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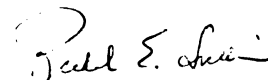
*Nicholas I (858-867): An Analysis of His
Interpretation of Papal Primacy*

presented by

JOHN BAKITA

has been accepted towards fulfillment
of the requirements for

PhD degree in History


~~Richard E. Sullivan~~
Major professor

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NICHOLAS I (858-867): AN ANALYSIS OF HIS INTERPRETATION
OF PAPAL PRIMACY

by

John Bakita

A DISSERTATION

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ABSTRACT

NICHOLAS I (858-867): AN ANALYSIS OF HIS INTERPRETATION
OF PAPAL PRIMACY

By

John Bakita

The purpose of this study is to investigate the pontificate of Nicholas I with a view toward determining how he perceived his own position within Christendom. Emphasis is placed upon determining what rights or responsibilities Nicholas thought that the Roman pontiff had which would set him apart from other bishops and monarchs within the Christian community. That is, an analysis of Nicholas' thoughts on the pope's prerogatives (primacy) is the subject of this investigation.

This paper will examine specific critical cases with which Nicholas was concerned during his pontificate. The cases studied do not cover all the affairs with which Nicholas became involved, but were selected for their representativeness of Nicholas' thoughts. Nicholas' actions in these cases were exemplary of his responses to various types of problems and concerns. For example, the cases involving ecclesiastics indicate that Nicholas believed he must be prepared to respond to a request to intervene in any instance that could not be settled locally according to canon law. He did not hesitate to react to a request from the Christian

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community in the territory of Emilia, which complained of the manner in which their archbishop, John of Ravenna, was administering his see. Nicholas found John negligent and abusive, and, consequently, he censured and finally even excommunicated him for breaking canon law.

Nicholas also censured the archbishops Gunther of Cologne and Theutgard of Trier for what he, as pontiff, considered an abuse of their offices by allowing a local synod to sanction a divorce for King Lothar II, an act which he contended canon law would not allow. In connection with this divorce case, he also censured Zachary of Portua and John of Ficolo, his envoys to the Council of Metz (863) for agreeing to this divorce without first reporting back to Rome.

In a similar vein Nicholas excommunicated the two legates to Constantinople, Rodoald of Porto and Zachary of Anagni, for accepting, in his name, the deposition of Ignatius as Patriarch of Constantinople and approving the elevation of Photius to this post. Nicholas insisted that these legates had been sent to the Council of Constantinople (861) only to ascertain the facts and then they were to report back to him for his decision. Further, Nicholas insisted upon trying to control directly the missionary activity in Bulgaria and Moravia. It was especially apparent in his exchange with Khan Boris of Bulgaria that Nicholas thought, as supreme pontiff of Christendom, he had jurisdictional responsibility for the establishment of the Bulgarian hierarchy, irrespective of the expressed wishes of the khan.

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Although Nicholas avoided clashes with secular monarchs over civic affairs wherever possible, still the pontiff did not waver from censuring Lothar II for what he considered immoral actions in setting aside Queen Theutberga in favor of his mistress Waldrada. Nor did he shrink from condemning Lothar II's allowance of the see of Cambrai to pass illegally, according to canon law, to Hilduin. This ecclesiastical property was under the jurisdiction of Hincmar of Rheims.

Nevertheless, in spite of his very strong defence of Hincmar's canonical prerogatives in Cambrai, Nicholas took Hincmar to task for denying his suffragan, Rothad of Soissons, his right of appeal to the Roman See when Rothad did not receive the decision he wanted at the provincial level from Hincmar.

In summary, these cases point to actions on Nicholas' part which indicated his belief in the principle that the pope was selected by God to serve as Peter's successor on earth and that this selection carried with it heavy responsibilities, including the right to reach final decisions in ecclesiastical and moral issues that confronted Christendom.

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ACKNOWLEDGMENTS

I am deeply indebted to the following people for helping to bring this work to its fruition. First my wife Patricia, who was so understanding throughout and also did the typing, next my mother who helped me so much during my graduate studies and also kindly proofread my copy and made many helpful suggestions for clarification. Also I would like to thank my colleague, Dr. James H. Sasser, for graciously taking time from his busy schedule to read my final draft. To two Canadian Jesuit linguists, the late Fr. Eric Smith, S.J. and Fr. George Topp, S.J., I am most appreciative for their assistance in helping translate Nicholas' ecclesiastical Latin. In addition, I am most appreciative of the guidance and friendship extended to me by the humane Michigan State University History Department; Professors Stanley Chojnacki, Marjorie Gesner, Madison Kuhn, and Donald Lammers, and others, come immediately to mind. Lastly, I would like to thank my doctoral committee: Professor Arthur Adams for pushing me at just the right time; Professor Alan Fisher for his friendship and help as I began my new career; and Professor Richard E. Sullivan for his inspirational guidance throughout my protracted doctoral program.

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INTRODUCTION

An absorbing issue of the ninth century is the position of the bishop of Rome in Christendom, especially vis-à-vis other ecclesiastical leaders and secular lords.

With Charlemagne's coronation as Holy Roman Emperor on Christmas Day, 800, it is clear that Charlemagne believed he had responsibility for the total Christian community in Western Europe, which was the basis for much of his overall political program. However, when Charlemagne's successors were unable to exercise a similar control over society, other lords--especially important ecclesiastical hierarchs--stepped in to claim control.

By the mid-ninth century the Carolingian rulers were no longer able to dominate Western Christendom in the manner of their great predecessor. Several popes moved into this vacuum and assumed the role of chief unifying agent in Europe. This was especially true of Nicholas I (858-867) who had an unusually lofty perception of the role of Roman pontiff in society.¹ Therefore it seems advisable to see just what Nicholas thought the role of the pope should be in Christendom.

¹He is referred to as the Roman see's "ablest and most assertive occupant between Gregory the Great and Hildebrand." by Williston Walker, A History of the Christian Church (3rd ed. revised. New York: Charles Scribner's Sons, 1970), p. 193.

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This role can be viewed from three major perspectives: Nicholas' interpretation of the jurisdictional rights of the Roman See within Christendom; his perception of the theological prerogatives that were Rome's; and his conception of the moral responsibilities of the pope. An analysis of these three views of the pope's role in Christendom provides insight into Nicholas' perception of Roman primacy.

A review of historical literature reveals a wide range of divergent opinions regarding the pontificate of Nicholas I. Johannes Haller indicates in his work Das Papsttum: Idee und Wirklichkeit² that Nicholas moved the papacy from a relatively weak position and tried to make it, for all practical purposes, the dominant force in Europe. Haller states that Nicholas' historical significance can best be understood from the fact that the Roman See was to be the immediate authority over all bishops and all Christians, the judge over all in all cases, the absolute master and ruler of the whole church and of all true believers.³ Haller also indicates that some writers have referred to Nicholas as the "first pope," since he was the first pope to clash willingly with other powers--both

²Johannes Haller, Das Papsttum: Idee und Wirklichkeit (Basel: B. Schwabe, 1950) II, pp. 63-117.

³Ibid., p. 90.

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ecclesiastical and temporal--for what he considered to be his inherent right of jurisdictional control over Christian society.⁴

Émile Amann, on the other hand, takes exception to Haller's analysis of Nicholas I's pontificate. Amann says it is incorrect to interpret Nicholas as a theoretician of what might be called a "medieval theocracy." In fact, Amann insists that Nicholas intervened in secular matters only when his advice was requested as an arbitrator.⁵ Nevertheless, Amann does state that Nicholas believed that as pope he had the right to control the entire Christian Church in a juridical sense.⁶ In addition, Amann says that Nicholas considered moral matters such as marriage a responsibility of the church and believed that the pope should be the final authority in this area.⁷ Amann summarizes Nicholas' pontificate by stating that to make him a despot, as some do, is to misunderstand him. Rather Nicholas was merely a strong pope, one who raised the papacy to new heights during his pontificate.⁸

⁴Ibid., p. 68.

⁵Émile Amann, L'époque carolingienne, Vol. VI: Histoire de l'église depuis les origines jusqu'à nos jours, publiée sous la direction de Augustin Fliche et Victor Martin, (Paris: Bloud & Gay, 1937), p. 369.

⁶Ibid., p. 380.

⁷Ibid.

⁸Ibid., p. 395.

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Two prominent contemporary authors, Walter Ullmann and Karl Morrison, also hold divergent opinions concerning Nicholas' perception of the pope's powers in Christian society. Ullmann⁹ argues that Nicholas thought, as Roman pontiff, he had a principatus in Christendom which extended over the societas omnium fidelium, or the entire Christian society, of his time. This principatus, or primacy, applied to all aspects of Christian life--including secular as well as Christian concerns. Ullmann also interprets Nicholas' writings to indicate that the pope had the legal, theological and moral responsibility for controlling virtually all aspects of Christian society.

Karl Morrison, who earlier agreed with Ullmann's position,¹⁰ indicates that he has changed his mind from his former position--that Nicholas I was a "thorough-going papal monist, who understood order and temporal government as parts of a unitary system under the command of the papacy."¹¹ Morrison now states that a more correct analysis is that Nicholas held the conventional view that the Church and the civil power were institutionally discrete and that his

⁹See especially Chapter VII of his The Growth of Papal Government in the Middle Ages (London: Methuen & Co., Ltd., 1965), pp. 190-209.

¹⁰In his The Two Kingdoms: Ecclesiology in Carolingian Political Thought (Princeton, N.J.: Princeton University Press, 1964), pp. 258-263.

¹¹Karl F. Morrison, Tradition and Authority in the Western Church 300-1140 (Princeton, New Jersey: Princeton University Press, 1969), Appendix A, p. 363.

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concept of tradition led him to consider any temporal intervention in Church affairs as a threat to authentic faith and discipline. In others words, Nicholas perceived a clean separation of powers between the laity and the clergy which excluded each from interference in the other's affairs.

Morrison states that Nicholas summarized his position by paraphrasing the dualistic thought set forth by Gelasius I in his De Anathematis Vinculo.¹² Gelasius' position was that there were two distinct powers in the governance of the Christian world: the priesthood, which was charged with the administration of spiritual matters; and the royal power, which had responsibility for civic affairs. The priestly role was to take precedence in any clash with the royalty, since it had greater dignity.¹³ Morrison states that Nicholas merely protested when temporal authorities acted contrary to a manner which he approved. As Morrison explains it, "the functional division which Gelasius described allowed no institutional means of reconciling disputes between the Church and civil powers; Nicholas' thought did not supply that deficiency."¹⁴

¹²Ibid., pp. 363-365.

¹³Brian Tierney & Sidney Painter, Western Europe in the Middle Ages 300-1475 (New York: Alfred A. Knopf, 1970), p. 76.

¹⁴Morrison, op. cit., p. 366.

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Thus it is apparent that Ullmann and Morrison have opposite opinions as to what rights or prerogatives Pope Nicholas I held in Christendom. Ullmann insists that Nicholas believed as Peter's successor he had principatus (primacy) which encompassed both secular and religious matters, whereas Morrison states that Nicholas thought that his privileges in Christendom extended only to ecclesiastical matters and Nicholas left civic matters to their proper authorities--royal power.

Since the authorities have difficulty agreeing in their analyses of what prerogatives or privileges Nicholas reserved for Rome, it is the purpose of this paper to investigate a series of representative cases in which legal, theological and moral issues arose in order to determine Nicholas' position in each case.

It is the aim of this study to provide a clear perception of Nicholas' role as pope within Christendom and a plausible interpretation of his view of papal primacy.

To assist in this interpretation primary sources have been utilized which include: Nicholas' letters in various editions, conciliar decrees, a biography, Vita Nicolai, as well as selected letters written to him.¹⁵ There are also a

¹⁵This primary documentation is included in an annotated biography in the appendix of this work.

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number of secondary sources that provide insights into the cases examined in this paper.¹⁶

¹⁶These sources are also listed in an annotated fashion in the appendix.

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CHAPTER I

CHARACTERISTIC RELATIONSHIPS WITH WESTERN ECCLESIASTICS

The purpose of this chapter is to investigate Nicholas' relationships with five Western hierarchs to determine from his actions his concept of papal responsibility within the Western Church. Nicholas' actions in administering these cases should provide a representative sampling of his position on the question of primacy in relationships to the Western Church.

The four cases presented offer a variety of situations in which Nicholas clashed with Western bishops over the question of papal rights. They are: John of Ravenna, the appeal of Rothad of Soissons, the censure of Gunther of Cologne and Theutgard of Trier, and Nicholas' insistence that Hilduin leave the see of Cambrai.

Each one of these cases was selected to reveal a precise insight into Nicholas' concept of the Pope's position within the Western Church. His specific responses to challenges by Western bishops will provide a unique insight into his ideas on papal primacy.

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John of Ravenna

"Have mercy on me, have mercy on me and beseech the mercy of the pope to have pity on me, since you see I am ready to do whatever he orders."¹ With these words Archbishop John of Ravenna, after realizing that he had been deserted even by his protector the Emperor Louis II, turned to anyone who would listen and begged them to beseech Pope Nicholas to give him another chance. Why in mid-year 861 was John doing this? A brief summary of the events which brought him to this position would seem helpful at this time.

John had been elected Archbishop of Ravenna in 850 during the pontificate of Leo IV (847-855); he was a member of one of Ravenna's leading families and was the head of the antipapal faction of Emilia that looked to the archbishop for protection from Rome. John was aided by his brother, Duke Gregory, who ruled Emilia as a bandit; and the new archbishop began to shake his archdiocese free from Rome. He denied his suffragan bishops contact with Rome and hindered them in their ad limina visits. With his disreputable brother he began systematically to despoil the property of papal supporters; together they dispossessed papal tenants throughout Emilia. Duke Gregory even went so far as to join

¹"Miseremini mei, miseremini mei, et clementiam summi presulis, ut mei miseretur exposcite, quia ecce paratam sum ad omnia quae preceperit peragenda." L. Duchesne (ed.), Le Liber Pontificalis (2nd ed. Paris: E. de Boccard, 1955), Vol. II, No. 590, p. 156. Hereafter this work will be referred to as L.P. with appropriate number and page citation. This will be our essential source in this case study, especially pages 155-158 and 160 and the notes 17-32 on pages 168-169. See remark by Amann, op. cit., p. 381, fn. 4.

with two of Louis' envoys in an attack upon a papal agent, Regimbald, whom they killed. When Benedict III (855-858) succeeded Pope Leo in 855 there were serious disorders in Rome. John, during the ensuing confusion, extended his control over Emilia, even to the point of adding some diocesan and monastic lands, formerly under papal protection, to the archiepiscopal fisc. Suffragans' tenants were forced to cultivate the archbishop's lands. To solidify his control, John took the administration of justice directly into his own hands.²

Historically Ravenna had acted independently from its establishment as an autocephalous see by the Emperor Constans II in 666.³ This independent status was effected when Constans II gave to Maurus, Archbishop of Ravenna, a right to have the archbishops-elect of Ravenna elected by the clergy of their diocese. This election was to be approved in Constantinople (not in Rome) with a subsequent consecration by three of Ravenna's own suffragan bishops.⁴

This tie to Constantinople was severely weakened when the Lombard King, Liutprand, in 743 sent a delegation

²Peter Llewellyn, Rome in the Dark Ages (London: Faber and Faber, 1971), pp. 266ff.

³Morrison, op. cit., pp. 141ff.

⁴See Lllewellyn, op. cit., especially pages 158, 200, 205, 208, 210, 216-217, 221, 232-233, 236-237, 249-250, 253, 256, 267, and 289.

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to Pope Zachary in Rome asking for his help. The pope was referred to as "the shepherd who leaves his sheep to rescue those that perish." Zachary succeeded in getting Liutprand to return the cities he had taken in the province of Emilia (where Ravenna is located). In 744 Zachary continued strengthening papal control over Ravenna when he consecrated a married layman Sergius as its archbishop; in addition Zachary was seeking to extinguish Ravenna's independence. Llewellyn has stated that during the pontificate of Paul I (757-767) the papacy emerged as the recognized residuary legatee--the legal heir of the remainder of the personal estate--of imperial authority in central Italy.⁵

Nevertheless neither Archbishop Sergius nor his successor as archbishop of Ravenna, Leo, were content to allow the Roman pontiffs to control affairs in Ravenna. Pope Hadrian I (772-795) asked Charlemagne as "protector of the Romans" to suppress Archbishop Leo from trying to control the province of Emilia. Leo had sent a certain Theophylact throughout the Territory announcing that Charlemagne had ceded Pentapolis to him and, after expelling representatives of the Roman Church, Leo managed to send his agents into the towns of that province. Hadrian told Charlemagne that Leo's actions were hurting both the prestige of the Roman Church as well as that of the Franks.⁶

⁵Ibid., p. 221.

⁶Ibid., p. 236.

Even after Charlemagne's visit to Italy in October 775, Archbishop Leo of Ravenna still continued to feud with Pope Hadrian over the control of Emilia. And, in fact this same situation continued until it broke out in a renewed confrontation between John of Ravenna and Nicholas I in 861.⁷

This behavior of John and Gregory finally brought a reaction that involved the papacy. As the papal biographer relates in the Vita Nicholli, it provoked the people of Ravenna to come before the saintly Pope Nicholas and beg to be rescued from John's oppressions. Nicholas "listened to to their supplications and sent messengers and letters to the archbishop, warning him to mend his ways. John had become thoroughly confused in mind and rejected the warnings of the pious father and continued adding even more evil actions to his list of misdeeds."⁸ To make matters worse, "the more the kindly regard of the Supreme Pontiff warned him to repent the more he turned to more serious faults, and did not cease to add to his sinfulness."⁹

⁷L.P., No. 587, p. 155 and p. 168, fn. 17.

⁸Ibid. "Quorum pie clamores audiens ipsum legatis suis et litteris sepius archiepiscopum quatinus talibus cederet actibus commonuit. Sed ille mente confusa monita pii patris obtendus peiora prioribus addere minime metuebat."

⁹Ibid. "Quanto autem benigna inspectio summi praesulis illum ut resipisceret admonebat, tanto magis ad deteriora se divertebat et super iniquitatem iniquitatem addere non desinebat."

It would seem that Nicholas became upset with John because he was truly concerned that this high ranking churchman--an archbishop--was abusing the prerogatives of his priestly office, and he wanted to persuade John to cease such actions of his own volition. However, the account of Anastasius (Nicholas' secretary and papal librarian) indicates that John paid Nicholas' admonitions no heed; rather he continued in his abuses: unjustly excommunicating some people, preventing others from visiting the Apostolic See, seizing the property of others without proper trials. Furthermore he stole from the Holy Roman Church, spurned its envoys and set at naught the glory of Blessed Peter the Apostle, in as much as it lay in his power. In addition, he not only deposed without canonical trials priests and deacons subject to him, but also did the same thing in Emilia, where the people were subject to the Holy Apostolic See. The list continues: he thrust some into prisons and others into foul-smelling workshops, he forced others to confess to crimes which they had not committed. In addition he suppressed decrees of the church such as canonical election to the episcopacy, without any consent from the Apostolic See and, when summoned to Rome, he boasted that he was not obliged to attend.¹⁰

¹⁰ Ibid. Also see Llewellyn, op. cit., p. 273 and Henri LeClercq in Karl J. Hefele (ed.) Histoire des conciles (Paris: Letouzey et Ané, 1911), Vol. IV, Part I, p. 285.

In light of these repeated violations of what he considered proper episcopal behavior Nicholas felt compelled to take stringent action. He summoned John to Rome to answer these charges and when the archbishop refused Nicholas excommunicated him.¹¹ John immediately went to Pavia where he sought the assistance of the Emperor Louis II, who sent envoys to accompany John to Rome. Apparently John felt he could get help from the secular ruler of his province,¹² but Nicholas, after receiving these envoys, reminded them charitably (according to Anastasius) that they were endangering their own spiritual health by associating with an excommunicated person and they wept in repentance for their deed. They deserted John, and he fled from Rome alone.¹³ The response of these clerics to Nicholas' admonitions indicated that his word carried great weight with them and they were especially willing to take his advice in an area which could hurt their spiritual life--that is, their continued intercourse with an excommunicate.

Apparently matters did not improve for the people in Ravenna and Emilia, since they sent representatives to Rome to beseech Nicholas to come and see for himself how John and his brother Gregory were mistreating them. Finally

¹¹See Duchesne's comments in L.P., No. 588, p. 168 fn. 21.

¹²See Amann, op. cit., pp. 381-382.

¹³L.P., No. 588, p. 155.

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Nicholas decided to follow their suggestion and visit Ravenna. What he saw upset him so much that he immediately acted by restoring to the people what they had lost and confirmed his actions with a papal decree.¹⁴ When reading the account of these events as recorded by Anastasius, one cannot help but be struck by the swiftness with which Nicholas acted nor can one overlook the fact that his actions seem to indicate that he thought he had the right as judge to correct what he considered improper actions by a fellow ecclesiastic, the archbishop of Ravenna.

While Nicholas was in Ravenna settling these affairs John, quite understandably returned to Pavia where he again besought the intervention of the Emperor Louis II on his behalf. John no doubt believed that the emperor would support him in his desire to control Ravenna as he pleased, something which he had been denied by the pope. Perhaps John thought that Emperor Louis' designs of controlling central Italy would make him a natural ally against the papacy.¹⁵ But this time John received an entirely different reception in Pavia; the bishop Liutard warned others of John's excommunication and refused to see him. In like manner the emperor sent word to John, by messenger, that he (John) should "lay aside his excessive pride and go and do

¹⁴Ibid., No. 589, p. 156.

¹⁵See Llewellyn, op. cit., pp. 274-275.

humble obeisance to the pontiff to whom we and the whole church in general show reverence, and submit to the yoke of obedience and subjection, because the archbishop will never in any other way accomplish what he wants."¹⁶ If Anastasius is quoting Louis correctly, one can surmise that the emperor felt the pontiff deserved special reverence and obedience in Christendom.¹⁷

Once John of Ravenna, at the onset of the Roman Synod (November 861), realized that he would not get help from either the secular or ecclesiastical leaders he begged for mercy--as was noted at the beginning of this chapter. Of course one could ask what other choice he had: he had been deserted on all sides and in fact stood to lose everything by his continued recalcitrance. When Nicholas heard of John's "expressed" sorrow, he acted as a merciful father and decided to hear his case again.¹⁸ When John heard of

¹⁶Ibid. "Vadat, et fastu elationis deposito, tanto humilietur pontifici, cui et nos et omnis Ecclesiae generalitas inclinatur et obedientiae ac subiectionis colla submittat, quia quod cupit aliter minime consequi poterit."

¹⁷Perhaps it is well to keep in mind Haller's warning in which he speaks of the unusual zeal with which Anastasius put forth statements which tend to give the papacy more importance than it might rightly deserve. Still, as Haller points out, if Anastasius is really Nicholas' mouth-piece, this strong statement attributed to a secular monarch gives an idea in what a fashion Nicholas held the papacy. See Haller, op. cit., p. 88.

¹⁸This Roman synod met in November of 861 moving back and forth between the Leonine palace to the Lateran basilica and back for its final session to the place where the original session had taken place. See Hefele, op. cit., p. 287 and L.P., Nos. 590-591, pp. 156-157.

the papal decision, he immediately seized a piece of paper and drew up an oath which, in essence, said that he was willing to carry out his episcopal promises "according to the custom of his predecessors."¹⁹ The following day he cleansed himself of a charge of heresy which had earlier been brought against him by Nandecisus, Bishop of Pola. Apparently John had maintained that Christ's death was not equally efficacious for all Christians because His divine will had taken over while He was on the cross.²⁰

At the closing session of the synod on November 18, 861, Nicholas agreed to lift the bann of excommunication against John only after the archbishop accepted the synod's decrees which included these provisions that he report annually to Rome, unless his health prevented him from coming; that he cease the consecration of any bishops in Emilia until they had been canonically selected by the clergy and people, and then only after he received Nicholas' written permission to do so; that he refrain from forbidding any bishop from approaching the Holy See; that he cease demanding any donations from his flock which were not provided for

¹⁹L.P., No. 590, p. 157. "iuxta consuetudinem antecessorum suorum composuit."

²⁰In this regard see particularly J.P. Migne, Patrologia Latina (Paris: Garnier Brothers, 1880), Vol. 119, Ep. 14, Supplementum Consilii Romani Anni DCCCLXII, pp. 794-795. Hereafter this work will be referred to as P.L. with the appropriate volume and page numbers. Also see in reference to this charge of heresy Duchesne in L.P., No. 590, p. 157 and fns. 21 and 28, pp. 168 and 169.

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in the canons; that he no longer lay claim to any property of anyone unless this was agreed to by the pope or his legate.²¹

Thus Nicholas was successful in having the Roman synod enunciate some very specific strictures upon John of Ravenna. A letter by Nicholas at the meeting of this Roman Synod (861) provides substantial insight into his rationale for influencing the Council to take a strong stand against John of Ravenna.²² The pontiff began by indicating that Rome bears the solicitude over all the churches and therefore it is fitting for her to take thought for the needs of all and also to apply salutary remedies for their wounds. He continues with reference to the Petrine theory: "We are surely the shepherds of the Lord's sheep, but their care rests especially on us more so than on others in as much as we take the place of him to whom these very sheep were entrusted by the words of God Himself. For the Lord said

²¹Ibid., No. 591, p. 157. These restrictions summarized by Anastasius are found in more detail in Acts of Roman Council P.L., vol. 106, pp. 787-790.

²²See his epistle number 105 written to Peter and his fellow bishops in Emilia during November 861 found in G.H. Pertz et al. Monumenta Germaniae Historica. Vol VI: Epistolae. Section IV: Epistolae Karolini Aevi (Berlin: Weidmannos, 1925), pp. 613-617. Hereafter this work will be referred to by abbreviation MGH, Epp., VI with appropriate number and pages.

to Peter by way of personal command: 'And you, once you are converted, strengthen your brothers.'²³

Here one can observe not only reference to the Petrine theory but also an expression of the responsibility that Nicholas thought he had to help each and every member of the Christian flock who appeared to be troubled; in this case, Nicholas is directly concerned for the welfare of the clergy and laity of Emilia. In this same letter Nicholas continues that he had an obligation to stretch forth to the people of Ravenna, in their time of distress, the helping hand of the Apostolic See. For it was necessary for the pope to save his brothers from abuses as St. Peter had strengthened his episcopal brethren after his own conversion.²⁴

Nicholas then reviews the abuses that John has heaped upon Emilia, most of which have been mentioned above. He indicates the action he had taken in the Roman Council which condemned the archbishop's actions; he states

²³Ibid., p. 614. "dominicarum quippe ovium pastores sumus. Sed tanto nobis prae ceteris specialiter pro eis cura maior incumbit, quanto vicem illius gerimus, cui divino oraculo ipsae oves specialiter commendantur, cui etiam Dominus praecipiens ait: 'Et tu aliquando conversus confirma fratres tuos.'"

²⁴Ibid. "Et ideo quia sanctitas tua a Iohanne archiepiscopo Ravennate multis impulsionebus queritur agitari, debemus manus apostolatus nostri tibi quamtotius porrigere et, quia unus ex illis fratribus esse dinosceris, quos sanctus Petrus conversus iussus est confirmare, necesse est, ut a tantis impulsionebus fraternitatem tuam eruentes in petra, quam ipse confessus est, ne ulterius mergi valeas, statuamus."

reassuringly "we ordered him [John] by our apostolic authority concerning each and every presumptive act of his, as stated in the capitula and in the sentences passed there, that neither he nor any of his successors should ever again presume to commit any such crimes."²⁵

It is clear that Nicholas meant for his judgment to be lasting, and also he stated it in such a fashion that he expected it to be obeyed.

If now or in the future any Archbishop of Ravenna tries to go against the precept of our apostolic authority, or contrary to the tenor of this decree, either in whole or in part, and forces on you or your successors any matters we have forbidden, or if he takes away any of your rights and imposes on you any of the aforementioned burdens, and if he does not obey every detail of this document, let him be bound by chains of the judgment of Almighty God and of the Blessed Apostles Peter and Paul, the princes of the apostles, and by the anathema of our apostolic authority. Furthermore let him forever be deprived of all sacerdotal functions, since he is a stubborn violator of sacred canons and of apostolic institutions.²⁶

²⁵Ibid., p. 616. "interdiximus et de unaquaque praesumptione pronuntiatis capitulis promulgatisque sententia apostolica auctoritate praecepimus, videlicet ut tale quid ulterius nequaquam nec ipse nec eius successores agere praesumerent."

²⁶Ibid., p. 617. "Quicumque autem archiepiscopus Ravennas amodo et deinceps contra nostra nostrae apostolicae auctoritatis praeceptum vel contra huius decreti tenorem in toto vel in parte venire temptaverit et tibi tuisque successoribus episcopis superius prohibita injuncxerit vel intulerit vobisque aliquod de praesignatis oneribus imposuerit et non in omnibus huius paginae textui oboedierit, sit sententia Dei omnipotentis et beati Petri et Pauli apostolorum principum et apostolica auctoritate anathematis innodatus vinculis et tamquam contumax sacrorum canonum et apostolicarum violator institutionum ab omni sacerdoti alienus in perpetuum existat officio."

It seems clear that one can conclude from this statement by Nicholas that he felt he--as Peter's successor--had the perfect right to state what is considered to be proper behavior for an archbishop of Ravenna and if John or any future archbishop should choose to go against his precepts he is to be anathematized. In fact, perhaps Nicholas feared that he had to eradicate such unacceptable practices from Ravenna "lest perchance an opportunity might remain for other archbishops to act in a similar fashion."²⁷

Subsequent developments strongly suggest that John did not intend to follow the restrictions placed upon him at Rome. He violated an important provision of the Roman synod which restricted him from consecrating any bishops in Emilia until they had been canonically elected by the clergy and people, and then only after he had received the pontiff's permission to do so. A letter sent by Nicholas to John of Ravenna,²⁸ indicates that the bishop of Gravelle, Oleobertus, had been murdered and Nicholas understood that John intended to consecrate his successor without following canonical procedure. This potential consecration upset Nicholas because John intended to illicitly select and consecrate his

²⁷Ibid., p. 616. "ne aliis metropolitanis episcopis talia praesumendi occasio remaneret."

²⁸MGH, Epp., VI, 152, p. 667.

own choice, even to the extent of possibly consecrating a murderer.²⁹ Nicholas, therefore instructed John to find and prosecute the murderer. A successor would be canonically elected and approved by Rome. He could be consecrated only after selection and approval in Rome.³⁰

John was finally excommunicated by the Lateran Council of 863 along with his brother Gregory and Haganon, Bishop of Bergamo, for committing many crimes against the holy pontiff and the people subject to him.³¹

In summation it is apparent from this study of Nicholas' relationship with John of Ravenna that Nicholas believed that the pontiff's wishes must not be disobeyed by an archbishop. Nicholas thought such disobedience was an infringement upon his rights as pope. This is well illustrated

²⁹Ibid. "ne forte, nisi digna examinatio prae-
venerit, manus super caput sanguine plenum posuisse, quod
absit, inveniamini."

³⁰Ibid. "Cum autem detectis reis atque punitis
qui dignus sit apparuerit et cleri plebisque et ducis nostri
nostram habentis auctoritatem, qui utique unus e plebe eadem
esse dinoscitur, concordia effecta fuerit, celebretur
electio, sicque demum, sicut in syndo deliberatum est atque
constitutum, nobis hoc innotescite. Et, cum de electo nostro
apostolatui nunciatum fuerit, adiuvante Domino sanctione
praemissa episcopus a vestra beatitudine consecratur."

³¹L.P., No. 599, pp. 160-161. "Haganone scilicet
et Iohanne Ravennate episcopo atque Gregorio fratre eius,
contra sedem Romanam, immo specialiter contra summum ponti-
ficem et populum illi subditum . . . multa nefanda, multa
contraria multaque sacrilega et christianitas modum exce-
dentia palam et clam, . . . quia et quod singillatim
utrisque prohibitum et synodice secundum qualitatem sceleris
interdictum fuerat, audacter contingere presumpserunt, et
quae nunc intentando memini, Deo contempto, eheu, pro dolor,
peregerunt."

by his reaction to a case where an archbishop, Hincmar of Rheims, tried to prevent a suffragan, Rothad of Soissons, from appealing to the Roman See.

Rothad of Soissons

Rothad had been at variance with his archbishop, Hincmar of Rheims, for some time before he was deposed at a provincial council convoked by Hincmar in 862. Rothad was unwilling to accept this deposition; instead he insisted that he had the right to appeal his case to Rome where supreme authority (according to Rothad) existed:

To the supreme authority of the Holy See I appeal unceasingly--to that See, the authority of which no one can gainsay to that See which through Blessed Peter has merited such power (principatum) from Our Lord Jesus Christ. I wait the decision of that See to which I have appealed, nor do I consent to be judged elsewhere than at Rome. It is preposterous that the inferior should be preferred before the superior.³²

What provoked this appeal to Rome by Rothad, whose deposition as bishop of Soissons had just been reconfirmed by a second provincial synod in Soissons (862)? Why did Rothad feel he had the prerogative to go beyond a judgment

³²"Ad illam summam auctoritatem sine intermissione appello, cui nullus potest contradicere, quae a Domino Jesu Christo per beatum Petrum apostulum tantum meruit principatum. Judicium ergo illius ad quam proclamavi expeto, nec alibi nisi Romae judicari consentio, quia praeposterus ordo est inferiorem superiori anteferri." From Rothad's Libellus Proclamationis in J.D. Mansi, Sacrorum Conciliorum Nova et Amplissima Collectio (Graz: Akademische Druck V. Verlagsanstalt, 1960), Vol. 15, col. 683 as translated in Horace K Mann, The Lives of the Popes in the Early Middle Ages, Vol. III: 858-891 (2nd ed.; London: Kegan Paul, Trench, Trubner & Co., Ltd., 1925), pp. 85-86

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rendered by a provincial council convoked by his archbishop, Hincmar of Rheims? These are the questions dealt with and from them a better insight can be gained into how Nicholas viewed his role in the universal church.

Bad blood had existed between Rothad and Hincmar dating as far back as 845. On May 845, Hincmar was installed as Archbishop of Rheims replacing Ebbo.³³ Ebbo had been deposed as archbishop of Rheims (835) because he had supported the rebellion against Louis the Pious in 833.

Rothad clashed with Hincmar particularly over the issue of what authority a metropolitan could exert over his suffragans. Rothad believed it was very little whereas Hincmar felt the metropolitan was charged with the administration of his provincial church. Rothad continued to take actions which displeased Hincmar and, finally, Hincmar felt an obligation to take stringent action. This action took the form of calling a synod at Soissons (861) which deposed Rothad; this deposition was confirmed by a synod at Pistres convoked by Charles the Bald on June 1, 862.³⁴

The deciding factor which brought on this action by Hincmar was the charge that Rothad had unfairly excommunicated a priest; Hincmar's wish was to reinstate this priest after

³³See Amann, op. cit., pp. 383ff.

³⁴Ibid., p. 384 also see H. Haines Brown III, "Archbishop Hincmar of Rheims (circa 806-882): His Idea of Ministerium in Theory and Praxis" (unpublished Ph.D. dissertation, Dept of History, Michigan State University), p. 170.

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he had performed suitable penance.³⁵ The metropolitan went on to reinstate the excommunicated priest, then in turn deposed the priest Rothad had named as his replacement. It is interesting to note that Rothad claimed to have excommunicated this priest only after calling a council of thirty-three bishops; this seems highly unlikely since it would have taken a metropolitan and not a simple suffragan bishop to convoke a council of such size.³⁶

After Rothad was deposed at Pistres he was disposed to go to Rome and appeal to the pope in person. But apparently he changed his mind and decided to be retried by certain select judges (judices electi) in Soissons.³⁷ This second Council of Soissons (862) again confirmed Rothad's deposition and he was relegated to a monastery. Hincmar subsequently consecrated a replacement as bishop of Soissons.³⁸ Rothad then decided to go ahead with his appeal to Rome in the manner quoted above.³⁹

When Odo, Bishop of Beauvais, informed Nicholas of the decisions of these synods, the pontiff was upset, since he was now officially cognizant of Rothad's deposition and his replacement by another bishop upon his see. Nicholas

³⁵Amann, op. cit., p. 384 fn. 2.

³⁶This is the conclusion reached by LeClercq in Hefele, op. cit., p. 297, fn. 1 and also on p. 302.

³⁷See Hefele, op. cit., pp. 305ff; Roy, op. cit., p. 87; Mann, op. cit., p. 85, and Brown, op. cit., p. 170.

³⁸Roy, op. cit., pp. 87-88.

³⁹See p. 23 above.

was upset because Hincmar had not consulted Rome before allowing the provincial synods to depose Rothad especially since Rothad had indicated an earlier desire to appeal to Rome. Nicholas immediately wrote several letters by which he hoped to effect a change.

To Hincmar he wrote a letter severely reprimanding him because he had allowed the deposition to stand in face of the fact that Rothad was in the process of appealing to Rome and the pontiff had not yet rendered a decision. Nicholas even wondered how such a sudden darkness was able to extinguish the serenity of Hincmar's mind to the extent that he held in contempt the privileges of the Apostolic See, which Nicholas claims are guarded inviolable by the universal church of Christ. In the letter he indicates that he does not understand by what authority Hincmar rides roughshod over the canons laid down by the Fathers, but that he as pontiff cannot allow this action to go unpunished lest others also learn to despise the decrees of the holy Fathers.⁴⁰ At the conclusion of this letter Nicholas gives Hincmar

⁴⁰MGH, *Epp.*, VI, 55, p. 354. "Unde valde miramur ac vehementissime obstupescimus, quomodo luminum vestrorum serenitatem tam repentina potuerit obtenebrare caligo, adeo ut privilegia apostolicae sedis, quae intemerata a tota Christi universali servantur ecclesia, contempla despexeritis atque ipsos paternos canones nescimus qua auctoritate disruperitis. Quod omnino inultum manere non patimur, ut qui prohibita praesumpsit minime quae sit censura canonica experiatur; ita ut omnibus manifestum faciamus, quod nullum membrorum nostrorum nos aliquod patiamur sui sustinere dispendium neque sanctorum patrum statuta vilescere permitamus,"

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thirty days either to restore Rothad to his former dignity, or, if he thinks he has acted rightly to allow Rothad to come to Rome with Hincmar's own representative so that Nicholas can hear both sides of the case. Nicholas tells Hincmar that if he does not act in one way or the other within the allotted time he will be forbidden from solemnly celebrating mass.⁴¹

In a shorter letter to Charles the Bald the pontiff, after complimenting the king for his constant and diligent rapport with churchmen and his zeal in dealing with learned men in the interests of the church of God, beseeches the king to see that Rothad is restored to his rightful position as bishop of Soissons. Furthermore, he informs the monarch that he has written Hincmar giving him thirty days to reinstate Rothad or be excommunicated.⁴²

Nicholas begins his rather lengthy response to the bishops who had participated in the synods of Soissons by stating that, according to the custom of their ancestors, they have done the correct thing by consulting with the supreme episcopal power, i.e., the See of Peter, concerning

⁴¹Ibid. "Hoc autem expresse decernimus, ut post triginta dies, postquam haec nostra apostolica epistola apud vos delata fuerit, aut praefatum virum Rothadum omnino restituatis pristinae dignitati aut, si iuste vos in eum egisse putatis, Roman cum eodem vos vel vester legatus vestram vicem in omnibus ferens, ut utriusque partis causam ad liquidum sciamus, adveniat."

⁴²MGH, Epp., VI, 57, pp. 354-355.

not only all matters which admit of some doubt or which contain questionable material, but also certain other grave ecclesiastical matter.⁴³ There is no doubt that in his mind Nicholas categorizes the Rothad case as one involving questionable matter. He states: "Besides you have canonically and zealously asked to refer the condemnation of Rothad to the Apostolic See, in order that there it may be settled even by our authority whatever you claim to have been enacted concerning him by you in council. We firmly refuse to do this [i.e. support the deposition of Rothad], since, to quote the very words used by Saint Leo to Flavian: We want the judgments of the priests of the Lord to be mature, and we cannot define anything in favor of anyone unless we have understood the facts on both sides of the case, and until we hear a truthful account of all that has been done."⁴⁴

⁴³MGH, Epp., VI, 57, p. 356. "quoniam ex more secundum constitutionem maiorum, ut eadem ipsa verba ponamus, non solum de omnibus, quae possunt aliquam recipere dubitationem vel quamcumque incurrere quaestionem, verum de certis atque maioribus negotiis ecclesiasticis exequendis, ad apicem episcopatus, id est ad magni Petri sedem, debere vos referre cognoscitis: . . ."

⁴⁴Ibid. "Praeterea de Rothadi damnatione apostolicae sedi referre iure studentes petistis, ut nostra etiam auctoritate rata esse probarentur, quae de eo apud vos in concilio acta fuisse perhibuistis. Quod agere penitus recusamus, quoniam nos, ut eadem ad Flavianum sancti Leonis dicta ponamus, qui sacerdotum Domini matura volumus esse iudicia, nichil possumus incognitis rebus in cuiusquam partis praeiudicium diffinire, priusquam universa quae gesta sunt veraciter audiamus."

Further on Nicholas informs the bishops that his heart has been deeply hurt by their deposition of Rothad and his subsequent confinement in a monastery especially at the time he was trying to appeal his case to the Apostolic See. He states: "If this was done out of contempt for Blessed Peter the Apostle, it will incur his judgment. There is no doubt that it was done in contempt for the sacred canons⁴⁵ rashly undertaken and presumed."⁴⁶ He refuses to accept their contention that civil law would allow their actions, stating "it is clear that worldly laws must not be allowed in ecclesiastical disputes."⁴⁷ It is quite apparent that he does not want even to consider mixing ecclesiastical and civil laws, sharply stating that they must be kept separate.

Continuing in the same vein, he cites two chapters, the fourth and eighth, from the Council of Sardica. In the

⁴⁵See editor's reference to Sardic. can. 3 (Mansi III, 23) as found on p. 357 in footnote 3 of ibid.

⁴⁶Ibid. "Ignorare autem fraternitatem vestram non patimur animum nostrum non mediocriter laesum, eo quod secundum gestorum tenorem et vestrarum suggestionum, quas ad sedem apostolicam direxistis, cognitionem, appellantes eundem Rothadum apostolicam sedem deposueritis ac in monasterio retruderitis; quod non nisi in contemptu beati Petri apostoli, cuius iudicium expetivit, et in contumelia sacrorum canonum et ecclesiasticarum traditionum praesumptum ac temere admissum minime dubitatur."

⁴⁷Ibid. ". . . constet in ius mundanum legum et imperatorum non omnibus ecclesiasticis controversiis utendum esse, . . ."

latter Bishop Osius said:

It is fitting that if a bishop has been accused, and the assembled bishops of that same region have passed judgment, and have deprived him of his rank, if he who was deprived has appealed and has fled to the bishop of the Roman Church, and wanted himself to be heard, and if it is considered just, it may reopen the examination, and may deign to write to those churches which are in the neighboring region in order that they may diligently and thoroughly make new investigations and pronounce judgments that are according to faith and charity. But if the one who is asking that his case be reopened, so moves the Roman Bishop by his protestation, should send a priest from his side it will be in the power of the bishop to express what he wants and thinks. If he decides that those are to be sent who at present judge with the bishop have the authority of him who sent him, this will be in his power. But, if he thinks the bishops are adequate put an end to the business, let him ⁴⁸do what he thinks fitting with very wise council.

He continues to argue that the clouds of uncertainty will persist until both sides have been examined by the Apostolic See. And he reminds these bishops that they are not unaware of the fact that in an earlier letter to Hincmar, ⁴⁹ he had stated that Rothad was to be restored to

⁴⁸Ibid., p. 358. "Placuit autem, ut, si episcopus accusatus fuerit et iudicaverint congregati episcopi regionis ipsius et de gradu suo eum delecerint, si appellaverit qui delectus est et confugerit ad episcopum Romanae ecclesiae et voluerit se audiri, si iustum putaverit, ut renovetur examen, scribere his ecclesiis dignetur, quae in finitima et proxima provincia sunt, ut ipsi diligenter omnino requirant et iuxta fidem caritatis diffiniant. Quodsi is, qui rogat causam suam iterum audiri, deprecatione sua moverit episcopum Romanum, ut e latere suo presbyterum mittat, erit in potestate episcopi, quid velit et quid aestimet. Et si decreverit mittendos esse, qui praesentes cum episcopis iudicent, habentes eius auctoritatem, a quo destinati sunt, erit in suo arbitrio. Si vero crediderit episcopos sufficere, ut negotio terminum imponant, faciat quod sapientissimo consilio iudicaverit."

⁴⁹MGH, Epp., VI, 55, pp. 353-354.

his former dignity within thirty days or, if Hincmar still felt justified in what he had done, that he was to have sent Rothad and his representatives to Rome for Nicholas' decision on the case. Clearly Nicholas is repeating over and over again that he thinks Rome is the rightful place of appeal for a bishop who believes he has been misjudged by his metropolitan or by a provincial synod.

Nicholas continues that his legate, Odo, Bishop of Beauvais, has reported that none of his request regarding Rothad's case has been acted upon; in fact, Rothad is still (italics mine) imprisoned in a monastery. He indicates that he cannot adequately express how reprehensible this conduct is to him and commands that these bishops recall Rothad from exile soon. Further he ties to this command a threat that he will excommunicate them if they refuse to do what he orders. His justification is that he has the right to do this because Almighty God has given this prerogative to the Holy Roman Catholic Church over which he, because of God's divine providence, rules.⁵⁰

He concludes his comments on Rothad's case by stating that the bishops should be thankful that there is

⁵⁰Ibid., p. 360. "Quod si postposito nostro iudicio quae auctoritate apostolica promulgavimus atque decrevimus occurrere contempseritis, Dei omnipotentis et beatorum Petri et Pauli apostolorum principum, quorum gloriosae agone sancta haec Romana ecclesia, cui divina dispositione praesumus, est Domino consecrata, atque sanctorum canonum, quorum vos contemptores scriptis propriis ostendistis, necnon et nostrae mediocritatis auctoritate a missarum sollemnibus celebrandis estote prorsus, quousque nostris definitionibus oboediatis."

the option of appealing to Rome "since the privileges of the Apostolic See are for the protective armor so to speak of the universal church. . . . For what happened to Rothad today, how do you know that it may not happen to any one of you tomorrow? As the Apostle [Paul] warns us when he says: 'Let anyone who thinks he is standing upright watch out lest he fall!,'⁵¹ if this happens 'to whom will you flee for help,'⁵² to quote the words of the Prophet [Isaiah]."⁵³

At this time he wrote Hincmar of Rheims another strongly-worded letter regarding the case of Rothad,⁵⁴ in which he again laments that Rothad was deposed from his episcopal office while he was appealing to the Apostolic See. This letter alternately compliments Hincmar for his virtues, which Odo has assured him are considerable, and scolds him for not sending Rothad to Rome. At the close he reminds Hincmar that this is the second time (italics mine) he has written urging Hincmar to send Rothad to Rome.

⁵¹I Cor. 10:12.

⁵²Isa. 10:3.

⁵³Ibid. "Sed et vos illa, quatinus illibata utpote totius ecclesiae Dei remedia custo diantur, toto conamine et omnibus votis operari ac desudare debetis; quoniam privilegia sedis apostolicae tegmina sunt, ut ita dicamus, totius ecclesiae catholicae, Nam quod Rothado hodie contigit, unde scitis, quod cras cuilibet non eveniat vestrum? Sicut apostolus ammonet dicens: 'Qui se putat stare, videat ne cadat.' Quod se contigerit, ut verbis dicamus propheticis, 'ad cuius', rogo, 'confugietis auxilium'?"

⁵⁴MGH, Epp., VI, 58, pp. 362-364.



He says: "You must act with foresight, for if we are obliged to write to your reverence a third time in behalf of this man we may pass definitive and final sentence upon you as one guilty of contempt for the sacred canons, much as we do not want to do so."⁵⁵ Of course, the reference here is to the possible excommunication of Hincmar, which Nicholas had referred to in the earlier letter,⁵⁶ and again with this threat it appears clear that Nicholas believes that as Bishop of Rome, he has the right to hear appeals from the universal church even when a decision has been rendered at the provincial level.

In another letter⁵⁷ Nicholas reconfirms the granting of the pallium to Hincmar to preside over the city of Rheims. Furthermore, Nicholas states that no one is ever to oppress Hincmar nor strip him of the church entrusted to him nor dare to judge or condemn him without first giving Hincmar a chance for a hearing before the Roman pontiff.⁵⁸

⁵⁵Ibid., p. 364. "Quod providendum est, si tertio dilectioni tuae dirigere pro hoc ipso coacti fuerimus, ne in contemptorem sacrorum canonum diffinitivam ac peremptoriam, quod non optamus, sententiam proferamus."

⁵⁶MGH, Epp., VI, 55, pp. 353-354.

⁵⁷MGH, Epp., VI, 59, pp. 354-367.

⁵⁸Ibid., p. 366. "Et hoc promulgamus atque apostolica auctoritate statuimus, ut te, quem primatem ipsius provinciae sanctae memoriae praesules praedecessores nostri, Leo scilicet in largitione usus pallii et Benedictus privilegio suae corroborationis, ut et antecessores eorum tuos praedecessores, canonica auctoritate et antiqua consuetudine pro metropolis ecclesiae Remensis genio confirmaverunt et

"If you are summoned by anyone so that you may be judged, we declare by our own authority and by the authority of Blessed Peter the Apostle [*italics mine*] that you are reserved to the apostolic judgment of the Pope and that you are not subject to the jurisdiction or judgment of anyone else except the power of the Roman pontiff, and we command that you cannot be summoned by the synod of any other primate unless by mutual agreement. This we decree to the extent that you are not found to be disobedient to the commands of the Apostolic Roman See in any manner."⁵⁹ This type of statement by Nicholas, one which in essence says the pontiff is reconfirming his privileges in Rheims and will protect them as long as Hincmar is obedient to Nicholas' commands, is particularly important coming as it does at a time of controversy regarding the disposition of Rothad. Nicholas is emphasizing to Hincmar that he has the jurisdictional right to take away Hincmar's special privileges in Rheims if

nos primatu beati Petri Dei voce percepto pariter confirmamus, nullius umquam infestatio contra canonica apostolicaque decreta sive iudicia opprimat aut ab ecclesia tibi commissa virtute vel facultate nudare aut ante audientiam Romani pontificis, quia nec regulae hoc permittunt ecclesiasticae, iudicare te vel condemnare praesumat."

⁵⁹Ibid. "Sed, si a quocumque vel undecumque fueris compellatus, ut debeas iudicari, apostolici papae iudicio te reservari nostra, immo beati Petri apostoli auctoritate decernimus nec alterius cuiuscumque iuri vel iudicio te subici, excepta potestate sedis Romanae pontificis, nec ad alterius primatis provinciae synodum, nisi ex communi placito, posse convocari mandamus; ita tamen, si in nullo negotio apostolicae Romanae sedis iussionibus inventus fueris inobediens."

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Hincmar is disobedient to him. Nicholas repeats this point bluntly later in this same letter: "We grant these rights to you as your own for the rest of your life. . . as long as you as you do not violate in any way the precepts of the Apostolic See. But if at any time you are found in opposition to the decrees of the Holy Roman Church or to the commands of its ruler or if by letter or word of mouth, you fail to obey his commands, then let the contents of this privilege and precept be judged of absolutely no value and let everything which is contained in it be considered invalid in perpetuity and completely void."⁶⁰

Nicholas went further and wrote to Charles the Bald⁶¹ to apprise him of the actions he had taken toward Hincmar and the other bishops who had participated in the deposition of Rothad. He warns that if they are not careful about carrying out his command within thirty days, he will simply absolve Rothad from the bonds of condemnation, and then require that the bishops appear before another council

⁶⁰Ibid. "Eo dumtaxat tenore ac conditione haec per huius praecepti decretique paginam tibi omnibus vitae tuae diebus habenda concedimus . . . in nullo ab apostolicae sedis praeceptionibus quoquomodo discrepaveris. Quodsi a sanctae Romanae ecclesiae constitutis vel ab eius praesulum iussionibus quolibet tempore inventus fueris segregatus eorumque sive per epistolam sive per verba mandatis oboedire neglexeris, huius privilegii atque praecepti tenor nullius momenti penitus iudicetur, et cuncta, quae in eo continentur, irrita in perpetuum atque inania prorsus existant."

⁶¹MGH, Epp., VI, 60, pp. 369-372.

where they themselves might fall into a similar pit which they have prepared for themselves by their disobedience. Nicholas urges Charles to take action: ". . . we plead or even confidently command you with our precept as a devoted son to despatch in mercy the aforesaid Rothad helped by your consolation all the way to us, so that according to the decrees of the holy pontiffs of the Roman church and the statutes of the sacred canons his case may be settled by our decision."⁶² It is significant to note that Nicholas chose to inform Charles the Bald of his actions and to solicit his aid in resolving this case; apparently he felt that the monarch could exert pressure in his kingdom which would enable Nicholas to have his way.

In the fall of 863 Nicholas sent a letter to Rothad⁶³ in which he lists all the different letters that he has sent in Rothad's behalf, but he does ask Rothad to ". . . strive to review what you said in your own hearing, in order that, if indeed your conscience accuses you, or if perhaps you admit the judgment pronounced against you by the bishops, you

⁶²Ibid., pp. 370-371. ". . . exoramus vel etiam tamquam devoto filio praeciando fidenter mandamus, ut iam dictum Rothadum vestro adiutum solatio ad nos usque misericorditer dirigatis quatenus iuxta decreta sanctorum pontificum Romanae ecclesiae atque statuta sacrorum canonum nostro sit ipsius causa iudicio terminata."

⁶³MGH, Epp., VI, 62, pp. 373-374.

may not wish to tire yourself and others."⁶⁴ Apparently Rothad's conscience was clear because he did not retract his earlier statements, and after some delays he was eventually freed from the monastery and then allowed to journey to Rome in 864.

None of Rothad's accusers appeared in Rome to plead their case. Instead Hincmar forwarded a long apology⁶⁵ for his conduct, in which after defending himself, he repeatedly professes his submission to the Pope:

Because all of us, whether young or old, know that our churches are subject to the Roman Church, and that we bishops are subject to the Roman Pontiff in the primacy of Blessed Peter. Wherefore, saving our faith, which has always, and, with the help of God, will always flourish in the Church, we must obey your apostolic authority.⁶⁶

It is important to note in this submission that although Hincmar disagrees with Nicholas he feels he must not dispute Rome's right to final arbitration.⁶⁷

⁶⁴Ibid., p. 374. ". . . studeat secum sollicita mente revolvere quod tibi quasi in ipsis tuis auribus loquimur, ut, si quidem conscientia tua reprehendit te aut forte iudicium episcoporum contra te prolatum admiseris, nec te fatigare nec alios velis."

⁶⁵Hincmar's epistle to Nicholas P.L., vol. 126, Epistle II, pp. 25ff.

⁶⁶Ibid., p. 33. "Quia omnes senes cum junioribus scimus nostras Ecclesias subditas esse Romanae Ecclesiae, et nos episcopos in primatu beati Petri subjectus esse Romano pontifici, et ob id salva fide, quae in Ecclesia semper viguit, et, Domino cooperante, florebit, nobis est vestrae apostolicae auctoritati obediendum."

⁶⁷A similar conclusion was reached by Brown, op. cit., p. 179; he points out that it was either that or excommunication which really left Hincmar with no choice.

Finally since no one had come forth to condemn Rothad, on Christmas eve 864 Nicholas preached a sermon⁶⁸ in the Basilica of St. Mary's in which he reviewed the case of Rothad. He compared Rothad's ordeal to those faced by Jonas in the whale's belly and by Daniel in the lion's den. He pointed out that, just as in the previous instances God saw fit to protect the oppressed, Rothad was safeguarded by the rock of Peter. Particularly of interest were Nicholas' remarks in which he states: "Even if Rothad had never appealed to us, he should not have been deposed without our knowledge, since the sacred decrees demand that the cases of bishops, as matters of greater importance, must be subject to our jurisdiction."⁶⁹ It is clear from this sermon that Nicholas thought the Roman see has final jurisdiction in matters concerning appeals from provincial sees.

Nicholas certainly acted as if he thought he had jurisdictional primacy when he restored Rothad to his former see of Soissons⁷⁰ stating:

And therefore by the authority of Almighty God and of the Blessed Apostles Peter and Paul and of all my

⁶⁸ Sermon of Nicholas I delivered Christmas eve 864, P.L., vol. 119, 71, pp. 890-892.

⁶⁹ Ibid., p. 892. ". . . etsi numquam provocasset numquam omnino praeter scientiam nostram deponi debuerit: quia sacra statuta et veneranda decreta episcoporum causas, utpote majora negotia, nostrae diffiniendas censurae mandarunt."

⁷⁰ See letter number 68 dated January 19, 865 in MGH, Epp., VI, pp. 382-384.

predecessors in the Apostolic See, we confirm you once again as head of your former church and with your former titles. We so decree this that anyone who hinders you in any way from recovering the church, which was once entrusted to you or from exercising your episcopal ministry, be suspended from the exercise of sacred ministries and forbidden entrance to the church, and be excommunicated from all the people of God until he submits and abandons his attempts to resist you.⁷¹

Nicholas' letter to the archbishops and bishops of Gaul⁷² informing them of Rothad's re-instatement carries a strong polemic for the pope's right to do so. A careful examination of this letter gives a good insight into Nicholas' viewpoint on just what privileges he thinks the Roman pontiff possesses.

He starts this letter by indicating that the Church is one although there may be many individual churches scattered throughout the world. He reminds his episcopal brethren in Gaul that "when Christ was about to ascend to Heaven, He entrusted this church to His apostles and through them as by hereditary right to their successors, that is to say, to us, whom He has appointed as shepherds and pontiffs over His church and He granted to us all His providential care."⁷³

⁷¹Ibid., p. 383. "Et ideo auctoritate Dei omnipotentis et beatorum apostolorum Petri et Pauli et omnium decessorum meorum sedis apostolicae praesulum pristino gradui ac pristinae te reformamus ecclesiae, ita ut, quicumque tibi ad recipiendum ecclesiam olim tibi commissam vel et episcopale ministerium peragendum aliquatenus impedierit, donec acquiescat et tibi obsistendi conatum deponat, a sacrosanctis misteriiis et ab ecclesiae sit ingressu remotus atque ab omni communione fidelium sequestratus. . . ."

⁷²MGH, Epp., VI, 71, pp. 392-400, dated ca. January 865.

⁷³Ibid., p. 392. "subiturus tamen ad caelos hanc apostolis commendavit ac per eos tamquam hereditario iure

Nicholas points out that the bishops of Gaul are the successors of the apostles and as such should be imitators of the apostles as the apostles were of Christ. "However even among the Blessed Apostles, as Saint Leo the Great writes,⁷⁴ there was despite a similarity of honor a certain distinction of power, and although the vocation of all of them to the apostolate were equal, it was granted to one of them [of course here he refers to the Roman pontiff] to have preeminence over the others."⁷⁵ Nicholas continues quoting Leo: "It was in accordance with this practice that a distinction arose among bishops and by solemn decree care was taken in order that all bishops might not claim all powers for themselves, but rather that in every province individuals should be appointed whose opinion should be considered as of the highest importance among their brothers. Then, too, in larger cities certain men should be appointed to bear a heavier load of responsibility, and through these

successoribus eorum, nobis scilicet, quos pastores et episcopos ac pontifices super ipsam constituit omnis eius providentiae curam indulsit."

⁷⁴Ep. ad Anastasium Thessalon. episc., Mansi V, 1285 cf. footnote 3 in ibid.

⁷⁵Ibid. "Verum et inter beatissimos apostolos, sicut ille magnus et sanctus Leo scribit, in similitudine honoris fuit quaedam discretio potestatis et, cum omnium par esset election, uni tamen datum est, ut ceteris prae-mineret."

men the care of the universal church should be channeled to the one See of Peter and in no way should there ever be any disagreement with the head of the church."⁷⁶

Furthermore Nicholas indicated his disappointment that they had not consulted the Roman See before deposing Rothad, especially since he had indicated a desire to appeal to Rome. He reminds them that the council of Sardica⁷⁷ wrote to Pope Julius: "It seems best and extremely fitting that all priests of the Lord refer all matters concerning every one of their provinces to their head, that is, to the See of Peter the Apostle."⁷⁸ Then for emphasis he adds in his own words: "Notice, the See of Peter is called the head; notice, also, to which See priests of the Lord must refer problems concerning their own provinces."⁷⁹

⁷⁶Ibid. "De qua forma episcoporum quoque est orta distinctio, et magna ordinatione provisum est, ne omnes sibi omnia vindicarent, sed essent in singulis provinciis singuli, quorum inter fratres haberetur prima sententia, et rursus quidam in maioribus urbibus constituti sollicitudinem eius susciperent ampliolem, per quos ad unam Petri sedem universalis ecclesiae cura conflueret, et nihil usquam a suo capite dissideret."

⁷⁷C. 9 synodi Chalcedonensis (Mansi VII, 376), as cited in footnote 1 of p. 393 of ibid.

⁷⁸Ibid. "Optimum et valde congruentissimum esse videbitur, si ad caput, id est ad Petri apostoli sedem, de singulis quibusque provinciis Domini referant sacerdotes."

⁷⁹Ibid. "Ecce sedem Petri caput appellatam, ecce ad quam de singulis provinciis referre debent Domini sacerdotes."

This letter is one of Nicholas' strongest emphasizing the point that he feels that, as head of the Church, his concerns in ecclesiastical affairs are not to be ignored by his ecclesiastical brethren. It would seem to be a fitting conclusion to the Rothad case since it is apparent from his handling of this case that Nicholas did not believe his wishes could be ignored in an appeal because he felt as Peter's successor in Rome he had the final say in disputes which resulted in an appeal to his jurisdiction. Furthermore Nicholas believed that this right of appeal was to be respected even when a provincial church, in concert with its metropolitan, had reached a decision on a crucial issue such as the deposition of one of its fellow ecclesiastics. Nicholas still insisted that if the deposed bishop so desired, he could appeal to Rome as his court of final appeal.

As has been seen in the study of this case involving Rothad of Soissons, Nicholas took the position that the pope must have the right to render the final decision irrespective of earlier local judgments. This right to serve as a court of final appeal was to Nicholas one of Rome's major jurisdictional rights within the universal church.

Gunther and Theutgard

Nicholas reserved the right to censure personally provincial archbishops who acted in a manner displeasing to Rome as can be seen from an analysis of the case involving Gunther

of Cologne and Theutgard of Trier. They were the ranking ecclesiastics at the Council of Aix-la-Chapelle of April 29, 862, which gave King Lothar II an annulment of his marriage to Queen Theutberga and allowed him to marry his consort Waldrada.⁸⁰

Upon receipt of a report on the decision reached at Aix-la-Chapelle, Nicholas immediately sent two episcopal envoys to France, Radoald of Porto and John of Ficcolo, who were commissioned to convoke a council at Metz and investigate why Lothar had been allowed to put away Theutberga in favor of Waldrada. Nicholas wanted them to preside over a synod which could examine Lothar's marital status and reach a canonically-sound decision.⁸¹

In addition, Nicholas wrote a series of letters addressed to the archbishops and bishops who would take part in the projected council of Metz, Emperor Louis II, King Charles the Bald, King Lothar and Queen Hermintrude. All of the letters were dated November 23, 862.⁸² The

⁸⁰L.P., No. 597, p. 159.

⁸¹L.P., No. 598, p. 160. "Tunc, nec mora, continuo missos suos Franciam destinavit, precipiens et monens ut in Metensium urbe aggregato synodali conventu, cur idem rex requirerent Theutbergam reiceret aut Waldradam sibi inconiugium copularet; quo requisito et invento, legitimum finem imponerent."

⁸²MGH, Epp., VI, Nos. 3-8, pp. 268-275.

purpose of these letters was to set up the new council. He asked each monarch to send two episcopal delegates from his kingdom to this proposed council. Inference can be made from these letters that Nicholas earnestly sought to have the case retried by prudent and truthful men who would render a judgment in accordance with his interpretation of the sacred canons.⁸³ He also reminded King Lothar that while he was sending Radoald of Porto and John of Ficolo to convoke a new council he expected that this meeting would not convene until representatives of Louis the German and King Charles were present.⁸⁴ All was not to materialize exactly as Nicholas had planned: His letters were stolen and his envoys were forced to apply for new ones; also the legates were bribed by the emissaries of Gunther and Theutgard to proceed

⁸³For example see his exhortation to King Charles the Bald in MGH, *Epp.*, VI, 5, p. 271: "duos de regno vestro episcopos, quos prudentes atque veraces vos esse cognoscitis, convenire iubemus, qui una cum sanctae sedis nostrae legatis, quos illuc Domino auxiliante nunc destinamus, et aliorum venerabilium episcoporum coetu, qui ad eandem synodum conveniendi sunt, subtili cuncta indagatione rectaque valde inquisitione secundum Deum et venerabiles sanctorum patrum institutiones examinare ac diffinire decertent."

⁸⁴MGH, *Epp.*, VI, 6, p. 272. "Nunc autem domino nostro Iesu Christo favente legatos sanctae nostrae, cui Deo auctore deservimus, ecclesiae duos reverentissimos et sanctissimos episcopos, Radoaldum sanctae Portuensis ecclesiae et Iohannem sanctae Ficoelensis ecclesiae antistites, diligenciosos nostros, quorum adventu atque praesentia Dei sacerdotum synodus congregetur, transmittimus, sicut nostris vobis iam pridem direximus litteris, quibus magnitudini vestrae intimatum est binos episcopos de regno Hludowici regis, patrui vestri, et Karoli regis, fratris vestri, ad ipsam synodum convenire debere."

with the synod without the foreign bishops and the purely Lotharingian synod was under the control of Gunther.⁸⁵

This council was held at Metz in June of 863. Gunther and Theutgard were able to persuade their fellow bishops to join them in condemning Theutberga in absentia and approving Lothar's marriage to Waldrada.

After Gunther and Theutgard obtained the signature of all present at the Synod of Metz, they brought a document containing the synod's proceedings to Rome in October of 863⁸⁶ where they appeared before the Lateran Council. Gunther and Theutgard read an account of the proceedings at Metz which had approved the nullification of Lothar's marriage to Theutberga and allowed his marriage to Waldrada. Nicholas

⁸⁵This is the conclusion of René Poupardin found in Germany and the Western Empire, Vol. III of The Cambridge Medieval History, ed. J.A. Bury et al. (8 vol., 6th ed. rev., New York: Cambridge University Press, 1964), p. 42--hereafter I will refer to this work as CMH with author, volume and page given. Also cf. Haller, op. cit., pp. 84-85. The primary sources for these charges include L.P., No. 598, p. 160: "licet in multis seducti"; MGH, Epp. 53, VI, p. 343: "Non enim epistolas, quas ad vos vestrorumque regnorum episcopos miseramus, secum habere poterant, quippe quas sibi ab amicis Hlotharii regis iam constabat ablatas. . . sed corruptis, immo et ad favorem suum traductis legatis nostris quod libuit nullo resistente patravit."; and Annales Bertiniani, a. 863; ed. G. Waitz, MGH, SS. rer Germ. in usum schol. (Hanover, 1883), p. 62: "Idem autem apostolicae sedis legati Mettis adeunt, synodum habituri ex delegatione apostolica circa medium mensem Iunium pro divortio, quod inter Lotharium et uxorem suam Theotberga acciderat, et pro superinductione concubinae Waldradae, quam contra leges ecclesiasticas et mundanas in uxorem sibi adsciverat. In qua synodo praefati missi, corrupti muneribus, epistolas domni apostolici occultantes, nihil de his quae sibi commendata fuerunt secundum sacram auctoritatem egerunt."

⁸⁶This document is lost; see Duchesne's note 47, p. 170 of L.P.

and the other bishops were deeply disturbed by the report of Gunther and Theutgard. They were aggravated because it was apparent that the Lotharingian synod of Metz (June 863) had exceeded its authority in granting Lothar a divorce. They condemned the Metz decision and its instigators Gunther and Theutgard. Further the Roman bishops supported Nicholas when he deposed Gunther and Theutgard for violating canon law.⁸⁷

Some modern authors make what seem to be appropriate critical remarks about the proceedings of the Lateran Council (October 863). Le Clercq say it is difficult to ascertain whether Gunther and Theutgard had been even requested to give an explanation. Thus he concludes that this

⁸⁷MGH, Epp., VI, 53, pp. 343-344. "Scriptoque de his, quae illic pro voto regis iniqua sunt fauce deprompta, quodam profano libello, ea sic censentes illibata persistere, propriis subscriptionibus roboraverunt, Theutgaudo primitus et Gunthario in ipsis subscriptionibus sicut et in ceteris gestis praecelentibus et alios se sequi pestifere compellentibus. Qui mox Roman venturos ac nobis de his, quae gesserant, rationem posituros se per omnia spoponderunt. Tandemque pervenientes nostro sunt conspectui coram omni ecclesia praesentati et, dum ab eis, qualiter illa fuerint gesta, requireremus, iam memoratum libellum offerentes perhibuerunt nec plus nec minus nec aliter se quicquam gessisse, nisi ut oblatus videbatur continere libellus. Quo accepto ac coram nostrorum episcoporum coetu, qui nobiscum aderat, atque coram ipsis, Theutgaudo scilicet et Gunthario, recensito quam multipliciter hunc reprehendimus ac per omnia reprehensibilem iudicavimus et, quae in eo gesta legebantur, qualiter inimica iustitiae Deoque perosa consisterent, audientibus ipsis elimatius exposuimus. Quamvis nec tunc omnia reprehensionum eius loca in ipsis prophanis gestis inventa sint nec rursus omnia, quae inventa sunt, nunc ad memoriam nostram valeant repedare: tanta tamen ac talia fuere, ut pro his merito canonicam depositionis Theutgaudum et Guntharium oportere subire sententiam sancta necum synodus residens saepius acclamaret."

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right of defense, which is the most sacred one of all and the most precious one for an accused person, was rejected by the pope. Le Clercq also says that this council was tainted with another irregularity since everything had been prepared before Gunther and Theutgard were called before the assembly.⁸⁸

It seems that Haller is also right when he is very critical of this synod, indicating that it had no parallel in the history of the Occident. He states the manner in which this synod was conducted was scandalous, and, furthermore, that Frankish prelates could be sentenced by a Roman synod was contrary to all traditions. The fact that Gunther and Theutgard were sentenced without being heard or defended was, according to Haller, in violation of the law especially since, earlier at Metz, they had acted under the direction of the papal legates. Haller further concludes that Nicholas shows here more distinctly than anywhere else that he considered himself to be an absolute ruler not bound by any foreign law, even the traditional laws of the Church.⁸⁹

Article II of this Roman Synod of October 30, 863, contains the statement of excommunication levied against Gunther and Theutgard.⁹⁰ It should be noted that the reason

⁸⁸Hefele, op. cit., pp. 331-332, fn. 1.

⁸⁹Haller, op. cit., p. 93.

⁹⁰MGH, Epp., VI, 18, p. 285. "Teutgaudum Treverensem, primate[m] Belgicae provinciae, et Guntharium Agripinae Coloniae archiepiscopos nunc coram nobis et sancta synhodo sub gestorum insinuatione, qualiter causam Lotharii regis et duarum mulierum eius, Teutbergae scilicet et Waldradae, recognoverint et

stated for their deposition was "that they had gone beyond canonical sanctions and in a sinful way had violated the norms of justice."⁹¹

Article I called for the complete annulment of the Council of Metz "which did not await our judgment, but rashly violated the laws of the Apostolic See. . . . Furthermore we decree with apostolic truth that it be repudiated and condemned forever . . . and that it be looked upon as a brothel which fostered adultery."⁹² At least ostensibly Nicholas is here stressing the failure of the Council of Metz to stop immoral action as the reason for the annulment of its acts.

In article III Nicholas condemns the other bishops present at Metz to excommunication for supporting this decision which opposed "the head of the Church, the See of St. Peter."⁹³ He tells the bishops they can be reinstated

iudicaverint, . . . omni iudicamus sacerdotii officio manere penitus alienos Spiritus sancti iudicio et beati Petri per nos auctoritate omni episcopatus exutos regimine consistere diffinientes."

⁹¹Ibid. "in quibus omnibus invenimus eos apostolicas atque canonicas sanctiones in pluribus excessisse et aequitatis normam nequiter temerasse."

⁹²Ibid. "qui nostrum praevenierunt iudicium, collecta est, quique apostolicae sedis instituta temere violaverunt, et tunc et nunc et in aeternum iudicamus esse cassatam et cum Epheseno latrociniis reputatam, apostolica auctoritate in perpetuum sanctimus esse damnandam nec vocari synodum, sed tamquam adulteris faventem prostibulum appellari decernimus."

⁹³Ibid. "a capite, id est a sede Petri."

without any loss of honors for their past mistakes if they will declare in writing their intention to obey the Apostolic See in future matters.⁹⁴ This article reaches what is to Nicholas the crux of the matter--he does not expect the Apostolic See's wishes to be ignored in ecclesiastical matters. In fact, the last article of this synod⁹⁵ makes this point crystal clear. "If anyone shows contempt for the dogmas, orders, interdicts, sanctions or decrees concerning catholic faith and ecclesiastical discipline or the correction of the faithful or the conversion of sinners, that have been proclaimed in a salutary way by the ruler of the Apostolic See, let him be anathema."⁹⁶

Nicholas summarized his reasons for excommunicating Gunther and Theutgard into seven major ones; at least a cursory look at these is in order to better understand Nicholas' rationale for his strong action. Nicholas chose to list seven since "it was customary for seven to signify totality." He continues rhetorically: "By

⁹⁴Ibid.

⁹⁵Number V found in ibid., p. 286.

⁹⁶Ibid. "Si quis dogmata, mandata interdicta, sanctiones vel decreta pro catholica fide, pro ecclesiastica disciplina, pro correctione fidelium, pro emendatione sceleratorum vel interdictione imminentium vel futurorum malorum a sedis apostolicae praeside salubriter promulgata contempserit, anathema sit."

any case, who would be able to state all the things they did wickedly, before or after their condemnation."⁹⁷

The first charge against them was the fact that they had refused to obey his salutary commands and order Ingiltrudis, the wife of Count Boso, to return to her husband. She had left Boso and was leading an adulterous life in their ecclesiastical territory, and Count Boso had already approached ecclesiastical authorities, including Nicholas' predecessor, Pope Benedict, asking for their assistance in getting his wife back. After Ingiltrudis refused to return to her husband, Nicholas convoked a synod at Milan to which she was ordered to come or be anathematized.⁹⁸ When she refused to attend this synod, the sentence of excommunication was carried out.⁹⁹ Nicholas forbade anyone, either layman or cleric, to associate with her under pain of excommunication.¹⁰⁰ Instead of heeding the pontiff's warning Gunther and Theutgard gave refuge to Ingiltrudis in their own dioceses; this was the first reason Nicholas listed for excommunicating them.¹⁰¹

⁹⁷MGH, Epp., VI, 53, p. 345. "solet namque per septenarium numerum universitas significari. Ceterum quis eorum omnia, quae sive ante sive post dampnationem perperam commisserunt, enarrare sufficiat?"

⁹⁸The acts of this synod are lost; see ibid., p. 341, fn. 5.

⁹⁹See article IV of MGH, Epp., VI, 18, p. 286.

¹⁰⁰Ibid.

¹⁰¹MGH, Epp., VI, 53, p. 344.

The second is a continuance of the first. Not only had they presumed to receive the excommunicate, but they also absolved her from the bonds of excommunication which had been leveled by the pontiff and a holy synod. This Nicholas stated was in defiance of ecclesiastical canons, especially those of the great Council of Nicaea. Furthermore, Nicholas noted the fact that Pope Gelasius had stated more than once that the see which binds, and especially the first see (Rome), must also loose.¹⁰²

The third charge was that Gunther and Theutgard had been guilty of fraud and deceit when they removed things from his letters to the Council of Metz and changed other statements to help suit their cause.¹⁰³ An illustration of this falsification was given later in this same letter by Nicholas where he indicated that at the Council of Metz one of the bishops favorable to Rome signed the document with the stipulation that these acts were to be observed only until

¹⁰²Ibid. "Secundo, quia eandem Ingiltrudim a nobis et a synodo abiectam et anathematizatam recipere et absolvere praesumpserunt et hoc contra canones et praecipue contra ipsum Nicenum magnum concilium, quod hi qui abiciuntur ab aliis non recipiantur sanxisse dinoscitur; sed et beatus papa Gelasius, quod eadem, quae ligavit, et maxime prima, sedes debeat absolvere, non semel exponit."

¹⁰³Ibid. "Tertio, quia fraudis vel falsitatis rei manifestissime claruerunt, dum epistolae nostrae missis nostris pro causa Ingiltrudis refugae transmissae atque apud urbem Metensium in iam designato nefando conventu recitatae quaedam fraude subraxisse, quaedam vero falso addidisse atque commutasse reperti sint talemque illam effecerint, qualem libitui suo congruere posse iudicaverunt."

the pontiff deliberated upon them. However, when Theutgard and Gunther saw this, they used a knife to scrape out what he had written and wrote instead what they desired alongside his name. Nicholas stated further that the bishop whose statement was changed pointed this erasure out to him and that it was readily apparent to a close visual inspection.¹⁰⁴

Nicholas' fourth charge against Gunther and Theutgard was that they failed to resist those living in adultery (Lothar and Waldrada) and furthermore that these archbishops failed to warn the king and his consort of the terrible consequences of their immoral acts. In fact, Nicholas stated that rather than censure Lothar and Waldrada, as good pastors should have, these wicked archbishops actually encouraged the immorality of their monarch and his paramour.¹⁰⁵

A fifth charge was that Gunther and Theutgard had rashly arrogated to themselves the power to judge and decide, contrary to canons, which indicate that appeals made at the

¹⁰⁴Ibid., p. 347. "ventum est ad quendam fratrum et coepiscoporum nostrorum, qui tantum usque ad nostram diliberationem subscripsit eadem esse gesta servanda. Quod cernentes hi, Theutgaudus scilicet et Guntharius, arrepto cultello omne, quod antistes providus ad deliberationem nostram servandum esse descripserat, raserunt nomine solo episcopi relicto, cetera sicut ipsi voluerunt temere perscribentes. Quod nobis idem episcopus intimavit, et id ita gestum esse in ipsis authenticis gestis luce clarius patet; nam ubi sanum est, evidentissime claret."

¹⁰⁵Ibid., p. 344. "Quarto, quoniam adulterio detentis non solum pastoraliter non restiterunt nec ut speculatores venientem gladium annuntiaverunt, verum etiam his consentiendo et favendo in nequitia persistendi fidutiam tribuerunt et tantum flagitium tota virtute defendere fine tenus temptaverunt."

shrine of St. Peter are to be judged by the will of the Roman bishop and in accord with sacred rules. But, showing no reverence for Blessed Peter, they rashly presumed to hand down a judgment which both parties (Theutberga and Lothar) had requested of him some two years earlier and a judgment he had not yet been able to render. Furthermore, they decided that Theutberga, even as she was having recourse to the Roman See, was to be condemned.¹⁰⁶ It seems apparent that Nicholas felt that Gunther and Theutgard had usurped jurisdictional authority from Rome and this was contrary to church canons.

The sixth charge Nicholas made against Gunther and Theutgard was that they had condemned Theutberga in absentia when it was unsafe for her to come to Metz to defend herself because of fear of her husband Lothar.¹⁰⁷

¹⁰⁶Ibid., p. 345. "Quinto, quia de negotio unde ab utraque parte, id est et a Theutberga et a Hlothario, iuxta quod iam memoravimus, fuerat appellatum, isti praeter auctoritatem nostram id sibi subripietes iudicare ac diffinire temere praesumpserunt et hoc adversus canones; siquidem de apellationibus, quae apud memoriam sancti Petri fiunt, iudicandum Romani praesulis arbitrio et consilio sacrae regulae commiserunt. Verum isti beati Petri reverentiam prae oculis non habentes et iudicium, quod utraque pars a nobis efflagitavit et nos exequi coeperamus, temeraria praesumptione diffinierunt et Theutbergam etiam ad ecclesiam confugientem dampnatione opprimi censuerunt."

¹⁰⁷Ibid. "Sexto, quia hoc in absentia peregerunt contra illud, quod tropice dicitur: 'Ne maledicas surdo.' Surdo quippe maledicit, qui absentem condempnot. Surdus namque quodammodo est, qui in absentia positus quae sibi obiciuntur non audit. Quamvis absentia ipsa non studio Theutbergae vel conscientia vulnerata, ut isti putant, sed timore regis, idoneam illi nolentis tribuere securitatem, et factiosi consilii suspitione fuerit merito procurata."

The final charge levied against them was that, because of their pre-eminence, they had influenced other bishops to agree to the divorce of Lothar and by going along with this immoral act they had endangered many other souls in addition to their own.¹⁰⁸

In a letter to Archbishop Rudolph of Bourges and his suffragans¹⁰⁹ Nicholas used the same rationale for justifying his excommunication of Gunther and Theutgard. In one portion of the letter in which he exhorted Rudolph and his confrères to refrain from communicating with these excommunicants, Nicholas used the "rock" metaphor. Nicholas urged them "to adhere to the head of our religion, that is to the Holy Apostolic See, and crush the forehead of the serpent at its first evil suggestion before it penetrates into your hearts."¹¹⁰ He asked them further: "What strength can your judgments have, if our authority is in any way weakened? What things will you not be able to retract, or what force

¹⁰⁸Ibid. "Septimo, quoniam non solum ipsi subscribentes in profanis gestis cuncta, quae male compilata fuerant, sine respectu dedis apostolicae roboraverunt, verum etiam alios subscribere compellentes eorum omnium praevaricationis auctores effecti sunt et tot animarum rei constituti sunt, quot, utpote praeminentes, in hoc vel verbo vel facto praevaricationis praecipitium dimerterunt."

¹⁰⁹MGH, Epp., VI, 29, pp. 295-297.

¹¹⁰Ibid., p. 296. "Capiti ergo religionis, id est sanctae apostolicae sedi, haerete, caput autem serpentis, pravae videlicet suggestionis, antequam cor penetret, in prima fronte conterite."

will your councils have, if the Apostolic See loses its strength? Without its consent, no councils are convoked or accepted. You will see the Holy See has always had the right to condemn and absolve, according to the quality of those presented, not only archbishops, whose cases must always be reserved to this same Holy See, but also patriarchs, and it has the right to pass judgment on all the bishops, in as much as it has the power over the whole church of Christ by special prerogative to lay down laws and to pass decrees and promulgate sentences."¹¹¹ It seems logical to interpret this to mean that Nicholas feels the Holy See has the final responsibility for the actions of the church and its officials--a right which is based upon his succession to Peter's See at Rome.

In summation of this study of Nicholas' treatment of Gunther and Theutgard the pontiff thought these two archbishops were overstepping the bounds of their authority--for example, condemning Theutberga while she was appealing to his see. In addition, Nicholas was attempting to save souls by his actions. He hoped to prevent Gunther and Theutgard from contaminating others by approving what he considered to be

¹¹¹Ibid. "Quam rogo validitatem vestra poterunt habere iudicia, si nostra quomodolibet infirmantur, de quibus nec retractari licet, vel quod robur concilia vestra optinere valebunt, si suam perdiderit sedes apostolica firmitate sine cuius consensu nulla concilia vel accepta esse leguntur? Aut legite sacros [can] ones et sinodalia gesta revolvite et videte, quod sedi apostolicae [non] solum quoslibet metropolitanos, quorum causa eidem est sedi semper servanda, verum etiam patriarchas moris fuisse pro emergentium qualitate damnasse vel etiam absolvisse iusque semper et fas habuisse de omnibus sacerdotibus iudicare, utpote cui facultas est in tota Christi ecclesia leges speciali praerogative ponere ac decreta statuere atque sententias promulgare."

wicked and immoral acts, such as allowing Lothar to have his divorce. Further he took his pastoral responsibilities of encouraging proper moral behavior seriously; therefore he naturally believed that other bishops should share a similar concern. When he found high ecclesiastics like Gunther and Theutgard who apparently did not share his views, he became upset with them, especially when they tried to circumvent what he considered proper channels of authority by ignoring the Roman See.

Hilduin of Cambrai

Nicholas also had trouble with Hilduin, who was the brother of Gunther, the excommunicated archbishop of Cologne. When the see of Cambrai became vacant upon the death of Bishop Thierry, Lothar decided illegally to elevate Hilduin to it.¹¹² Needless to say, when the pontiff heard what had happened he acted swiftly to correct the situation and to depose the "cleric" Hilduin--the cynical title Nicholas gave to Hilduin. He immediately sent three letters¹¹³ in which he expressed his objections.

In his letter to Hilduin Nicholas stated that he was saddened by the reports of Hilduin's sinfulness which included the charges that he had illegally taken the see of

¹¹²See Mann, op. cit., pp. 91-92.

¹¹³Numbered 13-15 to Hilduin, Lothar and the bishops of Lothar's kingdom, all dated in May of 863, in MGH, Epp., VI, pp. 279-282.

Cambrai contrary to the sacred canons and, in addition, was treating with contempt the people and clergy of Cambrai.

Furthermore, the pontiff stated that it was reported that Hilduin was stealing possessions from the church which belonged rightfully to Hincmar, Archbishop of Rheims.¹¹⁴

Nicholas continued that "although human power may allow certain things [here the pontiff refers to Lothar granting Hilduin the see of Cambrai] still the divine and canonical censure never consented that you should be consecrated bishop in that church; as a matter of fact, it rejects far from such a dignity all who share your presumptuous attitude."¹¹⁵

The pontiff concluded this strong letter with the admonition that unless Hilduin left Cambrai with nothing except just enough food and drink for his own needs, he would run the risk of excommunication.¹¹⁶

¹¹⁴MGH, Epp. VI, 14, p. 280. "Cum nostri voti desiderium de omnibus bona cupiat semper cognoscere, multum nos contristaverunt quae de perversitatibus tuis nostris auribus veracibus quibusdam certa sunt attestazione relata. Diceris enim, quod contra statuta sanctorum canonum ecclesiam Camaracensem invaseris et eius sanctae plebis clericos opprimas ac dehonestes, bona quoque ipsius diripias, metropolitano, id est contratri nostro Remorum episcopo."

¹¹⁵Ibid., p. 281. "Et quoniam licet humana quaedam potestas permittat, divina tamen canonicaque censura te in eadem ecclesia in episcopum consecrari nequaquam consentit, immo omnes, qui tui sunt moris atque praesumptionis, a tanta dignitate procul repellit."

¹¹⁶Ibid. "et ab eius potestate ac regimine te minime subduxeris, Dei nostri et sanctorum apostolorum atque sententia auctoritatis nostrae vinculis sis anathematis obligatus, quamdiu huius nostrae diffinitionis epistolae pertinaci animo resultaveris."

Nicholas rebuked the bishops of Lothar's kingdom for their laziness in not acting to persuade their king to remove the "cleric" Hilduin from the church of Cambrai. The pontiff stated further that once Hilduin had been removed the bishops were to see to it that Lothar allowed the people and clergy of Cambrai to elect a bishop according to the sacred canons. He continued that if they showed contempt for his apostolic precept and did not excommunicate Hilduin as he ordered they themselves would be excommunicated.¹¹⁷

Nicholas strongly admonished King Lothar¹¹⁸ for having acted against the venerable church canons in allowing Hilduin to have a church to which he had no right--in fact Nicholas stated that Cambrai's church was the property of Hincmar, Archbishop of Rheims, and should be returned to Hincmar for proper canonical disposition. The pontiff reminded Lothar that it was the responsibility of a king to check rebellious movements in his kingdom and therefore the monarch should have been on hand to defend the church of

¹¹⁷MGH, Epp., VI, 13, p. 280. "Quapropter praecipimus vobis ut suggeratis filio nostro Hlothario glorioso regi et ei, ut nullum ecclesiae Camaracensi praeiudicium inferat, summopere suadere curetis, quatenus iam fato Hilduino submoto ex se eligendi iuxta sacros canones episcopum clero et plebi ipsius ecclesiae licentiam tribuat. Nam si hanc nostram praeceptionem apostolicam contempseritis, scitote vos pro inobedientia et pro consilii pestiferi veneno quo iam fatum regem saepe inficitis, a nostra communione penitus submovendos. Quem nisi ex Dei et beati Petri et nostra auctoritate excommunicaveritis, ut nil de ecclesia Camaracensi sibi vindicet numquamque se in eadem ecclesia ad episcopatum provehi temptet vel postulet, a communione dominici corporis et sanguinis estote divina et nostrae mediocritatis sententia cum eodem longius sequestrati."

¹¹⁸MGH, Epp. VI, 15, pp. 281-282.

Cambrai for its legitimate owner, rather than sanction the usurper Hilduin.¹¹⁹

It is clear from these letters that Nicholas believed Lothar's action was contrary to canonical law and that the monarch did not have the right to give away ecclesiastical property which belonged to the archbishop of Rheims. Furthermore, Nicholas clearly felt strongly about this, taking whatever action he thought necessary in righting what he viewed as a miscarriage of justice, even writing the Emperor Louis and Charles the Bald asking them to exert pressure on Lothar to rectify the situation.¹²⁰

Although this case involving Hilduin may not have been the most important with which Nicholas dealt during his pontificate, it still should be recognized that Nicholas did not hesitate to instruct Hilduin to leave the see of Cambrai since canonical law did not entitle him to it. This action came as no surprise when it is recalled that Nicholas had censured much more important ecclesiastics including John of Ravenna, Hincmar of Rheims, Theutgard of Trier and Gunther of Cologne when he deemed it necessary.

¹¹⁹Ibid. "Quam cunctis Christianis legibus detestandam praesumptionem a gloria tua contra ecclesiasticas institutiones minime perpetrare optamus neque aliquo modo patimur, quoniam, si regum est proprium rebelles corporis motus rationis imperio refrenare ac regere, debuerat utique excellentia tua in omnium regni tui ecclesiarum defensione adesse et minime metropolitani Remorum iure soluto in parrochiis regni tui viduatae ecclesiae Hilduinum aliunde constituere pervasorem."

¹²⁰MGH, Epp., VI, 38, p. 312. "De Camaracensi vero quod statutum habemus volumus observari, videlicet ut, si ibi electio canonica fuerit, consecrari debeat in ea episcopus."

Conclusion

An analysis of the cases studied in this chapter reveals several key rights and responsibilities that Nicholas reserved to the papacy. The study involving John of Ravenna's abuse of his office in Emilia showed Nicholas' insistence that the pontiff's rights in the Western Church take precedent over those of an archbishop under his jurisdiction.

In a similar fashion Nicholas' willingness to hear the appeal of Rothad of Soissons against his metropolitan, Hincmar of Rheims, and other bishops in Rothad's provincial area indicate that the pontiff took the position that Rome was the place of final appeal to any bishop who thought he had been mistreated at the provincial level. The fact that Nicholas was successful, in this case, in exerting jurisdictional control over provincial matters indicates that the pope not only thought he had the right of primacy but also the authority to enforce his decree. This study clearly indicates the exalted position in which Nicholas held the Roman See in the universal church's governance.

Nicholas' censure of Gunther of Cologne and Theutgard of Trier indicates two major aspects of his view on the pope's position in Christian society: first, that the Roman pontiff could void a conciliar decision which he found illegal, and second, it indicates that Nicholas viewed himself as the "spiritual father" of his flock. As "spiritual

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father" he could condemn immorality wherever he found it, even if a king was trying to obtain an illegal divorce.

Lastly, the study involving King Lothar's attempt to place Hilduin on the see of Cambrai was opposed by Nicholas on the grounds that this property was ecclesiastical. Therefore, the only person who could sanction such a move was the ecclesiastical overlord--in this case Hincmar of Rheims, the archbishop to whom Cambrai belonged. In addition, the pope exhibited a willingness to insist that canonical law be followed in filling this ecclesiastical position.

All of these cases involving Western hierarchs help provide better understanding regarding Nicholas' view of the pope's position in the Western Church. In the next chapter, attention will focus upon a clash with an Eastern patriarch, Photius, Archbishop of Constantinople, to determine if this study reveals a similar attitude on the part of Nicholas toward the Byzantine Church.

CHAPTER II

RELATIONS WITH PATRIARCH OF CONSTANTINOPLE

Ignatius was deposed as Patriarch of Constantinople in 858 and replaced by Photius. This series of events involved Nicholas I in the internal affairs of the Church of Constantinople. Nicholas, after an analysis of the situation, on (September 28, 865) summarized his position in a letter to Byzantine Emperor Michael III:¹

Such are some of the reasons among others of the same order, which make us interest ourselves in the fate of all the Churches: reasons that vehemently urge us to be indefatigable in our care of the Church of Constantinople, and oblige us to help, as a brother, the Patriarch Ignatius, dispossessed of his See against all law and every canonical rule. It is these privileges of our Church, which, under divine inspiration, have also commanded us that, Ignatius being still alive, we must remove Photius--who has unjustly introduced himself into the Lord's sheepfold, driven out the Shepherd and scattered the sheep--from the honorable See he has usurped unjustly, and must exclude him from the communion of Christians.²

¹Found in MGH, Epp., VI, 88, pp. 454-487 and also in P.L., vol. 119, 86, pp. 926-962.

²MGH, Epp., 88, p. 476. "Haec igitur et his similia nos pro cunctis ecclesiis sollicitos reddunt; haec etiam de Constantinopolitana ecclesia inpigram curam arripere vehementer hortantur; haec, inquam, Ignatium patriarcham nulla regula nulloque ordine ecclesiastico dictante deiectum tamquam fratrem adiuvari compellunt. Haec privilegia Photium vivente Ignatio in caulas dominicas non per ostium, sed aliunde ascendentem et pastorem inpellentem et oves dispergentem nobis et ab honore, quem irregulariter usurpavit, et a communione Christianorum amovere divinitus inspirata iusserunt."

Nicholas' involvement in the internal affairs of the Church of Constantinople is significant in that it reveals an insight into his perception of the Pope's position vis-à-vis the Patriarch of Constantinople in the Byzantine Church and vis-à-vis the universal church.

The internal political struggle in Constantinople which triggered the circumstances of Nicholas' involvement focused around the deposition of Patriarch Ignatius by a church synod (858) called by Caesar Bardas, Emperor Michael III's uncle and closest adviser.³ Ignatius had resented the fact that Empress Theodora had been displaced in a palace revolution engineered by Michael III and her brother Bardas in 855. It had been Theodora who had been instrumental in Ignatius' elevation to the patriarchate of Constantinople in 847. Finally Ignatius' animosity toward Bardas resulted in Ignatius excommunicating Bardas and refusing him communion on January 6, 858. The charge given was that Bardas was carrying on an illicit relationship with his daughter-in-law. Bardas was furious with Ignatius and looked for an occasion to depose him. This occasion came when Empress Theodora was accused of attempting to murder her brother. Bardas ordered Ignatius to tonsure her in preparation for her entry into a convent. When Ignatius refused, Bardas brought a charge of high treason against him and called the synod

³Romilly Jenkins, Byzantium: The Imperial Centuries A.D. 610-1071 (London: Weidenfeld and Nicolson, 1966), p. 171ff.

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which declared Ignatius deposed. Ignatius was then sent into exile to an island in the Marmara where he was mistreated.⁴

Ignatius' successor, Photius, was a brilliant scholar, who until just five days before his consecration December 25, 858 as the new patriarch of Constantinople, was still a layman. He was hurried up the ladder of ordination and preferment in an extraordinary manner.⁵ Photius followed the usual practice of sending letters to the bishops of Rome, Antioch, Alexandria and Jerusalem to inform them of his elevation. Upon receipt of this notification Pope Nicholas wrote to Emperor Michael III a letter⁶ in which he expressed concern with several aspects of what he considered Photius' "irregular" elevation and consecration. This letter is filled with statements which tell the reader just what Nicholas felt his responsibilities and jurisdictional rights were within the Christian Church.

Nicholas began by stating that: "The Creator of all things established the primacy of the divine power, which he bestowed upon his chosen apostles, upon the solid faith of the prince of the apostles, that is to say on St. Peter, and determined that his See should be outstanding, nay

⁴Ibid.

⁵Ibid., p. 172.

⁶Dated September 25, 860 found as number 82 of MGH, Epp., VI, pp. 433-439.

rather the very first see in rank. For this statement was uttered by the voice of the Lord Himself: 'Thou art Peter and upon this rock I will found my Church, and the gates of Hell shall not prevail against it.'⁷ Nicholas reminded the emperor that "Peter never failed to strengthen the inde-
fectible and universal church with his prayers and reliance on the solid source of its faith and strength which is the Christ, Who is the Rock, in order that he might hasten to correct the madness of those in error by the right norm of faith and strengthen her courageously and see to her enrichment, in order that the gates of Hell and the suggestions of the evil spirits and the attacks of heretics might not be able to break the unity of this same church."⁸ In effect, Nicholas is saying that Peter's successors at Rome are guided by divine inspiration so that they can keep the unity of the church inviolate. He goes on to say that no council's deliberations were ever confirmed without consultation with

⁷Ibid., p. 433. "Principatum divinae potestatis, quem omnium conditor electis suis apostolis largitus est, super solidam fidem apostolorum principis, Petri videlicet, soliditatem constituens, eius egregiam, immo primam sedem deliberavit. Nam voce dominica ipsi dictum fuerat: 'Tu es Petrus, et super hanc petram aedificabo ecclesiam mean, et portae inferi non praevalerunt adversus eam.'"

⁸Ibid. "Petrus denique a firmitate petrae, quae Christus est, structuram universalis ecclesiae inconcussam et fidei robore solidatam ita precibus suis munire non cessat, ut errantium vesaniam rectae fidei norma reformare festinet necnon intrepide eam consolidantes remunerare procuret, quatenus portae inferi, malignorum utique spirituum suggestiones atque hereticorum impetus, non praevaleant eiusdem ecclesiae unitatem refringere."

Rome. Nicholas wondered why the Council of Constantinople, which deposed Ignatius, deviated from this tradition, unless it had acted out of envy rather than in accordance with the sacred canons.⁹

The pontiff was particularly upset that the "mob" then chose a layman as their pastor. Nicholas was amazed that they could select a layman who had not even been properly prepared spiritually to be their spiritual father.¹⁰ Nicholas cites several canonical passages which forbade the improper elevation of a lay person to the episcopate; for example, the "thirteenth article of the Council of Sardica

⁹Ibid., p. 434. "Ad cuius etenim, sicut ipsi scitis, integritatem observationis multotiens conventus factus est sanctorum patrum, a quibus et deliberatum ac observatum extitit, qualiter absque Romanae sedis Romanique pontificis consensu nullius insurgentis deliberationis terminus daretur. Igitur a vobis Constantinopolim congregatus concilium, ut vestris apicibus nostris intimatum est auribus, huius tenoris seriem parvipendens ab institutis supradictis manum considerationis suae reflectere non trepidavit, adeo ut Ignatium, supra iam nominatae urbis patriarcham, sine Romani consultu pontificis ibidem coetus conveniens proprio privasset honore. Quod quam sit reprehensione dignum, testes illi, qui ei oppositi fuerant, manifestant, quia tales, quos in epistola vestra legimus, canonica institutio prohibet et invidiose datos manifeste claret, quoniam nec ipse proprio ore manifestavit, ut directionis vestrae asserunt litterae illa quae ei obieiebantur, neque accusatores illius secundum sacrorum canonum instituta probaverunt."

¹⁰Ibid. "Ceterum his etiam sic iniuste peractis ad detestabiliora inconsiderationis suae votum supradicta populi caetera dirigendo de laicorum habitu qui ei praeesset elegit pastorem. O quam presumptiosa temeritas! Ille praeponitur ovili divino, qui nescit adhuc dominari spiritui suo. Nam qui ignorat disponere vitam suam per gradus ecclesiae minime ductus, quomodo corrigere quibit vitam alienam subito electus?"

forbade under any circumstances the election of lay people as bishops. We quote: 'If by chance, some rich man or law student or one in administration is asked for as bishop, he is not to be ordained until he has exercised previously the task of reader and the office of deacon, or priest, in order that, if he is found worthy, he might rise by each of the steps to lead to the summit of the episcopacy.'¹¹ He also quotes Pope Leo: "In cities whose rectors have died let the following form be observed in finding substitute bishops: Let him who is to be ordained, even though he be attested to as a person of good life, not be a layman or neophyte or a person who has been married a second time, etc..¹²

Nicholas also reminds Michael that his pontifical predecessor Hadrian (772-795) in a letter to Constantinople favoring the veneration of images had stated: "Let no layman whatever in the future be ordained bishop in the same church of yours, Constantinople."¹³ For this reason Nicholas says

¹¹Ibid., p. 435. "Sardicense denique concilium, ut de laicis non eligeretur antistes, in tertio decimo capitulo per omnia prohibuit ita inquit: Si forte aut dives aut scolasticus de foro aut ex administratore episcopus fuerit postulatus, ut non prius ordinetur, nisi ante et lectoris munere et officio diaconi aut presbyterii fuerit perfunctus, ut per singulos gradus, si dignus fuerit, ascendat ad culmen episcopatus, et reliqua."

¹²Ibid. "In civitatibus, quarum rectores obierint, de substituendis episcopis haec forma servetur, ut is qui ordinandus est, etiamsi bonae vitae testimonio fulciatur, non laicus, non neophytus, nec secundae coniugis sit maritus, et reliqua."

¹³Ibid., p. 436. "Praedecessor itaque noster, huius almae sedis Hadrianus videlicet sanctissimus praesul,

he cannot give approval to Photius unless he is able to verify that Ignatius had voluntarily abandoned his position and had been deposed by all the people assembled in council. The pontiff commands Michael to call another council at which papal legates would be present to ascertain why Ignatius had rejected the people entrusted to him and had set aside the laws of the pontiffs Leo IV and Benedict. Nicholas expects the papal investigators to determine whether canonical procedures were followed in Ignatius' deposition. When the legates will have reported back to him, he will settle the matter with his apostolic judgment so that the Eastern church which is being harassed daily by such great worries may in the future remain inviolate and unshaken.¹⁴

in epistola, quam Constantinopolim pro venerandis imaginibus destinaverat, ita instituit, ut amplius de laicis nullatenus in eadem vestra Constantinopolitana ecclesia ordinaretur antistes."

¹⁴Ibid. "His ita paulisper praelibatis in supradicti viri consecratione consensum apostolatus nostri praebere non possumus, donec per missos nostros, quos ad vos destinavimus, cuncta, quae in iam praenominata saepius urbe de ecclesiasticis causis seu ordinibus peracta sunt vel agentur, nostris intimata fuerint auribus. Et ut in omnibus rectus ordo servari queat, volumus, o clemens Auguste, ut Ignatius, quem sedis supradictae gubernacula propria spontaneaue voluntate deseruisse et totius plebis congregato concilio depositum esse vestris apicibus nobis intimare curastis, in conspectum veniat nostrorum missorum et universi concilii, vestris quidem imperialibus institutis, quatenus perquiratur, quamobrem spreverit traditam sibi plebem et instituta antecessorum nostrorum sanctorumque pontificum, Leonis videlicet quarti papae atque Benedicti, parvipendendo contempserit, et in hoc agendum subtili examine a nostrae iussionis legatis depositionis eius censura perquiratur: quatenus inquirentes invenire queant, utrum canonicus tenor in eadem observatus fuerit vel non, manifestum existat: ac deinde, cum nostro praesulatu significatum fuerit, quid de eo agendum sit,

After explaining at great length why it was efficacious that images be venerated, Nicholas got around to asking that the patrimonies of Calabria and Illyricum, which had been removed from Rome by Emperor Leo III, in 732-733, be restored to the Roman pontiff. He states that it is unreasonable that ecclesiastical possessions, from which enlightened decisions of the church of God should emanate, could be stolen by any earthly power.¹⁵ Nicholas' final request is that his legates, Rodoald of Porto and Zachary of Anagni, be received with honor and treated with respect by the emperor.

It is possible to conclude from this letter that Nicholas clearly believed that, as Peter's successor, he had a special responsibility in the Christian Church and this responsibility applied in Constantinople as well as elsewhere. He was also concerned with what he referred to as the irregular election of a layman, Photius, as the new patriarch and apparently had some reservations in 860 as to whether Ignatius had voluntarily resigned his position. Therefore, he was sending papal legates to Constantinople to

apostolica sanctione diffiniemus, ut vestra ecclesia, quae tantis cotidie quatitur anxietatibus, inviolabilis deinceps et inconcussa permaneat."

¹⁵Ibid., p. 439. "Praeterea Calabritanum patrimonium Siculumque, quae nostrae ecclesiae concessa fuerunt et ea possidendo optinuit et disponendo per suos familiares regere studuit, vestris concessionibus reddantur, quoniam irrationabile est, ut ecclesiastica possessio, unde luminaria et concinnationes ecclesiae Dei fieri debent, terrena quavis potestate subtrahantur; sed domui Dei restituta meritum redditoris multiplicent et suscipientis votum spiritualis desiderii lucris exerceatur."

investigate and report back to him so that he could make a final judgment--which he felt he had the right to do as the successor of Peter. It would not be prudent to say that he was willing to make a deal, as Jenkins suggests.¹⁶ Although one reading of this letter might imply this, it would be more logical it would seem to argue that Nicholas believed he had the right to control the dioceses of Illyricum and Sicily since they had prior to 732-733, belonged to the Roman diocese.¹⁷ Therefore Nicholas was not really trying to blackmail Michael; he was only trying to regain territory belonging to the Roman patrimony which had been illegally taken away in the previous century.

A council was called for April 861 in Constantinople to retry the case involving the deposition of Ignatius. Nicholas sent two bishops, Rodoald of Porto and Zachary of Anagni, to gather information and report back to him for his decision. However, these legates succumbed to bribery¹⁸ and

¹⁶See Jenkins, op. cit., p. 173 where he suggests that, in effect, Nicholas was trying to blackmail Michael: "The inference is plain. If Constantinople would concede this secular and political demand, the pope would recognise Photius, whatever his commissioners might report. If not, not." Haller, op. cit., p. 73 agrees with Jenkins on this point.

¹⁷George Ostrogorsky, History of the Byzantine State, Joan Hussey (rev. ed.; New Brunswick, N.J.: Rutgers University Press, 1969), p. 170.

¹⁸L.P., No. 594, pp. 158-159. "Illi autem abeuntes, quod in mandatis acceperant contempnentes, non solum Photio neophito contra sibi interdictam communicaverunt, sed etiam corrupti muneribus ipsi et consecrationi eius favendo, convocata generali synodo, eundem virum Ignatium patriarcham denuo deposuerunt, sicut in gestis Constantinopolim ab illis compilatis facile repperitur, et per legatos, Leonem scilicet a secretis et alios, necnon et epistolam praediciti imperatoris

while at this Synod of Constantinople inappropriately lent their approval to the deposition of Ignatius. They had gone against Nicholas' command to confine their efforts to a gathering of the facts and to reporting back to him. When they returned to Rome they sang the praises of Photius and denounced Ignatius.

Jenkins¹⁹ suggests that the special "diplomatic amenities", that is special treatment afforded them, and the success of Photius in not letting them talk with Ignatian partisans, persuaded these papal legates to support the stance of the Photius' supporters at this rather irregular council. In addition, Jenkins states that Photius and his supporters felt certain that this synod would confirm the earlier synod's decision and thereby strengthen the Church of Constantinople's position in Christendom. In analyzing this same set of circumstances another writer²⁰ suggests that rather than bribery being the reason for the legates' disobedience of Nicholas' command, they acted as they did because Photius offered them an explicit acknowledgement of

veraciter mansit compertum. Revertentibus autem ipsis legatis, quod in Photio egerant nonnullis praeconiis extollebant et quod in Ignatio patriarcha nequiter operati fuerant multis oppositionibus vituperabant."

¹⁹Jenkins, op. cit., p. 173.

²⁰George Every, The Byzantine Patriarchate 451-1204 (London: Society for Promoting Christian Knowledge, 1947), p. 120.

their authority to judge a dispute at Constantinople on behalf of the Roman See.

What seems to be a very astute observation on this synod is made by Dvornik when he writes:

That the legates had not received from the Pope the authority to pronounce a definitive judgment in his name, is of little importance. What is important is that the Pope and the Byzantine Church gave the legates the right to examine the case.

In this connection the statement of the legates and the Byzantine bishops in the course of the second session of the Synod is very significant. "We believe, Brethren, that the fundamental reason why we wish to re-examine this case is that the Fathers of the Council of Sardica decided that the Bishop of Rome had the power to reopen the case of any bishop." Theodore, Bishop of Laodicea, replied to them in the name of the Church of Constantinople: "This is a source of pleasure to our Church; we have no objection to it and we find it in no way offensive." These words are important because they show that in 861 the Church of Constantinople had finally accepted the canons of Sardica which, up until that time they had declined to observe.²¹

Research indicates that this acknowledgment by the Eastern bishops of the right of the Roman pontiff to reopen the case of a deposed Eastern patriarch is very important. It is important because it infers that Rome's jurisdiction rights--including calling for a new synod--extend into the Eastern provinces as well, including the very heart of the Eastern Church, Constantinople.

Whatever the real reason for his legates' actions, Nicholas was not satisfied with their conduct and early the

²¹Dvornik, op. cit., p. 109 and fn. 24 on p. 121.

next year he annulled their decisions, explaining his position in letters sent to the Eastern bishops, Emperor Michael, and Photius.²² Toward the end of his letter to the Eastern bishops, including those of Alexandria, Antioch and Jerusalem, Nicholas states: "By our apostolic authority we charge you and order you to show due respect for the prerogatives of this See, and with equal catholic faith along with ourselves to hold the same opinion with regard to the restoration of the venerable patriarch, Ignatius, and the expulsion of the usurper, Photius."²³

Nicholas told the emperor that he was not able to approve the elevation of Photius to the patriarchate until all the facts were brought to him. Furthermore, he stated that if Michael expected the rewards of life eternal he should act accordingly.²⁴ He addressed Photius as "most prudent man."²⁵ In the introduction Nicholas set the tone of this

²²See his letters, all dated March 18, 862, in MGH, Epp., VI, Nos. 84, 85, 86, pp. 441-451.

²³MGH, Epp., VI, 84, p. 442. "Et ut vos huius sedis privilegium rite servantes pari religione catholici, pari etiam nobiscum super venerabilis Ignatii patriarchae sacerdotii recuperatione et Photii pervasoris expulsionem eadem sentiatis, apostolica auctoritate vobis iniungimus atque iubemus."

²⁴In his Ep. 85 found in MGH. Epp., VI, pp. 442-446 see especially concluding paragraph: "Omnipotens autem Deus, qui vos ad reprimendas multarum gentium feritates in imperiali culmine eligere dignatus est, piissimum imperium vestrum ad statum et defensionem sanctae suae ecclesiae per multa annorum conservet curricula et sospite vita semper vos ea, quae illi sunt placita, vobis velle concedat, quatenus, ut in praesenti vobis saeculo feliciter imperandi potestatem tribuit, in futuro pro bonis actibus et iustitiae observantia, quae sub vestro libramine ponderari debetur, praemia aeternae felicitatis habere permittat."

²⁵Ep. 86 found in MGH, Epp., VI, pp. 447-451.

letter. He reminded Photius that Christ "granted to Blessed Peter the prince of the apostles the power of binding and loosing in Heaven and on earth and of opening the gates of Heaven and he deigned to establish his holy church on the solid basis of faith according to his most truthful statement: 'Amen, I say to you, you are Peter and upon this rock I shall build my church, and the gates of Hell shall not prevail against it; and I give to you the keys of the kingdom of Heaven. Whatsoever you shall bind on earth will be bound in Heaven, and whatsoever you shall loose on earth will be loosed in Heaven.'"²⁶

A little later in this same letter Nicholas indicated that his responsibility to act as Peter's successor weighed heavily on him. He stated: "The whole multitude of believers seeks for doctrine and asks for the purity of faith from this Holy Roman Church, which is the head of all the churches. . . . It is therefore necessary for us, to whom this multitude has been entrusted, to be deeply concerned for it and all the more fervently to desire to watch over

²⁶Ibid., p. 447. "Postquam beato Petro principi apostolorum dominus ac redemptor noster Iesus Christus ex utero virginis pro nostra redemptione, ut erat verus Deus ante saecula, verus homo in fine saeculorum apparere dignatus est, ligandi atque solvendi in caelo et in terra potestatem tribuit et ianuas regni caelestis reserandas concessit, supra soliditatem fidei suam sanctam dignatus est stabilire ecclesiam, secundum illius veridicam vocem dicentis: 'Amen dico tibi, tu es Petrus, et super hanc petram aedificabo ecclesiam meam, et portae inferi non praevallebunt adversus eam; et tibi dabo claves regni caelorum, et quodcumque ligaveris super terram, erit ligatum et in caelis, et quodcumque solveris super terram, erit solutum et in caelis,'"

the flock of the Lord since rapacious wolves here and there are seeking out this flock with gaping jaws."²⁷ If one keeps in mind this passage he can understand the rationale for Nicholas' later statement: "Until we learn from very reliable sources about his [Ignatius'] sin or fault, we do not consider him as deposed, nor do we condemn him, for we must be very wary lest anyone who is innocent should be condemned. And just as the Holy Roman Church looks upon him as retaining his former honor, if the crimes alleged against him are not proved, so too the Holy Roman Church does not recognize you [Photius] as having the rank of patriarch, since you were appointed carelessly, and against the traditions of the Fathers, and the Holy Roman Church does not give consent to your remaining in the sacerdotal ranks, until the just condemnation of Patriarch Ignatius takes place."²⁸

Nicholas was upset when he received the news that

²⁷Ibid. "Et quia universitas credentium ab hac sancta Romana ecclesia, quae caput omnium est ecclesiarum, doctrinam exquirat, integritatem fidei deposcit, . . . oportet nos, quibus commissa est, sollicitos esse et ad speculationem dominici gregos tantum, ferventius anhelare, quantum hunc avidi lupi ad dilaniandum hinc inde patentia ora exquirunt."

²⁸Ibid., p. 450. "nisi prius veracissime illius cognoverimus transgressionem vel culpam, inter depositos illum non numeramus neque damnamus, quia valde cavendum est, ne sine causa innocens damnetur; et sicut illum in pristino mansurum, si ei damnationis crimina non conprobantur, sancta Romana honore retinet ecclesia, sic vos, qui incaute et contra paternas traditiones promoti estis, in patriarchatus ordine non recipit et neque ante iustam damnationem Ignatii patriarchae in ordine sacerdotali vobis manendo consentit."

his legates, Rodoald of Porto and Zachary of Anagni, had approved the actions of the Synod of Constantinople of 861. He was upset because he felt that the jurisdictional privileges of the Roman Church were being circumvented. He wanted time to gather the facts before he made a decision. His rationale for expecting this time is illustrated by the "rock" metaphor, and his feeling that as "head of all churches" he had the responsibility to protect any of them from rapacious wolves. This responsibility extends to the important archbishopric of Constantinople as well, and, therefore, Nicholas did not hesitate to tell Photius that his elevation to the patriarchate was not, and would not, be valid until he has had an opportunity to check the facts--and then only if he as Roman pontiff decided it should be.

When Nicholas had not received any responses to these letters by the spring of 863, he was very concerned. After listening to the charges of the Ignatian partisans led by the Studite monk, Theognostus,²⁹ Nicholas convoked a council at the Lateran. This council judged that Zachary, Bishop of Anagni, had contravened his instructions from the pope in confirming the deposition of Ignatius and allowing the elevation of Photius to the See of Constantinople. As a result, Zachary was deprived of his bishopric and excommunicated. A similar fate awaited Rodoald upon his return

²⁹See Jenkins, op. cit., p. 175 and Every, op. cit., p. 121.

from France, where he was attending another council. Photius was declared deprived of all sacerdotal rights and threatened with perpetual excommunication if he interfered with Ignatius, who was restored to his see. Gregory, Bishop of Syracuse, who had taken part in the consecration of Photius, was found guilty of violating the sacred canons and deprived of all sacerdotal rights with no hope for restitution. In addition to Ignatius, all other clerics and bishops who had been deprived of their rights were ordered restored to their former positions and privileges.³⁰

Jenkins indicates³¹ that Nicholas' actions were considered arrogant and insulting by Byzantine authorities. The Byzantine church and state were both centered in Constantinople. The Byzantine ecclesiastical leaders considered themselves to be equal to and independent of Rome. As a result, they felt insulted when Rome tried to control internal matters at Constantinople. This cleavage expressed itself in arguments over a variety of religious matters. Among these were: the marriage of secular clergy, the use of unleavened bread in the communion service, and even the Double Procession of the Holy Spirit. These, however, were not the real issues but only the symptoms of a major jurisdictional clash between the Roman and Byzantine churches.

³⁰Hefele, op. cit., pp. 326-330.

³¹Jenkins, op. cit., p. 175.

The real issue was over which church had ultimate spiritual authority in the Byzantine Empire.³²

Emperor Michael sent Nicholas a letter which expressed, with what Ostrogorsky called "unparalleled arrogance,"³³ the Byzantine belief in its own independence and supremacy. This letter demanded that the papal decision against Photius be withdrawn, and rejected with cutting acrimony the Roman claim to supremacy. In Michael's letter (penned by Photius) the Byzantine Church set itself as a judge over the Western Church by accusing her of errors in liturgy and church discipline, especially attacking the Western teaching on the procession of the Holy Spirit from the Father and the Son.³⁴

Nicholas, on his part, was beginning a conciliatory letter when he received this offensive letter from Michael; consequently, he put that one aside and in its place wrote a strong letter in which he refutes Michael's (really Photius') many charges. This letter clearly mirrors much of Nicholas' thought regarding his position in the church and

³²See also ibid., p. 176 in which Jenkins expressed a similar interpretation.

³³Ostrogorsky, op. cit., p. 231.

³⁴This letter is lost--ibid., but one can surmise its contents from the nature of the response it elicited from Nicholas--the famous letter dated September 28, 865 written while he was ill. It is found in MGH, Epp., VI, 86, pp. 454-487, and in P.L. vol. 119, 86, pp. 926-962.

Christian society and for this reason it would seem prudent to give it careful attention.³⁵

Early in the letter Nicholas addresses a prayer to the Father that He might inspire him to say the right things on this occasion, so that the Emperor might benefit from them. He says: "You have begun your letter with insults, we begin ours with prayers. You first of all overwhelm with invectives, not merely our person, but even the first and mistress of all the Churches; as for us we open our mouths to sound your praises, and to ask the Lord to grant you the increase of your power. . . . For, are not we, in very deed, the disciple of Him of whom the Prince of the Apostles has said: 'Who when He was reviled did not revile: when He suffered, He threatened not.'?"³⁶ . . . He who has the testimony of conscience and of God for him, may hope for every kind of blessing; nor must he be afraid of insults born of lies. Let us, therefore, patiently bear invectives launched against us by those who do not speak the truth. But, on your side, it behooves you to show respect to all priests, be they what they may, for the sake of Him, Whose servants they are."³⁷ This passage reveals that Nicholas

³⁵Roy, op. cit., pp. 55-56 is correct when he says that this letter is indeed a key letter, or, as Roy put it, "a letter which remains to this day, an invaluable source of canon law, and which, as a statement of the Church's privileges has never been surpassed in noble beauty."

³⁶₁ Peter 2:23.

³⁷MGH, Epp., VI, 86, p. 455. "quod vos ab inuuriis scribentes inchoaveritis, nos ab orationibus, vos a conviciis

expects respect for all priests, and especially for the one who holds the first See in the Church.

Nicholas exhorts Michael to show respect for his priests since even the pagans do that, although they are idolators. He continues: "Therefore you should not go to any trouble to find out ahead of time what kind of men God's priests are, but rather what they say about the Lord. With regard to the vicars of Blessed Peter the Apostle, you should not try to consider who they are, but rather what they are doing for the correction of abuses in the church and for your salvation. For then you will not say that they are worse than the scribes and Pharisees who sat upon the chair of Moses. This is what the Lord told us about these people: 'Whatever they shall say to you observe and do, but do not follow the example of their lives.'³⁸ Therefore, Emperor, reflect on this: If He said that those who sat upon the chair of Moses were to be listened to, how much more must

in nos, immo contra primam et magistram ecclesiarum omnium loquentes, exordium faceritis, nos in laudibus et in nomine Domini ad potentiam vestram sermonem habituri os aperuerimus? . . . discipuli enim sumus illius, de quo apostolorum princeps ait: 'Qui cum malediceretur, non maledicebat et, cum pateretur, non comminabatur.' . . . Ubi ergo, teste conscientia, Deus in causa est, ibi omnino beatitudo speranda et, ubi mendacium saevit, ibi concicia nulla timenda. Sicut ergo nos propter Deum etiam a non vera dicentibus iniurias nobis illatas aequanimiter ferimus, ita quoque oportet pietatem vestram sacerdotibus, qualescumque sint, propter eum, cui deserviunt, reverentiam potius quam iniurias exhibere."

³⁸ Matt. 23:3.

you think that those men should be obeyed who sit upon the chair of Peter?"³⁹ It is apparent that the appeal here is for obedience to the chair of Peter on the part of the Byzantine Emperor.

Nor will Nicholas tolerate affronts being directed against Rome. He says: "However what you have written to do harm to the Roman Church and to lessen her privileges and to disparage the incumbent of the Apostolic See, we shall repress with every bit of constancy that we can, and as far as lies in our power we will not be held back by any violence of yours or any of your slander. We will make every effort to refute your accusations as enemies of the truth. You have said that no predecessor of ours from the Sixth Synod⁴⁰ on has obtained from you what we are known to have obtained. And you maintain this as if this scandal was of our doing, whereas in fact your predecessors never saw fit to complain to the Apostolic See in any matter. It will be all the more to your shame,

³⁹Ibid., p. 456. "Non ergo quales sint sacerdotes Domini, sed quid de Domino loquantur, est vobis magnopere praevidendum nec in vicariis beati Petri apostali vobis est attendendum, qui sint, sed quid pro correctione ecclesiarum, quid pro salute vestra satagunt. Neque enim illorum inferiores dicetis scribis et Phariseis sedentibus super cathedram Moysi, de quibus Dominus praecipit dicens: 'Quaecumque dixerint vobis, facite et observate; secundum opera vero eorum nolite facere.' Ergo, imperator, considera, si illos dixit audiendos, qui super cathedram Moysi sedebant, quanto potius his, qui super cathedram Petri resident, esse existimatis obaudiedum?"

⁴⁰That is the Third Council of Constantinople held around 680. From ibid., p. 457, fn. 1.

since, over the passage of many years, they, in their listlessness have not sought for any salutary remedy for the plague of various heresies. On the contrary, like men who have given up seeking any cure or whose hearts remain obdurate, they have even spat forth from their own mouths the medicine we have offered them. At the same time in two ways they destroyed the bearers of precious salvation. Either they made them share their own error, and spiritually killed their effectiveness [as happened in the case of Pope Conon of blessed memory who lived after the Sixth Synod] or they certainly murdered those who did not agree with themselves [as happened during the reign of venerable Pope Gregory]. When however they were Catholics and wanted to defend sacred doctrine, they sought our protection as the synod held under Constantine and Irene indicates."⁴¹

⁴¹Ibid., pp. 456-457. "quae ad ecclesiae Romanae iniuriam, quae ad ipsius privilegiorum imminutionem, quae ad sedis apostolicae praesulum derogationem scripsistis, quanta possumus constantia retundemus et nullis terroribus nex illis detractionibus vestris repressi quanta possumus virtute destruere utpote veritatis inimica studebimus. Dixistis enim, quod nullus antecessorum nostrorum a sexta synodo meruerit a vobis, quod nos meruisse dinoscimus: . . . quasi nostrum fuerit obprobrium, eo quod sedem apostolicam in nullo quaerere antecessores vestri, dignati fuerint, cum magis eorum fuerit dedecus, quia per tot annorum curricula diversarum hereseon morbis lanquantes medicinale remedium non quaesierint, quin potius medicinam sponte a nobis sibi porrectam quasi desperati vel quasi cor impenitens gerentes ab ipsis faucibus proiecierint, dum tantae salutis oblatae ministros duplici modo interemerint; quoniam aut patricipes illos sui erroris effectos spiritaliter occiderunt, sicut tempore reverendae memoriae Cononis papae contigit, qui post sextam synodum extitit, aut certe corporaliter illos non consentientes sibi necaverunt, sicuti sub venerabili papa Gregorio factum est, . . . Quando vero catholici fuerunt et pium dogma vel ecclesiasticam correctionem defendere voluerunt, nostrum praesidium

Nicholas goes on to say that not only did Catholic emperors like Valentinian, Marcian, and Justinian (in addition to the two just mentioned) address Rome, but they wrote in the same vein: "We beg you, we invite you, we beseech you, why at times they would address even the prelates of the apostolic see. You, however, have become the heirs not so much of their kindness and respect but only of their power, and since you are unworthy to imitate them in the cause of religion. You assert that you have ordered, commanded and demanded that we should send you some of our subjects. We do not know that you have done this very thing.

. . . Unless we are mistaken, we, up to this point have no recollection of ever ordering you to do such a thing and we have known you to have come to this degree of disrespect for the see of Blessed Peter, the prince of the apostles."⁴² It is apparent that Nicholas expects deference rather than disrespect for his see from the Byzantine emperor.

quaesierunt, sicut synodus sub Constantino et Herene facta indicat."

⁴²Ibid., p. 458.. "Illi quippe: petimus, invitamus ac rogamus, ecce sparsim ad sedis apostolicae praesules, sed pari pietate clamant. Vos autem, quasi non mansuetudinis et reverentiae, sed solius imperii eorum heredes effecti et in causa pietatis illos imitari nolentes, praecepisse, iussisse ac imperasse vos, ut quosdam subiectorum nostrorum ad vos mitteremus, asseritis; . . . porro factum a vobis nulla recordatione recolimus; nusquam enim nobis tale quid iussisse vos, ni fallimur, hactenus reminissimur, nusquam vos ad tantam circa sedem beati Petri apostolorum principis irreverentiam devenisse cognovimus."

Nicholas later raises an interesting point in reference to his see having jurisdictional primacy. He says: "Furthermore you claim that you did not write to us with the intention that Ignatius should undergo a second trial. To this we make this truthful reply that doubtless you wrote because the later facts proved this. For unless you had wanted it so you would not allow it to be happening. As a matter of fact, to speak more truthfully we did not write with the intention that in the meantime our brother and fellow bishop, Ignatius, should undergo any trial but that his case should be studied carefully and clearly set forth If however Ignatius, as you say, had already been judged and thereby you wanted him to undergo a second trial against that which is written: 'God will not judge twice in the very same matter.' But in this matter it is abundantly clear that you have not been acting in good conscience when over and over again you have dragged him before conciliary trials, but you have striven to subject to condemnation our existing letters as imperfectly and unlawfully set forth in claiming to be of greater authority."⁴³

⁴³Ibid., p. 460. "Ceterum dicitis non ideo ad nos misisse vos, ut secundum iudicium Ignatius sustineret. Ad quod veraciter respondemus: ideo vos misisse procul dubio, quia posterior hoc probat eventus. Nisi enim voluissetis, nec id fieri sineretis. Immo nos, ut verius dicatur, non ideo misimus, ut interim quodlibet Ignatius frater et coepiscopus noster subiret iudicium, sed ut causa illius diligenter investigata et ad liquidum reperta iuxta. . . . Si autem Ignatius, ut fertis, iam iudicatus erat, quamobrem illum secundo iudicio subici voluistis contra illud, quod scriptum est: Non iudicabit Deus bis in id ipsum? Sed in hoc manifeste datur intellegi non vos bonam conscientiam gessisse, quando iterato illum ad tribunalia concilia pertraxistis, sed

The pope was very perturbed with the manner in which this second council of Constantinople (861) was carried out, stating: "Then indeed against ecclesiastical practice and against the sacred laws an accuser is brought forth from the imperial palace, who could be ordered to give false testimony. The judges were suspect, and the guards, wolves and mercenaries, who seemed to be shepherds, who were not ascending over against the powers of this world according to Ezekiel,⁴⁴ nor building up a wall for the house of the Lord, but descending alive into hell and knowingly so. The superior was submitted to the judgment of his inferiors, and this despite the holy canons, and the example of the Fathers, which prove to us that recourse should invariably be had to highest See of all. This is indeed a rule that not only Catholics, but the very heretics themselves, have always observed. Moreover, the council, in which this affair was treated, was one without authority; for even the cause of the least of clerics against the bishops, may not be judged by the bishop only."⁴⁵

quasi non perfecte neque legitime depositum praesentia missorum nostrorum tanquam maioris auctoritatis existentium damnationi subicere contendistis."

⁴⁴Ez. 13:5.

⁴⁵Ibid., p. 470. "Deinde vero contra ritum ecclesiasticum contraque venerandas leges productur accusator de imperialibus aedibus et cui imperari potest ad falsum dicendum testimonium adhibetur. Fiunt suspecti iudices et lupi custodes et mercenarii qui videbantur esse pastores, non ascendentes ex adverso potestatibus mundi iuxta Hiezechielem nec opposcentes murum pro domo Domini, sed descendentes in inferum viventes, hoc est scientes. Submittitur minorum, inferiorum et subiectorum deliberationibus, cum sacris canonibus praecipientibus et exemplis sanctorum patrum semper

Nicholas continues with this same condemnation of the fashion Michael (and by implication Photius) was managing religious affairs in the East. He finds it difficult to answer a letter written in such a manner. "In the third place, since the same matters were retained in that very letter, we did not bother to write any answer, but held them in contempt from a purely philosophic point of view. Since they were filled with every sort of evil and blasphemous utterance and spread poisonous charges against the very intention of God by which, His ineffable providence, He [God] sets the privileges of the Church and of the Roman See ahead of the privileges of all other churches. As we have said before, we do not believe that these words, which sounded unjust, were written by your hand. Because of this we were unable to send back any clear-cut replies or apologetic writings on these matters which were filled with ambiguity. However if they were your own words, which were written in contempt of Blessed Peter, the Prince of the Apostles and even of God whose will you resist, and were sent to detract from the privileges of the most holy Church, then I declare that you have not attentively read either the sacred rules or the actions of the sacred synods or the laws set forth by devout

ubi est maior auctoritas sit eundum et in omnibus controuersiis ad potioris sedis iudicia dirigatur. Quod non solum a catholicis, verum etiam ab ipsis constat observatum hereticis. Alioquin acephalum liquet esse concilium, ubi de tanta persona agitur et maiorum non expectatur sententia, cum nec in causa clericorum inferioris gradus solius episcopi sui iudicium tantummodo prestolandum sit."

emperors or the truthful documents of trustworthy historians. Rather you have tried so hard to cite them with such uselessness and incompetence and ineptitude in order to downgrade so great a Church."⁴⁶

He warns Michael, "however if you want to learn from us as from the ministers of Christ and dispensers of His mysteries, we will prove things more clearly to you. But if you have little esteem for knowledge, and strive only to devote your efforts to combat the privileges of the Roman Church, beware lest your attempt turn to your own destruction. It is a difficult thing for you to struggle against the current of the river and to kick against the goad. Furthermore if you will not listen to us, we have no other recourse than to regard you as Our Lord Jesus Christ ordered those to be regarded who contemptuously refuse to listen to the Church of God."⁴⁷

⁴⁶Ibid., p. 474. "Tertio quia, cum eadem, quae superfuerunt in ipsa epistola--ad quae nihil respondimus, sed potius philosophando contempsimus--plena essent omni pravitate atque blasphemia et contra ipsam dispositionem Dei, qua ecclesiae sedisque Romanae privilegia cunctarum ecclesiarum privilegiis sua ineffabili providentia praetulit, venena diffunderent, non vestra esse verba, sicut praediximus, quae tam perperam sonabant, credidimus; ac per hoc his quae in ambiguum venerant, non potuimus tanquam indubitatis responsa, vel apologetica scripta remittere. Verumtamen si vestra fuerunt verba, quae in despectu beati Petri apostolorum principis, immo Dei, cuius ordinationi resistitis, scripta et quasi detrahentia privilegiis huius sacratissimae ecclesiae missa sunt, fateor non vos studiose sacras regulas, non venerandarum synodorum actiones, non piorum imperatorum leges, non veraces probabilium virorum historias lectitasse, quas tam conati estis in derogationem ecclesiae tantae inutiliter ac inutiliter ac incompetenter atque incongrue memorare."

⁴⁷Ibid. "Quodsi a nobis quaeritis scire, utpote a ministris Christi et dispensatoribus mysteriorum eius, vobis

Next follows a strong statement of papal privileges: "The privileges of this See are perpetual: they were planted and rooted in by God Himself. They may be beaten against, but not changed; they may be attacked but not destroyed. Before your accession to the empire, they were, and they still, thanks be to God, are intact. They will be when you are not, and while the name of Christ is preached, they will never cease to be immutable. These privileges were established by the very mouth of Jesus Christ Himself. It was not councils that accorded them; they only have honored and preserved them."⁴⁸

Then Nicholas states that since the times of Peter and Paul Rome has held a privileged position, and it has not been necessary, as in Constantinople, to bring relics of saints into town to try to give some semblance of

evidentius ostendemus; si vero nosse parvipenditis et solum contra privilegia ecclesiae Romanae nisus vestros erigitis cavete, ne super vos convertantur. Durum quippe est vobis contra impetum fluminis reluctari durumque est contra stimulum calcitrare. Porro si nos non audieritis, restat, ut sitis apud nos necessario, quales dominus noster Iesus Christus hos haberi praecepit, qui ecclesiam Dei audire contempserint."

⁴⁸Ibid., p. 475. "Privilegia, inquam, istius sedis vel ecclesiae perpetua sunt; divinitus radicata atque plantata sunt; impingi possunt, transferri non possunt; trahi possunt, evelli non possunt. Quae ante imperium vestrum fuerunt et permanent Deo gratias actenus illibata manebuntque post vos et, quousque Christianum nomen praedicatum fuerit, illa subsistere non cessabunt immutilata. Ista igitur privilegia huic sanctae ecclesiae a Christo donata, a synodibus non donata, sed iam solummodo celebrata et venerata."

legitimacy. He continues: "It must be remarked, besides, that neither the Council of Nicaea, not any other synod ever gave a single privilege to the Church of Rome. This was because they knew that in Peter, this See had obtained the plenitude of all power, and received the direction of all the sheep of Christ. This is what the Blessed Bishop Boniface attests when writing to all the bishops established in Thessaly: 'The universal institution of the new-born Church had its sources in the honor accorded to Blessed Peter, to whom were given its direction and the Sovereign Power . . .'"⁴⁹

He proceeds: "These matters and those similar to them make us solicitous for all the churches. They vehemently urge that diligent care should snatch these things even from the church of Constantinople. These things, I say, that the Patriarch Ignatius should not have been dethroned without any rule or any ecclesiastical order. This compels us to keep him as our brother. These privileges have ordered us by divine inspiration to strip Photius of the honor he has unlawfully usurped and to expel him from the Christian community. For in the lifetime of Ignatius, Photius gained

⁴⁹Ibid., p. 476. "Proinde animadvertendum est, quia non Nicena, non denique ulla synodus quodquam Romanae contulit ecclesiae privilegium, quae in Petro noverat eam totius iura potestatis pleniter meruisse et cunctarum Christi ovium regimen accepisse, sicut beatus praesul Bonifatius attestatur universis episcopis per Thesaliam consitutis scribens: 'Institutio universalis nascentis ecclesiae de beati Petri sumpsit honore principium, in quo regimen eius et summa consistit. . . .'"

entrance into the sheepfold of the Lord, not by the gate, but he climbed in some other way, and drove out the shepherd and dispersed the sheep."⁵⁰

Then Nicholas indicates that he personally is willing to look into the whole affair again, if Michael will send Photius and Ignatius to him, or, if they cannot come, their designated representatives. He expects Michael to pay for the journey, and furthermore he asks that the letters he has sent by Rodoald and Zachary be returned so that he may see whether they have been altered. In addition, he requests the authentic text of the acts of the first deposition of Ignatius. Finally he urges Michael not to separate himself from the unity of the Church; "If you follow our counsels, if you do your best to carry out what we ask, then, by authority of the Holy Prince of Apostles, we grant to your most Christian and most benevolent majesty, liberty to be admitted to the communion of the Holy Catholic and Apostolic Church, especially to ours and that of our colleague in the priesthood, Ignatius, and to those of his party; only the

⁵⁰Ibid. "Haec igitur et his similia nos pro cunctis ecclesiis sollicitos reddunt; haec etiam de Constantinopolitana ecclesia inpiam curam arripere vehementer hontantur; haec, inquam, Ignatium patriarcham nulla regula nulloque ordine ecclesiastico dictante delectum tamquam fratrem adiuuare compellunt. Haec privilegia Photium vivente Ignatio in caulas dominicas non per ostium, sed aliunde ascendentem et pastorem inpellentem et oves dispergentem nobis et ab honore, quem irregulariter usurpavit, et a communione Christianorum amovere divinitus inspirata iusserunt."

communion of Gregory of Syracuse and his sectarians being prohibited to you. But, if what we have offered you, in regard to sending deputies, displease you know we have been unable to think of any better or more advantageous course to pursue."⁵¹

He promises to be impartial: "We believe in the Lord, 'Who said that light shines forth from darkness' and Who gives wisdom to man. If the parties of which we have spoken were to come to the threshold of Him Who struck down Ananias and Saphira in their lies by the sword of the Holy Spirit, then if any matters are uncertain and obscure, they will be revealed and made clear. For, in the depth of our heart, we have always wanted and eagerly desired to bring it about that impartiality be observed towards both sides, and that we may, with the help of the Lord, come to that decision alone which is dictated by the sacred canons and justice itself. We do not want to have anyone. How much less are we eager to endanger anyone."⁵²

⁵¹Ibid., p. 483. "Iam vero si monitis nostris oboedieritis et quae intimavimus adimplere studueritis, favente Domino auctoritateque sanctorum principum apostolorum potiti licentiam Christianissimae ac mansuetissimae sublimitati vestrae concedemus cum sancta catholica et apostolica ecclesia, specialiter autem nobiscum et cum consacerdote nostro Ignatio et cum parte ipsius communione gratiae participandi, excepta communione Gregorii Syracusani et partis eius atque consensu ipsius communione. Porro si fortassis excellentiae vestrae non placet quod superius scripsimus pro mittendis ex utrisque partibus legatis, scitote nos nil convenientius aut commodius quam hoc fieri posse penitus invenisse."

⁵²Ibid., pp. 483-484. "Credimus autem in Domino, 'qui dixit de tenebris lucem splendescere' et qui dat homini

Toward the end of this long letter Nicholas tells the emperor that he has a choice: either to follow the example of his glorious predecessors, for example, Constantine, Constans, Theodosius the Great, and Valentinian, who are prayed for regularly at the celebration of the Holy Mysteries, or the path of the infamous rulers such as Nero, Diocletian, Constantine V, and Anastasius, whose names are execrated in the Church of God. He reminds Michael that eternity is at stake.

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

scientiam, quoniam, si partes, quas diximus, ad illius limina pervenerint, qui mentientes Ananiam et Sapphyram gladio sancti spiritus interemit, si qua sunt incerta et abdita, revalabuntur et manifesta fient: quia nos hoc semper in voto habemus et inhiante desideramus, ut acqualitatem utrisque partibus servantes nihil nisi quod sacri canones, nisi quod aequitas dictaverit adiuvante Domino statuamus, nullius detrimentum volentes, quanto minus periculum anhelantes."

only to interfere in human affairs, are so presumptuous as to pronounce judgment on those who govern matters that belong to God."⁵³

Nicholas proceeds: "Before the coming of Christ examples of this sort occurred, for example certain prophetic figures existed that were at one and the same time kings and priests; sacred history states that holy Melchisedech was such a person. Moreover, the devil is invalid in as much as he always strives to usurp for himself in tyrannical spirit what always belonged to divine worship. In this way pagan emperors are likewise called supreme pontiffs. But when we get at the truth we see that with regard to the same king and pontiff that neither the emperor usurped for himself the rights of the pontificate nor did the pontiff usurp the name of emperor. Since the same mediator between God and man, the man Christ Jesus, by his own actions and attributes kept distinct the offices of both. He wanted what was not proper to man to be lifted up by salutary humility, and not that human pride be thrust down once again into hell, so that even Christian emperors might need pontiffs for eternal life, and

⁵³*Ibid.*, pp. 485-586. "Vos autem, quaesumus, nolite praeiudicium Dei ecclesiae irrogare; illa quippe nullum imperio vestro prae iudicium infert, cum magis pro stabilitate ipsius aeternam divinitatem exoret et pro incolomitate vestra et perpetua salute iugi devotione precetur. Nolite quae sua sunt usurpare, nolite quae ipsi soli commissa sunt velle surripere, scientes, quia tanto nimirum a sacris debet omnis mundanarum rerum administrator esse remotus, quanto quemlibet ex catalogo clericorum et militantium Deo nullis convenit negotiis saecularibus implicari. Denique hi, quibus tantum humanis rebus et non divinis praeesse permissum est, quomodo de his, per quos divina ministrantur, iudicare praesumant, penitus ignoramus."

pontiffs, in what concerns only the temporal order, were to follow the imperial laws."⁵⁴

This is one of the most potent sections in all of Nicholas' writing in reference to a question which has come to be known as separation of powers--that is between church and state. Whether one will conclude that Nicholas believed the ecclesiastical should have control over the secular may be debatable,⁵⁵ but it is quite apparent that he does not believe the reverse. "It is more than evident that the Pope can neither be bound nor loosed by any secular power."⁵⁶ He refers to words that the young Emperor Theodosius wrote to the fathers of the Council of Ephesus: "We have sent

⁵⁴Ibid. "Fuerunt haec ante adventum Christi, ut quidam typice reges simul et sacerdotes existerent: quod sanctum Melchisedech fuisse sacra prodit historia quodque in membris suis diabolus imitatus, utpote qui semper quae divino cultui conveniunt sibimet tyrannico spiritu vindicare contendit, ut pagani imperatores idem at maximi pontifices dicerentur. Sed cum ad verum ventum est eundem regem atque pontificem, ultra sibi nec imperator iura pontificatus arripuit nec pontifex nomen imperatorium usurpavit. Quoniam idem mediator Dei et hominum, homo Christus Iesus sic actibus propriis et dignitatibus distinctis officia potestatis utriusque discrevit, propria volens medicinali humilitate sursum efferri, non humana superbia rursus in inferna demergi, ut et Christiani imperatores pro aeterna vita pontificibus indigerent et pontifices pro cursu temporalium tantummodo rerum imperialibus legibus uterentur."

⁵⁵This question will be addressed in some detail in Chapter IV.

⁵⁶MGH, Epp., VI, 88, p. 486. "Quibus omnibus rite collectis satis evidenter ostenditur a saeculari potestate nec ligari prorsus nec solvi posse pontificem."

our Count of the Palace, Candidian, to be present at your most High Council; but not that in any manner he should mix himself up in questions of faith or dogma. For it is not allowed that he who is not of the episcopal order should meddle in ecclesiastical affairs."⁵⁷

This lengthy letter did not have its desired effect, and the following year Nicholas wrote nine more letters to the East.⁵⁸ The general thrust of these letters to the Eastern Church was to make sure everyone concerned was appraised of the facts regarding the Ignatian-Photian split as the Pope perceived it and to justify the actions he had taken. As one example, his letter to the metropolitan archbishops and bishops subject to the See of Constantinople⁵⁹ reminds them that he has an obligation to investigate the trouble present within the See of Constantinople since "as your divinely inspired wisdom knows, we are bound to take

⁵⁷Ibid. "Deputatus est igitur Candidianus, magnificentissimus comes strenuus domesticorum, transire usque ad sanctissimam synodum vestram et in nullo quidem, quae faciendae sunt de piis dogmatibus quaestiones seu potius expositiones, communicare. Illicitum namque est eum, qui non sit ex ordine sanctissimorum episcoporum, ecclesiasticis intermisceri tractatibus."

⁵⁸These are all dated November 13, 866; MGH, Epp., VI, Nos. 90-98, pp. 488-565. They are addressed consecutively to Emperor Michael, the metropolitan archbishops and bishops subject to See of Constantinople, Photius, Caesar Bardas, Ignatius, Empress Theodora, Empress Eudoxia, the senatores of Constantinople, and to the patriarchs, metropolitans, bishops, and all the faithful of Asia and Libya.

⁵⁹MGH, Epp., VI, 91, pp. 512-533.

care of all the sheep of Christ, since by the abundance of heavenly grace we hold the place of him to whom it was specially said by God: 'Feed my sheep' and again 'Once you have been converted, strengthen your brothers.' Hence we could not disregard or neglect visiting the dispersed and scattered sheep or strengthening in faith and good morals our brothers and neighbors."⁶⁰ To illustrate his fairness he indicated that he had sent Rodoald of Porto and Zachary of Anagni to ascertain the facts in 861 so that he could make a fair and impartial judgment, citing a passage of Pope Leo: "We want the judgments of the priests of the Lord to be mature, we cannot come to any unbiased decision from either side without sufficient knowledge of all the aspects of the case, and we must hear the entire truth about what has happened."⁶¹

In an attempt to console and cheer the deposed Ignatius,⁶² Nicholas reminded him: "We have adopted your

⁶⁰Ibid., p. 513. "quia, sicut divinitus inspirata sapientia vestra novit, cunctarum Christi ovium cura constringimur, cum vices illius per habundantiam caelestis gratiae gerimus, cui specialiter a Deo dicitur: 'Pasce oves meas', et rursus: 'Et tu aliquando conversus confirma fratres tuos', non potuimus dissimulare aut neglegere, quominus visitaremus oves dispersas et dissipatas vel quominus confirmaremus in fide et bonis moribus fratres nostros et proximos."

⁶¹Ibid., p. 514. "nos, qui sacerdotum Domini matura volumus esse iudicia, nihil possumus incognitis rebus in cuiusquam partis praeiudicium diffinire, priusquam universa, quae gesta sunt, veraciter audiamus."

⁶²MGH, Epp., VI, 94, pp. 544-547.

cause as our very own, and we bear the burden of the entire church on our shoulders. When we reflect upon our ministry which comes to ourselves from God through the Blessed Peter the Apostle, we have no right to pretend that things are not as they are, and this is no time for us to be silent with regard to our brothers, since in us there should be a greater respect and responsibility than in all for Christian piety and a greater solicitude for the correction of the churches. We bear the burdens of all who are crushed, rather in us St. Peter the Apostle bears these burdens. It is he who, as we firmly believe protects and guards the heirs of his office in all matters. Whatever we have decreed concerning yourself by exercising the authority of the Apostolic See and in vindicating its privileges we communicate to you our dear brother by these words, for in our eyes you have always been that which you have received from the gift of Almighty God, not what you are thought not to be, by the will of men."⁶³

⁶³Ibid., p. 544. "nimirum qui et causam vestram nostram reputamus et onera totius ecclesiae baiulamus. Etenim considerato ministerio nostro, quod divinitus per beatum Petrum apostolum ad nos usque derivatum suscepimus, non est nobis dissimulare, non est pro fratribus nostris silendi facultas, quibus maior et honor et onus cunctis Christianae pietatis et ecclesiarum correctionis inesse debere sollicitudo dinoscitur. Sustinemus quippi cunctorum, qui premuntur, gravamina, quin potius sustinet in nobis haec sanctus Petrus apostolus, qui in omnibus, ut confidimus, administrationis suae protegit ac tuetur heredes. Quae vero de vobis sedis apostolicae auctoritatem habentes ac privilegia ipsius vindicantes decreverimus, dilectioni vestrae his intimamus affatibus, quoniam apud nos hoc semper fuistis, quod ex omnipotentis Dei munere acceperistis esse, non, quod ex voluntate hominum putamini non esse."

In another letter to the ecclesiastical leaders of the Eastern Church,⁶⁴ after summarizing the events leading to his sending of the papal legates in 861, he reminded them that he had not imposed any obligation upon Rodoald and Zachary "except that they investigate the cause of Ignatius, who had not been accused by anyone before being driven out of his church, and that they report the evidence fully and truthfully to the Apostolic See."⁶⁵

Nicholas' position regarding his beliefs on the Pope's position in the universal church can best be synthesized from statements found in his letters to the Eastern emperor and the ecclesiastical authorities of the Byzantine Church. In addition, he was disturbed by the information reaching Rome that a layman, Photius, had been uncanonically elevated to the patriarchate of Constantinople under questionable circumstances. As a result, he sent papal legates to investigate and report back to him regarding these unusual happenings in the Byzantium capitol. Nicholas also implied that the papal patrimonies of Calabria and Illyricum, illegally seized by Emperor Leo III in 732-733,⁶⁶ should be returned to Roman jurisdiction.

⁶⁴Specifically to the patriarchs, archbishops and bishops and to the faithful living in Asia and Libya, MGH, *Epp.*, VI, 98, pp. 553-565.

⁶⁵*Ibid.*, p. 554. "nisi ut tantummodo causas Ignatii, qui ante de ecclesia pulsus quam ab aliquo accusatus extiterat, diligenter investigarent et sedi apostolicae plena et veraci relatione referrent."

⁶⁶Ostrogorsky, *op. cit.*, p. 170, fn. 1.

When the Eastern Emperor and the Eastern Church agreed to hold another synod at Constantinople in April 861 to retry the case of Patriarch Ignatius, Nicholas merely considered this proper, because it was being held at the Pope's insistence--Nicholas thought that the pontiff's jurisdictional rights (which included calling new councils) applied in Eastern Christendom as well as in the west. However, Nicholas was extremely upset when this Synod of Constantinople (861) again approved the deposition of Ignatius. In fact, his legates, Rodoald of Porto and Zachary of Anagni, concurred in its decision. Therefore he insisted that the Roman pontiff be given the opportunity to evaluate the synodal statements and render the final verdict because Rome was "the head of all churches" charged with the responsibility for giving the ultimate decision.

After the East refused to respond to any of his concerns, Nicholas took matters into his own hands and called his own Lateran Synod of 863 to look into the Ignatian-Photian affair. The Lateran Synod ruled that Photius was to be deposed and Ignatius restored to the patriarchate. In addition, the Lateran legates excommunicated Zachary, Rodoald, and the Bishop of Syracuse, Zachary, for disobedience. Zachary of Syracuse was excommunicated specifically because he had officiated at the installation of Photius as Patriarch of Constantinople in 858.

The Byzantine religious and civil leaders were insulted by what they considered Nicholas' arrogant actions

and raised questions regarding different religious practices in the Western Church. It appears that these issues were only excuses, the real issue was who would control the Eastern Church. They certainly did not believe Rome should.

Emperor Michael sent a highly condemnatory letter (penned by Photius) to Nicholas. This letter took exception to Rome's interference in Byzantine internal affairs.

Nicholas responded to Michael with a lengthy letter dated September 28, 865⁶⁷ in which he stated that he did not accept insults directed at the Roman Church. He told Michael that he should treat Rome with the deference shown its pontiffs by such holy Catholic Eastern emperors as Constantine, Irene and others. Furthermore, Nicholas stated that Michael apparently had not read the church canons in reference to these matters. He urged the emperor to do so and told him the Pope did not intend to take orders from a secular monarch, especially on an ecclesiastical issue. Nicholas stated that civil authorities should stick to secular concerns and leave religious matters to the proper ecclesiastical authorities--in this case the Bishop of Rome.

Nicholas reminded Michael that privileges in ecclesiastical matters had been given to Rome by God Himself, not by church councils. Therefore, Nicholas said that he could not refrain from involvement in the Ignatian-Photian affair since the Pope's responsibilities extended to the Church of Constantinople just as it did to Western churches.

⁶⁷MGH, Epp., VI, 88, pp. 454-487.

Nicholas insisted that if the emperor would send Ignatius and Photius, or their representatives, to Rome he would personally, impartially and justly look into their conflict and render a decision. He stressed this same theme in a series of letters to the East (nine in number, all dated November 13, 866).⁶⁸ The pontiff would be fair, but he as Peter's successor, must "take care of the sheep" and "strengthen his brothers." In other words, Nicholas felt that it was proper for the Roman pontiff to concern himself in issues arising in the Church of Constantinople. More importantly, Nicholas expected the Pope's decision to be obeyed and considered final.

In order to better understand the next series of events it is necessary to remember that in 866-867 Rome and Constantinople were still in a dispute regarding the ecclesiastical patrimony of Old Illyricum, the territory of the Bulgars.⁶⁹ It seems apparent that whichever church could gain favor and control in the newly emerging territory of Bulgaria would be in an ideal location to reach out to the surrounding territories of Moravia, Croatia and Serbia as well as to the Russians and Poles. As Every points out,⁷⁰

⁶⁸MGH, Epp., Nos. 90-98, pp. 488-565.

⁶⁹This dispute, as it relates to our thesis, will be studied in the next chapter; also see Jenkins, op. cit., p. 174.

⁷⁰Every, op. cit., pp. 126-127.

Bishop Formosus of Porto, Nicholas' legate to the Bulgarians, was doing his best to make Constantinople's position look bad. Formosus lobbied so effectively with the Bulgarian Khan Boris that Boris asked Nicholas to appoint Formosus as Patriarch of Bulgaria. In fact, Formosus' actions elicited an encyclical letter⁷¹ from Photius to the Church of Antioch and to the Patriarchs of Alexandria and Jerusalem. In this letter Photius denounced the Latin missionaries on four major grounds: they draw the faithful to uncanonical customs, Saturday fasting, and drinking milk and eating cheese in the first weeks of Lent; they deny the validity of priests' confirmations; they call married priests adulterers, and their children bastards; and they teach that the Holy Ghost proceeded from the Father and the Son.

In August of 867 a synod, held in Constantinople and presided over by the Emperor Michael III, excommunicated Pope Nicholas, rejected the Roman doctrine of the procession of the Holy Ghost as heretical, and pronounced Roman interference in the affairs of the Byzantine Church as unlawful.

⁷¹J.P. Migne, Patrologia Graeca (Paris: Garnier Brothers, 1900), Vol. 102, Ep. 13, pp. 722-742. There is a translation of pertinent sections by the Monks of St. John's Abbey of Collegeville, Minnesota in Colman J. Barry (ed.) Readings in Church History, Vol. I: From Pentecost to the Protestant Revolt (Westminster, Maryland: Newman Press, n.d.), pp. 316-318.

Furthermore, it saluted Louis and Engelbertha as emperor and empress of the Franks.⁷²

On October 23, 867, although he was then ill, Pope Nicholas sent a letter to Archbishop Hincmar of Rheims and the bishops of the Western Empire⁷³ in which he asked them to help him refute the errors coming out of the East against the Roman See and the other western churches. Nicholas was especially upset that Photius and the Byzantine Church were trying to lead the Bulgarian converts from Rome and into their own orb of influence by casting disparaging remarks against the Roman Church.⁷⁴ Nicholas stated that: "They strive particularly to find fault with our church and generally with every church which speaks Latin, because we fast on Saturdays and profess that the Holy Spirit proceeds from the Father and the Son, whereas they confess that He proceeds merely from the Father. Besides this, they claim that we

⁷²See Ostrogorsky, op. cit., pp. 231-232, and Jenkins, op. cit., p. 181.

⁷³MGH, Epp., VI, 100, pp. 600-609. See key sections of which that appear in English translation in Barry, op. cit., pp. 318-321.

⁷⁴Ibid., p. 601. "invidia vero, quia regem Vulgarum Michaelem nomine cum gente sua Christi fide suscepta a sede beati Petri institutores et doctrinam expetisse audierunt. Volentes quippe nimium anhelantes eisdem Vulgares a beati Petri subiectione subducere suoque imperio sub praetextu Christianae religionis callide subiugare talia de sancta Romana ecclesia non habente maculam aut rugam aut aliquid huiusmodi praedicant quatenus illi utpote adhuc in fide rudes haec audientes nos quasi noxios et diversarum hereseon squaloribus respersos vitent, declinent atque penitus deserant."

detest marriage, since we do not allow priests to marry. They try to blame us because we prohibit priests from anointing the foreheads of the baptized with chrism [which chrism, however, they falsely hold we make from fresh water]. They try to blame us nevertheless because we do not fast, according to our custom, from meat during the eight weeks before Easter, and from cheese and eggs during the seven weeks before the Pasch. They also lie, as their other writings show, when they say that we bless and offer a lamb on the altar, after Jewish custom, together with the Lord's Body on the feast of the Passover. They are certainly content with fault finding!"⁷⁵

Nicholas then listed other faults that the Eastern Church finds in the west, including the fact that western priests shave. He continued: "It is ridiculous and certainly detestably shameful to allow the holy Church of God either to be falsely charged today, or its ancient customs handed down

⁷⁵Ibid., p. 603. "Conantur enim tam nostram specialiter quam omnem generaliter, quae lingua Latina utitur, ecclesiam reprehendere, quia ieiunamus in sabbatis, quod spiritum sanctum ex patre filioque procedere dicamus, cum ipsi hunc tantum ex patre procedere fateantur. Dicunt praeterea nos abominari nuptias, quia presbiteros sortiri coniuges prohibemus, et insimulare temptant, quoniam eosdem presbiteros chrismate linire baptizatorum frontes inhihemus; quod tamen chrisma nos ex aqua fluminis conficere fallaciter arbitrantur. Reprehendere nihilominus moliuntur, eo quod octo ebdomadibus ante Pascha a carnium et septem ebomadibus a casei et ovorum esu more suo non cessamus. Mentiuntur quoque nos, sicuti per alia ipsorum conscripta indicatur, agnum in Pascha more Iudaeorum super altare pariter cum dominico corpore benedicere et offerre."

from our fathers to be disparaged at the pleasure of those always erring. Therefore, it is necessary to resist their efforts and to oppose their deceitful barbs with the shield of truth."⁷⁶

Nicholas then appealed that "each of every one of you who enjoy metropolitan rank, joined with your brothers and their auxiliaries, are to take diligent care of these things. Take pains to search for whatever may be needed to rebut their hostile detractions. Eagerly search out, and by no means think it a light matter to send quickly what is found. Thus we will be able to send your answer along with our other declarations against their ragings,"⁷⁷ Nicholas' pleas did not fall on deaf ears for two particularly long tracts refuting the Byzantine charges came from Western authors--Aeneas, Bishop of Paris, and Ratram, a monk of Corbie.⁷⁸

⁷⁶Ibid., p. 604. "Ridiculum est enim et satis abominabile dedecus, ut temporibus nostris vel falso insimulare sanctam Dei ecclesiam permittamus vel eas traditiones, quas antiquitus a patribus nostris suscepimus, pro libitu semper errantium infringere patiamur. Quapropter necesse est, ut eorum conatibus resistamus et falsis illorum iaculis veritatis clipeum opponamus."

⁷⁷Ibid. "Unde unusquisque vestrum, qui metropolitana iura sortitus est, iunctis sibi fratribus et coepiscopis suis, qui sub se sunt, de his diligentem curam suscipiat et, quid invidis eorum detractionibus opponi necesse sit, rimari studeat et invenire summopere gestiat atque inventum nobis otius transmittere minime parvipendat, quatenus id nos quoque adversus eorum vesaniam cum ceteris assertionibus nostris deinde mittere valeamus."

⁷⁸These are found respectively in P.L. vol. 121, pp. 686-762 and pp. 223-340. Every, op. cit., p. 128, footnote 1, summarizes them: Ratramnus took a liberal view of merely disciplinary differences, but argued that the Latins fasted, day for day, as long and as severely as the Greeks. He was specially ardent in defence of the filioque. Neither

And, in addition, councils were held at Worms and in other places in France and Germany in the Spring of 868 to condemn the Greek errors.⁷⁹

When Basil succeeded Michael, who had been murdered, one of his first acts was to reinstate Ignatius as Patriarch (November 26, 867) and to send Photius into a monastery. But Nicholas was not to learn of this turn of events, since he had gone to his eternal reward on November 13, 867.

The final resolution of this affair was to fall to Pope Hadrian II, Nicholas' successor, who annulled the acts of the synod held at Constantinople in 867. One author⁸⁰ says that the Emperor Basil was motivated by a desire to restore peace, and therefore, when Ignatius died he appointed Photius to succeed him, a move which was approved by Pope John VIII. Dvornik contends that unfortunately information which the papal legates gathered while in Constantinople, where they had been sent by Pope John VIII to the Council of 879-880, was never listened to:

notices the basis of Photius' accusation about a Paschal lamb, in the common Western practice of offering and eating joints of lamb at Easter, mentioned, with disapproval, by their elder contemporary Walafrid Strabo in De rebus ecclesiasticis, P.L., vol. 114, c. 938-9."

⁷⁹Ibid.

⁸⁰Roy, op. cit., p. 79; this conclusion seems very plausible.

They had learned that Photius and Ignatius were reconciled before the latter became ill, that Photius himself had made use of his own competence in medical matters to ease the suffering of his one-time adversary, and that the whole initiative for the convocation of the council, at which they were the representatives of the Holy See, had been stimulated not only by Photius and the Emperor but also by Ignatius himself. If Ignatius had still been alive at the time of their arrival in Constantinople everything would have been different and the Photian legend would probably never have been born. Further, the legates also learned that Photius himself had solemnly canonized Ignatius after his death.⁸¹

As a concluding summation of what the Ignatian-Photian schism meant to Pope Nicholas I, it is possible to deduce that his role adds much clarity to the pope's concept of papal primacy. The citations in this chapter from Nicholas' epistles clearly indicate that he took the position that the pontiff was charged with the responsibility for the entire Christian Church, which included the Byzantine Church. This is clear from his insistence that the pontiff had the right, even more the duty, to check into provincial synods that he believed had acted uncanonically--like the Synod of Constantinople which deposed Ignatius and elevated Photius to the patriarchate of Constantinople. Furthermore, Nicholas refused to recognize any right on the part of the Byzantine emperor to interfere in ecclesiastical affairs, even within his own territory. Nicholas reserved ecclesiastical matters to churchmen and, ultimately, to the Roman pontiff. There is no doubt that Nicholas intended for Rome to have control over

⁸¹Dvornik, op. cit., p. 111; for his documentation see pp. 121-122, fn. 26.

the provinces of Calabria and Illyricum which had been taken from Rome by a previous Byzantine Emperor, Leo III in 732-733. It is clear, to Nicholas that the pope's prerogatives (or primacy) included jurisdictional control over the Byzantine, as well as the Western Church. To him this was a responsibility that came with the task of serving as Peter's successor on earth. The next chapter reveals that Nicholas assumed this papal responsibility of fulfilling Peter's role upon earth carried with it an obligation to missionize the heathen lands in Old Illyricum.

CHAPTER III

NICHOLAS' INVOLVEMENT WITH THE MISSIONARY ACTIVITY IN ILLYRICUM

Old Illyricum (which encompassed Bulgaria and Moravia)¹ was the scene of extensive missionary activity during the pontificate of Nicholas I. Nicholas' actions toward the nascent churches in these two lands provide a clear indication of his concept of the pontiff's responsibilities and privileges toward newly emerging churches.

Research and study of Nicholas' role in these newly converted lands provide additional insight into his view of the pope's role in missionary lands. In particular, it reveals more about the prerogatives that Nicholas considered to be part of papal primacy.

Nicholas' Actions in the Bulgarian Mission

Finally you suppliantly ask us to bestow on you [Bulgaria], as we have on all the other nations, the true and perfect form of Christianity with no stain or wrinkle, and you claim that many Christians have come to your country from different places, that is, Greeks, Armenians, and others, who according to the will that is in them speak of many varied matters. Wherefore you ask to be given orders whether

¹Francis Dvornik, The Slavs: Their Early History and Civilization (Boston: American Academy of Arts and Sciences, 1956), pp. 88-89.

you should obey all these people according to their different meanings, or what you should do. Really we [the papacy] do not find our sufficiency in these men but our sufficiency is from our God. Blessed Peter who lived in and presided over his see, gives the truth to those who ask for it.²

What brought this strong statement of the papacy's role in the universal Church from Nicholas in answer to King Boris of Bulgaria's question? Why was Nicholas responding as he did? It would seem helpful in trying to determine Nicholas' attitude that a look be taken at the Bulgarian missionizing activities--how they began, how Nicholas became involved, and what one can determine from them.

With the accession of Boris to the Bulgarian throne in 852, Bulgaria entered a new era. Spinka calls his reign (852-889) one of the most outstanding in Bulgaria's history because of his conversion to Christianity, with the subsequent adoption of that religion as the national creed, and the fundamental change in the political character of the Bulgarian government which resulted therefrom.³

²Response 106 of Ep. 99 found in MGH, *Epp.*, VI, p. 599. "Postremo deprecamini nos suppliciter, ut vobis, quemadmodum ceteris gentibus, veram et perfectam Christianitatem non habentem maculam aut rugam largiamur, asserentes, quod in patriam vestram multi ex diversis locis Christiani advenerint, qui, prout voluntas eorum existit, multa et varia loquantur, id est Graeci, Armeni et ex ceteris locis. Quapropter iuberi poscitis, utrum omnibus his secundum varios sensus eorum oboedire an quid facere debeatis. Verum nos in his non sumus sufficientes, 'sed sufficientia nostra ex Deo est'; et beatus Petrus, qui in sede sua vivit et praesidet, dat quaerentibus fidei veritatem."

³Matthew Spinka, A History of Christianity in the Balkans: A Study in the Spread of Byzantine Culture among the Slavs (n.p.: Archon Books, 1968), p. 29.

Research reveals that Boris was a very politically-aware ruler; he knew just when to make strategic diplomatic moves. One of his first diplomatic acts after his accession to the throne was the conclusion of a treaty with Rastislav of Moravia (853) in an effort to protect himself against the expansionist policies of Louis the German. However, after this coalition suffered a defeat at Louis' hands, Boris eventually changed sides (862) and aligned himself with his previous opponent, Louis, against Louis' son, Karloman, and Rastislav.⁴

The conversion of Bulgaria can be traced back to the seventh century. At that time the Bulgarians began a series of incursions into Byzantine territory where they took Christian captives. These captives in turn converted many Bulgars to Christianity; for example, Khan Boris' uncle Enravotas was probably converted by a Byzantine Christian slave, Cinamon. Although Enravotas was martyred for his faith in 849, his conversion shows that Christianity was known among the Bulgars prior to the conversion of Khan Boris in 864.⁵

⁴Ibid., p. 30.

⁵Ibid., pp. 28-29, and Richard E. Sullivan, "Khan Boris and The Conversion of Bulgaria: A Case Study of the Impact of Christianity on a Barbarian Society," Studies in Medieval and Renaissance History, III (1966), p. 57.

There have been a variety of reasons given for Boris' conversion to Christianity⁶ including a speculation that a Byzantine slave converted him; another that his sister, who had converted while she was held captive in Constantinople, talked him into conversion. A third reason given was that a severe famine caused him to turn to the Christian God from whom he received relief. Still another intriguing explanation was that he converted after seeing the horrors of the damned as depicted by an artist's painting; finally, and most convincing was the explanation that he converted for political reasons. In support of the latter Runciman argues that not only did Boris see an immediate advantage in accepting baptism as a condition of peace upon the defeat of his army by Byzantium in 864, but also that he recognized that Christianity could serve as a unifying element between the diverse Bulgar and Slavic elements in his nation.⁷

Lest one think that Boris' plan worked smoothly, he should not ignore Hincmar of Rheims' account in the Annales Bertiniani:

The king of the Bulgars . . . received holy baptism. Because his nobles thought themselves injured, they incited the people against him in order to kill him.

⁶In this regard see Spinka, op. cit., pp. 31-33; J.B. Bury, A History of the Eastern Roman Empire: From the Fall of Irene to the Accession of Basil I (A.D. 802-867) (London: MacMillan and Co., Ltd., 1912), pp. 381-386; and Steven Runciman, A History of the First Bulgarian Empire (London: G. Bell & Sons Ltd., 1930), pp. 104-105.

⁷Runciman, op. cit., pp. 103-105.

[Everybody] in the ten provinces gathered themselves around his palace. He, having invoked the name of Christ and being accompanied by forty-eight men all fervent Christians who remained with him, emerged against all that multitude. And then as he passed out of the gates of the city, there appeared to him and to those with him seven priests; each of them held a burning candle in his hand. And thus they led the way for the king and those who were with him. To those who had rebelled against him it seemed that a great palace burning over their heads was about to fall on them; and in front the horses of those who were with the king stood erect and struck the rebels with their front legs. So great a fear seized them that they neither tried to flee nor to defend themselves, but prostrated themselves unable to move.⁸

Immediately thereupon Boris took a revenge which Runciman calls "shocking in so new a devotee of Christian meekness, but salutary for his country"⁹ when he had the fifty-two noble ringleaders and their families killed. This action eliminated noble opposition to the throne from the clans.¹⁰

⁸"Rex Bulgarorum . . . sacrum baptismum suscepit. Quod procures sui moleste ferentes, concitaverunt populum adversus eum, ut illum interficerent. Quotquot igitur fuerunt intra decem comitatus, adunaverunt se circa palatium eius. Ille vero, invocato Christi nomine, cum quadraginta tantum octo hominibus, qui erga christianam devotionem ferventes sibi remanserant, profectus est contra omnem illam multitudinem; et mox ut portas civitatis exiit, apparuerunt ei et his qui cum eo erant septem clerici, et unusquisque eorum tenebat cereum ardentem in manu sua, sicque praecedebant regem et illos qui cum eo erant. Eis vero qui contra eum insurrexerant visum erat, quod magna villa ardens super eos caderet, et equi eorum qui cum rege erant, sicut contrariis videbatur, erecti incedebant et cum anterioribus pedibus eos percutiebant; tantusque timor eos apprehendit, ut nec ad fugiendum nec ad defendendum se praepararent, sed prostrati solo se movere nequibant." Annales Bertiniani, a. 866, ed. Waitz, MGH, SS. rer. Ger., p. 85. The translation is from Sullivan, op. cit., p. 73.

⁹Runciman, op. cit., p. 106.

¹⁰Ibid.

The Greek Church sent missionaries to help convert the Bulgarians to the faith of their king, in accordance with an agreement Boris had signed with the Byzantine Emperor Michael in 864 when he agreed to become a Christian.¹¹ Still many concerns of the khan were not answered in a letter that the Patriarch Photius sent to Boris.¹² Judging from Runciman's synopsis of this lengthy letter, Photius in his approach used language beyond the comprehension of the newly converted barbarian khan, including a full account of the articles of faith as laid down in the seven Oecumenical Councils as well as a discourse on the general principles of morality and the duties of a good prince.¹³

In August of 866 Boris sent a delegation to Rome.¹⁴ The names of the Bulgarians were Peter, a relative of Boris, John, and Martin.¹⁵ Why did Boris unexpectedly turn from Constantinople to Rome? It would seem probable to conclude that Boris was dissatisfied by Photius' guidance, as well as

¹¹Ibid., pp. 104-106.

¹²This letter was not directly available to the author but can be found as Photius, Ep., No. 6, ed. Valetta; see Sullivan, op. cit., p. 79, fn. 62.

¹³Runciman, op. cit., p. 106.

¹⁴L.P., No. 608, p. 164 and Jenkins, op. cit., p. 177.

¹⁵Bury, op. cit., p. 389, fn. 1.

that of his Greek missionaries; perhaps he was only looking for an excuse, as Bury implies,¹⁶ to break from Constantinople's control in favor of Rome. He may have felt that the Roman pontiff would give him the control he desired over the Bulgarian Church.¹⁷ The papal biographer relates that when the Holy Father heard that Boris was turning to him for advice he was filled with joy and praised God abundantly, who had worked such a miracle through a devout mind.¹⁸

It seems that Nicholas had good reason to be overjoyed by the happy circumstance of the Bulgarians turning away from Constantinople toward Rome. Perhaps he thought this would allow the papacy to reclaim its control over Old Illyricum which included the new kingdom of Bulgaria, then in the process of joining the community of Christian nations.¹⁹

Nicholas immediately sent a party of missionary priests headed by two important bishops, Formosus of Porta

¹⁶Ibid., pp. 388ff.

¹⁷Ibid., p. 389.

¹⁸L.P., No. 608, p. 164. "Quod beatissimus audiens papa, magna repletus laetitia, laudes Christo reddidit amplas et cum omni sibi divinitus commissa aecclesia gratulans, infinita preconia Deo nostro qui novissimis his temporibus tantum fecit miraculum devota mente, supplici quoque voce resolvit."

¹⁹In this regard see Jenkins, op. cit., p. 174; also see Dvornik, The Slaves Their Early History and Civilization, p. 88.

and Paul of Populonia, into Bulgaria.²⁰ They were supplied with a collection of canons, a missal, and a penitential which could help them fulfill their task effectively. Nicholas, rather than relying upon German missionaries as he had done in 864, took direct responsibility for the 866 mission. In 864 Nicholas had written Louis the German that he was happy to hear that the conversion of Bulgaria was imminent and that he would pray for its success.²¹ Nicholas' direct involvement in 866 shows his determination not to lose control of the Bulgarian Church as had happened in 864.²² Boris was exceedingly happy to see the Roman missionaries, so much so in fact that he drove from his country the missionaries previously sent from Constantinople.²³ According to the papal biographer these Roman missionaries were exceedingly successful in instructing and preparing for baptism all classes from the lowest to the highest.²⁴

²⁰L.P., No. 608, p. 164.

²¹MGH, Epp., VI, 28, p. 293. "Quia vero dicis, quod Christianissimus rex speret, quod ipse rex Vulgarorum ad fidem velit converti et iam multi ex ipsis Christiani facti sint, gratias agimus Deo, quem precamur, ut abundare faciat incrementa frugum in horreo suo. Ieiunium vero pro eis et orationes, sicut per te hortatur, Deo propitio faciemus."

²²This same observation is made by Richard E. Sullivan in "The Papacy and Missionary Activity in the Early Middle Ages, "Medieval Studies", XVII (1955), p. 92.

²³L.P., No. 609, p. 165.

²⁴Ibid.

From an analysis of the nature of Nicholas' responses to Boris' questions,²⁵ it is possible to appreciate the fact that Boris was troubled by a wide variety of concerns, but also that Nicholas knew just how to handle them to relieve as much of the tension as he could. Boris' concerns ranged from the mundane, i.e., were there any special days for going into battle or conducting business,²⁶ or again, shall a king eat apart from his people²⁷ to serious doctrinal and ecclesiastical matters--how does one take an oath,²⁸ how and when will the Bulgarians receive a patriarch.²⁹ One can gain insight into Nicholas' thoughts on these matters by surveying these replies; of necessity the consideration here will be brief and cursory, but it should certainly add to a perception of Nicholas' view of his responsibilities within Christendom.

Nicholas could see that Boris was bothered by very earthly questions and rather than avoid them as beneath the dignity of the pontiff's consideration, he took great care

²⁵These are found in MGH, Epp., VI, 99, pp. 568-600 in a letter dated November 13, 866. Specific replies will be numbered and their appropriate pages given.

²⁶Response 34, ibid., p. 581.

²⁷Response 42, ibid., p. 583.

²⁸Response 57, ibid., p. 588.

²⁹See especially responses 72 and 73, ibid., p. 592-593.

in responding to them. A random sampling of these answers illustrate Nicholas' perception of Boris' concerns and also how sensible the pope's advice was. For example, in response to a question as to what the Bulgarians should do if they receive word of an impending enemy attack on a holy day and should they refrain from setting out or not,³⁰ he said they most definitely should set out immediately. Nicholas related an instance in which the Hebrews were celebrating the Sabbath, and did not want to take up arms against their enemies on the Sabbath day; and as a consequence of His displeasure with their actions God allowed 1,000 of their men to be killed so that they would realize that hope and strength should be placed in Him rather than in observance of certain days. He quotes further the survivors who said to one another: "If we all do as our brothers have done, and do not fight for our lives against the pagans and for our own vindication, they will cause us all the more quickly to perish from the face of the earth."³¹ To the question of whether it is appropriate, as was their custom, for the king to eat alone, Nicholas replied that there was certainly nothing contrary to faith by so doing, but he suggests that the king examine this practice as to whether it seems proper from a standpoint

³⁰Response 34, ibid., p. 581.

³¹Ibid. "Si omnes fecerimus, sicut fratres nostri fecerunt, et non pugnaverimus adversus gentes pro animabus nostris et iustificationibus nostris, citius disperdent nos a terra."

of humility. In fact, he reminds them that "the King of Kings, the Lord of Lords our Redeemer, not only sat down at table with his servants and friends, namely, his apostles, but he is also said to have sat down at table and eaten with publicans and sinners."³²

Nicholas also realized that the Bulgarian khan was bothered by other cares which rightfully can be viewed as dealing with priestly or sacerdotal matters. A summary listing of these indicates the scope of Boris' concerns and the pontiff's willingness to answer these questions. In response to the question whether it is permissible for a man to have two wives at the same time,³³ Nicholas says no; in fact, he states "in the beginning God made them one man and one woman only--He could indeed have given two wives to him if he wanted, but he did not want to."³⁴ In answer to the question about what the Bulgars should use to swear upon,³⁵ Nicholas said certainly not the double-edged sword that they had been using; instead he suggested the Gospels, because "It is our law, it is our testament, which the lawgiver and

³²Response 42, ibid., p. 583. "ipse rex regum et dominus dominantium redemptor noster non solum cum servis et amicis suis, apostolis scilicet, recubuisse, verum etiam cum publicanis et peccatoribus et recubuisse et manducasse describitur."

³³Response 51, ibid., p. 586.

³⁴Ibid. "ab initio masculum unum fecit et unam feminam tantum, cui potuit utique si vellet duas uxores tribuere, sed noluit; . . ."

³⁵Response 67, ibid., p. 591.

maker of the testament prepared for His chosen people, and if we love this Gospel we swear by it also, for everyone who speaks the truth swears by him whom he loves."³⁶

When asked whether a woman could stand in church with her head uncovered, Nicholas says no, citing Pope Gregory as his precedent.³⁷ In response to the question whether it would be possible to get guidance for future actions by selecting at random from a document as the Bulgars stated some Greeks did, Nicholas says this practice must be rejected "for it is written,"³⁸ 'Blessed is the man whose hope is the name of the Lord and who has not fixed his gaze upon vanity and false extravagance.'³⁹ In answer to the question of whether or not it is proper to associate with a pagan, and, if so, to what extent, Nicholas, says if it is done in order to draw him to the worship of the true God it is not forbidden just as the Apostle Paul does not forbid the continuance of a marriage between a Christian and an infidel.⁴⁰ He does state, however, that Christians should

³⁶Ibid. "Ipsum est enim lex nostra, ipsum testamentum nostrum, quod legifer et testator Dominus et redemptor noster electis suis disposuit, et si hoc amamus, per ipsum etiam iuramus; etenim omnis vera qui dicit, per eum iurat, quem amat."

³⁷Response 58, ibid., p. 588.

³⁸Ps. 39:5.

³⁹Response 77, ibid., p. 593. "scriptum est enim: 'Beatus vir, cuius est nomen Domini spes eius: et non respexit in vanitates et insanias falsas.'"

⁴⁰Con. 7:13.

never associate with pagans in such a way as to approve of their infidelity and superstition.⁴¹ Lastly, when asked whether chrism originated with the Greeks as they claim and from them passed throughout the whole world, he replies that in their own keen intelligence they have probably recognized that this is not true.⁴²

This brief cursory look at a variety of concerns that bothered Boris and Nicholas' methodical and clear responses to them show the pontiff's correct perception of the depth of the Bulgarian khan's cares. In addition, his willingness, as supreme pontiff, to help alleviate these worries, whether mundane or serious theological doubts, was evidence of his concern for the universal church.⁴³

Boris was extremely interested in receiving a patriarch for his new church. However Nicholas said to wait until his legates report back regarding the status of the faith among the Bulgars; most certainly when their flock has grown to sufficient numbers, they can at least have one of their bishops consecrated as an archbishop.⁴⁴ In response

⁴¹Response 82, ibid., pp. 594-595.

⁴²Response 104, ibid., p. 599.

⁴³Something that Photius had failed to do in his Ep., No. 6 ed. Valetta.

⁴⁴Response 72, MGH, Epp., VI, 99, pp. 592-593.

to the question of who must ordain a patriarch,⁴⁵ Nicholas gives a clear indication of his perception of jurisdictional primacy when he replies: "Know, that in an area where no patriarch or archbishop has ever been appointed, he is to be initially installed by the leading bishop, since, according to the Apostle,⁴⁶ the lower is blessed by the higher."⁴⁷ He makes it clear who this leading bishop should be: "You will not be able to wish him to be ordained at the present time by anyone else other than by the Bishop of the See of Rome, from whom both the episcopate and the apostolate take their origin."⁴⁸ Nicholas summarized the procedure to be followed: first, a bishop would be consecrated for Bulgaria by the Roman See; and, if the people of Christ increase under his leadership, he may receive the privileges of the archiepiscopate, and in this way finally ordain bishops for himself who after his death may choose his successor. This successor can then be installed upon his throne after he has

⁴⁵Response 73, ibid.

⁴⁶Heb. 7:7.

⁴⁷Ibid. "scitote, quia in loco, ubi numquam patriarcha vel archiepiscopus constitutus est, a maiori est primitus instituendus, quoniam secundum apostolum minus a maiori benedicatur, . . ."

⁴⁸Ibid. "a nemine nunc velle congruentius quam a pontifice sedis beati Petri, a quo et episcopatus et apostolatus sumpsit initium, hunc ordinari valetis."

received the pallium from the Roman See.⁴⁹ It is apparent from Nicholas enunciation of the procedure to be followed in organizing the Bulgarian Church that the crucial issue of its legitimacy was to come from the Roman See--another indication of the heavy responsibilities Nicholas believed to be Rome's.

In answer to an inquiry about how many true patriarchs there are,⁵⁰ Nicholas responds: "Truthfully those are held to be patriarchs who have received apostolic sees through the succession of pontiffs, i.e., those who are in charge of churches which apostles are known to have founded, namely the churches at Rome, Antioch and Alexandria."⁵¹ He says: "With regard to bishops of Constantinople and Jerusalem, however, although they are called patriarchs, they do not have as much authority as the other three."⁵² He indicates that no apostle founded the church of Constantinople nor did the Council of Nicea designate it as a patriarchate; this council merely referred to as "the new Rome." He concludes,

⁴⁹Ibid.

⁵⁰Response 92, ibid., pp. 596-597.

⁵¹Ibid. "Veraciter illi habendi sunt patriarchae, qui sedes apostolicas per successiones pontificum optinent, id est qui illis praesunt ecclesiis, quas apostoli instituisse probantur, Romanam videlicet, Alexandrinam et Antiochenam."

⁵²Ibid. "Constantinopolitanus autem et Hierosolymitanus antistites, licet dicantur patriarchae, non tantae tamen auctoritatis quantae superiores existunt."

"Its bishop is called a patriarch through the favor of princes rather than for any solid reason."⁵³ Regarding Jerusalem Nicholas indicated that the Council of Nicea (325) referred to the bishop from the region of Jerusalem as the bishop of Aelia, since the terrestrial Jerusalem had been destroyed by the Emperor Hadrian.⁵⁴

This lengthy letter concludes with Nicholas' response⁵⁵ to an inquiry by the Bulgarians, who claim they are receiving conflicting dogma from Greeks, Armenians and others, as to whom they should listen in order to receive true and unstained Christianity. "Really we do not find our sufficiency in these men but our sufficiency is from our God; Blessed Peter who lived in and presided over his See, gives the truth to those who ask for it."⁵⁶ This concluding

⁵³Ibid., p. 597. "nova Roma dicta est, favore principum potius quam ratione patriarcha eius pontifex appellatus est; . . ."

⁵⁴Ibid. "Hierosolymitanus autem praesul, licet et ipse patriarcha dicatur et secundum antiquam consuetudinem ac Nicenam synodum honorandus sit, salva tamen metropoli propria dignitate, sed et in eadem sancta et magna synodo nequaquam Hierosolymitanus, sed Heliae episcopus dicitur. Nam vera Hierusalem tantum in caelis est, quae est mater nostra; illa vero Hierusalem terrestris, secundum quod Dominus praedixit, adeo funditus ab Helio Hadriano imperatore Romano distructa est, ut in ea nec lapis super lapidem sit derelictus, et ab eodem Helio Hadriano in alio est loco constructa, ita ut locus dominicae crucis extra portam nunc intra cernatur et a praedicto Helio Hadriano urbs illa Helia vocitetur."

⁵⁵Response 106, ibid., 599; found in translation on pages 109-110 above.

⁵⁶Ibid. "Verum nos in his non sumus sufficientes, 'sed sufficientia nostra ex Deo est; 'et beatus Petrus, qui in sede sua vivit et praesidet, dat quaerentibus fidei veritatem.'"

response summed up Nicholas' view of the prerogatives of the Roman Church vis-à-vis those of the other churches in Christendom. In essence he states that the place to come for a correct interpretation of dogma is the seat of Christendom--the throne of St. Peter, Rome.

In addition, Nicholas indicates that the monarch may not judge priests but rather this responsibility is correctly left to the ecclesiastical authorities.⁵⁷ He assumed worldly law codes should not be left with the Bulgarians since they might interpret them incorrectly unless someone stayed with them as an interpreter.⁵⁸ This is further evidence of the high esteem in which he held the ecclesiastical hierarchy, especially his own Roman See.

Therefore, even a cursory look at this letter indicates that Nicholas felt his responsibilities were indeed wide-reaching, extending from offering solutions to mundane as well as sacerdotal concerns and specifically stating the role that the Roman See should have in the organization of the nascent Bulgarian Church.

In 867 Boris sent an envoy to Nicholas requesting that Formosus be made archbishop of Bulgaria.⁵⁹ One writer⁶⁰

⁵⁷Response 70, ibid., p. 592 and response 83, ibid., p. 595.

⁵⁸Response 13, ibid., p. 575.

⁵⁹L.P., No. 609, p. 165.

⁶⁰Runciman, op. cit., p. 111.

has suggested that this request took the form of a demand and since Nicholas was not accustomed to being on the receiving end of orders,⁶¹ he refused to comply. For the record Nicholas argued that it was illegal to transfer Formosus from Porto to another see. Instead Nicholas decided to send two more bishops to Bulgaria, Dominic of Treviso and Grimoald of Polimarti. Then he sent Dominic and Formosus on a papal mission to Constantinople; and he instructed Paul and Grimoald to take charge of the Bulgarian mission.⁶²

Boris was apparently dissatisfied with the way the Bulgarian Church was being organized under Roman auspices. In February of 870 he sent a delegation headed by his cousin Peter to Constantinople. This delegation was charged with the task of asking the Eighth Oecumenical Council to whose jurisdiction the Bulgarian Church belonged--Rome's or Constantinople's.⁶³ Over the objection of the papal legates, who were in the minority, the Council decided in favor of the Patriarchate of Constantinople. Consequently, the Latin missionaries were expelled from Bulgaria and the Greek missionaries returned. Runciman says that Boris was satisfied since he had taught the great hierarchs a lesson. And, although the Bulgarian Church remained under the Constantinopolitan patriarchate, the yoke was light. On March 4, 870 Patriarch Ignatius consecrated an archbishop and

⁶¹A point with which this writer would agree.

⁶²L.P. No. 610, p. 165.

⁶³Runciman, op. cit., pp. 113-114.

bishops for Bulgaria. The archbishop of Bulgaria was ranked second to Patriarch Ignatius of Constantinople in the church hierarchy. In addition, this high church rank gained considerable autonomy for the Bulgarian Church.⁶⁴

Although things did not work out as Nicholas would have desired in Bulgaria, an analysis of his actions clearly indicates what he thought his relationship should be with a newly developing missionary field. At the very least it seems valid to conclude that Nicholas saw Boris' requests of Rome in 866 as an opportunity to regain papal control in Illyricum and he moved decisively to seize this opportunity. Further it seems valid to conclude, from his correspondence and actions, that Nicholas believed that the final answers on dogmatic issues were to be obtained in Rome from the See of St. Peter. Nicholas also exhibited a clear perception of Boris' concern about a variety of issues which could have been considered beneath the dignity of the pope to respond. However, being a caring spiritual father, Nicholas responded to each of them (one hundred and six in number). He was careful to differentiate between mundane issues and those involving complex theological disputes. The very care with which Nicholas answered Boris' concerns show his interest in helping the Christian converts in Bulgaria. This was a responsibility which he thought belonged to the pontiff. On

⁶⁴Ibid.

the crucial issue involving church organization, there is little doubt that Nicholas presented a clear-cut formula for the establishment of an ecclesiastical hierarchy--one which stemmed from Rome as its center. Research indicates that Nicholas believed Rome had the ultimate authority to determine the ecclesiastical hierarchy for the church in the missionary land of Bulgaria.

Nicholas' interest in the Moravian mission

Nicholas also exhibited a willingness to control the missionary activity in Moravia and Pannonia. Prince Rastislav of Moravia (846-869) made an alliance with the Byzantine Empire in 862 in order to protect his state from Frankish pressures. The following year, he received a diplomatic and cultural mission from Constantinople. At the head of this mission were Cyril and Methodius who had been especially picked to Christianize the Slavs of Moravia.⁶⁵

The brothers were extremely well-prepared for their mission to the Slavs. Cyril had received an especially good education at the University of Constantinople where he studied under Photius, whose professorial chair he assumed when Photius took over direction of the imperial chancery.⁶⁶ His older brother Methodius had chosen to enter the monastic community of

⁶⁵Dvornik, The Slavs: Their Early History and Civilization, p. 82.

⁶⁶Ibid., p. 83.

Mount Olympus in Asia Minor.⁶⁷ They were both selected by Emperor Michael and Patriarch Photius to lead an important religious and diplomatic mission to the Khazars in 860.⁶⁸ After the successful completion of that mission they were asked to respond to Rastislav's request for instruction in Moravia. Cyril, who was one of the finest grammarians of his age, prepared for their mission to the Slavs by inventing a special language to express all the significant features of the Slavic language--this alphabet was known as glagolithic. It was used to translate the Scriptures and liturgical books for the benefit of the Slavs prior to their leaving for Moravia.⁶⁹

Although there were already missionaries in Moravia, sent by the bishops of the East Frankish Church, before long Cyril and Methodius had won over the Slavs and laid the foundations of a new Slavonic Church, utilizing an interesting blend of the Byzantine and Roman liturgies translated into Slavonic.⁷⁰

Dvornik acutely observes that the Frankish hierarchy naturally "should see a great danger to the expansion

⁶⁷Ibid.

⁶⁸Ibid., p. 84.

⁶⁹Ibid.

⁷⁰Ibid., pp. 84-85.

of its influence in the new missionary methods introduced into Moravia by Byzantine missionaries."⁷¹ He further observes that Nicholas likely viewed the growing ambitions of the Eastern Frankish Church as a threat to Rome's control in Moravia; and therefore it seemed logical that when Nicholas became aware of the successes of Cyril and Methodius in 867⁷² he tried to control their activity. Consequently, the pontiff invited them to Rome; however he did not live to meet them nor take over the direction of their missionizing in Moravia. Nevertheless his successor, Hadrian II, received them with every honor, accepted their Slavonic liturgy and ordained their disciples.⁷³

Although Nicholas did not live to direct the Moravian mission, it seems important to note that it was his desire to direct it as he had tried to direct the Bulgarian mission. Furthermore, he apparently thought he had the right to do so even though Cyril and Methodius had originally been sent by the Eastern Patriarch of Constantinople. Nicholas believed since the lands of Moravia and Pannonia lay within the papal territory of Illyricum, he had the right

⁷¹Ibid., p. 87.

⁷²See Sullivan, Medieval Studies, XVII (1955), p. 96 and Dvornik, The Slavs: Their Early History and Civilization, p. 89.

⁷³Ibid., pp. 87-90.

and responsibility to direct missionary activity there just as he had attempted to do in Bulgaria, which also lay in the same general province.⁷⁴

In summation Nicholas' actions in the new missionary lands of Bulgaria and Moravia are those of a pontiff who believed that he had the responsibility for control and direction of ecclesiastical affairs in Old Illyricum as a direct consequence of his rights as Peter's successor at Rome. In other words, Nicholas believed that papal primacy included the responsibility for overseeing the spread of the Christian faith into pagan territories--especially those that were a direct part of the papal patrimony.

⁷⁴Ibid., pp. 88-89.

CHAPTER IV

NICHOLAS' RELATIONSHIP WITH TEMPORAL LEADERS

The divorce case of King Lothar II

It is no understatement to say that one of the most crucial cases in which Pope Nicholas became involved with a secular monarch was the divorce of Lothar II. In fact, one author¹ states that "from about 860 to 870 the whole policy of the Carolingian kings turns mainly on the question of the king of Lorraine's² divorce and the possible succession to his crown." Nicholas' involvement in this controversy came when he was appealed to by both contesting sides; nevertheless, it should be noted that once he was involved, he clearly attempted to control the adjudication.

The controversy began soon after Lothar's marriage of political convenience to Theutberga, the daughter of Count Boso, in 855. Since it was not a marriage based on love and as it appeared that she was sterile, Lothar II began to look for an excuse to leave her.³ He preferred to

¹Rene Poupardin, "The Carolingian Kingdoms (840-877)," The Cambridge Medieval History, Vol. III: Germany and the Western Empire (Cambridge: University Press, 1964), pp. 23ff.

²Lothar II, 855-869.

³Amann, op. cit., p. 370ff.

have this marriage nullified so that he could marry Waldrada, the woman he loved, and legitimatize his two children by her, Hugh and Gisela.⁴ Of course, the legalization of his liaison with Waldrada would give him legal heirs which it did not appear Theutberga could.

Soon charges began to circulate in Lothringia that Theutberga, prior to her marriage to Lothar II, had had an incestuous relationship with her brother Hubert, the powerful abbot of St. Maurice. Of course, if this charge could be proved it would suit Lothar's desires perfectly, since the canon law of that time stated that a person guilty of incest could not legally marry.⁵ Theutberga had married Lothar soon after his coronation in 855. However, Lothar soon tired of his new wife and returned to his childhood mistress Waldrada. Lothar even went so far as to invite Waldrada into the palace. When rumors of incest began to circulate at court against Theutberta (857), Lothar had her locked up in a monastery. Nevertheless when Theutberga's champion successfully underwent a "trial of ordeal" by water before a Lotharingian court in 858, Lothar was forced to take Theutberga back as his legitimate wife.⁶

⁴Jedin, op. cit., p. 129.

⁵Amann, op. cit., pp. 370-371.

⁶Haller, op. cit., p. 80, and Jedin, op. cit., p.

This failure to have Theutberga censured for incest temporarily stymied Lothar II, who soon had Gunther, the archbishop of Cologne, pressure Theutberga to admit to the charge of incest. Then she was brought before a local synod of Aachen held during January and February of 860 at which she confessed to incest with her brother. She was subsequently sentenced by the Lotharingian bishops at this synod to enter a convent. But the bishops were unwilling to pronounce a nullification to Lothar's marriage. Instead, they solicited advice from fellow ecclesiastics in the area, Hincmar of Rheims, who was nearby and probably most knowledgeable, declined to respond to their call. Finally, in mid-February of 860, Wenilon, archbishop of Rouen, arrived at Aachen in the company of some prelates from the kingdom of the Franks and Provence. Theutberga confessed in writing to the crime of incest, although she had before the confession sent an appeal to Rome in which she disavowed any confession she might make; she was again sentenced to a convent. However, the Lotharingian bishops hesitated to authorize Lothar to contract another marriage.⁷

Theutberga soon succeeded in fleeing to the kingdom of Charles the Bald, who granted her asylum; in addition, she sent an appeal to Rome asking for Pope Nicholas' intervention. Thereupon Lothar II also sent a delegation, combined with

⁷See ibid., and Amann, op. cit., pp. 371-372.

envoys from Louis the German, to Rome, which urged the pontiff not to pay any attention to any charges he might hear from Theutberga's supporters.⁸

An important ecclesiastic, Hincmar, Archbishop of Rheims, was not present at this Synod of Aachen held early in 860. Hincmar apologized to one of Lothar's bishops that neither the state of his health nor the time factor allowed his leaving of Rheims for Aachen.⁹ Nevertheless, that fall (860) he wrote an extensive tract De divortio Lotharii which was cast in the form of long answers to the questions raised by the Aachen synod which had condemned Theutberga. According to one author¹⁰ probably the most important defense presented by the bishops at the synod was that Lothar's divorce was an internal matter which could be dealt with

⁸Ibid.

⁹In a letter to Adventus of Metz on 26 January, Hincmar noted (De divortio Lotharii, inter. iii, resp.): "De mihi impraeditata isto in tempore quaestione, de qua iam talia ac tanta audieram, ut de ea modo nihil me auditurum putaverim, plurima heri, quantum mea permisit infirmitas, mutua sermocinatione locuti, tandem sicut melius et rationabilius nobis visum fuerat, finem eidem causa, ut synodo generali serventur, posuimus." ". . . quia instantia missionis et brevitatis temporis, non permittit ut dominos et coepiscopos meos in talibus consulam, sine quorum consultu, ut melius ipsi nostris, nihil, nisi quantum ad parochiam propriam pertinet agere a venerandis regulis mihi permittitur, contra quas non sine ultionis periculo quiddam praesumitur, timeo ne domnus rex putet mean debitam servitutem se ab obsequio suo velle suspendere, et venerandi episcopi suspicentur, si quid secundum sacras regulas diffinierint, cupere quod mihi non convenit retractare;" cited in Brown, op. cit., pp. 147-148.

¹⁰Brown, op. cit., p. 153.

adequately alone by the bishops present at the Lotharingian synod which had condemned Theutberga.¹¹ Hincmar's response was that there was essentially but one kingdom, the Ecclesia, of which Christ was the head, and one Christian law, from which there was no appeal. The nature of the case demanded that it be handled by the highest worldly authority within the Ecclesia, that is, by a general council.¹² Hincmar of Rheims was assigning ultimate authority in the Church to a general church council, something that Pope Nicholas I was unwilling to accept.

It would have been convenient for Charles the Bald's personal ambitions if his nephew should die without heirs since, as Haller points out,¹³ this would leave Lothar II's territory up for division upon his death. Hincmar was Charles the Bald's trusted advisor and thereby could help his king's position by such an opinion.

¹¹De divortio, quaest. 1: "Dicunt quidam quoniam rex Hlotharius habet in suo regno episcopos, et nobiles, ac fideles laicos, quorum consensu atque consilio causam inter se et uxorem suam diffinivit, et non ad alterius regni episcopos, vel ad alios quoscumque inde aliquid pertinet retractare." quoted in ibid., p. 153.

¹²De divortio, quaest. 1, resp.: "Unum regnum, una Christi columba, videlicet sancta ecclesia, unius Christianitatis lege, regni unius et unius ecclesiae, quamquam per plures regni principes et ecclesiarum praesules gubernacula moderentur. Sed et haec de qua agitur talis est causa, quae generaliter ad omnes Christiano nomine insignitos pertinere noscatur." "Quapropter necesse est, ut haec generalis causa ad omnes generaliter pertinens, in omnium notitiam veniat, et generali diffinitione determinetur. . . ." quoted in ibid.

¹³Haller, op. cit., p. 81.

Nevertheless, Brown argues persuasively that Hincmar acted as he did, not for political reasons but rather out of respect for canonical law. He did not want Lothar's bishops being intimidated into taking a stance contrary to their spiritual responsibility and that is why he was calling for a general church council at which each bishop could freely express himself on the crucial issue.¹⁴

Lothar II sent a letter with his representatives to Rome in 860.¹⁵ This letter exhibited a most submissive tone throughout, but one must not forget that Lothar hoped to obtain a favor from the pontiff. The king indicated that he would have preferred to come in person but circumstances dictated that he send his trusted envoys, who could demonstrate to the pontiff how loyal in every respect he and his kingdom were to the papacy and how faithfully they desired to obey his wholesome counsels and spiritual admonitions.¹⁶

¹⁴See Brown, op. cit., pp. 155ff; the interpretation expressed here seems convincing. Furthermore this point has been recently strongly reenforced in a book by Jean Devisse, Hincmar, Archevêque de Reims, 845-882 (Geneve, 1975. 3 vols), Vol. I, pp. 386-429. I appreciate Dr. Richard E. Sullivan bringing this point to my attention.

¹⁵This letter is found as number 1 of "Epistles Pertaining to the Divorce of Lothar II" in MGH, Epp., VI, pp. 209-210.

¹⁶Ibid. "Verum si aliqua, quod absit, periculosorum temporum varietas votum nostrum interceperit, . . . ad vestram praesentiam destinare procurabimus, ut per illos liquido cognoscat vestra celsitudo, quam fideles vobis per omnia existimus, nos et fideles nostri, et quam fideliter vestris salubribus consiliis et spiritalibus monitis parere desideramus."

Lothar humbly begged that if anyone should bring an evil report concerning himself and his bishops that Nicholas would loathe it as the poison of serpents. Because his bishops, as disciples of truth and true fathers of the orthodox father of the catholic and apostolic faith, cannot be teachers of errors.¹⁷

Lothar concluded his letter of obeisance with the statement that he would be happy to give his life to protect the pontiff from any harm from the pagans since it is written "We ought not to fear death which undoubtedly leads to life."¹⁸ Lest one be deceived into taking this letter literally it would seem prudent to recall that Lothar II hoped to get the annulment he desired from Nicholas and was thus trying to assure this.

Nevertheless, Lothar's impetuous nature did not allow him to wait for Nicholas' response; instead he had Gunther of Cologne call a provincial synod at Aachen in April of 862. This council decided that Lothar's youth could not be condemned to an absolute continence, so to prevent him from sinning he was permitted to contract a marriage. One

¹⁷Ibid. "ut, si aliquis inimicorum nostrorum ex nostra parte quiddam sinistrum mendoso falsitatis elogio vestris sanctissimis auribus significare praesumpserit, quasi serpentinum virus, apostolica abominetur auctoritas. Et quidem nostri episcopi, veritatis discipuli, magistri erroris esse non possunt, qui orthodoxi patris catholicae et apostolicae fidei veri probabuntur esse cultores."

¹⁸Ibid. "nos ac fideles nostros morti ac periculo tradere parati sumus, scientes esse scriptum: 'Timere non debemus mortem, quae sine dubio perducit ad vitam.'"

author¹⁹ surmises that Lothar's conscience apparently was not at peace since he did not immediately take advantage of their permission and contract a marriage with Waldrada. He wanted to get the pope's permission, but then in a hasty action he went ahead and had Gunther officiate at his wedding to Waldrada.²⁰

Even though both Lothar II's and Theutberga's representatives sought Nicholas' intervention it was some time before the pontiff considered their case. In November of 862 he announced his decision: He would send his legates, Bishops Radoald of Porto and John of Cervia, to investigate the matter at a new synod to be held in Metz. He commanded that the kingdoms of Louis the German, Charles the Bald, and Charles of Provence should each be represented by two bishops.²¹

¹⁹ Amann, op. cit., pp. 372ff.

²⁰ Amann in ibid., p. 373, fn. 1 indicates that the exact date of their wedding has not been determined but it was sometime after April 29, 862. The editor of MGH, Epp., VI, 10, p. 276, fn. 5 says it was in August or early September of 862.

²¹ MGH, Epp., VI, 6, p. 272. "Nunc autem domino nostro Iesu Christo favente legatos sanctae nostrae, cui Deo auctore deservimus, ecclesiae duos reverentissimos et sanctissimos episcopos, Radoaldum sanctae Portuensis ecclesiae et Iohannem sanctae Ficoclenensis ecclesiae antistites, dilectissimos nostros, quorum adventu atque praesentia Dei sacerdotum synodus congregetur, transmittimus, sicut nostris vobis iam pridem direximus litteris, quibus magnitudini vestrae intimatum est binos episcopos de regno Hludowici regis, patrui vestri, et Karoli regis, fratris vestri, ad ipsam synodum convenire debere. Nunc autem volumus atque litteris nostris directis iubemus duos similiter de regno Karoli gloriosi regis, patrui vestri, ibidem sine aliqua ambiguitate adesse."

The legates were instructed by Nicholas to take a position of strictest neutrality, examining everything with careful scrutiny in accordance with canonical law.²²

As it turned out, the synod did not meet in March of 863 as originally planned because King Charles of Provence died in January of that year, and, consequently, arrangements had to be made to divide his lands between his brothers, Lothar II and Louis II.²³

The synod finally convened in June 863, but it consisted exclusively of prelates from Lorraine and none from the East or West Frankish kingdoms as Nicholas had specifically requested.²⁴ This synod was completely dominated by the archbishops Gunther of Cologne and Theutgard of Trier and the complicity of the papal legates Radoald and John was bought.²⁵ Theutberga was declared guilty and the

²²MGH, Epp., VI, 5, p. 271. "qui una cum sanctae sedis nostrae legatis, quos illuc Domino auxiliante nunc destinamus, et aliorum venerabilium episcoporum coetu, qui ad eandem synodum conveniendi sunt, subtili cuncta indagatione rectaque valde inquisitione secundum Deum et venerabiles sanctorum patrum institutiones examinare ac diffinire decertent." Haller, op. cit., pp. 82ff. concludes similarly that they were to study objectively the facts before reaching a conclusion.

²³Jedin, op. cit., p. 131; also see Amann, op. cit., p. 373.

²⁴See MGH, Epp., VI, 6, p. 272.

²⁵L.P. No. 598, p. 160: "licet in multis seducti," MGH, Epp., VI, 53, p. 343: "Non enim epistolas, quas ad vos vestrorumque regnorum episcopos miseramus, secum habere poterant, quippe quas sibi ab amicis Hlotharii regis iam constabat ablatas . . . sed corruptis, immo et ad favorem suum traductis legatis nostris quod libuit nullo resistente

marriage of Lothar II and Waldrada was declared valid; in fact it was argued that the only valid marriage Lothar II had ever contracted was his original marriage to Waldrada.²⁶

Adventus, Bishop of Metz, transmitted the findings of this synod to Nicholas.²⁷ The major contention was that since puberty Lothar II had been legally married to Waldrada since she had been openly given to him by his father King Lothar I.²⁸ Furthermore, the council determined that soon

patravit.," and Annales Bertiniani, a. 863; ed. G. Waitz, MGH, SS. rer. Germ. in usum schol. (Hanover, 1883), p. 62: "Idem autem apostolicae sedis legati Mettis adeunt, synodum habituri ex delegatione apostolica circa medium mensem Iunium pro divortio, quod inter Lotharium et uxorem suam Theotberga acciderat, et pro superinductione concubinae Waldradae, quam contra leges ecclesiasticas et mundanas in uxorem sibi adsciverat. In qua synodo praefati missi, corrupti muneribus, epistolas domni apostolici occultantes nihil de his quae sibi commendata fuerunt secundum sacram auctoritatem egerunt."

²⁶Amann, op. cit., pp. 373-374.

²⁷Epistle 5 of the "Epistles Pertaining to the Divorce of Lothar II" found in MGH, Epp., VI, pp. 215-217.

²⁸Ibid., p. 215. "Augustus divinae recordationis Hlotharius per electionem populi regni Romanorum creatus est imperator, arcemque regni Francorum regens inter reliquas gestorum suorum deliberationes filio suo domino Hlothario virginem nobilem nomine Waldradam sub nomine divinae fidei tradidit, ut eam in Dei fide et sua futuro tempore custodiret et obtineret. Et ut haec copula iusta esse patesceret, in praetitulacione dotis centum mansos gloriosissimo puerulo tradidit, qui necdum suae libertatis erat, licet futurus heres patri, sed sub tutoribus et actoribus manebat, sicuti de talibus loquitur apostolus dicens: 'Quanto tempore heres parvulus est, nihil differt a servo, cum sit dominus omnium, sed sub tutoribus et actoribus est usque ad praefinitum tempus a patre.' Verum quamdiu praedictus imperator regni Francorum sublimitatem obtinuit, praefatus puerulus datae sibi puellae paterno munere inhaesit, quod non in angulo patratum fuit, quia veritas non habet angulos, sed in publico pontificum et optimatum spectaculo, sicut paedagogi eius testantur, etiam et avunculus eius Leutfridus."

after his father's death Lothar II was threatened by Hubert, the brother of Theutberga, and his accomplices with the loss of his kingdom if he did not consent to marry Theutberga even though he was not willing.²⁹ In addition, Adventus brought up the old charge of incest which Theuberga had been forced to confess at the synod held in Aachen in 860 as another reason why she could not be recognized as queen.³⁰

Nevertheless, as was seen earlier, Nicholas refused to accept the judgment of this provincial synod and called a Roman synod (October 863) which deposed Gunther and Theutgard and annulled the decrees of the Council of Metz.³¹ From the tone of Nicholas' reaction it seems probable to conclude that not only was he concerned about justice being meted out in this case but perhaps more importantly he viewed the decision from that provincial council at Metz to be a challenge to the power of the universal church headed by the pontiff.³²

²⁹Ibid. "Domino imperator Hlothario migrante, in ipsis diebus paterni luctus Hucbertus acefala cum suis complicitibus sororem suam nomine Theutbergam domino regi eam sibi sociavit, minans regis esse periculum de statu regni sui, si suis non faveret hortamentis. Acquievit rex, licet nolens, sicut ipse testatus est."

³⁰Ibid., pp. 215-216. "Fama pessimae turpitudinis sequitur et de incestuoso concubitu fratris sui Hucberti rea acclamatur; affertur scedula confessionis, ubi sponte confessa legitur, iudicio consulum damnatur, misericordia praesulum salvatur; fugam capessit."

³¹A detailed rationale is found above on pp. 47-54.

³²This is evident in Nicholas' letter to Ado, Archbishop of Vienna, found in MGH, Epp., VI, 18, pp. 284-286, in which the pope summarized the charges against Gunther

Therefore it seems one can observe in this case not only Pope Nicholas' concern about a spiritual issue--the final disposition of Lothar II's marital state--but also about the question of his own jurisdiction within the universal church.

Nicholas did not hesitate on occasion to vent his frustration with the uncles of King Lothar II, Louis the German and Charles the Bald, for not taking any actions to stop the divorce proceedings.³³ Nicholas indicated that the Apostolic See had been truly upset with Louis the German, not because he approved the illicit marriage of Lothar II but because while not approving it he did not actually forbid it. It was not considered sufficient for salvation merely to avoid doing evil if one did not also do good.³⁴

and Theutgard issued at the Roman Synod of Oct. 863. Articles I and III are particularly revealing. In Article I Nicholas annulled the Council of Metz because "it did not await our judgment, but rashly violated the laws of the Apostolic See" (p. 285), and in Article III Nicholas said he was also excommunicating any other bishops who supported Gunther and Theutgard because they had opposed "the head, that is, the See of Peter." (p. 285) A similar opinion is expressed by Norwood, op. cit., p. 275.

³³For example see Nicholas' epistle 26 responding to questions from Louis the German written in mid-864 found in MGH, Epp., VI, pp. 290-293, and his epistle 48 to Charles the Bald dated January 25, 867 found in MGH, Epp., VI, pp. 329-332.

³⁴MGH, Epp., VI, 26, p. 290. "Fateor veraciter apostolatum nostrum commotum fuisse adversus eum; non quia illicitae copulae consensit, sed quia, sicut non consensit, sic non prohibuit. Et non sufficit ad salutem non facere malum, si non faciamus bonum."

Nicholas argued further that since Louis is a king and consequently holds supreme authority that he proclaim to all publicly that he does not consent to such a marriage, in order that men on seeing his good works might glorify the Father who is in heaven as Truth itself declares,³⁵ "No one lights a candle and puts it under a bushel, but on a candlestick in order that it may throw light on all who are in the house."³⁶

There was a violent reaction to the summary deposition of Gunther and Theutgard which indicated that Nicholas' actions were considered irregular and unprecedented.³⁷ In fact objection to the Roman decision was so strong that early in 864 the Emperor Louis II appeared in Rome at the head of an army bent on reversing the Roman decrees.³⁸ Nicholas wrote later that this army had cruelly forced the papal entourage to take refuge in St. Peter's where his court

³⁵Mt. 5:15.

³⁶Ibid. "Sed quia Deo gratias rex est et in sublimi potestate consistit, palam omnibus innotescat suam non esse in tali copula voluntatem, ut videntes homines eius bona opera glorificent patrem nostrum, qui est in caelis. Nemo quippe, sicut veritas dicit, accendit lucernam et ponit 'eam sub modio, sed super candelabrum, ut luceat omnibus, qui in domo sunt'."

³⁷An opinion also expressed by Jedin, op. cit., p. 131.

³⁸Ibid.; also see Amann, op. cit., pp. 375ff; Annales Bertiniani, a. 864, pp. 67ff; MGH, Epp., VI, 53, p. 346.

was harassed and oppressed even to the point of bloodshed.³⁹ However, the imperial army finally withdrew and the archbishops remained deposed. It would seem valid to conclude that the pontiff won on this occasion since he succeeded, primarily through sheer determination, in withstanding this imperial challenge to his very person. Of equal importance was the fact that a decision reached at Rome and applying to the universal church took precedent over a decision arrived at a provincial synod.

On February 9, 865, Charles the Bald and Louis the German met at Thuzey near Toul under the guise of renewing their mutual oaths of peace and concord, but they also made plans for the division of Lothar's lands, if he did not make his peace with Rome.⁴⁰ Consequently, Lothar II felt it advisable to submit the case involving his marital status to the Holy See since if he did not he would risk excommunication and the loss of his lands to his uncles, Charles the Bald and Louis the German.⁴¹

With Lothar's appeal to the Roman See Nicholas now saw himself as the mediator between kings and supreme judge of Christendom; consequently, Nicholas was now in the position

³⁹MGH, *Epp.*, VI, 53, p. 346. "Sive qualiter nos tyrannice penes sanctum Petrum positos afflixerint, oppreserint et quibus potuerint malis fatigaverint, adeo ut homines eorum adita sancti Petri violaverint et in ecclesia ipsius sanguinen fuderint."

⁴⁰Jedin, *op. cit.*, p. 131, and Poupardin, *op. cit.*, p. 42.

⁴¹*Ibid.*

of power he wanted, and he acted unilaterally by sending his legate Arsenius, Bishop of Ostia, north with full power to act in his name. Arsenius first stopped at Frankfurt where he visited with Louis the German; then he visited Lothar II's court in July of 865, and called upon the king, in the Pope's name, to take back Theutberga. Finally, he journeyed to Attigny to present a letter from Nicholas to Charles the Bald exhorting him to respect his nephew's territory. Arsenius returned to Lorraine taking Theutberga with him. He restored her to Lothar and celebrated a solemn High Mass before the royal pair on August 15, 865. On his journey to Rome he took with him Waldrada, who would have to answer for her actions before the pontiff.⁴² Arsenius' mission had ended in a complete success for Nicholas--he was able to enforce his decision regarding Lothar's "supposed" divorce and in the process force the secular monarchs Louis the German and Charles the Bald, as well as Lothar II, to accede to his will at least in this specific case--albeit a religious matter.⁴³

Although Waldrada escaped from Arsenius at Pavia and eventually returned to Lothar II's side, this did not change matters while Nicholas was alive; the pontiff ~~merely excom-~~ municated her and continued to stand by his original decision.⁴⁴

⁴²Ibid., pp. 42-43.

⁴³It seems a little strong to say as Poupardin does in ibid., p. 43 that Nicholas acted as "supreme arbiter."

⁴⁴See ibid. and also Jedin, op. cit., pp. 131-132.

Nicholas' actions during the question of Lothar's divorce exhibit two major ideas he held as the prerogatives of the Roman See. In the first case, he insisted that Rome had the authority to nullify the decree reached by the local synod of Metz (June 863) which had, according to Nicholas, illegally granted a divorce to Lothar.. The decrees of the Roman synod of October of that same year bring this out clearly. In the second case, it is apparent in this religious matter, of whether Lothar II should be granted a divorce or not, the pontiff insisted that the decision belonged to the Roman Church. And, in fact, Nicholas was very angry with both Louis the German and Charles the Bald for not seeing to it that their nephew, Lothar II, obeyed the Pope's commands. Nicholas was also disappointed with them, and said so, because they vacillated rather than take a stance against this sinful divorce. Ultimately Nicholas' will prevailed since his envoy, Arsenius, Bishop of Ostia, was able to enforce the papal decision in this matter throughout the Frankish territories. The strong stance which Nicholas took toward the secular monarchs show that he believed the pontiff must insist that marital obligations be fulfilled even where monarchs are concerned; this was an obligation the pontiff had as the spiritual father of the Christian flock.

Judith and Baldwin of Flanders

Nicholas was faced with another very touchy marital case which involved King Charles the Bald of the West Frankish kingdom. The case in point involved Judith, the daughter of King Charles the Bald. Judith had eloped with Count Baldwin of Flanders, and Nicholas became involved when Baldwin appealed to him hoping that Rome might be able to get Charles the Bald to sanction his marriage to Judith.

Judith's first marriage was to the old king of Wessex, Aethelwulf. When he died in 858, she wed his son, Ethelbald, who in turn died just two years later.⁴⁵ Upon the death of Ethelbald, Judith returned to her fathers' kingdom after selling her English possessions.⁴⁶

Judith was placed by her father under ecclesiastical supervision at Senlis until she could contract a legal marriage.⁴⁷ But she could not or would not await ecclesiastical sanction for her marriage to Baldwin, Count of Flanders, with whom she had fallen in love, and she eloped with him without seeking approval from her father.⁴⁸ After Charles the Bald had consulted with the bishops and

⁴⁵Popupardin, op. cit., p. 39; Mann, op. cit., p. 93.

⁴⁶Hinomar, Annales Bertiniani, a. 862, p. 56.

⁴⁷Ibid. "sci licet competenter ac legaliter, nuberet . . ."

⁴⁸Ibid., p. 57.

important nobles of his kingdom, he decided that she had violated canonical as well as secular laws and so should be anathematized; therefore he had a sentence drawn up against her.⁴⁹

Judith and Baldwin took refuge in the kingdom of Lothar II,⁵⁰ and from there Baldwin went to Rome to plead his case before Nicholas.⁵¹ Nicholas indicated that it was not unusual for Baldwin, like others weighed down by the burden of crime, to seek the refuge of the Holy Roman Church and to request from it remission of their sins and the grace of pardon.⁵² Baldwin through Pope Nicholas admitted that he had rightfully incurred King Charles' indignation because he had taken his daughter Judith in marriage without Charles'

⁴⁹Ibid. "Unde rex Karolus episcopos et caeteros regni sui primores consulens, post mundanae legis iudicium canonicam in iam dictum Balduinum et Iudith, quae cum fure cucurrit et adulteri portionem se fecit, secundum edicta beati Gregorii: ut, si quis viduam in uxorem furatus fuerit, et consentientes ei, anathema sint, depromi sententiam ab episcopis petiit."

⁵⁰Mann, op. cit., p. 93.

⁵¹Sources for this include at least three letters of Nicholas to Charles the Bald, MGH, Epp., VI, 7, p. 273; to Queen Hermintrude MGH, Epp., VI, 8, p. 274; and again to Charles the Bald, MGH, Epp., VI, 60, p. 369.

⁵²MGH, Epp., VI, 7, p. 273. "Et quoniam ad hanc sanctam Romanam, cui Deo auctore deservimus, ecclesiam, quae ob sui privilegii principatum, quo ceteras Dei ecclesias orbe universo diffusas excellit divinitus, de diversis mundi partibus cotidie multi sceleris mole oppressi confugiunt, remissionem scilicet et venialem sibi gratiam tribui supplici et ingenti cordis merore poscentes."

consent. Baldwin pleaded to be forgiven and asked for Charles' blessing on his union with Judith.⁵³

The pontiff urged King Charles the Bald to forgive Baldwin for two reasons: first, because Nicholas was bound by love and kindness to aid penitents and, second, because he feared that if Charles did not forgive Baldwin, he was likely to join the impious Normans--the enemies of the church.⁵⁴ Therefore it seems that Nicholas was telling Charles that he was making the suggestion that Charles forgive his vassal not only because Baldwin was repentant and it behooved a priest to seek forgiveness for a sinner but also because he was concerned that if Charles did not forgive Baldwin he might join with the Normans and threaten not only Charles' territory but also the holy church in the West Frankish Kingdom.

The following day the pontiff wrote to Queen Hermintrude, Charles the Bald's wife.⁵⁵ He beseeched her to

⁵³Ibid. "Balduinus, vassallus vester, ardenti animo accedere studuit, qui vestram se habere indignationem, eo quod Iudith filiam vestram illum prae ceteris diligentem, sine vestrae voluntatis consensu in coniugium elegerit eamque volentem acceperit, ore proprio retulit. Quamobrem praesulatu nostro preces multimodas fudit, orans et petens obnixè, ut magnitudinis vestrae per nostram interventionem adipisci gratiam mereretur."

⁵⁴Ibid., pp. 273-274. "Cui sane ideo vestrae sublimitatis gratiam ut tribuatis deprecamur, non solum quia pio amore omnibus, qui aliquo fuerint sceleris contagio maculati, huius apostolicae sedis opem atque misericordiam et praesidium postulantibus humilique devotione quaerentibus pro qualitate facti subvenire debemus, verum etiam metuentes, ne propter iram et indignationem vestram ipse Balduinus se impiis Nortmannis et inimicis ecclesiae sanctae coniungat . . ."

⁵⁵MGH, Epp., VI, 8, pp. 274-275.

use what influence she had with her husband to improve conditions between Charles and Baldwin. The pontiff told Queen Hermintrude of the sorrowful fashion in which Baldwin came to him and admitted how he had broken divine laws in taking her daughter to wife.⁵⁶ Nicholas told her that when he heard Baldwin's lamentable petition the words of the Prophet Hosea⁵⁷ came to him "I wanted mercy and not sacrifice," and he decided to give Baldwin the consolation he needed. Now he wanted her to do what she could to see that Baldwin received mercy from her husband, Charles the Bald.⁵⁸

Nicholas may have decided to write Hermintrude in this manner because he felt that his emotional appeal to her might be successful if his more direct appeal to her husband should fail.

⁵⁶Ibid., p. 274. "Et quia hic Balduinus, qui carissimam filiam vestram contra divinarum legum sanctiones rapuit, de his se esse recognovit, liminibus sanctorum apostolorum lacrimosis mestisque precibus lugubriter se obtulit et, ut pro tanto crimine apostolicam opem acciperet, nostro apostolatu nihilominus flendo se praesentari quaesivit."

⁵⁷Hos. 6:6.

⁵⁸Ibid., pp. 274-275. "Cuius cum lamentabilem et tanto scelere plenam cognovissemus petitionem, ad mentem rediit, quod per prophetam Dominus dicit: 'Misericordiam vobis et non sacrificium.' Miserti fuimus et vos vestrae in Christo dilectae industriae apostolicae sollicitudinis apices fieri statuimus missosque etiam Radoaldum et Iohannem reverentissimos et sanctissimos episcopos, dilectissimos nostros, pro eo vestrae claritati direximus, per quos obnixius deprecamur, ut praefatus Balduinus, quam apud vestram per apostolorum intercessionem desiderat magnificentiam obtinere, pro Dei amore gratiam percipere valeat et de sui affectione nostri praesulatus oraculis consolationem resumat, quatenus ut, qui se per infelicem culpam a norma aequitatis declinare non ambigit, medaliam apostolorum agnoscat et apud seniores vestrum venialem vobis iuvantibus vigorem obtineat."

The following spring Nicholas also exhorted the bishops who had participated in the synod of Soissons not only to recall Rothad to his see⁵⁹ but also to intercede with King Charles the Bald on the behalf of Baldwin of Flanders.⁶⁰ Nicholas told them that while he did not wish to destroy their rules and holy decrees by which they had anathematized Judith and Baldwin, he felt that since Baldwin had come to the threshold of the apostles (Rome) to ask for help he would remind them that King Charles could give his daughter in marriage if he so chose. But he stopped short of commanding them to try to force Charles to do so.⁶¹ Nicholas quoted the Apostle Paul that "they make the most of the present opportunity, for these were evil days",⁶² a fact with which a recent letter from them agreed. He indicated that lest anything worse should happen they ought to intervene with King Charles so that in his grief he not be so inflexible toward Baldwin, especially since Baldwin has asked for divine help.⁶³

⁵⁹See the case of Rothad above on pages 23-42.

⁶⁰Ep. 57 found in MGH Epp., VI, pp. 355ff.

⁶¹Ibid., p. 360. "Ceterum de Balduino, de quo multa iam scripsistis, sciat beatitudo vestra non nos regulas atque sancta decreta velle corrumpere, sed, quia ad limina apostolorum veniens a nobis se petiit adiuvari, quamquam nossemus, quod filius noster Karolus gloriosus rex legaliter posset ei, si vellet, et filiam suam in uxorem dimittere et misericordiae suae gratiam impertiri, tamen non iussa misimus, sed preces optulimus."

⁶²Eph. 5:16.

⁶³Ibid., p. 361. "Sed vestra fraternitas praevideat, sicut ait apostolus: 'Redimentes tempus, quoniam dies mali sunt': et non, sicut ipsi in vestra pagina

Regarding this letter it seems valid to conclude that although these bishops from Charles the Bald's kingdom were free to act as they chose, he actually expected them to pressure Charles to accept Baldwin as his son-in-law so that the situation did not worsen. Or, in other words, Nicholas did not believe he should infringe on the local canons in reference to this particular marriage case, but he thought it prudent that these bishops attempt to persuade King Charles the Bald to accept Baldwin as his son-in-law because times were rough and he wanted the internal dissension to cease in Provence.

At this same time Pope Nicholas wrote another letter to Charles the Bald in which he appealed for clemency for Baldwin from Charles.⁶⁴ He began by complimenting Charles as a wise man and indicating that kings reign through wisdom, and according to the Apostle Paul,⁶⁵ Christ is the wisdom of the Father and He (Christ) is the King of kings. Nicholas indicated that he perceives that Charles is numbered among the wise and gave God manifold thanks.⁶⁶

testamini, periculosa tempora instant? Ne ergo peius inde adhuc aliquid oriatur, intervenite apud eundem gloriosissimum regem, karissimum filium nostrum, quo et ipsius cordis merorem pellatis et eidem Balduino non usquequaque inflexibilis perseveret; praecipue quoniam apostolorum auxilia deprecatus est et divina praesidia requisivit."

⁶⁴Epistle 60 written ca. April 28, 862 found in MGH, Epp., VI, pp. 369-372.

⁶⁵Cf. 1. Cor. 24:30; 1 Tim. 6:15.

⁶⁶Ibid., p. 369. "Per sapientiam ergo, reges regnant, quia sapientia patris, iuxta apostolum, Christus

Nicholas sympathized with Charles for the natural sufferings he must have felt when he learned that Baldwin had taken his daughter Judith by stealth. The pontiff said that Baldwin had been rightfully anathematized by the bishops of Charles' kingdom for this illegal and immoral act. He informed Charles that when Baldwin approached his See (Rome), the threshold of the apostles, to be released from the bonds of excommunication he would not honor his request. In fact, he said he denounced such presumptuous rashness on the part of Baldwin because he could empathize with the grief Charles must feel. But, the pontiff continued, since Baldwin had recourse to the Apostolic See of Rome Nicholas felt it was impossible for him not to intervene with Charles to see if Baldwin might receive his favor. He reminded Charles that he could allow Judith to marry Baldwin legally if the king so chose; he hastened to add that he was not ordering this but only making the request for his consideration. He added further that since the times were unsettled Charles in his wisdom might take steps to see that perchance nothing worse arose from this affair.⁶⁷

est, qui est rex regum, eorum scilicet, qui omnes motus corporis omnesque mentis illicitos appetitus competenti regere moderamine norunt; de quorum numero per divinam gratiam vos esse perspicimus et laetamur et Deo omnipotenti gratias, ex quo regnatis, multiplices exhibemus."

⁶⁷Ibid., pp. 369-370.

He related a similar incident from the past when a certain individual⁶⁸ had committed an offense of this kind and had sought the intercession of the Roman pontiff, who in turn checked with his secular lord. Without losing his wife this man received a complete pardon and favor.⁶⁹

Nicholas, after stating that he intended no personal offense, paraphrased a Scriptural passage⁷⁰ "to forgive a fellow servant a debt of one hundred pence, who perchance desires that ten thousand talents should be forgiven him by the highest of kings and the Lord of lords."⁷¹ Since Nicholas followed this quote with a strong section in which he urged and implored Charles the Bald to send Rothad to Rome so that his case can be settled by papal judgment,⁷² one can logically assume that Nicholas is trying to tell Charles the Bald to be merciful to Baldwin since he himself is in need of greater mercy from Christ for his refusal to obey His representative upon earth, the Roman pontiff, in Rothad's case.

⁶⁸The editor of MGH, *Epp.*, VI, p. 370 in fn. 2, indicates that the case Nicholas referred to may have involved Fulricus (or Falcaricus), vassal of Lothar I, who had been excommunicated by Hincmar of Rheims, and who had successfully sought the intercession of Pope Leo IV.

⁶⁹Ibid.

⁷⁰Mt. 18:24-28.

⁷¹Ibid. "Nulli praeterea regum grave esse videri debet--quod tamen cum pace vestra dixerimus--conseruo suo debitum centum denariorum dimittere, qui fortasse a summo regum et Domino dominorum decem milia talentorum sibi laxari desiderat."

⁷²See above pages 23-42 which deal with the case of Rothad.

Although Nicholas ended this letter on a positive note complimenting Charles' devotion to God and wishing him good health, the idea of the pontiff's refusal to accept an act of disobedience from Charles in the primarily ecclesiastical issue of Rothad's claim to the see of Soissons is rather clear. There does not seem to be any evidence in this letter from which to infer that Nicholas was commanding Charles the Bald to accept Baldwin into his good graces, although Nicholas certainly desired that Charles make peace with his erring vassal.

Hincmar of Rheims reported⁷³ that in response to the earnest request of the Pope, Charles welcomed back in solemn fashion his daughter, Judith.⁷⁴ And further that upon the advice of his followers Charles allowed Judith to marry Baldwin.⁷⁵

Subsequent to this action, in a letter to Charles the Bald,⁷⁶ Nicholas thanked Charles on behalf of Baldwin.⁷⁷

⁷³In the Annales Bertiniani, a. 863, p. 66.

⁷⁴Ibid. "Judith, filiam suam, per deprecationem domni apostolici ad pacem . . . sollemni more suscepit."

⁷⁵Ibid. "filiam suam Judith, sicut dominus apostolicus eum petierat, consilio fidelium suorum Balduino, quem secuta fuerat, legaliter coniugio sociari permisit."

⁷⁶MGH, Epp., VI, 78, pp. 412-414.

⁷⁷Ibid., p. 413. "Gloriosissimae praeterea caritati vestrae denuo pro Balduino gratias agimus."

Perhaps this expression of thanksgiving for the mercy that Charles the Bald had showed his errant vassal, Baldwin, best explains how Nicholas thought about the entire case. From his correspondence it is quite clear that he thought Baldwin was sincere in his desire to atone for his sin--that of illegally espousing Judith--and to this end Baldwin decided to go to Nicholas and ask for his intercession with Judith's father, King Charles the Bald. It seems that Nicholas thought because he was a priest he must try to do something for the repentant couple and his success in getting their marriage approved made him very happy.

In summation it is valid to conclude that Nicholas took his priestly responsibilities as supreme shepherd very seriously, and he decided to utilize the power of the pope's office to effect a moral solution which he deemed proper. It was to persuade King Charles the Bald to accept an errant vassal, Baldwin of Flanders, back into his good graces, and further to approve him as his son-in-law.

CHAPTER V

CONCLUSION

The cases studied in this paper clearly indicate the Pope Nicholas I acted in accord with his belief that the pope, as successor to St. Peter, was charged with the care of the Mystical Body of Christ on earth--the Christian Church. Within this framework, an archbishop, bishop or king who challenged the primacy of Nicholas as the head of the Christian Church was subject to the influence and powers at the pope's disposal. To be more precise, any challenge whether serious or not, was subject to papal disapproval. Disapproval was not limited to jurisdictional and theological questions alone; it was extended to secular questions and issues which might have a bearing upon the pope's position in Christendom.

The cases studied illustrate that Nicholas believed the pope's prerogatives included the care and solicitude for all Christians, whether these Christians be in Emilia, in Rome, in the Byzantine Empire, or in the Frankish kingdoms.

In the case involving John of Ravenna research shows that Nicholas would not tolerate an archbishop's abusing the powers of his office. In fact, after investigation of

the charges against John, Nicholas excommunicated him for malfeasance in office. The key factor involved in Nicholas' protracted dispute with John of Ravenna was that Nicholas believed the pope had the jurisdictional and theological responsibility for enforcing canon laws, and as "supreme shepherd" of the Christian community he, as pontiff, could not stand by and allow John to abuse these laws. Failure to censure John could set a precedent for others to challenge canon law and the primacy of the pope in Christendom.

Nicholas also did not hesitate to excommunicate the legates Rodoald and John, whom he had sent to Constantinople to settle the Ignatian affair; Nicholas censured them because they had not carried out the responsibilities with which they had been charged. It is important to note that they had not reached the decision he wanted them to reach. Nicholas believed that because of his exalted position in the universal church he should approve major decisions within it, since he alone, with God's help, would know what the right decisions were.

Nevertheless, it is not fair to say that Nicholas wanted to become involved in all the cases that could and did arise in the Church. He believed that if the archbishops in a provincial area could handle a given situation to his satisfaction, he would be happy to let them do so. As long as local ecclesiastics and synods could reach decisions on issues in accordance with church canons, as the pope interpreted them, this would be proper. However, in

cases where he was displeased with a provincial decision (as when the bishops of Provence hesitated to affect the reconciliation of Baldwin and Charles the Bald), he would use the prestige of the Roman See to have his ideas enforced. Furthermore, one can also take as an illustration the situation involving the Bulgarian and Moravian missions in Old Illyricum. In Bulgaria the initial missionaries came from Constantinople and from the Franks; however, these missionaries were unsuccessful and a few years later (866) when Boris asked Nicholas for help, Nicholas personally took charge of the situation so that this territory would not be lost to the Roman Church. Nicholas sent legates that he had chosen, not the ones that Boris wanted. Boris had desired the establishment of a patriarchate with Bishop Formosus of Portua as the patriarch. Nicholas did not approve this suggestion, and, since he believed that his control over the Church carried with it the right to determine its organization as a jurisdictional right of the Roman See, he told Boris to select from a new group of ecclesiastics whom he was sending.

Further, it should be noted that Nicholas thought that if a problem could not be handled in the provinces, the people involved could appeal to Rome in serious instances, e.g., the case of Rothad of Soissons. Rothad's plight resulted in a confrontation between Pope Nicholas and Archbishop Hincmar of Rheims over the issue of the final authority in the Church. Hincmar argued that authority ultimately rested with all the bishops in the Ecclesia and that a

general council should handle all major issues which originated.¹ Nicholas believed that the serious questions which arose could be and should be handled at Rome, if, in fact, they could not be satisfactorily handled in the provincial areas. So there is clearly present in Nicholas' ideas on papal right the concept of a right of appeal to the Holy See and the pontiff's right to make final decisions. Rothad was allowed to appeal to Rome and Hincmar did not challenge his appeal--instead he gave in to Nicholas' notable speech on Christmas Eve (864), in which Nicholas' threatened Hincmar with excommunication unless he allowed Rothad's reinstatement. Therefore, one can conclude that Nicholas believed that, as pontiff, he had the right to overrule ecclesiastics and councils which had reached a conclusion of which he did not approve.

Nicholas' justification for taking the actions cited was that he was the "rock," that is, St. Peter's successor; therefore, his rights as the Holy See extended to absolving or condemning bishops and archbishops, because he had a special prerogative, a special jurisdictional right, to do these things. He could pass decrees and promulgate sentences, and he did so regularly with papal legates handling concerns in his name.

¹This idea has been adequately examined elsewhere see Brown, op. cit., pp. 153ff.

Nicholas treated in a discretionary manner Zachary and Rodoald, who had been sent to the Council of Constantinople (861) to hear the case involving Ignatius. Nicholas did not hesitate to express his extreme displeasure with their decision to accept Photius in his name without first reporting back to him for his approval.

The pontiff was also very upset with the legates who had been sent north to check on the divorce case of Lothar II. These legates were subsequently bribed by Gunther and Theutgard to find in favor of King Lothar II in his marital suit, allowing the king to divorce his wife Theutberga and marry his consort Waldrada.

Haller and Le Clercq have expressed concerns² that Nicholas treated Gunther of Cologne and Theutgard of Trier in a very heavy-handed fashion when he called them before the Roman Synod of October 30, 863, and condemned them. It appears they are indeed correct, but one must keep in mind that Nicholas thought that Gunther and Theutgard were not only going against the Pope's expressed interests but were also condoning adultery. His rationale was that he had no other choice than to take harsh and immediate action, even to the point of excommunication, for how could he as Supreme Pontiff allow other archbishops within the Church to approve

²Haller, op. cit., p. 93 and Hefele, op. cit., pp. 331-332, fn. 1.

a community-threatening action like adultery? He would not allow this because he had the responsibility for enforcing morality in Christendom. He was also upset with Gunther and Theutgard because they supported Ingiltrudis, the errant wife of Count Boso, who was causing scandal in Lothar's kingdom.

Nicholas did have some clashes with secular lords, as when he censured King Lothar II for giving the See of Cambrai, belonging to Hincmar, the Archbishop of Rheims, to the "cleric" Hilduin, the brother of Gunther of Cologne. Nicholas demanded that Lothar II return Cambrai immediately to its proper ecclesiastical lord, Hincmar. He sent letters and took other actions which he deemed necessary to effect this end.

Such clashes will not support a conclusion that Nicholas was intent on dominating all aspects of society. Although Nicholas did castigate secular lords when they led immoral or non-Christian lives or when they tried to dispose of ecclesiastical property illegally, he did not interfere in secular affairs unless his opinion was solicited--which did not happen very often. When his opinion was asked, for example, by Lothar II in his divorce case, Nicholas immediately became totally immersed, but this was a moral, ethical question.

Nicholas believed that the pressures of his many responsibilities within the Church were heavy indeed, including those of being the court of final appeal. Nicholas

believed it was his responsibility, as Roman pontiff, to protect and defend Western practices. He was particularly upset when the Church of Constantinople began to attack many of the time-honored Christian practices of the Western Church, and emotionally begged Hincmar of Rheims and other important Western ecclesiastics to help him answer these unfounded charges. The Western Church responded through Aeneas of Paris and Ratram of Corbie, who, among others, sent long tracts condemning the Byzantine charges; this action illustrated the respect with which the Roman pontiff was held in the Western Church.

It is possible to conclude from the cases studied that, as a guiding principle, Nicholas believed his responsibilities extended to the entire Christian Church. Further, although most of the cases scrutinized dealt with the Western part of Christendom, the cases selected from the Byzantine Church, especially the Ignatian-Photian affair and the evangelization of Bulgaria, indicate that Nicholas believed his responsibilities held there as well. He believed, as supreme head of the Christian Church, that he should be listened to throughout Christendom when he rendered a final decision.

Therefore a definition of papal primacy to Nicholas I would include at least jurisdictional control over the internal affairs of the Christian Church, the right to render decisions on theological issues and, in cases involving moral issues, the right of chief pastor to save the

moral fiber of Christendom. But it is inappropriate to conclude that Nicholas thought his responsibilities as St. Peter's successor included control over strictly secular affairs.

APPENDICES

APPENDIX A

PREFACE TO TRANSLATION

The Life of Nicholas I which follows is a translation from the Liber Pontificalis. It is a primary source written chiefly by Nicholas' confidant the papal librarian, Anastasius. In format it is a report of various events which took place during Nicholas' pontificate, but always in a light favorable to the pope. This fact is not surprising when one considers that in the ninth century writers tended to emphasize all the holy things that saints accomplished during their lives, and after all, Nicholas was not only a pope but also canonized by the Roman Church.

Because of its hagiographical nature this Vita should be read with a questioning mind, since it tends toward the extravagant in many passages, especially where the biographer describes all the valuable gifts Nicholas gave to various churches. Nevertheless, it seems important enough to be included here, because it can be of assistance to the scholar who is working with the pontificate of Nicholas I. As far as this author can determine, this is the first English translation.

The text used was edited by Duchesne, who included many valuable footnotes which help explain various parts of the Vita. Close attention was given to rendering the Latin into accurate, yet readable English.

APPENDIX B

LIFE OF NICHOLAS I (858-867)¹

Nicholas was a Roman by birth, the son of Theodorus, a regionary notary. He reigned as pope for nine years, two months and twenty days. The outstanding virtues of this man shown forth from his earliest boyhood, and his unsullied morality was well-known. He was richly adorned with the beauty of good works, so that he took no pleasure in games or in any other pursuits in which young boys are wont to participate sinfully. He applied himself to patience and moderation and was outstanding in purity and humility. Since his father has been devoted to the arts, he was a very powerful inspiration for Nicholas, and whetted his appetite with pure nourishment and kindly practices. Nicholas constantly adorned his mind with the literary works of the finest minds with the result that there was no kind of sacred learning that he was not instructed in. He grasped it all by his knowledge and understanding. He grew in stature and in wisdom, distinguished and endowed with moderation and adorned with learning.

If in any place he noticed men who were outstanding for their holiness of life, he was inspired and eager to make

¹L. Duchesne (ed.), Liber Pontificalis, Vol. II (2nd ed. Paris: E. de Boccard, 1955), pp. 151-167.

friends with them and to congratulate them in the highest terms. Often when along with his father, he approached some very holy man, who, with the inspiration of the Holy Spirit, was preaching at length, he used to assert that he would rise to the heights of sanctity.

At his father's urging, Nicholas was led to embrace the clerical order, so that what he thought to be the divine will was fulfilled in future times. When Pope Sergius II [844-847] heard that Nicholas had risen to the heights in important undertakings, he asked Nicholas to leave the home of his parents, and stationed him in the patriarchal residence. There he raised him to the rank of the subdiaconate by the favor of his blessing. In this position Nicholas lived with wondrous sanctity and was on fire with heavenly devotion.

When Pope Sergius II departed from this corruptible life, Pope Leo IV [847-855] took over the helm of the Roman Church. Pope Leo, who very often witnessed the fruits of Nicholas' perseverance with tremendous love, ordained Nicholas a deacon. Aided by divine grace Nicholas performed the duties of his office with notable excellence. He was loved by the clergy, praised by the nobles and esteemed highly by the people.

When Pope Leo IV died, Benedict III [855-858], a man of wondrous blessedness, and a very saintly pope, with the help of God, was placed upon the Roman See. Benedict III had Nicholas join him in his administration, and because he

loved Nicholas more than his closest relatives, Benedict never enjoyed a single moment outside of Nicholas' company. Whatever Benedict saw to be fitting in ecclesiastical affairs, he gave Nicholas the duty of formulating its definition in detail. Pope Benedict observed the wealth of his prudent decisions and Nicholas' growth in wisdom. When Benedict came to the end of his life, he drank the chalice of a saintly death. While Nicholas was still a deacon, along with the other deacons, he carried Pope Benedict's body to the Basilica of St. Peter the Apostle and laid him in a tomb. By so doing he could, for the last time, show his great and genuine affection for Benedict.

At that same time the unconquered Emperor Louis II left Rome. When Louis had learned of Pope Benedict's death, he was deeply grieved and decided to return to Rome. The Romans at the loss of so great a shepherd were shedding copious tears of grief. When the clergy, princes and other leaders gathered together and were earnestly fasting, praying and keeping watch, and, in an unceasing effort were imploring the Divine Majesty that He might indicate to them a man as great as he whom they had lost, whom they might raise to the pontificate. When these things had been done, they met in the Basilica of St. Dionysius, Pope and Confessor, with all the people. In this church they discussed the matter for several hours, inflamed by divine inspiration, with a unanimous cry they approved of Nicholas as ruler of the apostolic see. They immediately hurried with

swift steps to the hall of Peter, the Prince of the Apostles, in which Nicholas fled to hide. Nicholas kept saying that he was unworthy to take over the responsibility of so great an office. However, those who were present, in a rapid motion, dragged Nicholas from that same basilica, and led him with sacred shouts into the Lateran Basilica and placed him on the apostolic throne.

After a while he was led by a large number of nobles and by all the people to the Basilica of Saint Peter, and in the presence of Caesar [Emperor Louis II], was consecrated and raised to the apostolic see and made pontiff. Nicholas joyfully celebrated a solemn mass over the body of the apostle. He was led once again by a large number of nobles and ordinary people, with hymns and spiritual songs to the Lateran Basilica. And he was finally crowned, and the city and the clergy rejoiced, and the senate rejoiced, and the people congratulated him with wondrous acclaim.

On the third day after his consecration, while dining with the emperor, Nicholas shone forth with culture and full of renown, he dined in a Christlike manner. When the meal was finished, Nicholas arose and embraced Caesar [Louis II] with all his love, as though he was his dearest spiritual son. After these things were over, the emperor left the city and ruled in the place which is called Quintus [that is, Saint Leucius].

When the blessed Pope heard this, compelled by his affection and love for the emperor, he journeyed to that

same place in the company of nobles of Roman birth. When the illustrious Augustus [Louis II] saw Nicholas, he ran to meet him, grasped with his own hands the reins of the pope's horse, and led the horse over the distance of an arrow's shot. When Nicholas entered the emperor's tent with Louis II, they enjoyed a salutary conversation with each other. After the table had been richly set for a feast, they both dined with spiritual eagerness. Once they had had their fill, the table was cleared, and the illustrious Caesar presented the Pope with many gifts. After Nicholas had accepted these gifts and was mounting his horse and trying to return to the place from whence he had come, Augustus, full of love for Nicholas, mounted his imperial steed and accompanied Nicholas in triumph. When they had arrived at a very wide spot on the road, the emperor dismounted, the pontiff likewise, they kissed each other and wished one another well with radiant faces. While Caesar [Emperor Louis II] returned to his tent, Nicholas continued on the journey he had started.

This pontiff was handsome of face and graceful of form, both learned and modest in his utterances, illustrious by his great deeds, devoted to fasting and to the divine services, generous to the poor, the protector of the widows and orphans, and the defender of all the people. But because we are not able to put into writing here all those holy things he did, we will return to them later in an appropriate place.

This most holy man, full of Divine Grace, made for the deacon's hall of St. Mary, the Mother of God and our Lady, which is called Cosmidus, out of a single cloth of pure silk dyed with juices of quince a scene depicting two rather large lions. In this place he placed a large rose-colored tapestry, which was adorned with crimson. To its deanery he gave a stone plate, ornamented with pure silver and weighting two pounds, four ounces.

Moreover in the Basilica of Savior, which takes its name from Caesar, Nicholas erected crosses of purest silver which hang before the statue of the body of our Lord Jesus Christ. On our Lord's customary feast days, all to His honor and glory, a wax image weighing four and a half pounds is displayed. Likewise in the basilica of the ever blessed Mary the Virgin, Our Lady, called the Basilica of the Manger, he installed a large chalice of purest silver which weighed eight pounds and three ounces. Indeed this most blessed pontiff, protected by God and full of grace from above, offered to the Basilica of Blessed Peter the Apostle, his patron, a plate of purest gold, weighing three pounds and nine ounces and adorned with precious jewels. He also placed in the confessional of this very sacred basilica a yoke of purest gold, weighing two pounds. Similarly in the presently mentioned church he gave eleven crosses of purest silver, together weighing thirteen pounds and five ounces. In the same way, in the Basilica of St. Paul, the Doctor of the Gentiles, he erected two crosses of purest silver,

weighing together four pounds. For the Basilica of Saint Lawrence the Martyr, which is outside the walls, he installed two crosses of purest silver, weighing together four pounds.

In the first year of his pontificate he brought a certain golden crown adorned with very precious jewels which weighed eight pounds and four ounces. To the adornment of this basilica with immense love he hung a golden chain above the altar.

Also he placed in the above-mentioned Basilica of Blessed Peter the Apostle, his patron, nine plates of purest silver which together weighed twelve and one-half pounds. Nicholas himself was protected by God, and this venerable and renowned pontiff hung, in the monastery of Sts. Stephen and Sylvester, which a former pope of the sacred name of Paul had newly rebuilt, in the larger church, which is called St. Dionysius, to the honor and glory of the sacred altar, four veils of crimson color.

In the ninth year of this outstanding pope, on the thirtieth day of the month of October [really October 30, 860], the Tiber River overflowed its banks and flooded the fields. The river raised the waves of its mighty waters and entered the city of Rome through the postern gate, which is called the gate of St. Agatha, at the tenth hour of the day. Meanwhile it flooded over in several places and entered the church of St. Lawrence, which is called Lucine, and from there it spread out and entered the monastery of St. Sylvester, so that not one of the steps which rise to the Basilica

of St. Dionysius could be seen except the one which is the highest. Eventually it entered the gate which is in front of the church of St. Mark. From there it started to abate and ran down the sewer, near the monastery of St. Lawrence the Martyr, which is called the Pallacine. From that day the water began to recede gradually, and the river, after having caused considerable damage, returned to its bed. It overturned walls and homes, and it laid waste the fields, destroying the cornfields and uprooting the orchards.

In a similar manner on December 27th of the same year, the Feast of St. John the Evangelist, the same Tiber River overflowed its banks and flooded the city of Rome as described above....

At the same time this renowned and saintly pope presented to the monastery of St. Valentine, which is situated close to Terni, a single golden cloth containing the story of the lions with an Arabic decoration around the border.

Likewise the venerable and famous pontiff prepared to rebuild and restore to its original form the aqueduct of Toccia, which over a large number of years was deteriorating. Through which aqueduct water had flowed from many years into Rome.

Also in the church of the Mother of God and our Lord Jesus Christ, which is called Cosmidus, he erected a large and spacious hostel which was useful for the work of the popes, whenever it was fitting he and all his staff could

be most amply housed.

And in like manner in the church of Blessed Peter, the Prince of the Apostles and his patron, Nicholas presented veils to the treasury of the presbytery, with a key of Christ and a mat picturing forty lions. He also presented this church with a silver chain wrought with great skill and weighing four pounds. To the oratory of the Holy Cross, which is below the Basilica of St. Peter the Apostle, he presented a pure silver plate weighing two pounds. For the Basilica of St. Paul the Apostle, the Doctor of the Gentiles, this same most holy pontiff [Nicholas] had made a silver candelabrum which weighed two pounds and six ounces. To the titular church of St. Eusebius, the Confessor of Christ, he donated a cross of pure silver which weighed four pounds and was used above the tabernacle.

At this time, Michael, son of Emperor Theophilus, Emperor of the city of Constantinople, because of his devotion to the apostles, sent gifts to Blessed Peter the Apostle. These were brought by the metropolitan Methodius and the bishop Samuel and two other bishops, who had been removed from their episcopal offices, Zachary and Theophilus, another envoy was a layman of imperial rank, the protospatharius Arsavir. One gift was a paten of purest gold, set with many precious jewels -- white, green and violet. Also presented was a golden chalice, surrounded with jewels and in a circle hanging decorations on a golden chain; and two objects in the figure of a peacock, with a shield and many precious

jewels, violet and white, which together weighed many pounds. Likewise also presented was an altar cloth depicting the keys of Christ with white jewels, telling the story of the Savior and Blessed Peter and Paul and the other apostles; it was adorned with branches and roses for each side of the altar, bearing the name of this emperor, and was of outstanding size and marvelous beauty. These envoys also brought many other gifts and spoke the words they had been instructed to say to the pontiff.

Formerly the emperor of the Greeks had, upon the occasion of the deposition of the sacred images, asked the envoys of the apostolic see that his above legates be sent to Constantinople, intending, of course, to effect the cause of the Patriarch Ignatius and of the invader of the church of Constantinople Photius. The emperor also wanted the holy man Ignatius to be condemned by the Holy See's judgment, as became clear later, and to have the neophyte Photius appointed as the head of that church. Then the supreme pontiff was ignorant of the evil plan of the emperor, when he directed two of the bishops to go there, namely Rodoald and Zachary, to settle by way of a synod any dispute that might arise about sacred images, and merely to solemnly investigate the matter of the Patriarch Ignatius and the neophyte Photius and report back to him. These men [Rodoald and Zachary] set at nought the decrees of the holy pontiff; I shall tell, later, the details of their corruption by bribe money, and how they acted in the same way as Vitalis and Missenus.

In the meantime many of the people of Ravenna, who were suffering the loss of property rights and other possessions because of the actions of John, the archbishop of that city, came before the saintly Pope Nicholas in order that they might be rescued from such oppression. Nicholas listened to their supplications and often warned the archbishop by his envoys and his letters to cease from such deeds. But that one, who had become thoroughly confused in mind, rejected these warnings of the holy father and continued adding even more evil actions to his list of misdeeds. The more the kindly regard of the supreme pontiff warned John to repent the more he turned to more serious faults, and did not cease to add to his iniquities. He rashly excommunicated some and prevented others from visiting the apostolic see. John seized the possessions of others without any legal trial and even stole many treasures from the holy Roman church. He spurned its envoys and nullified, whenever possible, the glory of Blessed Peter the Apostle.

If he found in the possession of anyone, precepts of the law of St. Peter, he destroyed them and transferred them to the law of sacred Apollinarus. For he deposed, without canonical judgment, presbyters and deacons, not only those subject to him, but also those through Emilia who were subject to the apostolic see. Some people he put into prison, others into foul-smelling workhouses. He forced others to confess in writing to crimes they had not committed. Besides John suppressed decrees of the church without the consent of

the apostolic see and, when summoned to Rome, he boasted that he was not obliged to attend the synod. It is not to be wondered at therefore, that at the beginning of his consecration, when he had done these things at a later date, that John should have falsified the warnings and pronouncements that were wont to be preserved in the archives by the archbishops of Ravenna, following the custom of his predecessor Felix. He also composed some barbarous writings which were truly false.

During this same time Nicholas had summoned John to the synod three times, by means of letters. Since John refused to come to the synod, he was excommunicated by the Holy Synod. John set out for Pavia, where he lied to Emperor Louis about the charges and asked for worldly protection. When the Emperor Louis believing his story, granted him important men to accompany him, John arrived in Rome swollen with pride. Although his companions had gone against the rules of the sacred canons by consorting with an excommunicated person, the gentle pontiff merely rebuked them in a kindly way. These men wept their repentance over their deed. The pope urged John to hasten to the synod, which had excommunicated him on the Kalends of November [November 18, 861], to give full satisfaction and to desist from such provocation. However John was unwilling to do this and he turned and fled.

And behold the people of Emilia and the senators of the city of Ravenna, along with many people from that city, hurried to Rome. They came to the doorstep of the blessed

pontiff with tears in their eyes. They kept asking that, in imitation of our Lord Jesus Christ, Nicholas might deign to set out for Ravenna for their recuperation he might examine everything and bring them the greatest freedom. Therefore the most saintly pontiff set out for Ravenna. When the archbishop John had learned of his arrival, he took the road to Pavia immediately to burden the ears of the emperor once more. Still the splendid patron [Nicholas] restored to the people of Ravenna and Emilia and Pentapolis what they had lost to swindling by the archbishop John and his brother Gregory, and Nicholas confirmed what he had restored by a decree of his precept.

When the aforementioned archbishop [John] was approaching Pavia, as was mentioned above, the citizens of Pavia along with their bishop, Liutard, who had been consecrated by the Roman pontiff, heard that this same archbishop [John] had been excommunicated by the highest pontiff. They became so circumspect and guarded that they did not receive John into their homes, and they did not allow anything to be sold to his men, lest by this commerce they might seem at least by their words to be collaborators and incur, by this very fact, the mark of excommunication. Moreover when they saw some of John's servants coming across the plain they shouted: "These are numbered among the excommunicated. We are not allowed to mix with them."

When John realized he could not trick others into helping him, he demanded help from the Emperor Louis. The

emperor, however, sent a messenger to John with these orders: "Let him [John] go and lay aside his excessive pride and do humble obeisance to the pontiff to whom we and the whole church in general show reverence, and submit to the yoke of obedience and subjection, because the archbishop will never in any other way accomplish what he wants." When John heard this he grew worried and with insistence he pleaded with the representatives of the emperor to go with him to Rome.

When the blessed pope learned about this, he held in contempt the arrogance of this man as the weakness of a spider's web. Nicholas persevered in his former opinion and was not to be moved. However, His Holiness treated the representatives of the Emperor Louis with great kindness and reminded them: "If our beloved son the Lord Emperor was well aware of the acts and habits of this archbishop, he himself not only should not plead for him, but he should also send John to us so that he would mend his ways, whether he wished to be sent or not." Then, as the outstanding pope himself had decreed, many of the bishops of the provinces were holding a meeting, with the same archbishop [John of Ravenna] as the subject of their inquiries, that John might come and give the fullest explanation, and that he might correct sufficiently the matters he had lied about. Upon hearing this the archbishop was thoroughly frightened, and seeing that he could not be helped by anyone, he started lamenting his troubles and tribulations. John approached everyone he could with tears, saying: "Have mercy on me, have mercy on

me and beseech the mercy of the pope to have pity on me, since you see I am ready to do whatever he orders." When some saw and heard this they betook themselves to the supreme pontiff, they explained their suggestions clearly, and, in a tearful voice, gave their promises to Nicholas.

Then our most compassionate Pope, imitating our Lord, who does not want the death of the sinner, was moved to mercy, and decided to welcome the above-mentioned archbishop, who had finally returned to the road of humility. Whereupon this archbishop [John] immediately grabbed a piece of paper to write his promise under oath. He filled in writing with his own hand, the words which at the time of his consecration, seemed too imperfect and confused. He replenished the words and composed them according to the custom of his predecessors. Then he went to the house called Leonian, in which resided His Holiness along with bishops, priests, officials and nobles, and while they stood by, the archbishop [John] placed the aforementioned writings, which he had done, on top of the life-giving crucifex of our Lord Jesus Christ. He placed his sandals on the codex of the Four Gospels, and holding these in his hand, in the company of and in the hearing of countless assembled people, he, of his own accord, in a clear voice swore that for the remainder of his life he would observe closely and hold onto and accomplish what was contained in the aforementioned promise and was read in his writings. In the sight of all John read this in his own voice and handed it over to the supreme pontiff.

This being done, this remarkable and outstanding pontiff came down the next day with all the bishops and the entire clergy to the Basilica of the Savior, which is called that of Constantine, where the archbishop [John] was present at the insistence of the supreme pontiff. John cleansed himself of heresy as he was asked to do. The pope himself restored John to communion and bestowed on him the right to solemnize holy mass.

The following day, with the same supreme and universal pope present in the Leonian palace, nearby the resident college of most saintly priests and fellow bishops, the same archbishop [John of Ravenna] was present and sat down at the command of the pope. Then the bishops of Emilia stood up, presenting their complaints in a petition against the same archbishop John, saying that they were suffering many injustices and impositions at the hands of the archbishop himself. For some people of Ravenna and of Emilia made the same charges, as anyone will be able to find if he will have investigated his deeds which lie in the library. The pontiff protected by God, hearing these things, said together with the holy synod, that such things were done contrary to the norms of ecclesiastical rules. Then with the urging of the holy synod, Nicholas commanded that all the violations must be corrected, lest the flock of the Lord, committed to his care in a special way, be abandoned through discord to the teeth of the wolves: "In truth, Archbishop John," said the outstanding protector, "in order

that everything that is being said may be carried out and corrected more easily by a special kind of correction, we order you to put aside all excuses, as long as you have no serious bodily illness which completely prevents you from coming, and to strive to hasten to the Apostolic See every year, unless perchance you receive permission to delay your visit from the Apostolic See. Likewise, we lay down that you may not consecrate bishops through Emilia unless after the election of the leaders, clergy and people you receive a letter from the head of the Apostolic See granting you permission to consecrate. Never hinder any of those very bishops from approaching the Holy See when they want to do so, but do not demand at any time any donation from them which the canons do not order. We order you also not to force on those very bishops that bad custom, which is called by some the thirtieth, in no way set forth this against Ravenna nor force it upon the church, or try to demand any custom, which is against the privileges of the bishops. In no way do we allow you to seize anything from anybody by somekind of ingenuity or seize properties or possessions in any way or superimpose title to them, until in the presence of the apostle or his envoy or the vestararius of Ravenna you may show by legal order these things in a legal trial."

When all this had been enjoined upon archbishop John and commanded by the holy pontiff that it be observed by him, the whole synod rose and acclaimed three times: "The right judgment of the Supreme Pontiff and the just

decision of the pastor of the entire Church and the wise instructions of the disciple of Christ is pleasing to all. We all say the same thing, we all think the same thoughts and we all make the same judgment." Then when the same archbishop and the entire holy synod had been refreshed by the food of the Sacred Word, and had been filled with the sweet tasting nectar by the most blessed pope, each one, upon obtaining the pontifical permission, returned to his own territory.

At the same time this extraordinary pope, protected by God, erected a calpi of purest silver in the Church of the Blessed Mother of God, called Cosmidus; it weighed five pounds and two ounces. He also bestowed in the territory of the Vestini an icon of Blessed Vitalis the Martyr that weighed four and one half pounds. Also he placed in the Basilica of the Blessed Martyr of Christ, Anastasius, around the sacred altar, four veils with purple embroidery. In the Basilica of St. Peter the Apostle, in the Oratory of St. Gregory the Pope, Nicholas presented three vestments adorned with swan-like designs. This most blessed and supreme pontiff with a pure mind presented to the Church of the Doctor of the Gentiles, Blessed Paul the Apostle, a vestment of wondrous beauty woven in gold, in the borders having purple, white, and green jewels together with reddish jewels. He also brought there two veils in the same way woven in gold and adorned with jewels.

Moreover, this most blessed pontiff had the Church

of the Blessed Mother of God, the Virgin Mary, which was originally called the Ancient but is now called the New, which the Lord Pope Leo III had built from its foundation, but had not decorated it with many pictures, painted with beautiful and varied colors, increasing its beauty, and with a pure heart adorned it with many statues.

Thereupon, as I have mentioned above, a certain schism had grown up in the holy Church of Constantinople, namely because the most revered patriarch, Ignatius, had been driven out of the see of that church, and they had unexpectedly put in that place as bishop a neophyte, Photius, who came from the ranks of the laymen and the soldiers, and had been tonsured against the decrees of the sacred canons. Truly, because Michael the Emperor of the Greeks, thinking of the times they praised to the skies Ignatius, when the lord Pope Leo IV was living and heaped vituperation on Photius the usurper and praises on the Roman See, sent representatives to this most blessed and notable pope that he might send his envoys to find out what was being said, indeed he humbly examined their letters through the captain of the guard, Arsavir. Moreover, because Nicholas wanted the ecclesiastical vigor to remain inviolate, the supreme pontiff did not refuse in any way, since he desired to tear up the pile of cockle by the roots, lest in the holy church of God some stain might spring forth through slothfulness. Then Nicholas sent two bishops from his side, Rodoald, who was mentioned earlier, from Porto and Zachary from Anagni, whom he thought

suitable for this task. He, giving orders and enjoining them, directed that they inquire solely about the case of the dismissal of that man Ignatius and the substitution of Photius and to report back to him. In the meantime they were to avoid any communication with the neophyte Photius, and upon returning, they had eagerly desired to render a true account about everything.

As these men were leaving, since they were treating with contempt the order they had accepted, not only had they communicated with the neophyte Photius against the judgment which forbade them to do so, but they also were corrupted by gifts themselves, by coming out in favor of his consecration, a general synod having been called, they again deposed the same man, the patriarch Ignatius, as can easily be found in the acts compiled by them in Constantinople, and through envoys, Leo indeed, in secret, and others, the letter of the aforesaid emperor remained known for a certainty. As these same envoys returned, because they had acted on behalf of Photius and were extolling his praises and because they were wickedly working against the patriarch Ignatius, and were reviling him with all sorts of opposition; therefore the ruler and head of the whole Church, the outstanding and prudent prince of the Apostolic See, considered everything with a saintly intuition. But, when he heard what has been done against his expressed will, while everything was being examined according to his mystical intelligence, he did not believe anything at all. In the meantime with his sacred

authority he composed letters, to Michael the Emperor of the Greeks and to the same Photius, which are being kept in the papers of this see, and Nicholas gave them to the same Leo in secret and warning him to give no consent himself to the deposition of Ignatius, the patriarch, nor to the appointment of Photius, until the truth was known and the case was legally brought to a close in his presence. Where some were saying that this was the decision of the pope himself, and others were shouting that Ignatius had been unjustly deposed, the same highest pontiff continually implored the Supreme Arbiter, that by His Mercy, which never lies hidden to anyone, He might make clear to the Church of God His will that he had not consented in such things.

Then, relying on his divinely inspired zeal, he called a council of the bishops, in which it was made abundantly clear that he had in no way consented to the deposition of Ignatius, and that the envoys of the Apostolic See had erred in this matter. Then, with the sacred synod, the same most holy pontiff deprived the aforesaid Bishop Zachary, there present, of his priestly office and communion with the church. Just as the blessed Pope Felix had deprived Vitalis and Misenus, the bishops, who having been compelled agreed to the contaminating heretical impurity of Peter of Alexandria, because he had been found to have gone beyond the apostolic instructions in many matters. And, in the case of the bishop Rodoald, whom thereafter, with the holy synod, the pious pope in like manner condemned, for violating even

more seriously his orders in Gaul and lifting the excommunication and subverting canonical law; and Nicholas suspended him.

Then, this outstanding man and pontiff of holy zeal ordered to be restored to his office a certain Pepone, a deacon, who had been unjustly deposed by Bishop Landulfus, while he was appealing to the Apostolic See. And, because the deacon had been deposed without a certain number of bishops, certainly without any proof of his crime, and without any oral confession on his part, the pope annulled all this judicial sentence and brought the matter back to the path of righteousness with apostolic devotion.

When this outstanding pope was governing the Apostolic See, the Emperor Louis conferred the following gifts on St. Peter the Apostle, namely [sic]

To be sure this same pontiff was very kind in exercising vigilance over the flock of the Lord, and was so interested that, when any scandal arose in the holy church, he gave neither sleep to his limbs nor rest to his body, until, through the men he sent or by his letters, peace was restored and the peace-loving people once more regained the reward of peace. Thereupon King Lothar II, who had abandoned his Queen, Theutberga, and married his concubine, Waldrada, although he had consulted the pious pontiff of the Roman See about these matters, he remained in the wanton impurity of luxury and the flesh. And when this supreme pontiff was likewise expelling this evil one [Lothar II] from the church of God,

lest that king might pollute others with his deadly plague, he was upset and grieved deeply from the depths of his heart and groaned over these abuses; especially when he heard that the archbishops Theutgard of Trier and Gunther of Colonia Agrippina [Cologne] along with Haganon of Bergamo and all the other bishops had given permission to this same king [Lothar II] that he might be able more freely to put away Theutberga and legally join Waldrada, his concubine, in marriage. When the blessed pontiff [Nicholas] learned that those, whom he ought to have as his helpers and guides before the Lord, had done this, he decided, that by giving this permission, they were handing themselves over as traitors to the eternal fire.

Then, without delay, he sent messengers to Francia ordering that a synodal meeting be convened in the city of Metz to determine why the king had put away Theutberga and married Waldrada. Once they had all the evidence in this matter they should bring it to a lawful end. When the legates of the Apostolic See had arrived and started to investigate the case, Lothar told them among other things: "Whatever I have done, I have employed the advice of those bishops." There were also present there the aforesaid leaders, the archbishops Theutgard and Gunther, whom the holy pope had already found as the authors of such a great crime, imputing and saying that that marriage, had been legitimate, which the King Lothar had made with the concubine Waldrada. They swore that they could defend themselves in the presence of the pope. When the legates of the apostolic

see, although deceived in many matters, retraced their steps to Rome, they related to the supreme pontiff what they had heard and learned from the king and from the archbishops Theutgard and Gunther. While the most pious protector [Nicholas] was waiting to see if the archbishops would show up at Rome, behold, at the direction of divine mercy, the same archbishops Theutgard and Gunther approached the city of Rome, they sought to be presented at the sacred feet of this patron. When they were received kindly by this most extraordinary pontiff, they offered him a little booklet, saying that they had done nothing more or less than what was mentioned in this book. When the pope had examined it very carefully, many profane things were found in it and they contained much unheard of filthiness, which went beyond the episcopal power and tied up the archbishops as if they were madmen.

Finally when the council was called in the Lateran behind this house near by the Apostles, the same archbishops [Theutgard of Trier and Gunther of Cologne] were found, as was mentioned, whence they incurred excommunication, especially since they shouted that they themselves were the authors of so great a divorce, and that they had dissolved the sentence which was passed against Ingiltrudis, the wife of Boso, who had left that same man Boso for seven years, not only had she been excommunicated by the pious pope of the supreme see, but also, bound and excommunicated, since she had not troubled herself to return to him [Boso], communicating and conversing with her, even saying, that they [Theutgard and Gunther] were not denying that they had

dissolved her marriage. And they had falsified the letter of the pious pontiff, just as it is badly declared in these letters of theirs which are deposited in the library of this see. Then, when the same holy father was judging with the synod decreeing, they [Theutgard and Gunther] were deprived of their priestly office, and richly deserved the penalty of deposition, which they had incurred. In this same synod the kindly pope also annulled the Synod of Metz, in which certain acts were done which were against his will and God's will. Further he promulgated certain chapters which were necessary for the Holy Church.

When these things had been accomplished, in one and the same place with the aforesaid bishop Haganon, who, as certain of the bishops had written to the same angelic pope, was called Heliu, on account of his unskilled sermons, which re-echoed the profane writings of Theutgard and Gunther, by the very fact Haganon was the author of them and had composed such things along with the same archbishops, unbefitting and lying statements, was deposed. John, of this one the text has been eloquently mentioned above, the archbishop who had been summoned, along with Gregory his full brother, who for their many lies, unmindful of the oaths which they had taken, were likewise deposed. They did not require the tears of repentance, and up till now were not grieved over the terrible crime, which they had done to the wife of King Lothar. Along with these, of course, Haganon and John, the bishop of Ravenna, and his brother Gregory, they began to

commit many crimes, many sacrilegious acts, that exceeded Christian manner, openly and secretly, fraudulently and wantonly, against the Roman See, certainly especially against the Supreme Pontiff and the people subject to him by the Lord Jesus Christ who had commended to him the keys to the kingdom of heaven through Blessed Peter the Apostle, so much so that their wickedness crossed the mountains and the seas, and speaking in the name of heaven they cruelly tore apart the people of God, and deceived innocent souls by their serpent-like ways, and not being content with their past evils, they had not hesitated next to perform new and unheard of deeds, worse than their former ones, at the suggestion of the devil. Since one by one they had been prohibited by the synod, and condemned by it, according to the seriousness of their crime, they boldly presumed to continue, and in contempt of God, those things which we now remember, alas!, for sorrow, they were going around doing.

Also this friend of Christ [Nicholas], retaining as if written in his heart, the names of all the lame and blind and all the totally infirm, who were living in the city of Rome, carefully saw to it that food was distributed to them every day. To the poor who were strong enough to walk were distributed tokens bearing the name of Nicholas, in order to feed them wisely in their turn, he ordered tokens bearing his name to be issued, and ordered these to be given in order that it could be easily known by the type of tokens, how many ought to be fed on the first day, the second, the

third or the remaining days, through the sign on the tokens. And in those very tokens that were given to them, for the people who were to be fed on the first day, he made two points and thus throughout the rest of the week through the Sabbath. So that there were just so many points on each token, with the result that there were no poor people in the city, who even for one day each week was not fed on his alms.

Meanwhile King Charles [the Bald] donated to the Holy Apostle a vestment constructed of purest gold and jewels, having jewels of green, purple and white.

Also the most holy and glorious pontiff, sorrowing over the people who were oppressed by many disasters, invoked God's help in innumerable prayers and praised him unceasingly. Even in trying times he did not neglect adding to and adorning the churches of God. He restored the private chapel in the Basilica of the Mother of God, which is called Cosmidus, and built there a beautiful dining hall with ovens to her honor and glory. Near this chapel he also restored the Portal, built an oratory in honor of Nicholas, the Holy Martyr of Christ and endowed it with many fine gifts.

This very kind pastor also restored the cemetery of St. Felix the Martyr and Confessor, which is located on the road to the port of Ostia. He also beautifully restored, on the same road and near to the pilleus of Ursus, the ruined cemetery where lie the bodies of the Holy Martyrs of Christ, Abdon and Senon. Along the Appian Way, he renovated with better materials the cemetery of the Martyr Sebastian in the

Catacombs, where the bodies of the apostles lay. This cemetery had been falling into ruins for many years. He built a monastery, designed an abbot to head the group of monks and made provisions for their food and other temporal needs.

Then at this time, when many were thronging to him because of his name for holiness, and some people of the English nation came to Rome to place a heavy silver table in the Oratory of the blessed Gregory, the Pope and Confessor of Christ, which was built beneath the sacred building of the Prince of the Apostles.

Thereupon the aforementioned and kindly pontiff adorned the Church of Blessed Peter the Apostle, the bearer of the keys to the heavenly kingdom, with five veils, which hang from beams in the vestibule of the building and beautify it. They were adorned all around with swans. Nicholas contributed these for the glory of eternal life.

During the times of this most blessed pope, his outstanding knowledge of dogma, which was clearer than light, was so well-known in so many ways in such different provinces, that people came directly to consult the Apostolic See in numbers that exceeded those of former times. And this prophetic pontiff generously nourished everyone with the food of the sacred word, passing on to them mystical precepts and laws, he taught them with the beautiful institutes he knew, and returned them well-instructed and informed back to their provinces. However, whenever in any way, he learned that anything was being done unjustly by

anyone, he preferred to correct that so great evil with the aid of God, calling upon Him with serious lamentations and unceasing prayers, that Almighty God would by His clemency change that, which never should be, because of Nicholas' good and outstanding examples. Just as when the report came from the island of Sardinia, learning through his servants about the tribe of Sardinians, it was reported to him in this kind of speech that the judges living on that island, along with the people subject to their government, were contracting incestuous and illicit marriages with their neighbors and blood relatives, just as in the time of lord Pope Gregory IV they had been accustomed to do. Then, inspired by the Holy Spirit, he composed for the sinners sweet and dreadful letters of his teachings, which shone forth through the whole world, also he sent strenuous envoys Paul, Bishop of Populoniensis, and Saxu, Abbot of the venerable Monastery of John and Paul; he sent them there that they might convert the same Sardinian race from such a great error. As these men went along, they found certain of these Sardinians vehemently opposed to discipline, and these received their warning with contempt. However, according to authority of the injunction of the supreme pontiff, the papal legates excommunicated and anathematized those who turned deaf ears, until they fled from the evil of incestuous marriage and sought the remedy of repentance, just as it was preserved in the insertions by the order of this very pope which the same legates had carried to Sardinia in the letters. And in this way they

returned to Rome after giving eloquent sermons.

Afterwards a certain Hincmar, Archbishop of Rheims, deposed Rothad, the Bishop of the city of Soissons. He did this against the rules of the Council of Sardica and in spite of the fact that Rothad was appealing to the judgment of the Apostolic See. After the most holy pope had on three occasions received letters insisting upon the innocence of Rothad, he warned this archbishop by letters and ordered him to send the deposed Rothad to Rome, along with his envoys, for a hearing. But, when Rothad came to the city of Rome, according to the orders of the blessed pope, and he stayed there for almost nine months, never once did anyone of his accusers appear in order to argue with or to accuse this same Rothad in the presence of the Supreme Pontiff.

On the vigil of the Birth of Our Lord Jesus Christ, when, according to ancient custom, the head of the Apostolic See was wont to celebrate the rites of the mass with the clergy and people in the Basilica of the Mother of God in the Manger, this saintly pope publicly preached a sermon about this very Rothad, telling how as Rothad was appealing to the Apostolic See he had been deposed, and how not one of Rothad's accusers throughout all these many months had come forth into his presence. Finally with the unanimous agreements of the bishops, priests and deacons, Nicholas decreed that Rothad was worthy of being clothed in sacerdotal vestments, since he had appealed to the Apostolic See and no one had preferred charges against him for so many months. When Rothad was

clothed in the episcopal vestments, he promised that at all times he would answer his accusers. Again he waited several days, namely to the birthday of the sacred virgin Agnes, which is twelve days before the Kalends of February, even so no one appeared to argue against Rothad who had been reinstated as bishop. Thereupon the blessed pope met with all the people in the Basilica of the Blessed Virgin on the Numentine Way, outside the walls of the city. Bishop Rothad presented to the Supreme Pontiff a document containing his explanations and his promises to stand ready at any time to answer his accusers. In the presence of all his hearers, on the command of the pope, this booklet was read publicly. When the form of reappointment had been read and after the consent of all had been given, by a decree of the blessed pope, the frequently-mentioned Rothad, now restored as bishop, celebrated mass most solemnly in the Church of St. Constance, near the Basilica of the Blessed Virgin.

On the following day, when the synod reconvened in the house called Leonian, Rothad himself was excused, and two sets of four books were recognized from him, inserted and at different times sent and given, which are preserved in the archives of this see. Lest priests and especially those appealing to the Apostolic See should in the future suffer such treatment, as was noted above, Rothad was restored to his rank and to his own see, released from apostolic sanctions, and clothed in episcopal vestments. If he should ever be challenged, he would answer the rest of his accusers

in the presence of the pontiff of the Apostolic See. When the most holy pontiff, under the protection of God, restored Rothad and nullified the marriage of King Lothar II, in order to keep peace and concord among the kings of Gaul, he sent there the bishop Arsenius, a secretary and envoy of this kind apostolic see, in order that now that peace had been restored, he might join them together in the bosom of the holy church without any opposition, and promulgate more diligently and fully in the Church of the Gauls certain important decrees of the tradition of the apostolic see.

Also through his envoys the same pope restored to his own see Seufredus, the Bishop of Placentia, who had been driven out of his own see by the treachery of a certain deacon named Paul, and Nicholas punished the same deacon with suitable sanctions, along with his followers, who had presumed to take over that see while its own ruler was still alive. For Paul's unfortunate and sinful presumption, by the zeal of his own holiness, Nicholas ordered Paul to be completely stripped of his office, and for the peace of God's church he ordered the same deacon [Paul] never again to attempt to take such a course of action, and not to presume to seek or accept the same see of Placentia whether Bishop Seufredus was alive or dead.

This same outstanding and glorious pontiff, with wisdom as his guide, provided for the hardships and needs of all. With kindly compassion he quickly came to the aid of those most in need. He undertook many labors, in imitation

of our Lord Jesus Christ, Who for the redemption of the human race came down from heavenly heights to the humblest condition.

Because of the lame and the blind and those suffering from different afflictions, who were lying at the gate of Blessed Peter the Apostle, seeing that at that time they were unable to approach that location because the Tiber River had risen, and seeing that people of different nations were waiting for absolution of their sins at the threshold of the apostolic see and waiting for divine help, he ordered, without sparing his body in the least, that the aqueduct which for a long time lay in ruins and had not been bringing water, because of this fact, to the abode of St. Peter the Apostle, be restored by the combined efforts of many to a better state than before. The result was that it benefited not only the weak but also all those who were coming to the Church of St. Peter the Apostle, just as until now it is seen and clearly held to be an adornment of the Leonian city.

Moreover this very holy pope, under divine inspiration, ordered the city of Ostia, which the Blessed Pope Gregory of divine memory had built for the safety of all but now lay in ruins, to be rebuilt with stronger and more solid construction lest the evil race of Saracens might surround and capture and kill the people of God. Under Nicholas' direction stronger construction was used throughout, with fortified gates and towers. He stationed in it men ready for war, with the intention that no invasion by a foreign

nation could conquer it or cause injury to its citizens unless, God forbid, by treachery from within.

At this time, while the merits of this most blessed pope were being spread throughout the entire world, under the power of Almighty God, who daily works great signs and wonders through his servants. The King of Bulgaria [Boris] acknowledged the doctrines of Christianity and our holy faith and merited to be baptized. This man, who previously was a slave to creatures and acted with savage cruelty, at this time submitted to the commandments of the Creator and began to live a deeply religious life and to practice great devotion. Then Boris chose his representatives whom he sent to this catholic and truly orthodox pope in the month of August, in the fourteenth indiction [August 866]. This king gave considerable gifts to holy places and this same supreme pontiff. Boris suggested to His Holiness what he ought to do that would be salutary for the rest of the Bulgarian people, who had not yet received holy baptism, so that they might receive the sacraments of the church. When this most blessed pope heard this, he was filled with joy and praised Christ abundantly and congratulated him together with the entire church, which had been entrusted to him by God, and with infinite praise and suppliant voice he praised God, who in these latter times worked such a miracle in a devout mind. Furthermore, when the envoys of the aforementioned Michael, King of the Bulgarians, had been welcomed by the Holy Father, he entertained them honorably in his quarters.

And meanwhile Nicholas directed envoys of the apostolic see, that is, Paul of Populonia and Formosus of Porto, bishops of great sanctity, equipping these with beneficial sacred orders and instructing them with doctrines, to go to that above-mentioned nation [Bulgaria]. With these men, since the road through the land of Constantinople is narrow stretching through to the Bulgarian kingdom, whatever concerning the holy Church of Constantinople, one may now have this very information wide-spread through the East which the same pope had sent once or twice in apostolic letters, it existed among the decrees themselves, in order that it might be made known to that church, he directed suitable legates, Donatus, the Bishop of Ostia, Leo, a priest of the Roman church and also Marinus, a deacon of the holy apostolic see to Constantinople in order that they might convert the people of Bulgaria to the faith and that they might announce in what ways the Apostolic See had deliberated concerning the same Church of Constantinople. Thus, in the name of the Lord, with the help of Saint Peter this was accomplished.

But when the above-mentioned Paul and Formosus, venerable bishops, were delayed on the way to Bulgaria, and while Donatus, the revered bishop, and Leo, the priest, and Marinus, the minister of the apostolic see, wanted to go to Constantinople, they found a certain Theodore guarding the border between Bulgaria and Constantinople. He refused to let them pass and his abuse of their party was so flagrant that he even beat the horses upon which they were riding.

Theodore told the envoys "Our Emperor does not consider you necessary." But the same emperor is said to have said to the representatives of the King of the Bulgarians: "If envoys of the apostolic see had not come through Bulgaria, they would neither see my face nor the city of Rome for the rest of your lives." The legates of Rome remained at the border for forty days but when they heard that the Emperor of the Greeks had given this order they fled back to Rome and told what they had heard.

The envoys of the Apostolic See had been welcomed eagerly and affectionately by the King of the Bulgarians and they began to instruct all the people. All classes of people from the lowest to the highest accepted the instructions eagerly and, thank God, were baptized into the faith. The legates of Rome incorporated into the customs of the Bulgarians every rite of the Christian Faith as they had been instructed to do by the most holy pope. The King of Bulgaria was so filled with religious fervor that he drove all foreigners from his country and decided to allow only the preaching of the missionaries of the Apostolic See, and decided to be refreshed on the pastures of eternal life. He asked that Formosus, a bishop of spotless life and morals, be given to him as archbishop. Then again he sent his representatives to Rome to the blessed pope to make this request and also he requested more priests for his people. When this pope learned of this he was overjoyed at this display of devotion to the Faith and, thanking God, he chose a large

number of priests from his region and those whom he deemed worthy of the grace of preaching he sent to the Bulgarians. Along with them he sent the bishops, Dominic of Trevi and Grimoald of Polimarti. Although they were not allowed to have Formosus as archbishop the people were to be allowed to choose an archbishop for themselves and send him to be consecrated by the Holy See.

Meanwhile, His Holiness, unrelenting in his correction of vices and worship of God, decreed that Paul of Populonia and Grimoald should work with the Bulgarians. He also ordered the venerable bishops Formosus and Dominic, to set out for Constantinople because of the schism which had occurred there. But while they were on the way God's judgment struck down Michael, the Emperor of the Greeks, and he died a wicked death. Basil then became Emperor because God wanted the faithful labors of the Holy Pontiff to bear fruit. Photius the neophyte and invader was expelled as a usurper and by the decree of the Apostolic See, Ignatius the Patriarch was restored to his throne.

For this executor of divine works, the most pious and catholic pope gave priority not to his own interests but what was in the interest of God. With the help of his patron, St. Peter he fought the battles of the Lord spiritually and with great holiness. In order that he might not offend any of the prelates subject to him, he used great moderation and wisdom and admonished kindly as a father and a pastor. Whoever wants to learn about his holy zeal will

be able to find it as it shines forth clearly in the welcome letters he sent throughout the world. He placed his soul in the hands of God and kept his mind on spiritual thoughts, giving no rest to his body in fastings, vigils and prayers. It would be difficult to enumerate all the good works he did, aided by the Grace of God. Telling of his virtues and holiness of faith we would sooner run out of space than words. Before we turn to the end of his life it seems fitting to mention some of the many good things he contributed to the holy places.

This outstanding pope because of his love for St. Peter, prince of the apostles and his inspiration, donated to the Basilica of St. Peter's drapes dyed crimson and other varied beautiful colors. Once the workmen building the major beams in the presbytery finished them, they shone clearly and increased its splendor and gave much honor to God.

Also, where no one since the devastation of the Saracens had tried to do anything, he constructed a silver arch and a better beam which was placed in the middle of the canopy. He also constructed three silver statues, one the figure of the Lord Savior and two which were made in the likeness of angels, to these he applied nine pounds of gold gilding. One of these statues weighed eighty pounds and the other two seventy pounds each. There he also placed a heavy golden cross adorned with precious jewels. At its highest point he located an arch and to further increase its beauty

he hung a golden crown, two silver crosses, two silver chalices, and two other silver objects. Moreover to the right and left of the altar in front of the body of Blessed Peter the Apostle on purple marble he put two heavy silver crosses.

He redecorated the patriarchal residence of the Lateran even more beautifully and built an Oratory of the Blessed Mother of God. This blessed pontiff also offered vestments and other fitting adornments as an expression of his love for God.

This same man blessed by God and surrounded by heavenly favor renovated many other holy places, bestowed gifts upon them, greatly increasing their beauty. On the canopy of the Basilica of Constantinople he hung four very fine drapes and likewise he donated a large number of drapes for the canopy of the holder of the keys of the heavenly kingdom. He did the same for the Church of the Apostle of the Gentiles. He also left a similar memorial to the Holy Mother of God, the Basilica of the Manger. In addition he likewise offered four very fine drapes for the canopy of the Church of St. Lawrence, the martyr of Christ, which is located outside the walls of the city.

There was such an abundance and fulness of food during the pontificate of this blessed pope that this abundance wiped out the memory of all the hunger suffered under his predecessors.

This pope held one ordination in the month of March, at which he ordained seven priests, four deacons, and

sixty-five bishops for different places. After he had ruled as head of the Apostolic See very successfully as a true catholic athlete of God, on the Ides of November, in the first indiction, [that is, November 13, 867] he went from the light of this world to the Lord. Now what am I to say, since not only at his death did different nations possessing men full of wisdom, as much as those possessing an excess of money, but also the very elements of the world, lamented for a long time, and remained in sorrow over the death of such a holy man. When he was dead, his body was buried in front of the entrance of the Basilica of St. Peter.

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Pertz, G.H. et al. Monumenta Germaniae Historica. Vol. VI: Epistolae. Section IV: Epistolae Karolini Aevi. Berlin: Weidmannos, 1925.

Ernest Dümmler edited the letters concerned with the divorce of Lothar II, pp. 207-256. His work was continued by others especially Ernest Perels and listed some 170 letters (grouped under subject headings) beginning on page 267. There is also an excellent section regarding sources, pp. 256-266. I would rate this as the most valuable historical collection of Nicholas' writings since it is annotated with variant manuscript deviations and useful footnotes with cross references.

Waitz, G. (ed.) Monumenta Germaniae Historica. Scriptores rerum Germanicarum in usum scholarum ex monumentis Germaniae historicis recusi. Hanover, 1883.

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Amann, Émile. L'époque carolingienne. Vol. VI of Histoire de l'église depuis les origines jusqu'à nos jours. Edited by Augustin Fliche et Victor Martin. Paris: Bloud & Gay, 1937.

Two sections of this book were particularly helpful for this present work: the first, deals with the subject of the False Decretals (pages 352-366). Amann concludes that Nicholas did not need the False Decretals to give Rome its primacy but rather they just strengthened a previously existing reality (page 365). The second section is Amann's detailed analysis of the major events during the pontificate of Nicholas I (pages 367-395). In it Amann gives

a very positive analysis to the pontificate of Nicholas I; he concludes that Nicholas was a very great pope, and, furthermore, one whose memory would remain along with the high prestige to which he had raised the papacy once the shames of the tenth century papacy had been forgotten. He contends that Nicholas by his acts was able to assert that the Apostolic See had a universal right to control the whole church (p. 395).

Barraclough, Geoffrey. The Medieval Papacy. London: Harcourt, Brace & World, Inc., 1968.

This is a useful, attractive survey of the medieval papacy. It was used to help put the pontificate of Nicholas I into perspective. Barraclough concludes that as a consequence of Nicholas' response to the challenge of Constantinople he developed a theory of primacy which he quickly turned against the Western Emperor (page 58).

Barry, William. The Papal Monarchy From St. Gregory the Great to Boniface VIII (590-1303). London: T. Fisher Unwin, 1902.

This is an older useful survey of the major actions of the popes; on pages 120-145 Barry covers in some detail the pontificate of Nicholas I. He concludes (page 153) that "Nicholas himself ruled as king" over the papal states. In addition he asserts (page 154) that Nicholas made use of the Pseudo-Isidorian Decretals "as a code of papal rights."

Brown, H. Haines. "Archbishop Hincmar of Rheims (circa 806-882): His idea of Ministerium in Theory and Praxis." Unpublished Ph.D. dissertation, Dept of History, Michigan State University, 1968.

This work was very useful for this present study especially where the author examines the divorce case of Lothar II and the Rothad of Soissons affair. In the latter Brown makes a very astute observation (page 179) when he says that Nicholas' victory in the Rothad affair seemed a foregone conclusion since once Nicholas put Hincmar of Rheims under a threat of excommunication there was really nothing Hincmar could do but allow Rothad to appeal to Rome.

Bury, J.B. A History of the Eastern Roman Empire: From the Fall of Irene to the Accession of Basil I (A.D. 802-867). London: MacMillan and Co., 1912.

This work is one of the older works of Byzantine history. For this study pages 381-392 which deal with the conversion of Bulgaria were helpful--particularly Bury's analysis of the various explanations for Boris' conversion.

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Of particular interest for this study is Part IV entitled "Political Theory of Ninth Century" in which the authors conclude: "First, that in the ninth, just as in the fifth century, men believed firmly that the two authorities [Church and State] were separate and independent, each sacred and supreme in its own sphere--that the ecclesiastic owed allegiance to the king in secular matters, and that the king owed allegiance to the Church in spiritual matters. But also, secondly, that the practical experience of the ninth century made it clear that it was very difficult to distinguish the two spheres by any hard-and-fast line" (p. 287).

Cross, Samuel Hazzard. Slavic Civilization Through the Ages. Edited with a forward by Leonid T. Strakhovsky. New York: Russell & Russell, Inc., 1963.

This is a general survey of Slavic civilization. In the section dealing with the conversion of Moravia, Cross observes that Constantine and Methodius went to Rome to have their disciples ordained since "the brothers were by no means hostile to the Pope; on the contrary, in common with numerous other Byzantine ecclesiastics of their day they regarded the Bishop of Rome not only as the patriarch of the West but also as the supreme head of the Church" (page 59).

Davenport, E.H. The False Decretals. Oxford: B.H. Blackwell, 1916.

The author discusses the False Decretals from five perspectives: the environment in which they were written, their substance, their influence, and their nature as a forgery and a reform. His conclusion (page 57) that they played a comparatively insignificant role in the development of papal supremacy was not particularly convincingly presented. But he does add as important point when he states (pages 69-70) that from a ninth-century perspective it is impossible to describe them as a "forgery" since they were meant to edify just as the hagiographic literature of the period.

Deanesly, M. A History of the Medieval Church 590-1500.
6th ed. London: Methuen & Co., Ltd., 1950.

This is a brief history of the medieval Christian Church. On pages 87-90 the author summarizes briefly Nicholas' pontificate, highlighting her contention that Nicholas utilized the False Decretals--she suggests that his favorable reception of these documents make his pontificate remarkable both as a step in the building up of the canon law and for the inclusion of unauthentic material in it which consequently enhanced the papal position in Christendom.

Devisse, Jean. Hincmar: Archevêque de Reims, 845-882. 3 vols.
Vol. XXXIX of Travaux d'histoire ethico-politique.
Geneva: Librairie Droz, 1975.

Devisse, Vol. I, pp. 386-429, discusses in depth the divorce case of Lothar II as well as such general topics as Hincmar's ideas regarding Christian marriage and the judicial procedures to be followed in the matter of marriage and divorce.

Dittrich, Zdenek R. Christianity in Great-Moravia.
Groningen: J.B. Wolters, 1962.

As the title indicates, this work tells how Christianity came to the Moravian Empire--an activity in which Constantine-Cyril and Methodius played a leading role. Of particular interest to the topic of this paper are his comments on Nicholas I. For example, Dittrich states (page 162) that Nicholas invited Constantine and Methodius in October 867 probably mainly because "the Pope must have been naturally curious and wanted to know what the Byzantines were really up to."

Further Dittrich concludes (page 173) "that generally speaking one can agree that during the Pontificate of Nicholas I and his immediate successors Rome repeatedly tried to assert its leading position in Christendom and to strengthen papal supreme authority in West and East as far as was possible. Especially in those areas where with the assistance of secular authorities the papal prerogatives were encroached upon. Rome tried to bring about changes, sometimes in a very drastic way. The conflict with patriarch Photius, started on account of Illyria and Southern Italy, and also the conflicts with the metropolitans John of Ravenna, Hincmar of Rheims and other powerful Western prelates may be mentioned in this connection."

Dvornik, Francis. Byzantium and the Roman Primacy. New York: Fordham University Press, 1966.

This is a survey of relations between Rome and Byzantium up until 1204. Chapter 6, entitled "Photius and the Primacy", is particularly useful and enlightening for this study. Among some of the more pertinent points Dvornik makes is that the Byzantine support of the Pentarchy did not necessarily threaten the idea of Roman Primacy but rather it was merely an expression of the universality of the Church. Furthermore it "did not suppose absolute equality among the patriarchs. The see of the ancient city of Rome was considered the first" (page 103). In addition Dvornik says that Photius and Ignatius were reconciled before Ignatius' death and if certain bitter enemies of Photius had not distorted this fact after the Synod of Constantinople (879-880) there would have been no reason for the continued distrust between Byzantium and Rome (page 111).

. Byzantine Missions Among the Slavs: SS. Constantine-Cyril and Methodius. New Brunswick, N.J.: Rutgers Univ. Press, 1970.

In this work Dvornik re-examines Byzantium's role in Christianizing the Slavic nations, especially in the light of archaeological discoveries made in Moravia, Croatia, and Montenegro in the last two decades. He concludes from these discoveries that the Christianization of the Croats began in the seventh century and was achieved, not by the Franks, as is generally believed, but by the priests living in the Latin cities on the Adriatic, part of Byzantine Dalmatia. He draws similar conclusions regarding the Christianization of the Serbs. Moravia was Christianized both by Frankish priests and by missionaries from Istria and Byzantine Dalmatia.

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This is a general survey of the historical development of Central and Eastern Europe. Pages 11-22 deal with the period prior to the mid-10th century and encompass the scope of this present study.

. The Photian Schism: History and Legend.

Cambridge: Cambridge University Press, 1948.

In this thorough study of the Photian Schism Dvornik shows that the traditional Latin view that Photius is an arch-heretic and enemy of church unity is incorrect. He concludes that Photius' enemies distorted the record to make him look bad. He even argues that Ignatius was not deposed in 858 but rather he abdicated to forestall worse complications (page 48).

. The Slavs Their Early History and Civilization.

Boston: American Academy of Arts and Sciences, 1956.

Of particular interest for this study is Chapter 4 "The Moravian Empire and its Greek Apostles SS. Constantine-Cyril and Methodius" (pages 80-102) in which the author not only examines the lives of Cyril and Methodius but also discusses the significance of Nicholas I's papacy. He concludes (pages 87-88) that Nicholas "had a very high conception of papal supremacy" and "under him the medieval Papacy emerged, for it was his letters and decrees which gave the medieval canonists the material upon which they were to build the doctrines of the supremacy in all respects of the spiritual over the secular power."

Every, George. The Byzantine Patriarchate 451-1204. London: Society for Promoting Christian Knowledge, 1947.

Pages 117-136 are concerned with those Byzantine affairs with which Nicholas became involved--namely the Ignatian-Photian episode, the Bulgarian mission and the attacks on Western practices--and are of particular interest for this study. The author provocatively concludes that, in his opinion, Nicholas quarrelled with Photius not over some concern over a wronging of Ignatius but because the pontiff saw a chance to retain ecclesiastical Illyricum which included the areas of the Bulgarian and Moravian missions (page 126).

Gregorovius, Ferdinand. History of the City of Rome in the Middle Ages. Translated by Annie Hamilton. Vol. III. London: George Bell & Sons, 1895.

In this general survey of Roman history the author makes the observation (page 128) that if Photius, Hincmar of Rheims and Nicholas I had not have been at odds during the period of this study that France, Rome and Constantinople could have offered a formidable opposition to both the Moslems as well as to the Vikings who were attacking their borders.

Haller, Johannes. Das Papsttum: Idee und Wirklichkeit.
Vol. II. Basel: B. Schwabe, 1950.

Haller comments, in a negative vein, on the pontificate of Nicholas I (pages 63-117). His major contention is that Nicholas took the papacy from a relatively weak position and tried to make it, for all practical purposes, the dominant force in Europe. Some of Haller's observations that support this contention include the following: that Nicholas I was so convinced of the uniqueness of his rights in the church that he took up a power struggle with other individuals to show the world what it meant to be Pope (page 68). Further Haller states that Nicholas I would have been willing to acknowledge the patriarchate of Photius at Constantinople if the Byzantine Emperor Michael would return some papal estates in the Balkans and Southern Italy (page 73). In reference to the divorce case of King Lothair II, Haller asserts that Nicholas should have been satisfied that he was going to be able to order Frankish bishops to the Synod of Metz and also that he was, for the first time since the existence of the church, going to be allowed to judge a king; but he wasn't since he treated harshly the synod's spokesmen, Gunther of Cologne and Theutgard of Trier (84-85).

In the final analysis, Haller insists that Nicholas' historical significance lay in the fact that he not only talked and wrote about his powers, that he also acted as if he believed the pope's rights were as important as he felt they should be (page 90).

. Nikolaus I. und Pseudoisidor. Stuttgart: J.G. Cotta, 1936.

Although this book was not immediately available for this work, it is an important work in medieval papal history. Gray C. Boyce reviewed it in the American Historical Review, XLII (1937), 291-292, and in his review he reiterates his contention that Pope Nicholas I has fared too well at the hands of historians. Haller's main contention is that Nicholas represented the end, not the beginning of an epoch in papal history. He calls Nicholas lucky in his policies that did succeed.

Haller indicates that, although Nicholas wrote a great many harsh words, these were not supported by actions. And, in fact, opposition arose within his own house, and the real contests were between pope and archbishops, not pope and kings.

In the final two of his ten chapters Haller brings together the threads of his discussion of the

Pseudo-Isidorian Decretals. He concludes: that once these decretals were discovered they were effectively used against a recalcitrant clergy; he puts their origin not in LeMans but at Rheims; further, he views them as the work of one man rather than several.

Halphen, Louis. Charlemagne et L'Empire Carolingien. Paris: Editions Albin Michel, 1947.

Of particular interest for this study are Halphen's comments on the pontificate of Nicholas I (pages 375-401). Especially helpful is his lengthy analysis of the divorce case of Lothar II.

Hefele, Karl J. (ed.) Histoire des Conciles. Vol. IV. Part I. Paris: Letouzey et Ané, 1911.

Hefele discusses with extensive notes the councils which took place during the pontificate of Nicholas I; these discussions are found on pages 210-464 and are grouped according to subject headings.

Jedin, Hubert. (ed.) Handbook of Church History. Vol. III: The Church in the Age of Feudalism by Friedrich Kempf et al. Translated by Anselm Biggs. New York: Herder & Herder, 1969.

This is a helpful and important summary of church history--particularly in clarifying the roles of the papacy and the episcopacy during the period of this study. There is a valuable bibliography of pertinent primary and secondary sources on pages 510-515.

Jenkins, Romilly. Byzantium: The Imperial Centuries A.D. 610-1071. London: Weidenfeld and Nicolson, 1966.

Pages 140-227 are particularly useful for this study. Jenkins concludes that the opinion that the schism between Byzantium and Rome was the consequence of a serious spiritual cleavage over the nature and properties of the Holy Trinity is incorrect. He contends that Pope Nicholas I would have been willing to trade any defense of Ignatius' claim to the patriarchate of Constantinople in exchange for the return of Illyricum and the papal patrimonies in Southern Italy to Rome (page 173).

Llewellyn, Peter. Rome in the Dark Ages. London: Faber and Faber, 1971.

Chapter 9 "Rome and the Carolingian Empire" (pages 256-285) is of particular use in this study. In analyzing the historical significance of Nicholas the author states "Nicholas had given the papacy an authoritative place in what remained of the European consciousness of unity, although by so doing he aroused the distrust of the Frankish church. On his death a Frankish chronicler remarked 'Since the blessed Gregory to the present day there has been no such prelate in Rome--to him alone can he be compared. He dominated kings and tyrants as though the Lord of the whole world had granted them and authority to him'" (page 276).

Mann, Horace K. The Lives of the Popes in the Early Middle Ages. Vol. III: The Popes During the Carolingian Empire: Leo III to Formosus 795-891. 2nd. ed. London: Kegan Paul, Trench, Trubner & Co., Ltd., 1925.

In this work the author gives a survey of Nicholas' life. It is clear in Mann's introduction that he is very pro-Nicholas--a stance he holds throughout this work. He states: "In Nicholas I., the Saint and the Great, we have not only the greatest pontiff of his century, but one of the greatest of the very long line of grand characters who have in every age adorned the Chair of Peter."

Morrison. Karl F. The Two Kingdoms: Ecclesiology in Carolingian Political Thought. Princeton, N.J.: Univ. Press, 1964.

Morrison analyzes the political ideologies present in ninth-century ecclesiology. He concludes to the "universal questions: 'What is the character of human society?' and 'How is society properly governed?'" The ninth century had three major answers. Papal monism held that human society was primarily spiritual and that its rightful government was an ecclesiastical monarchy. Its counterpart, royal monism, maintained that society was temporal and that temporal monarchy should rule it. Finally, dualism, to which we have devoted our primary attention, argued that society was spiritual and temporal in equal measure and that supremacy in those domains was held respectively by the episcopal and the royal offices (pages 242-243). He analyzes Nicholas as a thorough-going papal monist (pages 261-263).

. Tradition and Authority in the Western Church
300-1140. Princeton, N.J.: Princeton Univ. Press,
 1969.

Chapter 9 "The Popes and the Franks," pages 213-253, and Appendix A, pages 363-372, were of particular assistance in writing this paper. Morrison states that he believes it is now incorrect to refer to Nicholas I as a papal monist; rather he says (page 363) that Nicholas held the conventional view that the Church and civil power were institutionally discrete and that Nicholas' concept of tradition led him to consider any temporal interference in Church affairs as a threat to authentic faith and discipline. In other words, Nicholas perceived a clean separation of powers between the laity and the clergy which excluded each from interference in the other's affairs.

Ostrogorsky, George. History of the Byzantine State. Translated by Joan Hussey revised ed. New Brunswick, N.J.: Rutgers University Press, 1969.

Pages 211-241 of this standard survey of Byzantine history, were helpful in this study. Particularly of interest was Ostrogorsky's analysis of the Ignatian-Photian schism and his discussion of the evangelization of the Balkans. Ostrogorsky states that Nicholas used the deposition of Ignatius as an excuse to attempt to establish the principle that as head of Christendom he was entitled to the last word in disputes over ecclesiastical matters in the East as well as in the West. That is why he disavowed his legates' approval of the deposition of Ignatius at the Council of Constantinople (861)--he wanted to assert his right to be the final judge (pages 225-226). Ostrogorsky gives as the reason for the conversion of Khan Boris of Bulgaria to Eastern Christianity the fact that it was the practical thing to do since the Byzantine army was on his borders. This move would also give him greater strength against the Bulgarian boyars (page 230).

Roy, Jules. Saint Nicholas I. Translated by Margaret Maitland. London: Duckworth & Co., 1901.

This is useful work with extensive appendices and a table of reference. The book is divided into two parts: the first, gives a general history of Nicholas' pontificate; the second, is an interpretation by Roy of Nicholas' conception of the papacy--that is, what he perceived to be his legislative, judiciary and executive powers.

Runciman, Steven. A History of the First Burgaran Empire. London: G. Bell & Sons, Ltd., 1903.

Chapter III entitled "The Auction of Souls" (pages 99-130) deals with the conversion of Bulgaria to Christianity. On page 100 Runciman gives what he interprets as "the general view held in the East in the ninth century" that "though the patriarchates had their order of precedence, except at Rome, none was considered supreme over any of the others; the only supreme office or body in the Church was a general Oecumenical Council to which all sent their representatives; and such representatives were even invited to the less important synods and councils in any one patriarchate--but save at Constantinople they were seldom held; the other patriarchs, freer from secular control, regarded them as a challenge to their authority. Nicholas wished to alter this. He was the first bishop of the world; he intended to be supreme bishop."

Spinka, Matthew. A History of Christianity in the Balkans: A Study in the Spread of Byzantine Culture Among the Slavs. Archon Books, 1968.

Of particular interest for this study are pages 29-56 which deal with various aspects of the conversion of the Bulgarians. Spinka makes an interesting observation (page 33) that Boris saw his adoption of Christianity as the official state religion as a means to changing his own status from that of a khan trying to unite diverse elements to that of an absolute prince ruling a united nation.

Tierney, Brian and Painter, Sidney. Western Europe in the Middle Ages: 300-1475. New York: Alford A Knopf, 1970.

This work was utilized for two major purposes. First, the two swords theory of Pope Gelaius I (page 76), and second, the evaluation of Nicholas I's pontificate historically as a "strong" one which provided only a "temporary rally of papal power" between the mid-ninth through the mid-eleventh centuries (pages 172-177).

Ullmann, Walter. The Growth of Papal Government in the Middle Ages: A Study in the ideological relation of clerical to lay power. 2nd ed. revised. London: Methuen & Co., Ltd., 1965.

Chapter VI entitled "The Age of Pseudo-Isidore" (page 167-189) and first part of Chapter VII concerned with Nicholas I's pontificate (pages 190-209) are of particular interest for this study. In

summarizing Pseudo-Isidore, Ullmann states that this work contained very little new material. In fact he said it could be passed over in silence except for the fact that it exercised great influence on later papal generations as well as on canonists. Since it was to become the pantheon of all papal prerogatives because it molded together a variety of hierocratic tenets (beliefs that the clergy should rule society) into papal pronouncements bearing the stamp of apostolic and early Christian antiquity. Ullmann concludes its major theme was that the priests were the time leaders of the entire Christian society (page 181).

He asserts that "the theme dominating the mind of Nicholas I was that of the Roman Church's being the epitome of the whole of Christendom: Christians are Christians by virtue of their membership in one of the individual churches; but these in turn receive their life from the Roman Church, which is the head and fountain of all Christian life" (page 193). Ullmann insists that this theme prevailed in all of the cases that Nicholas I was involved in, whether ecclesiastical concerns as the Rothad of Soissons case or matters involved with censuring of temporal rulers such as the case of Lothar II's divorce. The rationale simply stated was that Nicholas thought he had principatus (primacy) in all aspects of Christian society (page 201).

Walker, Williston. A History of the Christian Church. 3rd ed. revised by Robery T. Handy. New York: Charles Scribner's Sons, 1970.

This work was used for Walker's analysis of the historical significance of Nicholas I which appears on pages 193-194. Walker asserts that Nicholas I was the Roman see's ablest and most assertive occupant between Gregory the Great and Gregory VII. He concludes that Nicholas thought that the church was superior to all earthly powers and that the rightful ruler of the whole church was the pope and that the bishops were the pontiff's agents. He cites Nicholas' actions in the divorce case of Lothar II, his actions in the Rothad of Soissons affair and his actions in the Photian-Ignatian case to prove his contention.

Articles and Periodicals

Dvornik, Francis. "Constantinople and Rome," The Cambridge Medieval History, Vol. IV: The Byzantine Empire. Part I: Byzantium and Its Neighbours. Cambridge: University Press, 1966, 431ff.

Dvornik refers to the pontificate of Nicholas I as opening a new period in the evolution of the medieval Papacy. Asserting "like Gregory I, Nicholas did not propound any new theory on the relationship between the spiritual and temporal powers. But he gave expressions in his letters to his predecessors' ideas on the divine origin of the Roman primacy, and its Petrine and apostolic character. He did this so clearly, precisely and self consciously, that his declarations, more than those of Gelasius and Symmachus, helped Gregory VII and his successors to develop the medieval papal theory, so fraught with consequences, of the superiority of the spiritual over the temporal" (pages 449-450).

. "The Patriarch Photius and Roman Primacy," Chicago Studies: An Archdiocesan Review, II (1963) 94-107.

Dvornik's thesis is that important evidence for the Roman primacy is furnished by Photius, a person generally considered its most radical opponent. In general Dvornik feels that the Photian controversy was the fault of the West since the Eastern Church was acting canonically throughout.

Grégoire, H. "The Amorians and Macedonian 842-1025," The Cambridge Medieval History, Vol. IV: The Byzantine Empire. Part I: Byzantium and Its Neighbours.

In this article Grégoire discusses the major events in Byzantine history from 842-1025. His remarks on the Photian-Ignatian affair were of some assistance in writing the paper. Particularly his summary of the Council of Constantinople (867) which tried and condemned Pope Nicholas I and at its last session gave Emperor Louis II and his wife a great ovation, in the presence of Michael III and with his acquiescence. By this act he concludes that Michael III and Photius were trying to divide the West by setting the Western Emperor Louis II against the Pope, and if they could have managed it would even have liked to charge Louis II with the task of executing the sentence on Nicholas I (page 114).

Halphen, Louis. "The Church From Charlemagne to Sylvester II," The Cambridge Medieval History, Vol. III: Germany and the Western Empire. Cambridge: University Press, 1964, 443ff.

Halphen interprets many of the major events that Pope Nicholas was concerned with in this article. His summary of the strong position of primacy that Nicholas took indicate that Nicholas closely followed the False Decretals, but Halphen approvingly cites M. Paul Fournier's conclusion that Nicholas' strong "papal theory had been formulated in its main outlines before Nicholas had cognizance of the False Decretals" (page 453).

Norwood, Frederick A. "The Political Pretensions of Pope Nicholas I," Church History, XV (1946), 271-285.

Norwood's theme is that during Nicholas' pontificate he was able to succeed in establishing a pre-eminence over both prince and prelate (page 271). For example, he contends that Nicholas I interfered in the divorce case of Lothar II because the king asked his judgment (page 273), but also, because, as pontiff, he felt compelled to interfere in order to maintain the sanctity of marriage and to safeguard his own ecclesiastical authority over the church (page 279). He interprets Nicholas' deposition of Hilduin from the see of Cambrai, which he had illegally received from Lothar II, as exemplary of Nicholas' contention that a secular lord had no right to distribute ecclesiastical property. In other words, Nicholas I was telling the head of the state to stay out of religious affairs (pages 275-276).

Poupardin, Rene. "The Carolingian Kingdoms (840-877)," The Cambridge Medieval History, Vol. III: Germany and the Western Empire. Cambridge: University Press, 1964, 23ff.

This article summarizes the political affairs in the Carolingian kingdoms during the period under consideration. Poupardin's analysis of the divorce case of Lothar II was particularly of value for this study.

Sullivan, Richard E. "Khan Boris and the Conversion of Bulgaria: a Case Study of the Impact of Christianity on a Barbarian Society," Studies in Medieval and Renaissance History, III (1966), 53-139.

This is a detailed case study of the impact Christianity had on the pagan Bulgarian Society. The author convincingly concludes that this study shows what the influx of Christianity into a new territory like Bulgaria can do even causing doubts

among the princes as to the intention of their recently converted khan--since Christianity with its caesaropapist tendencies could strengthen the position of a ruler like Khan Boris. Furthermore, he suggests that all sources dealing with missionary activity should be scrutinized from several points of view rather than just from the missionaries' frame of reference since this might reveal some new perspectives on why some pagan lands were being converted.

. "The Papacy Missionary Activity in the Early Middle Ages," Mediaeval Studies, XVII (1955), 46-106.

This article surveys the missionary activity of the popes from the period of Gregory the Great through that of John IX. Of particular interest for our study are the observations of Nicholas I's missionary activities (pages 89-96); in which the author concludes that although Nicholas had not taken the initiative in planting Christianity in the pagan lands he was an opportunist. He did his best to promote Christianity through his office and personally so that as a consequence of his actions the papacy once again became a major force in missionary affairs after having lingered in the shadows of the Carolingian rulers.

Tavard, George H. "Episcopacy and Apostolic Succession according to Hincmar of Reims," Theological Studies, 34(1973), 594-623.

This article was helpful in giving background on Hincmar of Reims as well as helping clarify the case involving the deposition of Rothad of Soissons. Tavard, who is active in the ecumenical movement, concludes this article on an interesting note--that Hincmar "asserted the universal nature of the Church. Only one Church exists throughout the world, adopting national characteristics in the various lands with whose people it is identified. Thus the one Church has room for both universal unity and national cultures.

In our time apostolic succession, priesthood, universality, and national identity in the Church are in question; collegiality [the concept that bishops make decisions in council] tries to find modern and efficient forms; and the ecumenical problem suggests the possibility of a unity of ministry within the differing forms it takes in various Christian communities. A study of the question about ministry that were brought up in the past may help us to find the right balance between tradition and innovation. However, inadequate they may be, the solutions and answers that were found formerly may point to better solutions tomorrow" (page 623).

Williams, Schafer. "The Oldest Text of the Constitutum Constantini," Traditio, XX (1964), 448-451.

Williams says since the first half of the fifteenth century humanists have successfully proven the Donation of Constantine as a forgery. He says that modern scholars are making the same error in their study of it as did the humanists of the fifteenth and sixteenth centuries, that is, focusing on methodology rather than trying to come to grips with what he calls the basic question: "What is the text of the Constitutum Constantini and what does it reveal about itself?" (page 448)

. "The Pseudo-Isidorian Problem Today," Speculum, XXIX (October 1954), 702-707.

A brief article in which Williams summarizes in abbreviated fashion the state of the Pseudo-Isidorian question as of the time of its publication. It suffers from a lack of more detailed footnotes.

"Authority in the Church: the Venice Statement," Origins NC Documentary Service, VI No. 32 (January 27, 1977): 501-508.

This report was prepared by the Anglican/Roman Catholic International Commission, an official Anglican/Roman Catholic dialogue group; its conclusions have no official status but are intended for the study of the two churches during their movement to discover their consensus on theological principles.

Acknowledging that it has not resolved all the questions related to the nature and exercise of authority which have separated the two churches for centuries, the commission sets out what it has found to be a common understanding of the role of the faith community, bishops, local churches, ecumenical councils and, in principle, of the bishop of Rome. "What we have written here amounts to a consensus on authority in the church and, in particular on the basic principles of primacy. This consensus is of fundamental importance," the commission states. "While it does not wholly resolve all the problems associated with papal primacy, it provides us with a solid basis for confronting them," (page 507) it adds.

"The Joint Statement on Papal Primacy by the Lutheran-Catholic Dialogue Group for the United States," Origins NC Documentary Service, III, NO. 38 (March 14, 1977), 585-600.

A four part report prepared by a national level Lutheran-Roman Catholic dialogue group which has been exploring the topic of papal primacy since 1970.

The parts are descriptively titled: Part 1, Papal primacy/Converging Viewpoint--joint statement; Part 2, Papacy as Possibility--Lutheran participants; Part 3, Working Out a Type of Unity--Catholics; and Part 4, The Development of the Papacy. This is an important report in the ecumenical movement; it points out how critical the issue of papal primacy will be in this movement.