the pontiff before he could cross the Alps. Fortunately for him, the winter of 1076 to 1077 set in early, and continued with unexampled severity till the spring. In Germany the snow covered the surface of the earth from the 28th of October to the 24th of March.<sup>1</sup> The Rhine was one sheet of thick ice from Martinmas to the beginning of April.<sup>m</sup> Henry did not await the return of archbishop Udo from Rome, suspecting that he was the bearer of a positive prohibition to set foot in Italy. Meanwhile the dukes Rodolf, Welf, and Berthold, had surmised his intention of throwing himself upon the protection of his Italian vassals, and had strongly occupied the passes over the Rhaetian and Julian Alps. The Mont Cenis alone remained open to him. By favour of duke William of Burgundy he passed without molestation into the hereditary dominions of his mother-in-law, Adelaide, marchioness of Susa and countess of Savoy. The rapacious princess detained

<sup>1</sup> *Bernold*. Constan. an. 1077, ap. *Pertz*, tom. v. p. 433.

<sup>m</sup> *Lamb. Schaffn.*, an. 1077.

him till she had extorted from him, as the price of his passage, a grant of crown-estate to a considerable extent in the adjoining duchy of Burgundy. The most embarrassing portion of his journey was still before him. The passes of the Pennine Alps were so blocked up with snow and ice, as to require almost superhuman efforts to clear a practicable passage. Undeterred by difficulty, suffering, or danger, the king collected labourers, offered large rewards, superintended the works, and encouraged all by his presence and personal exertions, and in the end succeeded in landing his little party safely on the more genial plains of Lombardy.

The arrival of Henry was the signal of a general jubilee throughout the land. Nobility and clergy, with their armed and disciplined retinues, flocked to his standard, outbidding each other in professions of zeal for his service and affection for his person. The commonalty looked to him for relief from those internal disturbances which had absorbed the wealth and obstructed the prosperity of the country. The majority were animated by a lively resentment against the pope as the instigator of the social disorders under which they had so long suffered; and it was probably due to the rumour, that their king had come among them to carry into execution the decrees of Pavia,<sup>n</sup> that they hastened with so much alacrity to place their personal services, and the whole military force of the kingdom, at his disposal. The wrath of the papal party in Italy exhaled itself in the strain of malignant invective, in which the controversial talent of the age was apt to indulge: Henry was a "self-convicted traitor" to God and man—"a malefactor escaping from the hands of justice;" he had sneaked privily from the place of his lawful detention, because he had no confidence in the integrity of his cause; he had entered Italy like a thief in the night, with a gang of accursed outcasts at his heels; coward, as he was, he had slunk away from the legitimate tribunal of his peers; he had disobeyed the pope's commands, and broken all his engage-

<sup>n</sup> See p. 382 of this chapter.

ments to the estates of his kingdom.<sup>o</sup> Whether Gregory himself took precisely the same view of the king's conduct may admit of a doubt. But he was fully alive to the importance of the movement, and prepared to take all the advantage that could be extracted from it. Upon the first intelligence of the king's arrival in Italy, instead of continuing his journey to <sup>The pope at</sup> Canossa. Mantua, he hastened to place his person in safety at Canossa, a strong castle in the Modenese territory, belonging to his devout friend the countess Mathilda, whence he could at his leisure observe the king's movements, and form a more definite opinion of his dispositions and intentions.

In the interim the companions and ministers of Henry, who had fallen under the papal ban, had hastened to follow his example. The <sup>Gregory ab-</sup> greater number of the excommunicated clergy <sup>solves the</sup> and laity had eluded the rebel guards of the <sup>penitent com-</sup> Alpine passes, and appeared at the gates of <sup>panions and</sup> Canossa in penitential guise. With naked feet, and <sup>ministers of</sup> clothed in sackcloth, they presented themselves to the pontiff, humbly imploring pardon and absolution from the dire anathema. After some apparent hesitation, the pope granted their petition. By way of penance, the delinquents were placed in solitary confinement, with but one scanty meal of bread and water in the twenty-four hours. But after a few days of no very severe suffering the penitents were brought before the pope. Prefacing his address by a mild rebuke for the past, and a serious admonition to look well to their future conduct, Gregory gave the required absolution. But, in dismissing them from his presence, he bade them, with a stern countenance, to beware of holding any communication with the king, *until he should in like manner have been released from the bonds of the church, excepting it were to exhort him to the like humiliation*, and thus to withdraw him from the brink of the perilous abyss into which a single false step must irretrievably plunge him.

<sup>o</sup> See *Paul. Benried. Vit. Greg. VII. c. lxxxiv.*, ap. *Murat. iii. p. 339.*

This incident marks, to use a term of science, the point of contrary flexure in the policy of pope Gregory. If he had meant to act honestly by his Germanic confederates, no course could be more natural or becoming than to refer the accomplices to the tribunal which, by his own appointment, was to determine the fate of the principal offender. An *ex parte* absolution was a virtual breach of faith to those allies, who, in reliance upon the identity of the pope's intentions with their own, had relinquished the advantages of their position at Tribur, and placed themselves and their cause in his hands. The acts of his legates at the convention; his letters adopting and confirming the proposed high court of justice; and his own conduct in setting forward upon his journey to the appointed judgment-seat at Augsburg, pledged him, as deeply as acts and professions could pledge him, not to do by anticipation, and behind the backs of his confederates, what ought to be left to depend upon the result of the proposed public trial.

But in the mean time circumstances had occurred which materially altered the pope's position. His friends at Rome had all along objected to, and striven to dissuade him from, the journey to Germany. Finding now, on his arrival at Canossa, that his further progress was barred by the winter frosts and snows, and, more than all, that the king had already gained a firm footing in Lombardy, and that, by the time the weather might permit, the latter would be in a condition to prevent him from quitting his asylum, no course remained open to him but to make the best of the present opportunity.<sup>p</sup> His engagements to the insurgents out of the question—engagements entered into solely with a view to overcome the obduracy of his opponent—there was nothing in the actual circumstances to stand in the way of an accommodation upon his own terms. He had now good reason to believe that Henry and his repentant

<sup>p</sup> The motives of the pope's change of purpose are plainly avowed in his letter to the confederates, written from

Canossa on the day after the absolution of the king. *Regist. lib. iv. ep. xii. p. 388.*

accomplices were of the same mind; that his spirits were toned down to the proper pitch; and that a hint was all that was necessary to bring him to his feet in as humble a frame of mind as he could desire. Hence the prompt absolution of the king's ministers; hence the significant intimation of the course which might lead to a similar result in the case of their master. At the same time, all the circumstances of Henry's position were present to the mind of Gregory. He knew that at that very time a powerful military force was at his disposal, ready to lend itself to any measures which might lead to the gratification of the resentments of the leaders against himself personally. Such powers, under the direction of an active and resolute prince, must, if brought into action, expose the pope to the most imminent peril. On the other hand, he knew and reckoned upon Henry's singleness of purpose, whether for good or for evil; he knew that his mind was haunted and oppressed by his engagements with the estates of Germany, and that he looked forward with a panic-terror to the possibility of the term of forfeiture arriving before he should have obtained the papal absolution. Under these impressions, pope Gregory, without further hesitation, set aside his engagements with the confederates, and determined to accept the king's submission. But "he sowed the wind," and, as will appear in the sequel, "he reaped the whirlwind."

With characteristic impetuosity, Henry determined to bring the humiliating scene to a close. He had secured the good offices of his mother-in-law, the marchioness of Susa, the markgrave Able diplomacy of Gregory. Azzo Este, the abbot of Cluny, and other orthodox magnates. He had obtained a personal interview with the countess Mathilda, and engaged her intercession with the pope for a merciful consideration of his case.<sup>1</sup> The pontiff affected to listen with reluctance to the king's advocates, and observed coldly, that it would be quite beside the

<sup>1</sup> Considering the relation between Mathilda and Gregory, she is not likely to have incurred the danger of personal communication with an offender labour-

ing under the ban of the church without the knowledge or sufferance of her chief.

proper course of canonical proceeding, to hear the cause in the absence of accusers and witnesses: if the king was conscious of his innocence, he had only to meet him (the pope) at the appointed time and place, and boldly to confront his gainsayers in the presence of a judge whom neither fear nor affection could turn aside from the straight path of justice, or the strict rule of ecclesiastical law.

The mediators admitted the justice of the pope's scruples, but urged in reply, that this was an exceptional case. The king's accusers, by annexing terms to which the pope was not a party, had, in fact, taken the question of forfeiture out of his hands; so that, if the term expired before the grant of absolution, Henry would be *ipso facto* deposed and punished without any participation on the part of the pontiff: in that case there would be nothing to adjudicate upon at the proposed congress; the king would lose all right to a trial, or, if heard at all, to redress for what might turn out to be a flagrant wrong: all that was now asked was, that the pope should not, by refusing absolution at this stage, deliver him up defenceless into the hands of his enemies: that act could not prejudice the right of the pope to make rigid inquiry into the merits of the charges exhibited against him; and would leave open the question whether he should still retain or forfeit the crown—a question which, if he were *de facto* deposed, could never be raised at all.

And, in fact, the reservation of a right to depose the king in a given contingency was a virtual withdrawal of the cause from the pope's jurisdiction, unless he had been made a party to the condition: more than this, it indicated a disposition on the part of the convention to take the settlement of their differences into their own hands, in case they could not make the pope an instrument for that purpose; and introduced a state of things in which the latter might be justified in weighing the prospective advantages of negotiating with the king, and of keeping faith with the confederates against each other. Gregory was, we believe, as little disposed to quarrel

with, or even to damp the ardour of his allies, or to give a triumph to either party, as he was to lose the opportunity of placing his foot upon the neck of the greatest of earthly sovereigns. Thus, after a long discussion, and with great apparent reluctance, he yielded to the instances of the mediators; but clogged with the condition that the king should with his own hand surrender crown and sceptre to the pope, and in the most public manner pronounce himself unworthy of the royal title and honour. But this was too hard a demand upon the carnal prejudices of Gregory's most intimate friends and counsellors; and so, after a becoming resistance, the pontiff permitted himself to be gently led to more merciful thoughts. It was at last agreed that the king should present himself on a given day before the pope; that he should make full acknowledgment of his guilt; express his profound repentance for the insults he had inflicted upon the apostolic throne; his deep contrition for all vices and crimes committed; and that he should profess his firm resolution to atone for all past sins and offences by his future obedience to the papal mandates, and submission to such terms and conditions as the pope might thereafter deem necessary by way of security for the permanence of his reformation.

Strong in the stern and sullen resolution to do and to bear all, so that he might but disappoint the plottings of his rebel subjects, Henry accepted the pope's conditions, and prepared with resignation for the impending ceremony of shame and humiliation. The castle of Canossa was surrounded by a triple line of wall, forming two internal courts. On the appointed morning, the king appeared before the outer gate, and was admitted into the first enclosure. Here he was directed to divest himself of the insignia and attire of royalty, even to the last vestige of majesty; he was then clothed in a coarse woollen garment, and made to stand barefooted and fasting from morn till sunset.<sup>r</sup> "And thus," says the pontifical biographer,

Penance of  
Henry at  
Canossa.

<sup>r</sup> "Miserabiliter utpote decalceatus, laneis vestibus indutus persistens." *Paul. Bernr. c. lxxxiv. p. 339.*

“for three entire days, he ceased not, with much weeping and many supplications, to implore the apostolic commiseration, until the bowels of all the spectators yearned with compassion, so that with tears in their eyes they earnestly besought the pontiff to have mercy—nay, even so that they exclaimed against the stern severity of the man of God as smacking of cruelty: then at length, overborne by the solicitations of all around him, he resolved to readmit the penitent into the bosom of the church; but only upon terms which should either crush him effectually, or for the remainder of his days convert him into the passive instrument of the papal policy.”<sup>s</sup>

The penance of Henry at Canossa occurred on the Conditions of 25th, 26th, and 27th of January 1077; conse-  
absolution. quently only six days before the expiration of the term of forfeiture,<sup>t</sup> which was to fall out on the 2d of February. The stipulations of absolution accepted by Henry were: 1. That he should appear, on a day and at a place to be named by the pontiff, before himself and a general synod consisting of all the ecclesiastical and lay princes of the empire, to answer to all such articles as should be exhibited against him; and that if he should succeed then and there in purging himself from such charges, he should retain his crown; but if he should, *by the laws of the church*, be adjudged unworthy of the royal honours, he should humbly resign his pretensions and retire to a private station, engaging at the same time to seek no revenge upon any one for the share he might have taken in the act of deposition; 2. That until the trial he should lay aside the royal state and symbols, and do no act of government in his own name either in his executive or judicial administration; 3. That till acquitted he should collect no greater amount of the imperial rents and revenues than should be absolutely necessary for the sustenance of himself, his family, and attendants; 4. That until that time his subjects should

<sup>s</sup> See *Regist.* lib. iv. ep. xii. p. 388. Paul Bernried's account of Henry's penance at Canossa is copied almost

literally from this letter.

<sup>t</sup> The feast of the Purification. Conf. p. 407 of this chapter.

continue absolved from all oaths or covenants theretofore contracted in his favour; 5. That he should immediately and irrevocably dismiss from his counsels Ulrich of Costheim, the bishop of Bamberg, and other evil counsellors to be named by the pope; 6. That, in case of acquittal, he should continue for the remainder of his days *in all things subject and obedient* to the holy see, and helpful to the pope in reforming *all those evil customs and practices* which, in defiance of the laws of the church, had taken root in his realm;<sup>u</sup> 7. That if he should make default in the observance of all or any of these conditions, the absolution should become *ipso facto* void; he should fall back into the condition of a felon convict, and an outcast from all laws, human and divine; and the princes of the empire should in that case be at liberty, without regard to former obligations, to elect another king.

In compliance with the practice of the age, the pope accepted as warrantors of the treaty the countesses Mathilda and Adelaide, the abbot of Cluny, <sup>Act of absolution.</sup> the markgrave Azzo of Este, the bishops of Zeitz and Vercelli, with some others in attendance upon his court. After solemnly pledging his oath to the performance of these conditions, the pope as solemnly absolved him from the anathema. Standing in front of the altar, and holding in his hand the consecrated host, he thus addressed the king:

“No long time ago a writing was handed to me by you or yours, reproaching me with having obtained the pontificate by simony, and with <sup>Address of Gregory to the king.</sup> having, both before and since, polluted myself with crimes which would unfit me for that or any other sacred office: now, though fully assured that, by the concurrent testimony of many good and faithful witnesses, having the most perfect knowledge of my life and conversation from my youth upwards, I have it in my power to refute these calumnies; yet that I may avoid the appearance of relying rather upon the witness of man than of God; and in order to sweep away all cause of

<sup>u</sup> Simony, *i.e.* the right of investiture.

offence by a plenary manifestation of my innocence,—may the body of the Lord, which I now take and receive in witness thereof, either free me from the guilt of the crimes thus laid to my charge, or, if guilty, strike me with sudden death!”

With such and other words, calculated to enhance the terror of the imprecation, he swallowed the half of the consecrated bread. As soon as the transports of congratulation which, after a moment's pause, followed this *irrefragable* proof of his perfect purity among his auditors had subsided, the pope turned to king Henry: “And now, my son,” said he, “if it please you, do the like: the princes of your kingdom do daily besiege our ears with complaints against you, charging you with many capital crimes, on account of which they have removed you from the government of the empire, banished you from the communion of the church, and excluded you from all the relations of social intercourse: they have demanded a day and a place of solemn inquest upon the charges preferred against you, and we have granted their request; but you yourself know full well how frequently human tribunals are at fault—how often, on occasion of public trials, the impurest motives triumph over truth and justice,—how that falsehood is often tricked out in embroidered speech, while homely truth, stripped of eloquent phrase, is overlooked or contemned. Now it is because I am anxious for your welfare—you having taken refuge under the apostolical mantle—that I beseech you to follow the example I have set you: are you conscious of your innocence—are you in your inmost soul persuaded that you are the victim of malignant slander? If so, take the shortest and the most effectual course now offered to your acceptance, to set free the church of God from the scandal, and yourself from the trouble and danger, of a longer struggle; take and eat this other half of the holy bread, that you may have God himself for a witness to your innocence—that the mouths of your adversaries may be for ever closed—that you may have us for your most zealous defender, your princes be reconciled to you, the government be restored to you, and all

the storms of civil war by which the empire hath been torn and riven be set asleep for ever.”<sup>v</sup>

Boundless self-righteousness or blasphemous audacity could alone have prompted pope Gregory in the performance of this ghostly feat. Without passing judgment upon the state of his private conscience, we are well assured that the “man after God’s own heart” would not have taken the test proposed by this man to the erring mortal at that moment inextricably involved in his toils. If self-approval were always conclusive proof of moral purity, Gregory might perhaps safely take an oath embracing the many ill-defined items of charge first adverted to.<sup>w</sup> But the high-priest had great advantages over the conscientious layman in this matter; his head was not encircled by the halo of sanctity which so often varnishes over the ugly features of deceit; there was no holy purpose at the bottom of his heart, to which he could appeal as a refuge against the conscious guilt which would otherwise attach to the means by which holy purposes are sometimes accomplished. King Henry knew and felt that he was a sinner, and he declined the test. Abashed for a moment by the insidious proposal, he retired with his friends to consult with them how to act in this perplexing emergency. Returning after a short conference, he replied with sense and dignity to the pontifical address: “In the absence,” he said, “of the princes of the empire as his accusers, he could have no knowledge of the specific charges alleged against him; neither he nor any one else could know to what particular

<sup>v</sup> *M. Luden*, in his diffuse History of the Germans (vol. ix. note 37, p. 580) rejects this latter portion of Lambert’s narrative. We do not perceive even a shadow of a critical reason for this capricious severance of one portion of a continuous narrative from the rest—a story told by a contemporary writer, a friend of the pope, and a man of approved veracity. *Bernold of Constance* tells the same tale; and though the Italians omit the account of the sacramental test, yet their recitals are short, confused, and much compressed. The

greater number, in fact, pass over the scene at Canossa in five lines, e.g. *Arnulph* and *Landulph* of Milan; *Bonizo*, in his letter to his friend; *Donizo*, in his metrical biography of the countess Mathilda; and even *Paul Bernried* himself, in his more elaborate Life of Gregory VII., does no more than abridge the letter of the pope, in which he gives an account of the king’s humiliation. There seems, in fact, no better reason for adopting one part of Lambert’s story than another.

<sup>w</sup> See p. 378 of this chapter.

matters the proposed sacramental purgation applied ; that under such circumstances the satisfaction offered must be without consequence, as it would be without intelligible grounds ; that no one could attach any weight to a purification performed privately, and as it were in a corner, and before so few witnesses : it were better, therefore, in all respects, to remit the decision of his cause wholly to the human tribunal, to which, after all, it must be finally submitted ; he would then know who his accusers were, and what were their complaints against him ; the inquiry would be conducted upon specific statements, and the decision proceed upon recognised principles of law."

Gregory had, however, exhibited the immeasurable superiority of his own virtue before an awe-stricken and admiring audience ; the fame of his glorious self-purgation must go forth to the world in dazzling contrast to the conscience-stricken protest of his humbled adversary. In this mood he received the king's excuses with complacency ; he admitted him to communion, and invited him to his table. Acting now the part at once of a courteous host and ghostly father, he instructed him minutely in every point of his future duty, and finally dismissed him to rejoin the retinue awaiting him at the gates of the castle, after taking the precaution of sending Eppo bishop of Zeitz before him, to impart the like absolution to the king's followers, lest he might again contract defilement by contact with excommunicated persons.<sup>x</sup>

<sup>x</sup> It may not be superfluous to observe that almost all the solid information we possess of the affairs of Germany and Italy during the period subsequent to the synod of Worms—perhaps for the whole period embraced in the work—is to be sought in the Annals

of *Lambert of Aschaffenberg*. We shall soon lose him as our guide, and shall have reason to deplore the loss. For the account of the insurrection of 1076 and its consequences, see his *Annals* for that and the following year ; ap. *Pertz*, tom. iii.

## APPENDICES TO BOOK X.

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No. I.—c. ii. p. 202.

THE dialogue alluded to in the text is entitled “Disceptatio synodalis inter Regis advocatum et Romanæ Ecclesiæ Defensorem.” See *Concil.* tom. xii. p. 117.

The “Defensor” sets out by affirming that every invasion of the prerogative of the Roman church is a *heresy*, and the delinquent a *heretic*. This is allowed to pass by the advocate of the king. The question is then reduced substantially to a single issue, viz. whether a pope may be lawfully elected without the consent of the emperor?—consequently, whether the election of Alexander II. was or was not an invasion of the imperial prerogative?

The “*Advocate*” maintains that the pontiff ought to be chosen by those who, after election, are to become his spiritual subjects: this applies to all bishops within their respective jurisdictions; and, inasmuch as the pope is universal bishop, and hath the whole world for his diocese; and inasmuch as kings and princes become his spiritual subjects, the emperor is entitled to a voice in his election.

The “*Defensor*” replies: If this were true, none of the primitive popes, not even St. Peter himself, was a true pope.

*Advocate.* The heathen kings and princes were not *in* the church, and were not concerned in the election of a Christian bishop; but now they are Christians, and spiritual subjects of the church, and in that capacity are entitled to participate, and had always participated in the election of popes and bishops.

*Defensor.* Whenever such an interference with the liberties of the church has occurred, it is to be ascribed to extraordinary circumstances, such as wars, tumults, public disturbances, and civil anarchy, and not in the exercise of any such right as contended for on the other side. On the contrary, the emperor Constantine the Great expressly gave to the Roman church the principality over all the churches of the world: after building the Basilica of St. Peter over the body of the apostle, and founding the patriarchal church of the Lateran in honour of the Saviour, he went on to exalt that church by granting to the blessed pope Sylvester and his successors the privilege of wearing a royal crown (conf. *note h*, c. ii. p. 190), after the manner of kings, with privilege to use the robes, mitres, and ornaments appertaining to royalty: true, the pious pope declined the crown and all other distinctions but such as seemed to suit the sacerdotal character; yet Constantine gave to him and to his successors for ever the royal palace of the

Lateran, with the whole royal jurisdiction and sovereignty of Italy; for this special reason, that as it had seemed good to him (Constantine) to transfer the seat of his empire to the East, and there to build his capital city, and thither to transfer his person and government, it was manifestly inexpedient that any earthly king or emperor should have any power or authority in that city where the spiritual "imperium" was thenceforward to reside—that city where the Celestial Emperor had set up His throne: this constitution was afterwards confirmed by the emperors Theodosius and Honorius; and proves incontestably that no temporal prince or emperor hath any right of government in or over the Roman church.

The Advocate does not attempt to impugn this groundless fable, and is driven to rest his client's prerogative of participation upon his official character as patrician of Rome: this office had come down to the emperor or emperor-elect from all time, and had been recognised by the great council of Rome in 1059 (conf. the "saving-clause," ch. i. p. 161).

The Defensor does not deny the "saving-clause," but replies that the king was an infant, and could not exercise the right of the patriariate: spiritual rights cannot be exercised vicariously like temporal powers; and in like manner as his mother in the flesh had been duly empowered to represent him in his secular capacity, so likewise his spiritual mother the Church became entitled to exercise his spiritual prerogative during his nonage: besides, in the case of Alexander II., the dangers of the times were so great that it was manifestly inexpedient to incur the delay requisite to make application to the court; and in fact, in every such case, the Roman church hath power from God to act for herself; for God, her supreme Ruler and Antitype, hath often changed His own statutes: *Why should not His church do the like from the like motives?* This the Defensor proves by numerous quotations from Scripture. The motive, he continues, determines the character of the act: thus, Peter left off eating and drinking with the Gentile converts because it gave offence to the church of Jerusalem; and though rebuked by Paul, still continued to abstain from such converse, for in so doing he acted from compassion and forbearance towards the weaker brethren; while Paul, in withstanding him, acted from a motive of zeal for the maintenance of discipline, and of apprehension that others, not possessing Peter's powers, should by their indiscretion produce a schism in the church: and so Paul himself, though engaged in setting aside the law, yet obeyed the precepts and performed the ceremonies of the law to please one party, while almost in the same breath he taught the other party (the Gentiles) that circumcision profited nothing (*Gal. v. 2*): then, in the teeth of this declaration, he circumcised Timothy, and himself performed vows and ordinances according to the law: if, then, the princes of heaven and earth did not scruple in matters of so much peril and delicacy to condescend in this manner, why should the princes of the church be restrained from doing likewise where the motive is to save a city and people (Rome) from the calamities of rapine, anarchy, and murder?

*Advocate.* In the year 1059 the emperor-elect was an infant, but

was represented in the council then held: the church there admitted and declared his prerogative, and affirmed it by the penalty of anathema against all who should invade that or any of the other decrees of the council: the church is therefore estopped from pleading necessity, for the king was and still is represented in Rome and Italy.

*Defensor.* But the apostle Paul himself did not scruple, for the like reasons, to incur the like anathema; for the sake of the weaker brethren he was circumcised himself, and he circumcised Timothy, thereby exposing himself to the most terrible of anathema, namely, that of having no part in Christ: for, saith he, "I could even wish that I were accursed from Christ for my brethren and kinsmen according to the flesh" (*Rom.* ix. 2, 3): in like manner, Moses was willing to sacrifice himself for the people (*Exod.* xxxii. 31, 32)<sup>6</sup>: so "Christ Himself became a curse that He might liberate us from the curse of the law" (*Gal.* iii. 13); what should prevent the church from imitating such examples as these? Why should she be reprov'd for doing that which apostles and prophets did and approved, both by word and deed, and which they have taught us to approve?

The "Advocate" gives no direct reply to these perverse expositions; but he objects that the motive relied upon was merely colorable: three months and more had elapsed between the death of Nicolas II. and the election of Alexander II. Why, he asks, during all that time was no application made for the consent and approbation of the king? And why, if indeed the public peril was so great, was the election so long delayed?

*Defensor.* The answer is easy:—after the election of Alexander, whenever that may have taken place, the agents of the king had quashed all his acts, and disowned him as pope, thereby infringing the liberties of the Roman church, and forfeiting all privileges resulting from the canonical reservation of the imperial rights. After that act no application for confirmation was requisite: but, in fact, such application had been made; Cardinal Stephen had been sent with letters notifying the election of Alexander, and requesting the king's approval. But he had been refused an audience by the regent and her advisers, after being disgracefully detained five whole days at the palace-gates, and then sent away with his letters unopened: such an insult as this annulled all privilege, and, but for the merciful consideration that blame could not be imputed to the infant king for the errors of others, the *Roman church would be fully justified in regarding that privilege as repealed and annulled for ever.*

The "Defensor," it is observed, gives no answer to the question of the delay in the election of Alexander—the question at issue; then, as to that election, the real objection was, that it had been altogether arbitrary and in contradiction to the prerogative, and without the knowledge or possible participation of the crown or its officers, and in violation of the ordinance of 1059: the "Defensor" justifies the breach of his church's engagement, and claims advantage of her own wrong to abrogate the canonically secured privilege of the crown.

The "Advocate" justifies the dismissal of Cardinal Stephen, on the ground that his mission was irregular and illegal, and contrary to the

law and constitution of the state : he came without legitimate credentials, and was not entitled to be heard.

The "Defensor" here boldly cuts the Gordian knot : the law of God overrides all human law or constitution ; as it is written, "Thou shalt obey God rather than man." But besides, even if the mission of Stephen was wrong in form, it is well known that obedience to the commands of God Himself may sometimes be sinful. Judas Iscariot obeyed Christ when He said to him, "What thou doest do quickly ;" yet by so doing he incurred all the greater damnation. So also when Jeremiah set wine before the Rechabites, bidding them to drink, and they refused ; yet they, for so disobeying the command of the Lord through His prophet, were rewarded for their contumacy by the promise that they should never want a man to stand before Him for ever. Nay, God Himself had on various occasions disregarded His own ordinances and denied His own nature for certain great purposes ; as, for instance, in the scheme of human redemption, where the First and the Third Persons of the Holy Trinity appear as accomplices with Judas Iscariot in the betrayal of Christ, and procuring Him to be put to death by wicked men.

The "Advocate" is effectually silenced, on this part of his case, by this ingenious specimen of blasphemous sophistry. He is made to appear as admitting that the most positive precepts of law, human or divine, where there is a preponderant motive for breaking them, may not only be set aside without sin, but that in many supposable cases, such as that of the mission of Cardinal Stephen, there may be positive sin in yielding obedience to them. The "Advocate" therefore retreats upon the allegation that the Romans themselves (the legitimate electors), with count Gerard of Galena, the abbot of Scauri, and others at their head, had by regular deputation solicited the election of the bishop of Parma (Honorius II.), and that in fact all the parties requisite to a valid election were in his case brought together.

The "Defensor" disposes of this plea by stigmatising the whole deputation as a gang of swindlers, thieves, and excommunicated assassins. Gerard is a miscreant repeatedly banned by Pope Nicolas II. for robbing a nobleman and an archbishop on their pilgrimage to Rome ; and so of the rest : they were all of the like stamp. How could such wretches have any share in the election of a pontiff ?

The "Advocate," it seems, is now driven to the cowardly plea of the imperial command : how were they, the king's ministers, to justify disobedience to his ordinances ?

The "Defensor" replies, "Obey God rather than man : " God Himself has set the example ; for, saith He, "it repenteth me that I have made Saul king ;" and Samuel accordingly announced to him that the Lord had rejected him from being king over Israel : but the case of Cadalo is worse than that of Saul ; ay, than of Satan himself. Was he indeed elected by the Roman people ? Nay, but by a gang of anathematised miscreants. This were indeed as if the Devil were to authorise Satan to preside over the church of God ! Can he be a true pontiff who sold his own heritage (the bishopric of Parma) to buy another,— who slew the Romans with the edge of the sword that he might make

himself pontiff over the Romans? After all these enormities committed under the imperial authority, will any one dare to say that we ought not to elect a pope without the consent of the king?—that there is no ground for fearing lest the people should perish both in this world and to all eternity? But ye are to learn that the *salus populi* has always been held to supersede ordinances: thus Augustine was on that very ground ordained bishop of Hippo in the lifetime of bishop Valerius: thus also Ambrose was consecrated bishop of Milan only eight days after his baptism, and within that time passed through all the orders of the church.

The Defensor of course triumphs. He has proved, 1st, that under a certain state of undefined circumstances of necessity a pope may be chosen without the consent of the emperor; and, 2dly, that no injury is thereby done to the imperial prerogative. He does not, however, condescend to the material question of who is to be the judge of that supreme necessity which is to set aside all law, human and divine. It is assumed throughout that the party to decide this material question is that of the Defensor himself. From the beginning to the end of the “Disceptatio” the principal question is begged. But the value of this strange document depends less upon its logic than upon the light it throws upon the tendency and design of the Roman church at the period immediately preceding the election of Gregory VII. We learn from it that the “saving-clause” of the synod of 1059 was still in some sense acknowledged to be the law of the church; but the *modus operandi* was left to chance or craft; it remained undecided whether it amounted to a previous nomination, or to a simple veto, or to a merely honorary right of confirmation. The first of these possible expositions is, it seems, positively denied. As to the second, it is obvious that the Roman casuists were prepared with an abundant store of arguments (such as they were) to render a veto inoperative whenever it should suit them to set it aside. If the dialectic subtleties and puerilities of the “Disceptatio” were to pass current, it would appear that the church of Rome would not be bound—nay, that she could not bind herself—by any law but her own convenience; that is, by no law at all. For human law is but the voice of man; hers is the voice of God Himself, whose purposes are determined by His will alone; and so likewise the will of His representative church on earth. Thus the precept, “Obey God rather than man,” is a complete answer against the most lawless and tyrannical acts, and a good justification for the breach of the most solemn and binding of human obligations.

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No. II.—c. iii. p. 221 note (t).

THE so-called heresy of the *Incestuous* consisted in maintaining the civil mode of computing the degrees of consanguinity against the canonical.

The civil or imperial law, with a view to the succession to property, adopted a computation by *lines* and *degrees*. The *direct* line

was that of procreation,—father, son, grandson, great-grandson, &c. In the direct line, procreation was alike forbidden by the laws of God and man. In the *collateral lines*, or those in which the several *degrees*, though springing from the same common source, are not begotten by each other,—as brothers and sisters, nephews and nieces, cousins-german, and so forth,—the rule for computing consanguinity was, to take in the two persons whose kindred was required, to add the intermediate persons up to the common ancestor, and to subtract one; the result gave the consanguinity required.

It is to be here remarked, that in the civil law the term “degree” is used synonymously with “person,”—each person in the descent forming a degree. But, at some period between the sixth and ninth centuries, the canonists departed here and there from the civil mode of computation in the collateral lines. Thus, whereas the civil law reckoned brothers in the *second* degree of consanguinity, the canonists placed them in the *first*, on the ground that there was but one physical generation between father and child,—that is, the civil law used the term “degree” in the same sense as “person;” the canonists used it as synonymous with the term “generation.” The result was, that while the lawyers regarded cousins-german as kindred in the fourth, and their offspring as kindred in the sixth degree, the canonists threw them back to the second and third degrees; consequently, the value of the consanguinity expressed by the terms “second, fourth, and sixth degrees,” and so on, in the civil law, was estimated by these canonists as the first, second, and third degrees, and so forth, as far as they might wish to carry on the computation.

The precise period at which this departure from the civil method of computation first took place is uncertain; but we know that down to the age of Alexander II. it was both partial and gradual. The primitive churches uniformly accommodated themselves to the imperial law in all matters of civil and social regulation not inconsistent with the Christian profession. In St. Augustine’s time there were no impediments to marriage but those recognised by the law of the land. “As to the marriage of cousins-german,” he says, “we all know how rarely it occurs in our day; and this we attribute to the nearness of the relationship to that of fraternity; yet such marriages may legally take place, inasmuch as the Divine law hath not prohibited it, and as yet no human law exists to prevent it.” (*August. De Civ. Dei*, lib. xv. c. 16.) But, soon after he wrote this, Theodosius the Great, among other marriages to be deemed incestuous, enumerated those of first cousins both on the male and female side, and interchangeably; annexing the ferocious penalties of death by fire and proscription to these, among other cases of incestuous connubium enumerated in the decree. But in the Eastern division of the Empire, this law was first mitigated, and afterwards—about the year 405—repealed by the Emperor Arcadius. But in the West, the prohibition still subsisted, as we learn from St. Ambrose (*Ep. lib. viii. ep. 66*). Both he and Augustine thought that this latter was the correct practice; yet neither of these fathers made any distinction between the ecclesiastical and civil limitations to matrimony; both of them looked to the law of the state as the rule by

which, in all cases, the lawfulness of the marriage was to be determined.

Opinion probably remained in this state till the death of Gregory the Great, in 604. In his works no change appears but what may be collected from his celebrated rescript to the monk Augustin, the apostle of the Anglo-Saxons,—namely, that in his day an opinion prevailed in the Roman church that the impediments to matrimony extended to the seventh degree of consanguinity in the collateral lines. (Epp. *Greg. Mag.* Ep. ad Augustin. Angliæ Episc. ep. 64.—See *Grat. Decret. Caus. xxxv. q. ii. c. 20*; *Richter*, i. p. 1108.) In an extract, “*Ex Concil. Maldens.*” ap. *Gratian*, ubi sup. p. 1103, Gregory the Great is made to express himself thus: “*De affinitate consanguinitatis per gradus cognationis placuit usque ad septimam generationem observare. Nam hereditas rerum per legales instrumentorum definitiones sancita usque ad septimum gradum protendit heredum successionem.*” The extension of the rule of the civil law, which did not go beyond the fourth degree, to the seventh, is probably less imputable to error in Gregory, than to one of those numerous changes in the civil law introduced by the barbarian invaders of the empire to adapt it to the altered state of society. (See a luminous account of these changes, and of the various abridgments and compilations from the Roman laws adopted by the conquerors in various divisions of the dismembered empire, ap. *Savigny*, *Gesch. des Röm. Rechts im Mittel-alter*, vol. ii. c. ix. § 3, pp. 118 et sqq.) But in this extract we think we perceive the germ of that difference in the computation of the degrees which ultimately prevailed. Gregory seems to confound the “persons” of the civil law with *generations*, though still under the impression that he is reckoning according to the rule of the civil law; not noticing that, by that law, two persons are requisite to a generation, and that it required both to form a degree; whereas the use of the word “generation” suggested to afterwards the erroneous idea that a step or generation was synonymous with “degree.” We think, however, that no such departure from the civil mode of computation was really intended, either in that age or as far beyond it as the ninth century; for we find in the Isidorian forgeries (referable to that century) a dictum imputed to bishop Calixtus I.:—“that persons only were to be regarded as blood-relatives who were so considered by the Divine law as well as by those of the Roman and Greek emperors, and whom, for that cause, the laws had introduced into the line of succession to property.”—(*Grat. Decret. Caus. xxxv. q. ii.*; *Richt. p. 1104.*)

But, in the course of the ninth and tenth centuries, the influence of monastic opinion becomes as clearly visible in this as in every other subject of religious discipline. Almost all the superior offices in the church, and not a few of those of the state, were filled by monks. The eye of the church fastened on the subject of matrimony, and with that obliquity of vision which resulted from a religious disparagement of the state itself. With such inclinations, nothing so easy as to confound terms probably misunderstood by those who used them, and, without apparent departure from ancient usage, to substitute “generations” for “persons;” and thus—though partially at first—to extend

the customary restrictions upon marriage from the seventh to the fourteenth degree of consanguinity, as computed by the civil law.

Damiani adopted that which it now pleased the disciplinarians to call the canonical computation, with the zeal of a bigot. He stigmatised the civil-law method as a *heresy*, and importuned Alexander II. to convoke a council,—not to examine, but to condemn it. (See *Baron. ann.* 1065, vol. xvii. pp. 273 to 275.) The occasion of controversy is thus described by him, in a letter to Cæsenatus, archbishop of Ravenna :—“ I was lately, as you know, at Ravenna, and found that city agitated by doubts that may lead to very dangerous error. There arose, namely, a great disputation among the learned men there about the degrees of consanguinity, and an answer was returned to certain messengers of the Florentines, purporting that the *seventh* generation was, according to canonical authority, to be so computed that, after telling off four degrees (persons) on one side of the pedigree, and three degrees (persons) on the other, matrimony might be lawfully contracted between all degrees beyond. In order to sustain this foolish and preposterous decision, they alleged the Institutes of Justinian, to the effect that ‘ No one shall marry the grandson or granddaughter of his or her brother or sister, they being in the fourth degree.’ From this they inferred that, if the granddaughter of my brother is distant from me in the fourth degree, then my son is in the fifth, my grandson in the sixth, my great-grandson in the seventh degree.” This was the heresy Damiani undertook to refute, in a long tract of twelve chapters. In the seventh of these chapters he says that a Florentine lawyer, a clever but very pestilent fellow, had belaboured him with the decree of Gregory the Great to the Anglo-Saxons, permitting them to marry within the fourth or fifth generations; but that he had sufficiently refuted him. Damiani wound up his address by exhorting his correspondent to aid him with all his powers, and to exert all his authority to resist this growing and ripening heresy. “ For,” said he, “ chastity is a certain special virtue, which, from the beginning of the world, flourished among the true worshippers of God, and which, in process of time and by small degrees, became more and more developed (by the introduction of monachism); and now that, by the Divine interposition, men are persuaded to cut themselves off from these carnal pleasures, we find them prompt of their own accord to bring these incestuous marriages into discredit. Therefore, let every man protest against that pestiferous opinion among the clergy (that men may marry within the canonical degrees); let the vigour of ecclesiastical discipline be exerted against this licentious temerity. Let no pretext be left to the sinner,—to vanity, no room to boast. Let that victorious serpent of Moses which eat up the serpents of the magicians still live in the church. Let that spiritual wisdom live and abound which consumeth the poison of carnal subtlety; and let those whom the unbridled liberty of self-will hath unchained be reduced to submission by the severity of canonical discipline.”

The result of the two councils against the “incestuosi,” held at Rome, in the year 1065, more clearly discloses the points in difference between the civilians and the canonists. “ A question,” says pope

Alexander II. in his synodal epistle to the churches, "hath been lately laid before us respecting degrees of consanguinity. This dispute was raised by persons ignorant of the laws, who contend, in opposition to the sacred canons and ecclesiastical custom, that brothers and sisters stand in the second degree of kindred, their sons and daughters in the fourth, and the offspring of these again in the sixth degree to each other: they compare the generations by succession (of person), and stop altogether at the sixth, and maintain that, passing that limit, man and woman may lawfully contract matrimony: and in further prosecution of this profane error, they quote the laws of the emperor Justinian touching the succession of blood-relations to each other (in respect of property), showing that brothers are to be ranked in the second, their children in the fourth, the grandchildren in the sixth degrees. By thus explaining the degrees in the genealogy (*i. e.* by persons instead of generations), they endeavour, with a perverse subtlety, to annul the computation of the holy fathers (?) and the ancient and immemorial tradition of the church. But we, having with great diligence in council examined both the civil law and the sacred canons, clearly discern, that for different causes the civil and the canon law have adopted different modes of computation: in the laws, namely, the degrees are so computed for no other purpose *than to regulate the transmission of property* by inheritance and succession among the kindred of the same family; but in the canons, on the other hand, the degrees are established to ascertain clearly in what degrees persons of kin to each other ought to abstain from marriage. . . . The duty of the bishops, therefore, is to inculcate the computation for that purpose, according to the rule established by the holy fathers, and the uniform custom of the church through a long succession of ages."

The rule and custom of the fathers here adverted to must be understood to stand for the rule and custom of the Roman church; and it is not improbable that pope Alexander II. correctly describes the ancient practice of the holy see; that practice being held by the pontiffs to be of universal obligation. Damiani, indeed, declared that no church or council could have power or authority to make any rule or order not in conformity with those of the Roman church. On that presumption, therefore, the pope might, for aught we know, be perfectly safe; but ignorance alone can excuse him in affirming that the practice of computation he contended for had been the same from all time.

Remembering that every motive which operated to promote the political strength and progress of the papal scheme is of importance to the historical development of our subject, we subjoin a very short account of certain other canonical impediments to matrimony, arising out of affinity, adoption, and (so called) spiritual kindred, as tending greatly to multiply occasions for the interference of the church in a matter affecting the whole structure of society: personal honour, station, right to property, family affection,—all were to be brought under the arbitrary jurisdiction of the church tribunals; a long stride indeed to the absolute reduction of the individual conscience under the dominion of the priesthood, and an irresistible encouragement to the arts of priestcraft.

1. *Adoption.* The civil law permitted adoption, and invested the adopted child with all the rights of corporeal offspring. It not only created the relation of paternity between the child and his adoptive father, but established that of fraternity between him and the other children of the same parent, so long as the adoption remained undissolved. Between brothers and sisters, however, the legal kindred lasted no longer than the adoption continued in force; but that between the adoptive father and daughter was indissoluble, and the impediment to marriage between them was perpetual.

The canon law recognised this impediment (*Grat. Dec. Caus. xxxv. q. iii. c. 6*). "As long," says pope Nicolas I., in his reply to the emissaries from Bulgaria, "as the adoption lasts, and a woman be still my sister by adoption, there can be no marriage between me and her." (*Van Espen, tom. i. c. viii. § 147, p. 587.*)

2. *Affinity by marriage.* This impediment to matrimony is defined by the more modern canonists to be—the relation introduced by marriage between persons standing out of the relation of consanguinity to each other. "Anciently," says Van Espen, "there were three degrees of affinity: 1. A brother's wife, or a sister's husband, stood in the first degree. 2. The brother dying, and the wife marrying another husband, that husband stood in the second degree. 3. The brother's second wife dying, if her second husband marry another wife, that wife stood in the third degree of affinity to the brother (or sister) and all his (or her) blood-relations.

As to the 2d and 3d degrees, they appear to have arisen out of the false decretals ascribed to bishops Fabian and Paschal II. (*Grat. Dec. Caus. xxxv. q. iii. c. 3 and 22*). But these impediments were removed in the 13th century by the great council of the Lateran, under Innocent III., owing to "the serious peril to which souls were thereby sometimes exposed." The impediments to matrimony from this cause then stood limited to the first degree. (*Van Espen, Hist. Eccl. Univ. p. ii. sect. i. tit. 13, Op. tom. i. p. 586.*)

3. *Spiritual affinity.* This special impediment to marriage was obviously adopted from analogy to the legal mode of creating a factitious kindred by adoption. For as the adoptive father imparts to the adoptive son the entire filial character, and imposes on both all the duties and relations of father and son, so likewise, it was reasoned, even he who becomes sponsor to a child at the sacred font, thereby imparts to him all the privileges of a spiritual son; introducing thereby a spiritual kindred between them, analogous in all respects to that which subsisted between the natural parent and his offspring, only of a more sacred and binding character. "A man," says pope Nicolas II., "is bound to love and cherish the person who answers for him at the sacred font as his *father*. For as the spirit is more excellent than the flesh, so the spiritual parentage, which is an adoption before God, is more intimate and more to be cherished than the carnal. We know, indeed, that in this relation there be no degree of carnal kindred; for the spirit knoweth not that which appertaineth to blood; as saith the Apostle: "The flesh lusteth against the spirit, and the spirit against the flesh, and *these are contrary one to another*" (*Gal. v. 17*). But in

the relation before us there is a voluntary and more sacred bond of union, which, without consanguinity, createth an intimate spiritual kindred between these persons. *Therefore*, we adjudge that, inasmuch as the same rule of law prevails between sons and daughters by natural law and by adoption, so there shall be no connubium between those to whom this spiritual kindred extends. For if marriage cannot be contracted by those who are united in the bond of adoption, how much the less may this be between those who are tied together in the celestial sacrament of regeneration by the Holy Ghost! For he who by divine appointment is called to be my father or my brother is so in a far more intimate manner than he *whom the lusts of the flesh* have made of kin to me. Thus we hold ourselves more especially bound to separate from all carnal conjunction those who have been joined to each other in the bond of heavenly love through the Holy Spirit, than in the case of those whom carnal kindred, and the changeable will of corrupt and fallen man, have joined together." (*Grat. Caus. xxx. q. iii. c. 1; Richter, i. 955.*)

It is singular that this baseless analogy should derive countenance from the more enlightened decisions of Justinian's lawyers. That emperor decreed that no person should marry a female to whom he had stood sponsor—"because," says the edict, "no consideration can more effectually introduce the relation of paternity between them, or form a more serious impediment to matrimony, than the case in which men's souls are by the immediate act of God coupled together in the reciprocal bond of holy love." (*Cod. Jus. lib. v. tit. iv. l. 26.*) In the seventh century the council of the Trullum (A.D. 691) recognised the impediment of spiritual affinity. (*Concil. Trull. can. 53; Fleury, tom. ix. p. 117.*) This council prohibited the marriage of a widowed mother with the godfather of her children, "because the spiritual affinity is more intimate than the corporeal." The same persuasion existed in the Latin church. We find in Gratian's Decretum, under the names of popes Deus-dedit (A.D. 614) and Zachary (A.D. 741), a decretal purporting that a man shall not allow his son to marry a woman to whom he (the father) has been sponsor, because they have by the act of God become brother and sister. (*Grat. Caus. xxx. q. iii.; Richter, i. p. 955.*)

When this impression had once taken possession of men's minds, it was an easy matter to multiply the impediments to marriage, in the same manner as in the predicaments of consanguinity and adoption: thus, a man might not marry consecutively two godmothers of the same child, for they were sisters by spiritual relation (*Grat. Decret. Caus. xxx. q. iv. c. 1, 2; ibid. p. 957*); neither could a husband and wife be sponsors for the same infant, for thereby the purity of the spiritual affinity suffered pollution, as much as if a man and his sister should live together in marriage. (*Id. ibid. c. 6.*) And although a man who should by chance, and without any previous knowledge, happen to marry the daughter of one of his co-sponsors, was to be permitted to live with her in decent matrimony, yet in all other cases, such a marriage was to be regarded as incestuous—and *that* the more emphatically, because the violation of the spiritual was more highly criminal than that

of the carnal kindred. (Conc. Tribur. ap. *Grat. Caus. xxx. q. iii. c. 7*; *ibid. p. 956.*)

In the eleventh and twelfth centuries, however, the ecclesiastical laws upon the heads of consanguinity and affinity had not yet been reduced to that systematic form they afterwards acquired. The principles had to be extracted from single edicts, dicta, and examples. The Decretum of Gratian has been already described in vol. ii. c. 12, p. 450 et sqq. of this work. It contains all that had been up to his time determined by ecclesiastical authority. Yet we may clearly discern, from the materials he furnishes, that it was the matured intention of decretalists and canonists to extend the impediments to matrimony to all degrees of consanguinity and affinity, which it was thought human memory could compute; and that the limit of legal inquiry ought to be the seventh degree reckoned by generations, and not by persons. It is at the same time tolerably certain, that these impediments were originally derived by the clergy from the civil law itself; and that, in process of time, the genuine codes of that law having fallen into disuse, or become known only through mutilated extracts, or imperfect and impure abridgments, the church dealt with it pretty much at her pleasure; making it speak her own language, and, in the matter of impediments to matrimony, construing it so as to increase them to a scarcely credible extent. At a later period, trees or tables of consanguinity and affinity were framed, and the scheme of prohibition reduced to precise rules. Yet even then the difficulties and intricacies of the inquiries requisite to their proper application, and the evasions and abuses all this gave rise to, were too much even for ecclesiastical industry and ingenuity; and the degrees of prohibition were limited by pope Innocent III., in the thirteenth century, to the fourth generation of collateral consanguinity and of affinity. Yet, even with this important retrogression, the restrictions upon marriage were found numerous enough to furnish ample and profitable occupation to the Roman curia.

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No. III.—Book X. c. iii. p. 231.

*Disputation* held at Milan, in the reign of Alexander II., between the advocates and the opponents of sacerdotal marriage; from *Landulph. Mediol. Hist. lib. iii. c. 21 et sqq.*, *Mur. tom. iv. p. 108.*

ON the part of the married clergy four advocates appeared,—viz., the archdeacon Guibert, Ambrosius Biffus, the cardinal-deacon Orderic, and the dean Andrew. On the other side appeared, Ariald, Landulph, and Aginulph.

\* On behalf of the wived clergy it was contended;

1. That the *Holy Scriptures*, as interpreted by Ambrose and the fathers of the church, forbid the putting asunder of man and wife; neither is any distinction made in either of these authorities between clerk and layman. For, according to the apostle Peter (1 *Pet. ii. 5*), all the true sons of the church are priests, and live under one and the

same law ; so that what is chastity in the layman is equally so in the priest. Moreover, the Gospel commands that a man shall quit father and mother, and cleave unto his wife, and they two shall be one flesh (*Matt.* xix. 5, *Mark* x. 8 ; see also *1 Cor.* vi. 16, *Eph.* v. 31) ; and more than this, whosoever shall put away his wife causeth her to commit adultery (*Matt.* v. 32, xix. 9 ; *Luke* xvi. 8). But those who so act as to cause sin in others are themselves guilty of as great a sin before God. The prohibition to marry is therefore, in both cases, contrary to the law of God and to the precepts of the fathers, more particularly of Ambrose, Augustin, and Jerome.

2. The forbidding to marry is *contrary to the law of nature*, which in this respect is confirmed by the revealed law. The law of nature does not tolerate celibacy ; it drives men into marriage ; and therefore the apostle Paul calls it an honourable estate. When excess is committed, it is not the sex, but the person, that sins ; for the sex is holy. The attempt, therefore, to abolish sex is both foolish and sinful ; for no man can change nature but the God of nature ; men may strive against it in words, but cannot thereby change the joint appointment of God and nature. Therefore the former ratifies and sanctifies the dictate of the latter, by and through the cardinal precept, "Let a man leave father and mother, and cleave unto his wife, and they two shall be one flesh."

3. Chastity is not a natural gift,—it exists in a man only by the special grace of God ; it is not to be acquired by any human strength ; neither is it given to all men to be chaste. "I would," saith St. Paul, "that all men were like unto myself ; but God giveth to each one his peculiar gift . . . but I say to the unmarried and the widows, it is good for them to remain as I am ; but if they cannot contain, let them marry, for it is better to marry than to burn" (*Rom.* vii. 14, 15). Therefore, according to the same apostle, the forbidding to marry is a great sin, and a sign of the evil times of apostasy, and giving heed to false spirits, lying, and hypocrisy, which were to come (*1 Tim.* iv. 1-4). So also St. Ambrose : "It is not left to men's choice whether they will marry or not. God made the sexes for each other ; therefore no man dare to say, 'I will not marry;' for unto all it is not given to practise virginity or widowhood."

4. Marriage is a remedy against sin. For, though chastity be a great and excellent gift, yet St. Paul, describing man in general, saith : "We know that the law is spiritual ; but I—that is, I as man—am carnal, sold under sin ; for that which I allow I do not ; for what I would I do not, but what I hate, that I do. If, then, I do that which I would not, I consent unto the law that it is good" (*Rom.* vii. 14, 15, 16) ; in other words, "I honour and consent to be bound by the law, because of my human frailty." Chastity, indeed, is the law spiritual, and contrary to the carnal law of the body, and therefore not given to man as carnal, but as spiritual only. Accordingly, the same apostle directs that, "though it be good not to touch a woman, yet, to avoid fornication, let every man have his own wife, and every wife her own husband" (*1 Cor.* vii. 1, 2). Therefore, we conclude, marriage is the proper re-

medy against evil concupiscence,—a remedy appointed alike by the law of God, of nature, and of human society.

5. The forbidding to marry is *a manifest breach of the great law of charity*; and it is as much so in the case of the priest as of the layman. For though a man, feeling within him the strength of the spirit, and thereby resolving to preserve his virginity, doeth well; yet you should beware how you attempt to drive men into chastity. It cannot be spontaneous in all; and, verily, God setteth no value upon forced services. Such chastity hath no merit in it,—for, after all, where it is spontaneous it is the mere gift of God, and when ye have done all, ye shall say ye are but unprofitable servants; but if it be involuntary or compulsory, beware how you fling open the floodgates of perjury and hypocrisy; for thereby ye shall sin both against God and man,—ye shall openly break the great law of charity. They, therefore, who really and truly possess this great gift of chastity, let them reflect that, instead of throwing stumbling-blocks in the way of the weaker brethren, it is their special duty to support and aid them against the solicitations of the flesh; that, rather than exult in the attainment of higher spiritual perfection, rather than revel in self-righteousness and spiritual conceit, they should take to heart the divine law of charity, which teacheth gentleness, and forbearance, and kindness. For inasmuch as, by reason of the law of the flesh, which reigns in our mortal bodies, and is contrary to the law of the spirit, leading us captives unto sin, all men cannot attain to *this divine resemblance* (this similitude to the divine nature, as chastity was universally deemed to be); therefore saith St. Ambrose, pursuant to St. Paul's principle: "Marry rather than commit sin; and, in order that we may escape the toils of spiritual death into which the flesh propelleth us, let us incur *the lesser evil*, that we may avoid the greater."

6. Though marriage be in no wise sinful, yet it is ordained that a priest shall have but one wife. And saith St. Ambrose: "The priest shall not be debarred from marriage; for *that* consisteth not with the precept of St. Paul, which directs that a bishop shall be the husband of one wife, that he may enjoy marriage in chastity." You, however, say, "Let the priest who marries at all be at once put out of the church." And we say the same, *if he marry after ordination*; but if before, let him not be separated from his wife. And to this rule let him be held, and he shall be blameless and without taint of impurity; neither shall he forfeit his priesthood. Moreover, the Lord hath said, by the mouth of his prophet, "Let my servants be once married;"<sup>a</sup> and again: "He—the priest—shall take a wife in her virginity" (*Lev. xxi. 13*); and St. Ambrose addeth: "He—the priest—shall marry once, but shall not reiterate marriage, but shall have but one wife;" and St. Jerome recommendeth that a priest be adorned with the virtue of virginity, or that he live in strict monogamy. It is, therefore, praiseworthy to recommend chastity to the priest and the deacon; but not without regard for the universal law of charity, or

<sup>a</sup> We do not know in what part of the Old Testament this passage is to be found.

without considering that it is not given to every one to be chaste, for that chastity is the special gift of the Spirit.

7. But is not this violent zeal against incontinence the mere offspring of spiritual pride? You who would tear our wives from our arms, are *you* more righteous than the apostles, more holy than the prophets, more pure than the patriarchs? You who, rejecting the great law of charity, disdain persuasion, and strive, by pikes and bludgeons, by blows and threatenings, to deprive us of a privilege which the laws of God and man, and the uniform practice of our predecessors, have, *in compassion to the frailty of our nature*, conferred upon us! You insult us by the application to us of the words, "Fornicators and adulterers God shall judge." But have you the hardihood to call adulterers and fornicators those who for periods of fifteen or twenty years have lived together as men and wives with honour and repute among all men? Dare you thus to hold up to scorn and hatred these your fellow-Christians—partakers of the same baptism, holding the same faith, bought with the same blood, and living, like many among yourselves, honestly and soberly with one wife? Or is it true, as we have heard tell of some of you, that you hold the abominable doctrine of him of Monteforte, that men ought to have no intercourse with women, but that the human race should be propagated after the manner of the bees?<sup>b</sup> Man here below is an imperfect creature; yet God loveth us, not for what we are, but for what we shall be hereafter. Here on earth we are not what we ought to be; but you would make us worse than we are, by depriving us of those liberties which, *by reason of our very imperfection*, are essential to our preservation from still deeper corruption.

8. But you ought to know that it is not the outward acts, but that which proceeds from within, which defileth a man; such acts are murders, adulteries, perjuries. Yet these are the dispositions you would engender in our minds by taking away the means of lawful indulgence. But the fathers of the church, Ambrose, Jerome, and Gregory (the Great), knew better than you, and conceded *the lesser*, to avoid the greater *evil*. And how terrible is that evil! Have you not already witnessed the horrible effects of forced celibacy since the clergy have, in consequence of your violence, been compelled to abandon their wives? Is it not notorious that, in cleansing the great water-cistern of the theatre this very year, the bones of many children, untimely murdered to conceal their birth, have been found? Such crimes as these must become common if you persist in your insane warfare against God and nature. Nay, crimes of all kinds, murders and perjuries for the love

<sup>b</sup> We can find no account of this Monteforte. He was probably a leader of the Patarines, who are said to have held many singular, and some disgusting opinions. As long, however, as they were useful in supporting the papal reformers, they were caressed and flattered; when they ceased to be useful, they became heretics. We cannot trust the papal accounts of these or any other reputed heretics. They after-

wards seem to have melted into the Albigensian and Waldensian sects, and to have partaken of the persecutions they endured. It is very likely that some strange ideas circulated among them. Attempts to suppress by violence the ordinary demands of nature are always attended with inconveniences of the like kind. See *Pagi*, Annal. ad *Baron*. an. 1058, vol. xvii. pp. 139-142. See also *Du Cange*, Gloss., voc. "Patarini."

of women,—adulteries, fornications, breaches of holy vows, will become matters of daily occurrence. And thus, by preventing one lawful union, you make an hundred harlots, fornicators, and adulterers; for many of your followers will avail themselves of your license to get rid of their wives, not that they may live in holy chastity, but that they may have abundant opportunity stealthily to indulge in filthy lusts.

We have here brought together the arguments of the wived clergy in one view, in order to avoid the prolixity and the frequent repetitions in the original account of Landulph (*Mediol. Hist.* lib. iii. c. xxii.-xxvi. p. 109-114). We subjoin here the answer of their opponents :

“It is not inconsistent,” say they, “with the great law of charity to reprove and bring back an erring brother to the path of righteousness, whether he be gone astray through remissness or through the infirmity of nature. In the case before us, you palliate the error by some pretence of marriage; but this proceeding is rather cruelty than charity, and carries its own condemnation along with it. For he who exerciseth charity in such wise as to lose sight of righteousness, is no disciple of true charity. Thus St. Augustin saith, ‘If thy brother hath a wound in his body which he desires to conceal because he fears the surgeon’s knife, would it not be a cruelty to help him to hide it? Would you not be deemed merciless rather than charitable? You say that there are very few persons of a chaste mind and body, and that very few priests indeed are virgins; but we, for our part, would rather be crowned with the few in Christ, than with the many be thrust into outer darkness. But woe unto you if ye would walk in two paths at once; woe unto you if ye cannot say with the Psalmist, ‘I have chosen thy way of truth, I have not forgotten thy commandments, O Lord!’ Let us therefore give the honour to God; let us bear Him in our souls and in our bodies; and in all our acts let us be, like the apostle, crucified unto the world, and the world unto us; yea, let us love Him in our bodies as well as in our souls. True charity purifieth us from the carnal affections; and as death divideth the soul from the body, so true charity setteth free the spirit from the concupiscence of the flesh. Therefore, when a man is perfect in charity, there remaineth no taint of vice in him. You tell us St. Guibert hath said, ‘When thou art bound to a wife, seek not to be divorced from her.’ But why did you not cite the sequel of the passage—‘but if ye be free from a wife, do not seek to have one’? The apostle Paul indeed says, ‘Let every one have his own wife.’ And we say the same; but we add—every one to whom *it is permitted to have a wife*. But hear ye, brethren, what the same apostle prescribes: ‘Brethren, *we* are debtors to live *not after the flesh*, but after the spirit. If ye live after the flesh, ye shall die; but if through the spirit ye do mortify the deeds of the body, ye shall live.’ Again: St. Ambrose, whom you have so often quoted for your own purposes, says expressly that the permission to procreate children while in the priesthood is not within the apostolic license; for that that license toucheth only the case of such priests who were married before orders, but not of those who continue to live in the married state afterwards; neither can such persons shelter themselves under it; for, saith the apostle, ‘he that fighteth for God med-

dleth not with carnal things, that he may truly serve Him whose servant he is.'<sup>c</sup> And again, he saith to Timothy, 'Keep thyself chaste' (1 *Tim.* v. 22 : Σεαυτὸν ἀγνὸν τήρει, 'keep thyself pure' *Schleusner*). And so verily you must ; for it were a horrible thing to behold the same hand which hath but lately served the work of conjugal intercourse, holding between its unclean fingers the immaculate sacrifice, and so offering it up unto God. For the priest is called the angel of the Lord. And again, 'The lips of the priest should keep knowledge, and the people should seek the law from his mouth, for he is the angel of the Lord of hosts' (*Mal.* ii. 7). So likewise the sacred canons decree that the priest who shall take a wife shall be deposed ; for it is requisite that the priest should be pure and without spot, living in a state of perpetual purity ; because, if he be polluted by the uncleanness of a woman, or by his own, he cannot offer the holocaust unto God. Nothing, therefore, remaineth but that we speedily regain the right path, and continue in it, swerving neither to the right hand nor to the left. You, brethren, stand there over against us like men in full panoply, with your books of reference, your apparatus of warfare, around you ; but the simple truth from our lips shall turn your shields of proof into gourd-leaves, and your swords of steel into laths of lead."

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No. IV.—Book X. c. vi. p. 297.

Supposititious letter of king Henry IV. to pope Gregory VII.

THIS letter, as stated in the text, is inserted in the Registrum Greg. VII. between the 29th and 30th epistles of the first book, but has no number or date.

It is addressed as follows :

"Vigilantissimo et desiderantissimo domno papæ Gregorio apostolica dignitate cœlitus insignito Henricus Romanorum Dei gratiâ rex *debiti famulatus fidelissimam* exhibitionem."

In the Latin of the middle age the term "famulus," from which "famulatus" is derived, was used in several different senses,—denoting a serf or slave, an esquire to a knight, a gentleman of the household, a sub-vassal (see *Du Cange*, Gloss. ad voces "famulamen," "famulares," "famulatus," "famulatura," "famulus," and other words of the like derivation) ; all implying the ideas of subordination and service. The term "fidelis" signified the state of feudal obligation towards a superior lord. Here is a close translation of the letter :

"Inasmuch as the kingdom and the priesthood, in order that they may be and continue to be rightly administered in Christ, must always stand in need of His vicarious help, it is doubtless necessary, O my lord and most loving father, that no kind of dissension should subsist between them, but, on the contrary, that they should be in the closest manner, and indeed indissolubly, made to adhere to each other by the cement of Christ (*Christi glutino*) ; for thus, and not otherwise, shall

<sup>c</sup> In allusion, probably, to *Rom.* vi. 16-22.

they be preserved in the bonds of perfect charity and peace, and in the concord of Christian unity, and the stability of ecclesiastical religion be at the same time secured. But we, to whose lot, by divine permission, the government of the kingdom hath for some time past fallen, have not, as we ought, in all things dispensed legal justice and exhibited legitimate honour to the priesthood; we, to wit, who, as the avengers of the power given to us by God, bear not the sword in vain, have not always, as of right we ought to have done, by judicial censure unsheathed it against culprits. But now we, by the divine mercy, being in some degree conscience-smitten and turned to a better mind (*in nos reversi*), do, by accusing ourselves, confess our former sins to your most indulgent paternity; hoping from you in the Lord that we, being by your apostolical authority absolved, may merit justification. Alas! full of crime we are, and very wretched; for, partly through the impulses of seductive boyhood,—partly through the liberty given us by our commanding station and imperial authority,—partly, also, by the beguiling deceits of those whose counsels we, being but too easily misled, have followed,—we have sinned against heaven and before you, and are no longer worthy to be called your son. For not only have we usurped the things of the church, not defending them as it was our duty to do, but have likewise sold the same to any one we liked, unworthy though he were, and steeped in the bitterness of simoniacal gall,—men coming not in by the door, but entering from without. But now, because we cannot by ourselves, and without your authority, reform the churches, we do, on our own behalf and that of our whole people, most earnestly implore both your counsel and your aid; that your precept therein may be most studiously observed in all things. And now, first and foremost, for the church of Milan, which by our fault hath fallen into error, we pray that, by apostolical ordinance, it may be corrected; and that, after *that*, the authority of your sentence may go forth to correct the rest. Therefore we in all things will, God willing, not be wanting unto you; earnestly requesting the same from your paternity, that you will always be kindly ready to our help in all things. It shall be no long time before you shall receive our letters by the hands of our most faithful servants, from which, please God, you shall hear at greater length what further we have to say.”

The tone of this letter is that of a repentant sinner kneeling before his offended Maker, and confessing a total inability, without His grace assisting him, to amend what he has done amiss. This substitution of the grace of the holy see for the grace of God is so palpably Gregorian as to lead to a strong suspicion of forgery. Those who are acquainted with the Chancery style of Rome at this period will notice in it a marked identity of composition and expression with those of the Gregorian letters. And further, comparing it with genuine Germanic productions of the age, they will be still more struck with the differences they exhibit. Though we often remark in these latter writings expressions of profound respect, and even of the deepest submission to the holy see, there is not a trace in them of that shameless identification of God's attributes with those of His supposed vicar, so conspicuous in the writings of Gregory VII.

It is true that Gregory afterwards often appealed to promises and professions received from king Henry ; but these complaints are conveyed in language so vague and general as to afford no good reason to refer them to this or any other document under the king's hand. If Gregory had been in possession of any such letter, nothing would have been easier than to republish and to circulate it, in justification of his claim to unconditional obedience, and the absolute surrender of all the churches of the empire to his will and pleasure.

Again, the letter is said to have been written when the king's affairs were in the deepest state of depression, and for the purpose of obtaining the pope's assistance against his domestic enemies, after the breach of the treaty of Gerstungen by the Saxons. Yet it contains no allusion to that object, but rather wears the appearance of a spontaneous confession, wrung from the king by the stress of pure conscientious remorse and contrition.

But, in truth, the king's affairs were not at that moment in so desperate a state as to drive him to that unconditional surrender of all his secular rights in the church, implied, or intended to be implied, in this letter. The treaty of Gerstungen had disgusted the most important members of the Germanic body, and in a great degree reconciled them with the king. In fact, the aspect of affairs in Germany went on improving throughout the year 1074 ; and in June 1075 the event of the battle of Hohenberg flung his Saxon enemies at his feet. Thus we are at a loss for any adequate motive for the surrender in question ; and when it is remembered that the letter was never afterwards produced in evidence against him, we cannot but think that, independently of the internal testimony against its authenticity, there exists an historical improbability it is very difficult to get over.

Professor Stenzel, on the authority of *Voigt's* Life of Gregory VII., is inclined to regard the letter as genuine (*Gesch. d. Fränk. Kaiser*, vol. i. p. 348) ; but *Luden* thinks the objections against it insuperable. The former writer is of opinion that the transactions at Canossa, though they occurred nearly three years afterwards, make it probable that Henry had previously committed himself to the full extent to the pope, after the mortifying treaty of Gerstungen, and with a view to immediate revenge upon his Saxon enemies. *Luden* observes that the argument drawn in its favour from the letter written by Gregory to Herlimbald of Milan, informing him of the favourable dispositions of the king at this point of time (see *Reg.* lib. i. ep. 25), is inconclusive ; and that, rather than affording proof of the genuineness of the letter, it is more likely to have suggested the forgery (see *Luden*, *Gesch. d. Deutsch.* vol. viii. note at p. 715). He is, however, of opinion that some letters must have come into the pope's hands containing assurances highly acceptable to him at the time.



# BOOK XI.

## CHAPTER I.

### RUPTURE AND CONFLICT BETWEEN HENRY IV. AND GREGORY VII.

The problem of the papacy—Pope Gregory's view of the relation of the church to the world—The church a visible divinity—Italian complaint of the capitulation of Canossa—Dilemma of Henry IV.—Impolitic harshness of Gregory—Henry attempts to negotiate with the pope—Mutual schemes and suspicions—Alarm and gathering in Germany—Case of the confederates against Gregory—his explanations—The confederates dissatisfied with the pope's explanations—Defection of Henry IV.—Revived popularity of Henry in Italy—Instructions of Gregory to his legates, &c.—The confederates propose to dethrone Henry—Equivocal reply of the pope—Convention of Forchheim—Message of the legates—Reply—Proceedings of the convention for the election of a new king—Election of Rodolf of Swabia—Capitulation—Unpopularity of Rodolf—Popular insurrection in favour of the married clergy—Ascendency of Gregory in Rome—King Henry puts the sincerity of Gregory to the test—Henry again in Germany—Defections from Rodolf's cause—Gregory interposes as arbiter between the rival kings—His commission to his legates—The pope the judge of princes—Groundless pretensions of Gregory—Insidious character of his proposals—The civil war in Germany—The papal legate excommunicates and formally deposes king Henry—Ambiguous policy of the pope—Embarrassing position of Gregory—Remonstrance of the Saxons—Gregory stands upon the act of reference of both parties—Great synod at Rome—Indecision of the pope—Adjudication and decree of pacification—Questionable impartiality of Gregory—Solemn decree against lay investiture—Equivocal conduct of Henry IV.—Renewal of the civil war in Germany—The Saxons challenge the pope to ratify the deposition of Henry—The remonstrances of the Saxon party—Indignation of the Saxons, and conduct of the papal emissaries—November synod of 1078—Reiterated decree against lay investiture.

By this time a pretty complete manual of papal supremacy had been published, and practically <sup>The problem</sup> explained to the world. The capitulation <sup>of the papacy.</sup> of Canossa seems to mark a point beyond which it was scarcely possible to soar. The problem which still re-

mained to be solved was, how to sustain this flight of prerogative—how to adapt the whole frame of society to the elaborated scheme; in other words, how so to manage matters, that kings, princes, constitutions, and peoples, should be reduced to the condition of tractable instruments in the hands of God's visible representative resident at Rome.

The more enlightened morality of modern times takes no material distinction between the duty to God and the duty to man—between our religious and our social duties. We attach no greater obligation to serve God than to do good to His creatures. We regard the service of both as parts of the same general legislation; and when we speak of a higher duty towards the Creator, we do so only because that duty includes every other.<sup>a</sup> Neither were they ever considered apart from each other by Him who taught that a breach of our duty towards society is equally a breach of our duty towards the great Author of human associations. But when the belief that the world, or man in the mass, is the enemy to be subdued, the church the conquering power of God upon earth, had grown into a principle and motive of action, a great step was made towards the severance of the two great obligations. The precept to “obey God rather than man” received a new construction. The church and civil society were placed in hostile array against each other; the church was *holy*; the world profane: the voice of the church was the voice of God; the voice of associated man was that of the prince of whom man is by nature the servant and the slave. This malign view of the human character in its relation to the church withdrew the spiritual and the natural constituents of society to an immeasurable distance from each other. The theoretical kingdom of God and the kingdom of His adversary the world must ever be at war. No rational issue could be proposed but that of conflict and conquest; the world must sink into a state of subjection to the church, or she must perish; the gates

Pope Gregory's view of the relation of the church to the world.

<sup>a</sup> Conf. 1 *John* iii. 17, and iv. 20, 21.

of hell must prevail against her; the "rock" must be overwhelmed by the flood of evil; and the chair of Peter must become the throne of Antichrist.

It should always be remembered that Gregory VII. contemplated the church as a visible divinity, <sup>The church</sup> endowed with the whole power and majesty of <sup>a visible</sup> Christ upon earth—monarchy was its form and <sup>divinity.</sup> its essence: as the Monarch celestial was the head of the spiritual church, so also must the head of the visible church be the monarch terrestrial, to whom all the subjects of the spiritual kingdom were responsible: as the church was universal, so also was her dominion: every relation of the outer world must be laid open to her scrutiny and censure: such a power could be susceptible of no limitation, and pope Gregory embraced and held fast to this conviction with the ardour of a warrior, or, if need had been, the spirit of a martyr. He had placed his foot upon the neck of the proudest monarch of the outer world; and no triumph over the reputed realm of darkness could now appear beyond his reach.

The rumour of king Henry's reconciliation with the pope spread indignation and dismay throughout Northern Italy. The bishop of Zeitz, who held <sup>Italian com-</sup> the papal commission to publish the convention <sup>plaint of the</sup> of Canossa in Lombardy, met with extremely <sup>capitulation</sup> rough treatment at the hands of the angry people. "The <sup>of Canossa.</sup> anathema of the false pontiff," they said, "was a scurvy pretence: his absolution was worthless: what cared they for the curses of one whom all the bishops of Lombardy had rejected! What had they to do with the juggler who had ascended the chair of Peter by the foulest simony, who had made it red with blood, polluted it by adultery, and disgraced his calling by the most flagitious crimes! The king had brought himself to shame by his ignominious surrender; he whom they had chosen to uphold law, and to vindicate ecclesiastical liberty, had by this act of cowardice sacrificed at once the integrity of the faith, the authority of the church, and the dignity of the crown; and now they who, in his defence, had inflicted all the

injury they could upon his enemy were abandoned by him to all the evils of civil and religious anarchy.”

In the heat of passion, it was seriously proposed to Dilemma of depose king Henry, and to raise his infant son Henry IV. to the throne of Italy: they were then to march with arms in their hands to Rome, there to elect another pope, who should place the imperial crown upon the head of the new king, and reverse all the acts and decrees of Hildebrand. The difficulties of the undertaking were, however, of too serious a character to be overlooked: the king assured them, under the rose, that what he had yielded had been extorted from him by stern necessity, and was intended solely to defeat the designs of his enemies in Germany. Those who were nearest to the scene of action were appeased by this explanation; still the immediate effect of the convention of Canossa was to detach many of the magnates and prelates of Italy from his standard. Those who remained faithful for the moment showed their dissatisfaction by averted glances and ominous murmurings; by neglectful performance of their feudal duties, scanty purveyances for the maintenance of the king's court and camp; occasionally, by shutting the city-gates against him and his retinue, or by attending his summonses to his bench of justice in small numbers, and without the customary observances. Whichever way he turned, the fatal consequences of his accommodation with the pope stared him in the face. The friendship of Hildebrand, even if he had sincerely sought it, could not reinstate him upon the throne of Germany; while his reconciliation with Rome, had it been ever so sincere, must deprive him of the affections of his Italian subjects. The stipulated exclusion from all the functions of government still hung over him; he was still bound by the terrible engagement to submit crown and fortune to a tribunal composed of his bitterest enemies, and presided over by a judge whose favour he was by this time well assured could be purchased at no less a price than the honour and independence of his crown.<sup>b</sup>

<sup>b</sup> *Lamb. Schaffn.* an. 1077, ap. *Pertz*, pp. 260, 261.

No alternative, at least none that he could discern, remained but to descend from the throne, or to renounce his engagements with the pope. Gregory himself had, in fact, created the dilemma most likely to defeat his own purposes. He had, it is true, absolved the king from the curse; but he had deprived him of the power to take advantage of the apparent boon. Henry was, by virtue of the stipulations of Canossa, no better than a prisoner at large, under every possible disadvantage for his defence. An acquittal was perhaps possible; but the recovery of his throne by such aid as the pope could afford was not within the compass of probability, except upon terms which would have rendered the tenure so precarious and discreditable as to deprive it of all its value, and to strip it of all its political usefulness. The character of Henry IV. was not adapted to find a remedy for difficulties of so intricate a nature; yet self-abandonment found no place in his mental constitution. His impetuous spirit, indeed, frequently vented its bitterness in intemperate complaints; but violence of temper generally yielded to cooler reflection; expedients suggested themselves; hope revived, and with it energy to surmount each successive impediment as it arose. With a view to improve his position without a direct violation of the terms of his compact with the pope, he applied for permission to receive the iron crown from the hands of any two bishops whom the pope might nominate to perform the ceremony. Gregory, however, interpreted the request as a reprehensible attempt indirectly to obtain his release from that humiliating state of inaction suitable to the condition of a culprit awaiting trial, and refused the king's petition in no gentle terms.<sup>c</sup>

However discouraging this first attempt to obtain a relaxation of the intolerable bondage to which he was reduced, he still determined not to abandon all hopes of advantage from negotiation. He abstained from assuming the crown, and even from the use of the ordinary state and insignia of

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the pope.

<sup>c</sup> *Paul. Bernr.* in Vit. Greg. VII. c. lxxxvi. ap. *Murat.* iii. p. 340.

royalty. By these tokens of submission he hoped to lull to sleep the worst suspicions of the pope, and to open a way for a more cordial intercourse. He affected to separate himself from his schismatic adherents, and took up his residence at Bianello, within a short distance of Canossa. Here he held frequent personal intercourse with Gregory, and persuaded him at length to convoke and to preside at a synod to be holden at Mantua; but with what precise views on either side we are without any intimation. With this understanding Henry recrossed the Po on his way to the place of meeting; and the pope, escorted by the countess Mathilda and a few unarmed followers, took the same road. When, however, he landed on the opposite bank of the river, he was warned against proceeding further by certain timid or designing friends, who declared that a plot had been detected to deprive him of liberty, perhaps of life; and that the king's proposal was a snare to draw him into his toils. In great alarm, Gregory hastily retraced his steps, and retreated within the strong walls of Canossa.<sup>d</sup>

Whatever credit we may attach to this anecdote, it is manifest that any cordial union of views or <sup>Mutual schemes and interests</sup> between Henry and the pope was beyond the reach of either. Neither party, we may safely conclude, had any intention in acceding to the proposed synod, but to obtain some advantage over his opponent. In the state to which Gregory had reduced his adversary, he could not but suspect him of every artifice to shake off his chains. He could not be ignorant of Henry's communications with the schismatic prelates and barons of Lombardy, at this very moment assembled in strength at no greater distance than the cities of Reggio and Piacenza,<sup>e</sup> under the presidency of his capital enemy, Guido archbishop of Ravenna; and no doubt he comprehended the king's present position well enough to perceive that he could not drop his intercourse with the schismatics without

<sup>d</sup> This incident is told in *Donizo's* metrical biography of the countess Mathilda, lib. ii. c. i., ap. *Murat.* v. p. 366.

<sup>e</sup> *Paul. Bernr. Vit. &c. c. lxxxv. ubi sup. p. 339; Bonizo, ad Amic. lib. viii. p. 816.*

abandoning all hope of a reconciliation with his Italian subjects, consequently without betaking himself back again into the pontifical prison-house. And to this extremity it was the obvious design of the pontiff to reduce him. The natural suspicions created by the late real or supposed plot inclined him to put the worst construction upon every step of Henry to struggle out of his difficulties; while the backing-out of the pope from the proposed meeting might satisfy the king that Hildebrand did not intend to afford him the means of ascertaining beforehand at what price a durable peace was to be purchased, or what security would be afforded that any instalment he might pay up would be carried to account towards the repurchase of throne and empire.

The incidents just adverted to occurred within two months of the king's absolution at Canossa. But in the interim the news of that proceeding had greatly alarmed his adversaries in Germany. The dukes Rodolf, Welf, and Berthold, the archbishop of Maintz, and the bishops of Metz and Würzburg, hastily constituted themselves into a committee of public safety, and issued addresses to the great vassals and prelates of the several circles, and to all "who had the public interests at heart," to meet them in a national convention at Forchheim on the eighteenth day of the ensuing month of March, to deliberate upon certain weighty matters of state, more especially the *election of a king* to fill the throne vacated by the deposition of the tyrant Henry of Franconia.<sup>f</sup>

With a view to account for this extreme proceeding, we recall to mind the late transactions at Tribur and Oppenheim.<sup>g</sup> Sufficient reasons have been assigned for believing that the pope's legates at Tribur, though perhaps not the ostensible, were the real authors of the convention of Oppenheim. It admits of no doubt that the estates regarded the pontiff, through his legates, as a party to that convention. The latter had there prevailed upon them to forego their

<sup>f</sup> *Paul. Bernr. Vit. &c. c. lxxxv.*, ap. *Mural. iii. p. 339*; *Lamb. Schaffn. an.* 1077, ubi sup.  
<sup>g</sup> See Book X. c. viii. p. 404.

original purpose of at once dethroning Henry, and in its place to adopt the proposed reference to the pope in person. They therefore reasonably considered him bound to do no act that might prejudice the impeachment, until the result of the solemn trial fixed for the ensuing feast of the Purification at Augsburg should be made known. The terms of the treaty seemed to them to preclude any alteration of the king's position by the act of the pope, more especially to shut out any earlier, or any surreptitious absolution that might defeat the original intention of the states to make their return to their allegiance depend upon any thing short of a complete acquittal of the king from all the charges included in the impeachment.<sup>h</sup> The departure of the king from Speyer was, not without reason, regarded as such a breach of his engagements as to set them at liberty to act as they might think best.<sup>i</sup> But now that the king was absolved from the anathema, they were at once deprived of the benefit of the special stipulation, that if within the year he should not be publicly and judicially absolved, the forfeiture should become *ipso facto* absolute. They apprehended that the convention of Canossa might be held to revive their obligations to the crown, and restore the validity of their prior oaths of allegiance. This impression was His explana- foreseen by Gregory, and he lost no time in tions. removing it. On the 28th of January,—therefore the day after the reconciliation of Canossa,—he addressed a letter to the “archbishops, bishops, dukes, earls, and barons of the Germanic empire,” explanatory of his own view of the transaction. He told them that it had ever been his steady purpose to attend the proposed synod at Augsburg on the appointed day, and that he had arrived in Lombardy full twenty days before the time fixed for their escort to meet him at Chiusa to conduct him to them; but he had been informed, and did them the justice to believe the fact, that the rigour of the season had prevented them from crossing the Alps, as it had him from meeting them. This accident, he as-

<sup>h</sup> *Paul. Bernr. Vit. &c. ubi sup. p. 340.*

<sup>i</sup> *Bertholdi, Annal. an. 1077, ap. Pertz, v. p. 291.*

sured them, had reduced him to great perplexity, more especially when the news reached him that the king was close at hand. Henry, he said, had, before his arrival in Italy, signified to him his intention to sue in person for the apostolical absolution under the most solemn promises of obedience to the holy see: and thus, after long and anxious deliberation, many reproofs and severe penances, to all of which the king had patiently submitted, he had at length convinced himself of his penitence; he had thereupon released him from the bond of the anathema, and received him back into the bosom of the church, upon the terms of which he had sent them copies; by all which they would perceive that, notwithstanding his (the pope's) earnest desire to be with them, that intention must now be suspended for a while; trusting always that, till the proper time should arrive, they would see the necessity of unanimity in all their counsels, and that they would continue in the same faith and in the same love of righteousness in which they had begun and hitherto persevered.<sup>j</sup>

Although, therefore, the terms of the convention of Canossa did not alter the position of Henry's subjects, and though the royal functions still remained in abeyance, they were thereby deprived of the right to proceed to a new election.

The confederates dissatisfied with the pope's explanations.

But in truth—and it is within the range of possibility that the fact was known to pope Gregory—the insurgent barons valued the papal support no further than as it might contribute to the ruin of their enemy, and the furtherance of their own selfish plans of ambition and acquisition. They were indignant that the pope should have contrived to hold them as well as the king in check by the postponement of the trial to an indefinite period. He had, in fact, named neither time nor place for the solemn inquest: they were to have patience—they were to repose perfect confidence in his intentions—they were to preserve unanimity among themselves—they were, in short, without more, to leave matters in his hands, and

<sup>j</sup> *Regist.* lib. iv. ep. xii. p. 388. This letter contains the particulars of Henry's humiliation, as copied by Paul Bernier in his *Life of Gregory*.

in the mean while to do as he bade them : a language which proved, as plain as words could make it, that he had never cordially entered into their views, and that they were to regard themselves as passive instruments in his hands for the accomplishment of his own purposes.

But in the mean time a change had come over the Defection of political atmosphere in Lombardy, which threat-  
Henry IV. ened the total overthrow of the papal plan. The failure of every attempt on the part of the king to obtain a mitigation of the covenants of Canossa threw him back into the arms of the schismatic princes and prelates of Italy. It had become clear to him that he could not retain their support as long as he continued the slave of their enemy the pope, and that without that support his ruin was inevitable: Gregory had by his own harsh dealing brought about the crisis of his adversary's fate, under the vain impression that he held him too tightly in hand for him to escape the toils in which he had involved him. The first step of Henry in breaking through them was the recall of his proscribed ministers, the earls Eberhard and Berthold, the archbishop Liemar of Bremen, the bishops Eppo of Zeitz, Benno of Osnabruck, and Burkhard of Basle. These prelates had accompanied or joined the king in Italy, and were notorious for their attachment to the liberties of the national church. It was, indeed, known to Gregory that the king had, from the day of his absolution, exercised his powers in every department of civil government; but it was impossible to insist upon the rigid performance of so impracticable a stipulation; and some relaxation of the king's engagement to reduce himself to a cipher, while still retaining the royal title and authority, must have come within the purview of his policy. The dissolution of the bonds of society was beyond the range of the pontifical omnipotence; and the pope was compelled to connive at a breach of covenant, of which he was himself the chief instigator and cause. A more serious ground of complaint was the clandestine correspondence the king had all along kept up with the proscribed prelates, Tedal-

dus of Milan, Wibert of Ravenna, Dionysius of Piacenza, and the schismatic bishops of Italy generally,—that entire “satanic synod” that had dared to encounter the pope with his own weapons.<sup>k</sup> These obdurate persons had never relaxed their hostile efforts against papal encroachment upon the rights—or the malpractices—of their churches; they had captured and imprisoned two papal legates, the bishops of Ostia and Lucca; and the king now, dropping all disguise, publicly resumed his intercourse with their party. His first active step was to intercept the communications of the pope with his German allies, so as to prevent the possibility of his obtaining access to that country, or of any escort or auxiliaries reaching him from his friends to the north of the Alps. To that end he occupied all the Alpine passes, and consummated his defection by publicly receiving the Roman conspirator Cenci into his society and confidence.<sup>l</sup>

The language of Henry corresponded with his acts. He indulged in the coarsest invectives against the pope; he loaded upon his shoulders all the calamities, public and personal, which had befallen since his accession to the papacy; he exhorted the Italians to unite with him in one hearty struggle to avenge the injuries he had inflicted upon the church and state.<sup>m</sup> The Italian vassals of the empire now flocked to his standard; the purveyances for the support of court and camp became more regular and liberal; the revenue flowed more freely into the king’s coffers, and his commands were obeyed with more than ordinary zeal and alacrity. “Thus,” says Gregory’s biographer, “Henry returned like a dog to his vomit, and again herded with the simonian heretics—depraved men—men who had conspired to retain holy church in Egyptian bondage, and plotted to depose the supreme pastor; and thus the king and his German accomplices had by the basest simulation feloniously stolen that absolution, the delay of which for one short month must have sealed his ruin.”<sup>n</sup>

Revived  
popularity of  
Henry in  
Italy.

<sup>k</sup> *Bernold*. Constant. an. 1077, ap. *Pertz*, v. p. 433.

<sup>l</sup> *Bonizo*, ad *Amic*. ubi sup. p. 816.

<sup>m</sup> *Lamb. Schaffn*. an. 1077.

<sup>n</sup> *Paul. Bernried*. Vit. &c. c. lxxxv., ap. *Murat*. iii. p. 339.

Both parties now stood fairly unmasked in each other's presence. But Gregory was not yet inclined to abandon the trimming policy by which he hoped to drive both into his toils. The hurry of the Germans for the election of a new king boded him no good. He feared that unless he acceded frankly to their views, they would proceed without him, and thus saddle him with a king bound by no manner of obligation or engagement to the holy see. Such an event was by all means to be guarded against. But the proposed convention of Forchheim could not now be fought off or avoided. All that could be done was, if possible, to control or overrule it, without directly involving himself as a party to its proceedings, and so as to retain the right, if necessary, to disavow them. To this intent he sent the cardinal-deacon Bernhard and the abbot of Marseilles as his legates to the convention, with instructions to prevail upon the confederates to postpone any definitive resolution till he should be at liberty to preside over their deliberations in person: at all events, the legates were cautioned so to conduct themselves as not to commit him personally as a party to, or as an approver of, their acts.<sup>o</sup>

The confederates, on the other hand, were equally anxious to involve the pope directly and personally in the contemplated act of deposition. The very day after the despatch of the legates, earl Manigold of Veringen, and a priest named Erchimbald, arrived at the papal quarters with a message from the confederates to intimate to Gregory their final resolution to depose the king, and forthwith to elect a successor to the throne. The deputies were at the same time instructed to prefer an earnest request for the pope's presence and participation at the congress to be held at Forchheim for that purpose.<sup>p</sup> This message did not produce any material change in Gregory's instructions to his legates. But before he dismissed the delegates of the estates, he sent a cardinal-deacon to the king, to

<sup>o</sup> *Paul. Bernr. Vit. &c. loc. cit. p. 340.*

<sup>p</sup> *Id, Vit. &c. c. lxxxix. ubi sup. p. 340.*

notify to him the tenor of the letters and messages he had received from Germany, and to require him, in conformity with his covenant, to appear at Forchheim on the appointed day, to plead his cause before himself (the pope) in person; for which purpose he added a peremptory demand for a safe-conduct and a trustworthy escort for himself and his followers across the Alps.<sup>a</sup>

It cannot be surmised that, in making this proposal, the pope could have entertained any hope of success. The message therefore could amount to no more than an official notice to fix upon

Henry the charge of a formal breach of his oaths and engagements: "this was the time and the place to submit to his trial: hesitation, delay, subterfuge, were perjury, the consummation of his crimes, the final end and term of papal long-suffering." Henry received the legate with perfect composure, and coldly replied, that the public affairs of the kingdom required his presence in Italy; and that, even if he were at leisure to attend the pope, the shortness of the time allowed to reach Forchheim would tax the powers of the fleetest horses beyond their strength.<sup>r</sup> When the king's reply was received by Gregory, it was immediately communicated to the envoys of the Germanic states; and they hastened their return with the welcome intelligence,<sup>s</sup> and furnished with letters from the pope excusing his absence from the proposed congress, on the ground that the king had completely hemmed him in on all sides, and that, far from being able to continue his journey into Germany, he could scarcely now return to Rome in safety. "*Awaiting, therefore, his arrival among them,*"—an event he sincerely trusted might not be long delayed,—he left them to take such steps as, in the mean time, the public welfare might require.<sup>t</sup>

After this the confederates, as a matter of course, held themselves as discharged from all obligations to king or pope, so far as concerned their purpose to deprive Henry of the throne, and to set up a new

<sup>a</sup> Lamb. Schaffn. an. 1077; Paul. Bernr. loc. cit.

<sup>r</sup> Lamb. Schaffn. an. 1077.

<sup>s</sup> Paul. Bernr. Vit. &c. c. xc. ubi sup. p 340.

<sup>t</sup> Lamb. Schaffn. an. 1077.

king in his place. On the appointed day a full congress met at Forchheim ;<sup>u</sup> the papal legates were called upon <sup>Message of</sup> to deliver their message from the pontiff: the <sup>the legates.</sup> latter, they said in reply, had felt greatly disappointed at the result of the king's visit to Italy, and he now heartily wished him fairly out of that country: at the same time they expressed an earnest desire on the part of the pope—if it might be done without serious danger to the commonwealth—that they would defer the election of a new king until his arrival in Germany. The congress replied, that the measure in question <sup>Reply.</sup> was of immediate and urgent necessity: the perfidy of Henry was to them, as it must now be to the pope, so notorious that no reliance could be placed upon his words or his oaths: it would be in the highest degree prejudicial to the public interests that such a person should be any longer allowed to fill the throne; the present juncture could not therefore be neglected for substituting a fit and proper person. The legates answered, that it would be much more agreeable to the pontiff if the election were deferred till his arrival; as it was, however, the convention must act on their own responsibility, and it was therefore no part of their instructions to obstruct any measures they might think best for the public welfare.<sup>v</sup>

Though the legates were anxious to throw the whole <sup>Proceedings</sup> responsibility upon the estates, they had no <sup>of the con-</sup> mind to abandon their influence in directing or <sup>vention for</sup> the election of <sup>a new king.</sup> controlling the proceedings. Under the ambiguous terms of their assent, the pope was still at liberty to accept or reject the resulting measures; and much must therefore depend upon the advantages or disadvantages with which those measures might be attended. On the day of the election several candidates for the crown appeared in the field. A majority declared in favour of Rodolf of Rheinfeld, duke of Swabia, but

<sup>u</sup> A town on the river Regnitz, between Bamberg and Nüremberg, a journey of full three weeks to an army or an escort from Milan or Canossa.

<sup>v</sup> *Paul. Bernr. Vit. &c. cc. xciii. xciv. xcv. ubi sup. pp. 341, 342. Berthold. Annal. an. 1077, ap. Pertz, v. pp. 291, 292.*

under various stipulations: some bargained for the redress of private grievances; others desired organic changes; others, again, insisted upon securities for future good behaviour. Duke Otto of Nordheim required that the new king, whoever he might be, should reinstate him in the duchy of Bavaria, of which he had been wrongfully deprived by the deposed prince. The legates, however, took upon themselves to declare all private conditions or stipulations to be illegal: it was enough if he who was to be king over all engaged to do justice to all: neither was it becoming, but rather *savouring of simony*, if, instead of a free election, the kingdom were thus, in a manner, put up to auction. They admitted, however, that “this objection did not apply to every kind of stipulation; that, on the contrary, there were several matters of that description to which the attention of the estates ought to be especially directed: there were, for instance, certain *unholy customs*, which ought to be abolished or amended: it should be a condition that bishoprics and ecclesiastical preferments should not be disposed of for money, or from motives of favour; and that every church should, in conformity with ecclesiastical law, *enjoy perfect freedom of election*.” Duke Otto and the Saxon party agreed to defer their claim to the restitution of the duchy of Bavaria; and it was proposed—at whose suggestion is hardly a matter of conjecture—that “the royal and imperial dignity should henceforward be strictly elective; that it should not be permitted to descend, as heretofore, from father to son; and that though the son of a late king or emperor might not be absolutely excluded from competition, yet, if other or worthier candidates were proposed, the electors should be at liberty to choose whom they liked best. Such a law must leave the path of ambition open enough to all aspirants.” The conversion of the imperial dignity into a strictly elective office was so manifestly conducive to the extension of the papal influence as to meet with the highest approbation of the legates. As canonists, they were accustomed to regard all vacant preferment, lay or spiritual, as subject to a like rule of succession; and the reduction of the empire to the same order of transmission as a vacant

bishopric or abbey, was in strict harmony with all their ideas of legal consequence and propriety. Nor could any state of things be more favourable to the hierarchy and its chief than the frequent recurrence of tumultuary elections like this; nor any which laid open so broad a path to sacerdotal encroachment upon the powers of civil government.<sup>w</sup>

Upon these terms Rodolf of Swabia was elected king of the Germans. The act of election<sup>x</sup> recognised and adopted the pontifical decrees against simony; the right of free election was secured to all ecclesiastical bodies; and the crown of Germany itself was declared to be elective, and wholly irrespective of the hitherto customary claims of the reigning family. The act of election was tendered and accepted on the 15th of March 1077, and Rodolf was crowned king by primate Siegfried on the 26th of the same month at Maintz. Within a fortnight of that time he was driven out of the city by an insurrection of the townsmen in the interest of Henry. At the same point of time the people of Worms rose upon their bishop, expelled him from the city, and declared in favour of the exiled king. The zeal of Rodolf's electors had meanwhile cooled down from fever-heat to the verge of indifference. Great princes and barons took their departure without ceremony, leaving the new king destitute of the means of providing a proper escort for the pope, even if, after Henry's deposition and his own success, he had really wished for the advent of Gregory. The legates, however, were resolved not to leave their share of the work incomplete. They attached themselves to the court of Rodolf, and receded with him before the tide of unpopularity, which had begun to turn strongly against

<sup>w</sup> Bruno, de Bell. Saxon. c. xci. ap. Pertz, v. p. 365. Bruno no doubt regarded the pope as a *party* to this resolution. But this writer is always over-anxious to support the measures of his faction upon the will and authority of the pope. He thus describes the election-law in question: "Hoc etiam ibi (at Forchheim) communi consensu comprobatum, Romani pontificis auctoritate

*est corroboratum, ut regia potestas nulli per hereditatem, sicut ante fuit consuetudo, cederet; sed filius regis, etiamsi valde dignus esset, potius per electionem spontaneam, quam per successionis lineam, rex proveneret; si vero non esset dignus regis filius, quem regem facere vellet, haberet in potestate populus."*

<sup>x</sup> "Wahl-capitulation."

him and his party. The new king found himself no whit more in favour with the population and feudatories of his own duchy than with those of the Rhenish provinces of the empire. He found the rural clergy of Swabia in a state of insurrection against the late ecclesiastical reforms and innovations; the populace sided with their pastors, and Rodolf became involved in a petty war with the refractory bishop of Constance, and his powerful protector, earl Otto of Bregentz. The legates, it is true, stood by him, and exhausted their rhetoric in denunciations against the simoniacal and concubinate clergy of the province;<sup>y</sup> but all to little purpose; and Rodolf was forced to shift his quarters to Zürich.

Here he found the schismatic clergy, if possible, more exasperated than in the diocese of Constance. The resistance to the ordinances was no longer confined to districts and localities. A general expectation that king Henry would soon re-appear among them sustained their courage and stimulated resistance. "The bishops," says the hostile annalist, "strained their throats in vituperation of the usurper Rodolf, and bawled themselves hoarse in praises of Henry: these strains were echoed by the whole rabble of incorrigible heretics, unchristian pastors, dependent clerks, canons, monks, and rural priests; and these again imposed upon the vulgar herd by the most barefaced falsehoods."<sup>z</sup> The ordinances were frankly ignored, or set at naught; and the banished king was by this time regarded as the champion of civil and religious liberty. There are, in fact, many indications in the history of the period that the rising against Henry IV.

<sup>y</sup> *Paul. Bernried. Vit. &c. c. xcvi.* ubi sup.; *Bruno, de Bell. Sax. cc. xcii.* xciii. ubi sup. p. 366; *Bernold. Annal. an. 1077, ubi sup. p. 433; Berthold. Annal. an. 1077, ap. Pertz, v. p. 293.* According to the last-named annalist, the bishop of Constance was in the habit of restoring the clergy evicted for simony or incontinence (matrimony) to their livings; probably upon evidence of conformity or satisfaction. This practice the legates denounced, upon the

ground that those offences were heresy, which when once established against a clerk vitiated his orders and rendered him incapable of re-habilitation, except by the act of the pope. A bishop, they contended, had no power to restore a convicted heretic; the case belonged to the *majoris causæ* reserved to the pope. *Conf. Grat. Decret. p. ii. c. i. q. 1.*

<sup>z</sup> *Berthold. Annal. an. 1077, ubi sup. 294.*

was, with the exception of the Saxon provinces, generally unpopular. The attachment of the masses to their king and clergy had not yielded to the fear of the pope. The anti-papal churchmen adhered to the hereditary sovereign; they continued to resent the cruel decrees which deprived them of their wives, separated them from their children, tarnished their personal honour, and wounded their consciences. With these personal grievances they connected the obvious intent of the papal party to lay the national church at the feet of a foreign power, and looked upon the new king as the passive instrument of an anti-national movement. In Lombardy and Northern Italy the same injuries and jealousies had produced the same effects. The king had succeeded in recovering his popularity by assuming the character of champion of popular rights against wanton insult and oppression.

In Rome, however, and Southern Italy, the popularity of Gregory VII. had suffered no diminution. The imperial party, though alive and active, was for the present incapable of effecting any diversion in favour of their friends in the north. The abortive Cenci conspiracy had brought the imperialists into discredit, and strengthened the hands of the pope. Thus, when the papal prefect of Rome was murdered by Stephen, the brother of the conspirator, the homicide was imputed to the instigation of Henry.<sup>a</sup> The enraged populace stormed the castle of the culprit, struck off his head and hands, and gibbeted the carcass within the enclosure of St. Peter's church. The body of the deceased prefect was at the same time conveyed in solemn procession to the interior of the church, and during the ceremony was believed to have performed many surprising miracles.<sup>b</sup>

<sup>a</sup> *Bernold*. *Annal.* an. 1077, ubi sup. p. 431. This annalist tells us that he was slain "a quodam Henrici fautore."

<sup>b</sup> *Bonizo*, ad *Amic.* ubi sup. p. 816. Miracles, either in proof of beatification or reprobation, were ever at hand when wanted. All who happened to come by their death in the service of the pope were endowed with thaumaturgic powers: thus *Ariald*, *Herlimbald*,

*Cenci* the prefect, and others. Miracles in attestation of the eternal reprobation of the pope's enemies are even more numerous: witness the damnation of *William* bishop of *Utrecht*, the blasphemer of the pope (*Lamb. Schaffn.* an. 1077); that of the bishop of *Vercelli*, for endeavouring to set up an antipope (*Bernold.* an. 1077, ubi sup. p. 434); of *Imbrico*, bishop of *Augsburg*, for com-

Intelligence of the election of Rodolf and of the doings of the legates at Forchheim reached the king at Pavia. Though he was well informed as to the pope's share in the transaction, he thought it expedient to put his intentions to a more positive test. With that view, he hastened to present to the pope, still the guest of his friend the countess Mathilda, a very humble petition to put the usurper out of the pale of the church. The assent of Gregory to the proposal would, he thought, be the ruin of his competitor; while a refusal would go far to prove the pope a party to a measure which must, in the eyes of all men, unfit him to be his judge, and afford a valid excuse for declining a tribunal by which, upon no supposition, the stipulated measure of justice could be dealt out to him.<sup>c</sup> Gregory, aware of the ambiguity of his own position, returned an evasive answer. "If," he said, "after due inquiry, Rodolf should be found unable to assign good and sufficient reason for the step he had taken, he should be ready to accede to the king's request; but that, in accordance with the canons, he could condemn no man before trial." But Henry knew his adversary too well to believe that if, with official information of the proceedings at Forchheim before him, with all the attendant circumstances, the pope had disapproved of the election of Rodolf, he would have hesitated for an instant to act upon that knowledge. The subterfuge, therefore, was properly regarded by Henry as susceptible of but one construction. Coupled

municating with Henry and breaking his engagements to Rodolf (*id. ibid.* and *Berthold. ubi sup.* pp. 295, 296); of Siegebert of Aquileia (*ibid.*); and others, all of whom perished by the visible judgment of God for their transgressions against God and the pope. The opposite party, having at this moment no pope of its own, made no attempt to match these marvels; and thus the canonisation of the pope's friends was, with good effect, contrasted without contradiction with the judicial damnation of his adversaries. The trick fell in well with the popular taste; accustomed as it was, in ignorance of any better mode of getting at the truth, to

look for such extraordinary interposition for the solution of popular doubts and difficulties.

<sup>c</sup> If Gregory either procured or approved the election of Rodolf, he could not, in the case of acquittal, have restored the kingdom to Henry. By the mere presence of his legates at Forchheim, but more especially by their active participation in framing the act of election, the cause of the defendant was, *before trial*, and by the act of the judge himself, irretrievably damaged. Under such circumstances, it is pretty clear that the moral obligation to submit to a tribunal so constituted was altogether cancelled.

King Henry  
puts the  
sincerity of  
Gregory to  
the test.

with the participation of the legates of the pope in the act of election, and their continued residence at the court of the usurper, the reply of Gregory left upon the mind of Henry no room to doubt that he was irrevocably bent upon his ruin; that his humiliation at Canossa had been a fruitless sacrifice of feeling and honour; and that the problem of his fortunes could now only be solved by the sword.<sup>d</sup>

Relying upon the loyalty of his Italian subjects, Henry again probably informed of the indifferent support in Germany. afforded to his competitor and his own growing popularity, Henry resolved to transfer the struggle to the soil of Germany. On the 9th of April 1077 he removed his quarters from Pavia to Verona. Here he took leave of his Lombard vassals, after conferring the vice-royalty of Italy upon the bishops Tedaldus of Milan and Dionysius of Piacenza; and, under escort of a gallant band of his native subjects, supported by earl Luithold of Carinthia, he threw himself into the heart of Bavaria.<sup>e</sup> The departure of Henry left the pope at liberty to quit his post of observation at Canossa. There was now no impediment, if there ever had been any, to a change of quarters at his perfect leisure from Canossa to Carpi, to Florence, to Sienna, and to Rome, successively. At all these places his reception by the citizens and people is described to us as enthusiastic. On the other hand, his adversary was welcomed with at least equal cordiality by the townsfolk of Ratisbon, where he took up his first headquarters. Within four short months of the humiliating scene at Canossa, the gale of popular favour had veered round to the opposite quarter. In perfect contempt of the papal thunders, the vassals of the southern and eastern provinces rallied round his banner. Duke Wratisslaus of Bohemia, Luithold of Carinthia, the markgrave of Vohburg, the earls-palatine Conrad and Hermann, the bishops of Strasburg, Augsburg, Constance, and Basle, the Burgundian vassals in a body—among

<sup>d</sup> Conf. *Bonizo*, ad Amic. ubi sup. p. 816.

<sup>e</sup> *Arnulph.* Mediol. lib. v. c. x. p. 45.

them many of Rodolf's family connections and former friends,—now swelled the ranks of his enemy.<sup>f</sup>

The popularity of Henry was, however, in many respects of an ambiguous and delicate character. There is no reason to doubt that the attachment of the commonalty in general, and the great bulk of the inferior and parochial clergy, was sincere and hearty. The reason assigned by the papal annalists, however invidiously stated, is probably correct in the main. Thus, we learn from abbot Paul Bernried that Rodolf, in compliance with his promise to the pope, was no sooner seated upon the throne than he took the most effectual steps to eject “all the simoniacal and Nicolaitan clergy,”<sup>g</sup> without distinction and without formal inquiry. “These vigorous measures,” he says; “drew upon him the bitter resentment of all the friends of corruption, and brought him into discredit with that party from the very day of his election.”<sup>h</sup> The sudden desertion, on the part of the great vassals, of the cause they had embraced so recently and with so much zeal, was, in most cases, prompted by less creditable motives. Some changed sides because they were disappointed by the inability or reluctance of Rodolf to gratify their cupidity; others, because they hoped for better things from the known liberality of Henry. Some there were who had deserted the usurper's cause from disgust at his ecclesiastical innovations; a few who acted from motives of pure loyalty, and from aversion for the daily treasons going on around them.<sup>i</sup> Anxious, if possible, to gratify all classes of his supporters, Henry summoned a high court of justice at Ulm in Swabia, and procured capital convictions, attended, conformably to the provincial law of that division of the empire, with forfeiture of honour and estate, against his great adversaries Rodolf, Welf, and Berthold. These persons, and others with them, were condemned to death, and their rich forfeitures were with-

Defections  
from Ro-  
dolf, and  
cause.

<sup>f</sup> *Paul. Bernr. Vit. &c. c. xcviii. p. 303.*

<sup>g</sup> Those who had obtained their preferment by lay investiture, or had taken wives.

<sup>h</sup> *Paul. Bernr. ubi sup.*

<sup>i</sup> *Berthold. Annal. an. 1077, ap. Pertz, v. pp. 294, 295.*

out delay distributed among the host of greedy expectants who paraded their loyalty under the eye of the king.<sup>j</sup>

Gregory now found it no easy task to gather up the broken threads of his complex policy. He was, however, firmly resolved not to abandon any advantage that might still be derivable from the convention of Canossa on the one hand, and from his recent understanding with the usurper on the other. An opening soon presented itself, the skilful use of which might still enable him to preserve such a balance between the parties as should retain both in dependence upon himself. In Germany the warfare between the two factions had assumed a character so ferocious and cruel as to produce a reaction on the public mind, not unlike that which followed the massacre of Hohenberg.<sup>k</sup> Though Rodolf and his confederates still boasted of a superiority of numbers, Henry had, with an inferior force, managed to confine the dukes Berthold and Welf to a part of Swabia, and to throw Rodolf himself back upon Saxony. These successes and the king's indefatigable activity threatened to overthrow the desired equilibrium; it was therefore time to take some measures to arrest his progress; and Gregory stepped forth in the respectable character of the herald of peace and goodwill. He instructed his legates to interpose between the belligerents, and, in his name, to prohibit all plottings, conspirings, and breaches of the public peace. But the stubbornness of his nature belied the assumed character: he interdicted all the customary honours, obedience, and services to Henry as king, without extending the like prohibition to the adherents of his competitor. The interposition was therefore treated by both

<sup>j</sup> Among these, two more flagrant cases of tergiversation and perjury than those of the bishops of Aquileia and Augsburg could hardly have occurred. As princes of the empire, both had sworn allegiance to Henry; they had afterwards taken the same oath to Rodolf, and had violated the second oath

with as little scruple as the first. Abbot Paul sends both to the nethermost pit for the second offence; the first was of course purged by the papal absolution. *Paul. Bernr. Vit. &c. c. xcvii. p. 342.*

<sup>k</sup> Conf. Book X. c. vii. p. 348.

parties with the indifference it deserved.<sup>1</sup> The legates continued to accompany the intrusive king; and that circumstance was perhaps of itself sufficient to cast grave doubts upon their master's professions of impartiality. A short time after the first communication to the rival courts, the legates were directed to call upon both kings, by common accord, to open to him a road into Germany, and to send an escort composed of persons in whom he could place implicit confidence to meet him at the frontier, and conduct him safely to some eligible spot for holding a solemn inquiry into the merits of the two pretenders to the throne, and of awarding the crown to whichever of them might best endure the tests he proposed to apply. "It is," he said, "a matter of notoriety, that to us and to the apostolic see it belongs to try and determine all 'majores causæ.'<sup>m</sup> And verily the war which is now raging between these princes is of such magnitude, and so full of peril, that if we were to neglect our duty, the greatest mischief must occur to us, to the princes themselves, and to the universal church. If, therefore, either of them shall disobey this our deliberate precept, you shall omit no measures in your power, on our behalf, and by the authority of St. Peter, to bring the offender to reason, whether it be by removing him from the government altogether, or by secluding him, his aiders and abettors, from the body and blood of the Lord, and shutting him out of the pale of the church: you are to remind all persons that he who disobeys the apostolic see is an idolater; and that the holy pope Gregory (the Great) hath decreed that all kings who shall presume to resist

<sup>1</sup> *Berthold*. Annal. an. 1077, ubi sup. p. 297.

<sup>m</sup> These causes were such as touched the disputes and crimes of bishops and the higher ecclesiastics, as well as all doctrinal questions. It was the practice of the canonists of the age to disclaim all secular rule of law in their controversies with the laity. The parallel between a deposed bishop and a deposed king is accurately expressed by the monk *Berthold* of Constance, in reference to the excommunication and deposition of

Henry IV: "Eo (Henrico) deposito et anathematizato, non magis illi aliqua subjectio pro hujusmodi juramento (the civil oath of allegiance) debebatur, quam cuilibet episcopo a subditis suis obeditur, postquam ille, etiam retentâ communione, deponitur." Thus, according to this writer, the contests of rival kings were to be brought under the highest class of ecclesiastical causes, and therefore to be determined by canon law. See *Berthold*, an. 1077, pp. 296, 297.

the commands of that see, do thereby fall from their place and dignity.<sup>n</sup> But unto whichever of them shall give due obedience to these our commands, you shall give all aid and assistance, confirming him on our behalf in the royal dignity, and commanding all bishops and abbots, clergy and laity of the kingdom, to obey him faithfully as their lord and king.”<sup>o</sup>

With a view to strengthen the hands of the legates, he wrote under the same date to the common-  
The pope  
the judge of  
princes. alty of Germany, expressing his profound grief and anxiety for the state of their church and country: both princes, he said, had appealed to him; and he was now determined, by the advice of the “friends of the church,” *to decide in person to which of the competitors the kingdom rightfully belonged*: if, therefore, those competitors, or either of them, were to decline his tribunal, they were thereby required and commanded to forsake and disobey him; and, without delay, to execute the sentence in that case to be given by his legates, and to transfer their allegiance to him who should be found faithful to the precepts of the holy see.<sup>p</sup>

The many misstatements these imperious mandates  
Groundless  
pretensions  
of Gregory. comprehended could hardly escape the discernment of the rival princes. It was not true that, under existing circumstances, Henry had submitted his title to the arbitrament of the pope. He had not covenanted to try his right against that of a rival candidate. This novel position entirely changed the question referred. The king was to be heard, not now upon the merits of his own cause, but upon the consideration of adverse pretensions raised up by the connivance, if not by the direct instructions, of the pope himself. Under the covenants of Canossa<sup>q</sup> the latter had acquired no such jurisdiction; nor could he disavow the complicity of his legates in the election of Rodolf at

<sup>n</sup> The decree here alluded to is the notorious forgery or interpolation in the charter of St. Medardus. See *Baron.* ad ann. 593 § 35. The more critical *Pagi* will not vouch its genuineness. Modern critics, both papist and protestant, have rejected it as a monkish

fabrication.

<sup>o</sup> *Regist.* lib. iv. ep. xxiii. p. 400—dated Carpinatæ, May 31st, 1077.

<sup>p</sup> *Ibid.* lib. iv. ep. xxiv. p. 401; *Berthold.* Annal. an. 1077, p. 299.

<sup>q</sup> See Book X. c. viii. p. 418 of this work.

Forchheim. The intrusive king might therefore reasonably question the right of the pope to retract his adhesion, and to treat his right to the crown as still an open question. It was not true in any sense that he had submitted his claim to the pontifical arbitrament. He had, indeed, consulted the pope at almost every step of his advance; he had accepted the advice tendered by the legates, and had thereby acquired a full right to conclude that his election had been approved and recognised by the holy see. Now, however, he was coolly told that he was to be again weighed in the pontifical balance, and that, if found wanting, he must be prepared to yield up his throne to the enemy who had so recently condemned him to the loss of life, honour, and worldly estate.

With these facts before them, it is impossible to believe that either party placed any reliance upon the justice or the integrity of Gregory. But Gregory probably cared very little for these <sup>Insidious character of his proposal.</sup> distrusts. Rodolf he knew could not afford to throw off his alliance; and he might calculate, both for himself and his client, upon the prompt rejection of the proposed arbitration by Henry. Rodolf would thus become entitled to the benefit of the alternative left with the legates, and might confidently demand the formal rejection of his opponent, and the fullest recognition of his own right and title to the crown of Germany. These anticipations were realised almost as soon as they could have found entrance into the minds of the parties. Henry frankly unsheathed the sword. His officer earl Ulrich occupied the Alpine passes with a view to intercept the communication of the confederates with the pope, and prevent the circulation of papal briefs and rescripts in the kingdom. Worse, perhaps, than all these misdeeds—the earl was fortunate enough to capture the papal agent Bernhard, abbot of Marseilles, on his attempt to pass the Alps, and to place him in safe custody in his castle of Lenzburg.<sup>†</sup>

Meanwhile the war had been carried on in Germany

<sup>†</sup> *Berthold. Annal. an. 1077, ap. Pertz, v. pp. 297, 298. Conf. p. 454 of this chap.*

The civil war with unexampled ferocity on both sides. The in Germany. indecisive results of the campaign, and the flagitious misconduct of the belligerents, promised to serve the pope's turn more effectually than the profoundest diplomacy. A majority of the adherents on both sides seceded from the conflict, and came to an understanding, that both princes should be compelled to lay down their arms and submit to the papal arbitration. But unity and firmness of purpose were wanting to carry this pacific resolution into execution; neither of these requisites was to be found among the seceders, and the only result of the experiment was, to rid the king of a pressure which had almost weighed him to the earth. When, in conformity with their agreement, the new confederates retired from the contest, the king, with a force consisting for the most part of mercenaries, living at free quarters, and supported by his steady friend the duke of Bohemia, kept the field; he ravaged the estates of the Swabian rebels without mercy, and found himself powerful enough to expel the prior occupants, and to fill the sees of Augsburg and Aquileia, and the wealthy abbey of St. Goll, with his own friends. The same process was carried on in other quarters; the prelates of both parties reciprocally expelled and supplanted each other; so that it was a common spectacle to see two bishops of the same see, two abbots of the same religious house, buckle on their armour and fight out their own and their masters' quarrels at the head of their respective adherents among the tenants and vassals of the estate, to the utter ruin of the districts in which this kind of warfare was carried on.<sup>s</sup>

The cardinal-legate Bernhard, it will be remembered, had been furnished<sup>t</sup> by Gregory with discretionary power to proceed to any extremity which might be necessary for the pacification of Germany. But the papal agent was now cut off from all communication with his principal; at the same time nothing could be more manifest than that the secession of the peace-party had not only

<sup>s</sup> *Stenzel*, Fränk. Kais. vol. i. p. 430.

See pp. 454 and 465 of this chapter.

<sup>t</sup> By the brief of the 31st of May.

failed to bring the king to terms, but had contributed to strengthen his hands, and to enhance the confusion of public affairs. In this extremity Bernhard considered himself justified in bringing the full powers of his commission into operation.<sup>u</sup> On the 12th of November he accordingly assembled the lay and ecclesiastical estates of Saxony at Goslar; he solemnly, and in the name of the pontiff, excommunicated Henry, and deposed him from the crown and government, which he had presumed to usurp in defiance of the pope's prohibition and his own oath; and by like authority proclaimed Rodolf king, commanding, on the part of the holy see, princes, nobility, and people thenceforward to acknowledge and obey him as their sovereign.<sup>v</sup>

It may be questioned whether this step of the legate suited the policy of Gregory at this precise point of time. The prospects of the pope did not just now wear so promising an aspect as to embolden him altogether to cast aside the mediatorial character he had hitherto sustained, and to commit himself irretrievably to either party. He therefore neither adopted nor repudiated the act of his legate; and if we may draw an inference from his subsequent language, he was of opinion that merely delegated or contingent powers, however full and positive, might, in virtue of the Petrine prerogative, be ignored or adopted at the pleasure of the holy see.

In the mean time the hostility of the Lombard pre-lacy had gone on increasing in bitterness and intensity. A synod had been resolved upon for the purpose of deposing pope Gregory, and electing a successor. The meeting was delayed by the death of Henry's chancellor for Italy, the archbishop Tedaldus of Milan. Yet we learn from the mouth of the pontiff himself, that he had scarcely a friend left in Northern Italy.<sup>w</sup> The sleepless vigilance of Henry and

<sup>u</sup> Conf. the pope's brief of the 31st of May 1077, p. 466 of this chapter.

<sup>v</sup> *Berthold. Annal. an. 1077, ap. Pertz, v. p. 303.*

<sup>w</sup> *Regist. lib. v. ep. xiii. p. 416, dated*

28th January 1078, in which he treats all the bishops of the two great provinces of Ravenna and Milan as enemies of the holy see.

his Italian confederates had so completely cut off all communication with the papal party in Germany, that no consistent instructions could be conveyed to his legates or friends in that country; no authentic intelligence could reach him of the position and prospects of the parties. Thus, between the return of Henry to Germany in the month of April, and the close of the year 1077, his communications had to be kept up by chance travellers, or messengers who might be lucky enough to escape the Lombard scouts on the southern, and Henry's rangers on the northern, side of the Alps. Thus it happened, that between the 31st of May, the date of the full powers, and the 30th of August, a period of three entire months, the pope still remained in uncertainty whether his legates had received the instructions contained in the former of these briefs. On the latter date he therefore reiterated his directions in a letter to Udo archbishop of Treves, commanding both princes to provide an escort to attend him to the place of meeting, for the solemn inquiry which was to determine their respective claims to the crown: these injunctions he required the archbishop to publish throughout the kingdom, and to make every effort for their punctual execution.\*

But at what precise point of time within a period of more than five months from the date of the first of these briefs they were received by the legates cannot now be ascertained. Such, indeed, was the difficulty of communication with Italy, that the protest with which they were met by the Saxons did not reach the papal ear till after the excommunication of Henry by the legates, though they probably bore date some time prior to that transaction. Within that period the discontent of the confederates had been expressed in terms of bitter complaint to the pope; yet it is a matter of equal uncertainty whether their letters ever came into his hands. It is probable that the sentiments to which these indignant appeals gave utterance impelled the legate into the decided course of conduct he adopted.

Remon-  
strance of  
the Saxons.

\* *Regist. lib. v. ep. vii. p. 412, dated 30th August 1077.*

“They had,” they said, in their memorial, “sacrificed their lives, ruined their fortunes, and exposed themselves and their families to penury and famine solely in submission to the commands of the pope, and from fear of the awful penalties of disobedience: but now he (the pope) had triumphed—he had cast down his enemy at his feet—he had reaped glory and honour—they, ruin and disgrace. He had, behind their backs, and without their knowledge, absolved and dismissed unharmed the enemy whom he himself had raised up against them: he was not, forsooth, to be restored to the government; but the power which removed might one day restore; and then how would the pope deal with the oaths from which he had absolved them, in virtue of which absolution they had elected a new king, and pledged their oaths of allegiance to *him*? Yet the pope now talked of ‘two kings’—two kings of one kingdom! He spoke of sending legates to ‘both kings,’ and even gave precedence to the name of the outcast Henry! He had asked him for an escort—he had expressed his intention of inquiring into his claims, thereby recognising him as a reigning king, or at least as a meritorious claimant of the throne: but to what end all this, after the whole question had been solemnly disposed of by a great national synod,<sup>7</sup> whose judgment had received the confirmation of the pontifical legates, and another king had been elected in the place of the ejected and deposed tyrant? We cannot conceive,” they continued, “why, after persuading us to persevere firmly in the course you yourself marked out for us—why you should now, both by word and deed, hold out hope to our enemy. But it is reported to us that you receive his envoys with favour; that you send them away with honours and rewards, that they may laugh at our miseries, and make their game of our simplicity! Moreover, you chide us for not sending messengers and letters to you, as if it were not notorious that we are prevented by him who thus adds to his guilt by the breach of *that* among other solemn oaths, not to obstruct our intercourse with you. We trust, indeed, dearest lord, that you do

<sup>7</sup> At Forchheim.

all these things with good intent, and from certain subtle reasons, which you keep to yourself; yet we simple folk are unable to fathom your purpose, and therefore now frankly lay before you the visible results of the contradictory prospects you think fit to hold out to both parties; these results are—civil war, inhuman butcheries, plunderings, burnings, immeasurable oppression of the poor, sacrileges heretofore unheard of, hopeless failure of law and justice in the land—lastly, such a dissipation of the crown-estate by the rivals you have set up, that hereafter our kings will have to subsist by plundering their subjects rather than upon their own proper revenue. All these evils we are persuaded might have been averted by a straightforward policy on your part: it may be difficult to abide by such a policy, but we cannot think it honest to depart from it. If you think it too dangerous to speak out in our favour, abstain at least from undoing what you have done; for if your own most public and solemn acts are, to suit a temporary convenience, to be buried in silence as if they had never been done, we can in no wise comprehend what we are hereafter to regard as really done and concluded in your counsels: all these things we lay before your holiness, not in the spirit of vain murmuring, but in the bitterness of our hearts; for surely there is no grief like unto our grief, if for our obedience to the voice of the shepherd we be flung into the jaws of the wolf. Surely we are of all men the most miserable, that we should now be driven to defend ourselves against our chosen pastor.”

These complaints were reasonable; the ambiguous dealings of the pope had taken the life and spirit out of the confederate party. Gregory was suspected of an intention to step aside from the act of his legate at Goslar, as he had already done from those of his legates at Forchheim; and the sequel proved that they were not mistaken in their conjecture. But the act of secession in Germany, by which the whole question between the rival kings was referred to him, afforded certainly a more legitimate and specious ground of proceeding than the imputed sins of the king and his

Gregory  
stands upon  
the act of  
reference of  
both parties.

party; Gregory resolved to avail himself of the submission, without relinquishing the advantages to be derived from the errors and misdemeanors of Henry or his supporters. The sentence of the 9th of November was therefore not to be reversed even pending the reference; it was simply not immediately to be acted upon, but to remain suspended over his head until removed by a plenary acceptance of the papal decision. Some advantage too might be derived from the state of exhaustion to which both parties were reduced by this unhappy warfare; and with these views he convoked a great council to meet at Rome in the first week in the following Lent, for the purpose of deliberating upon and promulgating his own plan of pacification and organising the tribunal which was eventually to set the whole controversy at rest. Other matters there were behind, upon which the mind of Gregory was not less firmly bent than upon his scheme for converting the crown of Germany into an article of papal patronage: matters, indeed, by the attainment of which alone the advantages of victory could be secured.

On the third day of March in the year 1078, a numerous council met at Rome. The assembly was composed of one hundred prelates of all ranks, besides many abbots, and clerks, and laymen of distinction.<sup>z</sup> As ambassadors of king Henry, appeared the bishops Benno of Osnabrück and Theoderick of Verdun. These able men, we are told, pleaded the cause of their master with so much eloquence and address, that Gregory himself was for the moment shaken; many of the prelates present declared openly in his favour, and solicited the pope at once to pronounce sentence of anathema upon the rebel and usurper Rodolf. Setting aside the manifest extravagance of this demand, the pope must, by acceding to it, have abandoned his character of judge, and forfeited every advantage hitherto obtained.<sup>a</sup>

<sup>z</sup> *Berthold*, ubi sup. p. 306; Concil. tom. xii. pp. 614, 615.

<sup>a</sup> *Berthold* insinuates that the pope had no authentic intelligence of the excommunication pronounced by his legate at Goslar in the preceding month of November; an allegation utterly in-

credible, and probably thrown out to shield him from the charge of inconsistency in dealing with Henry as king *de facto*. But the envoys of Rodolf, then actually present, could not have failed to acquaint him minutely with all the details of the excommunication, if it had

Great synod  
at Rome.  
A.D. 1078.

Indecision of the pope. He declared that, after listening with the utmost attention and solicitude to the pleadings on both sides, he could not as yet see his way so clearly as to dispense with further reflection before he pronounced upon the merits of the proposal. He therefore deferred his decision till the following Lord's-day, and in the mean time directed the attention of the synod to "certain other important matters."<sup>b</sup>

Accordingly, on the 11th of March he made known his decision, and published his decree of pacification, to the effect that "the pontiff himself, or proper legates to be appointed by him, should repair to Germany, and at a suitable time and place convene before them the 'two kings,' the bishops, the princes, nobility, and learned of the realm in open council; and after hearing both sides, and thoroughly sifting the causes of both, arrive at an irrefragable conclusion as to the persons to whom, and the causes to which, the lamentable state of confusion, perjury, and schism with which the kingdom was now afflicted was to be imputed, and to determine upon such measures as should be necessary for the reëstablishment and consolidation of God's peace. A solemn anathema was denounced against all persons, whether kings or princes, dukes, bishops, or clerks, who should by any art or cunning, or by any machination or procurement whatever, obstruct the pope or his legates on their journey to the place of meeting, or should afterwards disobey or gainsay the judgment to be pronounced by common consent touching the matters in hand." The ceremony of promulgation concluded with the extinction of torches, in token of the doom which awaited the disobedient or the refractory. After this, we are informed, the pope strictly enjoined the envoys of Henry to keep the peace towards his adversaries until the result of the inquiry should be made known; he wrote, at the same time, to the Germans, devoutly calling down the

sued him to take any notice of the act of his legate.

<sup>b</sup> *Berthold*, ubi sup.

<sup>c</sup> *Ejusd.* *Annal.* an. 1078, ubi sup.

pp. 306-308. We suppose the pope thought he had no reason to apprehend any inclination on the part of the Rodolphine party to break the truce.

divine vengeance upon all who should directly or indirectly throw any obstacle in the way of the proposed meeting.<sup>d</sup> And he charged archbishop Udo of Treves, on the part of king Henry, and another prelate of the Rodolfine faction, with the choice of the time and place for holding the solemn inquest.

But Gregory was awake to the inconveniences attending the course he had adopted; and with a view to tranquillise the minds of the people of Germany, he wrote them a supplementary letter, assuring them of the rectitude of his intentions; hinting that he had received intimation that certain "enemies of God" and "sons of the devil" would attempt to frustrate the proposed synod, and warning them against their machinations. Remembering, however, that he had all along acquitted the Rodolfine party of every sinister act or intention, the "sons of Satan" in question could be no other than the king's party; thus giving the former pretty clearly to understand against whom his measures were really levelled.<sup>e</sup> But the pope's policy was too profound for the confederates. All they could see in the proposed inquiry was, that the king of their choice was to be put upon his trial; and that the charge of usurpation and rebellion on his part was to be gone into as fully as if the pope had from the outset of the contest maintained the most rigid neutrality between him and his rival. But if the Germans could have taken the hint, they might have formed a tolerably correct judgment of the pope's professions of impartiality at the forthcoming trial by his harsh proceedings against the Henrician party in Italy. In this very synod of the 3d of March he caused sentence of anathema to be recorded against archbishop

<sup>d</sup> He prayed that they might feel the vengeance of Almighty God in soul and in body, in their families, their estates, their worldly affairs, and in all things belonging to them: that in the conflict of battle their strength might fail them, so that in life they might enjoy no triumph; and that, being thus reduced to disgrace and wretchedness here below, they might at the last be brought to repentance. This brief is dated the 9th March 1078, and is addressed to "all

archbishops, bishops, clergy, princes, dukes, greater and lesser barons of the kingdom." *Regist. lib. v. ep. xv. p. 418.*

<sup>e</sup> "Sed quia pervenit ad nos quod inimici Dei et filii diaboli quidam apud vos contra interdictum apostolicæ sedis conventum procurarent in irritum ducere, &c. monemus vos . . . ut talibus nullum adjutorium præbeat, neque illis comunicetis." *Regist. lib. vi. ep. i. ad Germanos, p. 425.*

Wibert of Ravenna and the bishops of Cremona and Treviso; renewing, at the same time, his denunciations against the so-called "Simonians" and "Nicolaitans;" notoriously only other names for the class of churchmen who now formed the bulk of the Henrician party.

But, whatever might have been the intentions of Gregory as to the ultimate disposal of the crown of Germany, it was his fixed purpose to strip it of its most important prerogatives, so that the successful candidate should succeed to a throne divested of its best defence against the autocratic pretensions of the see of Rome. Among those "other matters" proposed to the consideration of the assembled fathers, while he was deliberating upon the remonstrance of the Henrician deputies, was that of lay investiture. And it was thereupon decreed, that "if any ecclesiastic, whatever his rank, from the patriarch to the parish priest, shall accept from any layman bishopric, abbey, jurisdiction, church, tithe, or other spiritual preferment; or if any layman, from the sovereign down to the meanest subject, shall confer any such preferment—all such offices, benefices, and possessions being by ancient canonical and legitimate tradition the sole property of almighty God, and wholly devoted to His service, consequently *incapable of passing through lay hands* like other property—he shall be accursed." The pope then dismissed the envoys of the rival princes. Henry's bishops were sent away without the pontifical blessing, upon the ground of their master's equivocal position.<sup>f</sup> The emissaries of Rodolf, it is true, received no more public token of the papal favour; but Gregory took care to send for them privately and with the utmost caution, to assure them that they carried with them his best wishes; desiring them to convey to their master his high approval of his devout attachment to the holy see, with the apostolical indulgence and benediction to him and all who should persevere in the path of obedience and duty.

<sup>f</sup> Namely, the doubt as to the effect of the excommunication by the legate Bernhard, about which the pope was

under *no doubt* at all.

<sup>g</sup> *Berthold. Annal. an. 1078, ap. Pertz, v. p. 309.* The annalist mentions this

As soon as they were dismissed, the envoys of Henry made all haste to rejoin their master, who was at that moment engaged in military operations in eastern Bavaria. The pope at the same time appointed nuncios to the court of Henry, and sent them away with instructions to expedite the execution of his commands. The subsequent proceedings of Henry are involved in obscurity. As soon as he received the report of his ambassadors, he is said to have immediately suspended all warfare: hastening to the Rhinelands, he there met the papal nuncios, but caused them to be closely guarded, in order that the message they brought with them might not get wind. By this artifice, we are told, he was enabled to exhibit the presence of papal legates at his court as proof of reconciliation and accord with the pope,<sup>b</sup> consequently of the nullity of the excommunication fulminated against him by the legate Bernhard at Goslar. The Saxon envoys, it seems, had met with delays upon the road, and Rodolf was as yet uninformed of the pope's ultimatum. Availing himself of their ignorance,<sup>i</sup> the king proposed a conference to the Saxons, at which he gave them to understand that there was now no difference between him and the pope, and that he was thenceforward acting in good understanding with him for the restoration of peace. This communication produced—as, we are informed, it was intended to do—a great excitement in the minds of the Saxons, and disposed them to look upon the pontiff as ill disposed to their cause. But the arrival of their messengers soon afterwards revealed to them the real purport of the papal commission, and a deputation was sent to the court of Henry to fix the time and the place for holding the proposed congress. But upon their arrival they were coolly sent back by the king, with the intimation that although he had, at the solicitation of the pope, granted a free pardon to all rebels who should without delay tender their submission, he could not permit any interference

Equivocal  
conduct of  
Henry IV.

incident as no impeachment upon the good faith of the pope, or as at all inconsistent with his vaunted impartiality.

<sup>b</sup> *Berthold*. *Annal. an.* 1078, ubi sup.  
<sup>i</sup> Which the annalist insinuates was caused by Henry himself.

with his prerogative in fixing when and where a general diet of the empire should be held.<sup>j</sup>

It should be remembered that the duplicity imputed to Henry in this narrative proceeds from the pen of a declared adversary. It is strange, at least, that in the whole transaction not another word is said about the papal legates at the court, or what they were doing while the king was carrying on this game of deceit. At all events, the Saxons regarded the reply of Henry to their messengers as a denunciation of the truce which had, up to that time, been tolerably well observed on both sides. They proclaimed Henry an excommunicated traitor and rebel against the papal authority, and plunged into civil war with passions inflamed by the insults and disappointments sustained at the hands both of the king and the pope. Between the months of May and November of the current year, besides a general battle on the banks of the river Streu, in which both parties claimed the victory, many minor actions were fought; murder and devastation, robbery and violence, stalked with impunity through the land. Towns, villages, monasteries, churches were pillaged and destroyed, and the wail of anguish and distress was heard throughout the central districts of Germany. In the interim both kings made incessant appeals to the pope; they plied him with highly-coloured accounts of their successes, and vied with each other which should bid highest for his countenance and support. If he believed the charge of fraud and double-dealing against Henry—and of this the pope could hardly have been kept in ignorance by his legates in Germany—it is impossible to discern any ground for hesitation on his part. It is therefore not unreasonable to suspect that the public duties of the legates either differed from, or were modified by, private instructions. It is at all events clear that they did nothing to forward the ostensible objects of their mission. The pope continued all this time to interpose delays, and to issue solemn exhortations to peace and

<sup>j</sup> *Berthold*. an. 1078, pp. 310, 311.

confidence in his good intentions; till the Saxon party, heartsick with hopes deferred, and worn down with the miseries the papal policy was bringing upon them, determined to insist peremptorily upon the papal ratification of the sentence against their enemy pronounced by his legate at Goslar on the 9th of the preceding month of November.

That the Saxons believed themselves to have been unfairly dealt with, is transparent in the indignant memorial they addressed to the pope towards the close of the year 1078. They told him plainly that they suspected him of dealing with their enemy, while he was holding out encouragement to themselves to persevere in their opposition. "He had," they said, "given no credit to their representations: in the vain hope of cajoling their enemy, he had interposed killing delays and procrastinations: but let him be assured that he might go on negotiating and asking for safe-conducts from Henry till doomsday: he would never obtain them from the tyrant: no road would ever, with his consent, be opened to him into Germany: the contest could now be determined by the sword alone: they therefore demanded that he should once and for ever cast aside all further trimmings and procrastinations, and without more, by his own living voice and authority, ratify the act done in his name by his legate; so that they might know upon what ground they stood, and what hopes they might entertain of a remedy for the existing schism in church and state." In conclusion, they affirmed that, "if that course had been adopted at the outset, their adversary's strength would long since have departed from him; while the actual policy of the pope had afforded lamentable proof of the futility of a scheme which had extended to them just so much of favour and support as might not be altogether fatal to their enemy."<sup>k</sup>

Though averse from encumbering the narrative with

<sup>k</sup> *Bruno*, de Bell. &c. c. ex. ubi sup. p. 373. This letter, of which we have given only a meagre abstract, must have been written after the month of

August 1078, as mention is made in it of successes obtained against Henry IV. in that month. Conf. *Berthold*. Annal. an. 1078, ubi sup. p. 312.

The remon-  
strances of  
the Saxon  
party.

details which seem rather to relate to the civil history of Germany than to the subject of this work, it is impossible to form an adequate opinion of the policy of Gregory VII. without some notice of the just complaints of the Saxon party at this point of time.<sup>1</sup> In one of the earlier of these letters—written probably in the winter of 1078 and 1079—they laid before the pope a very complete synopsis of the misdoings of Henry, and of the measures he had thereupon adopted; and they rightly contended that, after that, any doubt he might entertain as to the operative effect of the excommunication of the 9th of November by his legate Bernhard must be dissipated. They rehearsed the proceedings taken against Henry from the moment of his first excommunication in December of 1076 to that of Goslar in November 1077: the absolution at Canossa, they said truly, was conditional: he had promised obedience to the pope: he had solemnly covenanted to abstain from all acts of government: he had engaged to desist from impeding communication with the holy see, and from obstructing pilgrims, messengers, legates, and other persons travelling to or from Rome. All these conditions he had successively broken and set at naught: he had intercepted correspondence, and robbed the bearers of their despatches: he had shamefully assumed the reins of government, as if the papal interdict had been an empty letter: he had, in short, falsified every oath, and broken every promise, upon which he had obtained his absolution. For these offences the cardinal-legate Bernhard had, by express apostolical authority, again driven him out of the fold of the church; since which time his conduct had been more flagitious than ever: he had plundered churches and monasteries to support his mercenaries: the excuses of his advocates, that he could in no other manner provide funds to pay

<sup>1</sup> *Bruno*, to whom we are indebted for the whole correspondence, has been at no pains to note the chronology of events; and hence we have found it difficult to determine the occasions on which the four or five letters he inserts in his history were written. We think, upon

the whole, that two of them at least were in reply to the papal letters in the *Registrum*, lib. v. ep. xxv. and lib. vi. ep. i.—the former dated from Rome, on the 9th of March; and the second from Capua, on the 1st of June 1078.

his mercenaries, was an aggravation of his offence, rather than an apology for it: whether personally guilty of these crimes or not, he is still the patron and instigator of the enormities committed in his name, and for his benefit: thus he had put himself out of the pale of Christian communion: and therefore the archbishop-primate and the bishop of Würzburg, with the knowledge and consent of the cardinal-legate, had published the sentence against him in several provincial synods: after all this, could there be any reasonable doubt that he was, both in law and in fact, an outcast from the church? Upon these grounds they peremptorily insisted that the sentence should be ratified by the pope, and that all his former subjects should be prohibited from holding any communication with him, either as a king or a Christian.<sup>m</sup>

Some time afterwards the Saxons expressed their view of the policy of Gregory VII. still more plainly. “When we,” said they, “your poor sheep, go astray, you are ready enough to make us feel the rigour of apostolical authority; but when the wolf’s turn comes, you display a marvellous forbearance and lenity: surely you ought to be more mindful of honesty; you ought to have the fear of God before your eyes—not, it may be, for our sakes, but that you may discharge your own conscience from the load of remorse for all the bloodshed which, if not prevented by you, must for ever lie at your door.” “Thus,” says the indignant annalist, “the whole year (1078) passed away; nothing memorable was done in our parts, except perhaps that the pope’s legates travelled to and fro between both parties, now promising us, and now our adversaries, the favour of the apostolic see,<sup>n</sup> and carrying away with them, according to Roman custom, all the money they could extort from both parties.”<sup>o</sup>

But at this time the factions in Germany and Italy were too nicely balanced to hazard any step that might

<sup>m</sup> *Bruno*, ubi sup.

<sup>n</sup> This intimation strengthens our suspicion that the legate had been all

along acting under secret instructions from the pope.

<sup>o</sup> *Bruno*, ubi sup.

November  
synod of  
1078. endanger the great object of pope Gregory. Decrees against lay investiture there were in store ; but no sign of submission, either in theory or in practice, was as yet apparent. Yet while the litigants were thus bidding one against the other for his support, the time might not be far distant, when, by a dextrous use of the advantages of his present position, he might make a reliable bargain, or perhaps extort from both that absolute renunciation of ecclesiastical patronage to which he had for years past looked forward as the consummation of his most earnest hopes. In the month of November 1078 he met the usual autumnal synod at Rome. The ambassadors of the rival kings were in attendance, each of them clamorously calling down the papal ban upon the other, and each casting the crime of obstructing the congress of pacification upon his adversary, both swearing manfully to the innocence of their respective parties, and vaunting their fervent desire, their firm determination to remove every obstacle which might prevent the immediate convocation of the congress.<sup>p</sup> The pope heard both sides, but took no step in favour of either. His thoughts, indeed, appeared absorbed by the immediate object of the session.

Reiterated  
decree  
against lay  
investiture. With a view to give the greatest possible publicity and effect to the prior decree against lay investiture, he reiterated the ordinance in a stricter and closer form of words. In the first place, he prohibited, under penalty of anathema, *all laymen* from becoming possessed, by investiture or infeoffment of any kind, of ecclesiastical estate, whether it were from prince, bishop, or prelate. Reciting and reprobating the practice of lay persons conferring ecclesiastical privilege and estate by manual homage, he decreed that no clerk should thenceforward accept investiture, whether of bishopric, abbey, church, or preferment, from the hands of empèror or king, or any other lay person ; declaring all such proceeding altogether unlawful, and subjecting both giver and receiver to the pains of excommunication :

<sup>p</sup> *Paul. Bernried. Vit. Greg. VII. c. cii. ap. Murat. iii. p. 344.*

and it was added, that *all institution to ecclesiastical estate or office, not made by the joint act and consent of the clergy and people canonically expressed, or without the ratification of the superior to whom it belonged of right to confirm and consecrate, should be deemed unlawful, and be void to all intents and purposes.* By the same act all laymen were forbidden, under the usual penalty, from holding any church-tithe, whether by grant of churchman, king, prince, or any other person whatsoever; and all offenders against that ordinance, unless they should make immediate restitution, were to be deemed guilty of sacrilege, and forfeit every benefit of the Christian covenant.<sup>9</sup>

<sup>9</sup> *Concil.* tom. xii. pp. 620-622. The 12th art. of the decree is remarkable. "Omnes Christiani procurent ad missarum solemniam aliquid Deo offerre; et ducant ad memoriam quod Deus per

Moysen dixit, 'Non apparebis in conspectu meo vacuus.' Etenim in Collectis Ss Patrum liquido apparet, quod omnes Christiani offerre aliquid Deo ex usu Ss. Patrum debent."

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## CHAPTER II.

### FINAL EXCOMMUNICATION AND DEPOSITION OF HENRY IV. BY GREGORY VII.

Censure of pope Gregory's policy—he demands unreasoning confidence—Exhaustion of the parties, and revived scheme for a congress of pacification—He excommunicates the king's friends—Preliminary demands for the congress—Insincerity of the parties—Negotiation with the Saxons—The case of Henry against the confederates—Case of Gregory against Henry—Merits of the case on behalf of the pope—Papal demand for the restoration of the rebel prelates—ignored by the legates—Equivocal conduct of the legates—King Rodolf proposes a prolongation of the existing truce—General agreement for a truce—Gregory suspects the integrity of his legates—Henry takes the field against the Saxons; and is defeated at Flarchheim—His position after the battle—General state of parties in Germany and Italy—The judgment of God—State of papal affairs at the beginning of the year 1080—Last remonstrance against the papal vacillations—Moral merits of the memorial—Gregory adopts a more decided policy—Impeachment of king Henry IV. before the pope in council—Treatment of the king's envoys to the council—Object of this treatment—Second excommunication and final deposition of Henry—Superb declaration of papal prerogative—Diplomatic character of the act of excommunication, &c.—Severe decree against lay investiture—Ordinance for the election of bishops, &c.—Moral aspect of pope Gregory's policy—Probable intent of pope Gregory—Character and position of king Henry IV.

THE preceding chapter was brought to a close rather with a view to a pause in a long and somewhat monotonous narrative, than to mark any special crisis or point of departure from which subsequent events might be said to flow. Throughout the whole administration of Gregory VII. since the convention of Canossa, there is nothing positive but the decrees against investitures; all the rest was dilatory or negative; it was a halting policy, unwilling to sacrifice the fruits of his great victory, yet not knowing well how best to improve it. Nothing could be more unintelligible or

Censure of  
pope Gre-  
gory's policy.

vexatious than his dealings with his confederates ; nothing in the end more advantageous to the enemy he anxiously desired to crush. His uncertainty as to the dispositions of his allies, the paucity of intelligence, and the vigilance or cunning of his adversary, had in a great degree deprived him of the means of forming a correct judgment of the steps necessary to reduce both parties to the required degree of resignation to his will, or to enable him to ascertain with which of the two he might strike the most advantageous bargain. The great problem of his life was, how to set about rearranging the relations between church and state in such wise as so wholly to master the former, that, with it as an instrument, he might shape the latter to the purposes of the spiritual autocracy, of which he never lost sight. It surprises us to find him paying so little attention to the well-founded assurances of the Saxon party, that any compact with Henry IV. likely to answer his purpose was altogether impracticable. Yet he still clung to the hope of holding the king to the promises extorted from him at Canossa, though he himself had altered the most material of the conditions under which those promises were given. This course, however, he continued to pursue for full two years longer, till driven from it by the force of circumstances he felt himself no longer able to control.

And these circumstances were no other than those he had had all along to contend with ; namely, He demands unreasoning confidence. the impracticable nature of the obligations imposed upon the king ; the spasmodic twistings and doublings of Henry to elude them, and provide for his personal safety and that of his friends ; and, lastly, the difficulty of persuading the long-suffering Saxons that the miseries they endured were all for the best. We do not find among his extant correspondence any direct replies to the Rodolfine memorials. But on the 30th of December 1078 he wrote to duke Welf of Bavaria in explanation of his conduct, as far as he thought such explanation consistent with the dignity of the holy see. " His ways," he said, " were *not the ways of man, but of God and the blessed Peter*, by whose spirit of rigid impar-

tiality and even-handed justice the holy see was always governed: the Germans were therefore not to murmur because they did not at once see his drift, or comprehend the whole scope of his conduct; for only they who with a simple and candid mind should put their trust in him, could claim to be his friends; but if they looked to him to promote their own selfish projects, he should be compelled to regard them as disloyal to the cause of God and St. Peter."<sup>a</sup>

Perhaps Gregory trusted that the mutual exhaustion of the belligerents in Germany would at length bring them to the submissive state of mind he desired to produce. And, in fact, such was the weakness to which both parties were reduced by their preternatural exertions, as to drive them to a suspension of hostilities during the winter and spring of the year 1079. A council was held at Rome in the month of February of that year, attended by the envoys of both kings: the pope at length permitted the publication of the Rodolfine memorials, and heard the mutual complaints and recriminations of the two parties with patience and attention. In these there was nothing new on either side. The confederates flung the whole blame of impeding the congress of pacification upon Henry: the latter retorted the charge, and protested that hitherto the inveterate hostility of the rebels had rendered it impossible to provide for his own defence, and at the same time to furnish a proper escort for the pope: yet now that it was in his power to perform his engagement, he promised without delay to send the requisite force for the protection of the pontiff on his journey, and in all things to give due obedience to the papal commands. Upon these assurances, Gregory gave the king till Ascension-day (2d May) for the performance of his promise, and republished with increased emphasis the curse upon all who should in any manner obstruct the assembling of the proposed congress.

But the judicial robe sat awkwardly and uncomfort-

<sup>a</sup> *Regist. lib. vi. ep. xiv. p. 438: "Ad Welfonem ducem."*

ably upon pope Gregory VII. He knew not well how to adapt the secret "ways of God and the blessed Peter" to the ordinary rules of that "even-handed impartiality and justice" by which he professed to be guided. Instead of that quiescent demeanour which his assumed character demanded until the time of judicial action should arrive, he once more assailed the king in the persons of his ministers and friends: thus, he excommunicated duke Dietrich of Lorraine, earl Folmar of Metz, and all who had taken part in the recent expulsion of archbishop Siegfried of Mainz and Hermann of Metz, though it was notorious that these acts were done in the king's service, with his knowledge, and as military measures of essential importance to his defence.<sup>b</sup> It is not improbable that the return of the legate Bernhard from Germany had brought him more perfect intelligence of the state of affairs in that country, and infused irritating doubts into his mind of the expediency of pursuing much longer the dilatory system upon which he had hitherto relied. Yet before he discarded the long-cherished vision which the glories of Canossa had conjured up in his mind, he determined upon a last attempt to organise a congress of pacification upon his own plan, and for that purpose he despatched the bishops Henry of Aquileia, Peter of Alba, and Ulrich of Padua, to the court of Henry, with instructions to lay before the king a complete programme of the steps he was expected to adopt for the convocation of the congress; leaving only the time and the place to his discretion. As conditions precedent, and to which the pope would listen to no objection, the king was required—(1) faithfully to observe the existing

He excommunicates the king's friends.

Preliminary demands for the congress.

<sup>b</sup> *Berthold*, *Annal.* an. 1079, ap. *Pertz*, v. pp. 316, 317. The terms of the excommunication were general; but as by throwing the net of Peter too wide he might enclose too many fish at a time, he generously excepted from the extreme penalties the wives, children, serfs male and female, household servants and others belonging to the establishments of the delinquents; and gave liberty to all labourers, strangers,

and travellers within the demesne of the excommunicated, to accept alms, and to purchase from them the necessaries of life: and he even directed that if any one so disposed should administer to the bodily necessities of the criminals, without intent to support or comfort them in their contumacy, but simply from motives of humanity, he should not be affected by the curse. *Berthold*, *ubi sup.* p. 318.

truce till the determination of his cause; (2) to reinstate without delay all the bishops whom he had expelled, and to restore to them the undisturbed disposal of their funds and revenues; and (3) before the time appointed for the opening of the congress, to send to Rome seven persons of the highest rank in his state and court, who should, upon their oaths, give security for the safety of the legates in going to the place of meeting, for the free execution of their duties there, and a safe return home at their conclusion.<sup>c</sup>

The insincerity of both parties was by this time clear as the light of day. The demand for the restoration of the rebel bishops could appear to the king in no other shape than as an attempt to disarm him before trial; while the pope on his part was so little solicitous to conceal his rancorous hostility, that he permitted the cardinal Bernhard to publish to the world the full particulars of the sentence of excommunication and deposition, which, under the delegated powers of the holy see, he had fulminated a year and a half before against the king at Goslar.<sup>d</sup> In fact the pope had been singularly unfortunate, or palpably imprudent, in the selection of his legates. The patriarch of Aquileia and the bishop of Padua are depicted to us as traitors to the papal cause; Peter of Albano as a pious simpleton, without influence or control over his colleagues.<sup>e</sup> The patriarch made all haste to acquaint the king with the terms of the papal message, and delayed his own journey to enable him to take measures to defeat its objects. As if ignorant of the approaching legation, Henry hastened to send messengers to Rome, so as to arrive before the 2d of May, to assure the pope that he was now prepared to receive him with every honour, and to redeem all his engagements. So far, however, from any intention to disarm, he filled up the vacancy of the great duchy of Swabia, created by the

<sup>c</sup> *Berthold*, ubi sup. pp. 318, 319; *Regist.* lib. vii. ep. iii. p. 458. *Hugo* of Flavigny (*Chron. ap. Pertz*, viii. p. 450) does not mention the clause respecting the warranty of safe-conduct; so neither *Bonizo*, nor *Paul Bernried*. *Conf. Concil.* xiii. p. 457.

<sup>d</sup> *Berthold*, ubi sup. p. 318.

<sup>e</sup> Henry of Aquileia had been invested by king Henry by delivery of ring and crosier, but had obtained the papal dispensation by taking an oath that when he accepted institution he was ignorant of the papal decree against lay investiture. *Berthold*, ubi sup. p. 317.

forfeiture of Rodolf, by appointing his friend Frederic of Hohenstauffen—ancestor of that great line of princes who afterwards occupied the imperial throne for one whole century. But, more than this, he gave away the rich abbey of Reichenau to Ulrich, the Henrician abbot of St. Gall,<sup>1</sup>—offences which, when known at Rome, could not but open the eyes of the pope to the improbability of success in binding the hands of Henry by further conditions.

After some needless delays, the legates reached the court at Ratisbon. Henry received them with all due ceremony, and consented—though with some reluctance—to negotiate with his enemies for a prolongation of the existing truce. After some further procrastination—the blame of which is cast by our informants upon the king—a meeting was agreed upon to take place at Fritzlar, a town between Frankfort and Cassell, for the purpose of settling the preliminaries of a general diet of the realm, for the adjustment of the rights of both parties, to be held under the personal presidency of the pope. That the king did not intend honestly to submit his title to the crown to the proposed tribunal must have been well known to the legates; yet this appears to have been the form in which the matter was presented by them to the Saxons. On the appointed day deputies of the Rodolfine party appeared at Fritzlar. The Saxons insisted that no reliance could be placed in Henry's promises, and that an exchange of hostages was essential to their security; the legates, after some hesitation, engaged that their request should be granted by the king; and the deputies in turn promised, on behalf of Rodolf and the confederates, that, upon the arrival of the hostages, they would appear, and abide by the papal decision. But though pliant even to fawning in his communications with the pope, neither threats nor arguments could induce him to yield an inch to his rebel subjects. In reply to the demand of hostages, he declared that, though he had from deference to the wishes of the pope agreed to

Negotiation  
with the  
Saxons.

<sup>1</sup> The resources military and financial of these two great abbeys were equal to those of many principalities. It was of as great importance to the king's

cause that they should be in the hands of friends, as it was that the duchy of Swabia should no longer be held by his rival Rodolf.

extend the amnesty to all who should without delay or reserve return to their allegiance, yet that he had always made that submission a *sine quâ non* of negotiation, and was not minded now to depart from it.<sup>g</sup>

The ideas as well as the language of the annalists of the age flow in so turbid a channel, that it is very difficult to reduce their diplomacy to any precise bases or issues. If Henry had at this moment possessed a minister capable of putting his cause upon its natural grounds, it must have run thus: "True it is I have engaged to defend my crown and honour before the pope as my judge for certain offences of which my enemies have accused me before him; but I did not promise to stake my cause against that of a rival potentate to the throne. By treating Rodolf of Swabia as king, my judge has altered the terms of my submission to my disadvantage: neither that submission, nor any engagements I may have subsequently entered into, compel me to acknowledge open traitors and rebels as parties to the existing compacts between me and the holy see; and although I am ready to meet them at the proposed congress as my accusers, they must come in the character of aggrieved subjects, and not as rebels and traitors."

We must not, however, overlook the case which, upon the facts before us, might have been made on behalf of pope Gregory. "It is true," he could allege, "that the terms of the reference to my arbitrament have been changed—not, indeed, by me, but by you, Henry; you have broken every one of the conditions upon which you obtained absolution. You have yourself put an end to the treaty of Canossa; and have, both before and after I entered into communication with your rival, acknowledged me as your judge, and promised to submit to such terms as I should determine for bringing you before a competent court of inquiry, and to abide by my decision afterwards, though even it might cost you your crown. My communications with your adversary then became a necessary part of the duty devolving

The case of  
Henry  
against the  
confederates.

Case of Gre-  
gory against  
Henry.

<sup>g</sup> Berthold, ubi sup. an. 1079, pp. 318, 319, 320.

upon me by the consent of both parties; for how otherwise could I bring about the proposed congress, or hope to take my proper place as judge at the time and place appointed? I have proved my impartiality by treating both you and your rival as kings *de facto*, leaving it open, as I had a full right to do, to myself to say who should be king *de jure*. By refusing the necessary securities to your adversaries, and declining to meet them upon equal terms before me, you have in fact, though, it may be, not in words, repudiated me as your judge; and in so doing have falsified the last of all the oaths you had not previously broken."

An argument, we say, of this kind might have been constructed out of the materials before us on behalf of pope Gregory. But the fact was, that he had all along held on by treaty of Canossa. Merits of the case on behalf of the pope. The several submissions of the king to the arbitrament of the pope were regarded both by king and pope as the natural consequences of a continuing obligation, and not as a new compact, or the results of independent negotiation. Since the humiliating scenes at Canossa, there had been no such negotiation between the king and the pope; all the efforts of the latter had been directed to the means of compelling Henry to abide the trial there proposed and agreed upon. But in the interim Gregory had availed himself of every opportunity of weakening the king's powers of resistance to domestic treason and rebellion: he had encouraged his enemies; he had kept up their spirits by exhortations and promises; he had entertained a resident legate at the court of his rival; he had excommunicated his friends; and lastly, he had insisted upon the reinstatement of the bitterest of his foes in offices of the highest military and financial importance: a stipulation which could have had no other object than to drag him in fetters to the judgment-seat, and place him at the mercy of those enemies whom he (the pope) had all along treated as friends; whose conduct he had eulogised; whose complaints he had entertained; whose envoys he had caressed; whose cause he had, in short, espoused in all but in name. Gre-

gory had therefore no claim to the character for impartiality he so loudly demanded for himself. His acknowledgment of Rodolf as king was an infraction of the original treaty. And if the prior disregard of his oaths had disentitled Henry to the benefit of the treaty of Canossa as it stood, the pontiff had equally disqualified himself to assume the character of judge under an altered state of circumstances brought about, in a great degree, by his own procurement.

But it was the fate of this vigorous pontiff, as it had been of some of his ablest predecessors, to be Papal demand for the restoration of the rebel prelates, but indifferently served by his agents abroad. To this misfortune we may in part ascribe the vacillation in his policy which disgusted his friends, and placed him in that false position, retreat from which must bring with it the abandonment of his most cherished plans, and perseverance involve the perpetuation of those civil broils from which alone he could hope for any chance of success. Of the three legates sent into Germany for the pacification of that troubled realm, two had, it was believed, sold themselves to king Henry. Thus the summer of the year 1079 was wasted in fruitless legatine journeys backwards and forwards between the rival courts; "making," says the annalist,<sup>b</sup> "fine promises to both, and carrying away with them as much money as they could scrape together." The pope had heard of these misdoings, but declined to give credit to the complaints which reached him from several quarters at once.<sup>i</sup> Nevertheless he directed them to endeavour with the utmost earnestness to impress upon both parties how rigidly he had resolved to show no partiality, or to extend undue favour to either; but, with singular inconsistency, in the same breath he commanded them to insist upon the immediate reinstatement of Henry's capital enemy Eggenhard, the exiled abbot of Reichenau, in possession of that

<sup>b</sup> Bruno, de Bell. &c.

<sup>i</sup> "Sunt multi, quibus tamen non credimus, qui de legatione vestra"—thus he writes to the legates themselves—"murmurare incipiunt, suspicantes vos aliter velle incedere quam a nobis præ-

ceptum est; et alterum vestrum (Peter of Albano) nimis simpliciter, alterum vero non adeo simpliciter acturum esse causantur." Hugo Flavin. Chron. ap. Pertz, viii. p. 450. This letter is not in the Registrum.

abbey and all its immense possessions and resources. "For," said he, "no man shall sit in judgment upon one whom I have consecrated."<sup>j</sup> But, inasmuch as it was obvious that as long as any hope could be entertained of Henry's concurrence in the papal project of pacification, such a demand must dissipate it altogether, the legates wisely gave the go-by to this article of their instructions. The Rodolfine party, on the other hand, imputed this forbearance to corruption; and such was their suspicion of the integrity of the legates, that a rumour got afloat, that they had, on the part of the pope, confirmed Henry's title to the throne, and cut off Rodolf from communion as a traitor and usurper.<sup>k</sup> Gregory, however, persevered in defending his legates against all inculpations: he excused whatever might appear amiss or ambiguous in their conduct, partly on the ground of the difficulty of their position, and partly on that of the deceit and falsehood which had been practised upon them:<sup>l</sup> "If they had done any thing contrary to his precepts, he was sorry; he could not approve;<sup>m</sup> but such errors ought not to shake their confidence in his justice and impartiality, or make them swerve from their profound love and reverence for God and St. Peter, remembering always that only he that persevereth unto the end shall be saved."<sup>n</sup>

Appearances, however, told too strongly against the legates not to warrant the most serious apprehensions. They had, it seems, adjourned the meeting at Fritzlar to Würzburg, a city devoted to Henry, and then actually under the interdict for the expulsion of their bishop. No Rodolfine deputy would of course venture upon such dangerous ground since the

<sup>j</sup> *Hugo Flavin*, ubi sup. The abbey of Reichenau was built upon a fertile island in the lake of Constance, and was at this period, and for many ages afterwards, one of the wealthiest and most powerful ecclesiastical foundations of the empire. The abbey possessed widely-spread domains, both in the shape of original endowment and of feudal grant, commanding a martial vassalage, and occupying numerous

castles and hill-forts along the margin of the lake, and far into the interior of the duchy of Swabia.

<sup>k</sup> *Id.*, ubi sup. This annalist gives the report as a *fact*. But he is clearly in error.

<sup>l</sup> "Tum violententer coacti, tum dolo decepti fuerunt." *Regist.* lib. vii. ep. iii.

<sup>m</sup> "Dolemus, non laudamus."

<sup>n</sup> *Hugo Flavin*, ubi sup. p. 451. This brief is dated 1st Oct. 1079.

Equivocal  
conduct of  
the legates.

refusal of the safe-conduct to their envoys. Henry, however, presuming upon the default of his rival, called upon the legates to excommunicate the latter for contumacy and disobedience. The legates, however, replied that they had no power to deal out the censures of the church against either party; and that their functions were strictly confined to the duties of keeping the peace, and settling the day and place for the great congress of pacification, preparatory to the arrival of other legates, or of the pontiff in person, to inquire into the respective causes, and to put an end to existing commotions and civil wars.°

The *ex parte* meeting at Würzburg had been held on the 15th of August. The legates had by this time forfeited the confidence of all but the king and those who were behind the scenes. But that which they had been unable or unwilling to bring to pass was accomplished by the good sense and humanity of the leaders on both sides. Trusting to the general sentiment in favour of a prolongation of the truce, Rodolf appealed to Henry and the belligerents on both sides against the iniquity of civil bloodshed, and the inexpiable guilt of neglecting any possible means of putting an end to the unutterable miseries under which the country had so long laboured. He protested that he was personally resolved to submit to any sacrifice to obtain the desired end, and that he was prepared to give unreserved obedience to whatever decision the pope might pronounce. This disposition on his part, he contended, entitled him to demand the like on that of his adversary; and he denounced all gainsayers as enemies of God and man—as outcasts, and rebels against the sacred cause of justice and humanity.

In the mind of Henry these considerations had little or no weight. He was eager to avail himself of the exhaustion of his enemies to push on the war, and to end it at a blow. The bishops of his party, always less under the influence of spiritual alarm than the laity, urged him to brave the dangers of

King Rodolf  
proposes a  
prolongation  
of the exist-  
ing truce.

General  
arrangement  
for a truce.

° Berthold. Annal. an. 1079, ap. Pertz, v. p. 321.

ecclesiastical censures, which to them had few terrors, excepting as they might affect their temporal interests. But the lay members of the king's councils, by whom almost the whole burden of the war had been borne, firmly insisted upon the king's acquiescence in the proposal for a further prolongation of the truce. The papal legates in some degree retrieved their character by unreservedly falling in with the general wish: they denounced all who should be guilty of infringing the truce when concluded, and established an understanding between the leading members of both parties, that it should extend to any period to which the negotiations for the congress of pacification might be drawn out; and lastly, that both should ultimately acknowledge as their sovereign him who by the award of the assembly should be declared entitled to the crown.<sup>p</sup>

Henry, however, and a considerable party among his more intimate courtiers and friends—his bishops in particular, most of whom were chafing under papal censures—had kept aloof from this arrangement. Of the rest, many persons of rank had taken part in the agreement, less from any desire for peace, than from the want of a little breathing-time to recruit their exhausted forces. Henry had been compelled to dispense with the services of these barons for a term, but found no difficulty in obtaining from them a promise to hold themselves in readiness at a short notice to rejoin his banner. Meanwhile the legates, exulting in their unexpected success, and unwilling to let that opportunity pass them to set themselves right with the pope, sent forward the legate Ulrich of Padua to Rome, with a highly-coloured account of the result of their mission, enlarging more especially upon the submissive spirit, the good faith, and truly filial disposition of king Henry towards the holy see. Unfortunately, however, for both king and legates, the Saxon party had despatched a counter-report to the pope, teeming with proofs of what they deemed the treacheries of Henry,

Gregory  
suspects the  
integrity of  
his legates.

<sup>p</sup> *Berthold. Annal. an. 1079, ubi sup. p. 322.*

set forth in a tone of vituperative eloquence, which in that age was currently allowed to stand in the place of truth and argument. When confronted with the legate, the Saxon envoy gave the lie to all his allegations. The pope, in his perplexity between the two reports, sent for the simple Peter of Albano, the colleague of Ulrich, to Rome, and from that inexperienced but truthful observer collected enough to convince him of the unfaithfulness or partiality of the bishop of Padua's representations. It was, however, inexpedient to relinquish the advantage obtained, such as it was, from mere resentment of the dishonesty of his agents; he therefore wrote to Rodolf expressing his sincere regret at much that had occurred; he did not conceal his doubts as to the result of his efforts, but protested before God against any inference prejudicial to his own impartiality and integrity that might be drawn from the misconduct of his agents.<sup>9</sup>

Henry himself hastened to verify the worst apprehensions of Gregory, and practically to give the lie to the eulogies of the legates. With a view to defeat the project of his rival to gain time, he took the field in mid-winter of the year 1080, with a formidable force, numbering among its best troops several seceders from the confederate cause, and not a few native Saxon barons. But, though superior in numbers, the composition of his army was unfavourable to combined operations or steadiness in the field. The spirits of his host were unsupported by that strong national feeling which (upon his own soil) animated every Saxon combatant. The armies encountered each other at a spot called Flarchheim, not far from Mühlhausen, in the heart of Saxony; and here king Henry and is defeated. sustained the severest defeat that had ever befallen him throughout his vexed career.<sup>r</sup> But the winter season impeded the advance of the enemy; and the un-

<sup>9</sup> *Berthold*, ubi sup. p. 323; *Stenzel* (Fränk. Kais.) thinks this letter was identical with No. 3 of the vi<sup>th</sup> book of the *Registrum*, and dated 1st Oct. 1079. But *Pertz*, in his note to the passage of *Berthold*, we think more

correctly, regards it as an independent communication, not inserted in the *Registrum*.

<sup>r</sup> The battle of Flarchheim was fought on the 27th Jan. 1080.

daunted spirit and activity of the king soon placed him once more at the head of a force strong enough to check any important movement of his adversary. The struggle continued much in the same state throughout the winter. But at Rome it soon became apparent that the victory of Rodolf had materially altered the king's position; and that, though upon his own ground he still stood unconquered and erect, his cause, as far as it depended upon the disposition of the pope, was already lost.

The earliest effect of the king's misfortune was the necessity of abandoning his recently-converted Saxon friends to the vengeance of his rival. Many of his adherents cooled in their zeal for his service; a still greater number, disappointed of the expected rewards of their venal loyalty, seceded from him altogether. The great municipal cities of the empire, though for the most part sincerely devoted to his cause, could not materially contribute to the numerical strength of his armies in the field. Under such circumstances, his available means for bringing the war to a conclusion by any decisive operation were altogether inadequate. But his adversary was in this respect no better provided than himself; and the contest on both sides dwindled into that petty guerilla warfare which nothing but time and a long period of suffering could bring to close.

The clergy of the empire—German and Italian—were divided into three distinguishable sections: the *first*, consisting of devout papists, was not perhaps the most numerous. These persons had devoted themselves to the service of the pope, more perhaps from conviction than from party motives or personal interest, submitting themselves to every pontifical ordinance for the Lord's sake, and espousing the cause of Rodolf because they believed it to be the cause of God and his church. The *second* party was that which we venture to call the moderate or semi-papist party. Most of its members had declined to withdraw their allegiance from king Henry at the pope's bidding. They gave a general denial to his assumed power to ab-

His position  
after the  
battle of  
Flarchheim.

General state  
of parties in  
Germany  
and Italy.

solve them from the obligation of their oaths, or, indeed, to cancel any religious promise or vow whatever; but they fully concurred in his measures for the abolition of simony and clerical marriage, and did not greatly differ from him in disapproving of lay investiture. This class of ecclesiastics, anxious to maintain their personal integrity, and not to forfeit their communion with the presumed centre of unity, observed with serious misgivings the glaring contradictions between the king's professions and his practice in dealing with the papal decrees upon these several topics. The *third* party, on the other hand, and *that* the most numerous of all, rejected those decrees altogether; some from motives of conscientious aversion, others with more or less mixed views of personal interest. They denounced the papal ordinances as perverse, illegal, and immoral; yet were unable to give their whole confidence to the king, while they saw him courting the favour of their foe, sending him embassies, receiving and entertaining his legates, and making professions of subserviency which, though in contradiction to his daily practice, yet still pointed to a day and a time when either his policy or his necessities might fling them out as a sop to the Cerberus of Rome.

Among his subjects generally, Henry's popularity could not but suffer from the anxious doubts The judgment of God. which the conflicting pretensions, the divided allegiance, the mutual anathemas of the contending parties had engendered in the minds of the timid, the pious, and the superstitious. Success might for the time set such doubts at rest; but adversity and failure were precisely the state of things best calculated to revive and strengthen them, by giving to the mishaps that befel him the semblance of a divine judgment in the cause. The contemporary annalists afford abundant proof of the propensity of the age to discern, in the more remarkable events both of public and private life, an immediate interference of Providence, rewarding or punishing according to the opinion entertained in the secret conscience of the subject as to the goodness or badness of his cause. To this prepossession we ascribe the expedient of ordeals for

the detection of guilt; and thus also, when opposing parties staked their fortunes upon the result of a battle or single combat, it was generally taken for granted that God himself had decided in favour of the winner. We cannot therefore wonder that the issue of the battle of Flarchheim should have produced a similar effect upon the minds of many persons of a station far removed above the lowest class.

Gregory VII. was now in the seventh year of his pontificate; yet up to this moment he had not accomplished any material part of his magnificent scheme of spiritual autocracy: simony, in his sense of the term, was still rampant in Christendom; clerical celibacy had still to contend against general aversion and resistance; and lay investiture had as yet hardly engaged the attention of the state or the hierarchy. Hitherto the humiliation of the king at Canossa had been the culminating point of Gregory's career; the three succeeding years showed a decline of power and influence clearly traceable to his descent from the proud position of supreme lord and disposer of mundane affairs, to that of an ordinary worldly schemer. In the former character he had triumphantly brought his adversary to his feet. But then came the perplexing questions, how much to ask? how to secure the fruits of his toils? Would his principle of ecclesiastical polity be safer in the keeping of a victorious faction than in that of a trembling and acquiescent client? Would the successful chief of the Germanic insurgents be more ready to relinquish the gains and advantages of simony—to surrender the patronage of the wealthiest and most influential dependencies of the empire—to incur the odium of internecine warfare against the most powerful instinct, the dearest affections of human beings—than the man who had felt the deadly chill of the curse to his heart's core? The replies which his own experience and penetration suggested threw him, after all, upon a precarious calculation of chances, and drove him for refuge into an ambiguous middle course, irksome to the lofty impetuosity of his character, and injurious to

the power of the spell which a persistent will and a uniform course of action exercise over all human affairs. A character like that of Hildebrand could not long remain insensible to an error which had alienated so many friends, and drawn upon him the contempt and derision of his adversaries.<sup>s</sup> His equivocal moderation was ascribed to the hypocrisy of weakness, his circumspection passed for shallow cunning, and his professions of disinterestedness for the common cant of double dealing. The anti-papal clergy of Lombardy and Germany laughed at his thunders; while his Saxon friends were at no pains to conceal their resentment against that systematic deceit which, after plunging them overhead into all the miseries of civil war, left them to struggle out of it in the best way they could; and all this, for the apparent purpose of appropriating to himself, without expense or danger, all the advantages they had purchased for him with their blood and substance.<sup>t</sup>

The conviction of the false position in which he stood was at length forced upon him by the last and most emphatic memorial laid before him by the Rodolfine party. We are uninformed whether this remarkable document was drawn up before or after the battle of Flarchheim. It is most probable, however, that it did not come under his serious consideration till after that event. At the semestral synod of the month of March 1080, the pope caused the memorial to be publicly read. It began with a strong remonstrance against the impracticable scheme of a synodal congress to decide the right to the crown between Rodolf and his rival. "You cannot," they said, "be ignorant that almost all the bishops of the empire who are still faithful to the holy see have been driven from their churches, and are now flying before their persecutors, or lurking in secret places to evade their pursuers. Now, how, we ask you, can these persons ever take counsel or confer with their oppressors in a cause

<sup>s</sup> The annalists *Berthold*, *Bruno*, and *Bonizo*, as well as the biographer *Paul Bernried*, are beyond measure scandalised by the hardened spirit of scoff and

ridicule exhibited in the anti-papal writings of the day.

<sup>t</sup> See the Saxon remonstrances, chap. i. p. 479 of this Book.

on behalf of which some of their colleagues have been put to death, others detained in dungeons, and the rest despoiled of all they had in the world? Then, again, we are at a loss to comprehend how you can lay upon us a command to discuss the cause of the man Henry, after that the legates of your holy see, by your authority and precept, had cast him and his associates—with whom, forsooth, we are now to consult together—out of the pale of the church? Upon what grounds can you ask us, or we consent, to reconsider the question, whether the man whom, only three years ago, you did absolutely anathematise and dethrone, is entitled to resume the crown or not? Ought not the inquiry rather to have preceded than followed the judgment? But, in point of fact, had not the question been before then already sufficiently discussed? And, if so, where can be the necessity for a second investigation? Supposing, however, it be, as you tell us it is, still an open question, how comes it that, by your authority, and under your order, we have been taught to elect and obey another king, before you had finally determined to which of the two our allegiance was lawfully due?<sup>u</sup> For that you did so separate him from the communion of the church, and depose him from the throne; that your legates did in your name establish and confirm another king, whom we had chosen, and command the people of this realm to obey him as king, we confidently vouch your own letters and instructions now in our possession. Are all these things now to go for nothing? Yet it is clear that, unless the dissolution of our oaths of allegiance to him, solemnly and in open synod pronounced, by you, is not to remain a dead letter, this man can never be our king.<sup>v</sup> No one can be king to whom no allegiance is due: no king can rule his people who has no authority to impose the oaths requisite for the administration of justice. If, on the other hand, that apostolical dispensation—which God forbid—be held to be of no force or validity, what is to

<sup>u</sup> This is in allusion to the construction put upon the conduct of the papal legates at Forchheim and at Goslar. See chap. i. p. 456 of this Book.

<sup>v</sup> It is pretty clear that the ignorant Saxons had not yet arrived at a right understanding of the power of the keys.

be our fate, both clergy and laity, who upon the faith of that dispensation have given our oaths to the winds? Shall we not thereby have incurred the guilt of perjury? For if, under any consideration, or in any contingency whatever, his title be still good, they who have cast off the yoke of their plighted faith are evil-doers. One question remains behind: how are we to deal with the oaths which we have, by your authority, and at your command, pledged to king Rodolf? Doth not all this present to you a most admired confusion of conflicting duties and obligations, all of your creation? Look abroad, beloved lord, and behold the whole world is moved with trouble and dismay! If you really desire to bind up our bruises, and to heal our wounds, revert, we beseech you, boldly to the course upon which you started: destroy not your own work! But if, deterred by the difficulties which still obstruct the plain path before you, you seek to compass your ends by byways, you will not only fail in healing the wounded limbs, but will infallibly wound the sound. If, by reversing now that which your authority has established, you abandon us to the fury of the storm, to which, on your behalf, we have exposed ourselves, we call heaven and earth to witness that you will have unjustly consigned us to undeserved ruin."<sup>w</sup>

But, after all, it may be questioned whether the Saxon confederates had a strict right to lay the question before the pope in this shape. The memorial would lead us to imagine that they had always held the same language—that they had entered a standing protest against the papal scheme of pacification, and insisted upon the finality of the decrees of Canossa, of Forchheim, and of Goslar. Yet at several stages the confederates had explicitly adopted that scheme, and professed their readiness to submit the cause of their king to the supreme arbitrament of the pope. From this ostentatious subserviency, they had promised themselves the inestimable advantage of dragging their enemy before a tribunal in which they should have the assistance

Moral merits  
of the memo-  
rial.

<sup>w</sup> Bruno, de Bell. &c. c. cxiv. ubi sup. p. 376.

of the pontiff in excluding from the congress all the king's friends,<sup>x</sup> and thus securing a triumphant majority against him. But when, by his persistent refusal to acknowledge them in any other character than as subjects, whose rebellion was to be as much a matter of inquiry as their charges against himself, the scheme for his destruction receded further and further out of the range of probability, they threw themselves back upon their antecedent position, and invoked the fulfilment of pledges they had kept out of view as long as that course suited their ulterior projects.

But since the result of the battle of Flarchheim had become known to the pontiff, his opinion upon the state of affairs in Germany had taken the Gregory adopts a decided policy. desired direction. Success had crowned the efforts of his struggling clients: the judgment of God was pronounced in favour of their cause by an event antecedently so improbable as the defeat of Henry;<sup>y</sup> and the scruples of the pope appear to have taken flight with the chances in favour of his enemy.

The Saxon memorial was, as before observed, publicly read before the Roman Lent-synod of 1080, in Impeachment of king Henry IV. before the pope. the presence of the ambassadors of the competitors. Both parties had come loaded with a budget of mutual complaints and criminations.

But the confederate envoys—assuredly not without the knowledge and consent of the pope—at once took the offensive, and presented formal articles of impeachment against king Henry. “In the name,” said they, “of our lord king Rodolf, and the lords of his council, we do hereby impeach before God and St. Peter and your paternity, as also before this holy synod, the man Henry, whom you, by apostolical authority, did depose from the kingdom, in that he did falsely and tyrannically, and against your interdict, usurp the said kingdom; in that he hath desolated the land with fire and sword, and ruined it by universal pillage; in that, with cruel and impious

<sup>x</sup> All the excommunicated bishops, princes, and barons of the empire.

<sup>y</sup> See *Bruno's* account of the battle,

de Bell. &c. c. cxvii. ap. *Pertz*, v. p. 377; and conf. *Stenzel*, *Fränk. Kais.*, and *Luden*, vol. ix. pp. 165, 166.

hand, he did drive out archbishops and bishops from their sees, and did distribute their bishoprics among his accomplices; in that, by his procurement, archbishop Werner of Magdeburg, of pious memory, was done to death;<sup>z</sup> in that he still detains in the pains of captivity Adalbert bishop of Worms,<sup>a</sup> against the express mandate of the holy see; in that he hath caused and procured the slaughter of many thousands of human beings; in that he hath burnt and destroyed churches without number; and lastly, in that—besides many other crimes committed against us and the princes of the empire for our obedience to the apostolic command to reject him as our king—he hath caused and procured that your decree for the assembling of a congress to inquire into his cause should be and remain unexecuted: for all which causes we humbly beseech your clemency now to pass final judgment between us and the holy church of God on the one part, and this sacrilegious robber on the other.”<sup>b</sup>

Henry had selected three persons of unexceptionable character as his representatives at this synod. <sup>Treatment of</sup> Liemar, archbishop of Bremen, is described by <sup>the king's</sup> Lambert of Aschaffenburg as a thoroughly conscientious prelate, who, though zealous for the liberties of the national church, was averse from strife; a person of strict morals, and an anxious lover of peace.<sup>c</sup> His colleague, Ruprecht bishop of Bamberg, had been instituted by the king after the deposition of Hermann for malversation and simony.<sup>d</sup> The third of the king's envoys was the archdeacon Burchard, of whom nothing more is recorded. But the high standing and character of these persons could not rescue them from the slanderous charge of consenting to be the bearers of a blundering and insolent message to the pope, tending to precipitate a breach, which, at that moment, was any thing but conducive to their master's interests.<sup>e</sup> A very different version of their

<sup>z</sup> He had borne arms in the battle of Melrichstadt on the river Streu, and was slain by the Slavie peasants of the country on his flight from the field of battle, in August 1078. *Bernold. an.* 1078.

<sup>a</sup> One of the most malignant and ac-

tive of his enemies.

<sup>b</sup> *Concil.* tom. xii. p. 460.

<sup>c</sup> See the eulogium of *Liemar*, ap. *Pertz*, v. pp. 190, 210, 231.

<sup>d</sup> *Conf.* Book X. c. vii. p. 361.

<sup>e</sup> The implacable *Bonizo* affirms that they delivered a message to the pope in

share in the transactions may be collected from a letter of Theodorich of Verdun<sup>f</sup> to pope Gregory VII. From this document we infer that the German prelacy of the king's party had complained to the pope of the shameful partiality of the court of Rome for the ecclesiastics of king Rodolf's faction. These persons, they said, whether rightly or wrongly appointed, were never refused consecration at Rome; their personal attendance was even excused, and their pallia were sent to them from the pope at their own homes; while the applicants of the king's party were not only rejected, but were not even admitted to lay communion, though convicted of no offence but that of keeping faith with their sovereign, and entertaining a conscientious dread of involving themselves in the guilt of perjury: thus it had happened that the efforts of these ecclesiastics for the reëstablishment of peace had been frustrated; yet, in the determination to neglect no means that might contribute to so desirable a consummation, they had submitted to address a supplicatory letter to the pope, *couched in the humblest terms of submission*; but that when the king's ministers, to whom the address was intrusted for delivery, arrived in Rome, they found themselves exposed to every kind of persecution and insult. The pope had refused to admit them to an audience; the court-sycophants had followed them about with scurrilous jests; the blusterers had threatened them with their daggers; and when present in council, they were not permitted to inspect and verify the canons appealed to in their cause.<sup>g</sup> Regarding this as the more probable report, it would appear that the king's envoys had come prepared to admit the jurisdiction, but at the same time to ascertain the real intentions, of the pope. But any regular or canonical inquiry must have

open council, to the effect, "that if he (the pope) should, without further inquiry, excommunicate Rodolf, he (Henry) would render him all due obedience; if otherwise, he would make a pope of his own, who would do his pleasure." *Bonizo*, ad *Amic. ap. Cefel.* ii. p. 817. The malignant anecdote is not to be found in any other contemporary writer. Yet *M. Luden* adopts it with-

out suspicion, *Gesch. d. Deutsch.* vol. ix. p. 173. *Stenzel* takes no notice of it. See *Fränk. Kais.* i. pp. 459, 460.

<sup>f</sup> Theodorich, or Dietrich of Verdun, belonged to the moderate papists among the Germanic prelacy. *Conf.* p. 497 of this chapter.

<sup>g</sup> *Martens*, *Thesaur. Anecdot.* tom. i. p. 228.

involved the latter in serious difficulties; it must have brought to light the woful duplicity and vacillation which had tainted the papal diplomacy for the last three years. If Liemar and his colleagues had called for—as they had every right to do, and probably did call for—all the documents and correspondence which had passed between the pontiff and the confederates, the result must have been, in case of a refusal to produce them, a vehement suspicion of the vaunted impartiality of Gregory; and in case of compliance, a revelation of double-dealing which would have struck the ground from under him, and deprived him of all title to the character of an upright and impartial judge. The king's ambassadors were dangerous because they were moderate—because they were learned, and because they knew their business. It was therefore resolved that they should not be heard; that they should, if possible, be deterred from claiming a hearing; and with that view, they were threatened, insulted, and obstructed; their adversaries both publicly and privately entertained and caressed by the pope, and permitted to present a bill of pains and penalties upon which judgment without trial or defence was peremptorily demanded, and as quickly and readily granted.

We shall not encumber our narrative with the wordy form of the renewed excommunication; the Second excommunication and deposition of Henry. frothy address to the apostles Peter and Paul and the Virgin Mother of God; the vaunting description of his own preëminence as their earthly representative; the malicious spirit in which every error, every calamity which had resulted from the rebellion in Germany and the schism in Italy, was laid to the charge of Henry; the invidious recital of his bitter humiliation at Canossa, and the impracticable terms imposed upon him; the pope's brazen admission that the insurrection was sanctioned by himself, and his impudent claim to the character of an impartial judge between parties thus inequitably dealt with. These strong features in the act of excommunication we pass over. The gravamen, however, of the charge against Henry was his presumed rejection of the congress of pacification proposed by the

pope, thereby “causing the death of myriads of Christians, the ruin of churches, and the desolation of the realm of Germany. For these causes he bound Henry and his accomplices in the chain of the anathema; interdicted him from all royal right, power, and dignity; prohibited all persons from obeying him as their king; and released from their oaths all who might theretofore have sworn, or should thereafter swear, any such oath to him in respect of the government of the said realm.” Then, in a strain of malevolence never before indulged in by Roman pontiff, but soon to become familiar enough in the annals of the Latin church, he exclaims: “And may he, the said Henry, and his fellows in iniquity, never more enjoy any earthly success; may their strength fail them in battle; may no victory crown them in this life! But unto the said Rodolf and his followers . . . we do give, grant, and concede absolution from all their sins . . . for as Henry for his pride, disobedience, and falsehood, is justly cast down from the throne, so hath Rodolf, by his humility, obedience, and truth, been exalted to royal dignity and dominion.”

The peroration of this remarkable harangue<sup>h</sup> must be recited in full. “And now”—so the pontiff concludes—“O ye princes and fathers, most holy apostles Peter and Paul, deal ye with us in such wise that all the world may know and understand that you, having the power to bind and to loose in heaven, *have the like power upon earth, according to men’s merits, to give and to take away empires, kingdoms, principalities, dukedoms, marquisates, earldoms, and all manner of human rights and properties*; for have you not oftentimes taken away patriarchates, primacies, archbishoprics, and bishoprics from the unworthy, and given them to religious men? And, *having such mighty power in spiritual things, what is there on earth that may transcend your authority in temporal things?* And if you judge the angels, who are high above the proudest of princes, what may you not do unto those beneath them?”

Superb declaration of papal prerogative.

<sup>h</sup> It was orally delivered by the pope in full synod.

Let the kings and princes of the earth know and feel how great you are—how exalted your power! Let them tremble to despise the *commands of your church!* But upon the said Henry do judgment quickly, that all men may know that it is not by fortune or chance, but by your power, that he hath fallen! May he thus be confounded unto repentance, that his soul may be saved in the day of the Lord!"<sup>1</sup>

The terms of the papal sentence are skilfully chosen, with a view, as much as possible, to keep out of sight that essential inequality in the position of the two parties—an inequality created by the pontiff himself—which rendered any impartial or equitable decision between them a simple impossibility. While by the conditions of the convention of Canossa Henry was reduced to a cipher, denuded of all kingly power, and deprived of every means of defence against the host of enemies besetting him on all sides, his rival had been treated with as king *de facto*, and a new state of the question introduced, which not only altered his relation to the pope, but which, had he adhered strictly to his compact, must have speedily ended in his total ruin. This aspect of the affair had therefore to be kept out of sight, yet without abandoning the advantage derivable from a literal construction of the treaty of absolution. Henry's perjury was to be depicted in glowing colours, while the trap which had been laid for his integrity was to be withdrawn from profane prying, as a

<sup>1</sup> *Concil.* tom. xii. pp. 635-639. The act is dated at Rome, the 30th of March 1080. *Conf. Paul. Bernried.* Vit. &c. c. cvii. ap. *Murat.* v. pp. 346, 347; *Bonizo*, ubi sup. The latter writer reports that after the sentence, Gregory added the words, "Be it known unto all men, that if between this time and the festival of St. Peter (Monday the 29th of June) Henry shall not have repented, he will be either dead or have been deposed from the throne; if he be neither, let no one hereafter credit my words—'mihi amplius credi non oportet.'" The event, however, did not answer the prediction; for which Bonizo apologises; "for," said he, "though

this did not come true *literally*, it was nevertheless fulfilled in a *spiritual* sense; for at the instant he hailed the antipope Guibert at Brixen (the 25th of June), he died the death of the soul; and it was this spiritual death, and not the death of the body, that the pope predicted." No other contemporary writer that we know of notices the anecdote. *Stenzel* adopts it; *Luden* rejects it. It has probably no better foundation than the story told by Otto of Freysingen (*De Gest. Fred. I.* lib. i. c. 7) of the crown sent by Gregory VII. to Rodolf, with the vaunting inscription—

"Petra dedit Petro, Petrus diadema Rodolpho."

matter between God and the pope, and falling within that inscrutable discretion which he claimed as the representative and depositary of the secret dispensations of the Almighty. The vehicle through which those powers were conveyed was cleverly put forward to cover the nakedness of personal ambition. The man Gregory was nowhere: like the prophets of old, he was the involuntary organ of the spirit, the mouthpiece of the apostles, the passive instrument of a divine dispensation: temporal considerations had no place in his mind: obedience, the highest of ecclesiastical virtues, was his set rule and measure of merit: Henry was the disobedient, Rodolf the obedient, son of the church: the latter had obeyed the precept of pacification, the former had thwarted the dictates of inspiration<sup>j</sup> itself: this was now the meritorious ground for the rejection of Henry, and the acceptance of Rodolf.

And assuredly the pontiff had need of the amplest fund of assurance, if he desired successfully to carry through the dashing measure for which this identical synod was to be made the instrument. For now the true reason for his extraordinary appreciation of the Rodolfine party came to light. At the opening session Gregory had again moved the question of *lay investiture*; and before its close the following comprehensive ordinance was adopted, with the fullest concurrence of all parties present, ecclesiastical as well as temporal: "If any one shall *take or accept* bishopric, abbey, or other ecclesiastical preferment, from lay hands, he shall not be bishop, abbot, or incumbent, and to him no obedience shall be given in those characters; and such an one is hereby shut out from the grace of St. Peter, and prohibited from putting a foot inside a church or sacred building, until he shall have repented, and relinquished the office or dignity, which, in the spirit of

<sup>j</sup> "Tandem *inspirante Deo*, sicut credo, statui in eadem synodo . . . colloquium fieri," &c. *Concil. ubi sup.* The obedience of the Rodolfines was of no very steady character, if we are to believe their last memorial, giving the pope

to understand that they had all along regarded his scheme of pacification as wholly impracticable and tending to their detriment, whatever purpose the pope might have in view for his own advantage.

disobedience—which is idolatry—he hath usurped: and if any emperor, king, duke, markgrave, earl, or secular power or person whatever, shall presume to *give* investiture of any bishopric, or other ecclesiastical office, rank, or dignity, let him be bound in the like sentence; and unless he repent and restore the church to her rightful liberty, may he feel the vengeance of divine wrath, both in his body and in his worldly fortunes, in order that at the coming of the Lord he may save his soul alive!”<sup>k</sup>

Subsequently sentence of excommunication and deposition was republished against Tedaldus of Milan, Guibert of Ravenna, and Roland of Treviso: the predatory Normans of Calabria and the Abruzzi were threatened with the severest visitations of the church for their inroads and depredations upon the patrimony, real or titular, of St. Peter; and in the last place, an organic ordinance was drawn up and agreed to for regulating the election of bishops and prelates of all ranks, in the following form: “As often as by death a vacancy shall occur in any church, let the clergy and people of the church, at the desire of the visiting bishop, *who shall be thereunto sent unto them by the apostolic see*, or from the metropolitan of the province, without any motive of secular ambition, fear, or favour, *by and with the assent of the said apostolic see* or the metropolitan, canonically elect a fit and proper person in the room of the deceased: and if any evil-minded person shall contravene this precept, he shall, if elected, lose all benefit of his appointment, and become

<sup>k</sup> *Concil. ubi sup.* If we were writing an ecclesiastical history, we should be glad to find that the monstrous ambition which tainted almost the whole public life of Gregory VII. had not wholly quenched the Christian spirit. The fifth resolution of this council indicates, we think, what would have been the temper of this pope's private ministration had he filled an inferior position in his church. This resolution conveys an emphatic caution to the clergy “not to accept or encourage penances in lieu of penitence; they are to remember that there is no unerring mark or sign of

true repentance but the *abandonment of the sin or vice* by which the penance was incurred: thus, the thief must first restore the stolen goods; the oppressor must subdue his vindictive passion; the cheat, the impostor, the liar, must first abandon his evil practices, or the penance must be utterly unavailing. The laity are at the same time cautioned not to resort to clerks of evil lives or ignorant minds for the benefit of confession and penance; but rather to such as are well grounded in religious truth, and in knowledge of the Holy Scriptures.”

ineligible for any other : if an elector, he shall forfeit his privilege, and the appointment *shall lapse to the apostolic see* or to the metropolitan."<sup>1</sup>

Thus, then, stood the parties which divided Christendom at this critical epoch : king Henry was too deeply involved with the sections in church and state most hostile to the pope to afford the remotest prospect of making him subservient to the scheme of government to which Gregory VII. had dedicated all his powers of mind and body : it might by this time have been clear to both parties that the question of lay investiture admitted of no solution but that of the sword : but it was not yet so clear in his mind, as it soon became in that of his successors, that as the representative of St. Peter he wielded both the temporal and the spiritual sword,<sup>m</sup> and that he was thereby empowered to avail himself to the utmost of the vicarious agency of all who "for the love of God and St. Peter" could be induced to unsheathe the sword of the flesh on his behalf : the suggestion, indeed, had gone forth from the chair of Peter, "Cursed be the man that keepeth back his sword from blood ;" but though pope Gregory was not ignorant that on one occasion St. Peter had produced two swords,<sup>n</sup> the real significance of the incident remained for fuller exposition thereafter ; for to him it had not yet been fully revealed. Thus, though not in name, yet in effect this second excommunication of Henry was a declaration of war ; a war, not of nation against nation, but of families and friends and kindred ; a war which encouraged, if it did not command, men to shed each other's blood, issuing from the lips of the chief pastor of the church of Christ, in His cause and service. We gladly believe that Gregory VII. had not dared to look this, the natural aspect of his policy, fairly in the face. He was, like his greater predecessor the first Gre-

Moral aspect of pope Gregory's policy.

Probable intent of pope Gregory.

<sup>1</sup> *Concil.* xii. p. 635.

<sup>m</sup> The two swords, temporal and spiritual, the latter in virtue of the "Tu es Petrus," and the former in virtue of

the weapon with which he cut off the ear of Malchus when the Saviour was betrayed by Judas Iscariot.

<sup>n</sup> *Luke* xxii. 38.

gory,<sup>o</sup> willing to accept, perhaps to anticipate, the interference of Providence in furtherance of a scheme he believed to be conducive to the glory of God, and the extension of His kingdom upon earth, identified as it was with his own position in that kingdom; yet it is probable that he wished the consummation to be God's work rather than his own: and although he had boldly proclaimed himself the organ of the divine legislator, his hand trembled when he stretched it out to grasp the executive powers of providential government.

Over against him stood, in ireful mood, the revengeful, the unscrupulous, the indefatigable king of the Germans, supported by a numerical majority of the princes, barons, and prelates of Germany and Italy: a king, "ay, every inch a king," exasperated by a series of trials, humiliations, and insults such as no monarch since the world began had been called upon to endure, and yet to live; injuries followed up by a system of policy so instinct with duplicity and deceit, as to invite, almost to compel, resort to weapons of the same forge and temper in his defence: bishops and clergy struggling with envenomed spirits, on the one hand, for the maintenance or restoration of abuses and sources of emolument which had alarmed the public conscience, and incurred the censure of all honest men, both in church and state; and on the other, fighting for the dearest rights of man as a social and moral being; and ultimately for the rescue of the civil state from a bondage which offered no better warranty for the general welfare of mankind than could be found under the existing constitution of society, anarchical and defective as it was.<sup>p</sup>

<sup>o</sup> Conf. Book III. c. vii. p. 237 of this work.

<sup>p</sup> Philosophical historians have long since arrived at the conclusion that the

prospective advancement of social improvement lay in the *struggle* between feudalism and priestcraft, and not in the *success* of either.

## CHAPTER III.

### FINAL EFFORTS AND DEATH OF GREGORY VII.

Results of the excommunication as to the prospects of Gregory VII.—Pope Gregory and the Normans—Dangerous extension of the Norman conquests—Treaty of Aquino between the pope and the Normans—Advantages of the treaty—Impressions of the excommunication in Germany—Deposition of pope Gregory proposed—Invective of Egilbert of Treves, and of Henry of Speyer—Manifesto of the Germanic synod—Impeachment of Gregory VII.—Synod of Brescia—Henry deposes Gregory, and elects Clement III. (Wibert of Ravenna)—Henry returns to Germany—Defeat of the king, and death of Rodolf in battle—Effects of the defeat—Critical state of pope Gregory's affairs—Plan of Gregory to encounter the crisis—Energy of Gregory VII.—His instructions for the election of a rival king of Germany—Papal oath to be taken by the new king—he is to be the *vassal of the holy see*—Object of his instructions, &c.—Henry in Italy—Gregory's quarrel with the Capuans—Fidelity of the countess Mathilda—Embarrassment of Henry—relieved by a Byzantine subsidy—He operates a diversion in favour of the Byzantines—Robert Guiscard evacuates Epirus—Prudent policy of Henry—Fortitude of Gregory—Henry's treaty with the Romans—Falsehood of Gregory—he endeavours to pack a synod against Henry—Improved aspect of papal affairs—Tergiversation of the Romans—they desert the cause of Gregory, and introduce Henry into Rome—he is crowned emperor by pope Clement III.—Title of Henry to the empire—The pope delivered by the Normans—Rome plundered and burnt—The pope evacuates the city—he retires to Monte Cassino—Illness of Gregory—his last injunctions, and death—Panegyric of Bernold of Constance upon Gregory VII.—his unbounded self-reliance—his views as to his successor—and solicitude for the perpetuation of the pontifical policy.

THE second excommunication of Henry IV. had effected a breach which defied the healing powers of time or circumstances. It was clear to both combatants that one of them must go to the wall. The bitterness of spirit which this conviction engendered can be imagined only in that kind of warfare in which the religious element is predominant. A glance at the position of pope Gregory VII. after throwing off the incubus of that procrastinating and dishonest policy in which he had allowed himself

Results of the  
excommunication as to  
the prospects  
of Gregory  
VII.

to be enthralled, reveals advantages which he himself had hardly foreseen,—advantages of which, both in an ecclesiastical and political point of view, he was not slow to avail himself. Strong in head and heart, and implacably bent upon the overthrow of all obstacles to the one great scheme of pontifical omnipotence: armed in the full panoply of decretal lore, and wielding his weapons with equal dexterity and vigour: on his right hand a band of trained canonists, subtle disputants, and devoted admirers,<sup>a</sup> ready to do battle to the death in the cause of sacerdotal ascendancy: covering his front, the single-hearted, the heroic countess Mathilda, commanding the hearts and the arms of the princes and people of central Italy: the intrusive king Rodolf threatening the flanks and rear of his enemy, at the head of a body of warriors fulfilled with wrath against the reputed author of all the calamities which for the last seven years had desolated their country, wasted their strength, and reduced them to the extremities of penury and distress: more than all this, a host of timid, superstitious, or time-serving waverers, who, though as friends little trustworthy, were as little formidable as enemies, yet very serviceable in spreading alarm in the ranks and uncertainty in the movements of his adversary: to these advantages add the support derived from definite principles of action, an iron will, unity of purpose, daring assertion of authority, confident in promising, undoubting in his convictions, and implacable in resenting resistance; and we have before us, with one exception only, a complete view of the spirit and the attitude in which Gregory was about to meet the storm he had raised and was prepared to subdue.

In the south pope Gregory had for some years past stood on no very friendly terms with the Norman princes of Apulia and Campania. The difficulties he had to encounter in dealing with these incorrigible freebooters had demanded sacrifices mortifying to the pride of the pope, and obstructive to the pontifical projects. With every confidence in the de-

<sup>a</sup> *e. g.* Anselm of Lucca, Bonizo of Sutri, Placidus of Nonantula, Paul Bernried, the monks Berthold, Bernold, and Hugo of Flavigny.

votion of the countess Mathilda and his friends in central Italy, he felt the weakness of his position as long as he remained destitute of a safe station in his rear, on which he could retreat if overborne by the united forces of his Germanic and Lombard enemies, directed as they were by the vigorous hand of his great adversary. To this weak point of his position his attention was imperatively called by the perils to which he foresaw the late decisive step might at any moment expose him.

It has been noticed, that, in the year 1059, the Norman chiefs Robert and Richard had obtained from pope Nicolas II. investiture of the principalities of Capua, Calabria, and Apulia,<sup>b</sup> to hold them of the see of Peter in chief upon payment of a quitrent, but unencumbered with any stipulation for military service, or any right reserved on the part of their new superior to set bounds to their future acquisitions, or to limit their right to appropriate all the territory within their reach. Not many years afterwards, Robert and his brother Roger had wrested the island of Sicily from the Saracens of Africa.<sup>c</sup> The last of the Greek possessions in southern Italy speedily followed the fortunes of all who attempted resistance to the ever-growing power of the Norman chiefs. A quarrel which arose in the year 1070 between Robert and his cousin Gisulph, prince of Salerno, ended in the annexation of that important principality to the already formidable dominions of duke Robert (A.D. 1077). Amalfi followed the example of the capital, and surrendered to the conqueror; Gisulph took refuge at the court of Gregory; and the latter became seriously alarmed by the rapid extension of the Norman encroachments. They had, it appears, presumed to pursue the fugitive prince of Salerno into the heart of the Petrine patrimony, and had appropriated a part of the march of Ancona. For this offence Gregory had launched sentence of excommunication against them; but in defiance of his censures they had laid siege to Bene-

Dangerous  
extension of  
the Norman  
conquests.

<sup>b</sup> See Book X. c. i. pp. 166, 167 of this work.

<sup>c</sup> This island had been cunningly

enough included by pope Nicolas II. in the feoffment to Richard and Robert, though still in the hands of the infidels.

ventum, a city and territory to which the pope laid claim as an escheat, after the death without issue of the last Lombard duke Landulph VI. By force of arms the pope drove the Normans out of the march of Ancona, and prevailed upon Jordan, son of Richard of Capua, to whom the prosecution of the siege of Beneventum was intrusted, to withdraw his forces; and when Robert marched to chastise his nephew for making peace with Rome,

Treaty of  
Cassino be-  
tween the  
pope and the  
Normans.

Desiderius abbot of Monte Cassino was fortunate enough to negotiate a treaty on behalf of the pope, which, while it left the Norman in possession of the entire duchy, with the exception of the city of Beneventum itself, was at this moment of vital importance to Gregory. A very friendly interview was arranged between the pontiff and his refractory vassal; and the latter not only renewed his oath of fidelity to the holy see, but covenanted to defend the pope, the patrimony of St. Peter and its appurtenances, and to pay a yearly quitrent for all the lands and territories he occupied.<sup>d</sup>

The act of enfeoffment was, in fact, a treaty of alliance offensive and defensive against all the enemies of the church, and contained an ostensible surrender of the patronage and investiture of all the churches of the ceded districts to the holy see.<sup>e</sup> Both the pope, however, and the duke considered themselves as gainers by the treaty of Aquino. Robert retained the entire duchy, excepting only the city of Beneventum, and was now at liberty to pursue the ambitious project he had for

<sup>d</sup> This treaty was concluded in the month of June 1080. The Normans, however, refused to do homage for the territories of Spoleto, Amalfi, and the march of Fermo, which the pope thought very hard; but he granted investiture of the rest, "in the pious hope that he (Robert) would some day repentantly restore to the church all the territories of which he had unjustly deprived her." For the general facts, see *Giannone*, Stor. Civil. di Napoli, lib. x. cc. ii. iii. iv. The oath and deed of feoffment are set out in *Regist. conc.* xii. pp. 479, 480, 481, bearing date at Citerami, 29th June 1080.

<sup>e</sup> *Giannone* notices neither the oath

nor the deed of feoffment. It is not very easy to suppose, however, that Robert intended to renounce any thing more than investiture by ring and crosier, without abandoning the patronage or right of presentation. The words are, "Omnes quoque ecclesias quæ in mea persistunt dominatione, cum illarum possessionibus demittam in tua (papæ) potestate; et *defensor* ero illarum ad fidelitatem S. Rom. ecclesiæ." The "defensor" or "advocatus" of a church was in that age most frequently the patron; so that it is not improbable that Robert, as patron, engaged for the fidelity of those churches to the Roman see.

some time past entertained of conquering the Byzantine empire. The pope had got rid of a formidable enemy, made a firm friend, and secured a safe retreat at Beneventum, whither, while under the protection of the Normans, it was not likely that any adversary could pursue him.

The second excommunication of king Henry IV. was in some respects attended with the same consequences as the first. The moderate party among the Germanic prelacy at once discarded their scruples, and lent their undivided support to the crown. The respectable names of Theoderick of Verdun, Henry of Speyer, and Egilbert of Treves, now appear among the foremost of the pope's adversaries. For several years past this section of the German episcopacy had listened with silent disgust to the haughty accents of pope Gregory. The king himself was not more alarmed at his proclaimed intention to deprive him of the rights of presentation and investiture, than the bishops of Germany and Italy at his pretty obvious intention to appropriate these rights to himself.<sup>f</sup>

Impression of the Germans as to the excommunication, &c.

King Henry received the intelligence of his second excommunication while he was celebrating the Easter festival at Bamberg. He had long since cast off all conscientious fears of the papal censures. As long, therefore, as the late papal aggression was not attended by injury to his political interests, he felt his spiritual welfare—if he ever thought much about the matter—at least as safe in the hands of his bishops

Deposition of pope Gregory proposed.

<sup>f</sup> Conf. the decree of election of 1080, ch. ii. p. 510 of this Book. The passages in italics show clearly that the pontifical interference there provided for might transfer at any time the institution from the metropolitan and bishops of the province to the pope. But it is highly probable that the summary or text-book of papal prerogative, called the "Dictatus Papæ," was by this time in general circulation. We only mention here, that almost every article of the

"Dictatus" is doctrinally set forth in Gregory's letter to bishop Hermann of Metz, written one year only after the synod of 1080. See *Regist.* lib. viii. ep. xxi. p. 497. This letter is dated the 15th of March 1081. With all due regard for father Pagi's doubts, we think the "Dictatus Papæ" not only a faithful transcript of pope Gregory's theory, but also that it was published with his knowledge, if it was not the actual production of his pen.

as in those of the pope. But there were advantages to be derived from the irritation produced by the papal edicts, which he did not fail to improve with promptness and effect. Among all sections of the imperialist party there was now but one cry: "This man cannot be our pope!" Henry hailed the loyal effusion with delight, and called a meeting of the bishops and prelates of the empire at Mainz for the avowed purpose of deposing Gregory, and electing a new head of the church in his place. Theoderick bishop of Verdun opened the proposal to the churches of Germany in a long and verbose epistle, addressed both to the lay and ecclesiastical estates of the empire: he proclaimed Hildebrand "the author of all the calamities afflicting the commonwealth: the head of the church was her bitterest persecutor: his intolerable arrogance had rent in tatters the fair vesture of unity: he had striven to overthrow the Catholic king and kingdom: he had perverted the canons of the church: he had set up a false king: he had threatened to extinguish the very name and memory of their free and legitimate monarch: would they acknowledge a *schismatic and a heretic* as their pope? would they accept as their father and their chief him who had stolen from them their sacerdotal honour? Let them then combine to rid the world of the incubus that oppressed it, and elect another pope, who should vindicate the honour of the priesthood, and rescue king and kingdom from the yoke prepared for them."<sup>g</sup>

Egilbert archbishop of Treves seconded these exhortations in a fiery invective, in which he rested the distinction between a true and a false pope upon the agreement of his regimen, in principle and practice, with the precepts and example of Christ and his apostles: "Great as would be the crime of disobeying a true pontiff, equally great were the guilt, equally imminent the peril, of offering no resistance to the wolf that invades the fold and worries the sheep; the man of blood!—the enemy of peace!—the fomenter of discord!

Invective of  
Egilbert of  
Treves,

<sup>g</sup> *Udalrici*, Codex Epist. no. 159, ap. *Eccard*, Corp. Histor. tom. ii. p. 169.

—one who dares to make a question of the bodily presence of the Lord in the sacrament of the eucharist!"<sup>h</sup> To these general imputations Egilbert added his own private grievances: the pope had treated him with personal indignity; though freely and canonically chosen by the clergy and people of Treves, he had refused him consecration; and in spite of the unanimous remonstrances of his suffragans, and the complaints of his flock, his church was still mourning her widowhood: but now, setting aside private considerations, he took it upon himself to declare before God and the world that he would never more obey Hildebrand as pope; nor should that person, after all the pernicious innovations, the intolerable decrees he had published, ever again, with his consent, sit upon the chair of Peter."<sup>i</sup>

Bishop Henry of Speyer seconded the king's motion in similar terms. That synod, he said, and of Henry had been convoked to restore the peace of the <sup>of Speyer.</sup> kingdom, and to vindicate the authority of church and king: this could be in no other wise accomplished than by striking off the head of that pestiferous hydra, whose poisonous breath had distempered the whole body of the state: therefore it had been resolved, by common consent, that Hildebrand be thrust out, and that another be elected in his room, whose task it should be to collect together the scattered members, to bind up the broken limbs, and to chase away discord from church and state.<sup>j</sup>

Early in the month of June 1080, nineteen archbishops and bishops, and a numerous assem- <sup>Manifesto of</sup> blage of the clergy of the kingdom, met in <sup>the Germanic</sup> solemn synod at Maintz, and, without a dis- <sup>synod.</sup> sentient voice, adopted the proposal of the court. Hildebrand was declared unworthy of the pontifical chair, and formally deposed; and bishop Henry, to whom the

<sup>h</sup> It was very commonly believed that Gregory was favourable to the doctrine of Berengarius of Tours, the denier of the corporeal presence of Christ in the eucharist. Conf. Book IX. c. v. p. 136 of this work. The doctrine of transubstantiation had taken deeper root in the theological school where it

was bred than either in Rome or Italy.  
<sup>i</sup> *Udalr. Cod. Epistol. ubi sup.* p. 170. The decrees here alluded to are beyond doubt those against lay investiture and upon episcopal elections, enacted in the Lent synod of 1080. Conf. pp. 509, 510 of this Book.

<sup>j</sup> *Udalr. Cod. Ep. ubi sup.* p. 171.

management of the records of the synod had been intrusted, drew up and published the letters patent of the council in the form of an address to Hildebrand, stating the principal grounds on which his rejection was founded.

Impeachment  
of Gregory VII. They knew, it was said, that his election had been defective from the beginning, and they excused the patience with which they had borne with him by the hope they had hitherto entertained, that he would in some degree redeem the vices of his elevation by the probity and justice of his administration: but the lamentable state of the church, and the unparalleled pertinacity with which he had persevered in his evil courses, proclaimed their disappointment: it was clear that the spirit of peace and charity, with which the Lord had inspired His true disciples, had no place in his bosom: he had delighted in making for himself a *great* name rather than a *good* one: instead of establishing peace and good-will, he had put himself forward as the herald of schism: he had, with proud and cold-hearted cruelty, lacerated the members of Christ's spiritual body, and fanned the flames of discord in every church of Italy and Germany, of France and Spain: he had done his best to filch from the bishops the sacred powers conferred upon them by the Holy Ghost: he had exposed them to the mob-depredation, by denying the dignity of bishop or presbyter to all who had not basely begged his orders or promotion from his exorbitant pride: thus he had deprived the episcopacy of life and vigour as an apostolical institution, and had confounded together the several parts of that harmonious combination so highly extolled by the great Apostle of the Gentiles:<sup>k</sup> by his blustering decrees he had *banished the name of Christ from the world, and filled it with his own*: by the breath of his nostrils he had blown away all the privileges of the prelacy; for had he not published, that any accusation that might reach his ear against any one of their order, though it were by a mere rumour, at once caused all his powers as bishop to cease, and devolve upon him-

<sup>k</sup> In allusion probably to *Ephes. ii. 20-22.*

self, or upon any one to whom he might think fit to delegate them? To submit any longer to such tyranny appeared to them as the worst of all evils; and they therefore now declared that they would no longer permit him to occupy the chair of Peter: and, in fact, he had by his own act rendered himself incapable of that high dignity; he had pledged his corporal oath to the emperor Henry III., that, neither in his lifetime nor in that of his son, the present king, would he take upon him the papacy, and that he would permit no one to assume it without the assent of the said emperor; and of this oath there were still surviving eye- and ear-witnesses: again, when certain ambitious cardinals had solicited votes for the papacy, he persuaded them to desist, in consideration of a solemn vow by himself, that he would never solicit that dignity for his own person:<sup>1</sup> both these oaths he had broken: neither could his election be sustained under the ordinance of pope Nicolas II.,<sup>m</sup>—an ordinance which, they alleged, was his own work: besides all this, he had brought scandal upon the church by his unseemly, if not criminal, familiarity with a strange woman:<sup>n</sup> it was, in fact, well known that the judgments and decrees of the holy see, the whole government of the church, was subject to the influence of women:<sup>o</sup> yet no complaint of theirs could adequately describe the indignities heaped upon the bishops, whom he had called “sons of whores,” and bespattered with much other abuse of the same kind. And thus they conclude: “Inasmuch, therefore, as your entrance into the fold was polluted by perjury, and the church of God has ever since been imperilled by storms which your unprincipled innovations have evoked; and inasmuch as you have disgraced your life and conversation by so many infamies; we do hereby renounce that obedience to which we

<sup>1</sup> This allegation is in some degree countenanced by the pains which Gregory VII. took to persuade the world that his acceptance of the papacy was altogether involuntary—that he was, in fact, compelled by force to mount the papal chair. See our account of his

elevation, Book X. c. iv. p. 250.

<sup>m</sup> Conf. Book X. c. i. p. 161.

<sup>n</sup> The countess Mathilda.

<sup>o</sup> Alluding probably to the intimate friendship in which Gregory had lived with Mathilda, Adelaide of Susa, and the dowager empress Agnes.

were never lawfully bound, and are henceforth resolved never again to pay : finally, as you have openly declared that you hold no one among us to be true bishops, so shall you never be to us a true pope."<sup>p</sup>

Armed with this important document, the bishop of Speyer, at the representation of the Germanic prelacy, presented himself before a numerous synod of the provinces of Milan and Ravenna assembled at Brescia.<sup>q</sup> King Henry himself followed his emissary on the heel; and the party of the discontented in Rome sent their deputies to the meeting. The proceedings of the preparatory synod at Maintz were unanimously adopted : it was resolved that pope Gregory had usurped the holy see by open bribery and corruption ; that he had set ecclesiastical law and order at defiance, harassed the civil state, compassed and imagined both the temporal and spiritual death of the king, defended the intrusive and perjured pretender Rodolf, favoured the heresy of Berengarius, and polluted himself with the guilt of sorcery : finally, that unless he should repent, and descend from his usurped throne, he should be smitten with the curse of the anathema. After this, they proceeded, at the king's suggestion, without more ado to elect a new pope, and raised the archbishop-patriarch of Ravenna, Wibert, to the holy see by the name of Clement III. ; they excommunicated king Rodolf, and Welf duke of Barvaia; and took a solemn engagement to accompany the king to Rome, there to receive the imperial crown at the hands of the new pope. But Henry was recalled into Germany by the urgency of political affairs in that country, and the Roman expedition was postponed to the following year.<sup>r</sup>

It is remarkable that the articles of impeachment

<sup>p</sup> *Udalr. Cod. Epist. no. 172, ubi sup. p. 171-173.*

<sup>q</sup> Both *Stenzel* (i. p. 462) and *Luden* (ix. p. 177) erroneously transfer the synod to Brixen, a German town of the Tyrol, at the foot of the Brenner pass.

<sup>r</sup> *Chron. Urspergens. in Concil. xii. pp. 645, 646.* Conrad, abbot of Ursperg, the author of these annals, is the principal authority for the earlier period

of the history of the Hohenstauffen or Swabian dynasty. He was the friend of the great emperor Frederic Redbeard, and was regarded as a schismatic by the papal party. Conf. also *Bonizo*, ubi sup. p. 817; *Bernold. an. 1080; Pertz, v. 436*: but Bernold reverses the order of the two synods of Maintz and Brescia.

exhibited at the imperialist synods of 1080 are almost literal transcripts of those of Worms and Pavia in the year 1076.<sup>s</sup> With some variance in point of order, the same charges are repeated almost in the same words. Some clauses only are added, barely marking the altered position of the parties.<sup>t</sup> Henry, after once more indulging his humour in a letter of vulgar invective addressed to the pope personally,<sup>u</sup> wended his way back to Germany, leaving his natural son Henry behind him, with the assistance of the Lombard estates, to establish the authority of the new pope in Italy.

Henry  
returns to  
Germany.

By extraordinary exertions the king had assembled a numerous but miscellaneous force on the Saxon borders, with which he again penetrated into the heart of the country. The two armies encountered each other on the banks of the river

Defeat of  
Henry, and  
death of  
Rodolf in  
battle.

Elster. Here again the Saxons remained masters of the field; but Henry's losses were amply compensated by the fall of his rival Rodolf in the battle. His death spread dismay and confusion in the ranks of the confederates. The king, whose indomitable spirit no reverse could depress, soon succeeded in rallying the dispersed remnants of his army, and restoring, in some degree, the courage of his supporters. Counting upon the mutual jealousies of the Saxon chiefs, he entered into separate negotiations with the leaders of the now headless faction; he plied them with promises, and inflamed their mutual suspicions by opening prospects equally agreeable to some, and fatal to the ambition of others, more especially to the notorious pretensions of Otto of Nordheim to the throne vacated by the fall of Rodolf.

The unfortunate result of the battle of the Elster had no further detrimental influence on the king's affairs than to disable him from pursuing his

Effects of  
the defeat.

<sup>s</sup> See Book X. c. viii. pp. 378, 379 of this volume.

<sup>t</sup> Chiefly the accusations of favouring the heresy of Berengarius of Tours, and patronising the intrusive king.

<sup>u</sup> It is doubtful whether the letter in the *Cod. Epist.* of Udalrich, p. 173, is to

be referred to this occasion, or to the preceding epoch of 1075. Conf. the corresponding document in *Bruno*, de Bell. &c. c. lxxvii. The German historians generally refer it to the prior occasion.

scheme for the reduction of the revolted provinces. The death of Rodolf, and the dispersion of the Saxon forces which followed that event, relieved him for the present from all apprehension of offensive operations on their part, and left him at liberty to turn his attention to the state of affairs in Italy, with a view to the expulsion of his great enemy from Rome, the installation of pope Clement III. in the chair of Peter, and his own imperial coronation in the capital of the Christian world.

At this point of time the position of pope Gregory VII. had become critical. The alliance so lately concluded with duke Robert of Apulia had not produced the advantages he had promised himself from it. The bishops of his own party showed little activity on his behalf; the Normans could not be persuaded to stir; to add to his difficulties, the king's son Henry had defeated an army collected by the countess Mathilda at Volta near Mantua,<sup>v</sup> on the selfsame day on which the pope's great client Rodolf lost his life in the battle of the Elster. The latter of these mishaps had disconcerted all his plans for detaining Henry at a distance; the election of Clement III. had placed a chief at the head of his ecclesiastical opponents; the defeat of Mathilda, and the coolness of her subjects in his interests, had proved to the pope that no present assistance from that quarter could be relied upon. These considerations—as obvious to the friends and advisers around him as to himself—introduced despondency into his counsels, and the unanimous advice tendered to him was to avail himself of Rodolf's death to make the best terms he could with Henry. They urged the notorious fact, that almost all Italy was at the king's feet; that as for the Germans, he had nothing to expect from them at this juncture; and that the countess Mathilda could now offer no effectual resistance, and must either make her submission to the king, or abandon her estates,—unless, indeed, military aid could be immediately afforded, of which, however, there was at present no prospect.

Critical state  
of pope  
Gregory's  
affairs.

<sup>v</sup> On the 15th Oct. 1080; *Bernold.* an. 1080, ubi sup.

In reply to these sinister prognostics, Gregory frankly admitted the facts before them; but with great calmness assured his friends that any sacrifice was, in his and their position, better than *a sacrifice of principle*: the adoption of the course they recommended would amount to an abandonment of the cause of God and His church, merely to relieve themselves from a temporal and momentary danger: with his accustomed clearness and vigour of intellect, he pointed out the measures necessary to encounter or to divert the danger; among which, however, he did not mean to include the smallest relaxation of the severity of ecclesiastical government, or the most insignificant compromise of the papal prerogative. His eye rested upon duke Welf of Bavaria as his champion in Germany; and, with a view to ascertain his fitness for that post of danger, he instructed his agents, Altnann bishop of Passau and William abbot of Hirschau, to remind him of a promise said to have been witnessed by the empress Agnes and the bishop of Como, *whereby he engaged to do homage to the holy see for the fiefs which had fallen to him by the death of his father.*<sup>w</sup> “We desire,” said Gregory, “to gain him over wholly to the cause of St. Peter, and to stir up his whole soul in his service; if, therefore, you shall observe *in him and other persons in authority such good dispositions*, in the love of St. Peter, and for the absolution of their sins, you will do your utmost to give effect thereunto, and to inform us as soon as possible of your success.”<sup>x</sup>

Plan of Gregory to encounter the crisis.

But the views disclosed in this remarkable letter indicate a far wider project than the mere relief from present danger. The primary object was, no doubt, to create a diversion in the rear of the king, which should cripple his operations in Italy, if it might not detain him on the other side of the Alps. It was, however, a remarkable feature in the character of this pontiff, that, in proportion as the political atmosphere

Energy of Gregory VII.

<sup>w</sup> It is not said whether these fiefs lay in Germany or Italy. But that would make no difference in the character of the act; the treason of doing

homage to a stranger would in either case be equally flagrant.  
<sup>x</sup> *Regist. Greg. VII. lib. ix. ep. iii. p. 508.*

darkened around him, his own view expanded, and his powers of discernment became clearer and more definite. The mighty plan of universal dominion which filled his soul, and identified itself with his whole being, became more and more vivid as the difficulties of the execution multiplied around him; and thus, at the very moment when his fate seemed to depend upon a nice balance of chances, he was engaged—regardless of the extreme peril of his position—in a daring scheme for sweeping all the constituencies of the empire into the ecclesiastical net.

In explanation of his plan for the defence of Italy, he desired his agents in Germany to watch narrowly the proceedings of the electoral body when they should take in hand the choice of another king in place of the deceased Rodolf: they were instructed to take special care that the electors “were not swayed by motives of personal interest, and that they should place upon their throne no one whose principles and dispositions might not be thoroughly relied upon for the defence and nurture of *the Christian religion*.<sup>y</sup> Rather than that in their haste they should choose one who might not answer this description, he advised delay, as the least of two evils: “the devil,” he said, “is always in a hurry; the church, always deliberate:” unless, therefore, the new king should turn out as obedient and as humbly devoted to the service of the pope as every Christian king ought to be, and as the deceased Rodolf, if he had lived, promised to become, let him be fully assured that holy church would not only show him no favour, but would altogether discard and cast him out. As to the subsisting engagements between the empire and the holy see, he reminded them of certain *secret matters* that had passed between the late king (Rodolf) and himself, with the nature of which they were fully acquainted; and he enjoined them to regard it as one of their most important duties to impress upon the emperor-

<sup>y</sup> “Cujus mores et cetera quæ regi oportet inesse, a suscipienda Christianæ religionis defensione et curâ discordent.” Remembering that the interests

of the “Christian religion” and of the holy see were always identified in the mind of Gregory VII.

elect, that in such times as these, and, indeed, at all times, *nothing less* would be accepted.

Though it was deemed expedient that the "secret matters" in question should not be prematurely divulged, yet their nature is clearly revealed in the appendix or schedule annexed to this important brief: "In order," saith the pope, "to clear away all difficulties, or ambiguities, we send you herewith the form of the oath you are to tender to the new king." The formula ran thus: "I do swear that from this hour I will *bear faith and true allegiance* to the blessed apostle Peter and his vicar pope Gregory, who is now in the flesh: whatever the said pope shall command by the words and in the form '*by thy true obedience*' (per veram obedientiam), I will faithfully observe and perform: as concerning the appointment to churches and the territories, renders and revenues heretofore given by the emperors Constantine (the Great) (!) and Charles (Charlemagne), or by any other person or potentate whatsoever, be he man or woman, at any time, unto the holy see, and which either have now fallen, or may hereafter fall, into my possession, I will come to such agreement with the pope that I may not incur the peril of sacrilege and eternal damnation; and that I may thereby, and by Christ's assistance, requite unto God and St. Peter all the honour and service due to them: and I do swear that, upon the very first occasion of my coming into the presence of the pope, I will BY MY HANDS *faithfully engage and profess myself the vassal of the blessed Peter and the pope.*"<sup>2</sup>

The object of these instructions was, in the first place, to constitute the pope the judge of the personal qualifications of the candidate for the throne, and thus to make himself master of the election; and in the next, to convert the emperor-elect into *the professed vassal* of the holy see. Law and custom had

<sup>2</sup> "Et eo die quando illum (papam) primitus videro, fideliter per MANUS MEAS miles S. Petri et illius (papæ) efficiar"—the well-known form of doing homage by the vassal to his liege lord.

The word "miles" in this conjunction bears always the sense of vassalage. See Ducange, Gloss., voc. "miles" and "militia."

impressed upon the words "true obedience," as used in the common oath of fealty, a definite meaning, denoting the *legal* relation between lord and vassal. But in the code of Rome all limitation of secular law was stiffly repudiated; and the pope became the sole judge of what should amount to "true obedience" on the part of the vassal. Gregory himself had taken great pains to assure the world that nothing short of implicit submission to his will, in regard either to the temporal or the religious interests of the holy see, would satisfy those terms in his acceptation. If further evidence were required of the unlimited nature of the submission claimed, we should find it in the pregnant allusion to the fictitious donation of Constantine the Great, and to the vague concessions of Charlemagne,<sup>a</sup> as much as in the implied abandonment of all ecclesiastical patronage on the part of the temporal vassal to his spiritual superior by the act of homage itself. It is a remarkable circumstance that Gregory should have selected this the most perilous crisis of his fortunes to expose stark naked to the world the full proportions of the scheme upon which he had staked labour, life, and worldly credit. A mandate "*per veram obedientiam*" was to supersede all political action disagreeable to Rome; every plan and purpose of secular government must be submitted to the pope, with the view to ascertain its congruity with papal intent or interest; and every order from Rome, consistent or otherwise with the wishes or advantage of government or people, must be complied with, on pain of damnation. In this way the princes of the earth must become the passive agents and ministers of the bishop of Rome; and states and nations be reduced to the condition of obedient subjects of a scheme of polity whose only merit lay, not in its inherent capacity for the better government of the world's affairs, but in its theoretical and practical antagonism to many of the existing evils by which that world was afflicted.

But neither these instructions nor the efforts of the pope's emissaries in Germany were of any avail against the apathy or the disorganisation of the

Henry in  
Italy.

<sup>a</sup> See Book IV. c. vii. pp. 313-317 of this work.

confederate party in that country. Early in the spring king Henry was enabled to visit Italy, and to establish his head-quarters at Ravenna. Gregory took the alarm, and desired Desiderius, abbot of Monte Cassino, to sound Robert Guiscard's disposition to fulfil his feudal duty, and to take up arms in defence of the holy see, with the whole force of his fiefs; but if he should find him disinclined, he commanded the abbot to take the field in person, and to urge Robert at least to send such a body of men as should suffice for the personal defence of his liege lord, and the security of the patrimony of St. Peter.<sup>b</sup> Before he could receive a reply to these overtures, intelligence arrived from the countess Mathilda that Robert was at that moment engaged in secret negotiation with Henry; that it had been agreed that Henry's son Conrad should marry a daughter of Robert, and that the March of Ancona should be ceded to the latter as the price of his alliance. It had, however, been at the same time ascertained that the king's military powers were insufficient to hazard any forward movement; and the pope had collected around him a compact body of dependents and mercenaries, strong enough to secure him against a surprise. In this attitude he awaited the attack of his enemy, with the firm resolution, as he expressed it, "rather to perish than yield to the impious demands of God's enemies, or to swerve a hair's-breadth from the path of righteousness."<sup>c</sup>

But the rumour of a hostile compact between Henry and Robert of Apulia turned out a false alarm. It is not improbable that some attempt at negotiation had been made, and that the wily Norman may have been made sensible of the danger of establishing so formidable a neighbour as Henry on the frontier of his own states. The duke was at this moment busily engaged in preparing for the invasion of the Byzantine empire, with the intent of placing a pretender upon the throne of the emperor Alexius Comnenus, and had actually embarked with his army for the coast of Epirus. The king, however, had found Jordanes, prince

<sup>b</sup> *Regist.* lib. ix. ep. iv. pp. 509, 510.  
VOL. IV.

<sup>c</sup> *Ibid.*, lib. ix. ep. xi. p. 515.

of Capua, open to solicitation. Not long before this, Gregory had, for some offence that does not very clearly appear, excluded him from communion, and directed the archbishop of Naples to renounce his obedience; at the same time interdicting all his subjects, including more especially the magistrates and militia of the city of Naples, from rendering him service as their sovereign, under penalty of the severest visitations of the wrath-divine in case of neglect or disobedience.<sup>d</sup> Jordanes and, following his example, the prince of Salerno turned over incontinently to the king. Meanwhile the bishops of Lombardy, and many of the superior clergy within the dominions of the countess Mathilda herself, met in synod at Pavia, where they solemnly recognised Clement III. as pope, and repeated their abjuration of Gregory. The heroic countess stood alone with unshaken fidelity to the cause of her friend, although her principal cities of Pisa, Lucca, Sienna, Arezzo, Pistoia, and others, had declared in favour of Henry. She herself took refuge in her strongholds among the Apennines, and supplied from thence the exhausted exchequer of the pope with the contents of her own treasury, and every ounce of gold, silver, or salable commodity she could collect from friends, or from the religious establishments still under her influence.<sup>e</sup> In these fastnesses she attached to her service every German or Italian who had incurred the king's displeasure; and in this way supplied her castles with numerous and zealous garrisons. The king was detained in central Italy by ineffectual attempts to reduce the hill-forts of Tuscany, and, after the loss of much valuable time, was compelled to pass on, leaving a numerous and vigilant enemy in his rear.

Gregory had diligently improved the time afforded by the gallant resistance of his Tuscan ally. When Henry arrived before the walls of Rome, he waited in vain for the performance of the

Embarrass-  
ment of  
Henry

<sup>d</sup> *Regist.* lib. ix. ep. xxvi. p. 525.

<sup>e</sup> *Donizo*, Vit. Mathild. lib. ii. c. ii.,  
ap. *Murat.* v. p. 368; *Hugo Flav. Chron.*

lib. ii., ap. *Pertz*, viii. p. 462. Conf.  
*Stenzel*, i. p. 475, note (40).

promises of his friends within the city. The gates remained closed against him, and he found to his dismay that the treasures of Mathilda had supplied the pope with that kind of argument to which the Roman capitani and militia were never known to turn a deaf ear. He was unprovided with the materials or the machinery necessary for a siege, and justly dreaded the deleterious effects of the summer-heats of the Campagna upon the northern constitution. Accordingly he withdrew his forces leisurely to the hill-country, and busied himself for a time in the fruitless siege of Florence. But many principal towns, won by liberal gifts, and by grants of corporate privileges, declared in his favour. The bishops and clergy of course shared largely in the royal bounty, and Henry's popularity swelled in the exact proportion as his treasures dwindled. How long this game could have been carried on, we cannot conjecture; but the king was enabled to play it out by a seasonable supply which accident threw in his way.

After a successful battle, Robert Guiscard had entered himself master of the city of Durazzo on the coast of Epirus; and the emperor Alexius Comnenus found himself at the same moment hard pressed by the Normans on the western, and the Turks on the eastern, frontiers of his dominions. He had, however, by liberal subsidies, engaged a few of the independent barons of Apulia and Calabria to harass the lieutenants of Robert in those countries; but he perceived the far greater importance of purchasing a diversion from the arms of the king of Germany; and it was speedily agreed between them that the emperor should immediately disburse the sum of 143,000 golden bezants, with a future payment of 216,000 more as soon as Henry should have invaded Calabria, and operated an effectual diversion in his favour.<sup>f</sup> The king hastened to profit by this seasonable supply; and in the month of March 1082 he again appeared before the walls of Rome. But the resources of the countess Mathilda were not yet exhausted, and again she

relieved by a  
Byzantine  
subsidy.

He operates  
a diversion in  
favour of the  
Byzantines.

<sup>f</sup> Gibbon, Decl. and Fall, vol. vii. p. 127, from Anna Comnena.

found the means of opening the eyes of the Romans to their spiritual interests. The wealthy convent of Canossa, at her solicitation, emptied its treasury of the last remnant of its vast hoards; yet nine pounds of gold and seven hundred pounds of silver was all she could draw from this source. For the present, however, it proved sufficient to detain the new converts under the papal banners. Henry made no progress in the favour of his late partisans within the walls; and it soon became of exceeding importance to him to earn the additional subsidy promised by the Byzantine emperor. Uniting his forces with those of the Tusculan nobles—the constant enemies of the reigning pontiff, whoever he might be—he invaded Apulia, destroyed many of duke Robert's castles, ravaged the open country, and received the homage of several of his cities and towns. At the same time the mercenary archbishop of Naples and the prince of Capua had tasted the sweets of the Byzantine connection; among Robert's barons dangerous symptoms of disaffection, arising either from their insubordinate habits, or the hope of profiting by the like windfalls, became apparent; the original inhabitants of the rural districts, inflamed by the bitterest animosity against their merciless tyrants, flew to arms; and many of the more powerful Norman chiefs among them, more especially prince Jordanes of Capua, apprehensive of the total loss of their hold upon the country, openly renounced the papal connection, did homage to the king, and threw themselves upon his protection against these formidable domestic enemies.<sup>§</sup>

Meanwhile the decisive defeat of the Byzantines by the Normans at Durazzo had laid open the provinces of the empire to the very gates of Constantinople. But the intelligence of the disastrous events which had occurred in his Italian provinces arrested Robert in the full career of victory. Not a moment was to be lost in facing and

§ *Bernold. Annal. an. 1084, ap. Pertz, v. 440.* Bernold postdates the treaty of subsidy between Alexius Comnenus and Henry IV. It was probably concluded in the month of July 1081, and renewed

with still more advantageous offers in the early part of 1082, after the loss of the battle of Durazzo. *Stenzel, i. p. 478.*

repelling the dangers which beset him at home ; leaving behind him his gallant son Boemund to retain and, if possible, to extend his conquests in Epirus and Thrace, he hastily retraced his steps into Italy ; and, with his accustomed vigour and the weight of his great name, was enabled to retrieve his position and reestablish his authority. But the invasion of the Germans had disappointed Robert's hopes of foreign conquest ; the Greek empire was saved, and Boemund, deserted by his father's faithless barons, many of whom had taken service with the Greeks, was compelled to retreat to the coast, whence he succeeded in rejoining his father in Apulia.<sup>b</sup>

After the fulfilment of his engagements with the Byzantines, no further purpose was to be answered by braving the dangers of war and climate in southern Italy. Henry prudently withdrew during the summer months to the more salubrious valleys of the Apennines, and employed his troops in checking the sallies and besieging the castles of the countess Mathilda. During the winter and the early spring of the year 1082 his partisans had, under his superintendence, blockaded the city of Rome, intercepting its supplies and plundering the property of the pope's friends. While Henry was thus patiently awaiting the result of his operations, the Romans' zeal for the service of the pope was gradually cooling down ; and a judicious distribution of the Greek subsidy speedily made him master of the Leonine city. Gregory took refuge in the castle of St. Angelo, and kept possession of the quarters lying on the left or southern bank of the Tiber. But by this time the Romans were thoroughly disgusted with a contest in which they were the only sufferers.<sup>i</sup> Henry, at the same time, allowed it to be understood that he was open to negotiation, and might still be prevailed upon to accept the imperial crown at the hands of Gregory : as to his pope Clement III., he might be easily disposed of, when the proper moment for his exit should arrive. The re-

Prudent  
policy of  
Henry.

<sup>b</sup> Henry had thus amply redeemed his engagement with the Greeks ; and, in the absence of all complaint to the contrary, we have a right to conclude

that the stipulated arrears of the subsidy were paid.

<sup>i</sup> *Bernold. Annal. an. 1083, ap. Pertz, v. p. 438.*

port of these pacific dispositions sorely perplexed the pontiff, alienated his friends, and increased the popular discontents. Gregory was made to appear as the sole obstacle to the restoration of public tranquillity: on the king's behalf it was urged that so self-denying a proposal imperatively called upon the pope to meet him half-way on the path of reconciliation: laity and clergy, bishops and abbots, monks and populace, vociferously importuned him to put an end to the public calamities, and to come to terms with the king upon the basis proposed. The moment was critical: the pope did not disguise from himself that, in every worldly point of view, he had involved himself in an unequal contest. Yet no hesitation appeared in his conduct as to the course it behoved him to pursue: his warfare was systematic; he fought not for himself; he lived, it is true, and moved in an atmosphere of his own creation; but within that atmosphere no man of ancient or modern times entertained a clearer, a larger, or a nobler view of his own destination. The spiritual ground he had taken up was the key of his position, political and religious; and rigid consistency, whether in prosperity or adversity—in the latter case more emphatically than in the former—was the only mode of successfully defending it. To quit that ground, though but for a moment, from personal considerations, or even in the interests of his temporal power—important as that power was to the external strength of the sacerdotal scheme—involved a sacrifice of principle fatal to the character he had assumed: it gave the lie to his reiterated pledges and declarations, and degraded the immutable dispensation he professed to represent to a level with the vulgar and ephemeral powers he was accustomed to identify with the kingdom of Satan in this world. Thus, unmoved by the menaces, the supplications, the tears of his friends, he returned the short reply: “Between Henry and the pope there can be no communication until he shall, by a public penance, have relieved himself from the curse of the church.”<sup>j</sup>

<sup>j</sup> *Bonizo, ap. Œfel. ii. p. 818.*

This imperturbable adhesion to the principles by which his life and government had been invariably regulated, had more than once turned the tide in his favour: his will had appeared as the will of God; his commands immutable as the divine decrees. But as, in viewing some broad and dashing production of the artist's pencil, the general effect is injured by too close an inspection, so also in Rome pope Gregory was too closely and constantly under the public eye to permit the coarser aspect of the work in hand to pass unobserved. The godlike attributes, so strikingly delineated in the distant prospect, sank into the meaner expedients of an astute policy; and the respect which the Romans entertained for the character of their bishop rarely inclined them to an active sympathy with his spiritual claims, or induced them to lose sight of their own interests in deference to those of the vicar of Christ. In this juncture, notwithstanding the protestations of Gregory, they still relied upon external pressure to bring him to reason; they promised the king that, when the semestral synod should meet in the November following, they would either by persuasion or force prevail upon the pope to come to a settlement of existing disputes; and they assured him that he should receive the imperial crown, either from the hand of Gregory himself, or if the pope proved intractable, they would elect another pontiff who should perform that ceremony for him. On his part the king engaged to afford effectual protection to men of all parties in going and coming to and from the synod. Forty hostages were placed in his hands by the Romans for the performance of their promise; and Henry, after building a strong fort within the walls to keep the ground already won, and to watch the pope and the garrison of St. Angelo, removed his troops into Tuscany, and again amused himself during the summer months in besieging the castles of the countess Mathilda, and visiting her vassals and adherents with fire and sword. That princess, though much reduced by the loss of many defensible points, and the ruin of almost all her funds, still sustained with an undaunted spirit the assaults of her enemy. As-

Henry's  
treaty with  
the Romans.

sisted by the civil and military talents of Anselm bishop of Lucca, whom Gregory had placed by her side, she never relaxed her exertions, or lost her confidence in the final triumph of her spiritual friend and director.<sup>k</sup>

Anxious at this critical moment not to appear to the world in the light of a wilful disturber of the public peace, Gregory instructed his agents to assure his friends throughout Christendom that he was not the author of the political schism in Germany. He took God to witness that he had no share in the election of Rodolf, whom the Germans had chosen for their king; but, on the contrary, that he had expressly and publicly declared, that unless the prelates who had crowned him could show good grounds for what they had done, he had determined to punish them, and to depose the said Rodolf himself.<sup>l</sup> But that this was in every view of the assertion a deliberate falsehood could be unknown to no one acquainted with the instructions of the pope to his legates, and their conduct throughout the transaction in question. Such an assurance could not, therefore, restore the pope to the eminence to which he aspired in the opinion of the world; and it became essential to resort to the vulgar expedients of a packed synod, which should have no other duty than to do his bidding. In defiance of the understanding that all parties should be freely represented in the ensuing assembly, Gregory restricted his citations to his own partisans; treating the king's adherents, prelates and clergy, as ecclesiastical nonentities. Such a mode of convocation put an end to all prospect of compromise or accommodation, and the king naturally regarded himself as discharged from his obligation to extend his protection to a meeting composed exclusively of enemies.<sup>m</sup> The

<sup>k</sup> *Bernold*. Annal. an. 1083, ubi sup. p. 438. *Donizo*, Vit. Mathild. lib. ii. c. ii. Conf. *Anselm*. cont. Wibert. lib. i., ap. *Canis*. Lect. Antiq. tom. iii. c. i. p. 377.

<sup>l</sup> *Regist.* lib. ix. ep. xxviii. p. 526, "Ad universos fideles." The date of this letter is, however, not free from doubt. *Jaffé*, *Regist.* Pont. Rom. p. 440,

dates it with diffidence in the year 1082.

<sup>m</sup> *Bernold*. ubi sup. p. 438. The analyst of course contends that the synod was convoked in conformity with the previous understanding; and that Henry, finding he could not obtain a majority, treacherously withdrew his safe-conduct, and prevented the attendance of the pope's friends.

envoys of the German confederates were accordingly arrested before they reached Viterbo, and plundered of money and baggage; many prelates and monks were captured on their road to Rome; and, although a few bishops from France reached their destination, all the most devoted of the pope's adherents, and many whose counsels and support he most desired—more especially those of Hugh archbishop of Lyons, Anselm of Lucca, and Reginald of Como—were either stopped on the road or warned off by the king's patrols.

A synod, indeed, was collected, but in such insignificant numbers and depressed spirits, that no advantage could be derived from its labours. Gregory alone appeared unimpressed by the unpromising state of affairs. He moved the renewal of the excommunication against Henry; but the proposal met with no echo in the breast of the meeting; an almost unanimous distaste for extreme measures was manifested; and it was not without difficulty that the pope procured their assent to a general vote of censure against all who had up to this time, or should thereafter, prevent or obstruct intercourse with Rome and the pontiff. But the fathers could not be prevailed upon to excommunicate any one by name; a reticence which deprived the censure of all force and effect. The Romans, on the other hand, had conceived some discontent with the existing relation between themselves and the king; and the pope had, by the tardy liberality of Robert Guiscard, been supplied with the means of gratifying their appetite for gain.<sup>n</sup> They accordingly intimated that their engagement with Henry did not imply that he (Gregory) should be compelled with his own hand to place the crown upon the head of the king; but simply that "he should give him the crown;" so that the act might, "if it pleased him," be accompanied with the papal benediction; but if *that* were impracticable, *with the curse*. Seizing on the quibble, Gregory adopted the expedient suggested; and the Romans sent word to the

Improved  
aspect of  
papal affairs.

Tergiversation  
of the  
Romans.

<sup>n</sup> Stenzel, i. p. 484.

king, that he might now, if he liked, come and take the crown; nay, that, if so disposed, he might be reconciled with the pope, and be crowned by him; otherwise he might still obtain it, but that it would be handed down to him from the ramparts of St. Angelo at the end of a rod or pole.<sup>o</sup> Henry rejected the contemptible compromise with becoming indignation; and the Romans, protesting that they had now redeemed their engagements, declared openly against the king. The garrison he had left to keep possession of the Leonine city was by this time reduced by sickness to incapacity; the surviving remnant quitted their post; the castle itself was speedily razed to the ground; and the entire city was once more cleared of the pope's enemies.<sup>p</sup>

But the funds so absolutely necessary to keep the citizens in good humour soon began to fail; <sup>They desert</sup> Gregory, the old discontents reappeared; and within six months they had again changed their minds. Meanwhile the king's fast friends, the counts of Tusculum and Galera, had established a strict blockade upon every road leading to the city, and intercepted the supplies necessary for the subsistence of the inhabitants. Reduced to extremity by distress and famine, the hungry multitude once more appealed to king Henry for relief; they signified their submission, and invited him to take possession of the city in the full assurance of their future fidelity. No one was more surprised than Henry himself at this sudden change in the current of affairs. His position in Italy was not at this moment sufficiently encouraging to outweigh the imperative demands for his presence which reached him from Germany, where the deadliest strife of political and religious faction was fast consuming every element of national prosperity. At that moment, indeed, he was on the point of breaking up his camp and retiring from Italy. But the unexpected offer of surrender arrested his retreat, and he lost no time in making his triumphant entry into Rome, where he was received as a deliverer by the versatile populace. <sup>and introduce</sup> The whole circuit of the walls, excepting only <sup>Henry into</sup> Rome.

<sup>o</sup> *Bernold.* ubi sup. p. 438.

<sup>p</sup> *Ibid.*, ubi sup.

the impregnable castle of St. Angelo, was occupied by his troops; his pope, Clement III., was hastily summoned to Rome, and installed in the palace of the Lateran.<sup>1</sup> A synod assembled at a pinch ratified the election of Clement by the synod of Brescia; he was thereupon solemnly consecrated pope by the bishops of Arezzo and Modena; and on the self-same day Henry himself was anointed and crowned emperor by the restored pontiff.<sup>2</sup>

It was not until the twenty-ninth year of his reign that Henry IV. arrived at the summit of right-ful ambition. He was now in the thirty-fifth year of his age, and within that period had undergone more vicissitudes of fortune, and by the mere force of character extricated himself from greater difficulties, than had hitherto befallen any sovereign within the purview of European history. He was now in his own right emperor of the Romans. Like his predecessors, the crown of empire had, at his command, been placed upon his brows by a pope of his own nomination; and no one among his contemporaries, friend or foe, was found to dispute his title. The simple fact that he had been crowned at Rome in the church of St. Peter satisfied public opinion. The nations of Europe had yet to learn that imperial and royal crowns were in the gift and disposal of the vicar of St. Peter. Rome—like Aix-la-Chapelle and Rheims, in a subsequent age—was the

<sup>1</sup> See Henry's letter to bishop Theodorick of Verdun, in the *Gesta Trevirorum*, ap. *Pertz*, viii. p. 185.

<sup>2</sup> *Benzonis Panegyricon* in Hen. III. (IV.) lib. vii., ap. *Mencken*, Ss. Rr. Germ. tom. i. p. 1059. It is difficult to extract any precise facts from this stupid and furious declaimer. Nor can much reliance be placed upon the facts he speaks to, though probably an eye- and ear-witness of the transactions of the period. From his account it would appear that the imperial synod proceeded to summon Gregory into their presence to defend himself, and that they affected to wait three entire days for his appearance. The *Codex Epistolaris* of *Udalric* (ap. *Eccard*, Corp. Histor. Med. Ævi, ii. p. 181) informs us

that the Hildebrandine prelates were summoned in the same form, and upon their non-appearance were condemned for contumacy; that pope Clement forthwith issued letters monitory reproaching a variety of heresies which had crept in under the mal-administration of Hildebrand; chiefly the encouragement of perjury by pretending to relieve subjects from their oaths of allegiance; the excommunication of kings and emperors; the condemnation and deposition of bishops without canonical trial; and some others relating to the eucharist (probably the so-called Berengarian heresy), to baptism, and confirmation. For the facts stated in the text, see *Bernold*, an. 1084, ubi sup. p. 440.

locality to which the prerogative of crowning the sovereign attached. As emperor of the Romans, the citizens of the metropolis of the empire possessed the customary right to place the crown upon his head. The pope, indeed, performed the ceremony, but the citizens saluted and proclaimed him. The act was, in its nature, a civil proceeding, though, like marriage, regarded as incomplete without the blessing of the church; yet even if it were admitted that Henry's title was in this respect theoretically defective, still it possessed all that, in the popular sense, was essential to its validity. Henry IV. stood before the world as emperor and patrician. The citizens, relieved from the pressure of famine, and weary of that pontifical government from which they saw no prospect of further advantage, and every chance of total ruin, turned to their new monarch with a cordiality of attachment they had rarely displayed for any government since the time of the great consul Alberic.

These advantages, however, constituted the whole amount of the new emperor's gains. Gregory VII. defended himself with unabated courage in the castle of St. Angelo. Besides this impregnable fort, he held the Septizonium Severi, a fortified post upon the Palatine hill, from which he was enabled to hold out his hand to his ally Robert of Apulia. The emperor lost much precious time in the fruitless siege of these strongholds; Robert became alarmed at the approach of an adversary who had already inflicted upon him an irreparable injury, and tardily prepared to ward off the apprehended danger. His nominal dependence upon the holy see gave him neither trouble nor anxiety; but if he permitted the emperor to acquire a firm footing in Italy, he would not only fix a limit to his prospects of further acquisition, but impose upon himself the disagreeable alternative, either of fighting a hard battle for what he already possessed, or of submitting to a superior little inclined to put up with the lax performance of the feudal duties which the weakness of his ecclesiastical suzerain compelled him to tolerate. In order, therefore, to disperse the approaching storm before it

The pope delivered by the Normans.

should burst upon him, he collected a force of 30,000 irregular infantry and 6,000 Norman cavalry, and put them in march for Rome. Meanwhile Desiderius abbot of Monte Cassino, who had hitherto played a trimming game on his own behalf between the emperor, the pope, and the Normans, had given Henry timely notice of the movements of Robert, and at the same time conveyed to the pope an intimation of his approaching deliverance.<sup>s</sup> After his failure in expelling Gregory from Rome, the emperor felt his inability to maintain the city against the overwhelming force moving to the relief of the beleaguered forts. He therefore withdrew his forces, and took up a strong post of observation at Civita Castellana, about thirty miles north-east of Rome. The Romans, equally unprepared for their defence, hardly made a show of resistance; the gate of St. Lawrence was speedily forced, and the pontiff was released from his long confinement in the castle of St. Angelo. For this service the Norman host received the pontifical thanks and solemn blessing. Thus edified, they spread themselves over every quarter of the city, plundered the houses, and violated the wives and daughters of the citizens, without distinction of friend or foe. Made aware too late of the calamity their pusillanimity had brought upon them, the inhabitants flew to arms, and had almost succeeded in overpowering the plunderers, when the latter bethought them of creating a diversion by setting fire to the city. At the sight of their burning homes, the enraged multitude dispersed to save what they might from the flames; the Normans now turned upon their pursuers; multitudes were slain in the streets, and many prisoners taken, several thousands of whom were carried away into Calabria, or sold to eager purchasers as household slaves by the way.<sup>t</sup>

Rome plundered and burnt.

The miserable Romans hastened now to make their

<sup>s</sup> *Leo of Ostia* (lib. iii. c. l. ap. *Murat.* iv. p. 466) gives a not unamusing account of the shifts and doubles of Desiderius to keep upon terms with all the three parties at once.

<sup>t</sup> *Leo Ostiens.* lib. iii. c. liii. ap. *Murat.*

iv. p. 469; *Hug. Flav.* lib. ii. ap. *Pertz*, viii. pp. 461, 462; *Bonizo*, ubi sup. p. 818; *Landulph.* Mediol. lib. iv. c. iii. ap. *Murat.* iv. p. 120; *Bernold.* an. 1084, ap. *Pertz*, v. pp. 440, 441.

The pope evacuates Rome. peace with the pope, were it only in the hope of gaining a little breathing-time. To that end they entered into a treaty with Gregory, and the murderous hordes to whom he was indebted for his escape. The terms of the treaty are not known; but no one was better acquainted than the pope with the value of Roman oaths or treaties, their habitual disregard of engagements, their sordid avarice, and that secret disaffection for the pontifical government which they had inherited from their ancestors, stimulated as these propensities now were by a burning thirst for revenge upon himself and the ruffians to whom he had sacrificed them. No special sympathy, therefore, for his suffering flock withdrew the attention of Gregory from the advantages of the present contingency. Placing himself at the head of duke Robert's bands, he issued forth against the outlying estates of the capitani and suburban nobility, the bitterest and most persistent enemies of the pontifical government; he ravaged their lands, destroyed their houses; and, on his return from these pontifical excursions, busied himself in strengthening and multiplying his fortified posts within the walls of Rome. The hope, however, of keeping military possession of the city after the departure of his Norman allies was too faint to encourage him a second time to risk his person and fortunes within the ramparts of St. Angelo. After throwing strong garrisons into the castle and other defensible points, and carrying away forty hostages, selected from the principal families of the city, for the future submission of the Romans, he accompanied the retiring host of his protector, and took up his abode in the convent of Monte Cassino, whither he was followed by a train of emigrant cardinals and unseated bishops, the residue of that numerous body of ecclesiastics devoted to the promotion of his lofty projects."

But the labours of Gregory, whether for good or for evil, were drawing to a close. From Monte Cassino

<sup>u</sup> See the authorities quoted in the preceding note, particularly *Leo Ostiens.* lib. iii. c. liii. ubi sup.

he removed to Salerno, where he assembled, <sup>Last illness</sup> for the last time, the bishops and clergy of his <sup>of Gregory.</sup> party in solemn synod. Here, again, he repeated the curse against the rival pope Clement, the emperor Henry, and all opponents,<sup>v</sup> and took measures for the widest circulation of the pontifical ban both in France and Germany.<sup>w</sup> His health had been declining for some time past; "and now," says his friend abbot Hugo of Flavigny, "knowing that the day of his departure was at hand, he called before him his fellow-exiles,<sup>x</sup> and foretold to them the day and the hour of his departure. After this he conformed to all the ordinances of the church, and again on the 18th day of May<sup>y</sup> collected his companions around his bed, and charged them by their obedience, and by the terrors of the great day of judgment, without reserve to mark and reprehend whatever they might see amiss in his past life and conduct: but they, touched to the heart, broke forth in praise of his whole life and conversation, his excellent discipline, his holy doctrine, his fervent and enlightened zeal! Thereupon he adjured them all by the apostolical <sup>His last in-</sup> authority, and caused each of them to pledge <sup>junctions and</sup> to him the right hand of promise, never to re- <sup>death.</sup>ceive to communion the heretical usurper of the holy Roman see (Clement III.) until he should have repented and stripped himself of all ecclesiastical office and dignity, and made a pure confession to the cardinal-bishops: as to the tyrant and robber Henry, he commanded them to give all diligence in making known to the world the sentence of eternal reprobation passed upon him, until he should resign the crown, and put off all the insignia of his usurped dignity: he then confirmed the vicarial authority of all his legates, and renewed their powers to bind and to loose throughout Christendom, as already conferred: lastly, he absolved from all their sins those who should persevere unto the end in the faith which

<sup>v</sup> *Bernold.* an. 1084, ubi sup. p. 441.

<sup>x</sup> "Concaptivos."

<sup>w</sup> In France by his legate Peter of Albano; and in Germany by Otho bishop of Ostia.

<sup>y</sup> The fourth Sunday after Easter, A.D. 1085.

he had preached; and surrendering his spirit into the hands of his Creator, he departed this life, a martyr and a confessor of the faith.”<sup>z</sup>

To this account of the last moments of the extraordinary man who has engaged so large a share of our attention, the monk Bernold of Constance adds some important particulars. “And now,” he observes, “it pleased almighty God to remove his servant from the pains and labours of this life to his eternal reward. For some time past he had suffered from bodily infirmities; but his mind remained clear and firm as ever, even unto the death he was to suffer in the cause of righteousness. He was taken away on the 31st of May in the year 1085; and was interred at Salerno, in the church of St. Matthew, which he had himself consecrated that same year. His death was mourned by the religious of all ranks and sexes, but chiefly by the poor. For he was a fervent preacher of Catholic doctrine, and a most strenuous champion of ecclesiastical liberty. It was, indeed, *his fixed purpose that the orders of the church should no longer be subject to lay control, but that they should be exalted above the laity both by the holiness of their lives and the dignity of their rank*; and of this his intention no one who diligently reads and considers his collected epistles can entertain any doubt.”<sup>a</sup>

The short eulogium of Bernold sums up in the fewest words the entire scope and purport of Gregory’s life-long policy, and at the same time assures us that it was fully understood and appreciated by his followers. The steps necessary to maintain and perpetuate that policy occupied his thoughts even in the hour of death, to the exclusion of every personal con-

<sup>z</sup> *Hug. Flavin. lib. ii., ap. Pertz, viii. p. 466.* Hugo of Flavigny begins his chronicle at the Nativity, and brings it down to the year 1090. He was a contemporary, if not an intimate, of Gregory VII.

<sup>a</sup> *Bernold. an. 1085, ubi sup. pp. 443, 444.* Bernold lived and wrote during the last half of the eleventh century, and was a contemporary of all the events

he narrates. His chronicle commences in the year 1055, or perhaps more properly in 1073, with transactions within his personal knowledge, and closes with the year 1100. See the pref. of *Pertz, v. p. 385.* The letters of Gregory VII. must therefore have been collected and published not many years after his death.

sideration. The scheme that had engrossed his mind throughout his whole life appeared to him to be possessed of an immortality of its own; it could not die with him; it was his law and his righteousness; and in its imputed merits he trusted with a fulness of conviction that left no room for conscientious doubt or misgiving. The firm persuasion that he was the chosen instrument in the hand of God to deliver His church from the corruptions contracted in its unhallowed contact with the world and the princes of the world, accompanied him to the tomb; neither did he in that solemn hour look back upon his past life for any other purpose than to enable him to sum up in his mind what had been done, nor forward to the future but to ascertain what had still to be done, towards the accomplishment of the one great object of his existence. The first step was to designate a successor who should give a practical perpetuity to the principle of sacerdotal ascendancy—a person devoted to the propagation of the religion of his own life. With that view, we are informed by his friend Leo of Ostia,<sup>b</sup> that when, shortly before his death, he was consulted by his friends as to whom he would re-commend to them as his successor, he pointed out Desiderius of Monte Cassino as, upon the whole, the fittest; but if he should decline the office, they could not do wrong in electing either Hugo archbishop of Lyons, bishop Anselm of Lucca, or Otto bishop of Ostia; at all events, they ought not to lose an instant in filling the vacant throne.<sup>c</sup> His recommendations, therefore, included some of the most advanced pupils of the decretal school. A second step was the perpetuation of the legatine scheme, with a view to that omnipresent superintendence and control by which he proposed to keep a strict watch and a per-

His views as to his successor,

and provisions for the perpetuation of his policy.

<sup>b</sup> Chron. Cassin. lib. iii. c. lxxv., ap. *Murat.* iv. p. 474.

<sup>c</sup> Our national annalist, William of Malmesbury, gives a somewhat different account of the interview. He does not mention either Hugo or Anselm as included in the recommendation. Desi-

derius, he says, was named first; and in case they should rather desire a profound scholar and theologian, Otho bishop of Ostia was their man. See *Murator's* note to the above-quoted passage in the Chron. of *Leo* of Monte Cassino.

petual check upon the powers of the world. A last executive step was the final overthrow of the proudest of earthly princes—of him who had dared to lift his heel against the Lord and His anointed—who had exercised sacrilegious dominion within the sacred precincts of St. Peter's patrimony—who had profanely withdrawn himself from the power of the keys, and repudiated the judgment-seat of God's viceroy upon earth. Unto him, therefore, the curse was to cling inexorably, until he should pay the penalty of his iniquity to the uttermost farthing. When thus much should be effected, the rest of the great providential scheme would, he trusted, accomplish itself: the suppression of simony, the abolition of investitures, and of clerical concubinage, would be then only questions of time and management. In this persuasion pope Gregory VII. died as he had lived—the same vigorous, systematic, unflinching, conscientious bigot.<sup>d</sup>

<sup>d</sup> It is reported of him, that with his latest breath he whispered audibly, "I have loved righteousness, and hated iniquity; and for that cause I die in

exile." Where this last dying speech is reported, we do not know. *Stenzel* reports it from *Voigt's Life of Gregory VII.*

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## CHAPTER IV.

### URBAN II. AGAINST PHILIP I. OF FRANCE.—THE CRUSADES.

Election of Victor III.—Opposition—Decrees of Victor III.—Death of Victor—Election of Urban II.—Character of Urban—his first measures—his moderation—Affairs of the papacy—Marriage of the countess Mathilda—Expulsion of pope Urban from Rome—Danger and heroism of the countess Mathilda—Arrogance and defeat of Henry IV.—Defeat of Bianello—The “truce of God”—Consequences of the defeat of Bianello—Prince Conrad—his rebellion—his coronation as king of Italy—Exaltation of the papal party—Story of the empress Praxidis—Motives of Conrad’s defection—Forlorn position of Henry IV.—Measures of his enemies—The crusading mania—Synod of Piacenza; its objects—The empress Praxidis rehearses her own shame—Acts of the council of Piacenza—Homage of king Conrad to pope Urban—Divorce and marriage of Philip I. king of France—Urban II. in France—Council of Clermont—Acts of the council—Sermon of Urban II. on behalf of the crusade—General absolution of sins—Use of the “truce of God” by pope Urban—Encroachments of the clerical judicature—Activity of pope Urban—Statutory exemption of the clergy from the lay judicature—Advantage to the clergy from the crusades—Dealing of pope Urban with Philip of France—Submission of Philip I.—Labours of pope Urban in France—his return to Italy and Rome.

GREGORY VII. had died in the persuasion that his principles of church-government had taken root in the minds of his companions and disciples. Election of Victor III.

With a view to deprive his adversaries of the advantages to be derived from a vacancy of the holy see, he recommended them to elect Desiderius abbot of Monte Cassino. The chair was therefore promptly offered to the latter, in preference to three other candidates whom the late pontiff had named provisionally as qualified for the succession. Desiderius, however, pertinaciously declined the intended honour. For two whole years he continued to offer the most determined resistance to the supplications of his party; but permitted himself at length, to the great disappointment of his competitors, to be overcome by the joint

entreaties of the Norman princes, the cardinals of his party, and the prefect of Rome, and to assume the papacy, to which he had been formally elected nearly a twelve-month before.<sup>a</sup> The new pope took the name of Victor III.

But the installation of Victor had not passed without contradiction. Hugh archbishop of Lyons, and <sup>Opposition.</sup> Otto bishop of Ostia—two of the candidates named by Gregory VII.—objected to his elevation, on the ground of a previous renunciation, and upon the graver charge of a secret negotiation with the ex-king Henry, with a view to help the latter to the imperial crown, and to introduce him into the city of Rome itself. Otto of Ostia had, however, deserted his companion, and had done homage to Victor, with a view, it is said, not to endanger the privilege of his see to crown the new pontiff. Hugh of Lyons now stood alone in opposition, and his objections fell to the ground.<sup>b</sup>

Victor III. was accordingly introduced into Rome <sup>Decrees of</sup> by his Norman allies. The rival pope Clement <sup>Victor III.</sup> III. was expelled from the Vatican, and the man of their choice was solemnly enthroned in the church of St. Peter on Ascension Sunday, the 9th May 1087. But the greater part of the city continued in the possession of the imperialists; and after the retreat of the Normans Victor was once more compelled to seek safety in flight. But he had no sooner withdrawn than Clement recovered almost all the ground he had lost, and continued to hold it for more than a year against all adversaries. Victor meanwhile had retired to Beneventum, from whence he issued sentence of excommunication against his accuser Hugh of Lyons, and renewed the decrees of preceding pontiffs against investitures, with an additional clause enacting that all who should thereafter communicate with

<sup>a</sup> On the 21st March 1086. His acceptance is dated in the Lent of 1087. *Leo Ost.* lib. iii. cc. lxx.-lxxvii. pp. 476, 7. *Bernold.* Annal. an. 1087, ap. *Pertz*, v. p. 406. Gregory VII. died on the 31st May 1085. More than ten months had therefore elapsed between that event and the election of Desiderius.

<sup>b</sup> See the lengthy epistle of Hugh of Lyons to the countess Mathilda, ap.

*Harduin*, Concil. vi. p. 1621. Conf. *Hugo Flaviniac.* Chron. ap. *Pertz*, viii. p. 466. Among many other delinquencies, Hugo charges that Desiderius had been for one whole year under excommunication by Gregory VII. This is not improbable, but could weigh little against the preferential nomination of that prelate for the papal chair by the late pontiff.

the simoniacal givers or acceptors of lay feoffment, or join in worship with them, should incur the like condemnation with the principal offenders.<sup>c</sup>

The bodily health of Victor had, however, for some time past been declining. After recommending Otto of Ostia as his successor, he expired at Monte Cassino, a few days only over five months after the date of his final acceptance of the papacy.<sup>d</sup>

Notwithstanding the urgency of the times, the cardinals present at the death of Victor were in no hurry to fill the vacant chair. Overcome at length by the solicitations and remonstrances of their friends at Rome, but more especially of the zealous countess Mathilda, the prelacy of Campania, Principato, and Apulia, together with the cardinal-clergy of the Gregorian communion, met at Terracina on the 15th of March 1088, and, after a decent delay of three days, unanimously elected Otto bishop of Ostia, and forthwith enthroned him by the name of Urban II.<sup>e</sup>

The new pope was, in fact, one of the most zealous disciples of the Gregorian school. The great master himself had hardly a more intimate apprehension of his own scheme than the pupil he had formed. The latter, indeed, though not more scrupulous, was more judicious in the selection and application of the means for its accomplishment. At the outset of his pontificate he proclaimed to the "Catholic world" his determined adherence to the principles of his immediate predecessors,<sup>f</sup> more especially those of their late "blessed father Gregory;" adopting all his opinions and views without exception or qualification.<sup>g</sup> Yet the cooler judgment of Urban speedily disclosed to him the

Death of  
Victor.

Election of  
Urban II.

Character of  
Urban; his  
first mea-  
sures.

<sup>c</sup> *Leo Ost.* lib. iii. c. lxxi. ubi sup. pp. 481-483. See also *Hard.* Concil. vi. pp. 1627, 1628. He recommended that if there should be no orthodox priest at hand duly to administer the rites of the church, the faithful should "communicate in spirit," which kind of communion should be accepted as a true sacrament.

<sup>d</sup> Sunday 17th Oct. 1087. *Leo Ost.* l. iii. c. lxxiii. ubi sup. pp. 483-485; *Pet.*

*Diac.* Chr. Cassin. lib. iv. c. i. p. 491.

<sup>e</sup> *Pet. Diac.* Chron. Cassin. lib. iv. ubi sup. pp. 491, 492. This election seems to have followed more closely the ordinance of Nicolas II. than any that preceded it. Conf. Book X. c. i. p. 161 of this volume.

<sup>f</sup> "Omnibus catholicis." See *Bernold.* Chron. an. 1088, ap. *Pertz.* v. p. 447.

<sup>g</sup> See the letter, ap. *Martene*, Coll. ampliss. i. p. 581.

necessity of relaxing some of the ordinances of his more impetuous preceptor, especially those which touched the treatment of excommunicated persons, and those who might have been drawn into illicit intercourse with them. It was manifest to him that, if those ordinances were to be rigidly insisted upon, there would be no end of civil and religious strife, and that every door for pacific negotiation would be closed. He therefore instructed his legates in Germany, Gebhard of Constance, and Altmann of Passau, while enforcing with the utmost severity the decrees against the rival pope, against lay investiture, and simonians in general, to treat with gentleness those who had simply defiled themselves by social intercourse—such as salutations, embracings, converse, table-companionship, or merely undesigned association; and to receive this description of offenders into catholic communion upon the performance of such moderate penances as should suit each particular case. As to all the clergy who might have derived their orders from lapsed bishops, provided their orders were unpolluted with simony, they were, upon examination into their past life and conduct, to permit such of them whom they should deem entitled to mercy to retain their orders, yet without prospect of further promotion in the church, except upon the ground of rare or unforeseen necessity, or urgent expediency.<sup>h</sup>

It appeared by this time to the pope that the numbers of clergy ordained by imperialist bishops had greatly exceeded those who derived their orders from an untainted source; and inasmuch as all bishops who had accepted investiture from king Henry, or any lay patron, came within the damning clauses against simonian heresy, it had become very difficult, if not impossible, for conscientious papists to escape the spiritual detriments of heretical communion.<sup>i</sup> All the advantages resulting from this state of things had accrued to the schismatic prince, all the disadvantages to

<sup>h</sup> *Bernold. Chron. an. 1089, ap. Pertz, v. pp. 448, 449. Hartzh. Conc. Germ. iii. p. 210.* This decretal bears date

xiv. Kal. Maii (18th April) 1089.

<sup>i</sup> *Bernold. Chron. an. 1093, ap. Pertz, v. p. 456.*

the pontifical interests. The former, satisfied with having made themselves masters of the field, threw the gates of the church wide open to all who, upon any terms, were willing to enlist under the banners of Henry and his pope. The Gregorians, on the other hand, had closed them inexorably against the returning or hesitating sinner, except upon terms too mortifying to be embraced by any but the most useless and most worthless of the number. The ordinance of Urban, though with a great parade of severity, and without any sacrifice of pontifical dignity, tended so to enlarge the Gregorian fold, as not entirely to shut out, without hope of mercy, even the blackest sheep of the truant flock; and, in fact, the numbers of those who, from any time-serving or selfish motive, availed themselves of the opportunity, speedily justified the change in the executive policy of Rome.

And, indeed, up to this moment the affairs of the papacy in Germany and Italy had worn a <sup>Affairs of</sup> gloomy aspect. Of the twenty-five or thirty <sup>the papacy.</sup> prelates of the former country, only the five bishops of Würzburg, Passau, Worms, Constance, and Metz, had been able to maintain possession of their sees. In the south, the city of Rome was almost wholly in the power of Clement III.; while the civil war which had broken out between Roger and Boemund, sons of Robert Guiscard, had deprived Urban of the only protectors he could rely upon in southern Italy. The able pontiff, however, soon succeeded in reconciling the brothers; and in the following year he recovered some parts of the city of Rome, hitherto occupied by his adversary. Here the rival popes amused themselves, and edified the spirits of their adherents, by hurling anathemas at each other, while their respective clients were as busily engaged in mutual robbery and murder. As in Rome, so also in many other cities of Italy, the infuriated factions persecuted one another with merciless cruelty. In the course of these intestine broils, the zealous Bonizo of Sutri—at this time bishop of Piacenza—fell into the hands of an exasperated populace, and was torn limb from limb, and his remains cast into the common sewer.

With merits, or rather demerits, so nearly balanced, the speedy triumph of one or the other party could not but be a gain to humanity.<sup>j</sup>

In central Italy, the position of the countess Mathilda wore a disheartening aspect. Urban was impressed with the conviction, that unless he could strengthen her hands, he must lose the only faithful adherent interposing between him and his ruthless enemy the king of the Germans. Mathilda was a widow, and had lately lost her trusty minister and friend Anselm of Lucca, whom Gregory VII. had placed by her side. The pope had the address to persuade the middle-aged princess, now in her forty-third year, to unite herself in matrimony with Welf, the son of Welf duke of Bavaria, the most powerful of the emperor's enemies in Germany. The bridegroom had barely completed his nineteenth year at the time of his marriage; the pious and self-denying bride sacrificed her own inclinations to the necessities of her spiritual father; and, indeed, it was high time; for the indefatigable emperor was on the point of directing all his forces upon northern Italy, with a view to put an end to the war at a single blow.<sup>k</sup>

Early in the spring of the year 1090, Henry, with a powerful army, sat down before Mantua, the capital of the countess. The fall of the city, after a siege of eleven months, was balanced on the other side by the expulsion of Clement III. from Rome. Symptoms of weariness of this interminable and unprofitable warfare appeared on both sides. Though Henry was not unwilling to sacrifice Clement, if he might thereby rid himself of his German and Italian enemies, yet the Clementine bishops easily succeeded in persuading him that the fall of their pope must, from the known temper of their adversaries, draw after it the

<sup>j</sup> *Bernold. Chron. an. 1089, ubi sup. p. 449.*

<sup>k</sup> *Ibid.*, an. 1089, ap. *Pertz*, v. p. 449. Bernold characteristically describes this marriage as "non tam pro incontinentiâ, quam pro Romani pontificis obedi-

entiâ; videlicet, ut tanto virilius sanctæ Romanæ ecclesiæ contra excommunicatos posset subvenire. . . . Henricus Rex dictus multum ex prædicto conjugio tristatur."

ruin of the clergy of his party. The conference for peace accordingly broke up, and the war was continued with increased acrimony on both sides. The imperialists in Rome, meanwhile, had again chased Urban out of the city, and reintroduced Clement. The former had taken refuge under the wing of his Norman allies at Capua; but here again he found no rest for the sole of his foot. An insurrection of the citizens against their Norman tyrants drove him from his asylum, and shut him up within the walls of the distant Beneventum, whence he revenged himself upon his rival by republishing the anathema of his predecessors, awaiting there with unabated courage the turn which affairs might take in the north.<sup>1</sup>

The active prosecution of the war in the north of Italy had reduced the countess Mathilda to the most imminent peril. Henry had procured a judicial sentence against her, by which all her possessions became forfeited to the crown, and her lands and fiefs in Lorraine were handed over to the bishops of the imperial party.<sup>m</sup> This blow led to an attempt at negotiation upon terms which might have been accepted without discredit to either party; their rejection drove the Germanic confederates to extremities; and duke Welf of Bavaria returned to Germany determined to set up another pretender to the imperial crown in lieu of Henry of Luxemburg, who had died in the month of September 1088.<sup>n</sup> In his actual position Henry was not inclined to enter into any compromise with his adversaries. He alienated his pope Clement III. by ungenerous and supercilious neglect. He ostentatiously shocked the prejudices of the papal party by publicly investing the newly-appointed bishops of Prague and Ólmütz with the ring and crosier; and prepared to pursue the countess Mathilda to her last refuge in the mountains of Tuscany. The princess, driven to extremity by the vigour of the attack, was upon the point of yielding to the difficulties of her position, and the importunities of her suffering

Danger and  
heroism of  
the countess  
Mathilda.

<sup>1</sup> *Bernold*, Chron. an. 1091, ubi sup. p. 451; *Harduin*, Conc. vi. p. 1695. Conf. *Stenzel*, Fränk. Kais. i. p. 544.

*Stenzel*, Fränk. Kais. i. p. 544.

<sup>n</sup> *Bernold*, Chron. an. 1091, ubi sup. p. 452.

<sup>m</sup> *Calmet's History of Lorraine*, ap.

vassals and subjects, when at the moment of despairing hesitation her resolution was revived, and her spirits strengthened, by the startling eloquence of a holy eremite, who placed before her and her friends the deadly nature of the sin they were about to commit, in words of such power as to sweep away all considerations of worldly interest, and to wind up the spirits of his auditors to a state of enthusiastic resolution fittest to encounter the perils to which they were exposed. The negotiation in hand was accordingly broken off, and a resolution to resist to the last extremity was adopted.<sup>o</sup>

This was the turning-point in the fortunes of Henry IV. Hitherto all the incidents of warfare had <sup>Arrogance and defeat of Henry IV.</sup> fallen out to his advantage. But it was his evil destiny never to have arrived at a comprehensive or dispassionate view of his own position. His sanguine, irritable, and self-reliant temper deprived him of the faculty of profiting by experience, though it supplied him with a store of temporary shifts and expedients, in the dextrous application of which he was surpassed by no man of his age. The depression of his adversaries at this point of time had opened a prospect of accommodation which never recurred. His pope Clement III. was prepared to yield to the necessities of his position. Urban himself in his exile saw little prospect of a restoration to his see but through the aid of a powerful protector. Rome was in a state of unutterable anarchy; the Norman chiefs, ill at ease among themselves, were not disposed to make any vigorous exertion on his behalf; a state of things in which it is incredible that he should have been indisposed to some compromise, even upon the subject of investitures, if the opportunity had been afforded him in good faith. At all events, a breathing-time was essential to his interests. Yet all these advantages were wantonly thrown away by his infatuated adversary; and we shall have henceforth to follow him along a labyrinth of mortification, misfortune, and sorrow, such as few mortals have been doomed to pass through.

<sup>o</sup> *Donizo, Vit. Mathild. ubi sup. p. 373.*

The movements of the emperor at this point of time are marked by an infirmity of purpose difficult to explain. The fortress of Montevio was bravely and successfully defended by the vassals of the countess Mathilda; and in an attempt at a *coup-de-main* upon the strong castle of Canossa, the imperial army was surprised by the countess at Bianello, and suffered a total and irretrievable defeat.<sup>p</sup> At the same time the aspect of Henry's affairs in Germany had become every day more threatening. The citizens of Augsburg, at that time one of the wealthiest and most flourishing commercial cities of the empire, had risen upon and expelled the imperial bishop Siegfried, and introduced the papist prelate Eberhard. The bishops of Metz, Toul, and Verdun had renounced obedience to the Henrician primate of Treves. A convention of the confederate princes of Germany had deposed the emperor's friend Frederick of Hohenstauffen, and installed his enemy Berthold of Zähringen in the great duchy of Swabia. The new duke and his patron Welf of Bavaria did public homage to the pope, in the hands of the legate Gebhard, for all their lands and honours, and declared themselves the devoted vassals of the holy see. The estates of the duchy of Swabia pledged their oaths in support of their new chief; and the assembly then unanimously voted that from and after the 25th of November next ensuing until the Easter festival in the following year, there should be a general truce and suspension of the right of private warfare. The proclamation included every class and description of persons, ecclesiastical and civil; it embraced the interests of all, and pledged every member of the convention to give his utmost endeavours to procure the largest extension of the engagement among their vassals and subjects.<sup>q</sup>

Defeat of  
Bianello.

The "truce  
of God."

Politically this ordinance operated wholly to the advantage of the confederates. It connected their cause with the interests of industry and commerce, and earned for them the lasting grati-

Consequences  
of the defeat  
of Bianello.

<sup>p</sup> *Donizo*, Vit. Mathild. ubi sup. p. 378.

<sup>q</sup> *Bernold*. Chron. an. 1093, pp. 456, 457.

tude of the urban and mercantile classes, who had hitherto been the greatest sufferers by the license of private warfare. At the same time it imparted an impulse to the rising municipalities of Germany, calculated to detach them from the imperial cause, and bring them into more cordial contact with their benefactors of the revolutionary party. In Italy, meanwhile, the consequences of the defeat of Bianello were rapidly unfolding themselves. Anselm archbishop of Milan had hastened to make his peace with pope Urban; and with him the great cities of Milan, Cremona, Lodi, and Piacenza, together with many other important places in Lombardy, deserted the imperial cause. But a heavier blow than all these awaited the unfortunate monarch. At the outset of his expedition to Italy, the emperor had brought with him his son Conrad, the eldest of his children by Bertha the granddaughter of the marchioness Adelaide of Susa.<sup>r</sup>

The youth, who was at that time verging upon the seventeenth year of his age, had been despatched by his father with an independent military command, to take possession of the inheritance of his great-grandmother, Adelaide, then lately deceased. The young prince is described to us as singularly averse from worldly affairs, devoted to a life of study and contemplation, delighting in acts of charity and piety, courteous and affable to all men without distinction of ranks, and so given to *chastity* that it is doubted whether, after his union with the daughter of Roger duke of Sicily, he even consummated the marriage.<sup>s</sup>

Such a character was peculiarly accessible to the pious suggestions of his father's enemies. Whatever the quarter from which such suggestions may

<sup>r</sup> Bertha died in the year 1087, leaving several children. Conrad, the eldest of these, was at that time about thirteen years old. Two years after the death of Bertha, Henry had married the daughter of Vsevolod grand-duke of Russia. *Karamsin*, *Hist. de Russie*, vol. ii. p. 126. This princess we shall hear of in the sequel under the several names of Agnes, Adelaide, and Praxi-

dis. *Dietrich of Engelhausen* (*Chron.*, ap. *Leibnitz*, *Rr. Brunsw. Ss. ii.* 1090). *Donizo*, in his *Life of Mathilda*, and *Bernold of Constance*, call her *Praxidis*; while the monk *Dodechin* (ap. *Pistor.* *Rr. Germ. Ss. i.* 661) calls her *Adelaide*.

<sup>s</sup> *Ekkehard. Chron. Univ. an. 1099*, ap. *Pertz*, vi. 211; *Annalista Saxo*, *ibid.* 731.

have proceeded, it is certain that it was during this temporary absence from his father's influence that the emissaries of the papal party had gained his ear,<sup>t</sup> and at length persuaded him that, for the salvation of his own soul, as well as that of his misguided parent, it was necessary that he should place the crown of Italy upon his own head." Circumstances, of which we possess no intimation, had led the emperor to suspect his son's fidelity; and he caused him to be secretly apprehended and placed in confinement. But after the disastrous defeat of Biannello, no reliance could be placed on the attachment of the persons surrounding him; and very shortly after the capture of the young prince, means were found for liberating him from his confinement, and placing him under the guardianship of the renegade archbishop of Milan. The immediate effect of these treasonable proceedings was the restoration of the communication between the German and Italian enemies of Henry, the occupation of the Alpine passes, and his complete isolation between the Adige, the Adriatic, and the Julian Alps.<sup>v</sup> The conspirators meanwhile had hurried their dupe to Monza, and there caused him to be crowned king of Italy by the hand of archbishop Anselm.<sup>w</sup> We may add to the black list of misfortunes which befell the emperor at this juncture the evasion or abduction of his consort Praxidis, who is reported by his enemies to have taken refuge from his untamed temper and brutal passions at the court of the countess Mathilda,

His coronation as king of Italy.

<sup>t</sup> *Auctor. Vit. Hen. IV. ap. Maseou, Comment. &c. vol. i. p. 111, with the author's notes.*

<sup>u</sup> It appears that the sinister impressions on the mind of the prince were produced in the first instance by doubts as to the legitimacy of his father's pretensions to the inheritance of Adelaide of Susa, there being then a male descendant of the counts of Susa living at the papal court, whose title was preferable to that of his mother Bertha. The pretender is called Frederic of Montbeliard. See *Bernold. Chron. an. 1092; Pertz, v. p. 454, with the notes to the passage.*

<sup>v</sup> *Bernold. Chron. an. 1093, ubi sup.*

<sup>w</sup> *Donizo, the friend and biographer*

of Mathilda, connects this rebellion with a long and very revolting story of insults and cruelties inflicted upon his consort the empress Praxidis. By the procurement of Mathilda, he tells us, the injured princess was enabled to escape the brutalities of her incorrigible husband. "And thus," he continues, "was a memorable victory won for the cause of the flock of Christ, and for Urban their shepherd. The story she told of the wrongs she had endured excited universal indignation: so that the names of Henry and Guibert (Clement III.) became bywords of scorn and detestation; and the horn of St. Peter was lifted up on high."

where the bare recital of her wrongs had raised a storm of indignation in every manly and womanly heart.

Long and loud was the cry of triumph among the pontifical party: the enemy of God and man had fallen, they believed, never to raise his head again. “Mathilda,” they said, “had dealt with the miscreant Henry as Esther had dealt with Haman: she boasted aloud that at one blow she had bereft him of wife and child.”<sup>x</sup> . . . . “The pontiff (Urban), seeing now that the hour of victory over the Canaanite was at hand, he, the dauntless leader of the hosts of the Lord, hurried to the presence of his beloved daughter (Mathilda) in Lombardy, and was by her received as if he had been the blessed Peter in person; and he laid his hands upon her and blessed her. The Pharaoh of the day was thus smitten with the direst of the plagues; his firstborn was taken from him; not, indeed, that he died the death of the body, but that he died to him; that living he might become his mortal foe because of his unutterable iniquities: the *wise and pious prince*, therefore, abhorring his own flesh for righteousness’ sake, took shelter under her powerful wing, and was received by her as a worthy and very dear son,” &c.<sup>y</sup>

Upon a deliberate view of the several narratives of the alleged wrongs of the empress Praxidis, no doubt can rest upon our mind that they have been much exaggerated by the malignity of party hatred.<sup>z</sup> At all events, we are assured that, notwithstanding his rebellion, the young king Conrad refused to give credit to the current slanders against his father. “For,” says the annalist Ekkehard, “though the whole Roman world rang with his infamy, yet the son would not permit a whisper against his father’s honour to be uttered in his presence; but, on the contrary, always

<sup>x</sup> *Donizo*, Vit. Mathild. lib. ii. cc. viii.-xi., ap. *Murat*. v. p. 373.

<sup>y</sup> *Donizo*, ubi sup.

<sup>z</sup> The story, in all its disgusting details, is to be read in the Chron. of the monk *Dodechin*, ap. *Pistor*. Rr. Germ. Ss. i. p. 661. In the Chronicle of En-

gelhaus., ap. *Leibnitz*, Ss. Rr. Bruns. ii. 1090, we read a different version of the story of Praxidis. From this latter account it should seem that Henry suspected his wife’s chastity, and that, failing to convict her, he exposed her to the insults of his courtiers.

spoke of him with the utmost deference and dutiful respect.”<sup>a</sup> The conduct of the youthful Conrad is not difficult of explanation. Having once admitted the idea that the curse of the church must cling to all who should hesitate to sacrifice every tie of duty and natural affection towards those upon whom it attached, there was no alternative but the promptest renunciation of all communion of worldly interest, and religious or social intercourse. The sensitive mind of young Conrad was peculiarly susceptible of impressions of this nature; and this disposition laid him open to the suggestion that by robbing his parent of an earthly kingdom, he was taking the best course to procure for him a heavenly crown. He was, however, anxious to escape the conscientious dilemma in which he was involved. His thoughts were strongly bent upon retirement from the world; but the entreaties and gentle violence of his new friends diverted him from his design, and prevailed upon him to sacrifice all personal considerations to the duties and obligations he had contracted by his acceptance of the crown.

Motives of  
Conrad's  
defection.

After the disaster of Bianello, Henry had taken refuge within the Paduan territory; and there, cooped up in a corner of the country, and cut off from all his remaining friends in Germany and Italy, he spent the gloomy years of 1094 and 1095, “divested,” says the exulting annalist, “of almost every sign or token of imperial and royal majesty.”<sup>b</sup> Here, however, he remained unassailed by the countless enemies by whom he was beset. Protected by the wealthy citizens of one of the richest and most powerful communities of northern Italy, and surrounded by a knot of faithful friends, he continued to bid defiance to the shafts of his adversaries.<sup>c</sup> Those adversaries, meanwhile, were

Forlorn  
position of  
Henry IV.

<sup>a</sup> *Ekkeh. Chron. an. 1099*, and *Annal. Saxo*, as quoted in note (s).

<sup>b</sup> *Bernold. Chron. an. 1095*, ubi sup. And conf. *Donizo*, lib. ii. c. xi. p. 374.

<sup>c</sup> It may be worth considering whether so much moral courage as could

enable Henry to struggle against such a “sea of troubles” is consistent with that unfathomable moral corruption imputed to him by his detractors. A being so utterly lost to all sense of right and wrong as he is described to have

Measures of busy in strengthening their confederacy and his enemies. drawing more closely the bonds which connected them with their pontifical chief. Duke Welf of Bavaria had hastened to present his homage and services to the young king Conrad. In the month of April 1094, the duke and his confederate, Berthold of Swabia, met the legate Gebhard at a provincial council held at Constance. The synod was attended by a great concourse of clergy and lay lords of the Swabian duchy. The anathema against the wived priesthood, investitures, and communion with excommunicated ministers and bishops, was republished with increased severity of denunciation. The story of the supposed wrongs of the empress Praxidis was rehearsed by the legate in the latest Italian edition, at great length, with all possible particularity, and with every circumstance that could give poignancy to the disgusting narrative, and enlist all the antipathies of the audience against the presumed enemy of God and man.

Dismissing for a moment from our consideration the declining fortunes of the emperor, we follow The crusading mania. pope Urban II. upon his eventful progress to France. While Henry IV. was lurking in the remote districts of Venetia, awaiting, like the hardy diver, the recoil of the whirlpool which should sweep him once more to the surface, the pontiff had received news from France which put all the active faculties of his mind in requisition. A delirium of enthusiastic religion had fired the heart and brain of all classes of society in that country. Letters had arrived from the East describing in burning words the deplorable state of the Christians of Palestine. Others from the emperor Alexius Comnenus craved the aid of the churches and people of the West against the enemies of the cross now on their march to besiege him in his ancient capital. An opportunity thus presented itself to the far-seeing pontiff of gathering up into his own hand all the threads of a great religious movement, and

been, could hardly have retained a single real friend. Yet that he retained

many such, the course of our narrative will abundantly prove.

directing it to the advancement of the power and influence of the holy see. Though his capital was still for the most part in the hands of his opponent, he had bent his whole mind to the task of strengthening his position in northern Italy, and completing the introduction of the Gregorian scheme into that country. With this view he had summoned a great synod of German, French, and Italian clergy to meet him at Piacenza in the Lent season of the year 1095. The successes of Mathilda had effected a great revolution in the fickle minds of the Lombard prelacy. In company with archbishop Anselm of Milan, a majority of the prelates of that important region had abandoned the imperial standard, and made their peace with the pope. Accordingly an unusual concourse of bishops, abbots, and clergy, to the number of no fewer than four thousand, together with thirty thousand of the laity of all classes, streamed to Piacenza, on the appointed day. So vast was the multitude, that Urban was obliged to adjourn the meeting to an open plain in the vicinity of the city. His first step was to hold up his fallen adversary to public execration; for which purpose he produced before the meeting the empress Praxidis in person, and caused her to rehearse in public, and with a disgusting minuteness of detail, the "unspeakable filthiness of fornication" to which she had been subjected by her satanic husband.<sup>d</sup> The pope, in presence of the assembly, solemnly endorsed and authenticated the shameless story; he absolved her from all uncleanness, and remitted every penitential observance, "*because she had not blushed* to make public and voluntary confession of her involuntary transgression."<sup>e</sup>

Synod of Piacenza; its object.

The empress Praxidis rehearses her own shame.

Having in this fashion as it were sealed the damna-

<sup>d</sup> *Bernold.* an. 1095, ubi sup. p. 462.

<sup>e</sup> "Unde et de pœnitentiâ pro hujusmodi flagitiis injungendâ illam clementer absolvit, quæ et peccatum suum *spon*te et publice confiteri non erubuit." *Bernold.* ubi sup. Making every allowance for the coarser moral habit of the age, we must still question the veracity, and

suspect the motives, of a woman who could thus set at defiance the natural reserve of her sex, and discard every sentiment of self-respect, not for her own justification, but for the gratification of her resentment against the alleged author of her wrongs.

Acts of the council of Piacenza. tion of his enemy, Urban proceeded to republish and confirm the canons of all former synods against simoniacal and schismatic ordinations. After this, the wived clergy—now currently described as the Nicolaitan heretics—were condemned; and, in the last place, the capital offender, Wibert of Parma (pope Clement III.), with all his accomplices, were again smitten with the anathema, with every formality that could tend to impress the minds of the vulgar, and enhance the terrors of the pontifical thunders. With him all who had heretofore been *nominatively* excommunicated were included in the general curse, excepting only those clerks who had accepted orders from them in ignorance of their prior reprobation. A similar exception was made in favour of those legitimately ordained priests who had lapsed into schism; yet only upon satisfactory proof of their sincere repentance, and of a fair reputation for erudition and purity of life.<sup>f</sup> It was, indeed, of the greatest importance that the pope's new converts should be for the moment relieved from the apprehension of impending disabilities and penalties; and it was therefore not intended that these conditions of reconciliation should be made a matter of any great difficulty, or of any very minute inquiry. Thus matters were made to pass smoothly; and Urban closed the sittings by introducing to the assembly the envoys of the emperor Alexius Comnenus, and hearing them on behalf of the Oriental churches. The pope seconded their supplication in an eloquent address, and registered innumerable vows for the rescue of the Holy Land from the defilement of the heathen, and the defence of the eastern capital, at this moment threatened by the pagan hosts, who had advanced up to the very gates of the imperial city.

One precaution more seemed requisite before the vigilant pontiff could safely quit the scene of his late successful labours. For this purpose he appointed an interview with the young king Conrad at Cremona. On his approach to the city, the prince went forth to meet him, and strictly per-

Homage of king Conrad to pope Urban.

<sup>f</sup> *Bernold*. Chron. an. 1095, ubi sup. 462. Conf. *Hard*. Concil. vi. p. 1711.

formed the whole ceremonial of homage and obeisance, regarded both as the symbol and the evidence of that supremacy now undisguisedly claimed by the pontiffs of Rome over all earthly potentates. At the first appearance of the pope, Conrad dismounted, and for some space walked humbly beside the palfrey of the pope, performing the menial service of bridlegroom (*stratoris officium*) to his spiritual and temporal lord. A few days after this humiliating ceremony, the pious youth solemnly pledged his oath to pope Urban, that he would faithfully defend him against all his enemies; that he would in all emergencies be helpful to him in the safe enjoyment of the Roman pontificate; and that he would do his utmost to recover for him all the possessions and immunities of the see of Peter, and him therein protect and maintain against all manner of persons and powers. Upon the strength of this oath, the pope solemnly adopted the usurper as the "son of the church," and promised to aid and protect him in obtaining and holding the kingdom; and, when he should proceed to Rome to sue for the imperial crown, joyfully to confer that boon upon him, and faithfully to support him in all his affairs,—*saving always the legitimate jurisdictions of the church and the apostolical decretals, more especially those relating to the investiture of bishops and prelates.*<sup>§</sup>

While thus securing his position in Italy, pope Urban had been diligently smoothing the path for the extension of the papal authority in France. Some time prior to the council of Piacenza, events had taken place in that country which opened brilliant prospects to the enterprising pontiff. Philip I., surnamed the "Amorous," had in his youth married Bertha, daughter of earl Florence of Holland. After some years of connubial life, he had become deeply enamoured of Bertrada, wife of Fulk earl of Anjou and

<sup>§</sup> See particularly the note in *Pertz*, viii. p. 474, ad Chron. *Hugonis Flaviniacensis*, an. 1095. Conf. *Bernold*, ad eund. ann. ubi sup. Pope Urban had further strengthened the union between his Norman allies in the south and his northern vassal by a marriage between

the infant daughter of Roger of Sicily and the young king Conrad. *Berthold* describes the bride as "adhuc admodum parvula," ad ann. 1095, ubi sup. This flagrant abuse of the institution of marriage was not thought amiss when it served the purposes of the papacy.

Maine, the beautiful daughter of Amaury of Montfort. The understanding between the king and the lady was mutual, and the husband of the latter compliant. Philip found no difficulty in packing a court of prelates ready to pronounce the double divorce necessary for the accomplishment of his wishes; and the ceremony of marriage was duly performed between the adulterous couple. In addition to other impediments to the canonical legality of the union, some kind of consanguinity was said to exist between the king and his new queen; and upon that, as well as other manifest defects, the renowned canonist Ivo bishop of Chartres had put in and transmitted to the pope a vehement protest. In conformity with this information, the latter instructed his legate in France, Hugh archbishop of Lyons, to proceed against the king and his concubine with all the rigour of the canon-law. Pursuant to these instructions, the legate assembled a numerous synod at Autun in the month of October 1094. Upon this occasion a single broadcast of the sacerdotal net enclosed in a sweeping anathema the antipope Clement, the heretical emperor Henry IV., and the transgressors Philip and Bertrada.<sup>b</sup>

At the great council of Piacenza, in the month of Urban II. March of the following year, Philip had thought in France. it prudent to apply to the pope for a respite of the censures pronounced against him at Autun. What was done upon this application does not appear; but soon after the dismissal of the fathers of Piacenza, Urban hastened into France and took up his abode in that country, under the protection of his friend the earl of Auvergne. On his arrival he found his reputation and influence increased by the newly-awakened religious zeal of the nation, as much as by the odium of the crime he came to punish; and he revisited the land of his birth<sup>i</sup> with the animating prospect of placing his foot upon the neck of his own sovereign;—that sovereign second only in rank

<sup>b</sup> *Hard. Conc.* vii. p. 1711; *Bernold.* an. 1094, ubi sup. p. 461.

<sup>i</sup> Urban was a native of the town of Chatillon-sur-Marne, and originally a

Cluniac monk. Some accounts make him a person of humble birth, others describe him as of gentle lineage.

and dignity to the monarch whom he had already hurled from his throne.

On the octave of St. Martin<sup>j</sup> a numerous council was assembled at Clermont in Auvergne. The business which was regarded by all present as the Council of Clermont. paramount object of the meeting, appeared, however, to the pope as a matter of very secondary importance. The promised vengeance of the enemies of Christ; the liberation of the holy places from the polluting presence of the heathen; the peace and pardon looked forward to by the pious pilgrim languishing to cast off the burden of his sins upon the spot on which the cross of the Redeemer had been planted,—all these topics of popular aspiration were postponed to the ninth and last session of the council. The more urgent matters of business brought before the fathers related exclusively to the interests of the papacy. The ordinances against simony were Acts of the council. republished;<sup>k</sup> kings and princes were interdicted from giving investiture of ecclesiastical office and estate, and all bishops and abbots who should accept investiture from lay hands, or should, under any circumstances, become the liegemen, or do homage to a layman for any such office or estate, were to incur all the penalties of simony.<sup>l</sup> The married clergy in a mass were placed under interdict, and their sons declared bastards and incapable of orders, or of holding any preferment in the church,<sup>m</sup> except it were as professed monks, or when attached as canons regular to some church other than that of the putative father. The right of asylum against vindictive, and even legal, pursuit was regulated and enlarged.<sup>n</sup> The payment of tithes was strictly enjoined; and minute ordinances issued for the protection of the persons and property of bishops, abbots, and ecclesiastics of every degree.<sup>o</sup> Some provision was made for

<sup>j</sup> The 18th November 1095.

<sup>k</sup> By canon vi.

<sup>l</sup> "For," says canon xvii., "shame it were that hands consecrated to God should be enclosed between the profane hands of the layman, stained perchance with murder or adultery, or serving the

purpose of other unatoned and deadly sins."

<sup>m</sup> Canons ix. and xi.

<sup>n</sup> Canons xxix. and xxx. It was even extended to crosses on the way-side.

<sup>o</sup> Canon xxxii.

the observance and maintenance of the "Truce of God" (*Treuga Dei*);<sup>p</sup> and it was resolved that no priest should assign or remit any penance to those who should wrongfully possess themselves of the lands or chattels of another, or should in any way overreach, cheat, or deforce a neighbour or a stranger. The next business was the solemn republication of the anathema against the rival pope Clement III. Philip and his adulterous consort were next excommunicated, and in all due form consigned to Satan and his angels. Then was the pope at leisure to give his attention to that which had brought together the assembled multitude,—that for which the expectant laity had now for nine whole days lain patiently encamped around him, amid the rains, the cold and gloom of the dreary month of November.

Urban ascended a lofty pulpit in the open plain, and addressed the assembly in a discourse of some length, more remarkable for scholastic and rhetorical flourish than for genuine warmth of feeling for the cause he advocated. In his exordium he quoted numberless passages from Scripture, inculcating the duty of overthrowing and destroying the enemies of God and His church: he described Palestine as God's special inheritance; and exhorted all present to hasten to the aid of their persecuted brethren of the East, and boldly to do battle against the enemies of the cross, for the remission of their sins. "Go forth," he exclaimed, "go forth, and the Lord go with you. Go forth, and turn those weapons you have hitherto so wantonly dyed in each other's blood against the enemies of the name and faith of Christ! Redeem the robberies, the burnings,

<sup>p</sup> The "Treuga Dei" was no doubt by this time introduced into the kingdom of France. In the year following the council of Clermont, a general synod held at Rouen decreed its observance from the Sunday before the first day of Lent (*Caput Jejunii*) until the Thursday after the octave of Pentecost, and from the Thursday before Advent Sunday at sunset until the octave of the Epiphany; also during every day in the week from the sunset of Thursday until

the following Tuesday at sunrise; in such wise that within these several periods no man should assault, wound, or kill another, or take from him hostage, pledge, or booty. Upon these terms scarcely a hundred days in the whole year would remain for the customary adjustment of private disputes between gentlemen. Conf. *Ordericus Vitalis*, ap. *D. Bouq. Hist. des Gaules*, xii. p. 662, note (a); and *Hard. Concil.* vi. p. 1743.

the rapines, the homicides, the unnumbered crimes you have committed, by that obedience which is so well pleasing in the sight of almighty God; so that by this pious work, and through the mediation of the blessed saints, you may merit the pardon of all those sins whereby you have so justly provoked His wrath and indignation. . . . And now we, trusting in Him, and by the full power and authority given unto us, and in the name and by the authority of the apostles Peter and Paul, do hereby remit unto all pious Christians who shall take up arms against these pagan outcasts, and shall freely take upon themselves the yoke of this great enterprise, all the infinite penances and penalties they have incurred by their past sins. Therefore let all who, in a spirit of true contrition and penitence, shall go forth in this great cause, entertain no manner of doubt that they shall obtain forgiveness of all their sins here below, and reap the full fruits of their eternal reward hereafter: and as to all such who shall so go forth, we do hereby take them under the immediate protection of the blessed Peter and Paul and of the holy church; so that, while thus engaged, they may have perfect security against all loss or molestation, as well of their persons as of their worldly estate and property; and so we receive them as the faithful children of obedience; and if any one be found daring enough to do them wrong or injury, let him be stricken with the ban of anathema until he shall make full restitution and amends for the things taken or stolen, with all due compensation for their loss or privation to the proprietors.”<sup>q</sup>

The promised settlement of accounts between the almighty creditor and the host of insolvent debtors who surrounded the pontifical pardoner, and the covenanted security to all whom they should leave behind them, excited the profoundest sentiments of gratitude in all hearts. The next step of the pope was to give additional security to the pilgrims,

General ab-  
solution of  
sins.

Use of the  
“Truce of  
God” by pope  
Urban.

<sup>q</sup> *Hard. Conc.* vi. p. 1724; *Orderic. Vit.* ubi sup. xii. p. 661. The ii<sup>d</sup> canon, respecting the holy war, runs thus: “Quicumque pro solâ devotione, non

pro honore aut pecuniæ adeptione, ad liberandam ecclesiam Dei, Jerusalem profectus fuerit, iter illud pro omni pœnitentiâ ei reputatur.”

by placing their wives and children, together with all their estate and effects, under the protection of the "Truce of God," until their return from the crusade.<sup>r</sup> But this proceeding had a further and far more comprehensive object. After blessing and despatching the great expedition of Godfrey of Bouillon and his brothers Baldwin and Eustace, pope Urban entered with his habitual activity into all the minutiae of ecclesiastical management.<sup>s</sup> A synod assembled at Rouen under his auspices rehearsed and confirmed the ordinances of Clermont; it extended the protection of the "Truce of God" to every imaginable interest of the crusaders, whether clergy or laity: it was ordained that every male above the age of twelve years should take an oath to observe the truce in all points as defined by the council:<sup>t</sup> they were required to swear that they would be ready at all times *with arms in their hands, at the command of the bishop of the diocese or his archdeacon*, to coerce and punish every one who should decline the oath or break the truce: the open times for the indulgence of private feuds were taken away on behalf of all who should have taken the cross: all transgressors were to be punished by excommunication and interdict, and all priests to be prohibited from administering to them the rites of religion in life or in death.

A further step in advance, taking advantage of this singular juncture, cannot fail to strike the attentive student of sacerdotal history. The synod of Rouen decreed the same penalties against civil crimes, such as coining, the utterance of base money, highway robbery, receiving of stolen goods, &c., as well as against all who should follow the camp for the purpose of plunder; and all leaders and captains who should afford countenance and shelter to such vagabonds in their tents or quarters.<sup>u</sup> In this wise the instrumentality of the "Truce of God" was not only taken exclusively into the hands of the clergy, but that which

<sup>r</sup> *Baron. an. 1095, § 1. p. 31. Conf. Sismondi, H. de Fr. iv. p. 534.* This ordinance dates from the city of Arles, where Urban had taken up his winter quarters.

<sup>s</sup> *Hard. Conc. vi. pp. 1741-1744.*

<sup>t</sup> See the formula of the oath, ap. *Hard. Conc. ubi sup.*

<sup>u</sup> *Ord. Vit. ubi sup. p. 662, note (a).*

was in its nature a pure matter of police was drawn into the vortex of the ecclesiastical judicature. A court was thus constituted, with bishops and priests as judges; and a vast bevy of runners and bailiffs was sworn in, whose duty it was to carry out their judgments by all the ordinary methods of military execution. An innovation of this description tended perceptibly to obliterate in the minds of men the limits between the civil and ecclesiastical judicatures; and to that extent to countenance the Gregorian theory of the "regimen universale," by the simple expedient of presenting to the world every permissive or occasional encroachment upon the civil power as a practical acknowledgment of a preëstablished principle of public law. And, in fact, the obvious intent of these regulations did not wholly escape the censure of the more liberal members of the Gallic hierarchy. Gerard bishop of Cambrai objected, that they tended to confound the royal and the sacerdotal powers: that it was the duty of the clergy to avoid meddling with arms or armed interventions, or with warfare in any shape: they were to offer up prayer to God for the success of the good cause and on behalf of those who should fight for it: but that it was the king's business to suppress seditions, to punish crime, and reëstablish peace in his realm: that the decree was therefore a dangerous device, manifestly intended either to involve the subject in the censures of the church, or to compromise him with his sovereign. But though Gerard, it seems, was satisfied with a simple statement of his apprehensions, the event but too surely justified his censure, inasmuch as in the result very few persons escaped the defilement of perjury.<sup>v</sup>

After the council of Clermont, pope Urban successively visited almost every district of France, <sup>Activity of</sup> holding synods, consecrating churches, deciding <sup>pope Urban.</sup> disputes between the conventual bodies, enforcing ecclesiastical ordinances, and preaching the crusade with zeal and success. He received the submission of Einhard, the schismatical bishop of Würzburg, and restored the peni-

<sup>v</sup> The anecdote of Gerard's opposition is adopted upon the learned and

accurate authority of *Ducange*, Gloss. ad voc. "Trenga Dei."

tent Otto of Strasburg to communion on easy terms.<sup>w</sup> At a council held at Tours in the year 1096, the ordinances of Clermont were republished and widely circulated; and in the following July in the same year he assembled a numerous synod of Gallican prelates at Nismes for the regulation of the monastic bodies. The cupidity of the bishops, who, as ordinaries and visitors, claimed an exorbitant share of the tithes and other profits which, in consequence of the general enthusiasm for crusading adventure, had begun to flow into the coffers of the monks, was seasonably rebuked and redressed.<sup>x</sup> The doubt whether monks could canonically be admitted to priests' orders was decided in their favour.<sup>y</sup> The ordinances of Clermont and Tours, for the protection of the persons and estate of the clergy, and the payment of tithes by the laity,<sup>z</sup> were republished; and by the seventh canon all manner of persons were prohibited, under pain of excommunication, from claiming or possessing any ecclesiastical estate or land as of hereditary right; and all such claims and holdings were declared absolutely void. In connection with this ordinance stand the reiterated prohibition of lay investiture, and the remarkable provision that no one, upon any pretence, should be entitled to reclaim or repossess himself of any benefice once collated to any church or monastery, whether by himself or his ancestor; and that *no lay lord should compel any clerk in orders, or any monk, to appear and answer before his tribunal*; "for that," says the canon, "were mere robbery and sacrilege."<sup>a</sup>

This last canon is, we believe, the first *statutory* ordinance establishing the exemption of the clergy from the lay jurisdiction, civil or criminal. From the pontifical decretals, no doubt, Statutory exemption of the clergy from lay jurisdiction. abundance of authority for this innovation might be produced. It may perhaps be assumed that

<sup>w</sup> *Bernold*. an. 1096, ap. *Pertz*, v. p. 464; *Hard. Conc.* vi. p. 1746.

<sup>x</sup> See the "Canones Nemaucenses," can. i.; *Hard. Conc.* vi. p. 1749.

<sup>y</sup> By canons ii. and iii. ubi sup.

<sup>z</sup> Canons iv. v. and vi.

<sup>a</sup> Canones Nemaucenses, can. xiv.

Canons x. and xii. shortly refer to subsisting ordinances respecting marriages between blood-relations, adultery, and clerical marriage. The xiii<sup>th</sup> canon directs that no girl shall marry under twelve years of age.

Ivo of Chartres, the great canonist of his age, was present at this council. His works are in a great measure compiled from such materials,<sup>b</sup> and it is therefore not improbable that the fourteenth canon of the council of Nismes was suggested by him. Periods, indeed, of that epidemic enthusiasm in which the whole interest and attention of the people are engrossed by a single absorbing idea or pursuit, are the harvest-time of the systematic schemer; and more especially favourable to the unobserved introduction of principles, at variance with the general interest of society, for the private benefit of the contrivers. When men of all ranks and conditions sold their estates, alienated their patrimonies, abandoned wives, children, and every domestic duty, and relinquished all the beaten paths of ambition, in the headlong pursuit of an object which derived no little of its charm from its hazy remoteness and romantic perils, the cooler brains of the stay-at-homes could not fail to perceive, nor scruple to avail themselves of, the advantage. Thus bishops, abbots, and religious bodies expended their accumulated treasures in advances, upon good security, to the needy soldiers of the cross, or exchanged them for their broad lands, strong castles, and lucrative feudal rights. The Jews, and the wealthier laity who had escaped the general contagion, bought up, for inconsiderable sums, from their infatuated superiors and neighbours, new lordships, more ample fiefs, and extended privileges. The citizens of the greater towns profited more particularly by this kind of barter, and purchased from their lords charters of privilege, a firmer and more formal title for their hitherto precarious and unsanctioned customs and immunities.<sup>c</sup>

The removal of so great a number of the most intractable and turbulent spirits among the aristocracy to a distant and perilous scene of warfare, in some degree relieved society from that benumbing pressure which paralysed industry,

Advantage to  
the clergy  
from the  
crusade.

<sup>b</sup> See Book VI. c. viii. p. 217 of this work.

<sup>c</sup> Many instances of the like sales and purchases are noticed in *Vaissette*,

*Hist. de Languedoc*; see particularly vol. ii. lib. xv. pp. 290, 291, 295, 296, 335, &c. Conf. *Sismondi*, II. des Fr. iv. p. 542.

depressed the public spirit, and threatened the West of Europe with the same kind of moral asphyxia as that under which the Byzantine empire was at this moment labouring, and to which we attribute the downfall of that of ancient Rome. Though all classes in a measure profited by the movement, the clergy and the rising municipalities were the greatest gainers. To the former it presented an opportunity for the extension of their territorial wealth, which, in an age in which it was scarcely possible for men to distinguish between the influence acquired and the power necessary to maintain it, could not be overlooked. When religion is made to rest rather upon the fears than the hopes of its subjects, those who hold the reins of the public conscience must possess the physical powers requisite to give effect to their admonitions, or they must abandon their position. But that object was now accomplished by adroitly mastering and stimulating the spirit of crusade. From this point of time step after step was gained upon the domain of temporal government and local police. By ordinances having all the force of civil law, the priesthood lifted itself out of the reach of temporal responsibility, and were enabled to assert, with a boldness beyond that of any former period, the right of coercive superintendence over the moral and religious conduct of the world.

In this disposition the clergy affected to treat delinquents of all descriptions, without distinction of rank or dignity, by the invariable rule of canon law—a rule wholly independent and irrespective of civil legislation. And by that law pope Urban now proposed to deal with the royal culprit Philip of France. In his case there was every inducement to the most daring experiments against the power of the “prince of this world,” and his presumed representative, the ruler of France. The moral influence of Philip, even within the circumscribed domain in which he might still play the tyrant, was at the lowest ebb. But he had assumed that kind of passive or strictly defensive position, upon which the pontifical artillery was likely to make the least impression. Without any unbecoming

Dealings of  
pope Urban  
with Philip  
of France.

show of irritation, he permitted the thunders of the papal legate to die away of themselves. At that moment, indeed, the sound was almost drowned in the tumult of martial preparation, the gathering of the armed multitudes, and the shouts of the fanatical throng pressing forward to earn the promised pardon, and to repeat in an aggravated form the very crimes it was to wipe away. Philip neither sued for mercy, nor parted with his royal concubine; but he affected a seeming deference to the papal authority, and, in token of compunctious humility, discontinued the use of the crown and the royal robes. But Urban did not propose to deal with the king as his predecessor Gregory VII. had dealt with Henry of Germany.<sup>d</sup> He professed to accept for the present the instalment of submission tendered, and affected to treat the truant with that kind of paternal forbearance through which a naughty child is often reclaimed by a tender and judicious parent. He is even believed to have addressed Philip as "his dear son." Although the priesthood was instructed in every town in which he might sojourn to suspend divine service, and as long as he remained there to silence the bells in all the churches, yet he allowed masses to be sung before him in his private chapel—an indulgence which gave serious offence to the more rigid canonists of the Gregorian school.<sup>e</sup>

But the pope had, it seems, imposed upon himself a somewhat delicate task. A party in the Gallican church was deeply offended by the humiliating spectacle of a sovereign of France excommunicated by a foreign prelate within his own dominions; and they threatened, by their own pastoral authority, to absolve the king from the papal ban. Urban replied that it had been unanimously agreed by their brethren in council that no bishop had power to loose one whom the holy see had bound; and he summoned the objectors to meet him at Nismes, in the following July,<sup>f</sup> to sustain their remon-

<sup>d</sup> Conf. Book X. c. viii. p. 416 et sqq of this work.

<sup>e</sup> *Hugo Flaviniac*. Chron., ap. *Pertz*, viii. p. 493. Conf. *Sismondi*, II. des Fr.

tom. iv.

<sup>f</sup> A. D. 1096. *Jaffé*, *Regist.* &c. p. 467. Conf. *Art de vér.* &c., and *Vaissette*, II. de Langued. liv. xv. p. 294.

strance. Whether they came or not, does not appear; but some steps were in the mean time taken by Philip to appease the pope. It is said that he signified his resolution to abandon his concubine, and recall his legitimate consort; and that, upon this assurance, Urban granted the desired absolution. But whether granted or not,<sup>g</sup> Urban saw the necessity of temporising with his incorrigible penitent. He professed himself for the present satisfied with the verbal submission of the king to the corrective authority of the holy see. The triumph of the pontifical power, though less strikingly displayed in the case of Philip of France, was quite as effectual as would have been a repetition of the scene at Canossa, and was unattended by the inconveniences and dangers which that mortifying ceremony had drawn after it.

The labours of pope Urban in France were coming to a close, and he was preparing to retrace his steps into Italy, after a laborious sojourn in that country of thirteen months,<sup>h</sup> during which period he had successively visited almost every province; consecrated many churches, and inaugurated many new altars and images of worship; he had heard and determined numerous ecclesiastical causes; settled disputed limits, jurisdictions, and duties between the conventual bodies and their bishops, and in some cases exempted the former from episcopal visitation, and taken them under the direct government and protection of the holy see; he had granted new, and confirmed ancient, privileges to forty monasteries and religious houses; he had raised munificent subscriptions for new churches; issued a countless number of monitions and censures for offences against discipline, and the security of church-estate against encroachments and false claims; he had holden

<sup>g</sup> *D. Vaissette*, ubi sup. thinks that the absolution was not actually expedited till the commencement of the following year.

<sup>h</sup> From July 1095 to Sept. 1096. His numerous acts, diplomas, charters, &c. are dated from towns and monasteries in the provinces of Dauphiné, Provence, Auvergne, Languedoc, Ly-

onnais, Bourbonnais, Maine, Touraine, Anjou, Poitou, Saintonges, and Le Mans; more especially from the cities and districts of Valence Adige, Tarascon, Tricontin, Maçon, Cluny, Souvigny, Clermont, Aurillac, Bordeaux, Toulouse, Carcassonne, the Isle Maguelonnes, &c.

three great national synods, and rigidly and successfully enforced the attendance of the prelates and clergy of France and the adjoining regions of the Burgundian and Arelatian kingdoms. In addition to all these labours, he had preached to unnumbered audiences assembled from the most distant quarters to listen to the voice of the chief pastor of Christendom,<sup>i</sup> while he exhorted them to repent of their sins, and to prove the sincerity of their conversion by dyeing their hands in the blood of as many of the enemies of Christ as they could bring within reach of their swords.

The homeward progress of Urban resembled rather a triumphal procession than the return of a Chris-  
Return of  
 pope Urban  
 to Rome.
 tian pastor to his forsaken fold. Surrounded by a bevy of princes and prelates, he repassed the Alps, and made his first halt in Italy at the town of Mortara, where he celebrated the festival of the Elevation of the Cross with vast pomp and show. On his arrival at Rome, he found the city almost wholly in possession of his friends, and was enabled to preside with more than the accustomed magnificence at the festival of the Nativity.<sup>j</sup>

<sup>i</sup> For the particulars of this paragraph, see *Jaffé*, *Regist.* &c. pp. 463 to 470.

<sup>j</sup> "Cum magno tripudio." *Bernold.* an. 1096, ap. *Pertz*, v. p. 464.

## CHAPTER V.

### LAST STRUGGLE AND DEATH OF HENRY IV.

The Crusades—Return of Henry IV. to Germany—Popular measures of Henry IV. —Resentment of the papal party—Henry IV. causes his son Henry to be crowned king—Deaths of king Conrad, Urban II., and Clement III.—Schism; Sylvester IV. antipope—Pope Pascal II. and Robert of Flanders—Papal theory of persecution, as applied to the clergy of Liege—Remonstrance of Siegebert of Gemblours—Reforms of Henry IV., and consequent discontents—Complaints of the nobles—The emperor excommunicated by pope Pascal II.—Decree against indifferentism—Position of Henry, and pontifical intrigue—Popular excesses, how improved by the conspirators—Murder of earl Sigehard—The emperor's projected crusade—how treated by the papal party—Seduction of the young king Henry—Pascal absolves Henry the younger from his oath, &c.—Convention of Nordhausen—Hypocrisy of Henry the younger—Treason of Henry the younger—Dispersion of the two armies on the Regen—Consequences of the dispersion—Betrayal of the emperor by his son—Imprisonment of the emperor—Diet of Maintz adjourned to Ingelheim—Resignation of Henry IV.—Henry's confession—Escape of the emperor—Exultation and bigotry of the papal party—Improved prospects of the emperor—Battle and victory of Viset—The emperor proposes a congress of reconciliation—Henry's proposal rejected by the papists—their counter-proposal—Insulting message—Death of Henry IV.—Popular mourning for the death of the emperor—Burial and exhumation of the body of Henry—Removal of the body to Speyer—Second disinterment of the remains of Henry IV.—Reaction in the public mind.

WHILE Urban was pursuing his successful career in France, the kingdom of Germany had fallen a prey to the severest calamities. During the years 1095 and 1096 that country had been the high road for the earlier crusading movements. Numberless hordes of licensed rabble had spread rapine and murder through the midland and southern circles. Massacre and robbery of an aggravated character had converted some of the richest districts on the line of march to dreary wastes. In the Rhenish cities, and others that lay in their path, many thousand Jews had been

slaughtered in cold blood. This wanton and improvident devastation had reduced the pilgrims themselves to subsist by multiplied robbery and murder, as their last refuge from the extremity of famine. But of all the earlier offsets of this barbarous fanaticism, few survived to tell the tale of their crimes and sufferings. Many wisely abandoned their companions before it was too late; others perished before they reached the eastern confines of Germany. For the rest, as they moved onwards, difficulties of all kinds increased; still violence and rapine were the order of the day; without a semblance of discipline, and destitute of confidence in their leaders, they fell by thousands beneath the blows of the exasperated landfolk of Hungary and Bulgaria; the remnant dispersed in all directions; and of the multitudes which joined the earlier crusading expeditions, a few only of the hardier and more provident were afterwards picked up by the disciplined hosts which, in the month of August 1096, followed the banners of the noble Godfrey of Bouillon and his gallant companions on the same desperate errand.<sup>a</sup>

The rude shock which this inundation of ferocious banditti inflicted upon Germany had unhinged the whole fabric of society in that country. Internal intercourse had ceased, commerce was suspended, and internal life and movement were paralysed. The pope, it is true, had gained some converts from among the Henrician prelacy; but he had not dreamt that the encouragement held out to the crusading mania might open to his adversary the road to his native country and dominion. Yet so it was; the results of the utter terror and confusion into which the empire had been thrown had diverted attention from the almost forgotten enemy; and Henry promptly seized the opportunity to plant his foot once more upon the soil from which he had been so ignominiously driven. The man whom his enemies described as without a friend in the world—he upon whom guile and treachery, rebellion and slander, had done their

Return of  
Henry IV. to  
Germany.

<sup>a</sup> See *Ekkhard. Chron. Univ. an. 1096, ap. Pertz, vi. p. 208.*

worst—now returned without let or hindrance through the mountain-passes that had been hitherto closed against him, and arrived in safety at Ratisbon, about the feast of Pentecost 1097. Under the protection of the faithful citizens there and at Nürnberg, he tarried until the autumn of that year, and removed thence once more to the shelter of the friendly walls of the loyal burghers of Worms.<sup>b</sup>

It would be interesting to follow the footsteps of Henry in Germany, by which he succeeded Popular measures of Henry IV. within a few years in retrieving the lost confidence of his people. But, with the necessity of avoiding episodic narrative as much as possible before our eyes, we call the reader's attention to but a few of the leading incidents which led to that result. During an absence of nearly seven years great changes had taken place, both in the political and religious state of the country. The supporters of the papal pretension had every where lost ground. The champion of the pontificate, Welf duke of Bavaria, had become disgusted with the part assigned to him as the consort of Mathilda, and maintained a neutral position in every way favourable to the emperor. Berthold duke of Swabia, a man in whose bosom the warmth of genuine patriotism still glowed, resigned his duchy in favour of the gallant Frederick of Hohenstauffen, a stanch friend of the emperor; and Welf himself at length condescended to accept the imperial fiefment or confirmation of his duchy of Bavaria. Throughout these transactions nothing was said—probably little was thought—about the papal anathema; and affairs seemed to slide back naturally and noiselessly into their accustomed channel. The humane interference of Henry on behalf of the persecuted and plundered Jews had indeed offended the aristocratic and clerical freebooters who had most largely partaken of the profits of robbery and slaughter, and in some measure impaired his popularity. His advocacy of the miserable remnant of that ill-used race, and his resumption of their plunder,

<sup>b</sup> *Bernold. Chron. an. 1097, ap. Pertz, ubi sup. p. 465.*

drew down upon him the bitter resentment of the lay and episcopal ruffians who had hoped to retain the proceeds of the crimes they had encouraged or connived at. Ruthard archbishop of Maintz, whose city had been the scene of the most frightful enormities against the Jews, had obstinately resisted all inquiry into these terrible crimes, and was believed to have partaken most largely of the booty. For the present, however, Henry was too firmly seated to be seriously disturbed by his machinations. The popularity of the emperor was augmented by some acts of military vigour and administrative ability, which proved that he had not passed without profit through the school of adversity. He had caused the "truce of God" to be universally adopted and sworn to throughout the realm, under the severest penalties against transgressors. "And now," his biographer assures us, "the navigator of the rivers glided in safety by the dungeons of the robber-chiefs, who had hitherto fattened upon his spoils: the roads were no longer infested by marauding bands; the forests afforded no shelter to the lurking brigand; the highways were laid open to the trader and the wayfarer to pass on their way in peace; and the professional depredators themselves were reduced to that beggary and penury they had so long inflicted upon others:" . . . "the peasant, the artisan, the merchant, blessed the name of the prince to whose generous efforts they owed this precious immunity; for now the tiller of the soil, the industrious handicraftsman, the careful citizen, might look forward with some certainty to the enjoyment of the fruits of his toils."<sup>c</sup>

The advantages of restored order, and the enthusiasm of the crusade, which had by this time spread through every part of Europe, had drowned the sound of the papal anathema. The ban of the church had for the moment lost its terrors, and the zealous papists now complained that even religious men, and those who till then had been the most forward in the cause of the Catholic faith, had strayed away from the

<sup>c</sup> See the passage at length, ap. *Stenzel*, Fränk. Kaiser. i. p. 576, note (55),

and *Luden*, Gesch. der Deutsch. vol. ix. p. 616, ex Vit. Hen. IV.

fold, and, without fear of the penalty, had sought profit and promotion in the ranks of the reprobate:<sup>d</sup> then, to fill to the brim the measure of iniquity, Henry had continued without shame or remorse to grant investiture of ecclesiastical estate in the proscribed form. "But," writes the fervid annalist, "holy church was not to be moved from her resolution to tolerate no departure from the course she had dictated towards the accursed; therein following the example of the apostles, who, after the treason of Judas, only stood the more firmly by their Lord."<sup>e</sup> Henry could not, in fact, have struck out a course of policy more fatal to the pontifical scheme than the steady pursuit of a conciliatory internal administration. The papal party thoroughly comprehended the necessity of putting an end to a pacification founded on a growing indifferentism among all classes; and from this moment all their faculties were bent upon the safest means of shaking that loyalty of feeling which paralysed the nerve of the pontifical influence, and substituted material for sacerdotal interests. And, in fact, a future too full of promise lay before them to tempt them to any precipitate measures to recover their lost ground. With a view to secure the crown in his family, since the defection and forfeiture of his eldest son Conrad, he had prevailed upon the estates of Germany to crown the younger Henry as his colleague and successor. Under the strange delusion, that an oath would secure him against a repetition of that filial rebellion which had already so deeply afflicted him, he caused the young prince to swear in the most binding form that, during his father's lifetime, he would take no part in the government, nor interfere in any manner with the private or public domain and revenue of the crown. This oath was taken without reserve or scruple; and on the 6th of January 1099, the prince was crowned king of the Germans, and emperor-elect, at Aix-la-Chapelle.<sup>f</sup>

Causes his son Henry to be crowned king.

<sup>d</sup> *Bernold*. Chron. an. 1100, ubi sup. p. 467.

<sup>e</sup> *Ibid.*, ubi sup. We read the story rather differently: "Then all the dis-

ciples forsook him and fled." *Matt.* xxvi. 56.

<sup>f</sup> *Ekkehard*. Chron. Univ. an. 1099, ap. *Pertz*, vi. p. 210.

In Italy, meanwhile, the weak and amiable Conrad had fallen helplessly into the hands of the countess Mathilda and the papal party. His death at Florence, in the year 1101, relieved his patrons from a useless and expensive encumbrance.<sup>g</sup>

In the month of July 1099 pope Urban II. preceded him to the tomb, and the cardinals of his party proceeded to elect Rainer, or Renier, a monk of Clugny, and an advanced disciple of the Gregorian school, to succeed him by the name of Pascal II. Later in the same year died the imperialist pope Clement III. Weary of the world, and of the part he had been made to play in it, he quitted this life with the reputation of a man of integrity and piety, and distinguished among his contemporaries for the gentleness and dignity of his carriage.<sup>h</sup> But now all those who still adhered to the privilege of marriage, or clung to the traditions of the empire, or still entertained any prospect of advantage from the connection with Germany, foresaw the ruin of their prospects if they should be left without a head to encounter the shafts of the papists. The imperialist clergy of Rome were the foremost in the race of schism. With the usual sacerdotal instinct, they began operations by spreading rumours of marvellous appearances and miraculous cures performed at the tomb of their departed pontiff.<sup>i</sup> They advanced charges of simony and other misdemeanors against Pascal II.; and consummated their labours by electing Maginfred, cardinal arch-priest of the Roman church, pope, by the title of Sylvester IV.<sup>j</sup>

Notwithstanding the asseverations of his enemies,

<sup>g</sup> His death is noticed by the *Anna-lista Saxo*, *Bernold* of Constance, *Landulph jun.*, and *Donizo*, with varying circumstances. *Landulph* (ap. *Murat.* v. c. i. p. 472) says he died of poison; *Donizo* (*Vit. Mathild.* lib. ii. c. ix. p. 374), that he died of a fever in the third year after the death of Urban II. Of course he left no issue.

<sup>h</sup> *Ekkkeh.* Chron. an. 1100, ubi sup. p. 210. *Ekkkeh* affirms that he never took the title of "apostolicus."

<sup>i</sup> Treatise "De miraculis Wiberti Papæ, qui et Clemens dicitur," in the *Codex Epistolaris of Udalic*, ep. no. 173, ap. *Eccard.* Corp. Hist. Med. Æv. ii. p. 194. A strange medley of fictions, invented to serve the purposes of a faction.

<sup>j</sup> *Dodechin.* Chron. an. 1099, ap. *Pistor.* ubi sup. i. p. 664; but principally *Siegbert* of Gemblours, an. 1105, ap. *Pertz*, vi. p. 368. Conf. *Ekkkeh.* an. 1102, ubi sup.

Pope Pascal  
II. and  
Robert of  
Flanders.

there is no good ground to believe that the emperor Henry had any share in this transaction.<sup>k</sup> Pope Pascal meantime had hit upon an expedient for effectually disturbing Henry's government in Germany. Robert earl of Flanders had returned from the holy wars boiling with zeal for the cause of God and the pope. His first business was to assail the imperialist bishop of Cambray with a view to detach him from heretical communion. At the suggestion of Pascal he carried fire and sword into the territories of the bishop; and for this service he was rewarded by a letter of thanks in the warmest terms of pious approval. "Though," said Pascal, "you have but this moment returned from the far distant earthly Jerusalem, you have again set forward on your way to the heavenly Jerusalem: and this is *the righteous warfare*, that a man do pursue to the utmost of his power the enemies of his heavenly sovereign: therefore we bless and render thanks unto you that you have not delayed to execute *our precept* in respect of the diocese of Cambray: we now desire you to deal *in like manner* with the pseudo-clergy of Liége; for it is just that they who wantonly separate themselves from the Catholic church should be put out of the protection of that church: yet not only in those parts, but in all others within the reach of your arms, it is your duty to persecute Henry, the chief of heretics, and his accomplices: neither can you offer unto God a more acceptable sacrifice than by doing battle manfully against him who exalteth his horn above the Lord of hosts—against him who striveth to *wrest the KINGDOM of God out of the hands of His priests*, and setteth up the idol of Simon Magus in the holy places,—against him whom the princes of the house of God, the holy apostles and their vicars on earth, have driven out of His temple: and these things we command you and your companions to do *for the remission of your sins*, and the maintenance of your membership of the household of the holy see; so that by

<sup>k</sup> *Ekkehard* (Chron. an. 1102, ubi sup.) stoutly affirms his participation. But Henry could not at this time have had any direct communication with his

friends in Italy, and the charge must rest upon a supposed concurrence on his part in any act done in his name and for his presumed benefit.

such labours and triumphs you may in the end arrive at the heavenly Jerusalem.”<sup>1</sup>

Gregory VII. himself had not yet raised rapine and carnage into meritorious services, or specific remedies for sin. But the opinion that pardon might be obtained by shedding the blood of God’s enemies had become familiar to men’s minds by the preaching and practice of the crusade, and naturally led to this further advance in the theory of persecution. The ecclesiastical logician speedily learnt to disallow any distinction between the infidel and the heretic in the list of “God’s enemies;” and the merit and the duty of destroying all who came within either description was in all cases the same. Nay, they taught—and, from their point of view, with reason—that the pagan and the Jew were far less formidable enemies of God than the heretic; for wretches of the former class sinned rather from ignorance than from malice; whereas the latter rebelled against the light of truth in their hearts, doing despite to Christ Himself in the person of the standard-bearer of His gospel: such crimes they believed must be ascribed to the personal suggestions of the devil, and surely no doubt could remain on the minds of the faithful of the lawfulness of unsheathing the sword of the flesh against the instruments and organs of satanic agency in the world.

The moderate course hitherto pursued by the clergy of Liège had rendered them especially odious to pope Pascal. Under the guidance of the excellent Siegebart of Gemblours, they had avoided the appearance of siding with either party in these unhappy disputes. They had kept faith with their temporal sovereign without pledging themselves to the propriety or lawfulness of his acts; nor were they, on the other hand, blind to the many vices both in the doctrine and the practice of the Gregorian fanatics. They had nevertheless discountenanced the schisms of Cadalo and Wibert, and had given canonical obedience to popes Gregory, Victor, and Urban: but they had declined to sacrifice their

<sup>1</sup> *Annal. Leodiens.* an. 1102; *Pertz*, iv. p. 29. *Udalr. Cod. Epist.*, ap. *Ec-card*, ubi sup.

honour and their oaths, or to dip their hands in the blood of the pope's enemies; and for this pope Pascal condemned them as heretics, and ordered them for immediate execution.

The enlightened and heart-stirring remonstrance indited on behalf of his brethren by the eloquent Remonstrance of Siegebert of Gemblours. Siegebert against this impious decree, denies to its author all claim or title to be the "father of his church and people:" he denounces the instrumentality of carnal weapons as an outrage upon the sacerdotal character, and a breach of the plain commands of God. "Can any one," he exclaims, "by such means as these, expect to arrive at the 'heavenly Jerusalem'?" It may be, indeed, that by agents like those to whom the 'father of Christendom' intrusts his bloody work, God is sometimes pleased to punish the sins of men; but are they therefore entitled to any reward? May they claim any merit? Nay, rather shall not reprobation and punishment be their portion? Yet, saith this pope to his headsman Robert of Flanders, 'we render thanks to your wisdom for the execution done on the lands of Cambray!' But what was this execution but the destruction of the guiltless, the ruin of the widow and the orphan, unbounded robbery and rapine, the promiscuous massacre of good and bad? All this by the command of God—by the hand of His minister!—by apostolical precept! None would believe this except he had seen it under the hand of the 'shepherd of the flock of Christ.' . . . . But this we know, *that no pope hath the power to repeal the laws of God, or to curse any Christian man for obeying the Gospel commandment to 'honour the king, and to be subject to the powers that be.'* Neither can any pope *absolve us from our oaths*, nor devote us to destruction for observing them. We are, forsooth, accused of simony; but all the world knows that the charge is a fiction: our real offence is, that we are determined to be guided by Scripture, and to abide by the ancient usages of our church. Therefore we pay no regard to those *vagrant legates a latere of his, who, going forth from Rome, run up and down, filling*

*their pockets with ill-gotten pelf*, exhorting to bloodshed, and plundering the church of God! . . . . Hitherto we believed ourselves safe under the wing of apostles, evangelists, and prophets; but this letter throws us off our balance; we know not what to say, or how to answer. For, if we were to turn over a whole library of commentary upon holy Scripture, nowhere should we find a trace of any promise of reward for shedding human blood.<sup>m</sup> None but a Hildebrand could have tacked on such a matter to the sacred canons; as when he instructed Mathilda to make war upon the emperor Henry. Whence, then, this new authority to grant remission of sins without confession or penance? Whence this novel pretension to hold out encouragement and reward for the repetition of the foulest of sins? See what a door is here opened for the admission of evil in all its malignity! May the Lord deliver thee, O our mother, from such a calamity as this! May the Lord Jesus Christ be now and ever the *only* door; He the only *doorkeeper* of His kingdom! May He deliver thee and thy chief pastor from those who are the seducers of God's people, . . . . who, while they preach the Gospel of peace, proclaim war against all, and hallow the shedders of the blood of all who will not echo their song."<sup>n</sup>

Unhappily, there was no place in the world for such men as Siegebert of Gemblours; and if the church for which he spoke so boldly and so well had not had arms of a different temper for her defence, the threats of the papal cut-throat would have been too surely verified. But in the mean time the position of Henry in Germany had become irksome and perplexing. The pope and his party were fully alive to the danger proceeding from that quiescence which was gradually creeping over the public mind by the reaction of the stormy passions which had for so long a time agitated society. They perceived that a few years of undisturbed pursuit of the salutary measures inaugurated by Henry would place his popularity upon a foundation

Reforms of  
Henry IV.,  
and conse-  
quent dis-  
content.

<sup>m</sup> A hazardous proposition.

<sup>n</sup> See the original, ap. *Udalric. Cod.*

Epist. no. 234, ap. *Ekkehard. Corp. Histor.* i. p. 238.

it might be difficult to shake. True it was, he had succeeded in checking the extortions of the officers of the crown; he had brought his dukes, earls, military governors, but more especially the rapacious advocates or patrons of the ecclesiastical foundations, within the reach of the law; he had introduced regulations for improving the administration of justice; the commonalty were learning to look up to him for relief from some of the worst evils of feudal oppression; and the merchant and mechanic anticipated a new era of safety and prosperity. But the measures which brought peace to the doors of the peasant, the burgess, and the trader, were a sore grievance to that whole class with whom the military power of the country rested. By this time that class had become so inured to a life of rapine and extortion, that any attempt to withdraw their victims from their grasp passed for an unpardonable invasion of their rights. They accused the emperor of a contempt of his hereditary counsellors; he had conspired, they said, with the vulgar herd of citizens and serfs against the peers of his realm. What though the commonwealth was reviving, and the industrious classes beginning to eat of the fruits of their labour; the noble baron had been gradually reduced to wear more scurvy apparel, to eat coarser food, or even to feel the pangs of hunger; his armour was rusting on the walls, his garments were waxing shabby; his gay retinue had disappeared: it was manifest that a few years of such fatal tranquillity must reduce him to a level with his own serfs.\*

There was the same character of heedless impetuosity Complaints of in the virtues as in the vices of this unfortunate the nobles. monarch. It is more than probable that he had pursued his projects of reform with little regard to the impediments that might be thrown in his path by his lay as well as his ghostly enemies, or reflection upon the consequences to himself that might result from them. The complaints of the military class became every day louder and more bitter. Unprepared as yet for open rebellion, "they put on a false face" of loyalty, and secretly

\* See the lively description of these baronial grievances in Vita Hen. IV.

ap. Stenzel. i. p. 576, note (25), quoted in *extenso*.

plotted to undermine his newly-acquired popularity by covert defamation; by aggravated repetitions of the obsolete stories of his youthful vices, and general charges of maladministration and neglect of public duty. In allusion to his vigorous and successful expedition against the rebel earls of Flanders and Limburg, they accused him of destroying the cities and towns of his subjects, and of conciliating the rabble by a systematic impoverishment of his princes and lieges.<sup>p</sup> His conscientious enforcement of the "truce of God" gave infinite offence to the numbers who lived by plunder; and their resistance but too frequently baffled his power, and exasperated the passions of the delinquents themselves.

Though the emperor's mind rarely showed itself capable of grasping more than one object at a time, yet amid all his popular reforms we cannot suppose him to have been quite blind to the dangers which surrounded him. The ephemeral pope Sylvester IV. had disappeared noiselessly from the stage.<sup>q</sup> In Italy, pope Pascal reigned without a balance or a rival. In Germany, Henry was assailed with importunities to resume negotiation with Rome; and it became obvious that, at whatever risk, some steps must be taken to content the complainants. He had yielded something to the prejudices of the papal party by permitting his bishops to apply for the papal confirmation of their appointments;<sup>r</sup> and had thought proper to evince a desire for religious peace by publishing his intention to proceed to Rome for the purpose of there holding a great council for the impartial examination and reconciliation of all differences and mutual causes of alienation between himself and the holy see.<sup>s</sup> The pope was, however, not disposed to afford his opponent any facility for the proposed visit. He knew that the road into Italy was barred by the forces of the countess Mathilda, and that, from the shortness of the time allowed, Henry would be

The emperor  
excommunicated by pope  
Pascal II.

<sup>p</sup> *Annal. Hildesh.* an. 1103, ap. *Pertz*, iii. p. 107.

<sup>q</sup> *Dodechin.* an. 1099, ap. *Pistor.* i. p. 664.

<sup>r</sup> As in the case of Otto of Bamberg,

*Udalric.* Cod. Epist. ubi sup. no. 227, p. 231.

<sup>s</sup> *Ekkehard.* Chron. an. 1102, ubi sup. p. 223.

unable to give the promised attendance. But the notification afforded pope Pascal an opportunity of exposing the supposed duplicity of the emperor, and of imputing to him a fraudulent attempt to throw dust in the eyes of his judges; for in that light he wished it to be understood that the proposed assembly was regarded by the ex-king of Germany and his accomplices. Shortly after the expiration of the emperor's notice, a numerous synod was assembled at Rome.<sup>t</sup> The failure of Henry to appear before his self-constituted judges was construed as a criminal breach of his engagement. Upon this ground, as well as upon the (probably unfounded) imputation of having participated in the intrusion of the anti-pope Sylvester, with numberless other crimes and misdemeanors — more especially his repeated excommunications by the holy popes Gregory and Urban—he was now finally and irretrievably consigned to the pains of the *perpetual* anathema both here and hereafter.<sup>u</sup> The council at the same time took under consideration that dangerous quiescence of the public conscience which had so seriously alarmed the pontifical party. All persons who should thereafter desire reconciliation with the church were to be required to anathematise all heresy, more particularly that deadliest of heresies which taught *that the anathema of the church might be evaded or set at naught, or her binding power be disregarded*; and they were to swear unconditional obedience to pope Pascal and his successors.<sup>v</sup>

The indefatigable industry of the pontiff and his friends in Germany had by this time succeeded in bringing all the machinery for the ruin of their enemy into tolerable working order. The mental resources of one man were probably incapable of encountering successfully so many elements of mischief as were now brought together against the emperor. His general policy was at this moment ill adapted

<sup>t</sup> The notice expired on the 1st of Feb. 1102, and the synod was held on the 15th March in that year.

<sup>u</sup> *Ekkehard. Chron. an. 1102, ubi sup.* pp. 223, 224. *Conf. Pagi, Crit. ad eund.*

ann. p. 140.

<sup>v</sup> *Hard. Conc. vi. pp. 1861-1864; Ekkehard. Chron. ubi sup.; Dodechin. ubi sup. ap. Pistor. i. p. 664.*

to prop up his reputation as a ruler of men.<sup>w</sup> But while he kept a single engrossing object in view, his eyes were often closed against the obstacles and dangers which attended this position. Thus the intrigues of the papal legates, the revival of the foul charges which encumbered his past life, the hostility of the great body of the nobility and gentry, the ominous insolence of the pope—all these menacing circumstances made little impression upon him as long as he could bask in the applause of the admiring multitude. Driven as he was into the arms of the commonalty by the scarcely dissembled disaffection of the superior orders, he had bent all his energies upon those reforms which might, he thought, best tend to secure him a refuge in the gratitude and affection of the mass of his subjects. But he had built his house upon the sand. In the elements of his popularity there was neither substance nor cohesion capable of balancing the organised tyranny of feudalism; and the love of his people was one danger more to be added to the list of the perils which surrounded him. Gebhard, the legate of pope Pascal in Germany, stimulated the prevailing discontents by alternate coaxings and threatenings, as well as by frequent messages and addresses; and this, with such skill and secrecy, that the emperor obtained no information of the intrigue till it was ripe for execution. The hopes of the conspirators, indeed, rested upon producing a general persuasion on the mind of the feudal constituency that the popular measures of the emperor were in reality only a mask to cover a treacherous plot, in alliance with burghers, hucksters, the rabble of the towns and villain populace, to impoverish and ruin the ancient nobility of the realm.<sup>x</sup>

But it was no part of the design of the conspirators to precipitate an outbreak. Sacerdotal plotters are habitually patient. The chapter of accidents, when duly improved, is an excellent instrument in the hands of a vigilant and sagacious enemy. Henry IV. was a child in the manage-

Popular excesses, how improved by the conspirators.

<sup>w</sup> He had offended his hitherto steady allies the Bohemians by his vacillating policy in reference to the rival claimants of that important dependency. See

*Cosmas Pragens. an. 1101, ap. Pertz.*

<sup>x</sup> Vit. Hen. IV. ap. *Luden* and *Stenzel. ubi sup.*

ment of great national interests and prejudices. His adversaries were scarcely ever at fault in anticipating errors that must, with their aid, defeat his best intentions, and enable them to array against him a mass of obloquy fatal to his character and credit in the world. The effect of the late liberal measures had been, in some instances, to stimulate the indignation of the suffering classes against their oppressors, and to encourage them to take personal vengeance upon their tyrants.<sup>y</sup> Every incident of this kind was added to the list of proofs of the revolutionary intentions of the emperor. The severe measures he had adopted against the tyrannies and peculations of the lay advocates of monastic and ecclesiastical bodies<sup>z</sup> had given mortal offence to many greater and lesser barons who had hitherto participated in the plunder of church-lands. With that exuberance of insubordination, inconceivable in any other state of society,

Murder of earl Sigehard, one of the most powerful of earl Sigehard. these "Schutzvögte," or advocates, boldly rode into Ratisbon, where Henry held his court, at the head of a numerous escort, and for a time bade defiance to the sovereign. Thither he was pursued by many of the sufferers by his tyranny, clamorously craving justice at the hands of the monarch. Henry temporised; Sigehard was thrown off his guard, and the citizens of Ratisbon, with the assistance of the petitioners from the country, suddenly attacked the house in which their enemy had barricaded himself, dragged their victim into the public place, and, allowing only a few minutes for confession and viaticum, struck his head from his shoulders.<sup>a</sup>

The murder of Sigehard, and others of a similar character which occurred about the same time,<sup>b</sup> were all laid at the door of the emperor; this last under circumstances which might impart

Henry's  
projected  
crusade;

<sup>y</sup> *Ekkehard*. Chron. ubi sup. p. 225.  
<sup>z</sup> As to the law and custom of the so-called "Advocatio," see *Eichhorn*, Deutsch. Staats- u. Rechtsalterthümer, § 343, vol. ii. p. 485. Conf. *Ducange*, Gloss. sub. voce "Advocatio."

<sup>a</sup> *Ekkehard*. ubi sup. p. 225; *Annal. Hildesh.* an. 1104, *ibid.* iii. p. 107.

<sup>b</sup> Thus about the year 1102 the peasantry of Friesland, maddened by the tyranny of their earl Henry, had risen upon and slain him. Again, in 1103, his brother earl Cuno, though a person of a gentle and humane disposition, had fallen by the hand of an obscure assassin. *Ekkehard*, as above.

a shade of probability to the charge. He might, it was said, have prevented the crime, had he been so disposed. The relatives of Sigehard, and others who had grievances similar to those for the redress of which he had sacrificed his life, had jumped to the conclusion that Henry was the secret instigator of the murder.<sup>c</sup> But every act of the emperor, whether in his public or domestic character, was open to the most inveterate misconstruction. At the Christmas of the year 1103 he had—with what view it is perhaps not very difficult to imagine—announced his intention to commit the reins of government to his son king Henry, and to visit the holy sepulchre for the remission of his sins. If intended to divert attention from existing discontents, the proclamation for the moment answered the purpose. The conspirators were not a little alarmed at the alacrity with which a large number of the nobility prepared to follow their sovereign upon the holy expedition. The assembled notables of the empire cheerfully engaged to prolong and strictly maintain the “truce of God” for a period of four years, the emperor engaging meanwhile to spare no effort in re-establishing concord between the empire and the church. Henry, however, wished it to be understood that the departure of the expedition must depend upon his success in this respect. The alarm of the papal party subsided: it was clearly foreseen that a considerable time must elapse before the requisite preparations could be completed: it was, moreover, manifestly in <sup>how treated</sup> <sub>by the papal</sub> <sup>party.</sup> their power to protract the period of reconciliation to any length it might please them: Henry had named no day, nor taken any definite measures for the accomplishment of his vow: all was vague and ambiguous in the whole project. How it could have been otherwise at that stage of the affair, it is difficult to conceive; but appearances were as they represented them; and this was enough to give a colour to their inculpations. The whole proposal, they said, was a manifest deception: it never had been the emperor’s intention to

<sup>c</sup> Conf. *Stenzel*, i. p. 583, note (8).  
It is difficult to conceive what purpose

the murder would have answered to the emperor.

do more than amuse the people by empty promises, with a view to detain them at home in idleness, to ruin their fortunes by useless expense, and in the end to render himself independent of their constitutional control.<sup>d</sup>

By this time the plans of the conspirators were approaching to maturity. All that was wanted <sup>Seduction of</sup> <sup>the young</sup> <sup>king Henry.</sup> was a fit and proper instrument to head the movement and to give the required impetus. And for this purpose effectual steps had been for some time in preparation. The young king Henry was unendowed by nature with any strong moral instincts. To this son, now the last male scion of his house, the emperor was fondly attached; but, in that heedless spirit of indulgence which had so seriously impaired his own character and conduct in life, he had exposed him to the seductions of the flatterers and sycophants of the court. He had permitted him to enjoy the utmost freedom of intercourse with the junior members of those noble families whose disaffection was hardly a secret from any but himself. Instructed by their elders, these noble youths easily succeeded in alienating him from his father; they involved him in licentious pleasures, and at length established that companionship of vicious indulgences which rendered the task of suggesting the last crime to the ambitious and unprincipled youth of easy accomplishment. The flagitious thought once entertained, all that remained was to release his facile conscience from any scruples his coronation oath might still whisper in his ear. But in this there was little difficulty. "Had not," the seducer urged, "the church long since rejected and condemned his reprobate parent? Had not the magnates of the empire in their hearts repudiated him? He (the king) was not bound to observe the oath he had ignorantly and incautiously sworn; nay, it was by boldly breaking with the excommunicated heretic that he would take the surest means of sanctifying his own cause."<sup>e</sup>

Fortified by these assurances, the prince entered

<sup>d</sup> *Ekkehard. Chron. an. 1103, ubi sup. p. 225; Annal. Hildesh. ad eund. ann. ubi sup. p. 107.*

*si juramentum excommunicato juratum irritum faceret." Vit. Hen. IV. ap. Stenzel. ii. p. 588.*

<sup>e</sup> "Immo tum demum se sanctificasse

eagerly into the parricidal plot. Taking advantage of an expedition of the emperor for the suppression of certain disturbances in Saxony, he secretly quitted the host, and joined the friends of the murdered earl Sigehard. He was welcomed as the avenger of blood, the champion of aristocratic rights, the hope and trust of the noble extortioner, the golden-spurred robber. To the frequent messages and remonstrances of his distressed father he replied with cold contempt, and dismissed the bearers with the intimation, that he could hold no communication with one who still laboured under the curse of the church.<sup>f</sup> Upon this point the prince, or his ghostly advisers, had taken care to procure ample assurance. As early as the Christmas of the year 1104, a secret mission to Rome brought back the reply of the pope to the inquiry, whether, notwithstanding his coronation-oath, the young king might take upon himself the government of the empire. "The pontiff," we are told, "believing that the rising dissension between parent and child *was of divine appointment*, sent in return the apostolic benediction, promising him absolution from the bond of his oath at the judgment to come, provided he should approve himself a just king and a *righteous defender of the church*, and thereby compensate to her the injuries she had sustained from the crimes of his father."<sup>g</sup>

The young king hastened to assure the pope of his unconditional obedience to the papal precepts. A general synod of his party was convoked at Nordhausen; and "there," says the friendly annalist, "he, with many tears, protested that he desired not to usurp his father's kingdom, or to deprive him of his throne; but rather to evince his commiseration for that blind obstinacy and disobedience which had been his ruin; declaring at the same time that if he repented, he would gladly replace the government in his hands, and be unto him as a hired servant." "This declaration," our

<sup>f</sup> *Ekkehard*. an. 1105, ap. *Pertz*, vi. pp. 226, 227; *Annal. Hildesh.* an. 1104, 1105; *ibid.* iii. pp. 107, 108; *Vit. Hen.*

*IV.* ubi sup. p. 585.

<sup>g</sup> *Annal. Hildesh.* an. 1105, ubi sup. vi. pp. 107, 108.

Pascal absolves Henry the younger from his oath, &c.

informant adds, "was received by the audience with tears of pleasure, and the loudest applause; the whole assembly joining in prayer for the conversion of the parent, and the prosperity of the son." The zeal of the synod next displayed itself in the formal deposition of the Henrician prelates; the exhumation of the bones of deceased heretics; the reordaining of those priests who had received their orders from schismatic bishops; the absolute exclusion of the wived clergy from all divine offices; and the deposition and ejection of those who had incurred the guilt of simony."<sup>h</sup>

With the papal discharge from every duty of natural affection and allegiance in his pocket, little credit is due to the young traitor's protestations of filial attachment to his erring father. There can be, indeed, no doubt that, if deceit and intrigue should fail to deliver his victim into his hands, he was fully prepared to commit the decision to the arbitrament of the sword. Dismissing the synod of Nordhausen, he set forward in company with the Saxon chiefs towards Maintz, where the emperor at that moment resided.<sup>i</sup> He was, however, foiled by the removal of all the boats from the right bank of the Rhine to the left. Retracing his steps, king Henry laid siege to and took the city of Nürnberg. Some time was lost in fruitless negotiations; the emperor, by a rapid movement, recovered possession of that important place, and the rebel son retreated upon a strong reinforcement then advancing to his support. Several sanguinary encounters took place on the river Regen, not far from Ratisbon, where the two armies stood opposed to each other, prepared, as it seemed, for mortal strife. But, as if by enchantment, in one night both parties vanished from each other's presence without striking a blow. As on the famous "field of lies," where sacerdotal deceit and filial treason had accomplished the downfall of the pious son of Charlemagne,<sup>j</sup> so, in this case, the ramifications of conspiracy had spread from the camp of the

<sup>h</sup> *Ekkch.* ubi sup.

<sup>i</sup> *Annal. Hildesh.* an. 1105, ubi sup.  
p. 108.

<sup>j</sup> Conf. Book VI. c. v. p. 143 of this work.

confederates to that of the emperor. While encamped over against each other, secret communications between the chiefs of the two armies had ended in a resolution that no advantage on either side could compensate for the miseries to arise from a continuance of this fratricidal warfare, and that the unnatural strife between father and son was not entitled to the national countenance and support. The duke of Bohemia undertook to communicate the common sentiment of both parties to the emperor, and the latter retreated in haste to his prior asylum within the friendly walls of Maintz.<sup>k</sup>

The dispersion of the contending armies was probably due to a movement of genuine patriotism;<sup>l</sup> yet no event could have been more advantageous to the papal party, or more fatal to that of the emperor. It was understood that the Henrician forces had withdrawn from the field with intent to avoid the effusion of blood, but with no desire to promote the views of the confederates, or to prejudice the emperor's cause further than to disappoint him of a possible victory they had no mind he should purchase at their expense. They were not disposed to deliver the sovereign a prisoner into the hands of his son; and that son himself was for a time relieved from the necessity of holding so sinister a pledge. But the triumph of the papal party was brought as near as possible to completion: the Henrician prelates were dispossessed, and their own friends restored: the papal ban was no longer the "brutum fulmen" so feelingly lamented by pope Pascal: facts enough there were to appeal to, to confound "the enemies of God and His church," and to strengthen the impression that the "judgment of God" had gone forth on behalf of His flock and their shepherd. It is not impossible that some impression of this kind may have found a place in the mind of the emperor himself. Few men are exempt from the influence of the ordinary modes of contemplating the events of life common to their

Dispersion  
of the two  
armies on  
the Regen.

Consequences  
of the disper-  
sion.

<sup>k</sup> *Ekkeh. Chron. an. 1105, ap. Pertz,* vi. p. 228.

<sup>l</sup> The remorse engendered by the

slaughter committed at Hohenberg might be in the recollection of many. *Conf. Book X. c. vii. p. 349.*

day and generation. Henry IV. had, at this crisis of his affairs, entered his fifty-fifth year. But his constitution, both of mind and body, was broken down by the exhausting activity of a life of toil and disappointment, and latterly by the anguish of wounded affections. His actual condition, therefore, opened to his pontifical adversaries a prospect of driving him to that moral and political suicide which they regarded as the appropriate doom of the heretic and the blasphemer, and of basing the power of their chief upon the spiritual prostration and the temporal degradation of their victim. Such an example exhibited in the person of the first monarch of Christendom was an object worthy of the utmost efforts of their skill—a rich compensation for any sacrifice of truth, justice, or religion. At the moment the peculiar dangers of this rude experiment upon the “*corpus vile*” of the lay estate had not crossed their minds; nor was it likely to occur to them till they perceived that the pupil they had trained to their purpose already surpassed his instructors in the craft and readiness of the execution.

We spare our reader the dreary narrative of the treachery and intrigues by which the harassed and dispirited prince was lured into the toils of his enemies. It is sufficient for the purpose of marking the character of pontifical management at this stage of papal history, to notice the more prominent features of the tragedy which speedily brought its victim to the grave, and placed upon the throne of Germany one who, as they soon discovered to their dismay, had not failed to profit by the lessons of his sacerdotal instructors.

The dispersion of the armies on the Regen had not left the emperor so wholly destitute of resources as to place him in a more forlorn position than that in which he had found himself prior to his adventurous journey into Italy in the terrible winter of the year 1077. He was still surrounded by a faithful band of personal friends and clients, and supported by the attachment of his people. But at this juncture his mental resources suddenly deserted him; his faculties

Betrayal of  
the emperor  
by his son.

were benumbed by adversity and bodily infirmity; his spirit was too deeply wounded by the perfidy of an only son to recover that elasticity which had supported him through the sea of troubles which had so often threatened to engulf him during his stormy voyage of life. Among the many vices and errors of his past life treachery had never found a place; nor could he now bring himself to believe it to exist in so perfect a measure in the heart of the child whom he had loved and cherished from his birth. Forgetful of the catastrophe of the Regen, Henry permitted himself to be enticed into a personal interview with his son, at which no pains was spared by the amiable youth to persuade his father of the sincerity of his desire for his restoration to favour, and his disinterested anxiety to work with him for the peace of church and empire. The emperor listened to the flattering prospect with eager credulity. Under the most sacred promises of personal safety, he was induced to separate from his friends, and to throw himself into the arms of the faithless prince. In the course of the ominous journey from Bingen on the Rhine, where the first interview took place, towards Maintz, no protestations of affectionate attachment were spared by the younger Henry to lull the elder into false security, till, under pretence of care for his safety, the latter was induced to take up his quarters for the night in the strong castle of Büchelheim, not far from Kreutznach. But he had scarcely entered the gate when the portcullis fell behind him; he found himself cut off from his retinue, and a close prisoner in the hands of Gebhard bishop of Speyer, one of the bitterest of his foes.

The object of the conspirators was to extort from their captive a resignation of the crown, and a formal surrender of the symbols of the imperial dignity into the hands of the young king. To this end his episcopal jailer had, by way of penance, reduced the diet of his already exhausted prisoner to a minimum, and, in his character of an excommunicated delinquent, deprived him of the consolations of religion during the Christmas festival. After these enfeebling exercises, a rude soldier, named Weibert, was introduced

Imprisonment of the emperor.

to his cell, with a peremptory demand for the immediate delivery, on pain of death without confession or absolution, of the crown, the sacred lance, the cross, and the sword of empire. The demand was complied with, and the order for the delivery of the symbols formally signed and placed in the hands of the messenger by the prisoner, with the single request that he might be brought before the assembled diet, and be allowed to defend his life and honour as he best might.

That assembly then sitting at Maintz had been convoked prior to the emperor's imprisonment, and preparatory to that event, and was attended by the bishops of Albano and Constance as the papal legates. Their first care was to rehearse before the meeting and to republish the several anathemas issued against the emperor by the present and former pontiffs. But, from the well-known attachment of the citizens of Maintz to his person and government, it was thought dangerous to admit him, even as a prisoner, within the walls of the city. The legates therefore adjourned the diet to Ingelheim, a village some miles west of Maintz, where they directed their captive to be brought before them. Under the persuasion that nothing short of unqualified submission to the will of his captors would save his life, he prostrated himself before the papal legates: he confessed that he had too long laboured under the curse of the church; that he had set up two anti-popes; that he had suffered the affairs of the empire to go to ruin; that he had been justly convicted of the crime of heresy, and every other offence his judges might think fit to impute, excepting only the crime of idolatry. In so desperate a predicament, he admitted that he was no longer worthy of crown and empire, and resigned both into the hands of the states.<sup>m</sup>

<sup>m</sup> A careful examination of the evidence on both sides can, we think, leave little doubt that the confession and abdication were made under immediate apprehension of a violent death. In the Apology which Henry IV. subsequently published, he neither admits nor denies the confession and abdic-

tion. But when we take into consideration, that the report of what occurred at Ingelheim proceeds from the pens of the most malignant of his enemies, we cannot doubt that the account of the transaction is in a high degree overcharged. We borrow our sketch of the whole affair from the several writings of

Allowing for the colouring which party prejudice and religious rancour may have imparted to the picture transmitted to us of this pitiable scene, our sketch of the facts of the case, we think, comes as near to the truth as the conflicting accounts will warrant. From the manifesto of the emperor, subsequently published, we learn that the legate plainly informed him that he could expect no mercy but by and through a plenary confession of the crimes laid to his charge: that he fell at the feet of the legate, and barely claimed the common privilege of a fair trial by his peers: that he was assured by the legate, in reply, that the confession could be delayed by no formality—that it must be plenary, immediate, unconditional. “But,” asked the disconsolate prince, “if I confess all that is demanded of me, will that act be followed by immediate absolution?” “In no wise,” replied the legate: “none but the pope hath power to absolve so great an offender: yet if you really desire to be relieved from the anathema, you have only to hasten to Rome, and there give due satisfaction to him, from whom alone pardon for so heinous a trespasser can flow.”

After extorting the degrading confession and abdication, it should almost seem that the conspirators hardly knew what to do with their captive. At all events, the wardship under which he was kept was of so loose a kind as to make it not very difficult to effect his escape. He still retained some friends among his captors themselves; others, we may readily conjecture, could not witness the insolent treatment of the chief of the empire by the agents of a foreign power with indifference: these persons, no doubt, shared in the emperor’s apprehensions of danger to his life: immediate steps for his rescue were adopted; and Henry was enabled to evade his guards, and to find refuge within the friendly walls of Cologne;

*Ekkehard* (Chron. Univ. ap. *Pertz*, vi. pp. 230, 231); and the *Annales Hildesheimenses* (an. 1104, 1105, 1106, *ibid.* iii. pp. 109-111). On the Henrician side we have consulted *Vita Hen. IV.* (ap. *Ursatium*, Ss. Rr. Germ. p. 396); the

*Epistle of Henry to k. Philip of France* (ap. *Eccard. Corp. Hist. Med. Ævi*, ii. p. 222); *Epistle of Hen. IV. to the abbot of Cluny* (ap. *D'Achery, Spicileg.* iii. p. 441); *Siegebert of Gemblours*, an. 1105, 1106 (ap. *Pertz*, vi. p. 369 et sqq.).

whence, after a short rest, he removed to Liége, under the protection of the bishop of that city, and of his steady friend Henry duke of Lower Lorraine.

The sacerdotal conspirators and their friends were not greatly disturbed by the evasion of Henry. <sup>Exultation and bigotry of the papists.</sup> In the full persuasion of the completeness of their victory, they sat down to compute their gains. "After the abdication of Henry the elder," says the monk of Aurach, "the diet despatched a solemn embassy to Rome, with full instructions to take the pope's commands as to the steps necessary for the correction of the inveterate evils which afflicted the church of Germany, and, to that end, to move him to pass the Alps, and by his presence to give countenance and direction to the measures of his servants: and of a truth, the sun of orthodoxy, for so many years overclouded in this our atmosphere, had begun to shine out more fully and clearly. Following fast upon conviction, an enlargement and purification of our church had been accomplished: the mere savour of false doctrine was spewed out of the mouth of men: the Wibertine and Henrician heresies<sup>n</sup> were effectually condemned and repudiated by the resignation and expulsion of the heretics themselves, and the substitution of Catholic bishops in their room . . . yea, the pious zeal for the *divine law* so boiled over, that even the dead bodies of the false bishops were dug up and cast out of the churches, and those who had received ordination from them were suspended till further orders: for now, by divine dispensation, was the horn of the holy Roman church lifted up on high; and terror was stricken into the hearts of the disobedient, by causing the foul carcass of the false pope Wibert, the head and chief of the schism, to be cast out of the sepulchre where it had lain for the last six years, and by reversing all his acts, as the acts of a false pretender and sacrilegious usurper."<sup>o</sup>

But the exultation of the papal party was premature. The movement in Germany, they ought to have known,

<sup>n</sup> The party of Clement III., and the advocacy of lay investiture.

<sup>o</sup> *Ekkeh.* Chron. Univ. an. 1106, ubi sup. p. 233.

was far more of a political than a religious character. The majority of the estates, with the <sup>Improved</sup> prospects of the young king Henry at their head, cared little <sup>the emperor.</sup> for the papal interests, any further than as they fell in with their own. A spirit of loyalty and patriotism was still alive, incapable of submission to the benumbing pressure of religious despotism. The narrative of his sufferings, which the emperor had taken care to circulate in multiplied copies throughout Christendom, did him good service.<sup>p</sup> The sneers of the monks, and the maledictions of their masters, were drowned by a sense of the enormous guile and treachery by which the friend and father of the people had been betrayed into the hands of his enemies. Under the influence of duke Henry of Lorraine, many of the nobility and gentry flocked to his standard, and he was soon at the head of an army capable at least of holding its ground, and well disposed to strike a blow in his defence. A strong advanced guard of the hostile forces, under the command of king Henry the younger, sustained a bloody defeat at the bridge of Viset on the Maas; this mishap compelled him to beat a precipitate retreat to the Rhine; and the victory left the emperor in <sup>Battle and</sup> unmolested possession of the Transrhenane provinces of the empire. The spirits of his party rose; victory had once more waited upon his standard, and hope once more cheered his fainting heart. Relieved from the presence of his persecutors, he revisited his faithful city of Cologne. To a man the citizens swore to avenge him of his enemies, and to shed their blood to the last drop in his defence. In proof of their zealous attachment, they wrought night and day, and expended their substance upon the enlargement and improvement of their fortifications. These efforts were crowned with success. King Henry advanced to the assault with a numerous army. The citizens repelled the storming parties of the besiegers with great loss, and, with the assistance of a body of mercenaries thrown into the place by the duke of Lor-

<sup>p</sup> See the document itself, ap. *Eccard.* of *Ekkehard*, *ibid.*  
Corp. Hist. &c. ii. p. 222, and the sneers

rairie, compelled the young king to abandon the siege after three weeks of sanguinary and unsuccessful assaults.<sup>9</sup>

Still the infatuated sovereign refused to abandon the hope of a reconciliation with his rebel son and subjects. While his enemies were wasting their strength before the impregnable walls of Cologne, Henry made a last effort to awaken feelings of honour and duty in the hearts of the besieging host. "Confiding," he said in his address, "to the honour of the country, pledged to him by those in whose veracity he had every reason to rely, he had been betrayed, ill-treated, robbed, and finally deposed: by threats of instant death the insignia of empire had been extorted from his unwilling hand; and an abdication from which his heart and conscience revolted had been drawn from him by lawless violence: some redress for these injuries was surely due to him: he therefore implored his lieges to point out to him without reserve how he might obtain justice for these enormous wrongs; they would find him ready to compensate richly all who might have suffered wrong or injury at his hands; he was prepared to give all due satisfaction and obedience to the pope, and to concur in any proposals they might make for the good estate of church and empire: but if his son should still persist in his late career of persecution and rebellion,—if this last appeal should prove ineffectual to restrain him and them from pursuing the dictates of that base ambition which had proved so fatal to church and state,—then he should put in his solemn appeal to the pontiff and the assembled church-catholic against this flagrant denial of justice."

But any settlement of existing disputes upon a basis proposed by Henry by no means suited the papal party. With the dethroned and accursed heretic there could be no negotiation, no treaty. The emperor's protest was therefore treated as

<sup>9</sup> *Annal. Hildesh.* an. 1106, ubi sup. *Ekkeh. Chron. &c.* an. 1106, ubi sup. The whining cant of these writers over the inexplicable obstinacy of the

emperor, and his undutiful behaviour to his excellent son, is inexpressibly disagreeable.

an additional proof of that “Protean system of subterfuge and deceit” by which he had so often deluded the world. The reply, drawn up by the archbishop of Magdeburg in the name of the confederates, recited in exaggerated terms all the evils which his misgovernment had brought upon the empire: it laid to his sole charge the whole mass of slaughters, sacrileges, murders, perjuries, robberies, and burnings which, they alleged, had transformed the realm into a howling wilderness; which had fostered apostasy from the catholic faith, and reduced the world to a state of pagan darkness: but now that it had pleased the divine clemency once more to look down upon His disconsolate church, they, her devout sons, had, through the working of His spirit within them, rejected and degraded the head and chief cause of all these evils; they had deposed Henry, who still styled himself emperor, and elected in his place a catholic king, though he be of the seed of the reprobate: yet now the said Henry vainly pretendeth that this his voluntary abdication and absolute renunciation, witnessed by the spontaneous surrender of the imperial regalia into the hands of his son, was extorted from him by violence: thus, instead of observing his solemn covenant to renounce all earthly rank or dignity, and to devote the rest of his days to the care of his perishing soul, they now beheld him resorting to all his bygone subtleties and intrigues; disseminating among aliens and foreigners—French, English, Danes, and other neighbouring nations—drawling complaints of imaginary wrongs, with the obvious intent to excite these strangers to take up his defence, and to plunge their swords into the bosom of his country: this remonstrance, therefore, was only another attempt to introduce discord into the camp of the Lord—to disarm the army of Christ, and, like some wild beast, again to lay waste that vineyard of God now just beginning to put forth leaves: thus he would again let loose upon them that herd of wolves, those priests of Belial,<sup>r</sup> which follow in his train: again he would bring back upon them the

<sup>r</sup> The Henrician bishops, to wit.

curse of the anathema, and crucify afresh in all their hearts that Saviour who had but just risen again in His church.

Yet they professed themselves willing, if such were his wish, to permit him to come before them, but only in the character of a condemned malefactor appearing before his judges, to hear his offences rehearsed, and with liberty to urge what he might think fit in mitigation of the judgment to be pronounced: and this, if done at all, must be done promptly and without delay; lest, in conformity with his ordinary practice, he should take that occasion to agitate the country, and create fresh disturbance by vexatious controversies and disputes.<sup>s</sup> In this form, if any inquiry were possible, it must have extended over nearly the whole course of Henry's life; and the prosecution and the defence would have required nearly an equal period of time. It is therefore improbable that he would have submitted to such an inquest. But it might suit his accusers to misrepresent his non-compliance; and the mode they adopted of communicating the result of their deliberations was probably intended to produce the desired refusal. Two ecclesiastics of the meaner sort, accompanied by some others disguised as laymen, were selected to convey the reply of the estates to the emperor's head-quarters. On their arrival the deputation refused to hold any public communication with the deposed and excommunicated prince, and their letters were of course rejected as unauthenticated documents. The emissaries were then dismissed with the intimation that thenceforward no negotiations would be entertained with any but accredited agents of a lawfully assembled diet of the empire.

Messages, however, still continued to pass between the father and the son, as if the latter desired that the acts of the ecclesiastical faction should

<sup>s</sup> It was indeed allowed that "all the causes of strife from the beginning of the schism were to be thoroughly and impartially sifted;" but this was an obvious impossibility if the needful time for the inquiry was denied. The "prompt decision" required was out of the ques-

tion, if, as proposed, the whole course of Henry's life and administration should have to be investigated. But it is hardly possible to convey a just idea of the profound hypocrisy of this document without rehearsing it *in extenso*.

not pass for his own. But these symptoms of approximation led to no result; the young king continued the war with unabated activity, and during the summer of the year 1106 carried fire and sword into the heart of the duchy of Lorraine; the imperial and rebel hosts approached each other, and a general action was impending; when movements on both sides were suspended by the news that the emperor had expired suddenly at Liège on the 7th of August in the latter year. The intelligence spread consternation among the imperialists, and was a source of boundless exultation to the insurgent priests and barons. Not many hours after his death, the imperial chamberlain Erkenbald arrived in the young king's quarters, bearing the diadem and the sword—the only symbols of his dignity still in the hands of the monarch—with his dying orders to deliver them into those of his successor, accompanied by the simple request that his son would extend the royal pardon to all those who had supported him in his adversity, and that he would cause his body to be deposited with those of his ancestors in the imperial sepulchre beneath the great church of Speyer.<sup>†</sup>

Few princes have descended to the tomb under such a load of obloquy as the emperor Henry IV. During his lifetime he was charged by his adversaries with every crime in the vast registry of human infirmities, against many of which his friends—and he had many friends—have found it a difficult task to defend him. His best defence may, after all, be most successfully sought in the malignity of his enemies. If we were to believe one-half of their inculpations, so worthless a being must have been an outlaw from human sympathy and society. We adopt, with some misgiving, even the half that might fairly be written to his account, because we hardly know how to distinguish it from that which is provably false in the reports of his enemies. Yet, branded as he was by the church with the mark of the Beast, and hated by the no-

<sup>†</sup> *Annal. Hildesh.* ubi sup.

bility of the empire as a traitor to his order, he still found an asylum in the hearts of his people. At the tidings of his death their love overflowed in deep and bitter lamentations. "A great cry was heard in the streets of the city of Liége; the court and the people, the widows and the orphans, the multitude of the poor and indigent of the city and country flocked to the obsequies of their sovereign, their friend, their benefactor. With uplifted voices they bewailed the loss of their father; dissolved in tears, they kissed the cold rough hand; they embraced the inanimate limbs, and could with difficulty be persuaded to give place to the attendants in waiting to prepare the body for burial. Nay, nor could they be persuaded to quit the tomb; but for many days relieved each other day and night to watch and pray beside the place where they had laid him."<sup>a</sup>

At the news of these funereal honours performed to the body of the deceased outcast of the church, the wrath of the papal agents at the court of Henry V. boiled over. "If," said they, "the king permits the body of the heretic to receive Christian sepulture, he shall surely draw down upon his own head the curse under which his impious parent hath already perished: therefore let the accursed remains be exhumed, and for the present deposited in some unconsecrated spot; then, if such a proceeding be possible, let the pope be applied to for a *post-mortem* absolution." It was, indeed, of the utmost importance to the legates and their friends that the papal anathema should at this juncture lose nothing of its terrors, and that execution should be done to the letter upon the body of the deceased sinner, as it had already been done upon his soul. Bishop Albert of Liége was commanded with his own hand to disinter the body which that hand had contumaciously consigned to a resting-place among the faithful. The stone sarcophagus containing the remains was accordingly removed to an island in the Maas; the usual services were discontinued; the mourning crowd which followed were chased from

Burial and  
exhumation  
of the body  
of Henry.

<sup>a</sup> Vit. Hen. IV. ap. Stenzel, i. p. 606.

the spot, and a single chance pilgrim from Palestine permitted to abide near the spot, reciting psalms and litanies day and night for several days successively.<sup>v</sup>

It soon, however, appeared that the legates and their friends had overshot the mark. The young king could not be brought to stomach tamely this spiritual terrorism. He had already freely forgiven and received his father's friends into favour, and thus far fulfilled the first of that father's dying requests; and he now resolved to fulfil the rest. By his order the body was removed to Speyer, and solemnly deposited in the tomb of his ancestors.<sup>w</sup> The clergy, the citizens, and the whole population of the city—at that time one of the most considerable in Germany—accompanied the procession to the cathedral church of St. Mary, which Henry himself had built and richly endowed. The service for the dead was performed with every ceremony and honour usual on such occasions. All this was done in the absence of bishop Gebhard, the temporary jailer, and always one of the fiercest of the late emperor's persecutors.

The news of the profanation of his church brought him in all haste to Speyer: he caused the body to be forthwith exhumed, and conveyed to an unconsecrated chapel beyond the precinct of the cathedral; and interdicted all services in the church until it should have been duly purified from the pollution contracted by the presence of the unhallowed remains. But the voice of affectionate regret could not be silenced here, as it had been at Liége. The population of the city in a body attended the corpse to its resting-place with loud lamentations; “for,” said they, “he loved our city and our people above all others.” For several years neither the menaces of the priesthood nor the power of their bishop could deter them from frequent visits to the spot where the dishonoured remains of their lost friend and patron were deposited.

The fact appears to have been, that the severities of sacerdotal management had been carried too far, and

<sup>v</sup> *Annal. Hildesh.* an. 1106, ap. *Pertz*, iii. pp. 110, 111.

<sup>w</sup> Sept. 3, 1106.

Reaction in the public mind. that a gradual reaction was taking place in the public mind. It is beyond doubt that the memory of Henry IV. was cherished by a large class—a class every year rising in wealth and importance—among his subjects. The clever youth now at the head of the empire was not slow to perceive that the inexorable hierarchs who had persecuted his father to his death, and even in his grave, might not be more manageable in his own hands; and their broad hints, that in their dealings with him nothing less than that subjection they had required from his father would satisfy them, had not been lost upon him. The results of this incipient misunderstanding will appear in the following chapter.<sup>x</sup>

<sup>x</sup> For these particulars, see *Annal. Hildesh.* ubi sup., but chiefly the work of the monk *Ekkehard* of Aurach. In this work we detect a singular anomaly, illustrative of the unscrupulous character of the monastic writers of the day—excepting, always, from this general censure, the honest *Lambert* of Aschaffenburg, and the pious and learned monk *Siegebert* of Gemblours. Two editions of the work of Ekkehard are extant. In the prior edition the author writes under the influence of the papal party; the second was drawn up subsequently to the restoration of peace between the emperor Henry V. and the pope. In the first he rakes up all the filthy stories of the youthful profligacy of the father propagated by the pontifical party; in the second, all these tales disappear; the admirable qualities and the pious death of the late emperor are described with wonderful unction; all mention of the exultation of the papal party at his death is omitted; not a word is said about the subsequent exhumation of the body, or its ejection from the cathedral of Speyer; the loy-

alty of the people of Liége is lauded; he observes that the emperor Henry, when at peace with the pope, showed a pious respect for the pontiff and the Roman clergy; but admits that when they became troublesome, and *endeavoured to humble the kingdom of Germany*, he was compelled to oppose them. See the two editions in parallel columns, ap. *Pertz*, vi. pp. 238, 239. The change of tone in the later edition, from unqualified vituperation to almost equally enthusiastic eulogium, may perhaps be taken as a recantation of his earlier censures; or, we may suppose that the slanders by which the papists justified their severities had so lost all credit that they would not bear repetition. Even the zealous *Dodechin*, one of the bitterest of Henry's detractors, bears strong testimony to his generous and placable temper. See his *Contin. Chron. Mariani Scoti*, ubi sup. There are few histories in which we encounter greater difficulties in distinguishing the true from the false than in that of the emperor Henry IV.

## CHAPTER VI.

### SEQUEL OF THE PONTIFICATE OF POPE PASCAL II.

Donation of the countess Mathilda—Political state of Rome—Disaffection of the Romans; its causes—Antipopes Theoderick, Albert, Maginulph—Mutual suspicions of Pascal and Henry V.—Synod of Guastalla—Pascal consecrates bishops without election or license—Indignation of the Germans—Pope Pascal in France—Rupture between Henry V. and pope Pascal—Pope Pascal against investiture—Council of Troyes—Anarchical state of Rome—Henry V. claims the imperial crown—Expedition of Henry V. into Italy—his proclamation to the Romans—Negotiation—Mutual renunciations proposed—Treaty upon the basis of these renunciations—Crafty policy of Henry V.—Insolence of pope Pascal—Henry's reception in the church of St. Peter—Rejection of the treaty—Pope Pascal a prisoner—Henry retreats with his prisoners—Pope Pascal renounces the treaty—New treaty of Ponte-Mammolo—Coronation of Henry—The Gregorians repudiate the treaty of Ponte-Mammolo—Pascal apologises for the treaty—Insufficiency of pope Pascal's excuses—His correspondence with the emperor—Synod of Vienne, and excommunication of the emperor—Objection of the moderate party in France—untenable—Their remonstrance rejected—Henry V. performs the obsequies of his father—his dangerous policy—Conspiracy—Outbreak of the conspiracy—Civil war—Efforts of the papal party to give effect to their excommunications—Albert archbishop of Maintz; his imprisonment, and release—Henry again in Italy—Synod of Rome—Pascal *directly* implicated in the acts of his legates—The anathema proclaimed—Domestic troubles—Pacific dispositions—Mysterious correspondence between the pope and the emperor—The emperor in Rome—His management of the Romans—Retreat of the emperor—Restoration and death of pope Pascal.

THOUGH out of the precise chronological order, we must notice in this place a few particulars requisite to the better comprehension of the papal policy, and the peculiarities of the domestic affairs of the holy see, since the death of Gregory VII.

The county, marquisate, or duchy of Tuscany was an ancient fief of the kingdom of Italy, the *dominium supremum* of which was vested in the king as lord of the fee, and was by feudal law inalienable by any act of the tenant. By such act, or any other of

Donation of  
the countess  
Mathilda.

a nature to prejudice the prerogative of the superior lord, he acquired an immediate right of reëntry in order to provide for the due performance of the duties attached to the fief. Yet on the 17th of November in the year 1102 the countess Mathilda executed an absolute deed of donation of all her fiefs and possessions to pope Pascal for the sole use and benefit of the holy see, discharged from all prior obligations or conditions; so that thereafter they might form *an integral portion of the estate of the Roman church, to be dealt with by that church at pleasure, without reserve on her part, or that of any one claiming under or through her.*<sup>a</sup> It was by this time a well-understood principle of pontifical law, that every accession to the patrimony of St. Peter, however acquired, passed absolutely out of the hands of the lord or grantor into those of the pope. It was an equally clear provision of feudal law that all such transfers were in the nature of treason, and operated a forfeiture of the lands so transferred or demised. But at this moment Henry IV. was, even if he had had notice of the transaction, in no condition to put in his protest, or to take any steps to resent the insult to his crown.

But no accession of outward dominion or influence could convert the city of Rome into an endurable residence for the pope. Since the extinction of the Saxon dynasty, neither pope nor papacy had been properly domiciled in the capital. The authority which bound other nations to the papacy was stifled in Rome itself by the never-ending conflicts of faction, venality, and intrigue, which furnish the materials of her history throughout the greater portion of the middle ages. In theory, the emperor was still the sovereign, and Rome the

<sup>a</sup> See the document ap. *Leibnitz*, Rr. Brunsw. Ss. i. pp. 687, 688. The conveyance is described as an "offertio" and "oblatio," words borrowed from the Levitical law, denoting an absolute appropriation and dedication of the thing offered; a gift irrespective of and superseding all other rights; and, like the offering on the altar, in its nature

unreserved and unconditional. It is, moreover, said to be an offering "*in integrum*," i.e. for and on behalf of the *entirety* or *totality* of the thing conveyed. Upon the Germanic law on the subject of the alienation of fiefs, see *Eichhorn*, *Deutsche Staats- u. Rechts-Geschichte*, ii. §§ 301, 355, 356, and 364.

capital of the empire. A constructive allegiance, at least, was due to him, which might be claimed as a privilege, or adopted as a convenient pretence. Though no *de facto* connection existed, the authority of the pope and the emperor might be set against each other to suit a particular purpose. Such a state of things was inconsistent with regular government. The character of the constituency of the republic rendered any concurrence of the parts for the benefit of the whole almost impossible, except when an accidental equipoise of parties, or a preponderant pressure from without, afforded a breathing time to the agitated elements of government. The principal families (capitani, consulari, nobili) claimed a customary right to the superior magistracies, and formed a species of senate, under the presidency or control of the pope. They regarded themselves as entitled by virtue of their rank to all the richer prizes in the gift of the church; they retained a lively recollection how that in by-gone times they had made popes, cardinals, bishops; and had monopolised the honours of church and state. The reforms of Gregory VII. had inspired this powerful class with unmitigated disgust. The popes of the Gregorian school, dating from the pontificate of Leo IX., had thrown open the gates of preferment to all who dwelt within the bosom of the Roman church, both at home and abroad. Foreign ecclesiastics flocked to Rome; and the encouragement which zeal and talent in the service of the church met with, amply compensated the popes for the disfavour of their native subjects; while it tended to draw closer the bonds which connected them with the great outlying body of the Latin clergy. A cordon of nations was, as it were, drawn round the discontented native priesthood; and a fulcrum of support provided, which the latter could only shake by irregular and discreditable brawls, generally ending in defeat.

Yet throughout the whole of this period the nobili and gentry of the patrimony of St. Peter, when at variance with the popes, could always command a formidable party among the rabble of the city and neighbourhood, as well as among

Disaffection  
of the  
Romans;  
its causes.

the urban and rural clergy, who had suffered most severely by the reforms of Nicolas, Alexander, and Gregory. With their aid it was never very difficult to excite the populace to sedition and violence. It happened occasionally when the pontiffs, either by their own vigorous policy, or by the aid of their friends abroad, were in the ascendant, that they too came in for their share of mob-favour. In such cases, as in most others, the game of seduction and bribery was carried on with equal assiduity on both sides. When the pope was popular the nobili and their clerical adherents were induced to side with the enemies of the papacy abroad, with a view to keep open a prospect of recovering those sources of influence, emolument, and domestic comfort, of which they had been deprived by the Gregorian reforms. Opportunities of this kind were abundantly supplied by the rupture between the empire and the pontificate. The nobles looked forward to the restoration of their former power and glory; the priesthood to relief from the burden of celibacy, and the recovery of those profits and advantages upon which, till recently, they had thriven and fattened.<sup>b</sup>

The popes Victor, Urban, and Pascal, had suffered much from this faction. After the death of Antipopes Theoderick, Albert, Maginulph. Wibert (Clement III.) in the year 1099, the nobili and imperialist clergy had elected Theoderick, cardinal-bishop of St. Rufina, and enthroned him in the basilica of St. Peter. But, as ill-luck would have it, in attempting to escape to the court of the emperor, he fell into the hands of his rival, and was shut up in a remote monastery in Apulia.<sup>c</sup> In the year 1102, the same party started a second pretender in the person of Albert, cardinal-bishop of Sabina. This election was promoted by Johannes Ocdolinus, a leader of the imperialist party; the antipope took refuge from the attacks of a pontifical mob in the church of St. Marcellus; but Pascal found means to bribe Ocdolinus to betray

<sup>b</sup> Conf. *Annales Romani*, ap. Pertz, v. pp. 468-480; a valuable contribution to the domestic history of the papacy in

this age.

<sup>c</sup> *Ann. Rom.* ubi sup. p. 477; *Pandulph. Pisanus*, ap. Murat. iii. p. 355.

his client; Albert was dragged from the altar, and with every mark of contumely consigned, like his predecessor, to perpetual imprisonment. Within less than three years after this failure, a third pretender appeared in the person of Maginulph, cardinal-archpriest of the Roman church. This pretender proved more dangerous than either of his predecessors. Under the patronage of Ocdolinus, he persuaded the populace that Pascal was a simonian heretic: Maginulph was supported by a confederacy of the nobili and consular families bent on asserting their right to elect their pontiff; and with the aid of Werner, the imperialist markgrave of Ancona, and a body of German soldiers, he was put into possession of the Lateran, and there consecrated by the name of Sylvester IV. But, instructed by the fate of Albert, he soon saw reason to suspect his Roman supporters, and retired with his friend Werner to Ancona, where he lived unmolested for several years, pretending to no share in the government of the church, and contentedly resigning his equivocal dignity at the appearance of Henry V. in Italy in the year 1111.<sup>d</sup> But the troubles of Pascal did not end here. He had still to maintain a precarious warfare against Corsi, Colonna, Ocdolini, and other leaders of the imperial faction, within the walls of Rome itself. Stephen Corsi had possessed himself of the church of St. Paul, and from the sanctuary as his headquarters distributed his banditti over every part of the city, to the total interruption of all civil occupations and business of life. Pascal, indeed, succeeded in dislodging him, though with difficulty, and not without bloodshed. But with all this, Rome was an uncomfortable abode, and he betook himself to the protection of his friend the countess Mathilda, until, by the death of Henry IV., he was called to that new field of pontifical activity to which our attention must now be directed.<sup>e</sup>

<sup>d</sup> *Annal. Rom.* ubi sup.; *Pand. Pisan.* in *Vit. Pascal. II.* ubi sup. p. 355; *Ekkehard*, *Annal. an.* 1102, ubi sup. p. 224; *Annal. Leodiens.* ap. *Pertz*, iv. p. 29; *Siegebert Gembl. Chron.* *ibid.* vi. p. 368.

The deed by which Sylvester IV. resigned the papacy may be read in *Pertz*, *Archiv der Deutschen Geschichte*, vol. x. p. 464.

<sup>e</sup> *Pandinulph. Pisan.* ubi sup. p. 355.

From the first moment of the accession of Henry V. to the throne of Germany, the papal interest in that country was in danger. From that point of time, if not before it, pope Pascal and king Henry had suspected each other. It is singular that, notwithstanding the reiterated promises of general obedience on the part of the latter, no specific pledge against the resumption of investitures had been required. No genuine papist could entertain a doubt that investiture by ring and staff—nay, that any kind of lay nomination to spiritual office—was an act of simony. Yet it was open still to the imperialist to contend that the crime could not be construed to extend beyond the direct purchase and sale of such offices; and that the external act of induction had no connection with the spiritual graces imparted by the act of consecration. The issue thus raised was, however, fatal to any cordial understanding between church and state. The bond which at this moment connected them was that of a common crime. But the pontiff had the best of the bargain. His great enemy was no more: “the victory of the Lord” was thus far accomplished; and though it were by the hands of wicked men and by wicked means, he might still (*more ecclesiastico*) regard it as a “providential dispensation,” and improve it with a clear conscience for the benefit of religion. His secular supporters, meanwhile, troubled themselves little about the providential aspect of the late transactions in Germany, and thought of nothing but how to make the best of the advantages obtained, and to avoid the inconveniences of their alliance with the sacerdotal instigators of their crime. The indignities heaped upon the lifeless body of their late master furnished a very significant indication of the treatment the son would have to encounter upon the first symptom of uneasiness under the pontifical yoke. Associates in evil agree pretty well while engaged in deceiving the rest of the world, but afterwards hate each other the more cordially in proportion to the guilt contracted, the success of the fraud, and the value of the spoil to be divided.

Mutual sus-  
picious of  
Pascal and  
Henry V.

Pope Pascal was the first to speak out. It was, in fact, necessary that the new king, and the lay estate in general, should be apprised of the papal demands. He was at this time dwelling in the tents of the countess Mathilda. A synod was accordingly summoned to meet at Guastalla, within her dominions and under her protection. The attendance was numerous; among others, envoys from Henry V. After disfranchising and dismembering the church of Ravenna by way of punishment for participation in the late Wibertine schism, excommunication was denounced against all the Henrician bishops, and their orders annulled.<sup>f</sup> The synod then passed on to the principal business of the session. Reciting that "for a long time past the Catholic church had been trodden under foot by wicked men, both clerks and laymen, whence manifold schism and heresies had sprung up; and seeing that now, by the good providence of God, the authors of these mischiefs (Henry IV. and Clement III.) had been removed from the world," it was resolved and enacted by that council, in conformity with the "constitutions of the fathers," that *all kind of investiture by the lay hand* be prohibited on pain of degradation against the clerk who shall accept, and excommunication against the layman who shall confer, such investiture.<sup>g</sup>

This ordinance alike affected the interests of the crown and of all lay patrons. Both kinds of patronage, imperial as well as lay, were exercised in the same form of homage and symbolical delivery of the temporalities; so that the decree, if successfully carried into execution, must have the effect of severing the church from the state, and ultimately depriving the latter of the revenues and services derivable from a third, or even a moiety, of the productive lands of the empire. But this was but a small instalment of the gains the pope proposed to himself from his late victory. On the 28th of October he, of his own mere motion,

<sup>f</sup> *Ekkehard*, Chron. an. 1106, ubi sup. p. 240.

<sup>g</sup> Conc. Guastall. ap. *Hard*. Conc. vi.

pp. 1881-1886. This council was held on the vi. kal. Nov. (27th Oct.) 1106. Conf. *Jaffé*, Regist. p. 491.

and without the king's license or privity, consecrated Conrad to the archbishopric of Salzburg, and Gebhard to the bishopric of Trent. Moreover, by "apostolical authority," and *without form of election*, he nominated and inducted several prelates in the place of the ejected Henrician bishops, thus disposing of some of the richest and most powerful fiefs of the empire to his own friends. He granted immunities and exemptions from the control of their bishops and advocates (*Schutzbögte*) to various religious houses: usurpations not justified by any principle of canon or civil law, and operating an amortisation of temporal estate equally inconsistent with the acknowledged rights of patrons and the government.<sup>h</sup>

The envoys of king Henry witnessed in silence these daring inroads upon their master's prerogative. The object of their mission appears to have been simply to prefer a humble request to the pope officially to recognise and confirm the title of the king to the crown, and to invite him to a general council in Germany, for the final adjustment of all questions which had arisen between church and state during the late schism.<sup>i</sup> What kind of settlement might be expected from pope Pascal was, by this time, tolerably apparent. The report of the king's envoys produced a general feeling of indignation and resentment for the late outrages upon the national liberties; and Pascal was speedily convinced of the inexpediency of the proposed visit until the popular effervescence should have had time to subside. The best informed among his advisers warned him against the eminently deceitful and treacherous character of Henry V.; such a person, they said, could only be dealt with from a safe distance; the people of Germany would certainly resent the decree against investitures, and the other ordinances of Guastalla; finally, the mind of the

<sup>h</sup> "He acted," says *Aventinus*, an estimable writer of the fifteenth century, "as if his own will were the only fountain of right and law." *Annal. Boiorum*, lib. vi. p. 582. The work of *Aventinus* of course has found its way into

the "Index."

<sup>i</sup> *Donizo*, Vit. Mathild. c. xvii. ap. *Murat*. v. 377. How the request was understood by the pope may be conjectured: "Quærens ut *jus sibi regni concedat*," &c.

young king was still too rash and mettlesome to be as yet "thoroughly broken in to the yoke of the Lord."<sup>j</sup>

Under such circumstances, it was thought that France might afford a safer basis for effecting the con-templated transfer of the whole estate of the church into the hands of the holy see. The abbot Suger of St. Denys has very well described his motives for the journey to France. "The pontiff came," he says, "to consult with the king about certain differences and grievances which had arisen between himself and the emperor Henry, whereby he was much harassed and discomfited; for that he (Henry) was a person destitute of natural affection, inhuman, and one who had cruelly persecuted and dethroned his own father . . . and by blows and insults impiously compelled him to surrender the insignia of empire; therefore, as well on that account as of the mercenary disposition and deceitful character of the Romans,<sup>k</sup> he thought it safest to discuss all matters in dispute under the protection of the king and church of France." At St. Denys the pope was entertained with the most magnificent hospitality; but to the great surprise of the brotherhood, in lieu of all the gifts and oblations usually accepted or extorted by migratory popes and legates, he asked for no more at his departure than a fragment of the blood-stained robe of St. Dionysius the martyr.<sup>l</sup>

The progress of Pascal through France is described to us as one continuous ovation. The principal scene of his operations, however, lay so suspiciously near to the frontiers of the empire that king Henry thought it necessary to keep a sharp eye upon him, and consequently shifted his quarters to the border province of Lorraine, still affecting to expect his promised visit to his court.<sup>m</sup> This movement of the king was significant; and Pascal thought

<sup>j</sup> *Ekkeh.* ubi sup. p. 242.

<sup>k</sup> Conf. p. 612 of this chapter.

<sup>l</sup> *Suger* (Vit. Ludov. Grassi, ap. *D. Bouq.* H. des Gaules, xii. pp. 18-20) notices this as very unusual conduct among the Roman officials, who rarely

missed such opportunities of transferring a large share of the treasures of the convents and churches they visited to their own pockets.

<sup>m</sup> *Ekkehard*, ubi sup. an. 1107, p. 242.

it prudent to withdraw for a time from the dangerous neighbourhood, to enjoy the honours and caresses heaped upon him by monks and clergy, the king and the people of France.<sup>n</sup> In reply to his earnest request for the (military) aid of Philip against the "enemies and tyrants of the church," more especially against the emperor Henry,<sup>o</sup> both the king and his son promised to lay their kingdom at his feet; and they escorted him personally to Chalons-sur-Marne, where a deputation from Henry himself had been appointed to meet him. The demeanour of the Henrician envoys, when they arrived, was suspicious and offensive.<sup>p</sup> The spokesman of the party, archbishop Bruno of Treves, tendered on behalf of his master all respectful homage and service, *saving always the rights of the empire*. These rights he then rehearsed in detail: "It had," he said, "been the custom from all time, that, before a bishop was elected, the name of the candidate be sent in to the emperor, in order that he may judge of his fitness; after which he is promoted by the chapter, at the request of the people, and by the election of the clergy; the emperor then confers upon him the temporalities by delivery of the ring and pastoral staff, he doing homage and swearing fidelity for the same: and this is but reasonable, seeing that the government of cities and provinces, the collection of the imperial revenues, and many other important public duties, are intrusted to bishops and abbots; these powers flowing from the imperial dignity, and therefore not to be conferred by any other hand: by consenting to this arrangement, the pope would secure perpetual concord between the empire and the church."

Pope Pascal, in reply, declared roundly that "the church, redeemed and made free by the precious blood of Christ, can by no human custom or device be reduced to servitude under the world :

Pope Pascal  
against  
investiture.

<sup>n</sup> Abbot *Suger* (ubi sup.) describes these ceremonies with great unction.

<sup>o</sup> It was the custom of many writers of this age to designate the king of Germany, as emperor-elect, by the imperial title before coronation.

<sup>p</sup> The deputation consisted of the

archchancellor Albert of Maintz, archbishop Bruno of Treves, the bishops of Halberstadt and Münster, the duke Welf of Bavaria, with several great earls and barons, all bent upon showing, in rude Teutonic fashion, their indignation at the late pontifical encroachments.

if the church be debarred from choosing her pontiffs without the consent of the emperor, then hath Christ died in vain; for then she is again reduced under servitude to the world: investiture by ring and staff, seeing that these things are spiritual and appertaining unto the altar, is an invasion of God's prerogative; it is a derogation of the divine ordinance of holy unction that the hands hallowed by the body and blood of the Lord should be enclosed between the mailed and bloodstained hands of the layman in the ceremony of homage." The effect of this declaration upon the haughty Teutonic warriors was alarming. They gnashed their teeth, and indulged in very unbecoming expressions of passionate indignation. "Not here," they exclaimed, "but at Rome, our good swords shall settle this quarrel." After a while, however, more moderate counsels prevailed; the pope was persuaded that time was necessary for the violent effervescence of the German spirit to cool down; and it was settled that the whole question should be adjourned to the decision of a general council to meet at Rome some time in the following year.<sup>q</sup> Henry had, in fact, never taken any notice of the papal prohibition, and all along continued to appoint to, and give investitures of, vacant sees in the usual form, and the pope to issue threatening notices to the prelates so elected, and their consecrators. In this way Ruthard archbishop of Maintz and Reinhard of Halberstadt underwent a wordy castigation, the former for having lent himself to the consecration of schismatically inducted bishops, and the latter for accepting investiture in the accustomed form.<sup>r</sup>

These censures were promulgated at a council held at Troyes a few days after the conference at Council of Troyes. Chalons. Lay patronage was altogether condemned as a usurpation of ecclesiastical rights; the *persons and estates of the clergy were declared sacred and inviolable*, and their causes, civil and criminal, withdrawn from the jurisdiction of the secular tribunals: the "truce

<sup>q</sup> *Ekkel.* ubi sup. p. 242.

<sup>r</sup> See the papal letters to these prelates, ap. *Martene*, Collect. Ampliss.

vol. i. pp. 616-620; *Annal. Hildesh.* an. 1107, ubi sup. p. 111.

of God" was pronounced permanent, and the severest spiritual penalties denounced against feuds and private warfare: lastly, the pope declared his intention to abandon his visit to Germany, "because he did not find in the hearts of the Germans the requisite humility to hold out any prospect of advantage to the church."<sup>s</sup>

When, in the year 1107, pope Pascal returned to Rome, he found affairs much in the same state as that in which he left them. The Wibertine party was still alive and doing. Civil war raged in the streets and purlieus of Rome, and the pontiff was at length compelled to resort in person to the Normans, to call in their aid to put down the factions which had once before driven him from his capital. But during his absence the friends to whom he had intrusted the government coalesced with his enemies; the various parties of the Ptolomei, Frangipani, Corsi, Colonna, and Cenci, in league with the excommunicated abbot of Farfa, had closed every road by which he could approach the city. But by a judicious distribution of money among the captains of the hostile cordon, and the vigorous onslaught of his allies, he fought his way into Rome, possessed himself of the Capitoline hill, gave battle to the Corsi and their mobs in the streets, stormed their castelated mansions, and razed them to the ground. The Wibertines were effectually intimidated, and compounded with the pope for the enjoyment of what was rightfully theirs, by surrendering all church-property into his hands and giving security to keep the peace towards the pope and the municipality of the city. A cessation of arms was thus obtained, "which lasted," says the biographer of Pascal, "until a dispensation of the divine wrath brought Henry the destroyer, son of Henry the heretic, into Italy."<sup>t</sup>

The interval of rather more than three years between the close of the civil war and the arrival of Henry V.

<sup>s</sup> Conc. *Hard.* vi. pp. 1889, 1890.

*Murat.* iii. p. 356.

<sup>t</sup> *Pandulph. Pisan.* Vit. Pascal. II. ap.

in Rome to claim the imperial crown, formed the only tranquil period in the pontificate of Pascal II. In the year 1109 king Henry sent a solemn embassy to the pope to apprise him of his intention to claim the imperial crown at his hands. Pascal replied that he should be ready to receive the king with all paternal affection, *if assured that he would present himself as a true Catholic prince, a faithful son and defender of the church, and the friend of righteousness and truth.*<sup>u</sup> This answer boded the king no good. The Germanic princes repelled the claim of the pontiffs to make conditions, or to hold them to terms for a dignity which they regarded as a simple legal consequent of their position as kings of Germany. With equal pertinacity the court of Rome had insisted that the imperial crown was an article of pontifical patronage; that the right of the Germanic sovereign was a merely preferential claim, and subject to such terms and conditions as should promote the interests of the church and her supreme head.<sup>v</sup> These adverse principles were now to be brought to a practical trial. At the feast of the Epiphany 1110, Henry announced to his assembled lieges his intention to visit his kingdom of Italy, with a view to consolidate the union of the two crowns and to receive the imperial diadem in the capital of the empire. The assembly unanimously pledged themselves to bear him company with all their forces, and the king rewarded their loyalty by liberal grants of the funds necessary to speed their preparations.

Henry  
claims the  
imperial  
crown.

In the month of August the array of the empire was on foot, and passed the Alps in two divisions, with rendezvous in the plains of Roncaglia. From that point both corps passed the Po, and encamped under the walls of Piacenza. The march of the army had not been unopposed. The Italian municipalities were beginning to breathe the fresh air of liberty and self-government; Milan had closed her gates against

Expedition  
of Henry V.  
into Italy;

<sup>u</sup> *Annal. Hildesh.* an. 1109, ap. *Pertz*, vi. p. 112; *Donizo*, Vit. Mathild. c. xviii. ap. *Murat.* v. p. 378.

<sup>v</sup> See the *Registrum Greg. VII.* lib. i. ep. xx. p. 231; *ibid.* lib. i. ep. xxxvii.

The same principle is involved in the epistles of Gregory to William I. of England; *ibid.* epp. xxiii. xxv. and lxix. Conf. Book X. c. vi. p. 288.

the Germans, Novara resisted and was burnt to the ground; other cities furnished the usual supplies for the army reluctantly and scantily; and the king was often driven to visit the refractory towns by arbitrary mulcts and fines in money and produce.<sup>w</sup> The countess Mathilda offered no resistance to the march of the army through her territories, and received the royal confirmation of all the fiefs and regalities which she and her ancestors had held of the empire. The passage of the Apennines was attended with hardship and distress to the troops. A long halt in Florence, however, restored their strength and efficiency; Arezzo resisted, was stormed, and abandoned to pillage; and the army pursued its march enriched with plunder and inspired by success. From his camp at Arezzo Henry had issued a proclamation to the magistrates and citizens of Rome, informing them that he was about to visit the *“metropolis and heart of the empire,”* with intent to confer upon them all the benefits which a *“benignant lord”* is always anxious to bestow upon *“faithful subjects,”* a father on his children, a citizen upon his fellow-citizens: he had, he said, combated and subdued those external disturbances which had hitherto prevented him from *“assuming”* the imperial crown; he had hastened into Italy, and had found that kingdom, even more than any other part of his dominions, torn by domestic factions; yet here too he had restored the reign of law and order; and now, in compliance with the joint solicitation of the pontiff and the city, he was about to visit them in peace, to do justice, and to *“receive his right:”* he therefore commanded them to send to him persons properly qualified and instructed to settle the mode and manner of a reception such as might do all due honour to the imperial majesty, and at the same time suit their own convenience.<sup>x</sup>

This mandate was sent forward by imperial commissioners, and a place for conference was named, where the preliminaries of the reception were

<sup>w</sup> Donizo, Vit. Mathild. c. xviii. ubi sup.

<sup>x</sup> Udalrici Cod. Epist. no. 257, ap.

Eccard. ii. p. 266; Peter Diac. Chron. Mont. Cassin. lib. iv. c. xxxv. ap. Murat. tom. iv. p. 513.

to be arranged. Pascal, however, fully alive to the danger of any negotiation with the versatile consulari and nobili of Rome, took the matter into his own hands. When, therefore, the imperial commissioners reached the place of meeting, they found a deputation from the pope with orders to negotiate in his own name regarding the *terms and conditions* of compliance with king Henry's demands. Though their instructions did not empower the imperial envoys either to negotiate or to discuss conditions with the pope, they could not refuse to listen to the pontifical delegates; and it was roundly intimated to them that the pope could on no account permit him to assume the imperial crown, unless he should, in writing under his own hand, *abjure and renounce the right of investiture over all the churches of the empire*. The commissioners asked, what then was to become of the government—what was it worth to their sovereign, when all power should be transferred to the clergy, and the crown be shorn of the honours and prerogatives necessary to the maintenance of the imperial authority?<sup>y</sup>

The rejoinder of the papal agents is remarkable. "The church," they said, "is satisfied with her tithes and oblations: *let, therefore, the king take back all lands, temporal privileges and jurisdictions, regalia of every kind*, rightfully belonging to his crown in the days of Charlemagne, Louis, Otto, Henry, and others his predecessors." After a feeble remonstrance on the part of the commissioners against the privations to the churches that must result from such an arrangement, it was agreed that a simultaneous renunciation of investitures on the one part, and of all temporal rights, powers, or possessions on the other, should be proposed to the emperor-elect and the pope, as the most eligible mode of putting an end to present and future controversy.<sup>z</sup>

A provisional treaty upon this basis was readily

<sup>y</sup> The remonstrance of the commissioners ran nearly in the terms of archbishop Bruno's apology at the conference of Chalons. See p. 618 of this chapter.

<sup>z</sup> See letter of Henry V. to the city of Parma, giving an account of this negotiation, ap. *Udabr. Cod. Epist. ubi sup.* ii. p. 269.

agreed to by the imperial envoys. The terms purported that the emperor-elect should, without reserve, renounce investiture of all spiritual dignity or estate: that he should warrant to the pope and his successors the undisturbed possession and enjoyment of the patrimony of St. Peter, as comprehended in the donations of Charlemagne and his successors,<sup>a</sup> and give ample security to the pontiff, his court and attendants, for their personal safety in life, limb, and worldly honour, during the ensuing ceremony. In consideration of this renunciation, the pope covenanted that, as soon as the emperor should have complied with these terms, he would transfer and make over to him all the regalia properly appertaining to empire or kingdom in the days of Charlemagne and his successors; to wit, all cities, dukedoms, markgraviates, counties, protectorates of convents and churches, court-dues, fines, forfeitures, judicatures, and lands held in fief from the crown, and all other things which are in their nature and by law the subjects of secular grant and prerogative; and herein more especially all such offices or estates as imply military services, or rights of free quarter (*castra*); and he moreover engaged for all bishops and abbots that they should, for themselves and their successors, by deed under their hands, conform to such renunciation and surrender, upon pain of anathema. It was further covenanted that, for the security both of the pope and the emperor, persons of rank should surrender themselves as hostages on both sides; and that the most distinguished princes, nobles, and churchmen should mutually vouch their warranty for the punctual fulfilment of the treaty.<sup>b</sup>

<sup>a</sup> A difficult question what those donations were, and what they really implied!

<sup>b</sup> In the Codex Epistolaris of *Udabrie* of Bamberg (ap. *Eccard. Corp. Hist.* ii. p. 270) we find a diploma purporting to have been addressed by Pascal to Henry V., accounting for the abandonment of the regalia belonging to the churches in terms utterly subversive of the Gregorian theory. The pope con-

fesses that it is interdicted by the divine law to the clergy to involve themselves in secular cares and occupations; that, nevertheless, bishops and abbots had become so absorbed in the pursuit of wealth and ambition as to participate largely in all the crimes and corruptions of the laity; that they had become officers of police and agents of government rather than bishops; and this, because of the possession of cities,

On the 9th of February 1111, king Henry ratified the compact upon oath, but with the express <sup>Crafty policy</sup> proviso, that *it should not be binding unless* <sup>of Henry V.</sup> *accepted and confirmed by the estates of the empire, both lay and ecclesiastical.* No one knew better than the king the impracticable nature of the obligation the pope had loaded upon his own shoulders. Neither could it be objected, on his part, that he had not had ample notice of the difficulties he would encounter in persuading or compelling the prelacy of Germany and Italy to surrender all that gave them rank and consideration among the estates of the empire. It was equally obvious that the princes and barons of the realm would seriously resent the proposed abandonment of their lucrative protectorates, their lay tithes, their advowsons, their ecclesiastical patronage, and all the means which that patronage afforded of providing for children and dependents. Henry foresaw that the treaty must defeat itself, and he was prepared to seize all the advantage that might result from the unfettered position in which the expected rejection would place him. The ratifications were nevertheless exchanged—on Henry's part, with the ominous proviso annexed. But, as if a tone of puerile arrogance could cover or disguise a grave political blunder, Pascal intimated to the king his devoutest thanksgiving to almighty God that He had at length opened his heart to a sense of the crimes that had rendered *his father's memory infamous among men for all generations.* And when, in the course of the late negotiations, Henry desired permission to remove the remains of the late emperor from their unhallowed place of <sup>Insolence of</sup> deposit to the royal mausoleum at Speyer, the <sup>pope</sup> Pascal. pope refused the request, observing that "it was contrary

dukedoms, palatinates, markgraviates, rights of mint, civil judicatures, &c. : whereby the abominable practice had stepped in, that bishops and abbots could not be consecrated until they should have received investiture of all these temporalities by the hand of the king; to the great increase of the *crime of simony*, and the decay of good

discipline in the church. And for these causes his pious predecessors had condemned investiture by lay hands, and excommunicated all who should give or receive it, &c. If we place confidence in this document, it indicates a wide departure from the opinions and policy of his predecessors on the part of pope Pascal.

to scripture (?); neither would the saints and martyrs permit the carcass of the reprobate to be deposited within their sanctuary; nor could the faithful be associated in death with those with whom in life they had nothing in common."

A few days before the signature of the treaty, Henry had put the army in motion towards Rome. The pontiff, in great alarm, had withdrawn his mercenaries and the Roman militia within the city walls; the bridges were barricaded, the ramparts carefully manned,—not a postern was unwatched; and the gates of the Leonine city,<sup>c</sup> which enclosed the basilica of St. Peter, alone remained unbarred. The hostages, however, were exchanged, and the remaining preparations for the admission of the emperor completed. The gates of the sacred precinct were then thrown open, and no observance omitted that could give solemnity and effect to the august ceremony. Processions of the clergy and officials of the holy see, and the magistracy of the city, accompanied by an innumerable populace, streamed forth to salute the sovereign on his way to the church, and escorted him, "with psalms of praise and thanksgiving, to the porch of St. Peter's." At the second flight of steps the pontiff and the cardinal-clergy awaited him; the emperor-elect bent the knee before him, and, after thrice kissing his cheek, proceeded hand in hand with him to the "silver gates," where, according to custom, the king made oath that he would be a true and faithful protector of the holy Roman church; the gates flew open; thrice the pontiff kissed the king, and proclaimed him emperor-elect of the Romans. As soon as he and the princes of church and empire had taken their seats, Pascal arose and solemnly demanded the definitive renunciation of investitures, and in return engaged to perform all that he had promised on his part. A space of nearly an hour was consumed in private consultation; at the expiration of which the pope was drily informed that the treaty

Henry's reception in the church of St. Peter.

Rejection of the treaty.

<sup>c</sup> The modern Trastevicino.

was inadmissible and impracticable, and that the king's council had unanimously declined to recommend it to the estates of the empire there assembled. Argument and remonstrance were unavailing. The treaty was publicly read, and unanimously rejected and condemned. One of the party, bolder than the rest, stepped from the imperial ranks, exclaiming in harsh tones, "What need of further parlanes? Do we not all know that our lord the emperor hath resolved to take the crown, as it hath been heretofore taken by his predecessors? Let the coronation be resumed without delay!" The importunity of the armed concourse of the enemies which surrounded him made no impression upon the pope: but Henry had foreseen and provided for the emergency. Pascal found himself suddenly cut off from all communication with his friends beyond the precincts of the church: the pope was a prisoner, and the treaty a dead letter. Reduced thus by his captors to the position of the first subject and prelate of the empire, whose ministerial duty it was to crown the king of the Germans when at Rome, his refusal rendered him legally liable to the penalty of disobedience to the lawful command of his sovereign; and that penalty he was now called upon to pay, or make good his contempt by compliance. With the pope the attendant cardinals, with the exception of two, and all who had attended him to the church, were committed to close custody, and conveyed to a mansion at a safe distance within the German cantonments. The cardinals, John of Tusculum and Leo of Ostia, had, however, contrived to escape into the city. The cry of "treason" and "sacrilege" resounded through the streets. The armed populace rushed to the rescue of their pastor, but were repulsed with loss of life by the German soldiery, and before nightfall all was quiet around the great basilica.<sup>d</sup>

<sup>d</sup> Our account of this transaction is taken from *Peter Diac. Chron. Mont. Cassin. ubi supra*; *Annal. Hildesh. an. 1111*, ap. *Pertz*, iii. p. 112; and *Ekke-*

*hard. Chron. &c. eod. ann.*; *Pertz*, vi. p. 244. There are, however, considerable variances in these accounts.

But on the following morning, at break of day, the attack was renewed, in such numbers and with <sup>Henry</sup> so much resolution as to tax the personal prowess of the king to the utmost, and to expose him and the troops at hand to imminent danger. The Romans were, however, at length driven back across the Tiber; yet not so much discouraged as to deter them from mustering for a renewal of the assault on the following day. But no purpose was now to be answered by retaining possession of the Leonine city; the king therefore evacuated the place in the night-time, and, collecting his forces around his prisoners, took up a position on the Tiburtine hills offering unusual facilities for defence; enabling him at the same time to cut off the supplies of the city, and giving him the command of the strong castles of Trebicum and Corcodilum, where he might secure his captives against any attempts at a rescue.

At the moment of his captivity it happened, unfortunately for pope Pascal, that civil dissensions among the Norman allies of the holy see had <sup>Pope Pascal renounces the treaty.</sup> deprived him of the hope of succour from his southern friends. In alarm for the safety of their own frontiers, the nearest chieftains busied themselves in strengthening their border-castles against their German foes, or entered into communication with the invader, with a view to make the best terms for themselves. In this unpleasant position, the pope had nothing to rely upon but his own powers of endurance, and the steady support of his fellow-captives. The former, we believe, would not have failed him; but it surpassed his capacity for suffering to witness from the bars of his prison the daily ravages of the German soldiery upon his lands and subjects. He could not listen unmoved to the complaints of his companions in misfortune, or resist their daily importunities to liberate himself and them from their present sufferings, and his subjects from the miseries of famine, by yielding to the emperor's demands. By giving up the question of investiture, they urged, he would be abandoning no more than what, upon the principles he pro-

fessed, the church could not rightfully enjoy; they conjured him to have compassion upon the church-catholic, which must fall to ruin if this pernicious schism were perpetuated by his obstinacy; the imperialists about him vaunted their sovereign's anxiety to secure the cordial union of the church and the empire, the two great powers that ruled the world: Henry himself joined his personal solicitations to those of the pope's friends: he condescended to entreat forgiveness for the past, and promised the amplest fulfilment of every other stipulation of the late treaty, if the pope would but consent to his undisturbed enjoyment of those rights which he had inherited from his predecessors. Assailed by such urgency of entreaty on all sides, the firmness of Pascal at length exhaled itself in a flood of bitter tears: "So, then," he exclaimed, "let it be; for thus only can I set my church and people free: for this I consent to do an act which, had it been to save my own life, no power on earth would have wrung from me."<sup>e</sup>

Whatever deviation from the strictness of his plighted word may appear in the subsequent acts of the life of pope Pascal, we believe that he was at the time sincere in his intention to keep the ex-torted promise. In a conference at Ponte-Mammolo on the Anio, he concluded a concordat with the king, confirming to him and his successors the right of investiture to all the imperial prelacies and abbeys, by the delivery of the ring and crosier, in the form in which it had always been hitherto conferred: the pope agreed to surrender all hostages, and to confer upon the king the imperial crown; in consideration of which concessions, he and his companions were, immediately after the coronation, to be dismissed in safety and honour: the emperor engaged to maintain him in peaceable possession of the holy see; to restore all patrimonies and possessions then in his hands, and to be helpful to him for the recovery of all that might have been lost or alienated; lastly, he promised to yield to Pascal such true obedience as all

Treaty of  
Ponte-  
Mammolo.

<sup>e</sup> *Annal. Hildesh. an. 1111, ubi sup. p. 112; Pet. Diac. c. xl. ubi sup. pp. 518, 519.*

Catholic emperors had theretofore yielded to all Catholic popes,—“saving always the honours (prerogatives) of the empire and the kingdom.”<sup>f</sup> This treaty, signed by king and pope, and witnessed by the cardinal-clergy, and all the princes and barons of the empire there present, was declared and published with every solemnity the ritual of the church could supply. The pope, during the celebration of a pontifical high mass, broke and administered the consecrated bread to the emperor-elect as a pledge and warranty of the peace so concluded;<sup>g</sup> after which the army marched to Rome, and the act of coronation was performed without impediment and with all the accustomed forms; duplicates of the treaty were compared, rehearsed, and mutually delivered; and the ceremony concluded with a sacramental denunciation of God’s wrath against both parties and all other persons who should violate that solemn compact of peace and good will between the empire and the priesthood. As far as oaths and professions might afford security, no precaution that the diplomatic ingenuity or the religion of the age could supply was wanting to bind the parties to the treaty. Yet scarcely had a few months elapsed before it was torn up and scattered to the winds.<sup>h</sup>

After a complimentary visit to the aged countess Mathilda, whose support was now more than ever necessary to the maintenance of the peace of Italy, and the safety of the army on its homeward march, the emperor retraced his steps across the Alps. In Rome, meanwhile, the

The Grego-  
rians repu-  
diate the  
treaty of  
Ponte-  
Mammolo.

<sup>f</sup> As if it were to guard against the pretensions advanced by Gregory VII. in the oath he proposed to the king whom the Germans were to elect in lieu of the deceased king Rodolf. See c. iii. p. 527 of this Book.

<sup>g</sup> See the form ap. *Pet. Diac.* Chron. Mont. Cass. c. xl. ap. *Murat.* iii. p. 519. “Sicut pars ista vivifici corporis divisa est, ita divisus sit a regno Christi et Dei quicumque pactum istud dirumpere temptaverit.” Somewhat differently in *Udalric* (Cod. Epist. no. 264, *Eccard.* ii. pp. 272, 273): “Hoc dominicum corpus . . . damus tibi, fili ca-

rissime, in remissionem peccatorum tuorum, et in conservationem conservandæ pacis et veræ amicitie inter me et te, et regnum et sacerdotium conservator et confirmator veræ concordie pacis.” Pope and emperor then kissed each other, and partook of the sacrament simultaneously. *Peter the Deacon* says that this ceremony followed, the document in *Udalric* that it preceded, the coronation.

<sup>h</sup> Conf. *Ekkehard*, an. 1111, ubi sup. p. 245. *Peter the Deacon*, *Udalric*, and *Ekkehard* are the material authorities for these transactions.

treaty of Ponte-Mammolo burst upon the Gregorian party like a shell in a magazine of combustibles. "That detestable instrument," they averred, "combined in it every element of heresy and schism; it was a breach of the laws of God and the canons of the church; it had been extorted by violence and fraud, and was therefore, on that ground alone, absolutely void. The saintly Bruno, bishop of Segni, who happened to be a pluralist, and not, of course, upon the best terms with the canon law to which he professed so zealous an attachment,<sup>i</sup> was punished by the pope for the indecent violence of his language by banishment to his bishopric.<sup>j</sup> But the burning spirit and the bitter tongue are not to be silenced by such means, and Bruno might now make pope Pascal acutely sensible of the dilemma in which he had involved himself; for how was he, after this, to escape the alternative of treason to the church on the one hand, and the perjury which a breach of the treaty must load upon his soul on the other? At the semestral synod held at Rome in the month of March 1112, Pascal tendered to the assembly an elaborate apology for his participation in the treaty of Ponte-Mammolo, together with a narrative of the sufferings he and his companions had endured while in the custody of the emperor Henry: the treaty, he said, had indeed been extorted from him by the force of circumstances and his anxiety to liberate his captive friends from the hands of the oppressor; yet, notwithstanding these irregularities, he was resolved, as far as his personal responsibility extended, to keep faith

Pascal apologises for the treaty.

<sup>i</sup> He held the abbey of Monte Cassino together with his bishopric of Sutri. He was afterwards canonised by pope Lucius II., somewhere about the year 1181.

<sup>j</sup> Finding that he would be obliged to resign his abbey of Monte Cassino, he attempted to impose one of his own relatives upon the community; the latter, however, barred him out; and the warlike saint on the day of election introduced a body of soldiers into the monastery; but the enraged brethren rose upon the military, and succeeded in repulsing them. His apologist, *Mu-*

*ratori*, urges a variety of arguments in excuse for this peccadillo of the saint. "Saintlike men—holy though they be—are, after all, but men, and subject to human infirmities. There is no human sanctity *ex jure* and substantially perfect but the humanity of Christ, and that of those who by *incidental grace* have received the gift of *perseverance*, whereby they are made free from sin,"—not an uncommon doctrine even in this enlightened age, but also a good reason for keeping a sharp eye upon saints of this peculiar stamp.

with the emperor, and to maintain the treaty: he admitted at the same time, that, whatever his individual obligations might be, a compact extorted by compulsion, and denuded of the consent of his brethren, could not be binding upon the church: it was therefore open to the synod to deal with it as they chose; and he intimated to the fathers, that, by thus leaving their hands free to pursue the course they might think best, he had consulted at once the independence of the church and the peace of his own conscience: at the same time he professed for himself personally his hearty adhesion to the ordinances of Gregory VII. and Urban II. against lay investiture, and all other the crimes and offences they had condemned, in their verbal and literal import; and thus he repelled the charges of heresy and schism preferred against him by his intemperate accuser Bruno.

The significant hint thrown out by the pope was adopted; and the treaty was rejected and quashed by a large majority of the prelates present, on the grounds of fraud and violence; the pope being allowed to stand passively by, without expressing an opinion either way.<sup>k</sup> But Pascal possessed neither the cunning of the casuist nor the courage of a martyr. If at the first moment of his liberation from bondage he had boldly stricken the emperor with the anathema for a sacrilegious violation of his sacred office and person, he might have set his cause upon its legs, on the moral ground that promises extorted by personal duress are not binding when the pressure is removed. Without affirming that such a plea could be sustained, the course adopted by Pascal deprived him of the benefit of the excuse. He waved the duress; he acknowledged the obligation of his oath, but, with signal perfidy, suggested the mode in which it might be most conveniently evaded; thus giving to the late concordat the character of a mere fraud upon the emperor, by falsely pretending that an engagement binding upon himself personally could not bind those in whose name and behalf he had

<sup>k</sup> *Hard. Conc.* vi. pp. 1899 et sqq.; *Pet. Diac. Chron. M. Cass. lib. iv. p. Ekkeh. Chron. an. 1112, ubi sup. p. 246;* *522, ubi sup.*

contracted it. And now the very act of presiding over an assembly convoked for the avowed purpose of annulling his own act, gave the lie to his professions, and left him loaded with the guilt of encouraging a perjury, the effects of which upon his own spiritual interests he dared not contemplate.<sup>1</sup>

But Pascal had, it seems, succeeded in whispering peace to his own conscience. And perhaps he believed that by keeping up a friendly correspondence with the emperor he might prevent or mitigate some of the worst consequences of the revived schism. He complained to Henry of the persecutions inflicted upon him by his enemies; he assured him of his firm determination not to take any active part to the prejudice of his oath; reminding him at the same time of the obligations he (the emperor) had contracted to protect the holy see, and requesting him to reinstate the church in all those possessions of which she had been unjustly deprived.<sup>m</sup> But while thus striving to assume the character of a neutral in the impending conflict, the necessities of his position compelled him to give at least a passive sanction to acts standing in direct contradiction to his professions. He had, in fact, allowed the reins of government to slip from his hands, and they were at once gathered up by the Gregorians, with the firm determination to keep no measures with the reprobate monarch and his party.

Guido archbishop of Vienne, the pontifical legate in France, opened the attack. On the 15th of September 1112 he convoked the Gallic prelacy at Vienne, and procured an unqualified condemnation of the late concordat: "Since the

His correspondence with the emperor.

Synod of Vienne, and excommunication of the emperor.

<sup>1</sup> Adopting the distinction between the personal and the official character of the Roman pontiff, it might perhaps be suggested that pope Pascal, in dealing with Henry V., was contracting for himself personally, and subject to the ratification of his church. But if this was his idea at the time, it was carefully kept out of sight; and thus the negotiation was tainted with fraud from the first. But of this we fully acquit him.

The suggestion adverted to in the text was an afterthought, extorted by distress and confusion of mind, and possibly by his conscientious dissent from the extreme Gregorian views of the nature of the property for which the right of investiture was claimed. See p. 624 note (b) of this chapter.

<sup>m</sup> *Udalr. Cod. Epist.* nos. 266, 268, 269, ap. *Eccard. ii.* pp. 274-276.

days of Judas Iscariot," they declared, "there had been no example of so detestable a treason as that which had been perpetrated upon the pope and cardinals by Henry of Germany; and, for that act of unspeakable sacrilege and perfidy, *they did now excommunicate and cast out of the church the said Henry*, until he should make plenary satisfaction for the unutterable crime."<sup>n</sup> In his report to the pope of these resolutions, Guido observed that certain letters that were alleged to have passed between him and the emperor had been laid before him, but that they were too inconsistent with accounts he had received from Pascal himself to command belief: but, he added, if he (the pope) should refuse to confirm the decree of the synod of Vienne, and should not discontinue all correspondence with the tyrant, the churches would deem themselves, by his own act, discharged from all obedience to him as pope. A synod of the archdiocese of Lyons, assembled at Anse by their primate John, adopted the resolutions of Vienne, and in like manner reported them to the pontiff.<sup>o</sup>

Now, however, it appeared that a considerable section of the Gallic church took a different view of the religious character of lay investiture, and declined to concur in censures cast upon the pope, or the excommunication of the emperor by the councils of Vienne and Anse. "Investiture," they said, "was unconnected with any *doctrine* of the church, and consequently could not come within the description of heresy: they declared themselves incompetent to sit in judgment upon the pontiff of the holy see: they were, on the contrary, bound rather to protect him, than to expose him to the obloquy of the world: they were therefore inclined to construe the late transaction with the emperor in conformity with the strict law of charity, and to suppose that the pope had acted upon a due consideration of the exigencies of the times, and with an anxious desire to prevent bloodshed and to preserve the peace of the church till times should mend: it was, indeed, right to sustain

<sup>n</sup> *Hard. Conc.* tom. vi. p. 1913.

<sup>o</sup> *Concil.* vi. p. 1915. In the edition

of *Harduin* before us (Paris, 1714), the paging is very irregular.

the laws against investitures, and to keep alive the prohibition of so pernicious a practice; but that it was equally right to avoid extremes, and to wait patiently until a providential change of circumstances should make the abolition of the objectionable custom practicable."<sup>p</sup> But, with reference to the actual state of decretal law in that age of the Latin church, it is very clear that the argument of the remonstrants was untenable. No canonist of the day would have ventured to deny the power of the pontiff in council to declare what was or was not to be regarded as heresy; and it is manifest that, by this time, the definition of that crime had been extended to all systematic or wilful disobedience of the laws of the church: investiture had been prohibited by many positive statutes; so that to confer, or to set up any claim to confer it, was "as the sin of disobedience, *which is idolatry*:" though, therefore, the mere external act of giving investiture be not heresy, yet he who teaches as doctrine the *lawfulness* of the act, whether the preacher be pope, priest, or layman, *teaches heresy*. On these grounds archbishop Guido rejected the remonstrance, and assured the pope that if he should, to serve any temporal object, or any purpose of secular expediency, assent to or connive at the adoption of such doctrine, he would himself be chargeable with heresy.<sup>q</sup> Under the terrors of this menace, pope Pascal's dream of neutrality vanished in smoke: he hastened to signify to the legate his "devout thanks to God for all that had been done in the Gallic synods for the good of His church, and to seal all their resolutions with the impress of the pontifical approbation."

untenable.

Their remonstrance rejected.

Immediately after his arrival in Germany, Henry V.

<sup>p</sup> *Hard. Conc.* ubi sup. The protest of the province of Sens is extremely diffuse, and abounds in inappropriate quotations from the fathers, the canons of the church, and the Isidorian fictions. It is signed by Daimbert archbishop of Sens, Ivo bishop of Chartres, Walo bishop of Paris, John of Orleans, and

other prelates of the province. We believe the document to have been drawn by Ivo himself, who certainly entertained a strong opinion on the subject. *Conf. Book VI. c. viii. p. 217* of this work.

<sup>q</sup> *Hard. ubi sup.* pp. 1913-1916.

Henry performs the obsequies of his father ; his dangerous policy. made it his first duty to celebrate the obsequies of his father with a magnificence beyond former precedent. With a view to retrieve the losses sustained by his exchequer during the late civil wars, he irritated his lawless lieges by rigorous resumptons of alienated crown-lands and revenues. The disturbances to which these measures led were speedily suppressed ; and, as in like cases most frequently happens, the success obtained was followed by a long series of confiscations and extortions, alike inconsistent with law and regardless of the effect upon the public mind. The resentments which these acts of injustice occasioned were embittered by the sullen and reserved demeanour of the emperor to all around him. He trusted no one, and was himself trusted by none. And so it happened that, at the very summit of his fortunes, brute force had become the main instrument, and fear the principal support of his throne. Among the mass of real grievance and angry feeling gathering around him, the anathema of the Gallic church, pontifical as it now was by the papal seal, began to tell with fatal effect. Under the impression produced by the sudden arrest of earl Louis of Thuringia in the midst of the festivities of the emperor's marriage with the princess Mathilda, daughter of king Henry I. of England, and the extortionate fine imposed upon the palatine Frederick of Saxony, general dissatisfaction ripened into conspiracy. But a greater error than this is traceable to Henry's dealing with the prelacy of the empire. Uninstructed by his father's fate, his hand had weighed as heavily upon the hierarchy as upon any other class of his subjects. It was whispered from mouth to mouth that the liberties of all were in danger ; and the churchmen found a tongue to proclaim their wrongs in every sufferer under a government equally at war with aristocratic pretension and national rights.<sup>5</sup>

Within four years after the return of the emperor from his triumph in Italy, the papal legates in France

<sup>r</sup> January 7, A.D. 1114.

<sup>5</sup> *Ekkehard. Chron. an. 1112, 1113;*

*Annal. Hildesh. an. 1113, ubi sup.; An-  
nalist. Saxo. ubi sup.*

had convoked no fewer than six provincial councils,<sup>t</sup> in all of which excommunications and anathemas were launched against the "tyrant of Germany." Under favour of archbishop Frederick, the legate Cuno established himself at Cologne, and, by the joint exertions of the papal agents and the primate, the spiritual and temporal elements of the conspiracy were duly marshalled and organised.<sup>u</sup> While the emperor was engaged in the extreme north in the arduous duty of repressing and punishing the piratical hordes which infested the coasts of Friesland, the citizens of Cologne, at a signal from the primate, rose upon and drove out the imperial garrison. At the same moment the confederates in Lorraine, Westphalia, and the lower Rhine, took the field in support of the centre of insurrection. The tidings of these events brought the emperor by forced marches to the gates of Cologne. Failing in a first assault upon the city, he turned his arms against the confederate chiefs concentrated upon the Rhine; but without decisive success. Meanwhile duke Lothar of Saxony, with the earl's marchers of his duchy, and the bishops of Halberstadt and Magdeburg, had collected their forces, and advanced to the aid of their western allies. Henry met this new danger with promptness and vigour; but again failed in making any impression upon the confederate army. After a sanguinary campaign, and the sacrifice of some of his best officers and warriors, he was compelled to resume his prior position on the Rhine.<sup>v</sup>

Outbreak of the conspiracy.

Civil war.

Reverting for a moment to some incidents which occurred within the two years preceding the outbreak of the conspiracy, we are struck by the difficulties the papal party had to encounter in the reluctance of pope Pascal to concur personally in the censures launched against the

Efforts of the papal party to give effect to their excommunications.

<sup>t</sup> Besides those of Vienne and Anse, already adverted to, the legate Cuno of Preneste had held synods at Beauvais (7th Dec. 1114), Rheims (28th March 1115), Cologne (at Easter 1115), and Chalons-sur-Marne (the July following). *Hard. Concil.* vi. pp. 1925 et sqq.

<sup>u</sup> The grounds of the revolt are fully rehearsed in a letter of archbishop Frederick to Otto bishop of Bamberg, in *Udalric's* collection, ap. *Eccard. Corp. Histor.* p. 578.

<sup>v</sup> *Ekkesh. Chron. an.* 1115, p. 248.

emperor by the Gregorian zealots. It gives us some surprise to find that, from the time that Henry quitted Italy in 1112 till near the close of Pascal's pontificate, there had been hardly any interruption of the friendly correspondence between them.<sup>w</sup> The pontiff was still reluctant to be thought to have relinquished his merely passive position, and, although he gave an official sanction to the acts of his legates, neither argument nor intimidation could drive him to pronounce the sentence of excommunication, and thus *personally* to identify himself with the acts of his agents. Owing partly to the vigilance of Henry V. in suppressing all external manifestations of ill-humour, and partly to the general opinion that it was reserved to the pope alone to excommunicate an emperor, the censures of the legates in France had not produced the effect they expected. Enraged at the little impression his reiterated maledictions had left upon the minds of the German prelacy, Cuno of Preneste exhausted his rhetoric to prove to them, that though a single diocesan or metropolitan bishop might have no such power, yet that any collective body of the church, acting under pontifical instructions, was fully competent to inflict ecclesiastical penalties upon sinners of every rank and station.<sup>x</sup>

These exhortations would probably have made little impression upon the pride and prejudices of the Germanic hierarchy, if they had not been backed by a sense of personal injury, and a lively apprehension of still further encroachments upon ecclesiastical privilege and revenue. About two years before the insurrection broke out, Albert, the emperor's chancellor, and archbishop-elect of Maintz, was detected in a treasonable correspondence with the disaffected barons. Like Thomas à Becket, he had been trusted and caressed by his sovereign till raised to the primacy, and had acquired an intimate knowledge of his

<sup>w</sup> In *Udalric's* Collection (ubi sup. nos. 266 to 276, both inclusive) there are no fewer than seven confidential letters which appear to have passed between the emperor and the pope from

the treaty of Ponte-Mammolo to the second expedition of Henry into Italy.

<sup>x</sup> Ep. Conon. episc. Prænest. ad Fred. archiep. Colon., ap. *Martene*, Collect. Ampliss. tom. i. p. 664.

designs, lawful and lawless, upon the liberties of his lieges. Immured in a dungeon at Speyer, he lingered for a period of two years, maturing all the while his plans for the overthrow of his adversary, till, in the month of July 1115, an unexpected event opened his prison-doors. On the 24th of that month the countess Mathilda had sunk into the tomb; a contingency by which, in the course of law, her vast estates escheated to the empire. Henry felt that no time was to be lost in rescuing so valuable a prize from the hands of the enemies of the state. He became anxious for some such settlement with the insurgents as might set him at liberty to get possession of the rich cities and territories which had hitherto presented so serious an obstacle to his government in Italy. With that view, he proposed and obtained a suspension of arms, and called upon the estates to meet him at Maintz on the 1st of November of the year 1115. But though, to mark his confidence in the loyalty of his friends, and the sincerity of his desire to redress all grievances, he appeared on the appointed day with a slender escort, he found but a meagre attendance of the princes and barons. At the instigation of the disaffected clergy, the populace of Maintz clamorously demanded the release of their archbishop.

and release.

Henry was in no condition to disregard the disloyal requisition. Albert emerged from his prison, wearing rather the appearance of a moving skeleton than a being of flesh and blood. He renewed his oath of fidelity, and gave hostages for his future loyalty. But he was no sooner beyond the reach of the sovereign's arm, than he spared neither invective nor libel to extend the flame of rebellion—hitherto confined to the provinces of the lower Rhine and Saxony—over the whole kingdom. To that end he issued general letters of convocation to all the bishops of the realm, to meet him at Cologne for the purposes of carrying the anathema against the emperor into plenary execution, and performing his own too long delayed consecration to the primacy.<sup>y</sup>

<sup>y</sup> *Ekkeh. Chron. an. 1115, ubi sup. p. 249; Annal. Hildesh. an. 1115, p. 113.*

See also ep. Hen. V. ap. *Udalric. Cod. Epist. no. 319, ap. Eccard. ii. p. 333.*

But the project of Albert ended in smoke. Though Henry again the emperor was betrayed by the bishop of Würzburg, to whom he had intrusted his interests, and the prelates refused to hold communication with him as long as he remained under the ban; all further proceedings were brought to an end by the sudden death of the legate Theoderick on his journey to Cologne to preside at the council; the zeal of the laity for the support of naked objects of sacerdotal interest cooled rapidly; and Henry, assured of the fidelity of the dukes Frederick of Swabia, Conrad of Franconia, and Welf of Bavaria, appointed these princes co-regents of Germany, and hastened across the Tridentine Alps, eager to put himself in possession of the rich escheats of the countess Mathilda.<sup>z</sup>

At Rome, in the interim, the position of pope Pascal had become intolerably irksome. Suspected by his court and council of a secret leaning to the imperial party, it was resolved, at all events, to drive him from that quasi-neutrality behind which he had hitherto intrenched himself. By the assiduity of the legates in all parts of Christendom, an extraordinary concourse of prelates, abbots, ecclesiastics, and distinguished laymen had been collected at Rome,<sup>a</sup> for the avowed purpose of passing sentence of condemnation upon all voluntary participators in the treaty of Ponte-Mammolo, its advocates and defenders. To elude the dreaded discussion, pope Pascal interposed delays, and consumed two whole sessions and a part of a third in debates upon collateral matters. Bruno of Segni, however, at length succeeded in forcing on the principal question by moving that "the perpetual anathema be now pronounced against that diabolical deed or compact which had caused so much scandal in the church." The motion was carried by an enthusiastic majority; pope Pascal assenting with the rest. Bruno, however, was not to be driven from

In this letter Henry disabuses the citizens of Maintz by an account of the perfidy of Albert after his liberation by their mistaken intercession.

<sup>z</sup> *Ekkeh. Chron.* ubi sup. pp. 249, 250. *Conf. Stenzel*, i. p. 667.

<sup>a</sup> On the 6th of March 1116.

his purpose. "If the document," said he, "contain heresy, *he that signed it is a heretic.*" Cardinal John of Gaëta<sup>b</sup> replied: "The deed is, it is true, an evil deed; but it containeth no heresy, and was moreover intended to save life and redeem the church from captivity." "Then was it a good deed," rejoined the bishop; "for are we not commanded to save life; yea, *to lay down our own lives for the brethren?*" Irritated by this manifest sarcasm, pope Pascal lost his equanimity; he protested vehemently against the charge of heresy; "the successor of St. Peter," he exclaimed, "cannot be guilty of heresy; for the Son of God hath prayed for him that his faith fail not." It is obvious that the council must have felt its own incompetency to encounter this plea.<sup>c</sup> But cardinal Cuno of Præneste, the late papal legate in France, accomplished by a side wind that which no direct proceeding could have effected. After enumerating at great length, and with extraordinary particularity, all that he had done in that country, he challenged the pontiff to declare whether the legatine acts so done were in conformity with the powers committed to him; and, if so, then and there to affirm them with his own lips, and in the presence and hearing of the council. There was no room for hesitation; and the pope pronounced that all that had been done by Cuno and his associates in the commission had been done by the authority of St. Peter and St. Paul, and of the holy see; and he (the pope) in their name, *as well as for himself personally*, thereby ratified and confirmed those acts and proceedings; approving all that they had approved, and *condemning all that they had condemned.*<sup>d</sup>

Pascal directly implicated in the acts of his legates.

The shiftings and doublings of Pascal to escape the dreaded dilemma were at an end. The overt act of perjury was, in all moral contemplation, as complete as if the sentence of excommunication had passed from his own lips, and in the form in

The anathema proclaimed.

<sup>b</sup> Afterwards pope Gelasius II.

<sup>c</sup> There was no tribunal competent to try a pope for heresy. Nor is it probable, even if it had been expedient, that pope Pascal would have followed the

example of Gregory VI. Conf. Book IX. c. iii. p. 75 of this volume.

<sup>d</sup> *Ekkeh.* Chron. an. 1116, ubi sup. pp. 250, 251.

which it issued from those of Gregory VII. against Henry IV. The zealots determined that no degree of publicity should be wanting to give effect to the official sentence of the church against the emperor and his associates in sacrilege; and on their arrival at their homes, the banded prelates proclaimed the anathema from church to church, and from house to house, with all the venom that the alembic of party hatred and theological spite could distil from their tongues.<sup>e</sup>

But the emperor was by this time in secure possession of the fiefs and estates of the countess Mathilda. This was not the moment, had he been so inclined, for the pope to put forward the claims of the holy see under the donation of the deceased princess. Domestic troubles were now added to the perplexities of the aged and conscience-stricken pontiff. In the month of March 1116 the office of prefect of the city of Rome became vacant. By virtue of their corporate privileges, the people elected the son of the late prefect to the presidential chair, and demanded the customary confirmation of the pope. But Pascal designed the chief magistracy for Peter Leonis, a nephew of the turbulent count Ptolemy of Tusculum; he declined, therefore, to confirm the people's candidate, and was compelled to quit the city to elude the importunities of the populace. This incident was but the first of a monotonous series of civil broils, which embittered the declining years of Pascal II. He succeeded indeed in collecting a body of troops numerous enough to enable him to regain his position within the city, but too weak to control the heated elements of domestic strife, which continued to seethe around him to the end of his days.<sup>f</sup> A further cause of uneasiness lay in the close vicinity of the emperor to the state of the church. But the disordered condition of Henry's affairs at home, combined with a terrible inversion of the order of the seasons, accompanied as it was by earth-

<sup>e</sup> *Ekkeh. ubi sup.*; and see *Landulph jun. Hist. Mediolan. c. xxxi.*; *Murat. v. p. 500.*

<sup>f</sup> *Pandulph. Pisanus, Vit. Pascal II.*;

*Murat. iii. pp. 357, 358.* See also *Falco Benevent. Chron. an. 1116, ubi sup. tom. v. p. 90.*

quakes and tempests of an appalling character, inclined him to cast anxiously about him for the means of averting visitations which might appear to himself, as they did to the mass of his subjects, in the light of divine chastisements.<sup>g</sup>

Under such impressions Henry renewed his negotiations with the Roman curia; nor can it be doubted that pope Pascal's wishes pointed in the same direction. If we could rely on the genuineness of the documents before us, it would appear that, notwithstanding the recent proofs of renewed hostility, the pope had still maintained his correspondence with the emperor; that he had assured him of his most cordial sympathy; that he had denied the authority of his legates to pronounce the censures of the church against him, and disavowed all their acts;<sup>h</sup> and that, with reference to the defamatory libels which had been circulated against him,<sup>i</sup> he called God to wit-

<sup>g</sup> The description of the state of Germany given by the monk *Ekkehard* of Aurach (*Urangiensis*) is truly appalling. Private warfare devastated the fields and destroyed the substance of the people; famine and pestilence stalked through the land. Natural calamities of the most destructive character accompanied these afflictive visitations. "In our wretched country," he writes, "the crimes of homicide, falsehood, and perjury, such as were of old denounced by the wailing voice of the prophet, grew overhead, inveterate; and blood flowed unto blood; nor did the noise thereof ascend unto the ear of the Almighty less loudly than of yore the cry against the guilty cities of the plain. And so it was that, even before the Christmas festival had come to an end, on January 3d at eventide the solid earth was moved at the fierce anger of the Lord; houses were thrown down, and cities destroyed: then, again, on the 30th of the same month came terrible thunders and lightnings, with hurricanes and storms of hail; the air illumined with threatening meteors. . . . These judgments were aggravated by destructive floods; the appearance of double moons; stars warring against each other in the firmament; blood-red clouds

shooting forth their ominous fires from the horizon to the zenith, and striking terror into every human bosom," &c. *Ekkeh. Chron. an. 1116, 1117, ubi sup. p. 252. Conf. Annal. Hildesh. an. 1116, ubi sup. p. 113.* The state of Italy was scarcely less disastrous—earthquakes which subverted cities and rent the most solid towers; springs turbid and undrinkable; trees torn up by the roots; subterranean thunders, volumes of smoke and flame issuing from fissures in the earth; drops of blood mingled with the rain of heaven; men and cattle perishing without number—all these visitations, regarded as manifestations of divine wrath against a wicked and adulterous generation. *Chron. Mont. Cass. lib. iv. ubi sup. p. 529; Landulph jun. Hist. Mediol. c. xxxi. tom v. p. 500.* These annalists agree with *Ekkehard* as to dates. In Italy the earth-convulsion continued at intervals for many days. Mountain slips impeded the passes of the Tyrol for some time. In the cities of Verona, Venice, Parma, and other large towns, thousands of the inhabitants perished.

<sup>h</sup> *Udalr. Cod. Epist. nos. 317, 318; ap. Eccard. ubi sup. pp. 330, 331.*

<sup>i</sup> Namely, the recent publication of the anathema.

ness that he had had no hand in them. But the report from which these protestations are derived was that of the emperor Henry himself. We have no hesitation in believing that he would stoop to any artifice to create an impression among his subjects that he had all along stood upon the best possible terms with the pontiff, and consequently that no valid sentence of exclusion from the communion of the church could ever have passed against him. It is not improbable that the pope, on his part, had indulged in the dream that, by continuing these secret communications, he might hold out hopes which would have the effect of keeping Henry at a distance from Rome. But these hopes, if he had ever entertained them, were speedily dissipated. A message was conveyed to the latter from the disaffected prefect, consuls, and magistrates of Rome, assuring him of the friendly dispositions of the citizens, and inviting him at once and without delay to take up his abode among them. If the emperor had ever believed that Pascal was a party to the invitation, or that he would await his approach, he was doomed to disappointment. The invitation, however, was not to be neglected; and he entered the city amid the most boisterous demonstrations of loyalty. But pope Pascal had fled, and with him vanished his best prospects of accommodation with the curia. At his earnest solicitation, indeed, the pontifical council deputed three cardinals to meet him; but trammelled by instructions to enter into negotiation upon no other basis than an unconditional abandonment of the prerogative of investiture, and at the same time rigidly to withhold from him every recognition of rank or title, and those customary honours always claimed and religiously conferred upon the emperor when he visited his capital. With such dispositions, no approach on either side was even possible, and no further steps were taken to heal the breach.

There was, however, but one road open to the hearts of the Romans. As long as largesses, donations, and honours were forthcoming, their vivacious loyalty knew no bounds. While his impoverished

His manage-  
ment of the  
Romans.

exchequer permitted these outlays, Henry was no niggard of the required stimulants. He distributed money among the populace; he caused his empress to be crowned with all imaginable pomp; he showed himself to the people crowned and robed with the imperial purple; he gave to the consul Ptolemy of Tusculum his natural daughter Bertha to wife, and with the bride all the lands and estates which that aspiring noble had ever claimed or coveted.<sup>j</sup> In public he indulged the people with shows, processions, and popular assemblies; he harangued them in their "comitia," and even bore with good humour the fanatical ribaldry of the pontifical clergy.<sup>k</sup> But no further advantage was to be gained by a longer residence, and the emperor withdrew to Sutri on his march to the north. Assisted by a party of Normans, Pascal approached the capital, driving before him a small body of imperialist troops left by the emperor for the support of his friends in Rome. The pope was thus enabled to gain possession of as much of the city as he had ever held, and to occupy himself for the remainder of the season with the reduction of such portions of the Petrine patrimony as had been lost during the late invasion. The exertions he underwent in the course of these operations exhausted his powers of mind and body; and not many days after his restoration, a short illness of only forty-eight hours consigned him to the tomb. Pope Pascal II. died on the 21st of January<sup>l</sup> 1118. His remains were refused the honours of sepulture in the basilica of St. Peter by the hostile magistracy,

<sup>j</sup> *Chron. Mont. Cass.* lib. iv. ap. *Murat.* iv. p. 519; *Pandolph. Pisan.* Vit. Pascal II.; *ibid.* tom. iii. p. 358.

<sup>k</sup> *Pandolph* of Pisa (Vit. Pascal II. ubi sup. p. 359) recites a speech of Henry, delivered on one of these occasions, with a view to engage the people to support him in obtaining a mitigation of the papal ultimatum. In reply, we are told, the pontifical spokesman reviled him as a hypocrite, a murderer, a robber, and a heretic, and taunted him with the absence of all those honours which would have been granted to an orthodox emperor, &c. &c.<sup>i</sup> But the whole story has too much the air of an

empty flourish of the sacerdotal trumpet to be entitled to credit as a genuine address.

<sup>l</sup> *Pandolph* (ubi sup.) dates his death on the 18th of January; *Peter* the Deacon (*Chron. Cassin.* c. lxiv.) on the 21st. He is confirmed by the *Annales Romani* (*Pertz*, v. p. 478). But the two latter writers differ as to the date of his restoration; the one dating his death on the 18th, the other on the second day after that event. The pontificate of Pascal II. extended to eighteen years five months and either eight or eleven days. *Art de vér. les Dates.*

and were deposited in the church of the Lateran. He offers a singular instance of a Roman pontiff striving to establish in his own mind a distinction between his official and his private conscience.

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## CHAPTER VII.

### GELASIUS II.—CALIXTUS II.—CONCORDAT OF WORMS.

Parties in Rome—Election of cardinal John of Gaëta as Gelasius II.—The emperor at Rome; evasion of Gelasius—The emperor cites Gelasius before himself at Rome—Papal reply—Indignation of the people of Rome—Maurice of Braga pope as Gregory VIII.—his character—how described by his opponent—Gelasius deserted by the Normans—he quits Rome, and goes into France—and dies there—Guido archbishop of Vienne pope as Calixtus II.—Reported application to the Romans for confirmation—Calixtus holds a council at Toulouse—Emancipation of church-estate, &c.—The council of Rheims—Negotiation with the emperor—Preliminaries of a treaty, &c.—Misunderstanding of the preliminaries—The emperor requests time to consult, &c.—Rupture of the conferences—Resistance of the French to the pontifical scheme—Solemnity of excommunication, &c.—Rome not the home of the papacy—Advantages of France as a fulcrum of papal power—Character and influence of pope Calixtus II. in France—Advantages and activity of Calixtus in France and elsewhere—Return of pope Calixtus to Rome—Capture of Gregory VIII.—his treatment, and death—State of Germany—Position of Henry V. in Germany—Approximation of parties—Jealousies—Pacification—Diet of Würzburg—Statutory repeal of the excommunications—Position of pope Calixtus—Intent of the estates of Germany—Effect of the cessation of the civil war—Pope Calixtus withdraws his opposition, &c.—*Treaty or concordat of Worms*—on the *papal part*—on the *part of the emperor*—Remarks on the treaty—Ambiguity of the treaty as to what is *simony*—as to *freedom of election*—as to the pretended supremacy of the pontifical power—General ambiguities—Open question as to whether consecration was to precede or follow investiture—The convention of Worms a temporary *compromise*, &c.—a *personal compact*.

AT the moment of pope Pascal's death we perceive—though perhaps somewhat dimly—the existence of three factions in Rome; namely, the pontifical or sacerdotal, the municipal, and the popular. Parties in Rome. The first of these parties was obnoxious to the bitter hostility of the second, or municipal, then acting under the influence of the nobili or capitani. The principal magistracies of the city were in the hands of the latter body, with the powerful family of the Frangipani at their

head. But, though without immediate participation in their own government, the mass of the populace, or non-privileged population, continued in their comitia or general assemblies to claim its share in the general direction of public affairs. The interferences of this body had always been rather of a tumultuary than a formal character; their existence, as a constitutional power, was acknowledged, but their functions in the republic were so vague and indefinite that they had sunk down to a mere brute-force, at the disposal of those who possessed the skill or the influence to put it in action for their own purposes. About the period of Pascal's death they seem to have occupied a neutral position between the nobili and the papal curia. The former had for the moment attached themselves to the imperial standard, though probably with no other view than to regain that preponderant share in the papal elections of which the Gregorian reforms had deprived them, and to retrieve the losses sustained in their feuds with the later pontiffs and their Norman allies.

In this state of things in Rome, the curia saw no prospect of carrying the election of a successor to the late pope in the form prescribed by the ordinance of Nicolas II. The cardinal John of Gaëta, the secretary or chancellor of Pascal II., was summoned in all haste to Rome; the curia assembled in a monastery remote from observation, called the Palladium; and there elected John of Gaëta pope by the name of Gelasius II.<sup>a</sup> The secret of the meeting had, however, crept out; and the church was beset by the Frangipani, the doors burst open, and the new pope dragged by the hair of the head to a remote dungeon belonging to the leader of the assailants. The people, however, were not disposed to put up with this arbitrary interference on the part of the nobili. The comitia demanded the immediate release of Gelasius;

<sup>a</sup> The election passed by the concurrent votes of three card. bishops, twenty-five card. presbyters, and eighteen card. deacons. *Pand. Pisan. Vit. Gelasii II.*

ap. *Murat.* iii. p. 379; *Pet. Diac. de Vir. illust. Monast. Mont. Cass.* p. 378, with note (12).

the captors were not prepared to resist the formidable importunity; and Gelasius was conducted in triumph from his prison to the Lateran, where he was enthroned and crowned amid the acclamations of the people.<sup>b</sup>

The news of the death of Pascal, and the approaching election of a successor, brought the emperor by a forced march of extraordinary celerity to the gates of Rome before the new pope—then only in deacon's orders—could canonically assume the reins of government. Not even a rumour of Henry's approach had reached the papal court; the curia dispersed in consternation; and Gelasius hid himself in the remote church of St. Maria ad Tiberim. On the following morning he embarked on board two galleys, then accidentally lying in the river, near the place of his concealment, and, after a series of hairbreadth escapes from storms and the pursuit of his enemies, he found himself safely lodged within the walls of his native Gaëta.<sup>c</sup> Here the scattered members of the curia collected around him; the bishops and abbots of Apulia and Campania congregated to witness the ceremony of ordination and consecration; the great Norman vassals, with duke William of Apulia and Robert of Capua at their head, did him homage for their territories in the form observed by Robert Guiscard to pope Gregory VII., and by duke Roger to Urban II., and received in return from the pontiff feoffment of all lands, jurisdictions, and prerogatives theretofore granted in right of those principalities.<sup>d</sup>

The emperor  
at Rome.  
Evasion of  
Gelasius.

In the election of Gelasius II. we remark two canonical defects. If the decree of Nicolas II. was to hold

<sup>b</sup> *Pand.* Pisan. ubi sup. p. 384; *Annal. Rom.* ubi sup. p. 478; *Ekkeh.* Chron. an. 1118, p. 253.

<sup>c</sup> According to *Jaffé* (Regist. Pont. Rom. p. 522) Gelasius was elected on the 24th January 1818; imprisoned and released the same day; he fled from Rome on the 1st of March; remained in the church of St. Maria on the 2d; was at Ardea on the night of the 3d; at Terracina on the 4th; and at Gaëta

on the 5th of that month. See the account of *Pandulph*, ubi sup. The writer shared in the adventures of his master till his death.

<sup>d</sup> "Cum honore ducatus." The term "honos" denoted both possession and all the rights of sovereignty, saving only the duties and renders appertaining to the lord of the fee. *Conf. Pet. Diac.* Chron. M. Cassin. lib. iv. p. 531, with *Muratorî's* note (9).

good, the imperial concurrence had not been asked or obtained in any form.<sup>e</sup> Neither can the election be said to have had the popular assent, unless indeed the tumultuary release of Gelasius could be construed as an act of popular confirmation. Upon the strength of these defects, the emperor, soon after his arrival at Rome, summoned "John of Gaëta, the pontiff-elect of the holy Roman see, together with the electoral college and curia, to attend him in the church of St. Peter, and there in due form of law to complete the election, according to Catholic usage, in his presence and that of the Roman people." Gelasius replied by a counter-proposition: he should be ready, he said, to discuss all matters in difference between church and empire at a proper time and place, and for that purpose he named Milan or Cremona as the fittest localities; and the 18th of the following month of October as a proper season: "at that time and place he should be prepared, by the advice of his brethren in council, to *do justice*: he and they being *the sole judges* in ecclesiastical causes, no such cause could be entertained but in their presence, and by their counsels." If required, the pontiff engaged to deliver his written pledge to that effect.<sup>f</sup>

This reply, when communicated to the Roman people, excited their utmost indignation: it was, they exclaimed, manifestly intended to deprive them of their ancient and undoubted privilege of a corporate assent to the election of their bishop: the comitia pronounced it to be "contrary to all laws and canons that the election of a Roman pontiff should take place any where but in Rome, and that the capital should thus

<sup>e</sup> See Book X. c. i. pp. 164, 165 of this work. In addition, however, to the remarks in the passage of this work just quoted, we may observe that the words "salvo honore," &c. were fully open to the construction put upon them by the emperor; namely, that they denoted not merely honorary distinction, but *right or prerogative*. Nor can any doubt rest upon the prerogative of concurrence having existed prior to the

ordinance, nor even at a subsequent period; witness the application of Greg. VII. himself for the royal confirmation. See Book X. c. iv. p. 250 of this work.

<sup>f</sup> Ep. Gelas. II. ad Episc. Franciæ, *Conc.* vi. p. 1941. The letter is erroneously dated the xvii. kal. Feb. instead of the xvii. kal. April (16th March) 1118. See *Jaffé's* amendment of the date. *Conf. Land. jun. Hist. Mediæ. ap. Murat.* v. p. 502.

be robbed of its ancient rights and prerogatives; the proper mode, therefore, of vindicating their violated privileges was at once to elect a pope in all due form of law in lieu of him who, after this, could no longer be regarded as their bishop." This proposal was adopted, if not suggested, by the emperor. The choice of the citizens fell upon Maurice archbishop of Braga, then residing at Rome upon the business of his see. Without further formality, Henry led the prelate by the hand to the bema of the basilica; the usual question was put: "Will you have this man to be your bishop?"—and the people saluted him pope, without a dissentient voice. The emperor and the clergy of his party formally recorded their consent to the popular choice, and Maurice of Braga was saluted pope by the name of Gregory VIII.

The new pope, or antipope, enjoyed a high character for learning, piety, and purity of life. He had taken no step to obtain the patronage of the imperial court, or to solicit the suffrages of the people; his only error was, that, in accepting the papacy, he lay under the delusion that he could, by the power of the gospel and the eloquence of preaching, dispose men's minds to peace and charity. "To that end," says his biographer, "he preached frequently, and with admirable unction, concerning the perfect law of God, and the practice of the primitive church; inculcating the precepts of peace and goodwill towards men without vehemence or rancour, nay, not even against his rival, John of Gaëta."<sup>g</sup> In the religious aspect the character of Gelasius contrasts somewhat singularly with that of Gregory. He too, we are informed, was a man of learning, piety, and religion: "that is," adds our authority cautiously, "as far as any religion could be borne with in Rome."<sup>h</sup> If the religion of Gelasius did not exceed the amount of that virtue tole-

Maurice of Braga elected pope, as Gregory VIII.

His character.

<sup>g</sup> *Landulph. Med. Hist. c. xxxii.*; *Murat. v. p. 503*; *Steph. Baluz. Vita Mauriti Burdini, Misc. Hist. ed. Mansi, i. pp. 137 et sqq.* Baluzius rescues the memory of Maurice from the obloquy cast upon it by the mendacity of the

papal advocates, and raises grave doubts as to the validity of the election of Gelasius II.; but without dispersing those which tainted the title of Gregory VIII.

<sup>h</sup> "In quantum Romæ patitur."

rated by the Romans, it could have been no serious burden upon his conscience; and it soon became apparent that the accidental claims of a holy and religious life and conversation might be a good title to martyrdom, but no proper qualification for the Roman pontificate in that age.

If we accept the character of Maurice of Braga from his opponent, we have the picture of an abandoned associate of heretics and rebels, the chief of a faction consisting of the refuse of the Wibertine schismatics, supported by certain excommunicated outcasts among the Roman nobility, and a miserable rabble of cutthroats and brigands among the populace. But the description applies rather to the party than the person of the intruder. True, he was promptly published to the world as the vilest of monsters, a perjurer, an adulterer, a violator of the church and the Catholic faith; but these were technical terms, applicable to the losing party only, and adopted with a view to justify any amount of vindictive cruelty in which the winners might be inclined to indulge. From Capua, where Gelasius had taken up his quarters, he issued sentence of excommunication and anathema against his rival, and included in the same condemnation the emperor Henry, together with all his aiders, abettors, and associates in heresy and rebellion. But the spiritual tempest in the south rolled harmlessly over the head of Henry and his friends at Rome. The Norman vassals of the pope, satisfied with repelling the attacks of the emperor upon their own frontier, could not be induced to stir a step to speed the restoration of their ghostly suzerain to his capital. On the approach of the summer heats, they retired to their homes; at the same period, the emperor withdrew his army to the healthier highlands of Tuscany; and the imperial party in the city was, as usual, left to maintain its ground in the best way it could. The simultaneous retreat of both armies, in fact, left the pope and the Romans to settle matters at their leisure. Gelasius had exhausted his treasury in gifts and largesses to his allies; and when

How described by his opponent.

Gelasius deserted by the Normans.

in this state of isolation he claimed the protection of his fellow-townsmen of Gaëta, the latter, "finding that he had no more money," closed their gates against him.<sup>i</sup>

Nothing doubting, however, he pushed on slowly and stealthily towards Rome; where he arrived at length "rather in the guise of a tattered vagrant than as lord and master of a great city."

He quits Rome, and goes to France,

Under the protection of a small party among the civic nobility, he lurked for a time in an obscure quarter of the town; but, with the total want of men and money, there was no prospect of dislodging an antagonist who could command both. The treachery of his supposed friends threatened greater perils than the efforts of open enemies. A conspiracy against his liberty or his life failed rather by accident than the zeal or vigilance of his defenders.<sup>j</sup> The Romans, in fact, played the game of the rival pontiffs at the least possible expense to themselves; that of Gelasius was for the moment an unpromising venture; and the latter, weary of the hopeless task of dealing at once with hollow and craving friends and open enemies, resolved to quit the graceless city, and cast himself on the faithful clergy of France. "Let us go forth," said he to his little band of cardinals and followers, "let us flee from this Sodom, this filthy Gomorrah, this modern Babylon, this den of blood-guiltiness and every crime . . . for verily, if we were to remain here, it were better for us to live under the one tyrant than under the many that beset us." This resolution was acted upon without delay. The pope, accompanied by six cardinals, two of the nobles of his party, and the small body-guard he had been able to keep on foot, embarked on board certain Pisan galleys, and after a prosperous voyage landed at St. Gilles in Provence, whence he journeyed to the hospitable walls of Cluny in Burgundy. He was received by the brotherhood with open arms; brighter prospects seemed to dawn upon him;

and dies there.

<sup>i</sup> *Pandolph. Pisan. Vit. Gelasii II.* ubi sup. p. 394.

<sup>j</sup> He was enticed by a certain cardinal Desiderius from his asylum under a false pretence, and very narrowly es-

caped from a sudden attack of the hostile nobili. The traitor had up to that time been regarded as a fast friend of the pope.

but his revived hopes were cut short by a violent attack of pleurisy, which brought his pontificate to a close, after a reign of a few days over the twelvemonth from the date of his election at Rome in the preceding year.<sup>k</sup>

It might be thought that when Gelasius abandoned Rome he had scarcely a friend left in the city; that the pontifical party was extinct, and the triumph of the imperialist, laity and clergy, safe under the wing of Gregory VIII. and his German allies. But the commonalty of Rome had so long worshipped the demon of faction, that no motive of action remained but the interest or the whim of the hour. Thus the friend of yesterday was often the enemy of to-day, and any trivial turn of fortune's wheel sufficed to convert their railings into benedictions, and their curses into hallelujahs of praise and thanksgiving. This observation may, perhaps, account for the strange revolution in the temper and feelings of the Roman populace to which we have now to advert.

With a rival pontiff in possession of the capital, it seemed dangerous to the curia in France to delay the election of a legitimate successor to the late pope. A properly-qualified person presented himself to the cardinals assembled around his death-bed in the person of Guido archbishop of Vienne, a man of princely birth and powerful lay connections. He had up to this time proved of eminent service to his party in France: no man among them all had pledged himself to a more uncompromising adoption of the Gregorian policy, or a more determined hostility to imperialism wherever a blow was to be dealt at the chief or his satellites.<sup>l</sup> He had carried the torch of discord into the heart of his home and empire; and at this moment little more seemed wanting to cast him headlong from his throne, and consign him to the unhallowed grave of the parent whom he had dishonoured and betrayed. Accordingly, on the 1st or 2d of February 1119, archbishop Guido was chosen pope at Cluny by the name of Calixtus II. But, with the decree of

Guido arch-  
bishop of  
Vienne, pope  
as Calixtus II.

<sup>k</sup> *Pandolph. Pisan.* in Vit. Gelas. II. ubi sup. pp. 391-415. Gelasius II. died

on the 29th of January 1119.

<sup>l</sup> Conf. chap. vi. p. 633 of this Book.

Nicolas II. before his eyes, he declined consecration until he should have fortified his title by the popular confirmation required by law—a resolution apparently involving insurmountable difficulty. Yet we are assured that the operation of obtaining and recording the suffrages of the Romans in his favour required no longer time than was necessary for his messengers and agents to travel from Vienne to Rome, to collect the votes, and return with them in their pockets, a distance of nearly one thousand English miles, within the nine days intervening between the day of election (the 1st) and the 9th of the same month, the date of his consecration at Vienne (!).<sup>m</sup> We are therefore driven to conjecture, either that the documents appealed to are forgeries, or that some strange error has crept into the dates they bear. The only suppositions consistent with their genuineness we can imagine are, either that the letters and lists of suffrage were antedated with a view to fit them to the date of the consecration, or that the ceremony itself has been erroneously assigned to the month of March instead of that of April 1119.<sup>n</sup>

It is, however, plain enough that the news of the election of Calixtus had produced a strange reaction in the public mind at Rome. The election was, we are assured, affirmed by the unanimous vote of every rank and condition, and that within an incredibly short period the imperial ranks were thinned by the secession of two schismatic cardinals, two archpriests, nine presbyters, and four urban abbots and priors.<sup>o</sup> In the interim Henry had returned to Germany, and was then hovering on the French frontier with a view to watch the proceedings of his adversary. This was, therefore, no time to try his new-born popu-

Calixtus holds a council at Toulouse.

<sup>m</sup> The letters of the cardinals of Sabina and Alba (ap. *Martene*, Coll. ampliss. tom. i. p. 644) affirm that the people were convoked for the purpose of recording their votes on the 1st of February, consequently not only before the election of Calixtus, but before they could have heard of the

death of Gelasius. No fewer than six of these pretended letters of adhesion are extant in the collection of Martene.

<sup>n</sup> *Pandulph. Pisan.* in Vit. Calixti II. ap. *Murat.* iii. 418. Conf. *Jaffé*, *Regist.*, &c. p. 527.

<sup>o</sup> See the "Literæ hereticorum," ap. *Martene*, ubi sup. pp. 649, 650.

larity at home, or to relinquish the advantages he enjoyed in the devout support of the monarch and the churches of France. A great council was held on the 8th of July 1119 at Toulouse, and severe ordinances adopted against the embezzlement or detention of church-dues, estate, and effects. The most important of the resolutions of this synod purported that *no clerk in orders should render duty or service to any layman for or on behalf of ecclesiastical estate or benefice.*<sup>p</sup> "Thus," exclaimed Calixtus exultingly, "we have, by the grace of God, and at a single blow, wholly condemned and rooted out the vile heresy of lay investiture."<sup>q</sup> But Calixtus was soon made sensible that he had reckoned too confidently upon the submission of the French. The powerful lay patrons of ecclesiastical benefices were not inclined to abandon without a struggle the advantages they derived from their protectorates, or to relinquish the services of the clerical vassals and under-tenants of their estates. To help him out of this difficulty, or to try the disposition of the churches of France and Germany to support the project of unlimited emancipation so clearly indicated in the resolution of the council of Toulouse, the pope convened a general council at Rheims for the 29th of October 1119. The meeting, when assembled, numbered fourteen archbishops, two hundred bishops, and many abbots and notable ecclesiastics; "representing," we are informed, "the churches of Italy, France, Spain, Britain, and the islands of the ocean, disposed unanimously to yield obedience to the commands of the pontiff."

At this critical moment the emperor Henry V. was found to have taken up a threatening position at Verdun on the Meuse, at a distance of little more than seventy miles from the city of Rheims. It became, therefore, of some importance to ascertain his designs, and, if possible, to entangle him in negotiations

<sup>p</sup> "Nullus clericorum pro ecclesiasticis beneficiis *servire* laico compellatur." The word "*servire*" denoted the services, renders, and dues payable by the tenant to the lord of the fee. So

*Ducange*, Gloss. "*servire*" denotes "aliquid nomine servitii ministrare, præstolare, exsolvere."

<sup>q</sup> *Hard. Conc.* vi. p.197 8.

that might prevent any disturbance to the deliberations of the council. With that view the bishop of Chalons and the abbot of Cluny were sent to the imperial headquarters. The bishop assured the emperor that the pope entertained no desire to invade or detract from the prerogatives of his crown, or to divest it of any of its legitimate rights; but that nothing could be done for him until he should have renounced the investiture *of bishoprics and abbeys*; and, by way of proof that he would sustain no real injury by the relinquishment of the accursed practice, the bishop urged that, although the French clergy did no homage to the crown for the estate of their churches, yet the king suffered no injury; nor was it ever alleged that they had at any time refused to render him the secular services due in respect of their ancient endowments, although in fact these services were precisely, and neither more nor less than, those the emperor himself enjoyed by virtue of that right of investiture which had drawn down upon him the anathema of the church.

It is not improbable that the threatening canon passed at Toulouse, scarcely more than three months before this, may have been brought to the emperor's knowledge. If this were the fact, it is not likely that he would forego all security for the safety of his prerogative, or consent to place himself upon a level with the powerless and impoverished Louis of France. It was, at all events, not difficult to perceive that the proposal of the legate involved the abandonment of every security for the fulfilment of the prospect held out to him; and he intimated in reply that he should not object to discontinue the objectionable practice, if a sufficient guarantee were given against any derogation of his *honours*, or of the essential prerogatives of his crown. This basis of negotiations was reported to the pope, and approved by him. The discussion of the terms went on smoothly enough, and the following preliminaries were agreed to and signed by Henry: the emperor *relinquishes the right of investiture*; grants a full amnesty to the pontifical partisans, and restores their forfeited sees, pos-

Negotiation  
with the  
emperor.

Preliminaries  
of a treaty,  
&c.

sessions, and property to all ecclesiastics who had suffered for their adoption of the papal cause: on the other part, the pope grants to the emperor and his party the peace of the church, and restores all estate and effects in his hands, or those of his allies, belonging to the emperor or his friends: and it was further provided and agreed on both sides, that, if any dispute should occur as to the settlement of the claims arising out of the restitution-clause, all ecclesiastical rights should be determined by the canon law, and all secular differences by the civil tribunals.

It is not easy to imagine how any satisfactory settlement could be built upon such vague and indefinite preliminaries; and it speedily became apparent that both parties had either ignorantly or wilfully misunderstood one another. The pope construed the relinquishment of investiture to extend to the absolute abandonment of all right or control over estate, franchise, exemption, or privilege, held or enjoyed with any ecclesiastical office or dignity. The emperor naturally restricted it to the sacrifice of a merely ceremonial usage, destitute of any further consequence or significance than as it bore upon the spiritual status of the recipient. The amnesty- and restitution-clauses were understood by Calixtus to imply an absolute surrender by the emperor of his ecclesiastical adherents to the tender mercies of his opponent, together with the transfer of some of the richest escheats and most important lay fiefs of the empire, into the hands of the pope's friends. The papal negotiators had, it seems, dextrously enough eluded the promised security for the safety of the prerogative; and Calixtus resolved to hold the emperor to the literal performance of his engagement, with all its consequences on its back. Counting, probably, upon the precarious state of the emperor's affairs in Germany,<sup>r</sup> he had made up his mind that his adversary must come to his terms; it was therefore determined that the in-

<sup>r</sup> The Saxon provinces were still in open insurrection, and civil disorders prevailed in every other part of the

empire to an almost unprecedented extent.

tended interview between him and the pope at Pont-aux-Mousson on the frontier should not take place; and that the former should be peremptorily called upon to make the renunciations and transfers named in the preliminary agreement, as a condition precedent to his reconciliation with the church. With instructions to that effect, the cardinal John of Crema, the bishops of Ostia and Chalons, and the abbot of Cluny, were sent to the emperor. The latter was required by them definitively to adopt the pontifical exposition of the preliminaries. Henry and his advisers protested that he had never contemplated any such construction of the deed as that contended for on the other side: the whole proceeding, he declared, *appeared to him more like a snare than a negotiation for peace.* By way of reply, the bishop of Chalons held up the instrument, and, pointing to the emperor's signature, "Dare you," said he, "to deny your own handwriting? If that be your intent, here am I and other men of religion ready to swear upon the holy gospels that you are pledged by hand and word to the fulfilment of all these things in their literal sense." The emperor angrily denied that he had ever assented to the terms insisted upon; and affirmed that the pope intended to entrap him into engagements manifestly detrimental to his honour and interests, and in direct contradiction to the assurances he had so recently given. The legate rejoined, that it were mere blasphemy to accuse a Roman pontiff of wilful deceit; that if the emperor believed that under the pretence of right, custom, or prerogative, he would be permitted to traffic in bishoprics and abbeys, he had deceived himself, and must bear the consequences of his misconception.

But a little reflection upon the dangers of his actual position disinclined Henry to abandon every chance of peace with the church. He therefore declared himself incompetent to make the sacrifices required without the sanction of the estates of the empire, and requested time to take the advice of a constitutional diet of the realm upon the terms proposed to him. The delegates now believed that they had the game

The emperor requests time to consult, &c.

in their hands; they granted a delay of twenty-four hours only, and at the expiration of that time peremptorily insisted upon the unconditional acceptance of their terms. The emperor still entreated delay to consult the constitutional authorities of the empire, without which any treaty he might conclude could not bind his estates. In real or affected anger, the legates rudely turned their backs upon him, and hurried the pontiff, who had advanced some leagues towards Pont-au-Mousson to await the issue, to the castle of the count of Troyes, affecting to believe that Henry had enticed him thus far from his supports in the hope of seizing his person and repeating the treason he had perpetrated against Pascal II. But neither the time nor the circumstances of the moment promised any advantage from the success of such an experiment. No one was more chagrined at the departure of the legates than Henry himself. He sent an imploring message after the fugitives, anxiously requesting a delay of forty-eight hours to deliberate how he might give full satisfaction to the pope. The latter returned for answer, that he had already gone further than any pontiff had ever done before him: he had adjourned a general council with the devout hope of reconciling him with the church; that he had travelled at great personal inconvenience and fatigue to meet in peace one in whom he had found no faith; that not a moment's delay could be granted; and that now he (the pope) would return to his expectant brethren, in the humble hope that God would soften the heart of the evil-minded man he had endeavoured to amend, and that he might be enabled hereafter—when and wherever that might be—to embrace him once again as a beloved and obedient son of the church.

Upon his return to Rheims, Calixtus resumed his project for the accomplishment of the programme sketched out at Toulouse. He proposed a resolution that the council do absolutely condemn, and by every means in their power engage to put an end to, all *investiture of any church, ecclesiastical benefice or property, and to prohibit that it do thereafter*

Rupture  
of the  
conferences.

Resistance of  
the French to  
the pontifical  
scheme.

*pass in any form by or through the lay hand.* But though the feeble sovereigns of France may have seen with indifference their spiritual patronage pass from the crown to the great feudatories, the latter had no mind to abandon the spoils, or to part with the valuable patronage which had fallen to their share in the course of the dismemberment of the sovereignty in that country. The lay lords present, reasonably enough, suspected the pope of an intent to divest them of their ecclesiastical profits, and to sweep them into his own lap. This broadcast of the sacerdotal net, in fact, enclosed too many fishes at once even for the successor of Peter to draw to land. The reading of the proposition excited an uproar which no efforts of the pope or his friends could allay. From morn till dusk there was no cessation of the clamour, and Calixtus was compelled to amend his motion by substituting the words "bishoprics and abbeys" for the general terms in the original resolution. This was thought to open the meshes of the net wide enough to let the smaller fishes escape, and the measure thus amended met with no insuperable opposition.<sup>s</sup>

The business of the synod was at an end, as far as that assembly could be made serviceable to the objects for which it was convoked. The ill-humour of the pontifical party, however, found relief in a simultaneous discharge of the ecclesiastical artillery against the great offender and his accomplices. At the close of the sessions, four hundred and twenty-seven blazing torches — the precise number of the bishops and abbots present — were produced: with one of these each hand was armed; a long list of the unhappy caitiffs doomed to suffer extinction of spiritual life was read out; at the head of the list appeared the name of "Henry, pretended king of the Germans;" next, the heretic "Burdinus" (Gregory VIII.), with a

<sup>s</sup> But Calixtus could not refrain from rating the objectors roundly for their blindness and obstinacy. He compared himself to the Saviour, and them to the backsliding disciples, who, when they heard the words, "except ye shall eat,"

&c. (*John vi. 53*), were offended, and walked no more with Him; so they, when he had proposed a measure necessary to secure the liberty of the church, were scandalised, and walked no more with him.

long catalogue of abandoned schismatics and heretics to be devoutly consigned to Satan and his angels. All these were then solemnly cursed and driven out of the church; in token whereof, at a signal given, all the torches were reversed and extinguished. The ceremony closed with a solemn absolution of the subjects and dependents of the reprobate from their oaths and engagements; and the assembly was dismissed with the pontifical blessing.<sup>†</sup>

The most convincing proof that neither Rome nor even Italy was the proper home of the papacy may be found in the contrast between its influence abroad and its domestic insecurity. Since Gregory VII. threw off the imperial protectorate, the only chance of safety for the pontiffs in Rome lay in the Norman alliance. But even that alliance could be relied upon no longer than the funds for the hire or the reward of their mercenary services were forthcoming. When these funds failed, Gregory and his successors were each in turn put to flight by Wibertines, nobili, citizens or imperialists, singly or in combination, till the harassed pontiffs found no place where to lay their heads in safety within the city-walls. No reliance could be placed upon the natural means of upholding the domestic government of the popes. Against such a state of things, a revival of their connection with the secular powers, under one form or another, offered the only remedy. Their quarrel with their official protector cut them off from their party in Germany; and thus it happened that France now afforded the only tolerably safe anchorage for the bark of St. Peter.

The state of the kingdom was, however, singularly favourable to the working of the pontifical machinery. Under Philip I. the royal authority had fallen into a state of de-

Advantages  
of France as  
a fulcrum of  
papal power.

<sup>†</sup> The authorities for the statements in the text are *Ordericus Vitalis* and *Hesso Scholasticus*, ap. *Hard. Concil.* vi. 1990 et sqq. The narrative of Hesso concerns principally the negoti-

ations with the emperor. But the work wears rather the appearance of a rhetorical exercise than of a sober narrative of events of which the author was an eye-witness.

crepitude, comparable to that of the later Merovingian kings. The feudal principle, it is true, still breathed a breath of life into the languid body of the state, yet without constitutional unity, or any common objects or interests to bind together in one corporate association the numberless independent princes, barons, and ecclesiastics among whom the kingdom was parcelled out." There was, therefore, no central influence or interest powerful enough to conflict with, or to check, the operation of the papal scheme. In France there was no necessity for treaties, alliances, negotiations, or precautions to remove impediments or clear the field of action. The progress which the canon or decretal law of Rome had made among the Gallic clergy, the eager zeal of the monastic bodies for the extension of clerical exemptions and privileges, had served to fix the attention of every party in the church upon the chief dispenser of that scheme of law from which all orders hoped to profit so largely. Pope Urban II. had seized upon, and profited by, these advantages with skill and diligence. By putting himself at the head of the crusading movement, he had centered in himself the religious and martial sympathies of the people; by upholding the "truce of God," he had clothed himself with the character of the prince of peace, and elevated himself to the undisputed censorship of the morals and religion of Christendom.

This lofty character, which Pascal had failed to maintain, was resumed by Calixtus II., and supported with excellent industry and discernment. While he resided in France the whole ecclesiastical government had passed into his hands. Between the 2d of February 1119 and the 28th March in the following year, he had traversed the kingdom in its length and breadth; he had visited and inspected numerous churches, hospitals, and monasteries, reforming abuses, restoring discipline, and establishing regulations for their better government; he had confirmed the privileges and endowments of more than thirty churches and conventual bodies; he had taken

Character  
and influence  
of pope  
Calixtus in  
France.

" Conf. *Sismondi*, Hist. de Fr., v. pp. 3 and 250.

many of the latter under the immediate *protectorate of the holy see*; and, in return for this inestimable benefit, he had reserved certain quitrents and annates, *by way of acknowledgment only*, to the apostolic treasury. Besides these profitable labours, he had decided numerous appeals. With the authority of a monarch he had decreed restitutions and indemnities; he had redressed wrongs, regulated ecclesiastical dues and duties; determined the boundaries of disputed dioceses and jurisdictions; settled and approved rules of discipline; granted privileges and exemptions where he thought them merited or expedient; and every where—from the monarch on the throne to the meanest vassal or priest—exacted the most obsequious attendance upon his person, and the most punctilious obedience to the precepts of the apostolic council.

His position in France was at the same time highly advantageous for communication with the remoter portions of the Latin communion. From Toulouse, Cluny, Lyons, Rheims, Chalons, and Troyes, he was at hand to entertain appeals from foreign churches, to issue his precepts, to summon his councils, to receive advices, and to send out his orders with safety and despatch. And, in fact, the registry of his correspondence displays a surprising activity of superintendence. In Germany he kept up a continuous interchange of letters with the chiefs of his party. In Spain he erected a new archbishopric,<sup>v</sup> and assigned a province to the metropolitan. In England he suspended the primate Ralph of Canterbury for disobeying his command to consecrate Thurstan archbishop-elect of York, and as a penalty for his contumacious resistance to the introduction of the legatine commission into the kingdom.<sup>w</sup> He directed the bishop of Durham, and the whole prelacy of Scotland and the Western Islands, to acknowledge Thurstan as their primate, and consecrated him to that office with his own hand. His decrees were heard and obeyed in the remotest regions of the north; and even the kings Aistan and Seward of Norway ac-

<sup>v</sup> St. Iago de Compostella.

<sup>v</sup> England, ii. 258.

<sup>w</sup> *Eadmer*, ap. *Lappenberg*, *Gesch.*

cepted from him the protectorate of the remote churches of the Orcades.\*

Whatever degree of credit we may attach to the alleged unanimity of the Romans in favour of Calixtus II.,<sup>y</sup> it is certain that for rather more than a twelvemonth after his election his rival Gregory VIII. resided in peace at the Lateran, under the protection of the Tusculan nobili and the still numerous Wibertine party. During that period he devoted himself to works of charity, religion, and public virtue: vain titles to honour or respect among a generation destitute of all these attributes! And, in truth, by the time Calixtus thought of returning to Rome, the people had become weary of the decorous idol they had set up. On the approach of his enemy, Gregory, anticipating his own downfall, retired to the provincial town of Sutri, where the old attachment of the people still held out some prospect of personal safety. No impediment now stood in the way of the restoration of Calixtus. We are assured by his panegyrists that his march from the Alps to the banks of the Tiber was one long ovation. In the Provence, at Milan, Lucca, Pisa, he was received with all but divine honours.<sup>z</sup> His entry into Rome was celebrated by the most extravagant demonstrations of joy; the storm-clouds which had obscured his prospects had left scarcely a trace behind; and Calixtus was enabled to resume the sceptre which had fallen from the hands of his feebler predecessors, with no other task before him but that of improving the advantages which were to help him to still more triumphant results. Duke William of Apulia, and with him the principal Norman dynasts, did

\* Our account of the administration of pope Calixtus in France is principally extracted from *Philip Jaffé's* *Regist. Pontif. Romæ*, Berlin, 1851, pp. 527-534. The documents there given in abstract have been compared with the originals in the *Concilia* and elsewhere.

<sup>y</sup> See p. 655 of this chapter.

<sup>z</sup> The fulsome eulogies of his biographers are to be trusted only for ge-

neral facts. They are certainly very disagreeable reading. These lives are principally: *Vit. Calix. II. a Card. Aragon. ap. Murat. iii. 419*; *Pandolph. Pisan. Vit., &c. ubi sup. p. 418*, a production tainted with all the factor of sacerdotal malignity; *Narratio Udeschalci, ap. Canis. Lect. Antiq. tom. iii. pt. ii. p. 18*; *Ekkehard. Annal. an. 1119, ubi sup.*, a more trustworthy authority.

him willing homage; a force was despatched under the cardinal John of Crema to reduce the rebellious city of Sutri, and drag thence the helpless rival, whom it would have been the more generous, probably the wiser, course to consign to oblivion, to his presence, with every circumstance of cruel triumph that could add poignancy to the agony of the aged sufferer. Mounted on a mangy camel, the decrepit captive was paraded in miserable triumph before the pope, after exposure to the insults and mockeries of a brutal mob; till, covered with dust and filth, he was at length consigned to his dungeon: "after which *righteous act*," quoth his biographer, "the blessed Calixtus repaired to the church of St. Peter, where he mounted the throne; that august ceremony concluded, he marched in triumphant procession, beneath arches of honour and with great glory, to his palace of the Lateran." The unfortunate Gregory VIII. lingered for a time in the castle of Fermo, and ended his days in the obscure monastery of Cava. There is little doubt that his death was hastened by the cruel rigour perpetrated upon him with a view to extort a public confession and penance; but we are drily told that "the archheretic and impostor died at Cava *still persevering in his rebellion*."<sup>a</sup>

We turn with a sensation of relief from Rome, her popes, her factions, her multiplied perjuries, her shameless venality and hypocritical pietism, to inquire for a moment how in the mean time the papal cause had thriven among a people who, with all their sins upon their backs, were still mindful of their common

<sup>a</sup> An extant epistle of Calixtus to the Gallic bishops (ap. *Hard.* vi.) bears a revolting testimony to the callousness of heart engendered by religious hatred. In this epistle the cant of spurious piety is intoned with the edifying twang at all times acceptable to the ear of the fanatic. "The idol of the German king," he tells his correspondents, "and all his enemies, have been taken prisoners, and some done even unto death by the maceration of the dungeon." It is

difficult to doubt that Gregory was one of those thus "done to death." *Eckehard* of Aurach observes upon this subject: "Sunt enim qui talibus eum (Gregorium) deprehensum asserunt flagitiis, quæ nostris indignum duximus tradere scriptis." *Chron. Urang.* an. 1121, ubi sup. p. 256. But the pope himself has taken care to leave little doubt on our minds of what these "flagitia" amounted to.

“fatherland,” still bore in mind that they belonged to a race which had given the law to Christendom, and might even now occupy the same lofty station in the world, could they but impart to the elements of greatness within the outward unity requisite to give momentum and direction to that internal moving force whose irregular action had hitherto been productive of a mere waste of power, and brought upon them an unspeakable amount of public calamity. Albert archbishop of Maintz was at this point of time the legate in ordinary of the holy see in Germany. It is hardly possible to picture to ourselves a more finished specimen of the ecclesiastical tyrant. Armed with full pontifical powers, he managed in a short time to alienate some of the most devoted supporters of the papal policy.<sup>b</sup> At the same time *that* indifferentism as to the papal censures, of which the pope had of late complained so bitterly, seems to have suffered little abatement in Germany; and though the emperor’s affairs wore no flattering appearance, the cause is to be sought rather in the numberless enemies which his despotic temper had raised up, than in any special deference to the pontifical menaces. To add to his other mis-  
Position of  
Henry V. in  
Germany.
fortunes, his ablest minister and almost his only friend, the bishop of Münster, had died. But against this may be set off the important advantage, that Henry V. had no son to seduce; he had no child who could serve the purpose of a fulcrum for the ecclesiastical lever, such as that with which he and his brother Conrad had furnished their father’s enemies; and, in this respect resembling his father, he never despaired of his ability to sustain himself against any amount of disaffection or resistance on the part of his subjects. And now that resistance was already languishing into apathy; the world was getting weary of the monotony of bloodshed and devastation. Even the redoubted Frederick of Arnsberg, the

<sup>b</sup> More particularly Bruno, archbishop of Treves. For his protection against the lawless interferences of Albert, pope Calixtus granted him a brief of exemption from all legatine jurisdiction but such as should come *a latere*. *Martene*, Coll. ampliss. i. p. 660. It

seems probable that the legates *a latere* here meant were the “*laterales ex familia papæ*”—the college of cardinals, namely, who are commonly described as of the family or household of the pope.

Approxima-  
tion of  
parties.

“beau ideal” of the robber chivalry of the age, dropped his arms, and made his submission to the emperor. The Saxon principalities, exhausted by the fatigues and privations of a state of warfare which had lasted for more than half a century, had come to an agreement with one another to put an end to their private feuds. This pacific measure led to an opening for negotiation with the court. An amicable conference was brought about at Goslar, where the duke Lothar of Saxony, the palatine Frederick, the markgrave Rodolf, and other Saxon chiefs and barons, were received into favour. About the same time the restless archbishop of Cologne entered into pacific relations with the sovereign. It is obvious that the thunders of Rheims had almost died away upon the ear of the German laity. The spiritual army, however, still kept the field; and Albert of Maintz stemmed the ebbing tide of secular zeal with address and courage. A false step of the emperor had nearly proved fatal to the fair prospects which had late dawned upon the nation. In the hope of driving the refractory archbishop into the pacific circle with which he had surrounded himself, he laid siege to the metropolitan city of Maintz: a step so clearly irreconcilable

Jealousies.

with his late beneficent professions, that Albert found it no difficult task to reawaken the suspicions of the Saxon princes. With one accord they flew to arms. Henry hastened to encounter the unexpected danger; the armies stood in each other’s presence, apparently prepared for the deadly encounter. But the lust of battle was extinct on both sides; the flame of civil and religious discord had been quenched in the floods of calamity, or lingered only in the breast of the fanatic or the brigand. The yearnings of every

Pacification.

heart, the demands of every social and family interest commanded peace; and when the two great divisions of the nation came into each other’s presence, the spirit of nationality and brotherhood burst forth in a unanimous prayer to the God of mercy to save them from this further crime of mutual murder. As if by a single impulse, twelve notables were selected from each army;

and after a short conference, it was agreed that a diet of the whole empire should assemble at Würzburg upon the following feast of St. Michael, to decide upon the terms of a general religious and national pacification: meanwhile an inviolable truce was to be observed by all classes and conditions throughout the realm.<sup>c</sup>

On the appointed day the parties approached each other with some misgivings. But these soon gave way before the frank explanation of the <sup>Diet of</sup> Würzburg motives of both parties. In the simply political branch of the question little remained to be done but to agree upon the police regulations for putting an end to civil disorder, and for the mutual restoration of forfeited or sequestrated estate. As to the standing ecclesiastical disputes, it was resolved that the emperor should give all *lawful* obedience to the pope: that as to subsisting differences, they should be adjusted at a free conference between the emperor and the pontiff, by the counsel and advice of the estates of the realm; yet so that *the emperor should freely enjoy all the ancient rights and prerogatives of his crown*; and that in like manner the church should be in no respect curtailed of its just rights and privileges: that the bishops in possession should so remain until the adjudication of the pope in council upon their several titles; and that in the interim the bishops of the realm and all good Catholics should, without spiritual or worldly detriment, *be permitted to hold true communion with the emperor*.<sup>d</sup> For some cause or other, the estates of the great duchy of Bavaria had not been present at the diet of Würzburg; but their concurrence in the resolutions adopted was obtained without difficulty. Messengers of high rank were then despatched without delay to lay the

Statutory  
repeal of the  
excommuni-  
cations.

<sup>c</sup> *Ekkeh. Urang. Chron.* an. 1121, ubi sup. pp. 256, 257.

<sup>d</sup> The terms of agreement on behalf of the prerogative run thus: "Principes, sine dolo et dissimulatione"—there had been enough of both in the preceding dealings between church and state—"intendunt ut in hoc regno honorem suum (imperator) retineat."

On the meaning of the word "honos" see note (d), p. 649. In this instance it is synonymous with our word "prerogative;" all the legal incidents of a good title, with the advantages of personal possession—the *estate itself*. The words "sine dolo" express an obligation to do a thing in its literal import, and in accordance with the intent of the parties.

treaty before the pope, and to require him to convoke a general council; "in order," said they, "that matters which no human sagacity can unravel may be at once set at rest upon apostolical authority, and by the immediate suggestion of the Holy Spirit."<sup>e</sup>

However deferential the language of the diet towards the pontiff, it must have been abundantly clear to him that they had taken the question in all its principal bearings into their own hands, and that nothing remained for him but either to decline the task imposed upon him, or to slip out of the difficulty with the least possible loss of credit or influence. In the latter course there were still many chances in his favour. The estates of Germany foresaw serious inconveniences in permitting either pope or emperor to obtain a decisive triumph. With every disposition, for the sake of peace, to put up with the losses they had sustained during the civil wars, they had no mind to abandon the incidental gains which had accrued to them from the hardships they had undergone, or to allow any such expansion of the prerogative as might be dangerous to their hard-won liberties. On the other hand, they were wise enough to foresee that, if the pope should win the day, they would have to surrender all their acquisitions in the shape of broad lands, tithes, tolls, and renders of every kind, advowsons and infeudations, they had extorted from the monasteries, churches, and collegiate clergy of the kingdom. The only object the diplomacy of the age could entertain was the *status quo*. The question whether the proposed congress was to end in a constitutional settlement, or in a merely temporary suspension of the evils they had suffered under, seems not to have engaged their attention. They knew, however, that the maintenance of the prerogative of the crown was an essential element in the title of every man who possessed an acre of land; and that if the churchmen were permitted to sever their holdings from those of

Position  
of pope  
Calixtus.

Intent of the  
estates of  
Germany.

<sup>e</sup> *Ekkehard. Urang. Chron. an. 1121, ubi sup. pp. 257, 258; Codex Sangermansis, ap. Martene, Coll. ampliss. i.*

673; reëdited by *Pertz, Mon. Germ. &c. "Legum," tom. ii. p. 74.*

the rest of the feudal proprietary, the very principle which held the whole fabric of the state together would be dissolved, and imminent risk of a collapse of the whole social system be incurred. With this view, they had pledged themselves irrevocably, that, come what might, no serious inroad upon the constitutional prerogative of their crown, as they understood it, should be submitted to.

Pope Calixtus could not but be sensible that his anathema had been cancelled by a stroke of the pen; that the cessation of civil discord had stricken his weapons from his hand; and that the *ad interim* absolution of the diet had dissolved the charm which had paralysed the arm of his enemy. Many of the most zealous partisans of the papacy had freely communicated with the excommunicated emperor.<sup>f</sup> The opportunity now afforded for observation and reflection brought to light manifold proofs of the utter corruption of the curia and its political agents. A disputed election to the bishopric of Würzburg proved a striking instance of the venal character of the papal legates.<sup>g</sup> It appeared, in fact, that the crime of simony was in a state of transition from the laity to the clergy;<sup>h</sup> an observation which could not but tend to open the eyes of the people to the kind of custody to which they had so heedlessly surrendered their interests and their consciences.

With such prospects before him, pope Calixtus thought it expedient to take the intelligence of the resolutions of Würzburg in good part. His legates were instructed

<sup>f</sup> We mention particularly the gallant confessor, archbishop Conrad of Salzburg, who had suffered heroically in the cause of the papacy. On the strength of the pacification of Würzburg, he and many other expatriated prelates had returned to their sees and communicated with the emperor. *Chron. incerti auct.* ap. *Canis.* *Lectioes Antiquæ*, ed. Basnage, tom. iii. pt. ii. p. 359; *Stenzel*, i. p. 701.

<sup>g</sup> The imperial candidate, Gebhard, publicly impeached the legates of putting their support up to auction. See the statement of Gebhard, ap. *Udalric.*

*Cod. Epist.* no. 335, ap. *Eccard.* ii. p. 345.

<sup>h</sup> The German papist *Bruno* of Merseburg, and the devout abbot Suger, besides other authorities adverted to in former passages of this work, leave no question that legatine bribery and corruption were common offences. Indeed the practice is hinted at with censure by Gregory VII. himself. *Conf. Book* x. c. vi. p. 304; *Boök* xi. c. ii. p. 492, and c. vi. p. 617, note (1). As to the Würzburg controversy, see *Ekkeh.* *Urang. Chron.* an. 1122, ubi sup. pp. 258, 259.

Pope Calixtus withdraws his opposition, &c. to convoke a general council of all the bishops and clergy of France and Germany at Maintz, to meet on the feast of the Nativity of the Virgin, for the purpose of taking into consideration the reëstablishment of concord between the holy see and the empire, and of consulting generally upon the state of the churches of both realms. The legates were at the same time directed to assure the emperor that no attempt to infringe upon the prerogative of his crown was in contemplation; but that the pontiff was, on the contrary, anxious, by a wise and religious compromise, to strengthen and secure the same. Whatever we may think of the consistency of the Roman curia, a suspension of the disabilities imposed by the papal censures had become a necessary preliminary of negotiation. Henry had by this time arrived at the conviction that he was safer in the hands of the estates than in his own. No material diversity of views encumbered the conferences; and as soon as the treaty was reduced into form, the assembly adjourned from Maintz to a spacious plain in the vicinity of the city of Worms. Here unnumbered multitudes assembled to witness the exchange of the ratified copies of the treaty which was to bring back civil and religious peace to the wasted and wearied land. The ceremony concluded with a solemn mass and *Te Deum* by the cardinal-bishop of Ostia, during which the legate communicated with the emperor, and in the name of the pope imparted the kiss of peace.

The stipulations of this celebrated treaty or concordat were the following:

The pope granted to the emperor, that the elections to all bishoprics and abbeys of the empire *be made in his* (the emperor's) *presence*, without *simony*, or any kind of compulsion; and in such wise that if thereupon any dispute should arise, *the emperor be at liberty*, by the advice and consent of the metropolitan and comprovincial bishops, *to pronounce in favour of the person who should appear to him to have the best claim*:

That the candidate thus elected should receive from

the emperor the temporalities of his see or abbey *by the delivery of a rod or sceptre*, but without bargain or valuable consideration of any kind, and should ever thereafter render unto the emperor all such duties and services as by law he was bound to render.

These articles, however, referred to the Germanic dominions of the emperor only. As to other parts of the empire — probably Italy — it was agreed that the consecration of the prelate might precede the investiture by “rod or sceptre,” but that the new bishop or abbot should, within six months of his consecration, apply for and receive the temporalities in the same form, but without bargain or compulsion, and should thereupon be bound to perform the like duties and services in respect thereof.

But as to all the temporalities, whatsoever and where-soever, *belonging to the Roman church*, none of these stipulations was to apply.

On the papal part, the instrument concluded with general promises of support and goodwill, and the grant of a *true peace* to all who, within the period of the late disturbances, might have attached themselves to the imperial party.

The emperor, on his part, explicitly *abandoned investiture by delivery of the RING AND CROSIER*, and granted that in all the churches of the empire there should be made *free canonical elections* and consecrations: On the part  
of the  
emperor.

The properties and temporalities of the blessed Peter, which, since the commencement of the late disorders, whether in his late father’s or his own time, *might have passed out of the possession of the holy see*, or might then be in his (the emperor’s) hands, or in those of others, he did thereby promise to restore, and cause to be restored:

He engaged, by the advice of his council, and in due course of law, to restore, and cause to be restored, all the properties of churches and laity, of which, during the late wars, they, or any of them, might have been unlawfully disseised:

And lastly, the emperor promised that, in all matters and things in which the Roman church should demand his aid, he would faithfully afford the same, and that in all things in which she should make complaint to him he would be ever at hand to do her right and justice.<sup>i</sup>

It would lead us too far to enter upon a detailed Remarks on the treaty. comparison of the antecedent position of the papacy with that contemplated by the Calixtine convention or concordat. For such a purpose it would be requisite to place before the reader a literary history of the several controversies of investitures, lay and clerical marriage, the right of general moral superintendence, and the absolute subordination of the secular to the ecclesiastical state,<sup>j</sup>—a history which, however succinctly drawn up, would swell the contents of this volume to an unmanageable bulk. One or two points in the ecclesiastical and political position of the papacy *before the concordat* may, however, be mentioned, with a

<sup>i</sup> See the original in full form, ap. *Pertz*, Mon. Germ. Legum, tom. ii. pp. 75, 76. The document was attested by the three archbishops-primates, six bishops, the abbot of Fulda, Henry duke of Bavaria, Frederick of Hohenstauffen duke of Swabia, Berthold duke of Zähringen, Diephold markgrave of Vohburg, Engelbert markgrave of Istria, Godfrey earl palatine of the Rhine, Otto earl palatine of Wittelsbach, Berengar earl of Habsburg, &c. The deed was sealed with the golden seal of the empire by the prince-archchancellor of Cologne.

<sup>j</sup> Such an abstract lies before the author of these pages, drawn up in two chapters, and originally intended to form the concluding portion of this Book. But the great extent to which the purely historical series had expanded itself precluded the insertion of all episodical matter. It may, however, be interesting to the reader to learn at least the names of the disputants on either side. On the *pontifical side* several of these writers have been quoted in the text, such as *Berthold* of Constance, *Bruno* of Merseburg, *Hugo* of Flavigny, and *Bonizo* of Sutri; others, as *Anselm* of Lucca

and *Placidus* of Nonantula, have not come under our view. On the *Henrician* or *imperial side*, *Siegebert* of Gemblours has been mentioned; but the purely controversial treatises of *Waltram* of Naumburg, of *Guenrich* or *Henrich* of Treves, *Theoderick* of Verdun, and *Guido* of Osnabrück, however useful to throw light upon the opinions and feelings of their party, contain too little of purely historical interest to find a place in the text or at the foot of these pages. The most distinguished of these writers are, on the papal side, *Placidus* of Nonantula, and, on the imperial, *Waltram* of Naumburg. The work of the former is inserted in *Pez*, *Thesaurus novissimus Anecdotorum*, tom. ii. pt. ii. p. xxiii.; the latter in *Freher's* *Rr. Germ. Scriptores*, tom. i. pp. 244-326. These writings, as well as those of *Guenrich*, *Theoderick*, and *Guido*, are almost forgotten, and are rarely quoted by historians. But they contain some remarkable instances of those bright gleams of light which occasionally broke upon the minds of reflecting men even in that age of spiritual darkness and self-delusion.

view to ascertain the true character of that document, and the altered posture—if altered it was—in which it placed the pretensions of the holy see in its relation to the secular state.

The most important in all respects is that which relates to the adopted definition of *simony*. In its primitive meaning the word implies a corrupt dealing with the gifts of the Holy Ghost. But in the papal intendment no distinction was allowed between the temporal possession and the spiritual faculties of the church; both were regarded as essential parts of one indivisible entirety; so that it was as impossible to attribute visible existence to the disembodied spirit as to the church denuded of its temporalities: therefore, if it be simony to buy or sell spiritual office, it is equally simony so to treat that which sustains its visible existence and external power of action.<sup>k</sup>

Again, the document before us stipulates for the *freedom of election*. This point also is capable of elucidation from the pontifical theory of the derivative powers of the church. The pope is, as we have seen, the original source or fountain-head of all ecclesiastical authority: he alone can impart a perfect title to spiritual office *in its integrity*; he alone can bring the spiritual and invisible function into visible conjunction. The “freedom of election,” therefore, meant no more than the *permissive* exercise of a delegated power, revocable by the giver, and entitling him to exercise a discretionary right to interfere, when he might think it expedient, in the distribution of the endowments forming an essential ingredient in the ecclesiastical corporeity claimed.<sup>l</sup> This freedom of election amounted at the utmost to a simple initiative; and the stipulation to that effect in the treaty of Worms was not intended to give to the capitular bodies any absolute *right* as against the pontifical prerogative.

<sup>k</sup> *Placidus* of Nonantula labours this point with great zeal and industry.

<sup>l</sup> Conf. Book X. c. vi. p. 303. See also the “*Dictatus Papæ*” in *Regist.*

*Greg. VII. lib. ii.*, inserted between the 54th and 55th epistle. See the long note of *Philip Jaffé* in his *Regist. Pontif. Roman.* pp. 403, 404.

A third point in the antecedent position of the papacy is to be found in the Gregorian principles <sup>as to the pretended supremacy of the pontifical power.</sup> that, for all spiritual purposes, worldly princes are the subjects and ministers of God's representative upon earth,<sup>m</sup> and that, by virtue of the moral censorship vested in him, every movement of the secular body was liable to his correction and censure.<sup>n</sup> It is incontrovertible that these pretensions, as far as they had found admission into the public mind, must have defied the ingenuity of adverse disputants; it must have baffled their utmost sagacity to discern any visible limit to the omnipotence of the pontificate. The key to the great mystification was not forthcoming. To the laity the theory was utterly unknown; the pontifical teachers were contented for the present to let it lie perdu in the inextricable labyrinth of decretal law. The concordat of Worms touched not upon it in the remotest sense; the question as between the church and the state remained *in statu quo*; and while the former contended for the merging of the temporal in the spiritual power, the latter was reduced to an irregular and desultory resistance, which in the end decided nothing one way or the other.

These observations, we think, afford some explanation <sup>General ambiguities.</sup> of the ambiguity and uncertainty which appear so conspicuously in the concordat of Worms. A whispered sneer, a disguised falsehood, an offensive subterfuge, seems to lurk in almost every line: the emperor abandons investitures, but takes them back in the next sentence; it is the same thing in a scarcely varied form: he renounces the right to interfere in the election of bishops and abbots; but if he objects to the person, he has only to absent himself, and the election falls to the ground; he *must* be present—but to what purpose? Was it merely to preserve decency and regularity; or was he to possess a veto? If the former, his office was that of chief constable only; his presence was a burden, not a privilege; if the latter, what became of the “freedom of elec-

<sup>m</sup> Conf. Book X. c. vi. p. 304 of this work.

<sup>n</sup> This point is extremely well treated by *Waltram* of Naumburg.

tion"? A veto, with the power of withholding investiture, *must* fix the election on the favoured candidate; here, therefore, the deprecated severance of the body and soul in the church is—to say the least of it—hypocritically connived at. Again; disputes in the church were to be decided by the emperor, “by the advice” of the bishops of the province: but in time of peace what vassal bishop would venture to contradict or appeal? In disturbed periods, no legal decision could be obtained; no title could be good; no bishop or abbot lawfully seated. When canon or decretal law should be brought to bear upon this clause of the treaty, it must fly off in smoke; for the single reason that all the *majores causæ*—episcopal suits and disputes—are by that law irrevocably reserved to the decision of the pope. The convention appears, in fact, to have carefully provided for a future collision between the two powers upon almost all these grounds.

Again; the material question, whether the consecration was to precede or to follow the investiture, is left in obscurity. It seems to have been left <sup>Open question</sup> as to whether <sup>consecration</sup> was to precede or follow <sup>investiture.</sup> open, whether the induction and livery were or were not to be conditions precedent to institution and consecration. In reading the treaty it is difficult to determine whether archbishop or pope might not perform the latter ceremonies without waiting for investiture. If this was meant, a schism was inevitable; if otherwise, no one could be elected without having beforehand made sure of the grant of the temporalities by the usual means and methods; court-favour, to wit, solicitation, influence—money; that is, by direct or constructive simony. In this view the pretended “freedom of election” appears as a simple provision for future disputes. If an absolute veto was contemplated, it mattered little whether the livery was to precede or to follow the consecration; for in neither case could an obnoxious candidate become a member of the visible church, whatever might be his position in the invisible.

The truth comes out—the convention of Worms was not meant to be other than a temporary expedient to

The convention a temporary compromise. gain a breathing-time for a generation weary of a state of civil and religious discord of half a century's duration. This temporary character is as strongly marked in what it omits as in what it specifies. Not a syllable is breathed touching the political relation of the pope, the patrimony, or the republic of Rome, to the empire,—not a word is bestowed upon the claim of the holy see under the *donation of Mathilda*. Was the city of Rome still to be regarded as the seat and capital of the empire? That it was so regarded by the sovereign and people of Germany is unquestionable. Yet the saving-clause in the election law of Nicolas II. has no place in this solemn settlement of the affairs of church and empire. The real value of the document is in a great degree revealed by the form it assumed: it appears as a simply and exclusively *personal* compact between pope Calixtus and Henry of Germany: “We Calixtus grant to you Henry,” &c.; “We Henry remit to you Calixtus,” &c., without mention of *heirs or successors* on either side. Neither party was therefore bound by it beyond the term of his natural life. Nor was it long before a voice from Rome audibly intimated that the convention of Worms was accorded to Henry V. *personally* and *for the sake of peace*, but not to his successors.° The pope had, indeed, accorded a momentary advantage to the emperor, but in terms so indefinite as to bind neither party beyond the expediency which dictated the treaty. The world, however, was made to believe that the long and calamitous quarrel between church and empire was at length brought to a close; and the world was too sensible of the present blessing to look too curiously for future causes of uneasiness in the document which brought with it so great a present relief.

° *Otto Freysing. ap. Luden, ix. note 27, p. 662.*

# CHRONOLOGICAL INDEX TO VOL. IV.

## BOOK IX.

### CHAPTER I.

#### THE EMPEROR ST. HENRY (II.).

DATE		PAGE
	<i>Relation of the church to the state at the end of the tenth century</i>	2
	Their mutual dependence	3
	Mutuality of advantage or prerogative	3
	Grants of the crown royal	3
1000.	Case of Bolislas of Poland and Stephen of Hungary	3
999.	Gerbert pope (Sylvester II.)	4
	His state of dependence on the empire	4
	Ineffectual defence of ecclesiastical liberty	4
	St. Basolus (synod of)	5
1002-}	Henry II. emperor	5
1013. }	Character and disposition of Henry II.—his sanctity	6
	His promotions and appointments	7
	Grounds and nature of his promotions and appointments	7
	Relation of churchmen to the state in the reign of Henry II.	8
	Secularisation of the clergy	9
1005.	Reforms of Henry II.—Synod of Dortmund	9
	Henry II. against clerical license and uncanonical marriages	10
	Failure of his project of matrimonial reform	10
1006.	He assembles a diet and synod at Frankfort-on-the-Mayne	11
	Devotes himself to celibacy notwithstanding his marriage	11
	Italy—Relation of the sovereigns to the people of Italy	11
1002.	Their self-emancipation	12
	Election of Ardoin of Ivrea as king of Italy	13
1003, }	Rome—Crescentius the younger (Cenci) and the Tusculan faction	13
1004. }	John XVII. and John XVIII. popes	13
	Sergius IV. pope	13
1009.	Benedict VIII. pope; is expelled, and retires to the court of Henry II.	14
1004.	Lombardy—Expedition of Henry II.—his coronation as king of Italy	14
	Expulsion of Ardoin	14
	Destruction of Pavia	15
	Retreat of Henry II. from Italy	16
1014.	He recovers the crown of Italy	16
	He deposes the archbishop of Ravenna, and	16

DATE		PAGE
Feb. }	Is crowned emperor at Rome by Benedict VIII.	17
1014. }	Ceremony of the coronation :	
	His coronation oath or vow . . . . .	17
	Observations on the imperial coronations . . . . .	18
	Roman view of the right to the imperial crown . . . . .	19
	Claim of the German princes . . . . .	19
	Right of the German princes, how far admitted in practice . . . . .	20
	German view of the right of their kings to the imperial crown . . . . .	21
	Henry II. at Rome . . . . .	21
	His ecclesiastical reforms . . . . .	21
	Success of his reforms . . . . .	22
	His retreat into Germany, and abeyance of the sove- reign power in Italy . . . . .	22
	Anticipations . . . . .	23
1007.	Henry II. founds the bishopric of Bamberg . . . . .	24
	His difficulties and self-humiliation—Opposition and success . . . . .	25
1020.	Endowment and consecration of the new see by pope Benedict VIII. . . . .	26
	Observations on the spurious Pactum or Charter of Henry II. . . . .	27
	Its probable intent . . . . .	28
	Dangers of Italy and Rome . . . . .	28
	Greeks and Saracens—Battle of Cannæ . . . . .	28
1021- }	Henry II. in Italy—his expedition against the Greeks and	
1024. }	Saracens . . . . .	29
	Siege of Troja . . . . .	29
	Deliverance of Italy, and death of Henry II. . . . .	29

---

## CHAPTER II.

### CONRAD II. EMPEROR—IMPERIAL SUPREMACY IN ITALY.

	Papal history, its diversified and intricate nature . . . . .	31
	Anarchical state of Italy—Encroachments upon the powers and domains of the crown . . . . .	32
	Disposition of the Italians towards their German invaders . . . . .	33
	Germans regard the crown of Italy as a dependency of the empire . . . . .	34
	Mutual hatred and distrust . . . . .	34
	Italians and Germans—Causes of their mutual animosity . . . . .	35
	Germany—how affected by the Italian connection . . . . .	36
	Rome the capital of the empire . . . . .	37
1024- }	Period from A.D. 1024 to A.D. 1046 . . . . .	37
1046. }	Election of Conrad duke of Franconia king of Germany . . . . .	38
	Insurrection of the citizens of Pavia . . . . .	38
	Causes and character of Italian insurrections . . . . .	38
1026.	Invasion and coronation of Conrad II. king of Italy . . . . .	38
	Conrad II. crowned emperor by pope John XIX. . . . .	39
	Insurrection at Ravenna and Rome against the Germans . . . . .	39
	Conrad in the south of Italy—humbles the Lombard princes and establishes the Normans . . . . .	39

DATE		PAGE
	He grants ecclesiastical precedence to Heribert archbishop of Milan to the prejudice of the see of Ravenna . . . . .	40
	Holds a great synod—its character—imperial participation in the pontifical powers . . . . .	41
	He annexes the bishopric of Lodi to the see of Milan . . . . .	41
	Resistance and submission of the Lodese . . . . .	42
	Feud between Ravenna and Milan . . . . .	42
	Cupidity and tyranny of Heribert of Milan . . . . .	42
	Feudal compact—its obscure growth—how fiefs become hereditary . . . . .	43
	The Feudum or proper fief—its original character and quality . . . . .	44
	By what steps it became hereditary . . . . .	45
	State of the vavasors or rear-vassals of Lombardy . . . . .	45
	Insurrection of the vavasors of the see of Milan . . . . .	46
	Rebellion of the Lodese and battle of the Campo Malo . . . . .	46
1037.	Conrad II. interferes for the pacification of Lombardy . . . . .	46
	Feudal parties and pretensions in Italy—Mutual jealousies of tenants in capite and rear-vassals—The urban nobility . . . . .	47
	Diet of Pavia—Antecedent fears of Heribert—Jealousy of the Milanese . . . . .	48
	Law of Conrad II. for regulating the relation between the superior and his under-tenants—the <i>so-called Salic law</i> . . . . .	49
	Object of the statute—to settle possession—all fiefs shall descend to the heirs male of the person last seised . . . . .	50
	Rigorous administration of justice by Conrad II. . . . .	51
	Impachment and arrest of archbishop Heribert . . . . .	51
	Germanic law applicable to the secular offences of the clergy . . . . .	51
	Conrad treats the archbishop as a secular delinquent . . . . .	51
	German and canon law contrasted . . . . .	52
	Carolingian law for the trial of bishops . . . . .	53
	Illegal commitment and escape of the archbishop . . . . .	53
1038.	Campaign of Conrad II. in Southern Italy . . . . .	54
	Deposition of Heribert by pope Benedict IX.—Punishment of the southern rebels . . . . .	54
1038.	Great pestilence in the army of Conrad—his retreat and death . . . . .	55
1040.	Henry III. (the Black) king—Heribert tenders his submission . . . . .	55
1045.	Faction in Italy—Resignation and death of Heribert of Milan . . . . .	56
	Exhaustion and pacification of Lombardy . . . . .	57
	Henry III. imposes an archbishop on the Milanese—their submission . . . . .	57
	Guido archbishop—his singular election . . . . .	57

CHAPTER III.

HENRY III. EMPEROR—ECCLESIASTICAL REFORMS CONTEMPLATED.

1040-)	Period of Henry III.—its character and importance . . . . .	59
1056.)	Revival of the powers of Latinism . . . . .	59
	Moral state of the clergy—Corruption—Simony—John XIX. —Benedict IX. (the boy-pontiff) . . . . .	60

DATE		PAGE
	Profligacy of the Latin clergy—their character by Desiderius abbot of Monte-Cassino . . . . .	61
1033- }	Character of Benedict IX. . . . .	62
1044. }	of Sylvester III. . . . .	62
1044.	of Gregory VI. . . . .	62
	State of Rome under Gregory VI.—the papacy bought and sold	63
	Anarchy and confusion in Rome and Italy . . . . .	64
	Origin of reform . . . . .	64
	Reformers—their appeal to Henry III. . . . .	65
	They impeach Gregory VI. of simony . . . . .	65
	Causes, scope, and amplitude of the prevailing simoniacal pravity	66
	Vices of the clergy—Secularisation of the higher orders of clergy, and its effects . . . . .	66
	Sale of ecclesiastical orders and patronage . . . . .	66
	Practice of Conrad II. . . . .	67
	Sale of benefices in Germany—Electoral usage . . . . .	67
	Investiture by delivery of the ring and staff . . . . .	68
	Twofold character of the clergy after investiture —	
	Dilemma . . . . .	68
	Canonical import of the delivery of ring and crozier . . . . .	68
	Superior clergy barter away orders and preferments . . . . .	69
	A scale of prices established at Milan . . . . .	69
	Fatal consequences of the prevailing corruptions in the church . . . . .	70
1046.	Mission of the Roman reformers—Henry III. favours reform . . . . .	70
	Penitential synod of Henry III. . . . .	71
	His rebuke and vow against simony . . . . .	72
1046.	Expedition of Henry III. to Italy . . . . .	73
	His jealousy of Boniface markgrave of Tuscany . . . . .	73
	Synod of Pavia against simony . . . . .	74
	Gregory VI. summoned to attend a synod at Sutri . . . . .	75
	Synod of Sutri . . . . .	75
	Condemnation of popes Benedict IX. and Sylvester III. . . . .	75
	Gregory VI. impeached of simony . . . . .	75
	Proceedings against Gregory VI. . . . .	76
	Confession of Gregory VI. . . . .	76
	His self-deposition and abdication . . . . .	77
	Legal character of the proceedings against Gregory VI. . . . .	73
	Clergy and people of Rome resign the right of electing a pope to king Henry III. . . . .	80
1046, } Dec. } 25th. }	He seats Sudger bishop of Bamberg (Clement II.) upon the papal throne—Coronation of Henry III. . . . .	81
	<i>Peter Damiani</i> —Solicited to coöperate for the reform of the church	81
	His complaint . . . . .	82
	Reformers and reforms—Distinction between the <i>disciplinarian</i> and the <i>political</i> reformers . . . . .	82
	Henry III. convokes a synod at Rome for reform—First enactment against simony . . . . .	82
	Dissatisfaction of the <i>political</i> -reform party . . . . .	83
	They accuse the emperor of tyranny—the Patriciate . . . . .	83
	Bonizo of Sutri on the Patriciate . . . . .	84
	Jealousy of the political reformers . . . . .	85

CHAPTER IV.

HENRY III. EMPEROR—EARLIER REFORM MOVEMENTS.

DATE		PAGE
	Rise of <i>Hildebrand</i> of Saona—Censures the deposition of Gregory VI. . . . .	86
1047.	Deaths of Clement II. and Gregory VI. . . . .	87
	Henry III. appoints Poppo bishop of Brixen to the papacy . . . . .	87
	But refers to Wazo bishop of Liège as to the legality, &c. . . . .	87
	Wazo's opinion—he reprobates the appointment . . . . .	88
	Poppo pope, by the name of Damasus II.—his death . . . . .	89
	Alarm of the German prelacy . . . . .	89
	Henry III. appoints Bruno bishop of Toul to the vacant papacy . . . . .	89
	Designation of Bruno—his hesitation . . . . .	90
	His journey to Rome, and election there by the name of Leo IX. . . . .	90
	Several accounts of this transaction . . . . .	91
	Design of the fictitious narrative of the Hildebrandine party . . . . .	91
	Hildebrand and the decretalists repudiate lay intervention in spiritual appointments . . . . .	92
	Advancement of Hildebrand . . . . .	92
	Views and projects of the political reformers . . . . .	93
	Their definition of <i>simony</i> . . . . .	93
	Advantage of the political scheme of reform . . . . .	94
1049.	Synod at Rome—indiscreet zeal of the decretalists against orders conferred by simoniacal bishops . . . . .	94
	Alarm of the priesthood—Hildebrand yields . . . . .	95
	Proceedings of the synod against simoniacal bishops and clergy . . . . .	96
	Failure of the Hildebrandine scheme of reform in Rome . . . . .	97
	Hildebrand looks abroad for proselytes . . . . .	97
	Hildebrand and pope Leo IX. in France . . . . .	98
1049.	Great synod of Rheims—Opposition of the king and clergy of France . . . . .	99
	Reforms proposed at the synod—Detection and punishment of simony and other abuses . . . . .	100
	Deposition of bishops for simony . . . . .	101
	Leo IX. excommunicates the French prelates for contumacious non-attendance upon the council . . . . .	101
	Rationale of this proceeding . . . . .	102
	Celibacy of the clergy not mooted at this council . . . . .	103
1049.	Synod of Maintz—Sacerdotal marriage condemned . . . . .	103
	Adalbert of Bremen against the marriage of priests—Other clerical reforms in Germany . . . . .	104
	Synod at Augsburg—Sinister dispositions of the Italian prelacy . . . . .	104
	Humphrey archbishop of Ravenna—his simulated submission . . . . .	105
	Struggle of the monastic party against simony and clerical marriage . . . . .	105
	Pope Leo IX. and the monks preach against simony, &c. . . . .	105
	The two great issues—Peter Damiani on canon and decretal law against the incontinence of the clergy . . . . .	106
	History of sacerdotal celibacy, its origin and progress . . . . .	106
	Opinions upon clerical matrimony . . . . .	107
	Progress of opinion on, &c. . . . .	107

DATE		PAGE
	Monastic view of the religious character of marriage . . . . .	108
	Inherent impurity of the connubium—how purified . . . . .	109
	Peter Damiani on celibacy . . . . .	109
	His complaint against the incontinent clergy . . . . .	110
	Damiani defends the orders conferred by simoniacal bishops . . . . .	111
	His policy—the “ <i>Epistola gratissima</i> ” . . . . .	111
1053.	Inveteracy of the Italian prelacy—Riotous synod of Mantua . . . . .	112
	Henry II. (St. Henry) on the question of clerical celibacy . . . . .	113
1053.	Unfortunate campaign of Leo. IX. against the Normans . . . . .	114
	His capture, and final settlement of the Normans in Italy as feudatories of the holy see . . . . .	115
	Release and death of Leo IX. . . . .	116

## CHAPTER V.

### INFLUENCE OF ROME IN THE NORTH—PASCHASIAN CONTROVERSY.

Circa	Influence of Rome among the northern nations—Conversions . . . . .	117
1000. }	Poles and Bohemians at the court of Rome . . . . .	118
1039.	Benedict IX. the arbiter between the Poles and Bohemians . . . . .	118
Circa	Benedict IX. in the cause of prince Casimir of Poland . . . . .	119
1041. }	Stipulations . . . . .	120
	Reverence of the Northern nations for Rome . . . . .	120
	<i>Digression :</i>	
	The doctrine of the Eucharist as held in the eleventh century—	
	Transubstantiation . . . . .	121
Circa	<i>Paschasius Radbertus</i> “ <i>De corpore et sanguine,</i> ” &c. . . . .	121
859. }	His doctrine—developed doctrine of transubstantiation . . . . .	122
Circa	<i>Johannes Scotus Erigena</i> on the Eucharist . . . . .	122
800. }	Doctrine of Scotus in the hands of Bertram or Ratram . . . . .	123
	Points of difference between Paschasius and Scotus . . . . .	123
1049. }	Paschasian opinion encountered by <i>Berengarius</i> of Tours . . . . .	123
1050. }	Leo IX. in the Berengarian controversy . . . . .	124
	His alleged condemnation of Berengar . . . . .	124
1050.	Synod of Briene against Berengar—Alleged retraction . . . . .	124
	Berengar cited before Leo IX. at Vercelli . . . . .	124
	Alleged condemnation of Berengar and Scotus . . . . .	125
	Lanfranc against Berengar . . . . .	125
1050.	Synod of Paris, and condemnation of Berengar—Decree . . . . .	126
	Alarm of the decretalists . . . . .	127
	Lull of controversy and revival . . . . .	127
1054.	Synod of Tours—Indifference of the papal legates . . . . .	128
	Alleged retraction of Berengar—Probable compromise . . . . .	128
1059.	Berengar at Rome—His concessions, their value . . . . .	129
	Hearing and disposition of the Roman divines . . . . .	130
	Confession of Berengar—Decree of pope Nicolas II. . . . .	131
1066.	Revival of the controversy by Lanfranc—his vehemence . . . . .	131
	Reply of Berengar and rejoinder of Lanfranc . . . . .	132
	Real intent of the supporters of the corporeal presence . . . . .	132
1075.	Synod of Poitiers against Berengar . . . . .	133
1079.	Visit of Berengar to Rome . . . . .	134
	Easy position of Berengar at Rome . . . . .	134
	Investigation of the Berengarian doctrine, and compromise . . . . .	135
	Imperfect success of the Paschasians . . . . .	136
	Regard of Gregory VII. for Berengar, and result of the controversy . . . . .	137

BOOK X.

CHAPTER I.

HILDEBRANDINE REFORM.

DATE		PAGE
	Connection of church and state at the beginning of the eleventh century . . . . .	139
	Evils of the church and their remedies . . . . .	140
	Reformers and reforms . . . . .	141
	Motives of the reformers . . . . .	141
	Disciplinarian and political reformers . . . . .	142
	Special intent of the political reformers . . . . .	142
	Scheme of Hildebrandine reform . . . . .	143
	Theory of the disciplinarian reformers . . . . .	143
	Application of the theories of Hildebrand and Damiani . . . . .	144
1055.	Victor II. pope. Discrepant accounts of his election—Bonizo—Leo of Ostia . . . . .	145
	Benzo's account—Hermann the cripple . . . . .	146
	Hildebrand declines the papacy—his probable motive . . . . .	147
	Conjectural character of Victor's election . . . . .	148
1053.	Death of markgrave Boniface of Tuscany . . . . .	148
	Godfrey duke of Lorraine marries Beatrix, widow of Boniface . . . . .	149
	Jealousy of the emperor Henry III. . . . .	149
	Frederick, brother of Godfrey, a cardinal—an enemy of the temporal prerogative . . . . .	150
1055.	Henry III. against Godfrey of Lorraine and Beatrix of Tuscany . . . . .	151
	Henry III. detains Beatrix . . . . .	151
	Defence of Beatrix . . . . .	151
	Vigorous policy of the emperor Henry III. in Italy . . . . .	152
	Abduction of Beatrix and her daughter Mathilda . . . . .	153
1056.	Death of Henry III. . . . .	153
	Development of the views of the ultra-sacerdotal party . . . . .	154
	Their definition of simony . . . . .	154
	The empress Agnes, guardian of the infant king of Germany, Henry IV. . . . .	155
1056.	Death of Victor II. . . . .	155
	Election of Frederick of Lorraine by the title of Stephen IX. . . . .	156
	Success of the ultra-reformers—Hildebrand in Germany . . . . .	157
	Advantages of Hildebrand—how improved. . . . .	157
	His success . . . . .	151
1059.	Activity and decease of pope Stephen IX. . . . .	158
	The rival popes Benedict X. and Nicolas II. . . . .	158
	Nicolas II.—his election . . . . .	159
	He deposes his rival Benedict X. . . . .	160
1059, } April. }	Nicolas II. convokes a great synod at Rome . . . . .	160
	Election—Decretal of Nicolas II. . . . .	161
	The saving-clause . . . . .	161
	Provision for extraneous election . . . . .	162
	Decree of anathema . . . . .	162
	Explanation of the election decree . . . . .	163
	Probable drift or intent of the decree, and how it affected the imperial prerogative of participation . . . . .	164
	Canon against simonians and lay investiture . . . . .	165

DATE	PAGE
Decree against clerical marriage . . . . .	166
Policy of the priesthood regarding marriage generally .	166
Decree concerning lay marriage . . . . .	167
Progress of the Normans in Southern Italy . . . . .	168
Normans feudatories of the Holy See—Pontifical fiefdoms	169
Its consequences . . . . .	169
Legal character of the investiture . . . . .	170
Legal effect of the conveyance—An absolute investiture	171
It incurs a forfeiture of the estate—False warranty	172

## CHAPTER II.

## HILDEBRAND AND DAMIANI.

1059. Disposition of the Lombard clergy, particularly of the Milanese, regarding the decrees of 1059 . . . . .	174
Organised sale of spiritual offices and preferments . . . . .	175
First movements against the married clergy at Milan . . . . .	175
Anselm, Ariald, and Landulph—Homily of Landulph . . . . .	176
Sedition at Milan—rebuked by the archbishop . . . . .	177
Riots at Milan and synodal citation of the rioters . . . . .	178
Censure of the insurgents at Fontanetum . . . . .	179
Opinion of the Milanese against Roman pretension . . . . .	179
The Paterini in Lombardy—their origin and character . . . . .	180
Commission of Nicolas II. against simony and clerical matrimony . . . . .	181
Hildebrand in France—Damiani in Lombardy . . . . .	181
Indignation of the Milanese—Bold harangue of Damiani . . . . .	182
His declaration of papal omnipotence . . . . .	183
Affirms Rome to be the spiritual mother of the church of Milan . . . . .	183
His victory and discreet management . . . . .	184
Is satisfied with a simple renunciation of simony and clerical marriage . . . . .	185
His reforms adopted . . . . .	185
Aversion of the clergy and people of Lombardy against the canons of the Lateran of 1059 . . . . .	186
Labours of the commissioners in France and Germany . . . . .	186
Clerical celibacy in France—The legate Stephen . . . . .	187
Anarchical state of Rome—Nicolas II. and the factions . . . . .	188
Objections of the Germans to the election-law of Nicolas II. . . . .	189
Imperialist movement in Rome and Lombardy . . . . .	190
1061. Election of Alexander II. . . . .	191
His installation . . . . .	192
Imperial nomination—Cadalo of Parma (Honorius II.) pope . . . . .	192
Interview of Benzo of Albi with Alexander II. . . . .	192
1062. Honorius II. declared pope by the Romans . . . . .	193
Honorius arrives at Rome—Conflict with Alexander . . . . .	194
Intervention of Godfrey of Tuscany—Compromise . . . . .	195
Damiani on the compromise . . . . .	196
Secret history of the compromise . . . . .	196
1056 } Position of the Regent Agnes in Germany . . . . .	197
to } Perplexity of the Regent and her government . . . . .	197
1062. } Conspiracy for the abduction of Henry IV. . . . .	198
Its success . . . . .	199

DATE		PAGE
1062.	Henry IV. in the custody of Hanno archbishop of Cologne	199
	Effect of the abduction on the mind of the young king	200
	Consequences of the abduction—Adalbert of Bremen tutor	200
	Adalbert's injudicious indulgence of the young king	200
	His misgovernment and corruption	201
	Godfrey of Lorraine and Hildebrand—how Hildebrand won his game	201
	Godfrey inducts Alexander II.	201
	The "Disceptatio" of Damiani	202
	Object of the work—A declaration of the papal prerogative	203
	Denies the right of princes to interfere in the election of a pope—Affirms the "donation of Constantine"	203
	As to the "patriciate"—It is intended solely for the benefit of the church—Is subject to the commands of the church	204
	The utility of the church controls all law, human and divine	205
	Invective of Damiani	205
	Censure of the "Disceptatio"—"The papacy has no law"	206
	Epistle of Damiani to Henry IV.—its insolent character	207
	Opinions of Damiani upon the papal prerogative—not absolute—his suggestions to be taken as limited	208

CHAPTER III.

DEVELOPMENT OF THE HILDEBRANDINE SCHEME.

	The Court of Germany supports pope Honorius	209
	Civil war in Rome—Anselm (Alexander II.) and Cadalous (Honorius II.)	210
	Honorius expelled	211
1064.	Compromise of archbishop Hanno	212
1066.	Hanno at Rome	212
	He acknowledges Alexander II. as pope	213
1067.	Synod of Mantua, and installation of Alexander II.	213
	Death of Honorius II.	214
	Godfrey of Tuscany expels his late allies the Normans from Rome	214
	He restores Alexander II.	214
	Hildebrand and Damiani—their divergent views	215
1056.	Council against the "Incestuous"—Canonical principle—Canonical computation of consanguinity	216
	Unsuccessful prohibitions to marry within the prohibited degrees	217
	Lamentation of Damiani—his opinions on marriage	218
	Monastic idea of marriage	219
	How strengthened and perpetuated	220
	Motive of Hildebrand for restricting the liberty of marriage	221
1059	Fate of Damiani's compromise at Milan—it is repudiated	222
to		223
1065.)	Military commission from the pope to Herlimbald of Milan	223
	Character of the commission and riots at Milan	224
	Civil war, and murder of Ariald—Papal commission—Ordinance of pacification	225
	Qualifying clause in the ordinance—its effect	226
	Ordinance leaves matters in the same state	227
	Herlimbald urges the deposition of archbishop Guido	227

DATE		PAGE
	Resignation of Guido and appointment of Godfrey as archbishop of Milan . . . . .	228
	Rejection of Godfrey by Herlimbald and the papal party . . . . .	228
	Civil war in the Milanese . . . . .	229
	Jealousy of the Milanese for the independence of their church . . . . .	229
	Election of Atto as archbishop of Milan . . . . .	230
	Schism among the reformers—Discussion . . . . .	230
	Conference and argument of the wived clergy . . . . .	231
	Argument of the reformers . . . . .	232
	Basis of the argument on both sides . . . . .	233
	Decretal doctrine as worked out by Damiani . . . . .	233
	Defect in the argument of the wived clergy . . . . .	234
	Deposition of Godfrey and confirmation of Atto . . . . .	234
1063.	Abbot Gualbert and the Florentine agitators . . . . .	235
	Insurrection against Bishop Peter of Florence . . . . .	236
	Remonstrance of Damiani . . . . .	236
	Violence of Bishop Peter of Florence . . . . .	237
	Ordeal and triumph of the agitators . . . . .	237
	Reversal of the "judgment of God" by the pope . . . . .	238
	Contrasted <i>modus operandi</i> of Hildebrand and Damiani . . . . .	239
	Decrees of the synod of 1063 against clerical matrimony and lay marriage within the prohibited degrees . . . . .	240
	Character of the Hildebrandine scheme—Distinguished from that of Damiani . . . . .	241
	Controversy of simony—What is simony? . . . . .	242
	Damiani on the purchase of the temporalities . . . . .	243
	His pedigree of church property . . . . .	243
	Amalgamation of the spiritual and temporal status of the clergy . . . . .	244
	Advantage of the theory of Damiani to the scheme of Hildebrand . . . . .	245

---

## CHAPTER IV.

### HENRY IV. AND GREGORY VII.

	Merits of Hildebrand . . . . .	247
1073.	Hildebrand pope—His irregular election . . . . .	248
	Gregory VII.—His humility . . . . .	249
	History of his confirmation in the papacy by Henry IV. . . . .	250
	German account—Italian account; its improbability . . . . .	250
	Alarms created by his elevation . . . . .	251
	Career of Gregory VII.—Preliminary inquiries . . . . .	252
	Youth and education of Henry IV.—Corrupt administration . . . . .	253
	Simony and oppression in Germany . . . . .	254
	Hostility of the Saxon princes—Conspiracies . . . . .	254
1066.	Adalbert of Bremen—his disgrace . . . . .	255
	Treasonable diet of Tribur, and captivity of the king . . . . .	256
	Henry's marriage—His dislike of his wife and contemplated divorce . . . . .	257
1069.	Divorce cause of Henry IV.—he is betrayed by the archbishop of Mainz . . . . .	257
	Commission of Damiani against the divorce—his speech . . . . .	257
	Its success—Henry abandons the cause . . . . .	258

DATE		PAGE
	Henry recalls Adalbert of Bremen—who stimulates his hatred for the Saxons—Persecution of the Saxons	258
1070.	Illegal proceedings against, and conviction of Otto of Nordheim	259
	Civil war—Defeat and captivity of the Saxon princes	260
1073.	Alarm of the princes of the empire	260
	Rebellion of Rodolf of Swabia and Berthold of Carinthia	261
	Henry's scheme for the subjugation of the Saxons	261
	Affair of the Thuringian tithes	262
	State of Henry's affairs in Germany—their threatening aspect	263
	Henry IV. and Gregory VII.—Their antagonism	264
	Education and character of Henry IV.—his disadvantages	264
	Accusations of his enemies	265
	Intent and policy of slander	266

CHAPTER V.

NATURE AND INCIDENTS OF CHURCH-ESTATE.

Necessity of the inquiry into the nature and incidents of church-estate	267
Church-estate is of <i>three</i> kinds: 1. <i>Tithes</i> ; 2. <i>Freeholds in perpetuity</i> ; and 3. <i>Lay estate</i> or fiefs.	268
1. <i>Tithes</i> —to whom payable	268
Their diversion by bishops and laity, &c.	269
Attempts at restitution	270
2. <i>Freeholds in perpetuity</i> —Franclomoigne (?) their extent	270
Tenure of church-lands under the Carolingian princes	271
Accumulation of church-estate under the Saxon emperors	272
Resulting relations between the ecclesiastical proprietary and the crown	273
Wealth of the clergy—strengthens the government	274
3. <i>Lay estate or fief</i> —Feudal grants to spiritual persons, &c.	274
Resulting alliance between church and state—Delegation of the powers of the secular state to the clergy	275
Effect of the dissolution of the connection upon state and government	276
Resulting right of the crown to appoint to the greater ecclesiastical dignities and benefices	277
Origin of doubt of the lawfulness of imperial appointments	278
Mode and incidents of election to the greater benefices in Germany— <i>The ring and staff</i>	279
Direct nomination of the crown—Nature of "Elections"	279
Clerical holders liable to the temporal judicature	280
Prevalence of simony in Germany	281
The pope (Gregory VII.) discovers that <i>Lay investiture</i> is simony	281

CHAPTER VI.

THE SCHEME OF POPE GREGORY VII.

Dispositions of pope Gregory VII.	283
-----------------------------------	-----

DATE		PAGE
	State of the European world—Northern and Mid European nations . . . . .	284
1073.	Gregory claims Spain as an ancient dependency of the holy see—	
	His scheme for reducing Spain under his dominion . . . . .	285
	His letter against Henry IV.—he denounces the king . . . . .	286
	Demands unconditional obedience from Henry . . . . .	287
	His letters to the countesses Beatrix and Mathilda of Tuscany . . . . .	288
	Plans of Gregory VII. in Italy and Germany . . . . .	288
	His denunciation of archbishop Godfrey—its grounds . . . . .	289
	Progress of his policy in Italy . . . . .	290
	in Germany . . . . .	290
	Rebellion in Germany—Message of the rebels to Honorius IV. . . . .	291
	Henry IV. defies the rebels—Progress of the insurrection . . . . .	292
	Proceedings of the rebels—Negotiation—Guileful designs of the king's enemies—Challenge of Reginger . . . . .	293
	Assembling and dispersion of the convention at Maintz against Henry . . . . .	294
1074.	Treaty or convention of Gerstungen—its terms . . . . .	295
	Infraction of the treaty by the Saxons . . . . .	296
	Henry appeals to the pope . . . . .	296
	Commission of pacification proposed by Gregory VII. . . . .	297
	Terms of the treaty as proposed by Gregory . . . . .	298
	Advantageous treaty of Gregory VII. with the Normans . . . . .	298
	Attachment of Beatrix and Mathilda to Gregory VII. . . . .	298
	The countess Mathilda—her character and pursuits . . . . .	299
	Boundless influence of Gregory over the mind of Mathilda . . . . .	300
	Spiritual position of Gregory at the outset of his pontificate . . . . .	301
	His principles of government . . . . .	302
	General scheme of Gregory VII.—its drift and purport . . . . .	303
	1. Improvement of discipline, &c. . . . .	304
	2. The subjugation of the temporal powers } . . . . .	304
	1. Introduction of the legatine power . . . . .	305
	Itinerant legates . . . . .	305
	2. Universal moral and religious superintendence asserted . . . . .	305
	The pope and his commands to be judged of no man . . . . .	306
	Gregory's opinion of his own mission . . . . .	307
	His rebuke of Henry IV. . . . .	307
	And of Philip I. of France—Threatens him with anathema, &c. . . . .	308
	His glowing censures upon the king, the people, and church of France . . . . .	309
	He threatens Philip with deposition, and the realm with interdict . . . . .	310
	His doctrine of sacerdotal responsibility . . . . .	310
	His censorship of lay marriage . . . . .	311
	His proceeding against uncanonical marriages . . . . .	312
	He meddles with civil rights, &c. . . . .	312
	He asserts a " <i>regimen universale</i> " . . . . .	313
	Gregory on the illimitable powers of the holy see . . . . .	314
	On the "greater and the lesser light" . . . . .	315
	He assumes the right to prohibit national wars . . . . .	315
	And to dictate terms of peace . . . . .	316
	Questionable purity of Gregory's motives . . . . .	316
	His ambitious pretensions to temporal dominion . . . . .	317
	Pope Gregory's scheme of ecclesiastical government . . . . .	318
	His means for the accomplishment of this scheme . . . . .	319

DATE	PAGE
1. Annual synods . . . . .	320
2. Evocation of ecclesiastical causes to Rome . . . . .	321
3. Rigorous repression and punishment of ecclesiastical irregularities and clerical offences . . . . .	322
4. The universal introduction of the Roman ritual . . . . .	324
His zealous efforts for the general establishment of the Roman canon-law . . . . .	325
5. Protection and exemptions extended to the conventual bodies . . . . .	325
All monastic bodies taken under the special protection of the holy see . . . . .	326

## CHAPTER VII.

## PRELUDE TO THE CONTROVERSY OF INVESTITURES.

1074.	Ordinance of 1074 against clerical marriage . . . . .	328
	Progress of the Gregorian scheme of celibacy . . . . .	329
	Encyclical letters against married clergy . . . . .	330
	General position of pope Gregory VII. . . . .	331
	Resistance of the clergy to his reforms . . . . .	332
	Especially to the ordinances against marriage . . . . .	332
	In France and Spain—in England—in Hungary . . . . .	333
	Agitation in Germany—Reply of Gregory—his language and intent . . . . .	334
	Abortive attempts to introduce clerical celibacy by archbishop Siegfried . . . . .	335
	Persecution of the wived clergy in Germany . . . . .	336
1073.	Pope Gregory's precept for a diet of pacification . . . . .	337
	Preparatory monition to abstain from hostilities . . . . .	338
1074.	Formal submission of Henry IV. to the precept . . . . .	339
	The German churches decline the presidency of the legates . . . . .	340
	Ad-interim abandonment or adjournment of the diet, &c. . . . .	341
	Pope Gregory's pacific letter to the king . . . . .	341
	He casts the blame of the failure on archbishop Liemar . . . . .	342
	Henry IV. in favour with the pope . . . . .	342
	Investiture—Papal idea of investiture . . . . .	343
	Censure of Gregory VII. on lay investiture . . . . .	344
1075.	His decree against investiture . . . . .	345
	Canon against investiture . . . . .	346
	Execution of the decree deferred, &c. . . . .	347
	Battle of Hohenberg, and defeat of the Saxons . . . . .	348
	Repentance of the army, and decline of Henry's influence . . . . .	348
	The dukes refuse to serve against the Saxons . . . . .	349
	Motive of the refusal . . . . .	350
1075.	Submission of the Saxon princes . . . . .	350
	Ceremony of humiliation and submission . . . . .	351
	Treachery and cruelty imputed to Henry IV. . . . .	352
	Obscure negotiation and intrigues . . . . .	352
	Derangement of Gregory's plans . . . . .	353
	Complaint of Gregory to Henry IV.—rebukes his procrastinations . . . . .	354
	Audacity of Gregory—identifies himself with God . . . . .	355
	He takes the usurper Geisa of Hungary under his protection . . . . .	356
	Claims Hungary as a fief of the holy see . . . . .	356
	Affirms the universality of the papal government . . . . .	357

DATE		PAGE
	His futile distinction between the papal and secular government . . . . .	358
	Disregard of his claims . . . . .	359
1075.	Henry IV. nominates and invests bishops of Liége and Milan . . . . .	359
	Insurrection and death of Herlimbald at Milan . . . . .	360
	Triple schism in the church of Milan—Tedaldus archbishop . . . . .	360
	Henry appoints to the see of Bamberg . . . . .	361
	Simony of Hermann bishop of Bamberg—his deposition . . . . .	361
	Appointment of Ruprecht of Goslar by Henry IV. . . . .	361
	Gregory VII. cancels the appointment of Tedaldus and cites him to Rome . . . . .	362
	He prohibits the consecration of Tedaldus—he admonishes the bishops of Lombardy . . . . .	363
	Irremediable misunderstanding between the king and the pope . . . . .	363
	Henry's appointments in Germany and Italy—his mode of avoiding simony . . . . .	364
	Exasperation of pope Gregory—his letters of admonition to Henry . . . . .	365
	Temper of the parties to the incipient struggle—Discordant views . . . . .	366
	Gregory cites Henry to appear before him at Rome . . . . .	367
	His reasons for this step . . . . .	368
	Henry resolves to depose the pope . . . . .	369

---

## CHAPTER VIII.

### REBELLION.—HUMILIATION OF CANOSSA.

	Domestic difficulties of Gregory VII.—his reforms . . . . .	371
	Intrigues of Hugo Candidus and the Cenci . . . . .	371
1074.	His quarrel with the Normans—Demonstration and failure . . . . .	372
	Hostility and intrigues of the Cenci—Capture and deliverance of Gregory . . . . .	375
	Demeanour of Gregory after his victory . . . . .	376
	His heroism . . . . .	377
1076.	Diet of Worms for the deposition of Gregory VII. . . . .	378
	Emperor and bishops of Germany renounce obedience to Gregory . . . . .	378
	Articles of impeachment against Gregory . . . . .	379
	Character of the impeachment . . . . .	381
	Bishops of Germany excuse themselves to the pope . . . . .	381
	Synod of Pavia, and renunciation of Gregory by the Italian bishops . . . . .	382
	The king's message to the Romans . . . . .	382
	Vituperative letter of Henry to the pope . . . . .	383
	His insolent address and message to Gregory . . . . .	384
	Dignified demeanour of Gregory . . . . .	384
	Discussion and decree of anathema and deposition against Henry IV. . . . .	385
	Gregory curses the bishops and ministers of the king . . . . .	387
	He exhorts his subjects to renounce their allegiance . . . . .	388
	Remonstrance of the moderate papists—Gregory's reply . . . . .	389
	Power to sever the bonds of civil society . . . . .	390
	Gregory relies upon the false decretals and fabulous legends of the Roman church . . . . .	390
	Gregory on the power to anathematise and depose kings, &c. . . . .	391
	Temporal authority of the pope asserted by Gregory . . . . .	391

DATE		PAGE
	None shall absolve Henry IV. but the pope himself . . . . .	392
	Nor without his express warrant . . . . .	393
	If he continue impenitent, the estates of Germany com- manded to elect another king . . . . .	393
	But with the papal consent . . . . .	394
	Political theory of pope Gregory VII. . . . .	394
	Arbitrary proceedings of Henry IV.—he retorts the anathema upon Gregory . . . . .	395
	Civil discord in Germany and Italy—Henry's vindictive opera- tions against the Saxons . . . . .	396
	Growing disaffection of the estates of the empire . . . . .	397
1076.	Meeting at Oppenheim—Motives of the confederates . . . . .	398
	Insurrection in Saxony . . . . .	399
	Otto of Nordheim in the service of Henry—his reply to the address of his countrymen . . . . .	400
	Feudal oath of allegiance and the papal scheme . . . . .	401
	Treachery of Otto of Nordheim . . . . .	401
	Henry liberates his Saxon captives . . . . .	402
	He takes the field against the insurgents, and fails . . . . .	403
	Political effect of the papal ban in Germany . . . . .	403
	Convention of the rebel-states at Tribur—Purification . . . . .	404
	Articles of impeachment against Henry IV. . . . .	404
	Proposed deposition of Henry IV. . . . .	405
	Fruitless self-humiliation of Henry IV. . . . .	405
	The estates solemnly renounce their allegiance . . . . .	406
	Renewal of negotiations . . . . .	406
	Henry places himself in the hands of the pope . . . . .	407
	Policy of pope Gregory . . . . .	407
	Latent difficulties and scruples of the German prelates . . . . .	408
	Critical position of Henry—his policy . . . . .	409
	Message of the confederates to the pope . . . . .	410
	Evasive reply of Gregory . . . . .	410
1077.	Winter journey of Henry to Italy . . . . .	411
	His welcome by the Italians—Rage of the papist party . . . . .	412
	The pope and Henry IV. at Canossa—Preliminary absolutions . . . . .	413
	The pope's dereliction of the confederates—Change of policy —motive . . . . .	414
	Able diplomacy of Gregory . . . . .	415
	Pleading of the king's advocates—Terms of submission . . . . .	416
	Penance of Henry IV. at Canossa . . . . .	417
	Conditions of absolution . . . . .	418
	Act of absolution . . . . .	419
	Address of Gregory to the king . . . . .	419
	Henry declines the sacramental self-purgation . . . . .	421
	The pope dispenses with the purgation, and communicates, &c. . . . .	422

APPENDICES TO BOOK X.

Appendix No. I. to c. ii. p. 202.—Disceptatio, Synodalis, &c. . . . .	423
„ „ II. to c. iii. p. 221, note (t).—On the so-called <i>heresy of the Incestuous, &amp;c.</i> . . . . .	427
„ „ III. to c. iii. p. 231.—Disputation at Milan on <i>sacerdotal marriage</i> . . . . .	434
„ „ IV. to c. vi. p. 297.—Supposititious letter of Henry IV., &c. . . . .	439

## BOOK XI.

## CHAPTER I.

RUPTURE AND CONFLICT BETWEEN HENRY IV. AND GREGORY VII.		PAGE
DATE	The problem of the papacy . . . . .	443
	Pope Gregory's view of the relation of the church to the world . . . . .	444
	The church the visible Deity on earth . . . . .	445
	Italians complain of the capitulation of Canossa . . . . .	445
	Dilemma of Henry IV. . . . .	446
	Impolitic harshness of Gregory . . . . .	447
	Henry attempts to negotiate with the pope . . . . .	447
	Mutual schemings and suspicions . . . . .	448
	Alarm and gathering in Germany . . . . .	449
	Case of the confederates against Gregory . . . . .	449
	His explanations . . . . .	450
	Unsatisfactory to the confederates . . . . .	451
	Defection of Henry IV. . . . .	452
	His revived popularity in Italy . . . . .	453
1077.	Proposed convention of the rebel-states at Forchheim—Gregory's instructions to his legates . . . . .	454
	Confederates propose to dethrone Henry . . . . .	454
	Reply of the pope . . . . .	455
	Convention of Forchheim—Message of the pope—Reply of the states . . . . .	456
	They proceed to the election of a king . . . . .	456
	Election of Rodolf duke of Swabia as king of Germany . . . . .	457
	The act of election (Wahl-capitulation) of Rodolf . . . . .	458
	His unpopularity . . . . .	459
	Insurrection in favour of the married clergy . . . . .	459
	Ascendency of Gregory VII. in Rome . . . . .	460
	Henry puts the sincerity of Gregory to the test—his evasion . . . . .	461
1077.	Henry returns to Germany—his restoration . . . . .	462
	Defections from the Rodolfine party . . . . .	463
	Gregory interposes between the rival kings . . . . .	464
	His instructions to his legates . . . . .	465
	The pope the "natural judge" of delinquent princes . . . . .	466
	Groundlessness of Gregory's pretensions—Misstatements . . . . .	466
	King Rodolf's claims upon the pope—how treated by Gregory . . . . .	467
	Insidious proposal of the pope . . . . .	467
	Civil war in Germany . . . . .	468
	King Henry excommunicated and deposed by the papal legate . . . . .	468
	Ambiguous policy of the pope . . . . .	469
	Embarrassing position of Gregory . . . . .	469
	Remonstrance of the Saxons—their complaint . . . . .	470
	Gregory stands by the act of reference of both kings . . . . .	472
	His intent to acquire the disposal of the crown of Germany . . . . .	473
1078.	Great synod at Rome . . . . .	473
	Adjudication of Gregory and decree of pacification . . . . .	474
	Subtle policy of Gregory—his partiality . . . . .	475
	Solemn decree against lay investiture . . . . .	476
	Equivocal conduct of Henry IV.—his crafty policy . . . . .	477
	Renewal of the civil war in Germany . . . . .	478

DATE	PAGE
1078	479
or	480
1079.)	481
1078. November synod at Rome	482
Reiterated decree against investitures	482

CHAPTER II.

FINAL EXCOMMUNICATION AND DEPOSITION OF HENRY IV. BY GREGORY VII.

	Censure of pope Gregory's policy	484
	He demands unreasoning submission	485
1079.	Exhaustion of parties—Revived scheme for a congress	486
	Gregory excommunicates the king's friends	487
	His demands preliminary to a congress	487
	Insincerity of both parties	488
	Negotiation with the Saxons—Truce	489
	The case of Henry against the Saxon party	490
	Case of Gregory against Henry IV.	490
	Merits of the case on behalf of the pope	491
	He demands the restoration of the rebel prelates	492
	Demand ignored by his legates—they are suspected of being corrupted by Henry	493
	Equivocal conduct of the legates	493
	King Rodolf proposes a prolongation of the truce	494
	General arrangement for truce—Opposition	494
	Gregory suspects his legates	495
	Henry takes the field against the Saxons, and is defeated	496
	Battle of Flarchheim—Position of Henry after the battle	497
	General state of parties in Germany and Italy	497
	The "judgment of God"	498
1080.	State of papal affairs at the beginning of the year	499
	Double dealing of Gregory—Last remonstrance of the Saxons	500
	Their memorial	501
	Moral merits of the memorial	502
	Gregory embraces a decided policy	503
	He permits a formal impeachment of Henry IV.	503
	Lent synod at Rome	503
	Treatment of king Henry's envoys at the synod	504
	Their complaint—Object of their ill-treatment	505
	Second excommunication and deposition of Henry IV. by the pope	506
	Superb declaration of the papal prerogative	507
	Diplomatic character of the act of deposition	508
	Severe decree against lay investiture	509
	Papal ordinance for the election of bishops, &c.	510
	Moral aspect of the policy of pope Gregory VII.	511
	Probable intent of the pope	511
	Character and position of king Henry IV.	512

CHAPTER III.

FINAL EFFORTS AND DEATH OF GREGORY VII.

Results of the excommunication and prospects of Gregory VII.	513
--	-----

DATE		PAGE
	Pope Gregory and the Normans . . . . .	514
	Dangerous extension of the Norman conquests . . . . .	515
	Treaty of Monte Cassino between the pope and Normans . . . . .	516
	Results of the excommunication in Germany . . . . .	517
	Deposition of Gregory proposed . . . . .	517
	Invective of Egilbert of Treves . . . . .	518
	of Henry of Speyer . . . . .	519
	Manifesto of the Germanic synod . . . . .	519
	Impeachment of Gregory VII. . . . .	520
	Deposition of Gregory VII. decreed . . . . .	521
	Results of the excommunication in Italy . . . . .	522
1080.	Synod of Brescia—Deposition of Gregory and election of Clement III. . . . .	522
	Battle of the Elster—Defeat of Henry IV. and death of Rodolf. . . . .	523
	Effects of the defeat, &c. . . . .	523
	Critical state of pope Gregory's affairs . . . . .	524
	Plans of Gregory—Energy of Gregory . . . . .	525
	His instructions to the Germans for the election of a king . . . . .	526
	Oath to be taken by the new king—to be the <i>vassal</i> of the pope . . . . .	527
	Object of these instructions . . . . .	528
1081.	Henry IV. in Italy . . . . .	529
	Gregory VII. quarrels with the Capuans . . . . .	529
	Fidelity of the countess Mathilda . . . . .	530
	Embarrassment of Henry IV.—relieved by a Byzantine subsidy. . . . .	531
	He operates a diversion against Robert Guiscard . . . . .	531
	Robert compelled to evacuate Epirus . . . . .	532
1082.	Prudent policy of Henry IV. . . . .	533
	Fortitude of pope Gregory . . . . .	534
	Henry treats with the Romans . . . . .	535
	Falseness of pope Gregory—Endeavours to get up a synod against Henry IV. . . . .	536
	Improved aspect of Gregory's affairs—Gains over the Romans . . . . .	537
	Their tergiversations . . . . .	537
1084, )	They again desert Gregory, and introduce Henry into Rome . . . . .	538
31st )	Coronation of Henry IV. at Rome . . . . .	539
Mar. )	Title of Henry to the empire . . . . .	539
	The pope delivered by the Normans—Rome plundered and burnt . . . . .	541
1085, )	Gregory evacuates Rome—retires to Monte Cassino . . . . .	542
25th )	Exile and death of Gregory VII.—his last illness . . . . .	543
May. )	Panegyric upon Gregory VII. by Bernold of Constance . . . . .	544
	His self-reliance . . . . .	544
	His appointments as to his successors . . . . .	545

---

#### CHAPTER IV.

##### URBAN II. AGAINST PHILIP I. OF FRANCE.—THE CRUSADES.

1085.	Election of Victor III. . . . .	547
	Opposition—his reluctance . . . . .	548
1087.	Enthronement of Victor III.—his decrees . . . . .	548
1088, )	And death . . . . .	549
12th )	Election of Urban II.—Character of Urban—his first measures . . . . .	549
Mar. )	His moderate policy . . . . .	550
	Affairs of the papacy at the accession of Urban II. . . . .	551

DATE		PAGE
	Marriage of the countess Mathilda . . . . .	552
	Expulsion of pope Urban from Rome . . . . .	552
	Danger and heroism of the countess Mathilda . . . . .	553
1092, } Oct. }	Arrogance and defeat of Henry IV. . . . .	554
	Battle of Bianello—defeat of Henry . . . . .	555
	The “Truce of God” . . . . .	555
	Consequences of the battle of Bianello—Prince Conrad . . . . .	556
	Rebellion of prince Conrad—his coronation as king of Italy . . . . .	557
	Exultation of the papal party—Story of the empress Praxidis . . . . .	558
	Motives of Conrad’s rebellion . . . . .	559
	Forlorn position of Henry IV. . . . .	559
	The crusading mania . . . . .	560
1095, } Mar. }	Synod of Piacenza—its object—The empress Praxidis at Piacenza . . . . .	561
	Acts of the council of Piacenza . . . . .	562
	Conrad does homage to the pope for the crown of Italy . . . . .	563
	Divorce and remarriage of Philip I. of France . . . . .	563
1095, } Nov. }	Urban II. in France . . . . .	564
	Council of Clermont—Acts of the council . . . . .	565
	Sermon of Urban II. on behalf of the crusade . . . . .	566
	General absolution of sins proclaimed, &c. . . . .	567
	The “Truce of God”—how used by pope Urban . . . . .	567
	Encroachments of the clerical upon the secular judicature . . . . .	568
	Activity of pope Urban . . . . .	569
	Statutory exemption of the clergy from the lay judicature . . . . .	570
	Council of Nismes . . . . .	570
	Advantages of the clergy from the crusades . . . . .	571
	Dealings of pope Urban II. with Philip I. of France . . . . .	572
	Submission of Philip . . . . .	573
	Labours of Urban II. in France . . . . .	574
	His return to Rome . . . . .	575

CHAPTER V.

LAST STRUGGLE AND DEATH OF HENRY IV.

	The crusades . . . . .	576
1097.	Return of Henry IV. to Germany . . . . .	577
	Popular measures of Henry IV. . . . .	578
	Resentment of the nobility and the papal party . . . . .	579
	Henry IV. causes his son Henry (V.) to be crowned king, &c. . . . .	580
1099.	Italy—Deaths of Conrad (A.D. 1101), Urban II. (A.D. 1099), and Clement III. . . . .	581
	Schism—Sylvester IV. antipope . . . . .	581
	Pascal II. pope . . . . .	581
	Pascal II. and earl Robert of Flanders . . . . .	582
	Pontifical theory of persecution—The clergy of Liège . . . . .	583
	Remonstrance of Siegfert of Gemblours . . . . .	584
	Reforms of Henry IV. in Germany—Consequent discontents . . . . .	585
	Complaints of the nobles . . . . .	586
1102.	The emperor excommunicated by pope Pascal . . . . .	587
	His decree against indifferentism . . . . .	588
	Intrigues of Pascal for the emperor’s ruin . . . . .	588
	Conspiracy—Popular excesses . . . . .	589
	Murder of earl Sigehard and others . . . . .	590

DATE		PAGE
1103.	Henry IV. proclaims a crusade . . . . .	590
	The project, how treated by the papal party . . . . .	591
1104.	Seduction of the young king Henry (V.) . . . . .	593
	Rebellion of Henry the younger—Pope Pascal absolves him, &c. . . . .	593
	Convention of Nordhausen—Hypocrisy of Henry the younger	593
	Treason of Henry the younger . . . . .	594
1105.	Civil war—Dispersion of the armies on the Regen . . . . .	595
	Consequences of the dispersion . . . . .	595
	The emperor betrayed by his son (Henry V.) . . . . .	596
	Imprisonment of the emperor . . . . .	597
	Diets of Maintz and Ingelheim—Resignation of Henry IV.	598
	His extorted confession and abdication—his escape . . . . .	599
	Exultation and bigotry of the papists . . . . .	600
	Improved prospects of the emperor—Battle and victory of Viset	601
	He proposes a congress of reconciliation . . . . .	602
	Rejection of the proposal . . . . .	603
	Imperial manifesto and reply of the rebels . . . . .	603
1106,	Counter-proposal—Insulting message . . . . .	604
7th	Death of Henry IV. . . . .	605
Aug. }	Popular mourning for Henry IV. . . . .	605
	Burial and exhumation of his body . . . . .	606
	Removal of the body to Speyer—and its second disinterment	607
	Reaction of the public mind . . . . .	608

CHAPTER VI.

SEQUEL OF THE PONTIFICATE OF POPE PASCAL II.

	Donation of the countess Mathilda . . . . .	609
	Political state of Rome . . . . .	610
	Disaffection of the Romans; its causes . . . . .	611
1099.	Antipopes Theoderick, Albert, Maginulph . . . . .	612
	Mutual suspicions of Pascal and Henry V. . . . .	614
1106.	Synod of Guastalla—Pope Pascal's consecrations . . . . .	615
	Indignation of the Germans . . . . .	616
	Pope Pascal in France . . . . .	617
	Rupture between Henry V. and pope Pascal . . . . .	617
1107.	Pope Pascal on investitures—Council of Troyes . . . . .	619
	Anarchical state of Rome . . . . .	620
1109.	Henry demands the imperial crown . . . . .	621
1110.	His expedition into Italy . . . . .	621
	His proclamation to the Romans . . . . .	622
	Negotiation—Mutual renunciation proposed . . . . .	623
1111.	Treaty . . . . .	624
	Crafty policy of Henry V. . . . .	625
	Henry and Pascal in the church of St. Peter . . . . .	626
	Pope Pascal the prisoner of Henry V. . . . .	627
	He retreats with his prisoners . . . . .	628
	Pascal renounces the benefit of the treaty . . . . .	628
	Treaty of Ponte Mammolo . . . . .	629
1112.	The Gregorians repudiate the treaty of Ponte Mammolo . . . . .	630
	Pascal apologises for the treaty—its rejection . . . . .	631
	Insufficiency of Pascal's apology . . . . .	632

DATE		PAGE
	His correspondence with the emperor . . . . .	633
1112.	Synod of Vienne and excommunication of the emperor . . . . .	633
	French synods, and objections of the moderate clergy of France . . . . .	634
	Their objections untenable on legal grounds . . . . .	635
	Their remonstrances repelled . . . . .	635
	Henry V. performs the solemn obsequies of his father . . . . .	636
1115.	Conspiracy in Germany—Insurrection—Civil war . . . . .	637
	Henry V. excommunicated by papal legates in France . . . . .	637
	Efforts of the papal party to give effect to the excommuni- cations . . . . .	638
	Albert archbishop of Maintz—enemy of the emperor . . . . .	639
	His imprisonment and release—his hostility . . . . .	639
	Henry V. again in Italy . . . . .	640
1116.	Synod at Rome . . . . .	640
	Pope Pascal under charge of heresy . . . . .	641
	Domestic troubles of pope Pascal . . . . .	642
	Pope Pascal and the emperor in correspondence . . . . .	643
	The emperor in Rome—his management of the Romans . . . . .	644
1118.	His retreat from Rome, restoration and death of Pascal II. . . . .	645

CHAPTER VII.

GELASIUS II.—CALIXTUS II.—CONCORDAT OF WORMS.

	Parties in Rome . . . . .	647
1118.	Election of cardinal John of Gaëta—Gelasius II. . . . .	648
	The emperor in Rome—Evasion of Gelasius II. . . . .	649
	He cites Gelasius before himself at Rome . . . . .	650
	Indignation of the Roman people . . . . .	650
	Maurice of Braga elected pope as Gregory VIII. . . . .	651
	His character . . . . .	651
	How described by his opponents . . . . .	652
	Gelasius deserted by the Normans . . . . .	652
1119.	Gelasius quits Rome and goes to France—dies there . . . . .	653
Feb. }	Guido of Vienne elected pope as Calixtus II. . . . .	654
	His application to the Romans for confirmation . . . . .	655
April.	Council of Toulouse . . . . .	655
	Emancipation of church-estate . . . . .	656
Oct.	Council of Rheims—Calixtus in France . . . . .	656
	Calixtus treats with the emperor—Negotiations . . . . .	656
	Preliminaries of a treaty, &c. . . . .	657
	Misunderstanding of each other's intentions . . . . .	658
	The emperor desires time to consult the estates, &c. . . . .	659
	Rupture of the conferences . . . . .	660
	Resistance of the French to the pontifical scheme . . . . .	660
	Excommunication of Henry V. . . . .	661
	Solemnity of excommunication, &c. . . . .	661
	Rome not the home of the papacy . . . . .	662
	Advantages of France as a fulcrum of papal power . . . . .	663
	Character and influence of Calixtus II. in France . . . . .	663
	Activity of Calixtus II. in France and elsewhere . . . . .	664
	Return of pope Calixtus to Rome . . . . .	665
	Capture and death of Gregory VIII. . . . .	666

DATE		PAGE
	State of Germany—Position of Henry V. there . . . . .	667
	Approximation of parties—Jealousies—Pacification . . . . .	668
1121, Sept. 28.	Diet of Würzburg—and statutory repeal of the excommuni- cations. . . . .	} 669
	Position of pope Calixtus—Intent of the estates, &c. . . . .	670
1122, 22d	Effect of the cessation of the civil war . . . . .	671
or	Pope Calixtus withdraws his opposition . . . . .	672
23d	<i>Treaty or concordat of Worms.</i>	
Sept.)		On the papal part . . . . .
	On the part of the emperor . . . . .	673
	Remarks on the treaty . . . . .	674
	Ambiguities—as to <i>simony</i> and <i>freedom of election</i> . . . . .	675
	as to the <i>pontifical supremacy</i> . . . . .	676
	General ambiguity and uncertainty of the treaty . . . . .	676
	Open question as to consecration and investiture . . . . .	677
	The treaty and temporary compromise . . . . .	678

END OF VOLUME FOURTH.

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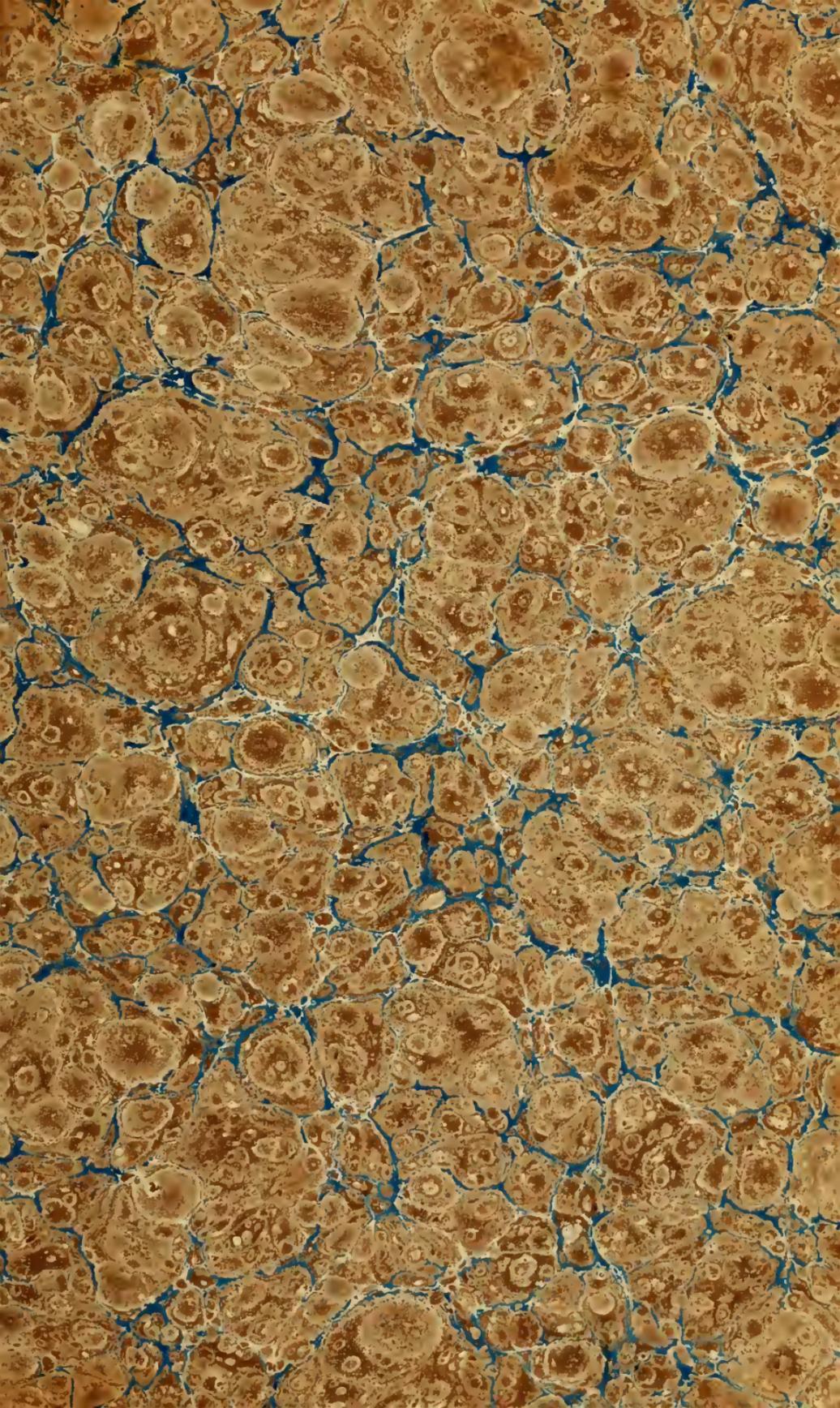


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